2026 NEC RESOLUTIONS – BY-LAW AMENDMENTS
FOR APPROVAL BY THE MEMBERSHIP AT THE 2026 AGM
November 15, 2026

***Please note:** Deleted text is indicated with a ~~strikethrough~~ and new text is indicated in red.**

Resolution #1 – Collective Bargaining – Amendments to By-law 7

Rationale:

This amendment makes changes to By-law 7 to assist with the operationalizing of open bargaining

- A process is established for filling vacancies on the collective bargaining committee (CBC), as well as to remove members from the CBC for absenteeism or other cause.
- The strict timeline of one week for the voting period is replaced with a minimum of 72 hours, allowing for flexibility, depending on the bargaining schedule.

Date adopted by the NEC: February 27, 2026

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW 7 - COLLECTIVE BARGAINING	**BY-LAW 7 - COLLECTIVE BARGAINING**
New text.	B 7.7.6. The NEC may, by a majority vote, fill vacancies on the CBC. B 7.7.7. The NEC may, by a two-thirds majority vote, remove a member of the CBC for cause. Cause can include, but is not limited to: a. Absenteeism; b. Failure to fulfill the duties expected of a member of the CBC;

EXISTING TEXT	PROPOSED AMENDMENTS
	c. Undermining the bargaining position of the Association; or d. Misconduct, as defined in By-law 5.2.4, relating to their participation in the CBC. B 7.7.8. The CBC may request that the NEC remove a member of the CBC for cause, as defined above. B 7.7.9. A member of the CBC who ceases to be a member of the bargaining unit shall cease to be a member of the CBC.
B 7.12. **RATIFICATION OF BARGAINING PROPOSALS AND DISPUTE RESOLUTION** B 7.12.1. The members of the bargaining unit shall vote electronically on a summary of the bargaining proposals prepared by CAPE's Negotiation and Research Team. This voting period shall take place over one (1) week and shall begin after the bargaining proposals are presented to the members of the bargaining group. B 7.12.2. Prior to sending the notice to bargain, the members of the bargaining group shall vote electronically on the applicable impasse resolution process (e.g., arbitration or conciliation/strike), as determined by governing legislation. This voting period shall take place over one (1) week.	B 7.12. **RATIFICATION OF BARGAINING PROPOSALS AND DISPUTE RESOLUTION** B 7.12.1. The members of the bargaining unit shall vote electronically on a summary of the bargaining proposals prepared by CAPE's Negotiation and Research Team. ~~This voting period shall take place over one (1) week~~ This voting period shall be a minimum of 72 hours and shall begin after the bargaining proposals are presented to the members of the bargaining group. B 7.12.2. Prior to sending the notice to bargain, the members of the bargaining group shall vote electronically on the applicable impasse resolution process (e.g., arbitration or conciliation/strike), as determined by governing legislation. ~~This voting period shall take place over one (1) week.~~ This voting period shall be a minimum of 72 hours.

Resolution #2 – Trusteeship – New By-law 19

Rationale:

CAPE's National Executive Committee, as part of their fiduciary responsibilities, has the ability to suspend a local for cause under Article 22.20 of the Constitution. However, the language in the Constitution does not specify what constitutes cause and does not lay out procedures for investigating allegations of cause or restoring locals that may be suspended to proper functioning.

This by-law provides a framework for addressing allegations of serious issues within a local in order to protect the interests of CAPE and its members. It includes an investigative process for alleged misconduct by local executives, as well as a process for placing a local under trusteeship, managing its affairs, and restoring it to proper functioning. Explicit protections for the rights of members of a local that has been placed under trusteeship are included.

This by-law is structured similarly to trusteeship by-laws at other unions, with additional safeguards against the improper use of trusteeship for purposes not related to protecting the interests of CAPE and its members.

Date adopted by the NEC: February 27, 2026

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW 19 - TRUSTEESHIP	**BY-LAW 19 - TRUSTEESHIP**
New text.	**B 19.1. PURPOSE** B 19.1.1. The purpose of this By-law is to provide a framework for addressing serious issues within a Local through the imposition of trusteeship by the NEC, where those issues cannot be effectively resolved through ordinary democratic or administrative processes, in order to restore the Local to proper functioning. B 19.1.2. The purpose of trusteeship is to protect the interests of CAPE and its members, and to restore a Local's capacity for self-organization and

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	fulfillment of its duties in alignment with CAPE's Constitution, By-Laws and Policies. Trusteeship is not a punitive measure and should be imposed only in cases where the circumstances demand. B 19.1.3. Trusteeship is an extraordinary remedy and shall not be used for personal or political purposes, or for any purpose unrelated to the legitimate protection of the Association or its members. **B 19.2. IMPOSITION OF TRUSTEESHIP BY THE NEC** B 19.2.1. Where the NEC has reasonable and probable grounds to believe that any Local executive is: a. acting contrary to CAPE's Constitution, By-Laws, or Policies of the Association; b. misappropriating funds or engaging in other financial mismanagement; c. attempting or conspiring to raid or decertify CAPE or any Locals or bargaining units thereof; d. engaging in, or counselling members to engage in, strikebreaking or similar activities that undermine the Association in collective bargaining; e. failing to discharge its duties; or

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	f. engaging in any other conduct that may place the Association at risk, the NEC may refer the matter for investigation, following the applicable investigation processes in By-law 5.7. B 19.2.2. For greater certainty, “reasonable and probable grounds” requires some evidentiary backing and must be more than mere suspicion. Additionally, trusteeship is intended to address issues with the conduct of a Local executive as a group, rather than individual misconduct. **B 19.3. IMPOSITION OF TRUSTEESHIP AS AN INTERIM MEASURE** B 19.3.1. Trusteeship may be imposed as an interim measure, only in extraordinary circumstances, where there is a demonstrable, non-trivial risk of serious and imminent harm to the Association or a member of the Association that cannot reasonably be addressed through less intrusive measures. B 19.3.2. For greater certainty, “serious harm” refers to harm that is material, significant, and not merely technical or procedural. This may include conduct that is likely to expose the Association or its members to legal, financial, or regulatory liability. B 19.3.3. In accordance with By-law 19.3.1, the NEC shall have the power to impose a temporary trusteeship as an interim measure before an investigation can be undertaken or completed, by a two-thirds (2/3) majority of the votes cast at a regular or special NEC meeting.

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	B 19.3.4. The period of a temporary trusteeship imposed under By-law 19.3.3 may not exceed sixty-five (65) days without a review and renewal of the NEC's decision. **B 19.4. INVESTIGATION** B 19.4.1. Investigations into allegations of conduct identified under By-law 19.2.1 shall be conducted in accordance with By-law 5.7. B 19.4.2. Where an investigation under By-law 5.7 reveals that a Local executive has engaged in conduct identified under By-law 19.2.1, the NEC, by a simple majority of the votes cast at a regular or special NEC meeting, shall have the authority to place the Local under trusteeship. B 19.4.3. Where an investigation under By-law 5.7 reveals that a Local executive has not engaged in conduct identified under By-law 19.2.1, no trusteeship shall be imposed. In such a case, any temporary trusteeship imposed under By-law 19.3.3 shall be lifted and the Local Executive placed under temporary trusteeship shall be restored, subject to the Local's election timeline and term of office for elected officials. B 19.4.4. A period of trusteeship imposed under By-law 19.4.2 may not exceed twelve (12) months unless extended by a two-thirds (2/3) majority of the votes cast at a regular or special NEC meeting. B 19.4.5. A period of trusteeship may only be extended where it is reasonably necessary to avoid material harm to the Association or its members that cannot reasonably be addressed through less intrusive measures,

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	or where restoring the Local to proper functioning is not otherwise practicable. B 19.4.6. Prior to lifting a trusteeship imposed under By-law 19.4.2, an election must be held to select a new Local executive. **B 19.5. SELECTION OF TRUSTEE** B 19.5.1. Upon the imposition of a trusteeship, the NEC shall appoint one (1) or more trustees to administer the affairs of the Local. B 19.5.2. Any trustee appointed under this By-law must be free of any real or apparent conflict of interest and must be a suitable and appropriate choice, as determined by the NEC. B 19.5.3. A trustee appointed under this By-law shall be required to sign and return to the National Office the Solemn Declaration identified at By-law 11.1 before they can exercise their duties as trustee. **B 19.6. AUTHORITY OF THE TRUSTEE** B 19.6.1. A trustee shall have, as directed by the NEC, the full authority to conduct the affairs of the Local, to receive or disburse its funds, and, in general, may carry out the duties which would otherwise devolve upon any member of the Local executive. B 19.6.2. In the event that a Local is placed under trusteeship under By-lay 19.4.2, members of the Local executive are removed from office, and the Local executive shall be considered vacant. Members of the Local

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	executive placed under trusteeship shall, as soon as possible, turn over to the trustee: B 19.6.3. all records, property, and funds of the Local, to be held in trust for the duration of the trusteeship, and B 19.6.4. access to any email accounts, websites, social media accounts, or other forms of electronic communication held by or in the name of the Local. **B 19.7. RIGHTS OF MEMBERS UNDER TRUSTEESHIP** B 19.7.1. Whenever a trusteeship is imposed, the National Office shall inform members of the Local being placed under trusteeship as soon as practicable. B 19.7.2. The matter of trusteeship shall be placed on the agenda of the next Local Annual General Meeting or other regularly scheduled general membership meeting of the Local. B 19.7.3. A Local having been placed under trusteeship will not independently affect the good standing of the members of the Local Executive. B 19.7.4. Members of a Local that has been placed under trusteeship remain in good standing and continue to enjoy all of the rights of membership.

Resolution #3 – Elections By-law Amendments – By-law 3

Rationale:

These by-law amendments respond to issues that were identified in the 2025 report of the Elections and Resolutions Committee. The substantive changes are

- Clearly defining a signature as either an electronic or written signature, to implement a member resolution passed in 2025.
- Replacing page limits with word limits in candidate statements and resolutions
- Rewriting the resolution submission process was rewritten for clarity, with some adjustments to the process to allow for a single resolution author to coordinate with the ERC rather than multiple resolution co-authors.
- Defining the closing date for any elections related complaints to be submitted to the ERC as seven days following the announcement of the results. Any complaints after this date would be through a By-law 5 process.
- Removing the requirement for petitions under By-law 13.1 to be submitted in physical form, with physical signatures, allowing for electronic submission.

Date adopted by the NEC: April 24, 2026

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW 3 – ELECTIONS AND RESOLUTIONS	**BY-LAW 3 – ELECTIONS AND RESOLUTIONS**
By-law 3.1 ELECTIONS AND RESOLUTIONS COMMITTEE	**By-law 3.1 ELECTIONS AND RESOLUTIONS COMMITTEE**
B 3.1 No later than the end of February of each year, the National Executive Committee (NEC) shall issue a call to all Regular and Pending members asking for volunteers to set up an Elections and Resolutions Committee (ERC). The Elections and Resolutions Committee shall be assisted by an ERC Secretariat, consisting of supporting staff from CAPE's National Office. The NEC shall confirm the composition of the Elections and Resolutions Committee at its regular meeting in April, which shall endeavour to include at least one member of each	B 3.1.1 No later than the end of February of each year, the National Executive Committee (NEC) shall issue a call to all Regular and Pending members asking for volunteers to set up an Elections and Resolutions Committee (ERC). The Elections and Resolutions Committee shall be assisted by an ERC Secretariat, consisting of supporting staff from CAPE's National Office. B 3.1.2 The NEC shall confirm the composition of the Elections and Resolutions Committee at its regular meeting in April, which shall

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bargaining unit represented by the Association. Members of the Elections and Resolutions Committee shall not campaign in support of or against a candidate nor publicly divulge their opinion on a resolution. They shall still be able to exercise their individual right to vote. The Elections and Resolutions Committee shall have the right to revoke the appointment of an Elections and Resolutions Committee member as a result of absenteeism, as defined under By-law 14.2.2, or non-compliance with provisions of these By Laws. Such an action shall require two thirds (2/3) of the votes cast. The NEC may replace the person thus removed with a Regular or Pending member from the same bargaining unit.	endeavour to include at least one member of each bargaining unit represented by the Association. B 3.1.3 Members of the Elections and Resolutions Committee shall not campaign in support of or against a candidate nor publicly divulge their opinion on a resolution. They shall still be able to exercise their individual right to vote. B 3.1.4 The Elections and Resolutions Committee shall have the right to revoke the appointment of an Elections and Resolutions Committee member as a result of absenteeism, as defined under By-law 14.2.2, or non- compliance with provisions of these By-Laws. Such an action shall require two thirds (2/3) of the votes cast. The NEC may replace the person thus removed with a Regular or Pending member from the same bargaining unit. B 3.1.5. The Elections and Resolutions Committee shall have complete and full jurisdiction over the election process, in accordance with these By-Laws and Constitution. Except where otherwise noted in these By-Laws, any decisions made by the Elections and Resolutions Committee shall be the result of a majority vote. B 3.1.6. In accordance with these By-Laws the Elections and Resolutions Committee shall create an election candidate nomination form and, no later than June 1 in an election year, shall issue a call by email and/or other means of communications for candidates for positions to be filled in accordance with Article 15 of the Constitution. The election candidate nomination form shall accompany this notification.

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	B 3.1.7. In accordance with these By-Laws, the Elections and Resolutions Committee shall create a resolution submission form and, no later than June 1 in an election year, shall issue a call by email and/or other means of communications for proposed resolutions. The resolution submission form shall accompany this notification. B 3.1.8. In this By-law, “signature” means verifiable wet/physical or electronic signature.
B 3.5 NOMINATIONS B 3.5. All nominations to the position of Director shall be supported by one Regular or Pending member of the Association. All nominations to the positions of President and Vice-President shall be supported by ten (10) Regular or Pending members of the Association. Nominations may be accompanied by up to two (2) additional supporters. In the event that one or more supporters is determined to be ineligible or their membership status is unverifiable, the additional supporters may be used to fulfill this requirement; otherwise, any supporting name(s) beyond the required number shall be discarded.	**B 3.2 NOMINATIONS** B 3.2.1. All nominations to the position of Director shall be supported by one Regular or Pending member of the Association. All nominations to the positions of President and Vice-President shall be supported by ten (10) Regular or Pending members of the Association. Nominations may be accompanied by up to two (2) additional supporters. In the event that one or more supporters is determined to be ineligible or their membership status is unverifiable, the additional supporters may be used to fulfill this requirement; otherwise, any supporting name(s) beyond the required number shall be discarded.

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B 3.6.	On the nomination form, candidates shall clearly indicate the following: position sought, name, home department, bargaining unit, personal email address, and telephone number where they can be reached during regular working hours; and the form must be signed. Anyone supporting the nomination of a candidate pursuant to B 3.5 is required to provide the same information and sign the nomination form.	B 3.2.2.	On the nomination form, candidates shall clearly indicate the following: position sought, name, home department, bargaining unit, personal email address, and telephone number where they can be reached during regular working hours; and the form must be signed. Anyone supporting the nomination of a candidate pursuant to By-law 3.2.1 is required to provide the same information and sign the nomination form.
B 3.7.	The nomination form may be provided in print or electronically and accompanied by two pages (8 1/2 x 11) of text using Arial 12 point font or equivalent in which the candidate may provide a biography, his/her reason for running, contact information, a photo of the candidate, and a website address. If the candidate does not provide the presentation documents in both official languages, the Association shall have the presentation documents translated. The candidate shall be allowed five (5) working days to review the translation produced by the Association.	B 3.2.3.	The nomination form may be provided in print or electronically and accompanied by text of up to 450 words, if submitted in English, or 525 words, if submitted in French, in which the candidate may provide a biography, his/her reason for running, contact information, ~~a photo of the candidate,~~ and a website address. Candidates may also provide a photo of themselves. If the candidate does not provide the presentation documents in both official languages, the Association shall have the presentation documents translated. The candidate shall be allowed five (5) working days to review the translation produced by the Association.
B 3.8.	Completed nomination forms in any format with verifiable signatures shall be received at the National Office no later than September 1st. The National Office shall forthwith verify the information provided and inform the candidate of any missing information within two business days of having received the form provided it was received in advance of the September 1st deadline. The Elections and Resolutions Committee shall:	B 3.2.4.	Completed nomination forms in any format with ~~verifiable~~ signatures shall be received at the National Office no later than September 1st. The National Office shall forthwith verify the information provided and inform the candidate of any missing information within two business days of having received the form provided it was received in advance of the September 1st deadline. The Elections and Resolutions Committee shall:

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a. verify that all of the information provided complies with the Constitution and By-laws; b. confirm the candidate's eligibility no later than September 15th; c. ensure that candidates have signed an attestation that they will observe recognized standards of conduct throughout the election campaign both in verbal and written communications; and d. ensure that candidates for the position of President have signed an attestation pursuant to By-law 16.5.	a. verify that all of the information provided complies with the Constitution and By-laws; b. confirm the candidate's eligibility no later than September 15th; c. ensure that candidates have signed an attestation that they will observe recognized standards of conduct throughout the election campaign both in verbal and written communications; and d. ensure that candidates for the position of President have signed an attestation pursuant to By-law 16.5. ***Note: Due to the change to a hierarchical numbering system (e.g., 3.1, 3.1.1, 3.1.2…), By-laws 3.9 - 3.22 have been renumbered to 3.3 - 3.8.5. This is a purely administrative change.***
B 3.33 RESOLUTIONS B 3.33. In accordance with these By-Laws, the Elections and Resolutions Committee will receive resolutions to be discussed at the Annual General Meeting (AGM). A resolution shall be subject to a vote by the membership of the Association. To pass, it must be approved by a majority of votes cast. B 3.34. All resolutions shall be submitted by either ten (10) Regular or Pending members or by one local by completing the resolution submission form, or by a motion of the NEC. Authors of the resolutions shall clearly indicate their name, their home department, bargaining unit and a	**B 3.9 RESOLUTIONS** B 3.9.1. In accordance with these By-Laws, the Elections and Resolutions Committee will receive resolutions to be discussed at the Annual General Meeting (AGM). A resolution shall be subject to a vote by the membership of the Association. To pass, it must be approved by a majority of votes cast.

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telephone number where they can be reached during regular working hours, and they must sign their submission. Signatures may be physical or electronic. The resolutions and accompanying remarks shall not exceed a one-page (8 1/2 x 11) text using Arial 12-point font or equivalent. Signatures may be provided on a separate page and do not count towards the Resolution page limit. The text shall not refer to any individuals or locals who are in support of the resolution. If the authors of the resolution do not provide the document in both official languages, the Association shall have the document translated. The authors shall be granted five (5) working days to review the translation produced by the Association. B 3.35. Resolutions in any text medium format with verifiable signatures shall be received by the National Office at the physical or electronic address provided in the call for resolutions. Resolutions must be received ninety (90) days before the AGM. B 3.36. The ERC shall review resolutions for form, administrative feasibility, and other issues the ERC determines to be critical to the resolution's viability. B 3.37. The ERC shall review all resolutions for compliance with the Constitution and By-Laws in consultation with the President or their delegate.	3.9.2 Resolutions may be submitted by a. a motion of the NEC; b. an individual Regular or Pending member, using the resolution submission form; or c. a Local, using the resolution submission form. B 3.9.3 Resolutions submitted by an individual Regular or Pending member shall clearly indicate the author's name, home department, bargaining unit, and a telephone number where the author can be reached during regular working hours. Such resolutions shall be supported by ten (10) Regular or Pending members of the Association, who are required to provide the same information as the author of the resolution. Resolutions submitted by an individual may be accompanied by up to two (2) additional supporters. In the event that one or more supporters is determined to be ineligible or their membership status is unverifiable, the additional supporters may be used to fulfill this requirement; otherwise, any supporting name(s) beyond the required number shall be discarded. B 3.9.4 Resolutions submitted by a Local shall clearly indicate the name of the Local, the contact information of the Local President or other member of the Local Executive Committee responsible for authoring the resolution, and the date of approval of the resolution by the Local Executive Committee. Such resolutions shall be approved by the Local Executive Committee of the Local submitting the resolution.

EXISTING TEXT	PROPOSED AMENDMENTS
B 3.38. Once resolutions have been received and their admissibility confirmed in consultation with the President, the National Office shall organize a vote concurrent with the elections schedule. B 3.39. All resolutions will be reviewed by the Finance Committee for monetary implications. B 3.40. If the Finance Committee determines that implementing a resolution will require funds not available in the current budget; it will inform the authors of the resolution and offer them an opportunity to make changes to the resolution before it is sent to the membership. Any changes must be received sixty-five (65) days before the AGM. B 3.41. The Finance Committee has the authority to amend any resolution to include a special levy or budget amendment to ensure that the funds are available to implement the resolution. B 3.42. Authors of the resolution may delegate one (1) scrutineer to the counting of votes. All other provisions under paragraphs B 3.12 to B 3.38 inclusive shall apply, mutatis mutandis, excluding B 3.15.	B 3.9.5 Resolutions and accompanying remarks shall not exceed 300 words, if submitted in English, or 350 words, if submitted in French, including the title. If the author of the resolution does not provide the text of the resolution in both official languages, the Association shall have the text translated. The author shall be granted five (5) working days to review the translation produced by the Association. B 3.9.6 All resolutions, whether submitted by an individual Regular or Pending member, or by a Local, must be signed by the author and all supporters. Signatures may be provided on a separate page and do not count towards the Resolution word limit. B 3.9.7. Resolutions in any text medium format with ~~verifiable~~ signatures shall be received by the National Office at the physical or electronic address provided in the call for resolutions. Resolutions must be received ninety (90) days before the AGM. ***Note: Due to the change to a hierarchical numbering system (e.g., 3.1, 3.1.1, 3.1.2…), By-laws 3.36 - 3.41 have been renumbered to 3.9.8 - 3.9.13. This is a purely administrative change.*** B 3.9.14. The author of a resolution may delegate one (1) scrutineer to the counting of votes. All other provisions under By-laws 3.3.3 to 3.9.10 inclusive shall apply, mutatis mutandis, excluding By-law 3.4.2. ***Note: Due to the change to a hierarchical numbering system (e.g., 3.1, 3.1.1, 3.1.2…), By-laws 3.43 - 3.46.2 have been renumbered to 3.10 - 3.13.2. This is a purely administrative change.***

EXISTING TEXT	PROPOSED AMENDMENTS
B 3.47. COMPLAINTS AND ENFORCEMENT	**B 3.14. COMPLAINTS AND ENFORCEMENT**
B 3.47.1. Any member may submit a written complaint regarding an election candidate to the Elections and Resolutions Committee and must include: a. the name, phone number, and email address of the complainant; b. the name of the candidate alleged to have violated By-law 3; c. a detailed description of each allegation, including dates and times; and d. any supporting evidence.	B 3.14.1. Any member may submit a written complaint regarding an election candidate to the Elections and Resolutions Committee and must include: a. the name, phone number, and email address of the complainant; b. the name of the candidate alleged to have violated By-law 3; c. a detailed description of each allegation, including dates and times; and d. any supporting evidence.
B 3.47.2. Complaints must be submitted within seven (7) calendar days of the date on which the complainant knew or ought to have known of the violation of By-law 3.	B 3.14.2. Complaints must be submitted within seven (7) calendar days of the date on which the complainant knew or ought to have known of the violation of By-law 3, and no later than seven (7) calendar days following the announcement of the results.
B 3.47.3. Complaints which are deemed by the Elections and Resolutions Committee to be untimely, frivolous, vexatious, bad faith, without merit, or do not disclose facts which, if taken to be true, establish a violation of By-law 3 shall be dismissed by the Elections and Resolutions Committee without investigation.	B 3.14.3. Complaints which are deemed by the Elections and Resolutions Committee to be untimely, frivolous, vexatious, bad faith, without merit, or do not disclose facts which, if taken to be true, establish a violation of By-law 3 shall be dismissed by the Elections and Resolutions Committee without investigation.
B 3.47.4. The Elections and Resolutions Committee shall notify the complainant upon reaching a decision on complaint screening.	B 3.14.4. The Elections and Resolutions Committee shall notify the complainant upon reaching a decision on complaint screening.
B 3.47.5. The Elections and Resolutions Committee shall conduct the necessary investigation into complaints which are not dismissed under By-law 3.47.3 and provide an opportunity for the respondent to make submissions.	

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	B 3.14.5. The Elections and Resolutions Committee shall conduct the necessary investigation into complaints which are not dismissed under By-law 3.14.3 and provide an opportunity for the respondent to make submissions. ***Note: Due to the change to a hierarchical numbering system (e.g., 3.1, 3.1.1, 3.1.2...), By-laws 3.47.6 - 3.48.5 have been renumbered to 3.14.6 - 3.15.5. This is a purely administrative change.***
B 3.48. APPEALS PROCEDURE ... B 3.48.6. Decisions of the Elections and Resolutions Committee may be appealed in respect to: a. A decision regarding a candidate's eligibility (3.8); or b. A decision regarding a candidate's campaign conduct (3.47).	**B 3.15. APPEALS PROCEDURE** ... B 3.15.6. Decisions of the Elections and Resolutions Committee may be appealed in respect to: a. A decision regarding a candidate's eligibility (By-law 3.2.4); or b. A decision regarding a candidate's campaign conduct (By-law 3.14). ***Note: Due to the change to a hierarchical numbering system (e.g., 3.1, 3.1.1, 3.1.2...), By-laws 3.48.7 - 3.48.11 have been renumbered to 3.15.7 - 3.15.11. This is a purely administrative change.***
B 3.49 ELECTIONS AND RESOLUTIONS COMMITTEE REPORT B 3.49. After the completion of each annual election cycle, the Elections and Resolutions Committee shall prepare a detailed written report. The report shall be presented by the Chair of the Elections and Resolutions Committee to the NEC at its regular meeting in January. The report	**B 3.16 ELECTIONS AND RESOLUTIONS COMMITTEE REPORT** B 3.16.1. After the completion of each annual election cycle, the Elections and Resolutions Committee shall prepare a detailed written report. The report shall be presented by the Chair of the Elections and Resolutions Committee to the NEC at its regular meeting in January. The report

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shall include a summary of the activities lead by the Elections and Resolutions Committee over the election year as well as: a. the number of nominations received, by position sought, per bargaining unit under By-law 3.5; b. the number of candidates per bargaining unit by position sought who were rejected for failure to comply with the requirements contained in the Constitution and By-laws; c. the reasons why each candidate was rejected; d. any resolutions received; e. any resolutions deemed inadmissible or amended, and the reasons for amendment or inadmissibility; f. a summary of any challenges encountered during the election cycle; and g. recommendations to ensure these challenges are addressed in the subsequent election year cycle.	shall include a summary of the activities lead by the Elections and Resolutions Committee over the election year as well as: a. the number of nominations received, by position sought, per bargaining unit under By-law 3.2.1; b. the number of candidates per bargaining unit by position sought who were rejected for failure to comply with the requirements contained in the Constitution and By-laws; c. the reasons why each candidate was rejected; d. any resolutions received; e. any resolutions deemed inadmissible or amended, and the reasons for amendment or inadmissibility; f. a summary of any challenges encountered during the election cycle; and g. recommendations to ensure these challenges are addressed in the subsequent election year cycle.

Resolution #4 – Defence Fund – New By-law 20

Rationale:

This accompanies a proposed Constitutional amendment, which codifies the Defence Fund into the constitution and provides additional details, including:

- The funding method, which at this time remains the allocation of 75% of any budget surplus to CAPE's Defence Fund, which was established by member resolution in 2016
- A process for determining the rates of job action pay and eligibility criteria, in advance of any strike authorization vote
- Criteria for the NEC's review of any loan to any other union from the Defence Fund

Date adopted by the NEC: June 26, 2026

EXISTING TEXT	PROPOSED AMENDMENTS
New text.	**BY-LAW 20 – DEFENCE FUND** **B 20.1. FUNDING** B 20.1.1. 75% of any budget surpluses at the end of a fiscal year shall be allocated to the Defence Fund **B 20.2. JOB ACTION PAY** B 20.2.1. Prior to the authorization of a strike, the NEC shall determine the daily rate for job action pay, as well as eligibility criteria. In doing so, the NEC shall consider: a. The overall health of the Defence Fund; b. Any other funds available to support a job action, including the Operating Fund and possible loans from other unions;

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	c. The anticipated duration of a job action; and d. The number of members impacted by a job action. **B 20.3. LOANS FROM THE DEFENCE FUND TO OTHER UNIONS** B 20.3.1. In authorizing a loan from the Defence Fund to another union engaged in job action, the NEC shall consider: a. the overall health of the Defence Fund; b. the ability of the recipient to repay the loan; c. the likelihood of the Defence Fund being required for CAPE's purposes prior to repayment; and d. the terms and conditions of any loan agreement.

Resolution #5 – Member Misconduct – New By-Law 5

Rationale:

These by-law amendments follow a review of CAPE's internal processes for handling cases of member misconduct and discipline. They maintain the current investigative process, while making various improvements to the processes to address weaknesses, reduce costs, and safeguard members' rights and CAPE's fiduciary obligations.

Summary of changes:

- Confidentiality of the process is made explicit in new B.5.1.3.
- No upper limit on the number of persons on the Member Conduct Roster, to ensure availability of Roster Panels.
- Process added for consolidating multiple complaints around the same incident to prevent duplication of costs/efforts for investigative purposes.
- Language around the definition of misconduct amended, to include filing repeated frivolous and vexatious complaints, as well as strikebreaking against the Association and similar actions undermining the Association in collective bargaining, and minor clarifications.
- Authority to dismiss frivolous and vexatious complaints now rests with the Complaint Manager (CAPE's General Counsel or delegate), reducing costs associated with handling frivolous or vexatious complaints.
- Processes added for the imposition of interim measures while a complaint is being heard.
- Adding the ability to refer the investigation to either an external investigator or roster panel inquiry, depending on the nature of the complaint.
- Addition of an appeals process as recommended by external legal counsel.
- Some timelines throughout the by-laws are made less specific, allowing for additional flexibility in the handling of cases.

Date adopted by the NEC: September 25, 2026

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW # 5 - DISCIPLINE	**BY-LAW # 5 – MEMBER MISCONDUCT**
B 5.1. PURPOSE & SCOPE	**5.1. PURPOSE & SCOPE**
B 5.1.1. The purpose of this By-law is to provide a framework for acceptable conduct and the resolution of disputes between CAPE members. This by-law includes guidelines for acceptable conduct and outlines the process for the handling of complaints of misconduct. This by-law is not intended to govern disputes between CAPE members and CAPE staff or other third-parties.	5.1.1. The purpose of this By-law is to provide a framework for the resolution of disputes between CAPE members that arise in the course of union business and outlines the process for handling complaints of misconduct.
	5.1.2. This By-law is not intended to deal with matters that could more appropriately be dealt with through a different forum or mechanism.
B 5.2. DEFINITIONS	
B 5.2.1. "**Complaint Manager**" means: a. CAPE's General Counsel; or b. another individual who has been delegated as a Complaint Manager by CAPE's General Counsel.	5.1.3. Complaints under this By-law and all information collected through this process will be treated as confidential and shared only on a need-to-know basis. All participants are expected to respect the confidentiality of the process and must not use information obtained through it for any improper purpose.
B 5.2.2. "**Discipline**" means: a. an action taken by the NEC to respond to a finding of member misconduct by a Roster Panel; b. forms of discipline may include, but are not limited to, reprimand, suspension, sanction, or expulsion.	5.1.4. Any member who is found to have engaged in the following misconduct may be subject to discipline in accordance with CAPE's Constitution and By-laws: a. violating any provision of CAPE's Constitution, By-laws, or Policies; b. harassment or violence; c. attempting or conspiring to raid or decertify CAPE or any locals or bargaining units thereof; d. slandering, libeling, or otherwise defaming any CAPE member;
B 5.2.3. "**Harassment**" means: a. engaging in a course of vexatious comment or conduct against a CAPE member that is known or ought reasonably to be known to be unwelcome, including, but not limited to personal	

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harassment, and harassment based on prohibited grounds of discrimination such as race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, and disability. B 5.2.4. "**Misconduct**" includes, but is not limited to: a. violating any provision of CAPE's Constitution and/or By-laws; b. harassment; c. attempting or conspiring to raid or decertify CAPE or any locals or bargaining units thereof; d. slandering, libeling, or otherwise defaming any CAPE member; e. using abusive language or disturbing the peace of any meeting of this Association; f. breaching confidentiality by disclosing details of closed session proceedings or personal information relating to other CAPE members or CAPE staff, which includes furnishing a complete or partial list or any information on the membership of this Association or of any Local to any person or persons other than those whose official position entitles them to have such a list; g. interfering with the fair and proper conduct of elections, including gaining office through dishonesty or misrepresentation; h. fraudulently receiving money due to this Association or any of its Locals or misappropriating the monies of this Association or any of its Locals; i. using the name of a Local of this Association or the name of this Association for soliciting funds, advertising and the like, without	e. using abusive language or disturbing the peace of any meeting of this Association; f. breaching confidentiality by disclosing details of closed session proceedings, personal information relating to other CAPE members or CAPE staff, by using disclosing membership list information for unauthorized purposes, or otherwise by disclosing confidential or privileged information without authorization; g. interfering with the fair and proper conduct of elections, including gaining office through dishonesty or misrepresentation; h. misappropriating CAPE funds; i. using the name, logo, or other identifiers of CAPE or a CAPE Local for soliciting funds, advertising, or similar activities, without the consent of the NEC or of the Local's Executive, respectively; j. deliberately interfering with an elected or appointed officer of this Association in the discharge of their duties; k. filing frivolous or vexatious complaints and/or filing repeated unfounded complaints; l. strikebreaking or any related activity that interferes with a lawful strike or other authorized collective action of this Association; or m. engaging in any other conduct that is prejudicial to the good order and welfare of the Association or its members. 5.1.5. In this By-law, a. "**discipline**" means any corrective action imposed on a member in response to a finding of misconduct under this By-law that has

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the consent of the Local concerned or the NEC of this Association respectively; and j. deliberately interfering with an official of this Association in the discharge of their duties. **B 5.3. COMPLAINTS PROCEDURE** B 5.3.1. A complaint that is made under By-law 5 by a CAPE Member or by motion of the NEC shall be filed with the Complaint Manager by filling out the CAPE Member Complaint Form within six months of the last event complained of. B 5.3.2. CAPE's Complaint Manager shall provide the respondent named in a complaint under this By-law with a copy of the complaint normally within ten (10) days of receipt of the complaint. B 5.3.3. A respondent may provide a written reply to the Complaint Manager within ten (10) days after being provided with a copy of a complaint under this By-law. B 5.3.4. The Complaint Manager shall provide the complainant with a copy of the respondent's reply normally within ten (10) days of receipt of the reply. B 5.3.5. A complaint made against the President will be referred to an external third party.	the effect of restricting a member's right(s) under Articles 26 or 27 of CAPE's Constitution subject to the rest. b. "**misconduct**" means conduct of a serious nature that may reasonably be expected to undermine the integrity, operations, reputation, or governance of the Association. This By-law, and the complaints process outlined herein, is not intended to address minor, trivial, technical, procedural, or inconsequential matters, or good faith differences of opinion, and is not to be used for political gain or to resolve interpersonal conflict that does not have a foundation under By-law 5.1.4. **5.2. ESTABLISHING THE MEMBER CONDUCT ROSTER (MCR)** 5.2.1. The NEC shall establish a Member Conduct Roster ("**MCR**") on a triennial basis, following a recommendation by the Complaint Manager. The MCR shall consist of at least twelve (12) Regular or Pending members, who do not concurrently hold office as President, Vice-President, or NEC Director, and who are not candidates for same. The NEC, in establishing the MCR, shall consider the skills and competencies of the candidates, and, where possible, attempt to find some balance across regions and groups. 5.2.2. The Complaint Manager may issue supplemental calls for volunteers as necessary to fill vacancies on the MCR, in accordance with By-law 5.2.1.

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B 5.4. COMPLAINT SCREENING PROCESS	**5.3. INITIATING A COMPLAINT**
B 5.4.1. The NEC shall establish a Member Conduct Roster on a triennial basis, following a recommendation by the General Counsel. The NEC, in establishing the Roster, shall consider the skills and competencies of the candidates, and, where possible, attempt to find some balance across regions and groups.	5.3.1. A complaint of misconduct against a CAPE member must be filed with the designated Complaint Manager (identified at By-law 5.3.3), within the timeline prescribed under By-law 5.3.4, by completing the By-law 5 Member Complaint Form, and must contain the following information: a. the name and contact information of the complainant; b. that name and contact information of the respondent; c. the paragraph(s) of By-law 5.1.4 on which the complaint is based; d. a concise statement of each act, omission, or other matter giving rise to the complaint, including when and where each act, omission, or other matter giving rise to the complaint occurred; e. The names and contact information of any potential witnesses to the alleged conduct; and f. Any supporting documentation or other evidence.
B 5.4.2. A Roster Panel, comprised of no more than three (3) individuals, shall be designated from a 12-Member Conduct Roster composed of Regular members who do not concurrently hold office as President, Vice-President, or a member of the NEC. The General Counsel shall be responsible for designating each Roster Panel, in such a manner as to ensure an unbiased consideration of each case.	5.3.2. A complainant may only file a complaint on behalf of themselves and not on behalf of any other member or group.
B 5.4.3. CAPE's Complaint Manager shall provide a copy of each complaint to the Roster Panel normally within ten (10) days of receipt of the reply or the deadline under this By-law for a respondent to provide a reply, whichever is sooner.	5.3.3. The designated Complaint Manager for complaints of misconduct under this By-law shall be CAPE's General Counsel or delegate.
B 5.4.4. The Roster Panel shall exercise their discretion and may dismiss any complaints which are determined to be frivolous, vexatious, discriminatory, in bad faith, arbitrary, untimely, or have no reasonable prospect of success.	5.3.4. Complaints of misconduct must be made within six (6) months of the date of the alleged occurrence of misconduct or the date the complainant knew or ought to have known of the alleged occurrence of misconduct.
B 5.4.5. If a complaint is determined to be frivolous, vexatious, discriminatory, or made in bad faith, the Roster Panel may recommend that the matter	

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be referred to the NEC for an assessment of whether the complainant ought to be disciplined.	
B 5.4.6. The Roster Panel shall notify the parties and the Complaint Manager normally within ten (10) days of reaching a decision on complaint screening.	
B 5.4.7. For complaints that are screened in, the notification sent to the parties will outline the next steps, beginning with mediation.	
B 5.5. MEDIATION	
B 5.5.1. The parties should indicate within ten (10) days of receiving confirmation that the complaint has been screened in whether they wish to participate in mediation.	
B 5.5.2. If the parties are mutually willing to participate in mediation, the Complaint Manager shall endeavour to appoint an external mediator who has expertise in the area within ten (10) days of confirming same.	
B 5.5.3. Mediation should normally be conducted within thirty (30) days of the appointment of a mediator.	
B 5.5.4. CAPE will bear the costs of one mediation session.	
B 5.5.5. If the mediation process is successful, the parties will enter into a resolution agreement. The mediator will submit a copy of the	5.3.5. The Complaint Manager may, at their discretion, delegate their role and/or refer any complaint, in whole or in part, to an external third party. Complaints involving the President, shall be referred to an external third party. 5.3.6. The Complaint Manager may, at their discretion, consolidate complaints of misconduct made by or against the same CAPE member, involving similar facts or allegations, for the purposes of mediation or investigation. Except where incidental to consolidation, confidentiality will be preserved in accordance with By-law 5.1.3, and the complaints will remain separate for all other steps in the process. 5.3.7. As soon as operationally possible following receipt of a complaint under this By-law, the Complaint Manager shall complete the complaint screening in accordance with By-law 5.4. 5.3.8. The Complaint Manager may recommend that the parties participate in voluntary Alternate Dispute Resolution (“**ADR**”), including facilitated discussion, mediation, or any other ADR mechanism at any stage of the complaint process, in substitution for, or in addition to, the mediation process outlined at By-law 5.6. **5.4. COMPLAINT SCREENING PROCESS** 5.4.1. The Complaint Manager shall conduct a threshold assessment of each complaint made under this By-law. Following the threshold assessment, the Complaint Manager shall exercise their discretion

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resolution agreement and a mediation outcome report to the Complaint Manager normally within ten (10) working days of the mediation session. **B 5.6. INVESTIGATION** B 5.6.1. If the parties cannot agree to participate in mediation or mediation is not successful, the next step is an investigation. The Complaint Manager has the discretion to designate either a Roster Panel for an internal investigation, or to appoint an external investigator who has expertise in the area. The investigator will be appointed within ten (10) days of confirming same to conduct a fact-finding investigation. In determining whether the investigation will be carried out by an internal or external party, the Complaint Manager will take into account the sensitivity of the allegations and their severity. B 5.6.2. The investigation will normally be undertaken and completed within ninety days (90) days of the appointment of an investigator or the referral to the Roster Panel unless delays occur in good faith and no substantial prejudice will result to any person affected by the delay. B 5.6.3. After gathering and reviewing all relevant evidence, the investigator or Roster Panel shall provide a written investigation report to the Complaint Manager, which shall include: a. The allegations contained in the complaint; b. The evidence on which the investigator is basing their findings; and c. The investigator or Roster Panel's findings of fact.	and may dismiss or "screen out" all or part of any complaint for the following reasons: a. The complaint is frivolous, vexatious, trivial, or made in bad faith; b. The complaint was filed outside the time prescribed under By-law 5.3.4; c. The complainant has failed to particularize their complaint in accordance with By-law 5.4.2; d. The complaint is without a reasonable prospect of success; e. The complaint is beyond CAPE's jurisdiction; f. The complainant ought to first exhaust review procedures otherwise reasonably available; g. The complaint is one that could more appropriately be dealt with, initially or completely, through a different forum or mechanism; or h. The complaint contains allegations which have already been addressed or resolved through another recourse mechanism. 5.4.2. The Complaint Manager may request that the complainant particularize their complaint or otherwise provide additional information necessary for complaint screening. 5.4.3. If a complaint is determined to be frivolous, vexatious, or made in bad faith, the Complaint Manager may refer the matter to the NEC, who shall assess whether the complaint constitutes misconduct under By-law 5.1.4.k, and if so, any appropriate discipline for the complainant.

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B 5.6.4. Normally within ten (10) days of receiving the investigation report, the Complaint Manager will notify the parties in writing of the outcome of the investigation and provide each party with a copy of the draft investigation report. B 5.6.5. Each party will have ten (10) days to provide written submissions on the draft investigation report. B 5.6.6. The investigator will finalize the investigation report within ten (10) days of receiving submissions from the parties or after the ten (10) day period described in 5.6.5, whichever occurs first. This report will only include findings of fact. **B 5.7. DISCIPLINE (NEC)** B 5.7.1. Regardless of whether the investigation was concluded by a Roster Panel or an external investigator, a Roster Panel will make written recommendations to the NEC on the disciplinary measures, or lack thereof, that the Panel believes are appropriate. The NEC's final decision should take into account, but need not follow, these recommendations. B 5.7.2. Where a Roster Panel provides recommendations for discipline to the NEC, the respondent shall be notified of same and shall have an opportunity to provide submissions to the NEC within ten (10) days of being so notified before a final decision is reached.	5.4.4. As soon as is operationally possible after screening out a complaint, the Complaint Manager shall notify the complainant of same, with reasons, and the matter will be considered closed. 5.4.5. As soon as is operationally possible after screening in a complaint: a. the Complaint Manager shall notify the parties, outlining next steps, including the possibility of mediation or other ADR; b. the Complaint Manager shall provide a copy of the complaint to the respondent; c. the respondent may provide a written reply to the Complaint Manager within ten (10) working days of receipt; and d. the Complaint Manager shall provide the complainant with a copy of the respondent's reply as soon as operationally possible. 5.4.6. A party wishing to seek an extension of time for any deadline imposed under this By-law may do so in writing to the Complaint Manager with reasons. **5.5. INTERIM MEASURES** 5.5.1. The Complaint Manager will determine, in consultation with the President, if interim measures are required to be taken. 5.5.2. Where the President is the party to a complaint under this By-law, the Complaint Manager shall instead determine interim measures in consultation with a Roster Panel, comprised of no more than three (3) members of the MCR. The Complaint Manager shall be responsible for

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B 5.7.3. The respondent may make submissions regarding discipline either in writing or orally, subject to reasonable page and time limits set at the discretion of the Roster Panel. B 5.7.4. After receiving the respondent's submissions, the NEC shall normally make a decision regarding discipline at the next scheduled NEC meeting, and provide such decision in writing to the respondent.	designating each Roster Panel, in such a manner as to ensure an unbiased consideration of each case. 5.5.3. Interim measures are not intended to be disciplinary or punitive, nor are they indicative of the outcome of the complaint. 5.5.4. Interim measures may be utilized for the following purposes: a. To guard against irreparable harm; b. To address the union's obligations, including its legal obligations; and/or c. To protect a party or parties against potential harassment, violence, and/or discrimination. 5.5.5. Interim measures may include: a. A communication protocol; b. Separation of the parties; c. Exclusion from closed-session or in-camera proceedings; or d. Any other measure necessary to fulfill the purposes specified at By-law 5.5.4. **5.6. MEDIATION** 5.6.1. If the parties are mutually willing to participate in mediation, the Complaint Manager shall endeavour to appoint an external mediator who has expertise in the area as soon as operationally possible. 5.6.2. CAPE will bear the costs of one mediation session.

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	5.6.3. If mediation is successful, the parties will enter into a mediation agreement. The mediator will submit a copy of the mediation agreement to the Complaint Manager normally within fifteen (15) working days of the mediation session. 5.6.4. If the parties cannot agree to participate in mediation or mediation is unsuccessful, the complaint shall proceed to an Investigation in accordance with By-law 5.7. **5.7. INVESTIGATION** 5.7.1. The Complaint Manager will appoint an Investigator as soon as operationally possible after confirming that mediation was not successful or possible. 5.7.2. The Complaint Manager has the discretion to designate either an external investigator or a Roster Panel, comprised of no more than three (3) members of the MCR, to conduct an investigation. The Complaint Manager shall be responsible for designating each Roster Panel, in such a manner as to ensure an unbiased consideration of each case. 5.7.3. In determining whether an investigation will be carried out by an external investigator or Roster Panel, the Complaint Manager will consider the sensitivity, seriousness, and complexity of the allegations, as well as the parties involved.

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	5.7.4. In this By-law, "**Investigator**" means either the Roster Panel or external investigator. 5.7.5. Investigations into complaints of harassment, violence, and other matters requiring interpretation of legal terms shall be conducted by an external investigator. 5.7.6. The purpose of an investigation is to consider the evidence and make findings, conclusions as to whether the respondent's alleged conduct meets the definition of misconduct in breach of By-law 5, and recommendations. 5.7.7. The investigation will normally be undertaken and completed as expeditiously as operationally possible. 5.7.8. After each interview, the Investigator shall provide the interviewee with a written summary of testimony and afford them a reasonable opportunity to review it, identify any inaccuracies, and request any corrections prior to finalization. 5.7.9. After gathering and reviewing all relevant evidence and conducting interviews, the Investigator shall provide a written preliminary investigation report (the "**Preliminary Report**") to the Complaint Manager, which shall include:

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	5.7.10. A summary of the allegations within the scope of the investigation; a. The information and evidence on which the Investigator has based their findings; b. The Investigator's analysis of the evidence gathered; and c. The Investigator's findings. 5.7.11. As soon as operationally possible after receiving the Preliminary Report, the Complaint Manager will provide each party with a copy of the Preliminary Report. Each party may make written submissions on the Preliminary Report to the Investigator within ten (10) working days of receipt. 5.7.12. The purpose of providing the Preliminary Report to the Parties is to allow them the opportunity to review the evidence of both parties and, if inaccuracies exist in that evidence, to correct the record for the Investigator's consideration. Written submissions are not an opportunity for the Parties to reargue their case or scrutinize the Investigator's analysis. 5.7.13. The Investigator will consider the submissions of the parties, if any, and provide a written final investigation report (the "**Final Report**") to the Complaint Manager as expeditiously as operationally possible. 5.7.14. In addition to the contents of the Preliminary Report, the Final Report shall also include the Investigator's conclusions as to whether the respondent's alleged conduct meets the definition of misconduct in breach of By-law 5, and the Investigator's recommendations.

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	5.7.15. As soon as is operationally possible following receipt of the Final Report, the Complaint Manager shall inform the parties of the result of the investigation and provide them with a copy of the Final Report. **5.8. CORRECTIVE MEASURES AND DISCIPLINE** 5.8.1. The designated deciding body for discipline under this By-law shall be the NEC. 5.8.2. Where an Investigator provides recommendations in the Final Report for discipline or other corrective measures directly affecting the respondent, the respondent shall be notified of same and shall have an opportunity to provide written submissions regarding corrective measures to the NEC within ten (10) working days of being so notified before a final decision is reached. 5.8.3. These submissions are not an opportunity for the respondent to re-argue their case; rather the submissions must focus on what, if any, corrective measures the respondent believes are appropriate in light of the Investigator's findings, such as mitigating factors. Submissions regarding the Investigator's findings or analysis shall not be considered. 5.8.4. The respondent's submissions on corrective measures must be no more than 2250 words, if submitted in English, or 2625 words, if submitted in French, including attachments.

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	5.8.5. As soon as is operationally possible after receiving the respondent's submissions, the NEC shall make a decision regarding corrective measures and provide such decision in writing to the Complaint Manager and respondent. The NEC's decision regarding corrective measures should consider, but need not follow, the Investigator's recommendations. 5.8.6. As soon as is operationally possible after receiving the decision of the NEC regarding corrective measures, the Complaint Manager shall provide the complainant with a summary of the decision of the NEC, excluding any corrective action taken or that will be taken, unless otherwise required by law. 5.8.7. Only decisions that impose discipline may be appealed pursuant to By-law 5.9. **5.9. APPEALS** 5.9.1. Within ten (10) working days of receipt of a decision imposing discipline, the respondent may submit an appeal in writing to the Complaint Manager. 5.9.2. As soon as is operationally possible following receipt of the respondent's appeal, the Complaint Manager shall strike a 3-person Appeals Panel from members of the MCR to hear the appeal. The Complaint Manager shall be responsible for designating each Appeals Panel, in such a manner as to ensure an unbiased consideration of

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	each case. Members of the MCR who sat on a Roster Panel at any stage of the By-law 5 process may not also sit on the Appeals Panel. 5.9.3. The respondent may make appeal submissions to the Appeals Panel in writing. An appeal is not an opportunity for the respondent to re-argue their case. Grounds for appeal include: a. the discipline imposed was excessive, unreasonable, or otherwise inappropriate in the circumstances; b. the process by which the decision was made by the NEC was arbitrary, discriminatory, or made in bad faith; or c. there was a significant error in the interpretation or application of the By-law that materially compromised procedural fairness. 5.9.4. Appeal submissions must focus on why the respondent feels that the discipline imposed was excessive, unreasonable, or otherwise inappropriate in the circumstances. 5.9.5. The respondent's appeal submissions must be no more than 2250 words, if submitted in English, or 2625 words, if submitted in French, including attachments. 5.9.6. As soon as is operationally possible following the appeal hearing, the Appeals Panel shall make a final decision with respect to discipline and communicate their decision to the respondent in writing, with reasons.

Resolution #6 – Signature Requirements – Amendments to By-Law 13

Rationale:

This amendment was made to modernize the constitutional amendment process by permitting both physical and electronic signatures.

Date adopted by the NEC: September 25, 2026

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW # 13 - CONSTITUTIONAL AMENDMENT PROCESS	**BY-LAW # 13 - CONSTITUTIONAL AMENDMENT PROCESS**
B 13.1. PETITION TO AMEND THE CONSTITUTION BY ANY REGULAR OR PENDING MEMBER OR LOCAL	**B 13.1. PETITION TO AMEND THE CONSTITUTION BY ANY REGULAR OR PENDING MEMBER OR LOCAL**
B 13.1.1. The petitioner shall submit the original petition including the name and contact information of the sponsor to the National Office by postal mail, courier or by hand.	B 13.1.1. The petitioner shall submit the original petition including the name and contact information of the sponsor and the required number of physical or electronic signatures to the National Office ~~by postal mail, courier or by hand~~.
B 13.1.2. Signatures, as it relates to this By-Law, means an original hand- written signature.	~~B 13.1.2. Signatures, as it relates to this By-Law, means an original hand- written signature.~~ ***Note: Due to the removal of By-law 3.1.2, By-laws 13.1.3 - 13.1.9 have been renumbered to 13.1.2 - 13.1.8. This is a purely administrative change.***