



**BC NURSES'
UNION**

Standing up for health care

CONSTITUTION AND BYLAWS

CURRENT FOLLOWING THE BCNU ANNUAL CONVENTION
OF *MAY 1-3, 2018*



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CONSTITUTION

ARTICLE 1 NAME

- 1.01** This organization shall be known as the British Columbia Nurses' Union (referred to as the "Union" or "BCNU").
- 1.02** In the interpretation of this Constitution, the language is gender neutral.
- 1.03** The Headquarters of the Union shall be in Burnaby, British Columbia.

ARTICLE 2 OBJECTIVES

- 2.01** The advancement of the social, economic and general welfare of nurses and other allied personnel.
- 2.02** To participate as a Member of the Nurses' Bargaining Association to negotiate a Provincial Collective Agreement for the constituent unions.
- 2.03** To regulate relations between nurses and other allied personnel and their employers through collective bargaining and negotiations of written contracts with employers implementing progressively better conditions of employment.
- 2.04** The promotion of effective communication with employers.

- 2.05** The promotion of knowledge of nurses and other allied personnel in all matters related to their social and economic welfare through education and research.
- 2.06** The promotion of the highest standards of health care for all.
- 2.07** To continue to offer and develop programs of professional development, financial and other programs of assistance for nurses and other allied personnel.
- 2.08** To establish, organize, administer or participate in an assurance, benefit or protection plan, or subsidiary services, for the welfare of its Members.
- 2.09** Where possible, the promotion of unity within the nursing profession and other allied fields through communication and cooperation with and mutual support for organizations sharing these objectives.

ARTICLE 3 AMENDMENTS

Amendments to this Constitution shall be conducted in accordance with Article 23 of the Bylaws.

BYLAWS

ARTICLE 1 INTERPRETATION

1.01 In The Constitution and Bylaws:

“Accused” shall mean a Member charged under Article 24.

“Appeal Board” shall mean a board established under Article 24.13(2).

“CFNU” shall mean Canadian Federation of Nurses Unions.

“Complaint” shall mean a complaint pursuant to Article 24.03(1) and (2).

“Complainant” shall mean a Member who makes a complaint against another Member under Article 24.

“Complaint Form” is the form adopted by Council as the official complaint form.

“Complaints Investigation Committee” shall mean a committee established under Article 24.05(1).

“Convention” shall mean an assembly of delegates and Members of the Union.

“Council” shall mean the Council of British Columbia Nurses’ Union in accordance with Article 6.

“Discipline” shall mean the right of the Union to impose expulsion, suspension or reprimand upon a member of the Union in accordance with Article 24.

“Discipline Committee” shall mean a committee established under 24.06(1).

“Hearing” shall mean a Hearing established under Articles 24.06 or 24.08.

“Hearing Board” shall mean a Board established under Article 24.06.

“Meeting” shall mean any meeting, conference or convention of the Union Members.

“Member” when used without qualification shall mean a person who qualifies under Article 2 but excludes an honorary member.

“Member in Good Standing” means a Member who:

- (a) has paid all dues, levies and assessments owed by that Member to the Union pursuant to Articles 16 and 17;
- (b) has paid all fines owed by the Member to the Union pursuant to Article 24;
- (c) has paid all other debts owed by the Member to the Union; and
- (d) has not been declared by the Council to have ceased to be a Member in Good Standing, pursuant to Article 2.10

“Nurse” shall include a person who is included in the bargaining unit as determined in the certification issued under the Labour Relations Code of British Columbia.

“PCA” shall mean Provincial Collective Agreement and includes provincially imposed language.

ARTICLE 2 MEMBERSHIP

Rights and Conditions

- 2.01** All nurses engaged in the practice of nursing and other allied personnel in the Province of British Columbia who are eligible to engage in collective bargaining are eligible for membership in the Union. No allied personnel shall be admitted to membership without the approval of a two-thirds (2/3) majority of the Council.
- 2.02** All Members employed in bargaining units represented by the Union as of November 1, 1989 shall be deemed to have fulfilled membership requirements.
- 2.03** New Union Members shall be required to:
 - (a) sign an application for membership;
 - (b) abide by provisions of the Constitution and Bylaws; and
 - (c) pay dues, levies and assessments as per Articles 16 and 17.
- 2.04** A Member who fulfils Articles 2.02 and 2.03, subject to any restrictions under Articles 2.05, 2.11, 2.12 or Article 3, will be entitled to:
 - (a) attend meetings;
 - (b) hold office; and
 - (c) receive the benefits of BCNU membership, which includes a membership card.
- 2.05** A member who is employed by any other Nurses’ Bargaining Association (NBA) Union, shall not be entitled to:
 - (a) Attend meetings, or
 - (b) Hold office (e.g. Regional or Provincial elected or appointed positions), or
 - (c) Fill a temporary or permanent BCNU staff position.
- 2.06** A person ceases to be a Member upon:
 - (a) suspension or termination of membership pursuant to Article 24; or
 - (b) failure to pay dues, levies and assessments to the Union, unless an extension has been granted (by the executive).
- 2.07** A Member who obtains from her employer an unpaid leave of absence recognized under the appropriate collective agreement shall remain a Member of the Union and shall pay no dues, levies or assessments during the period of any such unpaid leave of absence.
- 2.08** Notwithstanding Article 2.07, a Member elected to the Presidency of the Union shall continue to pay dues and any levies or assessments as determined by Convention or Council.
- 2.09** A Member who is laid off by her employer shall remain a Member of the Union and shall pay no dues, levies or assessments for the period of the layoff unless in receipt of wages as a nurse while exercising her collective agreement rights.

2.10 A Member who is suspended or terminated by her employer and is exercising her rights under the grievance/arbitration process or other rights appeal language in the appropriate collective agreement shall remain a Member of the Union and shall pay no dues, levies or assessments until the grievance, arbitration or appeal is resolved.

Members in Good Standing

2.11 Despite the requirements of Article 24.01, the Council, in its sole discretion, may declare that the Member has ceased to be a Member in Good Standing if:

- (a) that Member is determined by the Council to have breached her duty under this Constitution and Bylaws, and
- (b) the Council determines, for reasons of expediency or, otherwise, that the requirements of Article 24.01 cannot reasonably be met at the time of the declaration.

2.12 A Member who has ceased to be a Member in Good Standing by reason of a declaration of the Council pursuant to Article 2.11 will have the following rights in accordance with the principles of natural justice:

- (a) on application by the Member, a Hearing Board will be convened to hear the merits of the Council's declaration, as if the matter had been referred to the Discipline Committee by the Complaints Investigation Committee, in accordance with Articles 24.05 and 24.06; and
- (b) subject to Article 2.11, the rights and procedures required under Article 24 will apply.

Affiliated, Honourary and Student Membership

2.13 Council shall create an affiliated membership and establish criteria and any fees for such membership for former BCNU Members no longer working under BCNU collective agreements who wish to maintain an association with BCNU and who do not meet membership requirements under Articles 2.07, 2.08, 2.09 or 2.10.

2.14 An Affiliated Member shall not have the right to vote, hold office, or be a Member of any committee, except a retired Member may be a member of the Retired Nurse Network with full rights to participate and vote in that committee.

2.15 Notwithstanding Article 2.12, the Pension Committee shall include a retired Member who has the right to participate fully in the decisions of the committee, including the right to vote.

2.16 Affiliated membership may be cancelled by Council upon thirty (30) days notice to the Member concerned.

2.17 Notwithstanding Article 2.01, the Union shall establish an Honourary Membership, the criteria for which shall be determined by the Council.

2.18 An Honourary Member shall not have the right to vote, hold office in the Union, or be a Member of any committee.

2.19 Honourary membership may be cancelled by Council upon thirty (30) days notice to the Honourary member concerned.

2.20 Affiliated Members and Honourary Members who have been previous BCNU Members shall be considered Members of the Region in which they reside.

2.21 Notwithstanding Article 2.01, the Union shall establish a Nursing Student Membership, the criteria, privileges and fees for which shall be established by Council.

Members as Employees of the Union

2.22 Notwithstanding other provisions and articles, the entitlements of membership are changed when a Member fills a staff position as an employee of the Union.

2.23 A Member while filling a temporary staff position is eligible to stand for office but cannot hold office until the temporary staff position is completed.

2.24 A Member while filling a temporary staff position cannot become or remain a BCNU steward nor attend, as a Member, any meeting, educational workshop, labour school, conference or convention. They cannot be a Chair or Member of a BCNU Committee or Task Force.

2.25 A Member while filling a temporary staff position cannot vote at any BCNU meeting, conference, convention, or election.

2.26 A Member of Council or a Regional Executive while filling a temporary staff position is obliged to take a leave of absence from their elected position.

2.27 A leave of absence does not alter the term of office.

2.28 The vacancy created by the leave of absence shall be filled in accordance with these Bylaws, a Region's Bylaws, or in the absence of Regional Bylaws, by a method to be determined by Council.

2.29 Members while filling temporary staff positions must pay Union dues to the staff union and may pay Union dues to BCNU.

2.30 Members who are appointed to permanent staff positions must resign their membership in BCNU.

ARTICLE 3 OFFICERS OF THE UNION

3.01 The Elected Officers of the Union shall be composed of the following, each of whom shall be a Member of the Union:

- (1) President
- (2) Vice President
- (3) Treasurer
- (4) Executive Councillor
- (5) Executive Councillor

3.02 The Union shall also have appointed officer(s) who shall be referred to as Executive Director(s).

3.03 All Members of the Union (as defined in Article 2) shall be eligible for election as officers, except any Member who:

- (a) is not a Member in Good Standing (as defined in Article 1); or
 - (b) is precluded from election by Article 3.04.
- 3.04** No elected officer may hold more than one (1) office at a time.
- 3.05** Beginning in 2014, the term of office shall be three (3) years or until a successor is elected and takes office.
- 3.06** The terms of the Elected Officers of the Union shall commence on the first day of September in the year in which they were declared elected.

ARTICLE 4 ELECTION OF OFFICERS

- 4.01** Officers of the Union, as defined in Article 3.01 shall be elected by the members of the union in 2014 and every three (3) years thereafter. The President shall declare elected to office the candidate who receives the largest number of votes. Whenever there is but one (1) candidate for any of these offices, the vote shall be dispensed with and the President shall declare that candidate elected.
- 4.02** (a) There shall be a Standing Committee on Nominations for the Union (the "Nominations Committee" comprised of five (5) members elected by the delegates to the Annual convention of the Union in 2013, and every three (3) years thereafter. The President shall declare elected to office the five (5) candidates who receive the largest number of votes. Whenever there is but five (5) candidates for these positions, the vote shall be dispensed with and the President shall declare those candidates elected.
- (b) The term of office of members of the Nominations Committee shall be three (3) years.
 - (c) The Nominations Committee will be comprised of five (5) Members of the Union.
 - (d) Only Union Members in good standing will be eligible to be a candidate for, and to maintain, a position on the Nominations Committee.
 - (e) Nominations Committee members shall not hold a Regional Union position, a Provincial Union position, or a Full-Time Shop Steward position for the duration of their term on the Nominations Committee. For clarity, Nominations Committee members may hold the position of Union steward, if they so choose and if they are elected as such.
 - (f) The Nominations Committee shall elect one of its members to hold the position of Chair of the Nominations Committee.
 - (g) The Nominations Committee shall meet at the call of its Chair. The Chair may call a meeting of the Nominations Committee at any time. The Chair shall call a meeting of the Nominations Committee upon the written request of three (3) of its members.
 - (h) A quorum of the Nominations Committee shall be three (3) of its members.
 - (i) The Nominations Committee shall be authorized to transact business in writing or by telephone in a manner to be determined by the Council.

- (j) The Nominations Committee members shall not state a political preference, or endorse in any way, a candidate in any Provincial or Regional BC Nurses' Union election.
- (k) Despite Article 4.03(j) above, the Nominations Committee members may vote in any Regional or Provincial election, if otherwise eligible to do so.

4.03 The Committee's duties shall include:

- (a) To rule on the eligibility of all candidates for elected office and membership on the Council.
- (b) To implement the procedure for obtaining nominations for the offices of President, Vice President, Treasurer and the Executive Councillors.
- (c) To obtain candidate(s) for any office for which no nomination has been received.
- (d) To prepare and present the ticket of nominations for all officers defined under Article 3.01 to the President and designated Executive Director.
- (e) To conduct and oversee the election and report the results of the election to the President.
- (f) To receive complaints from Union Members with regard to an election process.
- (g) To investigate, resolve and remedy complaints referred to in 4.03(f) above.
- (h) To attend at the Annual Conventions and at the Provincial Bargaining Conferences of the Union as provincially funded observers.

4.04 Nominations for the offices of President, Vice President, Treasurer and the two (2) Executive Councillors may be presented by any four (4) individual Members on the nomination forms provided for their use. Such nominations shall be received by the Committee by a determined date prior to election day. Election day shall be determined by the Nominations Committee and approved by the Council. The designated Executive Director shall cause to be forwarded to every Member a list of nominees for each office. A valid vote must be received by the Union no later than the date indicated on the list.

4.05 In the event of a tie vote, the Chairman of the Nominations Committee shall conduct a run-off vote lasting no longer than seven (7) days in duration between the tied candidates.

4.06 Any elected officer may resign at any time by written notice directed to the President and designated Executive Director.

- 4.07** (a) Any vacancy occurring in any elected office, except the President's, with more than one year remaining of the term, shall be filled by having a special election. The person elected in the special election shall take office right after the election. Vacancies of less than one year shall be filled by Council for the balance of the term.
- (b) Whenever there is a vacancy occurring on the Nominations Committee, it will be filled at the next Annual Convention of the Union for the balance of the term.

4.08 If there is a vacancy in the office of President, the Vice President shall become President and the vacancy in the office of Vice President shall be filled as provided in Article 4.07(a) of these Bylaws.

ARTICLE 5 DUTIES OF OFFICERS

5.01 The duties of the President of the Union shall include:

- (a) To preside at Conventions of the Union, meetings of the Council and meetings of the Executive Committee.
- (b) To interpret Union activities and policies to others.
- (c) To be a signing officer.
- (d) To perform other duties which may, from time to time, be assigned by the Council.
- (e) To be an ex-officio member of all other Committees, except the Nominating Committee.
- (f) To be a Director of the BCNU Holding Society.
- (g) To be a Member of CFNU's National Executive Board.

5.02 The duties of the Vice President of the Union shall include:

- (a) To assume the duties of the President at the request of the President, or in the case of the President's absence or inability to act.
- (b) To assume the office of President should that office become vacant between elections.
- (c) To be a signing officer.
- (d) To perform other duties which may, from time to time, be assigned by the Council.
- (e) To be a Director of BCNU Holding Society.
- (f) To be a Member of CFNU's National Executive Board.

5.03 The duties of the Treasurer of the Union shall include:

- (a) To serve as Chairman of the Standing Committee on Finance.
- (b) To be a signing officer.
- (c) To report to Council on a regular basis the financial state of the Union.
- (d) To cause to have the books of the Union audited each year by duly appointed Auditors. Such audit shall be furnished to the Executive Committee, the Council and to the Annual Convention.
- (e) To be a Director of the BCNU Holding Society.

5.04 The duties of the Executive Councillors shall include:

- (a) To perform other duties which may, from time to time, be assigned by the Council.
- (b) To be a Director of the BCNU Holding Society.
- (c) To be a signing officer.

5.05 The duties of the Executive Director(s) shall be as set out in the Constitution and Bylaws and shall also include the following, all of which shall be assigned to a designated Executive Director position, in a manner to be determined by Council:

- (a) To generally manage and administer the affairs of the Union, including arranging for the preparation and custody of books, minutes, and accounts, the administration of funds collected by the Union and the preparation of financial statements.
- (b) To be responsible for all matters relating to collective bargaining, as determined by Council.
- (c) To make recommendations to the Council where necessary on all matters within her jurisdiction.
- (d) To employ such employees to fill the staff positions as may be authorized by the Council, to be responsible for the direction of all employees of the Union, and to suspend or dismiss for cause any employee of the Union.
- (e) To attend meetings of the Union, Council and Executive Committee and to act as Secretary thereof.
- (f) To report on the administration and affairs of the Union to the Council and to the Annual Convention.
- (g) To be a signing officer.
- (h) To perform other duties which may, from time to time, be assigned by the Council.
- (i) To be a Director of the BCNU Holding Society.

ARTICLE 6 COUNCIL

6.01 There shall be a Council composed of:

- (a) The President,
- (b) The Vice President,
- (c) The Treasurer,
- (d) Two (2) Executive Councillors, and
- (e) Regional Council Members.

6.02 Eligibility requirements for Council Members will be as determined from time to time by the Council.

ARTICLE 7 TERM OF REGIONAL COUNCIL MEMBERSHIP AND VACANCIES

7.01 Each region shall elect Regional Council Members as follows:

- | | |
|-----------------------------|-------------------|
| 1) South Islands | 2 Council Members |
| 2) Pacific Rim | 1 Council Member |
| 3) Coastal Mountain | 1 Council Member |
| 4) Vancouver Metro | 1 Council Member |
| 5) Central Vancouver | 2 Council Members |
| 6) Shaughnessy Heights | 1 Council Member |
| 7) RIVA | 1 Council Member |
| 8) Fraser Valley | 1 Council Member |
| 9) South Fraser Valley | 2 Council Members |
| 10) Simon Fraser | 2 Council Members |
| 11) Thompson North Okanagan | 1 Council Member |
| 12) Okanagan Similkameen | 1 Council Member |
| 13) West Kootenay | 1 Council Member |
| 14) East Kootenay | 1 Council Member |

- 15) North West 1 Council Member
- 16) North East 1 Council Member

7.02 Regional Council Members shall be elected by their Region through receipt of the largest number of votes at election.

7.03 The terms of office of all Regional Council Members as defined by Article 7.01 of these Bylaws, elected in 2014 and thereafter shall be three (3) years commencing on the first day of September following election.

7.04 Any Regional Council Member may resign at any time by written notice to the designated Executive Director.

7.05 A Regional Council Member vacancy shall be filled in accordance with the Regional Bylaws or, in the absence of the Bylaws, by a method to be determined by the Council.

ARTICLE 8 MEETINGS OF THE COUNCIL AND QUORUM

8.01 Council shall meet not less than four (4) times in each year at such time and place as shall be determined by the Council.

8.02 Special meetings may be called by the President and shall be called upon the written request of a quorum of Council.

8.03 A quorum of the Council shall be three-fifths (3/5) of the Members of the Council.

8.04 Notice of meetings of the Council shall be sent at least ten (10) days before the date of the meeting. This notice may be waived by written consent of all the Council Members.

ARTICLE 9 POWERS AND DUTIES OF THE COUNCIL

9.01 The Council shall be the governing body of the Union when the Convention is not in session. The Council shall take such action and render such decisions including decisions concerning collective bargaining functions as are within the objectives of the Union.

9.02 The Council may, from time to time, on behalf of the Union to the extent provided by law:

- (a) Borrow money in such a manner and amount on such security, from such sources and upon such terms and conditions as they think fit.
- (b) Issue bonds, debentures, and other debt of obligations, either outright or as security for any liability or obligation of the Union.
- (c) Mortgage, charge, whether by way of specific or floating charge, or give other security on the undertaking, or on the whole or part of the property and assets of the Union, both present and future.

9.03 All dues payable under the Constitution or Bylaws and all monies received for the benefit of the Union are the property of the Union and shall be received and accounted for by the Council and disbursed and appropriated under the direction of the Council for such purposes as may be deemed by the Council to be in the interests of the Union. The Council shall scrutinize

and approve the monthly financial statements and shall approve the annual budget.

9.04 At each Annual Convention, the Council shall report on its stewardship, which report shall include financial statements signed by the President and Treasurer, presenting the financial position of the Union as of the last day of December immediately preceding and the revenues and expenditures for the period then ended, together with the Auditors' Report.

9.05 The Council shall appoint the Executive Director(s), upon such terms and conditions and for such remuneration as the Council deems appropriate. The Council shall have the power to revoke the appointment of the Executive Director(s).

9.06 The Council shall authorize staff positions and determine the remuneration of such staff.

ARTICLE 10 EXECUTIVE COMMITTEE

10.01 There shall be an Executive Committee composed of the Elected Officers of the Union.

10.02 The duties and authority of the Executive Committee shall be determined from time to time by the Council.

10.03 The Executive Committee shall meet at the call of the President. The President may call a meeting of the Executive Committee at any time. The President shall call a meeting of the Executive Committee upon the written request of three (3) of its Members.

10.04 A quorum of the Executive Committee shall be three (3) Members.

10.05 The Executive Committee shall be authorized to transact business in writing or by telephone in a manner to be determined by the Council.

ARTICLE 11 COMMITTEES

11.01 The Council may strike committees as it sees fit. The composition and duties of such committees shall be determined by the Council.

11.02 Such committees shall be authorized to transact business in writing, or by telephone, in a manner to be determined by the Council.

ARTICLE 12 REGIONS

12.01 The province shall be divided into Regions, the boundaries of which shall be determined by the Council.

12.02 The Regions shall propose Bylaws which shall be subject to the approval of Council.

12.03 In the event of conflict between any Article of these Bylaws and any Article of the Bylaws of any Region these Bylaws shall be paramount and the Article in these Bylaws shall apply.

12.04 The Regional Bylaws shall include:

- (a) Provisions for the calling of meetings of the Region at least three (3) times per year.
- (b) Provisions for the calling of a special meeting of the Region upon the written request of not less than three per cent (3%) of the Region's Members.
- (c) Provisions for the election of a Regional Executive.

- (d) Provisions for the selection of Council Member(s) from the Regions.
- (e) Provisions for the filling of vacancies on the Council, should any elected Council Member not complete the term of office.
- (f) Provisions for an annual audit.

12.05 Regions shall prepare annual budgets of planned expenditures which shall be submitted to Council for approval and provision of funds.

12.06 Should any Region cease to exist, the funds of that Region shall be returned to the Union.

ARTICLE 13 COLLECTIVE BARGAINING

13.01 The collective bargaining functions of the Union include:

- (a) Providing advice to bargaining conferences and union representatives on negotiating committees with respect to collective bargaining objectives, strategies, priorities and practices;
- (b) Authorizing and approving, in advance, collective bargaining action which:
 - could result in extraordinary cost to the Union
 - significantly impacts on other BCNU bargaining units, and/or
 - impacts on the provincial labour community as a whole.

13.02 The designated Executive Director or other designate shall be a Member of and act as spokesperson for all bargaining committees.

The Union's Members on the negotiating committee of the Nurses' Bargaining Association shall be the President, designated Executive Director and staff Co-ordinators (as designated) and the following elected representatives:

1 representative - Long Term Care

2 representatives - From Community

4 representatives - Acute Care from:

- 2 facilities with 701 Members or more
- 1 facility with between 201 - 700 Members
- 1 facility with 200 Members or less.

All elected representatives on the Negotiating Committee of the Nurses' Bargaining Association will be elected by delegates of the Provincial Bargaining Strategy Conference, regardless of component.

- 13.03** (a) The Treasurer and/or Vice President are eligible to stand for election as a Member of a negotiating committee but cannot participate as an active Member(s) until they no longer hold their Executive position.
- (b) Any other Council Member(s) who is elected to any BCNU negotiating committee must take a leave of absence from their Council position for the duration of negotiations. Their Council position will be backfilled as provided for in the Region Bylaws or by a method determined by Council.

13.04 Subject to the requirement of the Nurses' Bargaining Association, Articles of Association, the Council has authority to and shall:

- (a) Approve Memoranda of Agreement which may vary the Collective Agreement during the life of the Agreement;
- (b) Approve all routine memoranda of agreements;
- (c) Determine whether or not Members will be polled prior to the above decisions;
- (d) Direct that the terms and conditions of a negotiated agreement resulting from a re-opener provision under a collective agreement be ratified by those Members of the bargaining units affected by the agreement which was negotiated; and
- (e) In its discretion, determine whether or not a Bargaining Conference shall be held prior to the commencement of collective bargaining respecting the terms and conditions of a collective agreement to be varied by a re-opener provision, notwithstanding any other provision of these Bylaws.

13.05 Notwithstanding any other provision in this Article, the Union shall conduct a formal ratification vote in the bargaining unit(s) affected on the proposed terms of settlement for any negotiated collective agreement.

ARTICLE 14 BARGAINING CONFERENCE

14.01 The Council shall determine the method(s) used to gather bargaining proposals from all worksites, Council, past Union representatives of the Negotiating Committee of the Nurses' Bargaining Association and the staff.

14.02 The suggested bargaining proposals shall be sent to the designated Executive Director, and tabulated to establish a preliminary list of bargaining proposals.

14.03 Bargaining proposals shall be considered out of order if they are contrary to BCNU goals and/or strategic objectives.

14.04 Regional Bargaining Strategy Conferences shall be held for the purpose of:

- (a) communicating current bargaining context and the process of bargaining;
- (b) identifying the top two priorities and outcomes for which Members would be prepared for job action if necessary;
- (c) suggest strategies/activities to support bargaining;
- (d) nominating and electing candidates (including eligible Council Members) to be the Union representatives on the Negotiating Committee of the Nurses' Bargaining Association.

14.05 Representation at the Regional Bargaining Strategy Conferences shall be at least one Member from each worksite.

14.06 A Provincial Bargaining Strategy Conference shall be held for the purpose of:

- (a) establishing a major theme based on bargaining priorities;

- (b) identifying priority outcomes of bargaining proposals;
 - (c) determining a strategy thrust to support bargaining; and
 - (d) electing Members and alternates to be the Union representatives on the Negotiating Committee of the Nurses' Bargaining Association as per Article 13.02.
- 14.07** Representatives at the Provincial Bargaining Strategy Conference shall be allotted as per the formula for Regional delegate representation at Convention (Article 15.10(a)). The Council shall also be voting delegates to the Provincial Bargaining Strategy Conference.
- 14.08** The Regions shall also elect alternate delegates so that in the event that an elected delegate cannot attend the Bargaining Conference, the alternate delegate may attend.
- 14.09** Payment of the expenses of delegates and alternates at the Regional and Provincial Bargaining Strategy Conferences shall be determined by Council and paid by the Union.
- 14.10** Bargaining units not under the Nurses' Bargaining Association Provincial Collective Agreement shall have conferences/meetings of the Members within their Collective Agreements for suggested contract changes and to elect a bargaining committee. The composition of such bargaining committees shall be determined by Council.
- 14.11** Members who are not part of the voting body of the Bargaining Conference of the Union may attend and address the conference. They shall not be entitled to vote or make motions.
- 14.12** Council shall appoint, and pay the expenses for, at least three (3) Members to act as scrutineers and at least two (2) Members to act as sergeant-at-arms at each Provincial Bargaining Strategy Conference.

ARTICLE 15 CONVENTIONS OF THE UNION

- 15.01** The Union shall hold an Annual Convention each year, at a time and place to be determined by the Council. The Annual Convention, when in session, shall be the governing body of the Union. It shall take such action and render such decisions as to further the objectives of the Union. The Convention of the Union is a meeting of delegates who shall receive reports of the business of the Union and shall debate and vote on resolutions, Bylaws and any other business arising out of deliberations of the Convention.
- 15.02** Conventions of the Union shall be summoned by the Council only. The Council may summon a Special Convention of the Union at any time. The Council shall summon a Special Convention of the Union upon receipt of a written request, such request to be signed by at least five percent (5%) of the Union membership in at least fifty percent (50%) of the regions, as listed in Article 7.01, and to state the purpose for which the meeting is requested.
- 15.03** Notice of Conventions of the Union shall be served to Members in a manner to be determined by the Council, as follows:
- (a) Annual Conventions of the Union, at least thirty (30) days before the date of the Convention.
 - (b) Special Conventions of the Union, at least fourteen (14) days before the date of Convention. Statement of the purpose for which the Convention is called shall be specified in the notice of the Special Convention.
- 15.04** The Council shall cause a proposed copy of the Annual Convention program, along with proposed resolutions, Bylaws and other business to be deliberated at Convention to be prepared and mailed to Members not less than thirty (30) days in advance of the date of Convention.
- 15.05** Delegates at any Convention of the Union shall be composed of:
- (a) Regional Delegates (regional representatives)
 - (b) Delegates from Human Rights and Diversity equity-seeking caucus groups. The four caucus groups eligible to elect Caucus Delegates are:
 - (i) Disabilities Caucus
 - (ii) Aboriginal Leadership Circle
 - (iii) Lesbian, Gay, Bisexual, Transgendered and Queer (LGBTQ) Caucus
 - (iv) Mosaic of Colour
- 15.06** (a) For the purpose of electing regional delegates to Conventions of the Union, Members in a Region shall be eligible to vote.
- (b) For the purpose of electing caucus delegates to Conventions of the Union, the Members in each Caucus shall be eligible to vote.
- 15.07** The Region shall also elect alternate delegates so that in the event that an elected delegate cannot attend the Convention the alternate delegate may attend.
- 15.08** Delegates and alternate delegates must be Members of the Region or Caucus they represent.
- 15.09** (a) Regional delegates and alternate regional delegates shall be elected at the Regional meetings or as otherwise provided in the Regional Bylaws.
- (b) Caucus delegates shall be elected at the Caucus meetings.
- 15.10** Representation at Conventions of the Union shall be allotted by membership numbers as follows:
- (a) *Regions to:*
 - 800 = 12 delegates
 - 801 - 1200 = 14 delegates
 - 1201 - 1600 = 16 delegates
 - 1601 - 2000 = 18 delegates
 - 2001 - 2400 = 20 delegates
 - 2401 - 2800 = 22 delegates
 - 2801 - 3000 = 24 delegates
 - 3001 - 3200 = 26 delegates
 - 3201 - 3400 = 28 delegates
 - 3401 - 3600 = 30 delegates

3601 and greater = 32 delegates

- (b) Each of the four eligible Caucuses shall elect two delegates.
- 15.11** The Voting body of the Convention shall be composed of:
 - (a) The Members of the Council; and
 - (b) The delegates.
- 15.12** Only those Members of the Voting Body registered at the Convention will be eligible to vote and each will carry only one (1) vote. Votes shall not be transferable.
- 15.13** BCNU Members who are not part of the Voting Body may attend the Conventions of the Union and may speak but shall not be entitled to make motions or vote.
- 15.14** The Council shall determine the schedule of expenses to be paid by the Union to the Members of the Voting Body.
- 15.15** Two-thirds (2/3) of the Voting Body registered at a Convention shall constitute a quorum.
- 15.16** Each year the Council shall appoint, and pay the expenses for, at least three (3) Members to act as scrutineers and at least two (2) Members to act as sergeant-at-arms at the Annual Convention.
- 15.17** The minutes of the Annual Convention shall be approved by the Council.

ARTICLE 16 DUES

- 16.01** Dues payable shall be determined from time to time at a Convention of the Union.
- 16.02** Any motion proposing to change the amount of dues must be submitted in writing to the designated Executive Director at least sixteen (16) weeks prior to the first day of the Annual Convention.
- 16.03** The designated Executive Director shall cause notice specifying such motions to change the amount of dues to be given in writing to all Members of the Union at least thirty (30) days in advance of the first day of the Convention.
- 16.04** The motion proposing to change the amount of the dues shall require a two-thirds (2/3) vote to carry.
- 16.05** The vote shall be taken by ballot.
- 16.06** All dues shall be remitted to the Union Headquarters.
- 16.07** At the time of expiration of the PCA, the Council, at its discretion, may impose a dues increase on all Members covered by the PCA.
- 16.08** Such dues shall not exceed one-half of one percent (0.50%) of a Member's gross salary per pay period.
- 16.09** Such dues shall only be imposed after a four-fifths (4/5) vote of Council Members to carry.
- 16.10** Such dues shall only remain in effect until ninety (90) days subsequent to the ratification of a new collective agreement.
- 16.11** These dues shall be accounted for separately from all other Union funds and shall be used for defence fund payments. Any funds remaining shall be repaid to the membership covered by the PCA by suspending the payment of any dues until the fund is depleted.

ARTICLE 17 LEVIES AND ASSESSMENTS

- 17.01** Where, at any time, the appropriated defence fund of the Union is at a level lower than its previously attained maximum, the Council may at its discretion impose a levy or assessment on some or all of the membership of the Union, such levy or assessment not to exceed one-quarter of one percent (0.25%) of the Member's gross salary per pay period.
- 17.02** Such levy or assessment shall only be imposed after a four-fifths (4/5) vote of all Council Members to carry.
- 17.03** Such levy or assessment shall only remain in effect until the appropriated defence fund is replenished to its previously attained maximum level.
- 17.04** Where, in conjunction with an economic action necessary for the attainment of the objectives of the Union, Members are required to perform essential services as a result of either the agreement of the Union or the operation of any applicable laws, the Council may at its discretion (and after a four-fifths (4/5) vote of all Council Members to carry) impose levies or assessments on some or all of such Members with such levies or assessments to form part of the appropriated defence fund of the Union.
- 17.05** For expenses in connection with the attainment of the objectives of the Union, other than those referred to in Articles 17.01 and 17.04, any Convention may make a levy or assessment upon the membership of the Union. Such levy or assessment shall be paid by each Member as designated by the Convention on or before a date to be determined by that Convention, or failing such determination, by the Council.
- 17.06** Any Member who fails to comply with the payment of levies and assessments imposed under this Bylaw shall cease to be a Member in Good Standing until such levy or assessment is paid.
- 17.07** Levies and assessments of the Union are debts due to the Union and may be collected with costs of suit in the name of the Union in any court of appropriate jurisdiction.
- 17.08** The designated Executive Director shall cause notice specifying a motion to make a levy or assessment under Article 17.05 upon the membership to be given in writing to all Members of the Union at least thirty (30) days in advance of the first day of the Convention.
- 17.09** The motion to make a levy or assessment under Article 17.05 upon the membership of the Union shall require a two-thirds (2/3) vote by ballot to carry.

ARTICLE 18 FISCAL YEAR/STANDING COMMITTEE ON FINANCE

- 18.01** There shall exist a Standing Committee on Finance which shall consist of the Treasurer of the Council, who shall be Chairman of the Standing Committee on Finance, and four (4) other Members appointed by the Council. Two (2) of these Members shall be Council Members.
- 18.02** The duties of the Standing Committee on Finance shall be:

- (a) With advice from consultants, as required, to recommend to the Council policies with respect to the financial affairs of the Union.
- (b) To propose the annual budget to the Council for approval.
- (c) To act as the Union's Audit Committee.

18.03 The fiscal year of the Union shall end on the last day of December in each year.

ARTICLE 19 AUDITORS

19.01 At the Annual Convention each year the Voting Body shall appoint an external auditor who shall be a chartered accountant or a firm of chartered accountants whose appointment shall be in effect until the close of the next Annual Convention.

ARTICLE 20 SIGNING OFFICERS

20.01 The Council shall, after considering the recommendation of the designated Executive Director, appoint or authorize the appointment by resolution of appropriate signing officers of the Union.

20.02 All financial documents of the Union shall be signed by two of the signing officers appointed by Council pursuant to Article 20.01.

20.03 All other documents pertaining to the business of the Union shall be signed by at least one signing officer appointed pursuant to Article 20.01 and such other person as determined by the designated Executive Director.

ARTICLE 21 PARLIAMENTARY AUTHORITY

21.01 The rules contained in "Robert's Rules of Order Newly Revised" shall govern the Union in all cases to which they are applicable, and in which they are not inconsistent with the Constitution and Bylaws of the Union.

ARTICLE 22 NON-RECEIPT OF NOTICE

22.01 The accidental omission to give notice of any meeting to, or the non-receipt of any notice by any of the Members entitled to receive the notice shall not invalidate the proceedings of that meeting.

ARTICLE 23 AMENDMENTS

23.01 The Constitution and Bylaws may be amended at any Convention of the Union by a two-thirds (2/3) vote upon notice of such amendment having been given in writing to each Member at least thirty (30) days in advance of the meeting.

23.02 There shall be a Standing Committee on Bylaws known as the Bylaws Committee. Any Member may submit to the Bylaws Committee in writing, signed by such a Member, a proposed amendment to the Constitution or Bylaws of the Union. Such proposal must be submitted to the Bylaws Committee at the Head Office of the Union not later than sixteen (16) weeks prior to the first day of the next ensuing Annual Convention of the Union.

23.03 In addition to proposed amendments arising from Article 23.02, the Council and the Bylaws Committee

may submit proposed amendments no later than twelve (12) weeks prior to the first day of the next ensuing Annual Convention of the Union. The Bylaws Committee shall cause copies of all proposed amendments to be received by all Members of the Union at least thirty (30) days prior to the first day of the Annual Convention at which the proposed amendments will be considered.

23.04 The Bylaws Committee shall identify the source of each proposed amendment and may recommend acceptance or rejection of such amendments.

ARTICLE 24 DISCIPLINE OF MEMBERS

24.01 Discipline Restricted

- (1) Every Member, before being disciplined by the Union is entitled to a fair hearing including:
 - (a) prompt notification in writing of the Complaint made against her; and
 - (b) an opportunity to be heard in her defence.
 - (c) An Accused Member shall at all times during the proceedings be allowed to have a Member of choice present to act as an advocate on her behalf.
- (2) Only after such procedure has been followed can any penalty be imposed.
- (3) The Union shall not impose any discipline except for a breach of duty under this Constitution and Bylaws.

24.02 Breach of Duty

- (1) A Member commits a breach of duty where they violate any provision of this Constitution and Bylaws or knowingly violates established Union policy, or commits an act which jeopardizes, or is detrimental to the welfare of the Union. A breach of duty includes but is not limited to:
 - (a) obtaining, or assisting another person to obtain, membership through fraudulent means or by misrepresentation;
 - (b) revealing, without proper authorization, information confidential to the Union to anyone not entitled to it;
 - (c) without receiving proper authority to do so, furnishing a complete or partial list of the membership of the Union to any person or persons other than those whose official position entitles them to have such a list;
 - (d) publishing or circulating, either orally or otherwise, false reports or deliberate misrepresentations concerning the Union or any Member in respect to any matter connected with the affairs of the Union;
 - (e) making a Complaint without reasonable grounds for believing the Complaint to be true;
 - (f) commencing, or advocating that a Member commence a proceeding in a Court or tribunal against the Union, any Officer, or any Member, in any matter concerning the affairs of the Union, without first exhausting all remedies provided for in this Constitution and Bylaws;

- (g) crossing a picket line of the Union or any union or organization of workers supported by the Union when under no legal duty to do so;
- (h) attending at work whether or not a picket line is established when under no legal duty to do so when a lawful work stoppage is then taking place;
- (i) working as a replacement for an employee not at work due to a strike, lockout or other stoppage when under no legal duty to do so;
- (j) failing to perform, without reasonable justification, picketing or any other duty reasonably required of Members during a lawful work stoppage;
- (k) failing to pay when due, the dues, fees, assessments, or fines levied by the Union or failing to authorize their payment by payroll deduction;
- (l) committing a fraud in a Union election, or otherwise interfering with, or attempting to interfere with, the rights of a Member provided for in this Constitution and Bylaws;
- (m) attempting to bring about the withdrawal from the Union of any Member, or group of Members, in any way other than through procedures set out in this Constitution and Bylaws;
- (n) working in the interest of any organization competing with the Union in a manner which is detrimental to the Union;
- (o) working in the interests of, or accepting membership in, any organization competing with the Union to represent persons eligible for membership in the Union;
- (p) unlawfully receiving, removing, retaining, destroying, erasing, mutilating or misappropriating any property belonging to the Union or in the possession of the Union;
- (q) obstructing the orderly process of a meeting of the Union including the Executive Board or any Committee meeting or failing to keep order when directed to do so by the Chairperson of any such meeting;
- (r) attempting, by the use of harassment, coercion or intimidation of any kind, including threats of legal action, to cause a Member to refrain from carrying out her obligations, or exercising her rights under this Constitution and Bylaws;
- (s) using, without authority, the name of the Union for soliciting funds or advertising;
- (t) wrongfully interfering with any Member, Officer, or any other authorized representative of the Union, in the discharge of her duties under this Constitution and Bylaws;
- (u) failing to fulfil her duties as an Officer or as a member of Council; or
- (v) refusing to appear or failing to appear, without reasonable excuse, as a witness before a Hearing Board.

24.03 Complaints

- (1) Any Member may make a Complaint against another Member for a breach of duty under this Constitution and Bylaws.
- (2) A Complaint must be sent in writing by the Complainant to the designated Executive Director of the Union using the official BCNU Complaint Form (adopted as such by the Council) within sixty (60) days after the violation has been discovered.
- (3) The designated Executive Director shall serve the Accused with a copy of the Complaint Form, promptly and in all cases within fourteen (14) days of receipt of the Complaint by the designated Executive Director in person or by registered mail to the address shown in the Register of Members.

24.04 Conflicts

- (1) The Complainant, the Accused and anyone who is in a conflict shall not participate in the proceedings of the standing committee on Complaints Investigation or the Discipline Committee.
- (2) The Accused and the Complainant may challenge for reasonable cause the participation of any member of the standing committee on Complaints Investigation or the Discipline Committee who is in conflict.
- (3) To the extent possible, no Member employed in the same region of the Complainant or the Accused shall be appointed to the Complaints Investigation Committee or to the Hearing Board.
- (4) In the event that the Chair of either committee is in a conflict, the Council shall appoint a replacement.

24.05 Complaints Investigation Committee

- (1) There shall be a standing committee on Complaints Investigation comprised of the Vice President as chair and one (1) Member from each Region. Each Region shall elect one (1) Member to the standing committee. Election of Members to the standing committee shall proceed in the same manner as provided in Article 7.03 of the Bylaws (Regional Council Members).
- (2) Where a Complaint is received by the standing committee, the Vice President of the Union shall chair, and three (3) Members of the standing committee shall be appointed to the Complaints Investigation Committee for purposes of carrying

out the duties of the committee concerning the complaint. The three (3) Members shall be appointed from the standing committee by lottery draw conducted by the Director of Finance and the Chair within fifteen (15) days of the filing of the complaint.

- (3) All complaints filed pursuant to Article 24.02 shall be referred to the Complaints Investigation Committee for disposition.
- (4) The Complaints Investigation Committee shall investigate the Complaint and shall:
 - (a) dismiss the Complaint if it is without merit, or
 - (b) refer the Complaint to the Discipline Committee.The Complaints Investigation Committee will notify the designated Executive Director of its decision.
- (5) In the course of discharging its functions under subsection (4) above, the Complaints Investigation Committee shall have the power and discretion to convene a settlement conference and to mediate a settlement between the parties or, if necessary, request that a mediator who is not a Member of the Union be appointed to mediate a settlement.
- (6) All decisions of the Complaints Investigation Committee, including a decision with respect to the referral of a complaint to the Discipline Committee, shall be final and binding.
- (7) In the event that a Member is participating in an investigation of a complaint at the time her term as a Member of the standing committee on Complaints Investigation expires, the Member shall retain jurisdiction concerning the complaint until the process under Article 24.05 is completed.
- (8) In the course of its duties under this Article, the Complaints Investigation Committee may require the attendance of the Complainant, the Accused and any other persons who may have information relevant to the investigation of the complaint, at meetings convened by the Committee.
- (9) The Complaints Investigation Committee shall, where possible, conclude the proceedings with respect to the complaint within ninety (90) days of receiving the complaint, and notify the parties and the designated Executive Director of the outcome of the complaint.
- (10) All decisions of the Complaints Investigation Committee shall remain on file at the B.C. Nurses' Union office excluding the identity of the Complainant and the Accused.

24.06 Hearing Board

- (1) There shall be a standing committee of the Union, named the Discipline Committee comprised of the Treasurer of the Union as Chair and one (1) Member from each Region. Each Region shall elect one (1) Member to the Committee. Election of Members shall proceed in the same manner as provided in Article 7.03 (Regional Members on Council).

- (2) The Discipline Committee shall, within fifteen (15) days of receipt of a referral of complaint from the Complaints Investigation Committee, appoint the Treasurer as Chair and three (3) Members of the Standing Committee to form a Hearing Board for the purposes of convening a hearing on the merits of the complaint. The three (3) Members shall be appointed from the standing committee by lottery draw conducted by the Director of Finance and the Chair. The hearing shall be convened, if possible, within sixty (60) days of the referral of the complaint to the Discipline Committee.
- (3) If a formal Hearing is to be held, the designated Executive Director shall:
 - (a) notify the Accused and the Complainant of the time, date and place of the Hearing of the Charge, the alleged breach of duty and details of the alleged breach at least thirty (30) days prior to any Hearing; and
 - (b) give the Accused and the Complainant notice of the three (3) Members serving on the Hearing Board.
- (4) If more than one (1) Member of the Discipline Committee is being charged, the Council shall appoint the Hearing Board.
- (5) The Accused may challenge for reasonable cause the appointment by the Discipline Committee of any Member to the Hearing Board. The Accused shall submit any challenges to the President within three (3) days of receiving notice of the appointment of the Members to the Hearing Board. If the President considers the challenge valid, the President will disqualify the person challenged and select another Member to sit on the Hearing Board.
- (6) If the President is unavailable or has an interest in the Hearing which raises a reasonable apprehension of bias, the Discipline Committee shall designate an Officer or Member to carry out the functions of the President under subsection 24.06(4).
- (7) In the event that a Member of the Standing Committee is participating on a Hearing Board at the time their term on the Committee expires, the Member shall retain jurisdiction until the proceedings under Article 24.08 are completed.

24.07 Consolidation of Charge

- (1) The Discipline Committee may direct that any number of Charges be heard by the same Hearing Board.
- (2) If the Hearing Board has been directed to hear more than one Charge it shall decide which, if any, of the Charges shall be heard at the same time.

24.08 Hearing of the Merits

- (1) The Hearing Board shall determine its procedures, which shall ensure a fair Hearing and not be inconsistent with this Constitution and Bylaws.
- (2) The Hearing Board may grant adjournments of the Hearing before commencement or during the Hearing upon conditions it considers appropriate.

- (3) The onus of proof is on the Complainant.
- (4) Both the Accused and the Complainant have the right to call and examine witnesses, cross-examine witnesses called by a party opposite in interest, and make submissions at the Hearing.
- (5) The Hearing Board may receive and accept such evidence or information on the promise of the witness to tell the truth, or on affidavit or otherwise as it considers proper whether or not the evidence would be admissible in a court.
- (6) Both the Accused and the Complainant have the right to be represented by a Member as counsel. Neither the Accused nor the Complainant shall be represented at the Hearing by legal counsel. The Hearing Board may retain a lawyer or other advisor to assist it in the conduct of its proceedings.
- (7) The Hearing Board shall have regard to the real substance of the Charge and is not bound by previous decisions or by a strict legal interpretation of any issue.
- (8) If the Accused or the Complainant fails to appear at any stage of the Hearing in person or through a representative without reasonable excuse, the Hearing Board may proceed with the Hearing and make a decision in her absence, or it may adjourn the Hearing.
- (9) The Hearing Board may order Members to appear as witnesses, upon the request of either the Accused or the Complainant, or after hearing the evidence called by the parties, on its own motion.
- (10) Following the completion of the evidence and submissions at the Hearing, the Hearing Board shall decide whether the Accused is guilty or not guilty of the Charge. The decision of a majority of the Hearing Board is the decision of the Discipline Committee.

24.09 Penalty

- (1) If the Hearing Board decides that the Accused is guilty, the Hearing Board may, after giving the Accused and the Complainant an opportunity to make submissions regarding penalty, impose a penalty which is in keeping with the nature and circumstances of the Accused's breach of duty under this Constitution and Bylaws.
- (2) The Hearing Board may impose:
 - (a) a reprimand;
 - (b) a fine;
 - (c) terms on continued membership or return to membership;
 - (d) suspension or termination of membership; or
 - (e) any other penalty it considers appropriate in the circumstances.
- (3) Any fine which a Member owes to the Union is a debt due, owing and payable to the Union by the Member within the time specified by the Union and is recoverable by a court action.

24.10 Decision

- (1) The Hearing Board shall make its decision and give the Accused and the Complainant notice of its decision within thirty (30) days of the completion of the Hearing.
- (2) The Hearing Board shall provide written reasons for its decision to the Accused and the Complainant within fourteen (14) days following notice of the decision of the Hearing Board.

24.11 Power to Suspend

- (1) Notwithstanding the provisions of this Article, the Discipline Committee may, pending disposition of the Charge, suspend from membership any Accused Member and suspend from office any Accused Officer or permit the continuation of membership or office on terms.
- (2) If a suspension or terms of continuance in membership or office are imposed by the Discipline Committee pursuant to this section the Hearing Board shall make its decision within sixty (60) days from the time the Accused was suspended or from the time terms were imposed unless the Accused agrees to a longer period.
- (3) If more than one (1) Member of the Discipline Committee is being Charged, the Council shall decide whether to suspend the charged Members of the Discipline Committee or permit the continuation of membership or office on terms pending a disposition of the Charges. The same time limits as set out in subsection 24.11(2) will apply.

24.12 Hearing Record

- (1) The Hearing Board shall keep a Hearing record including all written submissions made to the Board, as well as any rulings it makes in the course of the Hearing.
- (2) Following the completion of the Hearing, the Hearing Board shall deliver the Hearing record to the Discipline Committee.
- (3) For purposes of subsection (2), the "Hearing record" consists of the exhibits filed at the hearing, written submissions of the parties to the Hearing Board, any written rulings made by the Hearing Board in the course of the hearing, and the final written reasons of the Hearing Board concerning the merits of the Charge.
- (4) The Union shall retain the Hearing record for a period of two (2) years after which the record shall be destroyed.

24.13 Appeals

- (1) The Accused or the Complainant may appeal the decision of the Hearing Board on the merits of the Charge or on the penalty imposed to an Appeal Board.
- (2) To establish an Appeal Board the Complainant shall choose one (1) Member as a nominee and the Accused shall choose one (1) Member as a nominee. Both nominees shall, by agreement, choose a Chairperson from a roster established by Council. If the nominees are unable to agree, they shall choose

a Chairperson from the Council's roster of names by lottery.

- (3) The appeal must:
 - (a) be in writing;
 - (b) state fully the reasons for the appeal; and
 - (c) be delivered to the designated Executive Director within thirty (30) days following notice of the decision of the Hearing Board.
- (4) The Appeal Board shall hear the appeal within sixty (60) days of receipt of the appeal under subsection (3) of this Article by the designated Executive Director.
- (5) That the Appeal Board shall hear appeals of suspension within fourteen (14) days of receipt of the appeal under subsection (3) of this Article by the designated Executive Director. Under this Article the Accused may request and receive an extension of this time period.
- (6) The Appeal Board shall review the decision of the Hearing Board, the reasons if they have been written, and the appeal of the appealing Member.
- (7) Unless the Appeal Board determines otherwise, evidence shall not be called and the hearing shall be based on submissions of the Accused and the Complainant.
- (8) The Appeal Board may grant adjournments of the appeal before commencement or during the appeal upon conditions it considers appropriate.
- (9) The Appeal Board may dismiss the appeal or allow the appeal.
- (10) The Accused and the Complainant may address the Appeal Board as to the appropriate penalty before it is imposed.
- (11) The Appeal Board may:
 - (a) set aside any penalty imposed by the Hearing Board; and
 - (b) if the result of the appeal is a decision that the Accused is guilty, impose a penalty that is in keeping with the nature and circumstances of the Accused's breach of duty under this Constitution and Bylaws.
- (12) The Union, Officers and Members are not liable for any damages suffered by a Member as a result of a penalty imposed on that Member by a Hearing Board and later set aside on appeal to an Appeal Board or to any other court or tribunal.

24.14 Costs of Disciplinary Proceedings

The Union shall pay all reasonable and necessary costs of disciplinary proceedings, including the reasonable and necessary expenses incurred by the parties to the proceedings, excluding counsel fees.

24.15 Extension of Time Limits

Despite Article 24, the designated Executive Director may extend the time limits in this Article where to comply with the specified time limits is impractical or

where the Accused and the Complainant agree to extend the time limit.

ARTICLE 25 EXHAUSTION OF INTERNAL REMEDIES

- 25.01** (1) No Member shall commence any proceeding in a court or tribunal against the Union, any Officer or any Member, in any matter concerning a Charge or any affairs of the Union unless the Member has commenced any proceeding available to the Member under the Constitution or Bylaws of the Union that may apply to the matter within the time permitted under this Constitution and six (6) months have passed since the commencement of the first proceeding available to the Member under the Constitution and Bylaws.
- (2) Despite Article 25.01(1), where a Member commences any proceeding in a court or tribunal against the Union, any Officer or any Member in any matter concerning a Charge or any affairs of the Union without first exhausting the Union's internal remedies as set out in sub-section (1) of this Article, the Union, any Officer or any Member who is a respondent to the external proceeding, shall have the right to commence or continue any internal proceedings.



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