

AMENDED AND RATIFIED
CONSTITUTION AND BY-LAWS
OF
THE CONCORDIA ASSOCIATION OF
RESEARCH EMPLOYEES (CARE)



Ratified OCTOBER 12th, 2023;

Amended FEBRUARY 14th, 2024;

Amended MARCH 5th, 2025.

Chapter 1 GENERAL PROVISIONS

ARTICLE 1.1 | UNION NAME

1.1.1 The following Constitution and By-laws govern the Union made up of Research Associates and Research Assistants from Concordia University. This Union's name is the Concordia Association of Research Employees/Association des Employé(e)s de Recherche à Concordia (CARE/AERC), local 12501.

1.1.2 The expression “research employee” refers to employees covered by the Union's certificates of accreditation. This Constitution and By-laws apply to all amendments subsequent to the certificate of accreditation and to any new unit accepted by the General Assembly.

ARTICLE 1.2 | UNION HEAD OFFICE

1.2.1 The Union's head office is in Montreal, Québec, Canada. The address of the Union will be clearly indicated on the website.

ARTICLE 1.3 | GOALS OF THE UNION

1.3.1 The Union's goals are the study, defence and promotion of its members' and other workers' interests, objectives and rights of a union, professional, social, ethical, economic, and political nature, and the development of action units with other union bodies, organizations, and social groups.

ARTICLE 1.4 | UNION JURISDICTION

1.4.1 The Union exercises its jurisdiction over all research employees covered by an official CARE/AERC certification unit.

ARTICLE 1.5 | ADMISSION TO THE UNION AND CONDITIONS OF MEMBERSHIP

1.5.1 As the union is recognized, the dues will be perceived according to the labour code of Québec.

1.5.2 All persons automatically become a member of the Union upon signing an employment contract for a position under the jurisdiction of the Union with the employer, Concordia University. Members of the Union in good standing are required to abide by the provisions of this Constitution and By-laws and the union's decisions, while exercising their right to belong to and participate in union activities.

- i. All Employees whose contracts have expired may retain their rights and responsibilities as a member for a period of twelve (12) months;
- ii. All persons who can prove that they have been offered a contract that will be starting within the following month can become members, where the contract deals with employment subject to accreditation certificates issued by the Labour Relations Board;
- iii. Employees who have been laid off from a position under the local's jurisdiction, yet still maintain the right to be recalled, may remain members.

ARTICLE 1.6 | SUSPENSION AND EXPULSION FROM THE UNION

1.6.1 All members who cause serious harm to either the Union or its members are liable to be suspended or expelled, as per the provisions in section 25 of the PSAC Constitution and Regulations.

1.6.2 All members who have been suspended or expelled lose all rights to participate at union activities until such time as the suspension has been lifted.

ARTICLE 1.7 | DUES

1.7.1 The General Assembly of members shall set the regular amount of union dues to the CARE/AERC local. The Executive Committee can make recommendations to members concerning any changes to the union dues.

1.7.2 The General Assembly notice must mention the change that is to be made to the union dues.

1.7.3 Two-thirds (2/3) of votes recorded at this meeting are required to change the union dues.

1.7.4 The amount of the regular dues shall be set by the General Assembly and added to the PSAC dues which are decided at the triennial congress, as voted in their Constitution and Regulations. The aggregate dues shall be calculated based on the salary of the member.

ARTICLE 1.8 | UNION AFFILIATION WITH CARE/AERC

1.8.1 The Union is affiliated with the Public Service Alliance of Canada (PSAC) which is affiliated to the Fédération des travailleurs et travailleuses du Québec (FTQ) which is the regional organisation of the Canadian Labour Congress (CLC). The Union shall abide by the constitution and regulations of these organizations.

ARTICLE 1.9 | UNION STRUCTURES OF CARE/AERC

1.9.1 The Union has established three governing structures as follows:

- i. The General Assembly;
- ii. The Board of Representatives;
- iii. The Executive Committee.

ARTICLE 1.10 | PARTICIPATION IN UNION MEETINGS

1.10.1 General Assemblies are open to members of the Union in good standing. Moreover, the Executive Committee can invite, in various capacities, any person it determines appropriate at the Union meeting.

1.10.2 However, the meeting shall be held in camera, if two-thirds (2/3) of the members in good standing cast valid votes in favour.

ARTICLE 1.11 | CARE/AERC'S FISCAL YEAR

1.11.1 The Union's fiscal year runs from January 1 to December 31.

ARTICLE 1.12 | LANGUAGE

1.12.1 In case of contradiction between the English and French version of the bylaws, the English version is considered the accurate one.

Chapter 2 GENERAL ASSEMBLY OF CARE/AERC

ARTICLE 2.1 | MAKE-UP OF THE GENERAL ASSEMBLY

2.1.1 The General Assembly is made up of all Union members in good standing who participate in the said meeting. To this end, the applicable definition of the term "member" is that stipulated in Article 1.5 of this Constitution and By-laws. Nevertheless, this definition also considers the provisions in Article 1.6 of this Constitution and By-laws.

2.1.2 All Union members in good standing have speaking and voting rights and enjoy all privileges and benefits the Union offers.

ARTICLE 2.2 | QUORUM AND VOTING AT THE GENERAL ASSEMBLY

2.2.1 The quorum consists of the members present.

2.2.2 General Assembly decisions shall be made via a simple majority of valid votes by a show of hands, except in situations where different rules apply in one of the following documents: the Québec Labour Code, this Constitution and By-laws or the PSAC Code of Procedure.

2.2.3 A secret ballot can be requested by five (5) members of the Union in good standing, who are present at the General Assembly. The Assembly decides by simple majority if it wants to proceed with a secret ballot.

2.2.4 Strike vote would be valid if 50%+1 of all members of a bargaining unit vote in favour of it.

ARTICLE 2.3 | TERMS OF REFERENCE, FUNCTIONS, POWERS, AND DUTIES OF THE GENERAL ASSEMBLY

2.3.1 The General Assembly is a sovereign body and therefore acts as the supreme authority of the Union. In particular, it is responsible for:

- i. Defining the Union's general policy;
- ii. Electing members of the Executive Committee;
- iii. Electing members of the Board of Representatives;
- iv. Receiving and ruling on reports from members of the General Assembly, the Executive Committee, committees or other persons, groups, or organizations;

- v. Forming all committees it deems useful to its work and electing members thereto. It can delegate to the Executive Committee the power to appoint members to these committees;
- vi. Agreeing with, amending, or rejecting all draft collective agreements;
- vii. Deciding to resort to pressure tactics (lobby, boycott, strike, etc.);
- viii. Agreeing to or rejecting a tentative agreement with the employer concerning the provisions of a collective agreement;
- ix. Setting the amount of union dues to be collected by the employer;
- x. Voting on annual budgets presented by the Executive Committee;
- xi. Amending the Constitution and By-laws of the Union;
- xii. Commenting on the audit of the books and other documents pertaining to the administration of the Union's assets. This audit shall have been performed by two members of the Finance Audit Committee elected by the General Assembly;
- xiii. Commenting on all forms of support that would or would not involve special union dues, a donation, or a loan;
- xiv. Electing a Chair for each of its meetings;
- xv. Take all actions necessary and make all timely decisions regarding the effective operation of the Union.

ARTICLE 2.4 | GENERAL ASSEMBLIES

2.4.1 Annual General Assembly: The Annual General Assembly meets statutorily once (1) per university year between January and April, but never during the exam period. This Assembly shall adopt the budget forecasts for the current year, adopt the financial statements of the previous year, adopt the annual balance sheet, and proceed with elections for the vacant positions.

2.4.2 Regular General Assembly: The Executive Committee can call a Regular General Assembly at any time. The agenda of that Assembly shall be amendable during proceedings.

2.4.3 Special or Emergency General Assembly: The Executive Committee or board of representatives can call a Special or Emergency General Assembly at any time. However, the latter shall only discuss and make decisions on topics appearing on the agenda of the notice of meeting.

ARTICLE 2.5 | NOTICE OF A GENERAL ASSEMBLY

2.5.1 Annual and General Annual Assemblies must be called at least ten (10) working days prior to being held. It is recommended that the Annual General Assembly be called at least one month in advance.

2.5.2 Notices of Special or Emergency General Assemblies must be seventy-two (72) hours in advance.

2.5.3 All Assemblies must be called in at least two (2) different ways, which automatically includes e- mail.

ARTICLE 2.6 | GENERAL ASSEMBLY AGENDA

2.6.1 The proposed agenda for the Annual Statutory, Special or Emergency General Assembly must be clearly indicated in the notice of meeting.

2.6.2 The following items must appear in the agenda: the adoption of the agenda and the adoption of the minutes of the last Annual Statutory, Special or Emergency General Assembly.

2.6.3 Documents pertaining to the General Assembly are to be sent with the notice of meeting to the greatest extent possible.

ARTICLE 2.7 | GENERAL ASSEMBLY PROCEDURES

2.7.1 The conduct of the Union's General Assemblies is governed by the PSAC Code of Procedure (available on internet), save for the exceptions on voting in Article 7.2 in this chapter concerning the Québec Labour Code or in any other section in this Constitution and By-laws.

Chapter 3 BOARD OF REPRESENTATIVES

ARTICLE 3.1 | MEMBERSHIP

3.1.1 The Board of Representatives shall consist of the following members: current members of the Executive Committee, and up to twelve (12) Delegates of the membership. All members of the Board must attend a minimum of six (6) out of the ten (10) Board meetings.

ARTICLE 3.2 | ELECTION OF DELEGATES

3.2.1 At least three (3) and up to twelve (12) delegates are elected by secret ballot during the AGA. Candidates must be nominated, and their nomination must be seconded. Candidates may nominate themselves and may accept or refuse the nomination. Candidates will be given the opportunity to introduce themselves and speak to their nomination and members present may ask questions, speak in favour of, or challenge their nomination.

3.2.2 Following nomination procedures, the name and department and/or faculty of each candidate will be announced and displayed.

3.2.3 Blank ballots will be distributed to all voting members present at the AGA, and members will vote by writing the name(s) of no more than twelve (12) candidates on their ballot. The twelve (12) candidates with the most votes will be elected as Delegates to the Board for the term of one (1) year, ending at the next Annual General Assembly. If the AGA is being held virtually, virtual ballots are permissible

3.2.4 Should fewer than three (3) members stand for election at the AGA, or should any Delegate resign over the course of their term, the Board may appoint additional Delegates by a majority vote.

ARTICLE 3.3 | DELEGATE DUTIES

3.3.1 In addition to performing the duties common to all members of the Board (Article 3.5), Delegates from the union membership to the Board shall also serve as union Stewards and carry out the following duties:

- i. Meet members and inform them of the activities of the Local;
- ii. Collaborate with the Executive Committee in mobilization efforts and in addressing and resolving member concerns with respect to working conditions;
- iii. Act as a liaison between the union members and the Executive Committee, including, when necessary, assisting in the investigation of complaints, gathering of information, and the passing of recommendations to file grievances;
- iv. Read meeting minutes and reports prepared in advance of Board meetings;

- v. Participate in union training courses as soon after their election as such training is made available;
- vi. Bring any relevant issues to the attention of the board and;
- vii. Authorizing solidarity disbursements in the form of a loan or donation not to exceed \$2500, in accordance with the policies adopted by the Union's General Assembly.

ARTICLE 3.4 | DELEGATE HONORARIA AND EXPENSES

3.4.1 Each Delegate shall receive an honorarium of forty (40) dollars for each Board of Representatives meeting. The Local will liberate any delegate performing Board of Representatives work outside of Board meetings, and any necessary costs approved in advance will be reimbursed. Costs of childcare will be reimbursed at the request of Board members. Reimbursement of transportation costs will be considered upon request.

ARTICLE 3.5 | DUTIES OF THE BOARD

3.5.1 The duties of the board shall be as follows:

- i. To recommend a course of action with regards to bargaining;
- ii. To set out general policies of the Local;
- iii. To vote on an annual budget and dues presented by the Executive Committee prior to the Annual General Assembly, and to vote on amendments to the budget throughout the year if necessary;
- iv. To oversee the activities of and give recommendations to the Executive Committee;
- v. To arbitrate on disputes relating to the internal affairs of the Local;
- vi. To form the necessary committees that serve to promote the goals of the Local;
- vii. To propose amendments to the By-Laws, as well as any motions, for the consideration of the General Assembly.

ARTICLE 3.6 | MEETINGS OF THE BOARD

3.6.1 The Board shall meet once every month, except in December and April. Upon the request of any board member(s), the Chair shall organize an additional meeting at the earliest possible opportunity, balanced with the goal of maximal participation, with electronic attendance as a possibility. Meetings shall be open to all members, excepting in-camera sessions.

ARTICLE 3.7 | ATTENDANCE

3.7.1 The minimum attendance at a Board of Representatives meeting for it to operate as such shall be three (3) Delegates and two (2) Executives. All members are expected to make the utmost effort to attend every meeting.

ARTICLE 3.8 | CHAIR OF THE BOARD OF REPRESENTATIVES

3.8.1 The Chair of the Board of Representatives shall be a member of the Board duly elected by two-thirds (2/3) of the Board at the meeting of March and November. When necessary, the President or another member of the Executive Committee shall act as interim Chair. An Executive can be the elected Chair if and only if no Delegate stands and is elected.

3.8.2 The Chair is responsible for running meetings, facilitating the setting of meeting times and locations, informing, and reminding Board members of meetings, and drawing up an agenda for each meeting. The Chair shall also be responsible for giving a report on the activities of the Board of Representatives at General Meetings.

ARTICLE 3.9 | AGENDA OF THE BOARD OF REPRESENTATIVES MEETINGS

3.9.1 The Chair shall be responsible for drafting an Agenda prior to each meeting, which shall include, but not be limited to, the following:

- i. A call for additions to the agenda;
- ii. A call for approval of the agenda;
- iii. Reports from Executive members and Committees; and
- iv. A varia point (immediately prior to adjournment).

ARTICLE 3.10 | OPERATION OF THE UNION IN ABSENCE OF A BOARD OF REPRESENTATIVES

3.10.1 Should the General Assembly fail to nominate and elect at least three (3) members of the Board of Representatives, or should remaining Board members fail to elect the necessary number of Delegates as stipulated in article 3.2.4, duties of the Board shall fall to the Executive Committee, under the advice of a representative of PSAC. All efforts should be made by the General Assembly to form a board of at least three (3) Representatives.

Chapter 4 EXECUTIVE COMMITTEE OF CARE/AERC

ARTICLE 4.1 | MAKE-UP OF THE EXECUTIVE COMMITTEE

4.1.1 The Executive Committee of the Union shall be made up of eight (8) members in good standing:

- i. General Coordinator
- ii. Collective Agreement Officer (a maximum of two elected individuals)
- iii. Grievance Officer (a maximum of two elected individuals)
- iv. Secretary-Treasurer;
- v. Communications Officer;
- vi. Mobilization Officer.

ARTICLE 4.2 | QUORUM AND VOTING ON THE EXECUTIVE COMMITTEE

4.2.1 Quorum shall be fifty-one percent (51%) of elected members in good standing and/or appointed to the Executive Committee on an interim basis.

4.2.2 Executive Committee decisions shall be made by a simple majority of the members present, barring provisions to the contrary. Should the voting end in a tie, any contentious proposal shall be carried forward to a subsequent meeting of the Executive Committee. If the proposal is submitted for a second time and the vote still ends up in a tie, the matter will be sent to and settled at a General Assembly.

ARTICLE 4.3 | TERMS OF REFERENCE, FUNCTIONS, POWERS, AND DUTIES OF THE EXECUTIVE COMMITTEE

4.3.1 The Union Executive Committee shall be responsible for:

- i. Offering service to members and managing the Union's day-to-day business;
- ii. Preparing and calling General Assemblies;
- iii. Ensuring that decisions made by the General Assembly are implemented;
- iv. Developing and suggesting union policies that must be approved by the General Assembly;

- v. Ensuring that the collective agreement is applied;
- vi. Forming all committees it deems necessary to its work and appointing members thereto;
- vii. Authorizing solidarity disbursements in the form of a loan or donation not to exceed \$500, in accordance with the policies adopted by the Union's General Assembly;
- viii. Managing the hiring, working conditions and compensation of the Union's contract and/or permanent staff;
- ix. Presenting an annual report of its activities to the Union's Annual General Assembly;
- x. Seeing to it that the duties of one or several member(s) of the Executive Committee who are temporarily absent are performed;
- xi. Replacing until the next General Assembly and by a simple majority vote in favour all persons resigning from an elected union position from the General Assembly (apart from positions on the Finance Audit Committee); and replacing any person resigning from any other union position, if necessary;
- xii. Developing and implementing the training (education) policy of members of the Union;
- xiii. Ensuring that research employees are represented on Union bodies and committees.

ARTICLE 4.4 | TERM OF REFERENCE, FUNCTIONS, POWERS, AND DUTIES OF EXECUTIVE COMMITTEE MEMBERS

4.4.1 The General Coordinator shall:

- i. Be responsible for the internal administration of the Union;
- ii. See to it that all responsibilities entrusted to a member or to a Union committee are indeed performed;
- iii. Be informed of all documents produced by organizations that are directly or indirectly related to the Union's activities, and see to it that this information is forwarded to the appropriate union bodies;
- iv. Be the spokesperson and official representative of the Union, including on the Inter-Union Council;
- v. Be responsible for the Union's relations with the other unions, PSAC bodies, and other groups or organizations;

- vi. Chair and direct Executive Committee meetings;
- vii. Sign official documents for the Union: minutes of General Assemblies, Executive Committee meetings, and the collective agreement, etc.;
- viii. Automatically sit on all committees;
- ix. Call Union meetings, should the Secretary-Treasurer be unable to perform their duties; and
- x. Sign documents pertaining to chartered bank instruments.
- xi. Inherit the essential duties of any positions of the Executive Committee which are not filled.

4.4.2 The Grievance Officers shall:

- i. Be responsible for ensuring that research employees are represented on Union bodies and committees;
- ii. Be responsible for the Union's personnel management;
- iii. Collaborate with the Collective Agreement Officer for bargaining and labour-related matters;
- iv. Be responsible for gathering, compiling, and distributing all information pertaining to labour rights to members;
- v. Coordinate the information and mobilization committee;
- vi. Be responsible for pursuing grievances and representing Union members.

4.4.3 The Collective Agreement Officers shall:

- i. Be responsible for the process of developing the collective agreement;
- ii. Be responsible for the Collective Agreement Bargaining Committee;
- iii. Be responsible for enforcing the collective agreement and, particularly, for the Grievance Committee;
- iv. Prepare union-employer meetings.

4.4.4 The Communications Officer shall:

- i. Coordinate all correspondence forwarded by or received by the local;
- ii. Write and send CARE/AERC newsletters.
- iii. Manage all CARE/AERC internet sites and digital presence.

iv. Implement, coordinate, and review, as required, the information disclosure system and the update of Union publications, internet sites, and other means of dissemination; and

v. Be responsible for the visibility and communications of CARE/AERC, among other things, on the Internet.

4.4.5 The Secretary-Treasurer shall:

i. Serve as secretary at General Assemblies and Executive Committee meetings;

ii. Sign all official documents with the General Coordinator of the Union;

iii. Organize with the Executive Committee to call Union meetings, write up and send out minutes they sign along with the General Coordinator;

iv. Be responsible for the general organization of the secretariat and make sure that all documents produced by the various committees are received;

v. Be responsible for the cash receipts owed to the Union and the payment of any amounts owed by the Union; and sign all cheques and all banking documents with the other signers;

vi. Ensure that the Union's financial transactions are properly posted in all the appropriate accounting logs, and prepare the Union's financial reports;

vii. Prepare the budget forecasts with the other members of the Union's Executive Committee and act as the Union's financial adviser with respect to the budget adopted by the General Assembly;

viii. Be responsible for the management of salaries paid to Union employees;

ix. Be responsible for sending amounts owing to the organizations the Union is affiliated with, and forwarding donations or loans authorized as support by Union bodies;

x. Not be allowed to resign until the books have been audited by the Audit Committee, which shall have its report ratified by the following General Assembly within thirty (30) days.

4.4.6. The Mobilization Officer shall:

i. Be responsible for the organizing and mobilization efforts of the union, both during and outside of bargaining;

ii. Work with Collective Agreement Officer(s) to develop mobilization and organizing strategies for bargaining;

iii. Work alongside the Communications Officer to integrate communications and mobilisation strategies;

- iv. Organize events with the members with a view to building solidarity within the union and for social justice more broadly;
- v. Coordinate lockout and strike preparedness;
- vi. Chair a Job Action Committee if one is struck.

ARTICLE 4.5 | EXECUTIVE COMMITTEE MEETINGS

4.5.1 Executive Committee meetings shall be held no fewer than nine (9) times a year. Any member of the Executive Committee can request that an Executive Committee meeting be called.

ARTICLE 4.6 | INTERNAL ADMINISTRATION OF THE EXECUTIVE COMMITTEE

4.6.1 The Union Executive Committee establishes its internal rules of operation in compliance with this Constitution and By-laws.

4.6.2 During an Executive Committee meeting, if the Chair is absent, the Executive Committee shall choose another elected member to chair the meeting.

Chapter 5 ELECTIONS OF THE UNION

ARTICLE 5.1 | UNION ELECTIONS

5.1.1 Nominations: All persons who are members of the Union in good standing can nominate themselves or be nominated by another for an elected position. All nominations for an elected position shall take place during a General Assembly, and persons nominated for a position must accept their nomination before a vote is taken to fill the position. A member of the Union in good standing who is absent from a General Assembly where an election is to be held can submit their nomination in writing which they have hand or digitally signed, confirming that they have agreed to be nominated.

5.1.2 Length of term in an elected position: The term for an elected executive position shall be twelve (12) months. New elections for the position shall take place at the first General Assembly following the 12 months after the person was elected.

5.1.3 However, these terms shall be extended when exceptional circumstances prevent elections from being held. In such cases, the Executive Committee must take the steps necessary to ensure that elections are held as soon as possible.

5.1.4 Holding elected positions: The elected positions provided for in this Constitution and By-laws cannot be held by the same person. Persons elected to the Union's Finance Audit Committee cannot hold any other elected position.

5.1.5 Election procedure: The Chair of the General Assembly shall act as returning officer for the elections. Should the chair wish to be a candidate for a position, the Assembly must immediately elect a new chair.

5.1.6 The returning officer shall explain the election procedure herein and announce the results. Members of the Union in good standing shall be elected by secret ballot. The vote shall be held position by position to enable defeated candidates to run for another elected position. The election of Executive Committee members shall take place in the order the Executive Committee positions are listed herein.

5.1.7 All elected positions must be filled with an absolute majority of votes cast (50% plus one of the valid ballots), with a second ballot held, if necessary. If two (2) candidates are running on the first ballot and neither candidate can obtain a majority, the top two vote getters automatically move on to the second and last ballot.

5.1.8 In response to a proposal from the Assembly that has received simple majority support, the returning officer shall immediately and openly destroy the ballots.

Chapter 6 AUDIT OF THE UNION'S FINANCES

ARTICLE 6.1 | ELECTION OF AUDITORS FROM THE UNION

6.1.1 At the Union's Annual General Assembly, two (2) members of the Union in good standing who do not hold any other elected positions shall be elected to serve as auditor of the Union's accounting records and the financial statements. A resigning auditor can only be replaced during an election at a General Assembly.

ARTICLE 6.2 | RIGHTS AND DUTIES OF UNION AUDITORS

6.2.1 Auditors of the Union's finances have a duty to:

- i. Closely monitor the accounting and check the Union's cash regularly;
- ii. Examine the Union's inventories and accounts regularly;
- iii. Report at least once a year in writing to the Union's Annual Statutory General Assembly;
- iv. Audit the books and have the General Assembly ratify their report when the Treasurer resigns.

6.2.2 Auditors of the Union's finances have a duty to:

- i. Look over the Union's books and entries at any time;
- ii. Unanimously call a Special or Emergency General Assembly and/or a board of representative meeting to deal with serious or urgent matters relating to the Union's financial aspects.

Chapter 7 AMENDMENTS TO THE UNION'S CONSTITUTION AND BYLAWS

ARTICLE 7.1 | AMENDMENTS TO THE CONSTITUTION AND BY LAWS OF CARE/AERC

7.1.1 All proposals presented for the purpose of amending the Constitution and By-laws of CARE/AERC, in whole or in part, or changing the Union's name, must be received and deliberated by the General Assembly. Only that Assembly can amend the Union's Constitution and By-laws.

ARTICLE 7.2 | AMENDMENT PROCEDURE - CONSTITUTION AND BY-LAWS OF CARE/AERC

7.2.1 To amend the Constitution and By-laws of CARE/AERC, each member of the Union in good standing can propose a motion to the General Meeting concerning the text of the suggested changes. This motion will be discussed and voted on at the following General Assembly. The proposed changes to the constitution and by-laws must be circulated to the members in advance of the General Assembly.

7.2.2 An amendment to the Constitution and By-laws of the Union can only occur if two-thirds (2/3) of valid votes are in favour and cast at the General Assembly that can make such amendments.

ARTICLE 7.3 | IMPLEMENTATION OF AMENDMENTS TO THE CONSTITUTION AND REGULATIONS

7.3.1 Amendments to the Constitution and By-laws of CARE/AERC shall take effect as soon as the General Assembly gives its approval, unless the amendment resolution refers to a subsequent implementation date for one or several articles. However, such subsequent dates shall not be more than six (6) months after the decision is made by the General Assembly of CARE/AERC.

7.3.2 The Union's Executive Committee is responsible for taking the measures necessary to facilitate any transition caused by an amendment to the Constitution and By-laws of CARE/AERC, in keeping with the spirit of the Union's Constitution and By-laws.

Chapter 8 IMPEACHMENT

ARTICLE 8.1 | GROUNDS FOR IMPEACHMENT

8.1.1 Executive Committee Members of this Union may be subject to impeachment for one of the following reasons:

- i. Gross misconduct, malfeasance, or negligence in the performance of duties;
- ii. Violation of the Union's Constitution, By-laws, or policies;
- iii. Abuse of authority or position for personal gain or to the detriment of the Union or its members;
- iv. Failure to fulfill the responsibilities and obligations of their office as outlined in the Union's governing documents;
- v. Any criminal act that undermines the integrity or credibility of the Union;
- vi. Acts of discrimination, harassment, or other serious ethical violations;
- vii. Violation of Québec's Labour Code.

ARTICLE 8.2 | INITIATION OF IMPEACHMENT PROCEEDINGS

8.2.1 Impeachment proceedings may be initiated by a petition signed by at least 25% of the Union's members in good standing or by a majority vote of the Executive Committee, excluding the member under consideration.

8.2.2 The petition or motion must clearly state the charges against the Executive Committee member and be submitted to the Union General Coordinator or, if the General Coordinator is the subject of the impeachment, to the Grievance Officer. If the Grievance Officer position is vacant, officers who are not the accused can receive the petition or the motion.

ARTICLE 8.3 | INVESTIGATION AND HEARING

8.3.1 Upon receipt of a valid petition or motion, the Investigative Committee shall investigate the charges.

8.3.2 The accused member shall be given written notice of the charges and allowed 8 business days to prepare a defense before the Executive Committee. The notice must indicate, in writing, the reasons supporting the impeachment of the member, and the date, the time, and the place of the proposed encounter.

8.3.3 Starting from the date of the notice of charges, the accused member will lose access to the information related to the union operations for the executive committee for up to 15 business days. During this time period, the investigation committee will fairly conduct appropriate measures to investigate further.

8.3.4 A simple majority vote of the remaining Executive Committee members is required for removal. The accused member will neither have a vote nor chair the meeting.

ARTICLE 8.4 | APPEAL TO THE GENERAL ASSEMBLY

8.4.1 If the Executive Committee votes in favor of removal, the impeached member may appeal the decision to the general assembly of the Union.

8.4.2 The appeal must be submitted in writing to the Union Secretary, or failing this, the General Coordinator or Grievance Officer, within 8 days of the Executive Committee's vote.

8.4.3 Upon receipt of the appeal, the upcoming General Assembly shall review the appeal in a manner confidential to the general public outside the CARE membership. To ensure this manner, members present to the GA including a section for impeachment will sign a Non-Disclosure Agreement (NDA).

ARTICLE 8.5 | GENERAL ASSEMBLY REVIEW

8.5.1 During the general assembly meeting, the impeached member may present their case, including any new evidence or arguments for consideration by the membership.

8.5.2 Both the Executive Committee and the impeached member shall be allowed to present their cases to the general assembly.

8.5.3 The general assembly shall deliberate and vote on whether to uphold the Executive Committee's decision to remove the member from office.

8.5.4 A simple majority vote of the general assembly members in good standing, present at the meeting, is required to either overturn or uphold the Executive Committee's decision.

8.5.5 If the general assembly overturns the Executive Committee's decision, the impeached member shall be reinstated immediately.

8.5.6 If the general assembly upholds the decision, the removal becomes final, and the position shall be considered vacant.

ARTICLE 8.6 | VACANCY

8.6.1 If an Executive Committee member is removed from office, their position shall be considered vacant, and the vacancy shall be filled according to the procedures outlined in the Union's Constitution and By-laws for filling vacancies.

ARTICLE 8.7 | DURATION

8.7.1 An impeached executive may not later take any position in the executive without the assent of the general assembly (50% +1 vote) and the explicit permission of the current executive committee.

ARTICLE 8.8 | PROTECTION FROM RETALIATION

8.8.1 No Union member or the relevant parties shall face retaliation, harassment, or discrimination for initiating or participating in impeachment proceedings in good faith.

ARTICLE 8.9 | CONFIDENTIALITY

8.9.1 All proceedings related to the impeachment process shall be conducted with strict confidentiality to protect the rights of all involved parties, unless disclosure is required by law or as part of the Union's rules.

ARTICLE 8.10 | RETENTION OF INFORMATION

8.10.1 If an executive is impeached, all materials related to the impeachment process will be retained for the duration of their membership of the Union, and 5 years thereafter. If an impeachment investigation is launched and is concluded in such a manner that the executive under investigation is not impeached, materials relating to this matter will be retained for a period of 2 years. If an impeachment is overturned at a General Assembly, materials relating to this matter will be retained for a period of 2 years.