

Conservative Party of Canada By-Law for Rules and Procedures for Revocation and Reinstatement of Membership



June 2019

PREAMBLE: As a party of conservative principles and ideas and open internal debate, the Conservative Party of Canada (the “**Party**”) seeks also to cultivate a healthy organizational culture. We strive to promote of an atmosphere of mutual respect within our membership and our organization. Our party is only as strong as its membership and how effectively we can work together. In a large, diverse organization, circumstances may arise where the status of a member must be reviewed. This by-law addresses such instances, and is enacted under Article 4.4 of the Constitution.

1. GUIDING PRINCIPLES

- 1.1. The Constitution recognizes the rights of membership in the Party.
- 1.2. The Constitution also recognizes that EDAs are the primary organization through which Members exercise their rights as members.
- 1.3. National Council may revoke or suspend any membership for any conduct it judges improper or unbecoming a member of the Party. In its discretion, National Council may reinstate membership when it judges that sufficient time has lapsed or it is otherwise appropriate to do so.
- 1.4. National Council’s rulings regarding memberships should be commensurate with the nature of the conduct under review.
- 1.5. Prior to revoking or suspending a membership, the member or former member affected are entitled to a fair process.

2. DEFINITIONS

- 2.1. “Constitution” is the constitution of the Party.
- 2.2. “EDA” is an electoral district association govern by the Party.
- 2.3. “EDA Board” means the board of directors of an EDC as set out in Section 7 of the EDA Constitution.
- 2.4. “Executive Director” means the Executive Director of the Party as set out in Section 10.4 of the Party Constitution.
- 2.5. “Member” means a Member of the Party.
- 2.6. “National Council” means the National Council of the Party as set out in Section 8 of the Constitution.
- 2.7. “Party” is defined in the Preamble.
- 2.8. “revoke” means the official cancellation of the membership and the complete termination of all rights granted by the Constitution and other governing documents of the Party to each Member in respect of the Member who is the subject of the revocation.
- 2.9. “Secretary” means the secretary of the Party.
- 2.10. “Secretariat Committee” means secretariat committee of the Party.
- 2.11. “suspend” means the official temporary or permanent debarment of all rights granted by the Constitution and other governing documents of the Party to each Member in respect of the Member who is the subject of the suspension.
- 2.12. All other terms used in this by-law which are defined in the Constitution of the Party have the meaning set out in the Constitution.

3. INITIATION OF MEMBERSHIP REVIEW

- 3.1. The process for revocation or suspension of a membership in the Party shall instituted by:
 - 3.1.1. a voting member of National Council;
 - 3.1.2. the EDA Board to which the member or members who are subject of the request belong; and
 - 3.1.3. the Executive Director of the Party submitting a request to the Secretariat.
- 3.2. Memberships can be revoked or suspended as a result of any of the follow behaviors:
 - 3.2.1. where a Member initiated legal proceedings against the Party;
 - 3.2.2. where a Member assumes or assumed a senior role in another candidates' campaign against the Party's approved candidate in an election or by-election;
 - 3.2.3. where a Member became a Member of another federal political party, including signalling intention to join or having joined another federal political party;
 - 3.2.4. where a Member assumes or assumed a senior role, appointment, or employment with another federal political party, with or without becoming a member of that federal political party;
 - 3.2.5. where a Member appears to intend to run or campaign against the Party's approved candidate in an election or by-election;
 - 3.2.6. where a member violates any signed Declaration in a Candidate Nomination Application;
 - 3.2.7. where a member recruits Members to join activities which promote individuals seeking to run, or who are running, against any Party approved candidate in an election or by-election; and
 - 3.2.8. any other conduct judged improper or unbecoming a member of the Party.
- 3.3. Upon receipt of a request that the Secretariat Committee determines to be reasonably credible, the Secretariat Committee shall instruct the Executive Director to:
 - 3.3.1. collected all relevant information that is reasonably available to the Party and provide it to the Secretary;
 - 3.3.2. transmit the request to the Member affected for information in respect of the basis for the revocation and suspension proceeding with a request for a written response within seven (7) days; and
 - 3.3.3. if the process was not instituted by the EDA Board to which the member who is subject of the request belongs, transmit the request to the EDA Board to which the member who is subject of the request belongs with a request for their written response within seven (7) days;
 - 3.3.4. transmit a copy of all above referenced requests to the Secretariat Committee; and
 - 3.3.5. distribute any responses received to the members of the Secretariat Committee.
- 3.4. The Secretary shall call a meeting of the Secretariat Committee to take place within seven (7) days of the deadline for receiving the responses referred to in section 3.3. In the event that the Secretary is unable (as a result of a conflict on interest as per Section 3.5 or otherwise) or

unwilling to call a meeting, the Executive Director shall call it and any subsequent meetings needed to resolve the membership issue at hand.

- 3.5. At the meetings referred to in section 3.4, the Secretariat Committee shall consider the original request for a review, the responses described in section 3.3 and any other documentation or information it wishes to examine or consider, as long as the Member affected is reasonably informed of such other documentation or information and is allowed a reasonable opportunity to comment on it.
- 3.6. Subject to the provisions of the Constitution and this by-law, the Secretariat Committee shall determine the procedures to be followed in reviewing a request for membership revocation. In particular, and without limiting the generality of the foregoing, the Secretariat Committee may:
 - 3.6.1. meet and communicate with anyone separately or collectively;
 - 3.6.2. determine whether a written record of the proceedings is to be kept, or not;
 - 3.6.3. waive formal rules of evidence;
 - 3.6.4. require any representations to be held in confidence by all parties;
 - 3.6.5. obtain technical assistance or independent expert advice, subject to consideration of the costs to be incurred;
 - 3.6.6. call any person, in the presence of all parties to the dispute or matter by way of telephone or video conference facilities or otherwise, to make representations on the issue in dispute or matter to be determined;
 - 3.6.7. consider such written and/or oral representations as it may determine in its sole discretion;
 - 3.6.8. hear further from the Member (or its legal counsel or another member of the Party)) affected on such terms and conditions as the Secretariat Committee deems appropriate;
 - 3.6.9. may suspend or cancel a review where it is of the view that further consideration of the file is detrimental to the interests of the Party or that the mitigating factors merit its suspension or cancellation.
- 3.7. Unless the Secretariat Committee deems matter to be trivial, vexatious, made for an improper purpose, manifestly without substance or does not warrant further consideration, the Secretariat Committee shall prepare a report on the matter with a recommendation for National Council. The Secretary or the Executive Director shall transmit the report to the members of National Council and the Member affected.
- 3.8. Once the Secretariat Committee has transmitted a report under section 3.8, the President of National Council shall call a meeting of the National Council within seven (7) days with notice that the purpose of the meeting includes consideration of a report concerning revocation of a membership. A membership may only be revoked upon a 2/3 majority vote of those present and entitled to vote on the matter at the National Council unless the membership has been revoked as per section 4.1 or 4.2.
- 3.9. Where the National Council revokes a membership, the Executive Director shall inform the former member promptly in writing, and shall inform the former member of his or her right

to submit a complaint to the Arbitration Committee and of the manner in which the Chair or Vice-Chair of the Arbitration Committee may be contacted.

4. AUTOMATIC MEMBERSHIP CANCELLATION

- 4.1. The Leader, the Executive Director, the National Council or the Secretariat Committee are authorized to immediately revoke, without consultation with the Member, the membership of:
 - 4.1.1. the Party's parliamentary caucus member who crosses the floor to sit with another party; and
 - 4.1.2. a member who is a declared candidate for another federal political party, or a declared independent candidate, in an electoral district.
- 4.2. The entity which authorizes the revocation shall promptly notify the other authorized entities and the former Member of its decision to revoke the membership.

5. SUSPENSION OF MEMBERSHIP RIGHTS PENDING REVIEW

- 5.1. The Secretariat may decide to identify the Member whose membership is under review pursuant to Section 3.3 (in that the Secretariat Committee determined the report to be reasonably creditable) as "not in good standing" and the Secretariat Committee may choose to suspend one or more of the following membership rights of the Member:
 - 5.1.1. the right to stand for election to, or serve on, the EDA Board;
 - 5.1.2. the right to stand for election to, or serve on, the executive committee of an EDA;
 - 5.1.3. the right to attend a national convention;
 - 5.1.4. the right to stand for election as, or serve as, a delegate to national convention;
 - 5.1.5. the right to seek the nomination to be the Party's candidate in the next general election; and
 - 5.1.6. the right to be a candidate for National Council or serve on the National Council.
- 5.2. The Secretariat Committee will promptly inform the member of any decision under section 5.2.
- 5.3. Suspensions under Section 5.1 will end after 60 days unless the Secretariat Committee requests and receives the approval of the National Council to extend the suspension.
- 5.4. A member who has had membership rights suspended under Section 5.1 can by a letter to the President of National Council appeal the suspension to the National Council.
- 5.5. A suspension under section 5.1 ends when the Secretariat Committee closes a file or when National Council decides not to revoke or suspend a membership under section 4.
- 5.6. The National Council may defer any final decision on revocation and may extend the suspension period. Members who are suspended by the National Council are to be considered 'not in good standing' and privileges outlined in Sections 5.1 are also suspended.

6. REINSTATEMENT OF MEMBERSHIP

- 6.1. Any two members of the National Council may ask the Secretariat Committee to review and report on the status of a former member whose membership was revoked or suspended.

- 6.2. Any member of the National Council who is a member of the Secretariat Committee and who participated in the deliberations of the Secretariat Committee on the matter may assist in presenting the report to National Council, but may not participate in debate nor vote on the matter at National Council.
- 6.3. The National Council may reinstate membership in the Party by a 2/3 majority vote of the National Council.

7. DISPUTE RESOLUTION

- 7.1. Subject to the provisions of this by-law, a decision of the National Council concerning membership suspension, revocation or reinstatement is final and binding and shall not be subject to further review.
- 7.2. In the event that National Council revokes or suspends the membership of a member, that former member / suspended member may file a complaint with the Arbitration Committee of the Party by way of notice to the Chair or Vice-Chair of the Arbitration Committee within seventy-two (72) hours of being informed of the decision of the National Council, on the basis that the requirements of the Constitution or this bylaw were not adhered to.
- 7.3. The National Council hereby refers to the Arbitration Committee, pursuant to Articles 19.4 of the Constitution, any unresolved dispute as to the exercise of the powers of the National Council to revoke, suspend or reinstate a membership.
- 7.4. For greater certainty, if any dispute whatsoever arises out of or is made in connection with the revocation, suspension or reinstatement of membership in the Party and remains unresolved, any such dispute shall be and is hereby referred to the Arbitration Committee of the Party for reference to a panel of the Arbitration Committee for consideration and decision, and the provisions of the Constitution and any rules and procedures of the Party related to dispute resolution shall apply to any such proceedings, including the application of Article 19.6 of the Constitution of the Party that the decision of any Arbitration Committee panel is final and binding and is not subject to appeal or review on any ground whatsoever.

8. GENERAL

- 8.1. The Executive Director shall maintain a registry of former members whose membership was revoked or suspended. That registry, at a minimum, shall list the name and last known address for each former member whose membership was revoked or suspended. It shall also contain the report prepared by the Secretariat Committee that led to the former member's membership being revoked or suspended.
- 8.2. No member or former member of the Party shall make a claim against any member of the Secretariat Committee or the National Council for any act or omission in the exercise of their duties in good faith under this by-law. Members of the Secretariat Committee and the National Council shall be indemnified by the Party for any costs or expenses incurred as a result of any action taken against any member of the Secretariat Committee or the National Council arising from acting in good faith as a member of the Secretariat Committee or the National Council hereunder.