

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

Approved December 2005 and Amended June 2009

PREAMBLE: As a party of conservative principles and ideas and open internal debate, the Conservative Party of Canada seeks also to cultivate a healthy organizational culture. We strive for promotion 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.

1.0 GUIDING PRINCIPLES

1.1 The Constitution of the Conservative Party of Canada recognizes the rights of membership in the Conservative Party of Canada.

1.2 The Constitution also recognizes that the electoral district association is the primary organization through which the rights of members are exercised.

1.3 National Council may revoke membership for singularly damaging, or persistent, conduct it judges improper or unbecoming a member of the Conservative Party of Canada. 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 reinstating a membership, the member(s) or former members affected are entitled to a fair process.

2.0 DEFINITIONS

2.1 "Executive Director" means the Executive Director of the Party;

2.2 "Party" means the Conservative Party of Canada;

2.3 "revoke" and "revocation" includes the refusal, or intention to refuse, to renew a membership;

2.4 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.

3.0 INITIATION OF MEMBERSHIP REVIEW

3.1 The process for revocation of a membership in the Party is instituted by a request of a voting member of National Council, or of the board of directors of the electoral district association to which the member or members who are subject of the request belong, to review whether there are grounds to revoke the membership of one or more members. Any such request shall be sent in writing to the attention of the Executive Director and shall set out the basis for the request specifically, succinctly and without inflammatory language.

3.2 Upon receipt of a request, the Executive Director shall open a file and refer the request to the Secretary, unless the request is clearly irrational, sets out no grounds, or is otherwise an obvious abuse of the revocation process.

3.3 Upon referral of a request to the Secretary, the Executive Director shall transmit the request to the member(s) affected, and to the board(s) of directors of the electoral district association(s) of the member(s) if the request came from a member of National Council, with a request for their written response within seven (7) days. The Executive Director shall also transmit a copy of the request to the members of the Secretariat Committee. The Executive Director shall distribute any responses received to the members of the Secretariat Committee.

3.4 The Secretary shall call a meeting of the Secretariat Committee of National Council 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 or unwilling to call a meeting, the Executive Director shall call it and any subsequent meetings needed to resolve the membership issue(s) at hand.

3.5 At the meeting(s) 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. The Secretariat Committee may hear further from the member(s) affected on such terms and conditions as the Secretariat Committee deems appropriate. The member(s) affected may be represented by legal counsel or another member of the Party. Where the request originated from a member of National Council who is a member of the Secretariat Committee or where a member of the Secretariat Committee is a member of the board of the electoral district association which submitted the request or is himself or herself the subject of the request, that member shall not participate in any of the deliberations of the Secretariat Committee.

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.

3.7 The Secretariat Committee may close the file where it is of the view that the request is trivial, vexatious, made for an improper purpose, manifestly without substance, or does not warrant further consideration. Otherwise, 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(s) affected.

4 AUTOMATIC MEMBERSHIP REVIEWS

4.1 National Council has determined that the following activities merit an automatic initiation of the membership review process:

- 4.1.1 Initiating legal proceedings against the Party.
- 4.1.2 Running against the Party's approved candidate in an election or byelection.
- 4.1.3 Assuming a senior role in another candidates campaign against the Party's approved candidate in an election or byelection.

4.2 Any member of National Council may refer a matter covered by section 4.1 to the Secretary, who shall convene the Secretariat Committee to deal with the referral.

4.3. The Secretariat Committee will make a preliminary determination as to the appropriate time frame to deal with the review.

- 4.3.1 Upon instruction from the Secretariat Committee, the Executive Director may transmit notice of the referral to the member(s) affected, and to the board(s) of directors of the electoral district association(s) of the member(s) with a request for their written response within seven (7) days. The Executive Director shall also transmit a copy of the request to the members of the Secretariat Committee. The Executive Director shall distribute any responses received to the members of the Secretariat Committee.

4.4 The Secretary shall call a meeting of the Secretariat Committee of National Council to take place within seven (7) days of the deadline for receiving the responses referred to in section 4.3.

4.5 At the meeting(s) referred to in section 4.4, the Secretariat Committee shall consider the responses described in section 4.3 and any other documentation or information it wishes to examine or consider. The Secretariat Committee shall also consider mitigating and aggravating factors. The Secretariat Committee may avail itself of the procedural steps found in sections 3.5 and 3.6.

4.6 The Secretariat Committee may suspend a review where it is of the view that further consideration of the file is detrimental to the interests of the Party. The Secretariat Committee may also close a file where it believes that the mitigating factors merit closing a file. Otherwise, the Secretariat Committee shall prepare a report on the matter with a recommendation for National Council. The Secretary shall transmit the report to the members of National Council.

5.0 SUSPENSION OF MEMBERSHIP RIGHTS PENDING REVIEW

5.1 A member whose membership is under review pursuant to section 3.1 or 4.2 of this bylaw is considered to be “not in good standing.”

5.2 Pending completion of the review, Secretariat Committee may choose to suspend one or more of the following membership rights of a member who is “not in good standing”:

5.2.1 The right to stand for election to, or serve on, the Board of Directors of an Electoral District Association.

5.2.2 The right to stand for election to, or serve on, the Executive Committee of an Electoral District Association.

5.2.2 The right to attend a National Convention.

5.2.3 The right to stand for election as, or serve as, a delegate to National Convention.

5.3 Secretariat Committee will promptly inform the member of any decision under section 5.2.

5.4 Suspensions under section 5.2 will end after 180 days unless the Secretariat Committee requests and receives the approval of National Council to extend the suspension.

5.5 A member(s) who has had membership rights suspended under section 5.2 can, by a letter to the President of National Council, appeal the suspension to National Council.

5.6 A suspension under section 5.2 ends when the Secretariat Committee closes a file or when National Council decides not to revoke a membership under section 6.1.

6.0 CONSIDERATION BY NATIONAL COUNCIL

6.1 Once the Secretariat Committee has transmitted a report under section 3.7 or 4.6, the President of National Council shall call a meeting of National Council within seven (7) days with notice that the purpose of the meeting includes consideration of a report concerning revocation of a membership. No other business may be transacted at that meeting until National Council has deliberated on the report of the Secretariat Committee. A membership may only be revoked upon two-thirds majority vote of those present and entitled to vote on the matter at National Council.

6.2 Any member of 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. Where the process for revocation was instituted by a request of a voting member of National Council, that member may not participate in debate nor vote on the matter at National Council.

6.3 Where National Council revokes a membership, the Executive Director shall inform the former member immediately in writing, and shall inform the former member of his or her right to complain to the Arbitration Committee and of the manner in which the Chair or Vice-Chair of the Arbitration Committee may be contacted.

7.0 REINSTATEMENT OF MEMBERSHIP

7.1 National Council may reinstate membership in the Party by two - thirds majority vote of Council. Any two members of National Council may ask the Secretariat Committee to review and report on the status of a former member whose membership has been revoked. Any member of 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.

7.2 These provisions for reinstatement apply as well to those whose memberships were revoked by authority of the Interim Joint Council prior to the first convention of the Party.

8.0 DISPUTE RESOLUTION

8.1 Subject to the provisions of this by-law, a decision of the National Council concerning membership revocation or reinstatement is final and binding and shall not be subject to further review.

8.2 In the event that National Council revokes the membership of a member, that former member may file a complaint with the Arbitration Committee of the Conservative Party of Canada by way of notice to the Chair or Vice-Chair of the Arbitration Committee within forty-eight (48) hours of being informed of the decision of National Council, on the basis that the requirements of the Constitution or this by-law were not adhered to.

8.3 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 or reinstate a membership.

8.4 For greater certainty, if any dispute whatsoever arises out of or is made in connection with the revocation or reinstatement of membership in the Conservative Party of Canada 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.

9.0 GENERAL

9.1 The Executive Director shall maintain a registry of former members whose membership has been revoked. That registry, at a minimum, shall list the name and last known address for each former member whose membership has been revoked. It shall also contain the report prepared by the Secretariat Committee that led to the former member's membership being revoked.

9.2 No member or former member of the Party shall make a claim against any member of the Secretariat Committee or 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 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 Committee or National Council arising from acting in good faith as a member of the Committee or National Council hereunder.