

Progressive Conservative Party of Nova Scotia

BY-LAW FOR MEMBERSHIP RULES AND PROCEDURES FOR REVOCATION AND REINSTATEMENT OF MEMBERSHIP

Whereas the Progressive Conservative Party of Nova Scotia (the "Party") promotes inclusiveness and a diversity of views while it also endeavors to sustain a healthy organizational culture. The Party also promotes an atmosphere of mutual respect within the membership. Given the scope of membership, circumstances may arise where the status of a member must be reviewed. This by-law is enacted under Article 4.19 of the Constitution.

APPLICATION

1. These Rules are supplemental to the provisions of Article 11 of the Party's Bylaws.

DEFINITIONS

2. In these Rules

- a) "Bylaws" means the bylaws of the Party;
- b) "Cause" includes any act or omission that causes harm to the Party or a Member or brings the Party into disrepute or that which is, without limitation, outlined in section 11 below;
- c) "Constitution" is the constitution of the Party;
- d) "Constituency Association" means a constituency association affiliated with the Party;
- e) "Executive Committee" has the same meaning as defined in article 6.1 of the Constitution;
- f) "President" means the President of the Party;
- g) "Exigent Circumstances" means an event or behavior caused, created or participated in by a Member with or without other external circumstances that poses unmitigated risk that could result in harm to another Member or to the Party, or which could bring the Party into disrepute, and which may exacerbate with delay or inaction by the Party or before other instruments of risk mitigation can be implemented;
- h) "Good Standing" means a member that meets and maintains the requirements set-out in article 4.03 of the Constitution;
- i) "Leader" means the leader of the Party;
- j) "Member" means a member of the Party as defined in section 11 of the Party's By-laws or article 4.03 of the Constitution and whose name appears
 - i. on a valid, official current membership card,
 - ii. on the Party's official membership list, or
 - iii. on the roll of honorary members.
- k) "Party" means the Progressive Conservative Party of Nova Scotia;
- l) "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.

3. All other terms used in this by-law which are defined in the Constitution or any other by-law have the meaning set out as defined therein.

PERSONS REQUIRED TO BE MEMBERS

4. The following must be Members:

- a) The Leader, General Counsel, Chief-of-Staff
- b) every member of Caucus; and
- c) every member of the Executive Committee, every member of a Constituency Association board, every Party officer, every person who serves on a committee of the Executive Committee, a Constituency Association, every contestant in Party nomination contests, every contestant for the leadership of the Party, and every nominated candidate of the Party shall maintain a current membership in good- standing with the Party.

5. The membership of a person is deemed to be continuous where the membership of that person has lapsed or expired, and the person applies for and is accepted as a member within thirty (30) days.

HONOURARY MEMBERS

6. The Executive Committee may grant honorary memberships to persons who have provided distinguished service to the Party.

REVOCATION OF MEMBERSHIP

7. The President may revoke, for cause, the membership of any Member, except Members referred to in sections 4(a) and 4(b) above, in accordance with the provisions of this by-law.

8. The President is additionally authorized to immediately revoke, without consultation and without adherence to any of the provisions of this by-law, the membership of:

- a) any Party caucus member who crosses the floor to sit with another party;
- b) a member who is a declared candidate for another provincial or federal political party, or a declared independent candidate in any provincial or federal electoral district or constituency;
- c) any Party caucus member who violates a provision of section 11 below; or
- d) in exigent circumstances, any Party Member who has, or who has indicated they intend to, violate a provision of section 11 below.

PRESIDENT' S AUTHORITY

9. The President may

- a) establish procedures for the processing of applications for membership including the collection and deposit of membership fees;
- b) provide for membership application forms;
- c) provide for membership cards and lists;
- d) establish procedures for any matter related to the revocation of memberships which shall be in addition to or in place of any procedures already provided for in this By-Law;
- e) establish procedures for applications under section 10;

- f) establish procedures for the verification of memberships in leadership or nomination contests; and
- g) maintain a roll of honorary members.

PROCESS FOR INSTITUTING REVOCATION PROCEEDINGS

10. The process for revocation of a membership in the Party can only be initiated by a member of the Executive Committee. The Application for Membership Review must be:

- a) In writing;
- b) Detail the particulars of cause for revocation; and
- c) Be delivered to the President.

REVOCATION OF MEMBERSHIP FOR CAUSE

11. Memberships can be revoked as a result of any of the following behaviors:

- a) where a Member ceases to be a member in good-standing;
- b) where a Member initiated legal proceedings against the Party;
- c) 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;
- d) where a Member became a member of another provincial political party, including signaling intention to join or having joined another provincial political party;
- e) where a Member assumes or assumed a senior role, appointment, or employment with another provincial political party, with or without becoming a member of that provincial political party;
- f) where a Member appears to intend to run or campaign against the Party's approved candidate in an election or by-election;
- g) where a Member violates any signed declaration in a candidate nomination application;
- h) where a Member recruits other Members to join activities which promote individuals seeking to run, or who are running, against any candidate approved by the Party in an election or by-election; or
- i) where a member fails to abide by the objectives and support the aims of the Progressive Conservative party of Nova Scotia;
- j) any other conduct deemed improper or unbecoming a Member of the Party or any conduct that brings the Party into disrepute.

REVIEW PROCESS – APPLICATION FOR MEMBERSHIP REVIEW

12. Upon receipt of the Application for Membership Review conforming with section 10 above, the President shall convene a three (3) person Membership Review Council comprised of the President, the Membership Chair and either the District Vice President of the subject Member's constituency or the Vice President (Organization) to consider the Application.

13. The President, or designate, shall forthwith communicate the decision of the Membership Review Council to

- a) the subject Member, in writing; and
- b) the Management Committee of the Party.

14. Subject to the appeal provisions of this by-law, the decision of the Membership Review Council regarding membership revocation or reinstatement is final and binding and its reasons for revocation or reinstatement are discretionary and confidential to the Membership Review Council.

15. A person whose membership has been revoked may appeal, in writing with any new evidence within 15 days to the Chair of the Membership Review Council to determine whether an appeal to the Membership Review Council shall take place based on such new evidence. Both (i) decision of the Chair of the Membership Review Council as to whether such new evidence justifies an appeal and (ii) if an appeal is permitted, the appeal decision of the Membership Review Council; shall be final and binding and no further right of appeal shall exist.

GENERAL

16. The Party shall maintain a registry of former Members whose membership was revoked. That registry, at a minimum, shall list the name and last known address for each former Member whose membership was revoked. It shall also contain the written decision of the Membership Review Council made pursuant to section 12 above.

17. No Member or former Member of the Party shall make a claim against any Member of the Membership Review Council or any other Member of the Party for any act or omission in the exercise of their duties in good faith under this by-law. Members of the Membership Review 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 Party or the Membership Review Council arising from acting in good faith as a Member of the Membership Review Council or the membership review process hereunder and the Executive Member initiating such action shall not be liable for any such costs incurred as a consequence of taking such action.