

Constitution & By-Laws





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Constitution

Article I Name

The name of the union is Resident Doctors of BC.

Article II Purpose

To support the interests of resident doctors in British Columbia.

Article III Objects

1. Mission Statement

- A. To represent our members in contractual matters
- B. To support our members' education and training, and encourage excellence in the teaching environment
- C. To promote our members' professional, personal and financial well-being
- D. To foster engagement among our members throughout British Columbia
- E. To advocate on behalf of our members in collaboration with our stakeholders and the community

2. Values

- A. Fairness
- B. Respect
- C. Unity
- D. Professionalism

3. Equity, Diversity and Inclusion Commitment

Resident Doctors of BC is committed to:

- A. Supporting ongoing work in Truth and Reconciliation and Indigenous-Specific Anti-Racism
- B. Upholding the principles of equity, diversity, and inclusion (EDI), and addressing the barriers facing Resident members from Indigenous and other historically, persistently, or systemically marginalized groups

Article IV Vancouver Based

- 15. The business of Resident Doctors of BC shall be conducted chiefly in the city of Vancouver, BC and in any other areas of the province where members are employed.

Article V Amendments

- 1. Amendments to the constitution shall be conducted in accordance with Article XVI of the By-Laws.

By-Laws

Article I Definitions

“Association” shall mean Resident Doctors of BC

“Resident” shall mean a physician in a post-graduate training program in the province of British Columbia.

“Member in good standing” shall mean any Resident represented by Resident Doctors of BC who pays membership dues or is on a leave of absence.

“Director” shall mean a member in good standing who is elected as representative of the resident membership. The Immediate Past President is also a Director without the requirement for election or membership in Resident Doctors of BC.

“Board of Directors” shall mean the governing body of Resident Doctors of BC and is composed of fourteen (14) Directors, five of which shall serve as the President, Immediate Past President, Director of Operations & Finance, Director of Resident Affairs & Wellness, and Director of External & Labour Relations respectively.

“Members of the Board” shall mean the Directors, Medical Undergraduate Society Representative, and the Executive Director.

“Program Representative” shall mean a Resident elected or appointed to represent Residents in their residency training program.

“Union” shall mean Resident Doctors of BC

Article II Membership

Eligibility

1. Membership shall be open to Residents and other physicians in the province of British Columbia.
2. The Board of Directors of Resident Doctors of BC shall have the right to determine eligibility of prospective members or groups seeking representation by the association.

Initiation Fees and Dues

3. The Board of Directors of Resident Doctors of BC shall determine initiation fees, dues and shall establish the method of payment. Where 20% of the membership signs a petition, the

Board shall make the annual dues the subject of a referendum according to the provisions of Article X.

4. In the event that any member fails to pay dues as herein provided by virtue of Section 4, for a period of sixty (60) days after the same is due, they shall cease to be a member of Resident Doctors of BC. They may be restored to membership by paying such dues of which they are in arrears at the discretion of the Board.

Article III Member Rights

Democratic Participation

1. Every member has the right to participate in the democratic processes of Resident Doctors of BC as set out in this Constitution and By-Laws and specifically has the right to attend and speak at General Meetings.

Right to Representation

2. Every member has the right to request representation by Resident Doctors of BC in presenting complaints before labour standards and labour relations tribunals, workers compensation and employment legislation.
3. The membership has the right to request representation by Resident Doctors of BC in collective bargaining. The membership has the right to ratify a proposed Collective Agreement by secret ballot vote conducted by the Resident Doctors of BC in accordance with its policies.
4. Every member has the right to request representation by Resident Doctors of BC in presenting grievances to the employer, including representation before arbitration or third parties.
5. Every member has the right to request advice and support from Resident Doctors of BC in regards to academic matters.
6. In deciding whether or not to proceed with a claim raised under (2), (4), or (5) Resident Doctors of BC shall not act in a manner that is arbitrary, discriminatory or in bad faith. The decision to proceed or not shall be made by the Executive Director in good faith.
7. Every member who is affected by a decision under this article and believes that the decision is contrary to the principles expressed in these By-Laws has the right to appeal that decision to the Board of Directors.

Complaints

8. Any member who believes that an employee of Resident Doctors of BC has treated the member in a manner that is arbitrary, discriminatory, negligent, or in bad faith, or has otherwise acted in a manner that is contrary to the principles expressed in these By-Laws, may make a complaint to the Executive Director. The Executive Director shall investigate the complaint, take any action deemed necessary, and communicate the result to the member. If the complaint is not resolved to the member's satisfaction, the member may refer the matter to the Board of Directors for resolution.
9. A complaint against the Executive Director shall be made to the President, who will investigate the complaint, take any action deemed necessary, and communicate the result to the member. If the complaint is not resolved to the member's satisfaction, the member may refer the matter to the Board of Directors for resolution.

Responsibilities

10. Every member shall pay membership dues established in accordance with these By-Laws, comply with Resident Doctors of BC policies, and comply with decisions of Resident Doctors of BC.

Obligations

No member shall:

11. Willfully publish or circulate, verbally or otherwise, misrepresentations concerning Resident Doctors of BC, or concerning any member of Resident Doctors of BC with respect to matters related to the affairs of Resident Doctors of BC;
12. Obtain or take money or property of Resident Doctors of BC without the authorization of two signing officers and the Executive Director;
13. Seek a remedy in court or before another tribunal against Resident Doctors of BC, or anyone acting on behalf of Resident Doctors of BC, before exhausting the procedures set out in these By-Laws

No Discrimination

14. The rights and benefits of Resident Doctors of BC are conferred on each member, without discrimination on the basis of gender, race, age, mental or physical disability, religion, national origin, political belief, or sexual orientation.

Legal Costs

15. In the event that Resident Doctors of BC successfully provide legal representation on behalf of a member, and that the member receives a monetary award, the member will, at the discretion of the board, compensate Resident Doctors of BC for the contributed costs. These costs will include legal fees, expert report fees and any other costs associated with the legal action.

Article IV Elections

Program Representatives

1. Following the Annual General Meeting, Residents who are members in good standing with Resident Doctors of BC will be elected or appointed to represent the Residents in their training program based on the following numbers:
 - a. Programs with less than 30 Residents are entitled to 1 representative;
 - b. Programs with 30 or more Residents are entitled to 2 representatives.

Process

2. Within one (1) month of the Annual General Meeting, a call for nominations will be sent to all members in good standing informing them of the opportunity to represent their program. The Immediate Past President, subject to these By-Laws, will coordinate elections. Any unfilled position at the close of nominations will be reposted.

Board of Directors

3. No later than the end of July of each year, Residents, who are members in good standing with Resident Doctors of BC, will be elected to the available Director positions.

Process

4. Any member of Resident Doctors of BC interested in one of the elected positions on the Board of Directors may submit their name, in writing, with the support of two (2) other members to the Resident Doctors of BC's office by the deadline provided each year.
5. A period of electronic voting, not exceeding seven (7) days, shall then occur wherein each member may vote for nominated members to serve as Directors of Resident Doctors of BC. This electronic voting shall be carried out by a third-party election service provider and overseen by the Immediate Past President.

6. In any case in which only the exact number of available positions or fewer have members nominated for the Board of Directors, and those members have indicated acceptance of the nomination within the time limits and in the manner prescribed by the By-Laws, each member will have the opportunity to vote “yes” or “no” to confirm the nomination by acclamation by electronic ballot in the same manner as Article IV(5). A simple majority of voting members voting “yes” will constitute election as Director.
7. If there are any vacancies on the Board of Directors at the end of this process, a second round of nominations shall be received at least two weeks in advance of board training with voting to follow per relevant policy under the direction of the Immediate Past President.
8. The Board may make regulations regarding the procedures of the election not contrary to the express provisions of these By-Laws. The Immediate Past President will oversee the ballot count.
9. Paper ballots will be kept for 30 days before being destroyed.

Executives

10. At the first Board Meeting following the Annual General Meeting, elections will be held amongst the Directors for the following positions: President, Director of Operations & Finance, Director of Resident Affairs & Wellness, and Director of External & Labour Relations.
11. Nominations for Executive positions shall be made no later than three days prior to the first Board Meeting following the Annual General Meeting. Nominations can be made by any Director (including self-nominations). If an executive position receives no nominations, nominations for the unfilled executive position can be received during the first board meeting immediately following the Annual General Meeting. Directors can be nominated for more than one position, but no two (2) Executive positions can be occupied by the same Director. If a Director is nominated for more than one executive position, they must in writing, rank their preference for which position they would prefer and submit this ranking to the Immediate Past President before the conclusion of the voting period.
12. Election will be by electronic ranked choice ballots where all Directors will submit a ranked choice ballot for each Executive Position. If a nominated Director receives the most votes for two positions, the written preferences of the Director will indicate the Executive position to which they will be elected.

Each nominated director will have the opportunity to make a two-minute speech to the Board of Directors for each Executive position for which they are nominated. Voting will occur immediately afterwards with results announced before the conclusion of the Board meeting.

Article V Board of Directors

Powers

1. The Board of Directors is the supreme governing body of Resident Doctors of BC when a General Meeting is not in session, subject to the provisions of the Constitution and By-Laws.

Composition

2. The Board of Directors referred to herein shall consist of fourteen (14) Directors. Of the fourteen (14) Directors, thirteen (13) shall be elected Directors, and one (1) shall be the Immediate Past President.
3. Of the thirteen (13) Directors, two (2) shall be from a geographically distributed site and at least one (1) shall be enrolled in a family medicine program.
4. Of the thirteen (13) elected Directors, four (4) shall serve as President, Director of Finance & Operations, Director of Resident affairs & Wellness, and Director of External & Labour Relations, respectively. With the exception of the Immediate Past President, all Directors of the Board shall be members in good standing with Resident Doctors of BC.
5. Non-voting members of the board shall be the Executive Director, and the Medical Undergraduate Society Representative.
6. The Medical Undergraduate Society Representative and the Executive Director shall report to the Board.

Authority

7. The Board of Directors shall manage the affairs of Resident Doctors of BC, may employ persons, or pay for such assistance, and otherwise use the funds of Resident Doctors of BC as required to further the interests of members.
8. The Board of Directors may authorize the expenses of members of Resident Doctors of BC incurred while engaged in Resident Doctors of BC work to be paid out of the funds of Resident Doctors of BC.
9. Subject to the approval of the membership in an Annual or Special General Meeting or by referendum, an honorarium may be paid to a member of Resident Doctors of BC.

Term

10. Each Director of the Board of Directors shall be elected for the period of one (1) year, with the option to renew for an additional year. The additional year will be based on adherence to the code of conduct and conflict of interest policy. With the exception of the Immediate Past President, each Director shall hold office until they die, resign, are removed, are disqualified, or until their successor is elected and takes office. If a director completes residency prior to June 30 of a Board year, then they will be allowed to serve as a board member up to the AGM if they are a member for greater than fifty percent (50%) of the board year.
11. Any Director of the Board of Directors shall be eligible for re-election unless disqualified.
12. A Director may resign at any time by notice in writing to the President or Immediate Past President, and the Executive Director.
13. A Director may be removed at any time by a simple majority vote of the members of Resident Doctors of BC in electronic or letter ballot. This ballot will be prepared and distributed by an employee of Resident Doctors of BC. A petition of fifty (50) members presented to the Executive Director shall initiate this process. The Director in question will be allowed a 250-word rebuttal to be sent with each ballot.
14. All elected Directors are expected to attend all Board Meetings. In the event of two (2) missed meetings, the President shall provide a reminder of this obligation. In the event of three (3) missed meetings, the Director in question will be considered for dismissal. The Director will have the opportunity to discuss reasons for their absence with the President and Executive Director, and continuation on the Board will be left to the discretion of the President and Executive Director. In the event of four (4) missed meetings, the Director will be dismissed. Any decision made in this manner can be appealed to the Executive within one (1) month. The decision will be made by consensus of the Executive. If the Executive is unable to reach a decision, the final decision will be brought to the Board of Directors and decided by simple majority of the Board. The dismissal of a Director will be followed as soon as possible by a By-Election open to the membership.
15. The Board may, by two-thirds majority of the directors, remove a member of the Executive from their executive position. The vote should occur in a fashion that all Directors have the opportunity to vote (i.e. meeting where all Directors present or electronic vote) with coordination by the Executive Director, and only after such time as the member of the Executive in question has had an opportunity of fair hearing with the Board. Any decision made in this manner may be appealed under the provisions in Article XV. If successfully removed from their Executive position, said member would retain their position as a Director. The Executive position would then be filled by election from amongst the Board of Directors similarly to the process as described in IV-5.

16. In the event of a vacancy occurring on the Board of Directors after the Annual General Meeting, the Board may decide to hold an election, or leave the seat vacant provided the vacancy does not impact quorum.

Meetings

17. A quorum for a meeting of the Board of Directors shall be comprised of half the voting Directors of the Board. Directors may attend in person or by telepresence.
18. Meetings of the Board of Directors may be called at any time by the Immediate Past President, or in their absence or incapacity, by the President, or any two Directors.
19. Electronic notice of meetings of the Board of Directors shall be sent to each Director not less than five days prior to the time of the meeting.
20. In cases of emergency any two Directors may call a meeting thereof by telephone, or electronic mail. In the case of any emergency meeting the quorum shall be a majority of the Board.
21. Unless otherwise herein provided, questions coming before the Board of Directors shall be decided by majority vote of the Directors present. The Chairperson of the meeting shall not vote except in the event of a tie.
22. The Immediate Past President will sit as Chairperson at all Board and General Meetings. In their absence or incapacity the President will sit. Should the President also be absent or incapacitated, any Executive Committee member may be appointed by simple majority vote of the Board of Directors to sit as Chairperson.
23. At the first Board Meeting following the Annual General Meeting, the outgoing President shall assume the role of Immediate Past President and sit as Chairperson.
24. For non-contentious matters, the Board may conduct motions over electronic media (e-motion). Any matter requiring secret ballot cannot be dealt with via e-motion. Resident Doctors of BC shall maintain a policy governing the use of e-motions. A simple majority of all voting Board members shall be necessary to pass the motion.
25. Any member in good standing may attend a Board Meeting as a guest.

Save Harmless

26. Directors, and the Medical Undergraduate Society Representative will be indemnified by Resident Doctors of BC through third-party liability insurance for liability that may occur in the course of their duty.

27. The employees of Resident Doctors of BC will be indemnified by Resident Doctors of BC through third-party liability insurance for liability that may occur in the course of their duty.

Responsibilities

28. No Director shall act in a manner that is arbitrary, discriminatory, negligent, or in bad faith in the representation of a member of Resident Doctors of BC or its policies.
29. A Director shall abide by the Code of Conduct and Conflict of Interest policy.
30. A Board member shall use appropriate discretion with respect to personal matters involving members disclosed to them in the course of their duties and shall maintain appropriate confidentiality with respect to Resident Doctors of BC matters where disclosure may harm the interests of the members.
31. The Board of Directors shall oversee the policies of Resident Doctors of BC
32. The Board of Directors shall ensure Resident Doctors of BC follows its strategic plan and priorities to advance the purpose and mission of the organization.
33. Each Director shall participate in at least one internal committee.
34. The Board of Directors shall work to increase the profile of residents and the organization, advocating for the membership and the organization.

Article VI Executive

1. The Executive Committee is composed of the President, Immediate Past President, Director of Operations & Finance, Director of Resident Affairs & Wellness, Director of External & Labour Relations and Executive Director.

Responsibilities

2. In addition to the responsibilities of the Board of Directors, Executive Committee members are expected to:
 - a. Act as signing officers for all documents requiring execution on behalf of Resident Doctors of BC;
 - b. Submit a report to the membership at the Annual General Meeting.

President

3. In addition to the responsibilities of the Board of Directors and the Executive Committee generally, the President is expected to:
 - a. Represent Resident Doctors of BC as the principal representative of the organization;
 - b. Engage in public relations in order to enhance the profile of the organization and residents.

Immediate Past President

4. In addition to the responsibilities of the Board of Directors and the Executive Committee generally, the Immediate Past President is expected to:
 - a. Act as institutional memory, providing history to the Board of Directors and forwarding connections to the President;
 - b. Chair the Board of Directors
 - c. The Immediate Past President shall be the most recent President to have served, who is not currently President.

Director of Operations & Finance

5. In addition to the responsibilities of the Board of Directors and the Executive Committee generally, the Director of Operations & Finance is expected to:
 - a. Oversee the financial operations of Resident Doctors of BC, ensuring the appropriate use of funds, and adherence to financial regulations are met;
 - b. Oversee the internal policies and operations of the organization;

Director of Resident Affairs & Wellness

6. In addition to the responsibilities of the Board of Directors and the Executive Committee generally, the Director of Resident Affairs & Wellness is expected to:
 - a. Oversee projects and initiatives directly affecting the training, health and wellness of members;

Director of External & Labour Relations

7. In addition to the responsibilities of the Board of Directors and the Executive Committee generally, the Director of External & Labour Relations is expected to:

- a. Oversee projects and initiatives relating to external stakeholder engagement and labour concerns;

Article VII Council of Program Representatives

Responsibilities

1. Program Representatives shall act as liaisons between Resident Doctors of BC and the membership by communicating issues of concern from their resident colleagues with Resident Doctors of BC and sharing items of importance from the organization with their colleagues, especially relating to collective bargaining and enforcement of the Collective Agreement.
2. Program Representatives will assist Resident Doctors of BC with collective bargaining efforts by facilitating member engagement in the process.
3. Program Representatives may request in advance through the Board Chair the addition of an agenda item for an upcoming board meeting.
4. The Chair will share monthly updates with Program Representatives following the Board of Directors meeting, for dissemination to the membership.
5. The Chair will report items from the Council of Program Representatives, as they arise, at Board of Directors meetings.
6. No Program Representative shall act in a manner that is arbitrary, discriminatory, negligent, or in bad faith in the representation of a member of Resident Doctors of BC or its policies.
7. A Program Representative shall use appropriate discretion with respect to personal matters involving members disclosed to them in the course of their duties and shall maintain appropriate confidentiality with respect to Resident Doctors of BC matters where disclosure may harm the interests of the members.

Composition

8. Program Representatives referred to herein shall consist of the duly elected or appointed program- or site-based Residents.
9. The Vice-President (or their designate) is Chair of the Council of Program Representatives.

Authority

10. The Program Representatives shall have no authority to determine Resident Doctors of BC policy.

Term

11. Each Program Representative shall be elected annually as hereinafter provided and each shall hold office until they die, resign, are removed, are disqualified, or until their successor is elected and takes office.
12. A Program Representative shall be eligible for re-election unless disqualified.
13. A Program Representative may resign at any time by notice in writing to the Chair or designate.
14. A Program Representative may be removed at any time by a simple majority vote of the Residents in the program which the Program Representative represents. This ballot will be prepared and distributed by an employee of Resident Doctors of BC. This process shall be initiated by a petition of 20% of the Residents in the program presented to the Executive Director. The Representative in question will be allowed a 250-word rebuttal to be sent with each ballot.

Meetings

15. Meetings of the Council of Program Representatives will be called by the Chair of the Council, or in his/her absence or incapacity, by the President, Vice-President or by any Directors at a minimum of two times per year.
16. Representatives may attend in person or by telepresence.
17. Electronic notice of meetings of the Council of Program Representatives shall be sent to each representative not less than five days prior to the time of the meeting.
18. In cases of emergency the Chair may call a meeting thereof by telephone, or electronic mail.

Save Harmless

19. A Program Representative will be indemnified by Resident Doctors of BC in the event they are held liable for any act or omission occurring in the course of their duty unless the act or omission happened through negligence or willful neglect.

Article VIII Meetings

1. There shall be an Annual General Meeting during August.
2. The place and date of the said Annual General Meeting and of all Special General Meetings shall be fixed by the Board of Directors or as otherwise herein provided. Any General Meeting shall occur between the hours of 8 am and 9 pm PST.
3. Notice of all General Meetings shall be sent electronically or by mail to members not less than ten (10) working days before said meeting. Notices of all General Meetings of Resident Doctors of BC shall indicate the business to be transacted. Where the Board of Directors deems a meeting of the membership to be urgent, the requirement of ten (10) days' notice may be waived at the unanimous decision of the Board of Directors.
4. The quorum of a General Meeting shall be twenty (20) members of Resident Doctors of BC. Should quorum not be met, any resolutions coming before the members shall be decided by a majority vote of those present. In the event that quorum is not met, and any member opposes the vote, that member shall have thirty (30) days following distribution of the motions so carried to request a referendum of the resolution in question. The referendum will be held as per Article X.
5. Any member of Resident Doctors of BC in good standing can vote on any motions or resolutions at General Meetings
6. The Chairperson of a Resident Doctors of BC meeting shall not vote on any resolution or motion except in the case of a tie, in which event they shall have one vote.
7. The Board of Directors may call a Special General Meeting at any time. Upon written request of at least 10% of the membership, a Special General Meeting shall be called. If a notice for a Special General Meeting is not sent within ten (10) working days on the receipt of such request, any two members desiring to call the meeting may themselves send out the notice.
8. Except herein provided, all resolutions or questions coming before a meeting of Resident Doctors of BC shall be decided by a simple majority vote of the members present that are in good standing with Resident Doctors of BC.
9. Except herein provided, the meeting shall be conducted in accordance with Bourinot's Rules of Order.

Article IX Non-receipt of Notice

1. The accidental omission to give notice of any meetings, 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 X Referenda

1. The Board of Directors may, of its own motion, submit any question to a referendum vote of the membership.
2. Any question, motion or resolution submitted for referendum shall be so framed as to be capable of a direct affirmative or negative answer and all members in good standing shall be entitled to vote.
3. Where a referendum is to be taken, the question, motion or resolution shall be printed on an electronic or paper ballot and be sent to each member of Resident Doctors of BC who is in good standing and is entitled to vote. Ballots shall be sent to all members on the same day. The voting shall be secret. Notice as to the time within which, and the method by which the ballots must be returned shall appear on the ballot paper. A simple majority of votes counted shall prevail except as herein otherwise provided.
4. Prior to the sending out of the ballots, the Board of Directors shall appoint two Scrutineers, one representing either side of the issue at question. As the ballots marked "ballot" are received, they shall be turned over by the Director of Communications to the Scrutineers, unopened, and after the expiration of the time for receiving ballots the Scrutineers shall proceed to open the envelopes and count the ballots. They shall report the results of the referendum to the Board, as soon as possible after their report has been made, and the Director of Communications shall forthwith inform each member of Resident Doctors of BC of the results.

Article XI Auditors

1. The auditors shall submit a report on their audit and the financial position of Resident Doctors of BC. The report will be made available to all interested members once completed.

Article XII Banking and Investments

1. The bank of Resident Doctors of BC shall be such bank, trust company or other financial institution as the Board from time to time may determine.
2. All money, cheques and drafts of Resident Doctors of BC shall be deposited to its credit in its bank promptly after the receipt thereof.
3. Cheques drawn on Resident Doctors of BC's account, or cheques or drafts for deposit to Resident Doctors of BC's credit shall be signed by two signing officers.
4. The Director of Finance or designate shall make out or obtain receipts in not less than duplicate for all monies paid to or paid by Resident Doctors of BC respectively and shall keep one of such copies on file.
5. The Board of Directors may invest any funds of Resident Doctors of BC not required for current expenditures in the securities authorized by Law for the investment of trust funds. Such securities are to be placed in a safety deposit box, or in other safekeeping, subject to access only by two signing officer of Resident Doctors of BC or the Executive Director or their designate.

Article XIII Committees

1. Committees are created by the Board of Directors, and may be standing, or ad hoc, as determined by the Board to support the operational needs of the organization and further its strategic priorities.

Standing Committees are:

- Executive
- Finance
- Labour Relations
- Staffing
- Governance
- Wellness
- External Relations
- Equity, Diversity, and Inclusion

2. Each committee must have Terms of Reference as approved by the Board of Directors which include its role, responsibilities, composition, and reporting structure.
3. Members of Resident Doctors of BC may be appointed by the Board of Directors to represent Resident Doctors of BC on committees involving agencies or individuals outside the framework of Resident Doctors of BC. Residents appointed by the Board to fulfil these roles must report to the Board information from these committees after each meeting.
4. All committees shall produce a report for the Annual General Meeting.

Article XIV Fiscal Year

1. The fiscal year of Resident Doctors of BC shall end on the 31st day of March, in each year.

Article XV Charges and Trials

General

1. Any member who has reasonable grounds to believe that another member has violated Resident Doctors of BC's Constitution and By-Laws may bring the matter to the attention of the Executive Committee.
2. Any member who has been charged has the right to be presumed innocent unless and until they are found guilty. The charged member has the right to answer any charges and to have any charges adjudicated fairly, in the manner set out in this Article.

Violations of the Constitution and By-Laws

3. Any member who fails or refuses to comply with Article III(10) violates these By-Laws. A member who does anything proscribed in Article III(11), (12), (13) violates these By-Laws.
4. In addition to the duties of members generally, members who hold elected or appointed positions must carry out the constitutional duties of their positions. Failure to do so is a violation of the By-Laws.

Charge Procedure

5. Complaints made under this Article must be in writing, delivered to the Executive Committee within 45 days after the complainant became aware of the circumstances that are the basis of the complaint. The complaint must specify the part of the Constitution and

By-Laws, which is alleged to have been violated, and supply enough detail of the alleged violation to identify the circumstances.

6. On receipt of the complaint the Executive Committee shall assign a person to make a preliminary investigation of the complaint. The investigator will contact all parties. If the investigator concludes that there is evidence that the Constitution and By-Laws may have been violated, it shall lay charges by filing notice with the President of the Resident Doctors of BC. The charge must specify the part of the Constitution and By-Laws, which is alleged to have been violated, and supply enough detail of the alleged violation to identify the circumstances.
7. The President shall send a copy of any charges to the member who is charged.

Hearing

8. If a charge is not dismissed or resolved the Executive Committee shall conduct a hearing.
9. A Director shall not be part of the hearing if they are the complainant or the person charged.
10. The charged member is entitled to:
 - a. Appropriate notice of the hearing;
 - b. Reimbursement by Resident Doctors of BC for reasonable transportation expenses and lost wages to attend the hearing;
 - c. Representation by any person of the charged member's choosing;
 - d. Reimbursement by Resident Doctors of BC for fees and expenses, or any part thereof if the Executive Committee decides that the charge is without merit and that reimbursement is just and equitable in the circumstances; and
 - e. A fair trial in accordance with the principles of natural justice, including the right to be present at the hearing, to introduce evidence, to produce and cross-examine witnesses, and to present argument.
11. The investigator appointed by the Board of Directors shall conduct the case on behalf of Resident Doctors of BC.
12. The complainant is entitled to:
 - a. Appropriate notice of the hearing;
 - b. Reimbursement by Resident Doctors of BC for reasonable transportation expenses and lost wages to attend the hearing, provided the charge is not found to be frivolous, vexatious or in bad faith;

- c. Representation by any person of the complainant's choosing;
 - d. Reimbursement by Resident Doctors of BC for fees and expenses, or any part thereof provided that the charge is not found to be frivolous, vexatious, or in bad faith, and provided that the Executive Committee decides that reimbursement would be just and equitable in all circumstances; and
 - e. Decides that reimbursement would be just and equitable in all the circumstances; and
 - f. The right to be present at the hearing, to have a reasonable opportunity to introduce evidence, to produce and cross-examine witnesses, and to present argument.
13. Witnesses called by Resident Doctors of BC are entitled to:
- a. Appropriate notice of hearing;
 - b. Reimbursement for reasonable transportation expenses and lost wages to attend the hearing.
14. The onus of proof is on Resident Doctors of BC.
15. The Executive Committee shall determine its own practice and procedure, subject to the requirements of this Article.

Decisions

16. The Executive Committee shall make its decision in writing and send it to the complainant and the charged member within a reasonable time after conclusion of the hearing. If the decision is not unanimous, the majority will rule.
17. The Executive Committee shall decide the appropriate level of discipline if the charged member has given cause for discipline.

Appeal

18. Both the charged member and the complainant have the right to appeal any decision of the Executive Committee to the Board of Directors. Any appeal must be submitted in writing to the President within one (1) month of mailing the decision of the Executive Committee to the charged member's last known address. Following the same procedure, both parties also have the right to appeal any decision of the Board of Directors at the next Annual General Meeting. The decision of the membership at the Annual General Meeting is final and binding on all parties.



Article XVI Amendments

1. The Constitution and By-Laws shall be adopted or amended by a two-thirds majority vote of the members at the Annual General Meeting or Special General Meeting.