

**CONSTITUTION OF THE
CANADIAN
ASSOCIATION OF
DRUG TREATMENT COURTS**

June 6, 2006

PREAMBLE

Drug Treatment Courts have the responsibility to handle cases involving drug-using offenders through a system involving comprehensive supervision, mandatory drug testing, treatment services (and other therapeutic interventions) and immediate sanctions and incentives. The objective of Drug Treatment Courts is to reduce substance abuse, crime and recidivism through the rehabilitation of persons who commit crimes to support their substance dependency. Drug Treatment Courts provide the focus and leadership for community-wide, anti-drug systems, bringing together criminal justice, treatment, education and other community-based partners in the reduction of substance dependency, abuse criminality and related harm.

ARTICLE I – Name

Section 1. Name: The name of the association is the Canadian Association of Drug Treatment Courts (hereinafter referred to as “**CADTC**”). The **CADTC** is a not-for-profit Association.

ARTICLE II – Objectives and Principles

Section 1. Purpose: The purpose of **CADTC** is to:

1. Assist Drug Treatment Courts in helping to reduce substance related harm, substance abuse, crime and recidivism among non-violent persons who commit crime for the purpose of supporting their addiction or dependence on controlled substances.
2. Gather and disseminate information and evaluations about the effectiveness of Drug Treatment Courts;
3. Establish public awareness of the effectiveness of Drug Treatment Courts;
4. Provide a forum through which Drug Treatment Court best practices can be developed, identified and disseminated;
5. Provide technical assistance and training to those interested in planning, implementing and establishing Drug Treatment Courts;
6. Facilitate the exchange and dissemination of information, materials, expertise and effective practices among the members of **CADTC**;
7. Encourage other court-based intervention programs based on the underlying principles of Drug Treatment Court;
8. Provide advice and make recommendations to governmental and non-governmental organizations on Drug Treatment Court issues; and
9. Perform such other related activities to accomplish **CADTC**'s objectives.

Section 2. Principles: Drug Treatment Courts reflect the following internationally recognized Drug Treatment Court principles, tailored to the needs of individual jurisdictions.

- (a) Drug Treatment Courts integrate addiction treatment services with justice system case processing.
- (b) Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' Charter rights;
- (c) Eligible participants are identified early and placed in the Drug Treatment Court program as promptly as possible.
- (d) Drug Treatment Courts provide access to a continuum of drug, alcohol and other related treatment and rehabilitative services;
- (e) Compliance is objectively monitored by frequent substance testing;
- (f) A coordinated strategy governs Drug Treatment Court response to participants' compliance and non-compliance;
- (g) Swift, certain and consistent sanctions or rewards for non-compliance or compliance;
- (h) Ongoing judicial interaction with each Drug Treatment Court participant is essential;
- (i) Monitoring and evaluation processes measure the achievement of program goals and gauge effectiveness;
- (j) Continuing interdisciplinary education promotes effective Drug Treatment Court planning implementation, and operations;
- (k) Forging partnerships among courts, treatment and rehabilitation programs, public agencies and community based organizations generates local support and enhances program effectiveness;
- (l) Ongoing case management providing the social support necessary to achieve social reintegration;
- (m) Appropriate flexibility in adjusting program content, including incentives and sanctions to better achieve program results with particular groups such as women, indigenous people and minority ethnic groups;

ARTICLE III - Membership

Section 1. Membership: Membership in CADTC is open to all persons or entities interested in the development of Drug Treatment Court programs throughout Canada, who subscribe to the recognized principles of Drug Treatment Courts, the objectives of CADTC and pay the applicable membership dues.

Section 2. Fees: The Board of Directors (see Article IV for details on the Board of Directors) shall prescribe the amount and manner of imposing and collecting any initiation or other fees, and any dues, assessments, fines and penalties, the manner of suspension or termination of membership and for reinstatement, if any.

Section 3. Meetings: Meetings of the members of the **CADTC** shall be held annually at such place, as may designated from time to time by the Board of Directors. The annual meetings of the members of the **CADTC**, commencing with the year 2007, shall be for the purpose of election of directors and for such other business as may lawfully come before it.

Section 4. Special Meetings: The Chairperson of the Board of Directors or a majority of the Board of Directors may call special meetings of the members of **CADTC**, for any purpose.

ARTICLE IV – Structure and Organization

Section 1. Board of Directors: At each annual meeting after the first, **CADTC** members shall elect a select a Board of Directors (hereinafter referred to as “the Board”) with no more than two Board members from each Drug Treatment Court in Canada, as recognized by the Board and no more than one member from each Province or territory without a Drug Treatment Court. At each annual meeting **CADTC** members will determine the number and form of such representation.

Section 2. Powers: The Board will serve as **CADTC**’s governing body, charged with carrying out the mission and objectives of **CADTC**

Section 3. Number: The Board of Directors shall consist of not less than seven (7) directors. **CADTC** members shall determine the number of directors annually. The members will strive to select a Board of Directors, with representation from each province or territory, that reflects ethnic, gender, racial and professional diversity.

Section 4. Term: Commencing at the first annual meeting, the first Chairperson and Treasurer of the **CADTC** shall be elected to serve two-year terms. The first **CADTC** Secretary, Vice Chairperson, one **CADTC** director from each Drug Treatment Court and directors representing provinces and territories without Drug Treatment Courts shall serve one-year terms. All other members of the first **CADTC** board of directors shall serve two-year terms.

At each annual meeting after the first, **CADTC** members shall elect from among its members directors, who shall serve for a term of two (2) years commencing with adjournment of the annual meeting at which they have been elected.

Section 5: Nomination. No later than two months prior to the election of directors. The Chairperson of the Board of Directors shall appoint three members of the Board of Directors representing separate professions, and along with the Chairperson of the

Board shall serve as a Nomination Committee. The Nomination Committee cannot be comprised of any member of the Board of Directors who is up for re-election and seeks another two-year term as a board member. The Nomination Committee shall make nominations for the election of directors and officers, as appropriate, and submit its nominations to the Board of Directors no later than one month before the annual meeting at which such directors, and officers are to be elected. No nominations shall be submitted for election without the consent of the nominees.

Section 6. Election: From among those nominated, either by the Nomination Committee or from the floor, those members attending the annual meeting and entitled to vote shall thereupon vote and the nominees receiving the highest number of votes of those present and entitled to vote shall be declared elected as directors. Election may be oral or by ballot, in accordance with the desire of the majority voting members present.

Section 7. Eligibility: A director who has been elected to serve a full two-year term may be eligible for re-election to an additional term. A director cannot serve more than four consecutive years. A director may serve for additional terms as long as such additional term(s) are not for more than four consecutive years.

Section 8. Resignation: Any director may resign at any time by delivering his or her written resignation to the Chairperson, such resignation to specify whether it will be effective at a particular time, upon receipt by the Chairperson or at the pleasure of the Board of Directors. If no such specification is made, it shall be deemed effective at the pleasure of the Board of Directors.

Section 9. Vacancies: The Chairperson shall fill vacancies on the Board, whatever the cause, for the un-expired portion of the term by a majority vote of the Board upon nomination.

Section 10. Declared Vacancy: The office of a director who fails to participate in three successive meetings of the Board, without excused absences, as determined by the Chairperson, may be declared vacant by a majority vote of the Board. In addition, an individual member (or members) may be removed from office at a special meeting of members of the Board, with two-thirds of the Board present. Of those present, two-thirds must vote in favour of removal for it to be effective. A new director (or directors) may be elected by two-thirds of the members entitled to vote at such a meeting, after the “removed” member has been given an opportunity to be heard and to present a response to any allegations.

Section 11. Board Meetings: The meeting of the Board of CADTC shall be held at least twice per year at such place, as may be designated from time to time by the Board of Directors. In addition, the Chairperson may call a special meeting, as required, for any purpose.

Section 12: Quorum and Voting.

- a) Each member of the Board, who is entitled to serve as Chairperson of

CADTC, shall be entitled to vote, and in the case of a tie, the Chairperson shall cast the deciding vote. At any Board meeting, a quorum, for voting purposes, exists when at least one-third of the directors participate in the meeting. Less than a quorum may adjourn any meeting.

- b) Any member of the Board may participate in a meeting by means of conference call or similar communication by which all directors participating in the meeting can freely communicate with one another

Section 13. Fees and Compensation: The Board of **CADTC** shall not receive compensation for their services as directors. However, they may be reimbursed for expenses that they may incur in carrying out the purposes of **CADTC**.

ARTICLE V - Officers of the Board

Section 1. Officers and Terms: Save and except as stated in Article IV, Section 4, the Board of Directors may appoint such officers for such terms, as it may deem necessary. The elected offices of the Board shall consist of Chairperson, Vice-Chairperson, Secretary and Treasurer.

Section 2. Nomination and Election: Officers shall be nominated and elected by a majority of the Board present at the Board Meeting following the annual election of the Board of Directors.

Section 3. Duties: The officers of the **CADTC** shall perform the duties usually performed by such officers, together with such duties as shall be prescribed by this constitution or by the Board of Directors.

Section 4. Board Offices and Duties:

- a) **Chairperson of the Board:** The Chairperson of the Board shall preside at all meetings of the Board of Directors, shall have general supervision over all the affairs of the **CADTC** and shall be the principal spokesperson of the **CADTC** and perform all other duties and possess such other powers as may be assigned to him or her by the Board of Directors.
- b) **Vice-Chairperson of the Board:** The Vice-Chairperson shall assist the Chair in the performance of his or her duties and shall perform the duties of the Chairperson of the Board in the event of the Chairperson of the Board's absence, resignation, inability to perform such duties, and shall also perform such additional duties as may be assigned by the Board of Directors.
- c) **Secretary:** The Secretary shall keep a full and complete record of the proceedings of the association, shall keep the seal of the association and affix it to such papers and instruments as may be required in the regular course of business, shall make service of such notices as may be necessary or proper, shall supervise the keeping of the records for the association and shall discharge such other duties of the office as prescribed by the Board.

- d) **Treasurer.** The Treasurer shall have custody of all the funds and securities of the **CADTC** and shall keep full and accurate of receipts and disbursement in books belonging to the **CADTC** and shall deposit monies and other valuable effects in the name and to the credit of the **CADTC** in such depositories as may be designated by the Board of Directors.
- e) The Treasurer shall disburse the funds of the **CADTC** in meeting its general accounts receivable and as may be ordered by the Board of Directors, or whenever they may be require it. The Treasurer shall report the **CADTC's** financial condition to the Board on a periodic basis and shall publish the annual budget in a timely manner.

ARTICLE VI - Committees

Section 1. Committees: Ad hoc committees shall be formed by resolution adopted by a majority of directors at any meeting during which a quorum is present. The Chairperson of the Board of Directors may appoint such advisory, standing or special committees as are authorized by the Board of Directors for the purpose of conducting investigation, study and action in matters relating to the objective and purpose of the **CADTC**. The duties of Committees shall be set forth by the Board of Directors. All actions of the various committees shall be subject to approval of the Board.

ARTICLE VII - Execution of CADTC Instruments

Section 1. Execution of CADTC Instruments:

- (a) The Board of Directors may, in its discretion, determine the method and designate the signatory officer or officers, or other person or persons, to execute any **CADTC** instrument or document, or to sign the corporate name without limitation, except where otherwise provided by law, and such execution or signature shall be binding upon the **CADTC**.
- (b) Unless otherwise specifically determined by the Board of Directors of otherwise required by law, formal contracts of the **CADTC**, promissory notes, deeds of trust, mortgages and other evidences of indebtedness of the **CADTC**, and other corporate instruments or documents requiring the corporate seal shall be executed, signed or endorsed by the Chairperson of the Board of Directors or his or her designee.

Section 2. Money Instruments: All money instruments drawn on banks or other depositories on funds to the credit of the **CADTC**, or in special accounts of the corporation, shall require two signatures one of which must be the Treasurer.

ARTICLE VIII - Emeritus Status

Section 1. Emeritus Status: The Board of Directors may designate former board members as emeritus board members based upon their distinguished contribution to the Drug Treatment Court field. This is an honorary title that shall not entitle the emeritus

board member to vote, to act on behalf of the Board of Directors or the Association, to attend Board meetings without the prior approval of the Board, or to receive the benefits associated with active board membership without the authorization of the Board. The purpose of the emeritus status is to strengthen the Drug Treatment Court movement by drawing upon the knowledge, experience, and good will of emeritus members to provide the organization with a strong foundation for future growth and service.

ARTICLE IX - Miscellaneous

Section 1. Fiscal Year: The fiscal year of the CADTC shall commence April 1st of each year and end on March 31st of the following year.

Section 2. Non-discrimination: The officers, directors, committee members, employees and persons served by the CADTC shall be selected entirely on a non-discriminatory basis with respect to age, gender, sexual orientation, race, religion and national origin.

Section 3. Administration of Funds: The board of the CADTC shall approve the administration of the funds. It will be open to the Board to approve its administration by an individual member, a member organisation or an external contractor.

Administration of funds, including the maintenance of a membership register and the authorisation of disbursements shall be in a manner approved by the Board.

Section 4. Reporting arrangements: The Treasurer shall be responsible for monitoring the administration of CADTC funds and provide updates to the Board at all meetings of the Board or in response to members of the Board at any time.

Annual financial statements detailing all income and expenditure transactions shall be approved at an annual general meeting of the CADTC. The annual financial statements shall be the subject of an annual audit.

ARTICLE X – Not-for-Profit Activities

Section 1. Not-for-Profit Activities: CADTC shall carry on its operations without pecuniary gain to its members or Board, and any profits that may inure to CADTC shall be used to promote the objectives of the organization.

ARTICLE XI -Amendments

Section 1. Amendments: This Constitution may be repealed, altered or amended with full, written consent of two-thirds of the Board and ratified by a majority of members voting at the CADTC annual meeting.