

# **KWANTLEN FACULTY ASSOCIATION**

## **CONSTITUTION**

### **NAME**

- 1.0 The name of the Society is "Kwantlen Faculty Association," hereinafter referred to as the Association.

### **PURPOSES**

- 2.0 The purposes of the Association are to:
  - 2.1.1 Protect the welfare, professional interests, and working conditions of its members;
  - 2.1.2 Assist in protecting and enhancing the freedom and quality of teaching, thought, and enquiry within the University;
  - 2.1.3 Cooperate with other bodies whose interests are similar, in particular with provincial, national and international federations, and faculty associations of colleges, university colleges, universities, and institutes;
  - 2.1.4 Deal with other matters considered to be in the interests of the Associations or its members;
  - 2.1.5 Regulate labour relations between Kwantlen Polytechnic University and members of the Association.

### **WIND-UP**

- 3.0 In the event that the Association should at any time be dissolved, the remaining assets after payment of all debts and liabilities shall be turned over to a recognized charitable organization in the province or elsewhere in Canada as directed by the members. This provision is alterable.

## **BY - L A W S**

### **1. BY-LAW #1: MEMBERSHIP**

- 1.0 Membership shall be in one of three classes, namely: Full Member, Retired Member, Honourary Lifetime Member.
- 1.1 Full membership is required of all regular and non-regular faculty of Kwantlen Polytechnic University as specified in the Certificate issued by the Labour Relations Board to the Association.
  - 1.1.1 Full members in good standing shall be voting members.
  - 1.1.2 The annual dues for a Full Member shall be a percentage of that member's gross salary from Kwantlen Polytechnic University. The amount and method of payment shall be determined by the Membership by a process that is congruent with the voting policies of the Association and its constitution.
  - 1.1.3 A member loses his/her good standing if his/her dues for the current membership period have not been paid.
- 1.2 Retiring members shall indicate in writing their interest in becoming a Retired Member.
  - 1.2.1 Retired Members shall be non-voting members.
  - 1.2.2 Retired Members shall be exempt from dues.
  - 1.2.3 Retired Members shall be entitled to attend any meeting of the Association.
- 1.3 Honourary Life Membership may be granted to anyone whom the Association may wish to honour for outstanding service to the Association or the University.
  - 1.3.1 Honourary Life Members shall be non-voting members.
  - 1.3.2 Honourary Life Members shall be exempt from dues.
  - 1.3.3 Honourary Life Members shall be entitled to attend any meeting of the Association.
- 1.4 Temporary cessation of employment at Kwantlen Polytechnic University shall not disqualify any member unless that member continues to be unemployed for longer than twenty-four (24) months consecutively. In such a case, membership dues are not paid.

- 1.4.1 Members who are on leave without pay shall have their membership maintained as long as they are employed by Kwantlen Polytechnic University.
- 1.5 A member shall cease to be a member of the Association, subject to the terms of the collective agreement,
  - (a) on his/her death; or
  - (b) except as allowed under Articles 1.4 and 1.4.1 of the By-Laws, when he/she ceases to be an employee of Kwantlen Polytechnic University and dues are no longer paid. No member may be expelled.

## **2. BY-LAW #2: RESPONSIBILITIES OF MEMBERS**

- 2.0 The responsibilities of members shall include the following:
  - 2.0.1 Members shall adhere to the Association's Constitution, By-laws, and policies as established by duly passed resolutions of the General Membership.
  - 2.0.2 Members shall maintain confidentiality where appropriate to, and in accordance with, specific processes and matters related to the Association's business.
  - 2.0.3 No member shall act as a member of the employer's negotiating committee in negotiations with a certified union or association representing employees of Kwantlen Polytechnic University.
- 2.1 In the case of an Association's picket line, it is assumed that no member will cross that line.
  - 2.1.1 The penalty imposed on a member who crosses the picket line shall be a fine equal to the wages earned by such action. Any monies collected by this fine shall be deposited to an Association Scholarship Fund to be established by the Secretary-Treasurer in consultation with the Executive Committee.
- 2.2 Members shall not cross a legal picket line arising out of a strike as defined in Provincial or Federal legislation.

## **3. BY-LAW #3: MEETINGS**

- 3.0 The Annual General Meeting shall be held in April ~~or May~~.
- 3.1 At least one General Meeting shall be held in the fall semester.

- 3.2 The Executive Committee shall call other General Meetings of the Association upon the receipt by the Executive of a petition to call such a meeting signed by at least ten percent (10%) of the voting members of the Association.
- 3.3 At least fourteen (14) days' notice must be given to members of the Association by the Executive Committee prior to a General Meeting of the Association. Notice shall be deemed to have been given upon confirmation of such notice by the Ombudsperson.
- 3.4 If any of the following items are to be acted upon at a General Meeting, the notice of meeting must so state:
  - 3.4.1 Constitutional or By-Law additions/amendments. Wording of such proposed changes shall be given to members at least fourteen (14) days in advance of the meeting;
  - 3.4.2 Election of Table Officers, Ombudsperson, and Standing Committee members;
  - 3.4.3 Changes in affiliations under Article 13.0 of the By-Laws.
- 3.5 The quorum at a General Meeting shall consist of thirty (30) of the voting members of the Association.
- 3.6 The Executive may call a Special Meeting for the purposes of considering whether to strike, respond to an impact on faculty working conditions, respond to other matters of a serious or urgent nature, or ratify a proposed collective agreement.
  - 3.6.1 The quorum for a Special Meeting is sixty (60) voting members of the Association.
  - 3.6.2 The Executive may call Special Meetings with forty-eight (48) hours notice to the membership.
  - 3.6.3 If any of the following items are to be acted upon at a Special Meeting, the notice of meeting must so state:
    - 3.6.3.1 Strike vote or motion;
    - 3.6.3.2 Vote on a motion in response to changes in working conditions or on other matters of a serious or urgent nature.
    - 3.6.3.3 Ratification vote.
  - 3.6.4 Pursuant to the Labour Relations Board of BC, votes on whether to strike or whether to accept or ratify a proposed collective agreement shall be by ballot cast in such a manner that the person expressing a choice cannot be identified with the choice expressed.

- 3.6.5 The results of a vote including the number of ballots cast and the number of votes for, against, or spoiled shall be made available to both the members and the employer.
- 3.6.6 All members may participate in votes on a question of whether to strike or whether to accept or ratify a proposed collective agreement.
- 3.7 Meetings shall be chaired by the President or designate; the Association's Secretary-Treasurer or designate shall record the Minutes.
- 3.8 Meetings shall be governed by Roberts' Rules of Order, revised.
- 3.9 Voting by proxy shall not be allowed.
- 3.10 The Executive Committee may recommend, with forty-eight (48) hours' notice to the membership, all-campus ballot voting instead of voting at a meeting on items related to strikes or collective agreement ratification.

#### **4. BY-LAW #4: EXECUTIVE COMMITTEE**

- 4.0 The Executive Committee of the Association is responsible for conducting the business of the Association between General Meetings and is responsible to the membership.
- 4.1 The Executive Committee shall consist of:
  - 4.1.1 The President, the Vice-Presidents, Member-at-Large, and the Secretary-Treasurer, to be elected at large;
  - 4.1.2 Immediate Past President;
  - 4.1.3 Executive Representatives, to be elected by, and representative of, the following faculty groups:
    - 1. Science/Applied Science Studies/Horticulture
    - 2. Humanities
    - 3. Social Sciences
    - 4. Business
    - 5. Applied Arts
    - 6. Community and Health Studies
    - 7. Trades/Technology
    - 8. Learner Support/Co-op
    - 9. Qualifying Studies and Access
    - 10. Non-Regular Faculty
    - 11. Status of Women

4.1.4 The following Committee Representatives will be members of the Executive Committee with voice but no vote, to be elected at large:

12. Disability Management and Rehabilitation
13. Education Policy
14. Human Rights and International Solidarity
15. Occupational Health and Safety
16. Pension Advisory
17. Professional and Scholarly Development
18. Union Counselling

4.2 Responsibilities of Executive Representatives include the following:

4.2.1 Represent members from elected area on executive.

4.2.2 Regularly attend meetings of the Executive Committee, and with the Table Officers, be responsible for conducting the affairs of the Kwantlen Faculty Association.

4.2.3 Regularly keep area members informed on Executive Committee issues and decisions.

4.2.4 As area steward generally, be the first point of contact for members from the elected area with grievances and complaints, and advise the Vice-President—Grievances of the same.

4.2.5 Where possible, participate in the investigation of complaints under the advice of the Vice-President—Grievances.

4.2.6 Liaise and cooperate with the Working Conditions Committee and Bargaining Committee.

4.3 Executive Committee meetings may ordinarily be observed by any member in good standing. However, the Executive Committee may hold all or part of any meeting in-camera in order to discuss confidential negotiations or personnel matters. The Ombudsperson may observe such in-camera sessions.

4.4 A quorum of the Executive Committee shall be fifty percent (50%) plus one of voting members.

4.5 The Association shall:

- a) exempt and save harmless members of the Executive Committee from a liability action arising from the proper performance of their duties for the Association, and
- b) assume all costs, legal fees, and other expenses arising from any such action.

## **5. BY-LAW #5: TABLE OFFICERS**

- 5.0 The Table Officers are the President, Vice-President—Negotiations, Vice-President—Grievances, Secretary-Treasurer, and Member-at-Large of the Association.
- 5.1 An office of the Table Officers shall be deemed to be vacant in the event that a Table Officer completes his/her elected term, resigns prior to his/her term's completion, or is impeached.
  - 5.1.1 In the event that a Table Officer resigns, his/her resignation date shall be determined in consultation with the Executive Committee.
  - 5.1.2 In the event that an office of a Table Officer becomes vacant, the Executive Committee shall appoint another Table Officer to the office until a new Table Officer is elected to the vacant position, as specified in Articles 7.0 and 7.1 of the By-Laws.
- 5.2 President
  - 5.2.1 The President or designated Table Officer shall call and chair all General and Executive Meetings of the Association, except that at any Annual General Meeting, he/she shall vacate the chair in favour of another Executive member during the debate and voting on his/her re-election.
  - 5.2.2 The President shall ensure that the Executive Committee carries on the business of the Association between meetings and that matters of interest are reported to the members.
  - 5.2.3 The President shall be an ex-officio member of all Association Committees, except the Nominations Committee.
  - 5.2.4 The President, in the name of the Association, shall receive all grievances initiated by the Employer.
  - 5.2.5 In the event that the President is unavailable to carry out his/her duties, the Table Officers shall designate one of the Vice-Presidents as the Acting President and notify the Executive Committee in writing. Where this has not been done, the Executive Committee shall appoint a Vice-President as Acting President.
  - 5.2.6 The office of the President shall be deemed to be vacant in the event that the President completes his/her elected term, resigns prior to his/her term's completion, or is impeached.
    - 5.2.6.1 In the event that the President resigns, his/her resignation date shall be determined in consultation with the Executive Committee.

Should there be a need for an Acting President, one will be appointed as per Article 5.2.5 of the By-Laws until a new President is elected, as specified in Articles 7.0 and 7.1 of the By-Laws.

- 5.2.6.2 In the event that the office of the President becomes vacant, the term of the Acting President shall be for not more than four (4) months or until a new President is elected, as specified in Articles 7.0 and 7.1 of the By-Laws, whichever is the lesser time.

### 5.3 Vice-President—Negotiations

- 5.3.1 The Vice-President—Negotiations shall chair the Working Conditions Committee and other committees struck for bargaining purposes.
- 5.3.2 The Vice-President—Negotiations shall chair the Bargaining Team during negotiations with the Employer.
- 5.3.3 The Vice-President—Negotiations shall co-chair the Labour Management Relations Committee.

### 5.4 Vice-President—Grievances

- 5.4.1 The Vice-President—Grievances shall coordinate the activities of the area Stewards and report on such activities to the Executive Committee.
- 5.4.2 The Vice-President—Grievances shall initiate, in the name of the Association, all grievances against the Employer.
- 5.4.3 The Vice-President—Grievances shall oversee the processing of all grievances against the Employer.

### 5.5 Secretary-Treasurer

- 5.5.1 The Secretary-Treasurer shall take and have custody of the Minutes of the proceedings of all General Meetings of the Association and of the Executive Committee, shall send out notices of meetings, and shall receive correspondence addressed to the Association.
- 5.5.2 The Secretary-Treasurer shall prepare the Annual Report to the Registrar of Companies.
- 5.5.3 The Secretary-Treasurer shall prepare and have custody of the financial records of the Association and shall prepare the balance sheet and statement of income and expenditures for the financial statements and for the Annual General Meeting.
- 5.5.4 The Secretary-Treasurer shall maintain the Register of Members.



- 5.5.5 The Secretary-Treasurer is responsible for overseeing the financial operations of the Association as set out in Articles 10.0 to 10.5 of the By-laws.
- 5.5.6 The Secretary-Treasurer shall act as the Privacy Officer for the Association.
- 5.6 Member-at-Large
  - 5.6.1 The Member-at-Large is an independent elected Table Officer of the Association who assists the President, Vice-President—Grievance, Vice-President—Negotiations in carrying out their duties.
  - 5.6.2 The duties and priorities of the Member-at-Large shall be determined by the Table Officers.

## **6. BY-LAW #6: OTHER OFFICIALS**

- 6.0 Immediate Past President
  - 6.0.1 The Immediate Past President shall be a non-voting member of the Executive Committee and shall provide advice and continuity to the Executive Committee for a period of one (1) year after his/her term expires.
- 6.1 Ombudsperson
  - 6.1.1 The Ombudsperson is an independent elected official of the Association who receives and investigates complaints about unreasonable action and abuse of office.
  - 6.1.2 In addition to the duties prescribed elsewhere in the By-Laws, the Ombudsperson will investigate complaints concerning the action of any committee of the Association, except the Executive Committee, made to him/her by a member of the Association, and, should he/she be unable to satisfy the complainant, report his/her recommendation thereon to the Executive Committee.
  - 6.1.3 The Ombudsperson will investigate complaints concerning the action of the Executive Committee made to him/ her by a member of the Association, and should he/she be unable to satisfy the complainant, report his/her recommendations thereon to a duly called meeting of the Association.
  - 6.1.4 The Ombudsperson shall ensure the meetings of the Association and of the Executive Committee are duly called and constituted.

- 6.1.5 Reports and recommendations of the Ombudsperson shall be open to the members, at the request of, or with the consent of, the complainant.
- 6.1.6 The Ombudsperson shall attend meetings of the Executive as a non-voting member.

**7. BY-LAW #7: ELECTIONS OF EXECUTIVE COMMITTEE AND OMBUDSPERSON**

7.0 Election of Table Officers shall be at large and for two-year terms. The President and Vice-President—Negotiations shall be elected to take office in an alternate year from the Vice-President—Grievances, the Secretary-Treasurer, and the Member-at-Large.

7.1 Only full faculty members as defined in Articles 1.1, 1.1.1, and 1.1.3 of the By-Laws are eligible for nomination as President or Vice-President of the Association.

7.2 An Ombudsperson shall be elected at large for a two-year term.

~~7.3~~—The Executive Representatives shall be elected by their constituencies for a two (2) year term with fifty percent (50%) to be elected in alternate years.

~~7.47.3~~ ~~The Non-Regular Faculty Executive Representative shall be elected by his/her constituency for a one-year term.~~

~~7.57.4~~ Nominations ~~may~~ shall be submitted to the Kwantlen Faculty Association Office prior to the ~~close of elections~~ nominations.

~~7.5.1~~ ~~Nominations may be made from the floor.~~

~~7.4.1~~ Nominations must have written ~~or verbal~~ consent of the nominee.

~~7.4.2~~ The first call for nominations shall be made twenty-one (21) days prior to the Annual General Meeting.

~~7.4.3~~ The second call for nominations shall be made fourteen (14) days prior to the Annual General Meeting.

~~7.4.4~~ The final call for nominations shall be made seven (7) days prior to the Annual General Meeting.

~~7.4.5~~ Nominations shall close at noon on the day before the Annual General Meeting.

7.4.6 In the event that the call for nominations results in only one nomination being received by the close of the nomination period, the nominee shall be acclaimed at the Annual General Meeting.

~~7.5.27.4.7~~ 7.4.7 In the event that the call for nominations results in more than one nomination being received by the close of the nomination period, an election shall be held.

7.5 Elections shall be by electronic secret ballot.

7.5.1 The election period shall commence on May 1 and conclude at midnight on May 10.

~~7.5.37.5.2~~ 7.5.2 The result of the election shall be announced by May 15.

7.6 Elections of the Table Officers, Ombudsperson, and Executive Representatives to the Executive shall take place ~~at an Annual General Meeting~~ during the election period as defined in Article 7.5.1, except as required under By-laws regarding replacement. ~~Election of the Non-Regular Faculty Representative to the Executive shall take place at a General Meeting.~~

7.7 Newly elected Table Officers, Ombudsperson and Executive Representatives will normally take office on June 1<sup>st</sup>, allowing a transition period with the outgoing Executive members, except in the event of replacement appointments.

7.8 In the event of elections held at other times during the year, newly elected Table Officers, Ombudsperson, or Executive Representatives will commence the position upon the latter of the first day of the vacancy of the position for which they have been elected, or the day of their election.

7.9 The newly elected Non-Regular Faculty Executive Representative will take office upon election.

## **8. BY-LAW #8: REPLACEMENT**

8.0 If, at any time, the office of the President or Secretary-Treasurer becomes vacant, the Executive Committee shall appoint a voting member of the Association to serve until the next meeting of the voting members of the Association.

8.1 If the office of Vice-President—Grievances or Vice-President—Negotiations, or Member—at-Large becomes vacant, the Executive Committee shall appoint a member of the Association to serve until the next meeting of the voting members of the Association, subject to the restrictions of Article 7.1 of the By-Laws.

- 8.2 If, at any time, an Executive Representative or Committee Representative seat becomes vacant, the Executive Committee shall appoint a voting member of the Association to serve until the next meeting of the voting members of the Association.
- 8.3 If, at any time, more than fifty per cent (50%) of the Executive Committee should become vacant, the Ombudsperson shall conduct an election within two (2) weeks, in accordance with the Articles under By-Law 7 (excepting the date of the election), to replace the vacant positions until the next regular election.
- 8.4 If the Office of the Ombudsperson becomes vacant, the Executive Committee shall appoint a member of the Association to serve until the next meeting of the voting members of the Association, to be called within six (6) months of the vacancy.

## **9. BY-LAW #9: IMPEACHMENT**

- 9.0 The President, Vice-Presidents, Secretary-Treasurer, or Member-at-Large can be removed from office by a two-thirds majority vote of the voting members present and voting by secret ballot at any General Meeting of the Association, subject to Article 3.2 of the By-Laws.:-
- 9.1 The President, Vice-Presidents, Secretary-Treasurer or the Member-at-Large can be removed from office by a two-thirds majority vote of the voting members present and voting by secret ballot at any General Meeting of the Association.
- 9.2 The Ombudsperson can be removed from office by a two-thirds majority vote of the voting members present and voting by secret ballot at any General Meeting of the Association.

## **10. BY-LAW #10: FINANCIAL OPERATIONS**

- 10.0 No Executive Committee member shall receive a salary or other remuneration from the Association beyond payment for expenses unless an elected Table Officer's workload does not equal the time-release of the Table Officer position. In such case, the Association may top up the Table Officer's salary to the equivalent of the position's time-release.
- 10.1 The Table Officers are empowered to operate a bank account and to draw, make, accept, endorse, discount, execute, and issue promissory notes, bills of exchange, and other negotiable or transferable instruments. For the purpose of this section, the signatures of any two of the Table Officers shall be required.

- 10.2 The Executive Committee may invest the funds of the Association in any savings account, term deposit, or savings certificate in a Bank, Trust Company, or Credit Union chartered by the Government of Canada or of the Province of British Columbia.
- 10.3 Notwithstanding Article 10.2 of the By-Laws, the Association, in accordance with the Society Act shall not borrow money, contract a debt, or otherwise enter into agreements except by a vote of seventy-five (75%) of the members present at a General Meeting.
- 10.4 A qualified, third-party Auditor shall be appointed by the Association at the Annual General Meeting, to examine the books of the Association and the Secretary- Treasurer's Financial Statement. The Secretary-Treasurer's Financial Statement shall be presented by the Secretary-Treasurer at the Annual General Meeting; the Auditor's report, prepared in accordance with the generally accepted auditing practice, shall be presented to the first Fall General Meeting which follows the Annual General Meeting.
- 10.5 The Association may, by resolution, adopt a Common Seal which shall remain in the custody of the Secretary-Treasurer and shall be used solely in documents concerned with agreements approved under Article 10.3.

## **11. BY-LAW #11: AMENDMENTS**

- 11.0 Amendments to the Constitution or By-laws may be made by a seventy-five percent (75%) vote of those members present at any General Meeting, in accordance with the Society Act.

## **12. BY-LAW #12: COMMITTEES**

- 12.0 The Executive Council shall establish the following Standing Committees from the voting members of the Association. The Standing Committees shall submit for approval their Terms of Reference to ensure that the committee meets the constitutional mandate of the Association.

### 12.0.1 Working Conditions Committee

- 12.0.1.1 The Working Conditions Committee (WCC) shall maintain and develop the interests of the members. The Committee's special area of interest shall include the negotiation with the Employer regarding salaries and benefits to faculty, status, regularization, and other conditions of employment.

- 12.0.1.2 The Working Conditions Committee shall consist of:

- 12.0.1.2.1 The Vice-President—Negotiations.
- 12.0.1.2.2 Representatives from Faculty Groups, as defined under Article 4.1.3 of the By-Laws, to be elected by his/her constituency at a General Meeting, at least six (6) months prior to the expiry date of the Collective Agreement. These Representatives may be referred to as "WCC Unit Representatives" as distinct from the "Executive Representatives" defined elsewhere in the By-Laws.
- 12.0.1.2.3 One Non-Regular Faculty Representative to be elected at a General Meeting by, and to be representative of all non-regular faculty, at least six (6) months prior to the expiry date of the Collective Agreement. This Representative may be referred to as "WCC Non-Regular Representative" as distinct from the "Executive Non-Regular Representative" defined elsewhere in the By-Laws.
- 12.0.1.3 The term of office of the Members of the Working Conditions Committee is from the date of election to that of the signing of a new Collective Agreement.
- 12.0.1.4 Vacancies on the Working Condition Committee will be filled within one (1) month by election from within the appropriate constituency group.
- 12.0.1.5 The Executive of the Association may suspend a Working Conditions Committee by a two-thirds vote of its full voting membership at a duly called meeting, but a vote to suspend a Working Conditions Committee must be followed within three (3) weeks by a General Meeting either to order the selection of a new Working Conditions Committee or to reinstate the original Committee.
- 12.0.2 Negotiating Committee
  - 12.0.2.1 The Negotiating Committee shall be a sub-committee of the Working Conditions Committee.
- 12.0.3 Labour Management Relations Committee
  - 12.0.3.1 The Labour Management Relations Committee (LMRC) shall be responsible for discussion and resolution of contractual and non-contractual issues of mutual concern to faculty and management.
  - 12.0.3.2 LMRC may also serve as an appeal body for specific university policies, procedures, or decisions not covered by the collective agreement.

- 12.0.3.3 LMRC Representatives shall consist of:
  - 12.0.3.3.1 The Vice-President—Negotiations and the Vice-President—Grievances
  - 12.0.3.3.2 One Representative from each campus, elected at large
- 12.0.3.4 The term of office of LMRC Representatives is from the date of the signing of a new collective agreement to the signing of a subsequent collective agreement.
- 12.0.3.5 LMRC Representatives may recommend resolution of issues to the Executive Committee or the general membership, as appropriate.
- 12.0.3.6 Replacement of LMRC Representatives shall be governed by Article 8.2 of the By-Laws. The President may appoint a substitute as necessary for any LMRC meeting.
- 12.0.3.7 The Executive of the Association may suspend a Labour Management Relations Committee by a two-thirds vote of its full voting membership at a duly called meeting. In the event of a suspension of a Labour Management Relations Committee, a General Meeting must be called within three (3) weeks, either to uphold the suspension and elect a new Labour Management Relations Committee or to reinstate the original Committee.
- 12.1 The Executive Committee may establish and dissolve other Committees from the voting members, and will require reports from these Committees.
- 12.2 The President will assign a member of the Executive Committee to serve as a member of any committee established under By-Law 12.1.

### **13. BY-LAW #13: AFFILIATIONS**

- 13.0 The Association may be affiliated with the Federation of Post-Secondary Educators of BC or other bodies. Changes in affiliation shall be approved by a majority vote of the membership at a duly called meeting

Dated this 27 day of April, 2011

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