



UNIVERSITY OF NORTHERN BRITISH COLUMBIA FACULTY ASSOCIATION

CONSTITUTION

(Ratified October 18, 2016)

NAME:

The name of the Union is the "University of Northern British Columbia Faculty Association" as certified by the Labour Relations Board of BC on April 29, 2014, and it is a registered Society under the Society Act of British Columbia.

PURPOSES:

The purposes of the Union are:

To promote the welfare of members of the Faculty Association employed by the University of Northern British Columbia and the welfare of the University of Northern British Columbia.

To act as the bargaining agent of all members of the Faculty Association employed by the University of Northern British Columbia and to regulate relations between the Faculty Association members and the University through collective bargaining.

To uphold the principles of academic freedom, tenure, equality, civil liberties, and human rights within the University.

To support and promote higher education in British Columbia.

BYLAWS:

1. INTERPRETATION

1.1 In this constitution:

"Association" means the University of Northern British Columbia Faculty Association;

"member" means a person appointed by the University of Northern British Columbia under the UNBC Faculty Association Agreement on a continuing or term basis as Professor, Associate Professor, Assistant Professor, Instructor, Lecturer, Part-time Instructor, Program Chair, Librarian, Regional Chair, Senior Laboratory Instructor or equivalent position.

"University" means the University of Northern British Columbia; and

“economic benefits” means benefits to which members may be entitled under the terms of the collective agreement negotiated with the Association.

- 1.2 Words importing the singular in number shall include the plural in number wherever the context so requires.
- 1.3 “Society Act” means the Society Act of British Columbia and all amendments to it.

2. MEMBERSHIP

- 2.1 Members shall be of three types: active members, associate members, and honorary members.
- 2.2 Except as stipulated in bylaw 2.3, active membership shall be open to all current members who pay the required membership dues.
- 2.3 Active membership is not available to members who hold a senior management position at the University. Senior management positions include, but are not limited to: University President, Vice-Presidents, Provost, Deans, Associate and Assistant Deans, and University Librarian, or those individuals who have contractual obligations to the University that include advising or supporting senior management in their relationship with the Association. In ambiguous cases, the Executive of the Association shall rule on eligibility.
- 2.4 Active members shall have voting rights. Other members shall not have voting rights.
- 2.5 Associate membership may be offered to former active members of the Association.
- 2.6 Honorary memberships may be given to those whom the Association wishes to honor for their meritorious and distinguished service to the Association and/or provincial, national, and international academic staff associations. The Executive of the Association will propose nominees for acceptance by the membership at the general meeting. Such persons will be immediately admitted to membership upon the receipt of their written acceptance of the offer.
- 2.7 A member shall cease to be a member of the Association:
- (a) upon resignation in writing delivered to the Association Executive Director;
 - (b) upon failure to pay the required membership dues;
 - (c) upon assuming a senior management position as described in bylaw 2.3; or
 - (d) upon ceasing to be eligible for membership.
- 2.8 No member may cease to be a member of the Association except as provided for in bylaw 2.7.

3. EXECUTIVE OF THE ASSOCIATION

- 3.1 The Executive of the Association shall consist of the officers of the Association, the members at-large, the Grievance Officer, and the Executive Director.

The terms for all elected Executive officers and members at-large shall be two years.

- (a) The officers of the Association shall be:

- (i) the President;
 - (ii) the immediate Past-President
 - (iii) the Vice-President;
 - (iv) the Secretary; and
 - (v) the Treasurer.
- (b) The members at-large shall be:
- (i) Three members holding tenure-track or tenured appointments (Faculty representatives);
 - (ii) One member holding an appointment as a term member (Part-time Instructor, Instructor I, II, III, IV or other Regular Term appointment);
 - (iii) One member holding an appointment as a Senior Laboratory Instructor (SLI);
 - (iv) One Librarian member; and
 - (v) One regional member holding a tenure-track, tenured, Regular Term or Senior Laboratory Instructor appointment and whose primary regional campus is located in Quesnel or Terrace.
- (c) The Grievance Officer shall be appointed by the Executive-elect within 60 days of taking office.
- (d) The Executive Director is employed by the Faculty Association and selected by the Executive Committee.
- (e) The Grievance Officer and the Executive Director are non-voting members of the Executive.
- 3.2 With the exception of the Executive Director, only active members of the Association in good standing may be members of the Executive.
- 3.3 The Executive shall:
- (a) carry on the business of the Association between general meetings, and investigate and report on matters of interest to the Association.
 - (b) have the power to carry on the business of the Association in all respects except those matters required to be dealt with by the members in a general meeting.
- 3.4 The Officers of the Association shall have the duties that are assigned to them by the Executive from time to time or as described by these by-laws, in particular:
- (a) The President shall preside at all meetings of the Association and of the Executive and shall be an *ex-officio* member of all committees of the Association unless otherwise noted.
 - (b) The President is the chief executive officer of the Association and shall supervise the other officers in the execution of their duties and ensure the Executive and the

Association meet frequently enough that constitutional obligations of the Association are met.

- (c) The Vice-President shall carry out the duties of the President during the President's absence. The Vice-President may be assigned other duties by the Executive.
 - (d) The Secretary shall record minutes of all meetings of the Executive Committee and general meetings of the membership, and shall work with the Executive Director to ensure these minutes are properly maintained in the Faculty Association Office.
 - (e) The Treasurer shall keep the financial records, including books of account, necessary to comply with the Society Act, and render an account of the financial position of the Association, including financial statements, to the Executive when required and to the membership at general meetings.
- 3.5 To assist in the performance of these duties, the Executive may employ an Executive Director and other staff. The role and duties of the Executive Director and other staff shall be described in an employment contract.
- 3.6 Course release or stipend payments made to members of the Executive or to Association members holding committee or team appointments (for instance, the Association negotiating team) shall be in accordance with provisions of the UNBC Faculty Agreement and shall be approved by the Executive.
- 3.7 Executive members will be remunerated for expenses reasonably incurred while engaged in the Association's affairs.
- 3.8 The Executive shall meet as necessary in order to carry on the business of the Association between general meetings, and, in particular, the Executive shall meet at the call of the President, or of any two members of the Executive.
- 3.9 Except in emergency situations, due notice shall be given for any meeting of the Executive.
- 3.10 Every meeting of the Executive shall have a presiding officer, normally the President. In the absence of the President, the following Executive members shall preside in the following order: the Vice-President, the Past-President, a member of the Executive agreed to by other members present.
- 3.11 Every meeting of the Executive shall have a secretary, who is responsible for taking and distributing minutes, normally the Secretary. In the absence of the Secretary from a meeting, the Executive shall appoint another member to act as secretary for that meeting.
- 3.12 Quorum for meetings of the Executive shall be a majority of the voting members of the Executive.

4. ELECTION OF EXECUTIVE

- 4.1 Election of the Officers of the Association and the members at-large of the Executive shall take place in the January semester through mail ballot or electronic voting ballot. The Executive-elect takes office on July 1 of that year.
- 4.2 The Executive Committee or its designates shall widely advertise vacancies and seek out persons willing to accept nominations. The Committee shall endeavor, to the best of its ability, to ensure

that there is more than one candidate nominated for each vacant position and to ensure a diversity of representation within the Association membership.

- 4.3 With the written consent of the nominee, two members in good standing of the Association may nominate a candidate for office in the Association. Such nominations must be submitted in writing to the Executive Director prior to March 1st in the year when an election is being held. The Executive Director will subsequently contact nominees for a short biographical paragraph which can be included with the ballots.
- 4.4 All members will receive two ballots (either mail ballot or electronic voting ballot):
 - (a) The first ballot will contain the names of all persons running for President, all persons running for Vice-President, and all persons running for Treasurer, indicating their appointment type at UNBC.
 - (b) The second ballot will contain the names of all persons running for the five member at-large positions. These names will be grouped according to the four named representative categories in bylaw 3.1(b).
- 4.5 Following the election of the new Executive, a meeting of the Executive-elect shall be called by the outgoing President by June 1st. The Executive-elect shall elect a Secretary from among its newly elected members at-large. The outgoing President shall chair the meeting and shall vote only to break a tie. The membership shall be informed of the results of the meeting within ten working days of the meeting.
- 4.6 In the case of mail ballots, mail ballots duly marked but not signed will be placed in a sealed and unidentified envelope, itself enclosed in a separate envelope which clearly identifies the member. These will be mailed to the Association Office. The ballots shall be counted by at least two scrutineers appointed by the Executive Committee, and with the assistance of the Executive Director.
- 4.7 The Executive may approve substitution of an electronic voting ballot in place of a mail ballot in the election of the Executive, where such a ballot is cost effective and protects member electoral rights.
- 4.8 All elected positions on the Executive will be elected by a plurality.
- 4.9 The outgoing President will announce the results of the election in a special bulletin to members. Alternatively, the results of the election may also be announced at the Spring general meeting. Vote tallies shall be provided to candidates upon request.

5. VACANCIES IN THE EXECUTIVE

- 5.1 If, at any time, the office of President shall become vacant, the Vice-President shall become President for the balance of the term
- 5.2 If the position of an officer of the Association, other than President, or of a member at-large of the Executive shall become vacant, the Executive may either appoint an active member of the Association to fill the position until the next election, or as soon as is practical hold an election to fill the vacant position.
- 5.3 If the immediate Past-President is not able to serve out the term of office, the Executive may choose to appoint a previous Past-President to serve out the vacant term of office.

5.4 The members may, by special resolution, approved by at least 75% of the votes cast in respect of the resolution through ballot, remove a member of the Executive before his or her term of office expires, and where they have removed a member of the Executive in this way, they may elect a successor to complete the term of office.

6. COMMITTEES

6.1 All committees shall liaise with the Executive. All standing committees shall submit a report to members in the general meeting held in the January semester.

6.2 With the exception of the Negotiating Committee, vacant positions appointed by the Executive for all standing committees, where the appointment is not already stipulated, shall be made by the Executive-elect within thirty days of taking office. Vacant positions elected by the membership shall be made within 60 days of the Executive-elect taking office. Standing committee appointments shall end their term of office with that of the Executive-elect.

6.3 The Negotiating Committee will normally be constituted in the semester immediately preceding contract negotiations.

6.4 Ad hoc committees may be established by the Executive, or by the Association through a resolution at a general meeting, together with terms of reference and membership. All standing committees and ad hoc committees shall provide a written or verbal report to the Executive at the Executive meetings.

6.5 Standing committees of the Association shall be the:

- (a) Grievance and Appeal Committee, which shall consist of the Chair, President, Vice-President, and Executive Director. The Chair shall be the Grievance Officer. The mandate of the committee shall be to review or investigate complaints by individuals concerning their employment, tenure, promotion, salaries, and all other issues governed by the Faculty Agreement, and make recommendation to the Executive on matters that may proceed to grievance and/or arbitration.
- (b) Equity Committee, which shall consist of the Chair and four other members elected by the membership. The Chair shall be a member at-large appointed by the Executive. The mandate of the committee shall include providing advice for negotiations and arbitrations on salary and other economic benefits. The Committee shall also bring to the attention of the Association any identified inequities in the assignment of salaries, tenure, promotion and other benefits, or matters affecting the status of academics, including inequities associated with gender, minority status, or disability. The Committee shall promote awareness of these issues at the University of Northern British Columbia.
- (c) Finance Committee, which shall consist of the Chair and four members appointed by the Executive Committee. The mandate of the committee shall include: analyzing and archiving UNBC financial statements; liaison between Senate Committee on University Budgets (SCUB) and the Executive Committee; and policy review and development for appointment of Pension Plan Board and Defence Fund Trustees.
- (d) Negotiating Committee, which shall consist of the Chief Negotiator and no fewer than two other Association members all of whom are appointed by the Executive, and the Executive Director. The mandate of the committee shall include preparing for negotiations in consultation with the membership and negotiating the faculty agreement.

- (e) Events Committee, which shall consist of the Chair and two members elected by the Membership. The mandate of the committee shall include: recommending to the Executive Committee social activities and events for the membership; assisting with organizing activities and events; and recommending activities to promote the use of the Faculty Association Lounge.
- (f) Action Committee, which shall consist of the Chair, who is the Vice President, Treasurer, and three members appointed by the Executive Committee. The mandate of the committee shall be: to ensure that a job action plan is in place immediately upon the start of the committee's term in office; to coordinate and plan all aspects of job action, including organizing and liaison with subcommittees; and to review and make recommendations to the Executive Committee on any job action policies or procedures.

6.6 The Executive may appoint any member of the Executive to any standing committee.

6.7 The President, Vice-President and/or Executive Director shall be an ex-officio member of all standing committees, ad hoc committees, joint committees, subcommittees and negotiating teams of the Association. Where the President or Vice-President is not explicitly named as a committee member, she/he shall be a non-voting member. The Executive Director shall be a non-voting member on all committees.

7. MEETINGS

7.1 The annual general meeting of the Association shall normally be held in October each year. The Executive shall place before the meeting the Treasurer's Report and financial Statements, the external accountant's report, and the Executive's report to the members.

7.2 A general meeting of the Association shall be held in the January term not later than March 31.

7.3 At least fourteen calendar days' written or email notice shall be given for all general meetings of the Association.

7.4 Special general meetings of the Association shall be called at the President's discretion or at the written request of ten percent (10%) or more of active members.

7.5 Association members wishing to place items on the agenda of Association general meetings shall provide the Executive Director with the wording of their proposed agenda item at least ten days prior to the general meeting date.

8. QUORUM

8.1 For all general meetings of the Association, a quorum shall consist of no fewer than 25 (twenty five) active members present.

9. BALLOTS

9.1 A procedural motion for a secret ballot on any question before a meeting of the Association shall be held at the call of any member.

9.2 A mail ballot shall normally be held. In situations where members are absent from campus, at the member's discretion, an email ballot is acceptable

- (a) to conduct a ratification vote on any agreement between the Association and the

University;

or

(b) as required or permitted under bylaws 5.4, 9.4, 11.2, or 15.1;

and, for this purpose, a mail ballot shall be a secret ballot conducted by sending ballot papers to the campus address of all members who are entitled to vote on the question. Such ballot papers will be deemed to have been received on the day following the day of mailing. Given our current technology, an email ballot is confidential but not secret.

9.3 Voting by proxy is permitted as set out by the Executive.

9.4 Any resolution (except special resolutions as specified in bylaw 15.1) must be passed:

(a) in a general meeting by the members by a simple majority of the votes cast in person; or

(b) in a mail ballot, by a simple majority of the votes cast in respect of the resolution.

In any mail ballot, the voter will be given until the end of the fifteenth calendar day following the date the ballot papers are received, to return the ballot. The ballot will be considered to have been returned on the date it is received at the Faculty Association Office.

9.5 The Association Executive may substitute an electronic ballot, where such a ballot is cost effective and protects member electoral rights.

10. FINANCES

10.1 The President, Vice-President, Treasurer and Secretary shall be the authorized signing officers of the Association. Cheques shall be signed by any two of the authorized signing officers.

10.2 The Treasurer shall submit a detailed report to the annual general meeting of the Association.

10.3 An accountant shall be appointed at the general meeting in the January term to review the books of the Association and the Treasurer's financial statement prior to its presentation at the annual general meeting in the fall, and to report on this examination to the Executive.

11. MEMBERSHIP DUES

11.1 Honorary and Associate members shall be exempted from paying membership dues.

11.2 Active members shall pay dues in the amount set by the Executive and approved by a majority of those members voting in a mail ballot. Membership dues may be collected from member salaries on a regular basis by an arrangement with the University.

12. BORROWING POWERS

12.1 For the purpose of carrying out the objectives of the Association, the Association may borrow or raise or secure payment of money in such manners as it deems fit, provided that exercise of the powers provided in this section is approved in a special resolution by 75% (three-quarters) of members entitled to vote present at a general meeting. No debenture shall be issued without the sanction of such a resolution.

13. RECORDS

- 13.1 Members of the Association may inspect records of the Association subject to the provisions of the Freedom of Information and Protection of Privacy Act of British Columbia.
- 13.2 Minutes of General Meetings and of Executive Meetings shall be prepared by the Secretary or designate and shall be in the custody of the Faculty Association for safe-keeping.

14. COLLECTIVE BARGAINING

- 14.1 The Association shall negotiate a framework agreement and collective agreements on behalf of all Members. A framework agreement means an agreement governing the overall process of collective bargaining. A collective agreement means an agreement that governs generally, for all Members, matters such as salaries, conditions of appointment, economic benefits, and other matters relating to the professional position of members of the bargaining unit.
- 14.2 No framework or collective agreement shall take effect until it has been ratified by a majority of those voting in a mail ballot conducted among all members of the bargaining unit.

15. AMENDMENTS TO THE CONSTITUTION AND BY-LAWS

- 15.1 The Constitution or by-laws may be amended or revised by a special resolution at the annual general meeting or at a special general meeting called for the purpose of amending the constitution or by-laws, provided that any amendment or revision is approved by 75% (three-quarters) of the votes cast in a subsequent mail ballot as specified in bylaw 9.4 (b). All proposed changes shall be sent to the active members at least fourteen days prior to the date of the meeting.

16. RESERVE FUNDS

- 16.1 The Association shall maintain the following funds. The transfer of these funds for purposes other than those designated below must be approved by a majority vote of members at the annual meeting or at a special general meeting. The Treasurer will report on expenditures under these funds at regular Association Executive meetings.
- 16.2 The Association shall maintain a Grievance, Arbitration, and Negotiations Reserve Fund. This will be used to support the Association in upholding its due diligence responsibilities under the grievance and arbitration provisions of the UNBC Faculty Agreement, and in support of contract negotiations. The rate for this fund will be set at 25% of all dues collected, effective July 2006; or at such rate as may be set by a majority vote of the membership in a mail ballot held under bylaw 9.2.
- 16.3 The Association shall maintain an Operating Fund Reserve, whose purpose shall be to assist the Association in meeting one-time demands upon operating fund budgets. Contributions to this Fund shall be set at a rate of 2% of all dues collected, effective July 2006; or at such rate as may be set by a majority vote of the membership. The Operating Fund Reserve shall be capped at \$10,000.

17. LEGAL LIABILITY

- 17.1 The Association shall represent, defend, indemnify and save harmless each and every member of the Executive of the Association and each and every individual serving on behalf of the Executive from any claim or judgment against the Association or any named member of the Executive or individuals serving on behalf of the Executive of the Association whatsoever and in any way

related to activities, decisions or other matters carried out while that member was acting in good faith and in the course and scope of that member's duties as a member of the Executive or as an individual serving on behalf of the Executive.