

UNIVERSITY OF NORTHERN BRITISH COLUMBIA FACULTY ASSOCIATION

CONSTITUTION

(Amended October 30, 1997)

(Amended January 14, 2005)

(Amended January 24, 2007)

Interpretation / Membership / Executive / Election / Vacancies / Committees / Meetings / Election / Quorum / Ballots / Finances / Membership Dues / Borrowing Powers / Auditors / Records / Collective Bargaining / Amendments

1. NAME

The name of the Society is the "University of Northern British Columbia Faculty Association".

2. PURPOSES

The purposes of the Society are:

To promote the welfare of faculty members 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;

"faculty member" means a person appointed by the University of Northern British Columbia under the UNBC Faculty Association Agreement on a full-time or part-time basis as Professor, Associate Professor, Assistant Professor, Instructor, Lecturer, Term Instructor, Program Chair, Librarian, Regional Chair, Senior Laboratory Instructor or equivalent position. Persons who hold positions or appointments in these categories but who also hold positions or appointments within the institution which are in management categories at or above the level of Director (whether

incumbent or acting) shall normally be considered to be excluded from the membership definition. “University” means the University of Northern British Columbia; and “economic benefits” means benefits to which members may be entitled to 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 Active membership shall be open to all current faculty members who pay the required membership dues.
- 2.3 Active members shall have voting rights. Other members shall not have voting rights.
- 2.4 Associate membership may be offered to former active members of the Association.
- 2.5 Honorary memberships may be given to those whom the Association wishes to honor for their outstanding service to the University and its membership. 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.
- 2.6 A member shall cease to be a member of the Association:
 - (a) upon resignation in writing delivered to the Association secretary; or
 - (b) upon failure to pay the required membership dues.
- 2.7 No member may be expelled from the Association except as provided for in 2.6 (b).

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 immediate past-president, the association grievance officer, and the association executive director. The executive totals 12.

The term for all elected executive and all officers and members-at-large of the Association shall be two years.

- (a) The officers of the Association shall be:
 - (i) the President; (ii) the Vice-President; (iii) the Secretary; and (iv) the Treasurer.
- (b) The President shall preside at all meetings of the Association and of the Executive.
- (c) The President is the chief executive officer of the Association and shall supervise the other officers in the execution of their duties and shall issue notices of meetings of the

Association and Executive.

- (d) The Vice-President shall carry out the duties of the President during the president's absence.
 - (e) The Secretary shall keep minutes of all meetings of the Association and Executive.
 - (f) The Treasurer shall keep the financial records, including books of account, necessary to comply with the Society Act, and render financial statements to the Executive, members and others when required.
 - (g) In the absence of the secretary from a meeting, the Executive shall appoint another person to act as Secretary at the meeting.
 - (h) The immediate Past-President of the Association shall have full voting rights.
 - (i) The Association Grievance Officer and the association Executive Director shall be ex-officio members of the Executive. They will not hold voting rights.
 - (j) On the Executive there shall be at least:
 - (1) Three members holding tenure-track or tenured appointments (faculty representatives);
 - (2) One member holding an appointment as a term member (part-time Instructor, Instructor I, II, III, IV, or V, or other term appointment);
 - (3) One member holding an appointment as a Senior Laboratory Instructor (SLI); and
 - (4) One member holding an appointment as a Librarian.
- 3.2 Only active members of the Association may be members of the Executive, with the exception of the Executive Director.
- 3.3
- (a) The Executive shall carry on the business of the Association between general meetings, and investigate and report on matters of interest to the Association.
 - (b) 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.
 - (c) The Executive shall 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 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.
- 3.5 Course release or stipend payments made to members of the Executive or to Association members holding committee or team appointments (e.g. Association negotiating team) shall be in

accordance with provisions of the UNBC Faculty Agreement as approved by the Association Executive. Executive members will be remunerated for expenses reasonably incurred while engaged in the Association's affairs.

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 in a mail ballot under 4.2 and 4.3. with the Executive-elect to take office on July 1 of that year.
- 4.2 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 Secretary prior to March 1st in the year when an election is being held. The Association Executive Director will subsequently contact nominees for a short biographical paragraph which can be included with the ballots.
- 4.3 All members will receive two ballots.
 - (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 3(j).
- 4.4 Where the conditions of 3(j) are not met in the results from ballots cast for officer's positions, members in the named categories of appointment on the second ballot holding the largest number of votes cast will be deemed elected to the member at large positions to provide for the stated diversity of representation by appointment type on the executive.
- 4.5 Following the election of the President, Vice-President, Treasurer, and the remainder of the executive, a meeting of the Executive elect shall be called by the immediate Past-President by June 1st. The Executive elect shall elect a secretary from among Executive elect members holding "at-large" positions. The immediate Past-President shall chair the meeting and shall vote only to break a tie. The four remaining elected members of the Executive shall constitute the members-at-large. The membership shall be informed of the results of the meeting within 10 working days of the meeting.
- 4.6 Election of the Association Executive will take place in a mail ballot in accordance with 9.4(b) 4.7. 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.
- 4.8 The Secretary or his or her designate shall hand to the scrutineers for counting at the annual general meeting any ballots received prior to the annual general meeting in the manner set out in section 4.7.
- 4.9 All elected positions on the executive will be determined by a plurality.

- 4.10 The Association Executive may substitute an electronic ballot in place of a mail ballot in the election of the Executive, where such a ballot is cost effective, protects member electoral rights, and has been approved in a prior general meeting of the Association.

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 appoint an active member of the Association to fill the position until the next annual general meeting of the Association.
- 5.3 The members may, by special resolution, approved by at least 75% of the votes cast in respect of the resolution through a mail 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 The following standing committees and their Chairs shall be filled by the Executive prior to the Annual General meeting in the September semester, and shall submit a report to members in the general meeting held in the January semester. Chairs of standing committees shall be appointed for the duration of the current Executive's term. The negotiating team will normally be constituted in the semester immediately preceding contract negotiations. 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 committees shall provide an annual report to the Association Executive.
- (a) Grievance and Appeal Committee, whose chair shall act as the Association Grievance Officer. The duties of the Chair shall be to review or investigate complaints by individuals concerning their employment, tenure, salaries, and other conditions of service. The other committee members shall consist of the Association President, the Association Executive Director, and a designated member of the Association, appointed by the Executive, as an alternate member
- (b) The Personnel and Equity Committee, whose mandate shall include the review and development of salary and economic benefit policies and the provisions of 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. This committee shall normally consist of 5 Members elected by the Association Membership, and who report to the Executive of the Association.
- (c) The Benefits Committee's mandate shall include the review and development of benefit policies and practices and making recommendations to the University of Northern British Columbia University Wide Benefits Committee. The Chair of the Benefits Committee

shall be the Faculty Association representative on the University Wide Benefits Committee. The Benefits Committee shall normally consist of three (3) Faculty Members; one (1) Librarian; one (1) Senior Laboratory Instructor; and one (1) term instructor eligible for extended benefits as listed in the UNBC Faculty Agreement; and the President of the Faculty Association or designate.

- (d) The Negotiating Committee (Team) whose mandate shall include preparing for negotiations in consultation with the membership and negotiating the collective agreement. This committee shall normally not consist of more than five (5) members. The Executive Director shall be a member of this committee. The Executive of the Faculty Association shall appoint the remaining members and appoint the Chair of the Committee (Chief Negotiator)

In preparing for negotiations, the Executive, after discussion with the Negotiating Committee, shall establish sub-committees to consult with the membership on substantive issues. The sub-committees shall normally be Chaired by a member for the Association Executive.

- (e) The Election Committee. The Election committee shall consist of the President, and four other Association members. The Election Committee shall seek out persons willing to accept nomination for office in the Association. It shall endeavour, to the best of its ability, to ensure that there is more than one candidate nominated for each of the positions to be filled on the Executive and that these candidates reflect the diverse composition of the Association.
- (f) The Communications Committee shall assist the Association in informing both our membership and the wider community of the role and importance of post-secondary education. The Education committee shall consist of the Association Executive Director and three other elected Association members.

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

6.3 The President shall be an ex-officio member of all standing committees, ad hoc committees, joint committees, subcommittees and negotiating teams of the Association unless otherwise noted.

6.4 The Executive Director shall be entitled, ex-officio, to be a non-voting member of all standing committees, ad hoc committees, joint committees, subcommittees and negotiating teams of the Association.

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 auditors' 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 Association secretary with the wording of their proposed agenda item at least 14 days prior to the general meeting date.

8. QUORUM

- 8.1 For all general meetings of the Association, a quorum shall consist of not less 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 5.3, 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 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 to the Association Secretary. 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.

11. MEMBERSHIP DUES

- 11.1 Honorary life 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 salary cheques 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 may negotiate a framework agreement and collective agreements on behalf of all faculty 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 faculty 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 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 UNBC Faculty Association membership in a mail ballot held under 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 UNBC Faculty Association.