

**CONCORDIA UNIVERSITY FACULTY ASSOCIATION**  
**ASSOCIATION DES PROFESSEURS ET PROFESSEURES DE**  
**L'UNIVERSITÉ CONCORDIA**

**CONSTITUTION**

**(Ratified May 31, 1982)**  
**(Translated April 1985)**  
**(Revised September 1988)**  
**(Revised February 1991)**  
**(Revised April 2004)**

**CONCORDIA UNIVERSITY FACULTY ASSOCIATION**  
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**This Constitution replaces all previous constitutions of the Association.**

**I. NAME**

The name of the Association shall be "Concordia University Faculty Association / Association des Professeurs et Professeures de l'Université Concordia" hereinafter the Association.

**II. PURPOSE**

The purpose of the Association shall be to promote the professional and collegial interests of faculty members and librarians; to cooperate with other organizations having similar aims; and to study, safeguard and promote the economic, social and educational interests of the members of the collective bargaining unit represented by the Association. The functions of the Association shall include the negotiation and application of collective agreements.

**III. MEMBERSHIP**

- a) Membership in the Association shall be open to all members of full-time instructional faculty of Concordia University on salary who hold limited, probationary, or tenured appointments at the rank of lecturer or above, sessional lecturers, and librarians holding the rank of Librarian I or above in the employ of the University and such other classifications of persons as the Executive may from time to time include. Such inclusion must be ratified at the next Council Meeting. For greater clarity, but not to restrict the generality of the foregoing, eligible members shall include Department Chairmen, Principals of Colleges. All persons representing the Administration of the University in their relation with their employees shall be excluded. For greater clarity, but not to restrict the generality of the foregoing, the exclusion shall include all faculty occupying administrative positions at higher levels, e.g. Dean, Provost, Vice-Rector, Rector and their Assistants and Associates during the term of administrative office, and shall exclude librarians occupying the following administrative positions: Director of Libraries, Associate and Assistant Directors of Libraries, Department Heads, and Staff Officers.
- b) In order to become a member of the Association, an eligible faculty member or an eligible librarian shall complete and sign a membership application form. Members retain the rights and

responsibilities of membership during periods of paid leave. During periods of unpaid leave, eligible members may retain such rights and responsibilities as long as they continue to pay appropriate dues to the Association.

- c) Members may resign at any time by submitting a signed letter of resignation to the Secretary of the Association.

#### **IV. DUES**

Members shall pay dues as determined by Council (Article XII-i).

#### **V. FINANCIAL STATEMENTS**

- a) The fiscal year of the Association shall be from 1 June to 31 May of the following year.
- b) Financial statements of the Association shall be prepared annually by the Treasurer and audited (Article XVI). The financial statements shall bear the signature of the treasurer and one other member of the Executive. Copies of the audited financial statements shall be made available upon request to members of the Association at least one week before the general meeting at which they will be discussed.

#### **VI. EXECUTIVE OFFICERS : TERMS OF OFFICE and STIPENDS.**

- a) The elected Executive Officers of the Association shall be President, Vice-President, Secretary, Treasurer and three Members-at-large. These officers shall be elected as follows: the President and Vice-President shall each be elected on even-numbered years to serve for a two-year term; the Secretary and Treasurer shall each be elected on odd-numbered years to serve for a two-year term. Each of the above officers may not serve for more than two consecutive terms. Each member-at-large shall be elected annually to serve a one-year term but may not serve as member-at-large for more than two consecutive years. Terms of office shall begin 1 June and end 31 May.
- b) The Executive, subject to ratification by the Council, may permit an extension beyond the two (2) year term in the event that:
  - A difficulty arises with respect to filling an office(s); and
  - The candidate(s) is (are) willing to extend for another term; and
  - Such extension shall not exceed one (1) year.

- c) The President of the Association shall receive compensation equivalent to the stipend provided to chairs of large departments. The Vice-President, Secretary and Treasurer shall receive compensation equivalent to half that provided to the President. All reasonable disbursements incurred in the course of the exercise of his/her office shall be reimbursed.

#### **VII. NOMINATION AND ELECTION OF EXECUTIVE OFFICERS**

- a) The election of all Executive Officers shall proceed by a method of preference voting. In the cases of the election of members-at-large, the three highest-ranking candidates for the position of Member-at-large shall be declared elected.
- b) The Standing Committee on Elections shall organize and administer the election to take place before the end of the official examination period in the winter session.
- c) Nominations shall be made by written submission with the signature of two members of the Association and the nominee.
- d) If no candidate receives a majority on the first ballot there shall be a run-off election between the two leading candidates.

#### **VIII. VACANCIES IN THE EXECUTIVE AND COUNCIL**

- a) If at any time the office of President of the Association shall become vacant, the Vice-President shall become President.
- b) If any other elected office of the Association becomes vacant at any time, the Standing Committee on Elections shall conduct a by-election. The President shall appoint an interim replacement until the by-election is completed. The by-election shall not be held if there remains only six (6) months or less in the term of office(s) so vacated, in which case the interim replacement will remain in office until the next regular term begins. A vacancy shall include the unwillingness, inability or disability of an executive member to act for a period of more than six (6) months.

#### **IX. POWERS AND FUNCTIONS OF THE EXECUTIVE**

- a) In accordance with the Constitution, the Executive shall administer the affairs of the Association, including but not to restrict the generality of the foregoing, the management of funds and the application of the Collective Agreement including the grievance/arbitration procedure. The Executive shall report to the

Council and the membership on its activities, respecting at all times the confidentiality of any individual member.

- b) The Executive shall make arrangements for the maintenance of an office for the Association and the hiring, termination, discipline and negotiation of employment conditions of personnel.
- c) Members of the Executive shall be voting members of Council and shall be counted in the quorum. The President shall chair the meetings of Council, but will vote only in the case of a tie.
- d) The Executive shall be responsible for the nomination of candidates for all committee positions, with the exception of the Standing Committee on Elections (Article XII-b). Further nominations may be proposed by members of Council. (For the election of these committees, see Article XII-c).
- e) The President, or his/her delegate from the Executive, shall be an ex-officio non-voting member of all committees, except the Standing Committee on Elections and other committees specified by Council.
- f) The quorum for a meeting of the Executive shall be four.

**X. IMPEACHMENT AND DISMISSAL OF MEMBERS OF THE EXECUTIVE**

- a) The impeachment of a member of the Executive is initiated when a Petition of Impeachment is signed by fifteen percent (15%) of the members in good standing at the date the Petition is presented.
- b) The Petition shall name a spokesperson for the Petitioners, who shall act as the Petitioners' nominee on the hearing committee. Upon receipt of a duly signed original of the Petition, served by registered mail or bailiff, the subject of the Petition shall notify the Petitioner's nominee of his/her nominee, in writing, within 10 working days.

The two nominees shall agree on a third party neutral Chair. In the event of the inability to agree within the fifteen following days, the President of the Association shall act as the Chair. In the event that the President is the subject of the Petition the role shall pass to the Vice-President, Secretary or Treasurer respectively.

The nominees and Chair shall be disinterested parties, free of any bias or personal knowledge of the events giving rise to the Petition.

Together all three (3) individuals shall constitute the Impeachment Committee.

- c) The only grounds for impeachment shall be:
- Serious neglect or dereliction of duties.
  - Conviction of an indictable offence;
  - Conviction of a summary conviction offence, penal or statutory offence, related to the carrying out of the subject's functions, which in the opinion of the Impeachment Committee is sufficiently serious.

A disagreement with policy matters or decisions taken in good faith shall not be grounds for impeachment, but rather subject to the normal election process. Excepted only from the foregoing are decisions of such a nature as to affect the viability of the Association, its continued existence in accordance with its stated Purpose (Article II), or of such a nature as to place its reputation in irreparable harm.

- d) The Committee shall as soon as practically possible hold a hearing where the Petitioner(s) and the subject may call all necessary and relevant evidence to support or defeat the Petition.

A majority of the Committee shall render a decision as soon as possible after the final proof and documentation is completed or filed.

If the Petition is adopted then:

- 1) Either party may appeal to the Council on procedural grounds.
- 2) Once the appeal procedure is exhausted or if there is no appeal, the decision becomes final and executory on service upon the subject of a true copy. In such event the usual regulations regarding a vacancy shall be triggered.

The Committee in extraordinary circumstances may render, after giving all parties the right to be heard, an interim decision, suspending the subject from office, until a final decision is rendered.

- e) The Committee may adopt or reject the Petition or if it deems appropriate decide upon a lesser sanction than permanent impeachment, e.g., suspension from office for a fixed period.

Full impeachment will disqualify a subject from running for office for a minimal period of five (5) years. The term is to be at the discretion of the Committee and shall be commensurate with the gravity of the offence committed.

The Committee may also, without a hearing, reject *prima facie* a frivolous Petition if same does not allege one (1) of the grounds set out in this constitution, or one which is clearly made for improper motives.

- f) The procedure for the handling of the Petition; the notice of hearing(s); and the function of secretary of the Committee shall be filled by the Association's professional and legal officer.

A written transcript may be requested if the cost is assumed by the person(s) so requesting.

- g) An appeal on procedural grounds, if requested in writing by either party, within fifteen (15) working days from knowledge of the decision, will be heard by the Council; in such case the Council will review only the written material and transcript and only in the most extraordinary circumstances hear new evidence.

## **XI. ELECTION OF COUNCIL**

- a) With a view to guaranteeing the full participation of its membership in the making of policy, the Association shall be represented by a Council elected by the membership from academic constituencies of approximately equal size within the University. The Council shall comprise no more than thirty elected councillors, plus the Executive.
- b) The election of council members and alternates shall be organized and supervised by the Standing Committee on Elections (Article XII -b) and shall take place once a year by secret mail ballot. The term of office for Council shall be for two years from 1 June of the year of election to 31 May of the second year. The terms of councillors shall be staggered so that half of the member of council will be elected one year and the other half in alternate years. Nominations and balloting shall take place before the end of the official examination period in the winter session and at the same time as nominations and elections for the Executive.
- c) Each constituency shall elect one council member and one alternate member. The candidate shall indicate on the nomination form if he/she wishes the position of regular or alternate member. If

there is only one nomination for a position, then the candidate shall be acclaimed. If there is more than one nomination for a position, an election shall take place as provided for in Article XI b).

- d) In the event that there is no candidate for a position, the nomination period shall remain open until a nomination is received. The candidate shall then be acclaimed.

## **XII. POWERS AND FUNCTIONS OF COUNCIL**

- a) The Council shall be the sole legislative body of the Association.
- b) The Council shall elect an independent Standing Committee on elections to organize and administer all procedures for elections, beginning with the announcement of elections and ending with the announcement of the results. The Standing Committee on Elections shall also organize all mail ballot procedures (Article XV). The Standing Committee on Elections shall, on its own initiative or when requested by Council, propose for Council's approval the composition of the constituencies and the number of seats assigned to each, in accordance with the provisions of Article XI (a).
- c) The Council's confirmation shall be required for the composition of the Collective Agreement Negotiating Committee proposed by the Executive.  
The Negotiating Committee, after consultation with Council, prepares the proposed Collective Agreement amendments.
- d) The Council shall define the mandate and term of office for all committees except the Collective Agreement Negotiating Committee
- e) The Council shall approve the negotiated amendments to the Collective Agreement as proposed by the Negotiating Committee prior to their being submitted for ratification by the members,
- f) The adoption of all negotiated collective agreements shall require both a majority vote of those voting on Council and ratification by the membership by secret mail ballot. (Article XV).
- g) The Council shall be responsible for motions to call for strike action, withdrawal of services, or respect for picket lines established by other certified bargaining units. All such motions must be approved in a secret mail ballot by at least two-thirds of those voting in Council before submission for decision by the membership, first by



secret ballot in a General Meeting (Articles XIII-e) and XIX-b) and then, if approved, in a secret mail ballot (Article XV).

- h) The Council shall adopt an annual budget, which on the advice of the Treasurer shall be made available to members on request.
- i) The Council shall be responsible for determining a schedule of dues. A reasoned proposal for dues changes shall be circulated to Council members at least six weeks prior to the meeting of Council at which the vote on the motion will take place.
- j) The Council shall normally be chaired by the President of the Association and shall meet on at least two occasions during each fall and winter term, at a time and place designated by the Secretary of the Association at least one week in advance of each meeting.
- k) A special meeting of the Council may be called at the request of twenty percent of its members.
- l) Quorum for Council meetings shall be fifty percent plus one of its memberships, except in the period from 1 May to 31 August when the quorum shall be one-third of its membership.
- m) Council by majority vote of those voting has the power to establish and amend by-laws for procedural matters, in accordance with the Constitution. Proposed by-laws or amendments thereto shall be circulated to the general membership at least three weeks prior to the meeting of Council at which the vote on the motion will take place.
- n) All members of the Association may attend Council meetings in a non-voting capacity. Speaking privileges for such members will be granted at the discretion of the Chairperson.
- o) Council upon recommendation of the Executive may authorize the purchase and/or sale of immoveable property.

### **XIII GENERAL MEETINGS**

- a) There shall be at least one General Meeting of the members of the Association during each of the fall and winter terms.
- b) The President of the Association shall preside at each general meeting and at each statutory General Meeting, and shall report to

the membership on the state of the Association and on specific matters of topical importance.

- c) Special General Meetings may be called at any time by the officers of the Association, or by Council by a majority vote of those voting, or when fifty members of the Association make written petition to the Secretary for such a meeting.
- d) At least one week's notice shall be given to members prior to all General Meetings.
- e) Quorum for a General Meeting shall be at least ten percent of the members, except in the case of meetings called to consider affiliation, strike action, withdrawal of services, or respect for picket lines established by other certified bargaining units, when the quorum shall be twenty per-cent of the members.
- f) Motions at a General Meeting shall be carried by a majority vote of those voting, except in the case of impeachment (Article X-c)

#### **XIV. POWERS AND FUNCTIONS OF GENERAL MEETINGS**

- a) Any member of the Association has the right to propose a motion whose object is to advise the Executive or the Council on any matter. Any such motion which is adopted shall be placed on the agenda of the next meeting of the body to which it is directed.
- b) The powers of the General Meeting include: votes on motions for strike action, withdrawal of services, or respect for picket-lines established by other certified bargaining units (Article XII-g).

#### **XV. MAIL BALLOTS**

- a) Mail ballots to members shall be used for at least the following purposes: (1) election of officers of the Association; (2) ratification of amendments to the Constitution (Article XIX); (3) ratification of a recommendation by Council to accept a proposed collective agreement; (4) ratification of recommendation from the Council and the General Meeting to strike, withdraw services, or respect picket lines established by other certified bargaining units; (5) ratification of recommendations from the Council to change affiliation (Article XVII).
- b) While classes are in session during the fall and winter terms, at least ten days shall be allowed for submission of ballots. At any

other time at least thirty days shall be allowed for submission of ballots.

- C) Ratification of a collective agreement requires a simple majority of those voting by secret mail ballot.
- d) Ratification of a recommendation, to strike, withdraw services, or respect picket lines established by other certified bargaining units, requires a sixty percent majority of the total membership of the bargaining unit in a secret mail ballot.
- e) All votes requiring mail ballots shall be organized and supervised by the Standing Committee on Elections.

#### **XVI. AUDITORS**

Council shall elect an auditor or auditors to examine and render an opinion to the members of the Association on the financial statements of the Association. The Auditor(s) reporting on the Association's statements for a particular fiscal year shall have the right to be present at the meeting(s) at which the financial statements and the Auditor's report are presented to the membership.

#### **XVII. AFFILIATION**

- a) The Association shall be an affiliate of the Fédération Québécoise des Professeures et Professeurs d'Université and the Canadian Association of University Teachers.
- b) Any proposals to change the affiliation of the Association shall be considered to be amendments to the Constitution, which require both a two-thirds majority of those voting in Council and a sixty percent majority of the total membership of the bargaining unit in a secret mail ballot distributed one month prior to the counting of ballots. (Article XIX-b).

#### **XVIII. INTERPRETATION OF THE CONSTITUTION AND BY-LAWS**

- a) Responsibility for interpreting the terms and provisions of the Constitution and By-laws of the Association shall rest with the President, or in the absence of the President, the Chairperson of the Council.
- b) In the event that such an interpretation made by the President Chairperson of Council is challenged by a member of Council, the question shall be decided by a simple majority of the votes cast at the meeting of the Council.

- c) In the event that the constitution is silent on any procedural matter, recourse will be to the latest edition of Robert's Rules of Order.

## **XIX. AMENDMENTS TO THE CONSTITUTION**

- a) The Constitution may be amended only during the fall and winter terms including examination periods. Amendments require both a two-thirds majority of those voting in Council and a sixty percent majority of those voting in a mail ballot of the membership distributed one month prior to counting the ballots; the minimum number of ballots cast must be twenty-five percent of the membership.
- b) Any amendment relating to affiliation, strike action, withdrawal of services, or respect for picket lines of other certified bargaining units requires both a two-thirds majority of those voting in Council and a sixty percent majority of the total membership of the bargaining unit in a secret mail ballot distributed one month prior to the counting of ballots. Any amendment to this clause (XIX-b) requires both a two-thirds majority of those voting in Council and a sixty percent majority of the total membership of the bargaining unit in a secret mail ballot distributed one month prior to the counting of ballots.