

CONCORDIA UNIVERSITY FACULTY ASSOCIATION
ASSOCIATION DES PROFESSEURS DE L'UNIVERSITÉ
CONCORDIA

CONSTITUTION

(Ratified May 31, 1982)
(Translated April 1985)
(Revised September 1988)
(Revised February 1991)
(Revised April 2004)
(Revised June 2008)

**CONCORDIA UNIVERSITY FACULTY ASSOCIATION/
ASSOCIATION DES PROFESSEURS DE L'UNIVERSITÉ
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Note on the organization of the text: The numbering below is that of the current constitution in order to make it easier to identify the proposed changes. In the final text (see accompanying file XYZ.pdf), the articles are re-ordered and re-numbered in a more logical fashion, and a summary of the changes in organization is provided. [Note to executive: the re-ordering and re-numbering has not yet been done.]

This Constitution replaces all previous constitutions of the Association.

I. NAME

The name of the Association shall be *Concordia University Faculty Association (CUFA) / Association des Professeurs de l'Université Concordia (APUC)*, hereinafter the *Association*.

II. PURPOSE

The purpose of the Association shall be to promote the professional and collegial interests of librarian and faculty members; 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 Chairs and 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-President, President and their Assistants and Associates during the term of administrative office, and shall exclude librarians occupying the following administrative positions: University Librarian, Associate and Assistant Directors of Libraries, Department Heads, and Staff Officers.

- b) In order to become a member of the Association, an eligible librarian or faculty member 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.

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. 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 presented to the members of Council for information. The financial statements shall be made available to members of the Association at least ten (10) working days before the General Meeting at which they will be discussed.

VI. EXECUTIVE OFFICERS

- 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 for two-year terms as follows: the President, the Treasurer, and two (2) Members-at-large shall be elected in even-numbered years; the Vice-President, the Secretary, and one (1) Member-at-large shall be elected in odd-numbered years. No one may serve for more

than two (2) consecutive terms in the same Executive position.
Terms of office shall begin 1 June and end 31 May.

- b) All reasonable disbursements incurred in the course of fulfilling one's union duties shall be reimbursed.

VII. NOMINATION AND ELECTION OF EXECUTIVE OFFICERS

- a) 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.
- b) The election of all Executive Officers shall proceed by a method of preference voting. (See Appendix A).
- c) Nominations shall be made by written submission with the signature of two (2) members of the Association and the nominee.
- d) The election of members of the Executive shall be organized and supervised by the Standing Committee on Elections and shall take place by secret mail ballot.

VIII. VACANCIES IN THE EXECUTIVE

- a) If at any time during the term of office the position of President of the Association becomes vacant, the Vice-President shall become President for the balance of the term of office.
- b) If any other elected office of the Executive 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 six (6) months or less remain in the term of office so vacated, in which case the interim replacement will remain in office until the next regular term begins.
- c) A vacancy shall include the unwillingness or inability of an executive member to act for an extended period.

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. It shall approve the Collective Agreement amendments as proposed by the Collective Agreement Negotiating Committee before presentation to Council of the principles underlying the proposed amendments. It shall also approve the final negotiated Collective Agreement for presentation to Council.

- 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 its 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. Further nominations may be proposed by members of Council.
- 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 (4).

X. IMPEACHMENT AND DISMISSAL OF MEMBER(S) OF THE EXECUTIVE

- a) The impeachment of a member or members of the Executive (hereafter "the Subject") is initiated when a Petition of Impeachment is signed by fifteen percent (15%) of members in good standing on the date the Petition is presented.
- b) As soon as is practically possible, a hearing shall be held where the Petitioners and the Subject may present all necessary and relevant evidence to support or defeat the Petition. Unless requested otherwise by the Subject, the hearing shall be held *in camera*.

The hearing shall be conducted by an Impeachment Committee constituted in the following manner:

The Petition shall name a spokesperson for the Petitioners, who shall act as the Petitioners' nominee on the Impeachment Committee.

Upon receipt of a duly signed original of the Petition served by registered mail or by bailiff to the official residence of the Subject of the Petition, the Subject shall, within ten (10) working days, notify in writing the Petitioners' nominee of the Subject's nominee. The notification shall be served by registered mail or by bailiff to the official residence of the Petitioners' nominee.

The two (2) nominees shall agree on a neutral third party Chair. In the event of the inability to agree within five (5) working days, or in the case of a Petition against the entire Executive, the Impeachment Committee shall request that an officer of CAUT or FQPPU act as Chair.

- c) The only grounds for impeachment shall be:
- serious neglect or dereliction of duties.
 - the taking of decisions of such a nature as to affect the viability of the Association, its continued existence in accordance with its stated purpose, or of such a nature as to place its reputation in irreparable harm.
 - conviction of an indictable offence;
 - conviction of a summary, 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 is subject to the normal election process.

The final proof and documentation for impeachment shall be presented and filed within three (3) working days after the completion of the hearing. Following this, the Impeachment Committee shall render a final decision within ten (10) working days. In extraordinary circumstances and after giving all parties the right to be heard, the Impeachment Committee may suspend the Subject from office in the interim until a final decision is rendered. Any unavoidable delay in the rendering of the decision shall not invalidate it.

The Impeachment Committee may adopt or reject the Petition, or if it deems appropriate, may decide upon a lesser sanction than dismissal, such as suspension from office for a fixed period of time. The Impeachment Committee may also, without a hearing, reject *prima facie* a frivolous Petition if same does not allege one of the grounds set out in this Constitution, or one which is clearly made for improper motives.

If the Petition is adopted then either party may appeal to Council, but only on procedural grounds.

An appeal on procedural grounds, if requested in writing by either party, must be filed within ten (10) working days of the rendering of the decision. A special meeting of Council shall be held in order to consider the decision of the Impeachment Committee. Council shall be provided with the relevant documentation at least ten (10) working days prior to this meeting, at which Council shall render its decision. If such a hearing is held, Council shall review only the written material and transcript and shall hear new evidence only in the most extraordinary circumstances.

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 by registered mail or by bailiff to their official residence within five (5) working days. In the event of a successful impeachment, the usual regulations regarding a vacancy shall take effect.

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

The Association's Professional and Legal Officer shall be responsible for handling the Petition, filing the notice of hearing, and serving as Secretary of the Impeachment Committee. This shall include arranging for the recording and transcription of the proceedings and the distribution of copies of the transcript to all members of the Impeachment Committee.

XI. MEMBERSHIP AND ELECTION OF COUNCIL

- a) With a view to guaranteeing the full participation of the members of the Association in the making of policy, they shall be represented by a Council elected by the membership from academic

constituencies of approximately equal size and affinity 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 and shall take place once a year by secret mail ballot. The term of office for Council members shall be for two (2) 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 members of Council will be elected one year and the other half in the following year. Nominations and election shall take place before the end of the official examination period in the winter session.
- c) Each constituency shall elect one (1) Council member and one (1) 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 (1) nomination for a position, then the candidate shall be declared acclaimed. If there is more than one (1) nomination for a position, an election shall take place.
- 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 declared acclaimed for the balance of the term of office.

XII. POWERS AND FUNCTIONS OF COUNCIL

- a) Council shall be the sole legislative body of the Association.
- b) 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 as soon as they are known. The Standing Committee on Elections shall also organize all ballot procedures. On its own initiative, or when requested by Council, the Standing Committee on Elections shall propose the composition of the constituencies for Council's approval.
- c) Council's confirmation shall be required for the composition of the Collective Agreement Negotiating Committee proposed by the Executive.

After consultation with the Executive and Council, the Negotiating Committee shall prepare the proposed Collective Agreement amendments. Council shall consider and recommend the principles

underlying the proposed Collective Agreement amendments as proposed by the Executive.

- d) Council shall define the mandate and term of office for all Council committees except the Collective Agreement Negotiating Committee.
- e) Upon recommendation of the Executive, Council shall vote on a motion to recommend the negotiated Collective Agreement prior to its being submitted to the membership for ratification.
- f) The adoption of all negotiated Collective Agreements shall require a majority vote of those voting in Council and ratification by the membership.
- g) Council shall be responsible for motions calling for strike action (strike action includes any kind of job action, including a strike mandate, withdrawal of services, or respect for picket lines established by other certified bargaining units). Any such motion shall require approval in a secret ballot by two-thirds of those voting in Council before submission to the membership for ratification in a General Meeting.
- h) Council shall adopt an annual budget, which on the advice of the Treasurer shall be made available to members on request.
- i) 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 (6) weeks prior to the meeting of Council at which the vote on the motion will take place.
- j) Council shall normally be chaired by the President of the Association and shall meet on at least two (2) occasions during each fall and winter term, at a time and place designated by the Secretary of the Association at least one (1) week in advance of each meeting.
- k) A special meeting of Council may be called at the request of fifteen percent (15%) or five (5) of its members, whichever is higher.
- l) Quorum for Council meetings shall be a simple majority of its membership, except in the period from 1 May to 31 August when the quorum shall be one-third of its membership. Vacant seats shall not be counted in the calculation of quorum.

- m) By a majority of those voting, Council 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 (3) weeks prior to the meeting of Council at which the vote on the motion will take place.
- n) Any member 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) Upon recommendation of the Executive, Council may authorize the purchase and/or sale of immoveable property.

XIII GENERAL MEETINGS

- a) There shall be at least one (1) regularly scheduled 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 regularly scheduled General Meeting and at any special 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 Executive of the Association, or by a majority vote of those voting in Council, or when fifty (50) members of the Association present a written petition to the Secretary calling for such a meeting.
- d) At least five (5) working days' notice shall be given to members prior to all General Meetings.
- e) Ten per cent (10%) or one hundred (100) of the members of the Association in good standing, whichever is less, shall constitute a quorum for General Meetings of the Association.
- f) Motions at a General Meeting shall be carried by a simple majority of those voting, except in the case of a motion calling for strike action (strike action includes any kind of job action, including a strike mandate, withdrawal of services or respect for picket-lines established by other certified bargaining units). Such a motion requires the support of sixty percent (60%) of those voting by secret ballot at the General Meeting of the Association.

XIV. POWERS AND FUNCTIONS OF GENERAL MEETINGS

- a) At a General Meeting, 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. If adopted, the motion shall be placed on the agenda of the next meeting of the body to which it is addressed.
- b) The powers of the General Meeting include votes on motions calling for strike action (strike action includes any kind of job action, including a strike mandate, withdrawal of services, or respect for picket lines established by other certified bargaining units).

XV. VOTING BY THE MEMBERSHIP

- a) Secret ballots decided by simple majority of those members voting shall be used for the following purposes: (1) election of officers of the Association; (2) ratification of a recommendation by Council to a) accept a proposed collective agreement; b) modify affiliation(s), c) accept a proposed amendment to the Constitution.
- b) While classes are in session during the fall and winter terms, at least ten (10) and no more than fifteen (15) working days shall be allowed for submission of mail ballots. At any other time at least twenty (20) and no more than twenty-five (25) working days shall be allowed for submission of mail ballots.
- c) Ratification of a recommendation by Council calling for strike action (strike action includes any kind of job action, including a strike mandate, withdrawal of services, or respect for picket lines established by other certified bargaining units), requires the support of sixty percent (60%) of those voting by secret ballot at a General Meeting of the Association.
- d) All membership votes requiring 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. AFFILIATIONS

- a) The Association shall be an affiliate of the Fédération québécoise des professeures et professeurs d'université (FQPPU), the Canadian Association of University Teachers (CAUT), and the Canadian Association of University Teachers' Defence Fund (CAUTDF).

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 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

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 the support of sixty per cent (60%) of those voting in a secret mail ballot of the membership; the minimum number of ballots cast must be twenty-five per cent (25%) of the membership.