



Constitution and Bylaws  
of the  
Capilano University Faculty Association  
(Revised March 16, 2010)

**ARTICLE I**

The name of the trade union is "Capilano University Faculty Association," (the "Union").

**ARTICLE II**

The objectives of the Union are:

- 1) To promote, maintain and defend independence of thought and teaching; and to advance the professional status of the faculty of Capilano University.
- 2) To seek certification as a trade union, to hold certifications, to regulate relations between employers and employees through collective bargaining, to conclude, revise and terminate Collective Agreements and in particular, but without restricting the generality of the foregoing, to function as a trade union pursuant to the laws of the Province of British Columbia.
- 3) To ensure effective representation on all committees, boards, and other bodies dealing with policy matters concerning members of the Union.
- 4) To secure the benefits of inter-disciplinary and inter-program stimulation and cooperation.
- 5) To help define, foster and implement the role of Capilano University as a post-secondary educational institution based in the Province of British Columbia and operating internationally.

**ARTICLE III**

The operation of the Union is to be primarily carried on in the Province of British Columbia. Additional operations may be necessary outside of British Columbia at other locations where bargaining unit members regularly work.

## **BYLAWS**

### **BYLAW I: MEMBERSHIP**

1. Regular membership shall be open to all those whose function falls within the bargaining unit description, and such others who upon written application shall be judged by the Executive to be eligible for membership.
2. Rulings of the Executive on membership may be appealed in writing to the president, who shall place the appeal before the next regular meeting of the Union. Such appeals shall require a two-thirds majority of votes of members present to succeed.
3. An eligible person shall become a member upon processing of an "Application for Membership" and upon payment of the required dues. Applications for Membership will be processed immediately after an employee's hiring with the exception of the two weeks prior to the Annual General Meeting.
4. On payment of the annual fee, any member who is not a current employee of the University is entitled to retain his/her Union membership until his/her reappointment rights under the Collective Agreement expire.
5. Any member who has given notice to the University of his/her retirement may retain membership in the Union by payment of the annual fee. Payment of this fee will entitle the member to receive notice of and attend all Union meetings, but not the right to vote at any of these meetings.
6. Members described in paragraph 5 above shall be called "non-active members."

### **BYLAW II: TERMINATION OF MEMBERSHIP**

A member shall cease to be a member:

- a) when he or she ceases to qualify under Bylaw I, or
- b) if he or she be expelled by an extraordinary resolution of the Union.

### **BYLAW III: MEETINGS**

1. The Annual General Meeting of the Union shall be held in April or May at a date to avoid scheduling conflicts with the summer semester. At least two weeks written or email notice of this meeting shall be circulated to all members.
2. A schedule of regular meeting times of the Union shall be presented to the members at the first regular meeting in September each year. There shall be at least one regular meeting set for each month September through April.
3. Special meetings shall be called by the president or by any three members of the Executive upon two weeks written or email notice being circulated to all members.

4. At the written petition of at least 10 members, a special meeting shall be called by the president. Seventy-two (72)-hour written notice must be circulated to all members outlining the reason for the meeting. The meeting must take place no later than two weeks after receipt of the petition. Every effort will be made to ensure all members receive notice of such meeting.
5. The president, or the majority of the Executive, or the negotiating committee with the agreement of the majority of the Executive, shall have the power to call an extraordinary meeting on not less than 12 hours notice to consider and take appropriate action on collective bargaining issues. Every effort will be made to ensure all members receive notice of such meeting.

#### **BYLAW IV: PROCEEDINGS AT GENERAL MEETINGS OF MEMBERS**

1. Each regular member in good standing shall be entitled to one vote at all meetings of the members. No proxies shall be allowed. When the Union is able to establish a two-way video and audio conferencing link with members not in attendance at the stipulated place for the meeting, then members participating through the link will be considered to be in attendance and be able to vote on issues. The Executive may establish rules and procedures governing the use of such technology.
2. The Executive of the Union may identify resolutions on major issues, on which members would be allowed to vote at University centres other than North Vancouver. Such voting would occur at prior extraordinary meetings conducted by the respective area stewards and the results shall be revealed and tabulated with the vote on the same resolution at the subsequent general meeting of the members.
3. By majority decision of members present at a meeting, any resolutions other than special resolutions may be put to ballot of all members of the Union. Such ballot will be mailed to members within one week of the following meeting and must include an Executive-certified copy of the motion and a précis of arguments made for and against the resolution at the meeting, also certified by the Executive. Ballots must be returned within two weeks of their being mailed to the members.
4. Save and except in case of amendments to the Constitution or Bylaws, extraordinary resolutions, or as otherwise specified herein, all questions arising at any meeting shall be decided by a simple majority of votes, and in case of an equality of votes, the president shall cast the deciding vote.
5. The president, and in his/her absence, the first vice-president followed by the vice president – chief steward, and in the absence of all, such person as the meeting may appoint as chairperson, shall preside at the meeting of the members.
6. Proceedings at all meetings of the Union shall be governed by Robert's Rules of Order, where they are applicable and not inconsistent with the Bylaws of the Union. Temporary suspension of Robert's Rules of Order during any meeting must be approved by a two-thirds majority of the members present in voting.
7. An extraordinary resolution shall mean a resolution passed by a two-thirds majority of such members entitled to vote as are present in person at a general meeting of which fourteen (14) days notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given.

## **BYLAW V: OFFICERS**

1. The Officers of the Union shall be:
  - President
  - First Vice President
  - Vice President - Chief Steward
  - Secretary
  - Treasurer
  - Professional Affairs Officer
  - Past President or Second Vice President
  - Non-North-Vancouver Campus Member-at-Large
2. The above officers listed in Section 1 shall be members of the Union and shall constitute the Executive of the Union. It shall be the duty of the Executive to carry on business on behalf of the Union and to investigate and report on matters of interest to the Union.
3. The duties of these officers shall be as assigned from time to time by the Executive and shall include the following:
  - (a) **PRESIDENT** - The president shall preside at all meetings of the members and of the Executive of the Union, shall supervise the other officers in the execution of their duties, and shall enforce the Constitution and Bylaws and any regulations. The president will ensure that a member of the Executive is appointed to oversee the professional development activities of the Union. The president is an ex officio member with voice and no vote of all committees or other bodies of the Union. The president, subject to the approval of the Executive, may assign duties amongst members of the Executive.
  - (b) **VICE-PRESIDENT** - The vice-president shall be in charge of membership and shall keep an accurate list of names, addresses, and classification of all members. This officer shall assume the duties of the president in the absence of the president.
  - (c) **SECRETARY** - The secretary shall keep a record of all proceedings of the Union, both at membership meetings and at Executive meetings, and shall be responsible for keeping a permanent file of all records, letters of value and correspondence as well as minutes for the Union. The Officer shall also ensure that all business is conducted in the presence of a quorum and that all necessary returns and informations are filed on behalf of the Union as required by the laws of B.C. and Canada.
  - (d) **TREASURER** - The treasurer shall keep the financial records, including books of account, necessary to comply with the laws of B.C. and Canada, and render financial statements to the Executive and members when required. The treasurer shall prepare a budget for approval of the Executive prior to presentation at the Annual General Meeting of the Union.
  - (e) **PROFESSIONAL AFFAIRS OFFICER** - The professional affairs officer will chair the Trade Union Practices/Ethics committee.

- (f) **VICE PRESIDENT - CHIEF STEWARD** - The vice president - chief steward is responsible for the day-to-day administration of the Collective Agreement. The vice president - chief steward is an ex officio non-voting member of any bargaining committee to advise on Collective Agreement administration aspects.
  - (g) **PAST PRESIDENT OR SECOND VICE PRESIDENT**  
The past president is to serve one year. The second vice president is to be elected. Duties include Board liaison, Senate liaison and internal organization. This member also assists the president with duties.
  - (h) **NON-NORTH-VANCOUVER CAMPUS MEMBER-AT-LARGE**  
The Non-North-Vancouver campus member-at-large duties include ensuring communication processes with regional centres are working effectively and assisting the first vice president with membership information from the Non-North-Vancouver location.
4. The Executive shall review the Constitution and Bylaws annually and report at the Annual General Meeting.

**BYLAW VI: ELECTION AND REMOVAL OF THE EXECUTIVE**

- 1.
  - a) The election of the Executive members will be held at a scheduled regular meeting during March or April prior to the spring semester examination period. At least two weeks written notice of this meeting shall be circulated to all members. Only members in good standing shall be eligible for election. Members of the Executive will serve one-year terms. If the past president does not wish to continue on the Executive, the members shall elect a second vice-president. Subject to the approval of a majority at a subsequent General meeting, the Executive may reassign Executive positions among existing Executive members, except for those positions that carry release sections.
  - b) Members with assignments or appointments at a Non-North-Vancouver location may nominate and cast votes for the Non-North-Vancouver campus member-at-large. The Non-North-Vancouver campus member-at-large must hold an assignment or appointment outside of the North Vancouver campus. The Executive is empowered to establish ad hoc election procedures for the Non-North-Vancouver campus member-at-large that will take precedence over the other provisions of Article VI if published to the membership 30 days prior to the date established under Bylaw VI 1(a) for the election of the Executive members.
- 2. Nominations may be made by two or more nominators for each nominee, subject to the consent of the nominee. Such nominations must be made (i) either in writing to the secretary four days prior to the Annual General Meeting (excluding Saturday/Sunday,) or (ii) verbally, from the floor at that meeting.
- 3. Nominations under Bylaw VI(2)(i) above shall be circulated by the secretary at least two days prior to the Annual General Meeting (excluding Saturday/Sunday). Such circulated nominations shall also include the names of the nominators.
- 4. All voting for the election of the Executive shall be by secret ballot.

5. Nominees for each position shall be declared elected when they have received a majority of the votes cast at the Annual General Meeting or they are the only nominee at the close of nominations.
6. Voting procedure for the election of the Executive shall be as follows:
  - (i) Nominees shall be given an opportunity to make a brief statement to the members.
  - (ii) Scrutineers shall be selected by the president, with the approval of the meeting.
  - (iii) If, after the first ballot, no nominee for the position shall have received majority, the list of nominees shall be reduced to those two nominees receiving the most votes on the first ballot.
7. The membership may remove any elected or appointed member of the Executive from office if a petition, signed by a majority of the membership, is presented to the Secretary. After an Executive officer fails to attend seven Executive meetings in the year without valid reasons, the secretary, subject to confirmation by a majority of the Executive, shall declare that office vacant.
8. If any office of the Executive, other than those carrying release sections, becomes vacant for any reason, the president may, after consulting with the Executive, appoint a member of the Union to this office to serve until the next date established under Bylaw VI 1 a) for the election of the Executive members of the Union.
9. If an office carrying release sections becomes vacant for any reason, the secretary shall call an election for that position. Nominations and balloting procedures will be as described above in Section 2 and 6.

#### **BYLAW VII: FINANCE**

1. The annual membership dues for regular members shall not be less than the sum of one dollar (\$1) and the amount shall be determined at the Annual General Meeting. Dues shall be payable as the Executive so determines. The annual membership dues for non-active members shall be ten dollars (\$10).
2. Special assessments may be levied at the discretion of the Executive, and subject to a majority vote of the membership.
3. The Union has power to borrow money, subject to approval by the membership by an extraordinary resolution.
4. At least two signing officers must authorize any banking transaction or other agreement binding upon the Union. The following members of the Executive are designated as signing officers with general authority to approve any banking transaction or other agreements: president, first vice president and treasurer. The chief negotiator is a designated signing officer for agreements reached during bargaining under the [British Columbia Labour Relations Code \(LRC\)](#). The vice president - chief steward is a designated signing officer for agreements reached to settle contract administration issues.
5. Strike Fund monies may be kept separate from other funds.

6. The books of account of the Union shall be audited or reviewed annually by appropriately licensed professionals appointed by the members at the Annual General Meeting and, failing such appointments, appointed by the Executive.
7. The audited or reviewed financial statements shall be presented at a General meeting prior to the end of September.

### **BYLAW VIII: AD HOC/STANDING AND NEGOTIATING COMMITTEES**

1. All aspects of the work of the Union shall be handled by the Executive and such members of the Union who may be empowered by the Executive to sit on ad hoc committees established by the Executive or to participate in an ex-officio capacity.
2. Standing committees shall continue from year to year, until the current Executive discontinues any such committee. Election to standing committees shall take place at the Annual General Meeting or a subsequent regular meeting.
3. If there are any vacancies on any standing committee after the first regular meeting in September, the Executive shall appoint members to fill those vacancies.
4. The negotiating committee shall consist of a chief negotiator and at least two other members elected at a meeting no later than four months prior to the expiry of the latest Collective Agreement. The negotiating committee shall hold office until the ratification of a new Collective Agreement or removal of any member by a majority vote at a special meeting called for that purpose.

The chief negotiator shall be elected prior to the other members. These elections shall be in a manner similar to Bylaw VI, Sections 2 and 6.

If a member of the Executive is not elected to the negotiating committee, the Executive shall appoint one of the members of the negotiating committee to sit as an ex-officio member of the Executive.

### **BYLAW IX: AMENDMENTS**

1. The Constitution and Bylaws of the Union shall not be repealed, added to or amended unless by a two-thirds majority of the membership present in voting at a properly convened meeting.
2. Notice of such resolutions to alter the Constitution and Bylaws shall be given in writing to the secretary and sent by him/her to the members of the Union at least one week prior to the date of the meeting at which such repeals, additions, and/or amendments shall be submitted.

### **BYLAW X: QUORUM**

1. The quorum for all Executive meetings shall be four.
2. The quorum for all General, Regular, and Special meetings shall be 10% of the membership or twenty five (25) members, whichever is the lesser.

## **BYLAW XI: MINUTES**

1. Minutes shall be kept by the secretary (or his/her proxy) at each meeting, and the secretary shall be responsible for the keeping of copies of these minutes and all other records of the Union.
2. A member will be entitled to examine all records and minutes of the Union upon request and at a reasonable time. Such an entitlement shall not include in-camera minutes, grievance correspondence and reports, and information related to bargaining.

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Revised and consolidated as of March 16, 2010.

Partial history of previous revisions and consolidations:  
Revised and consolidated as of April 28, 2009.  
Revised and consolidated as of November 18, 2008.