



**Constitution and Bylaws  
of the  
Capilano University Faculty Association**

(Last revised May 2, 2019)

**ARTICLE I**

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

**ARTICLE II**

The objectives of the Union are to:

- 1) Promote, maintain, and defend independence of thought and teaching; and to advance the professional status of the faculty of Capilano University.
- 2) 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) Ensure effective representation on all committees, boards, and other bodies dealing with policy matters concerning members of the Union.
- 4) Secure the benefits of inter-disciplinary and inter-program stimulation and cooperation.
- 5) 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. Membership is open to all those whose function falls within the bargaining unit description, and any others the Executive Officers of the Union ("the Executive") judge to be eligible, based on the person's written application.
2. Rulings of the Executive on membership may be appealed in writing to the president, who will place the appeal before the next general meeting of the Union members. Appeals require a special resolution (as defined in bylaw IV) to succeed.
3. An eligible person becomes a member upon processing of an "Application for Membership". The Union will process applications for membership as soon as possible after an employee's hiring, with the exception of the two weeks prior to the Annual General Meeting.
4. Any member who is not a current employee of the University is entitled to retain Union membership until the member's reappointment rights under the Collective Agreement expire.
5. Any member who has given notice of retirement to the University may retain membership in the Union by signing a "non-active membership" card.
6. "Non-active members" under section 5 above have the right to receive notice of and attend all Union meetings, but not the right to vote at any meetings, or any of the other.

### BYLAW II: TERMINATION OF MEMBERSHIP

A member ceases to be a member when the member:

- a) no longer-qualifies under Bylaw I, or
- b) is expelled by a special resolution of members (as defined in Bylaw IV).

### BYLAW III: MEETINGS

1. The **Annual General Meeting** of the Union must be held in April or May on a date that avoids scheduling conflicts with the summer semester. The Union must notify the membership of the meeting date in writing or by email at least two weeks before the date of the meeting.

2. The Executive will present a schedule of dates of general meetings to the members at the first general meeting in September each year. There will be at least one general meeting per month in the period September through April.
3. **Special meetings** will be held when:
  - (a) the president or three other members of the Executive call the meeting and provide two weeks' written or email notice to all members; or
  - (b) at least 10 members submit a written petition to the Executive, in which case the Executive must hold the meeting within two weeks of receipt of the petition, and must give members at least 72 hours' written or email notice of the meeting and the reasons for it.
4. An **extraordinary meeting** may be held to take appropriate action on collective bargaining issues if the president or a majority of the Executive calls the meeting on the advice of the negotiating committee. The Executive must give members at least 12 hours' notice of the extraordinary meeting by email, including the reasons for the meeting.

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

1. Except as specified in the Bylaws, all questions arising at any meeting will be decided by a **simple majority** of votes cast by eligible members present at the meeting ("ordinary resolution"). Wherever the Bylaws specify that a **special resolution** is required, two-thirds of the votes cast by eligible members present at the meeting must be in favour of the motion. If the vote is a tie, the president casts the deciding vote.
2. Proceedings at all general, Executive, and committee meetings of the Union are governed by the current edition of *Robert's Rules of Order*, but in the event of a conflict with these Bylaws, the Bylaws prevail. Members may by special resolution temporarily suspend *Robert's Rules of Order* during any meeting.
3. The president presides at meetings of members. If the president is absent, the vice president presides, followed by the chief steward. In the absence of all three, the members at the meeting may appoint one member to act as chair for that meeting.
4. Each member is entitled to one vote at general, special, or extraordinary meetings of the members. No proxies are allowed. When the Union is able to establish a 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 able to vote. The Executive may establish rules and procedures

governing the use of such technology.

5. The Executive may identify resolutions on major issues, on which members are allowed to vote at University locations other than North Vancouver. Such votes must take place at special general meetings that are conducted by the area stewards for those locations, and held before the resolution is debated at a general meeting at the North Vancouver campus. The results of these votes at other locations will be revealed and tabulated with the vote on the same resolution at the subsequent general meeting at the North Vancouver campus.
6. Members at a meeting may, by majority decision, put any resolution to ballot of all members of the Union, unless such ballot is prohibited by B.C. labour law. Within one week of the meeting, the executive will distribute this ballot to members. The ballot will include the text of the resolution and the executive's précis of arguments made at the meeting for and against the resolution. To be counted, members must deliver their marked ballots to the Executive within the time frame specified at the meeting, which may be no less than one week and no more than two weeks after the ballot is distributed to the members.

## **BYLAW V: OFFICERS**

1. The Officers of the Union are:
  - President
  - Vice President
  - Chief Steward
  - Assistant Chief Steward
  - Secretary
  - Treasurer
  - Equity and Professional Affairs Officer
  - Membership, Communications, and Committees
  - Officer Satellite and Regional Campus Representative
  - Past President (non-voting)
2. The officers listed in section 1 above must be members of the Union. Together, they constitute the Executive of the Union ("the Executive"). It is the duty of the Executive to carry on business on behalf of the Union and to investigate and report to members on matters of interest to the Union.
3. The duties of these officers are as assigned from time to time by the Executive, and include the following:

- (a) **PRESIDENT** – presides at all meetings of the members and of the Executive of the Union, supervise the other officers in the execution of their duties, and 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 also sits on the Presidents’ Council of the B.C. Federation of Post-Secondary Educators, and represents the Union at provincial meetings. The president, subject to the approval of the Executive, may assign duties amongst members of the Executive.
- (b) **VICE PRESIDENT** – is responsible for liaison between the Union and the University Board of Governors and Senate, including attendance at meetings of those bodies. The vice president sits on the Union’s Governance committee and liaises between that committee and the executive committee. This officer will assume the duties of the president in the absence of the president.
- (c) **SECRETARY** – must keep a record of all proceedings of the Union, both at membership meetings and at Executive meetings, and is responsible for keeping a permanent file of all records, letters of value and correspondence as well as minutes for the Union. This officer will also ensure that all business is conducted in the presence of a quorum and that all necessary returns and information are filed on behalf of the Union as required by the laws of B.C. and Canada.
- (d) **TREASURER** – must 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 must prepare a budget for approval of the Executive prior to presentation at the Annual General Meeting of the Union.
- (e) **CHIEF STEWARD** – is responsible for the day-to-day administration of the Collective Agreement. The chief steward is an ex officio non-voting member of any bargaining committee to advise on Collective Agreement administration aspects.
- (f) **ASSISTANT CHIEF STEWARD** – assists the Chief Steward in the day-to-day administration of the Collective Agreement.
- (g) **EQUITY AND PROFESSIONAL AFFAIRS OFFICER** – To review, comment and advise CFA Executive and CFA membership on collective agreement language, policies, guidelines, model clauses, best practices, actions and campaigns in regards to equity in post-secondary education in light of human rights, decolonization, equity and inclusivity concerns. Chairs the Trade Union Practices/ Ethics committee, and is responsible for communication with Union members on matters of professional responsibility and ethics.

- (h) **MEMBERSHIP, COMMUNICATIONS, AND COMMITTEES OFFICER** – is responsible for keeping an accurate list of names, addresses, and classification of all members. This officer must also maintain the list of committee members, and advise the university administration and Federation of Post-Secondary Educators of the Union’s representatives to joint committees. This officer also sits on the Communications Committee, and liaises between that committee and the executive committee.
- (i) **SATELLITE AND REGIONAL CAMPUS REPRESENTATIVE** – ensures communication processes with regional centres are working effectively and assists with membership information from and issues in satellite and regional campuses.
- (j) **PAST PRESIDENT** – Where the previous year’s president is not continuing as president, that person may sit as an ex officio member with voice and no vote at the executive committee for the year after stepping down as president.

4. The Executive will review the Constitution and Bylaws annually and report at the Annual General Meeting.

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

1. The procedure for appointing the Executive is as follows:
  - (a) Members will elect Executive officers at a scheduled regular general meeting during March or April, prior to the spring-semester exam period. The Union must give members at least two weeks’ written or email notice of this meeting. Only members are eligible for election. Members of the Executive serve one-year terms.
  - (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. This officer 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.
  - (c) Subject to the approval of a majority at a subsequent General meeting, the Executive may reassign Executive positions among existing Executive members, except for the roles of the president or vice president–chief steward.

2. Nominations for positions on the Executive may be made by two or more nominators for each nominee, subject to the consent of the nominee. Such nominations must be made either (i) in writing to the secretary four business days (excluding Saturday/Sunday) prior to the general meeting referred to in section 1(a) above, or (ii) verbally, from the floor at that meeting.
3. The secretary must circulate nominations under Bylaw VI(2)(i), including the names of the nominators, at least two business days prior to the Annual General Meeting (excluding Saturday/Sunday). Such circulated nominations shall also include the names of the nominators.
4. The election of the Executive will be by secret ballot.
5. Nominees for each position are elected when they have received a simple majority of the votes cast at the general meeting or they are the only nominee at the close of nominations.
6. Voting procedure for the election of the Executive is as follows:
  - (a) Nominees must have an opportunity to make a brief statement to the members.
  - (b) The president will select scrutineers, with the approval of the members at the meeting.
  - (c) If, after the first ballot, no nominee for the position has received a majority of votes, the list of nominees will be reduced to the two nominees who receive the most votes on the first ballot, and the members will vote again.
7. An Executive officer is removed from office if:
  - (a) a majority of the members sign a petition to remove the officer and present the petition to the secretary, and the secretary confirms that the signatories are members; or
  - (b) an Executive officer fails to attend six Executive meetings in the year without valid reasons, or violates the Executive Conflict of Interest Policy, and the majority of the Executive vote to confirm the removal for either of these reasons.
8. If any office of the Executive, other than the president or chief steward, becomes vacant, or if an office is not filled at the general meeting at which members appoint the Executive, 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 officers.

9. If the office of president or chief steward becomes vacant, the secretary shall call an election for that position. Nominations and balloting procedures will be as described in sections 2 and 6 above.

## **BYLAW VII: FINANCE**

1. Special assessments may be levied at the discretion of the Executive, and subject to approval by ordinary resolution of the membership.
2. The Union has power to borrow money, subject to approval by the membership by an extraordinary resolution.
3. At least two signing officers must authorize all agreements of any kind that are binding upon the Union. Agreements that are binding upon the Union are divided into three areas, each with its own set of possible signing officers. The president is to be the only signing officer with general authority for all three areas below. The Executive may appoint member(s) of the Executive as a signing officer with specific authority for an area as set out below:

<b>Agreement area</b>	<b>Signing officers</b>
(i) Agreements reached during bargaining under the <i>BC Labour Relations Code</i> (LRC)	Chief negotiator plus the president or an Executive officer appointed by the Executive committee (“Executive appointee”)
(ii) Agreements reached to settle collective agreement administration issues, and	Either the chief steward or assistant chief steward, plus the president or an Executive appointee
(iii) Banking transactions, commercial contracts, employment contracts, or other agreements not included in (i) or (ii) above	Two of the president, treasurer, and vice president; or one of the president, treasurer and vice president plus an Executive appointee

4. Strike Fund monies may be kept separate from other funds.
5. The books of account of the Union must be audited or reviewed annually by appropriately licensed professionals appointed by the members at the Annual General Meeting, or, failing such an appointment, appointed by the Executive.



6. The audited or reviewed financial statements will be presented at a general meeting before the end of September.

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

1. All aspects of the work of the Union will be handled by the Executive and the members of standing committees or any ad hoc committees that the Executive establishes.
2. Standing committees will continue from year to year, until the current Executive discontinues any such committee. Election to standing committees takes place at the Annual General Meeting or a subsequent general meeting.
3. If there are any vacancies on any standing committee after the first general meeting in September, the Executive may appoint members to fill those vacancies.
4. The collective-agreement negotiating committee consists 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 holds 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 must be elected before the other members. The elections will use the same procedures as in Bylaw VI, sections 2 and 6. If a member of the Executive is not elected to the negotiating committee, the Executive will 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 may only be amended by a special resolution at a general meeting.
2. Notice of resolutions to amend the Constitution and Bylaws must be given in writing to the secretary and sent by the secretary to the members of the Union at least one week prior to the date of the meeting at which the vote on such a resolution takes place.

### **BYLAW X: QUORUM**

1. The quorum for all Executive meetings is four.
2. The quorum for all general, special, and extraordinary meetings is 10% of the membership or twenty-five (25) members, whichever is lower.
3. No decisions may be made at any meeting unless the meeting is quorate.

## **BYLAW XI: MINUTES**

1. The secretary or the secretary's proxy must keep minutes at each meeting, and the secretary is responsible for keeping copies of these minutes and all other records of the Union.
2. Members are entitled to examine all records and minutes of the Union upon request and at a reasonable time. This entitlement does not include in-camera minutes, grievance correspondence and reports, or information related to bargaining.

### *Partial history of previous revisions and consolidations:*

Revised on September 19, 2017	Revised on April 2, 2013
Revised on May 2, 2017	Revised on March 16, 2010
Revised on April 30, 2016	Revised on April 28, 2009
Revised on May 16, 2014	Revised on November 18, 2008