

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

## CONSTITUTION

Proposed version, January 2020

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**This Constitution replaces all previous constitutions of the Association.**

**1. NAME**

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

**2. 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.

**3. MEMBERSHIP**

3.1 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.

3.2 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.

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

3.4 Members shall pay dues as determined by Council.

#### **4. ASSOCIATE MEMBERSHIP**

4.1 Associate membership in the Association shall be open to all persons who were members of the Association, and who retire from Concordia University ("CUFA retirees").

4.2 In order to become an associate member, a CUFA retiree shall complete and sign a membership application form.

4.3 Associate members may resign at any time.

4.4 Associate members shall pay dues as determined by Council.

4.5 The Association shall make available to all associate members copies of the Association Newsletter and all major Association communications. The Association shall also invite associate members to all Association-wide social events.

4.6 The associate members may designate a Representative from among the associate members. The Association Executive or Council may consult with the Representative to discuss issues of mutual interest.

4.7 The Representative of associate members shall have the right to attend Council Meetings and General Meetings and to speak on issues relating to post-retirement benefits that affect associate members generally; the Representative shall not have voting privileges.

4.8 The Association may advise and assist the Representative of associate members concerning the problems of associate members related to retirement benefits, including pension benefits.

#### **5. FINANCIAL STATEMENTS**

5.1 The fiscal year of the Association shall be from 1 June to 31 May of the following year.

5.2 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 Council Association at least ten (10) working days before the Council General Meeting at which they will be presented for discussion and approval. Once approved, the financial statements will be made available to members on the CUFA website.

## 6. Members of the EXECUTIVE OFFICERS

6.1 The ~~elected Members of the~~ Executive ~~Officers~~ of the Association shall be: President, Vice-President, Past President, Secretary, Treasurer and three Members-at-large. Apart from the Past President, these Members of the Executive 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. The position of Past President will normally be filled by the person holding the position of President when he or she comes to the end of his or her term, be that two or four years as the case may be. The term of the Past President will normally continue until replaced by the outgoing president.

6.2 No one may serve for more than two consecutive full terms in the same Executive position. Terms of office shall begin 1 June and end 31 May.

6.3~~2~~ All reasonable disbursements incurred in the course of fulfilling one's union duties shall be reimbursed.

## 7. NOMINATION AND ELECTION OF THE MEMBERS OF THE EXECUTIVE OFFICERS

7.1 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.

7.2 The election of all members of the Executive ~~Officers~~ shall proceed by a method of preference voting.

7.3 Nominations shall be made by written submission or electronically. In either case the support of with the signature of two (2) members of the Association and the acceptance of the nomination by the nominee must be appropriately authenticated.

7.4 The election of members of the Executive shall take place by secret ballot.

## 8. **VACANCIES AMONG MEMBERS OF IN THE EXECUTIVE**

8.1 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. In the event the position of Past President becomes vacant before the President completes his or her term, the Executive may name a successor from among active members of the Association who have served more than one complete two-year term as Past President, President, Vice-President, Secretary, or Treasurer. In the event a successor is not named, the position of Past President shall remain vacant until filled in accordance with Art. 6.1

8.2 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.

8.3 A vacancy shall include the unwillingness, inability, or disability of an executive member to act for an extended period.

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

9.1 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. It shall establish, set the terms of reference and term of office as well as staff all Standing and ad hoc subcommittees of the Executive. 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 make recommendations for the establishment and staffing of CUFA committees to Council. The Executive shall approve the mandate of the Negotiating Committee. 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 make a recommendation on the final negotiated Collective Agreement for presentation to Council.

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- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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 so specified by Council.
- 9.6 The quorum for a meeting of the Executive shall be a simple majority of the filled positions ~~four (4)~~.

#### **10. IMPEACHMENT AND DISMISSAL OF MEMBERS OF THE EXECUTIVE**

- 10.1 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.
- 10.2 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.

10.3 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.

## **11. MEMBERSHIP AND ELECTION OF COUNCIL**

11.1 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.

11.2 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 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 termession.

11.3 Each constituency shall elect one (1) Council member and one (1) alternate member.

11.4 If a constituency comprises just one department, the Standing Committee on Elections shall write to the unit head to ask if the department wishes to select its members according to its normal

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practice for determining appointments -to committees mandated by the Collective Agreement. If the department agrees, the role of the Standing Committee on Elections in the elections process for the department shall be limited to confirming in its report the representatives chosen by the department and advising the department unit head of any subsequent vacancies on the Council.

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11.5 In the case of constituencies comprising more than one department departments or one-department constituencies that do not choose to manage the selection of their members on Council, the Standing Committee on Elections will manage the process in accordance with Articles 11.6 and 11.7.

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11.6 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.

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11.7 If at any time the position of Council member or alternate member for a constituency becomes vacant, the Standing Committee on Elections shall conduct a by-election according to the procedures in 11.43 and 11.54. The by-election shall not be held if two (2) months or less remain in the term of the position vacated.

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11.8 In the event of any election called under Articles 11.4, 11.5, or 11.7, 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.

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**12. POWERS AND FUNCTIONS OF COUNCIL**

12.1 Council shall be the sole legislative body of the Association.

12.2 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.

12.3 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.

- 12.4 Council shall ~~approvedefine~~ the mandate and term of office for all *ad hoc and standing committees of Council* ~~committees except the Collective Agreement Negotiating Committee.~~
- 12.5 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.
- 12.6 The adoption of all negotiated Collective Agreements shall require a majority vote of those voting in Council and ratification by the membership by secret ballot voting preceded whenever possible by a special General Meeting on each campus called for the purpose of providing information and an opportunity for discussion.
- 12.7 Council shall be responsible for motions calling for strike action (strike action includes any form 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 by secret ballot voting preceded whenever possible by a special General Meeting on each campus called for the purpose of providing information and an opportunity for discussion.
- 12.8 Council shall adopt an annual budget, which on the advice of the Treasurer shall be made available to members on request.
- 12.9 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.
- 12.10 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.
- 12.11 A special meeting of Council may be called at the request of fifteen percent (15%) or five (5) of its members, whichever is higher.

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- 12.12 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.
- 12.13 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.
- 12.14 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.
- 12.15 Upon recommendation of the Executive, Council may authorize the purchase and/or sale of immoveable property.

### **13. GENERAL MEETINGS**

- 13.1 There shall be at least one (1) General Meeting of the members of the Association during each of the fall and winter terms.
- 13.2 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.
- 13.3 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. Whenever possible, special General Meetings, one on each campus, shall be called if Council passes a motion calling for strike action or ratification of a collective agreement. In the event of a lockout by the Employer, such a meeting will be held off campus.
- 13.4 At least five (5) working days' notice shall be given to members prior to all General Meetings except for special General Meetings called to ratify a collective agreement, in which case at least 24 hours' (one working day's) notice shall be given.
- 13.5 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.

13.6 Motions at a General Meeting shall be carried by a simple majority of those voting.

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

14.1 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.

14.2 General Meetings held prior to a membership vote authorizing strike or other forms of job action or ratifying a collective agreement are for the purpose of providing information and an opportunity for discussion. Any recommendation that the Executive has or intends to make to the membership concerning the formal vote shall be discussed at the meeting. Any member of the Association shall be permitted to speak. Any vote taken at such a meeting shall represent only an expression of the views of those in attendance.

#### **15. VOTING BY THE MEMBERSHIP**

15.1 All membership votes shall be by secret ballot conducted in such a way as to ensure that no member is disenfranchised. The term "secret ballot" shall be understood to refer to paper ballot box voting, electronic voting, or telephone voting, or a combination of these methods. The choice of method(s) shall be at the discretion of Council on the advice of the Standing Committee on Elections. The Standing Committee on Elections will also have the authority to make provisions to accommodate members who are away from Montreal at the time of a vote on strike action or ratification of a Collective Agreement.

15.2 Secret ballots decided by simple majority of those members voting shall be used for the ratification of a recommendation by Council to a) accept a proposed collective agreement, or b) modify affiliation(s). Ratification of a recommendation by Council to a) accept a proposed amendment to the Constitution, or b) call 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. Secret ballots decided by preference voting shall be used for election of [Members of the Executive](#) ~~officers~~ of the Association.

15.3 The number of days allowed for the submission of ballots shall be dependent upon the voting method(s) used, and shall be sufficiently many so as not to disenfranchise any member. On the advice of the Standing Committee on Elections, Council shall determine the number

of days according to the following parameters: In the case of constitutional amendments, ten (10) working days during the fall and winter terms shall be allowed for the submission of ballots. In the case of modification of affiliation and elections, ~~fiveten (540)~~ working days during the fall and winter terms and ~~tenttwenty (1020)~~ working days during the summer term shall be allowed for the submission of ballots. Notwithstanding the foregoing, in the case of 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) or ratification of a Collective Agreement, no fewer than two (2) and no more than five (5) working days during any term shall be allowed for the submission of ballots.

15.4 Ballots for all locations and by all methods shall be mixed so that only the University-wide result is known.

15.5 All membership votes requiring secret ballots shall be organized and supervised by the Standing Committee on Elections.

## **16. 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.

## **17. AFFILIATIONS**

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).

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

18.1 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.

18.2 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.

**19. 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 percent (60%) of those voting in a secret ballot of the membership; the minimum number of ballots cast must be twenty-five percent (25%) of the membership.