

# AUCE PROVINCIAL

## ASSOCIATION OF UNIVERSITY AND COLLEGE EMPLOYEES - PROVINCIAL

### PROVINCIAL CONSTITUTION

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-- as amended at the 6th Annual AUCE Provincial Convention --  
held June 2nd and 3rd, 1979 at the University of B.C.

**ASSOCIATION OF UNIVERSITY AND  
COLLEGE EMPLOYEES (A.U.C.E.)  
- PROVINCIAL OFFICE -  
#901 - 207 WEST HASTINGS ST.  
VANCOUVER, B.C.  
V6B 1J8**

Section 1: NAME

This organization shall be known as "The Association of University and College Employees" (AUCE) and shall hereinafter be referred to as "The Provincial Association."

## Section 2: OBJECTIVES

The objectives of this Provincial Association shall be:

- A. To bring about fair wage standards and to assure uniform job classification with equal pay for work of equal value for all employees, regardless of sex, sexual orientation, age, marital status, physical disability, previous and current psychiatric or psychotherapeutic treatment, colour, race, religious or political beliefs, national origin, whether or not she/he is a part-time or a full-time worker, whether or not she/he is a part-time or a full-time student, and whether or not she/he has children and/or dependents.
- B. To bring about improvement in the working conditions of members and to dedicate its efforts toward maximizing the opportunities for personal growth in the work situation of all members.
- C. To charter Local Associations which will bargain collectively on behalf of Local Association members.
- D. To maintain at all times the principles of local autonomy and democracy within this Provincial Association and its Local Associations.
- E. To improve communications and interaction among members of the university and college community.
- F. To work with other members of the university and college community to create an environment which will better meet the needs of the members and those of the larger community.
- G. To promote friendly relations between labour and government and between labour and industry.

Section 3: JURISDICTION

The Provincial Association shall include but not be limited to jurisdiction over employees of any institution of higher education in British Columbia.

## Section 4: MEMBERSHIP

- A. Membership shall be open to full and part-time employees coming under this jurisdiction.
- B. Where a Local Association exists, application for membership must be made to the Local Association.
- C. Where no Local Association has been chartered, employees may join as Headquarters Members of the Provincial Association. The Provincial Association shall assist such members in joining or forming a Local Association as soon as possible thereafter. Applications for Headquarters Membership shall be made to the Provincial Executive. Dues for Headquarters Members shall be equal to the per capita tax as set forth in Section 15A except for unemployed members covered under Sections 4H and 4I.
- D. Any Provincial Association Officer or Local Association Officer, or any person designated by either of them, shall have the authority to accept any application for membership, by affixing her/his signature on the application form in the space so provided, thereby giving such applicant membership status.
- E. Each person signing an application for membership and paying the initiation fee will thereby agree to comply with the aims and principles and policies of the Provincial Association.
- F. The initiation fee of this Provincial Association shall be one dollar (\$1.00) for each person wishing to become a member except in the case where laws or regulations require a lesser or larger initiation fee, in which case the provisions of the laws and regulations shall apply, instead and in place of the constitutional requirements.
- G. Any member failing to pay her/his dues including the per capita tax for a period exceeding three months while working within a bargaining unit shall be automatically suspended. The foregoing does not apply to members of a unit until they have signed their first collective agreement and implemented a regular system of dues collection. To be reinstated after suspension, a member must pay an assessment of twenty dollars (\$20.00) or her/his back dues, whichever is less.
- H. When a member becomes unemployed she/he shall retain full membership rights without paying per capita tax for a period of one hundred and fifty (150) days from her/his last per capita tax payment.

## Section 4: MEMBERSHIP continued

- I. Members not employed in an AUCE bargaining unit may retain active membership rights by paying not less than the per capita tax each month. Membership will only lapse if the per capita tax is more than three (3) months in arrears. However, if a member makes application for "Honourary Withdrawal" of up to twelve (12) months, she/he can be reinstated as an active member upon resumption of payment of per capita tax. the foregoing does not apply to members of a unit pending certifications.
- J. Any member in good standing may transfer from one local to another without being required to re-apply for membership in the union. When a member transfers from one local to another the dues paid to one local remain within that local.
- K. Any member in good standing shall have the right to attend any Provincial Association meeting or convention with voice, but no vote.
- L. In the organization period prior to certification a member will be considered to be in good standing if she/he has paid the \$1.00 initiation fee to the Provincial Association.

Section 5: CHARTERS

- A. The Provincial Association alone is vested with the power to establish Local Associations and to grant charters thereto in all establishments within its jurisdiction.
- B. Charters shall be issued only by the Provincial Officers and shall be signed by the President and Secretary-Treasurer.
- C. The Local Associations shall comply with the Provincial Constitution at all times.

Section 6: LOCAL ASSOCIATION AUTONOMY

A Local Association may secede only under the following conditions:

- A. Upon receipt of a petition of twenty-five percent (25%) of the membership of the Local Association involved, the Provincial Executive shall conduct a full inquiry and a referendum vote of the Local Association concerned. The Provincial Executive shall circulate notice of referendum outlining the matters in dispute one (1) month prior to the referendum. The vote shall be by secret ballot. A majority of the Local Association membership shall approve the motion for secession before it will be considered passed.
- B. Following approval of secession by a Local Association membership in referendum the Provincial Association shall automatically nullify the Charter of the Local Association and exonerate its members from any further obligations towards the Provincial Association.
- C. In the event that a Local Association decides to secede from the Provincial Association to affiliate to another union or to become an independent body, that Local Association shall have the right to retain its assets and records. If the Local Association votes in like manner to Section 6A to dissolve, the assets and records shall become the property of the Provincial Association.



## Section 7. THE PROVINCIAL EXECUTIVE

- A. There shall be a Provincial Executive of the Provincial Association elected annually. It shall be comprised of the four Provincial Officers: President, Vice-President, Secretary-Treasurer, Provincial Organizer, plus Chairperson of the Trustees, plus two provincial executive members or duly elected alternates elected in accordance with Local Association By-Laws, by and from each chartered Local Association of the Provincial Association.
- B. i) The Secretary-Treasurer shall be the sole paid officer of the Provincial Association. She/he may be paid either full-time or part-time for the entire year or for a fraction thereof as determined by the Annual Convention. ~~She/he may not run for more than two consecutive terms.~~ The salary and benefits shall remain at the same rate as if she/he continued in his/her normal job as a member of the Local Association bargaining unit. During a strike or lock-out of the entire Provincial Association, the paid officer shall not receive more than the strike benefits received by the other members. There shall be no other paid officers of the Provincial Association unless proposed at a Provincial Convention and approved by the Provincial Association membership in referendum.
- ii) Notwithstanding Section 7B i), local associations may request the Provincial Executive to pay lost wages on occasion for the short-term appointment of resource persons who take a short-term leave of absence from their job in a AUCE bargaining unit to perform such duties as may be required by a local association and/or the Provincial Association. There will be a time limit of 60 days on such appointments which may be renewable at the discretion of the Provincial Executive.
- C. The qualifications for office in the Provincial Association shall be membership in good standing in a chartered Local Association.

*as amended*

## Section 8: NOMINATION &amp; ELECTION OF PROVINCIAL EXECUTIVE OFFICERS

- A. Each Provincial Officer of the Provincial Executive shall be elected by the members of the Provincial Association by referendum, the highest number of votes for each position to be sufficient to elect such officer. In the case where one person only is nominated for a certain position, her/his name shall go on the ballot with a 'yes' or 'no' beside it, a majority of 'yes' shall be necessary to elect such person. No member may be allowed to stand for election in more than one office on the referendum ballot.
- B. At least 90 days before the Annual Convention, the Provincial Executive shall issue a call for nominations to fill the Provincial Executive positions. Further candidates may be nominated at the Convention. If a nominee is not present at the Convention, her/his written consent must be given to the Secretary-Treasurer at the time of nomination. No member shall nominate more than one candidate for each office. Nomination for full-time paid positions will not be accepted by the Convention for any member completing her/his second term in a full-time paid position.
- C. Statements of all eligible candidates for Provincial elections shall be distributed to all Local Associations who will make them available to the members prior to and during the voting.
- D. Procedures for Conducting a Referendum Ballot

The Trustees will be responsible for the ballot and the conducting of the referendum under the following guidelines.

#### Eligibility

1. Only those members in good standing as per Section 4 articles G, H, I and L may vote.

#### Conducting the Vote

2. The Provincial Trustees shall for the list of members in good standing use the lists submitted by the locals with their latest per capita tax payments as well as the latest lists of the Headquarters members from the Provincial Secretary-Treasurer for the ballot vote.

Any one whose per capita tax is in arrears but not exceeding 3 months, or has become unemployed but not exceeding 90 days from her/his last per capita tax payment, or if she/he is in the organization period prior to certification, a ballot will be sent upon request to the Provincial Trustees from the Local Association or the individual. To verify eligibility, the Provincial Secretary-Treasurer will make available the necessary files to the Provincial Trustees.

The locals, upon request by the Provincial Trustees will supply a duplicate (two sets) set of labels of their members for the mailing of the ballot as per their latest list submitted with their per capita tax to the Provincial Association. The Trustees shall send ballots only to names on the check-off lists if that list does not correspond with names on the labels.

Three envelopes will be used. The largest envelope will be addressed to the voting member. In this large envelope will be the ballot stating the date it must be returned to the Trustee of the Local, and will always have a space for abstentions. Any statements will also be included in this envelope. A small envelope without any markings will be included so that the marked ballot can be inserted and sealed. A return-address medium sized envelope with the voting member's label on the back of the envelope will also be included.

This is to be used by the voting member to put the sealed unmarked envelope containing the marked ballot into. The return envelope is then sealed and signed by the member and returned to the Local's Trustee or the Provincial Secretary-Treasurer (in the case of Headquarters members). When the Provincial Trustees have the referendum ready, they will send the addressed and sealed envelopes to the Local Association Trustee who will be responsible for the distribution, collection and checking against the membership lists the returned ballots. All valid, unused and destroyed ballots will be sent to the Provincial Trustees with the registration lists in care of the Provincial Executive. This must be done by registered mail, insured express or personal delivery and within seven (7) days of the completion of voting. The ballots will remain sealed until the Provincial Trustees meet. Each candidate will be allowed one scrutineer at any ballot count, or if a referendum is on a question other than election, each local will be eligible to send two (2) people to the ballot count if they wish.

3. Any referendum of the Provincial Association, whether for election, or any other reason, shall be conducted in accordance with this section of the Constitution.

- E. Results of the balloting will be circulated to Local Associations by the Provincial Trustees within seven(7) days of the results of the counting. Any protest alleging 'unfair ballot' or other irregularity must be presented in writing to one of the Provincial Executive officers within fourteen (14) days of the mailing from Provincial Headquarters of the results of the ballot in the Provincial Newsletter. Upon receipt of such notice, the Provincial Executive shall meet and if the protest is upheld another ballot shall be conducted.

Section 9: DUTIES OF THE PROVINCIAL EXECUTIVE

- A. The Provincial Executive shall have the entire management of the Provincial Association between Conventions and shall be held responsible for efficient management of same.
- B. Within four (4) months of the Annual Convention, the Provincial Executive shall ensure that an updated Provincial Constitution and Provincial Policies and Procedures Manual shall be distributed to the Provincial Association membership.
- C. The Provincial Executive shall meet at the call of the President or twenty-five percent (25%) of the members thereof, but in no case shall meetings be held less than quarterly. A majority of the members of the Provincial Executive shall constitute a quorum for the transaction of business at Provincial Executive meetings.

## Section 10: DUTIES OF PROVINCIAL EXECUTIVE OFFICERS

- A. The President shall preside at all Provincial Executive Meetings and Conventions, except at the discretion of the meeting or convention and shall be the executive head of the Provincial Association. The President shall be charged with the responsibility of carrying out the decisions of the Provincial Association and the Provincial Executive. The President shall be a member, ex-officio, of all committees of the Provincial Association and shall be responsible for coordination between the committees and the Provincial Executive.
- B. The Vice-President shall assist the President and assume the authority and duties of the President in the event of her/his absence, resignation or recall.
- C. The Secretary-Treasurer shall be responsible for keeping a full and proper record of all monies received and expended and for maintaining accurately and properly such book-keeping system as shall be set up under the instructions of the Provincial Executive. The Secretary-Treasurer shall maintain all records, documents and correspondence of the Provincial Association. The Secretary-Treasurer shall submit a detailed financial report to each regular meeting of the Provincial Executive and to all Conventions.
- D. All cheques issued by the Provincial Association or authorized by the Provincial Executive shall require the signature of the Secretary-Treasurer and one of the Vice-President or President.
- E. 1. No agreements shall be entered into by a Provincial Officer which change any terms or provision of an existing labour agreement unless approval has been granted for such action by the membership of the bargaining unit concerned.
2. The Executive of the Provincial Association shall be authorized to enter into loan agreements with the bank or credit union when necessary, in order to secure emergency funds for the Provincial Association or a Local Association. An emergency situation for the purposes of this section shall include but not be limited to a strike by, or a lock-out of, a Local Association. All loan agreements entered into by the Provincial Association shall require the signature of the Secretary-Treasurer and one of the Vice-President or President.

Section 11: RECALL OF PROVINCIAL EXECUTIVE

- A. The membership of the Provincial Association has the right to recall any Provincial Officer at any time. In order to initiate recall procedures, a petition signed by twenty-five percent (25%) of the Provincial Association must be sent to the Provincial Secretary-Treasurer by registered mail. The Provincial Trustees shall have ballots printed and circulated to the Local Associations for a referendum ballot within thirty (30) days of the receipt of said petition by the Secretary-Treasurer. The referendum ballot shall be conducted by Local Association Trustees within seven (7) days of the receipt of the ballots. A majority of the ballots cast shall be necessary to recall the officer.
- B. Any Provincial Officer not attending three (3) consecutive Provincial Executive meetings without reasonable excuse, shall have her/his position declared vacant.
- C. A chartered Local Association's representatives on the Provincial Executive may be recalled by a majority of the votes cast in a referendum vote of the Local Association membership involved. After notice of motion has been duly given, and the approval for a referendum has been obtained by a majority vote at a Local Association meeting, the vote to recall shall be held not earlier than seven (7) days nor later than twenty-one (21) days. Any vacancy in a chartered Local Association's representation on the Provincial Executive as a result of recall shall be filled within two (2) months.
- D. If a local representative on the Provincial Executive is absent from three (3) consecutive meetings of the Provincial Executive, their Local must be notified in writing by the Provincial Executive.

Section 12: VACANCIES IN PROVINCIAL EXECUTIVE POSTIONS

- A. In the event of a vacancy for any reason in any of the Provincial Executive offices elected at large, the following shall occur:
- i) If the vacancy occurs within four (4) months of the next Annual Convention, the Provincial Executive shall be responsible for ensuring that the duties of the office shall be carried out. If the vacancy is in the office of the President, the Vice-President shall assume the position of same.
  - ii) If the vacancy occurs four (4) months or longer before the next Annual Convention, the Provincial Executive shall publish notice of the same in the Provincial Newsletter. It shall call for nominations to fill the position, and publish the date upon which the nominations shall be closed. Such date shall be at least two (2) weeks after the notice of vacancy is published. A referendum ballot shall then be conducted as per Section 8 D.
- B. Any Provincial Officer who for any reason ceases to hold office, shall forthwith upon termination of her/his position as officer, turn over to the Provincial Executive all records, documents, books, funds, assets and all other property of the Provincial Association.

Section 13: PROVINCIAL COMMITTEES

- A. Standing committees may be proposed by a Provincial Association member subject to the approval of the Annual Convention.
- B. Ad hoc committees may be formed by the Provincial Executive or by resolution of any Convention.
- C. There shall be a committee of three (3) known as the Provincial Trustees nominated and elected at the Annual Convention by secret ballot vote of those delegates present. The committee shall elect one of its members to serve as chairperson and to serve on the Provincial Executive. The Trustees shall maintain and update the Provincial Constitution and Provincial Policies and Procedures Manual. It shall be the responsibility of the Trustees to conduct all voting for the Provincial Association including those votes at the Annual Convention, at Special Convention and between conventions, and particularly referendum votes of the Provincial Association membership. The Trustees shall keep written records of the results of each election or referendum. These records shall be open to any member of the Provincial Association upon request. The Trustees shall be responsible for checking the credentials of those entering the Provincial Association Convention to ensure that those attending are delegates, members in good standing of the Provincial Association who are attending as observers, or invited guests.
- D. A majority of a committee shall constitute a quorum for the transaction of business of that committee.



## Section 14: CONVENTIONS

- A. The annual convention of this Provincial Association shall be held normally in the spring. The date thereof shall be announced at least ninety (90) days in advance of the date so set. It shall be the responsibility of the Provincial Executive to make arrangements for the annual convention.
- B. Notwithstanding the foregoing, Special Conventions may be called by the Provincial Executive on two (2) weeks notice. Special Conventions shall be for the sole purposes of discussing a specific urgent situation. The President or Provincial Executive must call a Special Convention upon receipt of a petition of twenty-five percent (25%) of the membership of the Provincial Association.
- C. Delegates:
1. Any member in good standing is eligible to be a delegate to the Annual Convention or Special Conventions. Delegates shall be elected by Local Associations on the following basis: 1-50 members: 2 delegates; 1 delegate for each additional 50 members or majority fraction thereof up to 200 members. Thereafter, 1 delegate for each 100 members or majority fraction thereof. No more than 10 delegates shall be allowed from each Local Association, except where application is made by the Local Association for additional representation and such request is granted by the Provincial Executive, subject to the approval of the Convention.
  2. Local Associations shall elect alternates to provide for the inability of any of the delegates to attend.
  3. Delegates and alternates will be elected in accordance with Local Association By-laws.
  4. Members of the Provincial Executive shall automatically be delegates to conventions in addition to the delegates elected by the Local Association as in Section 14 C 1.
  5. Delegates elected to the Annual Convention shall serve also for any Special Convention except as decided by a local association.

- D. There shall be a committee known as the Resolutions and Constitution Committee which shall consist of no less than four (4) elected delegates to the Annual Convention. Each local Association shall be entitled to have one of its delegates be a member of the Resolutions and Constitution Committee. If the Provincial Association is composed of less than four Local Associations, the Provincial Executive shall appoint additional members of the Committee to bring its total membership to four. The Committee shall elect one of its members to serve as chairperson. The Resolutions and Constitution Committee shall print all proposed resolutions and constitutional amendments and submit them to the Provincial Association conventions. Resolutions to the Provincial Annual Convention must be received by the Provincial Secretary-Treasurer at least twenty-eight (28) days prior to the convention date. Emergency resolutions can be accepted from the floor of the Convention.
- E. A majority of the registered delegates to a convention shall be necessary to form a quorum for the transaction of business.
- F. The rules of order shall be presented for approval by a majority of delegates present as the first order of business in the official agenda.

## Section 15: REVENUE AND FINANCES

- A. The revenue of the Provincial Association shall be derived from a per capita tax of two dollars (\$2.00) per full/time members per month, excluding those members unemployed as dealt with in Sections 4G, 4H and 4I of this Provincial Constitution. Other than full/time members shall pay a per capita tax of twenty-five (25%) per cent of the dues collected per month. The amount of per capita tax shall be changed only by a majority of ballots cast in a referendum of the Provincial Association membership.
- B. Twenty-five cents (\$0.25) of the per capita tax shall be deposited in the strike fund.
- C. Should an emergency arise and the Provincial Executive decide that an assessment of the Provincial Association is necessary, a referendum ballot of the Provincial Association members will be taken. Reasons for, and the duration of the proposed assessment will be distributed with the ballots. A majority of ballots cast in favour of said assessment shall be considered approval.
- D. Per capita tax shall be forwarded to the Provincial Secretary-Treasurer on a regular basis each month and deposited in the name of the Provincial Association. Up to date records of membership lists shall be submitted to the Provincial Executive.
- E. Provincial Auditor: There shall be one Auditor who shall not be an employee of the Provincial Association and shall be a Chartered Accountant or a Certified General Accountant. The auditor shall be appointed by the Provincial Executive subject to the approval of the convention. After approval by the Provincial Convention, the Auditor may not be dismissed except with the approval of the Provincial Convention, but in the event that such Auditor shall resign or due to death, illness or other incapacity be unable to carry on her/his duties, the Provincial Executive is authorized to appoint a new Auditor until the Following Annual Convention.
- F. Any member of the Provincial Association working on the legitimate business of the Provincial Association with the approval of the Provincial Executive shall be paid at her/his regular job rate for any time lost from her/his job.
- G. i) Each year the proposed budget for the Provincial Association of AUCE will be approved at the Annual Convention.  
ii) At least two weeks before the Annual Convention, the budget will be distributed in the Provincial Newsletter as part of a Convention issue to each member of the local associations for consideration.

Section 15 Revenue and Finances continued...

- H. That no financial arrangement or commitment concerning loans, grants or leases be entered into by the Provincial Executive without appropriate written documentation which, where pertinent, shall include but not be limited to information concerning amount of loan, length of loan, interest if any, and repayment schedule.

Section 16: STRIKES AND LOCKOUTS

- A. A certified bargaining unit shall not strike without the approval of the membership in the unit. Provincial strike benefits will be determined by the Provincial Executive in consultation with any Local Association on strike.

## Section 17: DISCIPLINE

- A. The Local Associations have the right to discipline any member for a violation of the Provincial Constitution, Local Association By-Laws, or decisions of Local Association meetings or convention, only after a fair hearing and a majority vote at the Local Association meeting. The accused shall be presented with the charges in writing at least seven (7) days prior to the hearing and shall have the right to have a member of the Local Association act as her/his counsel.
- B. The Local Association, after such hearing, shall, if the accused is found guilty, have the right to impose any or all of the following penalties:
1. Reprimand the member;
  2. In the case of a member who is found guilty of collusion with the employer during a legal strike of the local association, a fine of all monies earned by the member during the strike will be imposed. Furthermore in the event that a Local Association votes that no member shall cross a given picket line, any member who so crosses shall be subject to the above fine.
  3. Recommend to the Annual Convention that she/he be expelled. Any member found guilty and recommended for expulsion shall be ineligible to hold office.
  4. Suspension of a member from participating in any or all union activities.
- C. The accused will have the right to appeal to the next Provincial Convention and shall have the right to choose a member of the Provincial Association to act as her/his counsel. However, the decision of the Local Association shall stand unless and until reversed on appeal.
- D. In the case of a member who is found guilty of collusion with the employer during a legal strike of the local association, a fine of all monies earned by the member during the strike will be imposed.
- E. The Provincial Convention shall have the power to discipline Provincial Officers and impose any and all of the penalties listed in Section 17 B.

Section 18: PROCEDURE

- A. Except as otherwise provided for in this Constitution, Bourinot's Rules of Order shall govern the conduct of all Conventions, Provincial Executive meetings, Local Association meetings and the Local Association Executive meetings.
- B. Amendments may be made to this Constitution by a majority vote of the registered delegates at any Provincial Association convention.
- C. If 50% plus 1 of the delegates present at a Convention so demand, any motion passed at the Convention shall be subject to ratification or rejection by the membership of the Provincial Association in a referendum ballot. Until the results of the referendum are announced the motion as carried shall stand. Referendum ballots shall be mailed within thirty (30) days of the final day of the Convention.

AUCE PROVINCIAL POLICIES AND PROCEDURES FOLLOW ON THE BLUE PAGES --