

PROVINCIAL ASSOCIATION OF UNIVERSITY AND COLLEGE EMPLOYEES

PROVINCIAL CONSTITUTION

TABLE OF CONTENTS

<u>Section</u>	<u>Page Number</u>
1. Name -----	2
2. Objectives -----	2
3. Jurisdiction -----	3
4. Membership -----	3
5. Charters -----	4
6. Local Association Autonomy -----	4
7. The Provincial Executive -----	5
8. Nomination and Election of Executive Officers -----	6
9. Provincial Referendums & Voting Procedures -----	7
10. Duties of the Provincial Executive -----	8
11. Duties of Provincial Executive Officers -----	9
12. Recall of Provincial Executive -----	10
13. Vacancies in Provincial Executive Positions -----	10
14. Provincial Committees -----	11
15. Union Education -----	12
16. Conventions -----	12
17. Revenues and Finances -----	14
18. Strikes and Lockouts -----	15
19. Discipline -----	15
20. Procedures -----	17
21. Local Association By-Laws -----	18

AS AMENDED AT THE 9TH ANNUAL AUCE PROVINCIAL CONVENTION  
June 26 & 27, 1982, Vancouver Indian Centre, Vancouver B.C.



PROVINCIAL ASSOCIATION OF UNIVERSITY AND COLLEGE EMPLOYEES

PROVINCIAL CONSTITUTION

as amended at the 9th Annual Convention, June 1982

Section 1: NAME

This organisation 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 improvements in the working conditions of members and to dedicate its efforts towards maximising 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 interactions among members of the university and college community.
- F. Within the community the union shall work for the establishment of political, social and sexual equality, for equal pay for work of equal value, for free accessible education facilities, for free accessible childcare facilities, for adequate and fully paid parental leave, for recreational and cultural development, for community health services, for adequate and affordable housing and against price increases.
- G. To encourage in every way possible the unionisation of unorganised workers.
- H. To act as the voice for the membership on matters of Provincial or National scope, while recognising the need to preserve the autonomy of Local and members in matters of Local concern.
- I. To defend and extend full trade union rights to all workers.



### Section 3: JURISDICTION

Page 3

The Provincial Association shall include but not be limited to jurisdiction over employees of any institution of higher learning 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 17 A except for unemployed members covered under Section 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. The initiation fee collected by a chartered Local Association shall remain with that Association. A copy of the application for membership shall be sent to the Provincial Office.
- 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 days (150) from her/his last per capita tax payment.
- 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 certification.

- 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. Childcare shall be provided, or if unavailable, childcare expenses shall be reimbursed, for any member in good standing who attends any Provincial Meeting or Convention.
- M. In the Organisation period prior to certification a member will be considered to be in good standing if she/he has paid the one dollar (\$1.00) initiation fee to the Provincial Association.

Section 5: CHARTERS

- A. The Provincial Association alone is invested 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 the 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 obligation 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 six (6) Provincial Table Officers: President, Vice-President, Secretary Treasurer, Provincial Organiser, Provincial Coordinator, Chairperson of the Trustees, plus two (2) 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 a The Secretary Treasurer and the Provincial Coordinator shall be the two (2) salaried Provincial Officers. There shall be no other paid officers unless proposed at a Provincial Convention and approved by the Provincial membership in referendum.
- b The duties of any salaried position shall be described under Policies and Procedures. The collective agreement which is in force at the Salaried Officer's Local shall form the basis for all benefits and working conditions of the Paid Officer(s). Rates of pay for the Salaried Officers shall be at the level of Clerk 4, Step 6 of the Local One Collective Agreement. The rate of pay for Salaried Officers should be reviewed annually by Convention. Unless amended at a Provincial Convention, the two (2) Salaried Officer Positions shall be full-time.
- c During a strike or lock-out of the entire Provincial Association, the Paid Officer(s) shall not receive more than the strike benefits received by the other members.
- d A Salaried Officer shall only work overtime when authorised by a majority vote of the Provincial Executive, who shall also determine the amount of overtime which may be worked. The Provincial Association shall endeavour to keep overtime to a minimum and to meet requirements on a voluntary basis. No employee shall be compelled to work overtime. Authorised overtime shall be paid at a rate of two (2) times the hourly rate, or the Salaried Officer may take the time equivalent time off in lieu of overtime pay.



- B. ii a The Provincial Association shall pay the lost wages of any member on leave from her/his job to work for the Provincial.
- b The wage for members working for the Provincial Association on their own time shall be determined by the Provincial Executive.
- c Notwithstanding Section 7B i, Local Associations may request the Provincial Association to pay for the short-term appointment of resource persons to perform such duties as may be requested by the Local Association and/or the Provincial Executive.
- d There will be a hire limit of sixty (60) days on such appointments which may be renewable at the discretion of the Provincial Executive.
- e For the purposes of this Section 7B ii, such resource persons shall be members in good standing of the Local Associations or the Provincial Association.
- f All persons hired by the Provincial Executive and/or Provincial Association shall be provided with a document outlining the terms of employment, the duration of employment, and the termination date, if any, of the person.
- C. The qualifications for office in the Provincial Association shall be membership in good standing in a chartered Local Association.

Section 8: NOMINATION & ELECTION OF PROVINCIAL ASSOCIATION 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 in the referendum vote.
- B. At least ninety (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 may nominate more than one candidate for each office.
- C. Statements of all eligible candidates for Provincial elections shall be circulated to all Local Associations who will make them available to the members prior to and during the voting.



- A. i Any referendum of the Provincial Association whether for election or any other reason, shall be conducted in accordance with the guidelines outlined in this section of the Constitution.
- ii The Provincial Trustees shall be responsible for the ballot(s) and the conducting of the referendum.
- iii The Local Trustees shall be responsible for ensuring that the ballots for Local Association members are checked against Local Association membership lists.
- iv Provincial Trustees are responsible for ensuring that ballots for Headquarters Members are distributed, collected and checked against membership lists for Headquarters Members.
- B. Only those members in good standing as per Section 4: Membership, Articles G, H, I, and L, shall be eligible to vote. To verify eligibility, the Provincial Secretary Treasurer shall make available the necessary files to the Provincial Trustees.
- C. i Upon request by the Provincial Trustees, the Local Associations shall by a specified date, provide the Provincial Office with an up-to-date list of members in good standing with a corresponding duplicate two (2) sets of labels for each member eligible to vote in a Provincial Referendum. If the lists and the labels do not correspond, the ballots shall be sent to only those whose names are on the membership list.
- 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 received by the Trustees of the Local and/or the Provincial Office.
- A small envelope without any marking will be included so that the marked ballot can be inserted and sealed.
- A medium sized envelope with a return address will also be included. This envelope 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 Trustees or the Provincial Secretary Treasurer.
- When the Provincial Trustees have the referendum ready, they will send the addressed and sealed envelopes to the Local Association Trustees who, with assistance from the Provincial Executive, will be responsible for the distribution, collection and checking of the returned ballots against the membership lists.. Ballots may



be sent directly from the Provincial Office to the off-campus addresses of members.

All valid, unused and destroyed ballots received by the Locals 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 scrutineer.

- ii In the event that a Local Association (or Local Associations) is/are faced with the possibility of a strike or lockout, it shall be the responsibility of the Local Association Trustees, with assistance from the Provincial Executive, to set up alternative voting procedures such as a polling station, in order that the members shall have maximum opportunities to cast their votes.

- D. Results of the balloting will be circulated to the membership by the Provincial Office within seven (7) days of the results of the counting. The results may be published by Notice, Bulletin, or in the Provincial Newsletter.

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 of the results from the Provincial Office. Upon receipt of such notice the Provincial Executive shall meet and if the Protest is upheld another ballot shall be conducted.

- E. Ballots spoiled, abstentions or non-voting shall not be interpreted as either in favour or opposed to the question.

Section 10: 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 the same.
- B. Within four (4) months of the Annual Convention, the Provincial Executive shall ensure that an updated Provincial Constitution and Provincial Policy 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 11: 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. The Provincial Coordinator shall be at least responsible for coordinating the Newsletter Committee and cross-local education.
- E. The Provincial Organiser shall be at least responsible for service to locals, contacting and communicating with potential new locals and cross-local education.
- F. All cheques issued by the Provincial Association or authorised by the Provincial Executive shall require the signature of the Secretary Treasurer and one of the Vice President or President.
- G. i No agreements shall be entered into by a Provincial Officer which change any terms or conditions of an existing labour agreement unless approval has been granted for such action by the membership of the bargaining unit concerned.



- ii The Executive of the Provincial Association shall be authorised 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 lockout 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 12: 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 per cent (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 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 vote 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 13: VACANCIES IN PROVINCIAL EXECUTIVE POSITIONS

- 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 9A.
- B. Any Provincial Officer who for any reasons 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 14: PROVINCIAL COMMITTEES

- A. Standing committees may be proposed by a Provincial Association member subject to 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 Chairperson of this committee shall be elected by provincial referendum and shall serve on the Provincial Executive. The candidates for the position of Chairperson of the Trustees shall be the three (3) Trustees nominated and elected at the Convention. 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 Conventions 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. There shall be a committee known as the Provincial Newsletter Committee. The committee shall be chaired by the Provincial



Coordinator and shall be responsible for the publication of the Provincial Newsletter, Bulletins and assisting the Trustees in distributing the Provincial Constitution and Provincial Policies and Procedures Manual.

- E. A majority of a committee shall constitute a quorum for the transaction of business of that committee.

Section 15: UNION EDUCATION

- A. There shall be a standing committee known as the Education Committee. It shall be composed of no less than four (4) members of the Provincial Executive including at least one of the Provincial Salaried Officers, and it shall be chaired by the Provincial Organiser.
- B. It shall be the general responsibility of the Education Committee to provide assistance to the Locals in the education of members in matters relating to collective bargaining, steward training, grievance and arbitration issues, occupational health and safety, and other subjects as may be appropriate.
- C. It shall be the specific responsibility of the Education Committee to coordinate the organisation of at least two conferences for members of the Provincial Association per year. One conference per year shall be on the topic of strategies and techniques in collective bargaining. The topic of the second conference shall be determined by the Provincial Executive.

Section 16: 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 of 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 purpose 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:
- i 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.

- ii Local Associations shall elect alternatives to provide for the inability of the delegates to attend.
  - iii Delegates and Alternates shall be elected in accordance with Local Association By-Laws. If Local Association By-Laws do not outline specific procedures for delegate election, delegates shall be elected by secret ballot vote at a Local Association membership meeting. Alternates shall be elected by choosing first, those with the highest number of votes after the elected delegates.
  - iv Members of the Provincial Executive shall automatically be delegates to Convention in addition to the delegates elected by the Local Associations as in Section 16C i.
  - v 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 as a member of the Resolutions and Constitution Committee. If the Provincial Association is composed of less than four (4) Local Associations, the Provincial Executive shall appoint additional members of the Committee to bring its total membership to four (4). 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.



- A. i The revenue of the Provincial Association shall be derived from a per capita tax of three dollars and twenty-five cents (\$3.25) per full time member per month, excluding those members unemployed as dealt with in Section 4: G, H, and I of this Provincial Constitution. Other than full-time members shall pay a per capita tax of **twenty-five percent (25%)** 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.

An increase in per capita tax shall be effective in the third month following the month in which the referendum was concluded to allow Locals adequate time to obtain any local dues increases which may be necessary to accommodate the per capita tax increase.

- ii The revenue of the Provincial Association may also be derived from any special assessments as referred to in Section 17C.
- B. Twelve and one half percent (12 1/2%) of the per capita tax collected shall be deposited in the strike fund.
- C. i An entire Local Association on strike, locked-out or affected by secondary picketing shall not be required to pay the Provincial per capita tax requirements for the duration of the strike or lock-out.
- Per capita tax shall be waived for any individual member of a Local Association on strike, locked-out, or affected by secondary picketing for more than two (2) weeks.
- At all times the articles of the Constitution dealing with strikes shall be adhered to.
- In all instances the per capita tax is payable for members of the Local Associations not on strike, locked-out or affected by secondary picketing.
- ii 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 membership 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. Local Associations shall remit to the Provincial Secretary Treasurer, by the twentieth (20th) day of each month, the per capita tax paid by members during the previous month. All per capita tax forwarded to the Provincial Secretary Treasurer shall be deposited in the name of the Provincial Association. Up-to-date records of the membership lists of the Local Associations shall be submitted at the same time as the Provincial per capita tax.
- E. i An audit shall be completed once annually and the audit presented to the Annual Convention. A report of the audit shall be distributed to each Local Association within sixty (60) days of completion of the audit.



## ii 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 authorised to appoint a new Auditor until the following Annual Convention.

- F. 1 Each year the proposed budget for the Provincial Association of University and College Employees 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.
- G. 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 according to Section 7B ii (The Provincial Executive).
- H. That no financial arrangements or commitments concerning loans, grants or leases be entered into by the Provincial Executive and/or the Provincial Association 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 18: STRIKES AND LOCKOUTS

- A. At least seventy-two (72) hours before the commencement of a strike, representatives of the certified bargaining unit shall meet, where feasible, with the Provincial Table Officers to discuss the strike, with a view to improving the effectiveness of the strike. During the strike, the Local shall communicate the progress of the strike to the Provincial Executive, through their Local Representatives on the Provincial Executive.
- B. 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 19: 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 ten (10) days prior to the hearing and shall have the right to have a member of the Provincial Association act as her/his counsel. The Accused shall also be advised in writing at least ten (10) days prior to the hearing of her/his right to counsel and rights of appeal.

- 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 19B.
- F. The Provincial Association has the right to discipline Local Associations for violations of:
1. the constitution;
  2. Local Association by-laws, or
  3. Decisions of the Provincial Association at Convention or through referenda.

Any Local of the Provincial Association may bring charges in writing to the Provincial Executive against a Local Association. The Provincial Executive shall schedule a hearing with ten (10) days



written notice and copies of the charges shall be sent to the accused Local Association's Executive. The Local Association shall have the right to counsel.

Should the charges prove founded, the Provincial Executive may reprimand the accused Local Association with right of appeal by either the accuser or accused to the next Regular Convention. If the Provincial Executive recommends that the appropriate remedy should be suspension or expulsion, the matter shall be referred to a Special Convention convened for the sole purpose of deciding the matter, unless a regular Convention falls within ninety (90) calendar days in which event the hearing of the matter shall be the first order of business. After such hearing the Convention shall have the right to suspend or expell a Local Association.

The accused Local Association or the accuser shall have the right of appeal of the decision of the Convention to the membership of the Provincial Association. The appeal shall be conducted by referendum vote. The arguments of each party to the hearing shall be circulated by the Provincial Executive to each member of the Provincial Association with a referendum ballot ratifying or rejecting the decision of Convention, however, the decision of convention shall stand until and unless overturned by the referendum.

Any Local Association which has its Charter revoked under this discipline procedure shall retain its assets and records if it affiliates to another union, or becomes an independent body. If the Local Association should be dissolved within three (3) months of the Charter being revoked, the assets and records shall become the property of the Provincial Association.

Section 20: PROCEDURES

- A. Except as otherwise provided for in this Constitution, Bourinot's Rules of Order shall govern the conduct of all conventions, Provincial Executive 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. Referendmum ballots shall be mailed within thirty (30) days of the final day of the Convention.



The Constitution of each Local Association shall be consistent with the Constitution of the Provincial Association. The By-Laws of each Local Association shall, in substance, contain the following provisions, together with any others that are not inconsistent with the provisions of this Constitution, and which have been approved by a majority vote of the Local Association at the first meeting of that Local Association chartered by the Provincial Association Executive. Local Association By-Laws and amendments to said By-Laws must be approved by the Provincial Association Executive.

A. NAME

This Local Association shall be known by name as "The Association of University and College Employees No. \_\_\_\_\_", and shall hereinafter be referred to as the "Local Association".

B. OBJECTIVES

The objectives of the Local Association shall be the same as those of the Association of University and College Employees, as provided in Section 2 of the Provincial Association Constitution.

C. JURISDICTION

The jurisdiction of the Local Association shall be the same as that of the Association of University and College Employees, as provided in Section 3 of the Provincial Constitution, except where otherwise determined by charter grant.

D. MEMBERSHIP

Application for membership in the Local Association shall be made in writing and may be accepted from the applicant by a Local Association officer or designated authority. Each person signing an application for membership and paying the initiation fee will thereby agree to comply with the aims, principles and policies of the Provincial Association. Upon acceptance of such application according to Section 4 D of the Provincial Association Constitution, the applicant shall be entitled to full membership status. The initiation fee of this Local Association shall be one dollar (\$1.00) for each person wishing to become a member except in the case where the laws or regulations of the Province or the laws and regulations of the Federal Government require a lesser or larger initiation fee, in which case the provisions of the laws and regulations shall apply, instead of and in place of the By-Law requirement.



E. LOCAL ASSOCIATION EXECUTIVE

*M*  
The Officers of the Local Association shall include, but not be limited to the following: President, Vice-President, Secretary, Two (2) Trustees. The Offices of Secretary and Treasurer may be amalgamated at the Local Association's discretion. Each certified unit shall be entitled to have at least one (1) member on the executive as a member-at-large.

F. ELECTION OF OFFICERS

1. A nominee for any office must be a member in good standing of the Local Association.
2. The nomination of Local Association Officers shall commence at the regular monthly meeting in \_\_\_\_\_ and close at the regular monthly meeting in the following month. Annual elections of Local Association Officers shall be by referendum ballot vote. At least fourteen (14) days prior notice of the election shall be given to the membership. The person receiving the largest number of votes in any election shall stand elected. In the event that only one person is nominated for an office, no secret ballot shall be held for that position and that person shall be elected by acclamation.
3. The two Local Association Trustees shall be responsible for the fair conduct of the balloting in all Local Elections. In the event that a Trustee is running for office and is therefore not available to act as a returning officer, the Local Association Executive shall appoint a returning officer accordingly. No member running for office shall be eligible to act as a returning officer in that election. Each candidate will be allowed one (1) scrutineer at the polling station(s) and at the ballot count. The results of the balloting will be announced as soon as possible after the election in the Local Association.
4. Any Protest alleging "unfair ballot" or other irregularity must be presented in writing to the Secretary of the Local Association within seven (7) days of the results of balloting being announced. Upon receipt of such protest the Local Association Executive shall meet and if the protest is upheld another ballot shall be conducted. All ballots and voting lists shall be held by the Trustees for a reasonable period after the election. A motion to destroy the ballots shall be in order at a subsequent Local Association General Meeting following the election.



5. The election of Local Association Representatives to the Provincial Executive and the alternates shall be held at the same time and in the same manner as the elections of the Local Association Officers. The Local Association delegates to the Provincial Association Conventions, including the delegate who will act as a member of the Provincial Resolutions and Constitution Committee, shall be elected by secret ballot at a Local Association membership meeting prior to the date of the Provincial Association Convention concerned.
6. Each certified unit shall be entitled to elect their member-at-large to the Local Association Executive by secret ballot and at a time and place to be agreed upon in advance with the Local Executive. The member-at-large may be elected at any time but elections must be held at least once annually.
7. No candidate may be elected to any office who is not present at the nominating meeting unless written consent to serve in the office if elected is presented to the Officer presiding over that meeting at the time of nomination.

G. DUTIES OF LOCAL ASSOCIATION OFFICERS

1. The President shall preside at all meetings of the Local Association and of the Local Association Executive, and shall be a member ex-officio of all committees.
2. The Vice-President shall assist the President, and shall assume the authority and duties of the President in her/his absence.
3. The Secretary shall be responsible for taking accurate minutes of meetings of the Local Association and of the Local Association Executive. The Secretary shall be responsible for all official correspondence as directed by the Local Association membership or by the Local Association Executive.
4. The Treasurer shall maintain accurately and properly such book-keeping system as shall be set up under the instruction of the Local Association and of the Local Association Executive. She/he shall present financial statements to each membership meeting, and shall circulate an audited financial report to the Local Association and Provincial Association Executives by \_\_\_\_ of each year. This report shall be read at the \_\_\_\_ membership meeting.



5. The elected officers shall normally assume their duties of office within seven (7) days after the results of the balloting have been announced unless a protest is lodged as under Section F 4 above.
6. All cheques issued by the Local Association shall require the signature of the Treasurer and one of the following: the President, the Vice-President or Secretary. Application for certification and other legal documents shall be signed by the Local Association President and Secretary.
7. No agreements shall be entered into by a Local Association Officer which change any terms or provisions of an existing labour agreement unless approval has been granted for such action by the bargaining unit concerned.

#### H. VACANCIES IN LOCAL ASSOCIATION TABLE OFFICER POSITIONS

1. Any Local Association Officer will have her/his office declared vacant if she/he misses three (3) consecutive executive meetings without reasonable excuse.
2. Local Association by-elections shall be called by the Trustees when an office becomes vacant unless such office becomes vacant within two months of the opening of annual elections, in which case the office shall remain vacant until the annual elections can be held. By-elections shall be held by secret ballot vote at any Local Association membership meeting where the membership has been duly notified, or by referendum ballot vote.

#### I. RECALL OF LOCAL ASSOCIATION OFFICERS

A Local Association Officer may be recalled at any time by a majority of the votes cast in a referendum vote of the Local Association membership. After notice of motion has been duly given and the approval of a referendum vote to recall has been obtained by a majority vote of the Local Association membership at a membership meeting, the vote to recall shall be held not earlier than seven (7) days nor later than twenty-one (21) days. Any vacancy on the Local Association Executive as a result of recall shall be filled by a by-election as in Section H 2 above.



J. STEWARDS

The Local Association shall maintain a steward structure. All stewards are to be elected on the job. Steward committees shall be encouraged.

K. MEETINGS

1. Any member in good standing of the Local Association shall have the right to attend any meeting of the Local Association, including Executive and committee meetings, in which case the member shall have voice at the discretion of the chair, but no vote.
2. Meetings of this Local Association shall be held on a regular basis, but in no case less than quarterly. Special meetings may be held at any time by a majority decision of the Local Association Executive or by a petition of \_\_\_\_\_ of the Local Association Members or by a decision of a regular Local Association membership meeting. \_\_\_\_\_ members of the Local Association shall constitute a quorum at any membership meeting. Meetings of the Local Association Executive shall be held monthly at a regular time. \_\_\_\_\_ members of the Local Association Executive shall constitute a quorum at an executive meeting.

L. DUES AND FINANCES

1. Monthly dues shall be \_\_\_\_\_ for every member of the Local Association and shall be payable each month. Dues can only be changed with the approval of the membership of the Local Association involved.
2. The Local Association shall have the right to levy on its members, for special purposes, one assessment per year of at most five dollars (\$5.00), which shall be voted on by two-thirds (2/3) majority vote of the members at a Local Association membership meeting, provided that proper notice has been given at least fourteen (14) days prior to the vote. Further assessments shall only be levied as a result of a referendum ballot.
3. All monies in the hands of the Treasurer shall be deposited in the name of the Local Association and a complete record of all monies received and paid out shall be kept. There shall be a yearly audit. The Trustees shall be responsible for inspecting the financial records of the Local Association.



M. APPROVAL OF CONTRACT

A contract must be approved by a majority of the membership of the bargaining unit concerned.

N. STRIKES AND LOCKOUTS

A bargaining unit shall not strike without the approval of the membership of that unit. Voting shall be by secret ballot and a majority of votes cast shall be necessary for a strike to take place.

O. DISCIPLINE

Any member of the Local Association shall have the right to prefer charges against any other member of the Local Association or any Provincial Association Officer according to Section 19 of the Provincial Constitution. Charges can be preferred against any member or officer who:

1. Violates any provision of the Provincial Constitution and/or Local Association By-Laws.
2. Obtains membership through fraudulent means or by misrepresentation.
3. Fraudulently receives or misappropriates any property of the Provincial Association or Local Association.
4. Acts in collusion with the employer with a view to injuring the Provincial Association or Local Association.

P. PROCEDURES

1. Except as otherwise provided in these Local Association By-Laws and the Provincial Association Constitution, Bourinot's Rules of Order shall govern the conduct of all Local Association meetings and Local Association executive meetings.
2. Any of these by-laws may be amended by a majority vote at a Local Association membership meeting provided that notice of motion of the amendments or changes has been posted at least seven (7) days prior to the vote. The Local Association shall send copies of any by-laws and amendments to the Provincial Executive. The Provincial Executive shall only have the right to veto an amendment which is in conflict with both the spirit and letter of the constitution. Notwithstanding the above, the Provincial Executive shall approve the by-laws of any new Local Association at the time of said by-laws.



Q. CHARTER MEETING

The method of election of Local Association Officers in a newly chartered Local Association shall be determined by the members at the charter meeting. The quorum shall be a majority of those members applying for a charter.