

September 2, 1981

Association of University and College Employees
Provincial Office
#901 - 207 West Hastings Street
Vancouver, B.C.
V6B 1J8

A.U.C.E. Local 5
c/o College of New Caledonia
3330 - 22nd Avenue
Prince George, B.C.

Attention: The Membership, c/o The Executive

Dear Members:

Re: Hearing Held in Vancouver, August 22, 1981, to Discuss Charges
Brought by Local 1 Against Local 5

The hearing, which took place as indicated above, was held in order to deal with Local 1's charges against Local 5. The charges were filed with the AUCE Provincial Office, by letter, as follows:

June 18, 1981

This is to inform you that the following motion was passed at AUCE Local 1's membership meeting today:

"AUCE Local One hereby charges AUCE Local Five under section 19(F) of the Provincial Constitution in that it affiliated to the Canadian Confederation of Unions in contravention of AUCE's policy decision to affiliate intact to the Canadian Labour Congress. Further, it is the position of AUCE Local One that a reprimand is totally inadequate and inappropriate given the severity of the situation, we urge that a hearing be held on the matter as soon as possible."

Signed, Wendy Lymer, Sec-Treas. for Suzan Zagar, Vice-Pres.
AUCE Local One

The hearing took place on August 22, 1981, in Vancouver. Local 1 was represented by Nancy Wiggs, with the assistance of Don Chang, a UBC Law Student. Other Local 1 members present for the hearing included Suzan Zagar, and the Provincial Reps, Elizabeth Brock, and Sheila Rowswell. Local 5 was represented by Peter Burton, a UBC Law Student. Local 5 members present for the hearing included Lauma Avens, Local Trustee and Provincial Co-ordinator; Judy Attewell, Local President; Kyra Guest; Isabel Bagg; and Dianne Kauffman, Provincial Representative. Local 5 was also attended by John Hartloff.

The proceedings were underway after Lid Strand, Provincial President, outline the format for the day. Local 1 was to have gone first on outlining their charges, but Local 5 took issue with the Constitutionality of the charges,

so Peter Burton, speaking for AUCE Local 5 argued the Local 5 position that they considered the charges to be retroactive. This argument was based on Local 5's concern that since Section 19(F) of the Constitution did not exist at the time the Local affiliated to the CCU, then the charges were being applied and heard after the alleged violation took place. Local 1 argued that the charges were Constitutional, stating that Section 19 of the Constitution, part (F), was the vehicle for the laying of the charges, and that Local 5 was being charged with violating other sections of the Constitution regarding abiding by AUCE policy. Local 1 emphasised that they were not charging Local 5 with violating Section 19(F) but were using that section in order to deal with violations of other sections of the contract. Local 5 strongly objected to this interpretation of the Discipline section, and defended their action as being in line with Locals' rights to autonomous action. For your information the text of Section 19(F) is attached.

After both sides presented their arguments on the constitutionality of the laying of the charges, there was open discussion and a question period. Any formal decision-making was the responsibility of the Provincial Executive, as per the Constitution. Decisions were made, motions were discussed and voted on and a record of the motions considered is as outlined below:

1. MOTION

Jack Gegenberg (#6 Rep) Moved Elizabeth Brock (#1 Rep) Seconded
That we rescind any previous motions regarding the constitutionality or the question of the charges brought by Local 1 against Local 5 being in order.

CARRIED

- therefore it is understood that there are no motions on the floor dealing with the constitutionality of the charges

The Chair noted that there are now two points to be considered:

- i) whether or not Local 5 is in violation of the Constitution, and
- ii) whether it is appropriate to deal with this issue under Section 19(F)

It was questioned whether or not there would be a conflict of interest if the Local reps that were participating voted on the issue, as this would include members from Local 1 and Local 5. The Chair ruled that all Local reps on the Provincial Executive were entitled to vote and participate in the decision-making, and further that under the Constitution since the Provincial Executive has the responsibility of dealing with the matter, and since Section 7 of the Constitution defines the Provincial Executive as including the Provincial Reps then they shall have the right to participate.

2. MOTION

Elizabeth Brock (#1) Rep Moved Jack Gegenberg (#6) Rep Seconded
That Section 19(F) may not be interpreted to apply to finite acts that occurred before the adoption of Section 19(F) of the Constitution.

CARRIED

3. MOTION

Jack Gegenberg Moved Elizabeth Brock Seconded
That the Provincial Executive interprets Section 19(F) as applicable to acts that are initiated prior to the implementation of Section 19(F), and are still continuing.

CARRIED

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4. MOTION

Sheila Rowsell (#1 Rep) Moved Elizabeth Brock (#1 Rep) Seconded
That the Provincial Executive finds that the charges laid by Local 1
against Local 5 regarding affiliating to the Confederation of Canadian
Unions are constitutional.
CARRIED

5. MOTION

Jack Gegenberg (#6 Rep) Lauma Avens (Prov. Co-ord.) Seconded
That in view of the seriousness of the fine situation that we are dealing
with, the entire matter shall be referred to a special convention to be
heard within ninety (90) days and the entire Provincial Convention shall
decide on the matter.
DEFEATED

6. Local 5 members and other Local 5 representatives left the hearing after reporting that their membership had directed that they would not entertain participating in a hearing that decided the charges to be constitutional.
7. The hearing continued with Nancy Wiggs presenting the case for the actual charges, on behalf of Local 1. She cited Sections 4(e), 5(c) and 21(d) as being those Sections of the Constitution that the Local considered Local 5 had breached by their affiliation to the CCU.
8. There was no rebuttal from Local 5, as they had left.
9. The Chairperson asked for questions from the floor; there were brief remarks made about the charges.

10. MOTION

Mary Mabin (Local 6 Rep) Moved Sheila Blace (Chairperson of the
Provincial Trustees) Seconded

That the AUCE Provincial Executive finds that in affiliating with the
Confederation of Canadian Unions, Local 5 has violated the AUCE policy
decision to affiliate to the Canadian Labour Congress by lobbying the
Canadian Labour Congress.

CARRIED (Unanimously)

11. The proceedings continued with some suggestions and discussion on what the recommendations could be in view of the motion carried, and suggestions were as follows: (not necessarily in this order)
 - a) suspend the local indefinitely
 - b) suspend the local for 2 or 3 months
 - c) expell the local outright
 - d) reprimand the local without penalty
 - e) suspend for a certain length of time, i.e. 3 months, and if after 3 months Local 5 is still a CCU affiliate, then that local shall be expelled.
 - f) neither reprimand nor suspend nor expell the local, i.e. do nothing about their affiliation
 - g) call a Special Convention to consider the entire matter

12. MOTION

Mary Mabin (Local 6 Rep) Moved Jack Gegenberg (#6 Rep) Seconded

That the AUCE Provincial Executive reprimands AUCE Local 5 for joining the Confederation of Canadian Unions (CCU) in violation of a policy of AUCE and hereby calls a Special Convention to consider the matter and what further discipline would be appropriate.

CARRIED

13. MOTION

Jack Gegenberg (#6 Rep) Moved Sheila Rowsell (#1 Rep) Seconded

That the Special Convention shall be held on Sunday October 4th, 1981, from 10:00 am to 5:00 p.m. at Britannia Community Centre in Vancouver.

CARRIED

14. MOTION

Sheila Perret (Sec-Treas) Moved Jack Gegenberg (#6 Rep) Seconded

That the hearing be adjourned. (7:00 pm)

CARRIED

In essence, the Provincial Executive is conveying its reprimand by letter, and has decided that if, and only if, there is to be any discipline levied against AUCE Local 5, then the Convention shall decide the matter.

According to the Constitution, Locals are entitled to have the same delegates represent them at a Special Convention, as were at the Annual Convention. If your Local decides to send other representatives, then it is in order that those delegates be elected as soon as possible. (Section 16: CONVENTIONS, part C. Delegates, sub-section 5.)

Also, it is in order that the Locals consider submitting resolutions to this Convention - and those resolutions can only deal with the specific issue of Local 5's affiliation to the CCU and the resolution to that situation, (See Section 16: CONVENTIONS, part B.), as referred to the Convention by the Provincial Executive's Resolution in item 12, above.

Please let the Provincial know if the Local is submitting resolution(s). If the Provincial Executive intends to put time limit on the latest time possible to submit resolution(s) then the Locals shall be informed as soon as possible. At this time there is no deadline.

Please let the Provincial know who the representatives for your Local will be so that this office can make the travel arrangements.

Sincerely,



Sheila N.L. Perret
Secretary-Treasurer

for the Provincial Executive

cc. all AUCE Locals
all Provincial Reps

(encl.)