



Federation of
Post-Secondary Educators
of BC - Local 3

Constitution and By-Laws

Revised April 2024

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Constitution

Purposes of the Faculty Association of the College of New Caledonia

WHEREAS the Faculty Association of CNC is defined as a trade union by the *Labour Relations Code* of British Columbia;

AND WHEREAS the Faculty Association of CNC is certified by the *Labour Relations Board* as the sole collective bargaining agent for all full-time and part-time faculty employees of the College of New Caledonia;

THEREFORE, the primary purposes of FACNC are:

- a) To advance and promote higher education in the College of New Caledonia and in British Columbia.
- b) To promote the interests and well-being of the faculty of the College of New Caledonia and to provide a formal channel for contract administration and collective bargaining with the administration of the College of New Caledonia on all matters relating to employment, salaries, hours of work, holidays and all other matters affecting the welfare of the faculty of the College of New Caledonia.
- c) To hold certification as a trade union, to regulate relations between employers and employees through collective bargaining, to conclude, revise and terminate collective agreements and in particular, but without restricting the generality of the foregoing, to function as a trade union pursuant to the law of the Province of British Columbia.
- d) To advise on questions of mutual concern to its members and the administration of the College.
- e) To coordinate social functions for the benefit of its members, however, not to operate as a social club.

By-Laws

1. Membership

a) Definition

The following persons and no others shall be eligible for membership in the Faculty Association of the College of New Caledonia:

- i) Members of the College faculty whose primary responsibility is teaching.
- ii) Members of the College faculty who are qualified as librarians and who are acting as librarians.
- iii) Members of the College faculty who are counsellors or study skills counsellors.
- iv) Members of the College faculty who are engaged in curriculum development.
- v) Members of the College faculty who are engaged in research activity.
- vi) Honorary lifetime membership shall be given to any former member the Association may wish to honour.
- vii) Such other persons who are employees of the College of New Caledonia, whose primary interest in area of activity is in the teaching services of the College, as a general meeting of the FACNC may choose to admit.

b) Membership Fees

- i) Members covered by the collective agreement between the College of New Caledonia Board and the Faculty Association of the College of New Caledonia shall pay membership dues through an assignment of wages executed in favour of the FACNC at the commencement of membership.
- ii) Other members shall pay an annual membership fee.
- iii) The membership dues for the following year shall be determined by the FACNC membership at the Annual General Meeting.
- iv) Membership dues or any portion thereof shall not be refunded, nor additional dues assessed, except by authority of a special resolution of the general membership of FACNC.

c) Conditions upon which membership ceases

Any member who desires to withdraw from membership in the FACNC may notify the Board of Directors in writing to that effect and on receipt by the Board of Directors of such notice the member shall cease to be a member. Any member covered by a collective agreement who withdraws his/her assignment of wages shall cease to be a member of the FACNC. Any other member who fails to pay his/her annual membership fee shall cease to be a member of the FACNC. Members remain in good standing until cessation.

d) Resignation or Expulsion

Any member who resigns or is expelled from the FACNC shall forthwith forfeit all right, claim and interest arising from or associated with membership in the FACNC but shall remain liable for payments of any assessment or other sum levied or which becomes payable by him/her to the FACNC.

e) Bridging of Membership

A member of the FACNC retains membership for a period of up to four (4) months following the cessation of employment with the College. During this bridging period the member is exempt from the membership fees unless he/she is re-employed at the College in a bargaining unit position. Upon such re-employment, the member shall recommence payment of membership fees by executing an assignment of wages in favour of the FACNC.

f) Respectful Conduct

FACNC opposes any disrespectful personal conduct, discrimination, or harassment on the basis of sex, age, race, colour, religious affiliation, national or ethnic origin, sexual orientation, physical or mental disability, political belief, marital or family status, or socio-economic circumstance.

Discrimination, harassment, or other disrespectful conduct will not be tolerated at FACNC meetings and events. Members should report such conduct to the Executive Director(s).

It is the responsibility of the Executive Directors to take necessary actions to create safe spaces for its members.

g) Abiding by the Constitution and By-laws

Every member shall be bound by and submit to the Constitution and By-Laws of the FACNC, and such rules and regulations as from time to time shall be enacted by the FACNC. Members who fail to abide by the Constitution and By-Laws shall be liable to expulsion by the membership at a meeting of the FACNC.

2. Meetings

- a) The Annual General Meeting of the FACNC shall be held in the month of April or May of each year for the purpose of electing the Executive of the Board of Directors of the FACNC (Executive Directors), Standing Committees of the FACNC and Appointees to Joint committees, who shall hold office for the succeeding year.
- b) General meetings may be called by the Directors or may be called at the request in writing of ten (10) percent of the membership. Such a request shall be submitted to the Executive Directors stating the reason for requesting a general meeting.
- c) A Fall General Meeting shall be held no later than September 30 of each year.
- d) A quorum at any general meeting of the FACNC shall be ten (10) percent of the full-time equivalent number of members in good standing but not less than three (3) percent.
- e) Voting shall be by a show of hands unless a majority of members present request a secret ballot.
- f) Meetings shall be conducted informally or according to Robert's Rules of Order, at the discretion of the President.
- g) Members may vote by proxy. At any meeting, a member may carry only one proxy vote. It shall be in writing, signed over to one specific member, and presented to the chairperson. There will be no proxy voting on special resolutions.
- h) Notwithstanding By-Law 2.g), members from regional campuses will be allowed to cast their proxy vote on special resolutions.
- i) For ratification of bargaining proposals and collective agreements the following meeting structure will be used:
 - i) A written information package will be sent to the membership prior to the meeting.
 - ii) A teleconference in conjunction with the ratification meeting to conduct a secret-ballot vote pursuant to the Labour Relations Code of British Columbia.
- j) For ratification of collective agreements, the following voting procedure will be used:
 - i) All members will be required to sign in.
 - ii) Voting will be by secret ballot.

- iii) The voting will be supervised by a steward and a scrutineer or scrutineers as deemed necessary.
- iv) Ballots will be counted at each campus and results phoned to Prince George. The Steward must send ballots and the sign-in sheet to the Faculty Association Office.
- v) Only the final combined results will be made available. All ballots will then be destroyed.

3. Special Resolutions

- a) Special resolutions are required in the case of:
 - i) Expulsion of a member
 - ii) Removal of an officer
 - iii) Special Assessments
 - iv) Authorization to borrow funds
 - v) Alteration or addition to Constitution and By-laws
 - vi) Such other matters as the FACNC may from time to time require.

- b) For all purposes of the FACNC, special resolution shall mean a resolution passed by a seventy-five (75) per cent majority of such members entitled to vote as are present in person only at any general meeting of which notice specifying the intention to propose the resolution as a special resolution has been duly given. Resolutions pursuant to Section 3 a) v) above shall require a three-fourths (3/4) majority to pass.

- c) Each member of the FACNC shall be given at least two (2) weeks' notice of the general meeting and of the special resolution.

4. Board of Directors

- a) Board Structure
The Board of Directors of the FACNC will consist of
 - i) Executive:
 - the President
 - Vice-President
 - two Vice-Presidents, Chief Steward
 - Vice-President, Negotiations
 - Secretary-Treasurer
 - Member at Large, Non-Regular
 - Member at Large, Regions
 - a third Member at Large

ii) Chairs of the following standing committees, and faculty representatives:

- Academic Governance
- Climate Action Committee
- Community Outreach and Recruitment Activities
- Contract
- Decolonization, Reconciliation, and Indigenization
- Educational Leave
- Human Rights
- Political Action
- Professional Development
- Social
- Status of Non-Regular Faculty
- Women and Gender Equity

iii) An elected faculty designate of the Disability Management Committee; an elected faculty designate of the Occupational Health & Safety Committee; the faculty representative to the College Board (non-voting member); the faculty Education Council Chair (non-voting member).

iv) The Executive of the Board of Directors shall consist of the President; Vice-President; two Vice-Presidents, Chief Steward; Vice-President, Negotiations; Secretary-Treasurer; Member-at-Large, Non-Regular; Member-at-Large, Regions and Member-at-Large. If Member-at-Large, Regions is vacant, it can be filled by any member. The Executive shall report to all meetings of the Board of Directors.

v) Agenda Committee: The Board of Directors shall establish an Agenda Committee responsible for setting the Board Agenda and ensuring notification of meetings and prior distribution of documents. The Agenda Committee members shall be the President, the Secretary-Treasurer and a non-Executive member of the Board of Directors elected by the Board of Directors.

b) Election of Executive Directors

The election of the new Executive Directors shall be held from among members in good standing.

i) Five weeks before the Spring AGM, nominations will open for a period of two weeks; candidates will send in nomination forms to the FACNC. Candidate names will be shared with members at least two weeks prior to the election. The polls will open seventy-two hours before the AGM and close at 5:00 pm the day before the AGM. The election results will be announced at the AGM. In the case of unfilled positions, 3(g) of the FACNC Constitution and By-laws applies.

- ii) The successful candidate must achieve a clear majority of the voting members. If there is no clear majority the nominee with the smallest number of votes will be removed from the ballot and the election re-run there is a clear majority. If there is a single nominee, the nominee will receive the position by acclamation.
- iii) Elections will be overseen by an Executive Member who is not a candidate in the election. Elections will be supervised by a scrutineer or scrutineers as deemed necessary. The scrutineer cannot be a candidate in the election.

c) Term

- i) These nine members of the Executive will each be elected for a two-year term. The term of the Executive Members of the Board of Directors shall commence at an annual Transition Meeting to be held in May or June, after the Annual General Meeting.
- ii) A member can serve on the Executive of the Board of Directors (in any capacity) for a maximum of three consecutive terms (six years). A member who has completed the maximum number of consecutive terms on the Executive must wait two years to run again.
- iii) Starting in 2024, the executive will be elected for two-year terms at staggered intervals.

Even Years: President, VP Negotiations; one VP Chief Steward; Member at Large; Member at Large, Non-Regular.

Odd Years: Vice President, one VP Chief Steward, Secretary Treasurer, and Member at Large Regions.

d) Directors Applying for Administrative Positions

Upon application for any administrative position outside the faculty bargaining unit at the College, a Director shall resign from the Board of Directors.

e) Quorum

A majority of the voting Directors shall form a quorum for the transaction of business.

f) Duties of the Directors

- i) The President shall, when present, preside at all General Meetings, the Annual General Meeting and meetings of the Executive Directors. The President shall also be charged with the general management and supervision of the affairs and operations of FACNC.

- ii) The Vice President shall assist the President, perform such duties as may be assigned by the President or Executive, conduct the annual review of the Constitution and By-laws & Policies and Procedures manuals for the Executive, and act in the President's role should the President be unable to fulfill their duties, including representing our local with FPSE.
- iii) The Vice-Presidents, Chief Steward will be chairs of the Grievance Committee. They shall coordinate the activities of the Area Stewards and the Grievance Committee, oversee Standing Committee liaison and other responsibilities as designated by the Board of Directors. They will oversee the processing of grievances prior to arbitration and will be primarily responsible for the administration of the collective agreement on behalf of FACNC. During the absence or inability of the President and the Vice-President, a Vice-President, Chief Steward will exercise the duties and powers of the President.
- iv) The Vice-President, Negotiations will be primarily responsible for the conduct of negotiations relative to the collective agreement and will chair the Contract Committee. These duties include bargaining preparation, contract negotiations, contract implementation, membership on the Grievance Committee, and other duties that may be assigned by the Executive Directors. During the absence or inability of the President and Vice-President, Chief Steward, the Vice-President, Negotiations will take on the duties and powers of the President.
- v) The Secretary-Treasurer shall communicate or cause to be communicated notices for all meetings of the Board of Directors and all general meetings when directed to do so, have charge of the minute records of the FACNC, and shall also perform the usual duties of a treasurer. They shall oversee the accounts of the FACNC by regularly monitoring the financial statements produced by the Society Office Administrative Assistant. The Secretary-Treasurer shall disburse funds of the FACNC under the direction of the Executive Directors, taking proper vouchers therefore and shall render to the Executive Directors at the regular meetings thereof or whenever required of them, an account of all the transactions that they have assessed along with the statements of the financial position of the society. The Secretary-Treasurer will report to each general meeting as well as providing budget proposals and audit statements to the Annual General Meeting.
- vi) Members at Large shall perform such duties as may be assigned by the

Executive Directors. The Executive of the Board Directors will include a Member-at-Large; Member-at-Large, Non-Regular; and Member-at-Large, Regions.

vii) Prior to the AGM each year the Executive Directors will determine if external consultation over contract administration and/or contract negotiations will be required for the coming year. The recommendation of the Executive Directors, including any required budget proposal, will then go to the AGM for approval by the membership.

viii) The collective duties and powers of the Executive Directors are to implement the decisions of the FACNC Board and/or the membership, carry on the business of the FACNC between meetings, and to report to the FACNC membership.

g) Executive Position Vacancies

If any position on the Executive of the Board of Directors other than the President becomes vacant, the Executive Directors may appoint a member to serve until the next Annual General Meeting or hold a by-election.

h) Outgoing Executive Members Non-Voting Seat on Committees

These specific outgoing Executive members will continue to have a non-voting seat on the following committees:

	Will remain as a non-voting member of...
Outgoing President	Executive and Board
Outgoing Vice-President	Executive and Board
Outgoing VP Negotiations	Contract Committee and Grievance Committee
Outgoing VP Chief Steward	Grievance Committee

These members can keep their non-voting seats until there is a new outgoing member. At that time, the new outgoing President, Vice President, VP Negotiations, or VP Chief Steward will take over the non-voting seat.

5. Area Steward System

a) Area Stewards shall represent the interests of the area members, process the initial stages of grievances, act as advocate on behalf of the area members in grievances and complaints relating to working conditions, provide a communication link for the

association, and perform other duties as assigned by the Executive of the Board of Directors. Accordingly, Area Stewards shall be considered to be official representatives of the Association.

- b) The Area Stewards, at their Fall Meeting, shall establish the number of areas and their composition. Adjustments may be made by the Area Stewards as circumstances require.
- c) The members of the areas shall select their Area Steward by the Annual General Meeting under the supervision of the Vice Presidents, Chief Steward.
- d) The Executive will be able to appoint up to two Stewards at Large who will carry out the same duties as area stewards, or as assigned by the Executive. They will be considered official representatives of the FACNC.

6. Grievance Committee

The Grievance Committee shall consist of the Vice-Presidents, Chief Steward; the Vice-President, Negotiations; two area stewards elected by the stewards; and a Steward at Large, if one is appointed. The outgoing VP Chief Steward is a nonvoting member of this committee.

7. Committees

- a) The standing committees of the trade union will be:
 - Academic Governance
 - Climate Action Committee
 - Community Outreach and Recruitment Activities
 - Contract
 - Decolonization, Reconciliation, and Indigenization
 - Education Leave
 - Human Rights
 - Political Action
 - Professional Development
 - Social
 - Status of Non-Regular Faculty
 - Women and Gender Equity
- i) The precise number of members on each committee shall be determined at the Annual General Meeting.
- ii) Such members shall be elected at the Annual General.

- iii) The term of the Standing Committees shall commence upon their election at the Annual General Meeting and run until the Annual General Meeting of the following year at which time the new members shall take office.
 - iv) The members of the Standing Committees shall meet no later than 30th of September of each year to elect Chairpersons, except the Contract Committee.
 - v) Upon application for any administrative position outside the faculty bargaining unit at the College a committee member shall resign from their committee.
- b) Ad Hoc Committees may be appointed by the Executive Directors to investigate topics of interest to the society and to report on such topics to a general meeting of the FACNC. The topics to be investigated by an Ad Hoc Committee are to be discussed and ratified by a general meeting of the FACNC.
 - c) Vacancies on any committees shall be filled with an appointment by the Executive Directors.
 - d) All committees shall report to the FACNC in the manner described in Robert's Rules of Order. Recommendations arising from committee deliberations shall be presented to the FACNC in the form of motions moved by the Chairperson and seconded by another member of the committee.
 - e) The President shall be an ex-officio member of all committees of the FACNC.

8. Finances

- a) Signing Officers
 - i) The Secretary-Treasurer and either the President, or in the absence/inability of the President, the Vice-Presidents, Chief Steward, or the Vice-President, Negotiations shall sign resolutions, memberships, certificates, deeds, transfers, licenses, contracts, and engagements on behalf of the FACNC.
 - ii) The Secretary-Treasurer and either the President, or in the absence or inability of the President, the Vice-Presidents, Chief Steward, or the Vice-President, Negotiations shall sign all cheques, bills or other evidence of indebtedness issued in the name of the FACNC.

- iii) No signing officer will approve their own expenses or sign cheques payable to themselves.
 - iv) The President, the Vice-Presidents, Chief Steward, or the Vice-President, Negotiations or any person authorized by the members may enter into contracts in the ordinary course of the FACNC's operations on behalf of the FACNC.
 - v) The Executive of Board of Directors shall annually review the Constitution and By-laws of the FACNC.
- b) Strike Defense Fund
- i) The Board of Directors shall establish a separate strike/defence fund from the revenue of the FACNC.
 - ii) The purpose of this fund is to:
 - Enable the FACNC to assist its members in the event of a strike or lockout.
 - Cover the cost of extraordinary legal expenditures for cases before a variety of tribunals, including boards of arbitration, the Labour Relations Board of BC, and other related tribunals.
 - Cover the cost of alternate job actions.
 - iii) The procedures for the administration of this fund shall be developed by the Executive Directors and are subject to ratification by a General Meeting.
- c) Exercise of Borrowing Power
- The Directors may borrow, raise, or secure the repayment of such sum or sums in such manner and upon such terms and conditions in all respects as they see fit, and, in particular, by the issue of bonds, perpetual or redeemable debentures or debenture stocks, or any mortgage, charge or any other security on the under-taking of the whole or any part of the present and the future property both real and personal of the FACNC. Provided, however, that none of these powers shall be exercised except in accordance with the sanction of a special resolution passed by a seventy-five (75) percent majority of the members of the FACNC present and entitled to vote at a general meeting, provided each member of the FACNC shall be given at least two (2) weeks' notice of the meeting and of the proposed scheme to arrange of secure monies to be voted on at the meeting.
- d) Audit of Account

The Annual General Meeting will appoint an auditor or auditors to complete an annual Review Engagement Report.

e) Custody and Use of the Seal of the FACNC

- i) The Executive Directors may adopt a seal which shall be the common seal of the FACNC.
- ii) The common seal of the FACNC shall be under the control of the Executive Directors and the responsibility for its custody and the use from time to time shall be determined by the Executive Directors.

9. Minutes and Records

The Executive Directors shall see that all necessary books and records of the FACNC required by the by-laws are regularly and properly kept and the Secretary of the FACNC shall perform such duties with respect to the books and records as are required by the by-laws or by the Executive Directors or the membership from time to time.

10. Inspections of Books and Records

Any member of the Faculty Association may review the accounts and/or books of the FACNC during FA office hours, subject to coordinating time with a member of the FA executive.

11. Procedure not provided by these By-Laws

Procedure not provided in these by-laws shall be decided pursuant to the provisions of Robert's Rules of Order.