

# **PROPOSED AMENDMENTS TO CONSTITUTION AND BYLAWS April 2024**

## **Constitution and By-Laws of the Saint Mary's University Faculty Union (SMUFU)**

**Approved [Date TBA]**

### **Article 1. Organization**

1.1 The name of the organization shall be the Saint Mary's University Faculty Union (SMUFU); the Saint Mary's University Faculty Union; hereinafter to be referred to as the "Faculty Union". Saint Mary's University will be referred to as the "University".

### **Article 2. Objects**

2.1 The purpose of the Faculty Union is:

1. to promote the welfare of the academic staff of the University and of all SMUFU members, including professors, lecturers, and professional librarians;
2. to deal with issues of common interest to members of the bargaining unit;
3. to act in a manner calculated to further the best interests of the University;
4. to encourage co-operation between the academic staff of this University and the academic staffs of other Universities;
5. to represent all employees of the University eligible for membership in this union in matters of employer-employee relations including salaries and working conditions.

### **Article 3. Affiliations**

3.1 The Faculty Union may affiliate with other associations whose objects are to promote the interests of academic staff, including professors, lecturers, professional librarians, and researchers, to advance the standards of their professions, or to enhance the quality and support of higher education in Canada and access thereto.

### **Article 4. Membership**

4.1 Any member of the academic staff as defined in the Saint Mary's University Act, 1970, engaged in full-time teaching or research or as a professional librarian is eligible for membership, except the following:

1. The President of the University, any Vice-President, any Associate or Assistant Vice-President
2. Deans and the University Librarian
3. Any part-time teaching or research staff represented by another union at Saint Mary's University

4.2 A person shall be considered a member of Faculty Union if they are a member of a SMUFU bargaining unit, unless they have written to the SMUFU Secretary stating their wish not to be a member of the Faculty Union.

4.3 Every employee admitted for membership shall continue their membership until their employment with the University is terminated, or upon written notice to the Executive Committee.

#### **Article 5. Fees**

5.1 The annual membership fees shall be determined by a vote of all members of the Faculty Union.

#### **Article 6. Executive Committee**

6.1 The Executive Committee of the Faculty Union shall consist of:

1. President
2. Vice-President
3. Secretary
4. Treasurer
5. Three other members of the Faculty Union (Members At-Large)
6. Past President (non-voting ex-officio)
7. The Chair (or Co-Chairs) of the Grievance Committee (non-voting ex-officio)
8. The Faculty Union's Lead Negotiator (non-voting ex-officio)

6.2 The Executive Committee of the Faculty Union shall be nominated by a nominating committee and elected by the Faculty Union every year. Elections are to be held in the month of March. The nominating committee shall be appointed by the Executive Committee. Three members of the Faculty Union shall comprise the Nominating Committee, who shall receive and solicit nominations from the Union membership and assist the Elections Officer in conducting the election.

6.3 The Executive Committee shall appoint an Elections Officer who will oversee regular and special elections, as well as any votes requiring secret ballot procedures. The Elections Officer will not be a current voting or non-voting member of the Executive Committee, and will when necessary recruit volunteer members of the Faculty Union to assist with scrutineering.

6.4 Each term of office shall be one year from May 1<sup>st</sup> to April 30<sup>th</sup>. All members of the Executive Committee are eligible for re-election, but should not normally serve more than five consecutive terms.

6.5 The officers of the Faculty Union shall be the President, Vice-President, Secretary and Treasurer.

6.6 The Lead Negotiator and (Co-)Chair(s) of the Grievance Committee shall be appointed by the Executive Committee.

#### 6.7 Vacancies

1. When a member of the Executive Committee is unable to perform their duty, their office becomes vacant if so declared by the Faculty Union.
2. When the office of the President becomes vacant, the office will be filled by the Vice-President until a special election is held. This election must be called within thirty [30] days of the office becoming vacant.
3. When the office of the Vice-President, Secretary, or Treasurer becomes vacant, the Executive Committee may appoint one of its members to fill the office until a special election is held. A special election must be called within thirty [30] days of the office becoming vacant.
4. When at-large positions on the Executive Committee become vacant, the Faculty Union may fill the vacancy by special election, to be called within thirty [30] days of the position becoming vacant.

#### 6.8 Duties of Officers:

##### 6.8.1 The President shall:

1. work with the Executive Committee to supervise general management of the affairs of the Faculty Union
2. in close consultation with the Vice President, Treasurer and Secretary, supervise and direct union staff. Significant staffing decisions must always be undertaken in consultation and collaboration with the Executive Committee;
3. preside at meetings of the Faculty Union;
4. preside at meetings of the Faculty Union Executive Committee;
5. perform duties incidental to their office. The Executive Committee may in a special session authorize the President the power to take all necessary steps of an emergency nature for the benefit of the Faculty Union.
6. in the event a session of the Executive Committee cannot be summoned, call an emergency General Meeting.

##### 6.8.2 The Vice-President shall:

1. fulfill the duties of the President during their temporary absence or disability or refusal of the President to act;
2. fulfill the duties assigned by either the President or the Faculty Union Executive Committee.

##### 6.8.3 The Secretary shall:

1. issue notices for meetings of the Faculty Union Executive Committee and of the Faculty Union at the times and in the manner specified;

2. maintain the minute books of the Faculty Union Executive Committee and of the Faculty Union;
3. process the official correspondence of the Faculty Union.

#### 6.8.4 The Treasurer shall:

1. be responsible for the care and custody of the funds and assets of the Faculty Union according to this constitution and finance policies established by the Executive Committee;
2. at each Annual General Meeting of the Faculty Union present an account of the Faculty Union's finances;
3. maintain books of account and make these available for inspection to the members of the Faculty Union on request.

#### 6.9 The Executive Committee:

1. shall carry into effect all resolutions of the Faculty Union and generally manage the affairs of the Faculty Union;
2. is empowered to form committees which are directly responsible to the Executive Committee.

#### 6.10 Meetings of the Executive Committee

1. The Executive Committee shall meet at least once per month or as called by the President
2. Four voting members of the Executive Committee shall form a quorum.
3. The Chair of a meeting of the Executive Committee shall not vote except in case of a tie vote, and then they shall cast the deciding vote.
4. The Past President shall be a non-voting member of the Executive.
5. The (Co-)Chairs of the Grievance Committee shall be (a) non-voting member(s) of the Executive.
6. The Faculty Union's Lead Negotiator shall be a non-voting member of the Executive.
7. Urgent matters requiring an immediate decision of the Executive Committee can be decided by email voting. Email voting shall be kept to a minimum and shall follow the regular procedure of a motion, second, and opportunity for discussion, prior to a vote. Any decisions via email shall be noted by the Secretary and recorded at the next meeting of the Executive Committee.

### **Article 7. General Meetings**

7.1 There must be an Annual General Meeting held in the month of October, and a Semi-Annual General Meeting in the month of April. The Executive Committee may call Special General Meetings at other times.

7.2 The President must call a General Meeting upon receipt of a written request to that effect, signed by a least three members of the Executive Committee, stating the reason for which the meeting is desired.

7.3 The President must call a General Meeting upon petition of 10% of the members.

7.4 A General Meeting at which a formal vote will be taken shall be called with at least 7 calendar days' notice.

7.5 The meetings will be conducted according to the parliamentary procedure practiced in Canada.

7.6 Ten [10] percent of members of the Faculty Union shall form a quorum of a General Meeting.

7.7 The Chair of a General Meeting shall not vote except in case of a tie vote, and then they shall cast the deciding vote.

7.8 Voting will be by secret ballot if so requested by the majority of members present at any General Meeting.

## **Article 8. Collective Bargaining**

8.1 Members of the Bargaining Committee will be appointed by the Executive Committee in consultation with the Lead Negotiator.

8.2 The Lead Negotiator and the Bargaining Committee shall work in close consultation with the Executive Committee in terms of negotiation priorities and strategy.

8.3 Votes of ratification of Collective Agreements and strike authorization shall be by secret ballot. A minimum of 48 hours shall be allowed for voting. The vote shall be conducted in a manner that ensures every member's ability to vote.

8.4 The full written details of any proposed Collective Agreement or any proposed changes to a Collective Agreement shall be circulated to all members of the affected bargaining unit prior to a ratification vote.

8.5 Prior to a formal vote (as per 8.3), a Special General Meeting shall be held in which members of the bargaining unit are allowed to speak and ask questions. The Executive Committee may make a recommendation at this meeting but no formal vote on ratification shall be taken at this meeting.

## **Article 9. Finances**

9.1 The Executive Committee shall establish and maintain policies that clearly state procedures for spending approval, spending authority and signing authority.

9.2 The Treasurer shall present an annual budget for approval by members at the Spring semi-annual General Meeting.

9.3 At each Annual General Meeting, the Executive Committee shall present to members independently audited financial statements for the past fiscal year, which shall be approved by members.

9.4 The Faculty Union committee shall maintain a Defence Fund from which expenditures shall be limited to legal defence of members of the bargaining unit, and expenses related to strike/lockout, collective bargaining, or preparation for a strike or lockout. The Executive Committee shall maintain policies outlining the procedures for expenditures from the Defence Fund.

9.5 The Faculty Union shall regularly contribute to the Defence Fund to ensure the Defence Fund maintains a healthy balance. If the Fund balance falls below the level necessary to support members during a strike or lockout, the Executive Committee shall propose increasing the amount contributed to the fund.

#### **Article 10. Amendments**

10.1 Amendments to the constitution shall require approval by two-thirds majority of the total membership by secret ballot, supervised by the Elections Officer.