

# PROPOSED AMENDMENTS TO CONSTITUTION AND BYLAWS

## April 2024

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

Approved [Date TBA] ~~January 14, 2005~~

Commented [A1]: Date will be updated once approved.

#### 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 ~~its~~ SMUFU members, including professors, lecturers, ~~the~~ 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 ~~it~~.

~~3.2 Every member of the Saint Mary's University Faculty Union shall have the right to appeal to the Canadian Association of University Teachers national office for support of his/her their grievance.~~

Commented [A2]: This does not reflect what CAUT can actually do. CAUT will never entertain getting involved with internal disputes of its member associations.

#### 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:

Commented [A3R2]: Following the discussion during the April 24 meeting, we reconfirmed this with CAUT. CAUT will only take on grievances forwarded by member faculty union/associations. Therefore, this article is misleading and needs to be deleted.

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~~

**Commented [A4]:** To make membership criteria consistent with those eligible to be members of the bargaining unit, as per the Labour certification order.

~~4.2 Any employee eligible for membership in the Saint Mary's University Faculty Union shall be admitted to membership upon signing the application for membership.~~

~~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.~~

**Commented [A5]:** Clarification: Membership of the union is distinct from being in the bargaining unit, as certified by the Labour Board. SMUFU has an obligation and exclusive jurisdiction to represent all employees covered by the certified bargaining unit (i.e., all faculty that is not part-time or management, as per 4.1), and all those employees are obligated to be members of the bargaining and to pay union dues. However, employees have freedom of association and can therefore not be forced to be "members" of the "union". Not being a member of the union means that one is not eligible participate in the union's democratic processes. New proposed procedure in 4.2 is simpler and easier to administer than the old one and is more consistent with past practice.

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

~~4.4 All members of the Saint Mary's Faculty Union will become members of the Canadian Association of University Teachers automatically upon joining the Saint Mary's University Faculty Union.~~

## Article 5. Fees

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

**Commented [A6]:** Propose to delete because this does not accurately reflect the structure of the relationship between CAUT and SMUFU. SMUFU is not inherently a member of CAUT, and SMUFU is not a subunit of CAUT. Instead, SMUFU has elected to be a member of CAUT for the services and advocacy CAUT provides. This clause could contribute to the not too uncommon misunderstanding of the relationship between CAUT and SMUFU.

## 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. ~~The Immediate~~ 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 Chief Lead Negotiator (~~non-voting~~ ex-officio)

**Commented [A7]:** The "immediate" Past President is not always available. This modification is suggested to make the Constitution align with past practice of allowing a Past President who is not "immediate" to serve "ex-officio" on the Executive.

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 ~~in the first week of March~~ 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.

**Commented [A8]:** Added after discussion at Apr. 24 meeting.

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.

Commented [A9]: New

6.43 Each term of office shall be one year from May 1<sup>st</sup> to April 30<sup>th</sup>, and all members of the Executive Committee are eligible for re-election, but should not normally serve more than five consecutive terms. The first Executive Committee shall be elected at the first General Meeting of the Union.

Commented [A10]: The terms of office were not previously specified.

6.3-5 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.

6.4-7 Vacancies

1. When a member of the ~~Faculty Union~~ Executive Committee is unable to perform ~~his/her~~their duty, ~~his/her~~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 ~~Faculty Union Executive Committee may appoint one of its members to fill the office~~ members of the Executive Committee shall elect a replacement to fill the office, temporarily, until a ~~new special~~ election is called. ~~A special election must be called within thirty [30] days of the office becoming vacant.~~
4. When ~~at-large other~~ positions on the ~~Faculty Union~~ 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.~~

6.85 Duties of Officers:

6.58.1 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 his/her office. The Executive Committee may in a special session authorize the President~~ In addition, the President shall have the power to

take all necessary steps of an emergency nature for the benefit of the Faculty Union, ~~when specifically authorized by special session of the Executive Committee~~  
~~5-6. if an emergency in the event a~~ session of the Executive Committee cannot be summoned, ~~the President must call an emergency~~ General Meeting of the Faculty Union.

6.58.2 The Vice-President shall:

1. fulfill the duties of the President during ~~his/her~~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.

6.58.3 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.

6.58.4 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 to the usual practice;
2. at each ~~A~~Annual ~~G~~General ~~M~~meeting of the ~~F~~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.

6.69 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 ~~sub~~-committees which are directly responsible to the Executive Committee.

6.107 Meetings of the Executive Committee

1. The Executive Committee shall meet at least once per month or as called by the President
2. ~~8-1~~ Four voting members of the Executive Committee shall form a quorum of an Executive meeting.
3. The Chair of a meeting of the Executive Committee shall not vote except in case of a tie vote, and then he/she/they shall cast the deciding vote.
4. The Immediate-Past President shall be a non-voting member of the Executive.

Commented [A11]: New

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.~~

Commented [A12]: Moved from other section

Commented [A13]: New

## 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.~~

Commented [A14]: Old version had Executive Committee and General Meetings in the same section. These are now separated.

Commented [A15]: New

~~7.1. Meetings of the Faculty Union and of the Executive Committee may be called at any time by the President.~~

7.2 The President must call a ~~General m~~Meeting of the Faculty Union 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 m~~Meeting of the Faculty Union 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.

~~7.4 There must be an annual meeting held in the month of October.~~

Commented [A16]: Moved to other section

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

~~8.1 Four members of the Executive Committee shall form a quorum of an Executive meeting.~~

Commented [A17]: Moved to other section

8.27.6 ~~Ten [10] percent of Twenty~~ members of the Faculty Union shall form a quorum of a General Faculty Union mMeeting.

Commented [A18]: Membership numbers have increased over the years, and twenty members is today a lower percentage the total membership than it used to be.

## Article 9. ~~Voting~~

9.1 ~~The Chair of a meeting of the Executive Committee shall not vote except in case of a tie vote, and then he/she shall cast the deciding vote.~~

1. ~~The Immediate Past President shall be a non-voting member of the Executive.~~

2. ~~The Co-Chairs of the Grievance Committee shall be a non-voting member of the Executive.~~

~~3. The Faculty Union's Chief Lead Negotiator shall be a non-voting member of the Executive.~~

Commented [A19]: Moved to different section

~~9.27.7 The Chair of a General Meeting of the Faculty Union shall not vote except in case of a tie vote, and then he/she/they shall cast the deciding vote.~~

~~9.37.8 Voting will be by secret ballot if so requested by the majority of members present at any General Meeting-Faculty Union meeting.~~

### Article 8. Collective Bargaining

Commented [A20]: New section articulating the mandate of the bargaining committee

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

Commented [A21]: New section.

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 ~~annually~~ contribute to the Defence Fund ~~an amount equivalent to the recent average annual expenditures from the Fund. The amount contributed to the Fund shall be reviewed annually 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.~~

**Commented [A22]:** Revised based on suggestions presented at the Apr. 24 meeting.

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

10.1 Amendments to the constitution shall require approval by ~~two-thirds majority of the total membership by secret ballot implemented by circulated and returned ballots,~~ supervised by the Elections Officer ~~Executive Committee.~~

**Commented [A23]:** Remains unchanged following discussion at the Apr. 24 meeting.