

**EMILY CARR UNIVERSITY OF ART & DESIGN
FACULTY ASSOCIATION
CONSTITUTION AND BYLAWS**

2016

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CONSTITUTION

Name

- 1.0 The name of the ASSOCIATION is the EMILY CARR **UNIVERSITY OF ART AND DESIGN FACULTY ASSOCIATION**.

Objects of the Association

- 2.0 To support the professional rights and responsibilities of its members, while prioritizing transparency, care, and consideration in the workplace and fostering collegiality amongst its members. To demonstrate a commitment to democratic process and to offer support and solidarity to each member's issues as is of benefit to the association.
- 2.1 To maintain certification as a trade-union, to hold certifications, to regulate relations between EMILY CARR UNIVERSITY OF ART AND DESIGN and ASSOCIATION members 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 laws of the province of British Columbia including:
 - 2.1.1 Supporting the professional rights and responsibilities of its members, while prioritizing transparency, care and consideration in the workplace while fostering collegiality among its members
 - 2.1.2 Encouraging the practice and procedure of collective bargaining between the UNIVERSITY and the ASSOCIATION as the freely chosen representatives of faculty employees;
 - 2.1.3 Encouraging cooperative participation between the UNIVERSITY and the ASSOCIATION in resolving employment issues, adapting to changes in the economy, skills development and productivity issues; and including providing formal channels for collective bargaining on all matters relating to curriculum;
 - 2.1.4 Minimizing the effects of labour disputes on members who are not involved in the dispute;

- 2.1.5 Promoting conditions favourable to the orderly, constructive and expeditious settlement of disputes between the UNIVERSITY, the ASSOCIATION, and its members.
- 3.0 To have power to recognize categories of employees as members of the ASSOCIATION.
- 4.0 To assist faculty members, as a group, to maintain and promote productive working relationships with the students and their Union, Support Staff and their Union, Administration, the Senate, the Board of Governors, the relevant Ministries and other Administration Agencies of the Province of British Columbia.
- 5.0 To enter into any arrangements with any authorities, municipal, local, academic or otherwise, which may seem conducive to the attainment of the objects of the ASSOCIATION or any of them, and to obtain from such authority any rights, privileges and concessions which the ASSOCIATION may think is desirable to obtain and to carry out, exercise and comply with any such arrangements, rights and privileges and concessions.
 - 5.1 To encourage, promote and maintain responsible and innovative principles of co- operative working relations, including: recognition of the principle that all constituents of the University participate in its internal governance as defined by the mandate of the British Columbia University Act, Senate, its committees, subcommittees and task forces;
 - 5.2 Creation of working conditions whereby work and the provision of professional services become a source of personal and professional satisfaction;
 - 5.3 Recognition and encouragement of professional motivations, potentials for development, capacity for assuming responsibility and readiness to work to achieve the objectives of the ASSOCIATION;
 - 5.4 Recognition and encouragement of members to use a high degree of imagination, ingenuity and creativity to achieve the objectives of the ASSOCIATION.
- 6.0 To maintain, recognize and promote the professional status of every faculty member of the ASSOCIATION at EMILY CARR UNIVERSITY OF ART AND DESIGN.
- 7.0 To serve as a democratic forum for interchange and decision-making in all

matters of concern to each and every faculty member of the University as defined by the British Columbia University Act including:

- 7.1 Educational programming and standards;
 - 7.2 Professional practice and scholarly activities;
 - 7.3 Relations between faculty members and students;
 - 7.4 Relations between faculty members and the faculty community;
 - 7.5 Relations between faculty members and the University community;
 - 7.6 Each and every member's interests and rights;
 - 7.7 Faculty evaluation procedures.
- 8.0 To maintain and promote excellence for art, media and design education in British Columbia.
- 9.0 To assert the integrity of the art, media and design professions by fostering excellence in teaching and scholarship.
- 10.0 To foster exchange and liaise with mutually relevant art and design educational institutions, communities, organizations, individuals, and with the public in the province of British Columbia, as well as on a national and international level.
- 11.0 To function as a non-partisan, non-sectarian and non-profit Association.
- 12.0 That the foregoing be interpreted with a view to the specific situation of education in art, media and design.
- 13.0 The Address of the ASSOCIATION and membership of the bargaining unit is:

EMILY CARR UNIVERSITY OF ART + DESIGN FACULTY ASSOCIATION, 520 E. 1st Ave, Vancouver, B.C., V5T 0H2.

BYLAWS

- 1.0 Interpretation: In these bylaws, unless the context otherwise requires,
 - 1.1 “EXECUTIVE” means the directors of the ASSOCIATION for the time being;
 - 1.2 “Society Act” means the Society Act of the Province of British Columbia from time to time in force and all amendments to it;
 - 1.3 Words imparting the singular include the plural and vice versa; and words imparting a gender include the gender inclusive pronoun ‘they’.
- 2.0 Membership
 - 2.1 The members of the ASSOCIATION are Regular and Non-Regular faculty of the UNIVERSITY and those persons who subsequently have become members, in accordance with these bylaws and, in either case, have not ceased to be members.
 - 2.2 Regular and Non-Regular faculty shall become members in the ASSOCIATION pursuant to Article 3 of the Collective Agreement entitled “Association of Membership and Dues”—“Association Membership and Dues Deduction of the Collective Agreement” between the UNIVERSITY and the ASSOCIATION and as such shall become a voting member of the ASSOCIATION.
 - 2.3 A member of the Association retains full membership for a period of up to eight months following cessation of employment with the University:
 - a) Provided that the member has not resigned employment with the University;
 - b) Or providing that the member has not informed the Association in writing that the member does not wish to retain membership in the Association;
 - c) Or provided that the member has not assumed a full-time excluded position at the University;

- d) Upon re-employment, the member will not be liable for any fees, dues, and assessed charges arising during the member's period of unemployment.

2.4 In addition, a member elected to a position on the Executive shall continue as a member in good standing for the duration of their term on the Executive.

2.5 Every member shall uphold the constitution and comply with these bylaws.

2.6 The dues structure shall be reviewed annually and can only be changed by a majority vote of 66 2/3% (sixty-six and two thirds percent) of members present in person.

2.7 Membership Disqualification: A faculty member shall cease to be a member of the ASSOCIATION:

- a) as per the provisions of Bylaw 2 – Membership
- b) on being expelled from the Association; or
- c) for professional misconduct reasons.

2.7.1 For the purposes of this section, professional misconduct means:

- a) Breaching Article 13 entitled FACULTY OBJECTIVES AND RESPONSIBILITIES of the Collective Agreement;
- b) Violating an object, bylaw or resolution of the ASSOCIATION.

2.7.2 The executive shall have the power, by a majority vote of those present, to suspend the rights to participate in the affairs of the ASSOCIATION of any member who willfully commits a breach of the Constitution or Bylaws of the ASSOCIATION. No member shall be expelled or suspended without being notified of the charge or complaint against them and without first having been given an opportunity to be heard by the Executive at a meeting called for the purpose.

2.7.3 A member may be expelled or suspended by a special resolution of the members passed at a general meeting.

2.7.4 The notice of special resolution for expulsion or suspension shall be accompanied by a brief statement of the reason or reasons for

the proposed expulsion or suspension.

2.7.5 The faculty member who is the subject of the proposed resolution for expulsion or suspension shall be given an opportunity to be heard at the general meeting before the special resolution is put to a vote.

2.7.6 A faculty member who has been expelled or suspended may apply in writing to the President for re-instatement or removal of suspension, as the case may be, and the EXECUTIVE shall consider and decide in its absolute discretion any such application including an appeal procedure.

2.8 All members are in good standing except a member who has failed to pay membership dues or any other subscription or debt due and owing by them to the ASSOCIATION and they are not in good standing so long as the debt remains unpaid or if they are guilty of professional misconduct.

3.0 Meetings of Members

3.1 An Annual General Meeting called for the purpose of electing EXECUTIVE, tabling reports and financial statements, and transacting such other business as may properly come before an Annual General Meeting shall be held at least once in every calendar year and not more than 15 months after the holding of the last preceding Annual General Meeting.

3.2 Every general meeting, other than an Annual General Meeting, is an Extraordinary General Meeting and all business shall be deemed special.

3.3 The EXECUTIVE may, when they think fit, convene an Extraordinary General Meeting.

3.4 Notice of a general meeting shall specify the place, day and hour of meeting and, in case of special business, the general nature of that business.

3.5 The accidental omission to give notice of a meeting to or the non-receipt of a notice by any of the members entitled to receive notice does not invalidate proceedings at that meeting.

4.0 Proceedings at General Meetings

4.1 Special business is:

- 4.1.1 All business at an Extraordinary General Meeting except the adoption of rules of order; and
- 4.1.2 All business transacted at an annual general meeting, except:
 - a) The adoption of rules of order;
 - b) The consideration of the financial statements;
 - c) The report of the directors;
 - d) The report of the accountant or investment counselors;
 - e) The election of directors;
 - f) The other business that, under these bylaws, ought to be transacted at an Annual General Meeting, or business which is brought under consideration by the report of the EXECUTIVE issued with the notice convening the meeting.

4.2 No business, other than the election of a chairperson and the adjournment or termination of the meeting, shall be conducted at a general meeting at a time when a quorum is not present.

4.3 If at any time during a general meeting there ceases to be a quorum present, business then in progress shall be suspended until there is a quorum present or until the meeting is adjourned or terminated.

4.4 A quorum is 15% (fifteen percent) of the voting members in good standing.

4.5 Subject to bylaw 6, Proceedings of the Executive- the President of the ASSOCIATION, the Vice President, or in the absence of both, one of the other EXECUTIVE members present, shall preside as chairperson of a general meeting.

4.6 If at a general meeting:

- 4.6 (a) There is no President, Vice President or other members of the EXECUTIVE present within 15 minutes after the time appointed for holding the meeting; or

4.6 (b) The President, Vice President, and all the other EXECUTIVE members present are unwilling to act as chairperson,

the members present shall choose one of their number to be chairperson.

4.7 A general meeting may be adjourned from time to time and from place to place; but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

4.7.1 When a meeting is adjourned for 10 days or more, notice of the adjourned meeting shall be given as in the case of the original meeting

4.7.2 Except as provided in this bylaw, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned general meeting.

4.8 Resolutions proposed at a meeting need to be seconded

4.8.1 The chairperson of a meeting may move or propose a resolution provided that person relinquishes the position of chair for that purpose;

4.8.2 In case of an equality of votes the chairperson shall not have a casting or second vote in addition to the vote to which they may be entitled as a member and the proposed resolution shall not pass;

4.9 A member in good standing present at a general meeting of members is entitled to one vote.

4.10 Voting is by show of hands, unless a motion from the floor approved by at least 50% plus one of the members present calls for vote by paper ballot.

4.11 Faculty association members may elect to decide a motion by electronic voting; this decision is to be determined by 50% plus 1 vote at a face-to-face meeting.

4.12 The Faculty Association executive may determine, that in order to reach all members in a timely fashion, that an electronic vote is desirable.

4.13 Notice of motions to be decided by electronic voting will be sent electronically to each voting member. Once notification has been sent, voting will be open for a time period specified in the motion. Each member shall have one vote.

4.14 Collective agreements are to be ratified by electronic voting.

4.15 Voting by proxy is not permitted.

5.0 Executive

5.1 The EXECUTIVE may exercise all the powers and do all the acts and things that the ASSOCIATION may exercise and do, and which are not by these bylaws or by statute or otherwise lawfully directed or required to be exercised or done by the ASSOCIATION in general meeting, but subject, nevertheless, to:

- a) All laws affecting the ASSOCIATION
- b) These bylaws; and
- c) Rules, not being inconsistent with these bylaws, which are made from time to time by the ASSOCIATION in general meeting.
- d) No rule made by the ASSOCIATION in general meeting, invalidates a prior act of the EXECUTIVE that would have been valid if that rule had not been made.

5.2 The President, Vice President, Secretary, Treasurer, **Joint Consultation Committee (JCC) Non-Regular Faculty Representative, 4 (four) up to 6 Faculty** Members at Large and the Immediate Past President shall be the EXECUTIVE of the ASSOCIATION.

5.2.1 There should be equitable representation for non-regular faculty on the executive.

5.2.2 There must be at least one Non-Teaching Regular Member on the executive.

5.2.3 The ASSOCIATION may from time to time increase or reduce the number on the EXECUTIVE by ordinary resolution whether previous notice thereof has been given or not.

- 5.3 ~~The EXECUTIVE shall retire from office at each Annual General Meeting when their successors shall be elected.~~ **The EXECUTIVE will be elected for a two year period. In the first year of this process, half the executive will be elected for one year. From then on, there will be continuity and overlap of experience.** <-Proposed change
- 5.4 A Nominations Committee shall be formed to receive nominations for positions on the EXECUTIVE.
- 5.5 Procedures for the election of each office to be filled shall be established by rule at general meeting.
- 5.6 An election may be by acclamation, ~~otherwise it shall be by ballot and simple majority~~ **paper ballot or electronic vote and determined by 50% plus 1 vote. The decision on voting procedures will be decided at the AGM by a show of hands, with 50% plus 1 carrying the vote.**
- 5.7 **If no successor is elected, the person previously elected or appointed may continue to hold office.**
- 5.8 The EXECUTIVE may at any time and from time to time appoint a member as an executive member to fill a vacancy;
- 5.8.1 An executive member so appointed holds office only until conclusion of the next following Annual General Meeting of the ASSOCIATION, but is eligible for re-election at the meeting.
- 5.9.1 If an executive member resigns their office or otherwise ceases to hold office, the remaining EXECUTIVE shall appoint a member to fill the vacancy.
- 5.9.2 No act or proceeding of the EXECUTIVE is invalid only by reason of there being less than the prescribed number of executive members in office.
- 5.10 The members may by special resolution remove a member of the EXECUTIVE before the expiration of his term of office, and may elect a successor to complete the term of office.
- 5.11 The EXECUTIVE shall receive financial remuneration from the ASSOCIATION for all expenses necessarily and reasonably incurred while engaged in the affairs of the ASSOCIATION.

6.0 **Proceedings of the Executive**

- 6.1 The EXECUTIVE may meet together at the places they think fit to dispatch business, adjourn, and otherwise regulate their meetings and proceedings, as they see fit.
- 6.2 The EXECUTIVE may from time to time fix the quorum necessary to transact business, and unless so fixed the quorum shall be a majority of the EXECUTIVE then in office.
- 6.3 The President shall be chairperson of all meetings of the EXECUTIVE, but if the President is not present at a meeting, the Vice- President shall act as chairperson, but if neither is present the remaining EXECUTIVE present may choose one of their number to be chairperson at that meeting.
- 6.4 A member of the EXECUTIVE may at any time, convene a meeting of the EXECUTIVE.
- 6.5 The EXECUTIVE may delegate any, but not all, of their powers to special committees as they think fit.
- 6.6 A committee so formed in the exercise of the powers so delegated shall conform to any rules imposed on it by the EXECUTIVE and shall report every act or thing done in exercise of those powers to the earliest meeting of the EXECUTIVE to be held next after it has been done.
- 6.7 Questions arising at a meeting of the EXECUTIVE of its special committees shall be decided by a majority of votes.
- 6.8 In case of an equality of votes the chairperson does not have a second or casting vote.
- 6.9 No resolution proposed at a meeting of the EXECUTIVE or its special committees need be seconded and the chairperson of a meeting may move or propose a resolution.
- 6.10 A resolution agreed in writing, signed by a majority of EXECUTIVE and placed with the minutes of the EXECUTIVE is as valid and effective as if regularly passed at a meeting of the EXECUTIVE.

7.0 Duties of the Executive

- 7.1 The President is the chief executive officer and shall be in charge of the business and affairs of the ASSOCIATION including:

- a) Discharging all duties incident to the office of the principal executive officer;
- b) Presiding at all meetings of the ASSOCIATION and of the EXECUTIVE;
- c) Supervising the other members of the EXECUTIVE in the execution of their duties;
- d) Preparing agenda and reports as necessary;
- e) Representing the ASSOCIATION in an official capacity in pursuit of the objects of the ASSOCIATION;
- f) Exercising supervision over all committees and shall generally discharge all those duties as shall devolve on the office of President;
- g) Being an ex-officio member of each committee of the ASSOCIATION.

7.2 The Vice-President shall assist the President in the discharge of his or her duties as the President may direct and shall perform such other duties as from time to time may be assigned by the President.

7.3 The Secretary shall:

- a) Conduct the correspondence of the ASSOCIATION;
- b) Issue notices of meetings of the ASSOCIATION and EXECUTIVE;
- c) Keep minutes of all meetings of the ASSOCIATION and EXECUTIVE;
- d) Have custody of all records and documents of the ASSOCIATION except those required to be kept by the Treasurer;
- e) Have custody of the common seal of the ASSOCIATION;
- f) Maintain the register of members; and
- g) Give all notices required by these Bylaws as may, from time to time, be determined by the EXECUTIVE;
- h) Be the Communications Director of the Association

7.4 The Treasurer shall:

- a) Be the chief financial officer of the ASSOCIATION. Any two of the Treasurer, President or Vice President shall be signing officers for all cheques drawn on the ASSOCIATION'S accounts. The Treasurer shall be in charge of all books, documents, files and effects of the ASSOCIATION, necessary to comply with the Federal and Provincial Labour Codes and Legislation Association Act and which shall at all times be subject to inspection by the EXECUTIVE or any ASSOCIATION member in good standing.
- b) Render financial information and statements to the EXECUTIVE and members when required;
- c) Liaise with the Vice-President Finance and Administration and the Accounting Department of the UNIVERSITY and report financial matters to the EXECUTIVE, and members when required;
- d) Liaise with the Association's accountant and investment counselors, and impart information to the EXECUTIVE, and members when required; and
- e) Maintain a registry of all Members in good standing.

7.5 The offices of Secretary and Treasurer may be held by one person who shall be known as the Secretary Treasurer.

7.6 In the absence of the Secretary from a meeting, the EXECUTIVE shall appoint another person to act as secretary at the meeting.

7.7 The Immediate Past President's duties shall be established by the EXECUTIVE, and they shall have full voice but no vote at meetings of the EXECUTIVE.

7.8 The Members at Large shall:

- a) Act as a liaison with their constituency to develop an awareness of the working conditions of the members;
- b) Collect information regarding workplace issues;
- c) Inform constituent members of relevant association business;
- d) Raise the views of their constituent members;

e) Form a special committee to serve the issues and concerns and their constituency;

8.0 Borrowing

8.1 The Association shall have such borrowing powers as may be determined by the Annual General Meeting or an Extraordinary General Meeting by a majority vote of 66 2/3% (sixty-six and two thirds percent) of members present in person.

9.0 Notices to Members

9.1 A notice may be given to a member, personally, by faculty mail box, ; electronic mail or mail;

9.2 A notice sent by mail shall be deemed to have been given on the second day following that on which the notice is posted, and in proving that notice has been given it is sufficient to prove the notice was properly addressed and put in a Canadian Post office receptacle.

10.0 Bylaws

10.1 Notice of a general meeting shall be given to every member shown on the register of members on the day notice is given.

10.1.1 No other person is entitled to receive a notice of general meeting.

10.2 On being admitted to membership, each member is entitled to a copy of the Constitution and Bylaws of the ASSOCIATION.

10.3 These bylaws shall not be altered or added to except by special resolution of the ASSOCIATION passed at a meeting of the ASSOCIATION by a majority vote of 66 2/3% (sixty-six and two thirds percent) of the members present in person.

10.4 No member of the EXECUTIVE shall be personally liable for any debt, liability, obligation, transaction, or business affair of the ASSOCIATION.

10.4.1 The ASSOCIATION shall indemnify and save harmless the members of the EXECUTIVE against any and all claims arising out of their individual or collective performance of duties on behalf of the ASSOCIATION.

10.5 With regards to picket lines in the case of a strike:

a) All members are required to honour an ECUADFA picket line.

b) Each member of this Association shall honour any legitimate picket line of a trade union at his or her place of work unless relieved of this obligation by the Executive of the Association.

Original document by resolution by Resolution April 2, 2013

Proposed for ratification by membership April 18, 2016

Revised March 22, 2016 at discussion meeting

Revised April 14, 2016 at discussion meeting