

# **NORTH ISLAND COLLEGE FACULTY ASSOCIATION CONSTITUTION AND BYLAWS**

## **NICFA CONSTITUTION**

### **ARTICLE 1 - NAME OF THE ASSOCIATION**

The name of the Association is the North Island College Faculty Association.

### **ARTICLE 2 - PURPOSE**

The purpose of the Association is:

- 2.1 To regulate relations between employees and employer, including, but not limited to, the right to bargain collectively on behalf of the employees within the jurisdiction of the Association.
- 2.2 To bring about improvements in the wages and working conditions of the membership without discrimination on the basis of level of appointment, assignment or job security.
- 2.3 To promote at all times democracy within the Association by maintaining the principles of freedom of expression for all members, regardless of sex, sexual orientation, age, marital status, parental status, religious belief, political belief, national origin, disability, colour or race.
- 2.4 To promote the health and safety of the membership.
- 2.5 To advance the professional development and interests of its members and allocate fair and equitable shares of the professional development fund.
- 2.6 To establish and maintain membership in the Federation of Post Secondary Employees of BC (FPSE).

### **ARTICLE 3 - AMENDMENT**

- 3.1 The Constitution of the Association may be amended by a special resolution of 2/3<sup>rds</sup> (two-thirds) vote of the membership at the Annual General Meeting or Special Meeting duly called for that purpose.

## NICFA BYLAWS

### ARTICLE 1 - MEMBERSHIP AND JURISDICTION

- 1.1 Membership is open to all employees within the jurisdiction of the Association, regardless of sex, sexual orientation, age, marital status, parental status, religious belief, national origin, physical disability, colour or race. However, no person is eligible for membership who is employed in a managerial capacity by North Island College. All employees are eligible for membership except those performing support staff services or exclusively delivering educational services in the areas of community education or leisure learning activities.
- 1.2 Each member agrees to comply with the Constitution and Bylaws of the Association.
- 1.3 When a member ceases to be employed at North Island College, but can demonstrate a reasonable expectation of renewed employment at the college in the future, that member shall retain full membership rights without paying *per capita* assessment for a period of six months.
- 1.4 Members are expected to uphold the Constitution, Bylaws, and Code of Ethics of the Association. Failure to comply with all aspects of the said Constitution, Bylaws, and Code of Ethics of the Association can result in a recommendation for expulsion from the Association.

### ARTICLE 2 - EXECUTIVE OFFICERS

- 2.1 The Executive Officers of the Association shall consist of a President, Past President, Vice President/Contract Administrator, Secretary, Treasurer, Chief Bargainer and four Stewards representing each of the regions.
- 2.2 Officers of the Association shall have all powers herein provided during their tenure in office and shall be empowered to act between Annual General meetings on all matters legislative, judicial, and administrative. They shall not have the power to amend or alter the Constitution or Bylaws of the Association.
- 2.3 Nominations for Executive Officers shall take place prior to the Annual General Meeting, except for Stewards from local/regional centres that are to be elected at the local centres prior to the Annual General Meeting. Any member in good standing shall be eligible for election as an officer of the Association. In all cases elections shall be held by secret ballot, either by electronic, mail in, or secret ballot, before or at the Annual General Meeting. The method of voting will be decided by the Executive, and members will be notified of the voting format at the time of the notice of the Annual General Meeting or Special General Meeting. A mail-in ballot may be used where the member chooses not to use electronic voting. It is the responsibility of individual members to request a mail-in ballot from the Nominating Committee Chair. This should be done to facilitate the ballot being received by the Nominations Committee before the closing date of the Election. Members should remember that electronic ballots will not be secret.
- 2.4 In the case of the President's position becoming vacant for any reason, the Vice President shall automatically fill that position until the next Annual General Meeting or Special Meeting called for that purpose.

- 2.5 In the case of the Vice President, Secretary or Treasurer's office becoming vacant a referendum ballot may be conducted to fill the vacancy.
- 2.6 Where an office other than the President is vacant the Executive may appoint an interim officer until the next Special or Annual General Meeting.
- 2.7 The representatives on the Bargaining Committee shall be elected with sufficient lead-time to effectively take part in the bargaining process, and should represent as far as possible College divisions/programs.
- 2.8 Newly elected Executive members will take up their duties effective June 1<sup>st</sup> following their election at the April/May NICFA Annual General Meeting. This date allows a new President to attend the FPSE Presidents' Orientation, which usually takes place during June.
- 2.9 The term of office for NICFA Executive Officers is two years renewable.

### **ARTICLE 3 - DUTIES OF THE OFFICERS**

- During their terms of office all Executive Officers of NICFA shall:
- 3.1 Treat all faculty members with equal respect and concern.
  - 3.2 Be available for faculty to contact with their concerns.
  - 3.3 Uphold the confidentiality, integrity and respect of all faculty members during Executive discussions and grievance procedures.
  - 3.4 Apprise the Executive of any correspondence to be distributed to faculty members in any campus or centre, and seek Executive approval before doing so.
  - 3.5 Attend all Annual General Meetings, Special Meetings and all meetings of committees they have agreed to be assigned to or have volunteered for, including membership on FPSE Standing Committees.
  - 3.6 The specific duties of the Executive members will be attached in the form of job descriptions.

### **ARTICLE 4 - FINANCES**

- 4.1 All cheques issued by the Association and all legal documents shall require the signature of the Treasurer and anyone of the President, Vice President, or Secretary.
- 4.2 All major financial transactions of the Association shall be made by cheque.
- 4.3 An internal financial review shall be conducted annually by two members of the Association who are competent to do so, and who are not members of the Executive. Their report shall be submitted to the Executive of the Association at least ten (10) days prior to the date of the AGM for presentation with the Treasurer's report at the Annual General Meeting. If two qualified members are not available to undertake the review, the Executive can approve an external review.

## **ARTICLE 5 - REVENUE**

- 5.1 The revenue of the Association shall be derived from a *per capita* assessment to be determined by the Annual or Special Meeting.
- 5.2 The rate of dues to be deducted will be reviewed annually at the Annual General Meeting.
- 5.3 The revenue shall be used for general servicing of the membership, organizing, administration, membership in FPSE, and other purposes authorized at the Annual General Meeting.
- 5.4 A proposed annual budget shall be circulated to all campuses/centres 14 days prior to the date of each Annual General Meeting and will be approved by the membership at the AGM.

## **ARTICLE 6 - MEETINGS**

- 6.1 The Association shall hold an Annual General Meeting on or as close to the first weekend in May as possible.
- 6.2 The Association shall hold regular membership meetings as deemed appropriate by the Executive.
- 6.3 Notice of the time, date and place of the Annual General Meeting must be circulated in all campuses/centres four weeks prior to the date of the AGM.
- 6.4 Five percent of the membership of the Association as of October 1<sup>st</sup> of each year shall constitute a *quorum* at an Annual General or Special Meeting.
- 6.5 The Association's Executive may call special meetings. If the Association's Executive receives a petition from 15 percent of the membership, a Special Meeting must be called.
- 6.6 The notice of the date, time and place of a Special Meeting must be posted at all campuses and centres two weeks prior to the date of the Special General Meeting.
- 6.7 Robert's Rules of Order shall govern procedures at all meetings of the Association.

## **ARTICLE 7 - VOTING**

- 7.1 All members of the Association are voting members.
- 7.2 Voting by electronic means or mail shall be allowed with respect to any Motion of which notice is given prior to the General Meeting or date on which a poll is held. Ballots for the purpose of an electronic or mail-in vote shall be sent out at least two weeks prior to the meeting, or date on which the poll is held and will be valid if received by the closing date.
- 7.3 Ratification votes shall be held at all campuses provided the proposed contract is received at the campus/centre at least 14 (fourteen) days prior to the date of the ratification meeting/poll. Regional bargaining representatives are responsible for arranging for the voting by secret ballot and for placing all ballots in a sealed envelope and kept in a safe place until they are delivered to the scrutineers appointed at the ratification meeting.

## **ARTICLE 8 - COMMITTEES**

- 8.1 The Executive shall appoint such committees as are required for the proper functioning of the Association. This will include membership on Standing Committees of FPSE. All NICFA representatives to FPSE Standing Committees will submit a written report to the Executive of NICFA as soon as possible after attending a meeting. The Association shall have the following Committees:
- 8.2 Labour/Management Committee
- 8.2.1 Mandate: as per Article 3.4.1 of the Local Agreement, as well as to clarify ambiguous contract language; attempt resolution of problems informally; work to find acceptable solutions to college budgetary problems (that do not include reduction of contracts or layoff of members), and other matters that may be mutually agreed to be in the domain of the Labour/Management Committee. The Labour/Management Committee's mandate does not include agreement to circumvent, bypass or otherwise alter the terms and conditions of the collective agreement outside of the collective bargaining process.
- 8.2.2 Membership: as per Article 3.4.2 of the Local Agreement. Specifically, Faculty Association membership on the Labour/Management Committee will be the President, Vice President, and Secretary. From time to time other members of the Executive or other members of the Association may be invited to attend for the purposes of clarification of an issue, or because of special circumstances.
- 8.2.3 Minutes of Labour/Management meetings will be circulated to all Executive members as soon as possible after a meeting. A summary of the Minutes of Labour/Management meetings will be available to any member upon request. In consideration of FOI/POP, the names and details of member grievances will be removed from Minutes requested by members who are not on the Executive, to protect the confidentiality and integrity of the grievance process.
- 8.3 Executive Committee
- 8.3.1 Mandate: Refer to Bylaws 2.2. above.
- 8.3.2 Membership: The voting membership of the Executive Committee shall include the President, the Past President, Vice President, Secretary, Treasurer, Chief Bargainer and the Regional Stewards.
- 8.3.3 The President shall call and chair the Executive Committee meetings
- 8.4 Stewards' Committee
- 8.4.1 Mandate: shall consider and advise the Executive on all matters pertaining to grievance/arbitration, dispute resolution.
- 8.4.2 Membership: the voting membership of the Stewards' Committee shall be the Vice President/Contract Administrator, and the regional Stewards.
- 8.4.3 The Vice President/Contract Administrator shall call and chair the Stewards' Committee meetings.
- 8.5 Bargaining Committee
- 8.5.1 Mandate: shall consider precedents set by the deliberations of the Labour/Management Committee, gather data in preparation for bargaining, and bargain the new contract.
- 8.5.2 Membership: the voting membership of the Bargaining Committee includes the Chair and three members who should represent as far as possible College divisions/programs.

- 8.5.3 The Bargaining Committee Chair shall call and chair Bargaining Committee meetings.
- 8.5.4 The Bargaining Committee, at their first meeting after their selection, shall elect the Chief Bargainer and a Vice-Chair.

**ARTICLE 9 - ALTERATION OF BYLAWS**

- 9.1 The Bylaws of the Association may be altered by a special resolution of 2/3<sup>rd</sup>s (two thirds) of the membership attending an Annual General Meeting or at a Special Meeting or otherwise voting in accordance with these bylaws.