

# CONCORDIA UNIVERSITY PART-TIME FACULTY ASSOCIATION CONSTITUTION

**This constitution replaces all other constitutions of the Association.**

1. **NAME**

The name of the Association shall be "Concordia University Part-time Faculty Association / Association des professeurs et professeures à temps partiel de l'Université Concordia" and may also be designated as CUPFA/APTPUC.

2. **PURPOSE**

The purpose of the Association shall be to: a) achieve unity within diversity, b) represent and defend the professional, economic, educational, and social interests and rights of the regular part-time faculty of Concordia University, c) facilitate communication between the Concordia University regular part-time faculty and other Concordia University bodies, d) facilitate communication with organizations having similar aims outside of the Concordia University community, e) negotiate the Collective Agreement, f) implement the Collective Agreement and/or its equivalent.

3. **MEMBERSHIP AND DUES**

3.1 Membership in the Association is open to all regular part-time faculty members described in the certificate of accreditation in effect.

3.2 Membership dues are 1.5%. These shall be paid by automatic deduction at source.

3.3 Any change to membership dues shall be recommended by the Executive and approved by the membership at an Association General Meeting.

3.4 Regular part-time faculty members shall retain the rights and responsibilities of membership for the full academic year within which they have a Concordia University contract.

3.5 Regular part-time faculty members shall have the right to vote and attend all meetings of the Association; said right shall be determined by the possession of a valid membership card.

3.6 Only regular part-time faculty members, as defined by the relevant provision in the Collective Agreement and Certificate of Accreditation may represent the Association.

3.7 A member seeking elected office: on the Executive, or as the elected representative on the University's Board of Governors, Senate, and Faculty Councils; shall have a regular part-time teaching contract at the time nominations are presented and the election is held.

3.8 Should an elected member not possess a regular part-time teaching contract while holding an elected office, he/she shall continue his/her mandate until the term of office is completed.

#### **4. EXECUTIVE COMMITTEE AND EXECUTIVE STEERING COMMITTEE**

- 4.1 The Executive Officers of the Association shall be elected from among the regular part-time faculty members.
- 4.2 Tenure of Executive positions shall be for a three (3) year term, from May 1 to April 30 of the third year.
- 4.3 Notwithstanding the dates of the remission contracts which run from May 1 to April 30, the newly elected Executive, or member(s) of the Executive, shall begin its functions fourteen (14) calendar days following the election. Between the Association General Meeting and said period of time, the sitting Executive or member(s) of the Executive shall continue their functions in good faith and ensure collaboration during the transfer of power.
- 4.4 The Executive Committee of the Association shall include: President, Vice President Collective Agreement and Grievance, Vice President Professional Development and Training, Treasurer, and Secretary. The Executive Steering Committee shall include the Executive Committee in addition to three (3) members-at-large.
- 4.5 In the case where an Executive officer is unable to fulfill his/her duties for a period of four (4) months or less, the position shall be filled by another member or members of the Executive in the interim.
- 4.6 In the case where an Executive Officer is unable to fulfill his/her duties for a period of greater than four (4) months, the Executive shall appoint a replacement from the Executive or the rank-and-file. Such an appointment shall be in effect until the next Association General Meeting, whereby the position shall be filled by an election for the remainder of the term. Where the conditions described in 5.2 below cannot be fulfilled, the election will be held at the following Association General Meeting.
- 4.7 In the case of the resignation of an Executive officer, the position shall be filled by another elected Executive Officer, until the next Association General Meeting, whereby the position shall be filled by an election for the remainder of the term. Where the conditions described in 5.2 below cannot be fulfilled, the election will be held at the following Association General Meeting.
- 4.8 Course remissions to the Executive Officers and representatives to University bodies and committees shall be paid in accordance with the Collective Agreement.

#### **5. ELECTION PROCEDURES**

- 5.1 Election of the Association Executive shall take place at the Association General Meeting, in accordance with Appendix A "Election and Voting Procedures" herein attached. Any candidate is entitled to appoint a representative to represent him/her at admission to the meeting, during voting hours and at the counting of the votes.
- 5.2 At least eight (8) weeks before the Association General Meeting of an election year, the Association shall publicize a call for nominations from among regular

part-time faculty members.

- 5.3 Candidates shall be regular part-time faculty members of the Association and are responsible for submitting, to the Chief Returning Officer, at least forty-eight (48) calendar days before the Association General Meeting, their nomination forms duly completed, a photocopy of the most recent contract, a brief biography in both official languages, a passport-sized photograph, and a statement in both official languages for the Association General Meeting announcements. In cases where the nomination submissions are not deemed acceptable, the Chief Returning Officer will so inform the candidate who will then have four (4) calendar days to correct the situation. Where the submission remains uncorrected the candidacy shall, at the discretion of the Chief Returning Officer, be set aside and reported to the Executive.
- 5.4 At least four (4) weeks before the Association General Meeting of an election year, the Association Executive shall circulate to the membership, the date, time and location of the election, a list of candidates for each position, a brief statement of biographical detail and their photos as submitted.
- 5.5 The Chief Returning Officer shall be responsible for ensuring that only regular part-time faculty members are allowed to nominate, vote, and/or attend the Association General Meeting.
- 5.6 The Association General Meeting shall be chaired by the President or by a person designated by the Executive, and will be conducted in a courteous and professional manner, the whole according to Robert's Rules of Order.
- 5.7 The Chief Returning Officer, together with all representatives, shall immediately upon receipt of ballots, count the votes and announce the result of the vote; all of the foregoing shall be entered into the minutes of the meetings.
- 5.8 The majority of the valid votes cast for each elected position shall determine the successful candidate.
- 5.9 Ballots may be examined by candidates in the presence of the Chief Returning Officer and representatives and shall remain, sealed, in the Custody of the Chief Returning Officer for sixty (60) calendar days following the Association General Meeting.
- 5.10 A regular part-time faculty member who has cause to believe there has been an irregularity in the election procedure shall make the issue known before adjournment, or in writing to the Chief Returning Officer within ten (10) calendar days of the Association General Meeting, furnishing particulars the alleged irregularities. If the Chief Returning Officer is of the opinion that the charge is substantiated he/she shall decide whether to invalidate a position or to invalidate the election and order a new one accordingly.
- 5.11 Advance voting will take place at the Association offices or at any places designated by the Chief Returning Officer within the University, the Saturday and Sunday from 10:00 to 14:00 of the week prior to the Association General Meeting for those who are unable to be present at the Association General Meeting to vote in person.

- 5.12 Votes by proxy shall not be permitted.
- 5.13 Additional voting and election procedures herein attached as "Appendix A" shall be provided to all candidates and their representatives by the Chief Returning Officer.

6. **FUNCTIONS OF THE EXECUTIVE**

- 6.1 In accordance with the Constitution, the Executive Steering Committee shall administer the affairs of the Association, including the management of funds. The Executive Steering Committee shall be accountable to the membership, shall entertain requests of the membership, shall be responsible for the ratification of major decisions and shall meet a minimum of four (4) times a year. The Executive Committee shall conduct the routine day to day affairs of the Association as per their mandate and shall meet a minimum of four (4) times a year. Quorum shall be 75% of its members. The President of the Association shall chair all committee meetings referred above.
- 6.2 The President is spokesperson for the Association, and is responsible for: presiding over meetings and proceedings, co-ordinating the activities of the Executive, representing the Association on the Inter-Union Council, chairing the Advisory Council, acting as liaison with other universities, the Ministère de l'Éducation, unions and other external organizations, acting as liaison with members of the University administration, and any other duties that may be assigned by the Executive. The President does not vote at Executive meetings except in the case of a tied vote. The President shall sign, accompanied by either a Vice-President, Treasurer, or Secretary on the Executive, all contracts and agreements in the name of the Association. The President, in coordination with the Vice-President, Collective Agreement and Grievance, acts as a liaison with Department Chairs and Deans regarding the implementation of the Collective Agreement. The President is responsible for ensuring that all employees and representatives of the Association are effectively discharging their duties.
- 6.3 The Vice-President, Collective Agreement and Grievance, acts for the President when necessary, and is responsible for: assisting members with questions, representing the Association and members in all matters concerning grievances and arbitrations, ensuring the operation of the Association's Grievance Clinic, in coordination with the President, acting as liaison with Department Chairs and Deans regarding the implementation of the Collective Agreement, and any other duties that may be assigned by the Executive.
- 6.4 The Vice-President, Professional Development and Training, is responsible for: chairing the Professional Development Committee, administering all matters pertaining to Professional Development and ensuring the operation of the Association's Professional Development Clinic, serving as liaison with CTLS for training, in coordination with the President, appointing representatives to Department and University committees and any other duties that may be assigned by the Executive.
- 6.5 The Treasurer shall have care and custody of Association funds and securities,

and shall oversee deposit of same. The Treasurer is responsible for: supervising the financial affairs of the Association including the financial reports and budgets, shall be the official signatory for all financial matters, acts as liaison with the bookkeeper and the auditor, and any other duties that may be assigned by the Executive.

- 6.6 The Secretary is responsible for: recording the minutes of all Executive and Association General Meetings, for signing membership cards, and any other duties that may be assigned by the Executive.
- 6.7 Members-at-large are responsible for tasks assigned by the Executive. Such tasks might include: clerical work, research and data analysis, communications with members, campus activities, and any other duties that may be assigned by the Executive.
- 6.8 The Executive shall form the Advisory Council.
- 6.9 The Executive shall be responsible for appointing the Chief Returning Officer, who shall not be a member of the Association, nor an Employee of the University. Any appointee must be a member of a profession recognized by the Codes des Professions du Quebec.
- 6.10 Payment of honoraria and/or stipends to members of the Executive or representatives are subject to Executive approval and notification to the Advisory Council.

## 7. **FINANCIAL STATEMENTS**

- 7.1 The fiscal year of the Association shall end on May 31, of each year.
- 7.2 Auditors shall be appointed by the Association General Assembly upon recommendation by the Executive.
- 7.3 Annual audited financial statements are the responsibility of the Treasurer acting on behalf of the Executive and shall be made available upon request to all regular part-time faculty members of the Association.
- 7.4 An annual budget statement of revenues and expenditures shall be presented to the Association General Assembly.
- 7.5 The audited financial statements of the previous year shall be submitted for approval to the Association General Meeting.

## 8. **GENERAL MEETINGS OF THE ASSOCIATION**

- 8.1 Association General Meeting of the regular part-time faculty members of the Association shall be convened by the President before the end of April, each year, where reports shall be presented to the membership.
- 8.2 At least twenty-one (21) calendar days notice shall be given to regular part-time faculty members prior to the Association General Meeting, and shall

include the proposed agenda and upon demand a copy of the annual budget and the audited statements of the previous year.

- 8.3 Regular part-time faculty members may add to the agenda before the meeting by communicating in writing with the Secretary of the Executive, or may request an amendment of the agenda at the time of the meeting.
- 8.4 Without prior notice, a motion may be made from the floor, at an Association General Meeting, to place any item at any place on the agenda for discussion. The Chair will rule on the admissibility of the motion; said ruling may, on appeal, be set aside, without debate, by a two-thirds majority of those present at the Association General Meeting.
- 8.5 Quorum for any general meeting of the Association shall be at least forty (40) members or 5%, whichever is less of the Association's regular membership. Should quorum not be met, a second General Meeting shall take place within thirty (30) calendar days, at which meeting, attendance shall constitute quorum.
- 8.6 The Association General Meeting shall receive written reports from Standing Committees of the Association
- 8.7 Motions at the Association General Meeting shall be carried by a simple majority vote of Association members at the meeting.
- 8.8 The Executive shall have the right to summon the membership to a Special General Meeting to discuss issues of general concern to the membership. Said convocation and agenda shall be communicated to the membership at least five (5) calendar days before said meeting. All requirements for Association General Meetings are applicable for any Special General Meeting except as detailed herein.
- 8.9 All meetings of the Association shall be conducted in accordance with Robert's Rules of Order.

## 9. **AMENDMENTS TO THE CONSTITUTION**

- 9.1 The Constitution shall be amended by vote by the regular membership of the Association at the Association General Meeting.
- 9.2 Any fifteen (15) regular part-time faculty members of the Association may file the text of a proposed amendment with the Secretary of the Association at least forty-eight (48) calendar days before the Association General Meeting.
- 9.3 The proposed amendment to the Constitution must carry the signatures of the fifteen (15) regular part-time faculty members proposing the amendment.
- 9.4 The amendment will be circulated to the Association's regular part-time faculty members at the same time as the announcement of, and the proposed agenda for, the Association General Meeting, being at least twenty-one (21) calendar days prior to the event.

- 9.5 The amendment to the Constitution will be adopted if passed by a two-thirds majority of regular part-time faculty members present at the Association General Meeting.

10. **IMPEACHMENT AND DISMISSAL OF MEMBERS OF THE EXECUTIVE**

- 10.1 The impeachment or dismissal of the Executive, or any member thereof, is initiated when a "Petition of Impeachment" is circulated by any regular part-time faculty member of the Association and signed by the lesser of one-hundred-twenty (120) or 15% of the regular part-time faculty members. The Petition shall specify the allegations and the spokesperson designated as responsible for the Petition.
- 10.2 Copies of said Petition, dated and duly signed, shall be submitted to the Chief Returning Officer. The latter thereupon chairs the impeachment proceedings.
- 10.3 The said Chief Returning Officer shall convene a Special General Meeting of the Association. Notice of the meeting shall be circulated to the general membership within five (5) calendar days of receipt of the Petition of Impeachment. The Special General Meeting will take place within twenty-one (21) calendar days of receipt of the aforesaid petition. The Chief Returning Officer shall consult the spokesperson designated as responsible for the petition and the subject to arrange a suitable date for the Special General Meeting. A quorum shall be not less than 15% of the regular part-time faculty members. The spokesperson designated as responsible for the petition shall present the grounds for impeachment at this meeting. The subject may then present a defense against these allegations. The Petition for Impeachment shall be adopted if two-thirds of those present at the proceedings vote in its favour. Should the Petition be adopted, the subject will be deemed dismissed from office effective immediately. In that case the usual regulations pertaining to a vacancy in the Executive shall be in effect.
- 10.4 Between the reception of said petition and the Special General Assembly, it is the Chief Returning Officer who determines if the Executive member(s) continues in his/her/their functions.

11. **SUSPENSION OR EXCLUSION OF A MEMBER**

- 11.1 Notwithstanding the right of any member to freedom of expression, thought, or legitimate debate involving policies of the Association, any member is subject to suspension from the Association by the Executive Committee who:
- a) refuses or neglects to respect the terms and conditions of the Collective Agreement and/or the Constitution of the Association or decisions of a General Assembly duly convened;
  - b) causes a prejudice to the Association;
  - c) demonstrates a pattern of abusive or threatening behavior (assault, stalking, harassment, etc.) towards any member or officer of the Association;
  - d) with respect to an Executive member, he/she can only be impeached in

accordance with the terms of article 10.

11.2 Any suspended member loses all rights and privileges described in the Constitution until relieved of the suspension or reinstated to the Association.

11.3 The procedures for suspension, including the right of appeal, is as follows:

- a) Before such a decision is made, the Executive must provide, within at least five (5) calendar days, a written notice for the member to provide any information or representation necessary to explain events. Said notice shall indicate the specific allegations invoked against the member. The Executive will then decide on the suspension. A written decision will be communicated to the member and shall indicate clearly the reasons invoked thereof.
- b) The member has the right to appeal said decision of the Executive Committee within ten (10) calendar days that follow the reception of the written decision. The appeal must be heard by a Special General Assembly no later than ninety (90) calendar days following the reception of the written notice of appeal by the Executive. The decision to suspend by the Executive is executory notwithstanding the appeal and until a decision of the Special General Assembly.
- c) The Executive submits the appeal to a meeting of a Special General Assembly convened to hear representations and to conduct a vote by secret ballot to uphold or reject the decision. Each party must assume any costs engaged in a presentation before the Special General Assembly. The majority decision of those members present at the Special General Assembly is final and binding on both parties.
- d) The Executive shall automatically reinstate a member at the end of a suspension.
- e) Suspension cannot exceed one (1) calendar year.

## 12. **INTERPRETATION OF THE CONSTITUTION**

12.1 Responsibility for interpreting the terms and provisions of the Constitution shall rest with the Executive, to be decided by a simple majority vote that shall include the vote of the President.

12.2 In the event that the interpretation of the Executive is challenged by a regular part-time faculty member of the Association, the question shall be decided by a two thirds (2/3) majority of regular part-time faculty members' votes cast at the Association General Meeting.

## 13. **INDEMNIFICATION**

Provisions shall be made for the indemnification of any regular part-time faculty member of the Association who shall incur verifiable expenses for the benefit of the Association while executing authorized functions.

14.

**CONTINGENCY FUND**

14.1 The Contingency Fund may be allocated a maximum of \$2,000 (two thousand dollars) per fiscal year.

14.2 Procedures of Application for the Contingency Fund

a) requests for Contingency Funds must be made to the Treasurer and are approved by the Executive

b) requests must be submitted within thirty-two months from the end of the last part-time teaching contract

c) depending on the availability of funds, up to a maximum of \$500 (five hundred dollars) per request may be allotted to members whose request has been approved

Policy Guidelines

d) all dues paying members of the bargaining unit are eligible to apply for contingency funds

e) contingency funds are available to assist members with providing for the basic necessities of life for themselves and their families

f) contingency funds under unique and special circumstances are available to assist members and their families afflicted by a personal misfortune

g) contingency funds may, under unique and special circumstances, also be used, from time to time, for the purposes of the general welfare of the members of the Association or the entire membership of the Association

## **APPENDIX A**

### **CUPFA Executive Positions Election and Voting Procedures**

#### **Election Procedures**

1. Prior to the Association General Meeting, the Chief Returning Officer shall prepare an announcement containing the following:
  - 1.1 the information found on the nomination form
  - 1.2 a brief biography of each candidate in both official languages
  - 1.3 a photograph of each candidate
  - 1.4 a statement by each candidate
2. All Candidates will be identified and presented in alphabetical order to the members. Ballots for each position shall list the relevant candidates in alphabetical order.
3. At the Association General Meeting, where there is a contested position, candidates will be required to deliver a speech of a duration of no more than five (5) minutes.
4. In the event of a tie for any elected position, the Chief Returning Officer shall notify the membership of the time and place of a run off election to occur within twenty-one (21) calendar days of the Association General Meeting. The membership shall be notified by ordinary post of the existence of a tie vote, of the position in question and the specific candidates involved. Without any further meeting, the membership shall present themselves between the announced hours to simply cast a ballot which will contain the names of the specific candidates in alphabetical order. The designated scrutineers of each candidate shall be present for the voting as well as the tabulation of the results. Upon expiration of the specified time, the ballots cast will be counted and the individual with the greatest number of valid votes cast in their favour shall be designated the successful candidate.

#### **Voting Procedures**

1. The presence of representatives is required for the full duration of advanced poll, the Association General Meeting, and if required the run off election.
2. For the purposes of receiving a ballot, regular part-time faculty members will be asked to provide the following pieces of identification: a copy of their teaching contract for the current academic year or a current Association membership card, and a Concordia University identification card, or their Quebec Driver's Permit or their Quebec Medical Insurance Card. Any dispute involving the identification of a regular part-time faculty member shall be referred to the Chief Returning Officer who will rule on the member's eligibility to vote.
3. Regular part-time faculty members voting at the advance polling dates will be required to place their signature beside their name on a CUPFA Membership List. Regular part-time faculty members who have already signed and voted at an advance poll will not receive a ballot should they also attend the Association General

Meeting.

4. Regular part-time faculty members voting at the advance poll will ensure they place their marked ballot in a plain unmarked white envelope provided at the advance poll. They will be required to sign or initial across the sealed portion of the envelope.
5. Sealed and signed envelopes containing the ballots will be gathered and held by the Chief Returning Officer. These will be brought to the Association General Meeting. The outer envelopes will be opened in front of the representatives and the unmarked envelopes added to and counted at the same time as the ballots cast by regular part-time faculty members at the Association General Meeting.
6. Ballots cast indicating more than one (1) choice per elected position, or submitted in blank, will be invalidated. Representatives will be required to sign the vote count on forms provided at the conclusion of the election.
7. Representatives will be reimbursed two hundred dollars (\$200.00) by the Association for their work on behalf of the Association's voting process.
8. Candidates and representatives having any questions about the voting and/or election procedures are advised to contact the Chief Returning Officer.
9. The Chief returning Officer shall have the right to designate an assistant to assist him/her in regards to any and all stages of the election procedure and shall have the right to designate scrutineers to assist him/her at the advanced and regular polls.
10. Upon the conclusion of the election period at the Association General Meeting all ballots will be gathered and kept by the Chief Returning Officer.

**APPENDIX B**  
**MANDATE OF CUPFA ADVISORY COUNCIL**

**Mission**

The CUPFA Advisory Council seeks to provide strategic communications between the CUPFA Executive and CUPFA members serving on Faculty Councils, Senate and other Administrative bodies. The CUPFA Advisory Council provides consultation concerning the policies and needs of the membership and the Association to the Executive.

**Membership**

The CUPFA Advisory Council shall consist of the following regular part-time faculty members:

- c) President of the CUPFA Executive (Chair),
- d) Members of the Executive,
- e) all CUPFA representatives elected or appointed to serve on the Board of Governors, Senate, and Faculty Councils,
- f) all CUPFA representatives elected or appointed to serve on Senate and other members-at-large who may from time to time, temporarily serve on the Advisory Council, if in their position, activities or situation as a part-time faculty member, they will enhance the work of the Council.

**Goals and Objectives**

The CUPFA Advisory Council will fulfill its mission as follows:

1. Meet at least three (3) times per year
2. Receive and exchange information involving university policies and procedures affecting part-time faculty.
3. Receive and exchange information on issues pertaining to the implementation of the Collective Agreement, difficulties, potential grievances or any other irregularity affecting part-time faculty.
4. Consult on issues relating to re-negotiation of the Collective Agreement, grievances, or university-wide arbitration cases whenever such issues or cases arise.
5. Plan concerted and collective responses to ensure unity and effective promotion of members' concerns.
6. Consult regarding the appointment of a Chief Returning Officer, who shall not be a member of the Association, and make the recommendation to the Executive at least six (6) months prior to the election of Executive members. Any nominee must be a

member of a profession recognized by the Codes Professions du Quebec.

7. The Chair shall receive and review reports from the members of the Council.
8. Members of the Advisory Council, excluding the members of the Executive, are responsible for submitting written committee reports, twice a year, to the Chair of the Advisory Council.

## **APPENDIX C**

### **Nomination and Election Procedures - Part-time Faculty Representatives to University, Faculty, and Departmental Bodies**

The Executive is responsible for the election and/or appointment of representatives to all University, Faculty, and Departmental bodies.

#### **University and Faculty Bodies**

1. Elections for University and Faculty bodies shall take place every two (2) years prior to the month of March.
2.
  - 2.1 Any member with at least seventy-five (75) seniority credits can stand for office
  - 2.2 Candidates shall answer a call for an election in accordance with the requirements of the Executive
  - 2.3 In the unlikely event that no eligible member wants to sit on the body in question or there is less than a delay of thirty (30) days between the time a committee is struck and the time an election meeting needs to be held, the Executive will appoint a regular part-time faculty member.

#### **Departmental Bodies**

3. The Executive shall appoint all representatives from the eligible members within the Department in question.
4. Each representative is under an obligation to promote and safeguard the interests of the Association and the relevant members thereof.
5. In the event that a representative should fail to apply the Collective Agreement and Constitution of the Association, he/she may be removed at the discretion of the Executive. Said removal shall take the form of a notice to the specific body and a copy to the representative in question

#### **All Bodies**

6. The Executive shall advise the relevant University administrator of the names of regular part-time faculty members elected and/or appointed to sit on University/Faculty/Departmental bodies.

## **APPENDIX D**

### **COUNCIL OF REPRESENTATIVES**

#### **MISSION**

The CUPFA Council of Representatives seeks to foster widespread communication between the Executive and Representatives on all University, Faculty, and Departmental Bodies. The Council provides a forum for sharing concerns across Departments and Faculties, debates, and training of Representatives.

#### **MEMBERSHIP**

The Executive and all CUPFA Representatives to University, Faculty, and Departmental Bodies.

#### **GOALS AND OBJECTIVES**

The Council of Representatives will fulfill its mission as follows:

1. Meet once (1) per year.
2. Receive and exchange information involving university policies and procedures affecting part-time faculty members.
3. Receive and exchange information on issues pertaining to the implementation of the Collective Agreement, difficulties, potential grievances or any other irregularity affecting part-time faculty members.
4. Plan concerted and collective responses to ensure unity and effective promotion of members' concerns.