

*Incorporating amendments to June 6, 2019.*

# I. CONSTITUTION OF THE FEDERATION OF POST-SECONDARY EDUCATORS OF BRITISH COLUMBIA

THIS CONSTITUTION IS ADOPTED AND AGREED TO by the signatories hereto, with effect as of November 16, 2018.

## 1. DEFINITIONS

In this Constitution, unless the context requires otherwise:

“Act” means the *Societies Act* of British Columbia as amended from time to time;

“Director” means a member of the Presidents’ Council;

“Federation” means Federation of Post-Secondary Educators of British Columbia;

“General meeting” means a meeting of the member organizations of the Federation, whether an Annual General Meeting or a Special General Meeting;

“Officer” means a member of the Executive Committee;

“Presidents’ Council” means the body described in Article 7.1 of this Constitution;

“Special resolution” means a resolution passed at a general meeting by at least 2/3 of the delegate votes cast.

## 2. NAME

The name of the Federation is the FEDERATION OF POST-SECONDARY EDUCATORS OF BRITISH COLUMBIA.

## 3. PURPOSES

The purposes of the Federation are:

- 3.1. To foster and promote the objectives of post-secondary education in British Columbia.
- 3.2. To improve the economic and professional welfare of post-secondary educators, including faculty and staff, by organizing, providing assistance and support.
- 3.3. To foster effective communication and cooperation between member organizations and with other constituencies within BC’s post-secondary education system.
- 3.4. To work with other groups concerned with post-secondary education to create an environment which will better serve provincial and community needs.
- 3.5. To act as the voice for member organizations on matters of provincial or national scope, while recognizing the need to preserve the authority of member organizations in matters of local concern.

- 3.6. To seek effective representation on all relevant bodies dealing with policies affecting BC's post-secondary education system.
- 3.7. To encourage inter-institutional cooperation, rather than competition, among member organizations and their own members in post-secondary education.
- 3.8. To provide support, including a strike/lockout Defence Fund and a disputes policy, to achieve satisfactory resolution of disputes.
- 3.9. To foster cooperation between member organizations in matters of professional development activities.
- 3.10. To assist member organizations in labour relations with employers.

## 4. PRINCIPLES

The intent and effect of the Constitution, structure and operation of the Federation shall be such as to satisfy the following:

- 4.1. To represent the interests of its member organizations as established by the Annual General Meeting.
- 4.2. Maintenance of local autonomy on all issues not assigned by the Constitution to the provincial body.
- 4.3. Greater strength and credibility in making policy statements on a provincial level.
- 4.4. Increased ability to provide management and information services on a centralized basis.
- 4.5. Greater continuity of resources, services and personnel.
- 4.6. Coordinated relationships with other resource groups.
- 4.7. Stable commitment by member organizations.
- 4.8. Maintenance of the right of each member organization to adopt central bargaining or to retain local bargaining.
- 4.9. Recognition of, and respect for, the individual needs and interests of member organizations.
- 4.10. Authority for the Presidents' Council, between Annual General Meetings, to make policies in areas assigned to the Federation by the Constitution, provided such policies are not inconsistent with Annual General Meeting decisions.
- 4.11. Provision for, and encouragement of, exchange of information on economic welfare and other terms and conditions of employment, and provision of assistance in the area of labour relations.
- 4.12. Establishment and promotion of guidelines for professional and ethical standards for members.

## 5. MEMBERSHIP

### 5.1. MEMBERSHIP

- 5.1.1. The Federation shall have the following categories of membership, each with the rights and obligations set out in this Constitution:
- (a) Member Organizations
  - (b) Honorary Lifetime Members
- 5.1.2. On the date of the execution of this Constitution by the signatories hereto, each of those signatories shall become a member organization of the Federation. A list of the member organizations as of that date is attached as Schedule "A".
- 5.1.3. New member organizations shall be granted membership in FPSE by vote of the Presidents' Council.
- 5.1.4. Each new member organization must, as a condition of membership, agree in writing to be bound by the Constitution of the Federation, as it may be amended or replaced from time to time.

### 5.2. MEMBER ORGANIZATIONS

- 5.2.1. A member organization shall represent faculty, or faculty and staff. It shall agree to pay the required dues and levies as established by duly authorized general meetings of this Federation and to abide by this Constitution. Member organizations have full privileges as hereinafter set forth and shall be entitled to services as described in the document "Services Available to Member Organizations".
- 5.2.2. Member organizations shall have voice and vote at all general meetings of the Federation through their appointed delegates, as contemplated in Article 11.
- 5.2.3. A member organization is not in good standing if it fails to pay the required dues and levies for a period of three months, and the member organization is not in good standing for so long as those dues and levies remain unpaid.
- 5.2.4. Member organizations that are not in good standing shall lose their voting rights until they return to good standing.
- 5.2.5. A member organization shall cease to be a member of the Federation:
- (a) on ceasing to represent faculty, or faculty and staff;
  - (b) on having been a member organization not in good standing for six consecutive months or longer; or
  - (c) on being expelled.
- 5.2.6. A member organization may be expelled by:
- (a) A Special Resolution of the member organizations passed at a general meeting.
  - (b) The notice of Special Resolution for expulsion shall be accompanied by a brief statement of the reason or reasons for the proposed expulsion.

- (c) The member organization who is the subject of the proposed resolution for expulsion shall be given an opportunity to be heard at the general meeting before the Special Resolution is put to a vote.

### **5.3. WITHDRAWAL OF MEMBERSHIP**

Subject to Article 13.4, any member organization may voluntarily withdraw from the Federation upon the provision of six (6) months' notice in writing of its intention to do so being given to the Federation at the address thereof. Such notice shall not be required in the event that the Federation, by decision of a general meeting, undergoes a change that is determined by the Presidents' Council to be a fundamental change in the nature of the Federation.

### **5.4. HONORARY LIFETIME MEMBERSHIP**

- 5.4.1. In recognition of outstanding services to the purposes of FPSE, an individual who does not hold current membership in a member organization may be granted an Honorary Lifetime Membership in FPSE.
- 5.4.2. Nominations for Honorary Lifetime Membership shall come to the Annual General Meeting from the Presidents' Council.
- 5.4.3. Such membership shall have all the rights and privileges as determined by the Presidents' Council.

## **6. GENERAL MEETINGS**

- 6.1. The Annual General Meeting of this Federation shall be held during either the month of May or June at a time and place to be determined by the Presidents' Council.
- 6.2. Notwithstanding 6.1, a Special General Meeting may be held to deal with specific, urgent situations and to set such policy as may be necessary in those situations.
- 6.3. A Special General Meeting may be called by any of the following:
  - (a) The President;
  - (b) A Presidents' Council resolution supported by at least 2/3 of votes cast at Presidents' Council;
  - (c) A petition signed by at least 2/3 of voting members of Presidents' Council.
- 6.4. Any individual who is a member of a member organization of this Federation may attend general meetings with voice but no vote.
- 6.5. Voting at general meetings shall be as provided by Article 11.
- 6.6. Each member organization of the Federation shall be given at least one (1) calendar month notice of a general meeting.
- 6.7. The Annual General Meeting shall be the chief policy and decision-making body of the Federation.

## 7. PRESIDENTS' COUNCIL

- 7.1. The Presidents' Council shall consist of the President, Secretary-Treasurer, First Vice-President, Second Vice-President, immediate Past President, Non-Regular Faculty Committee Chair, and the President or their delegate of each member organization. The President of the Federation shall chair meetings of the Presidents' Council.
- 7.2. The President shall be elected for a two-year term at the Annual General Meeting and shall take office no later than September 1 following the Annual General Meeting. The exact date of transition will be determined by the Executive Committee upon recommendation by the incoming and outgoing Presidents. A President may stand for consecutive re-election.
- 7.3. The Secretary-Treasurer shall be elected separately for a two-year term at the Annual General Meeting after the election of the President and shall take office no later than September 1 following the Annual General Meeting. A Secretary-Treasurer may stand for consecutive re-election.
- 7.4. The First Vice-President shall be elected for a two-year term at the Annual General Meeting after the election of the President and shall take office following the Annual General Meeting. A First Vice-President may stand for consecutive re-election.
- 7.5. The Second Vice-President shall be elected at the Annual General Meeting for a two-year term and shall take office following the Annual General Meeting. A Second Vice-President may stand for consecutive re-election.
- 7.6. The term of the immediate Past President shall be from the election of a successor President to the next general meeting.
- 7.7. The Non-Regular Faculty Committee Chair is elected by the Non-Regular Faculty Committee, from time to time and in accordance with FPSE policy. The Non-Regular Faculty Committee Chair shall have full voice but no vote at meetings of the Presidents' Council.
- 7.8. Two Members-at-Large shall be elected by voting members of Presidents' Council at the first meeting following the Annual General Meeting for a one-year term and shall take office immediately. Members-at-Large must be members of Presidents' Council to retain office. Members-at-Large shall be elected so that the Executive includes at least one woman. Members-at-Large may stand for consecutive re-election.
- 7.9. Any individual who is a member of a member organization of this Federation shall be eligible for election as President, Secretary-Treasurer, First Vice-President, or Second Vice-President.
- 7.10. The Presidents' Council shall interpret and implement policy set out and decisions made at the Annual General Meeting. It shall be the governing body of this Federation between Annual General Meetings and shall be bound by this Constitution, and by rulings and directives of the Annual General Meeting or Special General Meeting.
- 7.11. The Presidents' Council shall assign responsibilities to its members.
- 7.12. The President and Secretary-Treasurer shall be responsible for engaging such staff members as are necessary and shall fix their remuneration within the budget limits established by the General Meeting, subject to the Collective Agreement between FPSE and CUPE 1004, or its successors. The direction of all staff members shall be under the President or the Secretary-Treasurer.

- 7.13. Any officer of the Federation may be removed at any time by Special Resolution.
- 7.14. Notwithstanding Article 11.8, the President, Vice-President, Second Vice-President, and Secretary-Treasurer shall be elected at the Annual General Meeting or Special General Meeting by a simple majority of delegate votes cast in a secret ballot. In the event that no one candidate has such a majority, the candidate with the lowest number of delegate votes shall be dropped from the ballot and another vote taken. This process shall continue until a majority is obtained. In the event that only one candidate stands for election for an Executive Officer position, that candidate will be declared elected by acclamation and no vote will be taken.
- 7.15. Presidents' Council shall serve as the directors of FPSE Holding Society.

## **8. EXECUTIVE COMMITTEE**

- 8.1. The Executive Committee shall consist of the President, Secretary-Treasurer, First Vice-President, Second Vice-President, immediate Past President, and two Members-at-Large
- 8.2. The Executive Committee shall report to and be responsible to the Presidents' Council.
- 8.3. The Executive Committee shall be responsible for implementing directives of the Presidents' Council and the Annual General Meeting.

## **9. DUTIES OF OFFICERS**

### **9.1. THE PRESIDENT**

- 9.1.1. The President shall be the chief executive officer of the Federation. They shall exercise supervision over the affairs of the Federation and preside at general meetings and at meetings of the Presidents' Council and the Executive Committee. They shall call meetings of the Presidents' Council at least six times each year. They shall call meetings of the Executive Committee at least four times each year. The President shall perform such other duties as are assigned by the Presidents' Council.
- 9.1.2. The President shall have the authority to interpret the Constitution of this Federation and their interpretation shall be conclusive and in full force and effect unless reversed or changed by the Presidents' Council or a general meeting. Full and final authority shall rest with the Annual General Meeting.
- 9.1.3. The President shall report on the administration of their office and on the affairs of the Federation to the General Meeting through the report of the Presidents' Council.
- 9.1.4. The President shall have full voice but no vote at meetings of the Presidents' Council.

### **9.2. THE SECRETARY-TREASURER**

- 9.2.1. The Secretary-Treasurer shall be the chief financial officer of the Federation. The Secretary-Treasurer shall be in charge of books, documents, files and effects of the Federation which shall at all times be subject to inspection by the President and the Presidents' Council or any Federation member in good standing.
- 9.2.2. The Secretary-Treasurer shall prepare a financial statement of the Federation and of the FPSE Holding Society for each meeting of the Presidents' Council. They shall have the

books of the FPSE Holding Society audited each year by a registered accountant selected and approved by the Presidents' Council. Such audits shall be furnished to the Presidents' Council and to the Annual General Meeting.

- 9.2.3. The Secretary-Treasurer shall, subject to the approval of the Presidents' Council, direct the FPSE Holding Society in its investment of the surplus funds of the Federation, in accordance with the relevant laws of British Columbia.
- 9.2.4. The Secretary-Treasurer shall be responsible for submitting from revenue any affiliation fees.
- 9.2.5. The Secretary-Treasurer is empowered to require member organizations to provide statistical data in their possession relating to the membership of the organization in order to establish membership strength for dues collection.
- 9.2.6. The Secretary-Treasurer shall issue the call for, and act as Secretary at, all General Meetings and shall cause the proceedings of all General Meetings and all sessions of the Presidents' Council and the Executive Committee to be recorded.
- 9.2.7. The Secretary-Treasurer shall submit a written report on the administration of their office to the Annual General Meeting.
- 9.2.8. The Secretary-Treasurer shall have full voice but no vote at meetings of the Presidents' Council.

### **9.3. THE VICE-PRESIDENT(S) AND MEMBERS-AT-LARGE**

- 9.3.1. The Vice-Presidents shall have full voice but no vote at meetings of the Presidents' Council. The duties of the Vice-Presidents shall be as mutually agreed by the President and Vice-Presidents, or as allocated by the Executive Committee on the advice of the President and as approved by the Presidents' Council.
- 9.3.2. The duties of the Members-at-Large shall be as mutually agreed by the President and Members-at-Large, or as allocated by the Executive Committee on the advice of the President and as approved by the Presidents' Council.

### **9.4. THE IMMEDIATE PAST PRESIDENT**

The immediate Past President's duties shall be as mutually agreed by the President and immediate Past President, or as allocated by the Executive Committee on the advice of the President and as approved by the Presidents' Council. They shall have full voice but no vote at meetings of the Presidents' Council.

### **9.5. VACANCIES**

- 9.5.1. If the office of the President becomes vacant for any reason, the Secretary-Treasurer shall become President of the Federation until the next general meeting.
- 9.5.2. If the office of the Secretary-Treasurer becomes vacant for any reason, the First Vice-President shall become Secretary-Treasurer of the Federation until the next general meeting.

- 9.5.3. If the office of the First Vice-President or Second Vice-President becomes vacant, it will remain vacant until the next general meeting.
- 9.5.4. If the office of Member-at-Large becomes vacant, the Presidents' Council shall elect one of its members to fill the vacancy until the next general meeting.
- 9.5.5. Any vacancy on the Presidents' Council other than those already named in this article shall be filled by the member organization whose absent member causes the vacancy.

## **10. SIGNING AUTHORITY**

- 10.1. A contract or other record to be signed by the Federation must be signed on behalf of the Federation:
  - (a) by the President; or
  - (b) by the Secretary-Treasurer; or
  - (c) by one more individuals authorized by Presidents' Council to sign the contract or record on behalf of the Federation.
- 10.2. All cheques drawn on the Federation's accounts shall be signed by any two of the Secretary-Treasurer, President, First Vice-President, Second Vice-President, or a person named by the Presidents' Council.

## **11. PROCEDURES AT MEETINGS (INCLUDING VOTING)**

- 11.1. Voting at any general meeting shall be by a delegate voting system.
- 11.2. The number of delegate votes of each member organization shall be determined by the following calculation:
  - 11.2.1. Regardless of size, each member organization shall be awarded one delegate vote.
  - 11.2.2. In addition, each member organization shall be awarded further delegate votes on a proportional basis based on the immediately preceding FPSE fiscal year dues, such as determined by Presidents' Council.
  - 11.2.3. The Secretary-Treasurer shall inform member organizations of their delegate vote allocation as soon as practicable prior to the general meeting.
- 11.3. At any general meeting the vote shall carry by a simple majority of delegate votes cast, except for special resolutions.
- 11.4. At any Presidents' Council meeting, the vote shall carry by a simple majority of the number of presidents or authorized alternates voting.
- 11.5. At any meeting of the Executive Committee, the vote shall carry by a simple majority of votes cast. Each member of the Executive Committee shall have one vote.
- 11.6. A quorum at a general meeting shall be at least sixty per cent (60%) of the total allowable delegate votes.
- 11.7. A quorum at a Presidents' Council meeting shall be at least sixty per cent (60%) of the member organization presidents or authorized alternates.

- 11.8. Voting at a general meeting shall be open, conducted by roll call on demand, and recorded in the minutes. A motion to vote by secret ballot requires the support of two-thirds of the delegate votes cast.
- 11.9. Special Resolutions are required in the case of:
- (a) removal of an officer;
  - (b) expulsion of a member organization;
  - (c) alteration to the formula for calculating dues;
  - (d) special assessments;
  - (e) borrowing powers;
  - (f) alteration or addition to the Constitution.
- 11.9.1. Each member organization of the Federation shall be given at least one (1) calendar month notice of a Special Resolution.

## 12. PRINCIPLES AND STANDARDS OF CONDUCT

- 12.1. This Federation shall give full recognition to the autonomy of its member organizations. All powers other than those that may be delegated to the Federation by general meetings shall remain with its member organizations whose fundamental autonomy and freedom shall be maintained by the Federation as its first priority.
- 12.2. Member organizations shall support any stance taken by the Federation on provincial issues.
- 12.3. The Federation shall promote legislation in the interests of its members.
- 12.4. The Federation shall provide upon request, wherever and whenever practicable, research, legislative, public relations, information, educational, legal, collective bargaining and contract administration services to its member organizations.

## 13. REVENUE

- 13.1. Revenue, investments and other property of the Federation may be held in the name of the FPSE Holding Society.
- 13.2. The revenue of the Federation shall be derived in part from monthly dues and levies charged to members of the Federation at rates to be determined by the Annual General Meeting, or a Special General Meeting called for that purpose.
- 13.3. Notwithstanding Article 13.2 or any other provision in this Constitution, the Presidents' Council may, by resolution, waive payment of dues by a member organization pending certification or negotiation of a first collective agreement.
- 13.4. Each member organization shall forward to the Federation, at least monthly, a statement showing the gross total salaries of persons currently paying dues to the member organization and the member organization shall remit the per capita amount payable from such dues, in accordance with this Constitution.
- 13.5. The Federation shall establish and maintain a Defence Fund to support members engaged in strike, lockout, or picket line recognition or for such other action in defence of the Federation as is approved by the Presidents' Council. Member organizations shall not be eligible to receive financial payments from the Fund until at least six (6) months after joining the Fund. Member organizations that receive support payments from the Fund shall continue to

participate and pay into the Fund for at least two (2) years beyond the date of last receiving support payments.

13.6. The Federation shall develop a set of procedures to allow it to make support payments to member organizations participating in the Defence Fund and engaged in strike, lockout, or picket line recognition, providing that the member organization meets the conditions established and promulgated in advance by the Presidents' Council.

13.7. The fiscal year of the Federation shall end on March 31st of each year.

## **14. BORROWING POWERS**

The Federation shall have such borrowing powers as may be determined at a general meeting by special resolution.

## **15. AMENDMENTS**

15.1. This Constitution may be amended at a general meeting by special resolution.

15.2. All member organizations of the Federation will be bound by any amendments to this Constitution immediately upon their adoption as contemplated in Article 15.1.

## **16. CONSTITUTION BINDING**

16.1. Each of the undersigned representatives of member organizations of the Federation, in consideration of the promises and agreements similarly made by each of the other member organizations, hereby on behalf of the undersigned and their assignees and successors, if any, accepts and agrees to abide by the foregoing Constitution, and each and every alteration, amendment or repeal thereof so long as the undersigned or their assignees or successors are member organizations of the Federation.

The following have executed this Constitution, signifying their acceptance and ratification of its terms as of the date first set out above:

On behalf of **Capilano University Faculty Association:**

\_\_\_\_\_  
Brent Calvert, President, CFA

On behalf of **Faculty Association of the College of New Caledonia:**

\_\_\_\_\_  
Bill Deutch, President, FACNC

On behalf of **Kwantlen Faculty Association:**

\_\_\_\_\_  
Bob Davis, President, KFA

On behalf of **University of the Fraser Valley Faculty and Staff Association:**

\_\_\_\_\_  
Sean Parkinson, President, UFVFSA

On behalf of **Okanagan College Faculty Association:**

\_\_\_\_\_  
Sharon Mansiere, President, FACNC

On behalf of **Academic Workers' Union:**

\_\_\_\_\_  
Marja Burrows, President, AWU

On behalf of **Langara Faculty Association:**

\_\_\_\_\_  
Scott McLean, President, LFA  
On behalf of **North Island College Faculty Association:**

\_\_\_\_\_  
Shirley Ackland, President, NICFA

On behalf of **Nicola Valley Institute of Technology Employees' Association:**

\_\_\_\_\_  
Sharon McIvor, President, NVITEA

On behalf of **Emily Carr University of Art + Design Faculty Association:**

\_\_\_\_\_  
Christopher Hethrington, President, ECUFA

On behalf of **Thompson Rivers University Faculty Association:**

\_\_\_\_\_  
Tom Friedman, President, TRUFA

On behalf of **Douglas College Faculty Association:**

\_\_\_\_\_  
Erin Rozman, President, DCFA

On behalf of **College of the Rockies Faculty Association:**

\_\_\_\_\_  
Joan Kaun, President, CORFA

On behalf of **Vancouver Island University Faculty Association:**

\_\_\_\_\_  
Chris Jaeger, President, VIUFA

On behalf of **Selkirk College Faculty Association:**

\_\_\_\_\_  
Lui Marinelli, President, SCFA

On behalf of **Camosun College Faculty Association:**

\_\_\_\_\_  
Chris Ayles, President, CCFA

On behalf of **Vancouver Community College Faculty Association:**

\_\_\_\_\_  
Karen Shortt, President, VCCFA  
On behalf of **Thompson Rivers University Open Learning Faculty Association:**

\_\_\_\_\_  
Mark Salopek, President, TRUOLFA

On behalf of **Education and Training Employees' Association:**

\_\_\_\_\_  
Kevin Drager, President, ETEA

## **SCHEDULE “A” MEMBER ORGANIZATIONS**

- LOCAL 1: CAPILANO FACULTY ASSOCIATION
- LOCAL 2: THOMPSON RIVERS UNIVERSITY FACULTY ASSOCIATION
- LOCAL 3: FACULTY ASSOCIATION OF THE COLLEGE OF NEW CALEDONIA
- LOCAL 4: DOUGLAS COLLEGE FACULTY ASSOCIATION
- LOCAL 5: KWANTLEN FACULTY ASSOCIATION
- LOCAL 6: COLLEGE OF THE ROCKIES FACULTY ASSOCIATION
- LOCAL 7: UNIVERSITY OF THE FRASER VALLEY FACULTY & STAFF ASSOCIATION
- LOCAL 8: VANCOUVER ISLAND UNIVERSITY FACULTY ASSOCIATION
- LOCAL 9: OKANAGAN COLLEGE FACULTY ASSOCIATION
- LOCAL 10: SELKIRK COLLEGE FACULTY ASSOCIATION
- LOCAL 11: ACADEMIC WORKERS' UNION (COAST MOUNTAIN COLLEGE)
- LOCAL 12: CAMOSUN COLLEGE FACULTY ASSOCIATION
- LOCAL 14: LANGARA FACULTY ASSOCIATION
- LOCAL 15: VANCOUVER COMMUNITY COLLEGE FACULTY ASSOCIATION
- LOCAL 16: NORTH ISLAND COLLEGE FACULTY ASSOCIATION
- LOCAL 17: THOMPSON RIVERS UNIVERSITY OPEN LEARNING FACULTY ASSOCIATION
- LOCAL 19: NICOLA VALLEY INSTITUTE OF TECHNOLOGY EMPLOYEES' ASSOCIATION
- LOCAL 21: EDUCATION & TRAINING EMPLOYEES' ASSOCIATION
- LOCAL 22: EMILY CARR UNIVERSITY OF ART & DESIGN FACULTY ASSOCIATION