

# **DOUGLAS COLLEGE FACULTY ASSOCIATION**

## **CONSTITUTION AND BY-LAWS**

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# **DOUGLAS COLLEGE FACULTY ASSOCIATION**

## **CONSTITUTION**

1. The name of the Union is "Douglas College Faculty Association," hereinafter referred to as the Association.
2. The purposes of the Association are as follows:
  - (a) To promote, maintain, and defend independence of thought and teaching; and to promote the welfare and professional interests of its members.
  - (b) To seek certification as a trade union, to hold certification, to regulate relations between employers and employees 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.
  - (c) To advise its members on questions of mutual concern to its members and the administration of the College.
  - (d) To cooperate with other bodies whose interests are similar, in particular with provincial, national and international associations of college and university faculties.
  - (e) To represent the views of its members on committees, boards, and other bodies responsible for decisions affecting education in the community.
  - (f) To deal with other matters considered to be in the interest of the Association or its members.
  - (g) To seek affiliation with local, provincial, national and international labour organizations when deemed appropriate.
3. The operations of the Association are to be carried on chiefly in the college region of Douglas College in the Province of British Columbia. Where necessary, the Association also operates provincially, nationally and internationally. This provision is alterable.

# DOUGLAS COLLEGE FACULTY ASSOCIATION

## BY-LAWS

### ARTICLE 1 - MEMBERSHIP

1. The Association has three classes of membership: Full Member, Retired Member, and Honorary Life Member.

#### **1.1 Full Member**

- 1.1.1 The certificate issued by the Industrial Relations Council to the Association entitles all Regular faculty members, Temporary faculty members, and Contract faculty members of Douglas College to be Full Members.
- 1.1.2 A Full Member in good standing shall be a voting member.
- 1.1.3 A percentage of a Full Member's gross salary from Douglas College shall be deducted from their gross salary and remitted to the Association as Association dues. The percentage deducted for Association dues shall be determined by the Association Member at a General Meeting.
- 1.1.4 A Full Member loses good standing in the Association if their Association dues for the current membership period have not been paid.
- 1.1.4 A Douglas College faculty member is automatically a Full Member.
- 1.1.6 A faculty member who has violated the Harassment and Bullying Policy shall no longer be a member in good standing.
- 1.1.7 A Full Member's name shall be struck from the Register of Members if they cease to be a faculty member of Douglas College, with the following exceptions:
  - (a) temporary cessation of employment at Douglas College shall not disqualify any Full Member unless that member is not employed for two consecutive semesters.
  - (b) a laid off Regular faculty member with recall rights is eligible to remain a Full Member for as long as the Regular faculty member continues to have recall rights.

In such a case, payment of Association dues is not required.

Notice of intent to remain a Full Member must be given in writing to the Secretary-Treasurer.

- (c) a Regular faculty member who is on full-time leave without pay shall continue to be a Full Member for the leave period up to two years from the commencement of the leave. In such a case, payment of Association dues is not required.

If the full-time leave extends beyond two-years, then the Regular faculty member is required to pay Association dues of one hundred dollars (\$100) per year to maintain the status of a Full Member until the leave terminates or the Regular faculty member ceases employment at Douglas College.

Notice of intent to remain a Full Member under this clause must be given in writing to the Secretary-Treasurer.

## **1.2 Retired Members**

- 1.2.1 A Regular faculty member who retires from Douglas College may become a Retired Member of the Association.
- 1.2.2 Notice of intent to become a Retired Member must be given in writing to the Secretary-Treasurer.
- 1.2.3 A Retired Member shall be entitled to attend any General Meeting or AGM of the Association.
- 1.2.4 A Retired Member shall be a non-voting member and shall not be counted towards quorum at a General Meeting or AGM of the Association.
- 1.2.5 A Retired Member is not required to pay Association dues.

## **1.3 Honorary Life Members**

- 1.3.1 The Association may bestow the title of Honorary Life Member on an Association Member in recognition of outstanding service to the Association.
- 1.3.2 An Honorary Life Member shall be entitled to attend any General Meeting or AGM of the Association.
- 1.3.3 An Honorary Life Member shall be a non-voting member and shall not be counted towards quorum at a General Meeting or AGM of the Association.
- 1.3.4 An Honorary Life Member is not required to pay Association dues.

## **ARTICLE 2 - RESPONSIBILITIES OF MEMBERS**

- 2.1 The duties of Association Members shall be as follows:
  - 2.1.1 To adhere to the Constitution, By-Laws, and approved Policies of the Association.
  - 2.1.2 To fulfil the contractual obligations of a Full Member.
  - 2.1.3 To maintain the confidentiality of Association business.
  - 2.1.4 To refrain from acting or consulting with the Employer in any matter regarding labour negotiations.
- 2.2 **Picket Lines**
  - 2.2.1 An Association Member shall not cross an Association Picket Line.
  - 2.2.2 In the event that an Association Member does cross an Association picket line, the Association Member shall be subject to a fine equal to the amount of wages earned by the Association Member for the period of time that the picket line was crossed.
  - 2.2.3 Monies collected by the Association from an Association Member for crossing an Association picket line shall be forwarded to the Douglas College Foundation and added to the DCFA Bursary.
  - 2.2.4 An Association Member shall respect any picket line established by other union groups that have members employed by Douglas College.
  - 2.2.5 An Association Member shall respect any picket line established to defend union rights or to improve employee wages and working conditions.

## **ARTICLE 3 – MEETINGS OF THE ASSOCIATION**

- 3.1 A meeting shall be deemed to include any off-site locations by way of teleconference or video-conference.
- 3.2 The AGM shall be held every calendar year in April or May.
- 3.3 In addition to the AGM, at least four (4) General Meetings shall be held per academic year.
- 3.4 Executive Council may, at its discretion, call additional General Meetings of the Association.
- 3.5 If Executive Council receives a petition signed by at least ten percent (10%) of the General Membership of the Association then Executive Council shall call a special General Meeting within one (1) month of the date the petition was received.

### 3.6 Notice of Meetings

3.6.1 Executive Council shall provide Association Members with a Notice of Meeting at least fourteen (14) calendar days before the scheduled date of a General Meeting or AGM. Such notification shall be disseminated via electronic mail.

3.6.2 A notice of Meeting must set out:

- (a) The date, time, location, and purpose of the meeting.
- (b) In the case of an additional General Meeting to consider a Special Resolution, as per Article 9.1, the purpose of the Special Resolution and the specific wording of the Special Resolution.
- (c) In the case of alterations to the Constitution and Bylaws, the wording of the proposed changes.
- (d) In the case of Table Officer or Replacement Table Officer positions, the specific Table Officer positions or Replacement Table Officer positions that will be voted on at the meeting.

3.7 Forty (40) Full Members shall constitute quorum for a General Meeting or AGM.

3.8 The President, or their designate, shall chair the General Meeting and the AGM.

3.9 The Secretary-Treasurer, or their designate, shall record the minutes of the General Meeting or AGM.

3.10 The most current Robert's Rules of Order shall govern General Meetings and the AGM.

3.11 To pass a Motion at a General Meeting or AGM requires a simple majority of votes cast in favour of the Motion by Full Members in attendance at the Meeting (excluding abstentions, blank ballots, or spoiled ballots).

3.12 A Special Resolution at a General Meeting or AGM shall adhere to the process laid out in Article 9.

3.13 Voting by proxy and absentee voting shall not be allowed at a General Meeting or AGM.

## **ARTICLE 4 - EXECUTIVE COUNCIL**

- 4.1 The duties of Executive Council shall be as follows:
- 4.1.1 To conduct the business of the Association between General Meetings.
  - 4.1.2 To provide overall direction and leadership to the Association.
  - 4.1.3 To ensure that Table Officers fulfill their mandates and use their time releases effectively.
  - 4.1.4 To arrange, in conjunction with the Elections Committee, for the election of Officers as provided for in these By-Laws.
  - 4.1.5 To ensure that all agreements between the Association and another party, excluding grievances, shall be in writing and shall be voted on and approved by the Executive Council and/or the Association Members.
  - 4.1.6 To report to Association Members on the business of the Association.
  - 4.1.7 Chair or serve on committees as requested by the President or Executive Council.
- 4.2 Executive Council consists of thirteen (13) voting members comprised of the following:
- (a) the President
  - (b) the Vice-President Stewardship
  - (c) the Vice-President Negotiations
  - (d) the Secretary-Treasurer
  - (e) the Member-at-Large
  - (f) eight (8) Constituency Representatives elected as follows:
    - (i) one (1) Regular faculty member elected by Full Members of the Faculty of Commerce & Business Administration (CBA)
    - (ii) one (1) Regular faculty member elected by Full Members of the Faculty of Applied Community Studies (ACS)
    - (iii) one (1) Regular faculty member elected by Full Members of the Faculty of Health Sciences (HS)
    - (iv) one (1) Regular faculty member elected by Full Members of the Faculty of Humanities & Social Sciences (HSS)



- (v) one (1) Regular faculty member elected by Full Members of the Faculty of Language, Literature & Performing Arts (LLPA)
  - (vi) one (1) Regular faculty member elected by Full Members of the Faculty of Science & Technology (S&T)
  - (vii) one (1) Regular faculty member elected by Full Members from Student Affairs (which consists of Accessibility Services, Counselling, the Learning Centre, and the Library), Continuing Education, and The Training Group.
  - (viii) one (1) Contract faculty member elected by Contract faculty.
- 4.3 An alternate Constituency Representative shall also be elected from each of the constituencies in Article 4.2(f).
- 4.3.1 The alternate Constituency Representative shall attend Executive Council meetings but only vote in the absence of the Constituency Representative. For clarity, each of the eight (8) constituencies shall have only one (1) vote each on Executive Council.
- 4.4 The Ombudsperson and the Past President, for a period of one (1) year after leaving office, shall be nonvoting members of Executive Council.
- 4.5 Any changes to the number of Constituency Representatives and/or the constituencies represented by each Constituency Representative shall require a Special Resolution, as per Article 9.1(d).
- 4.6 Executive Council meetings
- 4.6.1 Executive Council shall meet at least once per month from September to June.
- 4.6.2 A meeting of Executive Council may be observed by any Association Member in good standing; however, Executive Council may hold all or part of any meeting in camera.
- 4.6.3 Quorum of Executive Council shall be sixty percent (60%) of Executive Council voting members.
- 4.6.4 The Association shall exempt and save harmless each Executive Council member from a liability action arising from the performance of their duties for the Association and the Association shall indemnify and assume all costs, legal fees, and other expenses arising from any such action.
- 4.7 Executive Council Elections and Term of Office for Constituency Representatives:
- 4.7.1 Constituency Representatives for Executive Council shall be elected by members of their respective constituencies for a two (2) year period, and

shall commence on the 1<sup>st</sup> day of September that immediately follows the Constituency Representative elections.

A Constituency Representative shall not serve more than two (2) consecutive two (2) year terms.

4.7.2 Elections for Executive Council will occur in the Winter semester, or as needed to fill a replacement, through electronic balloting in an election called by the President and supervised by the President and the Association Administrative Officer.

4.7.3 A Constituency Representative may be removed by a general resolution passed at a duly called meeting of their constituency.

## **ARTICLE 5 – OFFICERS**

The Table Officers of the Association shall be as follows:

- (a) President
- (b) Vice-President Negotiations
- (c) Vice-President Stewardship
- (d) Secretary-Treasurer
- (e) Member-at-Large

5.1.1 **President** – The President is responsible for planning, managing, coordinating, and integrating the activities of the Association.

The duties of the President shall be as follows:

- (a) To be the official spokesperson for the Association to Douglas College and all other external agencies and groups.
- (b) To call and chair Executive Council meetings, Table Officer meetings, General Meetings, and the AGM.
- (c) To ensure Association business is carried on between meetings of Executive Council and matters of interest are report to the Association members.
- (d) To implement Association policies and objectives within specified budgetary constraints.
- (e) To be an ex-officio member of all Association committees with the exception of the Elections Committee.
- (f) To represent the Association on/at the following committees/meetings:
  - i. Labour Management Relations Committee of Douglas College,
  - ii. Douglas College Senior Management Team Meetings,
  - iii. Douglas College Board Meetings,

iv. Federation of Post-Secondary Educator's Presidents' Council Meetings.

- (g) To receive notice, on behalf of the Association, of all grievances initiated by Douglas College.
- (h) To ensure that there is an annual review of the Constitution and ByLaws of the Association and that any recommendations are placed on the agenda of the AGM or a Special General Meeting called for that purpose.
- (i) To encourage active participation of Association Members through planned educational and social activities, with assistance from the Table Officers and Executive Council.
- (j) To coordinate, with the Administrative Officer, Constituency Representative elections and other committee elections.
- (k) The assist other Table Officers as workload dictates.

5.1.2 **Vice-President Negotiations** – The Vice-President Negotiations is responsible for developing proposals for Collective Agreement negotiations as well as facilitating and managing these negotiations

The duties of the Vice-President Negotiations shall be as follows:

- (a) To serve as a member of the Contract Committee and to act as the Committee's Co-Chair.
- (b) To convene the Bargaining Committee and develop the bargaining package.
- (c) To lead the Bargaining Team and be its chief spokesperson during negotiations with the College.
- (d) To identify areas of concern in the Collective Agreement using past bargaining history and previous interpretations of the Collective Agreement.
- (e) To communicate with Association Members regarding interpretations of the Collective Agreement and bargaining packages.
- (f) To assist the Vice-President Stewardship with grievances and issues and carry specific grievances forward, if needed.
- (g) To service on the Table Officer's Committee and Executive Council.
- (h) To temporarily assume the duties of the President if appointed to do so under Article 8.6.
- (i) To assist other Table Officers as workload dictates.

5.1.3 **Vice-President Stewardship** – The Vice-President Stewardship is responsible for ensuring that the employer adheres to the provisions of the Collective Agreement, in addition to fulfilling specified administrative responsibilities on behalf of the Association

The duties of the Vice-President Stewardship shall be as follows:

- (a) To oversee the processing of all grievances against Douglas College.
- (b) To coordinate activities of the Area Stewards and report on such activities to Executive Council.
- (c) To ensure appropriate representation of Association Members involved in potential disciplinary complaints and investigations.
- (d) To serve as a member of the Contract Committee and to act as the Committee's Co-Chair.
- (e) To serve on the Table Officer's Committee and Executive Council.
- (f) To temporarily assume the duties of the President if appointed to do so under Article 8.6.
- (g) To assist other Table Officers as workload dictates.

5.1.4 **Secretary-Treasurer** – The Secretary-Treasurer is responsible for acting as the chief financial officer of the Association and ensuring that the administrative and financial operations of the Association are enacted in a responsible and beneficial manner.

The duties of the Secretary-Treasurer shall be as follows:

- (a) To ensure that Association Members are advised of meetings in accordance with the By-Laws.
- (b) To take and have custody of the Minutes of proceedings of General Meetings, the AGM, and Executive Council meetings.
- (c) To prepare and have custody of the financial records of the Association.
- (d) To prepare the draft annual budget for presentation to the regularly scheduled General Meeting prior to the AGM.
- (e) To prepare the balance sheet and statement of income and expenditures for the AGM.
- (f) To be a member of the Operations and Finance Committee, to call at least four (4) Operations and Finance Committee meetings a year, and to act as the Committee's Chair.
- (g) To constitute a Defence Fund Payments Committee in the event or likelihood of a strike, lockout, or third-party dispute.

(h) To prepare and have custody of the Association member lists.

(i) To assist other Table Officers as workload dictates.

5.1.5 **Member-at-Large** – The Member-at-Large is an elected Table Officer of the Association who shall:

(a) Primarily assist the DCFA VP Stewardship with their duties but may also assist the President, and VP Negotiations in carrying out their duties.

(b) Assist with coverage for vacations and PD of the Table Officers.

5.2 **Ombudsperson** - The Ombudsperson is an independent, elected Officer of the Association who receives and investigates complaints about alleged unreasonable action and abuse of office, and facilitates conflict resolution between Association members where those conflicts concern Association business. Matters associated with the Collective Agreement shall not be part of the Ombudsperson responsibilities. The Ombudsperson is not a Table Officer.

The duties of the Ombudsperson shall be as follows:

5.2.1 To receive, and if appropriate, investigate complaints made to them in writing by a member of the Association concerning any committee of the Association or the Executive Council;

(a) To investigate complaints concerning an Association committee and to report with recommendations to Executive Council;

(b) To investigate complaints concerning Executive Council and to report with recommendations to a duly called meeting of the Association.

5.2.2 To ensure the meeting of the Association and of the Executive Council are duly called and conducted in accordance with these By-laws;

5.2.3 To attend all Executive Council meetings and all General Meetings of the Association as a non-voting member and parliamentarian. In the event that the Ombudsperson is unavailable to attend either an Executive Council meeting or a General Meeting or the Association, the Ombudsperson shall arrange for a former Table Officer to serve at that meeting as a replacement, and notify the President of the replacement.

5.2.4 To facilitate conflict resolution between members of the Association where those conflicts concern Association business;

- 5.2.5 To report to Executive Council at each meeting on the number and outcomes of new and on-going complaints, investigations, and conflict resolution cases. Confidentiality will be respected with regard to conflict resolution cases.
- 5.3 **Duty to Report** – The Officers shall prepare monthly written reports of their activities for each Executive Council meeting and each General Meeting.
- 5.4 **Overloads** – Table Officers shall not accept work overloads during their terms of office.
- 5.5 **Vacation and Professional Development** – Table Officers shall coordinate and schedule their own vacation and professional development entitlements in mutual agreement with other Table Officers. All Table Officers shall work to create a yearly office coverage schedule in order to facilitate vacation and professional development. There shall be no payouts of unused vacation allotments and/or professional development allotments.
- 5.6 **FPSE Secondment** - Table Officers of the DCFA Association have the right to run for Federation of Post-Secondary Educators (FPSE) officer positions. A DCFA Table Officer who is seconded for a FPSE position of 100% time-release (from FPSE) must vacate their DCFA Table Officer position.

If a Table Officer is seconded for a FPSE position of less than 100% time-release then the Table Officer's time release will be reallocated to other Association Members as follows:

- 5.6.1 A seconded Table Officer with less than a 100% DCFA time-release may opt to increase their total time-release up to a maximum of 100% by combining their existing DCFA time-release with the additional FPSE secondment time-release. If the combination of DCFA and FPSE time-release exceeds 100% then the surplus DCFA time release may be offered to the Member-at-Large or it may be used to create a new temporary Member-at-Large position.
- 5.6.2 A seconded Table Officer with a 100% DCFA time-release who receives additional time release from FPSE shall reduce their DCFA time release by the amount of time release provided by FPSE. The DCFA time release given up by the seconded Table Officer may be offered to the Member-at-Large or it may be used to create a new temporary Member-at-Large position.
- 5.6.3 The Member-at-Large may accept additional time-release up to a maximum time-release of 100%. If the Member-at-Large refuses all or part of the reallocated time-release, then the remaining time release shall be used to create a new temporary Member-at-Large position.
- 5.6.4 A temporary Member-at-Large will be selected by Association members voting in a by-election. The Association Member who wins the by-

election shall commence the temporary Member-at-Large position on or before the September 1st following the by-election.

- 5.6.5 The term of the temporary Member-at-Large position will be for a period of one (1) year and renewed on an annual basis for as long as the time-release is available.
- 5.6.6 Subsequent elections for the temporary Member-at-Large will be held during regular elections for Table Officers.
- 5.6.7 A temporary Member-at-Large is not a member of the Executive Council.

## **ARTICLE 6 - DUTIES OF THE OTHER MEMBERS OF THE EXECUTIVE COUNCIL**

- 6.1 **Past-President** - The duties of the Past-President shall be as follows:
  - 6.1.1 To act as an advisor to the President during the first year of the President's term.
  - 6.1.2 To attend Executive Council meetings and provide advice to Executive Council when requested by the President or by a simple majority of Executive Council members.
  - 6.1.3 To perform such duties as may be requested by the President or Executive Council.

## **ARTICLE 7 - AREA STEWARD SYSTEM**

- 7.1 The number and composition of Area Steward positions shall accord with constituencies established in By-Law 4.2. The Executive Council may seek additional Area Steward positions, as circumstances require, by recommending adjustments no later than at the first Fall General Meeting. Adjustments are subject to ratification by the General Membership.
- 7.2 Representatives shall be elected by their constituents for a two (2) year period in the Spring, and shall serve on the Contract Committee as both Area Stewards and negotiations representatives. Constituency members may elect an alternate Area Steward; each constituency will still have only one vote.
- 7.3 The duties of an Area Steward shall be as follows:
  - 7.3.1 To represent the interests of the area members by processing the informal stages of grievances and by acting as an advocate on behalf of the area members in grievances and complaints.
  - 7.3.2 To act as an official representative of the Association by performing the duties described in By-Law 7.3.1 (above) in his/her area.
  - 7.3.3 To serve as a member of the Contract Committee.

## **ARTICLE 8 - ELECTIONS**

### 8.1 Eligibility to Serve as Table Officer

8.1.1 Only Regular Faculty members shall be eligible to serve as a Table Officer.

### 8.2 Term of Table Officer

8.2.1 The term of a Table Officer shall be for a period of two (2) years and shall commence on the 1<sup>st</sup> day of September that immediately follows the Table Officer elections.

8.2.2 Biennial elections for the Table Officer positions of President, Vice-President Stewardship, and Ombudsperson shall be held in odd-numbered calendar years.

8.2.3 Biennial elections for the Table Office positions of Vice-President Negotiations, Secretary-Treasurer, and Member-at-Large shall be held in even-numbered calendar years.

8.2.4 The announcement of the Table Officers election results shall occur at the end of the AGM.

8.2.5 The voting period for Table Officer elections set out in Articles 8.2.2 and 8.2.3 shall be determined by the Elections Committee.

8.2.6 The Table Officer elections voting period must run for a period of three (3) to five (5) consecutive days as determined by the Elections Committee and shall conclude on the day before the AGM.

8.2.7 By-elections of replacement Table Officers shall be held in accordance with Article 8.5.

8.2.8 A person shall not serve more than three (3) consecutive full terms as a Table Officer in the same position. A person who serves as a Table Officer in a replacement or interim capacity for less than a full term still may serve for another three (3) consecutive full terms as a Table Officer.

### 8.3 Table Officer Nominations

8.3.1 At least fifty-six (56) calendar days before the AGM, the Executive Council shall notify the Chair of the Elections Committee of:

- The Table Officer positions that shall be contested in the election, and
- The time release recommended by the DCFA Time Release Committee for each of the Table Officer positions as specified in Article 12.



- 8.3.2 At least forty-two (42) calendar days before the AGM, the Elections Committee shall open the nomination process. Nominations for Table Officer positions shall be accepted by the Elections Committee up until twenty-eight (28) calendar days before the AGM.
- 8.3.3 Nominations for Table Officer positions must be in writing and set out the following information:
- The name and department of the Regular faculty member being nominated,
  - The position for which the Regular faculty member is being nominated,
  - The consent of the Regular faculty member being nominated, and
  - The names and departments of the two (2) DCFA members who support the nomination
- 8.3.4 At least twenty-one (21) calendar days before the AGM, the Elections Committee shall instruct the DCFA Administrative Officer to:
- Post on the DCFA website a notice setting out
    - the names, departments, and candidate statements of the nominated candidates, and
    - the names and departments of the nominators for each Table Officer position, and
  - Send a faculty wide e-mail informing all members of
    - the names, departments, and candidate statements of the nominated candidates, and
    - the names and departments of the nominators for each Table Officer position.
- 8.3.5 Candidates shall not begin their advertising campaigns for the Table Officer elections until after the names of the nominated candidates have been posted on the DCFA website.
- 8.3.6 At least seven (7) days before the AGM, the Elections Committee shall hold a Candidate Forum for all contested Table Officer positions. The Candidate Forum shall be held during a scheduled meeting block and the exact date, time and format of the Candidate Forum shall be at the discretion of the Elections Committee after consultation with the candidates.

#### 8.4 Table Officer Elections – Voting Rules and Procedures

In this article, “simple majority” shall mean more than fifty percent (50%) of the total votes cast. The term “total votes cast” shall not include abstentions or spoiled ballots.

- 8.4.1 Every member of the Association in good standing is eligible to vote in a Table Officer election.

- 8.4.2 Table Officer elections shall be conducted by secret ballot.
- 8.4.3 The vote for Table Officer elections shall be held by online voting. In extenuating circumstances, the Elections Committee may conduct in-person voting at the AGM if both the Elections Committee and the Executive Council mutually agree to do so.
- 8.4.4 Proxy voting is prohibited.
- 8.4.5 The software used for online voting shall be reviewed every five (5) years, or as needed. The Elections Committee is responsible for determining the operational and security requirements for the online voting software. The Executive Council is responsible for selecting and purchasing (or subscribing to) software that meets the requirements of the Elections Committee.
- 8.4.6 Each candidate may select one (1) scrutineer to oversee the opening and closing of the online voting, the counting of the online votes, and/or the counting of the in-person balloted votes at the AGM. Scrutineers will not share election results until after the official announcement is made. The Elections Committee may take necessary actions including removal against any scrutineer who, in the opinion of the Elections Committee, is disrupting the election procedures.
- 8.4.7 If only one (1) candidate is nominated for a Table Officer position, then a ratification vote shall be required to approve or reject the candidate. The unopposed candidate shall be acclaimed to the position by receiving a simple majority of approval votes. If the unopposed candidate does not receive a simple majority of approval votes, then the Elections Committee shall conduct a By-election for that position. The candidate who did not receive a simple majority of approval votes in the ratification vote is allowed to be a candidate in the By-election.
- 8.4.8 If two (2) candidates are nominated for a Table Officer position, then the candidate that receives a simple majority of the total votes cast will be declared the winner. In the event of a tie vote there will be a runoff election between the two tied candidates (see 8.4.10). Notwithstanding 8.2.4 the election results of the tied vote shall be announced in advance of the AGM.
- 8.4.9 If three (3) or more candidates are nominated for a Table Officer position, then ranked ballots will be used and the winner will be determined through an instant runoff procedure as follows:
- Voters will rank each of the candidates on their submitted ballots as their 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> choice and so on.

- The ballots are counted and the number of first (1<sup>st</sup>) choice votes for each candidate is recorded (the number of votes for each candidate is in the candidate's "vote total").
- a candidate who receives a simple majority of the first (1st) choice votes shall be declared the winner.
- if no candidate receives a simple majority of the first (1st) choice votes then the following procedure applies:
  - the candidate with the lowest number of first (1st) choice votes is eliminated. If multiple candidates are tied with the lowest number of first (1st) choice votes, then all of them are eliminated.
  - each ballot in which an eliminated candidate is the first (1st) choice vote shall be counted and the second (2nd) choice votes shall be added to the vote total of the remaining candidates.
  - if a candidate receives a simple majority of total votes cast at this stage, then the candidate will be declared the winner.
  - if there is still no declared winner then the candidate(s) with the lowest vote total is eliminated.
  - the votes on the ballots cast for the most recently eliminated candidate(s) are then re-tabulated and the votes reassigned so that the vote from the ballot is added to the vote total of the remaining candidate who is ranked highest on the ballot.
  - this process shall be repeated until a candidate obtains a simple majority of the total votes cast.
  - if at any point during the procedure described above, a candidate receives a simple majority of the total votes cast then that candidate shall be declared the winner.
  - if at any point during the procedure described above, all remaining candidates have the same vote total, then the election is declared a tie. A runoff election between the remaining candidates shall occur (see 8.4.10). Notwithstanding 8.2.4 the election results of the tied vote shall be announced in advance of the AGM.

8.4.10 A runoff election shall begin within three days of the announcement of the results. Runoff elections will be conducted online and last for three to five days. If the runoff election results in a tie another run off election will be conducted following the same procedures.

## 8.5 Table Officer By-elections

- 8.5.1 The Elections Committee shall conduct a By-election to fill a vacancy created by the resignation, removal or incapacity of a Table Officer.
- 8.5.2 The Elections Committee shall conduct a By-election if an unopposed candidate is not acclaimed to the position pursuant to the requirements of Article 8.4.7.
- 8.5.3 A By-election shall be conducted by online voting and in accordance with the same nomination procedures and voting rules set out in Articles 8.2 and 8.3.
- 8.5.4 The By-election timelines may be compressed to allow a Replacement Table Officer to assume the position at an earlier date provided there is mutual agreement to do so by both the Elections Committee and the Executive Council. If the By-election timelines are compressed, then the Executive Council must clearly communicate this By-election change to the general membership at the same time as the call for nominations.
- 8.5.5 In extenuating circumstances, the Elections Committee may conduct in-person voting at a General Meeting provided there is mutual agreement to do so by both the Elections Committee and the Executive Council.
- 8.5.6 The Elections Committee may conduct a Table Officer By-election in conjunction with a regular Table Officer election provided there is mutual agreement to do so by both the Elections Committee and the Executive Council.
- 8.5.7 Resignation, Removal or Incapacity of Table Officer**  
If a Table Officer position becomes permanently vacant for any reason including resignation, removal from office pursuant to Bylaw Article 10.1(f), or an incapacity to exercise the duties of the office, then Executive Council shall direct the Elections Committee to conduct a By-election for a Replacement Table Officer.
- 8.5.8 Date of Table Officer By-election**  
The voting period for the By-election of a Replacement Table Officer shall begin on the first Monday that follows the fifty-sixth (56th) day after the Elections Committee is notified by the Executive Council of the vacancy. If the Monday is a statutory holiday, then the voting period shall begin on the first Tuesday that follows the fifty-sixth (56th) day after the Elections Committee is notified by the Executive Council of the vacancy.
- 8.5.9 Appointment of Interim President**  
During the period between the date of vacancy of the President and the date that the Replacement President is elected, the Executive Council shall appoint the Vice- President Negotiations as the Interim President and if the Vice-President Negotiations is unable or unwilling to serve as Interim President then the Executive Council shall appoint the Vice-President Stewardship to serve as Interim President.

**8.5.10 Appointment of Interim Table Officer (other than President)**

If a Table Officer position (other than President) becomes vacant for any reason including resignation, removal from office pursuant to Bylaw Article 10.1(f), or an incapacity to exercise the duties of the office, then the Executive Council shall appoint and pay a Regular faculty member to serve as Interim Table Officer.

**8.5.11 Term of Replacement President and Replacement Table Officer**

A Replacement Table Officer elected in a By-election shall commence serving in the Replacement Table Officer position at the beginning of the semester following the Replacement Table Officer election (or earlier if possible) subject to obtaining the necessary release from regular teaching duties.

8.5.12 A Replacement Table Officer elected in a By-election will hold office until the term expires for that Table Officer position as set out in Articles 8.2.2 and 8.2.3.

8.5.13 A Regular faculty member appointed as Interim Table Officer shall be eligible to stand as a candidate in the election of a Replacement Table Officer.

8.5.14 A Replacement Table Officer or Interim Table Officer is eligible to serve three (3) consecutive full terms after the conclusion of the partial term(s) as Interim Table Officer or Replacement Table Officer.

**8.6 Temporary Absence – President**

8.6.1 If the President is temporarily absent for a period of more than seven (7) days, the Executive Council shall appoint the Vice-President Negotiations as the Interim President and if the Vice-President Negotiations is unable or unwilling to serve as Interim President then the Executive Council shall appoint the Vice-President Stewardship to serve as Interim President.

8.6.2 In order to support the Interim President, the Executive Council may appoint and pay a voting member of the Association to serve as an Interim Table Officer. In such a situation, the Interim Table Officer shall operate under the direction of the Interim President and the remaining Vice-President until the date the President resumes office.

**8.7 Voting procedure for the election of Table Officers**

8.7.1 Scrutineers shall be selected by the Elections Committee.

8.8 In the event of a Table Officer being acclaimed to a position, the membership shall be asked to ratify the candidate through a majority vote of those present at the Annual General Meeting in a manner decided by the meeting, or by an online vote in advance of the Annual General Meeting.

- 8.9 Constituency Representative elections, for Executive Council, Area Steward/Contract Committee, and other committees as may from time to time be established, shall take place in one of the following ways: at a duly called meeting of the constituents; through email balloting in an election called and supervised by the Ombudsperson; through a balloting procedures approved by the Executive Council. Election shall require a plurality of the votes cast.
- 8.10 A Constituency Representative may be removed by a general resolution passed at a duly called meeting of that constituency.

## **ARTICLE 9 - REPLACEMENT**

- 9.1 Other vacancies on the Executive Council shall be filled within one (1) month by election from within the appropriate constituency group.

## **ARTICLE 10 - SPECIAL RESOLUTIONS**

- 10.1 Special Resolutions are required in the following cases:
- (a) Special assessments
  - (b) Authorization to borrow funds
  - (c) Alteration or addition to the Constitution and By-Laws
  - (d) Alteration to the number or distribution of seats on the Executive Council
  - (e) Expulsion of a member
  - (f) Removal of an Officer
  - (g) Such other matters as the Association may from time to time require.
- 10.2 A Special Resolution under By-Law 10.1 shall require a two-thirds (2/3<sup>rds</sup> or 66%) majority of voting members to pass. This vote shall take place at any General Meeting, providing that notice specifying the intention to establish the motion as a Special Resolution has been duly given, according to By-Law 10.3.
- 10.3 Each member of the Association shall be given at least fourteen (14) calendar days' notice of the General Meeting and of the Special Resolution.

## **ARTICLE 11 - FINANCIAL OPERATIONS**

- 11.1 No Executive Council member shall receive a salary or other remuneration from the Association beyond payment for expenses.
- 11.2 **Signing Officers** – The Secretary-Treasurer, together with the President, Vice-President Negotiations, and Vice-President Stewardship, is empowered to operate a bank account and to draw, make, accept, endorse, discount, execute and issue

promissory notes, bills of exchange, and other negotiable or transferable instruments. If any of the above officers declines to serve as a signing officer, Executive Council will appoint another of its members as a signing officer. For the purpose of this section, the signatures of any two of the four named above shall be required.

- 11.3 The Executive Council may invest funds of the Association in fixed income instruments issued by the Government of Canada or Canadian provinces with a credit rating of Double AA or higher as determined by the Dominion Bond Rating Service, provided that the amount does not exceed coverage offered by the Canadian Investor Protection Fund (CIPF). In addition, the Executive Council may invest in Guaranteed Investment Certificates issued by Canadian Chartered Banks up to the dollar limit insured by the Canadian Deposit Insurance Corporation (CDIC); and by British Columbian Credit Unions up to the limit insured by the Credit Union Deposit Insurance Corporation of British Columbia (CUDIC).
- 11.4 An Auditor shall be appointed by the Association at the Annual General Meeting, to examine the books of the Association and the Secretary-Treasurer's Financial Statement. The Secretary-Treasurer at the Annual General Meeting shall present the Secretary-Treasurer's Financial Statement. The Auditor's Report, prepared in accordance with the generally accepted auditing practice, shall be presented to the first Fall General Meeting.
- 11.5 If the office of the Auditor becomes vacant, a new Auditor shall be appointed by the General Membership.
- 11.6 The Association may, by resolution, adopt a Common Seal which shall remain in the custody of the Secretary-Treasurer and shall be used solely in documents concerned with agreements approved under By-Law 10.1 (a) and (b).

## **ARTICLE 12 - COMMITTEES**

The four (4) categories of Association Committees are as follows:

- (a) Operational Standing Committees
- (b) Select Standing Committees
- (c) Joint-Labour Management Committees
- (d) Ad Hoc Committees

This Article also governs Association representatives who serve on FPSE Standing Committees.

### 12.1 Operational Standing Committees

**Purpose:** Operational Standing Committees of the Association facilitate the ongoing business functions and decision-making activities of the Association.

The Operational Standing Committees of the Association shall be the following:

- (a) Executive Council (*see Article 4*)
- (b) Table Officers Committee (*see Article 5*)
- (c) Contract Committee (*see Article 7*)
- (d) Operations and Finance Committee
- (e) Elections Committee
- (f) Time Release

#### 12.1.1 Operations and Finance Committee (OFC)

**Purpose:** The role of the OFC is to review the Association's fiscal operations and office management policies and report to Executive Council.

**Membership:** the OFC shall consist of the Secretary-Treasurer and three (3) Association Members. Quorum shall consist of three (3) OFC members. There will be a call out for interested members at each AGM.

**Meetings:** The OFC shall meet at least four (4) times every calendar year.

**Reporting:** The Secretary-Treasurer shall call and chair OFC meetings. Minutes of all OFC meetings shall be reported to Executive Council and the Table Officer's Committee.

#### 12.1.2 The Elections Committee

**Purpose:** The role of the Elections Committee is to offer oversight of DCFA elections, consistent with DCFA bylaws. Specifically, the Elections Committee shall conduct and oversee all aspects of Table Officer elections in accordance with the election rules and procedures set out in Article 8, the Elections Committee TOR, and in consultation with Executive Council. (See TOR for full details).

**Membership:** Committee members are selected by the membership at either a General Meeting, or an AGM, and can include a regular member from each faculty and one contract member. The minimum number of committee members is two and the maximum is seven. Table Officers and Table Officer nominees shall not be members of the Elections Committee

**Meetings:** The Committee will meet prior to the opening of candidate nominations for any Table Officer position; at the call of the Chair; at the request of Executive Council; upon receipt of an appeal or complaint; and prior to each AGM.

**Reporting:** The Chair of the Elections Committee will report to Executive Council meetings, as required, and to Association members at the AGM.



### 12.1.3 Time Release Committee

**Purpose:** The purpose of the Time Release Committee is to review the workload associated with the Table Officers, to assess the time release requirements for each position, and to make recommendations to the Executive Council and Association Members. The Time Release Committee shall review past time release reports, examine job descriptions, interview Table Officers, and consider other information that it regards as necessary to make time release recommendations.

**Membership:** Executive Council shall select two (2) members of Executive Council to the Time Release Committee every year.

**Reporting:** The Time Release Committee shall submit their time release report to Executive Council every year so that it may be considered at the Executive Council's January meeting. Executive Council shall present the time release report for discussion and approval by Association Members at a General Meeting held no later than the last day of February of each year.

## 12.2 Select Standing Committees

**Purpose:** The Select Standing Committees of the Association promote special interests and activities within the Association.

The Select Standing Committees of the Association shall be the following:

- (a) Climate Emergency Action Committee (CEAC)
- (b) Status of Women Committee (SWC)
- (c) Anti-Racism Action Committee (ARAC)
- (d) Human Rights and International Solidarity Committee (HRISC)

**Membership:** Each Select Standing Committee shall set out its own Terms of Reference to establish the committee structure, its guiding principles, the rules, and requirements for committee membership, as well as the process to select a Chair and Secretary-Treasurer for the committee. The Terms of Reference of every Select Standing Committee shall require approval by Executive Council and the Association Members.

**Reporting:** Each Select Standing Committee shall report to Executive Council and submit a yearly written report of activities to the AGM. If Committee membership falls below five active members, the committee may be dissolved by Executive Council.

## 12.3 Joint Labour-Management Committees

From time to time the Employer and the Association work together on committees.

Currently the Joint Labour-Management Committees are:

- (a) Labour Management Relations Committee (LMRC)
- (b) Joint Occupational Health and Safety Committee (JOHSC)
- (c) Joint Rehabilitation Management Committee (JRC)

#### 12.3.1 Labour Management Relations Committee (LMRC)

The LMRC is comprised of an equal number of members from the Employer and the Association as specified in the Collective Agreement.

The Association representatives on LMRC are generally the President, the Vice-President Stewardship, and the Vice-President Negotiations. Other Table Officers of the Association may attend, as necessary.

#### 12.3.2 Joint Occupational Health and Safety Committee (JOHSC)

**Purpose:** The JOHSC, formed pursuant to the requirements of the *Workers Compensation Act* is a college-wide committee that addresses health and safety concerns in the workplace. Association representatives are included as members of the JOHSC to ensure that the views and concerns of Douglas College faculty members are represented. (See TOR for full details).

**Membership:** There are two (2) Association representatives on the JOHSC at each worksite in accordance with the requirements of the *Workers Compensation Act*. Alternate members are also permitted. Association representatives of JOHSC shall serve for two (2) year terms, with a limit of three (3) consecutive two (2) year terms. There is no limit on an Association representative serving non-consecutive terms. Association representatives at each JOHSC worksite shall be selected by the Association Members via a call for expression of interest at each worksite. If there are more than two (2) expressions of interest, then an election shall be held.

**Reporting:** The Committee shall report to the Executive Council and submit a yearly written report of activities to the AGM.

#### 12.3.3 Joint Rehabilitation Committee (JRC)

**Purpose:** The JRC assists faculty members with navigating through the sick leave, short-term leave, long-term leave, and-return to work processes. (See TOR for full details)

**Membership:** The JRC has an equal number of members from the Employer and from the Association pursuant to the FPSE/PSEC Faculty Common Disability Plan. The Association has two (2) JRC representatives and two (2) alternates who shall serve staggered terms so the one JRC representative and one alternate shall be selected by Executive Council each year for a two (2) year term.

There shall be one (1) section of time release for each JRC representative every year. There is no time release for alternates.

The Association's JRC representatives and alternate JRC representatives shall be selected and appointed by Executive Council via a call for expression of interest to Association Members. Preference will be given to candidates who have relevant experience.

**Reporting:** The Committee shall report to Executive Council and submit a yearly written report of activities to the AGM.

#### 12.4 Ad Hoc Committees

**Purpose:** Ad Hoc Committees of the Association are temporary committees that are set up to provide a mechanism and platform for the discussion and study of specific focus topics or special interest topics to better educate and inform the Association and Association Members on issues.

**Reporting:** Ad Hoc Committees may be established by Executive Council to investigate topics of interest and will report to Executive Council. Such committees may include, for example, organization reviews or special one-time projects.

#### 12.5 DCFA Representatives on FPSE Committees

**Purpose:** FPSE Committees provide a network for member faculty associations to share information and liase with other Post-Secondary Institutions.

**Membership:** A call for expressions of interest for Association representatives to FPSE Committees will be made by the Association President near the end of the Winter semester. If more than one member expresses interest in the position, Executive Council will review their submissions and select a representative. Association representatives to FPSE Committees shall serve a two (2) year term and shall not serve more than two (2) consecutive terms.

**Meetings:** Association representatives to FPSE Committees will attend the two (2) formal meetings per year.

**Reporting:** Association representatives to FPSE Standing Committees will report to the Association President and to the Association Members at the AGM.