



# **CUPE**4163

## CONSTITUTION

**Canadian Union of Public Employees  
Local 4163 (UVic Educational Employees' Union)**

### **Preamble**

#### **Section 1: Name**

The name of this Local shall be the Canadian Union of Public Employees Local 4163 (UVic Educational Employees' Union).

#### **Section 2: Objects**

The purpose of this Local is to represent and act on behalf of the Educational Employees at the University of Victoria in any matters of collective concern. Without diminishing the generality of the foregoing, the Local has the following principal objectives:

To develop and maintain excellent working conditions, security of employment and fair and equitable compensation for work performed.

To promote a high standard of educational services provided by Educational Employees.

To develop and maintain a well-organized membership to support the objectives of the Local.

#### **Section 3: Office**

The operation of the Local shall be carried out chiefly at the University of Victoria.

## **BYLAWS**

### **Canadian Union of Public Employees Local 4163 (UVic Educational Employees Union)**

#### **Bylaw 1: Interpretation and Definitions**

##### **1. CUPE National Constitution**

These bylaws are supplementary to Appendix B of the CUPE National Constitution. In cases of conflict, the CUPE National Constitution shall take precedence except as approved in writing by the National President.

##### **2. Terms and Language**

In these bylaws:

- i. "Board" shall mean the Executive Board of the Local.
- ii. "Local" shall mean CUPE Local 4163.
- iii. "Educational Employee" shall mean non-Faculty Instructors and Assistants, excluding Senior Instructors and Continuing Instructors, employed at the University.
- iv. "University" shall mean the University of Victoria.
- v. "Department" shall mean any academic unit of the University that employs a member.

#### **Bylaw 2: Members of the Local**

##### **1. Members.**

In addition to their membership in the Local, each member will be recognized as a member of one of the component units.

The component units consist of Component I (comprised of Teaching Assistants, Computer Lab assistants, non-Faculty Lab Instructors and Academic Assistants); Component II (comprised of Language Instructors, and Cultural Assistants in Continuing Studies, as well as Residence Community Leaders and Program Resource Centre Advisors); and Component III (comprised of Sessional Lecturers and Music Performance Instructors not included in other Unions such as the PEA).

##### **2. Membership Status.**

- a) Only a person who has applied for membership to CUPE Local 4163 by filling out and signing an application and paying the initiation fee may be considered for membership.
- b) The names of applicants are read out at the first regular membership meeting after the application for membership has been submitted. Unless there is an objection supported by a majority of members present, the applicants are accepted. If an applicant is rejected, any fee will be returned to the applicant.
- c) A member retains membership for a period of twelve (12) months following the end of an employment contract, except in the case of resignation, termination, or retirement, in which cases membership.

*ceases at the end of employment.*

- d) An employee on leave of absence will retain member status while on leave.

### **3. Application**

All persons employed as Educational Employees shall be deemed to be members in good standing of the Local unless they opt out of membership by written notice to the Local.

Applications concerning membership may be directed to any officer or agent designated by the Local. Applications may alternately be made at membership meetings subject to the rules of agenda.

The acceptance of all applications concerning membership shall be decided at membership meetings.

## **Bylaw 3: Membership Meetings**

### **1) Component Membership Meetings**

- a) Meetings of each Component shall be held as deemed necessary by the Board.
- b) Petitions for Component Membership Meetings may be received by any member of the Board who shall bring the request to the next Board Meeting. Petitions must be signed by at least the same number of members in good standing as would constitute a quorum at a membership meeting of the component. The petition must also include the requirement that it define the purpose(s) for the call.
- c) The Board shall be required to hold a Component Membership Meeting as soon as possible after receiving a petition that conforms with Bylaw 3.1(b).

### **2) Membership Meetings**

- a) Membership meetings of the Local may be called at any time at the discretion of the Executive Board, or by a petition of members in good standing, or by the membership at any Component meeting.
- b) Petitions must be signed by at least twenty-five members in good standing (This would constitute a quorum at a membership meeting). The petition must also include the requirement that it define the purpose(s) for the call.
- c) The Executive Board shall be required to hold a Membership Meeting as soon as possible after receiving a petition that conforms with Bylaw 3.2(b).
- d) Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven (7) days in advance of the meeting.

### **3) Annual General Meeting**

- a) The Annual General Meeting shall be held in March. This meeting shall have as its main purpose presentation of the Financial Report and approval of the proposed budget. The meeting shall be chaired by the President of the Local.
- b) At the Annual General Meeting the President shall present a written report of the past year's activities, the Treasurer shall present a written Financial Report for the past year and a budget for the next year and other committee chairs shall make oral reports as required by the Board.
- c) All Board members shall be given a copy of the proposed budget at least one (1) week prior to the Annual General Membership Meeting.

#### **4) Semi-Annual General Meeting**

- a) The Semi-Annual General Meeting shall be held in late October or early November. This meeting shall have as its main purpose presentation of the Financial Report and approval of the proposed budget. The meeting shall be chaired by the President of the Local.
- b) At the Semi-Annual General Meeting the President shall present a written report of the activities since the Annual General Meeting, the Treasurer shall present a Financial Report for the past year and a budget for the next year and other committee chairs shall make oral reports as required by the Executive Board.

#### **5) Notice**

Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven (7) days in advance of the meeting.

#### **6) Voting**

Only members in good standing are eligible to vote.

#### **7) Quorum**

- a) The quorum for membership meetings shall be as follows:
  - i) The quorum for membership meetings of Component I shall be twenty (20) members in good standing, including two (2) executive officers.
  - ii) The quorum for membership meetings of Component II shall be ten (10) members in good standing, including two (2) executive officers.
  - iii) The quorum for membership meetings of Component III shall be twenty (20) members in good standing, including two (2) executive officers.
  - iv) The quorum for membership meetings of the Local shall be twenty-five (25) members in good standing, including six (6) executive officers.
- b) An inquorate meeting shall be allowed to proceed but as a discussion/information meeting only. The Executive Board of the Local shall be empowered to act on any decisions that cannot wait until the next quorate meeting with the stipulation that they report back to the

membership for ratification of any decision.

## **8) Motions**

- a) In order to pass, a motion made at a membership meeting must have the approval of a majority of the members present.
- b) Decisions affecting only one component may be made at a meeting of the members of that component.
- c) Decisions affecting the Local as a whole must be made either at a Membership Meeting or be passed by all components at individual Component Membership Meetings within a period of one (1) week.

## **Bylaw 4: Officers**

The officers of the Local shall include the Local President, Local Treasurer, Local Recording Officer, Local Equity Vice-President, Local Communication Representative, three Vice-Presidents, three Members at Large, and six elected Trustees, all of whom will be elected at the Annual General Meeting. If any of the component Vice-President, Member at Large, or Trustees positions remain vacant, they may be elected at a quorate component meeting.

## **Bylaw 5: Executive Boards.**

### **1) Members.**

The Executive Board shall include the President, the Treasurer, the Local Recording Officer, Local Equity Vice-President, Local Communications Representative, and from each component, a Vice-President and Member-at-Large.

### **2) Meetings.**

- a) The Executive Board shall normally meet at least once each month.
- b) Executive Board meetings shall be open to all members of the Local, but only Board members shall have the right to vote.
- c) An Executive Board meeting may be called by any member of the executive. A majority of the Executive Board members shall constitute quorum. Every effort will be made to settle matters by consensus. As a last resort, the President or designated chair may decide to put the matter to a vote, in which case a majority of votes shall be decisive. In the case of a tie, the resolution shall be defeated.
- d) When the President and two vice-presidents agree that an issue is of such an important and time sensitive nature that it requires a decision outside of an Executive meeting, then:
  - i) the President of the local or designate will put such a motion forward by e-mail to the Executive.

- ii) the motion must be passed by a 2/3 majority of the voting executives.

### **3) Responsibilities.**

- a) The Board shall do the work delegated to it by the Union Membership.
- b) Should any Executive Board member fail to answer the roll call for three consecutive regular meetings or three consecutive regular Executive Board meetings without having submitted good reasons, their office shall be declared vacant and shall be filled by an election at the following membership meeting.

### **Bylaw 6: Duties of the Officers**

- 1)
  - a. All signing Officers of Local 4163 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.
  - b. All officers must give all properties, assets, funds and all records of the Local 4163 to their successors at the end of their term of office.
  - c. The executive term shall run from April 15 to April 14.
  - d. The Treasurer and Equity Vice-President shall serve two-year terms; all other executive members shall serve one-year terms.

### **2) The President shall:**

- a. Enforce the CUPE National Constitution, these Local Union bylaws and the Equality Statement.
- b. Interpret these bylaws as required.
- c. Preside at all membership and Executive Board, General, and Personnel Committee meetings and preserve order.
- d. Decide all points of order and procedure (subject always to appeal to the membership).
- e. Have the same right to vote as other members. In the case of a tie vote, the President may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated.
- f. Ensure that all Officers perform their assigned duties.
- g. Supervise the staff employed by the Local.
- h. Fill committee vacancies where elections are not provided for.
- i. Introduce new members and conduct them through the initiation ceremony.

- j. Sign, with the Treasurer, all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership.
- k. Be allowed necessary and reasonable funds to reimburse the President or any Officers for expenses incurred on behalf of the local Union. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached.
- l. Have first preference as a delegate to the CUPE National and CUPE British Columbia Conventions.
- m. Will be the official spokesperson for the Local.
- n. Sit on the Finance Committee.
- o. Attend all University of Victoria CUPE All-Locals meetings.
- p. Be the Local's delegate to the CUPE B.C. Universities Committee and the Universities Coordinated Bargaining Committee
- q. The President will be a paid position. Compensation will be in one of three forms:
  - i) A part-time paid release from their employment, to be negotiated with the Employer. The amount of the release shall be determined by the Executive according to budgetary capacity, union office workload, and the availability of cost-sharing with the Employer.
  - ii) Wages equivalent to the Local's costs for a part-time paid release for a Component 2 instructor at Step 4 of the salary schedule. Such wages shall be no less than 36 hours per month at Step 4 of the Component 2 Instructor rate.
  - iii) A combination of part-time paid release and wages. The cost of such a combination will not exceed the cost a part-time paid release as outlined in (i) above.
- r. Be entitled to attend, at the Local's expense, the annual two day Lancaster House conferences in Vancouver (or an equivalent event such as the British Columbia Labour Law Review).

### **3) The Treasurer shall:**

- a. Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.
- b. On behalf of the Local be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.

- c. Be responsible for maintaining current and proper accounts of all the Local's members.
- d. Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including \$1.00 of each initiation fee on all members admitted, no later than the last day of the following month.
- e. Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
- f. Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- g. Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- h. Respond in writing within a reasonable time to recommendations and concerns raised by the Trustees.
- i. Regularly make a full financial report at the Executive monthly meeting and at each General Membership meeting, detailing all income and expenditures for the period, and prepare a written budget to be submitted for approval at the Annual General Meeting.
- j. Ensure that the necessary tax forms are completed by February 28<sup>th</sup> each year with the necessary copies sent out to all Local employees and to Revenue Canada.
- k. Carry out all of the above duties with the assistance of the Member Advocate and any other staff who may be hired by the Local for these purposes, and be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.
- l. Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated.
- m. Sign, with the President, or a Vice-President, all cheques and ensure that the Local Union's funds are used only as authorized or directed by the National Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- n. The Treasurer will be a paid position. Wages will be based on 22 hours a month at the Component Two Regular Teacher pay scale, starting at Step 1 and moving up one step for each year of cumulative service normally every January 1. The September general wage increase for the Component 2 Regular Teacher pay scale will also be applied the following January 1.



- o. If they do not qualify for a bond, be immediately removed from office and a replacement will be elected.

**4) The Vice- Presidents shall:**

- a. Be elected from each of the Components
- b. Chair their respective Component Membership Meetings.
- c. Alternating with the other Vice-Presidents, chair any General Meetings and Board Meetings from which the President is absent.
- d. If the President is absent or incapacitated, perform all duties of the President in cooperation with the other Vice-Presidents.
- e. Sit on the Personnel Committee.
- f. One Vice-President shall chair the Donations Committee; the Chair will be voted on at an Executive meeting. If no other members volunteer for the Donations Committee, all three Vice-Presidents shall sit on it.
- g. Have signing authority, and sign, with the President, all cheques (in keeping with the appended policies and procedures), if the Treasurer is absent or incapacitated.
- h. If the office of the President falls vacant, be Acting President until a new President is elected. This vacancy shall be filled until an election can be held on a rotational basis as follows:

January to April	Component 1 Vice-President
May to August	Component 2 Vice-President
September to December	Component 3 Vice-President
- i. Render assistance to any member of the Executive as directed by the Executive Board.
- j. For Component 1, act as liaison to the University of British Columbia and Simon Fraser University Teaching Assistant Locals.

**5) The Equity Vice-President shall:**

- a. Be a CUPE 4163 member who self-identifies as being from the following marginalized or equity seeking groups: Indigenous People, LGBTQ2s, Persons with Disabilities, and Racialized workers.
- b. Chair the Equity Action Committee.
- c. Work with the Equity Action Committee to identify equity issues and issues of discrimination in our workplace, our union and beyond.
- d. Work with the Local Executive to confront oppressive policies, practices and behaviours within the Local and the University

- e. Make a written report of the Equity Action Committee's work at the Annual General Membership (AGM) meeting.
- f. Sit on the Personnel Committee.
- g. Participate in other Local committees as appropriate.
- h. Liaise with other campus organizations as appropriate.
- i. Be the Local's default representative on any University equity-related committees, except in the event where the University committee will be specifically handling issues relating to an equity seeking group of which the Equity Vice-President is not a member. In such cases, the Equity Vice-President will seek out a member of that equity seeking group to be the representative, with preference given to members of the 4163 Equity Committee.

**6) The Recording Officer shall:**

- a. Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (Membership meetings) presented by the Treasurer. The record will also include Trustee reports.
- b. Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- c. Ensure that all amendments and/or additions in the bylaws are recorded and forwarded to the National President for approval.
- d. Keep a record of all correspondence received and sent out, or delegate this responsibility, according to current policy.
- e. Ensure that the Policy and Procedures Manual is kept accurate and current.
- f. Have all records ready on reasonable notice for the Trustees or auditors.
- g. Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local Union's funds.

**7) The Communication Representatives shall:**

- a. Work with the Vice-Presidents to devise and implement communications strategies for each component
- b. Maintain the Local's website and any social media accounts.
- c. Chair the Communications Committee.
- d. Ensure that there are union bulletin boards in all departments and ensure that all information on the bulletin boards is current.
- e. Perform such duties and carry out such functions as the Executive Board may direct.

**8) The Members At Large shall:**

- a. Be elected from each of the Components.

- b. Sit on the Finance and Donations Committee.
- c. Backfill for the Component Vice-President and Chair any of their Component's Membership Meetings from which the Vice-President representing that component is absent.

**9) The Trustees shall:**

- d. Act as an auditing committee on behalf of the members and audit the books and accounts of the Treasurer, the Recording Officer, and the Committees at least once every calendar year.
- e. Make a written report of their findings to the first membership meeting following the completion of each audit, and submit in writing to the President and Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Treasurer in an organized, correct, and proper manner.
- f. Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- g. Ensure that proper financial reports have been given to the membership.
- h. Audit the record of attendance.
- i. Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local Union, and report their findings to the membership.
- j. Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
  - i. Completed Trustee Audit Program
  - ii. Completed Trustees' Report
  - iii. Treasurer Report to the Trustees
  - iv. Recommendations made to the President and Treasurer of the Local Union
  - v. Treasurer's response to recommendations
  - vi. Concerns that have not been addressed by the Local Union Executive Board.
- k. Act as ombudsperson on behalf of the members with respect to complaints against the Board or any members thereof.
- l. Provide a report of investigations to any complaining member within two weeks of the complaint.

**Bylaw 7: Committees, Representatives, and Delegates**

- a) The Union recognizes both Standing and Ad Hoc Committees. Refer to the Policy and Procedures manual for a description of existing committees and the procedure by which they are approved or dissolved.
- b) The Union recognizes Representatives and Delegates to other organizations. Members, officers, and staff serving as representatives or delegates must have their position endorsed by the Executive or by the membership as a whole. Representatives and delegates must apply to the Executive in writing, must attend an initial Executive Meeting or general membership meeting to inform themselves of the wishes of the Local, and must report back to the Executive after each meeting attended on behalf of the Local.
- c) Representatives to University committees will make the committee aware that the representative speaks as an individual on behalf of the Union without the power to negotiate terms and/or conditions that vary from the collective agreement.
- d) *Convention delegate selection*
  - i) Delegates to CUPE BC and CUPE National conventions will be selected in the following order:
    - 1) President
    - 2) Members of CUPE BC (for CUPE BC conventions) or CUPE National committees (for CUPE National conventions)
    - 3) Executive members
    - 4) Other Local activists such as stewards and union committee representatives. Members from equity-seeking groups will have first priority in this category if the delegates selected from the first three categories do not include a member of an equity-seeking group.
  - ii) When selecting Executive member delegates, if possible, there will be equal representation from the different components.

**d) Convention delegate selection**

- i) Delegates to CUPE BC and CUPE National conventions will be selected in the following order:**
  - 1) President**
  - 2) Members of CUPE BC (for CUPE BC conventions) or CUPE National committees (for CUPE National conventions)**
  - 3) Executive members**
  - 4) Other Local activists such as stewards and union committee representatives. Members from equity-seeking groups will have first priority in this category if the delegates selected from the first three categories do not include a member of an**

equity-seeking group.

- ii) When selecting Executive member delegates, if possible, there will be equal representation from the different components.

## **Bylaw 8: Departmental Stewards**

### **1. Departments**

Each administrative unit of the University that employs a member is herein defined as a Department.

### **2. Departmental Stewards**

- a) Each Department shall be entitled to at least one (1) steward per component, if the department includes members from more than one (1) component.
- b) The members of a department shall be responsible for meeting to elect their Departmental Stewards and each September and as vacancies arise.

### **3. Duties of Departmental Stewards**

Departmental Stewards shall:

- a) Attend all regular membership meetings.
- b) Act as a liaison between members of the Department and the Executive Board.
- c) Assist in grievance proceedings when required.

## **Bylaw 9: Authority of Committees, Union Representatives, Union Delegates, and Union Officers**

- a) Members of ad hoc and standing committees, union representatives, union delegates to other organizations, union officers and stewards will make decisions only within the scope of their mandate. Delegates of the Local must be empowered by the Executive or general membership before making decisions that affect the Local. Decisions affecting the membership as a whole must be decided by either the Executive or the general membership.
- b) In the event that a Union representative fails to follow the direction of the Executive or general membership, a motion of reprimand or letter will be sent to the representative and to the organization involved. In the event that a representative fails to follow the direction of the Executive or general membership for a second time, that delegate will be removed from his or her position.

## **Bylaw 10: Nomination Election and Installation of Officers**

## **1. Nominations**

- a) The Executive Board shall call for nominations for Local President, Local Treasurer, Local Recording Officer, Local Equity Vice-President, Local Communications Representative, all Component positions, and Trustees twenty-one (21) days prior to the Annual General Meeting and as soon as possible when a vacancy occurs. Nominations may be submitted in writing to the Union Office, and they may be accepted from the floor during the membership meeting.
- b) No nomination shall be accepted unless the member is in attendance at the meeting or has submitted to the Returning Officer her or his consent in writing.

## **2. Elections**

- a) The President will appoint an Elections Committee consisting of a Chief Returning Officer and assistants(s), subject to the approval of the members present at the Semi-Annual General meeting. The committee will include members of the Local who are neither Officers nor candidates for office.
- b) The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are available to the Returning Officer.
- c) Members who work in more than one component may vote for executive positions in the components to which they belong, and efforts will be made to accommodate this.
- d) Voting to fill one office shall be completed, and recounts dealt with, before balloting may begin to fill another office.
- e) A majority of votes cast shall be required before any candidate can be declared elected and second and subsequent ballots shall be taken to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, one last ballot will be held and if the tie remains the Chair may cast the deciding vote.
- f) When two (2) or more nominees are to be elected to an office by ballot, each member voting must vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
- g) Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported by a vote of at least the same number of members in good standing as would constitute a quorum at a component membership meeting or the majority of members present, whichever is less.

## **3. Installation**

- a) All officers shall be installed at the meeting at which they are elected.
- b) The term office will be for twelve (12) months, until the following March Annual General Meeting.

#### 4. **By-Elections**

Should any office fall vacant for any reason, a special membership meeting will be called where the by-election will be held. The by-election shall be conducted as closely as possible in conformity to this bylaw.

### **Bylaw 11: Finances**

#### 1) **Fees**

- a) The monthly dues shall be two percent (2%) of the member's gross salary as paid by the University for the member's employment in the bargaining unit.
- b) Special assessments may be levied as permitted by the CUPE National Constitution.

#### 2) **Voting of Funds**

- a) A budget authorizing continuing expenditures for a period of no greater than one (1) year shall be presented at the Annual General Meeting for approval by the membership.
- b) Authority for extra-budgetary expenditures must clearly derive from a membership meeting. Members may also authorize the Executive Board to approve expenditures.

#### 3) **Honouraria in Recognition of Outstanding Volunteer Service**

- a) The amount budgeted for honoraria will be set in the annual budget by the members.
- b) Honoraria amounts for outgoing executive members are:

2 or more years	\$50.00
4 or more years	\$75.00
6 or more years	\$100.00
8 or more years	\$125.00

- c) Honoraria for outgoing Trustees will be \$50.00

#### 4) **Donations**

Donations may only be made to causes that are compatible with Union principles or which benefit the Local or our members. These may include registered charitable organizations or "in memoriam" donations. Donations will not include sports organizations or private foundations (except as "in memoriam" donations).

##### a) **Annual Donations**

- i) The annual budget for donations shall be approved by members at the Annual General Meeting. The Executive shall decide on the disbursement of donations, under the following guidelines. No donation may exceed two hundred, fifty dollars (\$250.00), unless approved by the general membership.

- ii) Motions from the floor to request donations of up to five hundred dollars (\$500.00) may be taken at General Membership meetings. Members must be given twenty one (21) days notice of motions to request a donation in excess of five hundred dollars (\$500.00).

**b) CUPE 4163 Social Justice Fund**

- i) All members of CUPE 4163 employed in a CUPE 4163 job in September and in January automatically have an additional one dollar (\$1.00) deducted from one (1) paycheque in each of the Fall and Winter Semesters of that year to be used in a Social Justice fund for charitable aid.
- ii) The intent of this fund is to help organizations, charities, and causes that are compatible with union and social justice principals. Political parties and youth or campus wings of parties or organizations are not eligible. Social Justice Fund recipients must wait two years before regaining eligibility. Local staff will vet all nominations and flag any problematic nominees for the Executive, which will decide whether or not to disqualify them.
- iii) Half of the CUPE 4163 Social Justice Fund will be distributed by vote of the members in the Fall Semi-Annual General Meeting and half will be distributed by vote of the members at the Spring Annual General Meeting. The total amount deducted each semester will be split between two Social Justice nominees selected by the members at that semester's annual general meeting. If there is only a single recipient, they shall receive the entire amount.
- iv) Members wishing to make nominations for Social Justice Fund must submit a maximum one (1) page profile of the nominee. Nominees must have a member to serve as spokesperson at the general meeting; nominees with no spokesperson present will not be considered. Nomination speeches will be limited to two minutes. Members of the executive cannot serve as the spokesperson unless they have made the nomination.
- v) In the event there are only one or two nominees for which the nominators have shown up to promote, they shall be deemed to be the recipient(s) of the award, and no vote shall be taken.
- vi) In the event that there is either no nominee for the Fund or no nominee is selected to be a recipient, the Fund amount shall be carried over to the next General Meeting vote. The new total shall be divided between the recipients of that vote unless the members at that meeting decide to split the larger amount between three recipients.

**c) CUPE 4163 Reconciliation Fund**

- i) The annual interest from the largest of CUPE 4163's long-term savings accounts The funds will be used to create the CUPE 4163 Reconciliation Fund.



- ii) The intent of this fund is to help indigenous organizations, charities, artists/creators, and causes that are compatible with union and social justice principals.
- iii) The Reconciliation Fund will be awarded by a vote of the members of the Reconciliation Fund Committee in March of each year prior to the Annual General Meeting. If there is no Reconciliation Fund Committee, the award will be decided by the Equity Committee. In the event that the Committee feels that more than one nominee is particularly deserving, it may choose to divide the award among more than one recipient.
- iii) The Local will publicize the fund to both 4163 Members, and to the best of its ability, local Indigenous groups and other local groups/organizations/ doing work to further reconciliation prior to the Annual General Meeting. The deadline for nominations will be March 7<sup>th</sup> to allow adequate time for deliberation by the Committee.

## 5) Executive Honoraria

Each executive member shall receive a yearly honorarium of \$499. Executive members who serve six months or less of a term will receive a \$250 honorarium. In the case of the President being at least a half- time paid position, they shall not receive an honorarium. Payment will be made at the first Executive meeting following the Semi-Annual General Meeting.

## 6) Per Diems and Travel Expenses

The intent of these bylaws is to cover reasonable costs incurred by members and designates while on Union business attending courses, training seminars, conventions, conferences, district council meetings and other approved functions. Online events such as conferences and conventions are not eligible for per diems. Receipts are required for all expenses except personal vehicle km rate and per diems. Other details of delegate and member expenses can be found in the Local's Policies.

- a) *Per diems* are intended to be a reasonable allowance to cover meal expenses and will be paid at the CUPE National rate and will be adjusted if the CUPE National rate is increased. For example, the rate as of March 2019 is \$86.00 per full day (broken down as: Breakfast \$20.00, Lunch \$24.00, Dinner \$42.00)
- b) *Travel Costs:*
  - (i) The Local will cover travel costs (including personal phone calls) and per diems for members and designates travelling to approved functions, as outlined in the Local's Policies. The per kilometer rate will be current with the CUPE BC Km rate, with the maximum KM not to exceed the cost of airfare.
  - (ii) Parking costs are reimbursed when receipt provided and on CUPE 4163 business. Taxi, ride share, and airport shuttle costs between airport, hotel, and meeting places are reimbursed upon submission of receipts. Members should make every reasonable effort to carpool and travel together.
  - (iii) When staying out of town on Union business, members will stay in unionized hotels unless none are available or if the price difference between the lowest priced unionized hotel and a non-union hotel is judged by the finance committee to be more than 25% of the cost of

the union hotel.

### **Bylaw 12: CUPE 4163 Staff**

- a) Staff will administer the operations of the Local and assist the Executive Board members in carrying out their duties as determined by the Personnel Committee. The Executive Board is responsible for forming a Hiring Committee that will hire staff.
- b) The Personnel Committee of the Local will be the direct supervisors of staff and will be responsible for performance reviews, discipline, and termination. The Personnel committee will be chaired by the President of the Local, and include at least the Vice-President of each Component, and the Treasurer of the Local. In the event that staff should fail to adequately perform their duties, the staff Collective Agreement will determine the process followed.
- c) The Executive is responsible for forming a Bargaining Committee for the purposes of bargaining a staff Collective Agreement. The Bargaining Committee will include at least the President and Treasurer of the Local.
- d) The staff shall have speaking rights but no voting rights at all of the Local's meetings.

### **Bylaw 13: Policies**

- a) Local policies may be enacted by Membership Meetings and by the Executive. Component only policies that are established at Component Membership meetings must be approved by the Local Executive Board prior to being enacted.
- b) A Policy has only as much scope as the body which enacts it.
- c) The Recording Officer will maintain a file of all current Policies.

### **Bylaw 14: Amendments**

- a) These bylaws are always subordinate to the CUPE constitution (including Appendix "B") as it now exists or may be amended from time to time, and in the event of any conflict between these bylaws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.
- b) These bylaws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven (7) days notice at a previous meeting or at least sixty (60) days written notice.
- c) No change in these bylaws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

### **Bylaw 15: Appeals**

- a) In the event of the Grievance Committee deciding to not move forward with a member's grievance, the member can appeal the decision to the Executive Board. To do so, the member must notify the Local in writing (including email) within 7 (seven) days of receiving the decision. The Local will then have the matter placed on the agenda of the next Executive meeting. If the next scheduled Executive meeting is more than a week after the notice of appeal has been received, a special Executive meeting for the appeal shall be arranged with at least one week's notice of meeting. A minimum quorum of the Executive who are not members of the Grievance Committee shall then meet to determine the status of a grievance. Members who voted on the grievance shall not have a vote on the appeal.
- b) The Member Advocate will take any and all necessary steps with the employer to ensure the matter is not lost due to the wait for an appeal violating any timelines outlined in the grievance procedure of the collective agreement.
- c) At the appeal meeting, the Member Advocate will have up to 30 minutes to state the Grievance Committee's reasons for not advancing the matter to grievance or arbitration, present the case (including the National Representative's opinion), and answer questions from the Executive Board.
- d) The Member will have 30 minutes to present their case and reasons for advancing the matter as well as to answer questions from the Executive Board. Should the member not be able to attend the scheduled meeting, they must make their submission to the Board in writing at least 24 hours in advance of the meeting.
- e) The member will then be excused from the meeting and the Executive will then discuss the arguments and conduct a secret ballot vote on whether or not to advance the matter.
- f) The member will be notified of the decision by the President.
- g) The decision of the Executive is final unless new and cogent evidence arises.

## Appendix A: CUPE Code of Conduct

The mandate of our union, the Canadian Union of Public Employees (CUPE), is to organize and defend workers and to promote economic and social justice for our members and for all workers. In carrying out our work, we in CUPE strive to promote our core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

CUPE is committed at all levels to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. CUPE needs to ensure that we provide a safe environment for members, staff and elected officers to carry out our work. CUPE's expectation is that mutual respect, understanding and co-operation will be the basis of all our interaction.

The Code of Conduct sets out standards of behaviour for participants at national convention, national conferences, schools, meetings, and all other events organized by CUPE National. It is also applicable to structures of CUPE – locals, Provincial and Service Divisions, District Councils, Provincial Unions, Councils of Unions, Provincial Councils of Unions, and Provincial Sectoral Groups. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution.

This Code of Conduct is intended to deal with complaints of inappropriate behaviour at events organized by CUPE National and at events, meetings and activities by other parts of CUPE referenced above. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As CUPE members, staff, and elected officers, we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement.
- Respect the views of others, even when we disagree.
- Recognize and value individual differences.
- Communicate openly.
- Support and encourage each other.
- Make sure that we do not harass or discriminate against each other.
- Commit to not engaging in offensive comment or conduct.
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating.
- Take responsibility for not engaging in inappropriate behaviour due to use of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding the Code of Conduct will be handled as follows:

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking them to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. At national convention, national conferences, schools, meetings, and all other events organized by CUPE National, a complaint shall be brought to the attention of an ombudsperson.
3. At a meeting, event, or activity held by a structure of CUPE, should an ombudsperson be available, the same process would be used. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
4. If the complaint involves a staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another part of CUPE, the person responsible for their employment will be the one to whom a complaint is referred and the relevant collective agreement, should it exist, would be applicable.
5. Once a complaint is received where an ombudsperson is being used, the ombudsperson will work to seek a resolution.
6. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.
7. At CUPE National events where an ombudsperson is not available, a person properly appointed and designated to be in charge shall receive the complaint. Depending on the nature of the problem, the person in charge may attempt to resolve it through conflict resolution. If this fails to resolve the matter, the person in charge shall determine whether there is a need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses. The same process is to be used for other parts of CUPE where an ombudsperson is not available.
8. For National events, if the person in charge is a party to the complaint, the director or designate shall assume that role. For all other parts of CUPE, an alternate will be designated to assume the role.
9. In a case where a member has been expelled from an event, the National President shall receive a report on the matter. For all other structures of CUPE, the presiding officer shall receive a report on the matter.
10. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. A similar process may be applicable to the other parts of CUPE, done in consultation with the National President.

This Code of Conduct is designed to create a safe, respectful and supportive environment within all parts of CUPE. It is meant to enhance the rights and obligations outlined in the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

All chartered organizations are subject to this Code of Conduct, to apply to conventions, conferences, schools, and meetings which they organize.

*The above Code of Conduct arises from the National Women's Task Force (NWTF) report, and Resolution 209 adopted at the 2007 National Convention.*