

**LANGARA COLLEGE FACULTY ASSOCIATION
CONSTITUTION & BY-LAWS**

LANGARA COLLEGE FACULTY ASSOCIATION

CONSTITUTION

Article 1- NAME

The Langara Faculty Association hereinafter referred to as “the Union,” is a local association of employees in British Columbia that has as one of its purposes the regulation in British Columbia of relations between employers and employees.

Article 2- PURPOSES

The objects of the Union are:

- (a) to maintain and promote the professional status of its members at the Langara College;
- (b) to promote and protect the welfare of its members and to be the sole and exclusive representative of members in any negotiations dealing with matters of common concern;
- (c) to seek certification as a trade-union, to hold certifications, 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;
- (d) to seek representation on all commissions, boards, etc., dealing with matters concerning members; and
- (e) to function as a non-political, non-partisan, non-sectarian and non-profit association.

BY-LAWS

1. MEMBERSHIP

- (a) The members of the Union shall consist of:
 - i, Ordinary Members: being those who have been assigned to duty on the faculty of the Langara College and have paid the required dues, unless they are unable

to be a union member due to a religious exemption as described by the Labour Relations Board.

- (a) The responsibilities of members shall include the following:
- i. observance of and compliance with the Constitution and By-Laws of the Union;
 - ii. adherence to the Union's policy as established by duly passed resolutions of the General Membership;
 - iii. fulfilment of the Ordinary Member's contractual obligations;
 - iv. maintenance of confidentiality where appropriate to and in accordance with specific processes and matters related to the Union's business;
 - v. respect for any legal picket line the General Membership has resolved not to cross. In the case of the Union's own picket line, it is assumed that no Ordinary Member will cross that line. In the event that an Ordinary Member does cross the picket line, the Union may censure the member and may impose a fine on that member equal to the salary and benefits earned by such action. Monies collected by this procedure shall be deposited in the Union's Defence Assistance Fund; and
 - vi. fulfilment of the Ordinary Member's performance of assigned picket duty. In the event that an Ordinary Member refuses to perform such duty, the Union may impose a fine on that member equal to the strike/lockout benefits paid by the Union to the member in the expectation of such performance.
- (b) Whenever an Ordinary Member is alleged to have violated the Constitution and By-Laws in a way which may result in the Union's censuring or fining the member, a process will be followed to establish the facts of the case, as specified in By-Law 4(v).

2. **TERMINATION OF MEMBERSHIP OR CENSURE**

- I. A member shall cease to be a member:
- (a) when; they-~~cease~~ to be a member of the Langara College faculty; and
 - (b) if they are expelled by a special resolution of the Union
- II. A member in violation of the Union's Constitution and By-Laws shall be subject to the following procedures:
- (a) A committee consisting of the President and the Chairs of the Bargaining Committee and the Contract Administration Committee shall have the power to impose censure and to levy a fine on any member(s) for conduct which is in violation of the Union's Constitution and By-Laws according to the following

procedure:

- i. The motion of censure or fine shall have the support of a majority of the members of the Committee;
- ii. The censured or fined member may appeal the imposition of censure or the levy of a fine within fourteen (14) days of receiving notice of the censure or fine;
- iii. The appeal shall be in writing and directed to the Vice President;
- iv. The Vice President shall call a special meeting of the Board of Directors, exclusive of the President and of the Chair of the Contract Review and Bargaining Committee and the Chair of the Contract Administration Committee, should said Chair be a Director;
- v. The special meeting shall be called within five (5) working days after receipt of the appeal, this special meeting to be limited to consideration of the matter concerning the imposed censure or fine;
- vi. The quorum of the special meeting shall be not fewer than three (4~~3~~) Directors
- vii. The Board of Directors and the censured or fined member may call as a witness any other Ordinary Member in good standing; and
- viii. The decision made at the special meeting of the Board of Directors will be final.

3. MEETINGS

(a) Annual Meeting:

- i. An Annual meeting of members of the Union shall be held in the month of May each year and at such place in the Province of British Columbia as the Board of Directors shall determine and shall be open to all members of the Union. The Directors shall present to each annual meeting an annual report and an audited financial statement covering the preceding year.
- ii. Notice of the time and place of the annual meeting shall be communicated in writing to each member of the Union not less than fourteen (14) days prior to the date set for the meeting.

(b) General Meetings of Members:

- i. General meetings of members may be called at any time:
 - a. by the President or Vice President, or,
 - b. by the Secretary/Treasurer pursuant to a resolution of the Directors, or

- c. by the Secretary/Treasurer upon written request of ten (10) members in good standing and in default of being so called, a special general meeting may be called by notice signed by the said ten (10) members.
- ii. Notice of the time and place of the holding of a general meeting or a special general meeting shall be communicated to each member at their Langara College address at least fourteen (14) days prior to the date set for the holding of such a meeting.
- iii. An emergency general meeting may be called by the Board of Directors at any time, the notice of such an emergency general meeting to be at the discretion of the Board of Directors.

(c) **Proceedings of Annual Meeting and at General Meetings:**

- i. Proceedings shall be conducted by the last edition of Burinot's "Rules of Order" except where any special provision of this Constitution is to the contrary, in which case the constitutional provision shall prevail.
- ii. The quorum for a meeting of members shall be fifteen (15%) percent of the Ordinary Members.
- iii. All meetings of the members of the Union shall be held within the Province of British Columbia.
- iv. Each Ordinary Member in good standing shall be entitled to one (1) vote at all meetings of the members. Faculty members who are unable to attend a general meeting because of LFA contractual duties or annual vacation shall be permitted to vote at that meeting by means of a proxy, approved by the President of the Association (or delegate) prior to each meeting and presented to a member chosen by the absentee. No voting member will be permitted to hold more than one proxy vote. Associate Members have no vote.
- v. Save and except in case of amendments to the Constitution, By- Laws or special resolutions, all questions arising at any meeting shall be decided by a majority of votes and in case of an equality of votes, the Chairperson shall cast the deciding vote.
- vi. The President, and in their absence, a Vice President, and in the absence of both, such person as the meeting may appoint as Chairperson, shall preside at the meeting of the members.

4. **ELECTIONS AND DIRECTORS**

i. Elections

The business and administration of the Union shall be managed by an elected Board of Directors.

- (a) The Board of Directors shall consist of twelve (12) members elected by secret ballot in March and April each year. Once elected, they shall take office during the Annual General Meeting. The offices of the President and Vice President(s) shall be filled as hereinafter provided.

The office of the Secretary/Treasurer shall be filled by agreement among the twelve (12) such members of the Board of Directors. In default of such agreements, said offices shall be filled by a resolution of the membership.

The nine (9) members of the Board of Directors not filling specific posts shall assume such responsibilities as agreed upon by the Board of Directors.

- (b) The President shall be selected by means of a separate single ballot first, solely on the basis of them having the highest number of votes among those running for President. This election shall be held during five consecutive duty days in the second half of March.
- (c) Each Vice President shall be selected by means of a separate single ballot solely on the basis of having the highest number of votes among those running for Vice President. These two elections shall be held during five consecutive duty days in the first half of April.
- (d) The remaining offices of the Board of Directors shall be decided by a ballot held during five hours consecutive duty days in the second half of April. The nine candidates having the highest vote tallies shall be declared to have seats on the Board of Directors.
- (e) In the event of a tie for the Presidency, for either Vice Presidency, or for the ninth vacancy on the Board of Directors, a by-election shall be held.

ii. Board of Directors

The Board of Directors shall:

- (a) make an open invitation to faculty members in good standing requesting that they serve on committees. The Chairperson of these Committees may or may not be members of the Board of Directors. If not, Chairpersons of committees shall have a pro-tem vote on the Faculty Board dealing with matters concerning their committee's work.

- (b) The committee may form an ad hoc basis at the discretion of any of the membership, subject to ratification of the Board of Directors. All business must be reported to the Board of Directors and the Union. Chairpersons of ratified, ad hoc committees shall have a pro-tem vote on the Board dealing with matters concerning their committee's work.
- (c) The Directors shall hold office for the period of one (1) year, more or less, or until their successors have been elected.
- (d) The qualification for a Director shall be coincident with the qualification for an ordinary membership in the Union. Any Director shall cease to be a Director at the time they cease to be a member of the Union.
- (e) All official documents, financial activities, and electronic funds transfers and cheques shall be signed by two of the President, Vice Presidents, or Secretary/Treasurer.
- (f) The Board of Directors shall conduct its meetings according to the last edition of Burinot's "Rules of Order" except where these are contrary to the provisions of this Constitution in which case the Constitutional provision shall prevail.
- (g) A vacancy occurring in the Board of Directors may be filled by the Directors for the balance of the current term or the Directors may direct the holding of an election to fill the said vacancy.
- (h) A quorum for a meeting of Directors shall include the President and/or a Vice-President and five (5) Directors.
- (i) The Board of Directors may act notwithstanding any vacancy in its body so long as the number is not reduced below a quorum.
- (j) Meetings of the Board of Directors shall be held in the Province of British Columbia at such time and place as the Board shall from time to time determine and may be called by the President or Vice President or any two Directors and shall be called by the Secretary on written request of the President. Written notice shall be given to each Director at least one (1) day prior to the date of such meeting. Meetings of all Directors may be held at any time and place provided all Directors are present and consent or have furnished to the Secretary/Treasurer a written consent to the holding of or a waiver of notice of such meeting or meetings.
- (k) No member of the Board of Directors shall receive any remuneration for their services as a Director of the Union.

- (l) Any member of the Board of Directors shall ipso facto vacate office and cease to be a Director when the Union elects some other member to replace them.
- (m) The President or such person as the Board of Directors may appoint as Chairperson, shall preside at the meetings of the Board of Directors.
- (n) Questions arising at any meeting of the Board of Directors shall be decided by a majority of votes. The Chairperson shall vote only in the case of an equality of votes and such casting vote shall be recorded.
- (o) The President, Vice Presidents, Secretary/Treasurer shall have the powers to perform the duties which usually pertain to such offices respectively.

5. BORROWING POWERS

- (a) In order to carry out the purposes of the Union, the Directors may, on behalf of and in the name of the Union, raise or secure the payment or repayment of money in such manner as they decide and, in particular but without limiting the generality of the foregoing, by the issue of debentures.
- (b) The members may, by special resolution, restrict the borrowing powers of the Directors but a restriction so imposed expires at the next Annual General Meeting.

6. SPENDING POWERS

- (a) The Directors shall present to each Annual General Meeting an annual budget which shall include an expense item entitled 'Contingency', the amount of this item not to exceed ten percent (10%) of budgeted revenue. The Directors may allocate this Contingency as supplementary budget to cover expenditures arising from unforeseen circumstances, subject to a single item limitation of fifty percent (50%) of the annual budgeted amount. Any single item supplement exceeding this limitation shall require the approval of the general membership.
- (b) The Directors are empowered to establish and maintain a Defence Assistance Fund; such a fund, including any interest it earns, is to be kept separate and distinct from the general funds of the Union.
- (c) A sum equal to a certain percentage of monthly dues shall be transferred from the general funds to the Union's bank account and other deposits designated by the Directors as the Defence Assistance Fund. This percentage shall be determined by a simple majority vote of ballots cast by the Union's members.

(d) The Defence Assistance Fund shall be used only for the following purposes

- i. to defray legal costs and other related expenses in defence of the Union and its members when circumstances warrant such, subject to Sub-Section (iv) below, these circumstances to be determined at the sole discretion of the Directors;
- ii. to pay strike and lockout benefits to the Union's members engaged in either strike or lockout action, or both. The benefits, if to be paid or not, and the amounts to be paid to each of the Union's members, shall be determined by a simple majority vote of ballots cast by the Union's members;
- iii. to defray legal and other related expenses incurred in connection with any and all disputes, arbitrations involving the Union and its members, so designated at the sole discretion of the Directors, subject to Sub-Section (iv), next following;
- iv. any discretion exercised by the Directors referred to in paragraph (d) i. and iii. may be challenged and nullified by three-quarters (75%) of all the members of the Union.

(e) The Defence Assistance Fund shall not be used for any purpose other than specified above, and all payments to members shall be made on an impartial basis.

(f) The Defence Assistance Fund shall be subject to audit in the same manner and means as the general funds of the Union.

(g) The Directors are not empowered to spend Union funds other than as presented in the annual budget, with the exception of the funds referred to in (a) and (d) above, without the approval of the members of the Union.

7. AUDIT

The accounts of the Union shall be audited annually by such persons as are appointed by the members at the Annual General Meeting and failing such appointments by such persons as are appointed by the Board of Directors.

8. POWERS AND DUTIES OF THE BOARD OF DIRECTORS

- 8.1 The Board of Directors is the LFA's governing body, collectively responsible for the business and administration of the union. Under the Constitution and By-Laws, there are 12 members on the Board of Directors: President, 2 Vice Presidents, Secretary/Treasurer, and 9 Directors.
- 8.2 The powers and duties of the Board of Directors:
- Implement the decisions of the Association.
 - Carry out the business of the Association between meetings.
 - Report on matters of interest to the Association.
 - Create committees, appoint committee members and/or determine a process for selecting committee members from the Association.
 - Develop policies on matters of interest to the Association for consideration by the membership.
 - Maintain as confidential those topics and information designated as such during meetings.

9. EXECUTIVE

- 9.1 As per Article 4 (u) of the BY-LAWS the following directors: President, Vice-President-College Relations, Vice-President-Member Engagement, Secretary/Treasurer, and Chief Steward shall have the power to perform the duties which usually pertain to such offices respectively.
- 9.2 The Executive/Table Officers shall report to and be responsible to the Board of Directors.
- 9.3 The Board of Directors shall be responsible for implementing the directives of the Annual General Meeting.

10. DUTIES OF OFFICERS

The roles and duties of the President, Vice-Presidents, Secretary/Treasurer, in addition to other roles and duties which may be assigned to their respective offices in the Bylaws, and the Collective Agreement are as follows:

10.1 President

The President is the Chief Executive Officer and the chair of the Board of Directors and takes direction from the Board of Directors. The President is often the first point of contact for Faculty and is responsible to the membership for ensuring that members' concerns and questions are treated with respect and care.

- The President is the official spokesperson for the Association in communication with the President, Board of Governors, the news media, and other persons or groups, responsible for all official correspondence.
- Chair meetings of the Association and Board of Directors.

10.2 Vice-President- College Relations

The Vice-President supports the President and is responsible for the Association policies and procedures and the Professional PD Funds and takes direction from the President and Board of Directors.

- Assist the President in all matters
- In the President's absence, assume all duties of the President
- Chair the PDSF Committee and Co-chairs the Joint Committee on Continuing Studies
- Serve on the Education Leave Committee
- Coordinate training and scheduling of all Association Committee representatives on various performance review committees
- In cases where the President vacates the position or is absent for a long period of time, the VP-College Relations will carry out the duties of the President until a by-election is held.

10.3 Vice-President-Member Engagement

The Vice-President- Member Engagement supports the Association and is responsible for the coordination, development, and engagement of its members.

- Support the Board in all matters of membership engagement
- Coordinate all forms of activism with members to encourage members to be more active in their union
- Represents the Association on college committees on faculty development and reports back to the Board of Directors and Annual General Meeting
- In cases where the President vacates the position or is absent for a long period of time and in the absence of the VP College Relations, carries out the duties of the President until a by-election is held.

10.4 Secretary/Treasurer

The Secretary/Treasurer is responsible for providing oversight of the Association's administrative and financial business and working with the President to ensure that the yearly financial audit and financial statements are completed.

- Work with the President to prepare a written annual budget for the Board to approve and subsequent presentation and approval at the Annual General Meeting
- Prepare statements for auditing
- Submit the externally reviewed annual financial report at the Annual General Meeting
- Administer the financial affairs of the Association as directed by the Association
- Support the President and Board in conducting the Association's correspondence and in calling meetings.

10.5 Chief Steward-Contract Maintenance

The Chief Steward is appointed by the board and responsible for coordinating contract maintenance support and services to the membership

- Represent the interests of the members by processing complaints and grievances
- Act as the chief official representative of the Association to deal with matters arising from the administration of the Collective Agreement
- Coordinate the Stewards Committee
- Report to the Board on matters of importance with respect to grievances and arbitration
- Chair the Contract Review and Bargaining Committee
- Convene the LFA Bargaining Team
- Serve as LFA lead at the Joint Labour Management Committee meetings

10.6 Stewards

Stewards advocate for the Langara Faculty Association (LFA) and its members by upholding member rights under the Collective Agreement, employment standards and human rights.

- ensure related legislative and College policies are respected and exercised,
- make experience-informed recommendations to, or directly participate on, the LFA board and bargaining committee.
- advocate for the equitable and fair treatment of faculty
- serve as LFA members on JLMC.

11. PRINCIPLES AND STANDARDS OF CONDUCT

The mandate of the LFA is to represent, defend, and empower its members. The Association strives to promote its core values which include solidarity, equity, integrity, objectivity, transparency, diversity and inclusivity.

The LFA is committed at all levels to creating an environment that supports people to feel valued, safe, and accepted, and free of racism, discrimination, harassment, and all types of bullying and intimidation.

The LFA's expectation is that all of our interactions will be based on mutual respect, understanding, and co-operation.

The Association will promote legislation in the interests of our members.

The Code of Conduct sets out standards of behaviours for its elected members, chairs of committees, and any member representing the Association.

12. SIGNING AUTHORITY

12.1. Internal or external contracts must be signed on behalf of the LFA: (a) by the President; (b) by the Vice-Presidents; (c) by the Secretary/Treasurer; or (d) by a member of the Board of Directors.

12.2. A contract, memorandum or agreement related to contract maintenance must be signed on behalf of the LFA by the President, Chief Steward and/or one of the Vice-Presidents.

12.3. All cheques/electronic funds transfers drawn on the LFA's accounts shall be signed by any two of the President, Vice-President(s), Secretary/Treasurer, or a member of the Board of Directors.

13. DUES

The annual membership dues for all members shall not be less than the sum of one dollar (\$1.00). The amounts shall be determined at a general meeting. They shall be payable as the Directors so determine.

14. The Union is empowered to establish, undertake, superintend, and administer a fund for scholarships and/or bursaries for the purpose of assisting students at Langara College. The funds for such scholarships and/or bursaries are to be budgeted for at the first general meeting in the month of August.

15. These By-Laws shall not be rescinded, altered or amended except by Special Resolution of the Union passed at a meeting of the Union by a majority vote of 75% of ordinary members present in person, or represented by a proxy vote.

16. BOOKS AND RECORDS

16.1 The books and records of the Union shall be kept by the Secretary and shall be in their custody and so far as possible, shall be kept at the office of the Union.

16.2 The books and records of the Union may be inspected by any member of the Union upon giving to the Secretary/Treasurer at least five (5) clear days notice in writing of the desire of such inspection. Any member of the Faculty Association is entitled to attend meetings of the Board of Directors.

17. TRANSITIONAL

18. The Union shall adopt, retain and continue to maintain the books and records of the Society of the Langara Faculty Association (the “Society”). The Union shall be deemed to be the successor to the Society as of December 11, 1997, at which time the Union shall be deemed to have acquired all of the Society’s assets, liabilities, property, rights, privileges and duties.

19. All of the actions, decisions, dealings and proceedings undertaken in the name of the Society and its Officers and Directors, from December 11, 1997 until the present time, including but not limited to the election of Officers and Directors, meetings of the Board of Directors and subsidiary committees, general and annual membership meetings, spending and borrowing by the Officers and Board of Directors, annual audits and the payment, receipt and expenditure of members’ dues, shall be deemed to have been the actions, decisions, dealings and proceedings of the Union and its Officers and Board of Directors.

20. All persons who, but for the dissolution of the Society, would have been considered members in good standing of the Society as of the date the Union’s Constitution and By-Laws are adopted, shall continue as members in good standing of the Union.

21. All persons who, but for the dissolution of the Society, would have been considered to be the duly elected Officers and Directors of the Society as of the date the Union’s Constitution and By-Laws are adopted, shall continue as the Officers and Directors of the Union for the duration of their terms.

DATED at Vancouver, British Columbia, this 10th day of May, 2011 (**Revised May 12, 2023**).

Pauline Greaves
Pauline Greaves, President