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Bow Valley College Faculty Association (BVCFA)

## **Faculty Association Constitution and Bylaws Index**

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Bow Valley College Faculty Association (BVCFA)

## Faculty Association Constitution and Bylaws

### 1. Terminology

1.1. Name

The official name of this association is Bow Valley College Faculty Association. The abbreviated title of the Association is BVCFA.

1.2. Definitions

In these bylaws:

- 1.2.1. *Agreement or Collective Agreement* means a current agreement reached between the BVCFA and the Board of Governors according to Section 21 of the Post-Secondary Learning Act, 2003 (SA 2003 cP-19.5) or its successor.
- 1.2.2. *Meeting or Special Meeting* means a meeting of the BVCFA other than the Annual General Meeting.
- 1.2.3. *Faculty Association* means the Bow Valley College Faculty Association.
- 1.2.4. *Board or Board of Governors* means the Board of Governors of Bow Valley College.
- 1.2.5. *Campus* means all of the campuses and community learning centres of Bow Valley College.
- 1.2.6. *College* means Bow Valley College.
- 1.2.7. *Academic* in this constitution refers to all programs of study offered at Bow Valley College.
- 1.2.8. *Post-Secondary Learning Act, 2003 (SA 2003 cP-19.5)* means - The Post-Secondary Learning Act, 2003 (SA 2003 cP-19.5) or its successor.
- 1.2.9. *Extraordinary Resolution* means a resolution passed by a majority of not less than three fourths (3/4) of voting members who are present. Notice specifying the intention to propose the resolution must have been duly given.
- 1.2.10. *Member or Association Member* means a Member of the BVCFA as defined in Section 3.1 of the bylaws.
- 1.2.11. *Ex-officio member* has, by virtue of office or position, membership on a stated committee with all rights and privileges.

### 2. Objectives

- 2.1. To foster standards of excellence in learning
- 2.2. To foster academic and social community among members of the Faculty Association
- 2.3. To advance and promote the academic concerns and professional interests of its members as individuals and groups
- 2.4. To liaise with external organizations
- 2.5. To foster good relations between the Faculty Association, the College, the Board, and the community
- 2.6. To promote the independence and freedom of academic thought and teaching



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- 2.7. To act as the representative of members of the Faculty Association in the negotiating, monitoring, and enforcing of the terms and conditions of employment
  - 2.8. To deal with any other matters considered by the Executive Committee to be in the interest of the Association or its members

### 3. Membership

- 3.1. Members  
Members of the BVCFA are designated as faculty by the Board of Governors for the college for the duration of their appointments.

Members have the right to attend regular and Special Meetings; to nominate individuals for office in the Association; to hold any office in the Association, elected or appointed; to receive regular communication issued by the Association; and to receive all special privileges, discounts or benefits arranged by the Association for its Members.

- 3.2. Termination of Membership  
Membership in the Association terminates sixty (60) days after the termination of employment at Bow Valley College or, in the event of a grievance procedure being initiated by or on behalf of a member, for sixty (60) days beyond the conclusion of the grievance procedure or any legal action arising from it.
- 3.3. Members shall abide by the Constitution and bylaws of the Association.

### 4. Executive Committee

- 4.1. The Executive Committee of the BVCFA consists of the Officers of the Association as defined in Section 4.2.

#### 4.1.1. Executive Committee Duties

- 4.1.1.1. The Executive Committee calls Regular and Special Meetings of the Association as set forth in Article 5.
- 4.1.1.2. The Executive Committee establishes the agenda for all meetings.
- 4.1.1.3. The Executive Committee, at a General Meeting of the Association, presents an audited financial statement for the fiscal year ending June 30.
- 4.1.1.4. The Executive Committee calls by-elections or, in emergencies, appoints members to fill vacancies in Association offices and committees.
- 4.1.1.5. Subject to any bylaws, properly enacted, amended or replaced, the Executive Committee has the power to manage, operate and direct the affairs of the Association between meetings of the Association.
- 4.1.1.6. The Executive Committee has the power to remove Executive Committee members for inadequate performance of duties. Committee members who wish to appeal must apply to the Grievance Committee.  
  
On receiving the recommendations of the Grievance Committee, the general membership present at a meeting may, at its discretion and if ratified by a three-fourths (3/4) majority vote, reinstate the member to the Executive Committee.
- 4.1.1.7. The Executive Committee may, from time to time, appoint any employees and agents they consider necessary to carry out the objectives of the Faculty Association. These

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agents and employees have the authority and responsibilities prescribed by the Executive Committee.

- 4.1.1.8. Whenever a member requests that a grievance be pursued, the Executive Committee shall review the recommendations of the Welfare and Grievance Committee and decide if the grievance shall be pursued.
- 4.1.1.9. The Executive Committee reviews and approves a proposed budget prepared by the Treasurer prior to the AGM.
- 4.2. The Officers of the Executive Committee are:
  - 4.2.1. President
    - 4.2.1.1. is the Chief Executive Officer and shall act as chair of the Executive Committee
    - 4.2.1.2. is an ex-officio member of all Faculty Association committees
    - 4.2.1.3. shall preside over all Faculty Association meetings, and through the Executive Committee, be responsible for the preparation and approval of agendas
    - 4.2.1.4. is the spokesperson for the Faculty Association and is responsible for official correspondence
    - 4.2.1.5. is responsible for the interpretation and application of the Constitution, and the development and implementation of Faculty Association policies and procedures, as directed by the Executive Committee
    - 4.2.1.6. shall supervise employees of the Faculty Association
    - 4.2.1.7. is empowered to countersign approved cheques
    - 4.2.1.8. presents an annual report to the AGM on behalf of the Executive Committee
    - 4.2.1.9. shall have a two-year term and be elected in those years ending in an odd number
    - 4.2.1.10. is responsible for having minutes of Executive Committee and General Faculty Association meetings taken
    - 4.2.1.11. is responsible for making available with reasonable expediency, copies of Executive Committee and General Meeting minutes to all members of the Faculty Association, upon request
  - 4.2.2. Vice-President of Welfare and Grievance
    - 4.2.2.1. shall chair the Faculty Association Welfare and Grievance Committee (FAWGC) and is responsible for the handling of Faculty Association grievances brought under the Collective Agreement, as well as the mediation of internal disputes
    - 4.2.2.2. shall ensure that Faculty Association policies and procedures are known and followed in cases of members who appeal to the FAWGC
    - 4.2.2.3. on behalf of the FAWGC, report to the Executive Committee and recommend whether or not to pursue a grievance in the Faculty Association's name
    - 4.2.2.4. is elected for a term of two years in those years ending in an even number
    - 4.2.2.5. shall carry out the President's duties in his/her absence or assume the office, if it becomes vacant, until a by-election can be held
    - 4.2.2.6. is an ex-officio member of the Negotiating Committee



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- 4.2.2.7. shall submit, annually, a proposed budget for the Welfare and Grievance Committee to the Treasurer
  
  - 4.2.3. Vice-President of Professional Affairs
    - 4.2.3.1. shall chair the Faculty Association Professional Affairs Committee (FAPAC) and represent Faculty Association views to College committees on faculty professional development
    - 4.2.3.2. shall report on a regular basis to the Executive Committee and the General membership on matters of professional affairs considered by college committee(s) on faculty development
    - 4.2.3.3. is empowered to counter sign approved cheques
    - 4.2.3.4. is elected for a two-year term on those years ending in an odd number
    - 4.2.3.5. shall submit, annually, a proposed budget for the Professional Affairs Committee to the Treasurer
  
  - 4.2.4. Vice President of Negotiations
    - 4.2.4.1. shall chair the Faculty Association Negotiations Committee (FANC)
    - 4.2.4.2. advises the Executive Committee and the General membership on all matters concerning the negotiations and interpretation of the Collective Agreement
    - 4.2.4.3. is responsible for organizing, coordinating and directing the activities of the Faculty Association Negotiating Committee and the negotiations team
    - 4.2.4.4. is an ex-officio member of the Faculty Association Grievance Committee
    - 4.2.4.5. is elected for a term of two years in those years ending in an even number
    - 4.2.4.6. shall submit, annually, a proposed budget for the Negotiating Committee to the Treasurer
  
  - 4.2.5. Treasurer
    - 4.2.5.1. shall keep accurate financial records and prepare a statement for audit of the financial transactions of the Faculty Association
    - 4.2.5.2. presents an annual report to the Faculty Association for the fiscal year ending June 30
    - 4.2.5.3. shall prepare and present for ratification, a proposed budget at the AGM
    - 4.2.5.4. reports to the membership regarding finances when requested
    - 4.2.5.5. administers the financial affairs of the Faculty Association, as directed by the Executive
    - 4.2.5.6. is empowered to countersign approved cheques
    - 4.2.5.7. is responsible for making available, with reasonable expediency, copies of the financial records, upon request
    - 4.2.5.8. is elected for a term of two years in those years ending in an odd number
  
  - 4.2.6. Chair of Academic Council Faculty Caucus
    - 4.2.6.1. is an ex-officio member of the Executive



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4.2.6.2 reports on Academic Council to the Executive

4.2.6.3 is elected by the Faculty Caucus of the Academic Council for a one year term

4.2.6.4 reports to the Faculty Caucus of Academic Council issues/concerns raised by the Faculty Executive

4.2.7 Representatives of the a Previous Executive

4.2.7.1. acts in an advisory role to the Executive, the President, and the Faculty Association

4.2.7.2. chairs the Constitution Committee and makes recommendations at the Annual General meeting on changes and revisions as required

4.2.7.3. chairs the Election Committee

4.2.7.4. normally serves a term of one year following his/her term on the Executive Committee

4.2.8. Faculty Board Representative

4.2.8.1. is an ex-officio member of the executive

4.2.8.2. duties are outlined in Article 8.3.2 below

4.2.8.3. is a non-voting member of the Executive Committee

4.2.9 Member(s)-at-Large

4.2.9.1 is an unofficial member of all Faculty Association committees

4.2.9.2 duties are outlined in Article 8.3.3

4.2.9.3 is a non-voting member of the executive committee

4.2.9.4 reports to the President or Vice President of the committee in which he/she is currently involved

## 5. Meetings

5.1. Meetings of the Executive Committee

5.1.1. The president of the Faculty Association calls a meeting of the Executive Committee at least two weeks prior to any regular general meeting of the Faculty Association.

5.1.2. Special meetings of the Executive Committee may be called at the discretion of the president or any two Executive Committee members.

5.1.3. At any meeting of the Executive Committee, a quorum equals 50% plus one.

5.2. Meetings of the General Membership

Meetings of the Faculty Association (General Membership) are to be held a minimum of 2 times a year at the discretion of the Faculty Executive and with proper notice and circulation of the agenda at least one week in advance.

5.3. The Association shall hold an **Annual General Meeting** (AGM) no later than June 30 of each year.



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- 5.3.1. An annual report is presented by the outgoing Executive (President, and three Vice Presidents of Standing Committees).
  - 5.3.2. An outside auditor proposed by the Executive Committee will be approved.
  - 5.3.3. The newly elected officers are introduced and assume their respective offices.
  - 5.3.4. A proposed annual budget will be presented for ratification.
- 5.4. Special Meetings
- Special Meetings of the Faculty Association are called at the discretion of the Executive Committee, provided that notice of at least forty eight (48) hours has been given to the members of the Association.
- Special Meetings of the Faculty Association are also called upon a request to the president signed by at least fifteen (15) Association Members.
- 5.5. Quorum  
The quorum for any General or Special Meeting is twenty-five (25) voting members.
- 5.6. Rules of Order  
The proceedings of the Faculty Association shall be governed by Robert's Rule of Order.

## **6. Nominations and Elections**

- 6.1. Nominations
  - 6.1.1. Nominations must be submitted in forms approved by the Executive Committee and received at the Faculty Association office by 4 p.m. no later than ten (10) working days prior to the date at which the election is to take place.
  - 6.1.2. Nominations must be signed by three (3) Association members and have the written consent of the nominee.
- 6.2. Elections
  - 6.2.1. Officers of the Faculty Association are elected prior to or at the Annual General meeting, except the Faculty Member on the Board of Governors, and the Faculty Members on the Academic Council, all of whom are elected or designated according to the regulations of their respective bodies.
  - 6.2.2. In elections ending in an even year, elections are held for the Vice President of Welfare and Grievance, and the Vice President of Negotiations.
  - 6.2.3. In elections ending in an odd year, elections are held for President, Vice President of Professional Affairs and Treasurer.
  - 6.2.4. Every year elections are held for outgoing Academic Council Faculty representatives, that is, those whose two-year term has expired.
  - 6.2.5. The faculty nominee to the Board of Governors shall be elected upon the expiry of the ministerial appointment of the incumbent. The nominee shall be recommended to the minister of Alberta Learning.
  - 6.2.6. A maximum of (2) Representatives of a previous Executive shall be elected by the previous Executive Committee. Only outgoing Executive members will be eligible.
  - 6.2.7. No member may hold more than one office simultaneously on the Executive Committee unless there are exceptional circumstances subject to the approval of the BVCFA Executive Committee.



- 6.2.8. No member may serve more than three full consecutive terms in the same office unless there are exceptional circumstances subject to the approval of the BVCFA Executive Committee
- 6.2.9. All elections will be conducted by approved ballot. A candidate shall be declared elected to any position when the candidate has received the largest number of the ballots by members eligible to vote or the candidate has been acclaimed.

## **7. Voting**

- 7.1. Voting at a meeting will be by a show of hands unless a secret ballot is called for by the Constitution and bylaws or unless, by motion, a secret ballot is requested.
- 7.2. In any vote, a simple majority shall be required to carry a motion, with the exception of an extraordinary resolution presented at the Annual General Meeting which requires three fourths (3/4) majority of those present and eligible to vote. A majority means 50% + 1 or 75% + 1 for an extra resolution of the eligible voters present excluding the chair who has no vote.
- 7.3. Write-in votes, if approved by the Executive Committee, are accepted for purposes of voting for election of officers and committee members, amendments to the Constitution and bylaws, and for such other important matters that the Executive may order to be voted in this matter.
- 7.4. All members of the Faculty Association have a full vote in all Association voting matters.
- 7.5. Candidates shall be entitled to appoint scrutineers for the period of balloting and the counting of ballots.

## **8. Ad Hoc and Standing Committees and Faculty Representatives on College Committees and The Board of Governors**

- 8.1. Ad Hoc Committees
  - 8.1.1. The BVC Faculty Association may elect or appoint ad hoc committees as are required to carry out the objectives of the Association. All ad hoc committees are responsible to the Executive and shall be required to attend such meetings and give such reports as directed by the Executive Committee.
- 8.2. Standing Committees
  - 8.2.1. The Faculty Association Negotiation Committee (FANC)
    - 8.2.1.1. Consists of the Chair who is the Vice President of Negotiations, members who represent the diverse interests of the membership, and the chair of the Grievance Committee as an ex-officio member
    - 8.2.1.2. Advises and assists the Executive Committee in all matters of negotiating policy
    - 8.2.1.3. Recommends, to the Executive Committee, the makeup of the Negotiations Team who will negotiate on behalf of the Faculty Association
    - 8.2.1.4. Advises the Negotiation team in all matters involving negotiations
    - 8.2.1.5. Reports to the Executive and to the membership of the Association at times and in a manner as directed by the Executive Committee
    - 8.2.1.6. Recommends acceptance or rejection of any proposed memorandum of agreement to the membership but cannot bind the Association to any settlement or Collective Agreement
  - 8.2.2. The Faculty Association Welfare and Grievance Committee (FAWGC)
    - 8.2.2.1. Consists of the Chair who is the Vice-President for Welfare and Grievance, members who represent the diverse interests of the membership, and the chair of the Negotiation Committee as an ex-officio member.
    - 8.2.2.2. Makes every effort to resolve non-grievable disputes between faculty member(s) and one of the following (a) the Board of Governors; (b) Non-Faculty staff; or (c) other Faculty Association members.



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- 8.2.2.3. Shall, when a member presents a potential grievance, make recommendations to the Executive Committee regarding the pursuit of the grievance.
  - 8.2.2.4. Acts as an advocate for faculty member(s) when the Executive Committee has determined there are grounds for a grievance and informs the College, on a regular basis, who is the designated Faculty Association Representative for any particular grievance.
  - 8.2.2.5. Acts both on behalf of the faculty member(s) who appeal to it, pursuant to relevant articles in the Collective Agreement, and in the interest of the Faculty Association as a whole.
  - 8.2.2.6. Follows the grievance procedures approved by the Faculty Association.
  - 8.2.2.7. Shall review, on an annual basis, all policies and procedures of the FAWGC and make recommendations for changes to the Executive and Membership as required.
- 8.2.3. The Faculty Association Professional Affairs Committee (FAPAC)
- 8.2.3.1. Consists of the Chair who is the Vice President for Professional Affairs, and members who represent the diverse interests of the membership.
  - 8.2.3.2. Provides a forum for discussing matters that affect the quality of teaching and learning and the professional needs of the individual members of the Bow Valley College faculty.
  - 8.2.3.3. Develops positions and recommendations relating to professional needs and opportunities of faculty members.
  - 8.2.3.4. Communicates the professional concerns of faculty members.
  - 8.2.3.5. Facilitates the development of professional policies and procedures that protect members and encourage professionalism.
  - 8.2.3.6. Develops and provides direction for Bow Valley College's Faculty professional support networks.
  - 8.2.3.7. Acts as an advocate for quality in education and for the professional development of Faculty members.
- 8.3. Representatives on College Committees and Board of Governors
- 8.3.1. Academic Council
    - 8.3.1.1. There are seven faculty representatives on Academic Council, one of whom is the Chair of the Faculty Caucus and represents the Faculty Caucus on the Executive Committee.
    - 8.3.1.2. Every year elections are held for outgoing Academic Council Faculty representatives that is those for whom their two year term has expired. Years ending in an odd number, elections will be held for three (3) representatives, years ending in an even number, elections will be held for four (4) representatives.
    - 8.3.1.3. Faculty representatives on Academic Council will serve for a term of two years.
  - 8.3.2. Faculty Representative on the Board of Governors
    - 8.3.2.1. Is elected by the Faculty Association and, pursuant to the, Post-Secondary Learning Act, 2003 (SA 2003 cP-19.5) is recommended to the Minister to serve as the Faculty Member on the Board.
    - 8.3.2.2. Reports to regular or special meetings of the Association and the Executive on the deliberations of the Board as they affect the Association's interests.
    - 8.3.2.3. Acts as a Faculty Representative on the Board, promoting Association and faculty interests.



- 8.3.2.4. Is elected: (a) for a term up to three years; (b) notwithstanding article 6.2.8 of the Constitution, shall not serve for more than six consecutive years.
  
- 8.3.3 Member(s)-at-Large
  - 8.3.3.1.1 Pursuant to Article 4.1.1.7, up to 3 individuals may be appointed by the voting members of the current Faculty Association Executive (through the recommendation of the membership) in the first meeting of the academic year (September) to act as Members-at-Large
  - 8.3.3.1.2 Report to regular or special meetings, or committee meetings of the Association as representatives of the membership. Participate in the activities of the Association on a variety of levels as a liaison, representative or initiator of actions on behalf of the membership. Members-at-Large are encouraged to attend open sessions of the Board of Governors and Academic Council.



- 8.3.3.1.3 Member(s)-at-Large will serve for a period of one year and may serve for up to 3 consecutive years. Or, Members-at-Large may choose to run to an elected position at any time.

## 9. Financial Matters

- 9.1. The proposed budget for the coming year is distributed with the Agenda at least one week prior to the Annual General Meeting.
- 9.2. The Executive Committee is empowered to meet all financial obligations within the budget limits as approved by the Faculty Association.
- 9.3. The Executive Committee may, by approval of an Extraordinary Resolution, borrow, raise or secure the payment of money necessary to carry out the objectives of the Faculty Association.
- 9.4. Any proposed budget where anticipated expenses are greater than anticipated revenues requires passage of an extraordinary resolution.
- 9.5. Motions requiring the expenditure of \$2000 or more, where that amount has not been previously approved in the budget, require approval by an Extraordinary Resolution.
- 9.6. Officers of the Executive Committee and members of other Association Committees may be reimbursed for normal and reasonable expenses incurred in the performance of authorized Association duties, upon submission of expense claims and approval of the Executive Committee or the Association.
- 9.7. Faculty dues are assessed:
  - 9.7.1. For faculty members at the rate of 1% of gross salary
  - 9.7.2. For faculty members on leaves of absence at a rate of .5% of gross salary.
  - 9.7.3. Members on leave without pay or who are seconded may maintain membership by paying to the Association dues and assessments as stipulated in Sec. 9.7.1.
  - 9.7.4. Dues for Members on Long Term Disability (LTD) Leave shall be waived commencing on the first day of LTD leave and thereafter for the duration of the leave period.

## 10. Amendment and Special Resolution

The Constitution and bylaws of the Association may be enacted, amended or repealed at any General Meeting by Extraordinary Resolution, provided that proper notice has been given and there is quorum.

## 11. Ratification of Proposed Collective Agreements

- 11.1 The proposed terms and conditions of employment will be mailed electronically or otherwise to all Faculty Association members for a review prior to a ratification vote by secret ballot. (It is suggested that a ballot be included with the distribution of the proposed agreement in order to expedite the voting.)
- 11.2 A general meeting will be held, approximately a week after the mailing of the proposed agreement and prior to voting, in order to present and discuss the proposed agreement. Members will have five (5) working days from the date of this meeting to return their completed ballots to the Returning Officer.
- 11.3 Ratification is achieved when the proposals have been adopted by 50% plus one of the votes cast.



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## 12. Wind Up and Dissolution

- 12.1. In the event the Faculty Association is wound up or dissolved in the course of its ordinary business, all of its assets, after payment of its liabilities, shall be distributed in one of the following ways, or in a combination thereof:
  - 12.1.1. disposition of the assets (or portion thereof) pro rata to the current members
  - 12.1.2. assignment of the assets to a successor Faculty Association or to another organization designated by the members
  - 12.1.3. deed of trust to a person or corporation as designated by the members to be held on terms approved by the members
- 12.2. Voluntary windup of the dissolution shall follow the same procedural provisions (notice, quorum, voting procedures, etc.) that apply to the Annual General Meeting.
- 12.3. In the event of the Faculty Association's impending involuntary windup or dissolution as a result of legislation, regulation, or ministerial policy, all of its assets, after payment of its liabilities, shall be distributed as per section 12.1 above.
- 12.4. In the event of impending involuntary windup, the Officers of the Faculty Association shall be specifically empowered to convene an emergency meeting upon 48 hours written notice. The quorum requirement shall be a simple majority of those members present at the meeting. At this meeting, the Officers shall put forward the evidence prompting their action in calling a Special Meeting for the purposes of dissolving the Association and distributing its assets.