

# Bylaws

CANADIAN UNION OF PUBLIC EMPLOYEES  
LOCAL 3912

April 21, 2021

Approved by CUPE National April 29, 2021

**CUPE** / *Canadian Union  
of Public Employees*

## Table of Contents

INTRODUCTION .....	2
SECTION 1 – NAME .....	2
SECTION 2 – OBJECTIVES .....	2
SECTION 3 – REFERENCES .....	3
SECTION 4 – MEMBERSHIP .....	4
SECTION 5 – AFFILIATIONS .....	5
SECTION 6 – REGULAR AND SPECIAL MEMBERSHIP MEETINGS.....	5
SECTION 7 – OFFICERS .....	6
SECTION 8 – EXECUTIVE BOARD .....	7
SECTION 9 – DUTIES OF OFFICERS .....	7
SECTION 10 – NOMINATION, ELECTION, AND INSTALLATION OF OFFICERS.....	17
SECTION 11 – FEES, DUES, AND ASSESSMENTS.....	20
SECTION 12 – NON PAYMENT OF DUES AND ASSESSMENTS.....	20
SECTION 13 – VOTING OF FUNDS .....	21
SECTION 14 – OUT-OF-POCKET EXPENSES .....	21
SECTION 15 – CHILD CARE, DEPENDENT CARE AND ELDER CARE .....	22
SECTION 16 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS .....	22
SECTION 17 – COMMITTEES .....	22
SECTION 18 – COMPLAINTS AND TRIALS .....	24
SECTION 19 – RULES OF ORDER.....	24
SECTION 20 – AMENDMENTS .....	24
SECTION 21 – PRINTING AND DISTRIBUTION OF BYLAWS.....	25
Appendix “A”	
CUPE NATIONAL EQUALITY STATEMENT .....	26
Appendix “B”	
RULES OF ORDER .....	27
Appendix “C”	
OUT-OF-POCKET EXPENSES .....	30

## INTRODUCTION

Local 3912 of the Canadian Union of Public Employees has been formed to:

- Improve the social and economic well-being of all of its members;
- Promote equality for all members and to oppose all types of harassment and discrimination;
- Promote the efficiency of public services; and
- Express its belief in the unity of organized labour.

The following Bylaws are adopted by Local 3912 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of Local 3912, and to involve as many members of Local 3912 as possible through the sharing of duties and responsibilities.

CUPE chartered organizations shall respect and apply the CUPE National Equality Statement to all of the chartered organizations' activities. The CUPE National Equality Statement can be found in Appendix "A" to these bylaws.

## SECTION 1 - NAME

The name of this Local Union shall be Canadian Union of Public Employees, Local 3912 (Halifax Universities). Local 3912 consists of the following units:

- Part-time Instructors and Teaching Assistants at Dalhousie University;
- Part-time Instructors at Mount Saint Vincent University;
- Part-time Instructors at Saint Mary's University;
- Instructors at The Language Centre (TLC), Saint Mary's University.

## SECTION 2 - OBJECTIVES

The objectives of Local 3912 are to:

- (a) Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
- (b) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (c) Encourage the settlement by negotiation and mediation of all the disputes between the members and their employers;

- (d) Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears;
- (e) Establish strong working relationships with the public we serve and the communities in which we work and live;
- (f) Promote the quality and accessibility of education at Dalhousie University, Saint Mary's University and Mount Saint Vincent University and safeguard the rights of all members;
- (g) Provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities; and
- (h) Support CUPE in reaching all of the objectives set out in Article II of the CUPE National Constitution.

### SECTION 3 – REFERENCES

- (a) The pronoun "they" (as a singular) shall be used in the place of "he" or "she" to include all genders including transgender.
- (b) Numbers of articles at the end of sections or sub-sections in this document refer to relevant articles of the CUPE National Constitution which should be read together with these bylaws.
- (c) "Teaching Assistant" and its abbreviation "TA" refers to members at Dalhousie University (teaching assistants, tutor-markers, etc.) classified as "Teaching Assistant". (Collective Agreement between Dalhousie University and CUPE Local 3912)
- (d) "Markers and Demonstrators" refers to members at Dalhousie University classified as "Markers and Demonstrators". (Collective Agreement between Dalhousie University and CUPE Local 3912)
- (e) "Part-time Instructor" refers to members:
  - classified as "Part-time Academic" (Collective Agreement between Dalhousie University and CUPE Local 3912);
  - classified as "Part-time Academic" (Collective Agreement between Mount Saint Vincent University and CUPE Local 3912);

- classified as “Part-time Faculty Member” (Collective Agreement between Saint Mary’s University and CUPE Local 3912).

(f) “Language Instructor” refers to members at Saint Mary’s University classified as “Instructor” (Collective Agreement between Saint Mary’s University/TLC and CUPE Local 3912).

## **SECTION 4 – MEMBERSHIP IN GOOD STANDING**

### **(a) Membership**

An individual employed within the jurisdiction of Local 3912 can apply for membership in good standing in Local 3912 by signing an application and paying the initiation fee set out in Section 11(a) of these bylaws.

**(Article B.8.1)**

### **(b) Approval of Membership**

At the first membership meeting after the application has been submitted, the name(s) of the applicant(s) will be read out and unless a majority of members present at the meeting object, the applicant(s) will be accepted into membership.

**(Article B.8.2)**

### **(c) Oath of Membership**

Members will take this oath to become members in good standing:

“I promise to support and obey the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union.”

**(Article B.8.4)**

### **(d) Continuation of Membership**

A member who has been initiated as stipulated in Section 11 of these Bylaws shall remain in good standing for thirty-six (36) months following the expiration of an employment contract.

### **(e) Member Obligations**

Members are obligated to abide by the CUPE National Constitution and these bylaws as amended from time to time.

## SECTION 5 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 3912 shall be affiliated to and pay per capita tax to the following organizations:

- CUPE Nova Scotia
- The Nova Scotia Federation of Labour
- Halifax-Dartmouth and District Labour Council

## SECTION 6 – REGULAR AND SPECIAL MEMBERSHIP MEETINGS

- (a) Regular membership meetings of Local 3912 shall be held at least once between September 1<sup>st</sup> and December 31<sup>st</sup> and at least once between January 1<sup>st</sup> and April 30<sup>th</sup>. Election of Officers shall be in April of each year. Notice of each regular membership meeting outlining the date, time, and location shall be given to members at least fourteen (14) days in advance of the meeting. When a statutory holiday or a situation beyond the control of the Local Union arises which causes the cancellation of a regular membership meeting, the Executive Board shall reschedule the regular membership meeting and will give members fourteen (14) days' notice of the date of the rescheduled regular membership meeting.
- (b) Special membership meetings of Local 3912 may be required and shall be called by the Executive Board or may be requested in writing by no fewer than fifteen (15) members. The President shall immediately advise members when a special meeting is called and ensure that all members receive at least seventy-two (72) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
- (c) Notice of a regular or special membership meeting shall at minimum include: (1) posting the date, time and location of the meeting on the CUPE Local 3912 office door; (2) posting the date, time, and location of the meeting on the CUPE Local 3912 website; and (3) emailing the date, time, and location of the meeting to members at their university address.
- (d) The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be ten (10) members, including three (3) members of the Executive Board.
- (e) The order of business at regular membership meetings is as follows:
1. Territorial acknowledgement
  2. Roll call of Officers
  3. Reading of the Equality Statement

4. Voting on new members and initiation
  5. Reading and approval of minutes of previous meeting
  6. Matters arising
  7. Treasurer's report and approving expenditures
  8. Correspondence
  9. Executive Board report
  10. Reports of committees and delegates
  11. Nominations, elections, or oath of office
  12. Unfinished business
  13. New business
  14. Good of the Union
  15. Adjournment
- (f) Local 3912 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.

## **SECTION 7 – OFFICERS**

The Officers of Local 3912 shall be:

1. President
2. Vice President - Part-time Instructors at Dalhousie University
3. Vice President - Teaching Assistants at Dalhousie University (Sexton Campus)
4. Vice-President - Teaching Assistants at Dalhousie University (Studley Campus)
5. Vice-President - Dalhousie University, Truro Campus
6. Vice President - Part-time Instructors at Mount Saint Vincent University
7. Vice President - Part-time Instructors at Saint Mary's University
8. Vice President - Instructors at The Language Centre, Saint Mary's University
9. Recording Secretary
10. Secretary-Treasurer
11. Communications Officer
12. Membership Officer
13. Three (3) Trustees

## **SECTION 8 – EXECUTIVE BOARD**

- (a) The Executive Board shall include all Officers, except Membership Officer and Trustees.
- (b) The Executive Board shall meet at least eight times per year, either in person or through telephone or video conferencing. When the Executive Board deems it necessary in emergency circumstances, a motion may be communicated to its members for vote via email.
- (c) A majority of the Executive Board constitutes a quorum.
- (d) The Executive Board shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposal to a membership meeting and having it approved.
- (e) The Executive Board shall do the work delegated to it by the Local Union and shall be held responsible for the proper and effective functioning of all committees.
- (f) Should any Executive Board member fail to answer the roll call for three consecutive regular meetings, or three consecutive 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 or in accordance with Section 10 (b).

## **SECTION 9 – DUTIES OF OFFICERS**

Each Officer of Local 3912 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

All signing Officers of Local 3912 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. All signing Officers must be available to carry out duties in person at the CUPE 3912 office.

(a) The President shall:

- Enforce the CUPE National Constitution, these Local Union Bylaws and the Equality Statement.
- Preside at all membership and Executive Board meetings and preserve order.
- Decide all points of order and procedure (subject always to appeal to the membership).
- Have a vote on all matters (except appeals against the President's rulings) and in case of a tie vote, have the right to cast an additional vote to break the tie.



- Submit a written report to the Recording Secretary at each Executive Board meeting.
- Ensure that all Officers perform their assigned duties.
- Provide newly-elected Officers with materials and guidelines relevant to their position. This duty may be delegated to another member of the Executive Board.
- Fill committee vacancies where elections are not provided for.
- Introduce new members and conduct them through the initiation ceremony.
- Be a signing officer and ensure that the Local Union's funds are used only as authorized or directed by the CUPE National Constitution, Local 3912's Bylaws, or vote of the membership.
- 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.
- Have first preference as a delegate to the CUPE National Convention, the CUPE Nova Scotia Convention, and the Nova Scotia Federation of Labour Convention.
- Be a member of each Labour Management Committee in accordance with the applicable Collective Agreement.
- Act as spokesperson for Local 3912.
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.
- If the office of President falls vacant, a member of the Executive Board will be appointed by the Executive Board to be Acting President on a temporary basis, and a by-election shall be held at the next General Meeting, or at a special meeting for that purpose, if the General Meeting is more than six weeks away.

(b) The Vice President - Part-time Instructors at Dalhousie University shall:

- Act as Shop Steward and be responsible for the administration of grievances for Part-time Instructors at Dalhousie University, as defined in Section 17 and in conjunction with the President.
- Represent to the best of their abilities the interests of all members at Dalhousie University.

- If necessary, create an advisory committee to help assess and represent those interests.
- Endeavor to create and maintain a network of departmental representatives at Dalhousie University in conjunction with the Communications Officer.
- Participate in all discussions and decisions of the Executive Board regardless of whether the discussion/decision directly affects the members at Dalhousie University.
- Be a member of the Labour Management Committee at Dalhousie University.
- Submit a written report to the Recording Secretary at each Executive Board meeting.
- Render assistance to any member of the Executive as directed by the Executive Board.
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.

(c) The Vice President - Dalhousie University Truro Campus shall:

- Act as Shop Steward and be responsible for the administration of grievances for Part-time Instructors and Teaching Assistants at Dalhousie University's Truro Campus, as defined in Section 17 and in conjunction with the President.
- Represent to the best of their abilities the interests of all members at Dalhousie University Truro Campus.
- If necessary, create an advisory committee to help assess and represent those interests.
- Endeavor to create and maintain a network of departmental representatives at Dalhousie University Truro Campus in conjunction with the Communications Officer.
- Participate in all discussions and decisions of the Executive Board regardless of whether the discussion/decision directly affects the members at Dalhousie University Truro Campus.
- Be a member of the Labour Management Committee at Dalhousie University.

- Submit a written report to the Recording Secretary at each Executive Board meeting.
- Render assistance to any member of the Executive as directed by the Executive Board.
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.

(d) The Vice President - Teaching Assistants at Dalhousie University (Sexton Campus) shall:

- Act as Shop Steward and be responsible for the administration of grievances for Teaching Assistants at Dalhousie University (Sexton Campus), as defined in Section 17 and in conjunction with the President.
- Represent to the best of their abilities the interests of all Teaching Assistants at Dalhousie University (Sexton Campus).
- If necessary, create an advisory committee to help assess and represent those interests.
- Endeavor to create and maintain a network of departmental representatives at Dalhousie University in conjunction with the Communications Officer.
- Participate in all discussions and decisions of the Executive Board regardless of whether the discussion/decision directly affects the members at Dalhousie University.
- Be a member of the Labour Management Committee at Dalhousie University.
- Submit a written report to the Recording Secretary at each Executive Board meeting.
- Render assistance to any member of the Executive as directed by the Executive Board.
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.

(e) The Vice President - Teaching Assistants at Dalhousie University (Studley Campus) shall:

- Act as Shop Steward and be responsible for the administration of grievances for Teaching Assistants at Dalhousie University (Studley Campus), as defined in Section 17 and in conjunction with the President.

- Represent to the best of their abilities the interests of Teaching Assistants at Dalhousie University (Studley Campus).
- If necessary, create an advisory committee to help assess and represent those interests.
- Endeavor to create and maintain a network of departmental representatives at Dalhousie University in conjunction with the Communications Officer.
- Participate in all discussions and decisions of the Executive Board regardless of whether the discussion/decision directly affects the members at Dalhousie University.
- Be a member of the Labour Management Committee at Dalhousie University.
- Submit a written report to the Recording Secretary at each Executive Board meeting.
- Render assistance to any member of the Executive as directed by the Executive Board.
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.

(f) The Vice President - Part-time Instructors at Mount Saint Vincent University shall:

- Act as Shop Steward and be responsible for the administration of grievances for Part-time Instructors at Mount Saint Vincent University, as defined in Section 17 and in conjunction with the President.
- Represent to the best of their abilities the interests of Part-time Instructors at Mount Saint Vincent University.
- If necessary, create an advisory committee to help assess and represent those interests.
- Endeavor to create and maintain a network of departmental representatives at Mount Saint Vincent University in conjunction with the Communications Officer.
- Participate in all discussions and decisions of the Executive Board regardless of whether the discussion/decision directly affects the members at Mount Saint Vincent University.
- Be a member of the Labour Management Committee at Mount Saint Vincent University.

- Submit a written report to the Recording Secretary at each Executive Board meeting.
- Render assistance to any member of the Executive as directed by the Executive Board.
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.

(g) The Vice-President - Part-time Instructors at Saint Mary's University shall:

- Act as Shop Steward and be responsible for the administration of grievances for Part-time Instructors at Saint Mary's University, as defined in Section 17 and in conjunction with the President.
- Represent to the best of their abilities the interests of Part-time Instructors at Saint Mary's University.
- If necessary, create an advisory committee to help assess and represent those interests.
- Endeavor to create and maintain a network of departmental representatives at Saint Mary's University in conjunction with the Communications Officer.
- Participate in all discussions and decisions of the Executive Board regardless of whether the discussion/decision directly affects the members at Saint Mary's University.
- Be a member of the Labour Management Committee at Saint Mary's University.
- Submit a written report to the Recording Secretary at each Executive Board meeting.
- Render assistance to any member of the Executive as directed by the Executive Board.
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.

(h) The Vice President - Instructors at The Language Centre, Saint Mary's University shall:

- Act as Shop Steward and be responsible for the administration of grievances for Instructors at The Language Centre, Saint Mary's University, as defined in Section 17 and in conjunction with the President.

- Represent to the best of their abilities the interests of Instructors at The Language Centre, Saint Mary's University.
- If necessary, create an advisory committee to help assess and represent those interests.
- Endeavor to create and maintain a network of representatives at The Language Centre, Saint Mary's University, in conjunction with the Communications Officer.
- Participate in all discussions and decisions of the Executive Board regardless of whether the discussion/decision directly affects the members at The Language Centre, Saint Mary's University.
- Be a member of the Labour Management Committee at The Language Centre, Saint Mary's University.
- Submit a written report to the Recording Secretary at each Executive Board meeting.
- Render assistance to any member of the Executive as directed by the Executive Board.
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.

(i) The Recording Secretary shall:

- Organize all regular or special membership and Executive Board meetings.
- Ensure that a record of the full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings is kept. 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 Secretary-Treasurer. The record will also include Trustee reports. Minutes for Executive Meetings shall be prepared within two (2) weeks of the meeting for which they are prepared. Minutes for General Meetings shall be prepared within four (4) weeks of the meeting for which they are prepared
- Record all amendments and/or additions to the Bylaws and make certain that these are sent to the National President (through the CUPE National Representative) for approval.

- Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- Have all records ready on reasonable notice for the Trustees or auditors.
- Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local 3912's funds.
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.

(j) The Secretary-Treasurer shall:

- Preside over membership and Executive Board meetings in the absence of the President.
- 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.
- Be a signing officer 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.
- 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.
- 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.
- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
- Make a full financial report to meetings of the Executive Board.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.

- 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 Local 3912 is affiliated.
- 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.
- Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- Where required, not later than February 28<sup>th</sup> each year, furnish each member, on the forms supplied by CUPE National, with a statement showing the net amount of tax-deductible dues paid by him during the preceding calendar year.
- Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local 3912's funds.
- Notify all members who are one month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.
- On termination of office, surrender all books, records and other properties of the Local 3912 to their successor.

(k) The Communications Officer shall:

- Participate in all discussions and decisions of the Executive Board, regardless of whether the discussion/decision involves the communication strategies they manage.
- Receive and respond to general inquiries.
- Assist the Vice Presidents in creating and maintaining a network of departmental representatives for each unit.
- Devise and implement strategies as directed by the Executive Board and/or the President.
- Supervise the Local 3912 webmaster.
- Chair the Education and Newsletter Committees.



- Produce a newsletter at least once per regular session (September to December term and January to April term) and post each issue on the Local 3912 website.
- Issue membership bulletins and updates as directed by the Executive Board and/or President.
- On termination of office, surrender all books, records and other properties of the Local Union to their successor.

(l) The Membership Officer shall:

- Guard the inner door at membership meetings and admit no one but members in good standing or officers and officials of CUPE, except on the order of the President and with consent of the members present.
- Assist in maintaining the record of membership attendance at meetings.
- Provide union literature and supplies (for example, membership applications) at membership meetings.
- Perform such other duties as may be assigned by the Executive Board from time to time.

(m) The Trustees shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the Committees at least once every calendar year.
- Make a written report of their findings to the first membership meeting following the completion of each audit.
- Submit in writing to the President and Secretary-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 Secretary-Treasurer in an organized, correct, and proper manner.
- Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- Ensure that proper financial reports have been given to the membership.
- Audit the record of attendance.

- 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.
- Send to the National Secretary-Treasurer, with a copy to the assigned CUPE National Representative, the following documents:
  - i. Completed Trustee Audit Program
  - ii. Completed Trustees' Report
  - iii. Secretary-Treasurer Report to the Trustees
  - iv. Recommendations made to the President and Secretary-Treasurer of the Local Union
  - v. Secretary-Treasurer's response to recommendations
  - vi. Concerns that have not been addressed by the Local Union Executive Board

## **SECTION 10 - NOMINATION, ELECTION, AND INSTALLATION OF OFFICERS**

### **(a) Nominations**

1. Nominations will be received at a regular membership meeting held between January 1<sup>st</sup> and April 30<sup>th</sup>.
2. Nominations will be accepted from members in attendance from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member.
3. All members of the Local are eligible for nomination for the office of President, Recording Secretary, Secretary-Treasurer, Communications Officer, Membership Officer, and Trustee.
4. With the exception of the two (2) Vice Presidents for Teaching Assistants at Dalhousie University, Vice Presidents must be teaching or have taught as a member of the bargaining unit whose CUPE 3912 members they will represent to be eligible for nomination. The Vice Presidents for Teaching Assistants at Dalhousie University must be working or have worked as a Teaching Assistant or Marker/ Demonstrator at the campus at which they will represent CUPE 3912 members to be eligible for nomination. In the event that no member meeting the nomination criteria accepts nomination, other members of the Local will be eligible for nomination.
5. The President and Secretary-Treasurer, both Signing Officers, must be available to carry out duties in person at the CUPE 3912 office.
6. A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time.

7. To be eligible for nomination, a member must be a member in good standing as set out in Article B.8.3 of the National Constitution.
8. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

(b) Elections

1. The President, Vice President - Part-time Instructors at Dalhousie University, Vice President - Teaching Assistants at Dalhousie University (Sexton Campus), Vice President - Part-time Instructors at Saint Mary's University, Recording Secretary, and Membership Officer shall be elected in even years.
2. The Vice-President - Dalhousie University, Truro Campus, The Vice President - Teaching Assistants at Dalhousie University (Studley Campus), Vice President - Part-time Instructors at Mount Saint Vincent University, Vice President - Instructors at The Language Centre, Saint Mary's University, Secretary-Treasurer, and Communications Officer shall be elected in odd years.
3. At least two (2) weeks before the meeting in which elections are to be held, the President shall appoint an Elections Committee consisting of a Returning Officer and assistants(s). The appointments must be approved by the Executive Board. The Committee will include members of Local 3912 who are neither Officers nor candidates for office. The Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
4. The Executive Board will determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
5. The Returning Officer will be responsible for issuing, collecting, and counting ballots. The Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
6. The voting will take place at the regular membership meeting held between January 1<sup>st</sup> and April 30<sup>th</sup>. The vote will be by secret ballot.
7. Voting to fill one office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
8. A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken if necessary to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot will be dropped. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.

9. When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
10. Any member may request a recount of the votes for any election and a recount will be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as set out in Section 6(d).
11. If no member accepts nomination for an office at the regular membership meeting held between January 1<sup>st</sup> and April 30<sup>th</sup> or if an office is vacated, the Executive Board may appoint any member in good standing to fill the vacant position on an interim basis until the next membership meeting. It is understood that a member appointed to office on an interim basis will perform the duties associated with the office and receive an honorarium in accordance with these Bylaws.

(c) Installation

1. All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for two years or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three years.
2. The terms of office for Trustees shall be so that one serves for a period of three years, one for two years, and one for one year, as laid down in Article B.2.4 of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one Trustee for a three-year period. No member who has been a signing officer for the Local Union is eligible to run for Trustee, until at least one full term of office has elapsed.
3. The Oath of Office to be read by the newly-elected Officers is:

*"I, \_\_\_\_\_, do most sincerely promise that I will truly and faithfully, to the best of my ability, perform the duties of my office for the ensuing term, as prescribed in the Constitution and laws of the Canadian Union of Public Employees, and as an Officer of this Local Union will at all times endeavour, both by counsel and example, to promote the harmony and preserve the dignity of its sessions.*

*I further promise that at the close of my official term, I will promptly deliver all monies, books, papers, or other property of this Local Union in my possession to my elected successor."*
4. The term of office for Officers (except Trustees) shall be two (2) years.

(d) By-Election

Should an office fall vacant pursuant to Section 8(f) of these bylaws or for any other reason, the resulting by-election will be held as soon as practical and should be conducted as closely as possible in conformity with this Section.

## SECTION 11 – FEES, DUES, AND ASSESSMENTS

(a) Initiation Fee

Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of two (2) dollars which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

(b) Readmittance Fee

The readmittance fee shall be two (2) dollars.

(c) Monthly Dues

The monthly dues shall be 1.9% of regular wages.

(d) Amending Monthly Dues

The regular monthly dues may be amended at a regular or special membership meeting. The vote must be by secret ballot. Notice of at least seven (7) days at a previous meeting or sixty (60) days in writing must be given.

(e) Assessments

Assessments may be levied in accordance with the CUPE Constitution. Assessments do not mean or include regular monthly dues and are applied for a specific purpose or specific length of time. Membership approval is required and the assessment will only be applied after the National President approves the assessment.

## SECTION 12 – NON PAYMENT OF DUES AND ASSESSMENTS

Any member in arrears for a period of three months or more will be automatically suspended and the suspension will be reported to the Executive Board by the Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting. Any member under suspension wishing to be reinstated will, upon application, pay the readmittance fee plus any dues and assessments in arrears. This money will be

returned if the application is rejected. A member who has been unemployed or unable to work because of sickness shall pay the readmittance fee but may not be required to pay arrears.

For clarification, suspension is not applicable to a member who retains membership status in accordance with Section 4 (d).

### **SECTION 13 - VOTING OF FUNDS**

(a) Local 3912 will pay out funds under the following circumstances:

- When the expenditure has been approved by the Executive Board, for expenditures up to two hundred (200) dollars;
- When the expenditure has received prior authorization through a membership approved budget;
- When these bylaws approve the expenditure; or
- Through a vote of the majority of members at a membership meeting.

Authorization to pay per capita tax to CUPE National, CUPE Nova Scotia, or any labour organization the Local Union is affiliated with, is not required.

(b) In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than two hundred (200) dollars, a notice of motion must be made at a regular membership meeting and then approved at the following regular membership meeting before the grant or contribution can be paid out.

(c) No member of Local 3912 will be allowed to spend any Local Union funds without first having received authorization under Section 13(a) of these bylaws.

### **SECTION 14 - OUT-OF-POCKET EXPENSES**

(a) Any member who is on authorized Local 3912 business shall be entitled to reimbursement for lost wages and benefits, accommodation (with receipt), and transportation expenses (at economy, tourist or coach rates) or kilometrage at the CUPE National rate plus receipted parking and toll fare expenses.

(b) Any member who is on authorized Local 3912 business shall receive a per diem allowance as follows:

- time and travel less than four (4) hours - thirty-five (35) dollars
- time and travel greater than four (4) hours - seventy (70) dollars

## SECTION 15 – CHILD CARE, DEPENDENT CARE AND ELDER CARE

Any member who is on authorized Local 3912 business shall be eligible for child care, dependent care, and/or elder care expenses where required. Upon proof of payment, claims shall be reimbursed to a maximum of fifty (50) dollars per day.

## SECTION 16 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS

- (a) Except for the President's option [Section 9 (a)], all delegates to conventions, conferences, and educationals shall be chosen by election at membership meetings.
- (b) Delegates to the Halifax-Dartmouth District Labour Council shall be elected annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall report to the Executive Board and to each Local Union membership on proceedings at recent meetings of the Council.
- (c) Delegates to conventions, conferences, and educationals shall be eligible for reimbursement for lost wages and benefits, expenses and per diems in accordance with Sections 14 and 15.
- (d) Local 3912 will provide members with their per diem allowance prior to their attending the convention, conference, or educational.
- (e) Local 3912 encourages the participation of women and all equity-seeking groups in its delegation to conventions, conferences, and educationals.

## SECTION 17 – COMMITTEES

### (a) Special Committees

A special committee may be established for a specified purpose and a specified period of time by the membership at a meeting. The members shall be elected at a membership meeting, or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two members of the Board may sit on any special committee as ex-officio members.

#### 1. Negotiating Committee

This shall be a special ad hoc committee established for each bargaining unit at least three (3) months prior to the expiry of the respective collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of the President, Vice-President(s) for the bargaining unit, and up to two (2) members from the bargaining unit (who preferably have current contracts under the applicable

Collective Agreement) elected at a membership meeting. Members of the Negotiations Committee must represent the interests of all members of the bargaining unit. The CUPE National Representative assigned to the Local shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

(b) Permanent Committees

1. A Labour Management Committee or Joint Committee for the Administration of the Agreement is provided for in the Collective Agreement for each bargaining unit. The President and the Vice-President(s) of the unit shall serve on these committees. The Executive Board may also appoint other members to serve on these committees in accordance with the respective Collective Agreement.

2. Grievance Committee

The President and Vice Presidents shall serve on this committee and process all grievances from the initial stage as follows:

- The relevant Vice President will consult with the President on any grievance.
- The relevant Vice President and the President shall determine the wording of the grievance, timelines, documentation, and attend meetings with the Employer in accordance with the applicable Collective Agreement.
- A grievance must be submitted on the form provided by CUPE National, be signed by the grievor(s) and the relevant Vice President or the President. A copy of the grievance and all related documentation shall be forwarded to the CUPE National Representative.
- A grievance not settled prior to the arbitration stage shall be submitted to the Executive Board to be considered for referral to arbitration, and to the CUPE National Representative for an opinion on the likelihood of success at arbitration.

3. Education and Newsletter Committee

The committee shall be chaired by the Communications Officer and comprise up to six (6) members.

This committee will:

- Conduct research and prepare membership communications;



- Assist in producing a newsletter at least once during each regular session (September to December term and January to April term);
- Report news of members to the appropriate general campus newsletters, papers, or electronic news services;
- Make recommendations to the Executive Board for representation of the Local at conferences, conventions, and educationals;
- Assist members in the preparation of reports to the membership on conferences, conventions and educationals, and maintain a file of these reports;
- Act in a consultative fashion with the webmaster;
- Cooperate with the Executive Board in preparing press releases and other publicity material.

## **SECTION 18 – COMPLAINTS AND TRIALS**

All charges against members or Officers must be made in writing and dealt with in accordance with the Trial Procedure provisions of the CUPE National Constitution.

## **SECTION 19 – RULES OF ORDER**

All meetings of the Local Union will be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these bylaws as Appendix “B”. These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

In situations not covered by Appendix “B”, the CUPE National Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot’s Rules of Order shall be consulted and applied.

## **SECTION 20 – AMENDMENTS**

- (a) These bylaws are always subordinate to the CUPE National 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 National Constitution, the latter shall govern. The National President has the sole authority to interpret the CUPE National Constitution.
- (b) These bylaws will 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 days' notice at a previous meeting or at least sixty days' written notice.

- (c) No change in these bylaws will be valid and take effect until approved by the National President of CUPE. The validity will date from the letter of approval of the National President.

### **SECTION 21 - PRINTING AND DISTRIBUTION OF BYLAWS**

Members will receive a copy of Local 3912 Bylaws via the Local Union website at [www.cupe3912.ca](http://www.cupe3912.ca).

## Appendix "A"

### CUPE NATIONAL EQUALITY STATEMENT

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation, and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile, or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic, or homophobic hurts and thereby divides us. So too, does discrimination on the basis of ability, age, class, religion and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue, or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

CUPE's policies and practices must reflect our commitment to equality. Members, staff, and elected officers must be mindful that all persons deserve dignity, equality, and respect.

## Appendix "B"

### RULES OF ORDER

1. The President will be the Chairperson at all membership meetings. In the absence of the President, the Secretary-Treasurer will be the Chairperson at the membership meeting. In the absence of the President and Secretary-Treasurer, the Recording Secretary will be the Chairperson at the membership meeting. In the absence of the President, Secretary-Treasurer and Recording Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.
2. Members are not allowed to speak about an issue for more than three minutes. Members can only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to speak.
3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to five minutes. With the agreement of the members present, the five minutes may be expanded.
4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: "Is the Local ready for the motion?" If no member rises to speak, the motion will be voted upon.
5. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.
6. A motion to amend a motion, or a motion to amend an amendment are allowed; however, a motion to amend an amendment to an amendment is not allowed.
7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.
8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.
9. Motions other than those named in Rule 19, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put in writing prior to beginning debate and vote.
10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.

11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.
12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.
13. The Chairperson will keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.
14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.
15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
16. Religious discussion of any kind is not permitted.
17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.
18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.
19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.
20. The Chairperson will ask "Will the main question be now put?" where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.
21. A motion to adjourn is in order except when a member is speaking or when members are voting.

22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.
23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.
24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.
25. After a question has been decided, any two members who have voted with the majority can move reconsideration, provided that a motion for reconsideration is made at either the meeting where the decision proposed for reconsideration was made, or at the very next meeting.
26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.

Local 3912's business and the proceedings of meetings are not to be divulged to any persons outside Local 3912, or the Canadian Union of Public Employees.

## Appendix "C"

### OUT-OF-POCKET EXPENSES

Local 3912 Officers shall be provided an out-of-pocket expense allowance as a function of the amount equivalent to the average of the minimum rates of a full-year course at Dalhousie University, Saint Mary's University and Mount Saint Vincent University (vacation included):

President	2 full-year courses
Vice President	0.5 full-year course
Recording Secretary	0.5 full-year course
Secretary-Treasurer	0.75 full-year course
Communications Officer	0.5 full-year course
Membership Officer	TBD – per meeting
Three (3) Trustees	TBD – per audit

The allowances listed above are yearly amounts to be paid in installments every four (4) months (April, August, and December) except for the amount paid to the President, which is to be paid biweekly.

cope491/sm

revised April 21, 2021 – cope491/dc

final document - ch/cope 491