

Lecturers' Union of Memorial University of Newfoundland
(LUMUN)

CONSTITUTION

Article I

Name

This organization shall be known as the Lecturers' Union of Memorial University of Newfoundland (LUMUN), and shall maintain its offices in the Province of Newfoundland and Labrador.

Article II

Objects and Purposes

The objects and purposes of this Union shall be as follows:

- Section 1 To regulate relations at Memorial between employer and employees (including Per Course Instructors and Postdoctoral Fellows), through collective bargaining.
Amended 7 March 2015
- Section 2 To improve wages and working conditions and to maintain and protect the interests of the members of the Union.
- Section 3 To unite workers in one organization regardless of race, sex, creed, color, marital status, sexual preference, disability, political or religious affiliation, geographical place of work or residence, or place of national origin.
Amended March 2, 2012
- Section 4 To improve health and safety conditions in the workplace with the goal of eliminating occupational injury and disease and making the workplace health enhancing.
- Section 5 To educate the membership in the history of the labour movement, in its role in social progress and its impact on the community; to assist members to be alert and vigilant to the events of the world affecting workers; to encourage the members to become involved in political action with the aim of provoking the ideas and candidates advancing the rights of workers; to work for legislation at all levels of government which will bring about better lives for workers; including adequate public pension, free universal medical care, guaranteed annual income and adequate services to people.
- Section 6 To engage in legislative, political, educational, civic, welfare and other activities which further, directly or indirectly, the joint interests of the membership of this union in the improvement of general economic and social conditions of Canada, the Province of Newfoundland and Labrador and generally in the nations of the world.

Section 7 (a) To work together with other trade unions to strengthen the entire labour movement. To provide assistance, financial and otherwise, to labour and other organizations in Canada and other parts of the world having purposes and objectives similar or related to those sought by this organization.

Amended March 2, 2012

(b) In accordance with this Constitution the Executive Board is authorized to take whatever action is required to enable the Union to mobilize, assist and work with other organizations and unions, alone or in combination, toward the objective of meeting the urgent problems which confront workers in society and labour movements

Article III

Jurisdiction

Section 1: The geographical jurisdiction of this Union shall encompass all areas where those teaching on a Per Course basis or working as Postdoctoral Fellows for Memorial University of Newfoundland reside or work.

Amended 7 March 2015

Article IV

Membership

Section 1 All persons engaged in work within the geographical jurisdiction of the Union shall be eligible for membership in the Union.

Section 2 Notwithstanding and without limiting Section 1 above, a person is eligible for membership: who is employed within a bargaining unit represented by the Union or who is employed within or seeking employment within a bargaining unit for which certification is being sought; who is engaged in work for gain and who is employed by an employer who is the subject of an active organizing effort by the Union; who is an employee or salaried officer of the Union; or who meets such other conditions as may be established by the Executive Board.

Section 3 All members shall be subject to the Constitution of this Union and any duly authorized bylaws, rules and regulations.

Amended 7 March 2015

Section 4 A person who signs an application for membership requesting membership in the Union and pays a fee not less than the minimum set by applicable labour relations law, is deemed to be a member in good standing of the Union until there has been an order for certification granted by the appropriate Labour Relations Board for the bargaining unit or proposed bargaining of which he or she is a member. This provision shall not relieve a member from the obligation to pay all dues and assessments that may otherwise be applicable. Membership under this section shall lapse in the event of an unsuccessful certification campaign.

Amended March 2, 2012

Article V

Union Officers and Executive Board

- Section 1:** The officers of the Union shall consist of:
- (i) a President and Chief Shop Steward, who shall be elected in accordance with the provisions of this Constitution;
 - (ii) a Secretary, who shall be elected in accordance with the provisions of this Constitution;
 - (iii) a Treasurer, who shall be elected in accordance with the provisions of this Constitution;
 - (iv) a First Vice-President, who shall be elected in accordance with the provisions of this Constitution;
- Amended 7 March 2015*
- (v) a Second Vice-President, who shall be elected in accordance with the provisions of this Constitution;
 - (vi) two executive Members at Large who shall be elected in accordance with the provisions of this Constitution.

Amended March 2, 2012 & 7 March 2015

At least one officer of the Union shall normally be a Per Course Instructor and at least one shall normally be a Postdoctoral Fellow.

Amended 7 March 2015

Section 2 A majority of the Executive Board as officially constituted shall be a quorum to conduct Union business. Each member of the Executive Board shall have one vote. In the event of a tie vote the President and Chief Shop Steward shall cast the deciding vote.

Section 3 The Executive Board shall meet as often as is necessary but not less than every two months. Special meetings of the Executive shall be called by the President and Chief Shop Steward or Vice-President acting in the absence of the President and Chief Shop Steward.

Section 4 The Executive Board shall have full authority to perform all acts and duties necessary for carrying out the business of the Union pursuant to this Constitution, except where otherwise provided in this Constitution. Without limiting the generality of the foregoing, the Executive Board shall have the responsibility of managing the administrative and financial affairs of the Union including the authority to establish appropriate Union policy on matters of financial management and administration.

- Section 5 Without limiting the general authority of the Executive Board to manage and administer the affairs of the Union, the Executive Board shall have full authority to negotiate and enter into any or all of the following agreements:
- (i) Organizing Assistance Agreements whereby the assistance of a national or international union is obtained for the purpose of assisting the Union and organizing potential members into a bargaining unit for which certification or voluntary recognition will be sought;
 - (ii) Affiliation Agreements whereby the Union affiliates with a national or international union;
 - (iii) Merger Agreements whereby the Union merges with a national or international union;
 - (iv) Servicing Agreements whereby a national or international union provides to the Union expertise and assistance in matters of organization, administration and generally the provision of services to members and perspective members of bargaining units so as to carry out the objectives of the Union.
- Section 6 The signing officers of the Union shall be the Treasurer, the President and Chief Shop Steward, the Secretary, and one of the Vice-Presidents, any two (2) of whom shall have the authority to sign on behalf of the Union. Such signing authority shall include all documentation in the ordinary course of business provided however that an application for certification may be signed by any two members of the Executive Board.
- Amended March 2, 2012*
- Section 7 The Executive Board shall be responsible for engaging administrative and secretarial personnel and representatives and may affix salaries and working conditions for such personnel.
- Section 8 The members of the Executive Board shall oversee the annual audit of the books of the Union and arrange for the presentation of audited financial statements of the Union to the membership at a membership meeting not later than the end of October.
- Amended March 2, 2012*
- Section 9 The Executive Board shall approve all initial proposals for collective bargaining and, subject to ratification by the members of the bargaining unit, shall approve all proposed Collective Agreements which have been agreed to by the negotiating committee for any bargaining unit.
- Section 10 The Executive Board shall determine whether the grievance of any member under a Collective Agreement shall be referred to arbitration and upon the particular terms to which such referral to arbitration may be subject.
- Section 11 In the event of a vacancy on the Executive Board existing at any time other than at an election, the remaining members of the Executive Board shall have the

authority to fill such position for the balance of the term remaining until the next election, by appointment from the membership.

Article VI

Amended 7 March 2015

Committees

Section 1 The Union will attempt to establish the following standing Committees:

- (a) Grievance Appeals Committee
- (b) Health and Safety Committee
- (c) Academic Affairs Committee
- (d) any other committees as deemed appropriate by the Executive Committee

When such committees cannot be established then their work shall be undertaken by the Executive Board as they deem fit.

Amended March 2, 2012

Section 2 Membership on all committees shall be selected from members in good standing of the Union. All committee chairpersons other than the Stewards Council shall be elected at a joint meeting of the Executive Board and Stewards Council.

Section 3 All committee chairpersons shall report to the Executive Board on a regular basis.

Section 4 Stewards Council shall be chaired by the Chief Shop Steward and shall include all Shop Stewards selected by the membership of each worksite. The Stewards Council shall meet not less than once every two (2) months and may from time to time meet jointly with the Union Executive Board. The Stewards Council shall act as a liaison with the members at various worksites and shall foster the rights of members under the Union's Collective Agreements.

Section 5 The Grievance Appeals Committee shall be chaired by a member selected in accordance with Section 2 of this Article. The Chief Shop Steward will present all grievances to the Committee for consideration once the grievance procedure in the Collective Agreement have been exhausted. The Committee shall present its recommendation as to the future course of the grievance to the Executive Board.

Section 6 The Health and Safety Committee shall be chaired by a member elected in accordance with Section 2 of this Article. The Committee shall have a minimum of three (3) members. The Committee shall discuss all health and safety issues presented to it and present its findings and recommendations to the Union Executive Board.

Amended March 2, 2012

Section 7 The Communications Committee shall be chaired by a member elected according to Section 2 of this Article. The Committee shall have a minimum of three (3) members. The Committee shall be responsible for producing newsletters,

brochures and information bulletins, maintenance of the Union web page, if any, and maintaining and updating the "phone tree" as directed by the Union Executive Board.

- Section 8 The Good and Welfare Committee shall be chaired by a member elected according to Section 2 of this Article. The Committee shall have a minimum of three (3) members. The Committee may establish a hardship fund and make recommendations to the Union Executive Board regarding a distribution of such funds.
- Section 9 The Academic Affairs Committee shall be chaired by a member elected according to Section 2 of this Article. The Committee shall have a minimum of three (3) members. The Committee shall be responsible for reviewing University policy and procedures as they relate to the overall academic environment of the University, in particular as they relate to the instruction and delivery of course work and instruction.
- Section 10 The Union Executive Board shall at its discretion establish any other committees either as a standing committee or a special committee on a temporary basis that it may require.

Article VII

Amended 7 March 2015

Duties of Officers

- Section 1 President and Chief Shop Steward - The President and Chief Shop Steward shall preside at all membership meetings of the Union and at meetings of the Executive Board. The President and Chief Shop Steward shall supervise all other officers in the exercise of their respective duties. The President and Chief Shop Steward shall be an ex officio member of all standing and special committees: he/she shall, with the approval of the Executive Board, appoint the chair of the negotiating committee of the local. The President and Chief Shop Steward shall sign all membership cards after applications for membership have been processed in accordance with the provisions of this Constitution and such signature shall constitute proof of admission of a member into the Union.
- Section 2 First Vice-President - The Vice-President shall perform the duties of the President and Chief Shop Steward in the absence of that officer and any other duties delegated to the First Vice-President by the President and Chief Shop Steward.
- Section 3 Second Vice-President - The Second Vice-President shall perform the duties of the President and Chief Shop Steward in the absence of that officer and the First Vice-President and any other duties delegated to the Second Vice-President by the President and Chief Shop Steward.
- Section 4 Secretary - The Secretary shall keep correct full and impartial account of the proceedings of each meeting of the Union and shall notify members of the time and place of Union meetings and shall be responsible for such other notices to the

membership as are provided in this Constitution and shall undertake such other duties as are assigned from time to time by the President and Chief Shop Steward or the Executive Board.

Section 5 Treasurer - The Treasurer shall receive and give receipts for all monies due to the Union and shall deposit such monies in such bank or banks as the Executive Board may direct in the name of the Union. The Treasurer shall pay all bills authorized for payment by the Executive Board. The office of the Treasurer shall keep complete and accurate records of accounts and membership dues payments. The Treasurer shall report on the Union's finances and good standing of members at all regular meetings of the Union and, whenever called upon by the Executive Board, shall present the accounts for audit in accordance with the provisions of this Constitution.

Article VIII

Amended 7 March 2015

Amended 29 March 2017

Membership Meetings

Section 1 A general membership meeting of the Union membership shall be held semi-annually. An annual meeting shall be held for the purpose of receiving annual reports, the consideration of business or the election of officers if required. The annual meeting and elections and installation of officers shall be held at a time and place established by the Executive Board.

Section 2 Additional meetings of the membership of the Union may be held whenever warranted.

Section 3 Meetings of the membership of the Union must be called by the Secretary of the Union and he/she shall give not less than five (5) days' notice to the membership in advance of every membership meeting.

Section 4 In the event of an emergency, the Executive Board may call a special membership meeting on less than five (5) days' notice.

Section 5 A special membership meeting must be called by the Secretary on instructions of the Executive Board, or upon receipt of a written petition signed by not fewer than 10% of the membership in good standing at the time of the filing of the petition.

Section 6 A special meeting or meetings shall be held to ensure full discussion of any proposed Collective Agreement. At least forty eight (48) hours shall lapse between the distribution of the proposed agreement and the start of the special meeting or meetings. The Executive Board shall give forty eight (48) hours' notice of the time, date and location of any such meeting. Every effort must be made to schedule such meetings so that the maximum number of members are able to attend.

(a) At the end of such a meeting, unless the meeting resolves to postpone the ballot, voting shall begin. Only members in good standing of the Union and of the bargaining unit affected shall be entitled to vote. No member shall receive a ballot until he/she has signed a List of Voters;

(b) The ballot shall read as follows:

"Are in you favor of accepting the tentative agreement arrived at with your employer as presented to you by the Negotiating Committee of the Union."

_____ *Yes*

_____ *No*

Section 7 Majority rule shall be maintained throughout all meetings of the Union and in no case shall more than a simple majority of votes be required to decide an issue. Voting by proxy shall not be allowed.

Section 8 A member not in good standing shall not be permitted to vote, offer or second a motion or nominate or be nominated for office. A member not in good standing, suspended other than for the specific reason of delinquency in dues payment may not attend meetings of the Union, or speak at such meetings, except by permission of the meeting.

Article IX

Amended 7 March 2015

Elections

Section 1 The President and Chief Shop Steward, Vice-Presidents, Secretary, Treasurer and Executive Board Members at Large shall be elected by secret ballot vote of the membership. In the case of the first Executive Board, elected at the Founding Meeting of the Union, they shall be elected for a term not to exceed one (1) year. In the case of the second Executive and all subsequent Executives of the Union, they shall hold office for two (2) years. Those elected shall hold office until successors, which have been duly elected in accordance with this Constitution, are duly installed.

Amended 7 March 2015

Section 2 Nominations shall be conducted for a period not exceeding thirty (30) days prior to the Annual General Meeting at which the election is to take place.

Section 3 Not less than ten (10) days prior to nominations, all members shall be notified of the time, place and manner for conducting nominations. Such notice may be provided through public notice at the workplace or mailed notice to the members' last known home address or any combination thereof. Such notice shall also provide to the members notice of the time and place of the Annual General Meeting.

- Section 4 Nominations for each Executive Board office shall be submitted in writing, signed by at least two (2) members in good standing, with a written consent of a Nominee accepting nomination. Nominations may be received up to and including the commencement of the Annual General Meeting at which the elections are to be held.
- Section 5 The Annual General Meeting shall, by motion, appoint a committee of two members, neither of whom shall be Nominees for any Executive Board office, who shall conduct the election.
- Section 6 The candidate who receives the most votes (a plurality) for any office shall be declared elected.
- Section 7 In the event of a tie ballot for any Executive Board position, the President and Chief Shop Steward shall cast an additional ballot for the purpose of breaking the tie.
- Section 8 When nominations have been completed and there are unopposed candidates, the candidate or candidates shall be declared elected by acclamation.
- Section 9 The ballots for Executive Board positions shall be counted during the course of the Annual General Meeting at which the election is held. The Election Committee shall report the results of the ballot and declare as elected the successful candidates who shall thereupon be installed as the Executive Board members.

Article X

Amended 7 March 2015

Finances

- Section 1 The Treasurer shall have the authority to advise employers of the amount of union dues, initiation fees and other assessments to be paid by members.
- Section 2 Membership dues shall be paid on a biweekly basis of 1.49% of the member's gross base biweekly salary.
- Section 3 Initiation fees shall be waived for all members who are either founding members or have become members by virtue of an organizing campaign leading to a certification order. Initiation fees for other members shall not exceed the sum of \$5.00.
- Section 4 No officer or officers of the Local Union shall enter into any financial contractual understanding or agreement on behalf of the Union without prior approval from the Union Executive Board.
- Section 5 The President and Chief Shop Steward, at his or her own discretion may authorize expenditures of \$100.00 plus tax on behalf of the Union.
- Section 6 Any expenditures beyond \$100.00 plus tax must have the prior approval of a majority of the members of the Executive Board present at a meeting of the Executive Board.

Article XI

Amended 7 March 2015

Funds and Property

Section 1 The funds and property of the Union shall not be divided in any manner among the members individually. All monies collected on behalf of the Union or in the name of the Union shall be the property of the Union.

Article XII

Amended 7 March 2015

Obligations and Duties of Union Members

Section 1 New members in the Union will be asked to subscribe to the following obligations upon acceptance of their membership by the Executive Board:

"I, _____, pledge my honour to faithfully observe the Constitution and laws of this Union and the Charter of Rights and Freedoms; to comply with all rules and regulations of the Union; not to divulge or make known any private proceedings of the Union; to faithfully perform all duties assigned to me to the best of my ability and skill; to so conduct myself at all times not to bring reproach upon my Union, and at all times to bear true and faithful allegiance to the Lecturers' Union of Memorial University of Newfoundland."

Section 2 It shall be the duty of each member to conscientiously seek to understand and exemplify by practice the intent and purpose of his/her obligation as a member of this Union.

Amended 7 March 2015

Section 3 It shall be the duty of each member to render aid and assistance to brother and sister members in case of illness, death or distress, and in every way acquit her/himself as a loyal and devoted member of the Union.

Article XIII

Amended 7 March 2015

Defence Fund

Section 1 The Executive Board shall have the authority to establish a Defence Fund for the purpose of assisting membership during strikes or other financial emergencies which threaten the financial stability of the Union.

Amended 7 March 2015

Section 2 The Executive Board shall, subject to the approval of the membership in general meeting, have the authority to impose special assessments on the membership for the purposes of establishing such a defence fund or, of its own authority, transfer to such defence fund such portion of the funds of the Union which it deems prudent for such purposes.

Article XIV

Amended 7 March 2015

Amendments to the Constitution and By-laws

Section 1 This Constitution may be amended by any membership meeting upon submission of proposal amendments by the Executive Board on its own motion, or by petitions signed by not less than 20% of the membership in good standing at the time of the petition. Such proposed amendments shall be mailed to the membership not less than ten (10) days prior to the meeting with notice of the time and place of the meeting.

Section 2 The membership in general meeting shall have the authority to pass bylaws consistent with this Constitution to provide for the better administration of the Union.

Article XV

Amended 7 March 2015

Discipline

Section 1 A member or members of the Union may file a complaint alleging that a member or members have committed one or more of the following offences:

- (i) violation of the obligation and duties of union members;
- (ii) misappropriating, fraudulently receiving, wrongfully handling or failing to account for the funds of the Union or any related benefit funds;
- (iii) crossing or working behind a legal Lecturers' Union of Memorial University of Newfoundland picket line.

Section 2 Any complaint filed pursuant to Section 1 must state the exact nature of the alleged offence or offences and, if possible, the period of time during which the offence or offences allegedly took place.

Section 3 Complaints must be submitted to the Secretary of the Union within sixty (60) days of the time that the complainant first became aware or reasonably should have been aware of the alleged offences; provided that if the complaint is against the Secretary it should be submitted to the President and Chief Shop Steward of the Union.

Amended 7 March 2015

Section 4 Complaints and other formal documents sent by mail shall be considered filed as of the date of the postmark. Complaints and other formal documents delivered in person shall be considered filed as of the date of delivery.

Section 5 A copy of the complaint and a copy of the Union Constitution shall, without delay, be served upon the accused party by certified mail or in person. The

accused shall be afforded a reasonable opportunity to reply in writing to the complaint if he/she so desires.

- Section 6 On motion of the accused before trial, or upon its own motion, the Executive Board may dismiss without trial any charges which:
- (i) do not constitute violations as described in Section 1 of this Article; or
 - (ii) if the Executive Board finds the charges are of such a trivial nature as not to warrant the holding of a trial.

Section 7 The Executive Board, or in the event an Executive Board member or members are charged, the remaining members of the Executive Board, shall constitute a Trial Committee to conduct a trial of any complaint which shall be held as soon as possible but no later than sixty (60) days following the date on which the complaint was filed. In the event that less than three (3) members of the Executive Board are eligible to constitute a Trial Committee, then the remaining Executive Board members shall appoint disinterested members to the Trial Committee such that the members of the Trial Committee equal five.

Section 8 A member making a complaint and a member against whom a complaint has been made shall be permitted representation by Counsel of the member's own choice and at the member's own cost; such Counsel, however, shall be required to abide by the trial procedure as established by the Trial Committee.

Section 9 The member complained against and the complaining party shall have a fair and impartial trial and have the right to present witnesses and other evidence on their behalf and to examine any witnesses. The party complained against shall have the right to refuse to testify. At the commencement of the trial a Chairperson selected by the members of the Trial Committee, shall advise the party of their rights as set forth in this section and shall read the complaint to the accused. The accused shall then plead guilty or not guilty to each complaint. In the event that the accused elects not to appear or to respond, he shall be deemed to have entered a plea of not guilty and the trial shall proceed. Throughout the trial there shall be a presumption of innocence in favor of the accused. The charging party shall present his/her case first and shall have the burden of proving the allegations contained in the complaint.

Section 10 Upon completion of the trial proceedings, the Trial Committee shall, without undue delay, determine the innocence or guilt of the accused based solely on the evidence presented to it. The parties shall be advised of the decision in person or by certified mail. A verdict of a majority of the Trial Committee shall be the verdict of the Trial Committee. If the decision is that of guilty, the Trial Committee may impose a penalty of a reprimand, a fine not to exceed the value of the financial benefit, if any, obtained by the member complained of, by reason of the offence, suspension from membership or expulsion from membership. If requested by either party, the Trial Committee shall provide written reasons for its decision within thirty (30) days of its decision.

Article XVI*Amended 7 March 2015*Validity

- Section 1 If any provision of this Constitution shall be held invalid, the remainder of this Constitution shall not be affected.
- Section 2 Any provision of this Constitution which would operate so as to prevent or affect the coming into existence of this Union or the maintenance of the standing of this Union as a trade union under the Labour Relations Act of the Province of Newfoundland and Labrador shall be deemed to be of no force and effect.

