Draft Amendments

March 16th, 2023

5.1 The membership of the Local shall consist of all persons employed at Brock University who are covered by the CUPE Local 4207 Collective Agreements. Unit 1 of the local shall consist of all persons employed as Course Coordinators, Instructors, Teaching Assistants, Demonstrators, and

Marker/Graders, save and except persons employed as Instructors, Program Coordinators and On-Site Facilitators in the Faculty of Education. Unit 2 of the Local shall consist of all full-time coordinators employed in ESL Services at Brock University. Unit 3 of the Local shall consist of all instructors employed in ESL services at Brock University. **Unit 4 of the Local shall consist of all Clinical Instructors in Nursing.**

Article 6: General Meetings

(g) General Membership Meeting Agenda Meetings will follow this order of business:

1. Call to Order
2. Acknowledgement of Indigenous Territory
3. ~~Reading of the Equality Statement~~ **Roll Call of Officers**
4. ~~Roll Call of Officers~~ **Reading of the Equality Statement**
5. Approval of the Agenda
6. Voting on new members and initiation
7. Acceptance of the Minutes
8. Matters Arising from the Minutes
9. Treasurer's Report
10. Communications
11. Executive Committee Reports
12. Reports of Committees and Delegates
13. Nominations, elections, or installations
14. Unfinished Business
15. New Business
16. Good of the Union
17. Adjournment
	1. Duties of the Executive Committee
18. To the extent possible, each member of the Executive Committee shall hold reoccurring office hours of at least three (3) hours per week, September – April. **These office hours may be done through scheduled virtual hours with the agreement of the Executive Committee.**

7.1 Executive Committee

1. The Executive Committee of the Local shall consist of the President, three Vice-Presidents from Unit 1 (“Vice-President Graduate Students,” “Vice-President Instructors,” ~~and~~ “Vice-President Unit 1”), one Vice-President from Unit 2 and Unit 3 ("Vice-President Unit 2 & 3")**, and one Vice-President from Unit 4 (“Vice-President Unit 4”)**, the Recording Secretary, the Treasurer, the ~~Chief~~ **Lead** Steward Unit 1, the ~~Chief~~ **Lead** Steward Units 2 & 3, **the Lead Steward Unit 4,** the Equity Officer, Health and Safety Officer, and the Membership Outreach Officer.
	1. Duties of the Vice-President

(f) In addition to the duties and responsibilities above, the Vice Presidents shall be responsible for organizing and mobilizing members of their units in conjunction with their Unit ~~Chief~~ **Lead** Steward(s).

* 1. Duties of the Recording Secretary

(a) The Recording Secretary shall be the ~~chief~~ recording officer of the Local.

* 1. Duties of the Treasurer
1. The Treasurer shall be the ~~chief~~ **lead** financial officer of the Local.

7.7 Duties of the ~~Chief~~ **Lead** Steward

1. The ~~Chief~~ **Lead** Steward shall oversee the handling and processing of all grievances in their unit and other related actions undertaken by the Local and/or its members to enforce the Collective Agreement. The Unit ~~Chief~~ **Lead** Stewards and the President shall work together to ensure consistency in the filing of grievances.
2. The ~~Chief~~ **Lead** Steward shall cause adequate records of all grievances conducted by the Local to be maintained in the Local office.
3. The ~~Chief~~ **Lead** Steward shall be the chair of the Stewards Council.
4. The ~~Chief~~ **Lead** Steward shall coordinate the training and activities of the Stewards.
5. The ~~Chief~~ **Lead** Steward shall appoint a member of the Stewards Council to serve as Secretary thereto, ensuring that:
	* 1. proper notice for all meetings of the Stewards Council is given;
		2. in consultation with the Recording Secretary of the Local, proper records of the deliberations of the Stewards Council are maintained, and;
6. The ~~Chief~~ **Lead** Steward shall be the representative of the Executive to the Stewards Council, and shall:

i) report to the Executive Committee on all business conducted by the Stewards Council ii) report to the Stewards Council the activities of the Executive Committee relevant to the mandate of the Stewards Council

* 1. Duties of the Outreach Officer

(k) Work with the ~~Chief~~ **Lead** Stewards, the Stewards’ Council, and the Vice Presidents to mobilize members of all units.

7.12 Election of the Officers

(c) Any member in good standing of the Local at the time of election may be elected to any position on the Executive Committee, except for the Vice-President positions and the Equity Officer. In order to be nominated for election to the position of Vice President, the candidate must be a member of the unit they seek to represent. For Unit 1, candidates for the position of Vice-President Graduate Students must be enrolled in Graduate Studies at Brock University at the time of the election/appointment. Only members from the equity-seeking groups enumerated in Appendix B may be elected as the Equity Officer. For the position of ~~Chief~~ **Lead** Steward Unit 1, only members of Unit 1 may be nominated for election. For the position of ~~Chief~~ **Lead** Steward Units 2 & 3, only members of Units 2 & 3 may be nominated for election. The election for ~~Chief~~ **Lead** Steward Units 2 & 3 will be open to members of the opposite unit of the member elected for the Vice-President Units 2 & 3. Should no member of the opposite Unit be nominated, then all members of Units 2 & 3 may be nominated for election. Should a member be employed in both Units 2 and 3, that member may be able to stand as a member of both units. **For the position of Lead Steward Unit 4, only members of Unit 4 may be nominated for election.**

1. Voting to fill one office shall be conducted and completed, and recounts dealt with before balloting may be counted to fill another office. The ballots will be counted as follows:

a. President
b. Vice-President, Unit 1
c. Vice-President, Graduate Students
d. Vice-President, Instructors
e. Vice-President, Units 2 & 3
f. **Vice-President, Unit 4**
g. Treasurer
h. ~~Chief~~ **Lead** Steward, Unit 1
i. ~~Chief~~ **Lead** Steward, Units 2 & 3
j. **Lead Steward, Unit 4**
k. Recording Secretary
l. Outreach Officer
m. Equity Officer
n. Health & Safety Officer
o. Deputy Health & Safety Officer
p. Trustee (s)
q. Delegates to Councils, Conferences, and Conventions

1. Only members of the unit may participate in the election of the Vice Presidents and ~~Chief~~ **Lead** Stewards for said unit.

7.13 Vacancies

(e) Should any Steward miss three consecutive Stewards Council meetings, or three consecutive membership meetings without a good and sufficient reason for their absence, the Executive Committee, on the advice of the ~~Chief~~ **Lead** Steward, may declare their position to be vacant, and it shall be filled at the next membership meeting, in the manner outlines in this article.

(f) A Departmental Steward position shall be declared vacant if a petition signed by two-thirds (2/3) of the membership of the department is presented to the ~~Chief~~ **Lead** Steward.

(g) Should any Additional Steward miss three consecutive Stewards Council meetings without a good and sufficient reason for their absence, the Executive Committee, on the advice of the ~~Chief~~ **Lead** Steward, may declare their position to be vacant, and it shall be filled at the next membership meeting, in the manner outlines in this article.

7.14 Executive and Steward Expenses to cover out-of-pocket expenses associated with the positions. The positions of President, Vice President**s**, ~~Chief Steward~~ **Lead Stewards**, Treasurer, Recording Secretary, Equity Officer, Health and Safety Officer and Membership Outreach Officer shall be provided $500 per month.

8.2 Duties of Stewards

(a) Departmental Stewards shall:

iii. Serve as the liaison between the members they represent and the ~~Chief~~ **Lead** Steward, and, where applicable, the Faculty Steward and Vice-Presidents.

1. Faculty and Unit Stewards shall:
	* 1. Report on their work to the ~~Chief~~ **Lead** Steward and, as appropriate, their respective Vice Presidents.

8.3 The Stewards Council

There shall be a Stewards Council, the voting membership of which shall consist of all Stewards, including the ~~Chief~~ **Lead** Steward**s**, who shall prepare the agenda for and preside over all meetings of the Stewards Council, and the Membership Outreach Officer.

(a) The Stewards Council shall meet at least once each month. The Executive may direct the ~~Chief~~ **Lead** Steward**s** to call a meeting of the Council at any time. Each Steward is entitled to at least five (5) working days notice of the date, time and location of any meeting of the Council.
(b) Quorum for the Stewards’ Council shall be 50% of Faculty and Unit stewards, and ~~1 must be the Chief Steward~~ **at least two Lead Stewards**.

8.4 Grievance Committee

(a) The Stewards Council shall be the Grievance Committee of the Local; as such, it shall be responsible for ensuring that the Employer complies with the collective agreement, advise and assist the ~~Chief~~ **Lead** Steward**s** in matters involving grievances and grievance policy, coordinate the processing of grievances, and make recommendations to the Executive regarding arbitration of grievances and/or continued carriage of grievances.
(c) Each Steward shall hold in strict confidence all information pertaining to any complaint or grievance. They shall reveal such information only to the ~~Chief~~ **Lead** Steward**s**, the Staff Representative and/or Business Agent, Local legal counsel, or to the Stewards’ Council when the Council is in session.

* 1. Duties of the President
1. **Take necessary action to ensure that all Officers are accountable and to ensure that all Officers perform their assigned duties for the proper functioning of the Local.**
2. **Interpret these bylaws as required.**
3. **Enforce the CUPE National Constitution, these bylaws, and the Equality Statement.**
4. **Alongside the Outreach Officer, oversee the work of the Media Relations Coordinator.**
	1. Duties of the Outreach Officer

**(m ) Alongside the President, oversee the work of the Media Relations Coordinator.**

7.12 Election of the Officers

(f) Where an election is to be conducted, the membership shall elect ~~two~~ **three** returning officers to conduct it**, of which a chair must be selected amongst the three elected returning officers**. No candidate for a contested position may serve as returning officer. Members serving as returning officers will receive $250 to cover out-of-pocket expenses.

(i) A majority of votes cast shall be required before any candidate can be declared elected. A ranked ballot will be used. **All candidates for each contested position must be ranked on every ballot. Should a ballot fail to rank all candidates, that ballot will be declared to be spoiled.** If there is an election that does not result in a majority, on the second and subsequent ballots the candidate receiving the lowest number of first place votes in the previous ballot shall be dropped and the second place votes on those ballots will be counted towards the votes received by the other candidates. This will follow until a member has a majority of legal ballots cast.

* 1. Vacancies
1. ~~Members who have had positions vacated due to the provisions of the recall Article (7.15), except those identified in 7.13 (a)(i), may appeal to the next Membership Meeting.~~
	1. ~~Recall~~
2. ~~An Executive Member, Bargaining Committee member, or Faculty, Unit or Additional Steward may be recalled by the following procedures.~~
3. ~~The Executive shall review the performance of an elected member if they receive a valid petition requesting such a review:~~
	1. ~~signed by at least ten (10) members in good standing which includes each petitioner's name, signature, email address and home telephone number; or~~
	2. ~~there being a 2/3 majority of Executive Committee members requesting such a review~~
4. ~~At the next Executive Committee Meeting, the President shall preside over the agenda item regarding the petition. During this time, the member shall be entitled to hear the concerns and make submissions on their own behalf.~~
5. ~~a 2/3 majority of the Executive Committee is required to recall the member and declare their position vacant.~~
6. ~~Should the President be the subject of a petition, a Vice President as determined by the Executive shall preside over the agenda item.~~
7. ~~No Executive member shall vote on a review that concerns them.~~
8. ~~A Trustee can be recalled if they have not performed their duties of a Trustee Audit within three (3) months of the start of the new fiscal year without good cause provided to the Executive Committee~~

8.1 Election of Stewards

(a) The members shall be entitled to elect stewards as follows:

i. Faculty Stewards (Unit 1): one (1) steward for the following faculties: Humanities, Social Sciences, Education, Applied Health Sciences, Business, and Math and Sciences and other new faculties as added from time to time.

ii. Departmental Stewards (Unit 1): up to two (2) stewards for each Academic Department in which Unit 1 members typically work.

iii. Additional Stewards (Unit 1): one (1) instructor steward and one (1) international steward.

iv. Unit Stewards (Unit 2 and Unit 3): one steward to represent members of Unit 2 and 3.

**v. Unit Steward (Unit 4): one steward to represent members of Unit 4.**

* + 1. Election of Stewards ~~at the AGM~~

(c ) A separate election shall be held for each steward position.

* 1. For faculty stewards, in the first set of calls for nominations, only members employed in the faculty or have held a contract in the previous twelve months in the faculty for which the vote is being conducted may stand for election. Where only one nomination is received and the nominee has agreed to stand for a position, the member nominated shall be declared elected by acclamation. Where more than one nomination is received and accepted, an election for that position shall be conducted.
	2. For the Unit 2 and 3 steward, only members from Unit 2 and Unit 3 shall be eligible to be elected. Where only nomination is received and the nominee has agreed to stand for the position, the member nominated shall be declared elected by acclamation. Where more than one nomination is received and accepted, an election for that position shall be conducted.
	3. **For the Unit 4 steward, only members from Unit 4 shall be eligible to be elected. Where only nomination is received and the nominee has agreed to stand for the position, the member nominated shall be declared elected by acclamation. Where more than one nomination is received and accepted, an election for that position shall be conducted.**

12.1 Bargaining Committee

1. The Bargaining Committee for Unit 1 shall consist of five members elected at a General Membership Meeting, as well as the President of the Local. The CUPE 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. Only members in good standing of Unit 1 shall be eligible to run for these positions.
2. The Bargaining Committee for Unit 2 shall consist of two members elected at a General Membership Meeting, as well as the President of the Local. The CUPE 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. Only members in good standing of Unit 2 shall be eligible to run for these positions.
3. The Bargaining Committee for Unit 3 shall consist of three members elected a General

Membership Meeting, as well as the President of the Local. The CUPE 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. Only members in good standing of Unit 3 shall be eligible to run for these positions.

1. **The Bargaining Committee for Unit 4 shall consist of three members elected a General**

**Membership Meeting, as well as the President of the Local. The CUPE 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. Only members in good standing of Unit 4 shall be eligible to run for these positions.**

1. The elected members shall be elected at a general meeting not later than nine (9) calendar months previous to the expiration of any Collective Agreement.
2. Only members of the unit may participate in the election of bargaining members for said unit. For the purpose of clarity, only members of Unit 1 are eligible to vote for members of the Unit 1 bargaining committee.
3. There shall be a member of the Unit 1 bargaining committee who is both a graduate student of Brock University and member of CUPE 4207. If there is no graduate student bargaining committee member and there is no alternate to replace them who can become a graduate student bargaining committee member, then an election shall be called pursuant to the bylaws.
4. There shall be a member of the Unit 1 bargaining committee who is an Instructor at Brock University. If there is no Instructor bargaining committee member and there is no alternate to replace them who can become an Instructor bargaining committee member, then an election shall be called pursuant to the bylaws.
	1. Ratification: In the event that the Bargaining Committee tentatively accepts a Collective Agreement, it shall be presented to the membership for ratification at a special membership meeting to be held with at least 24 hours notice. Only members of Unit 1 shall be eligible to vote in a ratification vote for the Unit 1 collective agreement. Only members of Unit 2 shall be eligible to vote in a ratification vote for the Unit 2 collective agreement. Only members of Unit 3 shall be eligible to vote in a ratification vote for the Unit 3 collective agreement. **Only members of Unit 4 shall be eligible to vote in a ratification vote for the Unit 4 collective agreement.**
	2. Where the Executive decides to conduct a strike vote, a membership meeting shall be called and notice shall be sent in accordance with Article 6. Such notice shall include a statement from the Executive explaining the reasons for the recommendation for a strike vote. Only members of Unit 1 shall be entitled to cast a ballot in a vote involving bargaining for the Unit 1 collective agreement. Only members of Unit 2 shall be entitled to cast a ballot in a vote involving bargaining for the Unit 2 collective agreement. Only members of Unit 3 shall be entitled to cast a ballot in a vote involving bargaining for the Unit 3 collective agreement. **Only members of Unit 4 shall be entitled to cast a ballot in a vote involving bargaining for the Unit 4 collective agreement.**
	3. Gas allowance on Union business is to be reimbursed **at the Canada Revenue Agency rate in kilometers travelled** ~~at ten dollars ($10) per trip in the city and kilometres travelled paid at the Canada Revenue Agency rate, out of town.~~

~~Article 11: Additional By-Laws/Changes to By-laws.~~

~~11.1 This local may, by a two-thirds majority vote at a regular General Membership Meeting, or at a special meeting called for that purpose, make such additional by-laws and or changes to present by-laws as it may deem advisable, provided that at least seven (7) days notice at a previous meeting, or at least sixty (60) days written notice has been given and further provided that such by-laws do not conflict with the Constitution. The same shall not become effective until approved by the National President of the Canadian Union of Public Employees. Such approval shall not be withheld unless there is a conflict with the Constitution, and further that a decision on this matter shall be rendered within ninety (90) days.~~

Article 17: Amendments to these By-laws

~~Refer to Article 11 for general amendment procedures~~

(a) These by-laws are always subordinate to the CUPE Constitution. In the event of any conflict between these by-laws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.

(b) Amendments, changes to these by-laws must be given either at a previous meeting (with at least seven (7) days in advance of the vote on the amendments) or if notice is in written form, sixty (60) days written notice.

(c) These by-laws shall not be amended, added to, or suspended except upon a 2/3 majority of those present.

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

Appendix “D” - ~~CUPE 4207~~ Code of Conduct

~~Local 4207 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.~~

~~Local 4207 strives to promote core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.~~

~~Local 4207 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 4207 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 4207 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.~~

~~This Code of Conduct for Local 4207 sets out standards of behaviour for members at meetings, and all other events organized by Local 4207. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.~~

~~As members of Local 4207 we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:~~

~~• Abide by the provisions of the Equality Statement;~~

~~• Respect the views of others, even when we disagree;~~

~~• Recognize and value individual differences;~~

~~• Communicate openly;~~

~~• Support and encourage each other;~~

~~• Make sure that we do not harass or discriminate against each other;~~

~~• Commit to not engaging in offensive comment or conduct;~~

~~• Make sure that we do not act in ways that are aggressive, bullying, or intimidating; and~~

~~• Take responsibility for not engaging in inappropriate behaviour due to abuse of alcohol or other drugs while participating in union activities, including social events.~~

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

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

~~1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking the person to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.~~

~~2. Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution. If this fails to resolve the matter, the designated Officer of the Local Union shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.~~

~~This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the Bylaws of Local 4207, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.~~

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

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

This Code of Conduct sets out standards of behaviour for participants at national convention, conferences, schools, meetings, and any other union events organized by CUPE National, Local \_\_\_\_\_, or any other CUPE chartered body. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution.

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

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

• Abide by the provisions of the Equality Statement.

• Respect the views of others, even when we disagree.

• Recognize and value individual differences.

• Communicate openly.

• Support and encourage each other.

• Make sure that we do not harass or discriminate against each other.

• Commit to not engaging in offensive comment or conduct.

• Make sure that we do not act in ways that are aggressive, bullying, or intimidating.

• Take responsibility for not engaging in inappropriate behaviour due to use of alcohol or other drugs while participating in union activities, including social events.

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

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

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code by asking them to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.

2. A complaint shall be brought to the attention of an ombudsperson when there is one available. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.

3. The ombudsperson or the person in charge will work to seek a resolution. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge. The person in charge has the authority to expel members from the event for serious or persistent offenses.

4. If the complaint involves a national staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another CUPE chartered organization, the complaint shall be referred to the person responsible for their employment.

5. If the person in charge is a party to the complaint, an alternate will be designated to assume the role.

6. In a case where a member has been expelled from a National event, the National President shall receive a report on the matter. For other events, the presiding officer shall receive a report on the matter.

7. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member’s participation in future events organized by CUPE National. For other events, the presiding officer shall consult the National President.

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

This Code of Conduct does not replace a member’s right to access the trial provisions under Appendix F of the CUPE National Constitution