

# Vanier College Teachers' Association (VCTA)

## BYLAWS

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# Chapter 1

## Preamble

### Article 1 Name

A local union is constituted at Vanier College under the name ***Vanier College Teachers' Association (VCTA)***.

### Article 2 Head Office

The head office of the Union is located at 821, Ste-Croix Avenue, Montreal, Quebec.

### Article 3 Jurisdiction

The jurisdiction of the Union shall cover all teachers employed at Vanier College

### Article 4 Objectives of the Association

The objectives of the Union are the advancement and protection of the syndical, professional, social and economic welfare of its members.

### Article 5 Eligibility and Membership

5.1 All teachers employed by Vanier College to teach courses covered by the Certificate of Accreditation, issued June 10 1971 are eligible for VCTA membership.

5.2 To be a member in good standing of the Union, a person shall:

5.2.1 Be employed as a teacher by Vanier College or have legal priority to hold a teaching position;

5.2.2 Agree to abide by the bylaws of the Union;

5.2.3 Pay the membership fee.

5.2.4 Not have been expelled or resigned from the Union

5.3 A notice will circulate at the beginning of each semester to inform eligible members of the mechanism for joining the VCTA.

5.4 Any member can resign. A resigning member loses his/her voting rights. He/she shall submit his/her resignation in writing to the secretary of the Union. The resignation becomes effective from that moment.

**Article 6      Fee and Dues**

The membership fee shall be a one-time payment of two dollars (\$2.00). The dues to be paid by an individual are determined by the VCTA General Assembly. The amount to be paid is based on a percentage of the gross salary of each teacher and is automatically deducted from the biweekly pay. While the membership fee is optional, dues are mandatory by law.

## **Chapter 2 Procedures of Meetings**

**Article 7      Decisions**

- 7.1 All decisions at the Executive, Association Council and the General Assembly are taken by a simple majority of the voting members, generally by a show of hands, except in specific cases outlined in these Bylaws or the *CSN Code for Rules of Order*. However, at any time a member may ask that a vote be taken by secret ballot and this without debate.
- 7.2 The following decisions must necessarily be taken by a secret ballot vote to be binding, all the while respecting the conditions within each:
- a) Approval of the Collective Agreement: A majority of the voting members present at the General Assembly;
  - b) Strike vote: A majority of the voting members present at the General Assembly. The members must be advised in the notice of meeting that a strike vote is on the agenda of the meeting;
  - c) Disaffiliation: A majority of the members of the union;
  - d) Modification of the present Bylaws: A 2/3 majority of the voting members present at the General Assembly. The members must be advised in the notice of meeting of the exact modification(s) to the Bylaws that is (are) on the agenda of the meeting;
  - e) Dissolution of the Union: A majority of the members of the union.

**Article 8 Rules of Order**

All meetings of the Union's Executive, Association Council, General Assembly, and all committees shall be conducted in accordance with accepted parliamentary procedure as specified in the latest version of the *CSN Code for Rules of Order*

## **Chapter 3 The General Assembly**

**Article 9 General Assembly**

- 9.1 The General Assembly is the supreme decision-making and policy body of the Union, and is composed of all members in good standing of the Union.
- 9.2 A General Assembly must be called by the Executive to deal with matters exclusively reserved for General Assembly consideration. These include:
- a. Work stoppage of any kind;
  - b. Amendments to the bylaws;
  - c. Fees for VCTA membership;
  - d. Amount of dues to be paid by members;
  - e. The number and distribution of seats at Association Council;
  - f. The recall of Executive Officers;
  - g. The adoption of a Collective Agreement;
  - h. The adoption of the annual budget;
  - i. All donations of over \$300.00 to a single organization and any expense of more than \$3,500.00;
  - j. Changes to the rules regarding release time for members of the Executive;
  - k. The expulsion and re-admission of members.

- 9.3 The Association Council sets the dates and agendas for all regular meetings of the General Assembly. Minutes of the regular meetings of the General Assembly shall be the responsibility of the Secretary-Treasurer, who shall make them available forty-eight (48) hours before the next regular General Assembly for approval.
- 9.4 Members shall be given a written notice at least five (5) days prior to the meeting of a regular General Assembly. However, a special General Assembly can be called by the Executive with forty-eight (48) hours notice, provided all reasonable efforts have been made to communicate the time and location of the meeting to the members.
- 9.5 All members in good standing of the Union may speak, make motions and vote at a General Assembly.
- 9.6 Decisions made at a meeting of the General Assembly require a simple majority vote unless stipulated otherwise in these bylaws or in the CSN *Code for Rules of Order*.
- 9.7 Any Union officer or any other member who has a conflict of interest (such as, but not limited to, a direct or indirect interest in an enterprise, employment status, remuneration) must declare that there is a conflict of interest and must abstain from voting and avoid influencing decisions relating to the matter in question. The Officer or member shall also leave the room during the discussion and voting period related to the matter creating a conflict of interest.

**Article 10 Quorum**

The quorum of the General Assembly is twenty-five (25) members.

If quorum is not achieved in the first thirty (30) minutes, the meeting cannot be called to order but the Chair may still use this time to provide information to members.

**Article 11 Regular meetings**

The General Assembly shall meet at the call of the Association Council at least once in each Fall and Winter semester.

**Article 12 Special meetings**

A special General Assembly can be called at any time by the Executive of the VCTA, or by Association Council or by a petition signed by a number of members in good standing equal to the quorum of the General Assembly (25 members). The President of the Union shall call the meeting to be held within no fewer than

two (2) working days and no more than seven (7) working days of the reception of the written request.

## **Chapter 4**

### **The Association Council**

#### **Article 13     Role of Association Council**

- 13.1     The Association Council shall be the supreme decision-making body of the Union between General Assemblies. Except for powers reserved for the General Assembly in article 9.2, the Association Council can make decisions on all VCTA matters, including the right to make donations of up to \$300.00 to a single organization and approve any expense of more than \$500.00 but no more than \$3,500.00.
- 13.2     The Association Council shall set the proposed agendas and dates of the meetings of the General Assembly; for whatever committees are necessary to study, discuss, promote or implement the objectives of the VCTA; receive and act on complaints from members; appoint the Chief Returning Officer to administer VCTA elections.
- 13.3     In the event of a disagreement on policy between the Association Council and the Executive, on which an agreement cannot be reached, a Special General Assembly must be called.
- 13.4     In the case of a stalemate, sustained interpersonal conflict or any other matter that can jeopardize the effective functioning of the Executive, Association Council will mediate in order to find a solution to the issue.

#### **Article 14     Meetings**

- 14.1     The proposed agenda for all meetings of the Association Council shall be prepared by the Executive and must be circulated to the membership at least two (2) working days prior to all meetings.
- 14.2     The Association Council shall meet at least once a month during the academic year. At the beginning of the Fall semester, members of the Association Council shall elect a Chair and a Vice-Chair who are not members of the Executive to chair the Association Council meetings. The Vice-Chair shall replace the Chair in case of the absence of the latter. In the event that a non-Executive member of Council is not



available to Chair, a member of the Executive shall Chair the meeting as an ad-hoc solution.

- 14.3 Minutes of the Association Council meetings shall be the responsibility of the Secretary-Treasurer and must be distributed to all members of Association Council at least two (2) working days prior to the following meeting.

#### **Article 15 Special Meetings**

A special Association Council meeting has to be called by the Executive if seven (7) members of Association Council submit a petition containing such a request to the Executive. The Executive shall call such a special meeting no later than seven (7) working days after receiving such a petition. A notice of two (2) working days is required before holding the meeting.

#### **Article 16 Quorum and Voting**

- 16.1 A quorum for the Association Council shall consist of nine (9) members of Association Council.
- 16.2 All votes taken at Association Council are majority votes (50% plus 1 of the members present).

#### **Article 17 Composition**

- 17.1 The Association Council shall be composed of the following:
- a. The members of the Executive;
  - b. Two (2) members of the following Faculties:
    - i. The Faculty of General Education
    - ii. The Faculty of Arts, Business, and Social Science
    - iii. The Faculty of Science and Technology
  - c. Six (6) members At-Large elected by a vote of all members in good standing of the VCTA.
- 17.2 The mandate of the members of Association Council is of one (1) year.
- 17.3 Any member of Association Council absent for three (3) meetings without a reasonable excuse may be dismissed from Office by a majority vote of the members of Association Council. If this occurs, the Executive selects and proposes a new candidate to Association Council as soon as possible. At the next Association Council meeting, if no objection is raised, the candidate is appointed and holds the position until the end of

the original mandate. If an objection is raised, Association Council may, by majority vote, refuse the candidate. This vote must be held within five (5) working days of the objection being raised.

## **Chapter 5 The Executive**

### **Article 18 Administration**

The Union is administered by an Executive. Each member of the Executive will teach at least one course per academic year while on the executive.

### **Article 19 Composition**

The VCTA Executive is composed of a duly elected Executive, composed of:

- a) A President
- b) A Vice-President Internal
- c) A Vice-President External
- d) A Secretary-Treasurer

### **Article 20 Quorum of the Executive**

The quorum of the Executive is three (3) members.

### **Article 21 Meetings**

The Executive will hold one (1) regular meeting each week during the fall and winter semesters and others as needed.

### **Article 22 Role of the Executive**

- a) Abides by the decisions of the General Assembly and Association Council. These decisions constitute a mandate to act on behalf of all members of the Union.
- b) It administers the Union.
- c) It sees to the application of the Bylaws and rules of procedures as defined by the CSN, FNEEQ, and the VCTA.
- d) In the event that any member of the Executive has resigned, is incapacitated, or is removed from office, the remaining members of the Executive select and proposes a new candidate to Association Council as soon as possible. At the next Association Council meeting, if no objection is raised, the candidate is appointed and holds the position until the end of the original mandate. If an objection is raised, Association Council may, by majority vote, refuse the candidate. This vote must be held within five

(5) working days of the objection being raised. However, if two (2) or more members of the Executive resign or are incapacitated, Association Council has the following options:

- i. Name replacements to fill the vacant positions on a temporary basis;
  - ii. Association Council names replacements to complete the original mandate, but must have the appointments ratified at a special General Assembly, no later than ten (10) working days after Association Council appoints the members;
  - iii. Call a full general election of all positions on the Executive – whether filled or not. The mandate of the newly elected Executive shall expire at the end of the original mandate.
- e) Inform the members regularly on Union matters;
  - f) In addition to the specific responsibilities enumerated under Articles 22 a) to 22 m), it is responsible for fulfilling all other union tasks such as Professional Development, liaison with other groups, publicity campaigns, grievances, etc, as well as all other mandates received from the General Assembly or Association Council.
  - g) The Executive will present objectives for the year to Association Council early in the fall semester.
  - h) The Executive will either name a person responsible for chairing Executive meetings or present a rotation system.
  - i) In the case of the absence or incapacity of the Chair to carry out his or her duties, the Executive will choose from its officers a person to fulfill the duties of Chair.
  - j) Prepare the agenda of business for all meetings and make available all relevant documentation.
  - k) Approve any expense of \$500.00 or less.

## **Chapter 6**

### **Roles and Responsibilities of the Officers**

#### **Article 23**

#### **The President**

The role of the President is as follows:

- a) Is the official Union representative;
- b) Leads the CRT team;
- c) Is one of the signing officers;
- d) Signs the financial report along with the Secretary-Treasurer;
- e) Sees to the application of all roles and responsibilities of officers and committees;

- f) Gives his or her successor all the information and goods relative to his or her position in the Union.
- g) Represents the VCTA at regroupement meetings of the Federation and coordinates VCTA delegates at FNEEQ meetings;

**Article 24      The Vice-President – Internal**

The role of the Vice-President – Internal is as follows:

- a) Maintains relations with other syndical bodies within the College;
- b) Assists the President in C.R.T. matters;
- c) Is responsible for the diffusion of union and work related information to the Union members;
- d) Is responsible for all matters of an internal nature, designated as such by the Executive.
- e) Is one of the signing officers;
- f) Gives his or her successor all the information and goods relative to his or her position in the Union.

**Article 25      The Vice-President – External**

The role of the Vice-President – External is as follows:

- a) Maintains VCTA relations with FNEEQ and all other parties outside the College, as may be necessary;
- b) Represents the VCTA at all regroupement meetings and coordinates VCTA delegates at FNEEQ meetings;
- c) Is responsible for communicating information generated by such meetings to the Executive, Association Council and the General Assembly;
- d) Is responsible for other matters of an external nature, designated as such by the Executive;
- e) Gives his or her successor all the information and goods relative to his or her position in the Union;
- f) Is one of the signing officers.

**Article 26      The Secretary-Treasurer**

The role of the Secretary-Treasurer is as follows:

- a) Files and archives the minutes of meetings;
- b) Manages all finances;
- c) Is a member of CRT;

- d) Is one of the signing officers;
- e) Presents a financial report to the Association Council;
- f) Makes the transactions authorized by the Executive, Association Council or the General Assembly;
- g) Makes deposits at an accredited Financial Institution as early as possible;
- h) Oversees the production of the budget and the annual financial report;
- i) Takes the minutes for the General Assembly and Association Council.
- j) Gives his or her successor all the information and goods relative to his or her position in the Union.

**Article 27      Remuneration**

Other than release time, elected Union officers do not receive any remuneration except for travel and other expenses incurred in carrying out Union duties. Any exception to this rule needs to be recommended by Association Council and approved by a General Assembly.

## **Chapter 7 Committees**

**Article 28      Standing Committees**

Standing committees are committees whose creation and scope are formally provided for in the VCTA Bylaws. Their members are designated by the decision-making bodies authorized to appoint or elect them. Although provisions are made in these Bylaws for specific standing committees, the present article allows for the creation of new standing committees by the General Assembly without having to modify the present Bylaws through the procedure provided for in article 41 of the present Bylaws.

**Article 29      The Budget Committee**

The VCTA Budget Committee is a standing committee. It is composed of the Secretary-Treasurer and two (2) non-Executive members of Association Council and is responsible for reviewing and reporting to Association Council and the General Assembly the financial records of the VCTA, including the budget and yearly financial report. It shall carry out any further duties specified by the Executive, Association Council or the General Assembly.

**Article 30      The Financial Review Committee**

The VCTA Financial Review Committee is composed of three (3) non-Executive members of the VCTA who are appointed by Association Council.

The committee meets with the VCTA treasurer and/or the VCTA employee to review the revenues, expenditures, assets, and liabilities of the VCTA once each year. The Financial Review Committee makes a yearly report to the VCTA Executive, Association Council, and the General Assembly.

**Article 31      Special or ad-hoc Committees**

Special or ad-hoc committees are formed to examine a specific question or to study a specific topic. Once the work of the committee is deemed completed by the decision-making body that appointed them, they cease to exist.

## **Chapter 8 Nominations and Elections**

**Article 32      Nominations and elections of the Executive and Association Council**

Nominations and elections for positions on the Executive and Association Council take place during the month of April. The nomination and election dates will be set by the Executive in consultation with Association Council.

**Article 33      Nominations and elections of representatives to the CRT and Academic Council**

Nominations and elections for positions as members of the CRT and Academic Council will normally take place at the same time as the election for Union Executive and Association Council and will be part of the same ballot.

**Article 34      Election of representatives to the CRT**

In addition to the three (3) members of the Executive, except the Vice-President External, who are ex-officio members of the CRT, there will be four (4) elected positions distributed as follows: One (1) representative for each of the three (3) Faculties and one (1) member at large.

**Article 35      Election of representatives to the Academic Council**

There are Ten (10) elected positions to the Academic Council, distributed as follows: two (2) representatives from each of the three (3) Faculties and two (2) members at-large. In addition to these elected positions, the VCTA Executive names two (2) additional members to the Academic Council.

**Article 36      Eligibility**

Any member in good standing is eligible for any elected position of the VCTA. All members seeking a position as representative of a given Faculty must belong to that Faculty. At-Large positions are open to all members in good standing.

Candidacies for the Executive positions are mutually exclusive. A candidate for a position on the Executive cannot be a candidate for any other elected position on Association Council, the CRT or Academic Council.

Outgoing members of the Executive, Association Council, the CRT and Academic Council are eligible to run again.

A member may be nominated only if: a nomination form has been duly filled out, signed by five (5) members in good standing, signed by the candidate and deposited at a location determined by the Returning Officer before the deadline for the end of nominations. The names of the five (5) nominating members must be printed alongside their signatures.

#### **Article 37 Election procedures**

- a) All members in good standing have the right to vote;
- b) All elected positions are for a one year mandate;
- c) Association Council will choose a Returning Officer and two (2) scrutineers before March 31<sup>st</sup> of each year. The Returning Officer and the scrutineers may not run for any office; nevertheless, the scrutineers have the right to vote if they are members in good standing of the VCTA. The Returning Officer and the scrutineers cannot publicly support or campaign in any way for any candidate seeking election.
- d) The Returning Officer and the two scrutineers are responsible for the planning, implementation and supervision of the election process according to the present bylaws. They are accountable to Association Council.
- e) The Returning Officer will receive nominations during the period designated by Association Council. If there is a single candidate for a position on the Executive, that person will be submitted to a ratification vote. In order to be declared elected in a ratification vote, a candidate must receive a majority of “yes” votes. A ratification vote is held only for positions on the Executive. If there is only one candidate for a position on Association Council, the CRT or Academic Council, they are elected by acclamation without a ratification vote.
- f) If a vote is required, it will be taken by secret ballot on the days and places designated by the Returning Officer in consultation with Association Council.
- g) The Returning Officer will vote only to break a tie.

- h) The members of the Executive will be installed at the General Assembly held in May and will officially take office as of that meeting.
- i) All elections are won by a simple majority (50% plus 1) of the votes cast.
- j) The Returning Officer in collaboration with the scrutineers decides on whether a ballot is spoiled or not.

**Article 38      Removal of members of the Executive**

- a) The grounds for recall of an Executive Officer include, but are not limited to, misappropriation of funds and failure to carry out the mandate of his or her office.
- b) To initiate the procedure for recall of an Executive Officer, a petition outlining the grounds for recall and signed by at least twenty-five (25) VCTA members must be submitted to a meeting of the Association Council.
- c) The petition of recall must be circulated to all members at least five (5) days before the above-mentioned meeting.
- d) The motion of recall is then to be placed on the agenda of a special meeting of the General Assembly and must be dealt with at this meeting. This meeting of the General Assembly must be called at least fifteen (15) days following the Association Council meeting at which the petition was submitted.
- e) A two-thirds (2/3) majority vote in favour of recall at a General Assembly is necessary for the recall motion to pass.
- f) If a quorum is not achieved at a General Assembly convened to vote on the recall of an Executive Officer, then the Association Council must meet within the next five (5) days to vote on the recall. A two-thirds (2/3) majority vote of the Association Council is necessary for the recall motion to pass.
- g) When a recall motion passes, the member is immediately removed from office. If this occurs, the Executive selects and proposes a new candidate to Association Council as soon as possible. At the next Association Council meeting, if no objection is raised, the candidate is appointed and holds the position until the end of the original mandate. If an objection is raised, Association Council may, by majority vote, refuse the candidate. This vote must be held within five (5) working days of the objection being raised.

**Article 39      Removal of members of the Association Council**

- a) The grounds for recall of an Association Council member include, but are not limited to, misappropriation of funds and failure to carry out the mandate of his or her office.



- b) To initiate the procedure for recall of a member of the Association Council (other than an Executive Officer), a petition outlining the grounds for recall, and signed by at least twenty-five (25) members of the Association Council member's constituency, must be submitted to a meeting of the Association Council. The petition must be circulated among the members' constituents at least five (5) days before this meeting.
- c) The Association Council will then appoint a committee to organize and oversee a recall vote. The vote is to be held within fifteen (15) days of receipt of the petition by the Association Council. A two-third (2/3) majority of the voting constituents is needed for recall.
- d) If the recall vote passes, the member is immediately removed from office. If this occurs, the Executive selects and proposes a new candidate to Association Council as soon as possible. At the next Association Council meeting, if no objection is raised, the candidate is appointed and holds the position until the end of the original mandate. If an objection is raised, Association Council may, by majority vote, refuse the candidate. This vote must be held within five (5) working days of the objection being raised.
- e) In the event of excessive absence by one of its members (not including Executive Officers), the Association Council is empowered by a two-thirds (2/3) majority vote to declare the seat vacant and to appoint a temporary replacement from among the members of that constituency. Barring exceptional circumstances, excessive absence shall be defined as absence from three (3) consecutive meetings.
- f) Such a decision, and the reasons motivating it, must be communicated in writing to all members within the constituency affected. Within two (2) months following the declaration of a vacancy, an election must be conducted for a permanent replacement.

**Article 40 Resignations, Withdrawals and Sanctions**

- a) Resignations from all elected positions and committees covered by these Bylaws shall be submitted to the Executive in writing.
- b) The Executive selects and proposes a new candidate to Association Council as soon as possible. At the next Association Council meeting, if no objection is raised, the candidate is appointed and holds the position until the end of the original mandate. If an objection is raised, Association Council may, by majority vote, refuse the candidate. This vote must be held within five (5) working days of the objection being raised.
- c) A member may withdraw from the VCTA at any time by writing to the Executive.
- d) A member who engages in actions seriously detrimental to the VCTA (such as scabbing during strike action, recording meetings or portions thereof without explicit consent of all members present) can be suspended or

expelled from the VCTA by a simple majority decision of the Association Council.

- e) The suspended or expelled member has the right of one (1) appeal to the VCTA General Assembly, where a majority vote is required to sustain the Association Council's decision of suspension or expulsion.
- f) A suspended or expelled member is readmitted under conditions determined by the Association Council or the General Assembly.

## **Chapter 9**

### **Amendments to the Bylaws**

#### **Article 41 Procedure to Amend the Bylaws**

Any motion resulting in a modification of the present bylaws, in whole or in part, must be preceded by a written *notice of motion* distributed at the preceding General Assembly and in the notice of meeting sent out to the members. In both cases, the exact nature of the proposed modification(s) must be given in detail. Approval by two-thirds (2/3) of the members present is required in order for the change to come into effect.

## **Chapter 10**

### **Affiliation – Disaffiliation**

#### **Article 42 Affiliation**

The Union is affiliated to the Confédération des Syndicats Nationaux (CSN), the Fédération Nationale des Enseignantes et des Enseignants du Québec (FNEEQ) and the Conseil Central de Montréal.

The Union shall abide by the Constitution of the organizations mentioned above in the present article, and shall act accordingly.

Any officer or delegate of the above-mentioned bodies shall have the right to attend any union meeting and participate in the deliberations, but shall not be entitled to vote.

#### **Article 43 Disaffiliation**

A resolution for disaffiliation from the CSN, the Federation and the Central Council, or for dissolution of the Union, shall not be discussed unless notice of motion has been given at least ninety (90) days in advance. The notice of motion and the resolution must be given and discussed at a duly convened regular or special General Assembly.

The notice of the General Assembly must state the reasons warranting the resolution for disaffiliation or dissolution.

As soon as notice of motion is given to discuss disaffiliation from the CSN, the Federation and the Central Council, or dissolution of the Union, it must be sent to the general secretary of the Central Council, the Federation and the CSN. The notice of motion must be sent at least ninety (90) days before the date on which the meeting is to be held.

After the notice of motion has been sent, authorized individuals representing the CSN, the Federation and the Central Council, have the right to request a meeting with the union's Executive to discuss the grounds for disaffiliation or dissolution, the procedure to be followed in the case of disaffiliation or dissolution, the organization and holding of a General Assembly concerning disaffiliation or dissolution, and organization of the vote. The Executive of the Union is required to participate in such a meeting, at least sixty (60) days prior to the General Assembly.

Should the Executive fail to participate in such a meeting and, in conformity with the CSN's Constitution and By-laws, come to an agreement on the holding of a General Assembly concerning disaffiliation or dissolution and organization of the vote, the General Assembly on disaffiliation or dissolution shall be deemed irregular, null and illegal.

The General Assembly concerning disaffiliation or dissolution is attended exclusively by dues-paying Union members and authorized representatives of the CSN, the Federation and the Central Council. No one from outside the Union and the other organizations referred to in this article may attend this meeting.

Authorized representatives of the Central Council, the Federation and the CSN are automatically entitled to give their point of view within a time limit deemed necessary for ensuing a general understanding of the points under discussion.

These authorized individuals may subsequently attend any General Assembly at which the resolution of disaffiliation or dissolution is being discussed and give their point of view.

To carry, the resolution of disaffiliation or dissolution must receive the support of the majority of dues-paying members of the Union, whether they are working or laid off with the perspective of returning to work, including members who are absent due to illness, labour accident or any other leave authorized by a job contract, and including members who are on strike, have been locked out or fired and for which the Union is supporting their recourse.

The Executive of the Union must send the list of dues-paying union members to the representatives of the CSN, the Federation and the Central Council at the same time as the notice of motion.

However, in the event that the Union, at the time of filing the application for certification, is not composed of a majority of members covered by an existing union certification, the notice of motion and the procedure stipulated in this article may only be undertaken after the signing of the first collective agreement, or after reception of the arbitration sentence that takes its place, or after the twelve (12) months following the final decision on certification.

If the Union disaffiliates from the CSN, Federation and Central Council, or is suspended or expelled, it must pay the organizations referred to in Article 5 the dues owing for the three (3) months immediately following the disaffiliation, suspension or expulsion.