

CUPE Local 3906 Proposed Bylaw Changes

Presented at November 21, 2024 GMM

Proposed new language

~~Proposed deletions of existing language~~

Information note (will not appear in bylaws)

Article 1

Name

The name of this Local shall be: "Canadian Union of Public Employees, Local 3906 (Unit #1, Unit #2, ~~and Unit #3,~~ and Unit #4) and is hereinafter referred to as "the local."

Unit 1 represents part-time employees, including professional engineers, in Ontario, employed as teaching assistants, demonstrators, tutors and super tutors, markers, and research assistants who receive a research assistantship in lieu of a teaching assistantship, save and except those persons employed in a managerial capacity or in a confidential capacity with regard to labour relations.

Unit 2 represents all employees of McMaster University employed in Ontario as Sessional Faculty and Hourly-Rated Sessional Music Faculty having full or joint full responsibility for the teaching of 1 or more university degree credit courses, and all employees of McMaster University employed in Ontario as Sessional Faculty in the McMaster English Language Development (MELD) program (or any successor program).

Unit 3 represents all employees of McMaster University employed in the Province of Ontario as Postdoctoral Fellows save and except those Postdoctoral Fellows employed in the Faculty of Health Sciences.

Unit 4 represents all employees of McMaster University, in the province of Ontario, employed in Residence Life save and except Residence Life Area Coordinators, persons above the rank of Residence Life Area Coordinator, and persons currently represented by an existing Trade Union. This new bargaining unit includes, but is not limited to, Community Advisors (CAs), Guest Registration Assistants (GRAs), Project Assistants (PAs), Graduate Community Leaders (GCLs), and Residence Orientation Planners and Assistants (ROP/As). Other positions below the rank of Residence Life Area Coordinator (RLAC) fall within the bargaining unit.

Article 4

Nomination, Election and Installation of Officers and Officer Accountability

(a) Annual General Meetings

- (i) The election of all officers shall take place once each year at following the Annual General Meeting, to be held no later than the first calendar week of April. Nomination for all Executive positions shall be opened on the first working day of March and shall continue to be accepted until the time of the election. Nomination forms will be emailed to members when the date of the meeting is announced and may also be obtained from the Union Office or from the Union's website. ~~and completed forms must contain the name of the nominee and the signature of two other members in good standing.~~
- (ii) Additionally, members may nominate potential candidates (including self-nominations) from the floor during the election meeting. The meeting Chair shall advise the members present of the position to be filled (and any criteria) and will call for nominations three times before closing the nominations. The Chair will then call for the nominees to identify themselves and whether they accept the nomination. Self-nominations received in advance will be shared with the membership and presented as evidence that they accept the nomination.
- (iii) When all nominations are submitted and candidates have indicated a willingness to stand for election, a candidates' forum will be chaired by a staff member or CUPE National staff in which candidates will be permitted to make a 3-minute introductory statement to the membership advocating for their candidacy. For each elected position, 5-minutes of questions and answers will be reserved so that members can pose questions to the nominees. This time period can be extended at the discretion of the Chair. The Chair will ensure that no member has asked a second question until all members have been given an opportunity to ask one question.
- (iv) At no time will these statements violate the Local's equity statement.
- (v) Where only one nominee stands for a position, elections shall be by acclamation. Where more than one nominee is standing, the chair shall call for election by secret ballot. When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.

(b) Bylaws Governing Campaigns

- (i) There shall be a maximum campaign period of 4 weeks prior to the GMM (normally the Annual General Membership Meeting) at which the election of union officers will occur. The Vice President, or staff designate, will send notification of a vacant position to the membership within two (2) working days of becoming aware of the vacancy, of all forthcoming vacant executive and trustee positions, including information about the nomination process and campaign, by the first business day of March.
- (ii) No Union resources, including but not limited to, unauthorized use of the union photocopier and office supplies, union email and regular mail address lists, union bulletin board spaces, and union mailboxes, shall be used for the purpose of any individual election campaign, or the endorsement of any individual campaign or campaign slate. Candidates addressing any assembly of union member shall represent themselves only as individuals seeking office, and not as union officials. During campaigns, Union officials shall uphold the integrity of the elections.
- (iii) Every candidate shall be permitted to distribute one, handbill (8.5" x 11" coloured paper, black ink, double sided) to the department addresses of union members. Candidates will also be permitted to submit one version of a digital campaign material to be sent out through CUPE Local 3906's regular email blasts.
- (iv) All campaign posters shall follow the MSU postering guidelines. It is the responsibility of every candidate to remove all posted campaign materials by noon on the day following elections.
- (v) These guidelines regarding the resources of the Local, shall apply also to any activity of any member and/or officer, in connection with any elections campaign outside of Local elections, not authorized by the Executive or the General Membership.
- (vi) The maximum total allowable campaign expenditure shall be \$50.
- (vii) Any violations of election rules shall be subject to the trial process described in the CUPE National constitution, Article B 11.1 to B 11.5.

(c) General Membership Meetings with Elections (new subheading)

At the general membership meeting at which elections occur:

- (i) If a position becomes vacant during the course of the year, The President or staff designate Vice President will send notification of a vacant position(s), including information about the nomination process and

campaign, to the membership ~~within two (2) working days of becoming aware of the vacancy at least one week in advance of the scheduled General Membership Meeting.~~

~~(ii) There shall be a maximum campaign period of 1 weeks prior to the General Membership Meeting at which the election of union officers will occur.~~

(ii) The bylaws governing campaigns outlined above in Article 4 (f-l) apply.

~~(iii) The presiding officer for elections of this Local shall be a member of the Local's Staff or a member of the CUPE National Staff.~~

~~(iv) The chair shall advise the members present of the position to be filled and call for the nominees to identify themselves and whether they accept the nomination. Member may nominate members (including themselves) from the floor at this time. They will call for nominations three times before closing the nominations.~~

~~(v) When all nominations are submitted, all candidates may make a short (no more than 2 minute) statement to the membership advocating their candidacy. At the chair's discretion, members from the floor may be allowed to make short statements (as above) to advocate for candidates. the process described in Article 4 (c-e) shall apply. At no time will these statements violate the Local's equity statement.~~

~~(vi) Where only one nominee stands for a position, elections shall be by acclamation. Where more than one nominee is standing, the chair shall call for election by secret ballot. Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office. When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.~~

(d) Secret Ballots

- (i) A secret ballot election will take place for each open executive, trustee, and applicable committee position.
- (ii) In the event of an in-person meeting, a secret ballot election will be held via paper ballot. Voting privileges shall be restricted to only those members in-person at the time of the election. Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.

- (iii) In the event of a hybrid or fully online meeting, a secret ballot election will be held online using a secure electronic voting platform. Voting privileges shall be restricted to only those members in-person or logged in online at the time of the election.
- (iv) To ensure the integrity and secrecy of an online vote, the same platform will be used by all voters. Members attending in person will vote via a personal electronic device, or at a voting station with a computer or tablet to vote in a secret vote.
- (v) The electronic voting platform may accept votes cast on a phone, a smart phone, a tablet or a computer, as long as the results are amalgamated no matter what device was used. The platform used for a secret vote will guarantee the secrecy, including to the administrator of the vote. The platform used must be able to provide the list of voters, but not how each member voted.
- (vi) Electronic votes can only be conducted using a secure platform. To ensure the secrecy and integrity of the vote, a confidential personal identification method must be used to access the platform, or access must be via a personalized link. When the system requires an access code or password, anyone with access to the membership list will not be allowed to log in using another member's personal information.
- (vii) **For an in-person election,** a majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In the case of a tie in the final vote, the remaining candidates shall be invited to address the meeting and a new election will be held. Elections shall continue until a majority vote is accomplished.
- (viii) **For hybrid and/or online meeting, a majority of votes cast shall be required before any candidate can be declared elected. These elections will occur following the meeting and will use an Instant Runoff Voting (IRV) system in which voters rank all candidates. The online voting platform will automatically use second and subsequent ballots, if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped and ranked votes reallocated. In the case of a tie in the final vote, the remaining candidates shall be invited to address the membership at the next meeting and a new election will be held.**
- (ix) **For hybrid and/or online meeting, the online election will begin within 24 hours following the meeting and shall remain open for no fewer than 72 hours. All members who are present on the day of the election meeting will be eligible to receive a ballot.**
- (x) **After voting has closed the votes shall be counted by a secure online platform or by the presiding officer and a scrutineer appointed by each candidate, should the candidate so choose.**

(e) Post Election (**new subheading**)

- (i) Following the counting of the ballots, the results shall be tabulated and recorded on the Local Election Records Form. The Presiding Officer and Scrutineers shall sign as Witness to the results. The records shall be held on record by the Recording Secretary for no fewer than seven (7) years. Ballots shall be kept for no fewer than ten (10) days, until ordered destroyed by the Vice President. Before adjournment of the meeting at which elections have taken place, all newly elected officers will be sworn in using the oath of office from the CUPE National Constitution (Article B 8.4).
- (ii) The newly elected officers shall take office as of the day (12:01AM) following their election to office. Members of the outgoing executive shall work in an advisory capacity to ensure a smooth transition. Should the local be providing officers with a honoraria, outgoing Officers shall be remunerated until the end of the month in which they resigned, except in cases of recall or removal of officers, and new officers remunerated for their first full month.
- (iii) Should an office fall vacant, the Executive Committee may appoint a replacement on a temporary basis, but a by-election must be conducted as soon as possible in accordance with Article B.2.5 of the National Constitution. Normally, it is preferable that the by-election be held in a manner similar to the election.

(f) Officer Accountability

Should an Executive officer fail to attend three (3) consecutive General Membership meetings or three (3) consecutive Executive meetings without good and sufficient reason, the position shall be declared vacant and the position filled as above. An executive member so removed shall be entitled to petition the Executive Committee for reinstatement with demonstrated cause. Should this petition be denied, the member shall be entitled to run for the position at the next election.