

AUCE AUCE AUCE AUCE AUCE AUCE AUCE AUCE AUCE

Association of University & College Employees
Provincial Office
#901 - 207 West Hastings Street
Vancouver, B.C.
V6B 1J8

October 2, 1981

AUCE Local 1
#202 - 6383 Memorial Road
University of B.C.
Vancouver, B.C.

RECEIVED
OCT - 7 1981
A.U.C.E.

Attention: The Executive

Dear People:

Re: Status of Local 5 Discipline Procedure

This letter is to officially confirm for AUCE Local 1 the report communicated by Bob Wiseman by telephone on Wednesday, September 30, 1981, that the Special Convention scheduled for Sunday, October 4th, has been cancelled by the Provincial Executive.

The Executive held a Special Meeting on Tuesday night in order to discuss the format the then-scheduled Convention would take, and also to consider the response received from AUCE Local 5 concerning their intent to not participate at a Special Convention convened for the purpose of considering further discipline against that Local after it had been found in violation of AUCE policy to seek affiliation to the Canadian Labour Congress, by affiliating to the Confederation of Canadian Unions.

The Executive decided to cancel the Special Convention by the following motions:

1. M/S/C

That the Provincial Executive declares the October 4th Special Convention unconstitutional.

Nancy Wiggs asked that her abstention be recorded.

2. M/S/C

That the Provincial Executive calls off the October 4th Special Convention and notifies the Locals and the Delegates.

Nancy Wiggs asked that her abstention vote be recorded.

Bob Wiseman, Trustee, contacted Wendy Lymer of AUCE Local 1, and asked the Local to be sure to contact the delegates and give them the news. We understand that this has been done.

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To explain the sudden changes of plans the Provincial Executive realised that the discipline section of the Provincial Constitution, Section 19 (F), was not properly interpreted at the close of the August 22, 1981 hearing. The disciplinary procedures in Section 19 (F) outline the following steps:

- one local lays charges against a second local or local(s)
- the Provincial Executive must schedule a hearing and conduct the hearing
- the Provincial Executive decides on 'guilt' or 'innocence', by considering the merits of the charge, with reference to the Provincial Constitution, By-Laws, Provincial policy etc
- if the Provincial Executive finds that the local has violated the Constitution, and thus is 'guilty as charged' then the Provincial Executive can:
 - a) reprimand the local, and/or
 - b) recommend suspension, and/or
 - c) recommend expulsion

Only the Provincial Executive, AT THE HEARING, can recommend suspension or expulsion.

- if the recommended remedy is suspension or expulsion of the offending local then that recommendation goes for consideration to a Special Convention
- if the remedy is reprimand alone, then the accused local or the accusing local(s) can appeal that decision, and only at the next regular convention, in which case the discipline matter is the first matter to be heard

At the hearing of August 22, the Provincial Executive found that Local 5 was guilty and then REPRIMANDED Local 5. No further discipline was suggested or imposed. The Provincial Executive referred the matter of further discipline to the Special Convention, to be held on October 4th, and this convention was called under Section 19 (F).

This decision was one based on an incorrect understanding of the constitution. According to that section, if discipline is to be considered, only the Provincial Executive has the responsibility to make the recommendation. If the Special Convention had been held, and Local 5 then expelled or suspended, that decision would have been unconstitutional, because the convention was wrongly called in the first place. And, if the convention had made such a ruling the Provincial could have been subject to legal action.

At this point in the process, if Local 1 has some objection with the extent of the discipline, i.e. the reprimand, then the same section of the Constitution provides an avenue for placing that objection before the Provincial Executive, and that is through an appeal of the decision.

The Provincial Executive, at the September 29th meeting, passed the following motion:

Re: Status of Local 5 Discipline Procedure

M/S/C

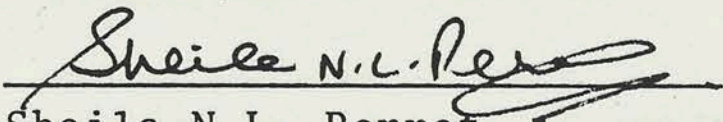
That we write to AUCE Local 1 recommending that if the Local wants to take further action on this matter that they appeal the reprimand against Local 5.

This is the recommendation in the sense that the Constitution provides for pursuing the matter to appeal. An appeal by either Local 1 or Local 5 would be the first item of business on the agenda of the next regular convention in the Spring of 1982.

Please understand that the decision to call off the Special Convention was not an easy one to make; the Provincial Executive, at the hearing, in all good faith, interpreted the discipline section of the Constitution to allow referring the subject of further discipline to a Special Convention. We would like to stress that the decision was inadvertent and was in no way meant to interfere with the Locals' rights to take part in the matter.

Please convey this information to the membership of AUCE Local 1.

Sincerely,



Sheila N.L. Perret
Union Organiser, for the Provincial Executive

684-2457

encl. copy of Section 19(F) of the Provincial Constitution: DISCIPLINE

Enclosed is a copy of the minutes of the meeting of September 29, 1981, which are subject to approval by the next meeting of the Provincial Executive on October 24, 1981.

Also enclosed is a copy of the minutes of the August 22, 1981 Hearing.

cc. Local 1 Rep - Sheila Rowsell
AUCE Local 2
AUCE Local 4
AUCE Local 5
AUCE Local 6

81:10:05
snlp