

# York University Faculty Association

## Constitution

*Adopted 1962*

*Renewed 17 November 2009*

*Amended February 6, 2014*

- Article 1. Name and Objectives
- Article 2. Membership
- Article 3. Meetings
- Article 4. Stewards' Council
- Article 5. Executive Committee
- Article 6. Officers
- Article 7. Subcommittees and Association Representatives
- Article 8. Elections and Recall
- Article 9. Collective Bargaining and Job Action
- Article 10. Dues
- Article 11. Amendments

### Article 1. Name and Objectives

#### 1.1 Name

The name of the Association shall be: York University Faculty Association (YUFA).

#### 1.2 Objectives

The purpose of the Association shall be to promote the welfare of the University as an institution of higher learning and the social-economic and general welfare of its academic staff, including the regulation of employment relations between the Administration and its academic staff. Further, the Association shall promote the defence and extension of the civil rights and liberties of academic staff and the preservation and advancement of free democratic trade unionism.

#### 1.3 Equity statement

The Association is committed to upholding the principles of equity, non-discrimination and freedom from harassment and to nurturing a culture of acceptance, diversity and inclusion where every member of YUFA and the broader York community is treated with dignity and respect, receives equal treatment and enjoys freedom from harassment, interference, restriction, coercion, or intimidation exercised or practised by a member with respect to another member both within the union and in the workplace because of, but not limited to, race, ancestry, place of origin (birth place), colour, ethnic origin, citizenship, language, creed, sex, gender, gender identity and gender expression, pregnancy, sexual orientation, sexual preference, age, marital status, family status,

number of dependents, disability, non-conforming behaviour, professional status, political views or beliefs, religious affiliation or belief or membership in associations.

## **1.4 Affiliations**

To better serve its members and accomplish its objectives, the Association is an affiliate of the Canadian Association of University Teachers (CAUT) and the Ontario Confederation of University Faculty Associations (OCUFA).

## **Article 2. Membership**

### **2.1 Regular membership**

- a. Regular membership in the Association shall be open to full-time members of the academic staff engaged in teaching and/or research, including professional librarians whether on a reduced load, or on leave, etc. It shall not be open to those persons excluded from the bargaining unit as listed in Appendix A, Section A of the Collective Agreement or those persons coming within the definition set out in Section 1(3) of the *Labour Relations Act, 1995*, as amended from time to time.
- b. Regular membership in the Association automatically includes full membership in the CAUT and the OCUFA.

### **2.2 Senior membership**

Senior membership in the Association shall be open to retired members of the academic staff who are engaged in teaching in a given year, or to retired professional librarians engaged in the fulfilment of professional librarian responsibilities in a given year.

### **2.3 Associate membership**

- a. Following their retirement, YUFA members may elect to continue as Associate Members of the organization. YUFA may also admit such other persons to be Associate Members in the Association as it may determine, from time to time, but under no circumstances shall it admit persons who have never been members of the bargaining unit.
- b. Associate Members have the following rights, conditional upon the payment of the requisite annual dues as set out in Article 10:
  - i. the right to attend and participate in the General Meetings of the Association and to attend all open meetings of Stewards' Council and Executive Committee, but they shall not be counted in the determination of a quorum at any such meeting;
  - ii. the right to have the newsletter and all major communications of the Association;
  - iii. the right to submit material for publication in the YUFA newsletter;

- iv. the right to submit requests to the Chief Stewards for possible grievance proceedings.
- c. For purposes of clarity, the rights of an Associate Member do not include the right to vote in any vote for strike action or ratification of a Collective Agreement, nor the right to be elected or appointed as an Officer of YUFA, or the right to be elected or appointed as a YUFA representative or as a YUFA member, on any committee or body that has a designated representative from YUFA.
- d. The Association reserves the right to recognize one organization as the representative organization for Associate Members. The organization so recognized by the Association will have the right to elect one voting member to the Executive Committee.

## **2.4 Membership while on leave without pay**

Persons on leave of absence without pay from the University may retain their membership in the Association and, if they choose to retain membership, shall remit their dues individually to the Association on a monthly or on an annual basis.

## **2.5 Generality of terms**

Hereafter, the term 'membership' or the term 'member' in this Constitution shall be deemed to include only those members of the academic staff and librarians who are Regular Members and Senior Members of YUFA, unless otherwise stated.

# **Article 3. Meetings**

## **3.1 General Meetings**

- a. There shall be a minimum of two General Meetings of the membership of the Association, one of which shall be the Annual Meeting, during each academic year.
- b. General Meetings may be called:
  - 1. as directed by the Annual Meeting;
  - 2. as deemed advisable by the Executive Committee;
  - 3. at the written request of fifty or more members of the Association.
- c. One quarter or fifty, whichever is the lesser, of the members of the Association in good standing shall constitute a quorum for General Meetings of the Association.

## **3.2 Notice**

For the Annual or any General Meeting of the Association, written notice, with a statement of the agenda, shall be sent to members no less than one week prior to the Meeting in question. Special General Meetings, for discussion of particular and pressing

matters, may be called on forty-eight hours' notice, but must be widely publicized in every area of the University.

### **3.3 Attendance**

Meetings of any body of the Association shall be open to members of the Association, except that other persons may be admitted on the invitation of the Executive Committee. For the purposes of attending meetings, the staff of the Association shall be deemed ex-officio members of the Association.

### **3.4 Order**

The President of the Association or her / his designate shall conduct the proceedings of the Association in conformity with the rules and procedures of the Association. In cases not covered by these rules and procedures, meetings and proceedings of the Association shall be conducted in conformity with Bourinot's Rules of Order as revised by J.G. Dubroy. The exception shall be that if a motion to put a question is passed by a two-thirds majority, then the motion must be put immediately. If a motion to put the question fails to receive a two-thirds majority, then debate on the motion continues and further amendments are in order.

### **3.5 Annual General Meeting**

- a. Annual reports of the Officers and the Trustees shall be approved by the Executive Committee and circulated to all members prior to the Annual Meeting. At this Meeting members of the Association have the responsibility of reviewing the previous year's activities and policies, and shall have an opportunity to suggest policy revision or altered activities for the coming year.
- b. Two Trustees shall be elected from the floor of the Annual General Meeting for the purpose of assisting the members of the Association in performing their duties under this clause. Trustees elected at the Meeting shall prepare an Annual Report for the following year's Meeting that reviews the Association's activities and operations during their year in office and recommend improvements in the methods of operation.
- c. The annual budget and fee structure shall be prepared by the Executive Committee and presented to the general membership at the Annual Meeting. Assent shall be given by a simple majority decision of those members voting electronically subsequent to the meeting. Accommodations will be made for those who do not have access to the Internet and who request such accommodation. No proxy voting is permitted.

## **Article 4. Stewards' Council**

### **4.1 Mandate and membership**

Stewards' Council shall direct the affairs of the Association between General Meetings. In particular, the Council shall: ratify appointments made by the Executive Committee; ratify the establishment of subcommittees of the Executive Committee; approve primary negotiating positions prior to ratification by the membership; act as a forum for discussion of issues of concern to YUFA members and direct the Executive Committee to take action thereon; review the Executive Committee's work plans, organising plans, and progress reports; ratify amendments to the Association's By-laws; and recommend to the membership amendments to this Constitution. The members of Stewards' Council shall be: members of the Executive Committee, all elected Stewards, and one representative from each Recognised Caucus.

### **4.2 Meetings**

Stewards' Council shall meet at least eight times per year. The Executive Committee shall call meetings and propose the agenda of Stewards' Council. Unscheduled meetings may be called at the request of ten members of Council, upon forty-eight hours' notice. One-third of the elected stewards shall be a quorum for meetings of Stewards' Council. The Stewards' Council representatives to Executive shall take turns serving as Chair of Stewards Council (alternating every other meeting); the Chair is a voting member of Stewards' Council and can vote on all motions. The Chair of Stewards' Council shall bring recommendations and decisions made by Stewards' Council to Executive and shall report to each Stewards' Council meeting on the business of the Executive that occurs between Stewards' Council meetings. Normally, all YUFA members will be encouraged to attend meetings of the Council and may speak when recognised by the Chair but only voting members of Stewards' Council may vote. Invitations and agenda shall be posted in advance of each meeting.

### **4.3 Stewards**

- a. Each representative group of university departments / units, as set out in the Association's By-laws, shall elect, by and from its YUFA membership, one steward for each fifty members of the bargaining unit or fraction thereof in that group. No Chairperson or equivalent of an academic unit may serve as a steward. Stewards' terms of office shall be three years.
- b. Stewards shall, inter alia, represent the interests of the members of their constituent department(s) / unit(s), be responsible for advising and guiding the members of their constituent department(s) / unit(s) in the preparation and processing of complaints and grievances according to the terms of the Collective Agreement, and participate in organizing activities of the Association as required.
- c. Where a position of Steward is vacant, notification shall be sent to members of the relevant group, along with a request for nominations. Nominations shall be deemed to be closed and an election held no less than two weeks following

receipt of a nomination by the Returning Officer. Single candidates for a position shall be acclaimed upon the closing of nominations.

## **Article 5. Executive Committee**

### **5.1 Mandate**

The Executive Committee shall be responsible for the administration of the affairs and activities of the Association, for developing policies and programs, and for carrying out the decisions of the Stewards' Council and General Meetings between meetings of those bodies. The Executive Committee may from time to time enact and amend By-laws of the Association, subject to approval by the Stewards' Council and providing they do not conflict with this Constitution.

### **5.2 Membership**

This Committee shall consist of the Officers, the Past President, a member of the organization recognized as the representative for Associate members, and two representatives elected by Council. Six members shall constitute a quorum for meetings of the Executive Committee. The President of the Association shall Chair the Executive Committee.

### **5.3 Meetings**

Regularly scheduled meetings of the Executive Committee shall be held at least twelve times during the academic year. Unscheduled meetings may be called by the President or at the request of five members of the Executive Committee, upon forty-eight hours' notice.

## **Article 6. Officers**

### **6.1 The elected Officers of the Association shall be:**

- a. President
- b. Vice-President for Internal Affairs
- c. Vice-President for External Affairs
- d. Two Chief Stewards
- e. Two Equity Officers
- f. Communications Officer
- g. Treasurer
- h. Recording Secretary

### **6.2 Election**

- a. a. Candidates for election as Officers of the Association shall submit written statements of their qualifications, goals, and interest in serving. Normally,

candidates for President will have served on the Executive Committee for at least one year during the last five years. Normally, candidates for Chief Steward will have served on the Grievance Subcommittee for at least one term.

- b. Where two or more candidates stand for an Officer position, an option to reject all candidates shall be placed on the ballots. Where only one candidate is nominated for an Officer position, a ratification ballot shall be conducted. Statements submitted pursuant to (a) above shall be circulated with the ballots.
- c. Regular Members of the Association shall be eligible to be elected Officers of the Association.

### **6.3 Terms of Office**

Elected Officers of the Association shall hold office for two years. The Past President shall automatically assume this position upon retirement from his/her term(s) as President and shall hold it for two years.

### **6.4 Authorised Association representative**

- a. The President shall be the authorised representative of the Association and shall be an ex officio non-voting member of all YUFA standing and ad hoc subcommittees.
- b. In order that the Association shall have at all times an Officer authorised to represent the Association and to conduct its affairs regardless of the absence of specific Executive Officers, the following ranking shall prevail: President; Vice President Internal; Vice President External; Past President; Chief Stewards; Communications Officer; Treasurer; Equity Officers; Recording Secretary; the Council Representatives elected to the Executive Committee. Where a person other than the President is ranking Officer, she / he shall be designated 'Acting President'. Should the ranking Officer be unable to perform the duties of Acting President, the office shall pass to the next position in the ranking.

### **6.5 Officer vacancy – President**

When the office of President is vacant, notification shall be sent to the membership along with a request for nominations. A by-election shall be held within three weeks of a nomination being received by the Returning Officer. The Acting President shall continue in the office for a transition period that shall end on the 1st September, 1st January, or 1st April, whichever comes first.

### **6.6 Officer vacancies other than President**

When an Officer position other than President is, becomes, or will become vacant, notification shall be sent to the membership along with a request for nominations. A by-election shall be held within three weeks of a nomination being received by the Returning Officer. When such a position is vacant on or after 1st June, the Executive Committee may appoint a member to that position for a specified term (not to exceed

31st May of the following year), subject to ratification by Stewards' Council at its next meeting, to which the Executive Committee shall submit a written statement of the appointee's qualifications, goals, and interest in serving.

## **Article 7. Subcommittees and Association Representatives**

### **7.1 Subcommittees**

The Executive Committee may create standing and *ad hoc* subcommittees around the portfolios of particular Officers or around issues of concern to YUFA members. The Executive Committee shall be responsible for defining the composition and terms of reference for each subcommittee and shall appoint its members. The composition, terms of reference, and membership of each subcommittee shall be subject to ratification by Stewards' Council.

### **7.2 Association representatives**

- a. The Executive Committee shall appoint members of the Association to act as Association representatives on any joint Association-Employer Committee. Such appointments shall be subject to ratification by Stewards' Council.
- b. The Executive Committee shall appoint members of the Association to sit on various bodies which have designated representation from the Association. Notwithstanding Article 2.3.c, Associate Members may be appointed to such positions as the Executive Committee deems that the actions or deliberations of the body will substantially affect Associate Members.
- c. The Executive Committee may recognise Caucuses for purposes of representation from groups within the membership. Such Caucuses shall be listed with other Representative Groups in the By-laws of the Association.

## **Article 8. Elections and Recall**

### **8.1 General Election**

Elections by electronic voting shall take place before the end of December of the year before candidates are to assume office. Elected candidates shall assume office on 1st June. Accommodations will be made for those who do not have access to the Internet and who request such accommodation. No proxy voting is permitted.

### **8.2 Returning Officer**

Unless otherwise arranged by the Executive Committee, an Executive Associate of the Association shall act as the Returning Officer in any election.

### **8.3 Associate Member representatives**

Associate Member representatives to the Executive Committee and any other body shall be elected by and from among those holding membership in the organization recognized as the representative for Associate Members.

### **8.4 Recall**

- a. If at any time a petition carrying the signatures of at least fifty members or 25 percent, whichever is the lesser, of the constituents of any Officer or Representative is submitted to the Executive Committee demanding a new election of such Officer or elected Representative, a special by-election shall be held within one month's time. The incumbent may be a candidate in that election. The by-election shall be conducted in accordance with Article 6.2 above.
- b. Notwithstanding (a) above, if at any time two-thirds of the voting members of the Executive Committee or Stewards' Council pass a motion of non-confidence in any Officer of the Association, a special by-election shall be held within one month's time. The incumbent may be a candidate in that election. The by-election shall be conducted in accordance with Article 6.2 above.

## **Article 9. Collective Bargaining and Job Action**

### **9.1 Primary negotiating positions**

Upon approval of Stewards' Council, the Executive Committee shall seek ratification of primary negotiating positions at a General or a Special General Meeting. Assent shall be given by a simple majority of those members present and voting. Voting shall be by show of hands.

### **9.2 Ratification of substantive change to or renewal of Collective Agreement**

The Executive Committee shall seek ratification of a contract or a substantive change in an existing contract by an electronic ballot procedure. Such ratification may take place only following a General or Special General Meeting in which the matter has been discussed. Assent shall be given by a simple majority of those members of the bargaining unit voting. Accommodations will be made for those who do not have access to the Internet and who request such accommodation. No proxy voting is permitted.

### **9.3 Job action**

The Executive Committee must seek authorization from the bargaining unit before the imposition of any strike action or other sanction against the Employer. Voting shall be by electronic ballot, held subsequent to a General or Special Meeting. Assent shall be given by a simple majority of those voting. Notice of such a vote, indicating the nature of the choices to be available on the ballot, shall be sent to voters at least one week prior to the balloting. Accommodations for voting are available as per the relevant By-law.

### **9.4 Discontinuation of job action**

Once the decision to impose a strike or other sanction against the Employer has been authorized, picket lines or other job actions shall not be discontinued, except by decision of the Executive Committee.

## **Article 10. Dues**

### **10.1 Amount**

The annual membership dues of the Association shall be 1.1 percent of each individual member's annual base salary rate. From this amount, all obligations of the Association shall be paid, including but not limited to: operating expenses; CAUT Defence Fund contributions; membership fees paid to the CAUT; membership fees paid to the OCUFA; contributions to the YUFA Defence Fund; contributions to the YUFA Arbitration Fund.

## **10.2 Special levies**

The Executive Committee may, from time to time, request a special levy over and above the amount of the annual membership fee, normally for a specific purpose. Once approved by the general membership, such levy shall become part of the annual membership fee for the year in which it is approved.

## **10.3 Senior and Associate Members' dues**

- a. Senior Members shall pay membership dues pro-rated to the length of their membership in the bargaining unit.
- b. Associate Members shall pay an annual membership fee of \$60, or as determined from time to time by the Executive Committee.

## **Article 11. Amendments**

The Stewards' Council may submit to any General Meeting for approval, amendments to this Constitution. Such proposals submitted to the Executive Committee by fifty or more members of the Association must be submitted to the general membership for consideration. Assent of two-thirds of those members who vote shall carry amendments. Notice of motion to amend the Constitution shall be given in writing in the notice of the General Meeting. Amendments to the Constitution shall not be presented to Special General Meetings. Voting shall be by electronic voting. Accommodations will be made for those who do not have access to the Internet and who request such accommodation. No proxy voting is permitted.