

**York University Faculty Association
Trustees' Annual Report
2009-10**

Submitted by
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Introduction

Under Article 3.5 of the York University Faculty Association (YUFA) Constitution, two Trustees are to be elected at the Annual General Meeting to prepare a report reviewing the union's previous year's activities, policies and operations and are asked to make recommendations to improve YUFA's methods of operation.

The current review is somewhat unusual as a result of the change in the date of the Annual General Meeting from Fall to Spring. We did not review the most recent Auditor's Report, Annual Financial Statements (2008-09) and the Budget 2009-10, which were included in the previous Trustees' Annual Report, presented at the November 17, 2009 AGM. The next opportunity for Trustees to report on these matters will be at the next Annual General Meeting.

For this Trustees' Report, we have reviewed the YUFA Constitution, By-laws, and the minutes of the Executive Meetings, Stewards' Council Meetings, and the Annual Meeting (November 17, 2009). We conclude that the union is fulfilling its obligations to its members, operating responsibly and participating in important labour activities (e.g., labour conferences) and solidarity efforts internal and external to York University.

Review of Activities

In addition to the day-to-day administration of the Collective Agreement and service to members, such as processing grievances, in 2009-10 YUFA continued to deal with a number of initiatives begun in the previous year, most notably issues arising from the amalgamation of the Faculty of Arts and the Atkinson Faculty of Liberal and Professional Studies, including the resulting apportioning of YUFA stewards. Given the large number of complex and diverse issues to be considered, the Trustees are satisfied that most were resolved satisfactorily and in a relatively timely manner.

YUFA continued its work on the workload reduction issues arising from the current Collective Agreement and on issues of importance to retirees.

YUFA met with the Employer on a number of issues regarding future plans of the University, including the proposed establishment of a medical school. While those plans are very much at an early stage, YUFA stressed the importance of the Association's inclusion in the planning process.

The Executive acted on the recommendation of the previous year's Trustees' Report and moved the date of the Annual General Meeting to the Spring. While this is seen to be a positive step, it has, in this first instance, created some anomalies in practice. For example, the cycles for submissions of the Auditor's Report and the work plans and reports of the Executive Officers are "out of sync" with the Spring AGM. It is noted that By-laws 9.b and 9.d, with respect to the Executive Committee work plans and reports, do not require presentation at a membership meeting (including the AGM) but rather ratification of those plans and reports by Stewards' Council and subsequent distribution "in a widely available medium".

Recommendation: That the Executive Committee and the Stewards' Council be sensitive to any membership concerns regarding issues of transparency arising from the new AGM meeting cycle.

Recommendation: That the Executive Committee accepts members' comments and/or concerns regarding the Spring AGM for review following two cycles of the present timing and to determine member satisfaction with the Spring AGM timing.

As a result of the motion regarding electronic voting passed at the November AGM, the subsequent Election of Officers evote resulted in approximately two-thirds of the membership participating, a substantially higher participation rate than previous votes. The Trustees welcome electronic voting as a way to increase the membership's voice in our most important decisions but we note that electronic votes are at their best with "yes/no" questions.

Recommendation: That the Executive Committee and Stewards' Council monitor the evote process and consider its effectiveness in responding to a healthy climate of debate on various issues for which a yes/no response may be too simplistic.

The Trustees' Report of 2008-2009 made reference to "increased conflict between the various bodies (Executive, Stewards' Council, membership meetings) involved in YUFA governance". Minutes of Stewards' Council meetings in the current year indicate that a great deal of time has been spent this year on what might be termed jurisdictional disputes on the relationship of Stewards' Council and the Executive Committee. It is clear to the Trustees (particularly the Trustee who also serves on Stewards' Council) that this is not a healthy situation for the Association. The Constitution 4.1 establishes that the mandate of Stewards' Council is to "direct the affairs of the Association between General Meetings". However, the subsequent wording of 4.1 indicates that Council also ratifies a range of decisions which the Executive may have to make in the absence of direction from Council. The number, complexity and urgency of issues with which the Executive deals cannot always be aligned with the meeting cycle of Stewards' Council, which meets monthly and usually not during the summer. Debates over ratification of actions taken when those actions can't be retracted seem to be pointless. The relationship of the Executive and Stewards' Council may have served well in a previous

and simpler YUFA world but may not be suitable for the issues currently before the membership. The Trustees suggest that Stewards' Council maintain its role as a forum for discussion of the concerns of units and/or members. Those concerns and/or motions arising from those concerns would be carried forward to the Executive by the two Chief Stewards and two Council Representatives who serve on the Executive Committee. Of the fourteen members of the Executive Committee, four are by virtue of their position on Stewards' Council. In addition, the By-laws provide for seven of the remaining Executive Committee members to be members of Stewards' Council. In other words, the voice of Stewards' Council is well represented in Executive Meetings. The current process of ratification by Council of some issues is not practical and can lead to unnecessary and unproductive "territorial" debates.

Recommendation: That a Committee be struck to review the intersection of roles and responsibilities of Stewards' Council and the Executive and, if necessary, to make recommendations for changes in practice or amendments to the Constitution and By-laws so as to increase the effectiveness of the Association. In its review, the Committee should draw on the experience of previous Chief Stewards and previous members of the Executive.

Recently, questions were raised on the Stewards' Council listserv regarding the interpretation of the Constitution 4.3.c, the nominations and elections to Stewards' Council. The ambiguity of this clause was questioned by several stewards. The Trustees note that faculty members have multiple time-consuming activities of research, teaching and service, including that to the Association, and that ambiguous clauses become the subject of more time-consuming debate than members can afford.

Recommendation: That the Executive propose an amendment to the Constitution 4.3.c which clarifies the process for the nomination and election of stewards and that the amendment be put to the membership at a future General Meeting.

In several Stewards' Council meetings, questions were raised regarding allocation of stewards based on information from the Employer with respect to the allocation of faculty members by unit, including those cross-appointed. The understanding of the current Trustees is that the data is not as accurate as members would find useful for a more detailed computation of allocation of stewards. However, accuracy is sufficient for the task of allocating "one steward for each 50 members of the bargaining unit or fraction thereof" noting that the fraction cannot be fewer than 15 members in a group. The Trustees are satisfied that the present method of allocation of stewards, including the information on which that calculation is based, has lead to a reasonable and fair distribution of stewards.

Recommendation: That the current methodology be continued in the annual update of the allocation of stewards.

Previous Trustees had reported and made recommendations on the issue of course releases and stipends for Officers of YUFA. The current Trustees support the recommendation that the standard form of recompense for such service to YUFA be course release time and that the release time be standardized by Executive position, notice of such releases awards being made available at the call for nominations. The current Trustees are of the opinion that the membership expects that those who take on service for YUFA will be active in fulfilling those roles and that course release, i.e., time, is the only currency with which the Officers should be recompensed; therefore, stipends in lieu of course release are not favoured. Similarly, the time expected of the Officer is during the term of office and therefore banking course releases does little to provide the Officer with that time during their term of office. The 2007 Auditor's Report (2007) reported that YUFA had accrued a financial liability of \$146,781 in course releases to be granted in future years. The previous Trustees noted that YUFA By-law 16 (c) provides that "nothing should restrict a member from taking release time at some time other than that at which she / he is working for YUFA". Those Trustees suggested that such a financial liability "is a necessary cost of sustaining and promoting membership participation." While the current Trustees agree with respect to supporting membership participation, we believe the membership is best served when union Officers are provided the time to fulfill their various responsibilities during their terms of office.

Recommendation: That the Executive continue to apply the previous Trustees' recommendations regarding releases and stipends, with the emphasis always being given to the provision of course release during the period of service.

Respectfully submitted,

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