

**Subject:** Amendments to the YUFA Constitution

**From:** Ida Ferrara <iferrara@yorku.ca>

**Date:** 29-Oct-18, 10:27 PM

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**CC:** Ida Ferrara <iferrara@yorku.ca>

Dear YUFA Executive members,

Attached you will find documents in support of a number of amendments to the YUFA Constitution at the request of 91 YUFA members. The documents are as follows:

1. YUFA Constitution with track changes
2. Summary of amendments with rationales
3. List of the 91 YUFA members submitting the amendments

Below is the list of articles for which amendments are being proposed. These amendments must be considered and voted on individually, as below listed, and not jointly (unless otherwise indicated).

- 1.2
- 3.1.b(3)
- 3.1.c
- 3.1.d
- 3.2
- 3.4
- 3.5.b
- 3.5.c and 3.5.d (to be considered jointly)
- 5.1
- 8.4.a
- 9.1
- 9.2 (this is a friendly amendment for consistency with language in other parts of the Constitution)
- 9.3

- 9.4
- 10.1
- 10.2
- 11

As per Article 11, the proposals are to be discussed at the upcoming GM meeting, following which an electronic vote will be arranged.

I would appreciate confirmation that you have received the documents, will present the proposals to the membership for discussion at the November GM meeting, and will then arrange for e-voting on individual proposals as per above list.

Best,

Ida

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— Attachments: —

YUFA Constitution - Changes - October 2018.docx	27 bytes
YUFA Constitution - Summary of Changes with Rationales - October 2018.pdf	27 bytes
Request for Constitutional Amendments - October 2018.pdf	27 bytes

# York University Faculty Association

*Adopted 1962*

*Renewed 17 November 2009*

*Amended March 30, 2017*

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 primary purposes of the Association shall be to promote the welfare of the University as an institution of higher learning and to promote the social-economic and general welfare of ~~its~~ the University's full-time academic staff, including the regulation of employment relations between the University Administration and its full-time academic staff. Further, the Association shall promote the defence and extension of the civil rights and liberties of full-time academic staff and the preservation and advancement of free democratic trade unionism, provided that a focus on trade unionism does not conflict with promoting the well-being of the University and/or the interests of its full-time academic staff.

### 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~~ seventy-five (75) or more members of the Association.

c. One quarter or ~~fifty~~ one hundred (100), whichever is the lesser, of the members of the Association in good standing shall constitute a quorum for General Meetings of the Association.

d. No motion from the floor shall be voted on during the General Meeting at which the motion is raised. If a motion from the floor arises at a General Meeting and is deemed to be in order, debate on the motion will ensue at the meeting but voting will take place electronically subsequent to the meeting. Accommodations for voting are available as per the relevant By-Law. No proxy voting is permitted.

### 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. For a Special General Meeting, no motions are permitted from the floor, and motions for which notice is given must be voted on electronically subsequent to the meeting. Accommodations for voting are available as per the relevant By-Law. No proxy voting is permitted.

### 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 the current edition of 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 (2/3) majority, then the motion must be put only immediately after those already on the speakers' list have had their chance to speak. If a motion to put the question fails to receive a two-thirds (2/3) 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-nominated 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. Election shall be arranged subsequent to the meeting by electronic voting, and assent shall be given by a simply majority decision (i.e., 50% plus 1 vote). Accommodations for voting are available as per the relevant By-Law. No proxy voting is permitted. The elected 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. Subject to Article 10 below 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 (i.e., 50% plus 1 vote) subsequent to the meeting. Accommodations for voting are available as per the relevant By-Law ~~will be made for those who do not have access to the Internet and who request such accommodation~~. No proxy voting is permitted.

d. Subject to Article 10 below, the fee structure shall be prepared by the Executive Committee and presented to the general membership at the Annual Meeting. If no change in the fee structure is being recommended, members shall vote electronically on the fee structure as part of the annual budget according to Article 3.5(c) above. If instead a change in the fee structure is being recommended, members shall vote electronically on the revised fee structure separately from the vote on the annual budget. For any change in the fee structure to pass, a two-thirds (2/3) majority of those members voting electronically subsequent to the meeting is required. Accommodations for voting are available as per the relevant By-Law. 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 shall endeavor to represent the diversity of opinions across all members and commits to polling its members upon request by seventy-five (75) or more members of the Association. The Executive Committee may from time to time enact and amend By-laws of the Association, subject to approval by ~~the Stewards' Council~~the Association membership via e-voting and providing they do not conflict with this Constitution. Accommodations for voting are available as per the relevant By-Law. No proxy voting is permitted.

### **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. 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~~ one hundred (100) 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. Such a petition may be submitted in relation to any members of the Executive Committee. If the special by-election results in the recall of the outgoing President after the next President has been elected, then the Past President position will remain vacant for the duration of the new President's term.

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 will present the primary negotiating positions to the general membership at a General or a Special General Meeting. Assent on each proposal shall be given by a simple majority decision of those members voting electronically (i.e., 50% plus 1 vote) subsequent to the meeting. Accommodations for voting are available as per the relevant By-Law. No proxy voting is permitted. 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 (i.e., 50% plus 1 vote). ~~Accommodations for voting are available as per the relevant By-Law 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

~~Job action shall be contemplated only as a last resort, following attempts to reach a settlement with the assistance of a neutral third party. Any decision pertaining to job action shall be voted on electronically by the membership. Notices of voting by electronic ballot, which shall indicate the nature of the choices to be available on the ballot, shall be sent to voters at least one week prior to the vote. Assent shall be given by a simple majority of those voting (i.e., 50% plus 1 vote). Accommodations for voting are available as per the relevant By-Law. No proxy voting is permitted.~~

~~a. After attempts at reaching a settlement through a neutral third party, the Executive Committee shall provide members with the opportunity to vote on whether to propose to the Employer to send outstanding items to binding arbitration or to hold a strike mandate vote. Voting shall be held subsequent to a General or Special Meeting.~~

~~b. If the vote in 9.3(a) is held and if either the membership votes in favour of binding arbitration but the Employer does not agree or the membership votes in favour of a strike mandate vote, the Executive Committee must may proceed to schedule a strike mandate vote. 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.~~

c. If the strike mandate vote in 9.3(b) is held and members vote in favour of the mandate, the Bargaining Team shall nonetheless continue to negotiate with the Employer in the hopes of reaching a settlement. In the event the Bargaining Team is unable to reach a tentative settlement out of the post-strike mandate negotiations during a minimum of four (4) weeks subsequent to the strike mandate vote, the Executive Committee shall update members at a General or Special meeting and provide all members with the opportunity to vote on whether to propose to the Employer to send outstanding items to binding arbitration or take job action, up to and including a full strike. Voting shall be subsequent to the meeting. If the membership supports binding arbitration but the Employer does not agree, the Association will be in the position to initiate job action.

d. For certainty, the membership must vote in favour of **both** a strike mandate **and** to take job action before the imposition of any strike action or other sanction against the Employer.

#### 9.4 Discontinuation of job action

Once ~~the decision to impose a strike or other sanction~~job action against the Employer has been authorized by the membership, picket lines or other job actions shall not normally be discontinued, except by decision of the Executive Committee. However, at any time upon the request of at least seventy-five (75) members, the Executive Committee shall arrange for members to vote electronically on whether to discontinue the strike, picket lines or any other job action, as the case may be, if the Employer agrees to send unresolved matters to binding arbitration. Assent shall be given by a simple majority of those voting (i.e., 50% plus 1 vote). Accommodations for voting are available as per the By-Law. No proxy voting is permitted.

### Article 10. Dues

#### 10.1 Amount



The annual membership dues rate of the Association shall be approved as per procedures in Article 3.5 (c and d) above. The annual dues shall be expressed as a fixed percentage of each individual member's annual base salary rate and remain unchanged until a higher or lower percentage is approved. 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. For any decision involving expenses in excess of \$2,000 unrelated to the Association's obligations as they are described above, including supporting other unions during strikes, the Executive Committee shall seek electronic approval of the membership, and assent shall be given by a simple majority decision of those members voting electronically (i.e., 50% plus 1 vote). This \$2,000 ceiling is for both a single donation and cumulative donations to the same recipient per cause in a single budget year. Accommodations for voting are available as per the relevant By-Law. No proxy voting is permitted.

## 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. Assent shall be given by a two-thirds (2/3) majority decision of those members voting electronically. Accommodations for voting are available as per the relevant By-Law. No proxy voting is permitted. Once approved ~~by the general membership~~, such a 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, proposals for~~ amendments to this Constitution. Such proposals may also be submitted to the Executive Committee by fifty-seventy-five (75) or more members of the Association ~~must be submitted to the general membership for consideration. In both processes, the proposed amendments must then be submitted to the general membership for discussion and then subsequent decision making by electronic voting.~~ Assent of two-thirds of those members who vote shall carry amendments. Notice of motion(s) to amend the Constitution shall be given in writing in the notice of ~~the a~~ General Meeting. Amendments to the Constitution shall not be presented to Special General Meetings. ~~Voting shall be by electronic voting.~~ Accommodations for voting are available as per the relevant By-Law ~~will be made for those who do not have access to the Internet and who request such accommodation.~~ No proxy voting is permitted.

## Summary of changes with rationales

This proposal outlines several changes to the YUFA Constitution that address four overarching concerns:

1. greater clarity about the purpose of the Association and the role of the Executive;
2. more democratic, representative, collegial, and inclusive decision making;
3. greater financial transparency and accountability;
4. more thoughtful and engaged processes for making decisions about job actions.

The proposed changes in each area are summarised below, followed by a rationale for each area.

### Greater clarity about the purpose of the Association and the role of the Executive

**1.2 Objectives:** adding language to clarify that the first and foremost purpose of the Association is to promote the welfare of the University and the interests of its full-time academic staff, and that engagement in the preservation and advancement of free democratic trade unionism is a secondary purpose which cannot come at the expense of compromising the well-being of the University and/or infringing upon the interests of its full-time academic staff.

**5.1 Mandate:** adding language to the mandate of the Executive to underscore the importance of representing the diversity of opinions across all members and committing to polling members on issues upon request of at least seventy-five (75) members.

**Rationale:** Over the years, instances have arisen in which advocating for trade unionism, particularly in support of other unions, has come at the expense of promoting the welfare of the University and the interests of at least a significant portion of YUFA members. CUPE conversions, which clearly have major implications for YUFA members, represent the most emblematic example of issues which result (and have resulted) in a conflict between promoting the interests of YUFA members and supporting other unions. Independent of how anyone feels about conversions, the Association has an obligation to protect the YUFA Collective Agreement and prevent other unions from altering the YUFA Collective Agreement language, whether it is about a new program or a change to an existing program. This commitment, however, has not always been upheld; quite the contrary, there has been implicit and explicit support among members of the YUFA Executive for CUPE 3903 conversions despite a clear indication of major opposition to the program and/or to the number of conversions from many YUFA members. While there are members who may be supportive of the program, the Association cannot allow another union to interfere with the YUFA Collective Agreement without consulting with all YUFA members informally as well as formally through voting arrangements. Likewise, members of the YUFA Executive have often justified their positions with the argument that their actions are consistent with their political or other views (or platforms) for which they view themselves as having been

elected to serve the Association. However, independent of their individual views (political or otherwise), members of the YUFA Executive have a representative responsibility towards every single YUFA member and not just to those who agree with their views; hence, they must ensure that their decisions on behalf of the membership are respectful of the diversity of views, even if they personally stand on one side or the other of any given debate. The proposed changes are to ensure that there is no ambiguity in the primary role of the Association, namely, to promote the welfare of the University and the interests of its full-time academic staff, even if resulting actions entail being unsupportive of another union, and that members have an avenue to fall back on in terms of polling viability if the YUFA Executive takes positions on behalf of the Association which do not reflect the membership's diversity of views.

### **More democratic, representative, collegial, and inclusive decision making**

**3.1.b(3):** increasing the minimum number of members needed to request a General Meeting from fifty (50) to seventy-five (75).

**3.1.c:** increasing quorum at General Meetings from fifty (50) to one hundred (100) members.

**3.1.d:** ensuring that members are fully informed of any motion to be considered at a General Meeting before voting takes place (a motion from the floor would be debated at the meeting but voting would be arranged electronically subsequent to the meeting).

**3.2 Notice:** adding language to clarify that no motions from the floor are permitted at a Special General Meeting and that motions for which notice is given will be voted on electronically subsequent to the meeting.

**3.4 Order:** allowing members on the speakers' list to have a chance to speak after a motion to put a question is passed and before the question is put.

**3.5.b:** allowing members to vote electronically on the two trustees who are responsible for reviewing the Association's activities and operations and recommending improvements.

**5.1 Mandate:** shifting the responsibility of approving changes in the By-laws of the Association from the Stewards' Council to the membership and requiring electronic voting.

**8.4 Recall:** increasing the minimum number of signatures for a recall from fifty (50) to one hundred (100) and clarifying that, should the recall be for the outgoing President after the election of the next President, the Past President position remains vacant for the duration of the new President's term.

**9.1 Primary negotiating positions:** replacing voting by a show of hands at a General Meeting with e-voting subsequent to the meeting and requiring voting on each and every proposal individually.

**11 Amendments:** increasing the number of signatures needed for proposing Constitutional changes from fifty (50) to seventy-five (75).

**Rationale:** There are over 1,500 YUFA members and yet engagement within the Association has often been problematic. Nevertheless, YUFA plays an important role within the University which warrants greater members' participation in decision making. In recognition of this role and its impact on the well-being of the University, and in appreciation of the various commitments YUFA members have as they fulfill their professional responsibilities, it is imperative that we find ways to facilitate engagement and promote greater representativeness of decisions on behalf of the entire YUFA membership. With these goals in mind, the proposed changes are to improve access to decision making and, thus, promote engagement through greater use of the available technologies (e.g., e-voting) which, in turn, provides opportunities for more democratic, representative, inclusive, and collegial decisions.

### **Greater financial transparency and accountability**

**3.5.c:** separating decisions over annual budget from decisions over fee structure and moving the latter to 3.5.d.

**3.5.d:** adding language specific to decisions over fee structure for greater clarity, by separating it from decisions over annual budget, and tighter approval process for changes in the fee structure by requiring a two-thirds (2/3) majority for assent.

**10.1 Amount:** adding language to ensure that members vote electronically on expenses in excess of \$2,000 unrelated to the Association's obligations, as listed in the same article, and requiring a simple majority for assent.

**10.2 Special levies:** adding language to clarify that voting is electronic and that assent requires a two-thirds (2/3) majority.

**Rationale:** As an Association with over 1,500 members, YUFA controls a significant budget. Over the years, there have been instances of YUFA engagement in extensive support of causes extraneous to the primary responsibility of the Association without room for members to formally voice their concerns and objections. The proposed changes are to ensure greater responsibility, accountability, and transparency in the management of YUFA's budget, particularly in relation to expenses on activities that fall outside the realm of labour relations. Furthermore, the proposed changes are to provide greater clarity about the process for revising the membership fee, by separating it from the process for approving the annual budget, as well as tighter approval requirements

given that the fee is mandatory and has greater negative implications for the most junior faculty who are the most vulnerable members of the Association.

### **More thoughtful and engaged processes for making decisions about job actions**

**9.3 Job action:** clarifying that job action is to be contemplated only as a last resort after attempts at resolution with the assistance of a neutral third party and adding several steps, in the form of electronic votes requiring simple majority for assent, before a strike is considered: **(a)** members choose between sending unresolved matters to binding arbitration and holding a strike mandate vote; **(b)** if binding arbitration is voted down or Employer does not support binding arbitration, the Executive Committee may hold a strike mandate vote; **(c)** if post-mandate negotiations over a minimum of four (4) weeks fail to produce a tentative settlement that the Executive Committee is able to recommend for ratification, members choose between sending unresolved matters to binding arbitration and going on strike; **(d)** members must vote in favour of both a strike mandate and to take job action before the imposition of any strike action or other sanction against the Employer.

**9.4 Discontinuation of job action:** at the request of at least seventy-five (75) members, allowing members to vote electronically on discontinuing picket lines or other job actions and sending unresolved issues to binding arbitration.

**Rationale:** Bargaining over the Collective Agreement is a central concern for the Association's members. Our current YUFA culture is one that assumes the potential response to an unfavourable offer by the Employer is to strike. However, strikes have very damaging reputational and financial effects on the University, which, in turn, affect every constituency within the community, including the students who have no control over the bargaining process. Given that the mandate of YUFA includes the welfare of the University, a strike action comes very close to being in conflict with our own mandate and, thus, requires careful scrutiny of the situation at different stages of the process as well as several opportunities for members to receive information and formally contribute to the decision about how to move forward. Without eliminating the option of a strike, the proposed changes are to ensure that the decision to strike is carefully considered and arrived at only as a last resort; furthermore, the proposed changes give members greater control over the decision to strike.

1	Scott A. Adler	Psychology
2	Elie Appelbaum	Economics
3	Mary-Helen Armour	Science & Technology Studies
4	Gerald F. Audette	Chemistry
5	Thomas Baumgartner	Chemistry
6	John B. Beare	Economics
7	Danielle Beausoleil	French Studies
8	James M. Bebko	Psychology
9	Jacob Beck	Philosophy
10	Samuel Benchimol	Biology
11	Christopher Bergevin	Physics & Astronomy
12	Markus Biehl	Schulich
13	Deborah P. Britzman	Education
14	Avi J. Cohen	Economics
15	Matias Cortes	Economics
16	Robert A. Cribbie	Psychology
17	Xavier de Vanssay	Economics
18	Paul A. Delaney	Physics & Astronomy
19	Adam Diamant	Schulich
20	Dale L. Domian	Administrative Studies
21	Logan Donaldson	Biology
22	Carl S. Ehrlich	History; Humanities
23	Ida Ferrara	Economics
24	Eileen Mary Fischer	Schulich
25	David B. Flora	Psychology
26	Joshua A. Fogel	History
27	Rene Andre Fournier	Chemistry
28	Edward Furman	Mathematics & Statistics
29	George J. Georgopoulos	Economics
30	John M. Goodings	Chemistry
31	Cameron J. Graham	Schulich
32	Rebecca L. Gunter	Kinesiology & Health Science
33	Denise Y.P. Henriques	Kinesiology & Health Science
34	Louis-Philippe Hodgson	Philosophy
35	Shelley Hornstein	Visual Art & Art History
36	Neita Kay Israelite	Education
37	Derek A. Jackson	Chemistry
38	Christine M. Jonas-Simpson	Nursing
39	David Alan Jopling	Philosophy
40	Mark J. Kamstra	Schulich
41	Tsvetanka S. Karagyozeva	Economics
42	Thomas R. Klassen	Public Policy & Administration
43	Mehmet Murat Kristal	Schulich
44	Jennifer L. Kuk	Kinesiology & Health Science
45	Alexey Kuznetsov	Mathematics & Statistics
46	Nils-Petter Lagerlof	Economics
47	Patricia L. Lakin-Thomas	Biology
48	Alfred B.P. Lever	Chemistry

49	Bernard V. Lightman	Humanities
50	Suzanne E. MacDonald	Psychology
51	Joanne E. Magee	Administrative Studies; Public Policy & Administration
52	Ilo-Katryn Maimets	Steacie Science & Engineering Library
53	Sadia Mariam Malik	Economics
54	Alexandru Manafu	Philosophy
55	Andrew L. Maxwell	Lassonde
56	James McKellar	Schulich
57	Moshe Arye Milevsky	Schulich
58	Gail J. Mitchell	Nursing
59	Lewis Molot	Environmental Studies
60	Louise M.J. Morrison	French Studies
61	Merv L. Mosher	Kinesiology & Health Science
62	Amy Muise	Psychology
63	Gerard T.A. Naddaf	Philosophy
64	Jonathan Ostroff	Lassonde
65	Ronald D. Owston	Education
66	Adrienne Perry	Psychology
67	Christopher G.R. Perry	Kinesiology & Health Science
68	Beryl F. Pilkington	Nursing
69	Celia Popovic	Education
70	Pierre G. Potvin	Chemistry
71	Rachel Shayna Rosenbaum	Psychology
72	Michael Rotondi	Kinesiology & Health Science
73	Benjamin M. Sand	Economics
74	Nancy Sangiuliano	Nursing
75	Ronald L. Sheese	Psychology; Writing
76	Ahouva Shulman	Languages, Literatures & Linguistics
77	Rose G. Steele	Nursing
78	Juris Steprans	Mathematics & Statistics
79	Andrey Stoyanov	Economics
80	Noel A. Sturgeon	Environmental Studies
81	Paul J. Szeptycki	Mathematics & Statistics
82	Walter P. Tholen	Mathematics & Statistics
83	Linda Elizabeth Thorne	Schulich
84	Christine Till	Psychology
85	Maggie E. Toplak	Psychology
86	Jing Wang	Human Resource Management
87	Nelson Waweru	Administrative Studies
88	Melody Sunshine Wiseheart	Psychology
89	Diane Woody	French Studies
90	Michael Zabrocki	Mathematics & Statistics
91	Georg R. Zoidl	Psychology; Biology