

**Response to YUFA Executive's Change-Specific Comments** (Executive's comments included after p. 6; click on headings to go from response to comment and back)

### **Article 1.2 – Objectives**

- The Executive has failed to acknowledge Article 2.1 of the Constitution according to which “[r]egular 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.” The Executive has also failed to recall Article 18.26 of the YUFA Collective Agreement which specifically designates YUFA members on reduced load as “full time; reduced load.” Nonetheless, a reference to Article 2.1 has been added through a friendly amendment (**amendment 1**).
- The Executive has misinterpreted the proposed change about objectives and suggested that the change could, for example, provide the basis to argue against a strike. This is simply far-fetched, as the Constitution unambiguously allows for a strike, if members so choose. What the proposed change **explicitly** says is that, in instances in which the preservation and advancement of free democratic trade unionism conflicts with the well-being of the University **and/or** the interests of YUFA members, the Executive must choose the latter. The problem with Article 1.2 in its current wording is that it identifies two objectives for the Executive, which may come in conflict. The proposed change clarifies what the Executive must choose in instances of conflict, namely, the well-being of the University and the interests of YUFA members. To avoid any misunderstanding and remove any ambiguity about the implications of the proposed change, a friendly amendment has been proposed to replace **and/or** with **and**, so that the proposed change would amount to saying that the Executive cannot engage in the preservation and advancement of free democratic trade unionism at the expense of the well-being of the University **and** the interests of YUFA members (**amendment 1**).

### **Article 3.1.b.3 – Meetings**

- This is not a contentious issue, and the proposed change is simply to align with other proposed changes, reflecting an interest in increasing the number of YUFA members required for requests (from 50 to 75)<sup>1</sup> and the number of YUFA members required for decision making (from 50 to 100) throughout the Constitution.
- Interestingly, the Executive is accepting the increase for requests only in one instance, namely, to propose changes to the Constitution. For consistency, and as a matter of principle, all requests should require more signatures, and asking for 75 signatures to request a meeting is most reasonable to reflect magnitude changes in the YUFA membership. For example, 50 members represented 4.4% of full-time academic staff in 1996/97 but only 3.2% in 2015/16.<sup>2</sup> The increase to 75 would allow us to remain at the 1996/97 requirement in percentage terms (4.8%).

### **Article 3.1.c – Meetings**

- Arguing (implicitly) that quorum should remain at 50 members because members do not attend meetings is neither a strong nor a principled position.<sup>3</sup> Keeping quorum at 50 members fails to account for the fact that the YUFA membership has increased, so that what represented 4.4% of full-time academic staff in 1996/97 represents only 3.2% in 2015/16.

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<sup>1</sup> The one exception for requests, with a higher number of signatures needed (100) given its significance, is for recalls.

<sup>2</sup> See p. 5 of [https://www.yorku.ca/factbook/factbook/2015%20-%202016/Section\\_08\\_Employees/A\) Full Time Faculty/01 Full Time Academic Staff 1976-77 Through 2015-2016.pdf](https://www.yorku.ca/factbook/factbook/2015%20-%202016/Section_08_Employees/A) Full Time Faculty/01 Full Time Academic Staff 1976-77 Through 2015-2016.pdf).

<sup>3</sup> As members of the Executive do count for quorum, decisions at meetings would potentially require only 36 non-Executive YUFA members.

- There are instances in which quorum is higher in percentage terms:<sup>4</sup>
  - Guelph: 40/756 or 5.3%
  - Ryerson: 50/870 or 5.7%
  - McMaster: 50/678 or 7.4%

In comparison, quorum represents 3.7% of the membership at York, and the increase to 100 would bring it to 7.4%.

- If Ryerson often has difficulty obtaining quorum, as the Executive claims, it surely seems to be managing well given that it has not chosen to adjust the requirement. The fact of the matter is that the key activities of Faculty Associations as they relate to the safeguard of members' rights do not involve voting at meetings.

### **Article 3.1.d – Meetings**

Merits or demerits of e-voting aside, the change in question is not about e-voting per se but about curbing the undesirable incentive to introduce motions from the floor (surprise motions) to have YUFA take a stance or issue a statement. These surprise motions at meetings which tend to be poorly attended and are thus unrepresentative are most problematic as they amount to unequal opportunities: only the proponents would know of the motions, and they would thus be in a better position to mobilize for support. Nonetheless, this is a proposal for which a compromise is viable through a friendly amendment: if e-voting on motions typically transacted at meetings is the issue of concern, the language has been revised to say that motions from the floor would be debated and even amended at the meeting, but they would be voted on at a subsequent meeting where more debate can ensue and additional amendments can be considered, unless the Executive prefers otherwise (**amendment 2**).

### **Article 3.2 – Notice**

- Given the limited time YUFA members would have to adjust their schedules in order to attend a Special meeting, it is simply out of fairness and consideration that motions to be debated at a Special meeting be subjected to e-voting following the meeting; this is especially important if the motion is about a contentious issue. What leads to polarization is the frustration of YUFA members who cannot attend meetings, given the short timeline, and are deprived of their right to vote on issues that may be of relevance to them.
- The proposed change does not prevent Special meetings to be called, motions to be presented at Special meetings, or motions to be debated and amended at Special meetings.

### **Article 3.4 – Order**

This is not a controversial proposal, and one that would have been unnecessary had the tendency to prevent certain YUFA members lined up at the mic from expressing their views over controversial issues gone unnoticed. The proposal is particularly relevant when there is a clear divergence of opinions over an issue and there is a pretty good sense of how different YUFA members feel about the issue. The proposed change would eliminate the incentive, which currently exists and has been acted upon, to call the question to disallow interventions of YUFA members lined up at the mic whose views may represent one side of the debate.

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<sup>4</sup> Full-time faculty figures for 2017/18 come from Statistics Canada, UCASS; Ministry of Training, Colleges and Universities.

### **Article 3.5.b – Annual General Meeting**

This proposal is for consistency with how YUFA members in representative positions are elected. It is not a controversial proposal. It is one that is based on principles, as any other change being proposed. Nonetheless, this proposal has been dropped (**amendment 3**).

### **Article 3.5.d – Annual General Meeting**

- The Executive has erroneously assumed that voting on the budget and voting on the fee structure would be simultaneous events. Given that the Constitution is not the document for logistics, it did not seem necessary to clarify that, if a change in the fee structure were to be contemplated, it would have to be voted on prior to the budget being finalized. Alternatively, two budgets would have to be prepared: one based on the existing fee structure and the other based on the proposed fee structure. Either way, there must be clarity and transparency, and the current practice is neither clear nor transparent. Separating the two decisions would leave no member feeling “deceived” into supporting a revised fee structure through the approval of the budget. To emphasize that the fee structure has to be voted on before the budget is considered, “prior to” has been added as a friendly amendment in the third last sentence (**amendment 3**).
- Other Faculty Associations do vote on fees separately. For example:
  - University of Toronto: Article XI – Fees at <https://www.utfa.org/content/utfac-constitution>
  - Queens’ University: Article 4 – at <https://qufa.ca/wp-content/uploads/2018/07/QUFA-Constitution-April-2016.pdf>
  - McMaster University: By-Law 8 at <http://macfaculty.ca/wp-content/uploads/2014/08/MUFABY-laws201701.pdf>
- The requirement that a 2/3 majority of voting members is needed for a change in the fee structure is a less relevant change and has been dropped (**amendment 3**).

### **Article 5.1 – Mandate**

#### **REQUEST FOR POLLS**

- This is not a controversial proposal, and one that would have been unnecessary if the Executive had not resisted engaging the entire membership in discussions over important and often controversial issues such as the conversion program, unless it concurred with the views of those expressing interest in engagement.
- It is the unilateral position of the Executive, in favour of requests that fit its agenda and against those that conflict with it, that leads and has led to division.
- As a matter of principle, engagement is always desirable, and polling is the means to ensure that engagement occurs. The idea of polls is to gather information about members’ views on a topic in order to suggest actions or make decisions that are less likely to lead to polarization. The requirement is not unanimity, a rather impossible outcome given the size of the membership; the requirement is representativeness.
- Objecting to the proposal based on logistical concerns (e.g., who would be permitted to communicate background information to members) is not a valid argument. Surely, the Executive has had experience with polling (e.g., polling members about the desirability of a specific candidate as York’s President) and can take care of its logistics.
- As noted elsewhere, the Constitution is not the place for logistical matters; the Constitution is about principles, and this proposed change simply says that 75 members can request polls. The Executive is naturally the body responsible for operationalizing the polls.
- It is rather peculiar that the same people who argue in favour of having **50** members make decisions at meetings on behalf of the entire membership would suggest that 75 members represent “a small

minority" of the membership to argue against having **75** members request a poll to simply gather information about members' views.

### **APPROVAL OF BY-LAWS**

- E-voting is part of the YUFA Constitution, and YUFA members have benefitted from it since its adoption about 10 years ago. Whether other Faculty Associations have embraced the concept of e-voting is irrelevant. Each Faculty Association has its own unique realities to consider when deciding on how it is going to function. The move to e-voting following the 2008 CUPE 3903 strike was precisely triggered by context-specific considerations. After all, York is unique when it comes to its propensity to be strike-afflicted!
- Given that YUFA members do approve constitutional changes electronically, arguing against the electronic approval of by-laws changes based on an objection to e-voting is not particularly appealing. YUFA members did engage in a debate over e-voting and decided to adopt e-voting to make certain decisions. The question before YUFA members is then not whether e-voting is good, but whether there is a desire to expand upon its use in new areas, such as the approval of by-laws changes.
- Stewards' Council is as representative as a group of 50 YUFA members at a membership meeting.

### **Article 8.4 – Recall**

The Executive objects to this proposed change based on two points, neither of which applies, and fails to acknowledge the 100% increase in the number of signatures required to initiate a recall (from 50 to 100) to stress the significance of such an undertaking.

- Clarity about what members would be voting on:
  - the proposed language **explicitly** says that, if the recall is confirmed by the outcome of the special by-election, the position of the Past President would remain vacant for the duration of the new President's term (by supporting the recall, members would be accepting a vacant position for the Past President);
  - if members do not have confidence in an Officer as confirmed by the outcome of the special by-election, such Officer cannot remain on the Executive to represent them;
  - the most relevant source of background information and resources is staff who would thus be able to support any incoming President in the absence of the Past President.
- Article 6.3 and potential inconsistency:
  - there is no inconsistency in that the proposed change **explicitly** considers a situation in which the President is recalled after a new President has been elected, and the position of Past President remains vacant if members support the recall in a special by-election; hence, the incoming President becomes the interim President, and the position of Past President remains vacant when the incoming President takes office.

### **Article 9.1 – Primary Negotiating Positions**

- There is nothing in the proposed change that would preclude the Executive, which is the body proposing the primary negotiating positions, from packaging proposals for strategic considerations and presenting a proposal with multiple dimensions.
- However, worth noting is that, at Stewards' Council, which is the body that approves the primary negotiating positions before they are presented to the members, proposals are considered individually (not as a package). Furthermore, proposals can currently be discussed and voted on individually at the membership meeting, if members so desire and request. In other words, there is

no provision in our Constitution or By-Laws that requires voting on the primary negotiating positions as a package.

- The key change being proposed is then that all members must be given the opportunity to vote on the positions. Relying on 50 or even 100 members to approve the positions on behalf of the membership is not acceptable as such positions not only affect the nature of negotiations and may lead to a strike situation but they also have a long-term impact on York's academic environment. Equally important is that the proposed change reflects efforts to create an environment which is conducive to free expression and affords every member (junior or senior) the same opportunity to contribute to the bargaining process: having members vote, often on contentious proposals, at a meeting through a show of hands hampers their ability to freely express their views out of fear of being labelled for supporting or not supporting a given proposal or set of proposals.
- The Executive also speaks of the creation of procedural confusion and inefficiency that the proposed change could trigger. This possibility has been removed through a friendly amendment which clarifies that members vote on the positions as amended at the membership meeting (**amendment 4**).

### Article 9.3 – Job Action

- The Executive's characterization of the proposed changes is inaccurate: the proposed change is neither about requiring the assistance of a neutral third party before holding job action nor about requiring the pursuit of arbitration on outstanding issues; instead, the proposed change is about giving members the opportunity to decide and vote electronically on job action related decisions. Furthermore, the Executive erroneously assumes that the "neutral third party" referred to in the proposed change is through the government's conciliation services (as opposed to a private party) and fails to acknowledge that there is nothing in the Ontario Labour Relations Act (OLRA) that requires the two sides to engage extensively with the conciliator, so that the addition of "attempts to..." is relevant, in that it stresses that there must be meaningful engagement with the conciliator, and does not result from ignorance of the OLRA.
  - (i) Requirement to use neutral third party before holding job action: the addition of "attempts to reach a settlement with the assistance of a neutral third party" is not key to the change being proposed and is not included as a requirement, although the Executive has naively assumed so. It is well understood that the assistance of a conciliator is mandated before YUFA can contemplate job action, although **active** engagement with the conciliator is not. Nevertheless, the reference can easily be removed through a friendly amendment without the intent of the proposed change being altered (currently included in **amendment 5** but yet to be finalized).
  - (ii) Requirement to seek arbitration on outstanding issues: the proposed change is not to suggest that arbitration be required on outstanding issues, but that it be considered as an option and that members be asked to decide. It is not up to the Executive or a small group of YUFA members to decide. YUFA represents about 1,500 members, and each has the right to contribute to important decisions such as whether to have a strike mandate vote as opposed to seeking arbitration (step 1) or whether to go on strike as opposed to seeking arbitration (step 3).
  - (iii) Requiring delays and additional votes on job action: having a sufficiently long period to try to reach an agreement after a positive strike mandate vote before moving to the next step seems reasonable, but this is not a critical element of the proposed change and has been dropped through a friendly amendment (**amendment 5**).
- If what other Faculty Associations matters to justify objecting to the proposed changes, how about considering those that have no strike clauses in their collective agreements?

- As noted elsewhere, in reaction to the Executive's general comments, the fact that the Executive has resisted strike mandate votes has resulted from its diminished ability to mobilize members following a CUPE strike, and York has had to endure three of such strikes over the past ten years.
- The proposed changes are important as they send a strong signal to the community that YUFA members are sensitive to York's specific context and willing to have a more sound framework in place to consider strike situations. The proposed changes are to assure a strike-torn community that YUFA members will resort to job action only as a last resort. This speaks to YUFA members' commitment to the core values of an academic institution in general and of York in particular.

#### **Article 9.4 – Discontinuation of Job Action**

If the proposed change is redundant, what is there to object to? The requirement of e-voting may cause a delay by a week, but it assures members that the decision rests in their hands, and not in the hands of the few who attend meetings.

#### **Article 10 – Dues**

- The Executive has expressed two concerns, neither of which is justifiable.
  - E-voting means no discussion: this is not implied in the proposed change. The Executive can certainly arrange for a meeting to discuss the pros and cons of any proposal, consider and accept amendments, etc. Interestingly, the current language in the Constitution does not require the Executive to hold a meeting to discuss donations; accordingly, the Executive makes decisions over donations without consulting with YUFA members. The proposed change simply shifts the authority to decide about **excessive** donations from the Executive to members, if the Executive wishes to propose such **excessive** donations for specific causes.
  - Ceiling means no support for other unions or delays in sending donations: this is not implied in the proposed change. Instead, the change is to curb the incentive to give unreasonable amounts of money, particularly for causes over which members may have diverging views. There is no delay in sending a donation: if the Executive believes that more than \$2,000 should be donated for a specific cause, it can send an initial contribution of \$2,000 while seeking approval from members for a larger donation.
  - The ceiling amount, currently at \$2,000, is less of a concern than having a formal process in place for deciding on large donations, which is really the intent of the proposed change. If members believe that the cap is too low, a friendly amendment can be considered to increase it.

#### **Article 10.2 – Special Levies**

- Given that e-voting is part of the Constitution, it seems futile to argue against a concept that YUFA members have embraced long ago. Furthermore, the switch to electronic voting on a special levy, which the Executive has authorized in the past, does not preclude debate at a membership meeting.
- The requirement that a 2/3 majority of voting members is needed to introduce a special levy is for consistency with the requirement for the approval of a change in the fee structure; as in the free structure case, the 2/3 majority requirement for a special levy approval has been dropped through a friendly amendment (**amendment 6**).

***Formatting note: Proposed additions to the constitution are in bold and underline. Proposed deletions are in strike-through and bold.***

## **1 PROPOSAL TO REVISE STATEMENT OF YUFA’S ORGANIZATIONAL OBJECTIVES**

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### ***PROPOSED CHANGES: ARTICLE 1.2 – OBJECTIVES***

[1.2] 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.**

### ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

#### ***RATIONALE***

This amendment assumes that all members of YUFA are full time academic staff. YUFA represents postdoctoral visitors and members on reduced load; excluding these employees from union protection represents a serious risk. We are concerned that these members could claim that such a change means that YUFA is not representing their interests and they could file a “Duty of Fair Representation” claim at the Ontario Labour Relations Board.

The proposed changes to Article 1 fundamentally change what YUFA is and what it strives for. Placing the employer’s interest as paramount in the organizational objective of the faculty association has far-reaching and potentially harmful consequences for our members. We mention a couple of the possible impacts.

For example, the last part of the amendment asserting that promoting trade unionism should not conflict with the well-being of the university is very problematic. Someone might argue that a strike by YUFA members – or by other employees - conflicts with the well-being of the university. This could encourage the view that it is unconstitutional for YUFA to call a strike or

could prohibit YUFA from expressing solidarity with other campus unions in any circumstances. The Executive strongly believes that the decision about whether YUFA should take strike action or support strike action should be decided in each circumstance on its merits.

Second, YUFA’s lawyers have advised that if YUFA failed to pursue or protect member’s interests as union members because doing so might be in conflict with “the welfare of the university” then it is possible that members could bring a “duty of Fair Representation” complaint at the Labour Board.

## **2 PROPOSAL TO INCREASE THE NUMBER OF MEMBERS REQUIRED TO CALL FOR A YUFA GENERAL MEETING**

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### ***PROPOSED CHANGES: ARTICLE 3.1.B.3. – MEETINGS***

[3.1.b.3.]

b. General Meetings may be called:

...

3. at the written request of ~~fifty~~ **seventy-five (75)** or more members of the Association.

### ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

#### ***RATIONALE***

This proposal would raise the number of signatures required for a member petition calling for a general meeting from 50 to 75. The Executive does not believe it would be wise to make it more difficult for members to take the initiative to call meetings and make their voices heard. YUFA already has a comparatively high threshold of 50. Requirements at most other associations are much lower, even relative to their size. For example, Ottawa and Carleton require a petition by 15 members and Queen’s requires a petition submitted by 20.

### **3 PROPOSAL TO DOUBLE THE SIZE OF QUORUM REQUIREMENT FOR YUFA MEMBERSHIP MEETINGS**

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#### ***PROPOSED CHANGES: ARTICLE 3.1.C - MEETINGS***

[3.1.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.

#### ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

#### ***RATIONALE***

The authors have presented no evidence about quorum levels at comparable faculty associations to support this amendment. By doubling YUFA's current quorum, according to the evidence that the YUFA Executive has collected, the proposed change would lift our meeting quorum to a level much higher than that of most other large faculty associations (more than 850 members). Combined with other proposals to conduct decision-making through electronic votes, this proposal would make quorum much harder to achieve and our tradition of collegial discussion and debate would come to an end.

For example:

- UBC Faculty association has a meeting quorum of 50, the same as YUFA's, but their association has 3200 members which is more than twice as large as YUFA's (1500). On a proportionate basis, then YUFA's meeting quorum is already twice as strict as Canada's largest faculty association, and the proposed amendment would make it four times as strict.
- The faculty association at the University of Regina has 1400 members (only 100 less than YUFA) but a quorum of 25 members.
- The faculty association at the University of Ottawa has a meeting quorum of 40 (compared to YUFA's 50) and they have 1250 members, so their quorum requirement is roughly proportionate to YUFA's.
- The meeting quorum at Queen's is 35 members and they have 1200 members, which is roughly proportionate to YUFA's.
- Western University Faculty Association has 1278 members and a quorum of 25 for general meetings. On a proportionate basis, this is a much lower quorum.

- Dalhousie University Faculty Association has 1000 members and a meeting quorum of 25 members, which, like Regina, is proportionately lower than YUFA’s meeting quorum.
- Ryerson has a meeting quorum of 50 and a membership of 930. Their quorum requirement is somewhat stricter than YUFA’s, but they often have difficulty obtaining quorum.

The proposed amendment is either not based on research into sectoral norms, or seeks to move YUFA’s quorum well above comparable unionized faculty associations. This would place a significant burden on the ability of YUFA to conduct its business, compared to our peers. We strongly urge members to vote against this proposal. What YUFA needs is a strong effort to engage members so that they want to participate in meetings, not a context where important meetings will fail to materialize due to lack of quorum and the business of the Association will suffer.

## **4 PROPOSAL TO REQUIRE ELECTRONIC VOTING ON MOTIONS RAISED FROM THE FLOOR AT MEETINGS**

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### ***PROPOSED CHANGES: ARTICLE 3.1.D. - MEETINGS***

**[3.1.] 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.**

### ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

#### ***RATIONALE:***

*The Executive is not aware of any other faculty Association or union with language that requires that any motion moved from the floor of a meeting be put to an electronic vote. This motion ensures that most people voting on a motion will not be part of the debate on the issues. At meetings, it is very common for people to change their votes in response to debate since decision making on matters of policy is traditionally a deliberative process in democratic and constitutional organizations. Such a process allows members to strive for consensus, while electronic voting can become more divisive as people tend to retreat towards “echo chambers.” A significant body of research shows that when political interaction is moved online it leads to*

increased polarization and “confirmation bias” and therefore increases divisiveness, isolates people from opposing points of view and lowers the quality of discussion and decision-making.

The amendment is also ambiguous from a procedural standpoint. During the course of debate at meetings, it is common for motions to be amended through a motion raised on the floor. The proposed procedure does not make it clear whether such ‘motions to amend’ would have to be voted on electronically. On the face of it, this proposed amendment appears to require this, which would then require a least one additional subsequent meeting at which the full motion would then be debated, possible new amendments could be proposed, etc. Would the amendment also include procedural motions, such as a challenge to the chair?

This proposed amendment fails to recognize the recursive nature of decision making within organizations, which explains why such a procedure is so rare, if not unprecedented. Moreover, this amendment would introduce procedural confusion to the business transacted at YUFA meetings. The amendment does not even say whether the motion needs to be seconded to go to an electronic vote.

## **5 PROPOSAL TO REQUIRE ELECTRONIC VOTING ON MOTIONS AT SPECIAL MEETINGS**

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### ***PROPOSED CHANGES: ARTICLE 3.2 - NOTICE***

[3.2] 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.**

### ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

#### ***RATIONALE***

This proposal similarly makes it more difficult to conduct business and to make any decisions at YUFA meetings, and could lead to increased polarization as described above (see

discussion of Proposal 4). *Special Meetings are called to discuss an important issue facing YUFA members where it may be desirable for members to come together to formulate proposals, ideas and solutions through discussion.* This proposal makes it impossible to do this and removes incentives to attend Special Meetings, an outcome that clearly conflicts with the earlier proposal to raise quorum requirements for meetings. It also requires that motions be circulated in advance to be voted upon through a referendum that would be separated from such discussion. There would be no opportunity to amend the original motion or propose alternatives. This places a greater restriction on the conduct and decision-making process of Special Meetings than what is typical at other faculty associations.

## **6 PROPOSAL TO CHANGE RULES OF ORDER**

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### ***PROPOSED CHANGES: ARTICLE 3.4 - ORDER***

[3.4] 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.

### ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

#### ***RATIONALE***

At a meeting, a vote to “call the question” ends debate. Everyone agrees that it is normally preferable to allow those whom the Chair has added to a speakers' list to speak before a question should be “called.” However, most rules of order have provision for “calling the question” if a majority of members vote in favour of that option after sufficient debate has taken place. This is widely acknowledged to be necessary to avoid the possibility of “filibusters,” a disrupted meeting, or to finish the remaining business in the agenda. *The YUFA constitution already requires a two-thirds majority vote to call the question, which is beyond what is required in Bourinot's rules of order.* Our constitution therefore has a built in preference in favour of letting a large number of speakers to continue to participate. This helps ensure that more views can be

heard. Unfortunately, the proposed amendment could make it practically impossible to limit debate after a long discussion has already taken place. It would allow a small minority at a meeting to “filibuster” or prolong the meeting preventing all or some of the business to be addressed. There is no democratic justification for allowing a small minority of members to prevent a super-majority of members from taking a vote on matters where the views of that majority have been clearly expressed.

## **7 PROPOSAL TO ELECT TRUSTEES THROUGH ELECTRONIC VOTING INSTEAD OF AT ANNUAL GENERAL MEETING.**

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### ***PROPOSED CHANGES: ARTICLE 3.5.B. - ANNUAL GENERAL MEETING***

[3.5]

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.

### ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

#### ***RATIONALE***

If passed, this proposal would establish that Trustees would only be nominated at the Annual General Meeting but their election would no longer take place by a vote held at the meeting, but rather subsequent to a meeting by an electronic vote. The proposal misses the point that it is almost always difficult to get members to put their name forward to serve as a Trustee. Nominees are typically coaxed to volunteer at the meeting. It would be unfortunate to ask

members who selflessly (and often reluctantly) take on this work to be subject to an electronic public referendum on their candidacy after being convinced to serve by their grateful colleagues at the Annual General Meeting. The requirement of an electronic vote could deter members from volunteering. And, since it is almost unheard of to have more nominations than positions, it achieves nothing.

## **8 PROPOSAL TO CHANGE VOTING ON YUFA BUDGET AND MEMBERSHIP DUES**

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### ***PROPOSED CHANGES: ARTICLE 3.5.C AND 3.5.D – ANNUAL GENERAL MEETING***

[3.5]

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.

### ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

#### ***RATIONALE***

This proposal would require separate votes on YUFA's annual budget and on the fee (dues) structure even though these are logically dependent on one another (expenditures depend on revenues). *This makes it possible for a budget to be passed when the fee level that is needed to support the budget is defeated.* If this were to happen then another meeting would have to be called since the two votes are logically and financially dependent upon one other.

The YUFA Constitution already requires that an electronic vote be held for approving the fees and the budget. If voting for the budget and fees was conducted by motions voted on at a meeting then separate votes on each item would be feasible since the results of the vote to approve fees would be known before members voted on the budget. With electronic voting such separation is not feasible.

The proposed amendment would also require a higher threshold to approve the fee (dues) level (two-thirds majority) than the simple majority (50%+1) to approve the budget expenditures. This can lead to the same problem of creating separation and disparity between two financial decisions that are logically (and practically) linked.

*We are not aware of another union that requires different levels of approval for the expenditures and revenues of the organization. We are also not aware of another union that requires a super-majority to approve membership fees. Since the expenditures need to be paid for by the fees which bring in all of the revenues of YUFA, it makes no sense to require different levels of approval. This is evidently the reason why it appears that no other unions and organizations have such a disparity.*

## **9 PROPOSAL (1) TO REQUIRE EXECUTIVE TO CONDUCT ELECTRONIC POLLS UPON REQUEST OF 75 MEMBERS AND (2) PROPOSAL TO REQUIRE ELECTRONIC VOTING FOR BY-LAW CHANGES**

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### ***PROPOSED CHANGES: ARTICLE 5.1 – MANDATE***

[5.1] 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.**

## ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

### ***RATIONALE***

#### **Rationale for (1) requiring executive to conduct electronic polls upon request of 75 members**

*This proposed amendment is very unusual, and we are not aware of a similar provision in other faculty constitutions.* YUFA has conducted polls in the past, but it does not seem prudent to have a constitutional allowance for polls to be determined by request of a small minority of members nor clear how such a provision would be applied. Frequent polling would have both an alienating and a divisive effect, signaling distrust of the elected Executive and the members who elected them.

There are serious practical issues as well. By what process would the poll be designed and formulated? Who would be permitted to communicate background information to members? Note that polling is not excluded by our current constitution; at any time members can call for a special meeting and vote to instruct the Executive to conduct a poll.

The requirement that the Executive “represent the diversity of opinions across all members” is even more unclear for it is hard to imagine what this constitutional requirement would mean in practice. Executive members are accountable to members as they are democratically elected by an electronic vote in a general election. Moreover, they can be recalled by a majority vote of members in a Special Election. Finally, there is ample provision for members to call meetings at any time, or to participate in scheduled meetings. This proposal opens the door to governance by referendum. (Remember the Doris Day referendum Rick Mercer announced when Harper wanted to rule by referendum?)

A representative democracy requires balance from its elected officials; they take a risk when they do not endeavour to represent the views of all constituents, but they also know that it is impossible to achieve unanimity or to represent contradictory views.

#### **Rationale for (2) proposal to require electronic voting approval for by-law changes**

This proposal would shift responsibility for approving by-laws from the representative body of Stewards’ Council to all members in an electronic vote. While it is not unusual in other faculty associations for by-laws to be approved at a general meeting, it is very unusual for by-laws to be subject to approval by members through an electronic vote. We are not aware of another faculty association with a similar provision, nor have the proponents given examples of unions or faculty associations with a similar provision. Electronic voting makes it impossible for members to

discuss the merits of the by-laws with each other or to ask questions of the union representatives proposing the by-law.

## **10 PROPOSAL TO INTRODUCE RECALL PROCEDURE FOR OUTGOING PRESIDENT PREVENTING THEM FROM SERVING AS PAST PRESIDENT ON NEXT EXECUTIVE**

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### ***PROPOSED CHANGES: ARTICLE 8.4 – RECALL***

[8.4] 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.**

### ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

#### ***RATIONALE***

This proposed amendment specifies that if the outgoing President loses the special recall vote they would not assume the role of Past President. While it would increase the number of signatures needed to trigger a special election that could result in the recall of a current elected representative or Executive Officer, the Executive does not support this proposal for two reasons:

First, it is not clear that members voting to remove an incumbent President are also voting in favour of leaving the Past President position vacant. The position of Past President plays a different role than the President who is the leading representative of the union. The position of Past President exists to ensure that the incoming President – even if they are political opponents - is familiar with the position and that the President - and YUFA as an organization - has access to the (often confidential) background knowledge and resources that only the Past President is in a position to provide.

Secondly, the Amendment would cause our constitution to become internally inconsistent on the matter of recalling an outgoing President. This is because a successful recall challenge of an incumbent President would normally lead to the election of a new President on an interim basis who, according to the constitution (article 6.3) would then become the outgoing President and therefore attain the position of Past President upon the end of their term. If a President was recalled they would not become Past President, but the person who succeeded them on an interim basis should. The proposal fails to account for this outcome required by the constitution.

## **11 PROPOSAL TO REQUIRE SEPARATE ELECTRONIC VOTES FOR EACH PROPOSAL SUBMITTED TO THE EMPLOYER IN COLLECTIVE BARGAINING**

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### ***PROPOSED CHANGES: ARTICLE 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.**

### ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

### ***RATIONALE***

This proposal ignores the fact that bargaining priorities are interdependent with one another and involves balances and trade-offs: asking for more of X often means asking for less of Y. Voting electronically on each proposal separately precludes the ability to vote intelligently or strategically on an entire package, which in some years has included more than 100 individual proposals. In short, this proposal would eliminate the necessarily deliberative decision making at membership meetings called to discuss bargaining proposals and to arrive at an integral package to be presented to the employer.

In addition, the proposed constitutional amendment could create procedural confusion and inefficiency at the meeting scheduled to discuss the proposals. For example, it would make it cumbersome to propose amendments to the bargaining proposals at the general meeting since such amendments would have to proceed to an electronic vote before the main motion could be dealt with. Once the amendment was voted on, would members have to reconvene another meeting to discuss the main motion that was amended?

## **12 PROPOSAL FOR CONSISTENCY OF LANGUAGE**

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### ***PROPOSED CHANGE: ARTICLE 9.2 – RATIFICATION OF SUBSTANTIVE CHANGE TO OR RENEWAL OF COLLECTIVE AGREEMENT***

#### 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.

### ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

#### ***RATIONALE***

This is a minor change in language to create consistency with the proposed changes elsewhere in the constitution. Since we are recommending to vote against almost all the proposed changes, there is no need for this change.

# 13 PROPOSAL TO REQUIRE (1) MEMBERSHIP REFERENDUM ON ARBITRATION OPTION IN BARGAINING AND (2) DELAYS AND OTHER VOTES BEFORE CONDUCTING STRIKE MANDATE VOTES AND TAKING JOB ACTION

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## *PROPOSED CHANGES: ARTICLE 9.3 - JOB ACTION*

[9.3]

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.**

## ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

### ***RATIONALE***

The proposed amendments around job action are intended to bring greater thoughtfulness and caution to decisions about job action. In reality, the record shows that no faculty association has been more cautious around job action than YUFA. No union leadership ever wants to engage in job action unless most of its members support that strategy. We have not held a strike vote since 1997, the last time YUFA took job action. This compares to other faculty associations in Ontario (Queen's, Western, Carleton, Ottawa, etc.) where strike votes are almost routine and strikes have been held more recently.

From this point of view, we offer the following analysis of the proposed amendments:

#### **(i) Requirement to use neutral third party before holding job action**

The proposed amendment would require assistance of a neutral third party before taking strike action. It appears that *the proponents are not aware of the requirements of the Ontario Labour Relations Act (OLRA). Under that Act, no strike action can be taken by any trade union without resort to conciliation by a neutral third party.* Moreover, that conciliator must agree that an impasse has been reached that is unlikely to be resolved by the appointment of a 3-person conciliation board before there is a request from the Labour Ministry to issue a “no board” report. Only then are the parties in a position to strike or to lock out union members. Conciliation normally continues after a “no board” report is issued and, depending on the will of the parties, even after a job action has begun. Under the OLRA, this is already required by law, and is not needed in our constitution. Parties must apply for conciliation and the conciliator has to issue a no board report.

The Executive believes that we should not adopt language in our constitution that reflects ignorance of the OLRA, which governs collective bargaining in the province. Our colleagues in OCUFA state that no other union has such language.

Moreover, the proposed amendment would require a one week delay in taking strike action, which, depending on the circumstances, could give a strong advantage to the employer. It is

unwise to “bake in” these kinds of constraints in our constitution (again, other unions do not have such constraints).

### **(ii) Requirement to seek arbitration on outstanding issues**

Most of the rest of this proposal requires YUFA’s negotiating process to be punctuated by attempts to consider and vote on whether to seek arbitration of outstanding issues with the employer. While there are times when arbitration is appropriate, in the long run, most unions (except those with clearly sub-par collective agreements) will not achieve things in arbitration than they cannot achieve through negotiations or labour action. Arbitration is a process that favours solutions close to the status quo; thus, it is not a good way to achieve innovative aims or changes to the status quo. Moreover, it is widely acknowledged that there are some issues where arbitrators prefer to have the parties negotiate to a resolution. In those cases, arbitration will not change the status quo and works to the advantage of the employer. Negotiations backed by the possibility of labor disruption – even if the strike option is rarely used - provide the only real leverage that unions possess to make change. Arbitration may be appropriate sometimes, but should not be seen as the normal approach to solving disputes in collective bargaining.

For all of these reasons, YUFA’s lawyers have advised that the provisions in this section could weaken YUFA’s bargaining power with our employer. Based on our discussions with OCUFA, no other union in Canada includes these kinds of clauses in its constitution.

This motion would constitutionally prescribe votes on arbitration. We need to remember that members currently have the democratic opportunity to call a meeting (through a petition by 50 members) and pass a motion directing the Executive to propose arbitration. This new proposal would impose a more inflexible approach. A better alternative is for members to come together at a meeting to try to find consensus on how to push forward in negotiations or discuss which issues should be sent to arbitration, if any. In many cases, the Executive itself may want to propose arbitration.

It is widely acknowledged that where a union sees some advantages in arbitration, it is often best to hold a strike vote first, an approach which this amendment would effectively preclude. Receiving a strike mandate allows a union to create pressure for the employer to agree to arbitration. This proposal would weaken the union’s bargaining power and leverage by placing a formal requirement to pursue options such as arbitration that the parties normally entertain without such a procedure.

Finally, this proposal is ambiguous in its application; it misleadingly sees ‘arbitration’ vs. ‘strike mandate vote’ as a clear either/or alternative. As we saw in the CUPE 3903 strike, the employer is most likely to offer to send only some outstanding items to arbitration and not others. The question arises: if the employer offered to send a few items to arbitration, would we

then be precluded from holding a strike mandate vote? Again, this proposal is inflexible and unnecessary. The members can come together at any time at the request of 50 members and vote in favour of asking for arbitration on all or some issues. This strategy need not come at the expense of holding a strike vote, and, once again, the pressure needed to send issues to arbitration may be weakened by failing to hold a strike vote first.

### **(iii) Requiring delays and additional votes on job action**

The proposal to require four weeks of bargaining even after conducting a strike mandate vote is unprecedented in any union constitution and severely limits our flexibility. Four weeks is a long time in a 12 week academic term, and is likely to delay bargaining in a way that weakens the leverage of the union as the end of term approaches. The requirement to hold yet another final vote on whether to seek binding arbitration before the final decision of taking strike action suffers from the same shortcomings described above; it bakes into our constitution a required delay in the process which clearly advantages the employer and also fails to deal with the grey area of which issues could be sent to arbitration.

Finally, if the union must, according to its constitution, hold a final membership vote even after an earlier strike vote has been taken, this creates ambiguity under the OLRA. That Act requires a strike mandate vote be held before strike action can be taken, but, under this provision, it might not be clear whether the first or the second vote would fulfill the legal requirement of receiving a strike mandate.

## **14 PROPOSAL TO REQUIRE ELECTRONIC REFERENDUM ON DISCONTINUING STRIKE ACTION UPON REQUEST OF 75 MEMBERS ANY TIME DURING A STRIKE**

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### ***PROPOSED CHANGES: ARTICLE 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.

## ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

### ***RATIONALE***

This proposal is redundant. Members already have the right to call a special meeting (with 50 signatures) to direct the Executive to accept the offer, seek arbitration, or to call a vote. No union ever has an interest in conducting a strike that has inadequate membership support. A better approach may be to require the Executive to call a meeting at least once every seven days during a strike and to hear from members whether they want to continue the strike. Based on the experience from the last YUFA strike in 1997, and faculty strikes elsewhere, meetings are held at least once per week in any case. A constitutional amendment is not necessary to give an opportunity for members to call for an end to the strike. The requirement of electronic voting (a process that normally takes about 7-10 days) would simply cause further delays and would separate the decision about continuing the strike from discussion at the meeting where one can hear opposing points of view and ask questions of YUFA's negotiators about the complex issues in bargaining. Once again, YUFA has been advised that there are no other faculty associations with a similar provision.

## **15 PROPOSAL TO REQUIRE ELECTRONIC REFERENDUM ON UNION DONATIONS OVER \$2000.**

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### ***PROPOSED CHANGES: 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.**

## ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

### ***RATIONALE***

The Executive has two concerns with this proposed amendment.

First, the proposal to conduct electronic voting on donations – rather than considering them at meetings – means that there will be no opportunity to discuss the merits of the proposal, propose amendments or to ask questions of YUFA members or officers who have made the proposal or received the request. It is very rare to find a donations ceiling or a requirement for electronic voting on donations in a faculty association constitution rather than in its by-laws. The YUFA by-laws already include approval requirements for donations and other expenditures.

Secondly, it is important to recall that unions in the academic sector regularly support each other with mutual donations. Adding a new requirement and delay of a membership referendum before YUFA can provide donations to other academic unions on strike sends a negative message to other unions in our sector who have procedures for sending prompt financial support to an allied union like YUFA on principle without a membership vote. YUFA has always sent timely donations to other faculty associations and we would expect the same from them if YUFA was ever on strike. This proposed amendment could undermine that reciprocity between other academic unions in our sector and would signal a lack of trust in the YUFA's leadership's ability to respond to calls for support and solidarity from those faculty associations.

## **16 PROPOSAL TO REQUIRE SUPER-MAJORITY TO APPROVE SPECIAL LEVY**

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### ***PROPOSED CHANGES: ARTICLE 10.2 – SPECIAL LEVIES***

#### 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.

## ***YUFA EXECUTIVE RECOMMENDATION: VOTE NO***

### ***RATIONALE***

Special levies are common at other unions and faculty associations. Our review of constitutions and by-laws at other faculty associations shows that this proposal requiring a super-majority (two-thirds) for approval of a special levy would be unprecedented, or at least extremely rare. Again, the requirement of electronic voting would remove the matter from meeting-based deliberative decision making or opportunities to amend the proposal for the levy.

## **17 PROPOSAL TO REQUIRE MORE SIGNATORIES FOR PROPOSED CONSTITUTIONAL AMENDMENTS SUBMITTED BY A GROUP OF MEMBERS**

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### ***PROPOSED CHANGES: ARTICLE 11 - AMENDMENTS***

#### 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.

***YUFA EXECUTIVE RECOMMENDATION: VOTE YES***

***RATIONALE***

This proposed amendment includes housekeeping changes to the current language and an increase in the required signatures accompanying a members' petition to amend the constitution. The Executive agrees that a larger number of signatures should be required for initiating important matters of YUFA governance such as constitutional amendments. We recommend that members vote in favour of this proposed amendment.