



## **FAQ: Changes to Constitutional Language Regarding YUFA Dues**

### **1. Why does the current language in the YUFA Constitution need to be changed?**

The current language contains a contradiction regarding how dues and fees are set by the Association. Article 3.5 requires the YUFA Executive to present a budget and fee structure at the Annual General Meeting (AGM) to be voted on by a majority vote (50%+1). As was the case in the previous (pre-2001) Constitution this meant that the annual dues were established on that basis. On the other hand, Article 10.1 specifies a prescribed dues rate as a provision in the Constitution. On its own this could be taken to mean that increasing or decreasing the annual dues rate triggers a constitutional amendment, which requires a "supermajority" two-thirds vote. If that interpretation were to prevail, then we face the prospect that a 50%+1 majority could approve a budget, but a 34% minority of members could block approval of the dues level needed to pay for that budget. While it is unlikely that this is the intended meaning of the Constitution, the contradictory language could lead to procedural confusion.

### **2. How are dues dealt with in other faculty associations?**

YUFA is the only faculty association in Canada that has a specific dues rate mentioned in its constitution. All other faculty association constitutions unambiguously state that the annual dues rate shall be established by a simple majority vote of the membership at an annual general meeting. The rate is proposed by the association executive via an annual budget. Recent dues increases have been required by other faculty associations by a majority vote at their Annual meeting (most recently by the University of Ottawa Faculty Association).

### **3. Aren't our dues already high enough? Won't changing the current language make it more likely for dues to increase?**

YUFA has not increased its dues rate, currently at 1.1% of a member's annual salary, since 2001. Over the last ten years, however, the expenses incurred by YUFA have increased because of: (1) rising costs associated with providing professional membership services, (2) a mediocre and corrosive record of labour relations resulting in increased legal costs due to a high number of grievances and arbitrations and (3) other new commitments such as the work of our Community Projects committee. For these reasons, as well as the necessity of addressing the very low level of YUFA's strike fund needed to support our bargaining efforts, it is therefore likely that the YUFA Executive will ask for a modest dues increase at

the Annual General Meeting in April. The goal of the constitutional change is to ensure that approval of the Executive's proposal will not create procedural confusion and will be decided democratically by a majority of the members in an electronic vote. Any consideration of a dues increase – even if it is short term – should be based on a discussion of the roots of our financial challenges and our evolving needs and priorities as an organization.

So, the goal of the constitutional amendment is to bring procedural clarity before YUFA Executive brings an evidence-based proposal for a modest fee increase.

#### **4. Can evidence be presented that a Fee increase is needed?**

Some of the increases in YUFA's costs of operation have been cyclical in nature, but many are structural and reflect the challenges we face in defending our members' interests. The following bullet points provide a brief summary of YUFA's financial challenges.

- YUFA's fund balances (including our defense fund) as a percentage of our annual revenues have shrunk from 135% to 89% in the last ten years. We have a diminished strike fund relative to other similar faculty associations.
- YUFA's staff, professional and legal costs have grown from approximately 53% to 68% of our gross revenues over ten years.
- Adequate fee levels are essential for supporting YUFA's ability to bargain improvements to our collective agreement and also provide the services we rely upon to defend our members' rights and interests.

Further information will be provided (including comparisons with other faculty associations) through subsequent communications and at the next two meetings.

#### **5. What happens if the membership doesn't support changing the language?**

If the membership does not support the constitutional change then the Association will remain with a contradictory constitution and an unclear process for establishing its fees. This is not a desirable status for an Association that is intent on vigorously representing its members and taking strong positions both in and outside of bargaining. Even without the requested change, it is possible to argue that our constitution permits our membership dues to be established by a majority vote on a fee structure presented at the AGM. Nevertheless, the ambiguous wording in the constitution may create confusion. The Stewards' Council has decided that we need procedural clarity so that the merits of a dues increase can be discussed on its own terms and the matter decided democratically by a majority vote of the members. For that reason, both YUFA Executive and Stewards' Council are asking for the support of our members in passing the proposed constitutional change.