

York University Faculty Association

By-laws

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By-law 1. Election Procedures

- a. The minimum nomination period in any election or by-election shall be two weeks. Nomination periods may be extended at the discretion of the Executive Committee.
- b. Elections shall be conducted by electronic mail ballot. No proxy votes will be counted by the Returning Officer.
- c. Eligible members without an email address will receive a campus mail ballot. No proxy votes will be counted by the Returning Officer.
- d. No less than two weeks shall be allowed between the mailing of ballots and the deadline for returns.
- e. Notification of any and all nominations shall be posted to the relevant constituency in a timely manner and through a widely available medium (email, website).

By-law 2. Collective Bargaining Process

- a. Within two weeks of ratification of the primary bargaining position by the membership, the Executive Committee shall appoint five or six members of the bargaining unit to the collective bargaining team. Appointments must be made by a vote of two-thirds of Executive members present and voting. No more than two members of the collective bargaining team shall be members of Executive Committee.
- b. The Executive Committee shall give notice of appointment of the collective bargaining team to the membership as soon as possible following their appointment.

- c. The collective bargaining team may add non-voting advisors at its discretion.
- d. The collective bargaining team shall name one of its members who is not a member of the Executive Committee as Chief Negotiator, who shall then become a non-voting member of Executive and shall report regularly to the Executive.
- e. During the period of collective bargaining, the Executive shall: supervise, receive reports from, and instruct the collective bargaining team; remove and/or replace members of the collective bargaining team by a two-thirds-majority vote; report regularly to the membership on the progress of collective bargaining; take such initiatives as are required in support of the collective bargaining process, e.g., communications, political action, job action.
- f. The collective bargaining team shall: negotiate the terms of renewal of the Collective Agreement; develop counter-proposals in the course of bargaining with the Employer; report regularly to the Executive in light of its mandate and the evolving bargaining priorities; report to the membership at the Executive's request; seek and receive instructions from the Executive regarding any significant departure from its mandate; present tentative or proposed agreements to the Executive Committee for its approval.

By-law 3. Equity Subcommittee

- a. The Equity Subcommittee shall consist of the Equity Officers, the Chairs (or delegate) of the recognized caucuses and two members appointed by the Executive Committee. In constituting the Equity Subcommittee, the goal is to ensure breadth of representation and expertise. Each appointee to a position on the Equity Subcommittee shall provide a brief statement to the Executive prior to appointment concerning his/her expertise and background in equity issues and his/her particular interest in serving. Members shall be appointed for two years, renewable for one two-year term. The Equity Officers shall Chair the Equity Subcommittee.
- b. The Equity Subcommittee shall exist to assist the Equity Officers to facilitate, advance, and advocate for the reduction and removal of inequities at York University, with regard to issues such as hiring, tenure and promotion, salaries, and retirement. These include inequities on the basis of gender, race, sexual orientation, disability, age, ethnicity, religion, political belief, language, culture, ancestry, place of origin (birth place), colour, citizenship, creed, sex, pregnancy, sexual preference, marital status, family status, number of dependents, or belief or membership in associations, and other forms of discrimination. Specifically the Equity Subcommittee's responsibilities shall include assisting the Equity Officers in: drafting contract proposals on equity issues; analysing the current Collective Agreement for biases and anomalies; ensuring more diverse representation in YUFA and on joint committees; facilitating, in consultation with the Grievance Subcommittee, the resolution of grievances that deal with equity issues at both the individual and policy levels; ensuring that equity issues are addressed within YUFA; working to educate YUFA members and others at York on equity issues; fostering discussion and understanding within YUFA and at York on equity questions and how they may be addressed. The Equity Officers shall report to the Executive Committee the Subcommittee's progress on these responsibilities.

By-law 4. Grievance Subcommittee

- a. The Executive Committee shall appoint a Grievance Subcommittee of at least seven members. In appointing the Grievance Subcommittee, the goal is to ensure breadth of representation and expertise. Members shall be appointed for one year, renewable for two one-year terms. The Chief Stewards shall Chair the Grievance Subcommittee.
- b. The responsibilities of the Grievance Subcommittee shall include: assisting the Chief Stewards in handling individual/group grievances; formulating and recommending to the Executive Committee the position of the Association on policy grievances; recommending to the Executive Committee whether or not to proceed to arbitration on specific grievances; overseeing the work of stewards in dealing with the complaints and grievances of members of the bargaining unit; monitoring the application of the provisions of the Collective Agreement; proactively and reactively assisting the Executive Committee in supervising the implementation of the Collective Agreement; co-operating in the organizing activities of the Association when necessary.

- c. A member who wishes to appeal the disposition of her/his individual grievance by the Chief Stewards or the Grievance Subcommittee may appeal to the Executive Committee. The member may subsequently appeal the decision of the Executive Committee to the Stewards' Council (see By-law 17).
- d. Members shall recuse themselves from the consideration of any grievance of a person with whom they have a conflict of interest.

By-law 5. Defence Fund

- a. An amount equal to five percent of the annual membership fees shall be transferred from the operating fund into the YUFA Defence Fund each year that the total balance in the Fund falls below \$1 million. The Fund will provide strike defence for YUFA members in the event of a strike or other dispute.
- b. The interest earned on the YUFA Defence Fund's resources in any one year may be transferred, wholly or in part, into the operating fund of the Association so long as the YUFA Defence Fund's resources maintain a balance of \$800,000 or more.
- c. The Executive Committee may empower, at its discretion, the Treasurer to borrow a sum not greater than the total membership fees for the most recently completed fiscal year, if such funds be required to meet YUFA's obligations in strike defence either to its own members or to CAUT. In addition, the Executive Committee may empower, at its discretion, the Treasurer to borrow a sum not greater than the total membership fees for the previous three months to meet YUFA's obligations in strike defence of another union at York University. Any such loan to another union must be deemed by the Executive Committee to be in the best interests of the Association and of collective bargaining at York University. Notice of such loan will be given to the membership, and if within two weeks of such notice fifty or more members of the Association submit to the Executive Committee request for a vote at a Special General Meeting to approve such a loan, such a meeting shall be held within one week. Further the Treasurer may pledge, assign or hypothecate any and all assets of YUFA for the purpose of providing security for such borrowing.
- d. The Executive Committee may enter into any agreement with any financial institution to provide for the CAUT Defence Fund a stand-by credit up to an amount equal to \$100 for each Regular or Senior Member of YUFA.
- e. The Treasurer may invest the resources of the Fund in short or long term commercial paper or similar investments, at his/her discretion. Such investments, for convenience, may be merged with those of other YUFA funds. The term of any such commercial paper or investments shall not exceed three years.
- f. The Executive Committee, at its discretion, may empower the Treasurer to assign or pledge future transfers to the YUFA Defence Fund to any lending institution which has advanced resources for strike defence purposes.
- g. The Executive Committee may empower, at its discretion, the Treasurer to assign, pledge or hypothecate the investments or other resources of the YUFA Defence Fund as security for any borrowing required to meet YUFA's obligations in strike defence.
- h. In the event that the Executive Committee wishes to use the resources of the YUFA Defence Fund for any purpose other than strike defence, the Executive shall give notice to the membership and seek its approval at a General Meeting.

By-law 6. Arbitration Fund

- a. An amount equal to the estimated cost to YUFA of thirty days of arbitration and similar matters shall be transferred from the general surplus to an Arbitration Fund. This Fund will be maintained at that level, except that annual adjustments reflecting current legal costs shall be made by a charge against the current operations of YUFA.
- b. As the purpose of the Fund is to guarantee to the members of YUFA that financial resources are available to provide arbitration and similar support under any circumstance, even the most adverse, the Treasurer is to maintain the Fund in a liquid condition by investing its resources

prudently in short term commercial paper or similar investments. Such investments, for convenience, may be merged with those of other YUFA Funds.

- c. The interest earned on the Fund's resources shall be retained within the Fund and used solely for arbitration purposes. If the total balance in the Fund exceeds \$120,000, the interest earned on the Fund's resources in any one year may be transferred, wholly or in part, to the operating fund of the Association.
- d. The normal cost of arbitration and similar services should be charged against current operations. In the event that in any fiscal year the cost of arbitration and similar services exceeds the average actual cost of such activities over the preceding three years, then the Treasurer may pay such excess of the fees for arbitration from the Arbitration Fund, in that year.
- e. The transfers referred to in (a) above, will be the lesser of the amount required in (a) and an amount which will reduce the general account surplus to nil at the end of the fiscal year.
- f. The Executive Committee may empower, at its discretion, the Treasurer to assign, pledge or hypothecate the investments or other resources of the Arbitration Fund as security for any borrowing required to meet YUFA's obligations in strike defence.
- g. In the event that the Executive Committee wishes to use the resources of the Arbitration Fund for any purpose other than set out in (b) above, the Executive shall seek the approval of Stewards' Council.

By-law 7. Stewards

Stewards are elected representatives of Representative Groups of departments/units and Recognised Caucuses. Each Representative Group of University departments/units shall elect, by and from its YUFA membership, one steward for each fifty Regular Members of the bargaining unit or fraction thereof in that Group. Normally, Representative Groups shall be based on academic units of fifteen or more YUFA Regular Members. For purposes of representation, academic units of fewer than fifteen YUFA Regular Members may be grouped with one another or with larger units to form Groups of fifteen or more. For purposes of designating the constituent members of the academic units, members of the bargaining unit shall be considered to belong to the unit designated by them as their 'home' unit for purposes of tenure and promotion, etc.

Group Name	Constituent Departments / Units	Stewards*
Education	Faculty of Education	1
Environmental Studies	Faculty of Environmental Studies	1
Dance & Design	Dance, Faculty of Fine Arts, Design, Faculty of Fine Arts	1
Film	Film, Faculty of Fine Arts	1
Music	Music, Faculty of Fine Arts	1
Theatre	Theatre, Faculty of Fine Arts	1
Fine Arts	Visual Arts, Digital Media, Faculty of Fine Arts,	1
Biology	Biology, Faculty of Science & Engineering	1
Chemistry	Chemistry, Faculty of Science & Engineering	1
Computer Science	Computer Science & Engineering, Faculty of Science & Engineering	1
Earth & Space Science	Earth & Space Science, Faculty of Science & Engineering	1
Mathematics	Mathematics & Statistics, Faculty of Science & Engineering	2
Physics & Astronomy/Natural Science	Physics & Astronomy, Natural Science, Faculty of Science & Engineering	1
Glendon French	French, Glendon College	1
Glendon Humanities	English, Hispanic Studies, Philosophy, Translation, Multidisciplinary Studies, History, Glendon College	2
Glendon Social Science	Economics, Political Science, Sociology, Psychology, Mathematics, International Studies, Glendon College	1
Kinesiology & Health Sciences	Kinesiology & Health Sciences, Health Policy and Management, Faculty of Health	2
Nursing	Nursing, Faculty of Health	1
Psychology	Psychology, Faculty of Health	2
LA&PS Administrative	Administrative Studies, LA&PS	2

Studies		
LA&PS Anthropology	Anthropology, LA&PS	1
LA&PS Communication Studies/Information Technology	Communication Studies, Information Technology, LA&PS	1
LA&PS Economics	Economics, LA&PS	1
LA&PS English	English, LA&PS	2
LA&PS Equity Studies/Women's Studies	Equity Studies, LA&PS; Women's Studies, LA&PS, Glendon College	1
LA&PS French Studies	French Studies, LA&PS	1
LA&PS Geography	Geography, LA&PS	1
LA&PS History	History, LA&PS	1
LA&PS Humanities/Writing	Humanities, Writing, LA&PS	2
LA&PS Human Resource Management/Public Policy and Administration	Human Resource Management, Public Policy and Administration, LA&PS	1
LA&PS LL&L	Languages, Literatures, & Linguistics, LA&PS	1
LA&PS Philosophy	Philosophy, LA&PS	1
LA&PS Political Science	Political Science, LA&PS	2
LA&PS Social Science	Social Science, LA&PS	2
LA&PS Social Work	Social Work, LA&PS	1
LA&PS Sociology	Sociology, LA&PS	1
Libraries	Peter F. Bronfman Business Library, Frost Library, Law Library, Scott Library, Steacie Science & Engineering Library	1
Schulich	Schulich School of Business	2
TOTAL		48
* Numbers are based on latest membership lists provided by the Employer and will be updated annually.		

By-law 8. Recognised Caucuses

- a. For purposes of Constitution Article 4.3 and By-law 7, the following are the Recognised Caucuses of the Association:
 - First Nations Caucus
 - Queer Caucus
 - Race Equity Caucus
 - DisAbility Caucus
- b. The Equity Officers may recommend to the Executive Committee the recognition or de-recognition of Caucuses.

By-law 9. Accountability and Compensation of Officers of the Association

- a. Compensation for Officers of the Association shall form a part of the annual budget pursuant to Constitution Article 3.5.c. An Officer serving partial terms pursuant to Constitution Article 6.4 or 6.5, shall be eligible pro-rata for any course release or other compensation regularly offered by the Association to that Officer. Pro-rata of less than 0.5 course equivalents can be taken as cash stipend or equivalent generic research grant.
- b. Prior to 1 September in each year, the Executive Committee shall develop a work plan for the year, including the work plan for each Officer, and shall present them to Stewards' Council for ratification at a regularly scheduled meeting and to the membership in a widely available medium (campus mail, email, website).
- c. The Executive Committee shall, at the initiative of the President and Chief Stewards, recommend annually to Stewards' Council a general organising plan, which shall include a summary of budgetary implications.

- d. On or about 1 April, the Executive Committee shall report to Stewards' Council its progress in completing the work plan and any amendments to the plan. The reports shall be presented to the membership in a widely available medium (campus mail, email, website) and shall be an agenda item at the next Annual General Meeting.

By-law 10. Representative Organisation for Associate Members

The Executive Committee, at its discretion, may from time to time recognise a representative organisation for Associate Members. Effective 15 May 1996, the Executive Committee recognises the Association of Retired Faculty and Librarians (ARFL) as the representative organisation for Associate Members.

By-law 11. Signing Officers

The signing Officers of YUFA are the President, the two Vice Presidents, and the Treasurer.

By-law 12. Editorial Policy

Unless expressly stated to the contrary, views expressed in the YUFA newsletters and on the Website are those of the writers and do not necessarily reflect the views or policies of YUFA. The Communications Officer or other editor(s) welcome submissions from Regular, Senior, and Associate Members, while reserving the right to determine selection for publication, as well as to edit submissions for length, style, and clarity.

By-law 13. Ranking Officer Notice

Where possible, when the Authorized Association Representative is to be absent or unable to perform her/his duties, she/he shall give forty-eight hours' notice to the next ranking Officer.

By-law 14. Officers' Job Descriptions and Annual Compensation

The following are the job descriptions, qualifications (if applicable), and annual compensation for the Officers of the Association. The compensation ascribed to each office is the approved and ordinary annual compensation for that office. Compensation should not fall below this amount, but in certain circumstances (e.g., special projects) may exceed it with the approval of Stewards' Council upon Executive recommendation.

- a. **President**
Responsible for the conduct of all YUFA's affairs; Chairs meetings; sits *ex officio*¹ on YUFA committees and the Joint Committee on the Administration of the Agreement; initiates and coordinates the priorities and work plan of Officers, committees, and staff; acts as primary Association representative. Shall normally have served on Executive for one year in the last five. Shall receive full teaching release, plus 1 full course equivalent or equivalent cash stipend.
- b. **Vice President Internal**
Assists the President in ensuring YUFA's internal operations are running smoothly and in accordance with the Constitution and By-laws; recruits members to contribute to the Association; Chairs YUFA's staff relations committee; member of Executive and Stewards' Council; develops and carries out priorities and projects as part of the work plan. Shall receive 1-2 full course equivalents of teaching release, plus 0.5 course equivalent or equivalent cash stipend.
- c. **Vice President External**

¹ Definition for YUFA purposes: *ex officio*: normally non-voting, unless specifically noted otherwise in the Association's Constitution or By-laws.

Liaises with campus unions, student organisations, OCUFA, CAUT, NUCAUT, and other labour and education groups; tracks external affairs pertinent to members' interests and co-ordinates involvement in associated actions; member of Executive and Stewards' Council; develops and carries out priorities and projects as part of the work plan. Shall receive 1-2 full course equivalents of teaching release, plus 0.5 course equivalent or equivalent cash stipend.

d. Chief Steward

Handles complaints and grievances; assists stewards in advising members on their rights; Chairs Stewards' Council and Grievance Committee; member of Executive; develops and carries out priorities and projects as part of the work plan. Shall normally have served on the Grievance Subcommittee for one term. Shall receive 2 full course equivalents of teaching release, plus 0.5 course or equivalent cash stipend.

e. Equity Officers

Facilitate and advocate for the reduction and removal of inequities within YUFA and York, assisted by Equity Subcommittee; Chair Equity Subcommittee; develop and carry out projects and priorities as part of the work plan; members of Executive and Stewards' Council. Each Equity Officers shall receive 1.0 course equivalent of teaching release.

f. Communications Officer

Solicits and edits contributions to YUFA publications, including website and bargaining priorities questionnaire; determines and implements the communications implications of the work plan; develops and carries out projects as part of the work plan; member of Executive and Stewards' Council. Shall receive 1-2 full course equivalents of teaching release, plus 0.5 course or equivalent cash stipend.

g. Treasurer

Prepares the annual budget and financial reports; reports regularly on the state of the Association's finances; authorises expenditures and investments; oversees the books; arranges for audits; member of Executive and Stewards' Council. Shall receive 0.5 course equivalent of teaching release.

h. Recording Secretary

Takes and prepares the minutes of Executive Committee (minimum twelve per annum), General Meetings (minimum two per annum), and meetings of Stewards' Council (minimum six per annum). Shall receive 0.5 course equivalent of teaching release.

By-law 15. Indemnification

YUFA will indemnify Officers, staff, and other duly appointed representatives for any and all legal costs and claims for damages incurred as a consequence of carrying out the performance of their duties on behalf of YUFA.

By-law 16. Release Time

- a. Release time is to permit YUFA service beyond what might be expected as a "normal" service contribution to the community.
- b. Release time is not a perquisite for YUFA work, nor is it remuneration. It is given in order to free a member's time so that she/he may do YUFA work.
- c. Nothing in the above should restrict a member from taking release time at some time other than that at which she/he is working for YUFA. This may be necessary if the unit's teaching schedule does not permit a member to arrange for release in the term in which she/he is doing YUFA work. However, the Executive Committee, in granting release time in such circumstances, should ensure that the member is willing to provide YUFA with the time expected of her/him.

- d. The Executive may, in extraordinary circumstances, approve an arrangement different from that above. The primary consideration in doing so should be that the member's time is freed to enable her/him to work for the Association.
- e. For faculty, release time from 1.0 course equivalent of teaching release translates into approximately one full day per week of time given over to YUFA work for the equivalent of a September to April academic year. For librarians, one unit of release time translates into approximately five hours per week of YUFA work.
- f. All members who are being considered for YUFA release time will, prior to Executive's decision on the allocation of release time to them, be provided with a copy of this By-law.
- g. Subject to Constitution Article 3.5.c and By-law 14, the Executive Committee shall determine the total amount of release time to be distributed and the allocation of that release time among positions or members.
- h. Nothing in these guidelines is intended to restrict or impinge upon a member's activities outside the University.

By-law 17. Grievance Appeals Procedure

Should the Executive Committee decide not to advance an individual member's grievance or a group grievance to arbitration (Stage 4, Article 9.16 of the Collective Agreement), the grievor(s) shall have the right to appeal this decision to Stewards' Council.

- a. The grievor(s) shall inform the Chief Stewards in writing of their intention to appeal.
- b. The Chief Stewards shall place the appeal on the agenda for the next regularly scheduled meeting of Stewards' Council and inform the grievor(s) in writing of the meeting's time and place. Only the grievor(s), his/her/their advisor(s), YUFA's legal counsel, and members of Stewards' Council may be present for the hearing.
- c. The grievor(s) shall not normally be entitled to be represented by outside counsel but may be represented by an advisor who is a member of YUFA.
- d. The appeal shall begin with a presentation by the Executive and/or YUFA's legal counsel as to the reasons for the Executive's decision.
- e. The grievor(s) shall then present the case for overturning the Executive's decision, including any questions for the Chief Stewards and/or YUFA's legal counsel.
- f. Members of Stewards' Council may ask questions of fact and clarification of the grievor(s).
- g. Unless the appeal is withdrawn following the hearing, Stewards' Council shall move *in camera* to decide the appeal. Members of Executive Committee shall withdraw from the meeting for this deliberation. The Council shall elect a Chair for the *in camera* session. The Chair shall not vote, except in the case of a tie, which the Chair must break.
- h. The Chair of the *in camera* session will inform in writing the Chief Stewards, the Executive Committee, and the grievor(s), of the Stewards' Council's decision.
- i. Information and discussion concerning the case(s) under appeal shall be kept confidential to Stewards' Council and the advisor(s), if applicable, unless the appeal is upheld and the grievance is advanced to arbitration.
- j. Once the motion concerning arbitration of individual or group grievances has been moved and seconded, Stewards' Council Representatives are not to participate in Executive deliberations and/or decisions (in other words they must absent themselves). Stewards' Council Representatives may participate in deliberations at Stewards' Council when it deals with appeals of Executive decisions not to arbitrate.

By-law 18 Funding and Endorsements

- a. The broad purpose underlying YUFA's support for specific groups and causes is to advance educational equity, social justice, and democratic bargaining. Normally, YUFA will not endorse or financially support groups or causes that have no discernable link to education or social justice or collective bargaining concerns, however worthy their goals might seem.
- b. YUFA will only donate to non-profit groups and organizations.

- c. Regarding funding requests, preference will be given to:
 - i. groups that work to advance academic accessibility, equity, and democratic decision-making in education;
 - ii. groups from the York University community or immediate neighbourhoods, especially those requesting donations for educational and/or social justice and/or recreational purposes;
 - iii. labour organisations whose goals are broadly consistent with academic values, equity concerns, and/or democratic collective bargaining.
- d. Annual donations of up to \$200 per organization, consistent with the above, can be made at the discretion of the Vice President External. The Executive Committee will ratify donations over \$200. The Vice President will report all requests and all donations bi-monthly (i.e., every two weeks) to the Executive. The Vice President will also prepare bi-annual (i.e., every six months) reports to the Executive Committee on all donations.
- e. Normally, a request to YUFA for a donation will include a statement of the organisation's or individual's aims, the purpose to which the funds will be put, and a budget for the event or project.