



QUEEN'S UNIVERSITY FACULTY ASSOCIATION  
REVISED CONSTITUTION

**Approved at the  
April 20, 2016 General Meeting**

## **QUEEN'S UNIVERSITY FACULTY ASSOCIATION REVISED CONSTITUTION**

### **ARTICLE 1: NAME**

The name of the Association shall be the Queen's University Faculty Association, referred to hereinafter as the Association or as QUFA.

### **ARTICLE 2: PURPOSE**

The purposes of the Association are:

- i) To serve as the exclusive bargaining agent of the members of the bargaining unit, and any other group of employees which the Association may represent;
- ii) To promote the interests of and regulate employment relations between Queen's University and its academic staff (faculty, librarians, and archivists);
- iii) To promote equity in the recruitment and hiring of academic staff;
- iv) To promote a positive working environment for academic staff, free of discrimination, interference, restriction, or coercion relating to any term or condition of employment;
- v) To provide appropriate representation for all members of the Association;
- vi) To promote academic interests at Queen's and in the broader community.

### **ARTICLE 3: MEMBERSHIP**

- i) Membership in the Association is open to all members of the bargaining unit, to clinical faculty in the Faculty of Health Sciences who are eligible for membership in the Clinical Teachers' Association of Queen's University, and to such other groups as the Association may determine. In the event that a dispute arises as to the application of this clause in any individual case, the matter shall be placed before the Executive Committee, whose decision as to eligibility for membership shall be final.
- ii) Membership in the Association is voluntary. Members of the bargaining unit already pay dues and are not charged additional dues if they choose to become members of the Association.
- iii) Those not in the QUFA bargaining unit but who are eligible for membership in the Association will become Special Members if they choose. Special Members shall not pay dues. Special Members will have access to QUFA publications and Staff advice (as workload permits), but will not have voting or governance privileges in the Association. QUFA cannot represent Special Members with respect to their employment relationship and cannot provide legal counsel with respect to contracts of employment.
- iv) To become a member of QUFA, one must apply to the Association in a form prescribed by the Executive Committee. Membership becomes effective upon verification of eligibility.

- v) The Association shall not discriminate against any person with respect to any matter on a ground prohibited by the Ontario Human Rights Code or the Canadian Charter of Rights and Freedoms.
- vi) Members of the Association, (those who have voluntarily signed a QUFA membership form) shall be eligible to vote at meetings or hold a position in the Association including Officer, Executive Committee member, Councillor, or member of another committee.
- vii) If a Term Adjunct signs a membership form at the start of a contract, she/he shall not have to renew that form again, even if there is an interruption between her/his Queen's or QTC contracts. For purposes of participation in QUFA activities and governance, Term Adjunct Members with an appointment length of less than one year shall be considered members of the Association for one calendar year from the contract start date of their most recent course taught for credit at Queen's. For purposes of representing a Term Adjunct in resolving a grievance matter arising from their employment at Queen's, QUFA shall continue to support a Term Adjunct member until the matter is dropped by the member or resolved between the parties.

#### **ARTICLE 4: FEES**

- i) Except as provided in this Article and Article 3(iii), members of QUFA shall pay fees, including dues and any levies or assessments established in accordance with this Article.
- ii) There shall be no fee for members on long-term disability.
- iii) There shall be a fee structure, including dues and any levies or assessments, ratified by the membership. Any changes to the fee structure shall be made at a scheduled General Meeting.

#### **ARTICLE 5: GENERAL MEETINGS**

- i) There shall be at least two General Meetings of the Association each year: a fall meeting to be held in October, November or December and a spring meeting in March or April, each at the call of the Secretary. The Secretary shall call special General Meetings as directed by Council or Executive, or at a written request of 20 members in good standing of the Association, which includes a statement of the purpose of the meeting. The Secretary shall give written notice of meetings at least 14 days in advance.
- ii) The General Meetings shall be chaired by the Chair of Council (or the Alternate Chair or other designate). The agenda for each General Meeting shall be prepared by the Secretary and shall include a President's Report, a Treasurer's Report, and where appropriate, reports by one or more of the Standing Committees.
- iii) The Secretary shall circulate the written agenda for any scheduled General Meeting at least one week prior to the Meeting. The agenda shall include motions to be voted upon at the Meeting, including any motions submitted in a petition signed by at least five members in good standing of the Association, including the mover and seconder.

Subject to the provisions of this Constitution regarding amendments, any motion not on the agenda shall be considered only with the consent of the Chair.

- iv) Thirty-five (35) members of the Association in good standing shall constitute a quorum for all General Meetings of the Association. Once quorum has been achieved it will be assumed to continue throughout the meeting unless a count is requested by a member.
- v) Proxy votes are not allowed.

## **ARTICLE 6: AMENDMENTS**

- i) Amendments to this Constitution require a two-thirds vote of those present at any scheduled General Meeting, or at a General Meeting called for that purpose.
- ii) Proposed amendments to the Constitution must be circulated with the notice of the scheduled General Meeting at which they will be addressed;

## **ARTICLE 7: GOVERNANCE**

The governing bodies of the Association shall be composed of:

- i) The Council of Representatives, which is responsible, in general, for approving the policies of the Association as formulated by the Executive Committee and, where necessary, for providing direction to the Executive Committee for the formulation of policy, subject to the provisions of the Constitution and By-laws, and to such directions as may be given at any annual or scheduled General Meeting;
- ii) The Executive Committee, which is responsible, in general, for establishing policy and for forwarding policy considerations to the Council of Representatives for approval; and
- iii) The Officers, who are responsible for the ongoing administration and operation of the Association. The duties and responsibilities of each of the above are described below.

## **ARTICLE 8: COUNCIL OF REPRESENTATIVES**

### **8.1 COMPOSITION**

There shall be a Council of Representatives which shall consist of the Officers of the Association and representatives of the electoral units. The establishment of the electoral units of the Council and the number of Councillors for each electoral unit shall be in accordance with the By-laws.

### **8.2 TERM OF OFFICE**

The term of office of a Councillor shall be for two years, commencing July 1 of the year of election. Re-election is allowed.

### **8.3 ELECTION OF COUNCILLORS**

The procedures for the election of Councillors shall be in accordance with the By-laws (which follow Article 17 of this Constitution).

### **8.4 DUTIES AND POWERS**

The Council shall be responsible for:

- i) Acting on policy recommendations from the Executive Committee and instructing the Executive Committee in the development of policy for Council approval;
- ii) Approving the budget of the Association in accordance with this Constitution;
- iii) Approving general collective bargaining principles, in accordance with this Constitution;
- iv) Approving general grievance principles and procedures;
- v) On the basis of Executive Committee recommendations, approving the staffing of QUFA Standing and Ad Hoc Committees, including their Chairs, and appointing members to joint employer-Association committees;
- vi) On the basis of Executive Committee recommendations, filling any vacancies which may arise in the course of the terms of appointees to such committees;
- vii) Approving terms of reference for Standing and Ad Hoc committees;
- viii) Approving policy on all employee staffing;
- ix) Directing the convening of special meetings of the Association, as required, in accordance with this Constitution.

### **8.5 DUTIES OF COUNCILLORS**

In addition to the foregoing, the duties of Councillors shall be to:

- i) Represent on a regular basis the views of their constituents to Council and vice versa;
- ii) Advise their constituents regarding their rights and responsibilities under the Collective Agreement;
- iii) Direct constituents to the appropriate sources of assistance in seeking redress under the terms of the Collective Agreement; and
- iv) Advise Council and the Executive Committee of any problems encountered by constituents arising from the Collective Agreement and its implementation.

## **8.6 REMOVAL OF COUNCILLORS**

A Councillor may be removed for reasons of gross neglect of the duties specified in this Constitution. Removal requires a two-thirds vote on the part of the Councillor's electoral unit in favour of removal and in accordance with the By-laws.

## **8.7 MEETINGS**

- i) A Council meeting shall be called at least once a month from September to May and at the request of any five members of Council.
- ii) The agenda shall normally be the responsibility of the Chair, in conjunction with the President, but any item requested by a member of Council or a petition of five members of the Association shall be placed on the agenda of the next meeting of Council and shall normally be voted upon at that meeting.
- iii) Council may, between meetings, pass resolutions required to expedite the normal day-to-day operation of the Association, but such resolutions cannot involve policy changes within the Association. Resolutions can be passed by means of electronic mail transmissions or telephone calls exchanged between the Chair and the members of Council and must receive the consent of the majority of Council as evidenced by their electronic mail transmissions or telephone responses. The results of such votes, based on hard copies of the electronic mail transmissions and written record of telephone responses, shall be announced at the next Council meeting and recorded in the minutes. The records of the vote will be destroyed one month after recording in the minutes unless a written protest is received by the Secretary.

## **8.8 NOTICE OF MEETINGS**

- i) Written notice of regular meetings shall be sent to Council members at least one week in advance. The proposed agenda, including any notices of motion, shall be sent to Council members by the Chair of Council at least five working days in advance.
- ii) Written notice of special meetings, along with the proposed agenda and any notices of motion, shall be sent to Council at least 24 hours in advance.
- iii) The non-receipt of a notice shall not invalidate a meeting unless there is bad faith.

## **8.9 THE CHAIR**

The Council shall elect a Chair and an Alternate Chair at the April meeting using the procedure described in the By-laws: A. ii) (b).

- i) The term of office for a Chair shall be two years, commencing July 1 of the year of election. Re-election is allowed.
- ii) It shall be the responsibility of the Chair to call meetings of Council, to prepare Council agendas in consultation with the President, and to circulate agendas to Council members prior to meetings, to serve as a member of the Executive

Committee, and to Chair the General Meetings of the Association. The elected Alternate Chair will serve as the Chair of Council in the absence of the Chair. In the absence of the elected Chair and Alternate Chair, a designate will be appointed by the Chair or the President.

- iii) The Chair shall cast a vote only in the case of a tie.

#### **8.10 ALTERNATE REPRESENTATION**

- i) Council members shall have the right to appoint alternates, who are from the same electoral unit and members of the Association, to sit in their place at Council meetings. The Council Chair and/or QUFA office staff should be notified of the appointment of an alternate preferably prior to the commencement of the meeting in question, but as soon as possible. Duly appointed alternates shall have all the rights of a Council member for the meeting in which they serve as alternate.
- ii) Officers of the Association shall not have the right to name alternates except in their capacity, if any, as a representative to Council of a constituency.

#### **8.11 QUORUM**

A quorum for meetings shall be thirteen members of Council or their duly appointed alternates. Once quorum has been achieved it will be assumed to continue throughout the meeting unless a count is requested by a member.

#### **8.12 VOTING**

Voting shall be by a show of hands unless otherwise specified by the Constitution or By-laws, or as requested by five members present in respect of voting on a particular issue. Unless otherwise specified by the Constitution or By-laws, and excepting matters of procedure, resolutions shall be adopted by a majority of votes cast. An abstention is not considered to be a vote cast.

#### **8.13 NEW BUSINESS**

Items of new business shall be ruled upon by the Chair who shall be guided by the principle that matters of substance which normally require notice should be postponed until the next meeting, unless urgency requires otherwise. The decision of the Chair may be challenged and overruled. Approval of a motion to overrule requires a vote of two-thirds of the members present and voting.

#### **8.14 DELEGATION OF POWER**

The Council may, by resolution, delegate any of its powers or duties to the Executive Committee, and may rescind such delegation in the same manner.

## **ARTICLE 9: EXECUTIVE COMMITTEE**

### **9.1 COMPOSITION**

There shall be an Executive Committee of the Association consisting of the Officers of the Association, the Chair of the Council of Representatives, the Chair of the Grievance Committee, the QUFA Co-Chair of the Joint Committee to Administer the Agreement (JCAA) who also chairs the Committee for the Management of the Collective Agreement (CMCA), the Chair of the Political Action and Communications Committee (PACC), two Members-at-large, one representative from among Librarians and Archivists, one Continuing Adjunct representative, one Term Adjunct representative, and one Equity representative. The positions of Librarian and Archivist, Continuing Adjunct, Term Adjunct, and Equity representative should be filled regardless of whether other members of these constituencies hold positions on the Executive Committee. All Executive Committee members must be members of the Association.

### **9.2 ELECTION OR APPOINTMENT**

- i) The Officers, excepting the Past President, shall be elected by the Association membership, pursuant to the By-laws.
- ii) The positions of Equity representative, Queen's University Librarians and Archivists (QULA) representative, Term Adjunct representative, and Continuing Adjunct representative must all be filled by a person dedicated to that position alone. If any of these representatives takes on another position on the Executive, then another person must be found to replace her or him for the dedicated position that they have vacated.
- iii) The Nominations Committee shall recruit an Equity representative for the Executive who shall also sit as the Equity representative on Council.
- iv) If the QULA Executive representative takes on another Executive position, then the QULA Council representative will become the QULA representative on Executive and QULA must find another representative to serve on Council.
- v) The two Executive representatives for the Term and Continuing Adjunct Faculty members shall be selected to represent their respective electoral units. These designated representatives of Adjunct members on Council shall not preclude Adjunct members from representing academic units at Council.
- vi) The election and appointment cycle of Executive officers shall be staggered so that President, Vice President, PACC Chair, Chair of the Council of Representatives, one Member at Large and the Term Adjunct representative shall be elected, and the Past President appointed, in odd years, while the Treasurer, Secretary, Grievance Chair, JCAA Co-Chair, QULA Representative, Equity Representative, one Member at Large and the Continuing Adjunct Representative shall be elected in even years.

### **9.3 DUTIES AND POWERS**

- i) The Executive Committee shall exercise all the powers delegated to it by Council and report its activities regularly to Council.



- ii) The Executive Committee shall be responsible for:
  - a. Developing policy for the Association, under direction from Council or as it deems necessary, and recommending such policy to Council for approval;
  - b. Implementing the policies of the Association;
  - c. Administering the budget of the Association;
  - d. Supervising the collective bargaining of the Association;
  - e. Acting upon the recommendations of the Grievance Committee;
  - f. Recommending to Council the formation of new Standing Committees;
  - g. Forming Ad Hoc committees as necessary to carry out the work of the Executive Committee;
  - h. Receiving reports, as required, from committees and representatives and communicating such reports, as required, to Council;
  - i. Recommending to Council, the Chairs, members of Standing committees and Ad Hoc committees formed by the Executive Committee, as well as appointees for joint employer-Association committees; and approving the appointment of QUFA representatives to other Queen's committees and task forces, and positions on external bodies; and filling any vacancies which may arise in the terms of such appointees;
  - j. Recommending candidates to Council to fill mid-term vacancies on the Executive Committee;
  - k. Encouraging the development of caucuses (among e.g., librarians and archivists, heads, adjuncts, feminist, junior faculty, and any other relevant sub-groups of members who express interest in forming a caucus) to ensure that constituencies within the Association are able to articulate their concerns adequately;
  - l. Making every effort to ensure adequate communications with student associations and other employee groups at Queen's;
  - m. Addressing issues of equity and the status of women through the development of QUFA committees or caucuses and/or through the nomination of representatives to participation in Queen's-wide equity and status of women committees, caucuses, and councils.
  - n. Recommending the convening of special meetings of the Association to Council, as required;
  - o. With the advice of the Staff Relations Committee and in accordance with the Employment Policy for QUFA Staff, hiring, supervising, and dismissing employees.

#### **9.4 OFFICERS**

- i) The officers of the Executive Committee shall be the President, Vice-President, Secretary, Treasurer, and Past President. Officers must be members of the Association and members of the bargaining unit.
- ii) The President, Vice-President, and Past President shall not serve as Council representatives of electoral units.
- iii) All officers shall be ex officio members of Council.
- iv) The Past President shall be a non-elected member of the Executive Committee. The Past President shall be the person whose term as President has just expired, or a former President if the immediate Past President is unable or unwilling to serve on

the Executive Committee.

## **9.5 DUTIES OF THE OFFICERS**

### **President**

Shall supervise and coordinate the activities of the Association and the bargaining units; represent the Association and bargaining units, including the Council and the Executive Committee, at Queen's and in the broader community; chair or appoint the chair for meetings of the Association; serve as a member *ex officio* of all Standing and *Ad Hoc* Committees except the Nominations and Elections Committee (the President may delegate an Executive Officer to attend any Committee or Sub-Committee as needed); sit as Senator for QUFA on the Queen's Senate; sit as an observer on the Queen's Board of Trustees; supervise employees; provide a report to the membership at all general meetings, and exercise such powers and carry out such functions as are delegated to him or her by the Council and the Executive Committee, or as are necessary for the proper conduct of the presidency.

### **Vice-President**

Shall fulfill the duties of the President in his or her absence, represent the President as needed, chair the Nominations and Elections Committee serve as a member of the Finance Committee, and perform such duties as are from time to time requested by the Council or the Executive Committee.

### **Past President**

Shall fulfill the duties of the President or Vice-President in their absence, represent the President as needed, chair the Staff Relations Committee, and perform such duties as are from time to time requested by Council or the Executive Committee.

### **Secretary**

Shall liaise with the Political Action and Communications Committee to help coordinate political communications between the Executive and PACC. Shall prepare minutes of specific meetings, such as Executive, Council and General meetings.

### **Treasurer**

Shall be responsible for overseeing the finances and accounts of the Association. Shall oversee the financial position of the Association and shall be responsible for rendering such an account to the Executive Committee or the Council whenever required. Shall oversee the preparation and reporting for the Association's annual audit. Shall chair the Finance Committee and prepare an annual update to the Association's Financial Plan. Shall report to the membership at each general meeting.

## **9.6 DUTIES OF REMAINING MEMBERS OF THE EXECUTIVE COMMITTEE**

- i) The Chair of each Standing Committee shall prepare a brief written report to be included in the agenda package that is distributed by the Administrative Officer one week prior to the regularly scheduled monthly meeting.

- ii) The Grievance Chair shall be responsible for regularly informing the Executive Committee about the work of the Grievance Committee and the financial implications of that work. The Grievance Chair shall also assist the Executive Committee in developing and implementing policy and undertaking activities necessary to the Association's grievance work on behalf of members of the bargaining unit.
- iii) The Chair of the Committee for the Management of the Collective Agreement shall serve as the QUFA Co-Chair on the Joint Committee to Administer the Agreement and be responsible for reporting to the Executive on the activities of that Committee and for conveying the Executive's concerns to that Committee. He or she shall also assist the Executive Committee in developing and implementing policy and undertaking activities necessary to the Association's collective bargaining work.
- iv) The representatives for Librarians and Archivists, and for Term and Continuing Adjunct Faculty members shall advise the Executive Committee on the implications for their constituencies of policies and activities of the Association and shall perform such duties as are from time to time requested by the Council or the Executive Committee.
- v) The Equity representative shall advise the Executive Committee on equity matters, shall help ensure that Association policies and activities are consistent with the equity requirements of the Collective Agreement and of provincial and federal legislation, and shall perform such duties as are from time to time requested by the Council or the Executive Committee.
- vi) The two Members-at-large shall represent the interests of the membership and perform such duties as are from time to time requested by the Council or the Executive Committee.

#### **9.7 TERM OF OFFICE**

- i) The term of Executive Committee members shall be two years.
- ii) Re-election or, in the case of Past President, reappointment, is allowed.
- iii) Terms commence July 1 of the year of election or appointment.

#### **9.8 REMOVAL OF OFFICERS AND OTHER EXECUTIVE COMMITTEE MEMBERS**

- i) Officers of the Association may be removed from office, in accordance with the By-laws, by a two-thirds vote of the membership by secret mail ballot for reasons of gross neglect of the duties specified in this Constitution.
- ii) Council may, by a resolution adopted by at least a two-thirds vote, remove any Executive Committee member who is not a Councillor, prior to expiration of his or her term of office for reasons of gross neglect of duties specified in this Constitution.

#### **9.9 MEETINGS**

- i) The Executive Committee shall meet at least once a month during September to June, at the call of the President, or on one week's written notice at the request of

any two members of the Committee. In the case of an urgent issue needing discussion and/or decision making, the President may request that the Executive schedule a "Special" Executive meeting on shorter notice. The agenda shall normally be the responsibility of the President.

- ii) The Executive Committee may, between meetings, pass resolutions required to expedite the normal day-to-day operation of the Association by means of electronic mail transmissions or telephone calls exchanged between the President of the Association and the members of the Executive Committee. Approval of such resolutions requires the consent of a majority of all Executive members. If any Executive member wishes to have the matter discussed, the email/telephone vote will be cancelled and the matter deferred to the next meeting. Votes of the Committee members submitted by email/telephone shall be recorded and filed with the records of the Association until the vote has been recorded in the following month's Executive Committee minutes, at which time the record of individual votes will be destroyed. Any two members of the Executive may act as mover and seconder of such motions.

#### **9.10 NOTICE**

- i) Members of the Executive Committee shall receive notice of regular meetings of the Committee, as well as a proposed agenda including any notices of motion, at least two working days in advance.
- ii) Members of the Executive Committee shall normally receive notice of special meetings, along with the proposed agenda and any notices of motion, at least 24 hours in advance.
- iii) Notice may be in writing (e.g., campus mail, electronic mail, or facsimile) or by telephone.
- iv) The non-receipt of a notice shall not invalidate a meeting unless there is bad faith.

#### **9.11 CHAIR**

Every meeting of the Executive Committee shall be presided over by a Chair. The President normally serves as Chair, or the Executive Committee may select another member of the Committee as Chair.

#### **9.12 QUORUM**

The quorum for Executive Committee meetings shall be six (6) members of the Committee, including the Chair. Once quorum has been achieved it will be assumed to continue throughout the meeting unless a count is requested by a member. In the event that neither the President, nor Vice-President, nor Past President is present, the meeting shall terminate.

#### **9.13 VOTING**

Voting shall be by a show of hands, unless otherwise specified by the Constitution or By-laws or unless requested by a member of the Executive Committee present in respect of voting on a

particular issue. Voting by proxy is prohibited. Resolutions shall be adopted by a majority of the votes cast. An abstention is not considered to be a vote cast. The Chair shall not vote except to break a tie and, in such a case, the Chair shall cast a deciding vote.

#### **ARTICLE 10: STANDING COMMITTEES**

- i) There shall be the following Standing Committees on:
  - a. Finance Committee
  - b. Grievance Committee
  - c. Committee for the Management of the Collective Agreement
  - d. Nominations and Elections Committee
  - e. Political Action and Communications Committee
  - f. Staff Relations Committee
- ii) Standing Committees shall have such duties and responsibilities as may be assigned to them by the Executive Committee, with Council approval.
- iii) Standing Committees shall report to Council through the Executive Committee. They shall, however, have the right to report to Council directly, and Council may request that they do so.
- iv) Standing Committees shall submit annual reports to the Spring General Meeting.
- v) The Grievance Committee shall be as representative as possible of the academic and cultural diversity of the University.
- vi) Each Standing Committee shall meet at the call of its Chair or at the call of any two of its members.
- vii) A Standing Committee may appoint temporary sub-committees and assign them such duties as it deems advisable.

#### **ARTICLE 11: OTHER COMMITTEES AND MECHANISMS FOR REPRESENTATION**

- i) The Council may establish such *Ad Hoc* committees as it deems advisable. Such committees shall normally report to Council and copy its report to the Executive Committee.
- ii) The mandate of all QUFA committees shall be approved by Council, subject to the general provisions of the Association's Constitution and By-laws.

#### **ARTICLE 12: DUTIES OF EXTERNAL REPRESENTATIVES**

- i) QUFA representatives or observers on Senate, the Board of Trustees, and all other university committees as well as external bodies take direction from the Executive on policy matters.
- ii) QUFA representatives and observers on university and external bodies shall provide a brief written report to the Executive Director on the activity and discussions of those bodies after each meeting where there is something of significance discussed or decided that could have an impact on members of the QUFA bargaining units or

could be of interest to the Association. The Executive Director will circulate these reports to the Executive Committee.

### **ARTICLE 13: COLLECTIVE BARGAINING**

- i) The Executive Committee shall establish the negotiating team and report the composition of the team to Council for approval.
- ii) The Executive Committee shall be responsible for supervising the work of the negotiating team and approving bargaining positions and strategies recommended by the negotiating team.
- iii) The negotiating team shall proceed in accordance with a collective bargaining protocol to be determined by Council upon recommendation by the Executive Committee and the negotiating team. (See QUFA Policies and Protocols for the "Revised QUFA Protocol Regarding Authority and Process for Collective Bargaining, 2010")
- iv) Any Collective Agreement negotiated shall take force only upon ratification by members of the bargaining unit in accordance with the relevant provisions of The Ontario Labour Relations Act.
- v) Ratification votes shall be secret and normally conducted by on-line ballot, and voting results shall be reported by email to the membership.
- vi) Authorization for work action of any type shall be in accordance with the Labour Relations Act and in any event by a simple majority of members of the bargaining unit who vote by secret ballot.
- vii) In the event of a strike, no return to work shall be agreed to except with the agreement of the majority of the members of the bargaining unit present at a General Meeting at which the back-to-work agreement is considered.

### **ARTICLE 14: VACANCIES**

- i) The Council shall fill any vacancies in the membership of any committee whose staffing lies within Council jurisdiction; the Executive Committee shall fill any vacancies arising by resignation or otherwise in the membership of committees whose staffing lies within the jurisdiction of the Executive Committee.
- ii) Any vacancy in the membership of Council, arising by resignation or otherwise, should be filled as soon as possible by an election in the affected unit. The term of any member of Council elected to fill a vacancy in a by-election shall normally commence immediately upon election and shall terminate when the term would normally have ended for the Councillor she or he is replacing.
- iii) Any required absence of two months or more on the part of a Councillor shall be considered a temporary vacancy in his or her position. Should the required absence be up to six months, the position may be filled (via by-election of the unit) temporarily by an alternate, until the Councillor is able to resume his or her role on Council.

- iv) Any required absence of two months or more on the part of an Officer shall be considered a vacancy in his or her position. Should the absence be less than six months, the position may be filled by another Executive member temporarily until the Officer is able to resume his or her role.
- v) Any Officer appointed by Executive and approved by Council to fill a vacancy during the first year of a two-year term shall serve out the first year of the term. An election must be held in accordance with the By-laws to fill the position for the second year of the term.

#### **ARTICLE 15: FINANCES AND AUDITING**

- i) All money received by the Association shall be deposited to one or several accounts in the Association's name. The signing officers shall be the President, Vice-President, Past President and the Treasurer, and the signatures of any two of them shall be sufficient authorization for the drawing of funds from such accounts.
- ii) The Treasurer, in consultation with the Standing Committee on Finance, shall draw up a yearly budget for Council approval and membership approval at the Spring General Meeting, monitor expenses, and recommend any change in membership fees to Council.
- iii) A professionally designated accountant shall be appointed as auditor every year by the Executive Committee, subject to approval by Council. The auditor shall examine the accounts of the Association and shall submit a report to the Executive Committee. After receipt by the Executive Committee, the auditor's report shall be presented to Council within two months, and then to the membership at the next General Meeting as part of the Treasurer's report.
- iv) The fiscal year of the Association shall be established by By-law.

#### **ARTICLE 16: AFFILIATIONS**

The Association may affiliate with international, national, provincial and regional organizations for the advancement of the interests of academic staff. New affiliations, as well as disaffiliations, shall be subject to a vote of the members of the Association at a General Meeting.

#### **ARTICLE 17: BY-LAWS**

- i) The Association may make By-laws in order to carry out its purposes in accordance with the Constitution, including, but not limited to, By-laws pertaining to:
  - a. The establishment of the electoral units of the Council of Representatives, and the number of representatives for such units;
  - b. The nomination and election of Officers, Councillors, and members of the Executive Committee;
  - c. The composition and procedures of the Nominations and Elections Committee;
  - d. The filling of vacancies in the positions of Councillor, Officer, committee member or other Association positions;
  - e. The establishment of the Fiscal Year;
  - f. Rules of Procedure for meetings;
  - g. Protocols and policies governing Association practices not covered by the

Constitution;

- h. The removal of Officers, other Executive Committee members, and Councillors.
- ii) Amendments to the By-laws require a majority vote of those present at any scheduled General Meeting of the members.
- iii) Proposed amendments to the By-laws must be circulated with the notice of any scheduled General Meeting.



## BY-LAW NO. 1 – GENERAL

### A. NOMINATIONS, ELECTIONS, APPOINTMENTS

- i) There shall be a Nominations and Elections Committee appointed annually by Council by January. At least one member of the Nominations and Elections Committee must be a Term or Continuing Adjunct faculty member. Membership shall include:
  - a. the Vice-President (or in the absence of a Vice- President, the Past President) who shall serve as Chair of the Committee;
  - b. the Equity representative on Executive or Council;
  - c. two additional members of Council who are not on the Executive Committee;
  - d. one additional member of the Executive Committee who is not on Council;
  - e. two members who are neither on Council nor on the Executive Committee.
  
- ii) The mandate of the committee shall be:
  - a. To prepare a slate of candidates for those Officer positions (President, Vice-President, Secretary, Treasurer) which are vacant or for which the current incumbent's term will expire on June 30<sup>th</sup>. Note: The Past President position is not elected.
    - (1) All QUFA Members shall be invited in January and/or February to submit names of persons to fill all vacant Officer positions. Nominations need not be seconded but the nominee must agree to stand for election. Members may nominate themselves.
    - (2) Should a person holding one elected Office (President, Vice-President, Secretary, Treasurer) within the Association wish to hold another, he or she shall resign the first upon election to the second position. Any vacancy thus created shall be filled according to the same procedures and at the same time as the election of other Officers.
    - (3) Nominations shall close one week prior to the Spring General Meeting for all positions for which there is at least one candidate.
    - (4) Nominations will be accepted after the close of Nominations, including nominations from the floor. Such nominations require a 2/3 approval vote at the meeting for the candidate to stand for the position.
    - (5) A slate of candidates will be presented at the Spring General Meeting of the Association each year.
    - (6) If there is only one candidate for a position, that candidate is acclaimed. If there is more than one candidate nominated for a position, an election will be held at the meeting by written ballot. Election will be by simple plurality.
  - b. To prepare a slate of candidates for those positions of Chair and Alternate Chair of Council which are vacant or for which the current incumbent's term will expire on June 30<sup>th</sup>.
    - (1) An invitation shall be issued to all Councillors by the March Council meeting to submit names of persons to fill the positions of Chair and/or Alternate Chair of Council. Nominations need not be seconded but the nominee must agree to stand for election.

- Members may nominate themselves.
    - (2) A slate of candidates shall be presented at the April Council meeting. For positions with no candidate, nominations will be accepted from the floor at the meeting.
    - (3) If there is only one candidate for a position, that candidate is acclaimed. If there is more than one candidate for a position, an election will be held at the Council meeting by written ballot. Election will be by simple plurality.
- c. To notify electoral units of expiring terms and vacancies on Council and the need to elect new representatives.
  - (1) A Candidate for Council must be a member of the electoral unit that he/she represents. Joint appointees may represent one but not both electoral units simultaneously; cross-appointees may represent only the electoral unit that includes their home unit.
  - (2) Candidates for Council must be nominated by at least two members within the candidate's electoral unit, who are also members of the Association. The candidate must be a member of the Association and must indicate in writing his or her consent to run. The election shall take place by secret ballot of the members of the electoral unit.
  - (3) If there is only one candidate for a position, that candidate is acclaimed. The name of the candidate must be circulated by email or other means that will ensure that all QUFA bargaining unit members in the unit are informed.
- d. To recommend to the Executive Committee, candidates for the positions of Chair (or Co-Chair) of and membership on the Committee for the Management of the Collective Agreement (CMCA), the Joint Committee to Administer the Agreements (JCAA), the Grievance Committee, and the Political Action and Communications Committee (PACC), and for the positions of the Equity Representative on Council and the Executive and Members-at-large on the Executive. The Treasurer is ex officio Chair of the Finance Committee; the Past President is ex officio Chair of the Staff Relations Committee.
- e. To prepare a list of Members upon whom the Association might draw to fill mid-term vacancies as well as positions on Association committees, joint employer-Association committees, university committees, task forces, and external bodies.
- f. In the absence of a protest in writing to the Secretary, to destroy written ballots one month after public announcement of the results or a vote.

## B. Council Representation

- i) The Executive Committee shall establish an *ad hoc* committee to reassess the unit representation to Council every fifth year or in any year after major restructuring of one or more units has occurred so as to ensure appropriate representation for each unit.

Provision for Council's Weighted Voting by Unit:

A weighted vote may be requested by a member at any time. The weighted voting system by unit works as follows:

Units with 1-20 members: 1 vote per Council representative  
Units with 21-40 members: 2 votes per Council representative  
Units with 41-60 members: 3 votes per Council representative  
Units with 61-80 members: 4 votes per Council representative  
Units with 81+ members: 5 votes per Council representative

The numbers of members per unit will be determined before the September Council meeting and will be based on the data available in the previous winter term.

Unless otherwise specified by the Constitution or By-laws, and with the exception of matters of procedure, resolutions shall be adopted by a majority of votes cast.

- ii) In electoral units composed of more than one academic unit, rotation of representation is strongly encouraged;
- iii) Regarding situations in which QUFA faculty members are affiliated with more than one electoral constituency:
  - a. Adjuncts are eligible to serve as academic unit representatives.
  - b. Adjuncts are eligible to vote for Council representatives from their electoral unit, as well as for the adjunct Council representative. This vote will normally be conducted electronically to facilitate Adjunct member participation.
  - c. Faculty members who are cross-appointed may vote only as members of the unit in which they are paid (home unit).
  - d. Faculty members who are appointed jointly shall vote as members of the unit in which they normally perform the greater amount of their academic work. If they have roughly equivalent work in each department, they shall choose one in which to vote. They may choose differently in different years.
- iv) Term Adjuncts shall receive one Council representative for every 100 Term Adjunct members in the bargaining unit, which means that the number of representatives may change from year to year.
- v) If a new unit is formed, then a representative(s) for that unit shall be added to the Council. Likewise, if a unit merges or disappears, then that unit will no longer have separate representation at Council. This means that the number of representatives may change from year to year.
- vi) Present unit organization is described below.

### Council Representation

Electoral Unit	# of Representatives	Weighted Vote
<b>ARTS &amp; SCIENCE</b>		
Art, Fine Art & Art Conservation	1	2
Biology & Environmental Studies	1	3
Centre for Teaching & Learning, Continuing & Distance Studies, Writing Centre	1	1
Chemistry	1	2
Cultural Studies, Gender Studies, Global Development Studies & Sociology	1	2
Drama & School of Music	1	3
Economics	1	2
English	1	2
Film & Media	1	1
Geography & School of Urban & Regional Planning	1	2
Geological Science	1	1
History, Classics & Jewish Studies	1	3
Policy Studies & Industrial Relations	1	1
Languages, Literatures & Cultures & French Studies	1	3
Mathematics & Statistics	1	2
Philosophy	1	1
Physics	1	2
Political Studies	1	2
Psychology	1	3
School of Computing	1	2
School of Kinesiology & Health Studies	1	2
School of Religion	1	1
<b>EDUCATION</b>	1	5
<b>ENGINEERING &amp; APPLIED SCIENCE*</b>		
Chemical Engineering	1	2
Civil Engineering	1	1
Electrical & Computer Engineering	1	2
Mechanical & Materials Engineering	1	2
RMB School of Mining	1	1
<b>HEALTH SCIENCES</b>		
Biomedical & Molecular Science	1	4
Public Health Science	1	1
School of Medicine (Other Departments)**	1	2
School of Nursing	1	2
School of Rehabilitation Therapy	1	2
<b>LAW</b>	1	2
<b>SCHOOL OF BUSINESS</b>	1	5

<b>LIBRARY &amp; ARCHIVES</b>	1	3
<b>OTHER REPRESENTATIVES</b>		
Equity Representative	1	1
Continuing Adjuncts***	1	5
Term Adjuncts***	3	15 (5 per Rep)
<b>Totals</b>	<b>41</b>	<b>98</b>

**\*Applied Science Units:** There are an additional 7 Members (Term Adjuncts) classified as “Applied Science”. When spread across the 5 units, they do not change weighted votes.

**\*\*School of Medicine (Other Departments):** These are any department where at least one person is a QUFA Member such as Pathology & Molecular Medicine, Hematology/Oncology, Obstetrics/Gynaecology and Psychiatry.

**\*\*\*Adjuncts:** As at January 2015, there were 355 Term Adjunct and 126 Continuing Adjunct Members. There is 1 Council Representative per 100 Adjunct Members and votes are weighted so that each 100 Members would have 5 votes. Thus each Adjunct representative is standing for the full 5 weighted votes.

### C. FISCAL YEAR

The Fiscal Year of the Association shall commence March 1.

### D. RULES OF PROCEDURE

#### Conflict of Interest:

- i) Conflict of Interest exists in situations where a QUFA official’s financial or other personal interest or that of an immediate family member or intimate is, or appears to be, in conflict with her or his responsibility to QUFA. For purposes of this by-law “immediate family member or intimate” includes a parent, child, sibling, spouse, or partner of the official, any family member living in the same household as the official, any person with whom the official has or has recently had an intimate relationship, and any other person about whose interests the official deems that he or she may not be adequately objective.
- ii) Any person serving on the QUFA Executive or Council of Representatives who is liable to a conflict of interest in respect to deliberations about internal QUFA business shall leave the room for the duration of the relevant discussion. The conflict can be declared by the person herself or himself, or by another member of the respective committee. If necessary, whether the person may participate in the relevant discussion or not will be decided by a vote of the committee.
- iii) It is not a conflict of interest for an official to participate in decisions or processes which may affect that official’s financial or other personal interest if the effect arises from the official’s membership in the bargaining unit generally or a significant group

within the bargaining unit.

#### **E. OTHER SOURCES OF PROCEDURAL RULES**

- i) In matters not determined by the QUFA Constitution and By-laws, and where it is relevant, Robert's Rules of Order, Newly Revised, 11th Edition, and whatever successor edition may be authorized and published by the Trustee of Robert's Rules Association, shall serve as the rules of procedure for meetings of the Association.
- ii) In matters not determined by the QUFA Constitution and By-laws, protocols and policies duly approved by the Executive Committee and Council of Representatives shall serve as rules of procedure for activities of the Association. These shall be available to Members in the same manner as the Constitution and By-Laws. Members shall be informed of additions, deletions and revisions of the Policies and Protocols of the Association at General Meetings.

#### **BY-LAW NO. 2 – INDEMNIFICATION BY-LAW**

Every director and officer of the Association and such person's heirs, executors and administrators, and estate and effects, respectively, shall from time to time and at all times, be indemnified and saved harmless, out of the funds of the Association, from and against:

- i) all costs, charges and expenses whatsoever which such person sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him/her for or in respect of any act, omission, deed, matter or thing whatsoever made, done, permitted, or omitted by him/her in or about the execution of the duties of his/her office; and
- ii) all other costs, charges and expenses which such person sustains or incurs in relation to the above, except the costs, charges or expenses occasioned by his/her own willful neglect, default, or criminal conduct.