

# **Constitution of the University of Ontario Institute of Technology Faculty Association**

## **ARTICLE 1 - NAME**

1.1 This organization shall be known as THE UNIVERSITY OF ONTARIO INSTITUTE OF TECHNOLOGY FACULTY ASSOCIATION. It shall also be known as UOITFA and shall hereinafter be referred to in this document as the Association

## **ARTICLE 2 - OBJECTIVES**

2.1 The Association is the professional organization of the academic staff of the University of Ontario Institute of Technology. The objectives of the Association are:

a) to promote academic freedom and to advance teaching, research, and other pursuits of the academic staff at the University;

b) to represent academic staff in all discussions and negotiations with the University on all matters concerning remuneration and working conditions.

c) to facilitate the exchange of ideas between the Association and the broader University community, as well as the general public;

d) to promote the joint interests of the Association and affiliated organizations.

## **ARTICLE 3 - AFFILIATIONS**

3.1 All members of the Association shall be members of the Canadian Association of University Teachers, also known as CAUT, upon approval of the UOITFA as a member of CAUT.

## **ARTICLE 4 - MEMBERSHIP AND DUES**

4.1 Full Membership in the Association is open to all members of the academic staff below the rank of Associate Dean. Those eligible for membership include tenured and tenure-track faculty members and department chairs.

4.2 All members of the Association are full members save and except for Associate members under Article 4.7 of this Constitution.

4.3 Membership shall be established by the payment of dues by those eligible. Failure to pay dues for a period of three months while being paid by the University shall result in suspension of membership. Contract academic staff members with a reasonable expectation of continuing employment shall remain members in good standing during the periods between employment contracts.

4.4 Dues will be determined by the members in a duly constituted meeting. Proposed changes to the level of dues are to be made by the Executive, with notice of the proposed change circulated to the members of the Association in writing at least 15 days before the meeting. 50% plus one of those voting at the meeting shall be sufficient to approve a change.

4.5. Membership may continue until an appointment with the University is terminated; or until a change of status results in ineligibility for UOITFA membership. Members on recognized leave from the University are eligible to maintain their membership in the Association during the period of leave.

4.6. Any member may withdraw from membership upon written notice to the Treasurer of the Association.

4.7 Individuals who upon retirement at the UOIT are members of the Association shall be eligible for an Associate Membership. Associate Members shall have the right to attend and be heard at meetings of the Association, unless the Chair of the meeting specifies otherwise. Associate Members shall not have a vote at meetings, but may place items on the agenda of executive or general meetings of the association, with the consent of the chair of the meeting. Associate Members shall continue to receive newsletters and bulletins of the Association, with the agreement of the executive. Dues for Associate Members shall be set according to article 4.4 of this Constitution.

## **ARTICLE 5 - EXECUTIVE COMMITTEE**

5.1 The Executive Committee of the Faculty Association shall consist of:

- a) President
- b) Vice President
- c) Secretary
- d) Treasurer
- g) Representatives from the Faculties and Schools at the University (one from each)
- h) Past President (ex officio).

5.2 The Executive Committee officers (President, Vice President, Secretary, and Treasurer) shall be elected at the Annual Meeting, as required. Terms in office shall generally be for two-years and shall commence on July 1 following the elections in April.

5.3 Candidates for the Executive Committee's officer positions shall be nominated by a Nominating and Elections Committee selected in the manner outlined in Article 10.8. The Nominating and Elections Committee will inform members of the Association by mail of the nominations at least 15 days in advance of the Annual Meeting. The Nominating and Elections Committee shall make every effort to ensure equitable representation of the membership on the Executive Committee. Additional nominations can be made by a motion from the floor at the Annual meeting.

5.4 Elections shall be conducted by secret ballot following the close of nominations for each position. Elections shall generally proceed in the following order: President, Vice President, Secretary, Treasurer. When two are nominated, the candidate receiving the larger number of votes shall be elected to office. In the event of a tie involving two candidates, a second ballot of the full membership shall be done subsequent to the meeting. If more than two persons are nominated, the person receiving the least votes shall be removed from the ballot and the process continued until a candidate is elected.

5.5 Only a full member of the Association in good standing shall be entitled to vote or to be nominated for office.

5.6 In the event that an office becomes vacant, the vacancy can be temporarily filled by the Executive Committee until an individual is properly installed into the vacant office by action of the membership at the Annual Meeting.

5.7 The members of the Association shall be divided in classes based on the Faculty and/or School in which they are primarily employed. A person may not claim membership in more than one Faculty or School. Members with joint or multiple appointments shall declare in which School or Faculty he/she wishes to be a member no later than March 1 of each year. In the event of a dispute as to which is the appropriate Faculty or School for a member, the matter shall be decided by the Nominations and Elections Committee.

5.8 To be eligible for election as a Representative to the Executive Committee, a member must be employed in the Faculty or School or come within the definition of the constituency for which she/he intends to seek election as a Representative. If a person ceases to be qualified as a Representative, the vacancy can be temporarily filled by the Executive Committee until an election can be held within the appropriate Faculty/School to replace said Representative.

5.9 Each College shall conduct an election of Representatives to the Executive Committee annually in May. The elected Representatives shall be the person in each Faculty and/or School who received the largest number of votes cast. In case of disputed elections, the determination of the Nominations and Elections Committee shall be final.

## **ARTICLE 6 - DUTIES OF EXECUTIVE COMMITTEE**

6.1 The President shall:

- 1) preside at all meetings of the Association and at meetings of the Executive Committee;
- 2) enforce the Association's Constitution and By-Laws and be responsible for the smooth and efficient operation of the Association;
- 3) be the official spokesperson of the Association, unless otherwise designated;
- 4) co-sign all cheques with the Treasurer and sign all contracts;
- 5) serve ex officio on all committees, except Nominations and Elections
- 6) set the agenda for meetings of the Association and Executive Committee.

6.2 The Vice-President shall:

- 1) perform the duties of the President in his/her absence. In cases of vacancy, the Vice-President shall succeed to the office of President until the election of a new President;
- 2) serve (ex officio) on the Negotiating Committee.

6.3 The Secretary shall:

- 1) issue notices for meetings of the Association and the Executive Committee;
- 2) maintain all records, documents and correspondence of the Association;
- 3) keep the minutes of Association and Executive Committee meetings;
- 4) oversee the communications activities of the Association.

6.4 The Treasurer shall:

- 1) be responsible for the care and custody of the funds and assets of the Association according to the usual practice;
- 2) present an account of the Association's finances at each General Meeting;
- 3) maintain books of account and make these available for inspection to the members of the Association on request
- 4) arrange for audits of the Association accounts, as necessary.

- 6.5 The Past President shall:
- 1) fulfill the duties of the President or First Vice President in their absence;
  - 2) represent the President as needed;
  - 3) chair the Nominations and Elections Committee.
- 6.6 The Representatives shall:
- 1) ensure that the particular concerns of their constituents are brought to the attention of the Executive Committee;
  - 2) communicate information back from the Executive Committee to their constituents.
- 6.7 The Executive Committee shall:
- 1) administer the affairs of the Association in all things, subject to the approval of the membership;
  - 2) make or cause to be made for the Association, in its name, any kind of contract which the Association may lawfully enter into
  - 3) determine the charge for, and appoint members to, the standing and ad hoc committees of the Association;
  - 4) appoint the Chief Negotiating Officer.

## **ARTICLE 7 - EXECUTIVE COMMITTEE RECALL**

- 7.1 The Executive Committee may by motion suspend a member of the Executive Committee who contravenes the policies, rules, or regulations of the Executive Committee and/or Association. Without limiting the generality of the foregoing, a member may be removed by the Executive Committee for:
- (i) inability to perform duties due to illness,
  - (ii) dereliction of duty,
  - (iii) breach of confidentiality.

7.2 A motion by the Executive Committee to remove must be supported by a 2/3 majority vote of the Executive Committee. The decision to remove a member of the Executive Committee must be placed before the membership for acceptance or rejection at a general meeting held within 30 days, pending which the member shall be suspended from the Executive Committee.

## **ARTICLE 8 - TRANSITIONAL PROVISIONS**

8.1 The first officers (President, Vice President, Secretary, and Treasurer) shall be elected at the founding meeting of the Association and shall take office immediately thereafter. Officers so elected shall hold office until the first annual election of officers is held in accordance with the Constitution.

## **ARTICLE 9 - ALTERNATES**

9.1 Representatives of Faculties/Schools on the Executive Committee shall have the right to name alternates who are from the same sub unit and are members of the Association in good

standing to sit in their place at meetings of the Executive Committee, provided that the President is so notified prior to the commencement of the meeting in question, in writing. Alternates satisfying these conditions shall have all the rights of the Representative for the meeting in which they are alternate.

9.2 Officers of the Association shall not have the right to name alternates except in their capacity, if any, as a representative of a particular constituency.

## **ARTICLE 10 - COMMITTEES**

10.1 There shall be Standing Committees on:

- (i) Negotiations
- (ii) Nominations and Elections

10.2 Standing Committees may only be established or abolished by a two-thirds majority vote at a General Meeting of the Association, following at least 15 days' notice of motion.

10.3 The Chairperson or a co-chair of each standing committee shall be chosen from among the membership of the Executive. Committee members will be selected by the Executive, subject to ratification at the first, subsequent, General Meeting of the Association. Each Standing Committee shall meet at the call of its Chair or at the call of any two if its members.

10.4 The Chairperson of each standing committee, or his/her designate, shall report to the general membership on activities of the committee at least once a year at an appropriate General Meeting, and as requested by the Executive Committee.

10.5 *Ad hoc* committees may be established or abolished at any Executive or General Meeting of the Association by a majority vote.

10.6 Committees of the Association shall not normally have fewer than 2, nor more than 6 members in addition to the committee chairperson. Committee appointments shall normally be for two-years and renewable for a second two-year term.

10.7 The Negotiations Committee shall be chaired by the President and shall include the Vice President, as well as three at-large members in good standing appointed by the President in consultation with the Vice-President. With the agreement of the President and the Vice President, the President may appoint up to 3 additional members to the Committee. The Negotiations Committee shall have primary responsibility for representing the interests of the membership to the University administration.

10.8 The Nominations and Elections Committee shall be appointed annually by the Executive Committee in January. The Committee shall be comprised of 1) the Past President (or, in the absence of a Past President, the Vice President) who shall serve as Chair of the Committee; 2) two of the Faculty/School Representatives on the Executive Committee; and 3) one member, not on the Executive Committee, named by the Vice President .

## **ARTICLE 11 - MEETINGS OF THE ASSOCIATION**

11.1. The Annual Meeting of the Association will be held in April.

11.2 A second General Meetings of the Association shall be held at least once each year, generally in the fall or winter semester. Normally, at least 15 days notice in writing of all meetings shall be given to members of the Association. An adequate but shorter notice in writing may be necessary in cases of emergency meetings.

11.3 Special meetings of the Association and meetings of the Executive Committee shall be held at the call of the President and/or Executive Committee.

11.4 The President must call a meeting of the Association within 21 days of the receipt of a written request of twenty members of the Association.

11.5 Failure of a member to receive notification of meeting will not invalidate any proceedings taken thereat.

## **ARTICLE 12 - QUORUM**

12.1 A quorum of the Association shall be 20% of the membership in person, *via* video conference and/or telephone. Quorum is assumed to exist unless it is questioned by a member present at the meeting. If, at a duly advertised meeting, it is established that there is no quorum, at the next meeting a quorum will be deemed to exist no matter how many attend.

12.2 At executive meetings, four members of the executive committee shall form a quorum.

12.3 At Committee meetings, a majority of the serving members of the committee shall form a quorum.

## **ARTICLE 13 - VOTING AND PARLIAMENTARY PROCEDURES**

13.1 The Chairperson of a meeting of the Executive Committee shall have a regular vote. In the case of a tie vote, the motion shall be held to fail and the *status quo* shall prevail.

13.2 The Chairperson of a General Meeting of the Association shall not vote except in case of a tie vote, and then shall cast the deciding vote.

13.3 Robert's Rules of Order (Newly Revised) shall govern the Association in any matters wherein they are not superseded by this Constitution, special rules of order, and such other policies as may be approved by the membership at a General Meeting of the Association.

## **ARTICLE 14 - REVISION OF CONSTITUTION AND BY-LAWS**

14.1 Changes in the Constitution of the Association may be approved by the membership at any meeting of the Association. Proposed changes must be forwarded to the Secretary (or Secretary/Treasurer) in time for circulation to the members of the Association at least 15 days

before the meeting. Constitutional changes must be ratified by a two-third vote of the members attending said meeting.

## **ARTICLE 15 - FINANCIAL MATTERS**

15.1 The fiscal year of the Association shall be from July 1st of each calendar year to June 30th of the succeeding calendar year.

15.2 The Executive is empowered to spend up to \$2,000 without prior approval of the membership. Any expenditure over \$500 will be reported to the membership at the next general meeting of the Association.

15.3 Every member of the Executive Committee who has, directly or indirectly, any interest in a contract or transaction to which the Association is, or is to be a party, other than as a member of the Association, shall declare his/her interest in such contract or transaction.

15.4 A member of the Executive Committee shall not vote or use personal influence on any matter requiring disclosure pursuant to Article 6.3 above and shall not be counted in the quorum for a meeting at which the Executive Committee shall decide on said matter. The member may briefly state a position on the matter and answer pertinent questions from the Executive Committee. The minutes of all actions taken on such matters shall clearly show that these requirements have been followed.

15.5 Except for reasonable expenses and release time, no remuneration shall be paid to Officers of the Association.

15.6 Every officer or other person undertaking any action or liability on behalf of the Association, either within the scope of his/her office or with the express authority of the Association shall be indemnified and saved harmless out of the funds of the Association from and against:

- i) any and all costs, charges, and expenses sustained or incurred in relation to the affairs of the Association, and
- ii) any and all costs, charges, damages, and expenses sustained or incurred with respect to any action, suit, or proceeding brought against her/him for any act or thing done or permitted by him/her in the execution of her/his duties, unless such costs, charges, damages, or expenses are occasioned by her/his own willful neglect or default.

15.7 The property and assets of the Association shall belong to the Association as a corporate entity; shall not constitute the property of any individual, and no member shall have any claim upon the property and assets of the Association on ceasing to be a member or at any time thereafter.

15.8 In the event of the dissolution or wind-up of the Association, all assets shall be assigned to a successor organization of academic staff at the University of Ontario Institute of Technology. Should a successor organization not exist at the time of dissolution or wind-up, the assets shall be transferred to a person or corporation designated by the Executive Committee as trustee. The trustee shall pay all liabilities and hold all remaining assets on terms and conditions established by the Executive Committee pending the establishment of a successor organization. Should no successor organization be established within two years of wind-up of the Association, any remaining assets of the Association shall be turned over to the Harry Crowe Foundation to advance the collective defense of academic freedom.