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Constitution of the University of Ontario Institute of Technology Faculty Association

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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;
- e) to foster democratic and collegial decision-making within the university.
- f) to promote and support equity, non-discrimination, and democracy within the Association and the broader University community such that every member of that community is treated with dignity and respect.

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.

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3.2 All members of the Association shall be members of the Ontario Confederation of University Faculty Associations, also known as OCUFA, upon approval of the UOITFA as a member of OCUFA.

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, department chairs, complementary faculty, full-time faculty (defined as those instructors teaching 3 or more classes in a semester for at least 2 consecutive semesters) members, and professional librarians.
- 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 Committee, with notice of the proposed change circulated to the members of the Association in writing at least 15 days before the meeting. Fifty percent (50%) plus one of those voting at the meeting shall be sufficient to approve a change.
- 4.5 Membership dues or their equivalent shall be deducted once monthly from the salary of each member.
- 4.6 Members shall have their fees waived if they are on leave without pay.
- 4.7. 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.

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- 4.8. Any member may withdraw from membership upon written notice to the Treasurer of the Association.
- 4.9 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 Committee. Dues for Associate Members shall be set according to article 4.4 of this Constitution.

ARTICLE 5 - EXECUTIVE OFFICERS, EXECUTIVE COMMITTEE AND EXECUTIVE COUNCIL

- 5.1 The Executive Committee carries on the business of the Association between general meetings. The Executive Committee implements the policies of the Association, administers the budget, and supervises the collective bargaining.
- 5.2 All members of UOITFA are eligible to occupy all positions on the UOITFA Executive Committee and the UOITFA Executive Council unless specifically excluded below.
- 5.3 The Executive Committee of the Faculty Association shall consist of:
- a) President (voting)
 - b) Vice-President (voting)
 - c) Secretary (voting)
 - d) Treasurer (voting)
 - e) Past President (non-voting)
 - f) Senior Grievance Officer (non-voting)
 - g) Junior Grievance Office (non-voting)
 - h) Chief Negotiating Officer (voting)
 - i) Two Members-at-Large (voting)
- 5.4 The Executive Council of the Faculty Association shall consist of:
- a) President (voting)
 - b) Vice-President (voting)

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- c) Secretary (voting)
- d) Treasurer (voting)
- e) Representatives from the Faculties and Schools at the University (one from each) (voting)
- f) Past President (non-voting)
- g) Senior Grievance Officer (non-voting)
- h) Junior Grievance Office (non-voting)
- i) Chief Negotiating Officer (voting)
- j) Two Members-at-Large (voting)

- 5.5 The Executive Officers shall consist of the President, the Vice-President, the Secretary, and the Treasurer and shall be elected at the Annual Meeting, as required. Terms in office shall generally be for two-years and shall commence on May 1 following the elections in April.
- 5.6 The Members-at-large and The Representatives from the Faculties and Schools at the University (one from each faculty or school) shall be elected after the Executive officers are elected. One Member-at-large shall be from the Teaching Faculty stream and one Member-at-large shall be from the Tenured/Tenure-track Faculty stream. Term for the Members-at-large shall be for two years and for each representative shall generally be for one year and both shall commence on May 1 following the elections in April.
- 5.7 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 email of the nominations at least 15 days in advance of the Annual Meeting. Members must be nominated in writing to the Nominating and Elections Committee by one other member of the Association. All advance nominations shall be publicly announced to the membership by the Nominating and Elections Committee at least 48 hours before the AGM. 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. After nominations close, for Executive positions where there is only one nominee, those nominees will be acclaimed. If they wish, candidates for any Executive position may have up to five minutes to speak about their candidacy to the membership at the AGM.

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- 5.8 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 and the Members-at-large and Representatives from the Faculties and Schools at the University (one from each). 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.
- 5.9 Only a full member of the Association in good standing shall be entitled to vote or to be nominated for office.
- 5.10 In the event that an office becomes vacant, the vacancy can be temporarily filled by a member appointed by the Executive Committee until an individual is properly installed into the vacant office by action of the membership at the Annual Meeting.
- 5.11 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.
- 5.12 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.

ARTICLE 6 - DUTIES OF EXECUTIVE COMMITTEE AND EXECUTIVE COUNCIL

- 6.1 The President shall:
- 1) preside at all meetings of the Association and at meetings of the Executive Committee and Executive Council;

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- 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 and Executive Council; and
- 7) sign documents necessary to further the interests of the Association.

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 and the Executive Council;
- 2) maintain all records, documents and correspondence of the Association;
- 3) keep the minutes of Association and Executive Committee and Executive Council 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;
- 5) recommend to the Executive the ways and means to invest any surplus funds.

6.5 The Past President shall:

- 1) fulfill the duties of the President or Vice-President in their absence;
- 2) represent the President as needed;
- 3) chair the Nominations and Elections Committee.

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6.6 The Member(s)-at-Large shall:

- 1) provide advice to other members of the Executive;
- 2) perform such duties as are from time to time requested by the Executive;
and
- 3) with the Past President organize elections and count ballots as per Articles 5 and 10.

6.7 The Representatives shall:

- 1) ensure that the particular concerns of their constituents are brought to the attention of the Executive Committee and Executive Council;
- 2) communicate information back from the Executive Committee and Executive Council to their constituents.

6.8 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 into which the Association may lawfully enter;
- 3) determine the charge for, and appoint members to, the standing and ad hoc committees of the Association;
- 4) appoint the Chief Negotiating Officer and the Bargaining Team;
- 5) appoint the Senior and Junior Grievance Officers;
- 6) appoint trustee and alternate trustee to CAUT Defense Fund;
- 7) appoint representative(s) to the Joint Health and Safety Committee;
- 8) appoint representative(s) to the Joint Pension and Benefits Advisory Committee; and
- 9) appoint representative(s) to any University or any joint committee where UOITFA representation is required.
- 10) appoint representative(s) to any Faculty Association committee.
- 11) approve UOIT Faculty Association Policies and Procedures, which cannot be in contradiction with this Constitution or any By-Law of the UOIT Faculty Association.

ARTICLE 7 - EXECUTIVE COMMITTEE RECALL

7.1 The Executive Committee may, by motion, suspend a member of the Executive Committee or who contravenes the policies, rules, or regulations of the Executive

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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 Council. 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 Council 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 Council, 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:

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- I. Nominations and Elections
- II. Collective Bargaining Committee
- III. Finance Committee
- IV. Grievance Committee
- V. Equity Committee

10.2 There shall be Committees on:

- I. Governance
- II. UOITFA Service Award
- III. Bargaining Team(s)

10.3 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.

10.4 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 of its members.

10.5 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.

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

10.7 Committees of the Association shall normally have no fewer than 2, or 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.

10.8 A Bargaining Team shall be established for each Bargaining Unit prior to the expiry of its Collective Agreement, shall be chaired by a Chief Negotiating Officer and shall include two at-large members in good standing appointed by the Executive in consultation with the Chief Negotiating Officer. With the agreement of the Chief Negotiating Officer, the Executive may appoint 3 additional members to the Committee. The Bargaining Team shall have primary responsibility for representing

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the interests of the membership to the University administration during bargaining of that Collective Agreement.

- 10.9 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 Council; and 3) the Members-at-Large.
- 10.10 The Collective Bargaining Committee shall be chaired by the Vice-President of the UOIT Faculty Association. The Committee will support the work of the Bargaining Team of each Bargaining Unit by advising and supporting their bargaining activities. The Committee will include at minimum one Teaching Faculty Member and one Tenured/Tenure Track Faculty Member not currently on a Bargaining Team plus the Chair.
- 10.11 The Finance Committee shall be chaired by the Treasurer of the UOIT Faculty Association. This Committee will oversee the financial health of the Faculty Association and make recommendations on investments (where appropriate), examine the fiscal situation of the Faculty Association, and, in conjunction, with the Treasurer, prepare the Annual UOIT Faculty Association Budget. The Committee will include at minimum one Teaching Faculty Member and one Tenured/Tenure Track Faculty Member plus the Chair.
- 10.12 The Grievance Committee shall be co-Chaired by the two Members-at-Large (one Teaching Faculty Member and one Tenured/Tenure Track Faculty Member) of the UOIT Faculty Association. The Committee will review grievances that come forward. The Committee will include at minimum one Teaching Faculty Member and one Tenured/Tenure Track Faculty Member plus the co-Chairs.
- 10.13 The Equity Committee shall be open to all Association members of equity-seeking groups with its Chair to be elected from the committee membership, subject to Executive and membership ratification in accordance with this constitution. The Committee shall be responsible for exploring and advancing equity issues within the Association and the University.
- 10.14 The Governance Committee shall address issues related to governance.

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10.15 The UOIT Faculty Association Service Award shall be given in recognition of the service that faculty members provide to the University. This award be accompanied by a financial award of \$750.00 The Committee of Teaching Faculty Members and Tenured/Tenure Track Faculty Members to be chaired by the UOITFA Staff Officer will determine the recipient.

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 30 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 and Executive Council 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 fifteen percent (15%) 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 Committee meetings, four (4) voting members of the Executive Committee shall form a quorum.

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- 12.3 At Executive Council meetings, forty percent (40%) of voting members of the Executive Council shall form a quorum.
- 12.4 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 must 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.
- 14.2 Creation of and changes to By-Laws of the Association must 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. By-Law changes must be ratified by a majority vote of the members attending said meeting.

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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 Committee 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 or Executive Council 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 or Executive Council shall not vote or use personal influence on any matter requiring disclosure pursuant to Article 15.3 above and shall not be counted in the quorum for a meeting at which the Executive Committee or Executive Council shall decide on said matter. The member may briefly state a position on the matter and answer pertinent questions from the Executive Committee or Executive Council. 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.

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- 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.