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UTFA By-Laws

University of Toronto Faculty Association
General By-Laws

(As approved at the Annual General Meeting, April 6, 2017)

Article 1: Interpretation

1.1 Where there is a conflict between the University of Toronto Faculty Association Constitution and the University of Toronto Faculty Association By-Laws, the Constitution shall take precedence.

1.2 For purposes of these By-Laws, 'communication' shall be understood to mean transmission through both written and electronic media.

1.3 Unless otherwise specified, everything in this document applies to all units of the Association.

Article 2: The Executive Committee

2.1 The Executive Committee of the Association shall consist of the President, three Vice-Presidents, Treasurer, and Chairs of all Standing Committees plus up to three members-at-large. The President normally chairs the Executive Committee.

2.2 At the discretion of the President, a Counsel engaged by the Association may be an ex officio non-voting member of the Committee.

2.3 The Executive Committee is charged with carrying out the responsibilities of the Association, as

formulated by Council, under the leadership of the President and put into effect by the Vice-Presidents and committees of the Association.

2.4 The Executive Committee solicits advice, when necessary, from committees and members, considers resolutions passed by committees, and makes recommendations to Council.

2.5 The Executive Committee shall have the authority to review any proposed collective agreement reached by the USMC unit and to decide whether or not to send said agreement to the unit membership for a ratification vote. Upon request, individual Council members shall be given the opportunity to review the proposed collective agreement and provide comments to the Executive Committee prior to Executive approval. Approval for a ratification vote shall normally be forthcoming, unless in the opinion of the Executive Committee, there are extraordinary circumstances. The Executive Committee shall make its decision regarding approval in a timely fashion; usually within one week of the proposed collective agreement having been reached.

2.6 The Executive Committee meets at the call of the President (approximately every two weeks from September to June) to conduct the business of the Association on behalf of the Council. A quorum shall consist of a majority of its voting members, including the President or the President's designate.

2.7 The Executive Committee is accountable to the President of the Association and to Council.

2.8 An Office Staff Relations Committee shall be formed as a sub-committee of the Executive Committee. The committee shall consist of the President, Vice-President Grievances, Vice-President Salary, Benefits, Pensions and Workload, the Treasurer, and one other member of the Executive Committee appointed by the Executive Committee. An incumbent Executive Director will serve as a non-voting member of the Committee. The Office Staff Relations Committee shall consider a variety of personnel matters as they arise including hiring, job descriptions, contract terms, performance reviews and terminations. Decisions will be determined by a majority vote. The Committee shall meet and report to executive on a regular basis, at least twice each academic term. The goal of the Committee is to ensure that best practices are employed in the above-mentioned tasks and that the office is meeting the needs of the Association.

2.9 Members of the Executive Committee shall be indemnified and saved harmless from actions arising from or related to their authorized conduct as representatives of the Association.

2.10 At any meeting of Council, a motion of non-confidence may be passed resulting in the recall of any member of the Executive other than the President. Without limiting the generality of the foregoing, a member of the Executive may be recalled by the Council because of:

i. failure to adequately perform duties;

ii. dereliction of duty;

iii. breach of confidentiality; or

iv. conduct detrimental to the Association

Council and the Executive member(s) in question shall be given no less than 10 calendar days' written notice of any motion of non-confidence along with the names of no less than ten (10) members of Council who support the motion. Any member of the Executive Committee subject to a motion of non-confidence who wishes to remain in office shall have the opportunity to appear in person before the Council to respond to the motion, or may elect instead at his or her sole discretion to respond in writing no less than two days prior to the Council meeting at which the non-confidence motion is to be considered.

A motion of non-confidence shall be given effect by means of a two thirds majority vote of the members of Council in attendance at the Council meeting during which the non-confidence motion is being considered. If a motion of non-confidence passes, the Executive member named in the motion shall be recalled and a by-election shall be held to fill the resulting vacancy within one month of the recall. Any member of the Executive recalled by means of a non-confidence vote by the UTFA Council shall be eligible to be a candidate in the by-election.

Article 3: Terms of Reference for the President

3.1 The President of the Association is responsible for representing the Association's views to the people of Ontario, the governing bodies of the province, the University of Toronto Administration, appropriate labour and professional agencies, and the media on behalf of the Association.

3.2 The President is responsible for articulating the philosophy and policies that are promoted through the statements and actions of the Association. This responsibility includes the interpretation of Association positions on issues that affect the entire Association and its relations with other agencies within and beyond the University.

3.3 The President is responsible for the maintenance of accurate and timely minutes and the efficient tabulation and availability of all motions passed by General Meetings and Council.

3.4 The President is a principal signing Officer for the Association. Every payment in excess of $10000 must be approved and signed by the President, and one other signing Officer.

3.5 The President shall monitor the fiscal health of the Association. This responsibility includes consulting with the Treasurer to create and maintain a responsible budget for all authorized Association business. The President must be consulted about all proposed budgets and changes to budget lines prior to their submission to the Executive.

3.6 The President or the President's designate has authority to speak for the Association. This normally includes approving the content of Association newsletters, media releases and websites that communicate the Association's views on issues of concern.

3.7 As the principal officer of the Association, the President has authority over the office staff and the day-to-day functioning of the Association. Specific duties may be delegated by the President (including to an Executive Director).

3.8 At Executive Committee meetings, the President may chair or may ask a member of the Executive to be Chair. At Council Meetings, the President shall chair only in the absence of a Speaker. In both Council and Executive Council meetings, the Chair may vote only to break a tie.

3.9 The President is an *ex officio* member of all Association committees and of all negotiating teams, except those in the USMC unit or as otherwise specifically excepted.

3.10 The President represents the Association on the Joint Committee with the University of Toronto Administration and, as required, attends meetings of the Governing Council, Academic Board, Business Board, the Pension Advisory Committee and other University bodies. The President or the President's delegate shall be a member of the Joint Committee with the Collegium of the University of St. Michael's College.

3.11 The President is responsible for informing his/her successor about current activities and policies of the Association, and for maintaining accurate written records of all actions and correspondence (including facsimile and electronic-mail) within her/his portfolio as well as for transmitting this information in an organized and timely fashion to a successor, in order to insure a smooth transition when the President completes the term of office.

3.12 The President shall not serve concurrently as the President of either CAUT or of OCUFA.

Article 4: Terms of Reference for the Past-President

4.1 Following the completion of the term of office, a President of the Association shall serve as Past-President during the succeeding presidential term(s).

4.2 The Past-President serves as an *ex officio* member of Council during the succeeding presidential term(s).

4.3 At the request of the President, and in the absence of a president-elect, the Past-President may act as the President's deputy during temporary absences of the President.

4.4 The Past-President may serve in special capacities at the request of the President, the Executive Committee or Council.

Article 5: Terms of Reference for the Vice-President, Salary, Benefits, Pensions and Workload

5.1 Unless otherwise stated, the responsibilities of the Vice-President, Salary, Benefits, Pensions and Workload, of the Salary, Benefits, Pensions and Workload Committee, and of the Negotiating Team consist only of matters relating to negotiations or agreements with the University of Toronto Administration. This shall not preclude the Vice-President from acting as a signing Officer for expenses related to the USMC unit.

5.2 The Vice-President, Salary, Benefits, Pensions and Workload is responsible for identifying and negotiating improvements (under Article 6 of the Memorandum of Agreement) in salary, benefits, pensions and workload for members of the Association.

5.3 The Vice-President chairs the Salary, Benefits, Pensions and Workload Committee, which oversees past and present salary, benefits, pensions and workload agreements at the University of Toronto and monitors such agreements at other universities.

5.4 The Salary, Benefits, Pensions and Workload Committee shall include a minimum of two retired members.

5.5 Upon consultation with the Committee, the Vice-President compiles a bargaining platform for salary, benefits, pensions and workload improvements for members of the Association, communicates this information to the Executive Committee, and presents it to Council for confirmation. Members of the Committee, as representatives of Council, shall maintain confidentiality on all negotiating matters.

5.6 The Vice-President recommends the composition of the Negotiating Team to Council. The Vice-President normally serves as Chief Negotiator; if not, the Vice-President should maintain close contact with the Chief Negotiator.

5.7 The Vice-President is responsible for presenting an accounting of the success of current negotiations to the Executive Committee and Council and, where appropriate, calling for confirmation of settlement terms by Council.

5.8 The Vice-President represents the Association at the Joint Committee with the University of Toronto Administration, the University of Toronto's Presidential Advisory Committee on Pensions, and the OCUFA Collective Bargaining Committee.

5.9 The Vice-President is a signing Officer for the Association.

5.10 The Vice-President reports to the Executive Committee and to Council.

5.11 The Vice-President is responsible for maintaining accurate written records of all actions and correspondence (including facsimile and electronic-mail) within her/his portfolio, and for transmitting this information in an organized and timely fashion to the President and, ultimately, to a successor.

5.12 The Vice-President shall not serve concurrently as the President either of CAUT or of OCUFA.

Article 6: Terms of Reference for the Vice-President, Grievances

6.1 The Vice-President, Grievances monitors and seeks remedies for violations of existing University of Toronto policies and terms of the Memorandum of Agreement. The Vice-President seeks remedies for violations of USMC unit collective agreements to which the Association is a signatory, in consultation with local Grievance Officers.

6.2 The Vice-President chairs the Grievances Committee that oversees the grievance work of the Association. The Vice-President ensures the training and coordinating of staff and volunteers working on grievance cases.The USMC unit Grievance Officer is an ex officio member of the Grievances Committee.

6.3 The Vice-President consults with individual members of the Association about the process and

probable outcomes of grievance procedures at various levels.

6.4 The Vice-President oversees initiating and maintaining case files and, where appropriate, consults with a Counsel engaged by the Association.

6.5 The Vice-President represents the Association at the Joint Committee with the University of Toronto Administration and any other relevant University committees.

6.6 The Vice-President is a signing Officer for the Association.

6.7 The Vice-President reports to the Executive Committee and to Council.

6.8 The Vice-President is responsible for maintaining accurate written records of all actions and correspondence (including facsimile and electronic-mail) within his/her portfolio, and for transmitting this information in an organized and timely fashion to the President and, ultimately, to a successor.

6.9 The Vice-President shall not serve concurrently as the President either of CAUT or of OCUFA.

Article 7: Terms of Reference for the Vice-President, University and External Affairs

7.1 The Vice-President, University and External Affairs is responsible for monitoring matters pertaining to the Association's relationship with CAUT, OCUFA and other faculty associations, and advising appropriate committees within the Association regarding any matter which may have implications for the well-being of Association members.

7.2 The Vice-President chairs the University and External Affairs Committee, which oversee matters arising from the Policies and Procedures of the University of Toronto, and issues concerning the relationship between members and bodies outside the University.

7.3 The Vice-President informs the committees within the Association, which monitor specific areas within the policies and procedures, of changes in University policies for consideration by these committees.

7.4 The Vice-President represents the Association's position to government officials as well as advocacy groups and coalitions whose interests are of importance to the University.

7.5 The Vice-President represents the Association at OCUFA and CAUT, and the Joint Committee with the University of Toronto Administration and at any other relevant University committees.

7.6 The Vice-President shall normally be the Executive Committee member appointed to the USMC unit Leadership Team and the USMC unit Bargaining Team.

7.7 The Vice-President is a signing Officer for the Association.

7.8 The Vice-President reports to the Executive Committee and to Council.

7.9 The Vice President is responsible for maintaining accurate written records of all actions and

correspondence (including facsimile and electronic-mail) within her/his portfolio, and for transmitting this information in an organized and timely fashion to the President and, ultimately, to a successor.

7.10 The Vice-President shall not serve concurrently as the President either of CAUT or of OCUFA.

Article 8: Terms of Reference for the Treasurer

8.1 The Treasurer assists the President, Executive Committee and Council with long-term financial planning and control of the Association's monies and assets.

8.2 The Treasurer is a principal signing Officer for the Association.

8.3 The Treasurer oversees the preparation of the annual budget, in consultation with the President, the Executive Committee, and other relevant parties. An interim budget shall be presented for discussion at the June Council meeting. The final budget shall be presented for approval by Council no later than October 31st following.

8.4 The Treasurer is responsible for the Association's financial assets, including bonds, money market accounts and other financial instruments; oversees the investments of the Association to ensure that they are made prudently; and maintains sound relations with banks and other financial organizations.

8.5 The Treasurer maintains a record of money budgeted, received, owing and spent. A summary statement of the Association's fiscal status shall be provided for each regular meeting of Council.

8.6 The Treasurer oversees the annual audit of the Association's accounts. The audited financial statements of the Association's revenues and expenditures for the preceding fiscal year shall be submitted to the membership at the Annual General Meeting.

8.7 The Treasurer reports to the Executive Committee and to Council.

8.8 The Treasurer is responsible for maintaining accurate written financial records and correspondence (including facsimile and electronic-mail) within her/his portfolio, and for transmitting this information in an organized and timely fashion to the President and, ultimately, to a successor.

8.9 The Treasurer shall not serve concurrently as the President either of CAUT or of OCUFA.

Article 9: Terms of Reference Applicable to Committees

9.1 Committees are responsible for carrying on the work of the Association. Committees may reflect specific concerns of members of the Association, or they may be charged with responsibility for a specified segment of University Policies and Procedures, or they may be given responsibility for Association activities.

9.2 Committees may be given a fixed term or may be given a continuing mandate.

9.3 A Chair, whose appointment is confirmed by Council, shall head each committee.

9.4 Committees consist of regular members of the Association, and must be confirmed by Council.

9.5 Committees are responsible for advising the President and Vice-Presidents about issues relating to current policies and procedures (including appointments and work conditions), violations of those policies and procedures, and proposals for improvements that can be obtained through grievances and/or salary, benefits, pensions and workload negotiations.

9.6 Committees provide members with access to the services available from the Association. Committees can answer queries directly, use queries to formulate policy recommendations for consideration by the Executive, or direct the members to the Grievances Committee.

9.7 Committee Chairs are responsible for seeing that issues from their portfolios are dealt with in timely fashion. This includes ensuring that the Executive Committee and Officers of the Association deal appropriately with questions and suggestions. This also includes ensuring that individuals, who have raised an issue, are kept informed of its progress and outcome.

9.8 Committee Chairs shall report regularly to the Executive Committee. Where action is recommended, this information will be presented to Council.

9.9 Committee Chairs are responsible for maintaining accurate written records of all actions and correspondence (including facsimile and electronic-mail) within her/his portfolio, and for transmitting this information in an organized and timely fashion to the President and, ultimately, to a successor.

Article 10: Terms of Reference for the Nominating Committee

10.1 A Nominating Committee will be struck in the following manner. The Executive Committee will suggest a slate of four names not later than five business days before the January Council meeting. One of those on the list will be a member of the Executive (or failing this, a Past-President) and one or two on the list will have been members of the Nominating Committee the previous year. Council will elect a fifth member of the Nominating Committee at the January Council meeting. The Nominating Committee will be approved by Council at that January meeting. The committee shall choose one of its members as Chair.

10.2 The Nominating Committee shall be appointed no later than February 1, allowing at least eighty (80) days to follow for deliberations and submission of the Committee's slate of Executive nominees by no later than May 1.

10.3 The Chair of the Nominating Committee will ask those members of the Executive whose terms are expiring, but who have not reached the six-year limit for their positions, if they would like to continue for another term. If they are interested in continuing in that position, incumbents may be nominated according to the rules and procedures set out in this Article and Article 9 of the Constitution. The Chair of the Nominating Committee will inform Council of the decisions of the current Executive, so that members of Council have ample time to recruit those UTFA members who are interested in running for any of the positions on the Executive Committee.

10.4 In compiling a slate of nominees pursuant to Article 9.2 of the Constitution, the Nominating Committee shall solicit and consider recommendations from the incumbent President and Executive Committee members, as well as Council.

The nominees will be colleagues who can be relied upon to be effective, responsive, creative and dedicated and also have the understanding of what it takes to have a responsible position in a collegial organization and to help enhance trust among colleagues. The Nominating Committee will make every effort to ensure that the proposed slate of nominees reflects the diversity of the Association's membership as far as possible with respect to employment category, discipline, campus and recognized equity groups. As part of that process, the Nominating Committee will attempt to recruit new people to the Executive Committee. The Nominating Committee will make every effort to ensure that there are at least sufficient nominees to fill all vacancies.

10.5 To enable the Nominating Committee to have clear discussions with the potential nominees about the positions, the Nominating Committee will provide information about (i) what the position entails based, for example, on comments from the incumbent, (ii) any description of the position that occurs in the Constitution and By-Laws, and (iii) the release time and stipend normally or likely to be associated with the position (but subject to change as permitted in Article 11).

10.6 The Nominating Committee provides an important communication and feedback mechanism supplementing the work of Council and the Executive Committee and, as a result, the Nominating Committee is encouraged to make suggestions relating to the work of the Nominating Committee, to be considered by Council the following year (e.g. through a Constitutional Review Committee).

10.7 A slate of nominees from the Nominating Committee shall be communicated in writing and by electronic-mail to all members of Council no later than May 1. In no way shall the recommendations of the Nominating committee be interpreted as other than recommendations. After the Nominating Committee has communicated the slate of nominees, nominations will be accepted until May 10, allowing members of Council time to propose additional nominations in writing. A minimum of two members of Council shall be required to nominate any additional Executive nominees (i.e. other than nominees proposed by the Nominating Committee). All nominees are expected to supply a short (maximum of one page) statement that outlines their goals for serving on the Executive Committee in that position (alternatively, the nominee may describe their goals orally at the May Council meeting). After the close of nominations, the full list of nominees (i.e. including the slate proposed by the Nominating Committee and any additional nominees), shall be communicated in writing and by electronic mail to all members of Council. Council shall retain the sole authority to elect the Executive Committee.

10.8 A candidate for an Executive Committee position (other than the President) may choose to serve for a one-year or a two-year term, but must declare his or her intention (one- versus two-year term) prior to May 1 for a candidate being considered for recommendation by the Nominating Committee, and prior to May 10 for any additional candidates.

10.9 At the first meeting of Council (no earlier than May 18) after the Annual General Meeting, Council shall appoint the Executive Committee (by ballot when necessary) from the slate of Nominating Committee nominees as presented no later than May 1 and nominees as received from members of Council by May 10.

10.10 Council, by regulation, shall establish guidelines for conduct of the Executive Committee appointments.

Article 11: Release times and stipends for the President and members of the Executive

11.1 So that potential candidates for positions on the Executive Committee will know the release times associated with those positions, the Executive Committee will establish the allocation of release time associated with each position on the Executive Committee including the President. This allocation will be subject to approval, with or without alteration, by Council. Every effort will be made to finalize the allocation applicable for the upcoming year no later than the February Council meeting. It is the expectation that the approved allocation will apply for the next academic year (i.e. commencing July 1), unless there are exceptional circumstances leading the Executive Committee to recommend, and Council to approve, the alteration of the previously approved in-year allocation of release time. Release time for any Executive Committee position will not normally exceed 0.8, except in exceptional circumstances and upon Council approval.

11.2 Stipends will continue in effect for individual Executive Committee positions, but are subject to adjustment by Council. Any such adjustment will normally not take effect until the next academic year (i.e. commencing July 1).

11.3 Release time for members of the UTFA-USMC Leadership Team is negotiated with the Collegium of the University of St. Michael’s College. The Leadership Team shall assign the negotiated release time among unit members as it deems appropriate, in a manner consistent with the collective agreement.

Article 12: Terms of Reference for Council

12.1 Council has responsibility for management of the Association, subject to any relevant provisions in the Constitution and By-laws.

12.2 Council shall normally approve Association positions, goals and objectives of all matters applicable to the membership concerning: salary, benefits, pensions and workload, appointments, and conditions of employment requiring negotiation with the University of Toronto Administration.

12.3 Council shall ratify all agreements made between the Association and the University of Toronto Administration, subject to Article 4.1 of the Constitution. The terms of all salary, benefits, pensions and workload agreements between the Association and the University of Toronto Administration shall be communicated to all members of the Association at least two weeks prior to Council's ratification meeting.

12.4 Council shall appoint all non-Presidential members of the Executive Committee (the three Vice-Presidents, the Treasurer, the Chairs of the Standing Committees, and the three members-at-large), and approve the membership of all Committees and Negotiating Teams.

12.5 Council normally meets monthly during the academic term (September to June).

12.6 Members of Council shall be indemnified and saved harmless from actions arising from or related to

their authorized conduct as representatives of the Association.

Article 13: Terms of Reference for Council Members

13.1 Council members represent the interests of their constituencies in committees and Council meetings, and keep constituency members informed about important Association matters.

13.2 Council members are eligible for re-election.

13.3 Council members shall work to increase membership in their constituencies and to improve the services offered by the Association to those members.

13.4 Council members should attend all meetings of Council, and the Annual and other general meetings of the Association.

13.5 During their term of office, Council members will normally serve on at least one Association committee or the Executive Committee.

Article 14: Membership in the Association

14.1 Membership in the Association shall be signified by signing a statement of intent and by paying the prescribed fees. Membership for currently employed members is normally continuing, without annual renewal. Membership for retired members is renewed upon payment of appropriate fees. Eligible retirees who wish to join UTFA during retirement and who did not retire as members of UTFA may join, subject to payment of a minimum of one year’s dues and agreement to remain members in good standing for a minimum of five continuous years subsequent to joining.

14.2 Currently employed regular members of the Association shall pay annual fees based on a percentage of their salary. The percentage (also known as a "mil rate") shall be approved at a general meeting. The Association may have a different mil rate for the USMC unit.

14.3 Fees for retired regular members shall be approved at a general meeting.

14.4 Fees for associate members shall be approved at a general meeting.

14.5 The Association shall inform all members of the Association of the actions of the Association on their behalf, including changes in University policies and the results of salary, benefits, pensions, and workload negotiations.

Article 15: Conflict of Interest

15.1 The terms of reference of Council; the Executive Committee; USMC Leadership Team; Salary, Benefits, Pensions and Workload Committee; Grievances Committee; University and External Affairs

Committee; bargaining and negotiating teams, and every other committee constituted by the Association shall include, or be deemed to include the following provision:

The Council/Committee shall be conscious of and sensitive to the issues of conflict of interest and apprehension of bias. A Council/Committee member who perceives an issue of possible conflict of interest or apprehension of bias on their own, or on the part of another member, whether it arises from a personal involvement or through the involvement of the member's constituency, shall raise it. The matter shall be discussed and then resolved by the remaining members of the Council/Committee who may direct the member to absent himself/herself, impose specified limitation on the member's involvement, or conclude that no action needs to be taken.

Article 16: Civility

16.1 Members of Council and all of its Committees and sub-committees have a duty to respect the rights of other members and to engage in discussion of Association business in a civil manner and in accordance with the rules of procedure as set out in Robert's Rules of Order

Article 17: Executive Director

17.1 When UTFA decides to hire an Executive Director, the Executive Committee will circulate the initial draft job description to Council for comment.

Article 18: Terms of Reference related to the USMC unit

18.1 The Association represents members employed by the University of St. Michael’s College (“USMC”) in a unit certified under the Labour Relations Act. This article describes the organization and operation of the Association’s USMC unit.

18.2 The UTFA-USMC Leadership Team shall consist of the Chair, the Grievance Officer, and a designate appointed by the Executive Committee from one of its members (normally the Vice-President, University and External Affairs). Candidates for the Chair and Grievance Officer positions must be members in good standing of the unit. Where more than one person stands for one of these positions, the winner shall be decided based on simple plurality of secret ballot votes cast by unit members. Where only one person stands for a position, that person shall be acclaimed. The Team member appointed by Executive shall be responsible for updating Executive and Council on relevant matters.

18.3 The term of office for Leadership Team positions shall be two years. Terms begin the July 1 following the election or acclamation and shallnormally be staggered, ending in alternating years.No Leadership Team member may serve in any one position on the Leadership Team for more than six consecutive years.

18.4 The USMC unit Chair is an exofficio member of Council, with all the rights and privileges of Council

membership, except the right to vote. Members of the USMC unit shall be formally represented on Council by the Saint Michael's College representative.

18.5 The USMC unit Chair is an ex officio member of the University and External Affairs Committee.

18.6 The USMC unit Chair shall keep USMC unit members informed about important Association matters and any other relevant issues. Consistent with Article 3, public communications are the responsibility of the President, and USMC unit public communications are subject to the Association's normal rules and practices.

18.7 The USMC unit Grievance Officer monitors and seeks remedies for violations of the UTFA-USMC collective agreement, under the direction of the Vice-President Grievances. The Grievance Officer consults with individual members of the USMC unit about the process and probable outcomes of grievance procedures at various levels. The Grievance Officer initiates and maintains case files. The Grievance Officer shall report regularly to both the USMC unit Chair and the Vice-President, Grievances. The Grievance Officer is an ex officio member of the Grievances Committee. The Vice-President, Grievances retains final authority for significant decisions, such as carrying specific cases, taking certain positions, assigning resources, settlement decisions, and referral to arbitration, after consultation with the Grievance Officer.

18.8 The USMC unit Chair and the Grievance Officer are each responsible for maintaining accurate written records of all actions and correspondence (including facsimile and electronic mail) within their respective portfolios, and for transmitting this information in an organized and timely fashion to their respective successors.

18.9 Although the USMC unit does not have separate membership and representation in CAUT or OCUFA, efforts shall be made to support the attendance of member(s) from the Leadership Team or other appropriate member(s) from the unit to attend relevant events.

18.10 There shall be at least one general meeting of the unit membership every year. This meeting shall normally be held in the spring and shall include the election of Leadership Team members, if necessary. Additional unit meetings may be held, as deemed appropriate by the Leadership Team.

18.11 A Bargaining Team shall be formed for each round of collective bargaining with the Collegium of the University of St. Michael's College. The membership of the Bargaining team shall include one member of the UTFA Executive Committee (normally the Vice-President, University and External Affairs), appointed by the Executive, and one or more members of the USMC unit, elected by the unit members by secret ballot vote. Where more USMC unit members stand for the Bargaining Team than there are positions available, the positions shall be filled based on simple plurality of secret ballot votes cast by unit members. The member from the Executive shall be a regular, voting member of the Bargaining Team and shall be responsible for updating Executive and Council on the bargaining process on a regular basis. The Bargaining Team elects one of its members as Chief Negotiator.

18.12 If a member of the USMC unit is a member of the Executive Committee, s/he shall not be the Executive Committee member appointed to the USMC Leadership Team or to the Bargaining Team.

18.13 In order to give effect to clause 2.5 of these By-laws, the Bargaining Team shall only enter into a tentative agreement on the terms that the agreement is subject to the UTFA Executive reviewing the agreement and approving the holding of a ratification vote, and to ratification by the employees of the

unit.

18.14 The Executive Committee must seek authorization from the USMC unit members by secret ballot vote before commencing strike action or other sanctions against the Collegium. Quorum for the vote is two-thirds of unit. A simple majority of votes cast must support the strike in order for strike action or other sanctions to be taken.

18.15 UTFA shall join the CAUT Defence Fund for the USMC unit members. Council may authorise strike pay in addition to that provided by the Defence Fund.

18.16 Where the Association President, Executive Committee, or Council have reason to believe that member(s) of the UTFA-USMC Leadership Team is/are acting in a way that is detrimental to the unit or to the larger Association, the Executive shall have the power to intervene, as described below. The power to intervene shall only be exercised in extraordinary situations, and should follow attempts to resolve the situation collegially.

18.17 Where the Executive Committee becomes aware of such a concern, the Executive shall have the power to suspend or remove Leadership Team member(s) and to take such other action as it deems necessary to protect the Association and its members. A Supervisor may be appointed to oversee the unit and may be given such powers, including those powers normally exercised by the UTFA-USMC Leadership Team, as the Executive deems necessary.

18.18 The Executive shall normally provide the Leadership Team member(s) in question with a written statement of the concern(s) and proposed action(s). The member(s) in question shall have at least ten (10) working days to provide a written and/or verbal response to the Executive, before the Executive makes a decision on the action(s) to be taken. The member(s) in question can appeal Executive's decision to Council; however such appeal shall not normally delay the implementation of Executive's decision. Council's decision shall be final and binding.

18.19 Where the situation is such that urgent action is necessary, the Executive Committee may take the proposed action immediately, subject to reversal upon receiving the member(s)'s response. In extreme cases, the President may take any of the actions outlined above before deliberation by the Executive, subject to confirmation or reversal by Executive in the process outlined above.

18.20 Where a Supervisor is appointed or other actions are taken that limit the authority or autonomy of the Leadership Team, every reasonable effort shall be made to remedy the underlying situation and return the unit to its normal governance in a timely manner. Where Leadership Team member(s) are removed, the member(s) shall normally be replaced following the regular election protocol in Article 18.2 as soon as practicable. It shall be extremely unusual for actions taken under this section to be in place for longer than a year. Where Executive Committee feels that it is necessary for actions to be in place longer than a year, that decision must be confirmed by Council before the year has elapsed.

18.21 The Executive Committee shall inform Council and the USMC unit members of the action(s) taken as expeditiously as possible after their decision is made.

Source URL (modified on Jul 5 2017):https://www.utfa.org/content/utfa-bylaws