



University of Regina Faculty Association

Constitution

January 12, 2016 passed by membership

CONSTITUTION
OF
UNIVERSITY OF REGINA FACULTY ASSOCIATION

(Constitution revised and adopted on April 7, 1976; amended: October 24, 1977; June 2, 1978; April 8, 1980; May 21, 1982; April 19, 1985; November 28, 1988; February 10, 1989; February 6, 1991; June 14, 1993; December 8, 1995; December 1, 2000; November 29, 2002; December 5, 2005; January 24, 2008; December 2, 2009; and December 5, 2014.)

ARTICLE I NAME

1.1 The name of the organization shall be the University of Regina Faculty Association (informally known as "URFA"), and hereinafter referred to as the "Association."

ARTICLE II PURPOSE AND OBJECTIVES

2.1 The purpose of the Association is:

- a) to enhance the freedom and quality of teaching, learning, scholarship, debate, thought and research within the university community,
- b) to improve the working conditions of its members;
- c) to uphold the principles of equality of opportunity and human rights;
- d) to promote the sustainable economic development of the University;
- e) to promote the ecological sustainability of the University;
- f) to promote solidarity with the labour movement;
- g) to advocate university affairs to all levels of government and the broader community.

2.2 The objectives of the Association are:

- a) to promote the welfare of the members of the Association, advance the standards of their professions, and improve the quality of higher education in Canada;

- b) to protect and enhance the freedom and quality of teaching, scholarship, debate, thought, and research within the University community;
- c) to represent its members at the University and its Federated Colleges for the purpose of bargaining collectively in all matters of employer-employee relations including, without limiting the generality of the foregoing, salaries, pensions, working conditions, leaves, promotions, job security and grievances;
- d) to maintain contacts with other professional organizations both nationally and provincially through the Canadian Association of University Teachers and the Saskatchewan Association of University Teachers; and,
- e) to deal with other matters compatible with its purpose or objectives.

ARTICLE III MEMBERSHIP

- 3.1 Membership in the Association is mandatory and comprised of all those covered by a collective agreement between the University of Regina Faculty Association and any one of: the University of Regina; Campion College; the First Nations University of Canada; Luther College; and hereinafter collectively referred to as "the Employers". Those on leave from a position so covered shall remain members of the Association.
- 3.2 Membership in the Association is open to all academic staff and administrative, professional, and technical employees employed by the employers.
- 3.3 Only members in good standing with the Association may participate in the Association's governance and activities. A member in good standing with the Association is one whose membership has not been suspended or otherwise disciplined in accordance with the Bylaws of the Association. All members are entitled to representation by the Association, are eligible to vote on the ratification of their relevant collective agreements and are required to pay dues to the Association.
- 3.4 Individuals forfeit their membership in the Association through i) service in an out-of-scope position, ii) membership on the Board of Governors/Regents of one of the employers. Individuals who forfeit membership are not required to pay dues to the Association and may not participate in its governance during the period of membership forfeiture. Upon the conclusion of an individual's service as set out in i) or ii) membership in the Association shall be immediately reinstated.

- 3.5 No person shall be suspended from membership, nor be assessed any fine, so long as that person tenders such membership fee as may be prescribed by the Bylaws and does not violate the terms of this Constitution or the Bylaws.
- 3.6 All members of the Association shall become members of the Canadian Association of University Teachers, and any other organization with which the Association may affiliate from time to time, automatically upon becoming members of the Association.
- 3.7 Honorary membership may be extended to members of the University of Regina Academic and Administrative Pensioners Association (URAAPA), who previously held membership within the Association and who shall have the same rights with respect to meetings as members have, except that the URAAPA representative shall not have any right to vote or to be elected or appointed to the Executive Committee.

ARTICLE IV EXECUTIVE COMMITTEE

- 4.1 The affairs and business of the Association shall be managed by an Executive Committee of the Association.
- 4.2 Without limiting the generality of the foregoing, the Executive Committee shall be empowered:
 - a) to conduct negotiations with the University Board of Governors and the Boards of Regents or Governors of the Federated Colleges in matters of employer-employee relations and such other matters as may be required for the attainment of the objectives of the Association;
 - b) to participate on behalf of the Association in joint and common action with the Saskatchewan Association of University Teachers, or the University of Saskatchewan Faculty Association in matters deemed to be of common interest by those Associations;
 - c) to investigate and report on any matters of interest to the Association;
 - d) to request the services of any member of the Association to assist in matters where special or technical knowledge is required;
 - e) to review and approve the Association's annual budget, financial statements and audited financial statements;
 - f) to collect such annual fees and other levies as may be required by the Bylaws of the Association for the expenses of the Association;

- g) to engage such employees as it determines necessary to assist in carrying out the work of the Association;
 - h) to establish such committees as it shall deem appropriate to assist in carrying out its responsibilities, to delegate to such committees such powers as it shall deem necessary for the implementation of its policies, and to appoint to such committees any person who normally will be a member or honorary member of the Association; and,
 - i) to refer such matters to the Council of Representatives as it deems appropriate and/or necessary.
- 4.3 The Standing Committees of the Executive Committee shall include, but are not limited to, the Bylaw and Resolution Committee, the Equity Committee, the Finance Committee, the Grievance Committee, the Pension and Benefits Committee, the Sessional Advocacy Committee, and the Trust Fund Committee.
- a) Membership, quorum, duties, and procedures for selection or appointment to Committees shall be prescribed in the terms of reference for each committee.
 - b) The President of the Association shall be an *ex officio* member of all Standing Committees of the Association. The Executive Director of the Association, or the Executive Director's designate, shall serve as a resource to all Committees of the Association including the Executive Committee and Council of Representatives and is entitled to attend meetings with voice but no vote.
- 4.4 Sessionals that are appointed as representatives to Committees shall be paid an honorarium per meeting attended in an amount as established from time to time by the Executive Committee.

ARTICLE V COMPOSITION OF THE EXECUTIVE COMMITTEE

- 5.1 The Executive Committee shall consist of the following members:
- a) President;
 - b) Vice-President (Academic);
 - c) Vice-President (APT);
 - d) Treasurer;
 - e) Equity Officer;

- f) Grievance Officer;
- g) Member-at-large (APT); and,
- h) Member-at-large (Academic).

5.2 Quorum for meetings of the Executive Committee shall be a minimum of three (3) Officers. The Executive Committee shall meet at least monthly unless a quorum is not available and shall maintain minutes of its meetings. Copies of the Minutes shall be made available to the Council of Representatives.

ARTICLE VI OFFICERS

6.1 The Officers of the Association are the President, the Vice-President (Academic), the Vice- President (APT), the Treasurer, the Equity Officer, who shall be the Chair of the Equity Committee, and the Grievance Officer, who shall be the Chair of the Grievance Committee.

- a) The President and Treasurer of the Association shall each hold terms of office for two (2) years and be elected at large, from among all members of the Association, as described in Article 8.12.
- b) The Vice-President (Academic) shall hold a term of office for two (2) years and shall be elected by and from among all voting academic members of the Association, as described in Article 8.12.
- c) The Vice-President (APT) shall hold a term of office for two (2) years and shall be elected by and from all voting administrative, professional, and technical members of the Association, as described in Article 8.12.
- d) The Equity Officer, the Member-at-Large (APT) and the Member-at-Large (Academic) shall each hold terms of office for one (1) year and shall be elected by and from among all voting members of the Council of Representatives.
- e) The Executive Committee shall appoint the Grievance Officer, following receipt of advice from the Grievance Committee.

6.2 The President or the President's designate shall:

- a) supervise the general management of the affairs of the Association including providing direction to the Executive Director;
- b) be the Chief Spokesperson of the Association;

- c) preside at all meetings of the Association;
- d) preside at all meetings of the Executive and the Council of Representatives;
- e) set the agenda and send notices for meetings of the Executive Committee and the general membership;
- f) process the correspondence of the Association; and,
- g) perform such other duties as may be required by the Association, Executive Committee, or Council of Representatives.

6.3 The Vice-Presidents shall:

- a) perform the duties of the President as designated during the President's temporary absence or disability. In the event that the President refuses to act and/or fails to designate an Officer to act, the Vice-President from the same constituency as the President shall perform these duties during the absence of the Chair, or in the absence of both the President and this Vice-President, the remaining Vice-President shall perform these duties; and,
- b) perform such other duties as may be required by the President, the Executive Committee or the Council of Representatives.

6.4 The Treasurer shall:

- a) be responsible for the care and custody of the funds and assets of the Association;
- b) present an account of the Association's finances to each meeting of the Executive and to the Association's general meetings;
- c) maintain books of account and make these available to the members of the Association on request;
- d) maintain the membership list;
- e) preside at meetings of the Finance Committee;
- f) oversee the maintenance of the minute books of the Association, the Executive Committee and the Council of Representatives; and,
- g) perform such other duties as may be required by the Executive Committee including but not limited to fulfilling the role of President of

the Association in the event the President and the Vice-Presidents are unable to do so.

6.5 The Equity Officer shall:

- a) supervise the general operation of the Equity Committee;
- b) preside at meetings of the Equity Committee;
- c) set the agenda and send notices for meetings of the Equity Committee;
- d) process correspondence on behalf of the Equity Committee;
- e) report to the Executive Committee on behalf of the Equity Committee; and,
- f) perform such other duties as may be required by the Executive Committee and the Equity Committee Terms of Reference.

6.6 The Grievance Officer shall:

- a) supervise the general operation of the Grievance Committee;
- b) preside at meetings of the Grievance Committee;
- c) set the agenda and send notices for meetings of the Grievance Committee;
- d) process correspondence on behalf of the Grievance Committee;
- e) report to the Executive Committee on behalf of the Grievance Committee; and,
- g) perform such other duties as may be required by the Executive Committee and the Grievance Committee Terms of Reference.

ARTICLE VII COUNCIL OF REPRESENTATIVES

7.1 The Council of Representatives shall provide policy advice and recommendations to the Executive Committee for the benefit of the Association.

7.2 The Council of Representatives shall meet at least quarterly and shall be comprised of members as follows:

7.2.1 The academic staff of the University of Regina, holding the ranks of Professor, Associate Professor, Assistant Professor, Lecturer, and Instructor shall elect members to the Council of Representatives by area, from the following areas and according to the maximum prescribed number set out beside each area:

Faculty of Arts – three (3)
Faculty of Business Administration – one (1)
Centre for Continuing Education (CCE) – one (1)
Faculty of Education - one (1)
Faculty of Engineering and Applied Sciences – one (1)
Faculty of Fine Arts – one (1)
Johnson-Shoyama Graduate School of Public Policy – one (1)
Faculty of Kinesiology and Health Studies – one (1)
Faculty of Nursing - one (1)
Faculty of Science – two (2)
Faculty of Social Work – two (2)
La Cité universitaire francophone – one (1)

7.2.2 The academic staff, librarians and archivists of each of the following Federated Colleges shall elect members to the Council of Representatives, by College and according to the maximum prescribed number set out beside each College:

Campion College – one (1)
Luther College – one (1)
First Nations University of Canada – one (1)

7.2.3 The librarians and archivists employed by the University of Regina shall elect one (1) member to the Council of Representatives.

7.2.4 The laboratory instructors employed by the University of Regina shall elect one (1) member to the Council of Representatives.

7.2.5 The administrative, professional and technical employees employed by the University of Regina shall elect five (5) members to the Council of Representatives.

7.2.6 The administrative, professional and technical employees employed by the First Nations University of Canada shall elect two (2) members to the Council of Representatives.

7.2.7 The sessional lecturers, sessional ESL instructors, sessional practicum coordinators, sessional supervisors, sessional practica coaches and sessional laboratory instructors employed by the University of Regina, Campion College or Luther College shall elect five (5) members to the Council of Representatives.

7.2.8 Chairs of Committees

- a) The President of the Association shall be a member of and preside at meetings of the Council of Representatives.
- b) The Chair of the Equity Committee shall be a member of the Council of Representatives.
- c) The Chair of the Finance Committee shall be a member of the Council of Representatives.
- e) The Chair of the Grievance Committee shall be a member of the Council of Representatives.
- f) The Chair of the Pension and Benefits Committee shall be a member of the Council of Representatives.
- g) The Chair of the Sessional Advocacy Committee shall be a member of the Council of Representatives.
- h) The Chair of the Bylaw and Resolution Committee shall be a member of the Council of Representatives.

7.2.9 Where no one is nominated from one of the areas (hereinafter referred to as "constituencies") in sections 7.2.1 through 7.2.7, the Executive Committee may nominate an Association member(s) to fill the vacant position(s).

7.2.10 Any member of the Association who is a member of the Board of the Canadian Association of University Teachers or an Executive member of one of the organizations to which the Association is affiliated shall be a member of the Council of Representatives so long as that person shall hold such position.

7.2.11 Alternate Representation

Those constituencies (7.2.1 to 7.2.7) that are entitled to one representative on the Council of Representatives may elect, at the time of the Committee elections, an alternate representative. This alternate may serve as representative for that constituency if the elected representative cannot do so.

ARTICLE VIII ELECTIONS

- 8.1 Elections of members to the Council of Representatives described in Articles 7.2.1 to 7.2.7 shall take place annually in the month of February: these members shall be elected for a two year term, commencing on the 1st day of May following their election.
- 8.2 For the purpose of elections to the Council of Representatives, the members of the Association shall be divided into the following constituencies:
- A - academic staff employed by the University of Regina in the ranks of Professor, Associate Professor, Assistant Professor Lecturer, and Instructor in each of the following twelve (12) separate constituencies:
 - A.1 Faculty of Arts
 - A.2 Faculty of Business Administration
 - A.3 Centre for Continuing Education
 - A.4 Faculty of Education
 - A.5 Faculty of Engineering and Applied Sciences
 - A.6 Faculty of Fine Arts
 - A.7 Johnson-Shoyama Graduate School of Public Policy
 - A.8 Faculty of Kinesiology and Health Studies
 - A.9 Faculty of Nursing
 - A.10 Faculty of Science
 - A.11 Faculty of Social Work
 - A.12 La Cité universitaire francophone
 - B - librarians and archivists employed by the University of Regina;
 - C - laboratory instructors employed by the University of Regina;
 - D - academic staff, librarians and archivists employed by each of the Federated Colleges in the following three separate constituencies:
 - D.1 Champion College
 - D.2 Luther College
 - D.3 First Nations University of Canada
 - E - administrative, professional and technical employees of the University of Regina;
 - F - administrative, professional and technical employees of the First Nations University of Canada; and
 - G - sessional lecturers, sessional ESL instructors, sessional practicum coordinators, sessional supervisors, sessional practica coaches and

sessional laboratory instructors employed by the University of Regina, Campion College, or Luther College.

- 8.3 Except as otherwise expressly provided for the in the election of the Executive Committee, a member shall be entitled to nominate members and to vote only within the member's constituency.
- 8.4 No person shall be eligible for election to or shall be entitled to serve on the Executive Committee unless such person is a member in good standing of the Association as defined in the Bylaws.
- 8.5 Members of the Executive Committee shall be eligible for re-election so long as they shall continue to be members in good standing of the Association.
- 8.6 Elections shall be under the direction of a Returning Officer(s) who shall be a member of the Association and appointed by the Executive Committee.
- 8.7 A nomination form and list of members by constituency of the Association shall be forwarded by the Returning Officer to members of the Association on or before the 7th day of January in each year. Nominations to the Council of Representatives shall be submitted to the Returning Officer in writing on or before the 1st day of February in that year. Each nomination paper shall bear the signatures of two members of the appropriate constituency as sponsors of the nominee, and in addition the signature of the nominee, to signify consent.
- 8.8 Should a vote be required, the appropriate ballot shall be submitted to the Returning Officer on or before the date indicated on the ballot for such return.
- 8.9 At the completion of the voting, the Returning Officer shall immediately count and tabulate the votes. Each candidate may be present at the counting and tabulation of the votes as a scrutineer, or the candidate may appoint a representative to act as scrutineer in the candidate's place.
- 8.10 Notwithstanding Article 8.1 hereof, the Council of Representatives entitled to assume office on the 1st day of May in any year shall, on or before the 15th day of April in that year meet and elect the two (2) Members-at-Large to the Executive Committee and the Equity Officer, from among the elected members of the Council of Representatives. Members so elected shall take Executive Committee office on the 1st day of May following their election.
- 8.11 Any vacancy on the Executive Committee, except for a vacancy to the office(s) of Equity Officer, Member-at-Large (Academic) or Member-at-Large (APT), or the Council of Representatives resulting from resignation, death or any other cause, may be filled by appointment by the Executive Committee. Executive Committee vacancies to the offices of Equity Officer, Member-at-

Large (Academic) or Member-at-Large (APT) shall be filled by appointment by the Council of Representatives. The member(s) so appointed shall hold office until midnight of the 30th day of April following this appointment. At the first election of the Council of Representatives and Executive Committee, in the case of a vacancy on the Executive Committee, following the resignation, death, or other cause creating such vacancy a member of the Association shall be elected by the membership in whole or in part as specified in the election provisions to fill the vacancy created by the resignation, death or other cause.

8.12 Election of Officers

a) **Nominations for President and Treasurer**

Any five (5) members of the Association may nominate members of the Association for the positions of President and Treasurer of the Association.

b) **Nominations for Vice-President (Academic) and Vice-President (APT)**

Any three (3) academic members of the Association may nominate academic members of the Association for the position of Vice-President (Academic). Any three (3) administrative, professional and technical members of the Association may nominate administrative, professional and technical members of the Association for the position of Vice-President (APT).

c) **Time-frame for Nominations**

Nominations for these Officer positions must be made on or before March 1 of each year. If, after March 1, there are no nominations for these Officer positions from the membership at large, or the specific constituency as the case may be, the Executive Committee shall nominate members to fill these positions.

d) **Election**

Candidates nominated for election to the positions of President, Vice-President (Academic), Vice-President (APT) and Treasurer shall address the membership at the spring general membership meeting. Immediately following the membership meeting, an election will be held among members of the Association entitled to vote for these positions. For the positions of President and Treasurer, all members of the Association shall be entitled to vote. Only academic members of the Association shall be entitled to vote for the position of Vice-President (Academic). Only administrative, professional and technical members of the Association shall be entitled to vote for the position of Vice-President (APT).

Regardless of the number of people who have been nominated for these positions, an election from among all the members of the Association entitled to vote shall be held. If only one candidate has been nominated, that candidate must receive a majority of the votes cast for that position in order to be elected. If there are two or more candidates for a position, the candidate for the position receiving the largest number of votes cast will be elected.

The term of office for the Officer positions of President, Vice-President (Academic), Vice-President (APT) and Treasurer shall normally commence on May 1 and continue for two (2) years, through to April 30. For the first election period, if the President elected is an academic member, the Vice-President (Academic) will serve only a one (1) year term; if the President elected is an administrative, professional and technical member, the Vice-President (APT) will serve only a one (1) year term.

If, during the term for which an Officer has been elected, an Officer is unable to fulfil his or her duties for more than one-half of the term, the Executive Committee shall nominate a new Officer, and an election shall be held among the membership of the Association entitled to vote for the Officer. If the period for which the Officer is unable to fulfil his or her duties is less than one-half of the term, the Executive Committee shall appoint one of the elected members to the Council of Representatives to fill the vacant Officer position.

ARTICLE IX MEETINGS OF THE EXECUTIVE

- 9.1 A quorum at Executive Committee meetings shall consist of three (3) or more Officers of the Executive Committee.
- 9.2 Meetings of the Executive Committee may be called on such notice as the President, or, in the President's absence the Acting President, may deem necessary, provided, however, that not less than 24 hours' notice of the meeting shall be given to the members of the Executive Committee.

ARTICLE X MEETINGS OF THE COUNCIL OF REPRESENTATIVES

- 10.1 A quorum at Council of Representatives meetings shall consist of fifteen (15) or more members of the Council of Representatives.
- 10.1 Meetings of the Council of Representatives shall be held at least quarterly but may be called on such notice as the President, or in the President's absence the Acting President, may deem necessary, provided however that not less than 24 hours' notice of the meeting shall be given to the members of the Council of Representatives.

ARTICLE XI MEETINGS OF THE ASSOCIATION

- 11.1 Two (2) general meetings of the membership of the Association shall be held in each year; one in the winter semester and one in the fall semester.
- 11.2 Special meetings of the membership of the Association may be called at the discretion of the Executive Committee.
- 11.3 Special meetings of the membership of the Association shall be called by the Executive Committee upon written request of not less than five percent (5%) of the members of the Association. The time, place, and nature of the special meeting shall be specified in the written request of the members.
- 11.4 a) Forty-eight (48) hours' notice in writing of all special meetings specifying the time, place and nature of the business to be conducted shall be given to the membership of the Association.
- b) A period of not less than ten days shall be allowed between the date of the sending of the notice and the date of the general meetings.
- 11.5 Five percent (5%) of the members of the Association, or twenty-five (25) members, whichever is the lesser number, shall constitute a quorum at all meetings of the membership of the Association.
- 11.6 In the event that sufficient members of the Association are not present to constitute a quorum at any meeting, the Executive Committee shall have the power to act on behalf of the Association with regard to any and all matters which were to have been considered at the proposed meeting with the exception of amending this Constitution and with the exception of enacting or amending Bylaws.

ARTICLE XII VOTING

- 12.1 Except as herein expressly provided, voting by the members of the Association may be in any manner set forth in the Bylaws.

ARTICLE XIII REMOVAL OF MEMBERS AND OFFICERS OF THE EXECUTIVE COMMITTEE AND COUNCIL OF REPRESENTATIVES

- 13.1 The members of an Association constituency may remove their member of the Executive Committee or member of the Council of Representatives by resolution passed by a two-thirds majority of the constituency members in attendance at a meeting duly called for such purpose, with a meeting

quorum constituting twenty-five (25) constituency members or five percent (5%) of the constituency, whichever is the lesser number.

- 13.2 **Removal of an Officer.** The Executive Committee may call a meeting of the general membership, or an Officer's constituency as the case may be, by resolution approved by two-thirds of the membership of the Executive Committee, to consider removal of an Officer. The removal of an Officer at a meeting duly called for such purpose requires a resolution passed by a two-thirds majority of the constituency members in attendance at said meeting, with a meeting quorum constituting twenty-five (25) constituency members or five percent (5%) of the constituency, whichever is the lesser number.

ARTICLE XIV BYLAWS

- 14.1 The Association may enact such Bylaws, not inconsistent with this Constitution, as may be required for the operation of the Association and the attainment of its purpose and objectives with the consent of the majority of the members of the Association present at a meeting duly called for the purpose of considering such Bylaws.
- 14.2 Bylaws may be amended or repealed with the approval of a majority of the members of the Association present at a meeting duly called for the purpose of considering such Bylaws.

ARTICLE XV AMENDMENT OF CONSTITUTION

- 15.1 This Constitution may be amended only in accordance with the following procedure:
- a) A petition signed by five percent (5%) of the members of the Association or a resolution of the Executive Committee stating the proposed amendment shall be submitted to the President;
 - b) On receiving such petition or resolution the President shall forthwith send a notice of meeting to all members of the Association which notice shall state the time and place of such meeting and the proposed amendment to the Constitution;
 - c) A period of not less than ten days shall be allowed between the date of the sending of the notice and the date of the meeting;
 - d) Any amendment to the Constitution must be approved by a three-fifths majority of the members voting after the proposed amendment has been discussed at a meeting, providing that those voting comprise at least fifteen percent (15%) of the total members of the Association.

BYLAWS

ARTICLE I MEMBERSHIP AND FEES

- 1.1 Membership fees shall be in such amount as recommended by the Executive Committee and approved by the members of the Association.
- 1.2 **Member in Good Standing**
Status of member in good standing in the Association shall be accorded only to those members who abide by the Constitution, Bylaws, rules and regulations duly passed by the Association and who pay the prescribed dues and assessments. A member in good standing shall have the right to attend Association meetings and other functions, to vote and run for or hold Association office, and otherwise participate in affairs of the Association.
- 1.3 All members of the Association, and all individuals who are eligible for membership in any of the bargaining units which are represented by the Association, except for those who are not receiving a salary from the University or its Federated Colleges, shall pay membership fees.
- 1.4 Fees shall be automatically deducted from the member's monthly salary in stated instalments.
- 1.5 The Association's fiscal year shall be from May 1 to April 30.
- 1.6 Sessional Lecturers shall be eligible to continue as members in good standing of the Association for thirteen months from the first month in which they hold a sessional appointment.

ARTICLE II VOTING

- 2.1 Voting of the members of the Association may be in such manner as the President of the Association may deem necessary, provided however, that voting shall be by secret ballot if requested by a majority of the members of the Association present at any Association meeting.

ARTICLE III RATIFICATION OF CONTRACTS AND WITHDRAWAL OF SERVICES

- 3.1 The provisions of this Article shall apply to all collective bargaining agreements, employment contracts or other contracts affecting salaries, pensions, working conditions, leaves, promotions, job security and grievances negotiated by the Association, on behalf of its membership, with the exception of any contract applying only to a single individual.

- 3.2 Any collective agreement or contract negotiated with an employer on behalf of the Association members shall be submitted for approval to the employees of such employer who are members of the Association and the bargaining unit in question, who shall vote after the proposed agreement has been discussed at a meeting called to consider such agreement. A simple majority of those voting shall be sufficient to approve and ratify a collective agreement or contract, provided that those voting comprise at least fifteen percent (15%) of the total membership of the Association in the bargaining unit in question.
- 3.3 Any request for authority for withdrawal of service to an employer (strikes, slow downs, study sessions, picketing, etc.) shall be submitted for approval to the employees of such employer who are members of the Association and the bargaining unit in question, who shall vote after the proposed withdrawal of service has been discussed at a meeting called to consider such withdrawal. A simple majority of those voting shall be sufficient to approve withdrawal of service, provided that those voting comprise at least fifteen percent (15%) of the total membership of the Association in the bargaining unit in question. When withdrawal of service is approved in this manner and implemented by the Executive Committee, it shall be deemed binding on the members of the bargaining unit. If those members lose compensation from the employer because of withdrawal of service, they shall be eligible for strike pay according to a formula which shall be approved by the Executive Committee.
- 3.4 In conducting ballots required in Articles 3.2 and 3.3, the Executive Committee may use electronic means, the internal University mail system or may forward ballots by pre-paid mail by Canada Post or may use a combination of all methods.
- 3.5 Procedures relating to the implementation of withdrawal of service shall be set out in a Strike Manual which shall be developed and maintained by the Executive Committee.

ARTICLE IV CONFLICT OF INTEREST RULES

- 4.1 The Executive has established the following Conflict of Interest Rules:
1. A conflict of interest exists when a matter arises before the Executive Committee or the Grievance Committee in which a committee member, or a person closely related to a committee member as described in paragraph 2, has a direct interest.
 2. Closely related persons include spouses, parents, children, siblings, or persons who have a de facto relationship with a committee member of a similar nature and that may, or might be perceived to give rise to, a conflict of interest or possible favouritism.

3. When a conflict of interest arises, the committee member to whom the conflict of interest relates shall disclose its existence and leave the meeting while the matter to which the conflict of interest relates is under discussion.
 4. No committee member shall attempt in any way, whether before, during or after a meeting, to influence the voting on any question involving a matter in relation to which he or she has a conflict of interest.
 5. Paragraph 4 shall not be construed as constraining a majority of either the Executive Committee or the Grievance Committee from seeking and obtaining relevant information from a committee member who has absented himself or herself from a meeting in accordance with these rules.
 6. In these rules, the expression "committee member" includes any persons who are ex officio members of the Executive Committee or of the Grievance Committee.
- 4.2 Any member or officer of the Executive Committee who breaches the Conflict of Interest Rules may be removed from the committee in accordance with Article XIII of the Constitution of the Association.
 - 4.3 Any member of the Grievance Committee who breaches the Conflict of Interest Rules made by the Executive Committee may be removed from the Grievance Committee by resolution passed by a majority of the members of the Executive Committee at a meeting duly called for that purpose, upon report from the Grievance Committee.
 - 4.4 A person who has been removed from the Grievance Committee pursuant to paragraph 4.3 may appeal that decision to the members of the Association and; the members of the Association shall decide at a meeting duly called for that purpose whether or not to uphold the decision of the Executive Committee.

ARTICLE V MEMBERSHIP APPEALS

- 5.1 Any member who is alleged to have failed to abide by the Constitution, Bylaws, rules and/or regulations of the Association shall be provided an opportunity to appear before an Appeals Committee to answer to the allegations. The allegations (hereinafter referred to as the "Complaint") shall be provided in writing to the member setting out the provisions within the Constitution and/or Bylaws and the rules and/or regulations that the member is alleged to have breached. Service of the complaint on the member may be done by such means as the Executive Committee determines provided that acknowledgment of receipt by the member is obtained.

- 5.2 The Executive Committee shall appoint three (3) members from the membership who are not serving on the Executive, Association committees, or the Counsel of Representatives to act as the Appeals Committee charged to hear and determine the Complaint. The Appeals Committee may make recommendations to the Executive Committee with respect to its findings and an appropriate penalty up to and including suspension of membership if the Appeals Committee finds that the Complaint is substantiated on a balance of probability. However, if it is determined by the Appeals Committee that the Complaint is substantiated, the member will no longer be a member in good standing with the Association. The Executive Committee is not required to follow the recommendations if any provided by the Appeals Committee and shall determine the length of time the member may be suspended from membership and/or is no longer in good standing with the Association. Penalties imposed will depend upon the nature of the breach and can range from the imposition of a fine to a suspension of membership in the Association.
- 5.3 A member who is the subject of a Complaint referred to in section 5.1 is entitled to receive at least thirty (30) days written notice in advance of a Hearing scheduled by the Appeals Committee for the purpose of hearing and determining the Complaint. The member is entitled to bring a representative to the Appeal Hearing to act as support and/or as an advocate. Any costs associated with the member's support and/or advocate will be borne by the member. An Executive Committee member will represent the Association in presenting its submissions to the Appeals Committee. The Appeals Committee shall follow the principles of fundamental justice and due process in the conduct of all Appeals but otherwise may determine its own process including the means by which the Appeal Hearing may be conducted, provided the process does not contradict these Bylaw provisions. The Executive Committee bears the onus of proving the member is guilty of the Complaint. Any documentation and written submissions to be relied upon and /or presented by the Executive Committee member in making its representations to the Appeals Committee shall be provided to the member at least one (1) week prior to the scheduled hearing.
- 5.4 A member who is the subject of a Complaint and, upon proof of service of the Notice of Complaint and the Notice of Hearing, who fails to attend at the Hearing without permission or justification, shall have the Complaint proceed to be heard and determined by the Appeals Committee in the absence of the member. A member who requests that the Hearing be rescheduled shall be granted the request provided that the Hearing takes place within six (6) months of the Notice of Hearing having been served on the member.
- 5.5 A member on whose behalf the Association has filed a grievance is entitled to appear before the Grievance Committee and/or the Executive Committee to

argue that the grievance should proceed to arbitration. In the event the Grievance Committee recommends against the grievance proceeding to arbitration and the Executive Committee accepts the recommendation or if the Executive Committee determines that a grievance will not proceed to arbitration, the member on whose behalf the grievance has been filed shall be entitled to appeal the Executive Committee's decision to an Appeals Committee. The same appeals process shall be utilized as set out in sections 5.1 through 5.3 of these Bylaws, except as expressly provided for in this section, with the Grievance Officer charged with the responsibility of making representation to the Appeals Committee on behalf of the Executive. The onus for establishing that the grievance should proceed to arbitration rests with the member on a balance of probability. Scheduling of the Appeal Hearing and the rendering of a decision by the Appeals Committee will bear in mind time limits for taking the grievance forward to arbitration as set out in the relevant collective agreement. The decision of the Appeals Committee is final and binding on the Executive Committee.