

UTFA Constitution and By-Laws Revision Executive Summary

18 April 2012

PLEASE NOTE: This executive summary is intended solely to help members sort through the proposed revisions in the Constitution and By-Laws. The summary itself will not be subject to a motion, and it holds no status or authority of its own.

Preamble

In February 2011, the faculty and librarians at the University of St. Michael's College made the decision to certify and asked the University of Toronto Faculty Association to represent them as a trade union. Most of these individuals had been voluntary members of UTFA for years, and some had been members for decades. UTFA Council approved UTFA's application to the Ontario Labour Relations Board (OLRB) for certification of the USMC unit. The OLRB held a certification vote on February 17, 2011 and the result was overwhelmingly positive. The certificate was granted in April 2011. Since then, the members of the USMC unit have elected a bargaining team, drafted a proposed collective agreement, tabled the agreement and begun negotiations with their employer. The negotiations are currently ongoing.

At its November 16 meeting, the UTFA Council struck a working group to propose revisions to the Association Constitution and By-Laws with reference to this new unit. The working group consists of R. Locklin, S. Prudham and L. Tremblay; M. Attridge was added at the December 13 meeting of UTFA Council. Between 16 December 2011 and 10 February 2012, the working group has met six times, together with legal counsel H. Diggle, who gathered a significant amount of information, advised the committee on the substance of the changes, made suggestions on how to implement the desired changes, and drafted many of the chosen modifications. On the basis of our work in these meetings, a small number of revisions to the Constitution and significant revisions to the By-Laws were ultimately presented to Council on February 15, 2012. Some additional changes in the revisions to the Constitution and By-Laws were made based on comments and suggestions received between February 15 and March 16, 2012. The Executive Committee approved these additional changes on March 16, 2012. The substance of these revisions is summarized below.

Governance of the USMC Unit

The Leadership Team of the UTFA-USMC Unit will consist of a Chair, a Grievance Officer and a delegate from UTFA Executive, ordinarily the Vice-President, University and External Affairs. Should a member of the USMC Unit already serve on the UTFA Executive, this person cannot be selected as the delegate to either the USMC Leadership Team or the Bargaining Team (see below). The Chair and Grievance Officer will be elected by secret ballot or acclaimed (if there is only one nominee), and will serve 2-year terms, normally beginning July 1. No one shall hold a single office for more than 6 consecutive years. The Chair serves as an *ex officio* member of UTFA Council, with all privileges except the right to vote, and an *ex officio* member of the

University and External Affairs Committee. S/he will keep the USMC members apprised of Association matters and other relevant issues. The Grievance Officer maintains case files and seeks remedies for violations of the UTFA-USMC Collective agreement under the direction of the UTFA Vice-President, Grievances, who retains final authority for significant decisions. The Grievance Officer will serve as an *ex officio* member of the Grievance Committee. Release time for these positions will be negotiated with the Collegium of the University of St. Michael's College (Const. 4.10; By-Laws 6.1-2, 11.3, 18.2-8, 18.12).

The USMC Unit will meet at least once a year for elections and other business, usually in the spring. Members of this unit will be represented at UTFA Council by the councilor whose constituency includes Saint Michael's College. They may have a different mil rate than other members of the Association (By-Laws 14.2, 18.4, 18.10).

Should the UTFA Executive Committee determine that the UTFA-USMC Leadership Team is acting in a way that is detrimental to the unit or the wider Association, it will have the right to suspend or remove members of this Team and appoint a Supervisor. Such a decision will ordinarily require 10 days' notice and the opportunity for the Leadership Team member(s) to respond verbally or in writing, and the extraordinary measures will not ordinarily last longer than one year. Where the situation warrants it, the President may also proceed independently, subject to confirmation or reversal by the Executive Committee. Such actions will be exercised only in extraordinary circumstances, after attempts to resolve the situation collegially, and they can be appealed to Council (By-Laws 18.16-21).

Bargaining

At the beginning of each round of collective bargaining with the Collegium of the University of St. Michael's College, a bargaining team will be formed, including one or more members elected from the USMC Unit and a delegate appointed from the UTFA Executive, normally the Vice-President, University and External Affairs. This delegate will be responsible for keeping the Executive Committee and UTFA Council informed about the progress of negotiations. The bargaining team, once formed, will elect one of its members as Chief Negotiator (By-Laws 7.6, 18.11).

When the bargaining team reaches a proposed collective agreement with the Collegium, the UTFA Executive Committee will review the agreement, make it available to Council members for comment, and decide whether to reject it or send it to the USMC Unit members for a ratification vote. Rejection of a proposed agreement will be very unusual (By-Laws 2.5, 18.13).

In the event that negotiations break down, the Executive Committee can seek authorization from the USMC unit members to commence a strike action or other sanctions against the Collegium of the University of St. Michael's College. Quorum for the vote is two-thirds of the unit; a simple majority of votes in a secret ballot is required to take the strike action or other sanctions. UTFA will join the CAUT Defence Fund for the USMC unit members and may authorize strike pay in addition to that provided by the Fund (By-Laws 18.14-15).

University and External Relations

The UTFA President or her/his delegate will serve as a member of the Joint Committee with the Collegium of the University of St. Michael's College. Consistent with article 3 of the Constitution, public communications pertaining to this unit are the responsibility of the UTFA President and are subject to the Association's ordinary rules and procedures (By-Laws 3.10, 18.6).

The members of the USMC Unit will be represented at OCUFA and CAUT by the Vice-President, University and External Affairs, as for any other UTFA members. Members of the Leadership Team or other members of the Unit are eligible to serve on the OCUFA Collective Bargaining Committee and/or other committees, and efforts will be made to support such members' attendance at meetings and events, as permitted by OCUFA and CAUT (By-Laws 5.8, 18.9).