

**THE BY-LAWS OF
THE FACULTY ASSOCIATION
THE UNIVERSITY OF WESTERN ONTARIO
(as amended April 29, 2015)**

1. Board Appointments
 - a) The Board of Directors shall appoint annually such standing committees as it deems advisable. These committees shall report to the Board of Directors at regular intervals as deemed necessary by the Board of Directors.
 - b) The Board of Directors shall appoint the OCUFA Director to represent the Association. The term of such appointment shall be two years and may be once renewed. The appointment may be terminated by the Board of Directors at any time.

2. Nominating Committee
 - a) The Nominating Committee shall consist of the following: the Immediate Past President, who shall chair the committee; the Vice-President; one other member of the Board of Directors; and at least three other members of the Association who are not members of the Board, selected by the Past President and Vice-President, subject to ratification by the Board of Directors. At least one member of the committee shall be a librarian or archivist.
 - b) The Nominating Committee will constitute itself in October, and will present its membership to the Board of Directors for ratification not later than the middle of November.
 - c) The Nominating Committee will solicit nominations from the Board of Directors in November, and from the general membership (by way of notice in Western News and/or in the Association's newsletter) in December or January.
 - d) The Nominating Committee shall inform the Board of Directors of the slate of candidates it has developed no later than March 15 and present the slate to the membership at a General Meeting to be held no later than March 31 each year.

3. Election of a Vice President (or President in an election as required by Article VI.6.)
 - a) The Nominating Committee shall present to a General Meeting not more than three names for the office to be filled.
 - b) Nominations shall be accepted from the floor of the meeting, with the consent of the person nominated.
 - c) If there is more than one person nominated for the position of Vice-President, voting shall be by secret mail ballot, each member voting for one candidate only.

- d) Scrutineers shall tally votes and report the results to the Board of Directors.
- e) The candidate receiving the largest number of votes shall be declared elected.
- f) If two or more candidates for the position of Vice-President (or President) receive the same number of votes, that number being greater than received by any other candidate, an Electoral Committee consisting of the incoming, outgoing and continuing members of the Board of Directors shall choose the Vice-President (or the President, as the case may be) by secret mail ballot from the candidates who received the largest number of votes in the original election. If a further tie results, the incoming Board of Directors shall decide the outcome in such manner as it may determine.

4. Annual Election of the Board of Directors members:

- a) The Nominating Committee shall present to a General Meeting a slate of names for the vacancies on the Board of Directors.
- b) Other nominations shall be accepted from the floor of the meeting, with the consent of the person nominated.
- c) Voting shall be by mail ballot. Each member may vote for a number of candidates equal to the number of vacancies to be filled in elections of Vice-President (or President in an election as required by Article VI.6), other officers, the Speaker, and at-large candidates for the Board. In elections for designated Faculty or Librarian/Archivist seats, only members of the relevant Faculty or Librarian/Archivists, respectively, may vote for a candidate to fill such a seat.
- d) Scrutineers shall tally votes and report to the Board of Directors the number of votes received by each nominee.
- e) If two or more candidates receive the same number of votes, and if the tie affects the composition of the Board of Directors or the duration of a term, an Electoral Committee consisting of the incoming, outgoing and continuing members of the Board of Directors shall break the tie by secret mail ballot. If a further tie results, the incoming Board of Directors shall decide the outcome in such manner as it may determine. In the event of a tie among unsuccessful candidates, the incoming Board of Directors shall establish the order in which runners-up will be invited to fill such vacancies as may occur.
- f) All candidates shall be informed of the number of votes cast for each candidate.

5. Voting Procedures:

- a) All mail votes and elections will be by secret ballot.
- b) Ballots will be available electronically or by campus mail to members of the Association. A record will be kept if a member requests a second ballot.
- c) To provide for possible recounts, an unaltered file of the electronic votes will be kept on a secure server for six months after the counting of the ballots, and the Association's Secretary shall also keep an unaltered duplicate file of the votes in a separate location. These files will be deleted after six months unless otherwise ordered by the Board of Directors. Paper mail ballots will be collected and stored by the Association's administrative staff and will be

- destroyed six months after the counting of the ballots unless otherwise ordered by the Board of Directors.
- d) For Board of Directors elections, the ballot count will be undertaken by the retiring President and at least one other member of the Association who is not a candidate in the election and who is appointed by the Board of Directors. For all other electronic and paper mail ballots, the count shall be undertaken by the Secretary of the Association and at least one other member of the Association appointed by the Board of Directors.
 - e) When a paper mail ballot count is to take place, the ballots will be checked off against a master list of members of the Association, after which the outer envelope shall be discarded.
 - f) For paper mail ballots, the inner envelopes will then be collected and opened in a separate place, and the vote recorded twice.
 - g) For electronic ballots, voting will be conducted on a secure site separate from the university, with anonymity and security preserved by means of appropriate passwords and encryption. Procedures for electronic balloting are subject to approval by the Board.
 - h) In the event of a tie on a mail ballot on a substantive motion, the motion shall be deemed to have failed.
 - i) Any member may apply to the Board of Directors for a recount of a ballot within six weeks of the announcement of the results. The Board of Directors shall decide whether or not a recount is warranted, and may instruct that a recount be conducted. Any recount ordered by the Board of Directors shall be conducted by members of the Association who have not hitherto been involved in the counting of the ballot and who are not candidates for office. The Board of Directors shall make necessary arrangements and shall appoint at least two members to conduct the recount. The results of the recount shall be binding.
 - j) Where lack of quorum prevents a vote at any general Meeting on a motion announced in the agenda, such a vote may, at the decision of the Executive or Board, be decided by electronic or paper mail ballot.
6. The fiscal year of the Association shall be May 1st to April 30th. The period of tenure of the Board of Directors and of the officers of the Association, as defined under Articles V and VI of the constitution shall be from July 1st to June 30th
 7. Academic appointments (as referred to in Article IV) shall include all those persons employed by the University whose duties are primarily those of performing and administering the teaching and research functions and who are included in the ranks of Lecturer, Assistant Professor, Associate Professor and Professor, as well as academic librarians and archivists.
 8. The Board of Directors of the Association is authorized to allow total expenditures on the operating expense portion of the budget (which includes salaries, wages and general and administrative expenses) to exceed the budgeted amount by 2%. In the event that the total operating expense portion of the budget will be exceeded by more than 2%, prior approval must be obtained at a General Meeting of the membership.

9. Eleven members of the Board of Directors shall constitute a quorum for meetings of the Board of Directors.
10. Changes in membership fees normally shall be approved by a General Meeting prior to the commencement of the fiscal year in which they are to be effective. Changes in membership fees to take place within a fiscal year, on the recommendation of the Board of Directors, shall be approved by a General Meeting called for that purpose.
11. UWOFA reserves the right to provide services beyond those mandated by the Ontario Labour Relations Acts only to those faculty who are members of the Association.
12. Disagreements as to procedure will be settled by reference to *Sturgis Standard Code of Parliamentary Procedure*.
13.
 - a) Regular meetings of the Board of Directors shall be those for which the time and date have been agreed at a previous Board meeting or for which at least one week's prior notice has been given.
 - b) An emergency meeting of the Board of Directors may be called without prior agreement at the previous meeting of the Board of Directors with two days' notice when matters arise which, in the opinion of the President or designate, require urgent consideration.
 - c) The agenda of any such meeting shall be limited to the urgent matters listed in the Notice of Meeting.
14. The signing officers of the Association shall be the officers of the Association.
15. Every officer, member of the Board of Directors and the committees of the Association and their heirs, executors, administrators and other legal personal representatives shall, from time to time, be indemnified and saved harmless by the Association from and against:
 - a) all costs, charges and expenses whatsoever that are sustained or incurred in or about any action, suit or proceeding that is brought, commenced or prosecuted against him/her, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him/her, in or about the execution of the ordinary duties of the office; and
 - b) all other costs, charges and expenses that are sustained or incurred in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his/her own wilful neglect or default; provided that no person acting on behalf of the Association shall be indemnified by it in respect of any liability, costs, charges or expenses that are sustained or incurred in or about any action, suit or other proceeding as a result of which that person is adjudged to be in breach of, or in substantial breach of any duty or responsibility imposed upon him/her under the Ontario Corporations Act, or under any other statute.

16. The Association may purchase and maintain such insurance for the benefit of its officers, Board of Directors' members and employees as the Board of Directors may from time to time determine.
17.
 - a) The Board of Directors shall establish a Negotiating Team, when it is required. The Negotiating Team will consist of at least six Members, one of whom shall be designated the Chief Negotiator and at least one of whom for bargaining with respect to Certificate 4482-97 must be a Part-Time Member. The President (who may be represented by a Designate selected from the Executive Committee) shall be an ex-officio member of the Negotiating Team.
 - b) The Negotiating Team and the Chief Negotiator shall be appointed by the Board of Directors, subject to ratification by a simple majority of Members in a mail ballot.
 - c) The Negotiating Team shall be accountable to the Board of Directors. Its mandate comes from the Board of Directors acting on behalf of the Association.
 - d) The Negotiating Team shall report both to the Board of Directors and to the Membership on a regular basis in accordance with the principles and procedures established by the Board of Directors.
18. The Board shall appoint a Grievance Officer for a three-year term, renewable once for a second term of up to three years.
19. Certificate 4482-97 Meetings
 - a) There shall be Bargaining Unit Meetings which deal exclusively with matters related to negotiations for the bargaining unit defined in OLRB Certificate 4482-97.
 - b) All Members of the Association will be notified of, may attend and speak at meetings of the Bargaining Unit, but only Members who are part of the Bargaining Unit shall have the right to vote at such a meeting.
 - c) The Board shall normally call such a meeting at least once per year; such meetings may be scheduled to coincide with a regular General Meeting or the Annual General Meeting.
 - d) Meetings of the Bargaining Unit will consider and vote on whether to ratify negotiating goals as proposed by the Board, and such other matters as may arise.
 - e) All other matters of procedure (notification, voting, chairing by Speaker, etc.) will follow the UWOFA Constitution and By-Laws.
20. Additional Procedures for Elections, Surveys, and Votes
 - Elections
 - a) For contested Board or Officer elections, candidates may provide a maximum of 200 words elucidating their experience, and a maximum of 200 words explaining their platform.

- b) The statements are due in the UWOFA office two working days after the General Meeting at which the Nominating Committee makes its report; if the election is a by-election, statements are due two working days after the General Meeting at which nominations closed.

Votes

- c) For votes which attract statements of positions “for” and/or “against” the motion under consideration by electronic ballot, each such position statement will be limited to the first 500 words submitted by the deadline as established by the Secretary. This may include a link to an outside website with further information.

Counts

- d) When surveys, elections, or votes are complete, the results shall be downloaded from a secure server by a UWOFA staff member in the presence of an official scrutineer appointed by the President, who shall be a disinterested Member of UWOFA.
- e) Where anything in section 20 a) through d) conflicts with any other by-law, the procedures provided here will apply.

21. Certificate 3846-03-R (UWOFA-LA)

- a) Membership is open to all members of the Bargaining Unit covered by OLRB Certificate 3846-03-R.
- b) Members shall elect annually a Speaker and a Secretary for the Bargaining Unit. The term for these elected positions shall be one year beginning July 1st and ending June 30th. Those elected shall be members of UWOFA-LA.
- c) There shall be Bargaining Unit Meetings which deal exclusively with matters related to the Bargaining Unit. Meetings shall be called at least once during an academic year. They may be called at any time:
 - i) as directed by a Bargaining Unit Meeting,
 - ii) at the written request of any fifteen members, or
 - iii) as deemed advisable by the Board of Directors or the President.
- d) Special meetings may be called and held following the procedures for such meetings set forth in *The Standard Code of Parliamentary Procedure*.
- e) The quorum for all meetings of UWOFA-LA is 25 percent of the members.
- f) All other matters of procedure shall follow the UWOFA Constitution and By-Laws.

22. Removal and Resignation Procedure

- a) For purposes of this clause, the term “officers of the Association” includes any member of the Board of Directors.
- b) The grounds for removal of an officer of the Association shall be any one of the grounds given in Sturgis under “Removal of Officers”. For example, grounds might include, gross neglect of duties, inability to perform duties due to illness, breach of confidentiality, failure to conform to the Collective

Agreement, Constitution or instructions of the Board or a General Meeting, or a pattern of abusive or threatening behaviour. Simply holding a minority view on some particular issue shall not be grounds for removal.

- c) Removal procedures shall be initiated when either (1) 5 members of the Board, or (2) 50 members of the Association have presented the President (or Vice-President if the President is the subject of the removal petition) with a petition calling for the removal of an officer. Such a petition shall include the grounds for removal and present substantiating evidence.
- d) Once the President (or Vice-President if the President is the subject of the removal petition) receives such a petition, or a letter of resignation, she or he will call a Board Meeting within 30 days. If a quorum is not met at that meeting, additional meetings will be set until quorum is met.
- e) The officer who is the subject of the petition may elect to attend the Board meeting at which her or his removal is being discussed and may be accompanied by an Academic Colleague of her or his choosing. An officer who resigns may also elect to address the Board, accompanied by an Academic Colleague if desired.
- f) The Board may authorize an Independent Investigation using a professional investigator. In the case of an investigation, the Board will be obligated to await and consider the report before taking further action.
- g) The Board can remove an officer with a two-thirds majority of those voting, given that there is a quorum. Such removal is effective immediately. Acceptance of a resignation by the Board is also effective immediately and will sever all further obligations and rights attached to that office.
- h) In a case where there is an Investigator's Report, an officer who is removed by the Board may request that the report be considered at the next General Meeting. Once the report has been presented and discussed during a General Meeting, any Member may propose a motion to overturn the decision of the Board. If the motion passes by majority vote (with the presumption of a quorum) then the officer who was removed is reinstated immediately.



The University of
Western Ontario

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