

YORK UNIVERSITY STAFF ASSOCIATION

YUSAPUY

**ASSOCIATION DU PERSONNEL
DE L'UNIVERSITÉ YORK**

CONSTITUTION

As ratified June 2022

**YORK UNIVERSITY STAFF ASSOCIATION/
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ARTICLE I – NAME

SECTION 1 – General

The name of this organization, a Union under the terms and conditions of the Ontario Labour Relations Act, shall be hereinafter referred to as "The York University Staff Association / Association du Personnel de l'Université York ", YusApuY or the Union.

ARTICLE II – PURPOSE and OBJECTIVES

SECTION 1 – General

To promote the general interests of its members and to provide an effective means of communication between members of this Union and other members of the University community; and to regulate relations between employees and employer, including, but not limited to, the right to bargain collectively on behalf of the employees.

SECTION 2 – Equity

To uphold the principles of equity, non-discrimination, anti-oppression, freedom from harassment and to create a culture of belonging, acceptance, diversity and inclusion in which every member of YUSAPUY and the broader York University community is treated with dignity and respect.

To strive to bring about improvement in the working conditions, job security and benefits of the members through fair wage standards, opportunity for advancement, uniform job classification with equal pay for work of equal value, for all employees.

To ensure that, in accordance with the Ontario Human Rights Code, all members enjoy a workplace free from all forms of discrimination (including race, ancestry, place of origin and/or nationality, beliefs, colour, ethnic origin, citizenship, creed, sex, gender identity or expression, same-sex partnership status, age, political or religious affiliations, sexual orientation or preference, record of offences, marital status, family status, family relationship, disability, immune status, number of dependents or any other prohibited ground that may be established in the Code).

SECTION 3 – Opportunity

To provide opportunities for the educational and the social development of the members and for the orientation of new employees.

SECTION 4 – Democracy

To provide a democratic form of government, within the Union, allowing free voice and vote to all members.

SECTION 5 – Health and Safety

To promote the occupational health and safety of workers.

SECTION 6 – Rights

To promote the rights of workers in Canada. To promote the right to belong to labour organizations which are not influenced or dominated by any element foreign to, or not in the best interests of, the people of Canada.

SECTION 7 – Mission Statement

The York University Staff Association (YUSAPUY) represents members in administrative and technical roles by working responsibly and conscientiously for an effective union that is committed to protecting jobs, maintaining positive workplace relations, ensuring suitable working conditions, and improving the economic welfare of all members. We champion the values and virtues that embody a society free of bias, stereotypes, and discrimination. We act in solidarity with others in pursuit of equality, security, and diversity.

ARTICLE III – MEMBERSHIP

SECTION 1 – General

Any person hired to work in a YUSAPUY bargaining unit position shall be eligible to become and remain a member of the Union. However, no person shall be eligible for membership, or to continue membership, if they are managers pursuant to s.1(3)(b) of the Labour Relations Act, 1995 and exercise managerial functions over any operation for which the Union is, or may become, the bargaining agent.

No application for membership will be denied for any reasons as outlined in Article II, Section 2.

SECTION 2 – Good Standing

Members of the bargaining unit shall be considered members in good standing in the following circumstances:

- a) A member in good standing is a person eligible for membership who has complied with the following conditions;
 - i) abides by the Constitution; or
 - ii) applied and been granted special status by the Executive Board (see Section 6).
- b) A member while on injury or sick leave (compensable or non-compensable) or on other approved leave of absence shall be considered a member in good standing provided he/she was in good standing at the commencement of such leave.

Members who are not in good standing or who have signed a Revocation of Membership form may not vote on matters of business of YUSAPUY except as provided by the Ontario Labour Relations Act.

SECTION 3 – Signing Authority

Any officer or representative, or designate as appointed by the Executive Board, or any Steward of the Union shall have the authority to approve any application for membership by affixing their signature in the space so provided.

SECTION 4 – Membership Cards

A membership card shall be issued to each member in good standing for the purpose of identification. YUSAPUY may request at its discretion a membership card be accompanied by a photo ID. A card shall be declared invalid if any of the following conditions apply:

- a) a card is reported lost or stolen;
- b) a card belongs to an individual who is no longer a member of the Union.

SECTION 5 – Information Disclosure

Each member shall advise the Union office promptly of any change of name, office address and phone number, residence address and phone number. The Union has the right to request the above information, as well as all information relating to terms and conditions of employment, including total compensation paid, of all members of YUSAPUY from the Employer.

SECTION 6 – Special Status

Special membership status shall be open to any former members of YUSAPUY whose written applications for such have been approved by the Executive Board.

- a) Distinct membership cards shall be issued.
- b) Such members shall retain the right to attend general membership meetings and to be recognized by the Chair.
- c) They shall not, however, be counted for quorum, nor shall they retain the right to vote or to stand for election.
- d) Special status shall cease upon:
 - i) written request from the member, or
 - ii) revocation by the Executive Board.

ARTICLE IV – OFFICERS

SECTION 1 – General

The Officers of this Union shall consist of the President, First Vice-President, Second Vice-President, Membership Officer, Treasurer and Glendon Officer. All officers shall be designated as Stewards (see Article VII, Section 1). The terms of the office shall be for two (2) years, from January 1 of the first year to December 31 of the following year.

SECTION 2 – Duties

a) President

The President, who shall be a full-time elected Officer, shall be responsible for the general management and direction, subject to the authority of the Executive Board and this constitution, of the business and affairs of the Union. The President shall preside over all general membership meetings and Executive Board meetings; shall be responsible for the preparation of the agenda for these meetings; shall be responsible for the due and proper administration of the Constitution; shall be responsible for relations with bodies internal (see Article IV, Section 2b) and external (see Article IV, Section 2c) to the University; shall be a non-voting ex-officio member of all Committees unless otherwise specified. The President may be subject to reasonable requirements of insurability and/or bondability as determined by the Executive Board (as taken from Article VIII, Section 1). The President shall be paid by the Union, while holding office, at a salary commensurate with the position, but not less than his/her normal salary rate.

b) First Vice-President

The First Vice-President, who shall be a full-time elected Officer; shall assist the President with the general management and direction of the business and affairs of the Union, subject to the authority of the President, the Executive Board and this constitution; shall be responsible, along with the President, for relations with bodies internal to the University; shall be responsible for the due and proper administration of the Constitution; shall be a non-voting ex-officio member of and shall oversee all Committees unless otherwise specified; and shall, in the absence of the President, be the acting President. The First Vice-President may be subject to reasonable requirements of insurability and/or bondability as determined by the Executive Board (as taken from Article VIII, Section 1). The First Vice-President shall be paid by the Union, while holding office, at a salary commensurate with the position, but not less than his/her normal salary rate.

c) Second Vice-President

The Second Vice-President, who shall be a full-time elected Officer; shall be subject to the authority of the President, the First Vice-President, the Executive Board and this constitution; shall be responsible along with the President, for relations with bodies external to the University; shall assist the First Vice-President as required; shall be responsible for the due and proper administration of the Constitution; shall be a non-voting ex-officio member of and shall oversee all Committees unless otherwise specified. The Second Vice-President shall, in the absence of both the President and the First Vice-President, be the acting President. The Second Vice-President may be subject to reasonable requirements of insurability and/or bondability as determined by the Executive Board (as taken from Article VIII, Section 1). The Second Vice-President shall be paid by the Union, while holding office, at a salary commensurate with the position, but not less than his/her normal salary rate.

d) Membership Officer

The Membership Officer shall be responsible for YUSAPUY's initial contacts with new employees eligible for membership. The Membership Officer shall maintain the membership records, supervise admittance at general membership meetings and verify the right to vote at elections.

e) Treasurer

The Treasurer shall be responsible for the keeping of the financial records and shall arrange for the custody and disbursement of funds, pursuant to the direction of the Executive Board. The Treasurer may be subject to reasonable requirements of insurability and/or bondability as determined by the Executive Board (as taken from Article VIII, Section 1). The Treasurer shall submit to the Executive and membership a proposed annual budget and a semi-annual financial report (see Article VIII - Finances).

f) Glendon Officer

The Glendon Officer shall be a member of YUSAPUY working at the Glendon campus and shall be elected by members working at the Glendon Campus. The Glendon Officer shall represent the interests of those members in Union matters.

SECTION 3 – Reports

Each Officer shall prepare and present a semi-annual report, during the months of May and October to the Executive Board. These reports will be made available to the general membership after having been presented to the Executive Board.

SECTION 4 – Vacancy

- a) In the event an Officer's position becomes vacant between the first of January of the first year of their term and the thirtieth of June of the second year inclusive, the Executive Board shall instruct the Nominations Committee to accept nominations for a one week period. If the position is contested, a by-election shall be held under the conditions specified in Article XI - Elections.
- b) In the interim, the Executive Board may designate a Union member to perform the duties of the position, except as specified in Article IV, Section 2 (b) and (c).
- c) If the Nominations Committee reports that there are no candidates for the vacancy, the Executive Board may fill the position by appointment for the remainder of the term. If the appointee resigns before the thirty-first of December, the Nominations Committee may recommend a further appointment(s) to finish the term. Such appointments may be de-appointed (see Article VI, Section 4) by the Executive Board at its discretion and with due consideration.
- d) If a vacancy occurs after the first of July in the second year of their term of office, with the exception of the President, First Vice-President and the Second Vice-President, the Executive Board may choose not to hold a by-election and may appoint a member of the Union to the position. Such appointments may be de-appointed (see Article VI, Section 4) by the Executive Board at its discretion and with due consideration. In the event of a vacancy in the position of the President, First Vice-President or the Second Vice-President, a by-election shall be held as specified in Article XI - Elections.
- e) Union duty leave (paid by the Union) will be made available, as necessary, to any member newly elected into a position of the President, First Vice-President or Second Vice-President. Up to 10 days of union duty leave, for each member, will be made available for either the incoming or the outgoing President, First Vice-President or Second Vice-President.

ARTICLE V – COMMITTEES

SECTION 1 – General

The standing committees of this Union shall consist of the Bargaining Committees, Communications Committee, Constitution and Policy Committee, Equity Committee, Grievance Committee, Health and Safety Committee, Job Evaluation Committee, and the Nominations Committee. The terms of office shall be two (2) years, from January 1 of the first year to December 31 of the following year.

SECTION 2 – Duties

Standing Committees, responsible to the Executive Board, shall be:

a) Bargaining Committee

The Unit 1 Bargaining Committee shall consist of the President, the First Vice-President, a member of the Grievance Committee and four members elected from the general membership, one of whom shall be a long service employee (15 or more years' service), and one member of YUSAPuY working at the Glendon campus elected by the Glendon membership. In the event that no long service employee and/or no member working at Glendon stands for election, the position(s) may be filled by a member-at-large. The function of this Committee shall be to negotiate any changes to the current Unit 1 Collective Agreement (see Article XIII). One member of the committee shall be elected by the committee to be the Chair.

The Unit 2 Bargaining Committee shall consist of the President, the First Vice-President, the Chair of the Unit 1 Bargaining Committee, and four Unit 2 members elected from the general membership. In the event that the Chair of the Unit 1 Bargaining Committee is not available to serve on the Unit 2 Bargaining Committee, the Vice Chair of the Unit 1 Bargaining Committee or a member of the Grievance Committee may fill the vacancy. In the event that less than four (4) Unit 2 members stand for election, or after election, less four (4) Unit 2 members are available to serve on the Bargaining Committee, due to resignation or some ineligibility, positions may be filled by appointment from eligible Unit 2 membership. The function of this Committee shall be to negotiate any changes to the current Unit 2 Collective Agreement. One member of the committee shall be elected by the committee to be the Chair.

b) Communications Committee

The Communications Committee shall consist of four (4) elected members of the general membership. It shall be the function of the Committee to keep members informed of YUSAPuY activities and labour-related developments both on and off-campus with a newsletter and/or by other means.

c) Constitution and Policy Committee

The Constitution and Policy Committee shall consist of four (4) elected members of the general membership. The function of this committee shall be the construction and maintenance of the YUSAPUY Constitution and the YUSAPUY Policy Manual. The Committee shall also advise the Executive Board in the interpretation of these documents.

d) Equity Committee

The Equity Committee shall consist of six (6) elected members of the general membership. It shall be the function of the Committee to promote and advance anti-oppressive principles and practices, such as equity, diversity, inclusion, indigenization, 2SLGBTQIA+ pride, anti-misogyny, and anti-racism, including anti-Black racism, anti-Indigenous racism, anti-Asian racism, Antisemitism, Islamophobia, within the general membership, union officials, and YUSAPUY. The Committee will develop and deliver regular programming including community outreach and advocacy training for the Committee and the membership.

e) Grievance Committee

The Grievance Committee shall consist of four (4) Union Stewards (see Article VII – Stewards). Selection of members of this Committee and members to sit as their alternates, by vote among the Stewards, shall take place immediately after the Annual General Election. All Grievance Committee members must remain a Steward while sitting as members of the Grievance Committee. A member of the Grievance Committee shall sit as a member of the Bargaining Committee. The functions of this Committee shall be to advise members of their rights under the Collective Agreement and to coordinate and process grievances in conjunction with the Stewards on behalf of members of the bargaining unit.

f) Health and Safety Committee

The Health and Safety Committee shall consist of all YUSAPUY worker members appointed to Joint Health and Safety Committees (JHSC) for an indefinite term. Members wishing to be appointed to the Health and Safety Committee shall notify the Executive Board in writing. Health and Safety Committee members shall be appointed and de-appointed (see Article VI, Section 4) by the Executive board at its discretion and with due consideration. This Committee shall provide information to and educate the general membership about health and safety issues and legislation, and examine legislation, policies and procedures and their effect on Union members. Training of the Health and Safety Committee shall be at the expense of the Union and/or the employer and requires approval of the Executive Board.

g) Job Evaluation Committee

The YUSAPUY Job Evaluation Committee shall consist of YUSAPUY raters. The Committee shall consist of members of the general membership appointed for an indefinite term. Members wishing to be appointed as a YUSAPUY rater shall notify the Executive Board in writing. Job

Evaluation Committee members shall be appointed and de-appointed (see Article VI, Section 4) by the Executive Board at its discretion and with due consideration. The President and/or the First Vice-President shall oversee the Joint Job Evaluation System.

h) Nominations Committee

The Nominations Committee shall consist of three elected members of the general membership. The functions of this Committee shall be to aid in the search for candidates for Offices and Committees, Stewards and YUSAPUY representatives on various bodies. The Committee shall oversee procedures for YUSAPUY's Annual General Elections and shall conduct any necessary by-elections as outlined in Article XI - Elections.

SECTION 3 – Chairs and Reports

- a) Standing Committees shall elect, once every two years, from among its members a Chair and a Vice Chair who will prepare agendas and preside over meetings. The Chair or the Vice Chair shall represent the Committee as a voting member on the Executive Board.
- b) Standing Committees shall prepare and present semi-annual reports, during the months of May and October to the Executive Board. These reports will be made available to the general membership after having been presented to and reviewed by the Executive Board.

SECTION 4 – Vacancy

- a) In the event that a Standing Committee position remains vacant after the General Elections the Executive Board will instruct the Nominations Committee to accept a call for nominations for a one week period as soon as is practicable, and at the latest by mid-January. If any position is contested, a by-election will occur as specified in Article XI - Elections.
- b) If, once the by-election has been completed, a Standing Committee position remains or becomes vacant the Executive Board may appoint a member to fill that position to finish the term. Members wishing to be appointed to a vacant committee position shall notify the Executive Board in writing. Such appointments may be de-appointed (see Article VI, Section 4) by the Executive Board at its discretion and with due consideration.

SECTION 5 – Ad Hoc

- a) Ad Hoc Committees shall be appointed and de-appointed (see Article VI, Section 4) by the Executive Board at its discretion and with due consideration. The terms of reference, numbers of members and length of standing shall be established by the Executive Board. Members wishing to be appointed to an Ad Hoc Committee shall notify the Executive Board in writing.

- b) Ad Hoc Committees shall be reviewed by the Executive Board annually.
- c) Ad Hoc Committees shall prepare and present an annual report, during the month of October, to the Executive Board. These reports will be made available to the general membership after having been presented to the Executive Board.

SECTION 6 – Confidentiality Agreement

All members participating in committees or official union work are required to sign a confidentiality agreement.

ARTICLE VI – EXECUTIVE BOARD

SECTION 1 – Members

The Executive Board shall consist of the President, First Vice-President, Second Vice-President, Membership Officer, Treasurer, Glendon Officer and Chairs or Vice Chairs of all of the Standing Committees.

SECTION 2 – General

- a) The Executive Board shall be responsible to the membership for the general supervision, management and conduct of the Union's business, funds and property; shall carry out the provisions of this Constitution; shall adopt, subject to membership approval, policies and measures designed to advance and protect the rights, interest and welfare of the Union and its members and shall report promptly to the membership any and all matters having significant bearing upon same. Executive Board members shall be required to sign a confidentiality agreement.
- b) Policy shall be submitted for approval or amendment to the Executive Board. No policy shall be interpreted as taking precedence over any article or provision of this Constitution without due constitutional process (see Article XIV).
- c) The Chair or the Vice Chair shall represent the Committee as a voting member on the Executive Board (see Article V, Section 2a).
- d) The Executive Board may approve the hiring of office staff and temporary help for Union committee business as required. The Executive Board may hire a non-member to act as a non-voting recording secretary for Executive Board meetings. Remuneration for such hiring must reside within any budgetary restraints already approved by Union members.
- e) An Executive Board member may lose their position by failing to attend, without good reason, at least 50% of the meetings, either in person, by alternate or by written report, of the Executive Board called in any four month period (refer to Article VI, Section 4).

SECTION 3 – Recall

- a) Any elected or appointed Executive Board or Standing Committee member may be recalled at any time. Any such recall may be the result of the member's actions or conduct, which is prejudicial to the Union and this Constitution. Proceedings for recall can be initiated by a petition, stating the reason, of at least twenty-five percent of the membership of YUSAPUY. Should the Executive Board declare that the petitioners do constitute twenty-five percent of the members, it shall hold a recall vote within a period of thirty days after receipt of the petition. A majority (fifty percent plus one) of the votes cast shall be necessary to recall the

Executive Board or Committee member. No mail-in ballots or proxy voting shall be permitted in a recall vote (see Article XV. Section 2).

- b) An Executive Board or Committee member who is the subject of a recall shall have the right to appear at a special scheduled general membership meeting before the vote takes place and to bring witnesses to answer the charge(s). The member subject of the recall will be provided with mailing labels and printing costs of one statement, if requested, for the purpose of responding to the petition. The petitioners shall be provided with one set of mailing labels and printing costs of one statement, if requested, in order to reach the full membership.
- c) Any member of the Executive Board against whom a recall petition has been initiated shall be able to take part in all Executive Board discussions, deliberations and votes. However, any such member shall not be eligible to vote in the Executive Board on any matter dealing with the recall.

SECTION 4 – De-appointment

- a) The provisions of this Article apply to a union official (officer, Standing Committee member, an Ad Hoc Committee member, or a Steward) who holds an Office or a position pursuant to this Constitution by virtue of an appointment by the Executive Board.
- b) The de-appointment of a person referred to in sub-paragraph (a) above before the expiration of any applicable term of office or appointment may be initiated by a motion adopted by a minimum of fifty percent of the members of the Executive Board present for such a vote.
- c) A member of the Executive Board shall prepare a statement setting out the reasons for the Executive Board's decision to initiate the de-appointment process.
- d) Notice of the decision of the Executive Board to initiate the de-appointment process and the statement setting out the reasons for the Executive Board's decision to initiate the de-appointment process shall be delivered to the union official subject to de-appointment.
- e) The union official subject to de-appointment shall be given a minimum of seven days from the date that the notice and the statement referred to in sub-paragraph (d) above was delivered to the union official subject to de-appointment to provide a response to the Executive Board.
- f) The union official subject to de-appointment shall be given an opportunity to provide a response to the Executive Board by their choice of either: i) representations made in person; or ii) written submission. Witnesses may also be brought forward.
- g) Upon consideration of the response of the union official subject to de-appointment the Executive Board may vote on a motion to de-appoint the union official.

- h) The member of the Executive Board who prepared the statement setting out the reasons for the Executive Board's decision to initiate the de-appointment process shall not cast a vote on the motion to de-appoint the union official.
- i) The motion to de-appoint a union official shall require, for passage, a two-thirds majority vote of the Executive Board actually present and, if passed, the union official shall cease to hold the office, committee or Steward position immediately.

Article VII – STEWARDS

SECTION 1 – Appointment

Members wishing to be appointed as Union Stewards shall notify the Executive Board in writing. Stewards shall be appointed by the Executive Board for an indefinite term. Officers and Executive Board members shall be designated as Stewards (see Article IV, Section 1).

SECTION 2 – Function

The functions of Stewards are to aid in the process of orienting new employees eligible for membership, to advise members of their rights under the Collective Agreement and to process grievances in conjunction with the Grievance Committee on behalf of members of the Union. Stewards are subject to the Collective Agreement, this Constitution and the authority of the Executive Board. Stewards have no authority to bind the Union to any agreement or settlement or practice.

SECTION 3 – Resignation and De-appointment

- a) In the event Stewards wish to resign from their positions they shall notify the Executive Board in writing.
- b) Stewards who fail to respond to notices of three consecutive regular Steward meetings may be deemed by the Executive Board to have submitted their resignations.
- c) Stewards may be de-appointed by the Executive Board (see Article VI, Section 4).

Article VIII – FINANCES

SECTION 1 – Signing Authority

All cheques require signatures from any two of the following; President, First Vice-President, Second Vice-President or Treasurer. Persons granted cheque signing authority by the Union may be subject to reasonable requirements of insurability and/or bondability as determined by the Executive Board.

SECTION 2 – Financial Records

- a) YUSAPUY's financial records shall be audited every three years, and scrutinized by a review engagement in non-audit years, to be conducted by an outside auditor appointed by the Executive Board and shall be open to scrutiny by any member of the Executive Board.
- b) Any member in good standing of the Union wishing to scrutinize the audited financial statements shall make a request in writing to the Executive Board.

SECTION 3 – Budget

- a) The Treasurer, after consultation with the President and the Executive Board, shall prepare a budget for the fiscal year January 1 to December 31.
- b) The budget will be presented to the membership at the scheduled general membership meetings at the Keele and Glendon campuses, normally held during the first quarter of the year.
- c) Approval of any budget shall be by means of either an electronic or mail-in ballot and passed by a majority (fifty percent plus one) of ballots returned by the specified date. In the case of an electronic vote, the electronic ballot will be made accessible electronically to members in good standing. In the case of mail-in ballot, the ballots will be sent to all members in good standing by mail (see Article XV, Section 1). This ballot will be provided to the membership no later than one week following the scheduled general membership meeting.

SECTION 4 – Dues

- a) Dues shall be deducted each month in the amount of 1.5% from the salary of each member of the Union.
- b) Any change in the amount of dues shall be proposed by the Executive Board at a scheduled general membership meeting. Changes in dues must be passed by a two-thirds majority vote cast by members in good standing present at the meeting. If quorum (see Article X, Section 4a) is not met at the scheduled general membership meeting, a vote may be held by either

electronic or mail-in ballot, at the discretion of the Executive Board, no earlier than one week after the above mentioned meeting.

- c) Any change in the amount of dues proposed by the membership shall follow the process of Constitutional change (Article XIV).

SECTION 5 – Strike Fund

- a) A minimum of ten percent (10%) of the dues shall be deposited in the YUSAPuY Strike Fund, normally on a quarterly basis.
- b) In the event of a strike vote being called, the Executive Board shall have the authority to borrow funds not exceeding the amount disclosed to the membership under Article XIII, Section 2d) from a credit union, bank, financial institution or organization. Such money shall be placed in the YUSAPuY Strike Fund Account.
- c) All monies placed in the YUSAPuY Strike Fund Account may be used only in the event of a YUSAPuY strike or lockout.
- d) Members working for the University during a legal strike contrary to a recommendation of the Executive Board may have a penalty levied against them by the Union in the following manner:
 - i) The Executive Board will provide the membership with reasonable notification of any general directive not to work for the University during a legal strike. Reasonable notification may be effected by any method whereby the Union or Executive Board makes an announcement, including at a membership meeting to hold a strike vote. The notification and any strike vote meeting would include details of the penalty that could be brought against a member(s) who has worked for pay during a legal strike (see subsection ii).
 - ii) The penalty shall be limited to revocation of the member's good standing for a period of two years (i.e. see Articles III, VII and elsewhere in this Constitution).
 - iii) Once an allegation is brought to the attention of the Executive Board that a member has worked for pay during a legal strike, the Executive Board shall notify the member of the allegation and the member shall have an opportunity to respond to the allegation within ten days of receiving such notice.
 - iv) The Executive Board shall consider the allegation and the response of the member, if any, and shall determine whether to impose the penalty against the member under this Section, having regard to the policy of the Union and this Constitution to maintain consistent enforcement of this Section. The Executive Board shall determine whether to impose a penalty based on the circumstances of the case before it.
 - v) Any decision of the Executive Board under this Section shall be determined by a vote of a majority of the Executive Board after considering relevant and appropriate submissions.

- vi) If a member feels that he/she has been treated unfairly under this Section, he/she may, within ten days, request that the Executive Board reconsider its decision. In doing so, the Executive Board shall consider any relevant submissions and representations of the member and any other person deemed appropriate by the Executive board. The Executive Board shall conduct a reasonable inquiry having regard to the circumstances but shall consider the policy of the Union to maintain consistent enforcement of this Section. The Executive Board shall provide for an oral hearing in appropriate circumstances.
- vii) The decisions of the Executive Board under this Section are final and binding on the member.

SECTION 6 – Travel & Conference Expenses

Members travelling on Union business or attending conferences as YUSAPUY delegates shall receive reasonable expense reimbursement from the funds of the Union, subject to the approval of the Executive Board.

Article IX – SUPPORT

SECTION 1 – Supported Organizations

The Executive Board may, after due consideration, support the following, upon their written request, on behalf of YUSAPUY,

- a) any other union or group at York University;
- b) any other union or group which is a member of an organization of which YUSAPUY is also a member;
- c) any other union in Canada that is, in the estimation of the Executive, either unjustifiably locked out or engaged in a legal strike for just cause.
- d) Any other organizations which align with the mission statement and values of YUSAPUY. Organizations falling into this category must apply through the process outlined in Section 1.d) i)
 - i) All organizations that fall under section 1.d) will be required to submit a formal request outlining the purpose of the request for funds.

SECTION 2 – Maximum Request

Such support may take the form of a statement of support and/or financial support. Financial support shall normally be limited to a maximum of \$1,000.00 per request per organization, within the calendar year. All such support, if financial, must reside within any budgetary restraints already approved by Union members.

Article X – MEETINGS

SECTION 1 – General

There shall be at least two scheduled general membership meetings during the year. Meetings called for the purpose of a strike vote or contract ratification vote shall be in addition to the above mentioned meetings.

- a) There shall be one scheduled general membership meeting, normally held in the first quarter of the year to introduce the new Executive Board to the members and to present the budget (see Article VIII, Section 3b).
- b) During a bargaining year, at least one scheduled general membership meeting shall be held to discuss proposed changes to the Collective Agreement.
- c) The scheduled Annual General Meeting shall normally be held during the month of October. The notice of this meeting to the general membership shall include written reports from each member of the Executive Board, if available.
- d) Additional scheduled general membership meetings shall be called at the discretion of the Executive Board or by petition of ten percent of the general membership (i.e. Quorum, see Article X, Section 4a) to the Executive. Any petitioned scheduled general membership meeting shall be held within sixty days (normally within thirty days) of the Union's receipt of the request.

SECTION 2 – Announcements

All scheduled general membership meetings and agendas must be announced at least ten (10) business days in advance of the meetings. Emergency general membership meetings may be called by the Executive Board on shorter notice, provided that notices are sent to all members at least three (3) days in advance of the meeting. Meetings shall also be announced via the YUSAPUY listserv whenever possible.

SECTION 3 – Motions

- a) Any motion (which does not pertain to constitutional change or a change in union dues) proposed and seconded at a scheduled general membership meeting on a topic not specifically included on the agenda for that meeting shall be tabled for consideration at the next scheduled general membership meeting and shall be included on the agenda for that meeting. For motions pertaining to Constitutional changes, see Article XIV.
- b) A vote by secret ballot may be demanded by one-third of the members present. Attendance at such a meeting must consist of a minimum of ten percent of all the members in good

standing (i.e. quorum) for a vote to be demanded. The Executive Board may hold a vote by mail-in or electronic ballot, at their discretion (see Article XV, Section 2).

- c) All motions passed by a majority vote (fifty percent plus one), as the result of subparagraphs (a) and (b) above, shall be binding on the Executive Board.
- d) When quorum at a scheduled general membership meeting is not met for a motion, that motion expires, but can be put forward again immediately. This process may be repeated *ad infinitum*. The motion is then added to the agenda for the next scheduled general membership meeting.
- e) A motion, once defeated, cannot be re-introduced within that calendar year.

SECTION 4 – Quorum

- a) Except as otherwise specified in this Constitution, ten percent of the members in good standing shall constitute a quorum.
- b) The Executive Board (see Article VI) and all Committees (see Article V) shall meet as required. Attendance by fifty percent of the Committee members, or their predesignated Executive Board alternates, shall constitute a quorum. Any vacant position shall not be counted for quorum.

Article XI – ELECTIONS

SECTION 1 – General

- a) Unless otherwise provided for, Officers and members of Standing Committees shall be elected by the general membership.
- b) Only YUSAPUY members in good standing shall be eligible for election.
- c) All positions shall be filled by the candidate receiving the greatest number of votes. In the case of a tie, the Nominations Committee shall conduct a run-off election as soon as possible.
- d) A term shall be for two years, commencing on the first day of January following the election and ending on the last day of December of the following year. Members shall be eligible for re-election.
- e) Elections shall be conducted in accordance with the Elections Policy which may be amended from time to time at the discretion of the Executive Board.

SECTION 2 – Biennial General Elections

- a) The Biennial General Elections shall normally be held during the months of October or November.
- b) The call for Nominations shall be distributed by mail and/or email, normally at the same time as the notice of the scheduled Annual General Meeting. The agenda of the Annual General Meeting, to be held two weeks before the election, shall include the item "Nominations" and the Chair of the Nominations Committee shall accept additional nominations from the floor. Nominations shall be declared closed during the Annual General Meeting.
- c) The Nominations Committee shall schedule All-Candidates Meetings during the week preceding the date of the elections.
- d) Formal notice of the elections shall be mailed and/or emailed to the membership. Such notice shall contain:
 - i) the names of the nominees and nominators;
 - ii) nominees' length of service at York;
 - iii) statements from the candidates, if available;
 - iv) the dates, times and locations of the All-Candidates Meetings;
 - v) the date, times and locations of the elections.

SECTION 3 – Elections Committee

The Nominations Committee shall set up an Elections Committee normally composed of four members who are not candidates for any position to conduct the Biennial General Elections. The Elections Committee shall be responsible for the following:

- a) Prepare the ballots by office with the candidates listed in alphabetical order (surname first). All names shall appear in a uniform size and style of type. Ballots shall be distributed to members in good standing (see Article XV, Section 1). For a vote by polling station, ballots will be distributed at the polling stations upon proof of membership (see Article XI, Section 5). After the election, the number of ballots printed must tally with the total of ballots cast, spoiled, and unused. For an electronic vote, electronic ballots shall be made available to members in good standing via the YUSAPUY listserv, providing access to an electronic voting system, requiring appropriate authentication.
- b) For voting by polling station, set up polling stations accessible to members of YUSAPUY, and ensure that each polling station is supplied with at least one screened area in which each voter may mark his/her ballot in secrecy and privacy. For electronic voting, ensure that the electronic voting system has all election related details and that members in good standing receive e-voting instructions and access to the electronic voting system.
- c) For voting by polling station, plainly mark each polling place as such. The Elections Committee shall also be responsible for maintaining order at polls and ensuring that no attempts to influence the voting takes place at the polls. For e-voting, the Elections Committee and the Union Office shall make a computer workstation available as a voting station so that members have access to a computer for voting purposes (see Article VX, Section 3).
- d) For voting by polling station, arrange for a member of the Elections Committee (i.e. a Returning Officer) to be present at each station during voting hours. These persons are responsible for providing a ballot box at each poll (normally obtained from the YUSAPUY office). Before voting commences, the member must demonstrate to all present that the ballot box is empty, and then seal it. At the close of voting hours, the member is responsible for conveying the ballot box and any portion of unused ballots back to the place of counting. For electronic voting, arrange for a member of the Elections Committee (i.e. a Returning Officer) to oversee communications with the administrators of the electronic voting system to provide ballot details and a list of members in good standing for access to the electronic ballot.
- e) For voting by polling station, tabulation of the votes is to be done by volunteers as soon as practicable after the voting is completed. A tally sheet is made with all positions listed. The counts are listed for all positions and all totals are to be double-checked. These tally sheets are to be signed by the volunteers and presented to the Chair of the Nominations Committee. If there is a discrepancy in the number of ballots cast and unused and the number of ballots originally printed, this must be reported immediately to the Executive

Board. For electronic voting, members of the Elections Committee will simultaneously receive the voting results from the administrators of the electronic voting system via email.

- f) After tabulation, inform all candidates of the results, and publish the results to the membership as soon as possible.

SECTION 4 – Scrutineers

Any Presidential or Vice-Presidential candidate(s) shall have the option of appointing scrutineers to observe the voting at the polling places or YUSAPUY -provided electronic voting station. In the case of a paper-based vote, the scrutineer may also observe the tabulation of the votes. In the case of an electronic vote, the scrutineer may observe the Election Committee receiving the results from the electronic voting system (if such arrangements are possible). No scrutineer shall be refused the right to keep a tally sheet when the votes are being tabulated. There shall be not more than one scrutineer per polling place, or when results are provided to the Elections Committee, at a given time for each Presidential or Vice-Presidential candidate(s). Such scrutineers must not attempt to interfere with or influence any voter in any way. Scrutineers' absence from their normal duties shall be deemed as Union Duty Leave and they shall be compensated by the Union accordingly. The Scrutineers shall not distribute the results of the vote to the membership in whole or in part as this duty is to be performed by the Elections Committee.

SECTION 5 – Voting

Each member in good standing shall be eligible to vote by secret ballot at polling stations upon presentation of proof of membership, or by electronic voting via online electronic voting system, upon authenticating. For a vote by polling station, proof of membership shall consist of either the Union's valid membership card, the employees pay stub, or an official piece of government issued identification that includes the member's name. For a vote by paper ballot at a voting station and/or for electronic voting, proxy voting is not permitted (see Article XV, Section 4).

The Membership Officer and/or Nominations Committee, in conjunction with YUSAPUY office staff shall prepare an accurate voting list of all members in good standing that shall be made available to the Elections Committee and available at each polling station, for paper-based voting, and which will be provided by the Elections Committee to the administrators of the electronic voting system to ensure member access to the electronic voting system. In a paper based vote, any member in good standing who wishes to vote and whose name is not on the voting list shall have their ballot sealed in a separate envelope with their name and department on the outside of the envelope. Once the Elections Committee and Membership Officer determine that this member is eligible to vote the envelope will be opened and their ballot will be included in the ballot box. In an electronic vote, members who experience technical difficulties with access to the electronic voting system shall contact the Elections Committee. If

it is determined that a member in good standing's name is not on the voters list, the Elections Committee will attempt to add the individual during normal work hours if it is at all possible to do so before the end of the voting period and while the voting system is still active.

SECTION 6 – Vacancies

- a) When directed by the Executive Board, the Nominations Committee shall conduct by-elections for vacancies of Officers or Standing Committees. Nominations shall be open for a one week period.
- b) In the case of a vacancy in the Office of the President or Vice-President(s), Section 2 (c) & (d) above and Sections 3, 4 and 5 above shall apply.
- c) For all other positions voting may be conducted by mail-in or electronic ballot, at the discretion of the Executive Board.

SECTION 7 – By-Elections

- a) In the case of a by-election conducted by mail-in or electronic ballot, the Nominations Committee shall send formal notice to the membership. Such notice shall contain:
 - i) the names of the nominees and nominators;
 - ii) nominees' length of service at York;
 - iii) statements from the candidates, if available;
 - iv) an official ballot, printed on coloured paper;
 - v) the date by which the ballot must be returned to the YUSAPUY office.
- b) The Nominations Committee shall tabulate the ballots returned on time and inform the candidates and general membership of the results as soon as possible.

SECTION 8 – Protests

- a) Any member who wishes to protest any irregularity in the conduct of an election shall file a written notice of such allegation to the Executive Board within ten working days of the election, and the same shall be dealt with by the Executive Board. If an election irregularity concerns a member of the Executive Board, that member will not take part in any Executive Board decisions regarding the protest.
- b) If there is no protest, the ballots, including electronic ballots, shall be destroyed fifteen working days after the election.

Article XII – REFERENDA

SECTION 1 – Petition

A referendum vote may be initiated on any policy question by a resolution of the Executive Board or by a written petition, received by the Executive Board, of ten percent of Union members in good standing. Upon receipt of such petition, the policy in question shall remain in abeyance pending the outcome of the vote. Such a vote shall be conducted by the Executive Board on the same basis as that used for elections or by-elections, (see Article XV, Section 2).

SECTION 2 – Voting

All referendums shall require a majority (fifty percent plus one) vote of ballots cast by members in good standing.

SECTION 3 – Outcome

The outcome of the vote shall be binding on all members until modified by a subsequent general membership vote.

Article XIII – COLLECTIVE AGREEMENTS

SECTION 1 – General

- a) The YUSAPUY bargaining team shall keep the Executive Board informed of all ongoing negotiations with the employer. They will also update the membership on a regular basis.
- b) Any memorandum of agreement signed by YUSAPUY's Bargaining Committee and York University shall not be binding upon the general membership of the Union until the terms of such an agreement are ratified by the general membership as specified in Section 2 below.

SECTION 2 – Ratification Meeting

Any recommendations of the Executive Board whereby the members are asked to ratify a contract proposal presented by the University or withhold their services as part of the collective bargaining process as established in Ontario shall be decided upon subject to the following:

- a) A ratification meeting(s) of all members of the Union as defined by the Ontario Labour Relations Board Certificate will be called in order that a vote may be taken on the proposed contract changes.
- b) Notice and agenda of the scheduled ratification meeting(s) must be sent to all members at least three working days in advance of the meeting(s), except in a case where YUSAPUY has already withdrawn its services.
- c) Quorum for the vote will be one-third of all members as defined by the Ontario Labour Relations Board Certificate for the Union.
- d) The vote will be taken by secret ballot at the meeting(s) with each member present to vote once.
- e) Voting by proxy will not be allowed.
- f) In circumstances where the Executive Board determines that an in-person ratification vote is not feasible, the process for e-voting outlined in Article XV, Section 4 will be followed.
- g) Before a strike vote is called, the Executive Board must make a full disclosure at the meeting(s) of:
 - i) the current financial status of the Union;
 - ii) whether or not it is intended to borrow funds under Article VIII, Section 5 (b), and if it is so intended, the Executive Board must state the maximum amount to be borrowed;
 - iii) plans for any and all strike pay.
- h) A strike vote shall require a two-thirds majority vote of ballots cast in order to be approved.

- i) A contract ratification vote shall require a majority (fifty percent plus one) of ballots cast in order to be approved.
- j) The results of the vote shall be made known as soon as they are counted and verified, and written confirmation of the results of the vote shall be sent to all members as soon as possible.

Article XIV – CONSTITUTIONAL CHANGE

SECTION 1 – Proposing Changes

- a) The Executive Board shall submit to a general membership meeting such changes to the Constitution as it may deem necessary for the furtherance of the work of the Union.
- b) Proposing changes to Constitutional language may be initiated by the general membership by bringing forward to the Executive Board a written petition containing the rationale for a change signed by ten (10) percent of the membership in good standing. The Executive Board will have reasonable time to review the rationale and develop Constitutional language, as it deems practicable. The Executive Board shall submit to a general membership meeting such changes to the Constitution for ratification by all members.

SECTION 2 – Notice of Proposed Changes

Notice of proposed changes to the Constitution shall be given in the agenda of the meeting.

SECTION 3 – Voting

All changes to the Constitution shall require a two-thirds majority vote of ballots cast by members in good standing.

SECTION 4 – Quorum

If quorum (see Article X, Section 4a) is not met at the general membership meeting, a vote may be held by mail-in or electronic ballot at the discretion of the Executive Board, no earlier than one week after the scheduled general membership meeting, (see Article XV, Section 2).

Article XV – Ballots and Voting

SECTION 1 – Ballots

All ballots shall be printed on official YUSAPUY letterhead paper, with the exception of electronic ballots. Electronic ballots shall be made available to YUSAPUY members in good standing via access to an electronic voting system, requiring appropriate authentication. Notification of and access to the electronic voting system will be provided via YUSAPUY listserv and/or mail.

In the case of a vote by mail-in ballot, any ballots received photocopied or faxed will not be accepted.

SECTION 2 – Voting

The following voting formats shall be utilized in conducting YUSAPUY business, at the discretion of the Executive Board:

- a) Vote by polling station may be used in instances of elections (see Article XI) and recall (see Article VI, Section 3).
- b) Vote by mail-in ballot may be used in the following instances: approval of the budget (see Article VIII, Section 3); dues increase (see Article VIII, Section 4); support to other organizations (see Article IX, Section 3); motions from general meetings (see Article X, Section 3); by-elections (see Article XI, Section 7); referenda (see Article XII); constitutional changes (see Article XIV).
- c) Electronic voting may be used in the following instances: recall (see Article VI, Section 3); approval of the budget (see Article VIII, Section 3); dues increase (see Article VIII, Section 4); support to other organizations (see Article IX, Section 3); motions from general meetings (see Article X, Section 3); elections (see Article XI); by-elections (see Article XI, Section 7); referenda (see Article XII); constitutional changes (see Article XIV).
- d) Show of hands may be used in general membership meetings to vote on motions where there is quorum (see Article X).

SECTION 3 – Quorum

For a vote to be valid, participation in the vote by ten (10%) of the membership in good standing (i.e. quorum) is required).

SECTION 4 – Voting Stations and Voting Times

The electronic voting system will be active for no less than three (3) business days. Voting may take place 24 hours a day, from any location via the internet.

For paper-based voting, polls shall be open from 11:30 a.m. to 3:30 p.m on the day of election at the Keele campus and from 12:00 noon to 2:00 p.m. on the day of election at the Glendon campus.

In instances of an electronic vote, the YUSAPUY office shall make a computer workstation available as a voting station between the hours of 8:30 a.m. to 4:30 p.m. during the active voting period for members who do not have access to an online computer.

SECTION 5 – Proxy Voting

Proxy voting shall not be permitted.

Article XVI – General

SECTION 1 – Policy Manual

- a) A YUSAPUY Policy Manual shall be maintained. It shall include practices and procedures not specifically covered in this Constitution which the Executive Board deems are sufficiently important to be documented.
- b) Policy shall be submitted for approval or amendment to the Executive Board. No policy shall be interpreted as taking precedence over any article or provision of this Constitution without due constitutional process (see Article XIV) (as taken from Article VI, Section 2b).

SECTION 2 – Parliamentary Authority

All meetings of the Union shall be governed by the Constitution of the Union. In cases where this is inadequate, Bourinot's Rules of Order in the latest available edition shall govern.