

# CONSTITUTION OF THE OSGOODE HALL FACULTY ASSOCIATION

(1976, as amended on 1 April 2013, 9 April 2014, 6 September 2017, and 12 January 2018)

## Table of Contents

I. NAME .....	1
II. OBJECTIVES .....	1
III. MEMBERSHIP .....	1
IV. OFFICERS & EXECUTIVE .....	2
V. MEETINGS OF MEMBERS .....	4
VI. FEES .....	5
VII. FISCAL YEAR.....	5
VIII. AMENDMENTS TO THE CONSTITUTION .....	6
IX. BY-LAWS OF THE ASSOCIATION.....	6
X. COLLECTIVE BARGAINING .....	6

### I. NAME

The name of this Association shall be The Osgoode Hall Faculty Association (“OHFA”).

### II. OBJECTIVES

The purposes of this Association shall be:

- (a) to promote the welfare of the Osgoode Hall Law School;
- (b) to maintain the traditions of the Osgoode Hall Law School as an institution of higher learning in the legal profession in Ontario;
- (c) to promote the welfare of the members of the faculty of the Osgoode Hall Law School including relations with the Law Society of Upper Canada and the regulation of the terms and conditions of employment between the faculty of the Osgoode Hall Law School and York University; and
- (d) to join with other groups and organizations in promoting the welfare of York University.

### III. MEMBERSHIP

- 1. Membership in the Association shall be open to all persons employed

by York University in the Province of Ontario holding appointments as full-time faculty members of Osgoode Hall Law School, save and except those persons excluded from the bargaining unit as set out in Article 1(1) to (4) and Article 1(7) to (10) of the Collective Agreement between OHFA and York University.

2. Persons on leave of absence without pay from the University may retain their membership in the Association and, if they choose to retain membership, shall remit their dues individually to the Association. Such dues shall be calculated in the manner otherwise applicable under Article VI (3) and (4), as if the person were not on leave.

#### **IV. OFFICERS & EXECUTIVE**

1. The Officers of the Association shall be the three members of the Executive who shall assign Executive responsibilities amongst themselves in a manner consistent with this Constitution and any By-Law of the Association. Any decision of the Executive shall be based on a majority vote of the Officers except as provided to the contrary in this Constitution or any By-Law of the Association.
2. The Officers shall be responsible for carrying out the business of the Association including such responsibilities as member relations, relations with the School and University, relations with external actors, management and oversight of the Association's finances, management and oversight of grievances, management and oversight of collective bargaining, and other matters related to the business of the Association. The Executive shall assign to one Officer the role of treasurer who shall prepare the annual budget and financial reports, report regularly on the state of the Association's finances, authorize expenditures and investments, oversee the books, arrange for audits, and otherwise have primary responsibility for the management and oversight of the Association's finances subject to the authority of the Executive.
3. The Officers shall normally hold office for at least two years, normally beginning on 1 July following the Officers' election, with an option for each Officer to decide to extend her or his term for an additional year to a maximum of three years. An Officer shall be deemed not to be extending his or her term beyond the second year of that term, as applicable, unless the Officer provides notice of the extension to all members of the Association, by regular mail or e-mail, by 10 January of the second year of that term.
4. The Officers shall be elected to fill any existing or expected vacancy in

the three-member Executive. An election of any Officer(s) shall be called and administered by the serving Executive. A general election to fill an expected vacancy arising from the conclusion of a serving Officer's term of office shall be called annually, normally in February, in the year in which the Officer's or Officers' term is concluding. The Executive shall give notice of a special election to fill an unexpected vacancy on the Executive as soon as practicable and in any case within one month of the vacancy becoming known to the Executive. Notice of any election shall be provided by the Executive to all members of the Association, by regular mail or e-mail, at least one month before the voting deadline for that election.

5. Any member of the Association is eligible for election as an Officer of the Association if the member is nominated for election at least two weeks before the voting deadline for that election. A member of the Association may be nominated for election by any member of the Association. A member may self-nominate. A member may withdraw her or his name from nomination at any time prior to the voting deadline for that election. Notice of the nominated candidate(s) for election shall be provided to all members of the Association, by regular mail or e-mail, at least one week before the voting deadline for that election. Notice of the nomination may be provided by either the nominated or the nominating member or by an Officer of the Association.
6. All members of the Association shall be entitled to vote in an election by paper or electronic ballot according to a process to be determined by the serving Executive of the Association consistent with this Constitution and any By-Laws adopted by the Association to govern elections. Notice of the election process shall be provided to all members of the Association, by regular mail or e-mail, at least one month before the voting deadline for the election. Members of the Association shall be asked to indicate their first, second, and third choice among candidates on the ballot.
7. A candidate shall be elected by a plurality of votes among the members of the Association who cast a ballot in the election. Where more than one Officer position is open for election, the second and third Officers shall be elected based on a plurality of remaining first-choice votes after the other Officer position has (or positions have) been filled so long as each Officer receives at least five first-choice votes. Where one or more Officer positions remains unfilled after the first-choice votes have been counted, the remaining Officer(s) shall be elected based on a plurality of the first and second-choice votes so long as each Officer receives at least five first and second-choice votes combined. Where one or more Officer positions remains unfilled after

the first and second-choice votes have been counted, the remaining Officer(s) shall be elected based on a plurality of the first, second, and third-choice votes with no requirement for a minimum number of votes. Any tie shall be resolved by reference to the second or, as necessary, third-choice votes until all positions open for election have been filled. Any tie after the counting of all votes shall be resolved by a coin toss in the presence of the serving Executive and at least two members of the Association chosen at random by the serving Executive.

8. Where the number of Officer positions open for election is the same or greater than the number of candidates, the candidate(s) shall be appointed Officer(s) by acclamation.
9. Any member of the Association may request that the voting results of an election be verified by a serving Officer who was not on the ballot for that election or, if all serving Officers were on the ballot, by two members of the Association to be chosen at random by the serving Executive in the presence of the member who made the request.
10. An Officer may be removed during his or her term of office by the members of the Association at a meeting of at least two thirds of all members of the Association based on two thirds majority vote of the members who are present at the meeting. If an Officer is so removed, the members who are present shall at the meeting elect an Officer to fill the vacancy for the remainder of the term. Officers may be nominated, including by self-nomination, at the meeting and the candidate who obtains a plurality of votes cast at the meeting shall be elected to fill the vacancy for the remainder of the term.

## **V. MEETINGS OF MEMBERS**

1. There shall be an Annual General Meeting of members of the Association at a time determined by the Executive, but to be held no later than 31 December in each year, where practicable.
2. General meetings of the Association may be called at any time by the Executive or at any time by the written request to the Executive by five members.
3. Written notice of meetings of the Association shall be sent to members at least 48 hours in advance of the meeting.
4. A member of the Executive shall act as Chair of meetings of the Association.

5. Ten members shall constitute a quorum for a meeting of members of the Association.
6. The Executive or a meeting of the Association may direct that any issue shall be decided by written ballot distributed to all members.
7. At all meetings of the members of the Association, questions shall be decided by a majority of the votes cast by the members present unless otherwise required by the Constitution of the Association or By-Law. Voting by proxy is prohibited. An abstention is not considered to be a vote cast. The Chair shall not vote except to break a tie, and in such a case, the Chair shall cast a deciding vote.

## **VI. FEES**

1. The initiation fee shall be \$1.00 or as determined from time to time by a meeting of members of the Association.
2. The annual fees and special assessments shall be as determined by the Executive from time to time subject to the approval of the members at a meeting of the Association. Any fee or assessment determined by the Executive shall come into effect immediately and shall be operative until varied by a meeting of the members of the Association.
3. The annual membership dues of OHFA shall be 1.1 percent of each individual member's annual base salary rate. From this amount, all obligations of the Association shall be paid, including but not limited to: operating expenses; membership fees paid to the CAUT and OCUFA; collective bargaining and preparation expenses; arbitration expenses; and staff remuneration.
4. The OHFA Executive may, from time to time, request a special assessment over and above the amount of the annual membership dues. Normally a special assessment request will be for a specific purpose. Once approved by the general membership, such special assessment shall become part of the annual membership dues for the year in which it is approved.

## **VII. FISCAL YEAR**

The fiscal year of the Association shall end on 30 September of each year and the Secretary-Treasurer shall report as to the financial affairs of the Association at the Annual General Meeting, next following 30 September

of each year. The annual budget and fee structure shall be prepared by the Executive and presented to the general membership for approval at the Annual General Meeting.

## **VIII. AMENDMENTS TO THE CONSTITUTION**

Amendments to the Constitution may be proposed at any time by the Executive or by any five members of the Association on written notice to the Executive and may be adopted by a two third majority vote of the members present at any Annual or General Meeting. A copy of any proposed Amendments to the Constitution shall be included with the notice of meeting sent to members.

## **IX. BY-LAWS OF THE ASSOCIATION**

The Executive shall submit to the Annual General Meeting or any general meeting for approval such By-Laws as it may deem necessary. A copy of any proposed By-Laws or changes therein shall be included with the notice of meeting sent to members.

## **X. COLLECTIVE BARGAINING**

1. The Executive shall seek ratification of primary negotiating positions at a meeting of the Association. Assent shall be given by a simple majority of those members present and voting.
2. The Executive shall seek ratification of a contract or a substantive change in an existing contract and in accordance with the Ontario Labour Relations Act. Assent shall be given by a simple majority of members of the bargaining unit voting. Voting shall be by electronic ballot. Accommodations will be made for those who do not have access to the Internet and who request such accommodation. Notice of such a vote shall be sent to voters at least one week prior to the balloting. No proxy voting is permitted.
3. The Executive shall seek authorization from the membership before the imposition of any strike action or other sanction against the Employer and in accordance with the Ontario Labour Relations Act. Assent shall be given by a simple majority of members of the bargaining unit voting. Voting shall be by electronic ballot. Accommodations will be made for those who do not have access to the Internet and who request such accommodation. Notice of such a vote shall be sent to voters at least one week prior to the balloting. No proxy

voting is permitted.

4. Once the decision to impose a strike action or other sanction against the Employer has been authorized, no return to work shall be agreed to except by agreement of the majority of the members present at a meeting of the Association.

## **XI. INDEMNIFICATION**

Every Officer, every member of the Executive, every staff person, any member of any Committee of the Association, and any member of the Association authorized by the Executive to engage in Association-related activities, shall be indemnified and saved harmless, out of the funds of the Association, from and against all costs, charges, expenses, and claims for damages whatsoever, incurred as a consequence of performing his or her duties on behalf of the Association or in performing Association-related activities.