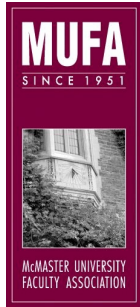


Section J

Faculty Associations

McMaster University Faculty Association



Who Are We? The McMaster University Faculty Association was founded in 1952. It represents and protects the interests of all faculty members and senior academic librarians¹ of McMaster University. It is not a union, but a professional association responsible for collective bargaining with the Administration. It is recognized by the Board of Governors in a document, last revised in 1988, which sets out the role of "The Joint

Administration/Faculty Association Committee to Consider University Financial Matters and to Discuss and Negotiate Matters Related to Terms and Conditions of Employment of Faculty." The document is reproduced in the *Faculty Handbook* (See p. D1).

The Association maintains an office on campus (HH - 103A) and employs a full-time Executive Director and a part-time Administrative Assistant. The President of the Association, Vice-President and 10 members-at-large of the Executive are elected annually by the membership. The Executive meets every two weeks during the academic year and reports to the membership at General Meetings, held two or three times yearly.

What Do We Do? The Association follows developments within the University on behalf of its members. We appoint representatives to some thirty University committees and other bodies; have official Observer status on the Board of Governors and the Senate; and we meet regularly with the President, Provost and other senior officers of the University in order to discuss and to attempt to resolve problems that affect both individuals and faculty and senior academic librarians at large. In such matters the Association works in a collegial fashion with the Administration. We have worked together productively on such matters as the integration of female faculty, research leave, tenure and promotion, the Revenue Canada pension maximum, employment equity, salary anomaly correction, the Social Contract, the pension surplus distribution, and professional development allowance.

➔ **THE JOINT COMMITTEE:** These and other matters are discussed in the Joint Committee. This Committee consists of three senior Administration representatives — usually University Vice-Presidents and Deans — plus three Faculty Association representatives, usually the President, Vice-President and Remuneration Committee Chair (during salary negotiation years).

The Joint Committee serves as a forum for discussing matters of concern to the University, especially those issues and University policies that affect the terms and conditions of employment of the faculty. The Joint Committee is also empowered to negotiate our annual salary and benefits settlement. If an agreement cannot be reached, both sides present final offers to an external arbitrator, who selects one of the two positions. The arbitrator's decision is binding upon both the Administration and the Faculty Association.

MUFA Standing Committees

➔ **ACADEMIC AFFAIRS** deals with issues affecting teaching and research, ranging from classroom size to the encouragement of academic excellence at McMaster.

➔ **HUMAN RIGHTS** is concerned with the principles of equal rights and equal opportunities. Questions involving harassment, discrimination, employment equity and status of women will be addressed by this group.

➔ **MEMBERSHIP** serves as a liaison with new members and participates in activities regarding orientation of new faculty.

➔ **PENSION** monitors the work of the University's Pension Trust Committee and of any other committees struck to deal with pension issues. Makes recommendations and provides explanations regarding pension issues to the Executive and to the membership in a user-friendly format.

➔ **PUBLIC RELATIONS** edits the Association's *Newsletter* and advises in the preparation of official MUFA documents or press releases.

➔ **REMUNERATION** is responsible for salary and benefit matters. It decides which salary and benefit items are to be given priority in negotiations with the Administration, and prepares a brief on these. This brief is submitted to the membership for approval at a General Meeting held in December or January. The Chair of this Committee represents MUFA on the OCUFA Collective Bargaining Committee.

➔ **SPECIAL ENQUIRIES AND GRIEVANCES** assists members of the Faculty Association in obtaining information on University procedures, and helps to resolve individual grievances on a confidential basis. Assistance is available only to members of the Association. Although the Faculty Association is not obligated to assist non-members of the Association, it monitors all grievance procedures in order to protect the rights of its members.

➔ **TENURE** is responsible for monitoring existing University

¹The term "senior academic librarians" refers to those librarians who are excluded from the McMaster University Academic Librarian Association.

policies with respect to Academic Appointments, Tenure and Promotion of Faculty, and examines any changes proposed for these Policies.



The Association is a member of two outside bodies. **The Ontario Confederation of University Faculty Associations** (OCUFA) is the provincial body in which the universities in Ontario have membership, and it deals directly on behalf of these universities with the provincial government. **The Canadian Association of University Teachers** (CAUT) represents Canadian universities at the

federal level. In general, it is concerned with broader issues, such as academic freedom and tenure, and provides powerful assistance when the rights of faculty and senior academic librarians are infringed. It also assists individual universities on practical aspects of salary negotiations and on legal matters.

Fee Information Membership fees are deducted bi-weekly by payroll deduction and are calculated using a mil rate agreed to by the membership. Membership fees are reported on your T4 income tax slip as union dues **and are tax deductible.**

MUFA Constitution

(Amended April 1989, January 1990, December 1992, March 1994, May 1995, July 2008, June 2010)

ARTICLE 1 - NAME

The name of the organization is the **McMASTER UNIVERSITY FACULTY ASSOCIATION** (herein called "the Association").

as employees of the University, unless and until the Ontario Labour Relations Board certifies a trade union to represent the faculty.

ARTICLE 2 - PURPOSE

- (a) The Association is the professional organization of the faculty and senior academic librarians of McMaster University. Its purpose is to promote the principle of academic freedom and the interests and welfare of faculty and senior academic librarians, both as a community of scholars and as individual members of the academic profession. The Association therefore supports the principle that faculty and senior academic librarians should play an active role in University governance, but does not itself represent faculty and senior academic librarians on the governing bodies and councils of the University.
- (b) The Association shall concern itself with the quality of intellectual life at McMaster University and with the good name and reputation of the University among scholars of all academic disciplines. It shall promote excellence in teaching and research in the best tradition of free universities.
- (c) The Association represents faculty and senior academic librarians in all discussions and negotiations in the University on all matters concerning remuneration and working conditions, unless and until the Ontario Labour Relations Board certifies a trade union to represent the faculty and senior academic librarians. Such matters include: the procedures used to determine salary levels and scales, pensions, and other benefits; the procedures used for granting tenure and promotion and for reviewing individual decisions on appeal; and the procedures for dismissal. The Association represents faculty and senior academic librarians in its concern with the fair and proper operation of all procedures that affect conditions of employment and working conditions.
- (d) The Association represents faculty and senior academic librarians on The Joint Administration/Faculty Association Committee to Consider University Financial Matters and to Discuss and Negotiate Matters Related to Terms and Conditions of Employment of Faculty, and on such other joint committees, or other bodies, that involve faculty and senior academic librarians in their capacity

ARTICLE 3 - MEMBERSHIP

- (a) There shall be three classes of membership: Full Membership, Associate Membership and Honorary Membership.
- (b) **Full Membership** shall be open to all persons holding academic appointments with the rank of Lecturer or higher in the Faculties and Schools of the University, including those persons holding part-time academic appointments, and to all persons holding appointments as senior academic librarians in the University libraries. A full member may attend general meetings, be eligible for membership on all bodies of the Association, and hold office [except those members excluded by Article 4(c) of this Constitution]. A full member is entitled to all services provided by the Association.
- (c) **Associate** membership shall be open to such other persons employed in the University as the Association decides to admit through a two-thirds majority vote of the Executive. An applicant denied membership by the Executive shall have the right to apply for membership to the next general meeting. An associate member may attend general meetings and participate in discussion but may not vote and is not eligible for membership on Council or on the Executive Committee. An associate member is entitled to all services provided by the Association.
- (d) **Honorary** membership confers all the privileges of associate membership without membership fee. All full members, upon retirement from the University, shall become honorary members for life. Retired members whom the University employs in an academic capacity shall remain eligible for full membership. Honorary membership is open to all visitors to the University who are members in good standing of the faculty association of their university for the term of their visit. In addition, honorary membership may be granted to such other persons as the Association may wish to admit, by majority vote of a general meeting, for outstanding service to the Association or to the University.

- (e) An eligible person shall become a full member or an associate member upon payment of a fee, or on receipt by the Association of a written authorization for deduction of fees by instalments from the member's salary. Such membership may cease or be terminated upon conditions stated in any By-Laws the Association may adopt.

ARTICLE 4 - EXECUTIVE

- (a) All members of the Executive Committee must be full members of the Association, elected or co-opted in accordance with the By-Laws. The members of the Executive Committee shall be the following: the President, the Past-President, the Vice-President, and normally ten members-at-large. A Treasurer shall be appointed by the Executive Committee from among its members. The Executive Director of the Faculty Association shall serve as Secretary of the Association. The Executive Committee shall be the policy-formulating body of the Association and shall be responsible to the membership.
- (b) The Executive Committee shall normally include at least one representative from each of the teaching Faculties of the University. At least one member of the Executive Committee shall hold a contractually limited appointment. Each academic rank shall normally be represented on the Executive Committee by at least two members. For this purpose the ranks of Lecturer and Assistant Professor shall be regarded as one rank. Rank shall be determined as of July 1st of the academic year of election.
- (c) Membership on the Executive Committee shall be open to all full members except those holding academic administrative appointments with the rank of Assistant Dean or higher, the University Librarian or the Director of the Health Sciences Library.
- (d) The Executive Committee may co-opt additional members at large, but at no time shall there be more than four co-opted members. Co-option of a member to the Executive Committee must be put to the membership for confirmation within one month of co-option at a general meeting or by mail ballot.
- (e) The Executive Committee shall meet at the call of the President or at the request to the President of at least three members of the Executive Committee, such a meeting to be held within two weeks of receipt of the request.
- (f) The term of the Executive Committee shall be one year beginning at noon on the seventh day after the annual general meeting. Members of the Executive Committee shall be eligible for re-election.
- (g) The first meeting of the Executive Committee shall be held within fourteen days of the annual general meeting.

ARTICLE 5 - OFFICERS OF THE ASSOCIATION

- (a) The officers of the Association are the President, the Past-President, and the Vice-President. The office of

President may not be held by any individual for more than three terms in succession.

- (b) The designation 'Past-President' shall apply to the most recent available former President who held that office at the time of the annual general meeting of his/her term.
- (c) The President shall carry out Association policy and shall be responsible to the Executive Committee and to the membership. The President shall be Chair of the Executive Committee and of general meetings of the membership.
- (d) The Vice-President shall perform such duties as requested by the Executive Committee as well as, in the absence of the President, the duties of the President.
- (e) The President or the Vice-President may be removed from office by a two-thirds majority vote of a general meeting of the membership.

ARTICLE 6 - MEETINGS AND THE MOTIONS

- (a) Meetings of the Association shall normally be held at the call of the Executive. A meeting of the Association may also be held at the request in writing to the Executive of at least ten full members in good standing. Such a meeting shall then be held within three weeks of the receipt of the request.
- (b) Meetings shall be guided by the current edition of Bourinot's Rules of Order unless a discrepancy arises between Bourinot and the Association's Constitution or By-Laws, in which case the latter shall govern.
- (c) Motions to be presented to a general meeting shall require one week's notice of motion to the membership and shall be filed with the Executive Director not less than two weeks prior to the general meeting.

ARTICLE 7 - BY-LAWS

The Association may pass such By-Laws, not contrary to this Constitution, as are deemed necessary to facilitate the functioning of the Association. By-Laws may be passed by direct action of the membership at a general meeting; or by the Executive Committee, subject to confirmation by the membership at a general meeting or by mail ballot.

ARTICLE 8 - AMENDMENTS

Amendments to this Constitution may be proposed by the Executive or by any ten members in good standing who give notice in writing to the President at least fourteen days in advance of a general meeting. Such proposals for amendments shall be circulated to the membership at least one week in advance of the meeting of the membership at which the proposals are to be considered. Amendments may be ratified either by a two-thirds majority vote at a general meeting of at least one hundred full members or, failing attendance of one hundred full members, by a two-thirds majority vote in a mail ballot in which at least one hundred ballots are returned.

MUFA By-Laws

(Amended April 1987; April 1989; May 1990; March 1994; May 1995; August 1997; July, 2008, June 2010)

1. (a) NOMINATING COMMITTEE

The Nominating Committee shall be appointed by the Executive and shall normally consist of the President, the Vice-President, the Past-President, and two full members of the Association in good standing. The President shall normally serve as Chair.

(b) NOMINATIONS

After consulting with the membership, the Nominating Committee shall draw up a slate of candidates for the Executive consisting of:

- (i) at least one individual for Vice-President
- (ii) at least ten individuals for Members-at-Large.

The incumbent Vice-President normally succeeds to the office of President. If the Vice-President declines right of succession, or if the office of Vice-President is vacant, or if there is an Acting Vice-President, the office of President shall be filled by election, in which case the Nominating Committee shall normally nominate at least one candidate for the office of President. At least four weeks prior to the annual general meeting, the Nominating Committee's slate of candidates shall be mailed to all full members, whereupon any full member may nominate further candidates for President, if the office of President is to be filled by election, for Vice-President or for members-at-large.

(c) FURTHER NOMINATIONS

If further nominations are submitted, evidence of the nominee's consent together with supporting signatures of five full members in good standing must be submitted in writing to the Chair of the Nominating Committee within two weeks of the mailing. A candidate for the office of President, when the office is to be filled by election, may also be a candidate for the office of Vice-President and for member-at-large. If there are further nominations for the office of Vice-President, then all candidates for Vice-President will also stand for member-at-large. A mail ballot containing the Nominating Committee's slate, together with any further nominations duly made, shall be circulated to all full members at least ten days prior to the annual general meeting. The Executive shall appoint a Returning Officer, nominated by the President, who will be responsible for conducting the election. One week shall be allowed for balloting. The method of voting shall be a preferential balloting system. When there is an election for the offices of President or of Vice-President, the candidate(s) who receive(s) the majority of votes shall be declared elected. Subject to the provisions of Article 4(b) of the Constitution, the ten candidates for members-at-large receiving a majority of votes shall be declared elected. The Returning Officer shall announce the results of the election at the annual general meeting.

(d) BY-ELECTIONS

By-elections shall be conducted in the following manner. A Nominating Committee as specified in By-Law 1 (a), shall nominate a candidate for each vacancy and shall invite further nominations as specified in By-

Law 1 (b). If there is more than one candidate for each vacancy, by-elections shall be conducted at a general meeting or by mail ballot within one month of the occurrence of the vacancy.

2. (a) VACANCY IN OFFICE OF THE PRESIDENT

If a President fails to serve a full term of office and the Vice-President agrees to succeed for the remainder of that term, the Executive Committee may call a by-election for the office of Vice-President in accordance with By-Law 1 or may appoint an Acting Vice-President.

If such an appointment is made, it shall be put to the membership for confirmation at a general meeting or by mail ballot within one month of the occurrence of the vacancy.

(b) BY-ELECTION FOR PRESIDENT

If a President fails to serve a full term of office and the Vice-President declines to succeed for the remainder of that term, the Executive Committee may call a by-election in accordance with By-Law 1 (d), or may appoint an Acting President. If such an appointment is made, it shall be put to the membership for confirmation at a general meeting or by mail ballot within one month of the occurrence of the vacancy.

(c) BY-ELECTION FOR VICE-PRESIDENT

If the Vice-President fails to serve a full term of office, the Executive Committee may either call a by-election, in accordance with By-Law 1 (d), or appoint an Acting Vice-President. If such appointment is made, it shall be put to the membership for confirmation at a general meeting or by mail ballot within one month of the occurrence of the vacancy.

3. (a) ANNUAL GENERAL MEETING

The annual general meeting shall normally be held in April.

(b) QUORUM AT GENERAL MEETING

Fifty full members shall constitute a quorum of a general meeting.

4. MAIL BALLOTS

A mail ballot on any outstanding matter may be ordered by the Executive, or by decision of the membership at a general meeting, or by written request to the President of fifty full members in good standing.

5. STANDING COMMITTEES

Standing Committees of the Association shall be:

Academic Affairs	Pension
Budget Advisory	Public Relations
CAUT & OCUFA Policy	Remunerations
Human Rights	Special Enquiries & Grievance
Membership	Tenure/Permanence

6. AD HOC COMMITTEES

Ad hoc committees may be established by the President with the approval of the Executive Committee or of a general meeting of the membership.

7. JOINT COMMITTEES

Joint committees with other University bodies, such as the Senate and the administration, may be established by negotiation between the President of the Association, acting with the approval of the Executive Committee or of a general meeting of the membership, and the President or Provost of the University

8. MEMBERSHIP FEES

Changes in the membership fees may be proposed by the Executive Committee. The Committee shall inform the membership by written notice of the reasons for the proposed change in fees. A ballot on the matter shall be sent to full members. Approval by a simple majority of members voting is required.

9. MEMBERSHIP - ANOMALOUS CASES

A person otherwise eligible for membership, but not on the regular, full-time University payroll, and hence not subject to fee deduction from salary, may become a member of the Association. Fees for such members shall be equal to one-half of the fee for the salary floor of the individual's rank, paid on a quarterly basis. Membership shall begin upon payment of the first quarterly fee.

10. (a) MEMBERSHIP

McMaster University has made membership in the McMaster University Faculty Association (MUFA) a condition of employment for faculty on the CP/M Scheme and senior academic librarians. New faculty and librarians who are not required to be members of the Association may join the Association at any time during the first year of their appointments. Their membership fees will be calculated from the beginning of the month in which they join. For all other faculty and librarians not required to join the Association, the membership year begins on July 1 of each year. Fees for faculty and librarians who join after the beginning of the membership year will be payable from the beginning of the membership year (July 1).

(b) MEMBERSHIP - WITHDRAWAL

When a faculty member on the CP/M Scheme or a senior academic librarian objects to membership in the Association and directs the University by letter copied to the Association, giving 30 day's notice prior to the first day of the month in which the change is to take effect, not to pay to the Association the amount equal to the membership dues that have been deducted from his/her salary, such amount shall be paid to a recipient agreed upon from time to time by the Joint Committee. For faculty and librarians not required to join the Association, withdrawal from the Faculty Association shall be by written notification to the Association or, in the case of a person remitting fees directly to the Association office, when six month's fees are owing. In

the latter case, membership may be taken up again at any time in the year; however, fees for faculty and librarians who rejoin after the beginning of the membership year will be payable from the beginning of the membership year (July 1).

11. FACULTY ASSOCIATION COUNCIL

The Executive Committee may establish a Council to serve in an advisory capacity to the Executive Committee and as a means of communication between the Executive and the membership. If established, the Council shall consist of one representative from each teaching department or school or from the University libraries when the constituency concerned has at least three full members of the Association. Representatives of departments/ schools will be identified and invited to serve on Council by the Nominating Committee as constituted in By-Law 1 (a). Council shall meet at the call of the President.

12. RETURNING OFFICER

The Executive Committee's appointment of the Returning Officer for the annual election shall be made known at the time the Nominating Committee's slate for the Executive Committee is mailed to the membership. The Returning Officer shall also serve in any elections or mail ballots held during the following year. The Returning Officer may not be a candidate in any election.

13. DIVINITY COLLEGE

For the purposes of Article 3 of the Constitution "the University" is deemed to include the McMaster Divinity College.

14. INDEMNIFICATION

The Association shall indemnify and save harmless, out of the funds of the Association, every director, officer, or employee of the Association and other person who has undertaken or is about to undertake any liability on behalf of the Association or any organization controlled by it, and their heirs, executors and administrators, and estate and effects respectively, from and against:

- (a) all costs, damages, charges and expenses which a director, officer, employee or other person sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against them, or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by them, in or about the execution of the duties of their office or in respect of any such liability;
- (b) all other costs, damages, charges and expenses which a director, officer, employee or other person sustains or incurs in or about or in relation to the affairs of the Association;

except such costs, damages, charges or expenses as are occasioned by wilful neglect or default.

Clinical Faculty Association (CFA)

The McMaster Clinical Faculty Association was incorporated in 1989. Its purpose is:

- (a) To promote the interest and welfare of the full-time Clinical faculty at McMaster University, especially in relation to:
 - (i) the terms and conditions of the faculty appointments for the University;
 - (ii) the terms and conditions of the faculty appointments for the Hospitals;
 - (iii) the practice of medicine of members of the Faculty;
 - (iv) the academic activities of the members of the Faculty.
- (b) To safeguard and promote the faculty's commitment to patient care and any contract arrangements with the University or other parties.
- (c) To support academic activities of non-faculty members.
- (d) To promote and support educational activities at the Faculty of Health Sciences.
- (e) To improve the effectiveness of individual physician contributions into policy development which affects patient care and the quality of teaching institutions.
- (f) To improve the remuneration and working conditions of Clinical faculty including procedures for deciding salaries, pensions and personal benefits and for addressing grievances.

Ontario Confederation of University Faculty Associations (OCUFA)

OCUFA, founded in 1964, is the provincial body charged with the responsibility for formulating views on matters of concern to faculty and for discussing these with the Council of Ontario Universities (COU) and the Ministry of Training, Colleges and Universities.

The policy of the Confederation is determined by a Board of Directors consisting of one representative from each of the local faculty associations. An executive committee, elected by and from the Board of Directors, carries out policy decisions with the assistance of a full-time Executive Director. OCUFA maintains a full-time secretariat located at 83 Yonge Street, Suite 300, Toronto, Ontario M5C 1S8; 416-979-2117). For more information, see the OCUFA Website — <http://www.ocufa.on.ca>

Canadian Association of University Teachers (CAUT)

The CAUT was founded in 1951, granted a charter by the federal Minister of Consumer and Corporate Affairs in 1970, and represents faculty associations of degree-granting institutions of higher education in Canada. The Association is the national voice of university academic staff in Canada. It promotes the interests of teachers, professional librarians and researchers; advances the standards of their profession; and seeks to improve the quality of higher education. It also renders its constituent associations a wide variety of services.

Members of CAUT are represented by delegates chosen by their local faculty associations/unions to the CAUT Council which meets twice a year. Nominated at large and elected by Council, the CAUT Executive Committee is responsible for the administration of the association and the implementation of Council's policies.

CAUT's offices are located at 2705 Queensview Drive, Ottawa K2B 8K2 (613-820-2270). For more information, see the CAUT website — <http://www.caut.ca>