

NEWS FROM UWFA

EDITOR: DANIEL STONE

1997 / 1998 UWFA EXECUTIVE COUNCIL

PRESIDENT:

Allen Mills, Political Science

VICE - PRESIDENT

Jim Clark, Psychology

SECRETARY:

Gail Loadman, Theatre/Drama

TREASURER:

Karen Zoppa, Collegiate

MEMBERS-AT-LARGE:

David Burley, History
Phil Cyrenne, Economics
Geoff Scott, Geography
Donna Young, Biology
Kent Simmons, Biology
Claudia Wright, Political Science

COLLEGIATE REPRESENTATIVE:

Leslie Sister

INSTRUCTOR REPRESENTATIVE:

Eugene Kaluzniacky, Bus. Comp.

LIBRARIAN REPRESENTATIVE:

Linwood DeLong

GRIEVANCE OFFICER:

David Cheal, Sociology

PAST - PRESIDENT:

Alden Turner, English

OFFICE - ROOM 306 SPARLING HALL:

Kim Best (9430)



resident's Report

A new Executive and also a new round of house-keeping: committee appointments, tidying the office and establishing lines of responsibility and communication. The new Executive is nicely in place and it works well.

The main business before UWFA is collective bargaining. Reg Skene and the team have been at the table negotiating for over three months. This time around both sides agreed to conduct bargaining differently than in the past. Hitherto, bargaining has been "positional". Both sides table proposals and then trade and negotiate and somehow an agreement emerges. It has its virtues but it can lead to unnecessary conflict and misplaced disagreement. Instead both sides have been pursuing "principle" or "interest-based" bargaining. Here the two sides talk about fundamental principles in the hope that common ground can be found. The hope is that when conflict does occur, it has to do with genuine differences rather than misconceived or manufactured ones.

Soon there will be tougher bargaining over compensation. We are proposing a systematising of the compensation system based on the following principles: parity with the University of Manitoba; "normal" CDI's; an end to Filmon days; and compensation for cost-of-living increases. The Administration intends to table changes to the clauses of the contract that deal with Financial Exigency and Redundancy.

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I attended with Ed Byard, Alden Turner and Jim Clark a meeting of the Manitoba Organization of Faculty Associations (MOFA) with Richard Dawson, the Chair of the newly-founded Council on Post-Secondary Education (COPE). Dawson was affable, approachable and, encouragingly, intellectually sophisticated. MOFA's hope is that he is open to our proposals and suggestions. Equally, it is clear that he is the instrument of a government that has squeezed the universities exceedingly so that we continue to be profoundly under-funded. Mr. Dawson gave no indication that this reality would change.

Finally, UWFA's Executive has set up a sub-committee to look into the status of Instructors. This was prompted by a suggestion that Instructor III's might, under particular circumstances (the completion of a Ph.D. for example), move over to the Assistant Professor rank. This particular proposal is clearly contentious, prompting strong views both ways. UWFA's Executive has chosen to draw back from an immediate position in favour of looking at the whole front of instructor issues.

I hope Members have a productive summer. The beginning of the Fall Term promises to be eventful and significant. Stay tuned!

Allen Mills
President

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REPORT ON NEGOTIATIONS

Negotiation of the *Collective Agreement* between the Board of Regents of The University of Winnipeg, and the University of Winnipeg Faculty Association is proceeding at the table. The UWFA Negotiating Team hopes to report substantive progress in the next Newsletter.

Reg Skene,
Chief Negotiator

REPORT OF THE MAY CAUT COUNCIL MEETING

The 42nd CAUT Council Meeting was held in Ottawa in May. In addition to the usual business matters (e.g., approval of budget, elections), there were several special "events."

The York strike received much attention. According to speakers, the strike was precipitated by inadequate salaries and by disdain for the role of faculty in the governance of York University. CAUT and member organizations had actively supported the York strikers. The Council issued a general ALERT to its members, denouncing the actions of the Board of Governors and the Administration of York University, and authorizing sanctions. The ALERT was withdrawn upon the signing of a collective agreement at York University.

Several awards were granted. CAUT Council unanimously granted the 1997 Sarah Shorten Award to Dr. Susan Jackel of the University of Alberta, and the 1997 Academic Librarians Distinguished Service Award to Gwendolyn Ebbett of the University of Windsor. Daniel Soberman, emeritus professor at Queen's University, was awarded the Milner Memorial Award established to honor distinguished contributions to the cause of academic freedom.

A one-day International Conference on "Academic Freedom, Politics and the Future of the University" was offered to celebrate Don Savage's 27 years of service as CAUT Executive Director. Michiel Horn (York) argued that there was no "golden age" in the history of academic freedom in Canada, and that academic freedom remains under threat as retrograde administrators and interventionist politicians continue to put pressure on critically minded academics. He also discussed pressures from self-censorship, identifying a certain willingness to restrict academic inquiry to narrow and apparently harmless research, and a tendency to stay out of public argument on the great questions of the day.

Paul Zeleza (University of Illinois) and Mary Burgan (General Secretary, American Association of University Professors) showed that attacks on academic freedom in North American and in Africa have similar roots. In Africa, close bureaucratic ties between the state and the academy are a constant menace to academic freedom. In the United States, the politicization of boards of governors has led many of them to become highly interventionist, thus allowing either new and risky openings for the direct involvement of the "religious right," or for the imposition of "business think" on teaching and research.

Daniel Soberman (Queen's) argued that the recent development of academic freedom could be understood in the perspective of the common academic and social goals of the professoriate everywhere.

Don Savage closed with a historical review of academic freedom. Later that day, 175 Council members and guests convened at the Chateau Laurier for the retirement dinner in Don Savage's honour.

Oral reports from individual representatives suggested that most organizations were finding some relief from recent years of restraint. Salary increases above the cost of living were being reported and, presumably, these were increases on top of increments for progress through the ranks.

CAUT itself is undergoing some difficult economic times as the number of faculty in Canada has actually started to decline, as have average salaries. Both these factors have produced a drop in CAUT income, leading to some controversial measures. The Treasurer, for example, recommended the elimination of simultaneous translation at Council meetings (but this was overturned by Council after some impassioned pleas from both Francophones and Anglophones). Parts of this report have been adapted from reports on the CAUT homepage, available at: <http://www.caut.ca> (or via [http://www.uwinnipeg.ca ~clark/uwfa](http://www.uwinnipeg.ca/~clark/uwfa)).

Jim Clark
Vice-President

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1997 / 1998 UWFA EXECUTIVE COUNCIL

PRESIDENT:	Allen Mills, Political Science (2 years)
VICE-PRESIDENT:	Jim Clark, Psychology(1year)
SECRETARY:	Gail Loadman, Theatre/Drama (2 years)
TREASURER:	Karen Zoppa, Collegiate (1 year))
MEMBERS-AT-LARGE:	David Burley, History (2 years) ClaudiaWright, Political Science (2 years) Phil Cyrenne, Economics (2 years) Geoff Scott, Geography (1 year) Donna Young, Biology (1 year) Kent Simmons, Biology (1year)
INSTRUCTOR REP:	Eugene Kaluzniacky, Business Computing (2 years)
LIBRARIAN REP:	Linwood DeLong (1 year)
COLLEGIATE REP:	Lesley Sisler (2 years)
PAST-PRESIDENT:	Alden Turner, English

If you have any questions or concerns, please feel free to contact any member of the Executive Council.

1997/98 UWFA Committee Representation

Committee	Members	Telephone
Grievance Officer Associate Grievance Officer	David Cheal Sandra Zuk	9401 9813
Joint Employee Benefits Committee (4 members)	Howard Mathieson David Burley Grace O'Farrell Mike Wahn	9425 9012 9378 9303
Joint Workplace Safety & Health (3 members)	Barry Edginton John McDermott Marianne Hardy	9270 9009 9729
Joint Pension Committee (3 members)	Phil Cyrenne (3 years) Ron Norton (2 years) Alden Turner (1 year)	9228 9757 9283
Finance Committee (5 members)	Karen Zoppa (Treasurer) Kim Best (ex officio) Grace O'Farrell Richard Noble Ron Norton	9143 9430 9378 9394 9757
Status of Women Committee (6 members)	Judith Kearns (Chair)	9848
Grievance Advisory Committee	Grievance Officer - David Cheal (ex officio) Associate Grievance Officer Sandra Zuk (ex officio)	9401 9813
Internal Affairs Committee (3 members)	Jim Clark (Chair)	9313
Job Action Committee	Ed Byard (Chair) Mark Golden Wendy Josephson Gail Loadman	9723 9196 9737 9385
Communications Committee (5 members)	Gail Loadman (Chair) Bruce Daniels Carol Harvey Daniel Stone <i>Open</i>	9385 9412 9476 9004
Joint Employment Equity Advisory Committee	Amanda Goldrick-Jones Randy Kroeker Gerry Narynski (Collegiate Representative)	9453 9232 9245
Budget Advisory Committee	Hugh Grant (Chair) Jim Clark Tim Babcock Michael McIntyre Alden Turner	9856 9313 9455 9853 9283
Bargaining Teams (Main Unit)	Reg Skene (Chief Negotiator) Hugh Grant Keith Fulton Claudia Wright	9287 9856 9333 9306
(Collegiate Unit)	Karen Zoppa Howard Mathieson Ray MacDonald Wilf Schlosser	9143 9245 9143 9241
Distinguished Faculty Lecture Series	Carol Harvey Robert Young	9476 9373
MOFA delegates	Alden Turner, Past President Allen Mills, President Jim Clark, Vice-President	9283 9376 9313
CAUT 2675 Queensview Drive Ottawa, Ontario K2B 8K2		1-613-820-2270
BUFA		204-727-7347
MOFA	President: Robert Chernomas	474-9510
UMFA		474-8272



The University of Winnipeg Faculty Association

CONSTITUTION AND BY-LAWS

AS ADOPTED: 30 APRIL 1976

AS AMENDED: 15 OCTOBER 1979
15 DECEMBER 1981
13 APRIL 1982
23 JANUARY 1984
15 APRIL 1985
06 FEBRUARY 1987
03 APRIL 1987
26 FEBRUARY 1988
05 MAY 1989
20 NOVEMBER 1992
06 MAY 1994
01 APRIL 1997

PART ONE: CONSTITUTION

ARTICLE I -- ORGANIZATION AND PRINCIPLES

- 1.1 ... The name of the organization shall be the University of Winnipeg Faculty Association, referred to herein as the "Association." The University of Winnipeg shall be referred to as the "University."
- 1.2 ... The University of Winnipeg was established as an independent post-secondary institution in 1967, following a long and distinguished history of academic service as the church-affiliated Manitoba, Wesley and United Colleges. Since 1871 these Colleges and The University of Winnipeg have played an essential role in the development of the Province of Manitoba, and indeed Canada.

Faculty at The University of Winnipeg are dedicated to the promotion and attainment of academic and educational excellence, accessibility, and opportunity – civil, cosmopolitan values upon which are based virtually all other major dimensions of our pluralistic and liberal, democratic society. By educating generations of students in intellectual traditions and knowledge required of productive and responsible citizens, our faculty have always been vital contributors to the academic undergraduate university preparation of professionals (e.g., lawyers, doctors, nurses and teachers) as well as leaders in every area of industry, business, science, technology, culture and social services.

Faculty members possess highly developed knowledge, skills and attitudes essential for post-secondary teaching, scholarly study and scientific investigation. We are deeply committed to our students, to whom our primary responsibility is "to offer a community which appreciates, fosters and promotes values of human dignity, equality, non-discrimination and tolerance of diversity." As stated in The University of Winnipeg's Mission Statement and Guiding Principles: "We view both accessibility and excellence as important goals, and will endeavour to make the university as accessible as we can while maintaining high standards of quality in our academic programs. In the practice of scholarly inquiry through both teaching and research, we provide students with breadth and depth of knowledge, the skills to communicate effectively and to make informed decisions, an understanding of the ethical problems facing our society, and an appreciation of the full range of human, aesthetic and environmental values." Not only do faculty members encourage the rational pursuit of truth by individuals and groups through high-quality teaching, effective teaching at the university level requires that we engage in research involving free inquiry on the frontiers of knowledge and comprehension, and that we share the results of our research with students, fellow scholars and the community at large.

The University of Winnipeg Faculty Association (UWFA) is the certified representative for the Professors, Instructors, Counsellors, Librarians, Collegiate Instructors, Coaches and Athletic Therapists at The University of Winnipeg. The Faculty Association and its Members are dedicated to the attainment of the highest standards of academic excellence in the pursuit and dissemination of knowledge through university teaching, scholarship and research rooted in the liberal arts, including the humanities, social sciences, theoretical and applied sciences, and education. Our Association is committed to upholding and protecting three basic principles we know are crucial to ensure academic excellence and integrity at The University of Winnipeg: Autonomy and Accountability, Academic Freedom and Non-Discrimination, and Tenure and Professional Development.

A) AUTONOMY AND ACCOUNTABILITY

The University of Winnipeg is governed and managed through institutional arrangements and practices developed at our universities over several hundred years in response to both external pressures and internal problems. By giving universities an appropriate degree of autonomy and by supporting them as self-governing institutions, our society has ensured the continuity of independent thought and inquiry. University autonomy means freedom from excessive control or undue influence by external bodies or segments of society, such as the government, churches, commercial and corporate interests, and community elites. Our decision-making is based on the recognition that The University of Winnipeg is a community of scholars with professional expertise in many fields of study, but we share common values and academic commitments relating to the role and purposes of all universities. Departmental, Faculty Council, Senate and Board of Regents' bodies and committees are the crucial elements in our community that protect our academic policies, academic values and

academic standards. These administrative groups ensure that our students enjoy unique opportunities for choices and alternatives in the courses and programs of study available to them. In our autonomous and accountable self-governing processes, faculty members – as well as students, administrators, alumni and community members – are afforded important opportunities to debate and make open, accountable and democratic decisions on personnel as well as program planning and priorities in the interests of the university community and of society. For the purposes of our decision-making, as is stated in the Canadian Association of University Teachers (CAUT) Policy Statement on this Issue, "Full debate requires full disclosure. Openness must, in other words, be the normal condition of discourse in the university. Moreover, if universities are to be self-governing, then they have a reciprocal obligation to society to show that they are using the resources entrusted to them in a responsible way. This is possible only if the university is open to public scrutiny, open in its accounts, open in its governance, policies, and administration, open in its debates."

This principle of openness and accountability must also apply to university governance in the context of government policies, and particularly to the role and functions of provincial governments' post-secondary commissions, councils and departments. The University of Winnipeg Faculty Association will ensure that the Province of Manitoba neither impairs nor diminishes our professional entitlements provided by University of Winnipeg By-Laws, policies and governance processes, and that no by-laws or policies will be changed or enacted without our agreement. The Council on Post-secondary Education in Manitoba, for example, must function as independent, representative and accountable, conducting open inquiries and making open recommendations in a consultative, knowledgeable and responsive manner. The Minister of Education and Training must, in turn, effect meaningful and significant changes in government funding priorities so that The University of Winnipeg can continue to enhance its capacity and reputation for innovation, competition and collaboration relative to other universities and colleges on a provincial, national, and international scale.

B) ACADEMIC FREEDOM AND NON-DISCRIMINATION

The search for knowledge and its free exposition is a fundamental requirement for maintaining a dynamic and ethical society. In this regard, UWFA Members shall not be hindered in the exercise of their academic rights. Academic freedom ensures the freedom to teach, subject only to the academic regulations of Senate. Members are entitled, regardless of prescribed doctrine, to freedom in carrying out research and publication, freedom to teach and discuss, freedom to criticize, and freedom from censorship from any quarter. Academic freedom does not require neutrality. Rather, academic freedom makes commitment possible and may result in strong statements of belief and positions. The credibility and acceptability of academic freedom depends in part upon the freedom being used in a manner consistent with the scholarly obligation to base research and teaching on an honest search for knowledge. It implies a respect for the rights of others, a tolerance of other points of view, and a duty to use academic freedom in a responsible manner. The UWFA will uphold and protect the principle of academic freedom and not permit the infringement or abridgement of the academic freedom of any Member. Academic freedom gives individual faculty members autonomy in their research and teaching activities. It protects them from reprisals for publishing and disseminating the results of research and scholarly deliberations which may offend or criticize powerful interests with widely differing expectations, such as governments, commercial and corporate interests, segments within the community or even the entire community, and students, peers and administrators within the university.

UWFA Members are entitled to work in a professional climate in which the academic functions of Members can be carried out effectively, including the provision of appropriate levels of compensation, benefits, academic development opportunities, technological and physical facilities, and administrative services equivalent to those received by members of other professional groups, such as physicians, dentists and lawyers. Furthermore, in accordance with principles of due process in a democratic society, there shall be no discrimination, interference, restriction or coercion exercised or practised with respect to any Member in regard to terms and conditions of employment for the following reasons: age, race, language, creed, colour, ancestry, national origin, political or religious affiliation or belief, lay or clerical status, sex, sexual orientation, marital status, family relationships, physical or psychological disability/illness, place of residence, or social or personal lifestyle.

C) TENURE AND PROFESSIONAL DEVELOPMENT

Tenure secures academic freedom and non-discrimination by protecting faculty members from reprisal and/or dismissal without just cause and/or due process. Contrary to popular belief, tenure is not a job guarantee. Members on probationary, continuing and sessional non-faculty appointments do not have tenure protection for their academic freedom. A tenured appointment means that some of our Members hold a faculty appointment granted to guarantee academic freedom that continues until retirement or until otherwise terminated (through disciplinary dismissal with cause, resignation, severance or layoff under due process). Due to the lengthy, labourious and highly competitive period of undergraduate and graduate study required to obtain the Ph.D (10 to 12 years minimum), and usually several subsequent years of post-doctoral teaching and research, university faculty members do not normally obtain tenure until 15 to 20 years after they commence their post-secondary studies, and even then only after their scholarly activities, teaching performance and administrative /community service are carefully scrutinized by their graduate professors, peers, administrators and students. Departmental Personnel Committees conduct accountability evaluations for the purposes of hiring, annual performance reviews of teaching, research and administrative service, tenure and promotion of UWFA Members. The Faculty Personnel Committee engages in a second level of review and evaluation for the awarding of tenure and promotions. In addition, faculty research is subject to peer review by the researchers and scholars who adjudicate for the editorial boards of journal and book publications. In fact, no other professionals are evaluated more often and more rigorously during their careers than university professors. Even then, faculty members may be dismissed from their jobs for just cause or lose their jobs because of a fiscal situation which necessitates the elimination of a program.

In conclusion, we believe in the importance of contributing our professional expertise and specialized skills to public, private and community service sectors of the general community, and those with whom we work are aware of our dedication in serving as intellectual resources for our community. Our success as educators will depend on improving our capacity and concern for communicating the value and significance of our work to all members of the general public, and we are committed to this task.

ARTICLE II -- OBJECTIVES

- 2.1 ... The primary purpose of the Association shall be to promote the welfare of the academic staff of the University including the Collegiate Division and to promote the collective and individual interests of its members.
- 2.2 ... The Association shall be the bargaining agent for all employees in the bargaining unit as described in Certificate No. MLB 3563 and No. 3634 and those added to the bargaining unit by subsequent Collective Agreements.
- 2.3 ... The Association shall represent all members of the bargaining unit as described in Article 2.2 in employer-employee relations including, without limiting the generality of the foregoing, salaries, pension, working conditions, leaves, promotions, job security and grievances.

ARTICLE III -- AFFILIATION

- 3.1 ... The Association shall be affiliated with the Canadian Association of University Teachers (CAUT).
- 3.2 ... The Association shall be affiliated with the Manitoba Organization of Faculty Associations (MOFA).

ARTICLE IV -- MEMBERSHIP

- 4.1 ... All employees of the University who are members of the bargaining unit as described in Certificate No. MLB 3563 and No. 3634 and those added to the bargaining unit by subsequent Collective Agreements who have not been granted exemption under Clause 76(3) of the Manitoba Labour

Relations Act or who have not requested to be excluded from membership in the Association shall be members of the Association.

- 4.2 ... The forms and conditions of membership shall be in accordance with the provisions set forth in the By-Laws.
- 4.3 ... The Executive Council may admit any person who applies for membership in the Association as an individual associate member, limited to the following: [a] university faculty excluded from membership in the bargaining unit during a period of service as a Senate representative on the Board of Regents, [b] retired UWFA Members, and [c] visiting faculty. Associate members are entitled to receive the UWFA Newsletter and notices of general meetings of UWFA, and to attend, as an observer (i.e., without the right to propose or vote on motions), UWFA general meetings, except for those agenda items that address collective bargaining issues.

ARTICLE V -- GOVERNING BODIES

- 5.1 ... The highest authority for deciding policies and managing affairs of the Association shall be the membership of the Association duly assembled in a General Meeting or otherwise acting in a corporate capacity in accordance with Article VIII and Article IX of this Constitution.
- 5.2 ... The Executive Council shall be the management committee and may exercise the powers of the General Meeting when the latter is neither in session nor otherwise acting in a corporate capacity. Such action shall be subject to review, alteration or over-ruling by the General Meeting.
- 5.3 ... The Executive Council shall consist of the President, the immediate Past President, the Vice-President, the Secretary, the Treasurer, and such other members (the number to be set by the By-Laws) elected from the general membership, and the Grievance Officer as prescribed in Article 4.2 of the By-Laws.
- 5.4 ... The term of office of members of the Executive Council shall be two (2) years (unless an individual officer is recalled in accordance with By-Law 2.10) and shall commence no later than April 30th of the relevant year. This to begin for the election of President, Secretary, three (3) Members-at-Large, Collegiate Instructors' representative and Instructors/Coaches/Academic Staff representative in 1997, and for the election of the other Executive Council members in 1998.
- 5.5 ... Elections shall be held in accordance with the By-Laws.
- 5.6 ... The Executive Council shall have the authority to create offices other than those created by the Constitution, to fill vacancies, to interpret the Constitution and By-Laws, to receive reports of officers and committees, to present the budget for adoption at the Annual General Meeting, to give directions to officers and committees, and to approve the Agenda for the General Meeting.
- 5.7 ... The duties of the officers and filling of vacancies shall be in accordance with the By-Laws.

ARTICLE VI -- PUBLICATIONS

- 6.1 ... The Association shall endeavour to maintain an official publication entitled the "University of Winnipeg Faculty Association Newsletter" to be issued regularly to all members of the Association.

ARTICLE VII -- PROPERTIES, FUNDS AND ENDOWMENTS

- 7.1 ... The Association may acquire tangible and intangible properties to pursue its objectives.

ARTICLE VIII -- MEETINGS

- 8.1 ... The Executive Council shall meet at the call of the President, or upon request of three (3) members of the Executive Council.

- 8.2 ...General Meetings of the Association may be called at any time at the discretion of the Executive Council, or upon petition of ten percent (10%) of the general membership. There shall be at least one (1) General Meeting each year.
- 8.3 ... All General Meetings shall be preceded by a written notice sent to the members at least seven (7) calendar days prior to the meeting, except for those called in connection with collective bargaining, which may be called on shorter notice in accordance with Article 8.4.
- 8.4 ... In exceptional circumstances, meetings to deal with collective bargaining matters may be called on forty-eight (48) hours notice.
- 8.5 ... For collective bargaining purposes, separate general meetings shall be called for those Association members for whom the Collective Agreement is negotiated.
- 8.6 ...If a substantial issue (other than matters relating to collective bargaining) affecting the Constitution and By-Laws, policies or procedures of the Association is to be raised, written notice shall be given at least ten (10) calendar days prior to the meeting at which said matter will be raised. If practicable, the notice shall include such explanatory material as may appear to be requisite.
- 8.7 ... There shall be an Annual General Meeting in the Spring which shall, among any other business to be discussed, initiate the election of officers and receive the financial statement of the Association as well as the reports of committees and officers, as appropriate.

ARTICLE IX -- QUORUM

- 9.1 ... Twenty (20) members of the Association shall constitute a quorum for a General Meeting.
- 9.2 ... Five (5) members of the Executive Council, including the person chairing, shall form a quorum for an Executive Meeting.
- 9.3 ... If, at a duly called General or Executive Meeting, a quorum is lacking, the Minutes shall note the lack of a quorum and the meeting may proceed to conduct business. Its decisions shall not be recognized as official until its minutes have been accepted at a subsequent General or Executive Meeting, respectively, possessing a quorum, and its decisions may be reopened and reconsidered at such meeting.

However, the Executive Council, in the spirit of Article 5.2, may act on the basis of decisions made at the General Meeting lacking a quorum.

ARTICLE X -- CONTRACTS AND ENGAGEMENTS

- 10.1 ... Contracts and Engagements (excluding the Collective Agreement) on behalf of the Association shall be signed by the President or Vice-President and by the Secretary, and shall be ratified by a simple majority of the members of the Executive Council.

ARTICLE XI -- AMENDMENTS

- 11.1 ... Amendments to the Constitution shall be initiated in either of two ways: (1) at a General Meeting (subject to the notice provision in Article 8.6 of the Constitution); or (2) by or through the Executive Council. In either forum the amendments shall be subject to discussion, amendment, and approval for circulation or non-approval, by a simple majority vote. Proposed amendments that have been approved at either the General Meeting or by the Executive Council shall be duly circulated, together with the rationale of the proposed amendments, to all Association members, and at a subsequent General Meeting they shall be discussed for further clarification but shall not be subject to further amendment. Within fourteen (14) calendar days following the General Meeting, the amendments shall be put to a vote by means of a secret ballot mailed to all members, and approval shall require at least a two-thirds affirmative vote in the case of Constitution amendments, and an affirmative majority vote in the case of By-Law amendments from those actually voting.

PART TWO: BY-LAWS

ARTICLE I -- MEMBERSHIP & DUES

- 1.1 ... Membership dues shall be as prescribed from time to time by general meetings of the members, and shall be automatically deducted monthly from the members' salary, in accordance with the Manitoba Labour Relations Act.
- 1.2 ... Membership in the Canadian Association of University Teachers (CAUT) shall occur automatically upon joining the Association.
- 1.3 ... Dues for Associate Members will be \$10.00 per year.

ARTICLE II -- ELECTION & VOTING

- 2.1 ... All members of the Association shall have the right to vote for the following positions and shall be eligible to serve in any of these positions: President, Vice-President, Secretary, Treasurer, and six (6) Members-at-Large. One (1) designated representative shall be elected specifically by and from each of the following three (3) groups: Collegiate Instructors, Instructors/Coaches/Academic Staff*, and Librarians. The Grievance Officer shall be elected as prescribed in Article 4.2 of the By-Laws.

*For purposes of representation on the Executive Council, the category "Academic Staff" shall be taken to include the positions of athletic therapist, co-ordinator of recreation and athletic studies, assistant director (academic) computer services, supervisor of student teaching, and any other comparable positions.

- 2.2 ... The Nomination Committee and its Chair shall be appointed no later than February 28 by the Executive Council. It shall be comprised of three (3) members of the Association, at least one (1) of whom shall be, and one (1) of whom shall not be, a current member of the Executive Council. Once appointed, the Nomination Committee shall notify the members of the Association that anyone who wishes to serve on the Executive, in any capacity (except as designated representatives from the Collegiate Instructors, Instructors/Coaches/Academic Staff, and Librarians who are to conduct their nominations as specified in Article 2.4 of the By-Laws) should submit his/her name to the Committee for its consideration in the compilation of nominees for Executive positions. The Nomination Committee shall make every effort to compile a balanced list of nominees, consisting of at least one candidate for each position, which shall take into account a degree of continuity of experienced members, new members, male-female composition, representation from an appropriate mix of disciplines, and a recognition of individual expertise relevant to Association matters.
- 2.3 ... The Executive Council of the Association shall be placed in nomination each year at the Annual General Meeting. The Nomination Committee shall prepare a list of nominees consisting of at least one (1) candidate for each position subject to election by the entire membership, and shall receive nominations for the designated representative positions, and shall notify the membership and call for further written nominations at least seven (7) calendar days prior to the Meeting. Further nominations may be made from the floor. All nominations shall have the consent of the nominee. Any nominations for designated representative positions shall be made only by members of their respective groups (namely, Collegiate Instructors, Instructors/Coaches/Academic Staff, and Librarians).
- 2.4 ... In addition to the duties and responsibilities of the Nomination Committee as outlined in Articles 2.2 and 2.3, the Chair of the Nomination Committee, immediately upon being selected, shall convene a meeting with each of the three designated groups (Collegiate Instructors, Instructors/Coaches/Academic Staff, and Librarians) for the purpose of initiating a nomination procedure for their designated representatives to the Executive Council. The nomination(s) arising from this procedure shall be returned to the Nomination Committee by these three groups to be placed on the list of nominees. The timing of these meetings must be consistent with the requirements of Article 2.3.

- 2.5 ... Three (3) scrutineers who are not candidates in the election shall be appointed at the Annual General Meeting. They shall conduct the balloting, tabulate the results, and upon the approval of the out-going Executive Council, destroy the ballots after the election.
- 2.6 ... All positions of the Executive Council shall be decided by a plurality vote. The candidate receiving the greatest number of votes for an office shall be elected.
- 2.7 ... A candidate may be nominated to no more than two (2) offices, in which case, if he/she is elected to both, he/she shall be declared elected to the office he/she chooses and his/her runner-up for the other office shall be declared elected to the latter.
- 2.8 ... Except in the case of recall, when the office of the President becomes vacant during a term, the Vice-President shall automatically become the President.
- 2.9 ... Except in the case of recall, when any other position on the Executive Council becomes vacant during a term, the vacancy shall be filled by appointment by the Executive Council.
- 2.10 ... Any member of the Executive Council may be recalled if a petition signed by twenty-five percent (25%) of the Members is presented to the Executive Council or to a General Meeting. A subsequent General Meeting shall be called in accordance with Articles 8.2 and 8.3 of the Constitution at which the motion for recall shall be introduced and discussed. A ballot including this motion shall then be distributed within fourteen (14) calendar days of this meeting. If the motion is passed by a majority of those voting, the office shall be deemed to be vacant and a new election shall be called forthwith, unless a majority vote at a General Meeting determines that the Executive Council shall fill the vacancy.
- 2.11 ... If any Member is unable to attend a General Meeting at which a vote is to be taken concerning collective bargaining, he/she may vote by one of the following procedures:
- (a) The member may submit to the President, Secretary or administrative employee of the Association an advance ballot on the motion or issue in question. An advance ballot shall consist of a statement of the Member's voting intention with regard to a specific question or questions to be determined by ballot.
 - (b) The Member may, by written proxy, authorize another Member to vote "yes" or "no" on his/her behalf.
 - (c) The Member may, by written proxy, authorize another Member to vote on his/her behalf as the proxy-holder thinks best.

Normally for verification purposes, the Member must place his/her advance ballot or the written proxy instructions in an envelope, and then have the sealed envelope signed and witnessed before a Commissioner of Oaths for the Province of Manitoba or before an Executive officer or designated administrative employee of the Association. Members who must be out of Winnipeg for administrative or academic purposes may submit an advance ballot or proxy by electronic facsimile provided that a local Commissioner, Notary, Justice or similar official may be substituted as signatory witness as appropriate to the Member's temporary residence.

- 2.12 ... If a strike vote is to be conducted, the vote shall be taken by written secret ballot by the members of the appropriate bargaining unit, pursuant to the Manitoba Labour Relations Act 93(1).
- 2.13 ... A Collective Agreement, or part(s) thereof, shall be ratified by a majority of those Association Members for whom the Collective Agreement is negotiated voting in person or by proxy via written secret ballot cast at a General Meeting of the Association duly called for the purpose of ratification.
- 2.14 ... Authority to ratify minor modification(s) of the Collective Agreement, excluding salary modifications, shall be delegated to the Executive Council and such modification(s) shall be communicated to the membership.

ARTICLE III -- OFFICERS' DUTIES & FUNCTIONS

- 3.1 ... The President of the Association shall:
- (a) Preside at all meetings of the Executive Council and General Meetings, where, with exception of ballot votes, he/she shall vote only in the case of a tie vote;
 - (b) Supervise the general management of officers of the Association in accordance with the Constitution and By-Laws of the Association;
 - (c) Normally be the representative of the Association on Association business;
 - (d) Normally act as the immediate supervisor of Association employees or contractors except where he or she chooses to delegate specific elements of such supervision to other officers or appointees as necessary for the normal operation of Association business.
- 3.2 ... The Vice-President shall:
- (a) Fulfill the duties of the President during his/her temporary absence or disability;
 - (b) Fulfill all duties assigned either by the President or the Executive Council.
- 3.3 ... The Secretary shall:
- (a) Issue notices for meetings of the Executive Council and of the Association at the time and in the manner specified;
 - (b) Maintain the Minute books of the Executive Council and of the Association;
 - (c) Fulfill any duties as assigned by the Executive Council.
- 3.4 ... The Treasurer shall:
- (a) Be responsible for the care and custody of the funds and assets of the Association according to the usual practice;
 - (b) Present an account of the Association's finances at each Annual General Meeting of the Association;
 - (c) Manage the maintenance of books of account and make these available for inspection to the members of the Association on request;
 - (d) Keep an up-to-date list of Members;
 - (e) Function as Personnel Officer to implement and administer all aspects of UWFA's policies with respect to its employees;
 - (f) Strike a Finance Committee to oversee the care and custody of the funds and assets of the Association according to the usual practice. The Committee shall include the Treasurer, the Office Manager and at least two Members.
- 3.5 ... In the event that any duties cannot be undertaken by the responsible elected officer due to temporary illness or absence, such responsibilities may be temporarily delegated by the President to another member of the Executive Council in order to maintain the normal operation of Association business.

3.6 ... The Executive Council shall:

- (a) Carry into effect all resolutions of the Association and generally manage the affairs of the Association;
- (b) Function as a committee-of-the-whole for the purpose of soliciting nominations from its own members and from the membership-at-large to committees or positions pursuant to Articles 4.2 and 4.3. The Executive Council shall elect members to committees or positions from these nominations;
- (c) Appoint an Editor to be responsible for the Newsletter;
- (d) Recommend to the members of the appropriate bargaining unit the ratification or non-ratification of a proposed Collective Agreement, or part(s) thereof;
- (e) Appoint a research officer during negotiating years, or as required;
- (f) Appoint a communications coordinator during negotiating years, or as required.

ARTICLE IV -- COMMITTEES

4.1 ... All committees and sub-committees, and positions shall be directly responsible to the Executive Council.

4.2 ... The Association shall appoint its representatives, in the manner prescribed in Article 3.5, to committees as required by the Collective Agreement. These committees may include, but need not be restricted to, the following: Joint Consultative Committee(s); Joint Employee Benefits Committee; Workplace, Health and Safety Committee.

The term of office of members of these committees shall be for the duration of the Collective Agreement in force.

The Association shall also appoint a Grievance Officer and Associate Grievance Officers in the manner prescribed in Article 3.5, who shall serve for both bargaining units for the duration of the Collective Agreement. The Grievance Officer shall also function as a bona fide member of the Executive Council with voting rights.

4.3 ... The Association shall appoint its Members, in the manner prescribed in Article 3.5, to the following Association committees, as may be required from time to time: Collective Bargaining Committee(s); Committee(s) on Salaries and Benefits; a Negotiation Team for each bargaining unit; Grievance Advisory Committee; Internal Affairs Committee; Status of Women Committee; Job Action Committee; and Communications Committee.

The Association shall also appoint a Chief Negotiator for each bargaining unit, in the manner prescribed in Article 3.5, who shall also serve as the chairperson of the Negotiation Team and who, together with the members of the Team, shall conduct negotiations on behalf of the Association. The Chief Negotiator(s) shall, at the invitation of the Executive Council, periodically report to it on the progress of negotiations.

The term of office of the Chief Negotiator(s) and the Negotiating Team(s) shall be for the duration of the negotiation process toward a Collective Agreement or part(s) thereof.

4.4 ... Other committees or sub-committees may, from time to time, be struck by the Executive Council or by a General Meeting of the Association.

4.5 ... The term of office of any other committees as specified in the By-Laws shall be as determined by the Executive Council.

ARTICLE V -- GENERAL PROVISIONS

- 5.1 ... The financial signing officers of the Association shall be the President, Vice-President and Treasurer. All cheques shall be signed by two (2) of these signing officers. Where required by banking policy, the President may designate an administrative employee of the Association as an authorised signatory for the purposes of access to banking records normally required by Association business.
- 5.2 ... At each Annual General Meeting an auditor shall be appointed to examine the financial statements of the Association.
- 5.3 ... The Executive, members of the Finance Committee, Grievance Officer and Grievance Advisory Committee, so long as they act honestly and in good faith in the management of the Association's funds, assets and grievances, shall not be held liable for any losses incurred by the funds or assets of the Association or its membership.
- 5.4 ... In case of a dispute at meetings of the Association, procedure shall be governed by Robert's RULES OF ORDER.