



***Northern Ontario School of Medicine
Faculty and Staff Association***

Constitution and By-Laws of the Northern Ontario School of Medicine Faculty and Staff Association

CONSTITUTION

ARTICLE 1 - NAME

1.1 This organization shall be known as THE NORTHERN ONTARIO SCHOOL OF MEDICINE FACULTY AND STAFF ASSOCIATION (NOSMFSA).

ARTICLE 2 - OBJECTIVES

2.1 The objectives of the association are:

a) to promote academic freedom and to advance teaching, scholarship and research in the School of Medicine; to advance intellectual and social development and the betterment of society; to foster a working environment that enables members to be successful in their work lives at the School.

b) for those members of the Association who are not members of the Ontario Public Service Employees Union NOSM Local 677 (OPSEU) or who are not members of the OPSEU bargaining units; to regulate labour relations between the School of Medicine and its employees and regulate labour relations and to bargain collectively on behalf of its members on all matters pertaining to their relationship with the School of Medicine. Members who also belong to OPSEU or who are members of the OPSEU bargaining units will have OPSEU as their exclusive bargaining agent. In this regard the Association affirms the importance of collective bargaining in advancing the standards of the profession, protecting academic freedom and collegial governance, advancing policies and practices that secure equity in employment, promoting the interests of fulltime, part-time, and contract academic and general staff, as well as contributing to the improvement of the quality of postsecondary education in Canada.

c) to provide a common field for mutual exchange of ideas between the Association and the broader Medical School and University community, as well as the general public;

d) to promote the joint interests of the NOSMFSA and affiliated associations, including the Canadian Association of University Teachers (CAUT) and its affiliates at Lakehead and Laurentian Universities.

ARTICLE 3 - AFFILIATIONS

3.1 All members of the association shall be members of the Canadian Association of University Teachers (CAUT) and shall pay dues as set by the CAUT. Members who are also members of OPSEU shall have their dues paid by OPSEU directly to the CAUT and thus shall not be required to pay dues pursuant to this clause.

ARTICLE 4 - MEMBERSHIP AND DUES

4.1 Full Membership in the Association is open to all members of the academic staff and general staff of the Northern Ontario School of Medicine with the exception of those persons who are deemed to

be excluded by virtue of Section 1(3) b of the *Ontario Labour Relations Act*. Members of OPSEU NOSM Local 677 are automatically and also members of NOSMFSA.

4.2 All members of the Association are full members save and except for Associate members under Article 4.7 of the Constitution and Bylaws,

4.3 Membership shall be established by the payment of dues by those eligible. Failure to pay dues for a period of three months shall result in suspension of membership.

4.4 Dues will be determined by the members in a duly constituted meeting. Proposed changes to the level of dues are to be made by the Executive, with notice of the proposed change circulated to the members of the Association in writing at least 7 days before the meeting. 50% plus one of those voting at the meeting shall be sufficient to approve a change. OPSEU NOSM Local 677 shall forward dues to NOSMFSA for and on behalf of its members on an annual basis.

4.5. Membership may continue until an appointment with the Medical School is terminated; or until a change of status results in ineligibility for NOSMFSA membership. Members on recognized leave from the Medical School are eligible to maintain their membership in the Association during the period of leave. Members on contract may retain their membership in the Association for one calendar year from the contract termination date of their last contract at NOSM or the expiration of any seniority rights they may have accrued, whichever comes last. For purposes of resolving a grievance matter arising from or during a member's contract at NOSM, NOSMFSA shall continue to pursue the grievance until the matter is dropped by the Association or resolved between the Association and the NOSM.

4.6. Any member may withdraw from membership upon written notice to the Treasurer of the Association.

4.7 Individuals who upon retirement at the NOSM are members of the NOSMFSA shall be eligible for an Associate Membership in the association. Associate Members shall: - have the right to attend and be heard meetings at of the NOSMFSA, unless the Chair of the meeting specifies otherwise. The Associate Members shall not have a vote at Meetings - have the right to place items on the agenda of executive or general meetings of the association, with the consent of the chair of the meeting. - receive newsletters and bulletins of the association, with the agreement of the executive Dues for Associate Members shall be set according to article 4.3 of the constitution.

ARTICLE 5 - EXECUTIVE COMMITTEE

5.1 The Executive Committee of the Faculty Association shall consist of the Executive of OPSEU NOSM Local 677, up to 6 representatives of the non full time faculty elected at the annual general meeting, and the President or designate from the Physician Clinical Teachers Association of the Northern Ontario School of Medicine.

ARTICLE 6 - QUORUM

6.1 A quorum of the association shall be 20% of the membership in person, *via* video conference and/or telephone. Quorum is assumed to exist unless it is questioned by a member present at the meeting. If, at a duly advertised meeting, it is established that there is no quorum, at the next meeting a quorum will be deemed to exist no matter how many attend.

6.2 At executive meetings quorum will be 20% of the Executive not currently on leave, comprised of at least two executive committee members from each campus.

ARTICLE 7 - ANNUAL MEETING

7.1 The Annual Meeting of the Union Local shall be held no later than 60 Days after January 1st in each calendar year.

ARTICLE 8 - REVISION OF CONSTITUTION AND BY-LAWS

8.1 Changes in the constitution and/or the by-laws of the Association will take place at any regular meeting. Proposed changes must be forwarded to the Secretary in time for circulation to the members of the Association at least 14 days before the meeting. Constitutional or By-law changes must be ratified by a two-third vote of membership. In case of necessity the executive must poll the membership by mail and/or email.

BY-LAWS

The Executive Committee shall:

1.1 carry into effect all resolutions of the Association (reporting on its activities to the membership); engage in discussions with third parties, including the Employer, with the aim of formulating a proposed course of action to be subject to the approval of the general meeting; authorize expenditure of the monies of the Association; request the services of any members of the Association or other persons (e.g. legal counsel) to assist in matters where special or technical knowledge is required; appoint or nominate representatives to CAUT; and generally manage the affairs of the Association.

1.2 for those members of the Association who are not members of OPSEU or members of the OPSEU bargaining units, formulate and develop general collective bargaining policy, subject to the approval of the general meeting; engage in bargaining collectively with the Employer; and represent members in grievance meetings with the employer

1.3 Irrespective of their regular duties each member of the Executive shall assume such other duties as the Executive Committee may assign from time to time.

2.1 Executive Committee Recall

(a) The Executive Committee may by motion suspend a member of the Executive Committee who contravenes the policies, rules, or regulations of the Executive Committee and/or Association.

(b) Without limiting the generality of the foregoing, a member may be removed by the Executive Committee for:

(i) inability to perform duties due to illness,

(ii) dereliction of duty,

(iii) breach of confidentiality.

(c) A motion by the Executive Committee to remove must be supported by a majority vote of the Executive Committee.

(d) The decision to remove a member of the Executive Committee must be placed before the membership for acceptance or rejection at a general meeting held within thirty (30) days, pending which the member shall be suspended from the Executive Committee.

2.2 Executive Committee Expenses and Indemnification;

(a) Except for reasonable expenses and release time no remuneration shall be paid to Officers of the Association by the Association;

(b) Every officer or other person undertaking any action or liability on behalf of the Association, either within the scope of his/her office or with the express authority of the Executive shall be indemnified and saved harmless out of the funds of the Association from and against:

i) any and all costs, charges, and expenses sustained or incurred in relation to the affairs of the Association, and

ii) any and all costs, charges, damages, and expenses sustained or incurred with respect to any action, suit, or proceeding brought against her/him for any act or thing done or permitted by him/her in

the execution of her/his duties, unless such costs, charges, damages, or expenses are occasioned by her/his own willful neglect or default.

2.3 Association Property and Assets: The property and assets of the Association shall belong to the Association as a corporate entity; shall not constitute the property of any individual, and no member shall have any claim upon the property and assets of the Association on ceasing to be a member or at any time thereafter.

ARTICLE 3 - APPOINTMENT OF COMMITTEES

3.1 Standing Committees may only be established or abolished by a two-thirds majority vote at a NOSMFSA General Meeting, following at least one week's notice of motion.

3.2 The Chairperson or a co-chair of each standing committee shall be chosen from among the membership of the Executive. Committee members will be selected by the Executive, subject to ratification at the first, subsequent, NOSMFSA General Meeting.

3.3 The Chairperson of each standing committee, or his/her designate, shall report to the general membership on activities of the committee at least once a year at an appropriate NOSMFSA General Meeting, and as regularly requested by the Executive Committee.

3.4 *Ad hoc* committees may be established or abolished at any Executive or General Meeting of the NOSMFSA by as majority vote.

ARTICLE 4 - MEETINGS

4.1 Regular meetings of the NOSMFSA shall be held at least once in each of the fall and winter semesters. Normally at least one week's notice in writing of all meetings shall be given to members of the Association. An adequate but shorter notice in writing may be necessary in cases of emergency meetings.

4.2 Special meetings of the Association and meetings of the Executive Committee shall be held at the call of the President and/or Executive Committee.

4.3 The President must call a meeting of the Association within one week of the receipt of a written request of ten members of the Association.

4.4 No Collective Agreement or Special Plan or Merger or Transfer of Jurisdiction shall be executed on behalf of the Association unless the terms thereof have been ratified by the members of the affected bargaining units. Only members currently working in the affected bargaining units may participate in any ratification vote.

ARTICLE 5 - VOTING

5.1 The Chairperson of a meeting of the Executive Committee shall have a regular vote. In the case of a tie vote, the motion shall be held to fail and the *status quo* shall prevail.

5.2 The Chairperson of a General Meeting of the NOSMFSA shall not vote except in case of a tie vote, and then shall cast the deciding vote.

5.3 In all matters not covered by this Constitution and By-Laws, Robert's Rules of Order, most recent edition, shall apply.

ARTICLE 6 - FISCAL YEAR

6.1 The fiscal year of the Association shall be the calendar year.

As approved by the Membership on March 31, 2011. Previous Versions: Foundation (Feb 24, 2005); As amended by the Membership (Nov 1, 2005); As amended by the Membership (Sept 13, 2007); As amended by the Membership (April 29, 2008); As amended by the Membership (June 24, 2009); As amended by Membership (December 9, 2015).