

BYLAWS



CONFIDENTIAL, PROFESSIONAL and MANAGERIAL EMPLOYEE ASSOCIATION of YORK UNIVERSITY

CONSTITUTION AND BYLAWS

Approved by the Membership at Annual General Meeting May 20, 2004

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1. NAME

The name of this Association is "Confidential, Professional and Managerial Employee Association of York University" (hereafter called the CPMEA.)

2. PURPOSES

The CPMEA promotes the interests of administrators who perform professional or managerial functions at the University. As administrators, members of the CPMEA play an integral role in the effective functioning of the University and the achievement of its goals.

The purposes of the CPMEA are:

- (a) To have a common voice for members on any subject of concern;
- (b) To collectively promote the interests of the members;
- (c) To foster and facilitate cooperative and productive employment relations with the University;
- (d) To promote communication between the University and members, between groups outside the university and members, and among members, in order to facilitate the free exchange of ideas for the common good.

Confidential, Professional and Managerial employees have legally enforceable individual

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contracts of employment. The University consults with the CPMEA on policy decisions with respect to compensation, hiring policies, terms and conditions of employments, the working environment, and related matters affecting the membership.

3. LOCALITY OF OPERATION

The CPMEA supports all Confidential, Professional and Managerial employees of York University, Toronto, Ontario.

I. DEFINITIONS

In these Bylaws, unless the context otherwise requires:

1. "CPMEA" means Confidential, Professional and Managerial Employee Association;
2. "CPM" means an employee classification of York University;
3. "Mail" means campus mail and/or email;
4. "Voting Quorum" means the submission of votes by 25% or greater of the members present;
5. "Ordinary resolution" means a motion passed by members in a general meeting by a simple majority (50% + 1) of the votes cast in person;
6. "Special resolution" means a motion passed by a majority of not less than two thirds (67%) of those members who vote in person at a meeting:
 - (a) with notice (as the Bylaws provide) of not less than 14 calendar days, including the text of the motion being proposed; *OR*
 - (b) with notice of less than 14 calendar days only if the requirement of notice is waived by means of 10% of voting members' agreement in the form of their signatures to a document of waiver;
7. "University" means York University;
8. "Year" means June 1 to May 30 and "annual" refers to such year;
9. "Fiscal Year" means May 1 to April 30.

II. MEMBERSHIP

1. Membership shall be open to all CPM employees of York University, including provisional and contract;
2. The rights to vote, to hold office and to serve on committees shall be restricted to members of the CPMEA;
3. A person shall cease to be a member if:
 - (a) His or her employment with the university is terminated;
 - (b) He or she obtains employment with the university in a position other than those described as eligible in Bylaw II.(1) herein;

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III. EXECUTIVE

1. The Executive shall consist of a President, a Vice-President, a Secretary, a Treasurer and the Past-President;
2. All executive positions shall be for 2 years, with alternating terms (President and Vice-President in one year, Secretary and Treasurer in alternate year); a position may be held for a maximum of two consecutive terms;
3. The Executive shall:
 - (a) Be responsible for directing the activities of the CPMEA subject to the provisions of the Constitution and Bylaws and following policies agreed to by the membership;
 - (b) Report to the CPMEA regularly, and as circumstances warrant;
 - (c) Have the powers of the CPMEA between meetings, including interim committee appointments;
 - (d) Hold in confidence any information relating to employee performance, salaries, complaints, and any other such matters deemed relevant by the executive, and shall discuss these matters only in closed sessions with the minutes available only to executive members. The minutes of closed sessions shall identify the substance of the points raised, without naming the speakers;
 - (e) Appoint new executive member(s) from amongst the membership if a vacancy should arise between Annual Meetings;
 - (f) Be available to rule on any questions of conflict of interest and to possibly determine the best means to manage any conflict of interest. See Appendix 1;
 - (g) Hold regular meetings to discuss matters with the Chairs of the Standing Committees in attendance;
4. Any member of the Executive who ceases to be eligible for membership in the CPMEA will automatically lose the right to hold office;
5. The duties of the Executive shall be as follows:
 - (a) The President shall:
 - i. Facilitate communication between the University senior administration and the CPMEA;
 - ii. Call and preside at all meetings of the CPMEA and of the Executive;
 - iii. Co-chair joint meetings with University senior administration;
 - iv. Be a steward of the Constitution, Bylaws and all documents pertaining to the CPMEA, ensuring that the Constitution and Bylaws are kept current through regular review every 5th year (years ending in "0" or "5");
 - (b) The Vice-President shall:
 - i. Have the powers and perform the duties of the President in the absence or incapacity of the President, or in the event of vacancy in the office of the President;
 - ii. Act as liaison with and report to the Executive concerning the standing committees and serve as ex-officio member of each of the standing committees;
 - iii. Perform such duties as may be assigned from time to time by the President and/or the Executive;
 - (c) The Secretary shall:
 - i. Keep, or cause to be kept, minutes of all meetings of the Executive and the CPMEA;
 - ii. Keep, or cause to be kept, a register and shall enter, or cause to be

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- entered therein, the names of the members of the CPMEA, including the full name, occupation and department of every such person;
 - iii. Issue, or cause to be issued, notices required by these Bylaws;
 - iv. Supervise the keeping and custody of all records of the CPMEA, other than financial records;
 - v. Perform such duties as may be assigned from time to time by the President or the Executive;
- (d) The Treasurer shall:
- i. Formulate and administer rules and regulations for the collection, banking, appropriation and distribution of funds of the CPMEA;
 - ii. Keep, or cause to be kept, a proper record of the financial operations of the CPMEA;
 - iii. After the close of each fiscal year but prior to the Annual General Meeting, prepare and present to the Executive year end financial statements and a budget for the current fiscal year (the statements and budget, as approved by the Executive, shall be submitted for acceptance or rejection at the annual meeting);
- (e) The Past-President shall:
- i. Provide advice and guidance to newly-elected members of the Executive;
6. The following provisions shall govern the operations of the Executive:
- (a) Three members of the Executive constitute a meeting quorum;
 - (b) A decision or resolution of the majority of the Executive present and constituting a quorum is a decision or resolution of the Executive, except where otherwise provided;
 - (c) Each member of the Executive, except the President, has one vote;
 - (d) If the votes of the Executive are equally divided, the President has the deciding vote;
 - (e) A meeting of the Executive may be held at any time at the call of the President or upon the request of any two members of the Executive, made in writing to the Secretary;
 - (f) The Executive shall meet regularly but no less than quarterly;
 - (g) Signing officers shall be any two of the President, Vice-President or Treasurer;
7. A member of the Executive may be removed from office by special resolution and another member may be elected or, by ordinary resolution, appointed to serve during the balance of the term;
8. Meetings shall be held throughout the year, including the Annual General Meeting in May of each year, and no less than 1 general meeting of the members. A Special meeting may be called by the Executive by giving 14 calendar days notice or by any member provided that it is supported by a petition to the President including the signatures of no less than 10% of the CPMEA membership;
9. The Executive and the Chair of the Employment Policy Advisory Committee shall meet with two members of the Senior Administration (one of whom shall be the Vice-President, Finance and Administration) on a quarterly basis for the purposes of:
- (a) Discussing issues within the university which may affect members of the CPMEA;
 - (b) Discussing terms and conditions of employment of CPMEA members.

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IV. STANDING COMMITTEES

1. The Association may:
 - (a) By ordinary resolution, the CPMEA may establish ad hoc committees from time to time, as necessary;
 - (b) The Executive may establish ad hoc committees from time to time, as necessary;
2. A position on a Standing Committee or University Committee may be held for a maximum of two consecutive terms, unless there are no other members willing to sit;
3. Standing committee membership is decided by a voting process at the Annual General Meeting of the CPMEA;
4. There shall be Standing Committees with a Chair (or co-chairs) elected by the members of each Committee at their first meeting;
5. The Chair (or co-chairs) shall be reported to the Executive no later than September;
6. The Chair (or co-chairs) shall attend the regular meetings of the Executive and Chairs (or co-chairs);
7. Each Committee shall be required to provide a written report, available to all members, at the Annual General Meeting each year, and/or on the website;
8. The Standing Committees shall be as follows:
 - (a) **Membership/Nominating Committee** (4 members for 2-year terms, alternating), which shall:
 - i. Contact individuals newly appointed to University designated CPM positions to provide information on the CPMEA and assist with their orientation to the University;
 - ii. Contact members of the CPMEA who may be willing to serve as members of the Executive or Standing Committees, or as CPMEA representatives on university committees, and secure their agreement to run;
 - iii. Disseminate information about the candidates to members;
 - iv. Present for election a slate of candidates for each position that becomes open;
 - v. Support the initiatives of the other CPMEA committees as required;
 - (b) **Communications Committee** (4 members for 2-year terms, alternating), which shall:
 - i. Maintain and update the CPMEA website;
 - ii. Regularly review the communication patterns, channels and modes of communication to members and make recommendations for continuous

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improvement;

- iii. Disseminate information on policies, benefits, etc. relating to the CPMEA;
- iv. Support the initiatives of the other CPMEA committees as required;

(c) **Employment Policy Advisory Committee** (4 members for 2-year terms, alternating), which shall:

- i. Review and make recommendations to the Executive on employment policies;
- ii. Disseminate relevant information regarding employment policies to members of the CPMEA;
- iii. Recommend to the Executive, research initiatives and procedures regarding employment policy standards in other universities or similar institutional models;
- iv. Investigate specific cases brought to its attention by a member;
- v. Report to the Executive and the CPMEA membership on the results of their investigations;
- vi. Support the initiatives of the other CPMEA committees as required;

(d) **Program Committee** (4 members for 2-year terms, alternating) which shall:

- i. Plan and organize professional development and social events for the CPMEA membership;
- ii. Administer funds, which can be directed towards training and development opportunities and report to Executive on a quarterly basis;
- iii. Support the initiatives of other CPMEA committees as required;

(e) **Handbook Committee** (4 members for 2-year terms, alternating), which shall:

- i. At least annually, review, update and maintain the CPMEA Handbook;
- ii. Communicate changes to members;
- iii. Provide research support for, and act as general reference to the Executive on matters pertaining to the Handbook. It is understood that the responsibility for the negotiation of specific terms of any policy and/or procedure to be incorporated into the Handbook will be as determined from time to time by the Executive;
- iv. Support the initiatives of other CPMEA committees as required;

(f) **Occupational Health and Safety Committee** (4 members for 2-year terms, alternating), which shall:

- i. In conjunction with DOHS, review occupational health and safety conditions of CPMEA members;
- ii. Address CPMEA member enquiries regarding health and safety issues and concerns;
- iii. Communicate relevant issues to membership;
- iv. Support the initiatives of other CPMEA committees as required;

9. The Chair (or co-chairs) of each committee shall submit to the Vice-President, before the Annual General Meeting, a report of activities of the committee for the period ending May

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31 each year, and from time to time at the request of the Executive;

10. In the event of a tied vote within a standing committee, the Chair shall have the deciding vote;
11. In the event of:
 - (a) Default of duties of any committee, the Executive may deliberate and assume the duties and responsibilities of the committee;
 - (b) Default of duties of any committee member, the Executive has the power for interim appointments;
12. For the purposes of this document, Conflict of Interest is best described as a convergence of a CPMEA member's career interests with his or her volunteer committee interests, such that an independent observer might reasonably question whether the CPMEA member's volunteer committee actions or decisions are improperly influenced by considerations of personal career gain or loss. These interests most often relate but are not restricted to: advancement; income; position; and prestige held by the individual, but could also be manifest as feelings of intimidation due to a career conflict, resulting in the inability to act freely in the voluntary committee capacity.

V. GROUP REPRESENTATION ON EXTERNAL COMMITTEES

1. Representatives to committees external to the CPMEA shall be elected at the Annual General Meeting; or, in the event of a vacancy, may be elected at another general meeting of the CPMEA to complete the original term; or, the Executive may appoint a replacement to serve out the rest of the term.
2. The External Committees shall be as follows:
 - (a) **Job Evaluation Committee** (2 members for 2-year terms, alternating);
 - (b) **All University Committee on Pensions** (1 member for a 2-year term);
 - (c) **Retirement Planning Centre Advisory Board** (1 member for a 3-year term);
 - (d) **President's Advisory Committee on Parking and Transportation** (1 member for a 2-year term);
 - (e) **York University Development Corporation** (1 member for a 2-year term);
3. Representatives shall exercise their powers and duties on external committees only in accordance with the directions of the Executive and in so doing shall:
 - (a) Consult with the Executive before meetings of external committees so that the Executive's direction may be sought for the items set out in the agenda of said meetings;
 - (b) Refrain from exercising their powers and duties at meetings of external committees on matters for which they have not received directions from the Executive, until such time as those directions have been received;
4. Representatives shall:
 - (a) Speak for the CPMEA Executive at meetings of external committees;
 - (b) Cast votes for the CPMEA at such meetings;
 - (c) Report to the CPMEA Executive as required.

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VI. ELECTIONS

The following provisions shall govern elections of the Executive, members of the Standing Committees and representatives to External Committees:

1. Nominations shall be accepted in advance of the AGM by the Membership/Nominating Committee by mail;
2. Nominations shall be accepted from the floor during the election procedure of the AGM;
3. Nominations shall be accepted provided each candidate is nominated and seconded by a CPMEA member;
4. Nominees must attend the AGM in order to accept their nomination/election;
5. Voting in elections shall be by secret ballot;
6. The candidates receiving the highest vote totals shall be declared elected;
7. Elections shall be held for all offices at the annual general meeting in May. Those elected shall take office on June 1;
8. Elections to fill vacated positions shall be held as required.

VII. AMENDMENTS TO CONSTITUTION AND BYLAWS

1. The adoption, amendment or repeal of the Constitution and Bylaws may be proposed by the Executive or 10% of CPMEA members;
2. The adoption, amendment or repeal of the Constitution and Bylaws shall be by special resolution;
3. Notice of a proposal to adopt, amend or repeal the Constitution and Bylaws (which notice shall contain the particulars of the proposal) shall be filed with the Secretary and must be distributed by mail to all members not less than 14 days before any general meeting at which the motion will be considered.

VIII. INTERPRETATION

1. In the Constitution and Bylaws, words importing the singular include the plural and vice versa;
2. All questions affecting the interpretation of the provisions of the Constitution and Bylaws shall be determined by the Executive, and such decisions shall be final and binding.

APPENDICES

APPENDIX I

CONFLICT OF INTEREST STATEMENT

For the purposes of this document, Conflict of Interest is best described as a convergence of a CPMEA member's career interests with his or her volunteer committee interests, such that an independent observer might reasonably question whether the CPMEA member's volunteer committee actions or decisions are improperly influenced by considerations of personal career gain or loss. These interests most often relate but are not restricted to: advancement; income; position; and prestige held by the individual, but could also be manifest as feelings of intimidation due to a career conflict, resulting in the inability to act freely in the voluntary committee capacity.

In the event of a possible conflict of interest the general procedure is:

1. The member will disclose the conflict potential to the Executive;
2. If the Executive becomes aware of a potential conflict of interest;
3. The member will manage the conflict through transparency and reporting to the Executive; *or*
4. The member shall withdraw from the relevant Standing or External committees.

If the member is a Chair/Co-Chair of a committee or is part of the Executive:

1. The member shall withdraw from the relevant committee;
2. The member shall withdraw from the Executive.