

1 **Bylaws of the Utica College Chapter of the American**
2 **Association of University Professors (AAUP-UC)**
3 **(Amended Bylaws Adopted February 28, 2018)**
4

5
6 **ARTICLE I: UTICA COLLEGE CHAPTER OF THE AMERICAN ASSOCIATION OF**
7 **UNIVERSITY PROFESSORS (AAUP-UC)**
8

9 In order to advocate and achieve its objectives, this chapter shall:

- 10
11 1. Bargain and contract with Utica College or any subsequent employer on terms and
12 conditions of employment, benefits, and dispute resolution procedures of Bargaining
13 Unit Members;
14
15 2. Serve as the representative of the membership of the bargaining unit in all
16 contractual matters;
17
18 3. Provide information on all contractual matters to the membership;
19
20 4. Provide a forum for free expression in considering questions of general concern to
21 the Bargaining Unit members;
22
23 5. Act upon specific matters of AAUP-UC business submitted to the chapter by its
24 members or by the National AAUP, the AAUP Collective Bargaining Congress, and/or
25 the New York State AAUP Conference officers;
26
27 6. Cooperate with the National AAUP, the AAUP Collective Bargaining Congress, the
28 New York State AAUP Conference, and the Central New York Labor Council
29 concerning professional issues;
30
31 7. Serve as a vehicle for communication between the National AAUP, the AAUP
32 Collective Bargaining Congress, the New York State AAUP Conference, and the
33 Central New York Labor Council and the AAUP-UC Chapter;
34
35 8. Advance academic freedom and shared governance and preserve the integrity of
36 the professoriate.

37
38
39 **ARTICLE II: MEMBERSHIP**
40

- 41 Section 1: To be a member in good standing of the AAUP-UC, a person must:
42 a. Be an employee of Utica College, and
43 b. Be classified as a Bargaining Unit Member by the current collective
44 bargaining agreement between the AAUP-UC and the employer, and
45 c. Be up-to-date with his/her dues.

46 Members in good standing have the right to full participation in general membership
47 meetings, to vote on the business of the union, to vote on ratification of contracts, and
48 determine expenditure of union funds.

49
50 Bargaining unit members can attend non-business portions of general membership
51 meetings and any social function hosted by the union at the invitation of the Governing
52 Board.

53
54 Section 2: Members in good standing of the AAUP-UC chapter are also members of
55 the National AAUP and the New York State AAUP Conference.

56
57 Section 3: Fair Share Fee Payers, by definition, are not members of the AAUP-UC.
58 Any employee who has elected to pay a fair share fee may change his/her status to
59 member in good standing at any time by complying with the requirements in Section 1.

60 61 62 **ARTICLE III: OFFICERS**

63 64 Section 1: Restrictions on Holding Office

- 65
66 a. Only members in good standing of the AAUP-UC may hold elected offices on
67 the Governing Board, contractually identified as the AAUP-UC Executive
68 Committee (see Article IV) or hold appointed offices.
- 69
70 b. A person convicted of certain crimes, as defined in 29 U.S. Code § 504, may
71 not serve as an AAUP-UC officer, negotiator, grievance officer, employee,
72 trustee, committee member, or other representative of the AAUP-UC for a
73 period of thirteen (13) years after such conviction or after the end of such
74 related imprisonment, whichever is later.
- 75
76 c. Any officer removed from office for serious misconduct in accordance with the
77 procedures of the Bylaws shall be prohibited from serving as an AAUP-UC
78 officer, negotiator, grievance officer, employee, trustee, committee member, or
79 representing the AAUP-UC in any capacity for a period of 13 years from the
80 date of removal from office.
- 81
82 d. A member may only run for elected office if that member:
- 83 i. Is a member in good standing of the AAUP-UC, and
 - 84 ii. Will have been a continuous member in good standing for the immediate
85 six (6) months prior to the date the term of office shall begin, and
 - 86 iii. Has not otherwise been disqualified from holding office.

87 88 Section 2: Elected Officers

- 89
90 a. The elected officers of the AAUP-UC chapter are: President, Vice-President,
91 Secretary, Treasurer, and six (6) Members-At-Large.

- 92 b. The elected officers serve for two-year terms and may succeed themselves for
93 one additional term, except that the Treasurer may succeed him/herself for two
94 terms. The officers are elected in alternate years as follows:
95
- 96 • Year One (even years): President, Treasurer, and three Members-At-
97 Large;
 - 98
 - 99 • Year Two (odd years): Vice-President, Secretary, and three Members-At-
100 Large.
- 101
- 102 c. In the event that an elected officer other than President cannot fulfill the duties
103 or finish the term of the office, a special election will be held for the completion
104 of the term.
105
- 106 d. The President shall be the presiding officer at all meetings and shall act as the
107 official representative of the Chapter. The President shall serve as the AAUP-
108 UC's delegate for the AAUP-Collective Bargaining Congress, the National
109 AAUP, the Central New York Labor Council and any other organization where
110 the AAUP-UC has delegate representation. After leaving office, the President
111 shall serve on the AAUP-UC Governing Board in the capacity of Immediate Past
112 President, provided he/she remains a member in good standing, subject to the
113 restrictions in Section 1 of this Article.
114
- 115 e. The Vice-President shall assume the duties of the President in the absence of,
116 or at the request of, the President, and be responsible for orientation of new
117 bargaining unit members and recruitment of members in good standing. The
118 Vice-President shall be the AAUP-UC's first (1st) alternate delegate for the
119 AAUP-Collective Bargaining Congress, the National AAUP, the Central New
120 York Labor Council and any other organization where the AAUP-UC has
121 delegate representation. In the event the President resigns, cannot fulfill the
122 duties of the office, or complete the term of office, the Vice-President shall
123 become the President for the completion of the term, and a special election will
124 be held to fill the position of Vice-President for the completion of the term.
125
- 126 f. The Secretary shall take, distribute and permanently file the minutes of all board
127 and chapter meetings, keep and organize all records in the AAUP-UC office,
128 carry on correspondence as required, be responsible for maintaining the AAUP-
129 UC bulletin board, be responsible for any newsletter and/or website (or work
130 with the AAUP-UC Webmaster), and maintain mailing lists of bargaining unit
131 members and members in good standing. The Secretary shall be the AAUP-
132 UC's second (2nd) alternate delegate for the AAUP-Collective Bargaining
133 Congress, the National AAUP, the Central New York Labor Council and any
134 other organization where the AAUP-UC has delegate representation.
135
- 136 g. The Treasurer shall provide a financial report to the membership at least once
137 during both the spring and fall semesters at a meeting of the membership,

138 provide a financial report to the Governing Board at least twice a semester
139 during Governing Board Meetings, collect dues, maintain up to date records of
140 members in good standing, have authority to make expenditures only for
141 approved operating expenses of the chapter annual budget, shall file federally
142 and state mandated reports, and prepare an annual budget for the next fiscal
143 year. The Treasurer shall be the AAUP-UC's third (3rd) alternate delegate for the
144 AAUP-Collective Bargaining Congress, the National AAUP, the Central New
145 York Labor Council and any other organization where the AAUP-UC has
146 delegate representation.

147 148 Section 3: Immediate Past President

149
150 The Immediate Past President, provided he/she remains a member in good standing
151 and pursuant to the restrictions in Section 1 of this Article, shall serve on the
152 Governing Board for one year after his/her term expires. The Immediate Past
153 President shall be a voting member of the Governing Board during this year. In the
154 next year (and subsequent years if the sitting president is reelected) the Immediate
155 Past President shall be an advisor to the Governing Board and may attend Governing
156 Board meetings, but shall have no voting rights on the Governing Board.

157 158 Section 4: Appointed Officers

- 159
- 160 a. The appointed officers of the AAUP-UC are: the Grievance Officer, the
161 Negotiators, and the Trustees.
 - 162
 - 163 b. The appointed officers shall be appointed by two-thirds (2/3) majority of the
164 board for the following terms:
 - 165
 - 166 c. The Grievance Officer shall be appointed for a two-year term in year two
167 described above in Article III section 2b.
 - 168
 - 169 d. The Negotiators' terms shall be for the duration of the contract with their
170 appointment made at least eight (8) months prior to the end of the current
171 contract. It is preferred that at least one of the negotiators shall have had prior
172 contract negotiating experience.
 - 173
 - 174 e. The appointed officers shall report directly to the Governing Board.
 - 175
 - 176 f. The appointed officers shall have no vote on the board.
 - 177
 - 178 g. The Grievance Officer shall formally and informally represent the chapter and
179 any bargaining unit member in matters related to the administration of the
180 contract but shall ultimately be responsible to board directives.
 - 181
 - 182 h. The Negotiators shall represent the interests of the Chapter in all salary,
183 contract negotiations and other concerns as directed by the Board.

- 184 i. There shall be two (2) Trustees.
- 185
- 186 j. The Trustees shall perform an annual audit or cause an audit to be performed of
- 187 the AAUP-UC's financial records and submit a report to the Governing Board
- 188 about this audit.
- 189
- 190 k. The Trustee report to the Governing Board about the AAUP-UC's previous fiscal
- 191 year shall be completed at least three (3) weeks prior to the filing deadline of
- 192 any federal and state mandated reports of that fiscal year.
- 193
- 194 l. Trustees shall be appointed for two (2) years on an alternating basis. The first
- 195 two (2) Trustees shall be appointed for one (1) and two (2) years respectively.
- 196
- 197 m. When necessary, Trustee terms may be extended to maintain an alternating
- 198 schedule of appointments.
- 199

200 **ARTICLE IV: AAUP-UC STANDING COMMITTEES**

201 **Section 1: AAUP-UC Governing Board**

- 202
- 203 a. There shall be a Governing Board composed of the elected officers.
- 204
- 205 b. The Governing Board shall consider all matters of interest to the Chapter and
- 206 bring them to the attention of the members in good standing at the Chapter
- 207 meetings and perform other duties as provided in these Bylaws.
- 208
- 209 c. The Secretary shall take and keep minutes of all Governing Board meetings and
- 210 shall circulate these minutes to the Governing Board Members.
- 211
- 212 d. At the first Governing Board meeting of each fiscal year, the Governing Board
- 213 shall appoint a Parliamentarian from one of its members.
- 214
- 215
- 216

217 **Section 2: Hearing Committee**

- 218
- 219 a. There shall be a Hearing Committee composed of five (5) AAUP-UC members
- 220 in good standing as appointed by the Governing Board. Members of the Hearing
- 221 Committee must be tenured or have continuous appointment. The composition
- 222 of the Hearing Committee shall consist of three (3) members of the Governing
- 223 Board and two (2) members in good standing who are not on the Governing
- 224 Board. The current President and Grievance Officer shall not serve on the
- 225 Hearing Committee.
- 226
- 227 b. Terms on the Hearing Committee shall be for two (2) years and shall begin
- 228 September 1 of each odd year. Terms may be renewed.
- 229

- 230 c. Vacancies that occur during a term of office will be filled by special Governing
231 Board appointments. Such appointments will be for the remainder of the term.
232
- 233 d. The Hearing Committee shall perform the duties designated in the Collective
234 Bargaining Agreement and address other issues as determined by the
235 Governing Board.
236
- 237 e. A subset of the Hearing Committee shall address charges of officer misconduct
238 as indicated in Article XI of the Bylaws. This Officer Review Committee shall
239 consist of three (3) Hearing Committee members. The Officer Review
240 Committee shall include one (1) member of the Governing Board and two (2)
241 members in good standing who are not on the Governing Board. The Hearing
242 Committee shall decide on the Officer Review Committee membership.
243
- 244 f. Any member of the Hearing Committee who has a bias or interest concerning a
245 case before the Hearing Committee, as determined by the AAUP-UC Governing
246 Board, shall be deemed disqualified from that case and shall be recused from
247 the Hearing Committee for the consideration of the case. In such an event, the
248 AAUP-UC Governing Board shall appoint a temporary substitute.
249

250 Section 3: Calendar Committee
251

252 The AAUP-UC shall have two (2) AAUP-UC members in good standing who shall
253 participate in the development of the academic calendar with Utica College's Executive
254 Council, the ad hoc calendar committee, if any, and the Provost. The AAUP-UC
255 members in good standing shall be appointed by the AAUP-UC Governing Board. The
256 Academic Calendar is addressed in the Collective Bargaining Agreement.
257

258 Section 4: Class Size Committee
259

260 The AAUP-UC shall have three (3) AAUP-UC members in good standing, one from
261 each school, on a Joint Labor Management Advisory Committee. The Committee will
262 consider and make recommendations to the College regarding class size and the
263 impacts of class enrollment changes. The members of this committee shall be
264 appointed by the AAUP-UC Governing Board. Class size is addressed in the Collective
265 Bargaining Agreement.
266

267 Section 5: Elections Committee
268

269 An Elections Committee shall be formed each year pursuant to the Bylaws, (Article VII,
270 Section 1).
271

272 Section 6: Appeals Committee
273

274 An Appeals Committee shall be formed, when necessary, in accordance with the
275 Bylaws (Article XI, Section 6).

276 Section 7: Officer Review Committee

277

278 An Officer Review Committee shall be formed, when necessary, in accordance with
279 the Bylaws (Article VI, Section 2).

280

281 Section 8: Internal Grievance Committee

282

283 An Internal Grievance Committee shall be formed, when necessary, in accordance
284 with the Bylaws (Article XII).

285

286 Section 9: Academic Freedom Committee

287

288 The Academic Freedom Committee shall promote the principles of academic freedom
289 through the development of resources and reports relating to academic freedom,
290 education for the AAUP-UC membership, and the application of those principles
291 should situations arise. The membership of the Academic Freedom Committee shall
292 consist of AAUP-UC members in good standing selected by the Governing Board. The
293 AAUP-UC President or his/her designee shall hold membership on the Committee in
294 an ex-officio non-voting capacity.

295

296 Section 10: Scholarship Committee:

297

298 A Scholarship Committee, consisting of at least two (2) members of the Governing
299 Board, shall review AAUP-UC scholarship applications and recommend qualified
300 candidates to receive scholarships to the Governing Board. The Scholarship
301 Committee shall be constituted on an annual basis.

302

303 Section 11: Special Committees

304

305 Special committees, that are aligned with the AAUP-UC mission, ~~shall~~ may be
306 established in accordance with the desires of the members in good standing and/or the
307 AAUP-UC Governing Board.

308

309

310 **ARTICLE V: MEETINGS**

311

312 Section 1: At least one general meeting of the AAUP-UC members in good standing
313 shall be held every semester. Meeting dates shall be established by the Governing
314 Board.

315

316 Section 2: Other special meetings shall be called by the Governing Board, or by the
317 President, or by petition to the Governing Board or President of fifteen (15) or more
318 members.

319

320 Section 3: Notice of the time and agenda for all meetings shall be provided at least one
321 week prior to such meetings.

322 Section 4: A quorum shall be 25% of the members in good standing.

323

324 Section 5: All meetings shall be governed by Robert's Rules of Order unless these
325 rules are suspended.

326

327

328 **ARTICLE VI: FINANCIAL MATTERS**

329

330 Section 1: Dues, set by the chapter, may be paid by payroll check-off. Dues of
331 members are due and payable on or before the last day of the current month. In order
332 for a member to be in good standing, her/his dues must be paid on or before the last
333 day of each month. All dues or other financial obligations not paid on or before the last
334 day of the month in which the same are due shall become delinquent. A member who
335 is delinquent in the payment of her/his dues or other financial obligations shall be
336 suspended from membership, and shall not be entitled to any benefits and/or privileges
337 heretofore or hereinafter referred to in these Bylaws. Such a member shall not be
338 considered a member in good standing whenever such status is required to confer
339 upon said member any benefits and/or privileges under these Bylaws. Reinstatement
340 to good standing shall be accomplished by paying all delinquent amounts due and
341 owing.

342

343 A member who has chosen to have his/her dues withheld by the employer through
344 checkoff may not be deemed to have lost his/her member in good standing status by
345 reason of the employer's delay or default in the payment of dues.

346

347 Section 2: The rates of dues and/or initiation fees payable by AAUP-UC members in
348 good standing may only be changed by a majority vote by secret ballot of the members
349 in good standing voting at a general or special membership meeting. The intention to
350 bring forth a proposal to adjust dues and/or initiation fees must be announced in the
351 call for the meeting at which the action is to be taken.

352

353 Section 3: New members shall begin paying dues when they sign the authorization
354 forms.

355

356 Section 4: The fiscal year shall be July 1 to June 30.

357

358 Section 5: The Treasurer shall present an annual operating budget for the next fiscal
359 year for Governing Board approval prior to submission to the membership. The budget
360 shall be approved by a majority of the members in good standing voting at a
361 membership meeting no later than May prior to the start of the next fiscal year. The
362 Treasurer shall provide to the Governing Board at least twice a semester or upon
363 request a copy of the unit's financial records. Dues shall be determined by the
364 membership in accordance with the budgetary needs.

365

366 Section 6: The Treasurer will maintain a surety bond to protect the unit's assets. Any
367 member in good standing who has access to or handles union funds shall be bonded.

368 Section 7: The Governing Board may authorize expenditure outside of the approved
369 budget at any one time of amounts not to exceed five (5) percent of the unit's total
370 assets. Expenditure at any one time of amounts greater than five (5) percent of the
371 unit's total assets outside of the approved budget requires approval of a majority of the
372 members in good standing voting.
373

374 Section 8: The following officers shall receive remuneration as determined by the
375 membership: President, Vice-President, Treasurer, Secretary, Grievance Officer,
376 Trustees, and the Negotiators. Adjustments to Section 9 (following) will be made as
377 appropriate.
378

379 Section 9: Stipends. The following stipends will be paid annually based on the full
380 professor overload rate (per single credit) of the AAUP-UC/Utica College contract in
381 effect at the time:
382

- 383 a. President: 2.86 times a single-credit overload pay
- 384 b. Vice-President: 1.25 times a single-credit overload pay
- 385 c. Treasurer: 1.25 times a single-credit overload pay
- 386 d. Secretary: 1.25 times a single-credit overload pay
- 387 e. Negotiator: 1.25 times a single-credit overload pay
- 388 f. Grievance Officer: 1.25 times a single-credit overload pay
- 389 g. Trustee: 0.33 times a single-credit overload pay
390

391 **ARTICLE VII: ELECTIONS**

392 **Section 1: Nominations**

- 393
- 394
- 395
- 396 a. An Election Committee of no fewer than three (3) members in good standing
397 who are appointed by the Governing Board and who are not running for office,
398 will issue a call for nominations that shall be sent to the members in good
399 standing via U.S. mail no less than forty-nine (49) days before the
400 commencement of the actual election. A supplemental nomination notice may
401 be issued electronically.
402
- 403 b. The call for nominations shall contain the officer positions to be filled; the term
404 of office for each position; the procedures for nominations; the deadline for
405 nomination submissions; candidate eligibility requirements; delegate positions to
406 be held by virtue of holding the elected office, if any; the dates and times of the
407 election period; and any other federally and/or state mandated notifications.
408
- 409 c. The period of time between the call for nominations and the close of
410 nominations shall be no less than fifteen (15) days.
411
- 412 d. Any member in good standing may self-nominate in order to run for a vacancy
413 on the Governing Board.

- e. A member in good standing may also be nominated for a vacancy on the Governing Board through a petition containing the signatures of at least twelve (12) members in good standing.

417

418 Section 2: Candidate Eligibility

419

- a. The Election Committee will verify candidates are eligible to hold office in accordance with the Bylaws and any other federal and/or state regulation.

422

- b. The Election Committee shall notify candidates as to their eligibility.

424

- c. Candidates who have been determined ineligible to run for office shall have the right to appeal the finding to the Election Committee. Such appeal must be made within seven (7) days of notification of the candidate's ineligibility. The Election Committee shall decide upon the appeal within ten (10) days of receiving the appeal.

429

430 Section 3: Ballot

431

432

- a. The Election Committee shall provide the names of those members running for each open elected office; these nominees will be presented, in writing, to the members in good standing prior to circulation of the ballot. Such notice shall be sent no less than fifteen (15) days before the commencement of the election. Such notice may be electronic.

437

- b. The Election Committee shall deliver a secret ballot (including all elected offices to be filled) to the members in good standing who are eligible to vote. The election period shall be open for one (1) week. The ballot may be electronic.

442

- c. Candidate names on election ballots shall be listed alphabetically by surname.

444

- d. Eligible candidates' legal names shall appear on the ballot. Eligible candidates may indicate to the Election Committee if they wish to include a familiar name on the ballot.

448

- e. Write-in candidates are not permitted.

449

450 Section 4: Votes

451

- a. President, Vice-President, Secretary, Treasurer shall be elected by a majority of the votes cast. The top three vote getters among candidates for Members-at-Large will assume the positions.

456

- b. If more than one ballot is necessary, the two candidates carrying the highest number of votes for that office on the first ballot shall be placed on a second ballot.

459

- 460 c. If, at the close of the nomination period, there is only one (1) eligible nominee
461 for the President, Vice-President, Secretary, or Treasurer position (i.e., an
462 eligible nominee is running unopposed), the eligible nominee for such position
463 shall be considered elected by acclamation and no balloted election for that
464 position shall take place.
465
- 466 d. If, at the close of the nomination period, there are no more eligible candidates
467 than open Member-At-Large positions, the Member-At-Large candidates shall
468 be considered elected by acclamation and no balloted election for the Member-
469 At-Large positions shall take place.
470
- 471 e. If there are fewer eligible candidates than positions, a new election cycle shall
472 begin for the unfilled position(s).
473
- 474 f. Only persons who are members in good standing and who were also members
475 in good standing as of the last day of the month prior to the election, are eligible
476 to vote.
477

478 Section 5: Election Deadline

479

480 Elections shall be completed by June 30 of each year and the newly elected officers
481 shall take office on July 1 of their election year.
482

483 Section 6: Vacancies Before the Completion of a Term

484

485 Vacancies that occur during a term of office will be filled by a special election by the
486 membership. Officers so elected will complete the term and may, upon election,
487 succeed themselves for one full term. In the case of a Member-At-Large position with
488 less than four (4) months left on the term, the position shall be allowed to remain
489 vacant provided no more than two (2) total Member-At-Large positions are vacant.
490

491 Section 7: Changing Governing Board Positions

492

493 Seated Governing Board members may run for vacant positions other than those they
494 currently occupy even if they are completing a second successive term. Should this
495 create an open seat on the Governing Board, that seat will be included in the yearly
496 election, and the winner will complete the remaining term as in Section 6 above.
497

498 Section 8: Compliance With Federal And State Laws

499

500 All elections will be conducted according to the requirements of applicable federal and
501 state laws.
502
503
504
505

506 Section 9: Recall Elections

507

508 A Governing Board member may be recalled by a majority vote of the members in
509 good standing.

510

511 a. A vote to recall shall be held within sixty (60) days of receipt of a petition
512 submitted to the Governing Board.

513

514 b. A valid recall petition must be signed by at least thirty-five percent (35%) of the
515 members in good standing. All signatures shall be dated. A signature shall be
516 no more than ninety (90) days old at the time of submission in order to be
517 considered a valid signature.

518

519 c. Such petition shall be submitted to the AAUP-UC Secretary; provided that if the
520 recall involves the Secretary, the petition shall be submitted to the President. If
521 the petition involves both the Secretary and the President, it shall be submitted
522 to an appropriate elected officer who shall inform the Governing Board of the
523 petition.

524

525 d. A special election committee shall be designated by the Governing Board to
526 conduct the recall election pursuant to procedures decided upon by the
527 Governing Board in accordance with any applicable state and/or federal laws.
528 The Governing Board may verify the validity of the signatures before
529 designating a special election committee.

530

531 e. If a Governing Board member or officer is recalled, that member's office shall be
532 declared vacant and will be filled via a special election in accordance with the
533 Bylaws.

534

535 f. Recall elections shall not be scheduled if a petition is received within one
536 hundred eighty (180) days of a scheduled general election for that officer's
537 position.

538

539 g. If a recall is not approved by a majority of those voting in the recall election, no
540 new petition shall be considered valid if received prior to one year from the date
541 that the recall election results were certified.

542

543 h. Any Governing Board member who is named in a recall petition shall be
544 recused from any considerations or proceedings concerning such petition.

545

546

547

548

549

550

551 **ARTICLE VIII: CONTRACT RATIFICATION**

552

553 Section 1: Tentative Approval

554

555 Tentative contract approval shall be made by the Governing Board.

556

557 Section 2: Ratification Procedure

558

559 The procedure for ratifying the contract is:

560

561 a. The Governing Board shall call an informational meeting when the contract has
562 been tentatively approved.

563

564 b. The Governing Board will mail the tentatively approved contract to the
565 membership one week prior to the informational meeting. The tentatively
566 approved contract may be mailed electronically.

567

568 c. One week after the informational meeting secret ballots will be mailed to the
569 members in good standing for their ratification vote. The ballot may be
570 electronic.

571

572 d. Ratification will be by a majority vote of those voting.

573

574

575 **ARTICLE IX: STRIKES**

576

577 Section 1: Strike Authorization Vote

578

579 When a dispute exists between the employer and the AAUP-UC concerning the
580 negotiation of a collective bargaining agreement or any other strikeable issue, the
581 AAUP-UC Governing Board may issue a call for a strike vote by the members in good
582 standing.

583

584 a. No strike will be called without prior authorization by the members in good
585 standing.

586

587 b. A motion by the Governing Board seeking a strike authorization vote from the
588 members in good standing shall require a two-thirds (2/3) majority vote of the
589 AAUP-UC Governing Board to pass.

590

591 c. All AAUP-UC members in good standing must be given due notice of the strike
592 authorization vote to be taken. Where practical, at least a forty-eight (48) hour
593 strike vote notice shall be given.

594

595 d. Strike authorization votes shall be taken via secret ballot.

596

- 597 e. It shall require a two-thirds (2/3) majority vote of the members in good standing
598 to authorize a strike.
599

600 **Section 2: Strike Action**

- 601
602 a. A strike action may be called by the AAUP-UC Governing Board only after a
603 strike has been authorized by the members in good standing. Such
604 authorization shall require a two-thirds (2/3) majority vote of the AAUP-UC
605 Governing Board.
606
607 b. Strike action may only be terminated or suspended by a majority vote of the
608 AAUP-UC Governing Board or a majority vote of the members in good standing.
609

610
611 **ARTICLE X: CONFLICTS OF INTEREST**

612
613 Section 1: No officer or agent of the AAUP-UC shall, directly or indirectly through his or
614 her spouse, minor child, or otherwise (a) have or acquire any pecuniary or personal
615 interest which would conflict with his or her fiduciary obligation to the AAUP-UC, or (b)
616 engage in any business or financial transaction which conflicts with his or her fiduciary
617 obligation.
618

619 Section 2: Prohibited actions include, but are not limited to, buying from, selling, or
620 leasing directly or indirectly to, or otherwise dealing with the AAUP-UC, its affiliates,
621 subsidiaries, or trusts in which the AAUP-UC is interested, or having an interest in a
622 business any part of which consists of such dealings, except bona fide investments of
623 the kind exempted from reporting under applicable federal law. The receipt of salaries
624 and reimbursed expenses for services actually performed or expenses actually
625 incurred in carrying out the duties of the officer or agent is not prohibited.
626

627 Section 3: No later than September 1 of each fiscal year, every AAUP-UC officer shall
628 file with the AAUP-UC Secretary and Treasurer a signed report, if required, in
629 compliance with applicable federal or state law.
630

631
632 **ARTICLE XI: OFFICER REMOVAL**

633
634 AAUP-UC members have the right to an adequate procedure for the removal of an
635 officer guilty of serious misconduct. This procedure is as follows:
636

637 **Section 1: Charges Against Officers**

638
639 A charge by a member or members in good standing that an officer has engaged in
640 serious misconduct must be specifically set forth in writing and signed by the member
641 or members making the charges. The charges must state the exact nature of the

642 alleged offense or offenses and, if possible, the period of time during which the offense
643 or offenses allegedly took place.

644
645 Section 2: Submission of Charges

646
647 Charges must be submitted to the AAUP-UC Secretary within sixty (60) days of the
648 time the complainant first became aware, or reasonably should have been aware, of
649 the alleged offense; provided that if the charges are against the Secretary, they shall
650 be submitted to the President. If the charges are against both the Secretary and the
651 President, they shall be submitted to an appropriate elected officer who shall inform
652 the rest of the Governing Board of the charges.

653
654 Section 3: Protection From Retaliation

655
656 No member who submits charges of serious misconduct against any AAUP-UC
657 officer(s) shall be subject to retaliatory threats, coercion, or acts of intimidation.

658
659 Section 4: Conflict of Interest

660
661 Any member of the Governing Board, Hearing Committee/Officer Review Committee,
662 or Appeals Committee, who has a conflict of interest with a particular case shall not
663 participate in any proceedings involving the case.

664
665 Section 5: Proper Charges

666
667 Upon charges being submitted, it is mandatory that a hearing be held unless the
668 charges are withdrawn by the accuser or considered by the Governing Board to be
669 improper under this Article.

670
671 Prior to the notification to an officer that charges have been filed against him or her,
672 the AAUP-UC Governing Board shall review the charges and consider them improper
673 if:

- 674
- 675 a. The charge(s) does/do not state the exact nature of the alleged offense(s) as
676 required by Section 1 of this Article;
 - 677 b. The charge(s) is/are untimely under Section 2 of this Article;
 - 678 c. The act(s) complained of does/do not sustain a charge of officer misconduct;
 - 679 d. The charge(s) involve(s) a question which should be decided by the
680 membership at a membership meeting and not by the hearing procedure;
 - 681 e. The charge(s) is/are not supported by substantial evidence.
- 682
683
684
685
686

687 Both the accused and the accuser shall be notified in writing of the Governing Board's
688 determination and either the accused or the accuser may appeal such determination.
689 Such an appeal must be limited to the question of whether the charges are proper or
690 improper under items (a), (b), (c), (d) or (e) of this Section.

691
692 If a hearing is ordered by the Governing Board and the order is appealed, no such
693 hearing shall be held until the appeal process has been completed by the Governing
694 Board.

695
696 Section 6: Notification

697
698 An officer against whom proper charges have been filed shall be notified of such
699 charges by receipted or certified mail postmarked within seven (7) days after the
700 charges have been reviewed, as provided in Section 5 of this Article.

701
702 Upon verification that the officer(s) charged with serious misconduct has/have been
703 notified of the charges, the Governing Board shall notify the members in good standing
704 of the charge(s) against the officer(s) at a membership meeting specially called for that
705 purpose.

706
707 Section 7: Appeals Committee

708
709 a. At the membership meeting described in Section 6, an ad hoc Appeals
710 Committee consisting of three (3) members in good standing with tenure or
711 continuous appointment shall be formed. The Appeals Committee shall be
712 drawn at random, provided that any member with a potential conflict of interest
713 or any member who feels he/she cannot serve for good and sufficient reasons
714 may withdraw from consideration.

715
716 b. The Appeals Committee shall not attend the Membership Meeting described in
717 Section 12.

718
719 Section 8: Suspension From Office

720
721 An officer against whom charges have been filed may be suspended from any elective
722 office he or she may hold, pending hearing, by a two-thirds (2/3) vote of the members
723 in good standing voting at an AAUP-UC membership meeting.

724
725 Section 9: Review by Officer Review Committee

726
727 a. The case against the accused Governing Board member shall be heard before
728 the Officer Review Committee.

729
730 b. In order to ensure the accused shall have a reasonable period of time to
731 prepare testimony and submit evidence before the Officer Review Committee,

732 such hearing shall take place not less than fifteen (15) days nor more than thirty
733 (30) days after the membership meeting described in Section 6.

734
735 c. Hearing procedures shall be determined by the Officer Review Committee. Both
736 the accused and the accuser shall have the right to present testimony and
737 evidence at the hearing.

738
739 d. The Officer Review Committee shall present its findings to the membership no
740 later than sixty (60) days from the time of the membership meeting in Section 6.

741
742 e. The time periods provided in this Section may be extended by the Officer
743 Review Committee if, in its judgment, justice would be served by such an
744 extension.

745

746 Section 10: Representation

747

748 Both the accused and the accuser(s) shall be permitted representation by a
749 representative of their own choice; such representative, however, shall be required to
750 abide by the hearing procedures as established by the Officer Review Committee. The
751 accused and accuser shall be responsible for paying for their own legal counsel, if they
752 desire counsel.

753

754 Section 11: Officer Review Committee Verdict

755

756 The Officer Review Committee, upon completion of the hearing on the evidence and
757 arguments, shall go into closed session to determine the verdict and penalty.

758

759 A sixty (60) percent vote of guilty shall be required to find the accused guilty. If the
760 accused is found guilty, the Officer Review Committee will recommend to the
761 membership to suspend or remove the accused from office.

762

763 Section 12: Report of Officer Review Committee Verdict and Decision By Membership

764

765 The Officer Review Committee shall report its verdict and judgment, and reasons
766 therefor, to the AAUP-UC members in good standing at a membership meeting called
767 for that purpose. The accused officer(s) may attend the meeting.

768

769 In the case of a verdict of acquittal, such verdict and judgment shall become final upon
770 being reported at said membership meeting and no further action shall be taken.

771

772 In the case of a verdict of guilty, such verdict and judgment shall become effective
773 upon approval by a majority vote by secret ballot of the members in good standing
774 voting at said membership meeting.

775

776 If such verdict is not approved by such majority of votes cast the accused shall stand
777 acquitted.

778 If the verdict of guilty is approved by such majority of votes cast, it shall be considered
779 official and the Secretary (or other appropriate officer if the Secretary is the accused or
780 has a conflict of interest) shall notify the accused officer in writing by receipted or
781 certified mail of the verdict and judgment resulting from that meeting.

782
783 If the accused does not appeal the guilty verdict within ten (10) days of the postmark of
784 such notice, the verdict will be considered final and binding.

785
786 **Section 13: Appeal of Guilty Verdict**
787

788 a. The accused may appeal a verdict of guilty in Section 12. Such appeal shall be
789 heard by the Appeals Committee, who shall follow the applicable procedures in
790 Sections 9-12 of this Article. Timelines may be adjusted as appropriate in the
791 interest of justice, provided reasonable timelines are followed.

792
793 b. If, after the Appeals Committee calls a membership meeting and a verdict of
794 guilty and a penalty is approved by the membership in accordance with the
795 procedures in Section 11, the verdict and penalty shall be considered final, the
796 accused shall be removed from office, and the accused shall have exhausted all
797 appeals.

798
799 **Section 14: Future Service Prohibition**
800

801 If an officer is removed for serious misconduct in accordance with this Article, that
802 officer shall be prohibited from serving as an AAUP-UC officer, negotiator, grievance
803 officer, employee, committee member, or other representative of the AAUP-UC for
804 thirteen (13) years from the date that person was removed from office.

805
806 **Section 15: Resignation/Leaving Office Prior To Hearing**
807

808 If an officer charged with serious misconduct resigns or leaves office prior to trial, the
809 hearing shall still take place and the procedures in this Article will still be followed.

810
811
812 **ARTICLE XII: INTERNAL GRIEVANCE PROCEDURES**
813

814 a. Any member may file a written grievance with the Governing Board over any
815 alleged violation of these Bylaws. This request must include a statement of the
816 relief sought and must be presented within ninety (90) days of the alleged
817 occurrence of the action giving rise to the grievance. If the Governing Board
818 feels there is possible justification in the complaint brought by the grievant, it will
819 appoint an Internal Grievance Committee of three (3) members in good standing
820 within ten (10) days of receiving such a grievance.

821
822 b. The Internal Grievance Committee shall hold a hearing, but will not be bound by
823 the formal rules of legal evidence on the matter it is charged with investigating.

824 It will render a recommendation on the grievance, and, if appropriate, it will
825 recommend relief. This relief may be other than that requested by the grievant.
826 The Internal Grievance Committee must make its final report within sixty (60)
827 days of its formation by the Governing Board. The Internal Grievance
828 Committee's recommendation will be final and binding on the Union, unless
829 appealed in writing to the Governing Board by a principal party to the
830 proceedings. The basis of the appeal shall be limited to whether to accept the
831 recommendation(s) of the Internal Grievance Committee.
832

- 833 c. If a written request for appeal is lodged with the Governing Board within ten (10)
834 days of the issuance of the report of the Internal Grievance Committee, a vote
835 of the members in good standing must be taken on the appeal. This must occur
836 within thirty (30) days of the filing of the written request for appeal. The vote will
837 be limited to whether or not to accept the final recommendations of the Internal
838 Grievance Committee. The vote shall be taken at a membership meeting called
839 for this purpose and a majority vote of the members in good standing voting at
840 the meeting shall be used.
- 841
- 842 d. The vote of the members in good standing who attend this meeting shall, in all
843 cases, be final and binding on the Union.
- 844
- 845 e. Any member in good standing who has a conflict of interest shall be recused
846 from any considerations or proceedings concerning such grievance.
847
- 848 f. Any member in good standing is required to exhaust internal union hearing
849 procedures, not to exceed four (4) months, before filing any lawsuit or initiating
850 any administrative proceedings related to his/her rights as a member as
851 provided for by federal and/or state law.
852

853 **ARTICLE XIII: DISSOLUTION**

854 The AAUP-UC cannot be dissolved while there are seven (7) members in good
855 standing who vote to continue its existence.
856

857 **Section 1: Dissolution Vote**

858 A secret ballot vote of all members in good standing must be taken in order to dissolve
859 the chapter. If seven (7) members in good standing dissent on a vote to dissolve the
860 chapter, the chapter cannot be dissolved.
861

862 **Section 2: Distribution of Assets In The Event Of Dissolution**

- 863 a. Should the chapter be dissolved, all AAUP-UC assets, including all investment
864 funds, shall be placed into a trust for a period of three (3) years, during which
865

869 time such AAUP-UC assets shall be returned to the AAUP-UC if it is
870 reconstituted.

871
872 b. If the chapter is dissolved and is not reconstituted within three (3) years, its
873 books and records shall become property of the National AAUP.

874
875 c. Should the AAUP-UC not reconstitute after such three (3) year period, the
876 AAUP-UC financial assets shall be distributed to the AAUP Foundation as
877 follows: Fifty (50) percent of the assets shall be distributed to the AAUP
878 Foundation Legal Defense Fund and fifty (50) percent of the assets shall be
879 distributed to the AAUP Foundation Academic Freedom Fund.

880
881 d. Should dissolution occur, under no circumstances shall the AAUP-UC distribute
882 its funds, assets, or properties individually among its membership. No member
883 or officer of the chapter, or any private individual, shall be entitled to share in the
884 distribution of any of the assets of the chapter upon dissolution of the chapter.

885
886

887 **ARTICLE XIV: COMPLIANCE WITH STATE AND FEDERAL LAWS**

888

889 If an AAUP-UC Bylaw is determined to be out of compliance with federal and/or New
890 York State law(s), the AAUP-UC Governing Board will follow the law(s) and propose
891 appropriate changes to the AAUP-UC Bylaws, as soon as practicable. A meeting shall
892 be called to present the proposed changes to the members in good standing for
893 approval, as provided for in Article XV.

894

895

896 **ARTICLE XV: AMENDMENTS**

897

898 These Bylaws may be amended at any meeting by a majority of the members in good
899 standing, that is, more than fifty (50) percent, unless the proposed amendment has
900 been submitted to the membership in writing and announced in the call for the meeting
901 at which action is to be taken, in which case a two-thirds (2/3) vote of the members in
902 good standing present and voting shall be required.