

1 **Bylaws of the Utica College Chapter of the American**
2 **Association of University Professors (AAUP-UC)**
3 **(Amended Bylaws Adopted February 27, 2019)**
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
65

Section 1: Restrictions on Holding Office

- 66
- 67 a. Only members in good standing of the AAUP-UC may hold elected offices on
68 the Governing Board, contractually identified as the AAUP-UC Executive
69 Committee (see Article IV) or hold appointed offices.
 - 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
89

Section 2: Elected Officers

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

- 92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
- b. The elected officers serve for two-year terms and may succeed themselves for one additional term, except that the Treasurer may succeed him/herself for two terms. The officers are elected in alternate years as follows:
 - Year One (even years): President, Treasurer, and three Members-At-Large;
 - Year Two (odd years): Vice-President, Secretary, and three Members-At-Large.
 - c. In the event that an elected officer other than President cannot fulfill the duties or finish the term of the office, a special election will be held for the completion of the term.
 - d. The President shall be the presiding officer at all meetings and shall act as the official representative of the Chapter. The President shall serve as the AAUP-UC's delegate for the AAUP-Collective Bargaining Congress, the National AAUP, the Central New York Labor Council and any other organization where the AAUP-UC has delegate representation. After leaving office, the President shall serve on the AAUP-UC Governing Board in the capacity of Immediate Past President, provided he/she remains a member in good standing, subject to the restrictions in Section 1 of this Article.
 - e. The Vice-President shall assume the duties of the President in the absence of, or at the request of, the President, and be responsible for orientation of new bargaining unit members and recruitment of members in good standing. The Vice-President shall be the AAUP-UC's first (1st) alternate delegate for the AAUP-Collective Bargaining Congress, the National AAUP, the Central New York Labor Council and any other organization where the AAUP-UC has delegate representation. In the event the President resigns, cannot fulfill the duties of the office, or complete the term of office, the Vice-President shall become the President for the completion of the term, and a special election will be held to fill the position of Vice-President for the completion of the term.
 - f. The Secretary shall take, distribute and permanently file the minutes of all board and chapter meetings, keep and organize all records in the AAUP-UC office, carry on correspondence as required, be responsible for maintaining the AAUP-UC bulletin board, be responsible for any newsletter and/or website (or work with the AAUP-UC Webmaster), and maintain mailing lists of bargaining unit members and members in good standing. The Secretary shall be the AAUP-UC's second (2nd) alternate delegate for the AAUP-Collective Bargaining Congress, the National AAUP, the Central New York Labor Council and any other organization where the AAUP-UC has delegate representation.
 - g. The Treasurer shall provide a financial report to the membership at least once 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 current
- 222 President and Grievance Officer shall not serve on the Hearing Committee.
- 223
- 224 b. Terms on the Hearing Committee shall be for one year and shall begin
- 225 September 1 of each year. Terms may be renewed.
- 226
- 227 c. Vacancies that occur during a term of office will be filled by special Governing
- 228 Board appointments. Such appointments will be for the remainder of the term.
- 229

- 230 d. The Hearing Committee shall perform the duties designated in the Collective
231 Bargaining Agreement and address other issues as determined by the
232 Governing Board.
233
- 234 e. A subset of the Hearing Committee shall address charges of officer misconduct
235 as indicated in Article XI of the Bylaws. This Officer Review Committee shall
236 consist of three (3) Hearing Committee members. The Hearing Committee shall
237 decide on the Officer Review Committee membership.
238
- 239 f. Any member of the Hearing Committee who has a bias or interest concerning a
240 case before the Hearing Committee, as determined by the AAUP-UC Governing
241 Board, shall be deemed disqualified from that case and shall be recused from
242 the Hearing Committee for the consideration of the case. In such an event, the
243 AAUP-UC Governing Board shall appoint a temporary substitute.
244

245 Section 3: Calendar Committee

246
247 The AAUP-UC shall have two (2) AAUP-UC members in good standing who shall
248 participate in the development of the academic calendar with Utica College's Executive
249 Council, the ad hoc calendar committee, if any, and the Provost. The AAUP-UC
250 members in good standing shall be appointed by the AAUP-UC Governing Board. The
251 Academic Calendar is addressed in the Collective Bargaining Agreement.
252

253 Section 4: Class Size Committee

254
255 The AAUP-UC shall have three (3) AAUP-UC members in good standing, one from
256 each school, on a Joint Labor Management Advisory Committee. The Committee will
257 consider and make recommendations to the College regarding class size and the
258 impacts of class enrollment changes. The members of this committee shall be
259 appointed by the AAUP-UC Governing Board. Class size is addressed in the Collective
260 Bargaining Agreement.
261

262 Section 5: Elections Committee

263
264 An Elections Committee shall be formed each year pursuant to the Bylaws, (Article VII,
265 Section 1).
266

267 Section 6: Appeals Committee

268
269 An Appeals Committee shall be formed, when necessary, in accordance with the
270 Bylaws (Article XI, Section 6).
271

272 Section 7: Officer Review Committee

273
274 An Officer Review Committee shall be formed, when necessary, in accordance with
275 the Bylaws (Article VI, Section 2).

276 Section 8: Internal Grievance Committee

277

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

280

281 Section 9: Academic Freedom Committee

282

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

290

291 Section 10: Scholarship Committee:

292

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

297

298 Section 11: Special Committees

299

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

303

304

305 **ARTICLE V: MEETINGS**

306

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

310

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

314

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

317

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

319

320

321

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

324

325 **ARTICLE VI: FINANCIAL MATTERS**

326

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

339

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

343

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

349

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

352

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

354

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

362

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

365 Section 7: The Governing Board may authorize expenditure outside of the approved
366 budget at any one time of amounts not to exceed five (5) percent of the unit's total
367 assets. Expenditure at any one time of amounts greater than five (5) percent of the

368 unit's total assets outside of the approved budget requires approval of a majority of the
369 members in good standing voting.

370
371 Section 8: The following officers shall receive remuneration as determined by the
372 membership: President, Vice-President, Treasurer, Secretary, Grievance Officer,
373 Trustees, and the Negotiators. Adjustments to Section 9 (following) will be made as
374 appropriate.

375
376 Section 9: Stipends. The following stipends will be paid annually based on the full
377 professor overload rate (per single credit) of the AAUP-UC/Utica College contract in
378 effect at the time:

- 379
- 380 a. President: 2.86 times a single-credit overload pay
 - 381 b. Vice-President: 1.25 times a single-credit overload pay
 - 382 c. Treasurer: 1.25 times a single-credit overload pay
 - 383 d. Secretary: 1.25 times a single-credit overload pay
 - 384 e. Negotiator: 1.25 times a single-credit overload pay
 - 385 f. Grievance Officer: 1.25 times a single-credit overload pay
 - 386 g. Trustee: 0.33 times a single-credit overload pay

387
388 Beginning with the 2019 fiscal year, the annual stipends shall be as follows:

389

390	a. President:	\$4,667.00
391	b. Vice-President:	\$2,040.00
392	c. Treasurer:	\$2,040.00
393	d. Secretary:	\$2,040.00
394	e. Negotiator:	\$2,040.00
395	f. Grievance Officer:	\$2,040.00
396	g. Trustee:	\$ 539.00

397
398 For each fiscal year thereafter, beginning with the 2020 fiscal year, these amounts
399 shall increase by three (3.0) percent per fiscal year.

400
401 Negotiator stipends shall be paid for the period of the collective bargaining agreement
402 negotiated plus the six months prior (e.g. if a negotiator works on a CBA that is in
403 effect from June 1, 2020 to May 31, 2023, the negotiator shall be paid for three and a
404 half (3.5) years, provided he/she remains a negotiator during entirety of that term). A
405 negotiator working on two or more consecutive CBAs would be paid double the stipend
406 during the six months prior to the current CBA expiration.

407
408 If an annual stipend crosses over multiple fiscal years, that stipend shall be calculated
409 at the higher of the two fiscal year rates.

410
411 Stipends shall be paid in biannual installments.

412
413

414 **ARTICLE VII: ELECTIONS**

415
416 Section 1: Nominations

- 417
- 418 a. An Election Committee of no fewer than three (3) members in good standing
419 who are appointed by the Governing Board and who are not running for office,
420 will issue a call for nominations that shall be sent to the members in good
421 standing via U.S. mail no less than forty-nine (49) days before the
422 commencement of the actual election. A supplemental nomination notice may
423 be issued electronically.
424
- 425 b. The call for nominations shall contain the officer positions to be filled; the term
426 of office for each position; the procedures for nominations; the deadline for
427 nomination submissions; candidate eligibility requirements; delegate positions to
428 be held by virtue of holding the elected office, if any; the dates and times of the
429 election period; and any other federally and/or state mandated notifications.
430
- 431 c. The period of time between the call for nominations and the close of
432 nominations shall be no less than fifteen (15) days.
433
- 434 d. Any member in good standing may self-nominate in order to run for a vacancy
435 on the Governing Board.
- 436 e. A member in good standing may also be nominated for a vacancy on the
437 Governing Board through a petition containing the signatures of at least twelve
438 (12) members in good standing.
439

440 Section 2: Candidate Eligibility

- 441
- 442 a. The Election Committee will verify candidates are eligible to hold office in
443 accordance with the Bylaws and any other federal and/or state regulation.
444
- 445 b. The Election Committee shall notify candidates as to their eligibility.
446
- 447 c. Candidates who have been determined ineligible to run for office shall have the
448 right to appeal the finding to the Election Committee. Such appeal must be
449 made within seven (7) days of notification of the candidate's ineligibility. The
450 Election Committee shall decide upon the appeal within ten (10) days of
451 receiving the appeal.
452

453 Section 3: Ballot

- 454
- 455 a. The Election Committee shall provide the names of those members running for
456 each open elected office; these nominees will be presented, in writing, to the
457 members in good standing prior to circulation of the ballot. Such notice shall be
458 sent no less than fifteen (15) days before the commencement of the election.
459 Such notice may be electronic.

- 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.
- c. Candidate names on election ballots shall be listed alphabetically by surname.
- 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.
- e. Write-in candidates are not permitted.

Section 4: Votes

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

Section 5: Election Deadline

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

506 Section 6: Vacancies Before the Completion of a Term

507

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

513

514 Section 7: Changing Governing Board Positions

515

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

520

521 Section 8: Compliance With Federal And State Laws

522

523 All elections will be conducted according to the requirements of applicable federal and
524 state laws.

525

526 Section 9: Recall Elections

527

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

530

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

533

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

538

539 c. Such petition shall be submitted to the AAUP-UC Secretary; provided that if the
540 recall involves the Secretary, the petition shall be submitted to the President. If
541 the petition involves both the Secretary and the President, it shall be submitted
542 to an appropriate elected officer who shall inform the Governing Board of the
543 petition.

544

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

550

- 551 e. If a Governing Board member or officer is recalled, that member's office shall be
552 declared vacant and will be filled via a special election in accordance with the
553 Bylaws.
- 554
- 555 f. Recall elections shall not be scheduled if a petition is received within one
556 hundred eighty (180) days of a scheduled general election for that officer's
557 position.
- 558
- 559 g. If a recall is not approved by a majority of those voting in the recall election, no
560 new petition shall be considered valid if received prior to one year from the date
561 that the recall election results were certified.
- 562
- 563 h. Any Governing Board member who is named in a recall petition shall be
564 recused from any considerations or proceedings concerning such petition.
- 565
- 566

567 **ARTICLE VIII: CONTRACT RATIFICATION**

568

569 Section 1: Tentative Approval

570

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

572

573 Section 2: Ratification Procedure

574

575 The procedure for ratifying the contract is:

- 576
- 577 a. The Governing Board shall call an informational meeting when the contract has
578 been tentatively approved.
- 579
- 580 b. The Governing Board will mail the tentatively approved contract to the
581 membership one week prior to the informational meeting. The tentatively
582 approved contract may be mailed electronically.
- 583
- 584 c. One week after the informational meeting secret ballots will be mailed to the
585 members in good standing for their ratification vote. The ballot may be
586 electronic.
- 587
- 588 d. Ratification will be by a majority vote of those voting.
- 589

590

591 **ARTICLE IX: STRIKES**

592

593 Section 1: Strike Authorization Vote

594

595 When a dispute exists between the employer and the AAUP-UC concerning the
596 negotiation of a collective bargaining agreement or any other strikeable issue, the

597 AAUP-UC Governing Board may issue a call for a strike vote by the members in good
598 standing.

- 599
- 600 a. No strike will be called without prior authorization by the members in good
601 standing.
- 602
- 603 b. A motion by the Governing Board seeking a strike authorization vote from the
604 members in good standing shall require a two-thirds (2/3) majority vote of the
605 AAUP-UC Governing Board to pass.
- 606
- 607 c. All AAUP-UC members in good standing must be given due notice of the strike
608 authorization vote to be taken. Where practical, at least a forty-eight (48) hour
609 strike vote notice shall be given.
- 610
- 611 d. Strike authorization votes shall be taken via secret ballot.
- 612
- 613 e. It shall require a two-thirds (2/3) majority vote of the members in good standing
614 to authorize a strike.
- 615

616 Section 2: Strike Action

- 617
- 618 a. A strike action may be called by the AAUP-UC Governing Board only after a
619 strike has been authorized by the members in good standing. Such
620 authorization shall require a two-thirds (2/3) majority vote of the AAUP-UC
621 Governing Board.
- 622
- 623 b. Strike action may only be terminated or suspended by a majority vote of the
624 AAUP-UC Governing Board or a majority vote of the members in good standing.
- 625

626 **ARTICLE X: CONFLICTS OF INTEREST**

627 Section 1: No officer or agent of the AAUP-UC shall, directly or indirectly through his or
628 her spouse, minor child, or otherwise (a) have or acquire any pecuniary or personal
629 interest which would conflict with his or her fiduciary obligation to the AAUP-UC, or (b)
630 engage in any business or financial transaction which conflicts with his or her fiduciary
631 obligation.
632
633

634 Section 2: Prohibited actions include, but are not limited to, buying from, selling, or
635 leasing directly or indirectly to, or otherwise dealing with the AAUP-UC, its affiliates,
636 subsidiaries, or trusts in which the AAUP-UC is interested, or having an interest in a
637 business any part of which consists of such dealings, except bona fide investments of
638 the kind exempted from reporting under applicable federal law. The receipt of salaries
639 and reimbursed expenses for services actually performed or expenses actually
640 incurred in carrying out the duties of the officer or agent is not prohibited.
641
642

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

646
647

648 **ARTICLE XI: OFFICER REMOVAL**

649

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

652

653 Section 1: Charges Against Officers

654

655 A charge by a member or members in good standing that an officer has engaged in
656 serious misconduct must be specifically set forth in writing and signed by the member
657 or members making the charges. The charges must state the exact nature of the
658 alleged offense or offenses and, if possible, the period of time during which the offense
659 or offenses allegedly took place.

660

661 Section 2: Submission of Charges

662

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

669

670 Section 3: Protection From Retaliation

671

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

674

675 Section 4: Conflict of Interest

676

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

680

681 Section 5: Proper Charges

682

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

686

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

- 691 a. The charge(s) does/do not state the exact nature of the alleged offense(s) as
692 required by Section 1 of this Article;
- 693
- 694 b. The charge(s) is/are untimely under Section 2 of this Article;
- 695
- 696 c. The act(s) complained of does/do not sustain a charge of officer misconduct;
- 697
- 698 d. The charge(s) involve(s) a question which should be decided by the
699 membership at a membership meeting and not by the hearing procedure;
- 700
- 701 e. The charge(s) is/are not supported by substantial evidence.
- 702

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

707
708 If a hearing is ordered by the Governing Board and the order is appealed, no such
709 hearing shall be held until the appeal process has been completed by the Governing
710 Board.

711 712 Section 6: Notification

713
714 An officer against whom proper charges have been filed shall be notified of such
715 charges by receipted or certified mail postmarked within seven (7) days after the
716 charges have been reviewed, as provided in Section 5 of this Article.

717
718 Upon verification that the officer(s) charged with serious misconduct has/have been
719 notified of the charges, the Governing Board shall notify the members in good standing
720 of the charge(s) against the officer(s) at a membership meeting specially called for that
721 purpose.

722 723 Section 7: Appeals Committee

- 724
- 725 a. At the membership meeting described in Section 6, an ad hoc Appeals
726 Committee consisting of three (3) members in good standing with tenure or
727 continuous appointment shall be formed. The Appeals Committee shall be
728 drawn at random, provided that any member with a potential conflict of interest
729 or any member who feels he/she cannot serve for good and sufficient reasons
730 may withdraw from consideration.
- 731

732 b. The Appeals Committee shall not attend the Membership Meeting described in
733 Section 12.

734
735 Section 8: Suspension From Office

736
737 An officer against whom charges have been filed may be suspended from any elective
738 office he or she may hold, pending hearing, by a two-thirds (2/3) vote of the members
739 in good standing voting at an AAUP-UC membership meeting.

740
741 Section 9: Review by Officer Review Committee

742
743 a. The case against the accused Governing Board member shall be heard before
744 the Officer Review Committee.

745
746 b. In order to ensure the accused shall have a reasonable period of time to
747 prepare testimony and submit evidence before the Officer Review Committee,
748 such hearing shall take place not less than fifteen (15) days nor more than thirty
749 (30) days after the membership meeting described in Section 6.

750
751 c. Hearing procedures shall be determined by the Officer Review Committee. Both
752 the accused and the accuser shall have the right to present testimony and
753 evidence at the hearing.

754
755 d. The Officer Review Committee shall present its findings to the membership no
756 later than sixty (60) days from the time of the membership meeting in Section 6.

757
758 e. The time periods provided in this Section may be extended by the Officer
759 Review Committee if, in its judgment, justice would be served by such an
760 extension.

761
762 Section 10: Representation

763
764 Both the accused and the accuser(s) shall be permitted representation by a
765 representative of their own choice; such representative, however, shall be required to
766 abide by the hearing procedures as established by the Officer Review Committee. The
767 accused and accuser shall be responsible for paying for their own legal counsel, if they
768 desire counsel.

769
770 Section 11: Officer Review Committee Verdict

771
772 The Officer Review Committee, upon completion of the hearing on the evidence and
773 arguments, shall go into closed session to determine the verdict and penalty.

774
775 A sixty (60) percent vote of guilty shall be required to find the accused guilty. If the
776 accused is found guilty, the Officer Review Committee will recommend to the
777 membership to suspend or remove the accused from office.

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

779

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

783

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

786

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

790

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

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

797

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

800

801 Section 13: Appeal of Guilty Verdict

802

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

807

808 b. If, after the Appeals Committee calls a membership meeting and a verdict of
809 guilty and a penalty is approved by the membership in accordance with the
810 procedures in Section 11, the verdict and penalty shall be considered final, the
811 accused shall be removed from office, and the accused shall have exhausted all
812 appeals.

813

814 Section 14: Future Service Prohibition

815

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

820

821

822

823

824 Section 15: Resignation/Leaving Office Prior To Hearing

825

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

828

829

830 **ARTICLE XII: INTERNAL GRIEVANCE PROCEDURES**

831

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

839

840 b. The Internal Grievance Committee shall hold a hearing, but will not be bound by
841 the formal rules of legal evidence on the matter it is charged with investigating.
842 It will render a recommendation on the grievance, and, if appropriate, it will
843 recommend relief. This relief may be other than that requested by the grievant.
844 The Internal Grievance Committee must make its final report within sixty (60)
845 days of its formation by the Governing Board. The Internal Grievance
846 Committee's recommendation will be final and binding on the Union, unless
847 appealed in writing to the Governing Board by a principal party to the
848 proceedings. The basis of the appeal shall be limited to whether to accept the
849 recommendation(s) of the Internal Grievance Committee.

850

851 c. If a written request for appeal is lodged with the Governing Board within ten (10)
852 days of the issuance of the report of the Internal Grievance Committee, a vote
853 of the members in good standing must be taken on the appeal. This must occur
854 within thirty (30) days of the filing of the written request for appeal. The vote will
855 be limited to whether or not to accept the final recommendations of the Internal
856 Grievance Committee. The vote shall be taken at a membership meeting called
857 for this purpose and a majority vote of the members in good standing voting at
858 the meeting shall be used.

859

860 d. The vote of the members in good standing who attend this meeting shall, in all
861 cases, be final and binding on the Union.

862

863 e. Any member in good standing who has a conflict of interest shall be recused
864 from any considerations or proceedings concerning such grievance.

865

866 f. Any member in good standing is required to exhaust internal union hearing
867 procedures, not to exceed four (4) months, before filing any lawsuit or initiating
868 any administrative proceedings related to his/her rights as a member as
869 provided for by federal and/or state law.

870 **ARTICLE XIII: DISSOLUTION**

871

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

874

875 Section 1: Dissolution Vote

876

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

880

881 Section 2: Distribution of Assets In The Event Of Dissolution

882

883 a. Should the chapter be dissolved, all AAUP-UC assets, including all investment
884 funds, shall be placed into a trust for a period of three (3) years, during which
885 time such AAUP-UC assets shall be returned to the AAUP-UC if it is
886 reconstituted.

887

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

890

891 c. Should the AAUP-UC not reconstitute after such three (3) year period, the
892 AAUP-UC financial assets shall be distributed to the AAUP Foundation as
893 follows: Fifty (50) percent of the assets shall be distributed to the AAUP
894 Foundation Legal Defense Fund and fifty (50) percent of the assets shall be
895 distributed to the AAUP Foundation Academic Freedom Fund.

896

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

901

902

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

904

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

910

911

912 **ARTICLE XV: AMENDMENTS**

913

914 These Bylaws may be amended at any meeting by a majority of the members in good
915 standing, that is, more than fifty (50) percent, unless the proposed amendment has

916 been submitted to the membership in writing and announced in the call for the meeting
917 at which action is to be taken, in which case a two-thirds (2/3) vote of the members in
918 good standing present and voting shall be required.