

1 **Bylaws of the Utica College Chapter of the American**
2 **Association of University Professors (AAUP-UC)**
3 **(Amended Bylaws Adopted October 8, 2021)**
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6 **ARTICLE I: UTICA COLLEGE CHAPTER OF THE AMERICAN ASSOCIATION OF**
7 **UNIVERSITY PROFESSORS (AAUP-UC)**
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9 In order to advocate and achieve its objectives, this chapter shall:

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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;
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15 2. Serve as the representative of the membership of the bargaining unit in all contractual
16 matters;
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18 3. Provide information on all contractual matters to the membership;
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20 4. Provide a forum for free expression in considering questions of general concern to the
21 Bargaining Unit members;
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23 5. Act upon specific matters of AAUP-UC business submitted to the chapter by its
24 members or by the National AAUP, and/or the New York State AAUP Conference
25 officers;
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27 6. Cooperate with the National AAUP, the New York State AAUP Conference, and the
28 Central New York Labor Council concerning professional issues;
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30 7. Serve as a vehicle for communication between the National AAUP, the New York
31 State AAUP Conference, and the Central New York Labor Council and the AAUP-UC
32 Chapter;
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34 8. Advance academic freedom and shared governance and preserve the integrity of the
35 professoriate.
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38 **ARTICLE II: MEMBERSHIP**
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40 Section 1: To be a member in good standing of the AAUP-UC, a person must:

- 41 a. Be an employee of Utica College, and
42 b. Be classified as a Bargaining Unit Member by the current collective bargaining
43 agreement between the AAUP-UC and the employer, and
44 c. Be up-to-date with dues payments.

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

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49 At the invitation of the Governing Board, bargaining unit members who are not members
50 in good standing can attend non-business portions of general membership meetings and
51 any social function hosted by the union.

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

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

60 61 **ARTICLE III: OFFICERS**

62 Section 1: Restrictions on Holding Office

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66 a. Only members in good standing of the AAUP-UC may hold elected offices on the
67 Governing Board, contractually identified as the AAUP-UC Executive Committee
68 (see Article IV) or hold appointed offices.
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70 b. A person convicted of certain crimes, as defined in 29 U.S. Code § 504, may not
71 serve as an AAUP-UC officer, negotiator, grievance officer, employee, trustee,
72 committee member, or other representative of the AAUP-UC for a period of
73 thirteen (13) years after such conviction or after the end of such related
74 imprisonment, whichever is later.
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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 officer,
78 negotiator, grievance officer, employee, trustee, committee member, or
79 representing the AAUP-UC in any capacity for a period of 13 years from the date
80 of removal from office.
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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 Section 2: Elected Officers

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- a. The elected officers of the AAUP-UC chapter are: President, Vice-President, Secretary, Treasurer, and six (6) Members-At-Large.
 - b. The elected officers serve for two-year terms and may succeed themselves for one additional term, except that the Treasurer may, if so elected, also serve a third term. 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 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 the Immediate Past President 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 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 up to date 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 National AAUP, the Central New York Labor Council and any other organization where the AAUP-UC has delegate representation.

- 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, provide
138 a financial report to the Governing Board at least twice a semester during
139 Governing Board Meetings, collect dues, maintain up to date records of members
140 in good standing, have authority to make expenditures only for approved
141 operating expenses of the chapter annual budget, shall file federally and state
142 mandated reports, and prepare an annual budget for the next fiscal year. The
143 Treasurer shall be the AAUP-UC's third (3rd) alternate delegate for the National
144 AAUP, the Central New York Labor Council and any other organization where the
145 AAUP-UC has delegate representation. After leaving office, the Treasurer shall
146 serve as Immediate Past Treasurer for one year, provided that person remains a
147 member in good standing and is not otherwise disqualified from AAUP-UC
148 service.

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150 Section 3: Immediate Past President

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152 The Immediate Past President, provided that person remains a member in good
153 standing and pursuant to the restrictions in Section 1 of this Article, shall serve on the
154 Governing Board for one year after that person's presidential term expires. The
155 Immediate Past President shall be a voting member of the Governing Board during this
156 year. In the next year (and subsequent years if the sitting president is reelected) the
157 Immediate Past President shall be an advisor to the Governing Board and may attend
158 Governing Board meetings, but shall have no voting rights on the Governing Board.
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160 Section 4: Immediate Past Treasurer

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162 The Immediate Past Treasurer, provided that person remains a member in good
163 standing and is not otherwise disqualified from AAUP-UC service, shall serve as an
164 advisor to the Treasurer during the new Treasurer's first year in office. During this one-
165 year period, the Immediate Past Treasurer may attend Governing Board meetings, but
166 shall have no voting rights on the Governing Board. The Immediate Past Treasurer shall
167 receive a stipend. After this one-year term, the Immediate Past Treasurer shall no longer
168 receive a stipend and may only attend Governing Board meetings at the invitation of the
169 Board.
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171 Section 5: Appointed Officers

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173 a. The appointed officers of the AAUP-UC are: the Grievance Officer, the
174 Negotiators, and the Trustees.
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176 b. The appointed officers shall report directly to the Governing Board.
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178 c. The appointed officers shall have no vote on the board.
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180 d. The appointed officers shall be appointed by two-thirds (2/3) majority of the board
181 for the following terms:

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- e. The Grievance Officer shall be appointed for a two-year term in year two described above in Article III section 2b.
- f. The Grievance Officer shall formally and informally represent the chapter and any bargaining unit member in matters related to the administration of the contract but shall ultimately be responsible to board directives.
- g. The Negotiators' terms shall be for the duration of the contract with their appointment made at least eight (8) months prior to the end of the current contract. It is preferred that at least one of the negotiators shall have had prior contract negotiating experience.
- h. The Negotiators shall represent the interests of the Chapter in all salary, contract negotiations and other concerns as directed by the Board.
- i. There shall be two (2) Trustees. Trustees may not be members of the Governing Board.
- j. The Trustees shall perform an annual audit or cause an audit to be performed of the AAUP-UC's financial records and submit a report to the Governing Board about this audit.
- k. The Trustee report to the Governing Board about the AAUP-UC's previous fiscal year shall be completed at least three (3) weeks prior to the filing deadline of any federal and state mandated reports of that fiscal year.
- l. Trustees shall be appointed for two (2) years on an alternating basis. The first two (2) Trustees shall be appointed for one (1) and two (2) years respectively.
- m. When necessary, Trustee terms may be extended to maintain an alternating schedule of appointments.

ARTICLE IV: AAUP-UC STANDING COMMITTEES

Section 1: AAUP-UC Governing Board

- a. There shall be a Governing Board composed of the elected officers.
- b. The Governing Board shall consider all matters of interest to the Chapter and bring them to the attention of the members in good standing at the Chapter meetings and perform other duties as provided in these Bylaws.
- c. The Secretary shall take and keep minutes of all Governing Board meetings and shall circulate these minutes to the Governing Board Members.

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- d. At the first Governing Board meeting of each fiscal year, the Governing Board shall appoint a Parliamentarian from one of its members.

Section 2: Hearing Committee

- a. There shall be a Hearing Committee composed of five (5) AAUP-UC members in good standing as appointed by the Governing Board. Members of the Hearing Committee must be tenured or have continuous appointment. The current President and Grievance Officer shall not serve on the Hearing Committee.
- b. Terms on the Hearing Committee shall be for one year and shall begin September 1 of each year. Terms may be renewed.
- c. Vacancies that occur during a term of office will be filled by special Governing Board appointments. Such appointments will be for the remainder of the term.
- d. The Hearing Committee shall perform the duties designated in the Collective Bargaining Agreement and address other issues as determined by the Governing Board.
- e. A subset of the Hearing Committee shall address charges of officer misconduct as indicated in Article XI of the Bylaws. This Officer Review Committee shall consist of three (3) Hearing Committee members. The Hearing Committee shall decide on the Officer Review Committee membership.
- f. Any member of the Hearing Committee who has a bias or interest concerning a case before the Hearing Committee, as determined by the AAUP-UC Governing Board, shall be deemed disqualified from that case and shall be recused from the Hearing Committee for the consideration of the case. In such an event, the AAUP-UC Governing Board shall appoint a temporary substitute.

Section 3: Calendar Committee

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

Section 4: Class Size Committee

The AAUP-UC shall have three (3) AAUP-UC members in good standing, one from each school, on a Joint Labor Management Advisory Committee. The Committee will consider and make recommendations to the College regarding class size and the impacts of class enrollment changes. The members of this committee shall be appointed by the AAUP-

274 UC Governing Board. Class size is addressed in the Collective Bargaining Agreement.
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276 Section 5: Election Committee
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278 An Election Committee shall be formed each year pursuant to the Bylaws, (Article VII,
279 Section 1).
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281 Section 6: Appeals Committee
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283 An Appeals Committee shall be formed, when necessary, in accordance with the Bylaws
284 (Article XI, Section 6).
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286 Section 7: Officer Review Committee
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288 An Officer Review Committee shall be formed, when necessary, in accordance with the
289 Bylaws (Article VI, Section 2).
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291 Section 8: Internal Grievance Committee
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293 An Internal Grievance Committee shall be formed, when necessary, in accordance with
294 the Bylaws (Article XII).
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296 Section 9: Academic Freedom Committee
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298 The Academic Freedom Committee shall promote the principles of academic freedom
299 through the development of resources and reports relating to academic freedom,
300 education for the AAUP-UC membership, and the application of those principles should
301 situations arise. The membership of the Academic Freedom Committee shall consist of
302 AAUP-UC members in good standing selected by the Governing Board. The AAUP-UC
303 President or the president's designee shall hold membership on the Committee in an ex-
304 officio non-voting capacity.
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306 Section 10: Scholarship Committee:
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308 A Scholarship Committee, consisting of at least two (2) members of the Governing
309 Board, shall review AAUP-UC scholarship applications and recommend qualified
310 candidates to receive scholarships to the Governing Board. The Scholarship Committee
311 shall be constituted on an annual basis.
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313 Section 11: Special Committees
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315 Special committees, that are aligned with the AAUP-UC mission, may be established in
316 accordance with the desires of the members in good standing and/or the AAUP-UC
317 Governing Board.

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ARTICLE V: MEETINGS

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

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

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

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

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

ARTICLE VI: FINANCIAL MATTERS

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

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

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

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

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

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

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

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

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383 Section 8: The following officers shall receive remuneration as determined by the
384 membership: President, Vice-President, Treasurer, Immediate Past Treasurer,
385 Secretary, Grievance Officer, Trustees, and the Negotiators. Adjustments to Section 9
386 (following) will be made as appropriate.

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388 Section 9: Stipends.

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390 Beginning with the 2021 fiscal year, the annual stipends shall be as follows:

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392	a. President:	\$4,952.00
393	b. Vice-President:	\$2,164.00
394	c. Treasurer:	\$2,164.00
395	d. Immediate Past Treasurer	\$2,164.00
396	e. Secretary:	\$2,164.00
397	f. Negotiator:	\$2,164.00
398	g. Grievance Officer:	\$2,164.00
399	h. Trustee:	\$ 578.00

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401 For each fiscal year thereafter, these amounts shall increase by three (3.0) percent per
402 fiscal year.

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

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The Immediate Past Treasurer shall receive a stipend for only one year.

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

Stipends shall be paid in biannual installments.

ARTICLE VII: ELECTIONS

Section 1: Nominations

- a. An Election Committee of no fewer than three (3) members in good standing who are appointed by the Governing Board and who are not running for office, will issue a call for nominations that shall be sent to the members in good standing via U.S. mail no less than forty-nine (49) days before the commencement of the actual election. A supplemental nomination notice may be issued electronically. It is recommended, when practicable, that the annual call for nominations be issued no later than February 24.
- b. The call for nominations shall contain the officer positions to be filled; the term of office for each position; the procedures for nominations; the deadline for nomination submissions; candidate eligibility requirements; delegate positions to be held by virtue of holding the elected office, if any; the dates and times of the election period; and any other federally and/or state mandated notifications.
- c. The period of time between the call for nominations and the close of nominations shall be no less than fifteen (15) days.
- d. Any member in good standing may self-nominate in order to run for a vacancy 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.

Section 2: Candidate Eligibility

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

456 within seven (7) days of notification of the candidate's ineligibility. The Election
457 Committee shall decide upon the appeal within ten (10) days of receiving the
458 appeal.
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460 Section 3: Ballot

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- 462 a. The Election Committee shall provide the names of those members running for
463 each open elected office; these nominees will be presented, in writing, to the
464 members in good standing prior to circulation of the ballot. Such notice shall be
465 sent no less than fifteen (15) days before the commencement of the election.
466 Such notice may be electronic.
467
 - 468 b. The Election Committee shall deliver a secret ballot (including all elected offices
469 to be filled) to the members in good standing who are eligible to vote. The election
470 period shall be open for no less than 15 days. The ballot may be electronic.
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 - 472 c. Candidate names on election ballots shall be listed alphabetically by surname.
473
 - 474 d. Eligible candidates' legal names shall appear on the ballot. Eligible candidates
475 may indicate to the Election Committee if they wish to include a familiar name on
476 the ballot.
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 - 478 e. Write-in candidates are not permitted.
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480 Section 4: Votes

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- 482 a. President, Vice-President, Secretary, Treasurer shall be elected by a majority of
483 the votes cast. The top three vote getters among candidates for Members-at-
484 Large will assume the positions.
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 - 486 b. If more than one ballot is necessary, the two candidates carrying the highest
487 number of votes for that office on the first ballot shall be placed on a second ballot.
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 - 489 c. If, at the close of the nomination period, there is only one (1) eligible nominee for
490 the President, Vice-President, Secretary, or Treasurer position (i.e., an eligible
491 nominee is running unopposed), the eligible nominee for such position shall be
492 considered elected by acclamation and no balloted election for that position shall
493 take place.
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 - 495 d. If, at the close of the nomination period, there are no more eligible candidates
496 than open Member-At-Large positions, the Member-At-Large candidates shall be
497 considered elected by acclamation and no balloted election for the Member-At-
498 Large positions shall take place.
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 - 500 e. If there are fewer eligible candidates than positions, a new election cycle shall
501 begin for the unfilled position(s).

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- f. Only persons who are members in good standing and who were also members in good standing at the time the nomination notice preceding the election was sent to the membership, are eligible to vote in the election.

Section 5: Election Deadline

The annual 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. It is recommended, when practicable, that the annual elections be completed no later than April 30 of each year.

Section 6: Vacancies Before the Completion of a Term

With the exception of the President, who shall be succeeded by the Vice President in accordance with the Bylaws should the President position be vacated during the term of office, Governing Board vacancies that occur during a term of office will be filled by a special election by the membership. Officers so elected will complete the term and may, upon election, succeed themselves for one full term. In the case of a Member-At-Large position with less than four (4) months left on the term, the position shall be allowed to remain vacant provided no more than two (2) total Member-At-Large positions are vacant.

Should the Vice President, Treasurer, and/or Secretary position(s) be vacated, the Governing Board shall appoint a member(s) in good standing to serve in the vacated position(s) on an interim basis until an election to fill the vacancy(ies) has been completed.

Section 7: Changing Governing Board Positions

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

Section 8: Compliance With Federal And State Laws

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

Section 9: Recall Elections

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

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

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- 549 b. A valid recall petition must be signed by at least thirty-five percent (35%) of the
- 550 members in good standing. All signatures shall be dated. A signature shall be no
- 551 more than ninety (90) days old at the time of submission in order to be considered
- 552 a valid signature.
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- 554 c. Such petition shall be submitted to the AAUP-UC Secretary; provided that if the
- 555 recall involves the Secretary, the petition shall be submitted to the President. If
- 556 the petition involves both the Secretary and the President, it shall be submitted to
- 557 an appropriate elected officer who shall inform the Governing Board of the
- 558 petition.
- 559
- 560 d. A special election committee shall be designated by the Governing Board to
- 561 conduct the recall election pursuant to procedures decided upon by the
- 562 Governing Board in accordance with any applicable state and/or federal laws.
- 563 The Governing Board may verify the validity of the signatures before designating
- 564 a special election committee.
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- 566 e. If a Governing Board member or officer is recalled, that member's office shall be
- 567 declared vacant and will be filled via a special election in accordance with the
- 568 Bylaws.
- 569
- 570 f. Recall elections shall not be scheduled if a petition is received within one hundred
- 571 eighty (180) days of a scheduled general election for that officer's position.
- 572
- 573 g. If a recall is not approved by a majority of those voting in the recall election, no
- 574 new petition shall be considered valid if received prior to one year from the date
- 575 that the recall election results were certified.
- 576
- 577 h. Any Governing Board member who is named in a recall petition shall be recused
- 578 from any considerations or proceedings concerning such petition.
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581 **ARTICLE VIII: COLLECTIVE BARGAINING AGREEMENT RATIFICATION**

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583 Section 1: Tentative Approval

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585 A negotiated Collective Bargaining Agreement (CBA) shall be presented to the

586 Governing Board for approval. Tentative approval of the CBA shall be made by the

587 Governing Board.

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589 Section 2: Ratification Procedure

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591 The procedure for ratifying the contract is:

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- 593 a. The Governing Board shall call an informational meeting when the CBA has been
594 tentatively approved.
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596 b. The Governing Board will mail the tentatively approved CBA to the membership
597 at least one week prior to the informational meeting. The tentatively approved
598 CBA may be mailed electronically.
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600 c. One week after the informational meeting secret ballots will be mailed to the
601 members in good standing for their ratification vote. The voting period for
602 ratification shall be open for one (1) week. The ballot may be electronic.
603
604 d. Ratification shall require a simple majority vote of those voting.
605
606 e. Only persons who are members in good standing and who were also members
607 in good standing as of the last day of the month prior to when the voting period
608 commences, are eligible to vote in CBA ratifications.
609
610 f. Ratification for Memorandums of Agreement/Understanding that alter the terms
611 of the CBA between AAUP-UC and Utica College shall be subject to the
612 procedures of this article.
613

614 **ARTICLE IX: STRIKES**

615 616 Section 1: Strike Authorization Vote

617
618 When a dispute exists between the employer and the AAUP-UC concerning the
619 negotiation of a collective bargaining agreement or any other strikeable issue, the AAUP-
620 UC Governing Board may issue a call for a strike vote by the members in good standing.
621

- 622 a. No strike will be called without prior authorization by the members in good
623 standing.
624
625 b. A motion by the Governing Board seeking a strike authorization vote from the
626 members in good standing shall require a two-thirds (2/3) majority vote of the
627 AAUP-UC Governing Board to pass.
628
629 c. All AAUP-UC members in good standing must be given due notice of the strike
630 authorization vote to be taken. Where practical, at least a forty-eight (48) hour
631 strike vote notice shall be given.
632
633 d. Strike authorization votes shall be taken via secret ballot.
634
635 e. It shall require a two-thirds (2/3) majority vote of the members in good standing
636 to authorize a strike.
637

638 Section 2: Strike Action

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

ARTICLE X: CONFLICTS OF INTEREST

Section 1: No officer or agent of the AAUP-UC shall, directly or indirectly through that person's spouse, minor child, or otherwise (a) have or acquire any pecuniary or personal interest which would conflict that person's fiduciary obligation to the AAUP-UC, or (b) engage in any business or financial transaction which conflicts with that person's fiduciary obligation.

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

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

ARTICLE XI: OFFICER REMOVAL

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

Section 1: Charges Against Officers

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

Section 2: Submission of Charges

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

690
691 Section 3: Protection From Retaliation

692
693 No member who submits charges of serious misconduct against any AAUP-UC officer(s)
694 shall be subject to retaliatory threats, coercion, or acts of intimidation.

695
696 Section 4: Conflict of Interest

697
698 Any member of the Governing Board, Hearing Committee/Officer Review Committee, or
699 Appeals Committee, who has a conflict of interest with a particular case shall not
700 participate in any proceedings involving the case.

701
702 Section 5: Proper Charges

703
704 Upon charges being submitted, it is mandatory that a hearing be held unless the charges
705 are withdrawn by the accuser or considered by the Governing Board to be improper
706 under this Article.

707
708 Prior to the notification to an officer that charges have been filed against said officer, the
709 AAUP-UC Governing Board shall review the charges and consider them improper if:

- 710
711 a. The charge(s) does/do not state the exact nature of the alleged offense(s) as
712 required by Section 1 of this Article;
713
714 b. The charge(s) is/are untimely under Section 2 of this Article;
715
716 c. The act(s) complained of does/do not sustain a charge of officer misconduct;
717
718 d. The charge(s) involve(s) a question which should be decided by the membership
719 at a membership meeting and not by the hearing procedure;
720
721 e. The charge(s) is/are not supported by substantial evidence.
722

723 Both the accused and the accuser shall be notified in writing of the Governing Board's
724 determination and either the accused or the accuser may appeal such determination.
725 Such an appeal must be limited to the question of whether the charges are proper or
726 improper under items (a), (b), (c), (d) or (e) of this Section.
727

728 If a hearing is ordered by the Governing Board and the order is appealed, no such
729 hearing shall be held until the appeal process has been completed by the Governing
730 Board.

731

732 Section 6: Notification

733

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

737

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

742

743 Section 7: Appeals Committee

744

745 a. At the membership meeting described in Section 6, an ad hoc Appeals Committee
746 consisting of three (3) members in good standing with tenure or continuous
747 appointment shall be formed. The Appeals Committee shall be drawn at random,
748 provided that any member with a potential conflict of interest or any member who
749 cannot serve for good and sufficient reasons may withdraw from consideration.

750

751 b. The Appeals Committee shall not attend the Membership Meeting described in
752 Section 12.

753

754 Section 8: Suspension From Office

755

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

759

760 Section 9: Review by Officer Review Committee

761

762 a. The case against the accused Governing Board member shall be heard before
763 the Officer Review Committee. (See Article IV, Section 2.)

764

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

769

770 c. Hearing procedures shall be determined by the Officer Review Committee. Both
771 the accused and the accuser shall have the right to present testimony and
772 evidence at the hearing.

773

774 d. The Officer Review Committee shall present its findings to the membership no
775 later than sixty (60) days from the time of the membership meeting in Section 6.
776

777 e. The time periods provided in this Section may be extended by the Officer Review
778 Committee if, in its judgment, justice would be served by such an extension.
779

780 Section 10: Representation

781
782 Both the accused and the accuser(s) shall be permitted representation by a
783 representative of their own choice; such representative, however, shall be required to
784 abide by the hearing procedures as established by the Officer Review Committee. The
785 accused and accuser shall be responsible for paying for their own legal counsel, if they
786 desire counsel.
787

788 Section 11: Officer Review Committee Verdict

789
790 The Officer Review Committee, upon completion of the hearing on the evidence and
791 arguments, shall go into closed session to determine the verdict and penalty.
792

793 A sixty (60) percent vote of guilty shall be required to find the accused guilty. If the
794 accused is found guilty, the Officer Review Committee will recommend to the
795 membership to suspend or remove the accused from office.
796

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

798
799 The Officer Review Committee shall report its verdict and judgment, and reasons
800 therefor, to the AAUP-UC members in good standing at a membership meeting called
801 for that purpose. The accused officer(s) may attend the meeting.
802

803 In the case of a verdict of acquittal, such verdict and judgment shall become final upon
804 being reported at said membership meeting and no further action shall be taken.
805

806 In the case of a verdict of guilty, such verdict and judgment shall become effective upon
807 approval by a majority vote by secret ballot of the members in good standing voting at
808 said membership meeting.
809

810 If such verdict is not approved by such majority of votes cast the accused shall stand
811 acquitted.
812

813 If the verdict of guilty is approved by such majority of votes cast, it shall be considered
814 official and the Secretary (or other appropriate officer if the Secretary is the accused or
815 has a conflict of interest) shall notify the accused officer in writing by receipted or certified
816 mail of the verdict and judgment resulting from that meeting.
817

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

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Section 13: Appeal of Guilty Verdict

- a. The accused may appeal a verdict of guilty in Section 12. Such appeal shall be heard by the Appeals Committee, who shall follow the applicable procedures in Sections 9-12 of this Article. Timelines may be adjusted as appropriate in the interest of justice, provided reasonable timelines are followed.
- b. If, after the Appeals Committee calls a membership meeting and a verdict of guilty and a penalty is approved by the membership in accordance with the procedures in Section 11, the verdict and penalty shall be considered final, the accused shall be removed from office, and the accused shall have exhausted all appeals.

Section 14: Future Service Prohibition

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

Section 15: Resignation/Leaving Office Prior To Hearing

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

ARTICLE XII: INTERNAL GRIEVANCE PROCEDURES

- a. Any member may file a written grievance with the Governing Board over any alleged violation of these Bylaws. This request must include a statement of the relief sought and must be presented within ninety (90) days of the alleged occurrence of the action giving rise to the grievance. If the Governing Board feels there is possible justification in the complaint brought by the grievant, it will appoint an Internal Grievance Committee of three (3) members in good standing within ten (10) days of receiving such a grievance.
- b. The Internal Grievance Committee shall hold a hearing, but will not be bound by the formal rules of legal evidence on the matter it is charged with investigating. It will render a recommendation on the grievance, and, if appropriate, it will recommend relief. This relief may be other than that requested by the grievant. The Internal Grievance Committee must make its final report within sixty (60) days of its formation by the Governing Board. The Internal Grievance Committee's recommendation will be final and binding on the Union, unless appealed in writing to the Governing Board by a principal party to the proceedings. The basis of the

865 appeal shall be limited to whether to accept the recommendation(s) of the Internal
866 Grievance Committee.

867

868 c. If a written request for appeal is lodged with the Governing Board within ten (10)
869 days of the issuance of the report of the Internal Grievance Committee, a vote of
870 the members in good standing must be taken on the appeal. This must occur
871 within thirty (30) days of the filing of the written request for appeal. The vote will
872 be limited to whether or not to accept the final recommendations of the Internal
873 Grievance Committee. The vote shall be taken at a membership meeting called
874 for this purpose and a majority vote of the members in good standing voting at
875 the meeting shall be used.

876

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

879

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

882

883 f. Any member in good standing is required to exhaust internal union hearing
884 procedures, not to exceed four (4) months, before filing any lawsuit or initiating
885 any administrative proceedings related to that person's rights as a member as
886 provided for by federal and/or state law.

887

888 **ARTICLE XIII: DISSOLUTION**

889

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

892

893 **Section 1: Dissolution Vote**

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

898

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

900

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

904

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

907

908 c. Should the AAUP-UC not reconstitute after such three (3) year period, the AAUP-
909 UC financial assets shall be distributed to the AAUP Foundation as follows: Fifty
910 (50) percent of the assets shall be distributed to the AAUP Foundation Legal

911 Defense Fund and fifty (50) percent of the assets shall be distributed to the AAUP
912 Foundation Academic Freedom Fund.

913
914 d. Should dissolution occur, under no circumstances shall the AAUP-UC distribute
915 its funds, assets, or properties individually among its membership. No member or
916 officer of the chapter, or any private individual, shall be entitled to share in the
917 distribution of any of the assets of the chapter upon dissolution of the chapter.

918
919

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

921
922 If an AAUP-UC Bylaw is determined to be out of compliance with federal and/or New
923 York State law(s), the AAUP-UC Governing Board will follow the law(s) and propose
924 appropriate changes to the AAUP-UC Bylaws, as soon as practicable. A meeting shall
925 be called to present the proposed changes to the members in good standing for
926 approval, as provided for in Article XV.

927
928

929 **ARTICLE XV: AMENDMENTS**

930
931 These Bylaws may be amended at any meeting by a majority of the members in good
932 standing, that is, more than fifty (50) percent, unless the proposed amendment has been
933 submitted to the membership in writing and announced in the call for the meeting at
934 which action is to be taken, in which case a two-thirds (2/3) vote of the members in good
935 standing present and voting shall be required.