



# **CONSTITUTION**

## **American Association of University Professors Northern Michigan University Chapter**

**(Adopted October-- 2012)**

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#### **Article I. Name**

The name of the organization shall be the Northern Michigan University Chapter of the American Association of University Professors (NMU-AAUP), hereafter referred to as “the Chapter.”

#### **Article II. Purpose**

The Chapter supports the purposes of the National AAUP to promote the values of instruction, higher education, and research; to advance the standards, ideals, and welfare of the academic profession; and to serve as the collective bargaining agent for the faculty of the University.

### Article III. Membership, Dues and Fiscal Year

#### A. Membership

1. **Active Membership.** An Active Member is a member of the collective bargaining unit under the definition of the unit by the Michigan Employment Relations Commission (MERC) or the Master Agreement (herein also referred to as “the contract”) currently in force between NMU-AAUP and Northern Michigan University who has paid the current collective bargaining dues (including national, state, and local Association dues). However, Active Membership who are conscientious objectors to collective bargaining may refuse to pay collective bargaining dues provided that an affidavit to that effect is submitted to the Chapter Secretary and provided that said members contribute an amount equal to the collective bargaining dues to the Chapter Treasurer who will deposit this sum to the NMU Scholarship fund in the name of NMU-AAUP. Members who elect this option may not vote in the elections of the Chapter or on collective bargaining issues, nor may they serve on Union committees.
2. **Associate Membership.** An Associate Member of NMU-AAUP may not vote in elections of the Chapter, hold elected office in the Chapter, nor vote on collective bargaining issues. An Associate Member is defined as belonging to any of the following groups:
  - a. An Emeritus Member, i.e., a person no longer eligible for Active Membership by virtue of retirement.
  - b. An adjunct instructor not otherwise represented by the Chapter.
  - c. A Graduate Student Member, i.e., a graduate student currently working toward an advanced degree who is not eligible to become an Active Member.

#### B. Dues:

1. NMU-AAUP may establish annual dues, and may exclude from the Chapter a member who has failed, after suitable notice, to pay the established dues.
2. Each Active Member of NMU-AAUP shall pay not more than 0.85 of one (1) percent of his/her base academic annual salary, these dues to include national, state, local, and collective bargaining dues. Associate Members shall pay the appropriate national and state dues and one (1) dollar in local dues. Each year’s dues rates will be determined by the Executive Committee after consultation with the faculty and will take effect on July 1. Dues shall be payable by any payment schedule approved by the Executive Committee. The Executive Committee may present alterations in the dues structure to the Chapter for a vote, which shall require a majority of voting Active Members. Special assessments may be proposed to the membership by means of a Chapter-wide referendum as specified in Article IX.
3. No person shall be deemed a member in good standing who is delinquent in the payment of dues for more than thirty (30) days provided, however, that no dues shall be assessed during the time that the person is not drawing a salary from or through the University or is not eligible for membership. A member who is in arrears for more than thirty (30) days shall be sent a written notice of his/her delinquency to his/her last recorded University address. If the arrearage in dues is not paid within thirty (30) days after the sending of such notice, that person shall thereupon be deemed suspended from membership in the Chapter. Any person suspended for nonpayment of dues shall be automatically reinstated upon the payment of all the arrears in dues from the date of delinquency to the date of the person’s suspension or resignation, except that the delinquent member may be reinstated without penalty after a lapse of twelve (12) calendar months beginning from the suspension or resignation.

#### C. Fiscal Year. The Fiscal Year shall extend from July 1 through June 30.

- D. In the event of dissolution of the Chapter all assets of the Chapter shall be placed in trust with a nationally chartered bank authorized to do business in the State of Michigan. The trustee shall be authorized and empowered to collect all obligations outstanding and due the Chapter. The trustee shall also be obligated and empowered to expend trust resources as necessary to meet all outstanding obligations of the Chapter. After all obligations of the Chapter have been liquidated, the trustee shall hold all residual resources, plus earnings, until such time as further claims against the Chapter are unenforceable under applicable statutes of limitation. Within ninety (90) days after the expiration of legal liability and responsibility for claims on the part of the trust, the trustee shall turn over all assets of the trust to Northern Michigan University for the purpose of establishing a perpetual scholarship fund in accordance with policies and conditions developed by the Academic Senate of Northern Michigan University.

## Article IV. Executive Officers of the Chapter

### A. The Executive Committee shall consist of:

#### 1. The Chapter President

- a. The President serves as the official representative of the Chapter and works with the Executive Committee to lead the organization. The President shall implement Executive Committee decisions, administer policies and exercise general supervision over the activities of the Chapter. The President shall preside over all meetings of the Chapter, Executive Committee, and Bargaining Council. The President shall serve on the Academic Senate Executive Committee and as an ex-officio member of the Academic Senate. The President shall be elected in even-numbered years for a two-year term and may be reelected.

#### 2. Vice President

- a. The Vice-President, in the absence of the President, shall assume the duties of the President. The Vice-President shall perform other duties as directed by the Executive Committee. The Vice President shall be elected in odd-numbered years for a two-year term and may be reelected.

#### 3. Secretary

- a. The Secretary shall record the minutes of the Executive Committee, Bargaining Council, and Chapter meetings and update all policies and procedures as directed by the Executive Committee. The Secretary shall maintain current records and act as the liaison between the Executive Committee and the Northern Michigan University Archives to ensure proper records management and to provide for the transfer of historical records to the Archives in accordance with the Records Depository Agreement between Northern Michigan University and the NMU-AAUP. Secretary shall be elected in odd-numbered years for a two year term and may be reelected.

#### 4. Treasurer

- a. The Treasurer shall be responsible for the collection of Chapter funds and for the discharge of all financial obligations of the Chapter. The Treasurer will supervise accounting procedures and oversee the preparation of financial reports, budgets, taxes and other financial documents. The Treasurer will report regularly to the Executive Committee. The Treasurer shall prepare a year-end financial report for the fall Chapter meeting and a proposed budget for the upcoming year at the winter meeting. The Treasurer shall ensure that an external, independent financial review of the Chapter's finances is conducted at least every three years. The Treasurer shall be elected in even-numbered years for a two year term and may be reelected.

#### 5. Grievance Officer

- a. The Grievance Officer shall be responsible for supervising the grievance procedure. The Grievance Officer shall consult with faculty regarding contractual issues, report regularly to the Executive Committee, advise the Executive Committee regarding potential contract violations and implement Executive Committee decisions. The Grievance Officer shall serve on the Educational Policies Committee (EPC). The Grievance Officer shall serve as the AAUP representative in the by-law review process. The Grievance Officer shall be appointed by the Executive Committee for a two-year term and may be reappointed.

#### 6. Information Officer

- a. The Information Officer shall be responsible for conveying information from the Executive Committee to Chapter members in the form of monthly "Updates" and additional times as directed by the Executive Committee. The Information Officer shall prepare information about the Chapter for dissemination to external constituents and the media. The Information Officer shall be appointed by the Executive Committee and serves at the discretion of the Executive Committee.

#### 7. Data Analyst

- a. The Data Analyst shall supervise the collection and analysis of data (from HEIDI, ACADEME, internal and other sources) in support of union functions and in preparation for collective bargaining. The Data Analyst will serve as a union representative on the Educational Policies Committee. The Data Analyst shall be appointed by the Executive Committee and serves at the discretion of the Executive Committee.

## 8. Constituent (College) Representatives

- a. The Constituent (College) Representatives of the Executive Committee shall participate in meetings of the Executive Committee and the Bargaining Council. They shall represent their constituencies at biweekly Executive Committee meetings and may take on additional responsibilities at Executive Committee direction. The Constituent Representatives shall be elected for two-year terms. Representatives numbered one, three and five shall be elected in odd numbered years and representatives two, four and six shall be elected in even numbered years. Representatives may be reelected.
  - i. College of Arts and Science, Representative One (1);
  - ii. College of Arts and Science, Representative Two (2);
  - iii. College of Arts and Science, Representative Three (3);
  - iv. College of Professional Studies, Representative One (1);
  - v. College of Professional Studies, Representative Two (1);
  - vi. College of Business/Division of Academic Information Services/and remaining unrepresented constituents, Representative One (1)

## 9. Chairs of Standing AAUP Committees

- a. Chairs of NMU AAUP Standing Committees shall serve as full voting members of the Executive Committee during their tenure. Each Chair of a Standing Committee is selected by its membership according to the bylaws/operating procedures of that committee, and serves for the academic year.
- B. An individual can hold only one position on the chapter Executive Committee at any given time.
- C. Union officers who receive reassigned time for their service cannot take it as an overload or banked credit except under special circumstances authorized by Executive Committee vote.
- D. Executive Committee members cannot hold interim administrative appointments.

## Article V. Duties of the Executive Committee

- A. The Executive Committee shall be responsible for execution of the letter and spirit of the provisions of the Master Agreement and Constitution currently in force, including the authority to make minor exceptions.
- B. All members of the Executive Committee shall serve as members of the Bargaining Council.
- C. The Executive Committee shall decide for the Chapter which grievances will be filed and which will be taken to arbitration at the cost of the Chapter.
- D. The Executive Committee shall authorize all expenditures and shall also act as the body which approves or terminates the employment of persons to serve the Chapter. Any person authorized by the Executive Committee to sign checks shall be bonded.
- E. The Chief Negotiator, Contract Proposal Development Team, and Negotiating Team shall be nominated by the Executive Committee and approved by the Bargaining Council. The Chief Negotiator shall work in conjunction with the Executive Committee to identify the remaining members of the Negotiating Team. The Executive Committee may nominate additional members of, or replacements to, the teams when it deems such actions necessary or desirable.
- F. Governance of Committees:

1. The Executive Committee shall establish and make appointments to ad hoc committees for the Chapter, make appointments to the Educational Policy Committee and to university-wide committees as follows:
  - b. Educational and Policy Committee (EPC)
    - i. The Grievance Officer and Data Analyst shall serve on the EPC as representatives of the Chapter;
    - ii. Two at-large representatives (without regard to tenure) shall be appointed by the Executive Committee for one-year terms;
    - iii. Three additional representatives for EPC (all tenured, one from Arts and Sciences, one from Business/AIS, one from Professional Studies) shall be elected for three-year staggered terms;
    - iv. To maintain staggered terms, vacant elected positions shall be filled as soon as possible by a special election for the unexpired term, except that if more than two-thirds (2/3) of the term has expired, the Executive Committee may, at its discretion, appoint a person to fill the office for the remainder of the term;
    - v. Terms begin on July 1.
  - c. University-wide committees
    - i. Announcements specifying the position(s) available will be sent to the membership soliciting nominations;
    - ii. The Executive Committee must recommend candidates to the Administration for final determination, pursuant to the Master Agreement.

2. The Executive Committee shall create and dissolve a Standing AAUP Committee with a supermajority vote of three-quarters (3/4) of all Executive Committee members, including those not in attendance.

3. The Executive Committee shall appoint members, liaisons, or representatives to work with ad hoc university committees, community organizations, other labor groups, or any other group as necessary.

4. By virtue of their office, the Executive Committee officers shall also serve as voting delegates to the annual meeting of the AAUP Collective Bargaining Congress, the national AAUP, and the Michigan Conference of the Association of University Professors. If there are more officers than there are delegate spots, the order of delegation will be President, Vice President, Treasurer, and Secretary, respectively.

## **Article VI. Election Procedures**

A. Only Active Members of the Chapter are eligible for election to Chapter offices, or to vote in Chapter elections.

B. Election of Chapter officers shall take place during the winter term, and new officers shall take office on July 1 of the following fiscal year. Officers-elect shall become members, without vote, of the Executive Committee, from their election until they formally assume office.

C. Election Protocol:

1. At least two (2) weeks prior to the March Chapter meeting the Executive Committee shall appoint a Balloting Committee whose responsibility shall be to insure that there are nominees for each vacant office to be filled by election of the Active Membership. The Balloting Committee shall submit the names of two candidates, if possible, for each office. The names of all nominees shall be presented at the meeting preceding the elections. Additional nominations may be made.

2. The balloting shall follow the meeting as closely as possible so as to permit announcement of the results before the end of the winter term.

3. For each office, the nominee receiving a simple majority of votes shall be declared elected. In any case in which no nominee receives a majority of the votes cast for that office, there shall be a runoff election between the two candidates with the highest number of votes. In the case of a tie, the Executive Committee will vote; in the case of a tie in the Executive Committee, the President will cast the deciding vote.

D. Balloting Committee

1. When needed to fulfill the elective and balloting requirements of this Constitution, the Executive Committee shall appoint a Balloting Committee of not less than three members, not members of the Executive Committee,

2. Ballots may be traditional, electronic, or both, as determined by the Executive Committee, unless otherwise specified in this Constitution.
3. Voting by regular mail, email, or FAX is allowed with the caveat that confidentiality cannot be assured. Ballots sent by these means must arrive in the AAUP office by noon on the day of the vote. The Chapter will not be responsible for delayed receipt. Proxy voting is not allowed.
- E. Elections for the Executive Committee must be held before the appointment of other officers.
- F. Any vacant elective office on the Executive Committee shall be filled as soon as possible by a special election for the unexpired term, except that if more than two-thirds (2/3) of the term has expired, the Executive Committee may, at its discretion, appoint a person to fill the office for the remainder of the term.
- G. If an Executive Committee member has more than three (3) unexcused absences from regularly scheduled meetings during a semester, upon Executive Committee recommendation the President will request an explanation for the absences and submit this information to the Executive Committee for consideration. Six (6) such absences during an academic year will lead to dismissal and replacement. If a member is on sabbatical or otherwise unable to serve for a semester, s/he may be granted leave by the Executive Committee, but if the absence is longer, the member shall be replaced.

#### **Article VII. Meetings, Agenda, Quorum, Parliamentary Procedure, and Recall Procedures**

##### **A. Meetings**

1. The Chapter shall hold two regular Chapter meetings each year: one in August, and one in March.
2. The Executive Committee shall convene special meetings of the Chapter at its discretion.
3. Upon petition, Active Members may call a special meeting of the Chapter.
  - a. At least ten (10) percent of the Active Members must sign such a petition.
  - b. The Executive Committee must call the petitioned meeting within two (2) weeks after it receives the petition.

##### **B. Agenda**

1. The President and the Executive Committee shall determine the agenda for each regular Chapter meeting. The Secretary shall distribute the written agenda to the membership at least two (2) days prior to each regular Chapter meeting.

##### **C. Quorum**

1. At meetings of the Executive Committee a majority of the Committee membership shall constitute a quorum.
2. At meetings of the Chapter, one-fifth (1/5) of the Active Members, or twenty-five (25) Active Members, whichever represents a lesser number, shall constitute a quorum.
3. At meetings of the Bargaining Council, a majority of the council membership shall constitute a quorum.

##### **D. Parliamentary Procedure**

1. Parliamentary procedure at all meetings shall be in accordance with the latest revision of Robert's Rules of Order, except when those rules conflict with the Chapter Constitution, Chapter policies, and committee bylaws.

##### **E. Recall Procedures**

1. Any or all officers of the Chapter may be removed from office by a recall vote, and a recall vote can occur at any time during the year.
  - a. One-fifth (1/5) of the Active Members of the Chapter must sign a petition for a recall in order to institute these proceedings.
  - b. Within two (2) week of receiving the petition, the Executive Committee shall appoint a Balloting Committee who shall validate the signatures and produce the recall ballot.
  - c. A two-thirds (2/3) majority of the Active Membership of the Chapter shall be necessary for a successful recall.
2. Any or all of the members of the Contract Proposal Development Team or Negotiating Team may be recalled.
  - a. A three-fifths (3/5) majority of those present at a Bargaining Council meeting shall be necessary to initiate a recall. For a successful recall, this vote must be confirmed at the next consecutive meeting with three-fifths (3/5) majority of those present.

#### **Article VIII. Contract Negotiations: Contract Proposal Development Team, Data Analyst, Negotiating Team, Bargaining Council, and Contract Ratification**

##### **A. Contract Proposal Development Team (CPDT)**

1. The CPDT will develop specific contract language that might be considered in subsequent negotiations.
2. Team member selection will be undertaken with the goal of securing the services of faculty members with experience in matters of contractual language and its implementation, of faculty members with particular skills and ability needed by the team, and of faculty members who show promise of serving the membership in the coming years through involvement in the contract negotiation process.
3. The CPDT effort will begin no later than the fall semester prior to expiration of the Agreement, or earlier if deemed prudent by the Executive Committee, to ensure that proposals will be ready by the time negotiations are to start. The team will familiarize itself with collective bargaining contracts in existence at other colleges and universities, and with comparative information on salaries and fringe benefits and shall also survey faculty with regard to collective bargaining.
4. The Executive Committee is empowered to determine appropriate compensation for team members.
5. The Chief Negotiator will serve as a member of the CPDT.
6. The Chair of the CPDT will not be the Chief Negotiator. The CPDT shall select its own chair from among its members. The Chair shall be responsible for calling meetings, making certain that records are maintained, and communicating with the Executive Committee and the Bargaining Council.

##### **B. The Negotiating Team**

1. The Negotiating Team shall negotiate a contract with representatives of the Board of Trustees of Northern Michigan University.

2. Team member selection will be undertaken with the goal of securing the services of faculty members with experience in matters of contractual language and its implementation of faculty members with experience in negotiations, and of faculty members with particular skills and abilities needed by the Team.
3. The Negotiating Team will begin meeting no later than the beginning of the Winter Semester prior to expiration of the Agreement or earlier if deemed prudent by the Executive Committee. The members of the Negotiating Team shall remain in office until discharged of their duties by the Executive Committee Executive Committee.
4. The Executive Committee is empowered to determine appropriate compensation for Team members.
5. The Chief Negotiator will serve as the Chair of the Negotiating Team.

#### C. The Bargaining Council

1. The duties of the Bargaining Council shall include:

- a. Being familiar with AAUP policies, procedures, and reports; and discussing issues affecting faculty welfare both within and outside the bargaining process;
- b. Discussing contract proposals and make recommendations to the Negotiating Team regarding terms to be sought in the contract during negotiation periods;
- c. Serving as an advisory body to the Executive Committee on matters outside Contract negotiations. However, the Bargaining Council cannot overrule Executive Committee decisions.

2. Each academic unit shall be entitled to one representative whose responsibility is to attend Bargaining Council meetings in order to serve as a liaison to the academic unit. Bargaining Council Representatives shall be Active Members of NMU-AAUP and nominated and elected by the eligible voters of the academic unit. All faculty ranks are eligible to serve as Bargaining Council Representatives.

3. Bargaining Council Representatives will report regularly to their departments/units on matters discussed by the Bargaining Council and solicit departmental/unit faculty input through regular surveys of their departments/units.

4. The Bargaining Council shall meet monthly during the academic year. In the year leading up to and during contract negotiations, the Bargaining Council shall meet at least bimonthly.

5. If a Bargaining Council Representative fails to fulfill these duties, or has more than three (3) unexcused absences from regularly scheduled meetings, the President will contact the academic unit to request a replacement.

6. The Bargaining Council may develop its own operating procedures so long as they do not contravene this Constitution.

7. The Bargaining Council may establish ad hoc working committees subject to the approval of the Executive Committee.

8. In preparation for contract negotiations, the Bargaining Council will Work with the CPDT to address areas of contract language that need improvement.

9. During contract negotiations, Bargaining Council shall:

- a. Meet regularly with the Negotiating Team to discuss bargaining proposals, strategies, progress, recommendations, and generally assist in the entire process up to and including the ratification of a satisfactory contract.
- b. Keep the members of the Bargaining Unit informed as to the progress of negotiations.

#### D. Ratification

1. Any contract negotiated by the Negotiating Team shall become binding when ratified by the Board of Trustees of Northern Michigan University and by a majority of the voting Active Members of NMU-AAUP.

2. Ratification shall be by secret vote of those attending a meeting of the Chapter called for ratification purposes.

3. Notification of the meeting for purposes of ratification shall be mailed to all Active Members at least six (6) days prior to the meeting.

4. Active Members may, at their discretion, cast a secret ballot in the NMU-AAUP office during regular business hours between the time of the mailing of the notification of the meeting and up to one (1) hour prior to the start of the meeting.

#### **Article IX. Chapter-Wide Referendum**

A. The Executive Committee may, at its discretion, designate any matter as “a matter of great importance to the Chapter.”

1. Such a designation at any time will empower the Executive Committee to conduct a Chapter-wide referendum of the Active Membership on this matter.

2. To conduct the referendum, the Executive Committee will organize a Balloting Committee.

3. The results will be binding on the Chapter within the limits of the law.

4. This section will not operate so as to prevent polling of the membership on any matter as an advisory, nonbinding expression of member sentiment.

B. Upon petition by one-fifth (1/5) of the Active Members, the Executive Committee must designate any matter except contract ratification presented in the petition as “a matter of great importance to the Chapter,” and proceed to poll the Active Membership within twenty-one (21) calendar days, the results of which are binding on the Chapter within the limits of the law.

C. All referenda balloting will be conducted by a Balloting Committee.

#### **Article X. Amendments**

A. Any Active Member may propose in writing an amendment to the Constitution at a regularly scheduled meeting of the Chapter.

1. If the Active Members in attendance at the next regularly scheduled meeting of the Chapter agree by a majority vote to consider the proposed amendment, it must then be submitted to the Chapter for ratification.

2. Ratification shall require two-thirds (2/3) affirmative vote of those Active Members of the Chapter casting ballots.

B. The proposed amendment shall be included in the written agenda provided to all members prior to the meeting at which it is considered for submission to the Chapter as a whole.

C. All amendment balloting will be conducted by a Balloting Committee.

#### **Article XI. Ratification**

A. This Constitution shall be ratified by a two-thirds (2/3) affirmative vote of those Active Members casting ballots. This Constitution shall come into full effect immediately upon ratification.

B. Ratification balloting shall be conducted by a Balloting Committee.

Note: Adopted by a vote of the membership October 2012

Prepared for Spring Chapter meeting, March 29, 2012