

CSU-AAUP Constitution

Constitution Cleveland State University Chapter of the American Association of University Professors

As Revised: Spring Semester 2016

Article I. Name

The name of this organization shall be The Cleveland State University Chapter of the American Association of University Professors (CSU-AAUP)

Article II. Purpose

The purpose of this organization shall be to promote the interests of higher education and research, to advance the standards and welfare of the 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 Ohio State Employment Relations Board (SERB) or the contract currently in force between CSU-AAUP and Cleveland State University) who has paid the current collective bargaining dues and national, state, and local Association dues, and has submitted an Active Membership application. Active members may vote in the elections of the Chapter, hold elective office in the Chapter, and vote on collective bargaining issues.

2. Associate Membership. An Associate Member is a person defined by one of the categories below. An Associate Member may not vote in elections of chapter, hold office in the Chapter, nor vote on collective bargaining issues. An Associate Member is a person in any of the following groups:

a. A person classified as an Associate Member by national AAUP but who is not a member of the local collective bargaining unit under the definition of the unit by SERB or the contract currently in force between CSU-AAUP and Cleveland State University;

b. An Active Member of the National AAUP but who is not within the local collective bargaining unit under the definition of the unit by SERB or the contract currently in force between CSU-AAUP and Cleveland State University;

c. An Emeritus Member, i.e., a person no longer eligible for Active Membership by virtue of retirement; or

d. A Graduate Student Member, i.e., a graduate student currently working toward an advanced degree, who is not eligible to become an Active Member.

3. No member can be disciplined without adherence to due process, which shall include notice of the asserted offense(s), a hearing before an impartial body of members, the right to be heard at such a hearing, and the right to be represented by another member chosen by the charged member.

B. Dues

1. CSU-AAUP shall establish dues for Active Members.

Untenured Active Members of CSU-AAUP in their first four years of full-time service shall pay five-tenths (5/10) of one (1) percent of base salary in dues. Active members shall shift from five-tenths (5/10) of one (1) percent of base salary to eight-tenths (8/10) of one (1) percent of base salary for dues beginning the August 15 after they have been members of the bargaining-unit for four years. Active Members with more than four years service after entrance into the bargaining unit shall pay eight-tenths (8/10) of one (1) percent of base salary in dues. These dues shall include national and state AAUP dues as well as local dues.

2. Associate members shall pay the appropriate national and state dues plus an amount in local dues to be determined by the Executive Committee.

3. The Executive Committee may propose alterations in the dues structure. Ratification of proposed changes in the dues structure shall require a majority vote of those Active Members who cast ballots on the changes. Voting shall be by secret, mail ballot.

4. A Special Assessment may be proposed to the membership of CSU-AAUP by means of a Chapter wide referendum in emergency situations. Approval of the Special Assessment shall require a majority vote of those Active Members who cast ballots on the referendum. Voting shall be by secret, mail ballot.

5. Dues for bargaining-unit members on reduced salary because of leave shall be reduced accordingly.

6. Annual dues may be paid only by payroll deduction or in a single payment due September 30. An Active Member on payroll deduction shall not be considered to be delinquent in the payment of dues. No person shall be deemed an Active Member who is delinquent in the payment of dues for more than thirty-one (31) calendar days after the end of the month in which the term commences. The Association shall notify the Faculty Member by certified mail, explaining that he/she is delinquent in not tendering the required Association dues. If the arrearage in dues is not paid within thirty (30) days after this notice is sent, that

person shall thereupon be subject to the procedure provided by the collective bargaining agreement between CSU-AAUP and Cleveland State University currently in force. If there is no such agreement, such person may be suspended from membership by action of the Executive Committee.

7. Those in the bargaining unit who wish to change their status to Active Membership during a fiscal year may do so by paying the difference (if any) between the fee for their current status and the fee for Active Membership, and submitting an Active Membership Application.

8. No provision of this article shall be interpreted as in any way limiting the ability of the Chapter to negotiate collective bargaining service fees for those members of the bargaining unit who choose not to hold membership in the Chapter.

C. Fiscal Year

The fiscal year shall be the same as the Cleveland State University fiscal year.

Article IV. Officers of the Chapter

A. The Chapter shall have a President, Vice President, Secretary, and a Treasurer. The Executive Committee shall be composed of the previously mentioned officers, the immediate past President (ex officio, without a vote), two (2) Tenure/Track Members At-Large, 1 (one) Clinical Member At-Large, 1 (one) Lecturer Member At-Large, the Grievance Officers, a representative from the Law School subchapter, and, as long as the Bargaining Council is in existence, the Chair of the Bargaining Council and the Chief Negotiator. Voting members are: President, Vice President, Secretary, Treasurer, and At-Large Members. If any of the At-Large positions are not filled, there shall be an election the next year to fill those positions.

B. The President, Vice President, Secretary, Treasurer and Members At- Large shall be elected for two (2) year terms and may be reelected to succeed themselves no more than once.

C. The Executive Committee shall appoint a Chapter Grievance Officer and, as needed, Assistant Grievance Officers. The term shall be one year. The Executive Committee shall evaluate the performance of the Grievance Officer and any Assistant Grievance Officer(s) before the close of each one (1) year term.

D. The Executive Committee may appoint a Communication Officer and, as needed, one or more Assistant Communication Officers. The Communication Officer shall be a member (ex officio, without a vote) of the Executive Committee. The terms of the Communication Officer and any Assistant Communication Officers shall be one year. The Communication Officers shall be responsible for managing the public relations and membership communication functions of the

Chapter. The Communication Officer shall be the editor of the Chapter newsletter.

E. The Executive Committee may appoint a Contract Implementation Officer. The Contract Implementation Officer shall be a member (ex officio, without a vote) of the Executive Committee. The term of the Contract Implementation Officer shall be one year. The Contract Implementation Officer shall be responsible for maintaining contact with the Administration in dealing with issues which arise in the implementation of the Collective Bargaining Agreement. The Contract Implementation Officer shall bring significant issues concerning the Collective Bargaining Agreement to the Executive Committee and shall carry out the decisions of the Executive Committee on these issues.

Article V. Duties of the Officers of the Chapter

A. The President shall preside over all meetings of the Chapter and of the Executive Committee. The President shall be the official representative of the Chapter. Unless appointed a voting member in the usual manner, the President shall be a non-voting member of every standing committee, not to be included in the quorum count.

B. The Vice President, in the absence of the President, shall assume the duties of the President and shall perform other duties as directed by the Chapter, including coordination of and liaison with Department Representatives.

C. The Secretary shall keep the minutes of the Chapter and Executive Committee meetings, maintain the official records of the Chapter, prepare the agenda for Chapter meetings (with the advice of the Executive Committee), and shall perform other duties as directed by the Executive Committee.

D. The Treasurer shall be responsible for the recording of chapter finances and for the discharge of all financial obligations of the Chapter. At the regular *Fall Chapter* meeting the Treasurer shall, in consultation with the President, present an annual financial report on the previous fiscal year for review by the Chapter. The Executive Committee may request, at its discretion, periodic financial statements from the Treasurer. The Treasurer shall make the accounts available for inspection upon request of the Executive Committee or upon petition of 20% of the Chapter's Active Membership.

E. The Members At-Large shall carry out those duties assigned to them by the President and/or Executive Committee.

F. The Grievance Officer shall be acquainted with current Grievance procedures. The Grievance Officer and/or Assistant Grievance Officer(s) shall assist and

advise any and all persons in the bargaining unit from the initiation of a grievance to its eventual resolution. The Grievance Officer, individually or with the assistance of the Assistant Grievance Officer(s), shall advise the Executive Committee on all matters pertaining to the grievance procedure and on all grievance cases.

Article VI. Duties of the Executive Committee

A. The Executive Committee shall act for the Chapter in carrying out the purposes of the Chapter; it shall establish committees for the Chapter and shall convene special meetings of the Chapter at its discretion. The Executive Committee may propose alterations in the schedule of dues and regulations governing their payment, subject to ratification by the Active Membership.

B. The Executive Committee shall authorize all expenditures of Chapter funds and shall also act as the body which approves the employment of persons to serve the Chapter.

C. The Executive Committee shall recommend the size and composition of the Negotiating Team to the Bargaining Council for ratification by majority vote of the Bargaining Council. If the Executive Committee's initial recommendation is rejected, it shall submit a revised proposal to the Bargaining Council within one week. The characteristics of the Negotiating Team are as follows:

1. Each member of the Negotiating Team shall remain in office until discharged of his or her duties by the Executive Committee.

2. Any vacancy on the Negotiating Team shall be filled with the advice of the Negotiating Team and by recommendation of the Executive Committee to the Bargaining Council for ratification by majority vote of the Bargaining Council. If the Executive Committee's nominee is rejected, it shall submit a new nominee to the Bargaining Council within one week.

D. The Executive Committee shall not authorize any transaction which conflicts with the fiduciary obligations of Chapter officers or agents of the Chapter and shall not authorize any loan of Chapter funds to any officer or agent of the Chapter. If requested by the Ohio State Employee Relations Board, the Chapter officers, agents, or employees who handle Chapter funds or other property may be required to be bonded.

E. The Executive Committee is authorized to take all actions necessary to effectuate the provisions of this Constitution and to do so in conformity with the rules and regulations of the Ohio State Employee Relations Board and other applicable laws.

Article VII. Elections and Election Procedures for the Executive Committee

A. Elections: Election of Chapter Officers and Members At-Large shall take place during the Spring Term. New Officers and Members At-Large shall take office on August 15. From the date of their election until they formally assume office, the newly-elected Officers and Members At-Large elect shall serve as non-voting members of the Executive Committee.

B. Election Procedures:

1. At the beginning of Spring Semester, the Executive Committee shall appoint a three-person Nominations and Elections committee. At the regular Spring meeting of the Chapter, the Nomination and Elections Committee shall submit the names of at least two (2) candidates, if possible, for the offices of President, Vice President, Secretary, Treasurer, and for the positions of the Members At-Large. Additional nominations may be made from the floor at this meeting. Voting shall follow the Spring meeting as closely as possible. Voting shall be by secret mail ballot; the votes to be counted by the Nominations and Elections Committee. For each of the four offices the nominee receiving a majority of the votes cast shall be declared elected. If no nominee receives a majority of the votes cast for a particular office, there shall be a run-off by secret, mail ballot between the two (2) candidates with the highest number of votes. For the offices of Members At-Large the candidates with the highest number of votes shall be declared elected.

2. Only Active Members of the Chapter are eligible for election to Chapter offices, to serve on the Executive Committee, or to vote in Chapter elections.

3. Any vacant elective office or position on the Executive Committee shall be filled as soon as possible by a special election for the unexpired term, except that if more than one year of the term has expired, the Executive Committee may appoint an Active Member of the CSU-AAUP to fill the office or position.

4. All active members have an equal right to participate in the affairs of the Chapter, including the right to nominate, seek office and vote in Chapter elections.

5. Chapter funds may not be expended in a partisan fashion to promote the candidacy of any member in any Chapter election. Any election dispute which cannot be resolved internally shall be resolved by neutral arbitration in accord with the procedures of the American Arbitration Association.

C. Recall Procedures: Any or all officers of the Chapter or the Members At-Large may be removed from office by a recall vote. One-Third (1/3) of the active members of the Chapter must petition for a recall in order to institute these proceedings. A majority vote in favor of removal from office by the entire Active

membership shall be necessary for recall. Vote shall be by secret, mail ballot and shall be conducted by the Nominations and Elections Committee. The counting of the ballots shall be open for observation by the Active Members of the Chapter.

Article VIII. Departmental Representatives

A. Within a month of the ratification of the contract, the Active Members of the CSU-AAUP in each department shall elect from among themselves a Departmental Representative. The term in office of the Departmental Representative shall correspond with the duration of the contract, unless recalled by a majority vote of the Active CSU-AAUP Members of the department. If for any reason a Departmental Representative does not finish the term of office, the remainder of the term shall be completed by a new Departmental Representative elected by and from the Active CSU-AAUP Members of the department.

B. The duties of the Departmental Representative shall be:

1. To communicate with the Chapter office through:
 - a. Keeping an up-to-date list of the membership status of each faculty member in the department (AAUP members and *Fair Share*).
 - b. Maintaining contact with the Chapter Grievance Officer regarding grievances from departmental faculty and informing the Grievance officer of potential problems .
 - c. Attending AAUP Chapter meetings and encouraging colleagues in the department to attend.
2. To communicate with departmental colleagues through:
 - a. Contacting newly hired faculty in the department and personally encouraging them to join AAUP.
 - b. Convening and presiding over meetings of AAUP members within the department whenever necessary.
 - c. Carrying out special projects in coordination with the Executive Committee.
3. To monitor the collective bargaining agreement and identify problem areas through collecting ongoing evidence of compliance or non-compliance with the contract within the department for periodic reporting to the Executive Committee.
4. To assist in contract negotiations by collecting suggestions for issues to be treated and/or for specific wording to be included in the collective bargaining contract.

Article IX. Chapter Meetings

A. Meetings: The Chapter shall have at least one regular meeting during each of the two academic-year semesters (not including Summer).

In the beginning of Fall Semester of each year, the Executive Committee shall provide the Chapter with a calendar specifying the dates and times of the regular meetings. The Executive Committee may call special meetings of the Chapter as it deems necessary. The Executive Committee shall call special meetings of the Chapter upon petition of at least ten percent (10%) of the Active Members; such a meeting must be called within two (2) weeks after the Executive Committee receives the petition.

B. Agenda: The Chapter Secretary (with the advice of the Executive Committee) shall determine the agenda for each regular Chapter meeting. Items of business may be placed on the agenda by a petition signed by at least fifteen (15) Active Members and presented to the Secretary at least seven (7) days prior to a regular Chapter meeting. The secretary shall distribute the written agenda to the membership of the Chapter at least two (2) days prior to each regular meeting.

C. Quorum: At meetings of the Executive Committee the presence of a majority of the Executive Committee members shall constitute a quorum. At meetings of the Chapter the presence of twenty per cent (20%) of the Active Members shall constitute a quorum.

Article X. Contract Negotiations: Bargaining Council, Negotiating Team, and Contract Ratification

A. Composition of the Bargaining Council: The Bargaining Council shall consist of the Elected Officers of the Chapter (the President, Vice-President, Secretary, and Treasurer), the Grievance Officers, the Members At-Large serving on the Executive Committee, the Chief Negotiator (ex officio, non-voting), one (1) CSU-AAUP Chapter Representative elected from each College included in the CSU-AAUP Bargaining Unit, one representative from the School of Nursing, and five (5) Chapter Representatives elected At-Large.

B. Selection of CSU-AAUP Chapter Representatives to the Bargaining Council:

1. Each College which has faculty members who are Active Members of the CSU-AAUP, and the School of Nursing, shall be entitled to one (1) representative. Each College Representative shall be an Active Member of the CSU-AAUP at the time of his or her nomination and election. Nominators must also be Active Members of the CSU-AAUP. Nominations shall occur at a meeting of the Active Members of the College called by an Active Member at the request of the Nomination and Elections Committee. Each Active Member must be sent written notice of the meeting at least one (1) week before it is held. Nominations

may be submitted in advance by mail to the Nominating and Elections Committee or from the floor. Election shall be by secret, mail ballot and the electors must be Active Members of CSU-AAUP. Votes will be counted by the Nomination and Elections Committee. The nominee receiving a majority of the votes cast shall be declared the winner. If no nominee receives a majority of the votes cast, the Nomination and Elections Committee shall hold a run-off election between the two nominees receiving the highest number of votes.

2. The five (5) At-Large Representatives shall be Active members of the CSU-AAUP. The Nominating and Elections Committee shall present a slate of at least ten candidates, if possible, at a meeting of the CSU-AAUP Chapter. Additional nominations may be made from the floor of the meeting. Voting shall be by secret, mail ballot, the votes to be counted by the Nominations and Elections Committee. The five highest vote getters will be declared elected as Chapter At-Large Representatives to the Bargaining Council.

3. Questions of eligibility, disputed votes, and other matters of interpretation pertaining to the selection of College and At-Large Elected Representatives shall be determined by the Executive Committee.

C. Term of Office of the Bargaining Council: The Bargaining Council shall remain in existence until a contract is ratified. It shall then disband unless the Active Members attending the next regular Chapter Meeting after ratification request the Bargaining Council to remain in existence. Dissolution of such a Bargaining Council which remains in existence after ratification of a contract shall require a majority vote of the Active Members in attendance at a regular Chapter Meeting. At least six (6) months prior to the expiration date of the contract then in force or prior to the date that a salary adjustment would take effect (i. e. a salary re-opener), the Bargaining Council shall be reconstituted.

D. Duties of the Bargaining Council: The duties of the Bargaining Council shall be:

1. To act as the policy-making body for the Chapter in matters of collective bargaining.

2. To establish and maintain effective communication with the entire bargaining unit and survey the faculty with regard to collective bargaining matters, in order to determine faculty desires and priorities.

3. To keep members of the bargaining unit informed of the progress of negotiations.

4. To familiarize itself with AAUP policies, procedures, and reports as useful guidelines affecting faculty welfare, both within and outside of the collective bargaining process, and to familiarize itself with the process of

collective bargaining and collective bargaining contracts currently or previously in effect at other colleges or universities.

5. To make recommendations to the Negotiating Team regarding terms to be sought in the contract and to assist in gathering the data necessary to support the recommendations.

6. To meet regularly with the Negotiating Team in order to assess progress, suggest strategy, and generally to assist in the entire negotiating process up to and including the ratification of the contract.

7. In order to perform its duties the Bargaining Council is to select a Chair from its own ranks and develop its own operating procedures.

E. Duty of the Negotiating team: The duty of the Negotiating Team shall be to negotiate a contract with the representatives of the Board of Trustees of Cleveland State University. The Negotiating Team shall first submit any proposed agreement to the Executive Committee for discussion and recommendation. The Executive Committee shall then present any proposed agreement along with its recommendation to the Bargaining Council for discussion and for the Bargaining Council's recommendation to the Active Members for ratification or rejection. This meeting of the Bargaining Council is to be called by the President at the request of the Chief Negotiator.

F. Ratification: At least seven (7) days prior to a ratification vote being conducted, copies of the proposed agreement will be made available for members' perusal. With the copies of the proposed agreement the Executive Committee shall announce the date, place, and time of a meeting of the Active Members of the Chapter for their consideration of the proposed contract and of the recommendation of the Bargaining Council. At this meeting, a secret vote shall be taken on the contract. Only Active Members present at this meeting shall have the right to vote, except that the Executive Committee may provide for absentee balloting on an individual basis under extraordinary circumstances. The meeting shall be called at a time when no or few classes are being held. A contract negotiated by the Negotiating Team shall become binding when ratified by the Board of Trustees of Cleveland State University and by a majority of the Active Members of CSU-AAUP who vote during the ratification meeting. The Chapter shall comply with all rules and regulations of the Ohio State Employment Relations Board which are applicable to the resolution of contract disputes and ratification of contracts.

Article XI. Other Standing Committees

A. Composition and Term: Each Standing Committee shall consist of a Chair, appointed by the Executive Committee, and at least one but no more than two Chapter members who will be nominated by the Chair of the Standing Committee and ratified by the Executive Committee. The Executive Committee

shall make the final decision on whether more than one member is necessary for a Standing Committee. Standing Committee Chairs and member(s) shall take office on September 15 and shall serve one-year terms.

B. Committees and Duties:

1. Committee on Membership: The committee is charged with the responsibility for actively maintaining membership and with recruiting new members.

2. Committee on Academic Freedom and Tenure: This committee shall be responsible for a continuous study of matters relating to the academic freedom of the faculty and to the tenure and professional ethics of the faculty members.

3. Committee on Economic Status and College and University Teaching Conditions: This committee shall be responsible for a continuous study of the economic status of the faculty, college, and university teaching conditions.

4. Committee on the relationship of Higher Education to Federal and State Government: This committee shall be responsible for a continuous study of the relationship of higher education to federal and state government.

5. Committee on College and University Governance: This committee shall be responsible for continuous study of matters relating to college and university government.

6. Committee on the Status of Women and Minority Faculty in the Academic Profession: This committee shall be responsible for a continuous study of the economic and professional status of women and minority faculty.

Article XII. Amendments

Any Active Members may propose an amendment to the Constitution at a regularly scheduled meeting of the Chapter. The proposed amendment must be submitted at a meeting in writing. If the Active Members in attendance at the next regularly scheduled meeting of the Chapter agree by majority vote to consider the proposed amendment, it must then be submitted to the Active Members for ratification. Ratification shall require a two-thirds (2/3) affirmative vote of those Active Members who cast ballots on the proposed amendment. Voting shall be by secret, mail ballot.