

# **CONSTITUTION OF THE UNIVERSITY OF TOLEDO CHAPTER OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS**

## **I NAME AND OBJECTIVES**

1. The name of this organization shall be the University of Toledo Chapter of the American Association of University Professors (UT-AAUP).
2. The objectives of this chapter shall be to carry out the purpose of the National and State Organizations as defined in their Constitutions, to act on behalf of the membership in matters affecting the University of Toledo, to serve as the collective bargaining agent for the faculty of the University, and to create a spirit of fellowship among the faculty.

## **II MEMBERSHIP**

1. The general body shall consist of two types of members: Active and Associate.
2. An Active Member is a member of the tenured and tenure-track or full-time non-tenure track collective bargaining units as defined by the Ohio State Employment Relations Board (SERB) and who has paid the national, state and local AAUP current membership dues. An Active member may hold elective office, vote on collective bargaining issues and vote at general body meetings.
3. An Associate Member may not hold elective office, vote on collective bargaining issues, nor vote at general body meetings. An Associate Member is a person in any of the following groups.
  - a. a member of the National AAUP who is not a member of the local collective bargaining unit.
  - b. A member of the national AAUP who is not a member of the local AAUP.
  - c. A Retired Member. A Retired Member will retain all rights and privileges accorded under the AAUP Constitution to Active Members, including the right to hold office and to vote in national elections. The dues will be one-quarter the rate of full-time dues. Only Active Members of the unit will be able to vote on matters pertaining to collective bargaining.
  - d. A Graduate Student Member who is not part of the bargaining unit.
4. Dues will be determined by the General Membership at a meeting called for that purpose after appropriate written notice. No one will be deemed an active member who is delinquent in the payment of dues for more than thirty days after the end of the month in which the academic quarter begins.
  - a. No provision of this article shall be interpreted as 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 UT-AAUP.

5. 5. Fiscal Year. The fiscal year for UT-AAUP shall be September 1 through August 31.

### III OFFICERS

1. The officers of UT-AAUP shall be the President, Vice-President, Secretary, and Treasurer, each of whom shall be elected for terms of two years.
2. A vacancy in the office of President shall be filled by a special election. Vacancies in any office other than that of the President shall be filled by action of the whole Executive committee for the remainder of the unexpired term.
3. Any officer can be removed from office by a recall vote. One-fifth of the Active Members of UT-AAUP must petition for a recall in order to institute these proceedings. A two-thirds majority of the Active Members of the Chapter in favor of removal from office shall be necessary for recall. The vote shall be by secret ballot.

### IV EXECUTIVE COMMITTEE

1. The Executive Committee shall consist of two categories of members.
  - a. Category A members of the Committee are the four officers of the chapter, the immediate past president, and eight members elected at large for two-year terms.
  - b. Category B members will be the chairpersons of the several standing committees. After their selection by the class A members, they become full voting members of the whole Executive Committee.
2. The executive Committee shall meet on the call of the President or Vice President of the chapter or any of five of its members. A quorum shall consist of a majority of the members of this Committee.
3. The Executive Committee shall be responsible for carrying out the purposes of the organization as defined in the Constitution, and shall be responsible for scheduling meetings and planning programs.

### V. UT-AAUP COUNCIL OF REPRESENTATIVES

1. Each academic department or other unit of the University shall have at least one member of the UT-AAUP council of representatives, except that extraordinary large departments may have more than one representative as authorized in the by-laws.
  - a. Representatives shall be elected annually by their academic units, but all Representatives themselves must be active members of UT-AAUP.

- b. If a department or unit chooses not to elect a representative, one may be designated for it by the Executive Committee.
  - c. Representatives shall serve as channels of communication between Members and the Officers and Committees, monitor the Collective Bargaining Agreement, and provide other functions. They have a particular responsibility for recruiting new members.
2. The Representatives collectively shall constitute the UT-AAUP Council of Representatives.
    - a. The Vice-President of UT-AAUP shall serve as president of this Council.
    - b. Meetings of the Council may be called by its President, by the Executive committee by any ten of the Representatives themselves.
    - c. This council shall represent the views of the Active and the Associate Members of the chapter, as well as those non-members who are included in the bargaining unit. It will be advisory to the chapter officers.
    - d. A provision for the recall of these representatives may be made in the by-laws of the chapter.

#### IV COLLECTIVE BARGAINING NEGOTIATING TEAM

1. The Negotiating Team will negotiate the UT-AAUP contract with representatives of the Board of Trustees of the University of Toledo, in consultation with the executive Committee.
2. The chairperson and other members of the Team will be selected by the Category A members of the Executive Committee, but they will be responsible to the whole membership of that body.
3. The Chair of the Collective Bargaining Negotiating Team will be a Category B member of the Executive Committee.
4. 4. Ratification of the agreement will occur as set forth in the by-laws of UT-AAUP. Approval will occur by secret ballot of the Active members of UT-AAUP. The Chapter President may provide for absentee balloting.

#### VII COMMITTEES

1. A Contract Compliance Committee shall oversee the fulfillment of the collective bargaining agreement. Its chairperson will be selected by the Category A member of the Executive Committee shall act as the chapter's Grievance Officer, and shall serve for a term of one year.
  - a. The Grievance Officer will be a category B member of the Executive Committee.
2. Other standing Committees shall be those defined in the by-laws of the Chapter.

- a. Chairpersons of all standing committees shall be Category B members of the Executive Committee.
3. Ad hoc committees shall be created as needed to supplement the functions of the Executive Committee, Council of Representatives, Negotiating Team, or any of the Standing Committees, including the Contract Compliance Committee.

## VIII. AMEMDMENTS

1. The Constitution may be amended by a two-thirds vote of a quorum present at any regular meeting of the General Membership or by a majority vote of a written ballot taken among active members. The By-laws may be amended by a simple majority vote at a General Membership meeting or by a written ballot. A quorum of a regular meeting of the general Membership shall consist of 10 percent of the active members.
2. A written notice shall be sent to members not less than one week in advance of any meeting at which the constitution or by-laws are to be amended. The notice will include the proposed changes and the time, date and location of the meeting.

## **BY-LAWS OF THE UNIVERSITY OF TOLEDO CHAPTER OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS**

### **I. I. DUTIES OF OFFICERS AND MEMBERS OF COMMITTEES AND COUNCIL**

1. The President shall be the chief executive officer of the UT-AAUP Chapter and 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 committee not to be included in the quorum count.
2. The Vice President in the absence of the President shall assume the duties of the President and shall also chair the Council of Representatives. The Vice-President shall perform other duties as directed by the chapter, including coordination and liaison with Departmental Representatives as Chair of the Council of Representatives.
3. 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 President), circulate notices to the Chapter membership, conduct the correspondence appropriate to the office, keep the membership rolls of the Chapter, and shall perform other duties as directed by the Chapter.
4. The Treasurer shall be responsible for the collection of all chapter monies and for the discharge of all financial obligations of the Chapter. The treasurer shall, with the advice

of the President, prepare a budget for the approval of the executive committee prior to the beginning of the fiscal year. This report shall be made available to the general membership. The treasurer shall also present an interim report on the current budget for review and acceptance by the executive committee. The executive committee may request at its discretion, periodic financial statements from the treasurer. The treasurer shall annually, at the time of submitting the budget, present the books of the chapter for a financial statement by an audit committee.

5. The Executive Officer for Lecturers' Affairs shall be selected from the Lecturer's Bargaining Unit and shall oversee and coordinate activities relating specifically to that unit, such as membership, eligibility, communications, and negotiations and other duties as directed by the Chapter. The Executive Officer for Lecturer's Affairs shall also serve as the Unit's liaison with other Union officers, the Executive Committee and the Council of Representatives. All UT-AAUP members shall vote for this officer, but the officer will be a member of the Lecturers' Bargaining Unit.
6. Departmental representatives shall:
  - a. Communicate with the Chapter through:
    - I keeping an up-to-date list of the membership status of each faculty member in the department;
    - II. Informing the AAUP chapter office of the names and current addresses of all new hires, retirees, and sabbaticals within the department or unit;
    - III maintaining contact with the Grievance Officer regarding grievances from faculty, and informing the Grievance officer of potential problems;
    - IV. attending Chapter meetings and encouraging colleagues to attend.
  - b. Communicate with colleagues through:
    - I contacting newly-hired faculty and personally encouraging them to join AAUP;
    - II distributing newsletters, minutes and other information;
    - III convening meetings of AAUP members within the department when necessary.
  - c. Monitor the Agreement for faithful adherence to the language of the contract:

## II. CHAPTER

1. Delegates The executive Committee shall appoint delegates to the national meeting. The Executive Committee shall also appoint a delegate to represent the Chapter at Ohio Conference meetings. Delegates may be reimbursed for expenses if feasible in a manner approved by the executive Committee.
2. Fiduciary Obligation The Officers and agents of this organization, their spouses, minor children, parents and other close relatives are prohibited from having any business or financial interest which conflict with the fiduciary obligation of such person to the organization. The organization will not make loans to any Officer, Agent or member.

3. Meetings The Executive Committee shall provide for at least three (3) meetings of the Chapter each year. The secretary shall present the minutes of the previous meeting at each of the meetings.

### III NOMINATIONS AND ELECTIONS

1. A Nominations and Elections Committee shall present a slate of nominees for the positions of Officers and Category A Members of the executive Committee. The Nominations and elections Committee shall submit the names of two (2) candidates, if possible, for each of the positions. The Nominations and Elections committee shall ensure that the slate of nominees for Category A Members contains at least two candidates from each College represented by the UT-AAUP.
2. The names shall be presented at a chapter meeting preceding the election. Additional nominations may be made from the floor at this or at subsequent meetings held prior to the balloting.
3. Voting shall be by secret mail ballot. For each of the four offices the nominee receiving a majority of the votes shall be declared elected. If no nominee receives a majority of votes cast for a particular office there shall be a run-off election between the two (2) candidates receiving the highest number of votes. For Category A members of the Executive Committee, the nominees with the highest number of votes shall be declared elected. In the event of a tie, the size of the executive committee may be increased by one. In the event that the Executive Committee so elected will lack a representative from any College, the top vote getter from that College will be named to the Executive Committee, and the size of the Executive Committee will be increased accordingly.

### IV. COMMITTEES (in addition to the committee on Contract Compliance and the Collective Bargaining Negotiating Team)

1. A standing committee on Publicity, Public Information and Media Relations shall be formed.
2. A standing committee on Membership shall be formed. The Secretary and the Treasurer shall be members of this committee.
3. Other Committees Standing committees are those normally identified by AAUP "letter committees," although others may be added as needed.
4. Ad Hoc Issue Committees may be created in preparation for the collective bargaining process, and may consist of those on Benefits, Salaries, Institutional Governance, Grievances & Due Process, and Workloads. Issue committees must be chaired by active Members of the Chapter, but non-members may participate.

### V. CONTRACT NEGOTIATIONS

1. 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 the University of Toledo. 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 Council of Representatives for discussion and for the Council's recommendation to the Active Members for ratification or rejection. This meeting of the Council shall be called by the Chapter President at the request of the Chief Negotiator.
  
2. Ratification: Copies of the proposed agreement will be made available for members' perusal prior to the ratification vote. The executive Committee shall then call a meeting of Active Members of the Chapter for their consideration of the contract and of the recommendation of the Council of Representatives. 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 Chapter President may provide for absentee balloting on an individual basis and under extraordinary circumstances. The ratification meeting shall be called in the evening or on a weekend or at a time when the fewest classes are scheduled to meet. A contract negotiated by the negotiating Team shall become binding when ratified by the Board of Trustees of the University of Toledo and by a majority of Active Members of UT-AAUP who vote during the ratification meeting.

*Revised January 28, 2000 and December 16, 2002.*