

WAYNE STATE UNIVERSITY AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS-AMERICAN FEDERATION OF TEACHERS

CONSTITUTION AND BYLAWS

ARTICLE I. NAME

The name of the organization shall be the Wayne State University American Association of University Professors-American Federation of Teachers (WSU AAUP-AFT) (hereinafter called the "Union").

ARTICLE II. PURPOSE

The purpose of this organization shall be to promote the interests of higher education, to advance the standards, ideals, and welfare of the profession, and to serve as the collective bargaining agent for the faculty and academic staff of the University.

ARTICLE III. MEMBERSHIP, DUES, AND FISCAL YEAR

1. A Member is a dues-paying Member of the collective bargaining unit, under the definition of the unit by the Michigan Employment Relations Commission (MERC), or the contract currently in force between WSU AAUP-AFT and Wayne State University. Only Members may vote in the elections of the Union, hold elective office in the Union, or in other ways be concerned with the Union as a collective bargaining agency.
2. The dues (a combination of national, state, local, and collective bargaining dues) shall be set by the Executive Board.
3. Collective bargaining dues shall consist of those dues and assessments approved by the Executive Board. Such dues are to cover costs relating to collective bargaining and maintenance of a staff to aid the Union and its Officers in bargaining and other matters.
4. The fiscal year shall be the calendar year (January 1st through December 31st).

ARTICLE IV. OFFICERS OF THE UNION

1. The Union shall have a President, Vice President, Secretary, Treasurer, and two (2) Board Members. These Officers, together with the Immediate Past President of the Union, the Grievance Coordinators (one [1] to represent the faculty, and one [1] to represent the academic staff), the Contract Implementation Officers (one [1] to represent the faculty, and one [1] to represent the academic staff), the Information Coordinator, and the Chairperson of the Council, shall be voting members of the Executive Board, except as otherwise provided in these Bylaws. The immediately-elected Past President shall serve as a voting member of the Executive Board for a term of two (2) years immediately following his/her vacating of the presidency (provided that he/she serves at least six [6] months of his/her presidential term). In the event that a President leaves office having served less than six (6) months, the Executive Board shall determine which Past President shall serve on the Executive Board. In addition, any and all elected Past Presidents shall be members of the Executive Board

without vote, given that the time period of four (4) years consecutively following the initiation of his/her last term of office as President has not lapsed. The Executive Board shall, as it considers necessary, appoint two (2) additional voting members from any inadequately represented components of the bargaining unit (no more than one [1] from any inadequately represented unit). The Chairperson of the Council shall serve on the Executive Board.

2. The President, Vice President, Secretary, Treasurer, and two (2) Board Members shall be elected for two-year terms, and may be re-elected to succeed themselves.
3. The Grievance Coordinators, the Contract Implementation Officers, and the Information Coordinators, shall be selected by the elected members of the Executive Board, annually.

ARTICLE V. DUTIES OF THE OFFICERS

1. The President and Vice President shall have the duties usually associated with these offices. The President shall preside over all Membership meetings and the Executive Board, and shall be the Convener and a member, ex officio, of the Council. At least once each Fall and Winter Semester, the President shall report to the Membership on the activities of the Executive Board. The President shall be the official representative of the Union. He/she shall be a nonvoting member ex officio of every committee, not to be included in the quorum count, unless appointed as a voting member in the usual manner.
2. The Vice President shall act in the absence of the President as the presiding official of the Union and the Executive Board, and shall assist in the duties of the President.
3. The Secretary shall keep the minutes of the Union and the Executive Board meetings, maintain the official records of the Union, prepare the agenda for Membership meetings (with the advice of the President), circulate notices to the Membership, conduct the correspondence appropriate to the office, and keep the Membership records and rolls of the Union.
4. The Treasurer shall be responsible for the collection of all Union monies, and for the discharge of all financial obligations of the Union. The Treasurer shall present an annual financial report, and in consultation with the President, prepare an annual budget for consideration of the Executive Board. The Treasurer shall make available the financial records to any Member, provided that adequate notice is given. The Treasurer shall annually present the books of the Union for an audit or review by a Certified Public Accountant who is not a Member of the collective bargaining unit. The Treasurer may delegate any of these duties to the Executive Director of the Union, but such delegation does not vitiate the Treasurer's responsibility to ensure their proper discharge.
5. The Executive Board shall select whatever representatives are required as delegates to state and national union or other bodies.
6. The Grievance Coordinators shall oversee the grievance processes and advise the Executive Board on all matters relating to grievances.
7. The Contract Implementation Officers shall oversee the implementation of the Collective Bargaining Agreement, and shall advise the Executive Board on all matters related to the implementation of the Agreement.

8. The Information Coordinators shall direct and coordinate the conveying to the Membership of all relevant information regarding the activities of the Union, and shall report the views of the Membership to the Executive Board.

ARTICLE VI. DUTIES OF THE EXECUTIVE BOARD

1. The Executive Board shall act for the Union in carrying out its purposes, shall decide the schedule of dues and regulations governing their payment, establish committees, and convene special Membership meetings at its discretion.
2. The President shall nominate the Chief Negotiator, and submit the name of the nominee to the Executive Board for ratification. The Executive Board, after consultation with the duly ratified Chief Negotiator, shall then appoint the remainder of the team.
3. The Executive Board shall authorize all expenditures, and shall also act as the body which approves the employment of persons, including that person authorized to audit the books of the Union. Any person authorized by the Executive Board to sign checks shall be bonded in an amount to be decided by the Executive Board.
4. The Executive Board shall have the flexibility to make such internal organizational changes in the Union as may be required from time to time.

ARTICLE VII. ELECTION PROCEDURES FOR THE EXECUTIVE BOARD

1. The Executive Board shall appoint an Elections Committee to conduct elections.
2. The Executive Board shall appoint a Nominating Committee of not less than three (3) Members, whose function shall be to ensure that there are nominees for each vacant office to be filled by election of the Membership. The Nominating Committee shall submit the names of two (2) candidates, if possible, for the offices of President, Vice President, Secretary, Treasurer, and each Board Member. Additional nominations for any such office may be submitted by petition to the Nominating Committee, or may be made from the floor, provided that the nominee's consent has been obtained in advance. Such additional nominees shall have the endorsement of at least two (2) Members. The endorsers' signatures shall be recorded on the petition. The names of all nominations shall be presented at a meeting preceding the election. Balloting shall be by secret, mail vote or secure electronic vote of the Membership. In the case of a mail vote, each ballot must be sealed in an envelope, placed within a second envelope on which is visible the voter's signature. Unsigned envelopes, or those with illegible signatures are invalid. Ballots shall be publicly counted. Nominees receiving a majority of votes shall be declared elected. In case no nominee receives a majority of votes, there shall be a run-off election between the two candidates with the highest number of votes.
3. At least three (3) Members, none of whom is a candidate for election, shall count the ballots and certify the election. Balloting materials shall be placed in a sealed envelope, and retained, until a new election for the offices involved has been held, and its ballots counted.
4. Any vacant elective office on the Executive Board 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 Board may, at its discretion, appoint a person to fill the office for the remainder of the term.

5. Election of Officers shall take place in the Winter Semester, and new Officers shall take office on September 1st of the same year, except as it may be deemed necessary by the newly-elected Executive Board that the out-going President shall remain in office while contract negotiations are proceeding, in which case the President-elect shall sit on the new Executive Board with vote until he/she formally takes office.

Officers-elect shall become members, without vote, of the Executive Board, from their election until they formally assume office.

ARTICLE VIII. MEETINGS, QUORUM, PARLIAMENTARY AUTHORITY

1. The Executive Board shall schedule Membership meetings on a regular basis. One (1) General Membership meeting shall be held each Fall and Winter Semesters.
2. The Executive Board shall call special meetings upon petition by the Members. At least ten percent (10%) of the Membership must sign such a petition, and the meeting must be called within two (2) weeks after the Executive Board receives this petition.
3. A quorum for a Membership meeting shall be not less than twenty-five (25) Members.
4. Parliamentary procedure at all meetings shall be in accord with *Roberts' Rules of Order, Revised*, except when these Rules conflict with the Constitution and Bylaws.

ARTICLE IX. COUNCIL

1. A Council shall be established in accordance with the provisions of this Article.
2. **Composition**
 - a. The Council shall consist of Representatives selected by the membership, with approval from the Executive Board. Council Representatives shall serve a renewable 2-year term. The President shall be a member, ex officio.
 - b. The bargaining unit shall be divided by the Executive Board into Sections paralleling in so far as possible existing University units, i.e., colleges, schools, departments and divisions, and attempting as far as practical to have each Section represent approximately the same number of Members of the collective bargaining unit. The Executive Board shall evaluate the appropriateness of the Sections, and, where appropriate, act upon any request for change of Section by an individual, or group of Members of the collective bargaining unit. Sections that are comprised of academic staff and faculty shall have a Council Representative for both classifications where possible.
 - c. Each Section shall be entitled to representation on the Council on the basis of the number of Members in the Section. The Executive Board shall determine the appropriate number of representatives for the Sections.
3. **Function**
 - a. The Council shall meet at least once every Fall and Winter Semesters.
 - b. The Council shall make recommendations to the Executive Board regarding issues facing the Union and assist in mobilizing Members to address those issues. The Council shall

also, at the proper time, review the recommendations of the Negotiating Committee regarding terms to be sought in the contract agreement, assist in gathering the data necessary to support such recommendations, assist in communications with Members, and organize support for bargaining initiatives.

- c. Each Council Representative shall represent the interests of the Members of his/her Section, relay relevant information from Union leadership, and serve as a point of contact for inquiries and concerns from individual Members or a Member(s) acting on behalf of the Section. Council Representatives shall refer the Member(s), or communicate on behalf of the Member(s), to the Council and to the appropriate Officer, Contract Enforcement Team member, or committee as necessary. In consultation with and direction from the appropriate member(s) of the Contract Enforcement Team, Council Representatives may assist in investigating and resolving possible contract violations. Council Representatives shall also have the responsibility of welcoming new bargaining unit members in their Section, and inviting them to become Members of the Union.

4. Procedures

- a. The Executive Director shall call for nominations from each Section to serve as Council Representative(s) for that Section and, when there is more than one (1) nominee for a position, an election of the Members of that Section will be held. If there are insufficient nominees for the position(s) available, the Executive Board will recruit and appoint a Council Representative, or Representatives, for the available position.
- b. A vacant Council seat shall be filled by the Executive Board, in consultation with the Council Chairperson, as soon as practicable.
- c. If a Council Representative misses three (3) meetings without notice in any academic year, that person's seat may be declared vacant by the Executive Board.
- d. In addition to any other meetings, the President is empowered to require that the Chairperson of the Council convene a meeting of the Council to consider matters that the President directs.
- e. Unless contravened in these Bylaws, *Roberts' Rules of Order, Revised*, shall hold.

5. Officers

- a. The Executive Board shall appoint a Chairperson of the Council annually. The President shall serve as Convener of the Council until such time as a Chairperson is appointed.
- b. The Council shall elect a Secretary from its members. The Secretary shall serve a 2-year term.

ARTICLE X. NEGOTIATING COMMITTEE

- 1. Its function shall be to negotiate a contract with representatives of the Board of Governors of Wayne State University.
- 2. The Negotiating Committee shall consist of at least six (6) Members, including a Chief Negotiator and a Secretary.

3. The Negotiating Committee shall automatically disband when a contract has been ratified by both the Union and the Wayne State University employer.
4. The Chief Negotiator or his/her designee shall be required to attend all Executive Board and Council meetings during the period of negotiations.
5. The President may serve as one of the members of the Negotiating Committee. Upon the recommendation of the Executive Board, the President may serve as Chief Negotiator. The Negotiating Committee may not have less than one (1), nor more than four (4) members of the Executive Board serving on it.

6. Ratification

Any contract negotiated by the Negotiating Committee shall become binding when ratified by the Board of Governors of Wayne State University, and by a majority of the voting Membership. Ratification shall be by secret vote of those attending a General Membership meeting called for ratification purposes. Notifications of the meeting shall be mailed at least six (6) calendar days prior to the meeting. Members may, at their discretion, cast a secret ballot in the WSU AAUP-AFT office during regular business hours, up to one (1) hour prior to the start of the meeting.

ARTICLE XI. INTERNAL GRIEVANCE PROCEDURES

1. Any member may file a written grievance with the Executive Board over any internal WSU AAUP-AFT matter within the Union's jurisdiction. 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 Executive Board feels there is possible justification in the complaint brought by the grievant, it will appoint a Hearing Committee of three (3) Members within thirty (30) days of receiving such a grievance.
2. The Hearing Committee shall hold formal hearings, but will not be bound by the formal rules of legal evidence on the matter it is charged with investigating. It will render a decision on the grievance, and, if appropriate, it will recommend relief. This relief may be other than that requested by the grievant. The Hearing Committee must make its final report within one hundred thirty (130) days of its formation by the Executive Board. The Hearing Committee's recommendation will be final and binding on the Union, unless appealed by a principal party to the proceedings.
3. If a written request for appeal is lodged with the Executive Board within thirty (30) days of the issuance of the final report of the Hearing Committee, a vote of the Members must be taken on the appeal. This must occur within ninety (90) days of the filing of the written request for appeal. The appeal will be as to whether or not to accept the final recommendations of the Hearing Committee. The vote may be taken at a General Meeting of the Membership, unless a principal party to the proceedings requests a mail or electronic ballot prior to the vote on the matter.
4. The vote of the Members shall, in all cases, be final and binding on the Union.

ARTICLE XII. MEMBERSHIP REFERENDUM

1. The Executive Board, at its discretion, may designate any matter as, "a matter of great importance to the Union." Such a designation, at any time, will automatically empower the Executive Board to conduct a secret mail or electronic ballot poll of the Membership on this

matter. The results will be binding on the Union. This section will not operate so as to prevent polling of the Membership on any other matter as an advisory, non-binding expression of Member sentiment.

2. Upon petition by fifteen percent (15%) of the Members, the Executive Board must designate any matter presented in the petition as, "a matter of great importance to the Union," and proceed to poll the Membership within three (3) weeks by a mail, secret ballot, or secure electronic ballot, the results of which are binding on the Union.

ARTICLE XIII. AMENDMENTS

Amendments to this Constitution and Bylaws may be proposed for consideration at any regular or special meeting, provided that the proposed amendment shall have been included in the written notice of the meeting. Amendments may be presented by petition signed by ten percent (10%) of the Membership, or by resolution of the Executive Board. Passage of any amendment shall require a two-thirds (2/3) majority of those voting. Voting shall be by mail or electronic ballot of the Membership.

As Amended Spring, 2016