

CONSTITUTION

1. PURPOSE

The Western Michigan University Chapter of the American Association of University Professors (WMU-AAUP), hereafter referred to as “the Chapter,” supports the purposes of the National AAUP “to facilitate a more effective cooperation among teachers and research scholars in universities and colleges, and in professional schools of similar grade for the promotion of the interests of higher education and research, and in general to increase the usefulness and advance the standards, ideals, and welfare of the profession,” and shall have as its objectives the advancement of the policies adopted and supported by the National AAUP and the Michigan AAUP, and the promotion of the highest standards of teaching, research, and professional conduct at Western Michigan University.

2. MEMBERSHIP

Qualifications of membership are prescribed in Article II of the National AAUP’s Constitution. There shall be three categories of active members:

a. Regular members:

- 1) any board appointed full- or part-time member of the faculty at Western Michigan University who pays Chapter dues and is included in the collective bargaining unit as determined by the Michigan Employment Relations Commission certification dated January 16, 1975 or as modified by the parties in negotiations, hereafter referred to as “faculty”; and
- 2) any Academic Career Specialists (ACS) as determined by agreement between Western Michigan University and the WMU-AAUP Chapter in the 1999-2002 WMU/AAUP Agreement, Article 20, hereafter referred to as “ACS” and who pay Chapter dues.

b. Retired members: any retired member of the faculty of Western Michigan University who pays annual chapter retired faculty dues.

c. Special members: employees, retired faculty, and graduate students of Western Michigan University who are Associate, Graduate Student, or Emeritus members of the National Association.

3. RIGHTS AND PRIVILEGES OF MEMBERSHIP

a. Regular members, appropriate to faculty and/or ACS activities, may:

- 1) hold office;
- 2) make motions and vote in Chapter meetings;
- 3) be members of the Association Council;
- 4) vote on ratification of collective bargaining agreements with Western;
- 5) petition for the calling of special Chapter and Association Council meetings;
- 6) vote in Chapter elections; and
- 7) have all other privileges of membership.

- b. Retired members may:
 - 1) receive the Chapter Newsletter;
 - 2) attend social functions; and
 - 3) attend open Chapter meetings.
- c. Special members may, upon invitation of the Chapter, attend open meetings and social functions.

4. FEES PAYERS

- a. A fees payer is any full- or part-time Board appointed faculty member or ACS member at Western Michigan University who pays service fees in lieu of Chapter dues.
- b. Fees payers may vote on ratification of collective bargaining agreements with Western Michigan University, but have no other privileges of membership.

5. AREAS OF RESPONSIBILITY

The ultimate authority for action by the Chapter lies with the Chapter membership, which, in Chapter meetings, initiates actions, approves or rejects actions and recommendations made by the Association Council and/or the Executive Committee, and accepts or rejects tentative agreements reached by the Negotiation Team of the WMU-AAUP with Western Michigan University.

6. ASSOCIATION COUNCIL

- a. There shall be an Association Council consisting of one representative from each unit, as recognized by the Chapter. Units having twenty-one (21) to forty (40) regular Chapter members shall elect one additional representative to the Association Council; units having forty-one (41) or more regular Chapter members shall elect two additional representatives to the Association Council. Only regular members of the Chapter may serve on the Association Council.
- b. In the intervals between Chapter meetings, the Association Council acts on behalf of the Chapter membership.
- c. The Council shall receive reports from the president, the Executive Committee, the grievance officer and the contract administrator, and it may take such actions as it deems appropriate in regard to such reports.
- d. Council members shall receive reports from the Negotiation Team, help formulate negotiation proposals, ratify appointments of the chief negotiator and the Negotiation Team, make recommendations to aid and facilitate the negotiation process, and, upon conclusion of negotiations, vote to recommend to Chapter membership the acceptance or rejection of the tentative agreement between Western Michigan University and the WMU-AAUP.
- e. The president of the Chapter shall serve as chair of the Association Council, the vice president shall serve as vice chair, and the secretary shall be responsible for the minutes.
- f. Duties of the unit representative(s) to the Association Council are:

- 1) to represent the views of, and present the concerns of, their departments and units;
- 2) to provide services to their department and unit faculty and to the Chapter as may be required by the Association Council and/or the Executive Committee;
- 3) to call and conduct meetings in their departments and units in order to carry on Chapter business; and
- 4) to facilitate the flow of information between the Chapter membership, the Association Council and the Executive Committee and/or the negotiation team.

7. EXECUTIVE COMMITTEE

- a. The Executive Committee shall consist of the Chapter president and vice president and one representative from each of the following constituencies: College of Aviation; College of Engineering and Applied Sciences; College of Arts and Sciences - Humanities; College of Arts and Sciences - Science and Mathematics; College of Arts and Sciences - Social Sciences; College of Business; College of Education; College of Fine Arts; College of Health and Human Services; Academic Support Units; and the Association of Language Specialists. Any new college will be entitled to a representative.
- b. The Executive Committee represents and acts on behalf of the Chapter and the Association Council in day-to-day activities and in intervals between their respective meetings.
- c. The immediate past president, the chief negotiator, the contract administrator, the grievance officer, and the information officer shall be ex officio members of the Executive Committee and shall have full voting rights as members.
- d. The Executive Committee shall function as a Strategy Committee in directing the Negotiation Team during negotiations.
- e. *There shall be a College Council for each constituency. Each Council will consist of its respective Association Council representatives and will be chaired by the Executive Committee member for that same constituency. Each Council shall function so as to provide a forum for a discussion of issues relevant to that constituency (as approved April, 2000).*
- f. *A constituency representative's position on the Executive Committee shall be deemed vacant when the said representative has accumulated three consecutive absences (without notification) from Executive Committee meetings (as approved April, 2000).*
- g. *If a constituency's representative is unable to attend a meeting of the Executive Committee, she/he may send as a substitute, with full voting privileges, either: (a) one of the constituency's Association Council representatives; or (b) another member of the constituency that she/he designates. The constituency shall be informed at the earliest practical time of such substitution (as approved February, 2005).*

8. NOMINATION AND ELECTION PROCEDURES

- a. Nomination/Election Committee:

A Nomination/Election Committee shall be appointed by the Executive Committee in January of any year subsequent to the election of a president and vice president. This committee shall be responsible for the conduct of elections for president and vice president of the Chapter, Executive Committee members and Association Council members. Members of the committee will serve for two years.

b. Association Council:

Before the first week of October in election years, regular Chapter members of each department or unit shall elect the department's or the unit's representative(s) to the Association Council. They shall take office the first week of October and serve for two years. The terms of office of one-half of the Association Council members shall expire each year. (See Terms of Office in the Appendix)

c. Executive Committee:

- 1) The Nomination/Election Committee shall nominate at least two persons (if possible) for the office of Chapter president and the office of Chapter vice president no later than the October meeting of the Chapter.
- 2) The nominations for each open Executive Committee position to be elected by the Chapter shall be made by Association Council members from that constituency at the October Chapter meeting in that year. Before the October meeting the Chapter president shall arrange meetings of representatives from the appropriate constituencies for the purpose of nominating candidates for each open Executive Committee position. All nominees must provide written consent to the Nomination/Election Committee. Members of the Executive Committee shall serve staggered, two-year terms. (See Terms of Office in the Appendix.) Elections to fill expired terms shall be held annually.
- 3) At the October Chapter meeting, after the Nomination/Election Committee has presented its slate of nominees for Chapter president and vice president and the Association Council members have presented their nominations for open Executive Committee positions, regular members may nominate candidates from the floor (provided the member making the nomination has the written consent of the member that he/she is nominating). The Nomination/Election Committee shall conduct a secret ballot election by mail for the president, vice president, and members of the Executive Committee. *All Chapter members shall elect the Chapter president and Chapter vice president. The Chapter members of each constituency shall elect a representative for their constituency to the Executive Committee (as approved April, 2000).* The vote for president, vice president and Executive Committee members shall be completed no later than the second Monday in November. The candidate receiving the majority of votes cast for each office shall be declared elected. If no candidate receives a majority of votes cast, the names of the two candidates who received the highest number of votes for the office will be placed on a ballot and submitted to the faculty for a second election, which will be completed by the second Monday in December. The president, vice president and newly elected Executive Committee members shall take office on the first day of the winter semester, for two calendar years. All elections for officers and representatives shall be conducted by mail through procedures which guarantee the anonymity of voters. The Nomination/Election Committee shall conduct all elections, notify the candidates of the results, and maintain records of all elections.
- 4) At the first meeting of the Executive Committee in January, a Chapter secretary and treasurer shall be nominated from constituent representatives. They shall be approved by the Association

Council. The term of office shall be one calendar year. The secretary and treasurer may serve more than one term.

- 5) In the event of a vacancy in the office of the Chapter president, the vice president shall serve as president for the remainder of the term of that office. In case of any other vacancy in the elected Executive Committee positions, *nominations shall be submitted to the Nomination/Election Committee by the Association Council representatives of the affected constituency. Nominees must provide written consent to the Nomination/Election Committee. The Nomination/Election Committee shall then conduct a secret ballot election by mail within the affected constituency (as approved April, 2000).* The Chapter president and vice president shall serve not more than two consecutive terms.

9. RECALL

- a. The Chapter president and Chapter vice president shall be subject to recall in accordance with the following provisions. Following the receipt of a petition requesting a recall election for the Chapter president and/or vice president to the Executive Committee, signed by at least twenty percent (20%) of the Chapter membership, the Executive Committee shall schedule and conduct a recall election within twenty (20) working days. If a majority of the Chapter members voting vote “yes” on the question, “Shall _____ (name) _____ be recalled from the office of (Chapter president or vice president)?”, the Executive Committee shall declare the office vacant. The recalled officers will be replaced by the procedures specified in Section 8c, above.
- b. *Following receipt of a petition signed by a least thirty-five percent (35%) of the Chapter membership within any constituency requesting a recall election for the Executive Committee representative for that constituency, the Nomination/Election Committee shall schedule and conduct a recall election within the affected constituency within twenty (20) working days. If a majority of the Chapter members voting vote “yes” to the question, “Shall _____ (name) _____ be recalled from the office of representative to the Executive Committee?”, the office shall be deemed vacant. The recalled representatives will be replaced by the procedures specified in Section 8c.5 above (as approved April, 2000).*

10. QUORUM

Fifty (50) regular members of the Chapter shall constitute a quorum at a Chapter meeting. If a lack of a quorum at a regular or special meeting prevents Chapter action upon matters on the agenda distributed to the membership prior to the meeting, a mail ballot confined to those specified matters may be sent to all regular Chapter members within fourteen (14) days. Unless otherwise specified, a simple majority of those responding to the mail ballot is required for approval. Informational materials may be included with the ballot upon approval by the Executive Committee.

11. MEETINGS

A minimum of two regular Chapter meetings shall be held each year. The president may call a special meeting at any time, and shall call a meeting when fifty (50) or more regular members of the Chapter request, in writing, that the president do so. The Executive Committee or the Chapter may invite persons who are not Chapter members to attend Chapter meetings.

The Association Council shall meet at least twice during each semester of the academic year and at the call of the president during spring and summer sessions.

12. CHAPTER BY-LAWS

There shall be Chapter By-Laws that regulate the day-to-day operations of the Chapter.

13. RATIFICATION OF THE AGREEMENT

- a. A proposed collective bargaining agreement between Western Michigan University and the WMU-AAUP shall be presented for ratification to the regular Chapter membership. The Executive Committee shall make available and publicize the tentative agreement and the date, time, and place of the ratification vote at least three working days in advance of the ratification vote. The vote shall be by secret ballot conducted over a period of at least eight hours, during working hours. A simple majority of those voting shall constitute ratification of the tentative agreement.
- b. A change in any part of a current Agreement shall be ratified by the procedures above.

14. AMENDMENTS TO THE CONSTITUTION

- a. Amendments to this constitution may be proposed by the Executive Committee or by a petition signed by *at least (as approved September, 1999) twenty-five (25) regular members of the Chapter, at a meeting of the Association Council (as approved September, 1999)* provided that the proposal is included on the agenda and printed in the call for the meeting.
- b. Upon approval by a majority of the *Association Council (as approved September, 1999)* members present and voting, proposed amendments shall be submitted to a vote of the Chapter membership in a secret ballot, by mail, conducted by the Nomination/Election Committee.
- c. Amendments shall become effective when approved by a majority of the regular members voting on the question.

BY-LAWS

1. DUES AND ASSESSMENTS

The annual dues and the Chapter budget shall be approved by the Chapter at a Chapter meeting. Dues are payable by October 1 or within thirty (30) days after the effective date of appointment, whichever shall occur later. Payment of dues may be made by payroll deduction. Any special assessments necessary to conduct the business of the Chapter must be approved by a simple majority at a meeting of the Chapter. Members of the bargaining unit (see Article 2 of the Constitution) who fail to pay full dues or fees in accordance with the current Agreement between Western and the WMU-AAUP are not entitled to any of the membership rights or privileges as described in this Constitution and By-Laws.

2. NEGOTIATION TEAM AND CHIEF NEGOTIATOR

a. Negotiation Team:

The negotiation team works under the direction of the Executive Committee. *In years when a contract expires, the chief negotiator and the negotiation team shall be recommended for appointment by the Executive Committee elected to serve during the negotiation process, and shall be approved by the Association Council no later than the February meeting of such years (as approved May, 1994).* The chief negotiator continues to serve as a member of the Executive Committee until her/his successor is appointed. The Chapter president shall be an ex officio member of the negotiation team; the president may absent himself/herself from the negotiation process when Chapter needs require. The negotiation team shall consist of regular Chapter members. The Executive Committee may appoint additional members of, or replacements to, the team when it deems such actions necessary or desirable. The members of the negotiation team shall serve until the Agreement has been ratified by the Chapter membership and the Board of Trustees and signed by both negotiating teams, and shall be paid a fee which shall be reflected in the annual budget.

b. Duties of the Negotiation Team:

- 1) formulate, with the Executive Committee and with the assistance of the Association Council, the Chapter's negotiation proposals;
- 2) negotiate, under direction of the Executive Committee, an agreement with Western Michigan University's administration;
- 3) report on negotiations and related matters to the Executive Committee, the Association Council and the Chapter;
- 4) present the tentative agreement, with a recommendation, to the Executive Committee, the Association Council and the Chapter.

3. GRIEVANCE OFFICER

- a. The Executive Committee shall nominate a grievance officer, to be approved by the Association Council, for a term of two years, with the possibility of reappointment. The grievance officer may be recalled by a two-thirds vote of the Association Council, provided that a proposal for recall be submitted, in writing, and signed by twenty percent (20%) of the Council membership at a previous meeting and announced in the call for the meeting at which action is to be taken.
- b. The grievance officer's two-year term shall begin in the fall semester of years in which there is no scheduled election of president and vice president.
- c. The Executive Committee will maintain a job description for the grievance officer.

4. CONTRACT ADMINISTRATOR

- a. The Executive Committee shall nominate a contract administrator, to be approved by the Association Council, for a term of two years, with the possibility of reappointment. The contract administrator may be recalled by a two-thirds vote of the Association Council, provided that a proposal for recall be submitted, in writing, and signed by twenty percent (20%) of the Council membership at a previous meeting and announced in the call for the meeting at which action is to be taken.
- b. The contract administrator's two-year term shall begin in the fall semester of years in which there is no scheduled election of president and vice president.
- c. The Executive Committee will maintain a job description for the contract administrator.

5. INFORMATION OFFICER

- a. The Executive Committee may nominate an information officer, to be approved by the Association Council, for a term of two years, with the possibility of reappointment. The information officer may be recalled by a two-thirds vote of the Association Council, provided that a proposal for recall be submitted, in writing, and signed by twenty percent (20%) of the Council membership at a previous meeting and announced in the call for the meeting at which action is to be taken.
- b. The information officer's two-year term shall begin in the fall semester of years in which there is no scheduled election of president and vice president.
- c. The Executive Committee will maintain a job description for the information officer.

6. APPEAL FOR ARBITRATION

- a. Under the provisions of the Agreement in force, whenever an individual grievant or grievants receive a written answer denying the grievance in the final step of the grievance procedure under the Collective Bargaining Agreement, the grievant or grievants may request that the Chapter demand arbitration of that dispute by making such request, in writing, to the Chapter president within ten (10) days after the grievant or grievants receive the final step written answer.
- b. The Executive Committee of the Chapter shall meet and decide whether to demand arbitration of the grievance within ten (10) days after receipt of such request from the grievant or grievants. Prior to consideration by the Executive Committee, the grievance may be heard by an Arbitration

Review Board, chosen by the Executive Committee. The Arbitration Review Board shall make recommendations in regard to the grievance to the Executive Committee. If the Executive Committee decides against demanding arbitration, it shall notify the grievant or grievants, in writing, of that decision immediately after the decision is reached.

- c. If the grievant or grievants do not accept the decision of the Executive Committee and still desire arbitration, the grievant or grievants may request a hearing before the full Chapter membership on the question of arbitrating the grievance by requesting such hearing, in writing, delivered to the Executive Committee within ten (10) days after receipt of the Executive Committee's decision not to arbitrate the grievance.
- d. Following the receipt of a request from a grievant or grievants requesting such a hearing, the Executive Committee shall arrange for the presentation of the question at a regular or special meeting of the Chapter membership, at which the grievant or grievants may present their reasons for taking the grievance to arbitration, and a decision on the question shall be made by vote of the regular Chapter membership. (See Article 10 – Quorum, of the Constitution.)
- e. If such a hearing before the regular Chapter membership and decision thereon is not completed prior to the forty-five (45) day period allowed by the Collective Bargaining Agreement for the Chapter to demand arbitration, a demand for arbitration shall be made in accordance with the Collective Bargaining Agreement within the forty-five (45) day period. If the Chapter subsequently decides against arbitrating the grievance, the Chapter shall notify Western that it is withdrawing its request for arbitration. If the membership meeting decides prior to expiration of said forty-five (45) day period that the grievance should be taken to arbitration, a demand shall then be made to Western for arbitration prior to expiration of the forty-five (45) day period.
- f. The Chapter Executive Committee may, at its discretion, request arbitration on a Chapter grievance, even in cases where bargaining unit members affected by the decision do not desire that the grievance be submitted for arbitration.

7. EXTERNAL AUDITS AND MANAGEMENT ASSESSMENT

- a. The Executive Committee shall arrange for a yearly external audit of Chapter finances. The results of this audit shall be reported to the Executive Committee.
- b. The Executive Committee shall arrange for an external assessment of office management and procedures to take place no less often than once every five years. The results of this assessment shall be reported to the Executive Committee.

8. MEMORIAL FUND

The WMU-AAUP has established the A. Robert Kleiner-American Association of University Professors Western Michigan University Chapter Memorial Scholarship Fund as part of Western Michigan University's Development Fund. The following are guidelines for this scholarship fund:

- a. The WMU-AAUP, as an organization, normally makes contributions to this scholarship fund rather than to scholarship funds established in memory of individuals or to charities.
- b. The WMU-AAUP Chapter makes annual contributions to this fund of at least \$500.

- c. In the case of the death of a WMU-AAUP regular Chapter member, former member, or bargaining unit member, the WMU-AAUP Chapter makes a contribution of at least \$100 to the AAUP-WMU Chapter Scholarship Fund in the person's memory.
- d. The scholarship shall be used to support student(s) interested in labor, particularly the study of the labor movement in higher education. This scholarship may be an internship in the field of labor relations with a labor union or other labor group.

9. PARLIAMENTARY AUTHORITY

All meetings shall be conducted in accordance with the most recent printing of *Robert's Rules of Order*.

10. AMENDMENTS TO THE BY-LAWS

Amendments to the By-Laws will be made by the same procedures as amendments to the Constitution. (See Article 14 of the Constitution.)

APPENDIX

TERMS OF OFFICE

The following constituencies will elect representatives to the Executive Committee in November of even-numbered years. Members will serve for two years beginning in January of odd-numbered years:

College of Arts and Sciences – Humanities

College of Education

College of Health and Human Services

Haworth College of Business

Association of Language Specialists

The following constituencies will elect representatives to the Executive Committee in November of odd-numbered years. Members will serve for two years beginning in January of even-numbered years:

Academic Support Units

College of Aviation

College of Arts and Sciences – Science and Mathematics

College of Arts and Sciences – Social Sciences

College of Engineering and Applied Sciences

College of Fine Arts