

D'YOUVILLE COLLEGE CHAPTER, AAUP  
BUFFALO, NEW YORK

## **CONSTITUTION**

Adopted by the D'Youville College Chapter, AAUP on 2 September 1980.  
Revised by D'Youville College Chapter, AAUP on 26 February 1992.

Updated with changes on:  
25 October 2002  
29 March 2019

### **ARTICLE I**

#### **NAME**

The name of the organization shall be D'Youville College Chapter, AAUP.

### **ARTICLE II**

#### **PURPOSE**

The purpose of this Chapter is to serve as the collective bargaining agent of the full-time faculty and professional librarians, to promote a more general and systematic discussion of problems relating to education at D'Youville College, to promote the interests of faculty and to support the aims and purposes of AAUP.

### **ARTICLE III**

#### **MEMBERSHIP**

As provided in Articles II and VII of the Constitution of the AAUP, Association membership is a prerequisite for Chapter membership. Therefore, a Chapter member is an active member of AAUP whose national, state, and local dues are paid for the current year.

### **ARTICLE IV**

#### **DUES**

The Chapter shall establish dues by majority vote in a secure and anonymous ballot. The dues shall be specified according to categories established by the AAUP national office. Any member who, after due notice, has failed to pay the established dues ceases to be a member in good standing and loses the right to vote.

### **ARTICLE V**

#### **CHAPTER OFFICERS**

The officers of the Executive Committee shall be a President, Vice-President, Treasurer, Secretary, three Members-at-Large, Chief Negotiator, Contract Administrator, Membership Coordinator, and Delegate to the AAUP Collective Bargaining Congress.

Section A—The President shall:

1. preside at all meetings of the Chapter and the Executive Committee,
2. have no vote as presiding officer except in the case of a tie,
3. be an ex officio member of all Chapter committees,
4. have any and all authority as granted by Robert's Rules of Parliamentary Procedure,
5. oversee all budgetary matters and be a signatory on financial accounts,
6. in consultation with the Executive Committee, nominate the Chief Negotiator and Negotiating Team, and
7. in consultation with the Executive Committee, nominate the Contract Administrator, Membership Coordinator, and Delegate to the AAUP Collective Bargaining Congress.
8. Disseminate information within the College and outside it about the Chapter's activities, in consultation with the Executive committee.

Section B—The Vice-President shall:

1. preside over meetings of the Chapter and the Executive Committee in the absence of the President,
2. have the right to vote except when presiding over meetings,
3. assume other duties delegated by the President, and
4. succeed to the Presidency if it should become vacant.

Section C—The Treasurer shall:

1. be responsible for the financial records of all monies paid to the Chapter and make all disbursements authorized by the Chapter or the Executive Committee,
2. establish an account or accounts in a local bank,
3. sign all checks and withdrawals
4. record the time and place of the Chapter or Executive Committee meeting at which disbursements are authorized,
5. collect dues,
6. disburse funds
7. keep a current record of active members,
8. prepare a budget in consultation with the Executive Committee,
9. make an annual report to the Chapter at the close of the financial year,
10. preside over Chapter and Executive Committee meetings in the absence of the President and the Vice-President,
11. have the right to vote except when presiding over meetings, and
12. assume other duties as delegated by the President.

Section D—The Secretary shall:

1. keep a permanent record of all minutes and correspondence of the Chapter and have these, plus the Constitution and the Contract of the Chapter, available at all Chapter meetings,
2. determine and record the presence of a quorum at Chapter meetings,
3. record any authorization for the expenditure of Chapter funds,
4. be responsible for Chapter correspondence, including the AAUP website and other appropriate media communication platforms,

5. maintain a file of all correspondence within the Chapter and other individuals or organizations (e.g., National and regional AAUP, D'Youville College administration, etc.),
6. notify members of all Chapter meetings,
7. preside over meetings of the Chapter and Executive Committee in the absence of the President, Vice-President, and Treasurer,
8. have the right to vote except when presiding over meetings and
9. assume other duties as delegated by the President.

Section E—Members-at-Large of the Executive Committee shall:

1. attend all meetings of the Executive Committee and have a vote
2. assume other duties as delegated by the President

Section F—The Chief Negotiator shall:

1. oversee and direct the work of the Negotiating Team,
2. report developments in negotiations promptly to the Executive Committee, and
3. serve on the Executive Committee

Section G—The Contract Administrator shall:

1. understand all provisions of the contract,
2. oversee the Chapter's fulfillment of its obligations under the contract, report any omissions to the Chapter President, and remind Chapter members of contract deadlines in the faculty review process,
3. monitor the administration's fulfillment under the contract and report any omissions to the Chapter President and check to see that the administration supplies all information required by the contract,
4. monitor the progress of any ad hoc committees created by the contract,
5. recommend to the Executive Committee any changes needed in the contract to improve its functioning or better serve the faculty (these recommendations may serve as the basis for Chapter proposals during contract negotiations) and
6. serve as coordinator of grievances.
  - a. The Contract Administrator shall provide advice to faculty members who believe the contract may have been violated and are contemplating filing a grievance.
  - b. In the event a grievance is filed, the Contract Administrator shall confirm that all requirements of the grievance procedure are met within the established deadlines.
  - c. The Contract Administrator shall inform the Chapter President of the progress of all cases and make recommendations for Chapter action (e.g., whether or not a case should go to arbitration).
  - d. The Contract Administrator shall supervise any Chapter grievances.

Section H—The Membership Coordinator shall:

1. undertake professional and social measures to achieve the highest possible membership in the Chapter,
2. encourage new faculty to join the Chapter, either directly or with the help of other Chapter members.
3. participate in new faculty orientation for purposes of the Chapter and to meet provisions of the Contract

Section I—The Delegate to the AAUP Collective Bargaining Congress shall:

1. represent the Chapter at meetings of the CBC, and
2. report back to the Executive Committee on the substance of the business meeting of the CBC and the suggestions made at the sessions of the CBC.

## **ARTICLE VI**

### **COMMITTEES**

The Chapter shall have the following Standing Committees/Ad Hoc: Executive Committee, the Negotiating Team, and the Elections and Nominating Committee. The President, in consultation with the Executive Committee, shall appoint additional ad hoc committees as needed.

Section A—The Executive Committee shall be composed of the President, the Vice-President, the Treasurer, the Secretary, and three Members-at-Large; and the Chief Negotiator,

Duties:

1. to transact such business as may arise between regular meetings of the Chapter,
2. to meet at the call of the President or by petition of its members,
3. to report its activities at Chapter meetings,
4. to make recommendations to the Chapter,
5. to appoint replacements to fill vacancies which occur among the officers until the next regular meeting of the Chapter,
6. to appoint replacements to fill vacancies which occur on Standing Committees (except the Executive Committee),
7. to discuss, review and make recommendations to members regarding individual grievances in line with the Collective Bargaining Agreement, and to rule when necessary,
8. to approve the Chief Negotiator and the other members of the Negotiating Team,

9. to approve the President's nominees for Contract Administrator, Membership Coordinator, and Delegate to the Collective Bargaining Congress, and
10. to draw up the negotiating proposal and provide directions to the negotiating team.

Section B—The Negotiating Team shall be composed of a Chief Negotiator and a minimum of two additional members (one of whom may be from outside the Chapter) nominated by the President and confirmed by the Executive Committee.

Duties:

1. to represent the Chapter in contract negotiations with the College Administration, under the guidance of the Executive Committee, and
2. to implement the goals and strategies decided upon by the Executive Committee.

Section C—The Elections and Nominating Committee shall be composed of a minimum of two members appointed by the President, none of whom are incumbent officers or those being placed on the ballot. Their terms shall run from 1 June through 31 May.

Duties:

1. to nominate a single slate of candidates in April for the offices of President, Vice-President, Treasurer, and Secretary of the Chapter.
2. to conduct elections
3. to nominate candidates for offices which become vacant during the year and to submit those nominations at the next regular meeting of the Chapter and to conduct the election of replacements and
4. To run the election ensuring a secure and anonymous ballot system.

## **ARTICLE VII**

### **MEETINGS**

Four meetings shall be held each year: in September, November, February, and April. Additional meetings may be called by the President or by petition of 25% of the membership.

Section A—A quorum shall consist of more than one-half of the total dues-paying membership.

Section B—Except as provided in this Constitution or by a resolution of the Chapter, all meetings shall be governed by Robert's Rules of Order.

Section C—Any meeting may be closed to all but Chapter members by directive of the Executive Committee or by vote of a majority of the members present.

Section D—Proxy votes shall be allowed only if D’Youville College contractual duties or extenuating circumstances of the member prevent attendance at a meeting.

Procedure:

1. Member shall state in writing the issue to be voted upon “yes” or “no” vote.
2. The proxy vote, sealed in an envelope carrying the signature of the voting member, shall be submitted by the beginning of the meeting.
3. The Secretary shall verify and record signature and membership of the submitter.
4. If and when a vote occurs on the issue, the Secretary shall open the envelope and cast any appropriate vote.

## **ARTICLE VIII**

### **ELECTION OF OFFICERS**

Officers shall be elected at the April meeting of the Chapter and will take office June 1 for a one-year term (except the Treasurer). The Treasurer shall be elected for a two-year term in odd-numbered years. All Chapter members are eligible for election to office, except that the President and Vice-President must be tenured faculty or have achieved a five-year contract (Librarians and Clinical Faculty). All officers are eligible for reelection. If the President is not reelected to office, he or she will continue as a nonvoting ex-officio member of the Executive Committee for two years.

#### **Section A—Nominating Procedure**

1. The Secretary will send a written notice to the Chapter members of the date of the election, the offices to be filled, and the personnel of the Elections and Nominating Committee at least one month prior to the April meeting.
2. Members may submit names of candidates to be considered for office to the Elections and Nominating Committee at least ten days prior to the election.
3. The Elections and Nominating Committee will prepare a single slate of candidates for the offices of President, Vice-President, Treasurer, and Secretary and Members-At-Large to submit to the members at the April meeting.

#### **Section B—Election Procedure**

1. Elections shall be conducted after the April meeting and will be concluded by April 30.
2. The Elections and Nominating Committee shall conduct the elections.
3. Voting for each office shall be made by secure and anonymous ballots.

4. The candidate for each office who receives a plurality of the ballots cast shall be declared elected.

#### Section C—Procedure for Filling Mid-term Vacancies in Elected Offices

1. The Vice-President succeeds to the office of President, should it become vacant.
2. Elections to fill other vacancies shall be the first item on the agenda of the next regular Chapter meeting.
3. Members shall be notified in writing of the office to be filled and may submit candidates to be considered to the Elections and Nominating Committee at least ten days prior to the election.
4. The Elections and Nominating Committee shall submit one or more candidates for each vacant office.
5. Nominations will be accepted from the floor providing the nominee's written consent has been obtained before the meeting.
6. The election will be conducted according to the procedure in ARTICLE VIII: Section B: 2-4.

### **ARTICLE IX**

#### REMOVAL OF OFFICERS

Section A—Upon petition, signed by 40% or more of the Chapter members, requesting that a person holding an elective office under this Constitution be removed, the Executive Committee shall arrange for a meeting of the Chapter, wherein the matter may be discussed. The person holding that office shall be invited specifically to attend the meeting, and the meeting shall be held at a time when the office holder can be expected to attend. At this meeting, full discussion should ensue but no action will be taken.

Section B—At a subsequent meeting of the Chapter, a secret ballot shall be taken on the question: Shall name of person be removed from the office of name of office? If a majority voting at that time vote “yes,” the incumbent shall be removed from office. If a majority voting at that time do not vote “yes,” the incumbent shall continue in office and shall not again be subject to removal proceedings during that term.

Section C—In the event a person is removed from office, an election for a successor shall be held in accordance with ARTICLE VIII: Section C.

### **ARTICLE X**

#### DISCIPLINING OF MEMBERS

Section A—Charges of conduct or activities prejudicial to the D'Youville Chapter AAUP may be presented to a member of the Executive Committee by one member of this Chapter against another member of this Chapter. Such charges and specifications must be in writing and must be served by the accuser on the accused member. Copies must be filed with the Executive Committee together with proof that the accused member has received the original document.

Section B—Upon being notified of the filing of charges, the President shall appoint a hearing tribunal consisting of three members who are acceptable to both the accuser and the accused.

Section C—The tribunal will determine a time and place for a hearing to be attended by both the accuser and the accused. Written notice of the hearing must be given to both at least fifteen days prior to the hearing.

Section D—At the hearing, the tribunal shall hear from the accuser, the accused, and any witnesses willing to testify. If the charges are not sustained, the case shall be dismissed, the matter closed, and both parties notified immediately. If the charges are sustained, the tribunal may order the offending member expelled from the Chapter, or it may impose some lesser disciplinary action

Section E—If charges are brought and sustained against a member who is an officer of the Chapter, the procedures in the Article shall supercede the procedures in ARTICLE IX: REMOVAL OF OFFICERS.

Section F—Appeals from a decision of the hearing tribunal may be taken to the Executive Committee.

## **ARTICLE XI**

### **CONTRACT RATIFICATION**

When the Negotiating Team has concluded a tentative Collective Bargaining Agreement with the Administration of D'Youville College, a meeting shall be called at which only Chapter members shall be present. Notification for this meeting shall be at least seven days prior to the meeting.

Section A—Voting for ratification will be by secure and anonymous ballot.

Section B—If a majority of those voting accept the contract, the Chapter shall notify the administration and take necessary steps to bind the contract. If the majority does not accept the contract, the Executive Committee will instruct the Negotiating Team to reopen collective bargaining and attempt to negotiate another tentative contract, which will then be subject to this ratification procedure.

## **ARTICLE XII**

### **AMENDMENTS**

Section A—Any member may submit a proposal for amendment of this Constitution to the Chapter. The written proposal should be given to the Secretary prior to a Chapter meeting.

Section B—During the meeting, the members will vote to accept or reject the proposal to amend for action at the next meeting.

Section C—If accepted for consideration, the proposed amendment shall be available at least one week prior to the next meeting.

Section D—A two-thirds majority of those present at the second meeting must vote "yes" on the proposed amendment for passage.