

CONSTITUTION AND BYLAWS OF THE UNION OF ADJUNCT FACULTY AT PACE

ARTICLE I. NAME

The name of this organization shall be The Union of Adjunct Faculty at Pace (“Union”), also referred in this Constitution and Bylaws (“Constitution”) as the Union and the UAFP.

ARTICLE II. PURPOSE AND OBJECTIVES

SECTION 1. The purpose of the Union shall be to advance and secure the professional and economic interests of the adjunct faculty at Pace University.

SECTION 2. The objectives of the Union shall be:

- a. to provide a voice in the determination of the terms and conditions of adjunct faculty member’s employment;
- b. to improve the terms and conditions of those it represents, and to defend their professional and civil rights;
- c. to improve the quality of education, research, and scholarship at Pace University in cooperation with the other members of our academic community;
- d. to promote the academic freedom of all our members.

ARTICLE III. MEMBERSHIP

SECTION 1. CATEGORIES OF MEMBERSHIP

- a. Regular Membership in the UAFP shall be open to all persons for whom the Union bargains collectively.
- b. Sustaining Membership shall be open to those who have taught as adjunct faculty at Pace University who have been terminated from adjunct teaching at Pace and who have litigation, grievance, or other similar proceedings in progress against Pace University that might result in the reinstatement of their employment.
- c. All those not referred to in the above provisions and specifically excluded from the bargaining unit as defined by law and the collective bargaining agreement shall be barred from membership in the Union.

SECTION 2. RIGHTS TO MEMBERSHIP

No person may be denied membership due to race, color, religion, age, gender, disability, ethnic or national origin, marital status, sexual orientation, political affiliation, or political belief.

SECTION 3. MEMBERSHIP STATUS

- a. Membership begins upon receipt by the Union of a completed application from a person meeting all other qualifications for membership, and terminates upon receipt by the Union of a letter of resignation or by loss of eligibility.
- b. Membership in good standing is established upon receipt by the Union of a dues

payment or payroll deduction authorization from a member, and maintained through payment of dues.

- c. A member who has not paid dues in three consecutive months shall no longer be a member in good standing, and shall be dropped from membership.

SECTION 4. MEMBERSHIP PRIVILEGES

Only members in good standing may vote in an election (for officers or contract ratification). Only members in good standing who have taught at Pace at least one semester may nominate for or hold office in the UAFP, except for sustaining members, who may vote but not nominate for or hold office. Officers of the Union who stop teaching at Pace University during their term of office because they are terminated shall be allowed to finish their term if they have instituted a grievance or other proceeding that might result in their reinstatement. All members in good standing, including sustaining members, may serve on committees and as committee chairs.

ARTICLE IV. DUES

SECTION 1. Dues shall be determined by a majority of the vote cast in a general membership election held by mail ballot. Payment methods and schedules shall be determined by a majority vote of the entire membership of the Executive Council, unless otherwise determined by this constitution and the bylaws.

SECTION 2. Dues shall be calculated as a percentage of a member's gross salary, except that a fixed fee may be established for sustaining members and a fixed minimum for regular members.

ARTICLE V. GOVERNING STRUCTURE

The governing structure of the UAFP shall include the following:

- a. Executive Officers
- b. An Executive Council
- c. Department Representatives
- d. The General Membership

ARTICLE VI. OFFICERS

SECTION 1. The Officers of the UAFP Executive Council shall be a President, a Vice President, a Secretary, and a Treasurer.

SECTION 2. All Officers of the Executive Council shall be elected by a majority of the vote in a general membership election.

SECTION 3. The terms of office of all executive officers shall be 3 years.

SECTION 4. The powers and responsibilities of the executive officers shall be as follows:

- a. **THE PRESIDENT** shall administer the affairs and execute the policies of the UAFP, preside over all meetings of the Executive Council and membership, supervise the operations of the various constituted bodies of the Union, and act as the official spokesperson for the Union. The President shall be paid a stipend of \$6,000.00 per year.

- b. **THE VICE PRESIDENT** shall assume the duties and responsibilities of the President in his or her absence when designated to do so by the Executive Council in accordance with Article VII Section 3. The Vice President shall also oversee the Scholarship Support Fund and the Health Insurance Reimbursement Program as well as authorizations and memberships. The Vice President shall be paid a stipend of \$5,000.00 per year.
- c. **THE SECRETARY** shall be responsible for the minutes and records of the Executive Council, prepare the agenda and notices for all meetings of the Executive Council as directed by the President, and keep union records. The Secretary shall be paid a stipend of \$5,000.00 per year.
- d. **THE TREASURER** shall be bonded, have responsibility for and custody of the funds of the Union, pay all bills as authorized by the Executive Council, keep accurate records of receipts, expenditures, and all financial transactions, and prepare regular financial reports as required by the Executive Council. The Treasurer shall be paid a stipend of \$5,000.00 per year.

ARTICLE VII. THE EXECUTIVE COUNCIL

SECTION 1. The elected executive officers shall constitute the Executive Council of the UAFP, and shall exercise overall legislative, executive, and administrative responsibilities for the policies and operations of the Union, except as otherwise specified by this constitution and the bylaws.

SECTION 2. POWERS AND DUTIES OF THE EXECUTIVE COUNCIL

The Executive Council shall approve initial contract proposals for negotiation by the negotiating committee and proposed contractual agreements for ratification by the membership, create paid appointed positions such as communications manager and grievance manager, approve members and chairpersons of the standing and ad hoc committees and the editors of the Union's publications, fill vacancies among the elected officers as described in this constitution, appoint representatives to the NYSUT Representative Assembly and national governance bodies, authorize expenditures of funds by the Treasurer, decide questions pertaining to membership, and in general propose, approve, and execute the policies and resolutions of the Union, except those otherwise specified by this constitution or the bylaws.

SECTION 3. In the event that the office of the President shall become vacant, either through illness, death, or incapacity, the Vice President shall assume the duties of the President.

SECTION 4. (a) Any vacancy among the executive officers, other than that of President, shall be filled by the Executive Council until a special election can be held to fill it. Special elections called to fill such vacancies shall be held as soon as possible.

(b) Officers of the Union who stop teaching at Pace University during term of office shall not be allowed to finish their term, unless they have stopped teaching due to the result of disciplinary action that is being grieved and which grievance is ultimately sustained. The Officer shall be permitted to continue as an Officer during the pendency of the grievance.

SECTION 5. GENERAL PROVISIONS

- a. The Executive Council shall meet regularly, at least once a month during the

academic year and at least once during the months of July and August.

- b. The President or 1/3 of the membership of the Executive Council shall be empowered to call a special meeting of the Executive Council.
- c. A majority of the membership of the Executive Council shall constitute a quorum.

SECTION 6. All executive and membership meetings shall be conducted in accordance with the most recent revision of *Robert's Rules of Order*, unless otherwise provided in this constitution or the bylaws.

ARTICLE VIII. COMMITTEES AND MANAGERS

SECTION 1. The members and chairpersons of all standing and ad hoc committees shall be appointed to that position upon a majority vote of the Executive Council.

SECTION 2. The standing committees of the Executive Council shall be the Negotiations Committee, Grievance Committee, Membership Committee, Elections Committee and Public Relations Committee. Their duties shall be as follows:

- a. **THE NEGOTIATIONS COMMITTEE** shall develop proposals for contract negotiations, and shall negotiate agreements with Pace University covering the terms and conditions of employment for all those represented by the UAFP. Contract proposals shall be presented to the Executive Council for approval.
- b. **THE GRIEVANCE MANAGER** shall supervise and review the administration of grievance policies, procedures, and litigation arising from grievances, shall advise the Executive Council on the disposition of grievances that have not gone to arbitration, and shall stay in contact with Department Representatives and the general membership on each campus. The grievance manager shall receive a stipend of \$5,000.00 per year.
- c. **THE MEMBERSHIP COMMITTEE** shall prepare policy recommendations for the Executive Council regarding membership development, growth, and expansion programs, and help execute such membership policies as the Union might adopt.
- d. **THE ELECTIONS COMMITTEE** shall conduct the Executive Council election, and all other elections delegated to it. Its members cannot themselves be running for office in any election it conducts. The Executive Council shall determine nomination and election procedures not specified by the constitution or bylaws.
- e. **THE COMMUNICATIONS MANAGER** shall make publications and engage in public relations on behalf of the Union, and maintain the Union's website and oversee electronic and posted communications. The communications manager shall receive a stipend of \$5,000.00 per year.

SECTION 3. AD HOC COMMITTEES. The Executive Council may appoint such ad hoc committees as may be necessary. Such committees are to be dismissed upon completion of their appointed tasks.

SECTION 4. TERMS OF OFFICE. The terms of office for chairpersons and members of standing committees shall be three years, commencing at the first Executive Council meeting after spring term. The terms of office for chairpersons and members of ad hoc committees shall commence at the time of appointment.

ARTICLE IX. NOMINATIONS AND ELECTIONS

SECTION 1. Officers shall be elected to terms of 3 years by a majority of those voting. Voting shall be by secret mail ballot. When there are more than two candidates for an office, a preferential ("instant run-off") ballot shall be used according to *Robert's Rules*. In such an election, candidates are ranked by voters as "first choice", "second choice", "third choice", etc., and if no candidate wins a majority, the candidate with the fewest votes is dropped and their votes redistributed on the basis of second choice selections, etc., until a candidate has a majority. If a ballot having one or more names not marked with a preference comes up for placement and all its ranked names have been eliminated, the ballot shall be set aside. If there is only one candidate for elective office and that candidate is unchallenged, she or he will be deemed elected.

SECTION 2. All regular members in good standing are eligible to vote, nominate for office, and accept nomination and election to the Executive Council; sustaining members can vote, but cannot nominate candidates or hold office.

SECTION 3. Nominations for Executive Council Officers and Representatives shall be by written petition signed by no less than 5 members in good standing.

SECTION 4. Elections shall be held in April. Officers shall assume office on June 1 of the year in which they were elected, except that persons elected to serve out unexpired terms created by vacancies shall take office at the time of election.

SECTION 5. Nominations shall be open to eligible members for at least 1 month prior to the election. Both the mailing and the receipt of ballots shall occur in Spring term, at least 20 days apart.

SECTION 6. All members shall be notified before the nominating period begins of offices to be filled, their right to make nominations, and the correct procedure for making nominations.

SECTION 7. Union funds may not be expended to promote the candidacy of any member in a Union election.

SECTION 8. All other rules and procedures for nominations and elections shall be established by the Executive Council or the bylaws.

ARTICLE X. DEPARTMENT REPRESENTATIVES

SECTION 1. The Executive Council may appoint from amongst union members of each department or equivalent unit, a Department Representative for a term of one year. Department Representatives shall lobby for the needs of the adjunct faculty in their departments, provide information about the union to them, and be the persons to whom they may take their concerns and complaints. Department Representatives should attend all regular Executive Council meetings, where they may speak in all debates, but not vote (unless they are also officers of the Executive Council).

SECTION 2. Department Representative duties include: a. keeping an up-to-date membership list of their department, b. being a first point of contact for adjunct faculty in their department with grievance issues, maintaining contact with the Grievance Committee concerning such grievances and notifying it of any potential problems, c. communicating with the Executive Council about adjunct faculty concerns and ideas, with adjunct faculty,

especially newly hired ones, about the Union, its activities, and membership information, and presiding over Union meetings within a department whenever necessary.

ARTICLE XI. GENERAL MEMBERSHIP MEETINGS

SECTION 1. Meetings of the general membership shall occur at least three times a year, between September 15 and October 15, January 30 and February 28, and April 15 and May 15, for a Fall, Winter, and Spring Assembly, respectively. At least one shall be in NYC and one in Westchester County each year. Such meetings may be called by the President, a majority of the Executive Council, or by petition of 5 percent of the membership. [A quorum at a general membership meeting shall consist of 5 percent of the membership of the campus or campuses for which the meeting is called.]

ARTICLE XII. RATIFICATION

SECTION 1. Approval or disapproval of any collective bargaining agreement with Pace University shall be determined by a majority of the votes cast by those members from the unit for which the collective bargaining agreement applies. A copy of the proposed contractual agreement shall be distributed to all members eligible to vote on it no less than 1 week prior to the vote on its ratification. The vote shall be by mail or electronic ballot following at least one general meeting of the membership.

SECTION 2. Similarly, a vote to strike shall be decided by a majority of votes in a mail or electronic ballot cast by those members from the units concerned, following at least one general membership meeting.

ARTICLE XIII. AMENDMENTS

SECTION 1. Amendments to this Constitution may be proposed by a majority of the Executive Council or by petition of at least 10 percent of the membership. Adoption of amendments to the Constitution, as with adoption of the Constitution itself, shall be by a majority of the vote in a general membership election. A proposed amendment must be submitted to the entire membership at least two weeks prior to a vote on it.

ARTICLE XIV. INITIATIVE, REFERENDUM, AND REMOVAL

SECTION 1. Matters of Union policy may be referred to membership referenda by a majority vote of the Executive Council or by a petition signed by 10 percent of the membership. A majority vote at a general membership meeting is necessary for a referendum to pass. The vote of the membership cannot be overturned or modified by the Executive Council for three fall and spring semesters.

SECTION 2. All Officers and committee members shall be subject to removal upon the demonstration that they have engaged in serious misconduct. In the event serious misconduct is demonstrated to the Executive Council, a vote by a majority of the entire membership in favor of removal is necessary for the removal motion to pass. This vote shall be conducted by secret ballot in accordance with the standards and procedures mandated by the Secretary of the Department of Labor set forth in 29 C.F.R. § 417.2.

ARTICLE XV. DISCIPLINE

SECTION 1. A member may be censured, suspended, or expelled from the Union for acting in the name of the Union without proper authorization, misuse of Union funds, crossing the Union's picket line for the purpose of strike-breaking or of aiding and abetting strikebreaking tactics, or other acts detrimental to the Union and its membership only with a 3/4 vote of the entire Executive Council in favor of such discipline.

SECTION 2. Accusations against a member made for purposes of censure, suspension, or expulsion shall be heard by the Executive Council, with the accused being accorded substantial guarantees of due process. A vote by the Executive Council of no penalty shall be a final and irreversible disposition of the charges.

ARTICLE XVII. AFFILIATION

The UAFP shall remain affiliated with New York State United Teachers and its affiliated bodies until a referendum of membership shall determine otherwise.

ARTICLE XVIII. DISSOLUTION

Upon the dissolution of this organization, assets shall be distributed for one or more tax exempt charitable purposes.