

WILLIAM PATERSON FEDERATION OF UNIVERSITY PROFESSIONALS

LOCAL 1796 AFT/AFL-CIO

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CONSTITUTION

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**WILLIAM PATERSON FEDERATION OF UNIVERSITY PROFESSIONALS
LOCAL NO. 1796, AMERICAN FEDERATION OF TEACHERS, AFL-CIO**

ARTICLE I - Name

Section 1. This organization shall be known as the William Paterson Federation of University Professionals, Local No. 1796.

Section 2. Hereinafter this organization shall be referred to as the Union.

ARTICLE II - Purpose

The purpose of this organization shall be:

Section 1. To bring associations of university teaching faculty, librarian faculty, and professional staff; full-time, one-half time or greater, and adjunct faculty, into relations of mutual assistance and cooperation.

Section 2. To advance the professional interests and working conditions of university teaching faculty, librarian faculty, and professional staff, in such areas as:

A. Academic freedom for teaching faculty, librarian faculty, professional staff, and students.

B. Individual faculty's rights, faculty's right to choose textbooks in accordance with their department policy.

C. A workload in terms of hours, numbers of preparations, curricular duties, and extracurricular responsibilities which are commensurate with standards necessary for the attainment of high quality education.

D. Provision of adequate working conditions, such as office space, secretarial service, library/research facilities, parking, etc.

E. Compensation that will attract and retain competent unit members and which will protect academic freedom and employment security.

F. Tenure rights which will protect academic freedom and employment security.

G. Defense of the professional and contractual rights of members against arbitrary and unfair decisions of the employer.

H. Adequate sabbatical, sick, personal, terminal, and emergency leaves.

ARTICLE II – Purpose

Section 2. (continued)

- I. Teaching faculty, librarian faculty, and professional staff participation in policy-making, in all areas of the university.
- J. Recognition of the teaching faculty, librarian faculty, professional staff; full-time, one half-time or greater, and adjunct faculty's right to bargain collectively on equal terms with the employer or his/her agents without fear of retaliation.
- K. Adequate opportunities for faculty promotions and range adjustments, and professional staff performance based promotions which reflect contributions designed to recognize, reward, and encourage excellence, as well as growth in one's professional life.

Section 3. To improve instruction in institutions of higher learning.

Section 4. To eliminate all forms of unfair discrimination such as those which violate the contract and national and state laws.

Section 5. To cooperate with organized labor for the purpose of advancing democratic concepts through education at all levels.

ARTICLE III - Membership

Section 1. All teaching faculty, librarian faculty, professional staff, full-time, one-half time or greater, and adjunct faculty who are non-managerial personnel, are eligible for membership in the Union.

Section 2. Members and Agency Fee Payers:

- A. Eligible personnel become full members when they pay 100% of the dues requirement.
- B. Those who are eligible but do not choose to be members shall be known as agency fee payers and are legally obligated to pay 85% of the required dues. Although agency fee payers are not eligible to hold office, serve on standing or ad hoc committees, and or vote on any Local issues, they are entitled to all other rights and benefits due 100% members. In compliance with the Constitution of the Council of New Jersey State College Locals (CNJSCL), only 100% dues paying members are eligible to vote on the Master Contract.

Section 3. Supervisory personnel with the rank of Assistant Dean or above shall not obtain membership. Members who are promoted to the

ARTICLE III – Membership

Section 3. (continued)

rank of Assistant Dean or above automatically are removed from membership.

Section 4. Associate membership without the right to vote or hold office shall be open to retired members. Dues for associate members shall be determined by the National AFT. Associate members will be eligible to participate in benefit programs such as insurance, travel, and discount buying services. Local 1796 will encourage and assist the establishment of a chartered organization of retired members, which then will be entitled to representation and vote at the National AFT convention.

Section 5. Members on unpaid leave may maintain their membership with full membership rights by paying such dues as established.

Section 6. No discrimination shall be shown toward individual members or applicants for membership because of disability, race, creed, sex, sexual orientation, national origin, age, marital status, academic discipline, social, political, or economic status, beliefs, or activities, nor shall there be any other forms of unfair discrimination.

Section 7. A member may be expelled for acts detrimental to the Union upon presentation of written charges signed by at least 1/4 of the total general membership and approved by at least 3/4 of the General and Executive/Local Council. The member shall have the right to appeal the decision to the general membership at the following general membership meeting and shall be reinstated with full rights if a majority of the members present vote to reinstate.

Section 8. The Union shall adopt procedures for agency fee payers to object during a specific time period each year to the expenditure of their portion of such payments for activities or causes of a political nature only incidentally related to collective bargaining. Agency Fee Payers may not object to expenditures of their portion of such payments used for collective bargaining including, but not limited to, negotiating, organizing, servicing, educational research, and union administration. That portion of such fees spent by the union, local, state and national level for the above described purposes will be determined in each fiscal year by the respective chief fiscal policy-making body, and rebate of a prorated portion of these

ARTICLE – III – MEMBERSHIP

Section 8. (continued)

service or agency fees corresponding to such peroration shall be made to each individual who has filed a timely notice of objection each year.

ARTICLE IV - Executive Board, Local Council and Elections

Section 1.

A. Executive Board

The Executive Board shall be full union members with voting privileges:

1. President
2. Executive Vice President
3. Vice President for Negotiations
4. Vice President for Grievances
5. Recording Secretary
6. Treasurer
7. Communications Director
8. Librarian Faculty Officer
9. Professional Staff Officer
10. Adjunct Faculty Officer

B. Ad-Hoc Board Members

The Ad-Hoc Board members are non voting members of the Executive Board as recommended to the membership on an annual basis.

Section 2. Local Council

The Local Council shall consist of the Executive Board, and representatives from the Departmental Faculty, Librarian Faculty, Professional Staff, Adjunct Faculty, and the Standing Committee Chairpersons. In the event that a general membership meeting does not have a quorum, the Local Council shall act in the name of the general membership.

Section 3. Election Procedures

A. Officers of the Executive Board

1. It shall be the duty of the Executive Board to propose one candidate for each position on the Executive Board (except

ARTICLE IV - Executive Board, Local Council and Elections

Section 3. (continued)

where there are co-officers). The Chair of the Elections Committee, or his/her designee, will attend the Executive Board meeting at which the Board discusses the candidates it will be proposing. At the March General and Executive/Local Council meeting, the Elections Committee shall present the nominees to the Local Council for approval.

2. Nominations may be made from the floor. Persons nominated from the floor must secure the endorsement of at least five people who have been members for at least 30 days on petitions to be presented to the Elections Committee within 10 days after the March meeting.

3. At the April election meeting if no nomination is offered in opposition to a candidate under the procedure specified in Article IV, Section 3A, the Recording Secretary shall cast one ballot for the nominee presented and he or she shall be deemed elected.

4. When there are contested elections, the Elections Committee will go before the General and Executive/Local Council at the April meeting to determine if the election should be held electronically or by mail. The Elections Committee, assisted by the Administrative Assistant, shall distribute an electronic or mail ballot to all those who have been Union members for at least 30 days in a manner determined by the Elections Committee. The Elections Committee will compile the results and report them to the members immediately. Candidates receiving the most votes cast for the positions shall be declared elected and shall take office immediately. The term of office will be two years.

B. Department and Library Faculty Representatives:

1. It shall be the duty of the Elections Committee, assisted by the Administrative Assistant, to request from the departments and library faculty that they submit the names of their representatives to the Local Council by the April meeting. Names should be submitted to the Chair of the Elections Committee. Elections shall be conducted under department or library by-laws. The Library faculty shall be

ARTICLE IV - Executive Board, Local Council and Elections

Section 3. (continued)

entitled to two representatives to the Local Council. Each academic department shall be entitled to one representative. Chairpersons and co-chairpersons of Standing Committees are not automatically deemed as Department or Library Faculty Representatives and accordingly the Local Council may have more than one faculty member from a department or more than two members from the library. Terms shall commence at the May meeting and shall be one year.

C. Professional Staff Representatives:

1. It shall be the duty of the Elections Committee, assisted by the Administrative Assistant, to oversee the nomination of three (3) Professional Staff who have been members for 30 days. The call for nominations shall allow for self nomination or nomination by Professional Staff who have been members for 30 days. Written nominations should be sent to the Chairperson of the Elections Committee. The Chairperson of the Elections Committee will confirm the nomination in writing. A week should be permitted for the first round of nominations. A second notice shall then be sent by the Elections Committee again calling for nominations or withdrawals. Written nominations should be sent to the Chairperson of the Elections Committee. The Chairperson of the Elections Committee will confirm the nomination in writing. A week should be permitted for the second round of nominations.

2. If there are three or fewer nominees for Professional Staff Representatives, the Chairperson of the Elections Committee shall notify the President of their nominations at the following General and Executive/Local Council meeting. At the election meeting, the Recording Secretary shall cast one ballot for the nominee presented, and he or she shall be deemed elected. Terms shall commence at the May meeting and shall be one year.

3. If there are more than three candidates, the Chairperson of the Elections Committee shall notify the President and conduct a ballot (Art., IV., Section 3A). It shall be the duty of the Elections Committee to oversee the election of three (3)

ARTICLE IV - Executive Board, Local Council and Elections

Section 3. (continued)

Professional Staff Representatives to the Local Council. When there are contested elections, the Elections Committee will go before the General and Executive/Local Council at the April meeting to determine if the election should be held electronically or by mail. The Elections Committee, assisted by the Administrative Assistant, shall distribute an electronic or mail ballot to all those who have been professional staff members for at least 30 days in a manner determined by the Elections Committee. The Elections Committee will compile the results and report them to the members immediately. Candidates receiving the most votes cast for the Professional Staff Representatives shall be declared elected and shall take office immediately.

D. Adjunct Faculty Representatives

1. It shall be the duty of the Elections Committee, assisted by the Administrative Assistant, to oversee the nomination of two (2) adjunct faculty who have been members for 30 days. The call for nominations shall allow for self nomination or nomination by adjunct faculty who have been members for 30 days. Written nominations should be sent to the Chairperson of the Elections Committee. The Chairperson of the Elections Committee will confirm the nomination in writing. A week should be permitted for the first round of nominations. A second notice shall then be sent by the Elections Committee calling for nominations or withdrawals. Written nominations should be sent to the Chairperson of the Elections Committee. The Chairperson of the Elections Committee will confirm the nomination in writing. A week should be permitted for the second round of nominations.
2. If there are two or fewer nominees for Adjunct Faculty Representatives the Chairperson of the Elections Committee shall notify the President of their elections at the meeting. At the election meeting, the Recording Secretary shall cast one ballot for the nominees presented, and the nominees shall be deemed elected. Terms shall commence at the May meeting and shall be one year.

ARTICLE IV - Executive Board, Local Council and Elections

Section 3. (continued)

3. If there are more than two candidates the Chairperson of the Elections Committee shall notify the President and conduct a ballot. (Art., IV., Section 3A). It shall be the duty of the Elections Committee to oversee the election of two (2) Adjunct Faculty Representatives to the Local Council. When there are contested elections, the Elections Committee will go before the General and Executive/Local Council at the April meeting to determine if the election should be held electronically or by mail. The Elections Committee, assisted by the Administrative Assistant, shall distribute an electronic or mail ballot to all those who have been adjunct faculty members for at least 30 days in a manner determined by the Elections Committee. The Elections Committee will compile the results and report them to the members immediately. Candidates receiving the most votes cast for the Adjunct Faculty Representatives shall be declared elected and shall take office immediately.

Section 4. Vacancies in any office shall be filled by candidates recommended by the Executive Board, subject to ratification at the first General and Executive/Local Council meeting that follows such action. Notice that ratification will be considered shall appear in an agenda distributed in advance of the meeting.

Section 5. Officers of the Union shall be required to have been a member of the Union for a period of six months prior to nomination.

ARTICLE - V - Committees

Section 1. The following are Standing Committees of the Union:

- A. Budget (President Ex-Officio and non-voting, Treasurer Ex-Officio and non-voting, and minimum 5 members)
- B. Election (minimum 3 members)
- C. Legislative Liaison
- D. Legal Committee
- E. Membership
- F. Negotiations (Vice President of Negotiations Ex-Officio and non-voting, 2 full time teaching faculty representatives, 1 librarian)

ARTICLE - V - Committees

Section 1. (continued)

faculty representative, 1 adjunct faculty representative, and 1 professional staff representative)
G. Scholarship (minimum 3 members)

Section 2. The Chairpersons of the Standing Committees except for the Budget Committee, shall be nominated and elected by each Standing Committee. The Chairperson of the Budget Committee shall be nominated by the President and elected by the General and Executive/Local Council.

Section 3. Ad-Hoc Committees may be created by the President with the advice of the Executive Board and consent of the General and Executive/Local Council.

ARTICLE - VI - Executive Board

Section 1. The Executive Board of this Union shall consist of the elected officers.

Section 2. Individuals holding more than one office shall have only one vote.

Section 3. The duties of the Executive Board are to:

- A. Administer the policies of this Union as set by the members at regular meetings.
- B. Create policies for the consideration of the General and Executive/Local Council
- C. Meet regularly to review current issues/problems and provide recommendations for action.
- D. In emergency situations when the General Membership cannot be polled in a timely manner, the Executive Board shall exercise the power to act for the good of the Union provided a majority of the total voting officers support the issue or action.
- E. Present a recommended budget to the Budget Committee for its approval.

ARTICLE - VII - Duties and Responsibilities of Officers

Section 1. **President** - The President is the chief spokesperson for the welfare and interests of the members, and responsible for the overall, effective functioning of the Union.

The President shall be responsible for long-range planning with regard to Local 1796, the Council of New Jersey State College Locals and the greater Union movement. He/she shall serve as the liaison between the Executive Board and the General Local Council.

The President shall preside at all General and Executive/Local Council meetings and is an ex-officio member of all Committees. He/she shall be a delegate to the meetings of the CNJSCL, and the collective bargaining negotiations between the CNJSCL and the State of New Jersey.

The President in conjunction with the Executive Board shall present a yearly budget to be reviewed by the Budget Committee. The Budget Committee shall review the budget and provide written comments and recommendations to the Executive Board. The Executive Board and the Budget Committee will subsequently meet, discuss the recommendations and attempt to resolve any differences that may exist. If an agreement between the Executive Board and the Budget Committee cannot be reached, separate budget proposals and rationale will then be submitted to the membership at the March General and Executive/Local Council meeting.

The President shall set the agenda for the General and Executive/Local Council meetings.

The President shall prepare the Agency Fee Letter.

The President oversees the budget and long term investments of the Union.

The President in conjunction with the Vice President of Negotiations will establish the Local Master Contract Negotiating Team.

The President in conjunction with the Executive Board is responsible to make recommendations if needed to revise the Constitution.

ARTICLE - VII - Duties and Responsibilities of Officers

- Section 2.** **Executive Vice President** - The Executive Vice President shall, when necessary, perform all the duties of the President and substitute for him or her in the absence of that officer. The Executive Vice President shall assist the President in the performing of his/her duties and shall carry out those responsibilities delegated by the President. He/she shall attend the meetings of the CNJSCL.
- Section 3.** **Vice President for Negotiations** - The Vice President for Negotiations shall be responsible for conducting negotiations between the Union and the university administration and chair the Union Negotiations Committee. This Vice President shall serve as a delegate to the meetings of the CNJSCL and to the collective bargaining negotiations between the CNJSCL and the State. Additional duties include coordination of the Local negotiating team and in conjunction with the President, the coordination of the Master Contract negotiating team. The Vice President for Negotiations will also assist the Vice President for Grievances.
- Section 4.** **Vice President for Grievances** - The Vice President for Grievances shall coordinate matters and address issues in regard to potential violations of members' rights, including but not limited to unfair labor practices and grievances. This Vice President shall serve as a delegate to the meetings of the CNJSCL and to the collective bargaining negotiations between the CNJSCL and the State. He/she also shall represent the Union at meetings of the CNJSCL's Grievance Committee, acting as a liaison with the designated CNJSCL Staff Representative. The Vice President for Grievances will assist the Vice President for Negotiations.
- Section 5.** **Recording Secretary** - The Recording Secretary shall record the minutes of the meetings of the Executive Board and General and Executive/Local Council-meetings. Minutes of the Executive Board meetings shall be submitted to the members of the Executive Board for approval. Minutes of the General and Executive/Local Council meetings shall be submitted to the President for review and distribution to the General Membership.
- Section 6.** **Treasurer** - The duties of the **Treasurer** shall be:
- A. Receive, record, and deposit in the name of the Union all monies from dues and all other sources and issue receipts as necessary.
 - B. Pay all bills authorized in the adopted budget or, as authorized

ARTICLE - VII - Duties and Responsibilities of Officers

Section 6. (continued)

by the President, retaining vouchers or invoices for same. Expenses not so authorized must be presented to the Local Council for approval.

C. Serve as a liaison to the Budget Committee

D. In consultation with the President, develop and draft an annual budget to be submitted to the Executive Board and Budget Committee for review.

E. Cooperate with an independent C.P.A. in the conduct of a review, at least once every year, to be presented to the bargaining unit members.

F. Reconcile the checking account(s) monthly.

G. Report to the Executive Board monthly as to the meeting of budget projections.

H. Co-sign checks along with the President or other officers as authorized by the Executive Board or Local Council.

I. Update the accuracy of the membership roll.

J. Supervise the invested assets of the Union.

K. Keep adequate computer, hard copy, and backup records available at all times.

L. Perform all of the above activities for COPE.

Section 7.

Communications Director

Responsible for the creation of the Local's newsletter

Section 8.

Librarian Faculty Officer - The Librarian Faculty Officer duties of the Librarian Faculty Officer shall be:

A. Serve as the liaison between the librarian faculty and the Local Council and Executive Board.

B. Serve on the Local's Negotiating Team for the Master Contract, or designate another librarian faculty member to serve in his/her place, subject to the approval of the Local Council.

C. Assist the Local Council and Executive Board with those issues related to librarian faculty, such as membership and grievances.

Section 9.

Professional Staff Officer - The duties of the Professional Staff Officer shall be:

A. Serve as the liaison between the professional staff and the Local Council and Executive Board.

B. Serve as a delegate to the State Council's Professional Staff

ARTICLE - VII - Duties and Responsibilities of Officers

Section 9. (continued)

Committee.

C. Serve as advisor to professional staff for reclassification.

D. Serve on the Local's Negotiating Team for the Master Contract or designate another Professional Staff member to serve in his/her place, subject to the approval of the Local Council.

E. Assist the Local Council and Executive Board with those issues related to professional staff, such as membership and grievances.

Section 10. Adjunct Faculty Officer - The duties of the Adjunct Faculty Officer shall be:

A. Serve as a liaison between adjunct faculty and the Local Council and Executive Board.

B. Serve as a delegate to the CNJSCL Adjunct Committee.

C. Assist the Local Council and Executive Board with those issues related to adjunct faculty, such as membership and grievances.

ARTICLE - VIII – General and Executive/Local Council

Section 1. The General and Executive/Local Council shall administer the policy of this Federation as set by the general membership at the General and Executive/Local Council meetings. It shall have the power to act for the good of the Federation in emergency situations where the policy cannot be set up by the general membership.

Section 2. The Chairperson of the General and Executive/Local Council shall be the President of the Union.

Section 3. The General and Executive/Local Council shall meet regularly during the academic year.

Section 4. The General and Executive/Local Council shall authorize employment of all personnel including an Administrative Assistant, student assistants, and other persons on full or part-time basis, as may be determined by the needs and finances of the Union.

Section 5. The General and Executive/Local Council based upon the recommendations of the Executive Board shall have the power to make contracts.

ARTICLE - VIII – General and Executive/Local Council

Section 6. A quorum shall consist of 30% of the General and Executive/Local Council members.

ARTICLE - IX - Affiliations

Section 1. This Union shall maintain affiliation with organizations, such as the following, whenever beneficial and feasible:

- A. The American Federation of Teachers: All delegates and alternates to the National Convention of the AFT shall be elected by majority vote at the (April) membership meeting. Notice of election shall be made at the previous membership meeting and sent to each member at least 15 days prior to the election. The President and Secretary shall certify the election and forward the credentials of all elected delegates and alternates to the National Office, as soon as possible, but not later than 15 days before the convening of the National Convention. The delegates shall confer with the Treasurer to make sure the AFT per capita through June has been sent to the National Office at least 15 days before the convening of the National Convention.
- B. The Council of New Jersey State College Locals.
- C. The American Federation of Teachers New Jersey.
- D. The New Jersey State American Federation of Labor Congress of Industrial Organizations.
- E. The New Jersey State Industrial Union Council.
- F. The Passaic County AFL/CIO Labor Council.

Section 2 The Executive Board shall recommend to the General and Executive/Local Council to send delegates to conferences and conventions.

ARTICLE - X - Meetings

Section 1. The time and place of General and Executive/Local Council meetings shall whenever possible take place during Common Hour on the third Tuesday of each month from September through April. The May meeting will be announced at the beginning of the semester. If the University is closed on the date the meeting is scheduled, it will be rescheduled by the President with at least one week prior notification to the membership.

ARTICLE - X - Meetings

- Section 2.** Upon receiving written petitions, signed by 10% of the general membership, the President must convene a General and Executive/Local Council meeting.
- Section 3.** The Executive Board may, at its discretion, call an emergency General and Executive/Local Council meeting in addition to the regularly scheduled meetings.

ARTICLE - XI - Finance

- Section 1.** Regular dues shall be fixed by a majority vote of members present at any General and Executive/Local Council meeting provided notice of contemplated dues increase has been announced at a previous meeting by the Executive Board.
- Section 2.** Additional finances may be obtained by various fund-raising activities.

ARTICLE - XII - Amendment

This Constitution may be amended as follows:

The proposed amendment shall be presented in writing at any General and Executive/Local Council meeting to the assembled members. If it receives a majority vote of those present, it shall be circulated, in writing (including electronically), to the general membership at least one week prior to the next membership meeting. A 2/3 vote of those present shall be required to adopt the amendment. The Local Council shall not act on behalf of the general membership for this purpose described in this section.

ARTICLE - XIII – Parliamentary Procedure

The rules contained in the current edition of Robert's Rules of Order shall govern in all cases to which they are applicable and in which they are not inconsistent with the Constitution, by-laws, or any special rules of order which the Union may adopt.

ARTICLE - XIV - Availability of Constitution

- Section 1.** Three (3) copies of the constitution and all future amendments shall be submitted to the National Office of the American Federation of Teachers and one copy to the Council of New Jersey State College Locals.

Section 2. Copies shall be made available to any affiliated organizations upon request.

Section 3. Copies shall be made available for any members of this Union upon request to the Recording Secretary.

ARTICLE - XV - Recall of Executive Board Members

Upon presentation of the petition to the General and Executive/Local Council signed by 25% of the members who have been in good standing for 30 days, the Executive Board shall place the recall of the person or persons in question on the agenda of the next General and Executive/Local Council meeting. If two-thirds (2/3) of the members present vote for recall, the members present at the meeting shall elect a special committee to send out a ballot within seven(7) working days to the entire membership in good standing for 30 days. Ballots are to be returned within 10 days of their receipt and are to be counted immediately thereafter, in the presence of the individual or individuals concerned or their representatives. Recall will take effect at once, if endorsed by a majority of the valid votes. Vacancies shall be filled by the process described in Article IV, Section 4.

ARTICLE - XVI - Ratification of By-Laws:

The By-Laws and recommendations for their revisions shall appear on the Agenda of the General and Executive/Local Council and must be passed by a majority vote of the members present.

ARTICLE - XVII - Ratification of Constitution

This Constitution shall be presented for a first reading at the General and Executive/Local Council meeting in September 2007. Proposed revisions shall be presented at the December 2007 General and Executive/Local Council meeting. The revised Constitution will then be put before the General and Executive/Local Council Meeting. Ratification of the Constitution shall require a majority of members present, provided a quorum has been achieved. If adopted, the Constitution will go into effect immediately.