

Adopted September 14, 2000 (Revised, September 6, 2001; February 14, 2017)

**AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
Fort Hays State University Chapter**

CONSTITUTION

Preamble

We are committed to the nationally recognized principles of the American Association of University Professors (AAUP). We believe that Fort Hays State University must be responsive to the expectations of the public and numerous constituencies, but we recognize that its basic character and general direction will be established by its faculty either by default or design. We believe that the character and course of FHSU must be deliberate and illuminated by the faculty's scholarly and practical vision. Our unity, then, is the servant of our academic mission and responsibility. It seeks ever to advance the faculty's necessary participation and paramount position in affecting the evolving nature of our university.

PURPOSE

The objectives of the Chapter are to promote the interests of higher education, to advance the standards and ideals of the profession, to enhance the faculty's role and authority in university governance, and to promote the welfare of its individual members. The FHSU-AAUP Chapter will serve as the certified collective bargaining representative for faculty and certain other employees to negotiate terms and conditions of employment. The Chapter will be organized and operated to qualify as a labor organization exempt from federal income tax under section 501(c)(5) of the Internal Revenue Code for the above stated purposes.

Article I NAME

1-1 The name of this organization shall be the Fort Hays State University Chapter of the American Association of University Professors (FHSU-AAUP).

Article II MEMBERSHIP

2-1 There shall be four classes of membership in this Chapter: Active, Emeritus, Associate and Graduate Student as defined below. Membership in the National AAUP is a requirement for membership in this Chapter. Only Active and Emeritus members may vote in Chapter Meetings.

2-2 Active members: only members of the collective bargaining unit qualify for Active membership in FHSU-AAUP. Active members in good standing have full rights to vote and hold office.

2-3 Graduate students: (as defined by the National AAUP) Graduate student members in good standing shall have the right to attend meetings, offer advice or suggestions and to serve on committees by appointment.

2-4 Emeritus members: any Active member retiring from a teaching or research position at Fort Hays State University may be transferred to Emeritus membership at the member's own request after active membership for at least one year. Emeritus members in good standing shall have the right to participate in the affairs of the Chapter, to vote in the Executive Committee and Presidential elections, to participate in nominating candidates for offices, to seek office, and to be elected or appointed to committees or other offices of the Chapter. Emeritus members cannot vote on dues, or on ratification of collective bargaining agreements.

2-5 Associate members: members of the university community that are not in the collective bargaining unit but are eligible for National AAUP membership. Associate members in good standing shall have the right to attend meetings, offer advice or suggestions and to serve on appointed committees of the Chapter. They are not eligible to serve on the Executive Committee, the Collective Bargaining Committee or the Negotiating Team. Associate members cannot attend meetings at which collective bargaining matters are discussed and they cannot vote on Chapter dues, or on issues relating to collective bargaining or on the

ratification of collective bargaining agreements.

2-6 All members, to be in good standing, must be current in payment of their dues.

ARTICLE III OFFICERS

3-1 The officers of the Chapter shall be the President, Vice President, Secretary and Treasurer. The term of office shall be for two years and no officer shall serve for more than three successive terms in the same office.

3-2 The President has the authority to call meetings of the Chapter, shall preside over meetings, and has the responsibility for carrying out the purposes and aims of the organization.

3-3 The Vice President has the responsibility for acting in the absence of the President and is also the chair of the Membership Committee.

3-4 The Secretary shall record minutes of meetings of the Chapter and of the Executive Committee, conduct communications as directed by the Executive Committee, and shall have custody of all records except financial records, of the organization.

3-5 The financial authority shall be the Treasurer in conjunction with the Executive Committee. The treasurer shall prepare the budget and shall report to the membership on the financial state of the Chapter at the fall Chapter meeting. All checks shall be signed by the Treasurer, and checks over a specified amount shall be countersigned by a member of the Executive Committee. (See By-laws, item XII.)

ARTICLE IV EXECUTIVE COMMITTEE

4-1 The Executive Committee shall consist of the officers, the immediate past President and two other members elected from the membership at large. The at-large members shall serve for two years.

4-2 The Executive Committee has the power and authorization to act for the organization between Chapter meetings. The membership at a Chapter meeting can rescind, repeal, or amend any action of the Executive Committee except when the action is no longer within control of the members or when the action has been specifically assigned as the power of duty to the Executive Committee. The Executive Committee also has the duty to administer and carry out the collective bargaining agreement as ratified.

4-3 The Executive Committee shall report regularly on its activities to the membership.

4-4 A faculty member holding elected office in the National AAUP, or Kansas Conference, or membership on the National Council of the AAUP, shall serve as an ex-officio, voting member of the FHSU/AAUP Executive Committee so long as he/she holds such office or membership.

ARTICLE V THE COLLECTIVE BARGAINING COMMITTEE

5-1 The Collective Bargaining Committee shall consist of members elected from the membership as representatives from the areas defined in the By-laws plus one member from the Executive Committee selected from their own ranks. See By-laws section VI.

5-2 The elected members of the Collective Bargaining Committee shall serve for two years.

5-3 The duties of the Committee shall be to collect information relative to bargaining, to formulate proposals to be presented, and to turn over to the Executive Committee a package of proposed changes in the contract. Once a satisfactory package of proposed changes is presented to the Executive Committee the Collective Bargaining Committee will cease to exist until the following negotiating cycle.

ARTICLE VI THE NEGOTIATING TEAM

- 6-1 A new Negotiating Team shall be chosen for each new contract period. It shall consist of at least three members, at least one of whom shall be from a previous Negotiating Team and one (preferably no more than two) shall be a member of the Executive Committee and at least one from the Collective Bargaining Committee. There must be a serious attempt to have representation from all colleges (or academic units).
- 6-2 The Negotiating Team and the Chief Negotiator shall be appointed by the Executive Committee (including the officers) from nominees solicited from the membership. The Chief Negotiator will be an ex officio member of the Executive Committee. The Chief Negotiator must meet with the Executive Committee at the next Executive Committee meeting immediately following any negotiating session or at the call of the President. By majority vote of the Executive Committee the Chief Negotiator or any member of the Negotiating Team may be removed from that position. When vacancies occur on the Negotiating Team they shall be filled as soon as possible by appointment of the Executive Committee.
- 6-3 The Chief Negotiator may sign a tentative agreement only with a majority affirmative vote of the Negotiating Team. Any tentative collective bargaining agreement must be submitted to the Executive Committee. The Executive Committee must then forward the tendered agreement to the membership for ratification or rejection or may remand it to the Negotiating Team. The Executive Committee may include a recommendation to accept, reject or forward to the membership "no recommendation." The agreement must be ratified by a majority of the Active members voting.
- 6-4 The Negotiating team shall have authority to conduct contract negotiations with the Board of Regents (or its successor) and/or the FHSU Administration. The Negotiating Team may invite others members of the Chapter to assist as needed. The Team shall be responsible to and shall report to the Executive Committee. As soon as a contract is ratified by both parties, the Negotiating Team will cease to exist until the following negotiating cycle.

ARTICLE VII CONTRACT RATIFICATION

- 7-1 Prior to the ratification of the contract between the Bargaining Unit and the University, the provisions of the contract shall be explained and discussed in a special meeting (or meetings) of the Chapter arranged by the Executive Committee. The members of the Bargaining Unit shall be allowed at least five (5) **working** days for study of the proposed contract prior to this special meeting. All Unit members shall be notified that a complete copy of the proposed agreement has been placed on the FHSU-AAUP website. A summary document that outlines the changes to the previous contract will be made available to all members of the bargaining unit. The vote on the ratification of the contract will be by secret ballot with ratification or rejection by a majority of the active members of the FHSU-AAUP Chapter voting at the ratification meeting. The ratification meeting will normally be at least five (5) working days after the special meeting(s). Proxy votes or mail ballots shall not be allowed unless by special action of the Executive Committee. A **"working day" is a day that school is regularly scheduled to be in session during the fall and spring semesters.**

ARTICLE VIII COMMITTEES

- 8-1 The Executive Committee shall appoint all special and standing committees which are deemed appropriate except as specified elsewhere in this Constitution or in the current contract.

ARTICLE IX DUES

9-1 Annual dues shall be established (or changed upon recommendation of the Executive Committee) by a majority vote of the Active members at a Chapter meeting. No changes may be made in the rate of dues, and no assessment may be levied except by the procedures stated in this Article and only after five (5) working-days notice in writing has been given of the proposal.

ARTICLE X MEETINGS

10-1 There shall be at least one Chapter meeting of the membership each semester. There shall be a meeting at the end of the Spring Semester for the election of officers and members of the Executive Committee. The President is obliged to call a meeting when requested by the Collective Bargaining Committee or when he/she receives a petition signed by 15 percent of the membership of the Chapter. Except in unusual circumstances, an agenda shall be made available to members prior to Chapter meetings.

ARTICLE XI AMENDMENTS

11-1 Amendments to this Constitution shall be made as follows: the proposed amendment shall be distributed to the membership at least ten (10) **working** days prior to a Chapter meeting at which the proposed amendment shall be considered; voting on the amendment will take place either at a subsequent Chapter meeting or by mail ballot, but in any case, it will be by secret ballot. Any amendment to the Constitution must be approved by two-thirds of those voting, providing that those voting constitute at least 50 percent of the active members.

ARTICLE XII BY-LAWS

12-1 By-laws governing procedure, structure of committees, and like matters shall be adopted and amended by a majority of those members voting either at a Chapter meeting or by mail ballot. The membership must be given at least 5 working days notification prior to a Chapter meeting where changes to the By-laws are to be considered.

ARTICLE XIII ACCESS TO INFORMATION

13-1 Every member has the right to information concerning the rules, actions, and other matters affecting the membership of the Chapter. The Chapter shall forward a copy of each collective bargaining agreement to those members whose rights are directly affected by it, shall make available to each member an up-to-date copy of the Constitution and By-laws of the Chapter, shall permit any member to examine the accounts and minutes of the Chapter and the Executive Committee as well as the list of the names and addresses of the membership.

ARTICLE XIV CHAPTER FUNDS

15-1. **Private Inurement.** No part of the net earnings of this organization shall inure to the benefit of or be distributed to any director, employee or other individual, partnership or entity having a personal interest in the chapter. Compensation for service rendered and reimbursement for expenses actually incurred in attending to the affairs of the chapter shall be limited to reasonable amounts.

15-2. **Chapter Dissolution.** Upon dissolution of the chapter, its assets shall be disposed of exclusively by transfer to the FHSU unrestricted student scholarship fund or to its successor.

ARTICLE XV

RATIFICATION

16-1 This Constitution shall become effective when ratified by a majority vote of the membership except that the present officers shall retain office until the first elections under this Constitution.

BY-LAWS

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS Fort Hays State University Chapter

I. ANNUAL MEETING AND ELECTIONS

The Annual Meeting for the election of officers and members of the various committees (see By-laws, item XI) shall be held at least two weeks before the scheduled date of the last classes in the Spring Semester. Elections shall be by a plurality. Fifteen working days written notice in advance of any election shall be sent to members. The vote will be by secret ballot conducted for all members eligible to vote under Article II. Provision shall be made to ensure the anonymity of the voter.

II. TERMS OF OFFICE

The terms of officers and members of all elected committees shall begin on July 1 and shall continue until June 30 of the appropriate year. The President and Secretary shall be elected in even numbered years and the Vice President and Treasurer elected in odd numbered years.

III. PARLIAMENTARY AUTHORITY

The meeting of the AAUP and its committees shall be conducted in accordance with the rules laid down in the latest edition of *Robert's Rules of Order* except as may be provided otherwise by the Constitution and By-laws of the Chapter. The President of the Chapter may appoint a parliamentarian to advise him/her on parliamentary procedure.

IV. NOTICES OF CHAPTER MEMBERSHIP MEETINGS

Unless otherwise specified in the Constitution and By-laws or collective bargaining contract, and in the absence of a clear emergency, the call for all Chapter meetings of the membership, including information regarding time, place, and agenda, shall be communicated to all members in sufficient time so that they will have five (5) working days notice. The agenda shall state all items of business to be considered which are known at the time the call for the meeting is issued, described with sufficient detail to enable all members to prepare for the meeting.

V. QUORUM

A quorum at all Chapter meetings shall consist of at least fifteen percent of the Active members. A quorum at Executive Committee meetings shall be four.

VI. COLLECTIVE BARGAINING COMMITTEE

The Collective Bargaining Committee shall consist of six (6) members elected from the membership as representatives from the areas designated below plus one member selected by the Executive Committee from their own ranks. Committee members serve for two years. Three members shall be elected in even-numbered years and three shall be elected in odd-numbered years.

From the College of Arts, Humanities, & Social Sciences	2 members
From the Robbins College of Business & Entrepreneurship	1 member
From the College of Health & Behavioral Sciences –	1 member
From the College of Education	1 member
From the College of Science, Technology, & Mathematics	1 member
Librarian or At-large position	1 member

The Chair of the Collective Bargaining Committee shall be elected by that committee among its own members. However, the member appointed by the Executive Committee shall serve as Chair pro-tem to call and conduct the meeting of the committee at which the chair is to be elected.

VII. VACANCIES AND RECALL

When vacancies occur in one or more of the four elected offices, a special election shall be held within fifteen working days. When vacancies occur in other elected positions, unless otherwise provided for in the Constitution and By-laws, the vacancies shall be filled by election at the next special or Chapter meeting of the Chapter. The Executive Committee may appoint a replacement that will serve until the election.

Chapter officers and all elected members of Chapter committees may be recalled by a majority vote of Active members according to the following. Recall procedures may be initiated by a) a majority vote of the Executive Committee or b) a petition of 20 percent of the Active members. When either condition above is met, the Executive Committee will arrange to conduct a vote, by secret ballot, within 20 working days.

VIII. NOMINATING COMMITTEE

There shall be a nominating committee composed of five members: the immediate past Chapter president, two elected members and two appointed (as soon as possible following the election) by the Executive Committee. The past Chapter president shall serve as Chair pro-tem to call and conduct the meeting of the committee at which the chair is to be elected. The elected members shall serve for two years.

The Nominating Committee shall solicit suggestions for nominees from all members of the Chapter. It shall obtain the consent of the nominees before publicizing their names. The Nominating Committee shall attempt to have at least two persons nominated for each position that needs to be filled. It shall complete and submit its report to the Secretary at least 10 working days prior to the scheduled Spring meeting at which the election is to be held. At the Annual Meeting at the end of the Spring Semester the committee shall present a list of nominees for the vacant positions. Additional nominations may be made from the floor of the meeting provided the consent of the nominee is obtained. Below is a chart that depicts the positions to be filled in Chapter elections each year.

	<u>Even-numbered years</u>	<u>Odd-numbered years</u>
Officers	President & Secretary (2)	Vice President & Treasurer (2)
Collective Bargaining Committee	Arts, Humanities, & Social Sciences Business and Education (3)	STeM, Health & Life Sciences, and Librarians or At-large (3)
Nominating Committee	one (1)	one (1)
Executive Committee	one (1)	one (1)

IX. MEETINGS

All Chapter meetings are open to the public. Permission to speak for non-members may be granted by the presiding officer or by a majority vote of the members present. Anyone disrupting a meeting may be ordered to leave by the presiding officer. Meetings called for the purpose of discussing collective bargaining matters will be limited to Active members. All committee meetings, including the Executive Committee, shall be private except by invitation.

X MEMBERSHIP COMMITTEE

The Vice President of the Chapter will be the chair of the Membership Committee. The Membership Committee will have nominally 3 to 5 members selected by the Chair with the advice and assistance of the Executive Committee. The membership chair shall supervise the regular and continuous recruitment of new members, using suggestions supplied by National AAUP and others as may be applicable. The

Membership Committee may organize a reception (or banquet) for new FHSU faculty each fall and a similar function for retiring and departing faculty each Spring semester beginning one year after the Chapter is certified as the collective bargaining agent for Fort Hays State University. These functions will be invited faculty events exclusively for members and their guests.

XI. STANDING COMMITTEES

The Chapter may create standing and ad hoc committees from time to time as deemed appropriate and necessary to promote the welfare and function of the Chapter. The chair and members of these committees shall be appointed by the Executive Committee with recommendations from the Chapter membership. The chairs of these committees will serve on the Executive Committee as an ex-officio, non-voting member. Some standing committees may be as follows:

Academic freedom and tenure
Status of women and minorities
Professional ethics
Accreditation of colleges and universities
Relationships with local, state, and federal governments
Faculty participation in college and university governance
Economic status

XII. DUES

Annual dues* of Active members shall be as follows:

- All tenured faculty members and those untenured with more than four years of membership in AAUP will pay dues of \$14 per pay period or \$29 per month.
- Untenured faculty members and Non-Tenure Track (NTT) with four or fewer years of membership in AAUP will pay dues of \$9 per pay period or \$19 per month.
- Graduate and Emeritus members shall pay Chapter dues of \$10.00 per year and shall remit National dues to the National AAUP.
- Associate members shall pay Chapter dues of \$12.00 per pay period or \$29 per month.

The Treasurer shall collect and/or keep track of the dues and report annually to the Chapter. All checks shall be signed by the Treasurer, and checks over \$ 1,000 dollars shall be countersigned by a member of the Executive Committee for any payment other than national dues.

* Slight variable between payroll deductions and monthly payments occur because payroll deduction stops during the summer.