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# AAUP at NYIT, Inc.

## Old Westbury/Central Islip Chapter Constitution

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### Article I: Name and Purpose

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- A. The name of this organization shall be the New York Institute of Technology Old Westbury/Central Islip Chapter of the American Association of University Professors.
  - B. The purpose of the local chapter shall be to advance the standards, ideals, and welfare of higher education, founded upon the principles of academic freedom and academic responsibility.
  - C. The OW/CI chapter and the affiliated Metropolitan Center chapter, together form the COUNCIL OF METROPOLITAN AND OLD WESTBURY CHAPTERS (a/k/a JOINT COUNCIL). The Council has been recognized by the National Labor Relations Board (NLRB) as the authorized representative of the NYIT Faculty, Professional Specialists, Professional Staff and Librarians. The Joint Council is responsible for conducting all contractual negotiations and resolving all labor related issues with the Administration of the college.
  - D. The Joint Council shall operate under its own by-laws as ratified by the membership of all chapters, and as appended to this constitution.

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### Article II: Membership

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There shall be three classes of members: Active, Associate and Emeritus. Only Active members may hold office or vote upon issues which may be brought before the membership of the chapter. Membership in the National Association is a pre-requisite to voting membership in the chapter.

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- A. **Active Members:** Any full-time member or regular part-time member of the NYIT OW/CI campus faculties, librarians, professional specialists or professional staff who holds a teaching, research, or professional position with rank (or equivalent rank) of instructor or higher shall be eligible for membership as soon as that individual has been employed by the college and signs a dues check off card. Voting rights shall start as soon as the first payroll deduction has been taken.

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- 1. A full-time faculty or professional specialist member is one who is contractually required to teach at least eighteen (18) equivalent lecture hours per academic year, exclusive of overloads, and who teaches (or performs duties equivalent to) at least 50% of his/her regular load in addition to any administrative duties.
  - 2. A regular part-time faculty or professional specialist member is an adjunct instructor who teaches at least twelve (12) equivalent lecture hours per academic year, and has done so continuously for at least three complete years prior to applying for membership.
  - 3. Librarians, counselors and other professional staff shall be considered full time when they are contractually required to work over twenty hours per week; otherwise, they shall be considered part-time members.
  - 4. Active members shall belong to the National AAUP and shall pay dues to the Joint Council and to National through payroll deductions.

1 B. **Associate Members:** Any member who ceases to be eligible for active membership because his/her  
2 work has become primarily administrative (more than 50% of regular professional duties, exclusive  
3 of overloads or special assignments, are administrative in nature) shall become an Associate  
4 member. Associate members may not vote or hold office. Each associate member shall belong to  
5 the National AAUP and shall also pay dues to the Joint Council directly.  
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7 C. **Emeritus Members:** An active member, retiring for age, may transfer at his/her own request, and  
8 with the approval of the Executive Committee of the chapter, to Emeritus membership. Emeritus  
9 members may not vote or hold office. Each Emeritus member shall belong to the National AAUP but  
10 shall not be required to pay dues to the Joint Council.  
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13 **Article III: Officers**  
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15 A. The officers of the chapter shall be: President, Vice President, Secretary, Treasurer and three At-  
16 Large officers who shall be full-time employees of the college, and not on terminal notice. Of the At-  
17 Large members who represent the full-time employees; two faculty members from the Old  
18 Westbury Campus and one faculty member based at the Central Islip Campus will be elected. If no  
19 faculty member from the Central Islip Campus is willing and/or able to serve, then the third At-Large  
20 member will be elected from the Old Westbury Campus.  
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22 B. Each ranked officer shall serve a three-year term and may serve no more than two terms  
23 consecutively in the same rank. For the purposes of determining eligibility to continue in office  
24 under this provision, an officer who has served in an office for more than one and a half years is  
25 considered to have served a full term in that office. Each At-Large officer shall serve a three-year  
26 term.  
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28 C. The President and the Vice-President shall have completed a minimum of two (2) years of  
29 continuous status as active members and shall not be on a terminal contract.  
30

31 D. The President, Vice-President, and the At Large officer based in Central Islip shall be elected together  
32 in the same year. The Secretary and a second At-Large officer shall be elected in the following year.  
33 The Treasurer and the third At-Large officer shall be elected in the third year. This cycle shall repeat  
34 in subsequent years. All regular elections shall be held in the month of April.  
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36 E. Whenever there are twenty-five or more regular part-time Active members, a fourth At-Large officer  
37 shall be elected from among them. This election shall take place in the month of April, concurrent  
38 with all other regular elections.  
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40 F. **The President** shall be the chief executive officer of the chapter. The President shall:

- 41 1. Preside at meetings of the chapter and the Executive Committee.
- 42 2. With the advice and consent of the Executive Committee, appoint the chairpersons of all  
43 ad-hoc committees.
- 44 3. Be a member ex-officio (non-voting) of all committees except the Nominations and  
45 Elections Committee.
- 46 4. Be a delegate to the meetings of the National and State organizations.
- 47 5. Lead the chapter's delegation to the Joint Council.
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- 1           6.       Jointly with the other chapter counterpart(s) oversee the activities of the Negotiating Team
- 2                    during active collective bargaining sessions.
- 3           7.       Attempt to remedy complaints by member(s) about Administration policies and decisions
- 4                    and resolve disputes among colleagues.
- 5
- 6           8.       Convene meetings of the Executive Committee at least once per semester during the
- 7                    academic year.
- 8
- 9           9.       Fulfill all those duties appropriate to the office.
- 10
- 11       G.       **The Vice-President** shall preside at meetings of the chapter and of the Executive Committee in the
- 12                    President's absence. The Vice-President shall:
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- 14           1.       Be a member ex-officio (non-voting) of all standing and ad hoc committees except the
- 15                    Nominations and Elections Committee.
- 16
- 17           2.       Respond to members' questions about grievance procedures and presides over the
- 18                    Executive Committee when it considers a potential grievance.
- 19
- 20           3.       Fulfill all those duties appropriate to the office.
- 21
- 22       H.       **The Secretary** shall record and maintain minutes of meetings of the chapter and of the Executive
- 23                    Committee. The Secretary shall:
- 24
- 25           1.       Conduct the correspondence of the chapter with the General Secretary of the Association.
- 26
- 27           2.       Transmit minutes of the chapter meetings, by mail, to chapter members within 3 weeks
- 28                    following each meeting.
- 29
- 30           3.       Transmit meeting announcements to all members at least 2 weeks prior to a scheduled
- 31                    general meeting (except under circumstances involving emergency meetings) which shall
- 32                    show agenda, date, time and location.
- 33
- 34           4.       Include in all minutes the results of ballot voting.
- 35
- 36           5.       Solicit and file the minutes of meetings of all Joint Council and committees.
- 37
- 38           6.       Serve as the repository of all past and present chapter records and correspondence.
- 39
- 40           7.       Fulfill all those duties appropriate to the office.
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- 42       I.       **The Treasurer** shall receive and administer the funds allocated by the Joint Council for the activities
- 43                    and needs of the chapter. The Treasurer shall:
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- 45           1.       Present a financial statement to the chapter membership at the end of each academic year.
- 46
- 47           2.       Prepare an annual budget for chapter expenditures and after approval by the Executive
- 48                    committee submit it to the Joint Council's Finance Committee for approval.
- 49
- 50           3.       Maintain a local savings account and a local checking account into which funds allocated by
- 51                    the Joint Council are deposited. Withdrawals from both accounts shall require the
- 52                    signature of the Treasurer or the chapter President.
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1 4. Fulfill all the duties appropriate to the office.  
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3 J. **The At-Large elected officers** shall act as a membership recruitment committee at the time of the  
4 annual Convocation.  
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6 K. Any elected officer may be recalled by a 2/3 majority vote of the active members present and voting  
7 at a general or special meeting whose agenda specifying a recall vote has been sent to the  
8 membership at least two (2) weeks prior to the meeting. A petition for recall of an officer which  
9 carries the signatures of at least 15% of the active members of the chapter shall require the  
10 President or the Executive Committee to convene a special meeting for that purpose.  
11

12 L. The newly elected officers shall assume their duties on June 1st.  
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#### 15 **Article IV: Standing Committees**

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17 All standing committees shall serve for one year and their members shall be appointed as noted below within  
18 two (2) weeks after new officers are installed.  
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20 A. **The Executive Committee** shall consist of the President, Vice-President, Secretary, Treasurer, At-  
21 Large members, and the immediate Past President<sup>1</sup>. The Executive Committee shall:  
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23 1. Set the agenda, date, time, and place for all except special chapter meetings.  
24

25 2. Constitute the chapter's delegation to the Joint Council.  
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27 3. Act as a preliminary hearing committee for potential grievances. The chapter Vice-  
28 President shall act as chair during this procedure.  
29

30 4. Review the Treasurer's budget proposal prior to presentation to the membership.  
31

32 5. Act on behalf of the membership between chapter meetings and during periods when the  
33 college is not in session.  
34

35 B. **The Nominations and Elections Committee** shall consist of a Chairperson appointed by the  
36 Executive Committee before October 15 of each academic year; the chairperson shall select, with  
37 widest possible distribution from the general membership, four (4) additional members subject to  
38 approval by the Executive Committee. All members shall serve for twelve months. The Nominations  
39 and Elections Committee shall:  
40

41 1. Circularize the active membership of the chapter to solicit interest in running for office.  
42

43 2. Select the best qualified available candidates to fill vacancies as they occur.  
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45 3. Supervise and conduct elections at general membership meetings, and special elections to  
46 fill vacancies.  
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48 4. Verify candidate credentials and organize the balloting process, including the creation of a

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<sup>1</sup> - The immediate Past President shall be a member of the Executive Committee for a period of only one year after the expiration date of his or her office as President.

- 1 paper ballot in appropriate circumstances.
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- 3 5. Conduct and verify the results of all ballots.
- 4
- 5 6. Certify that proxy ballots are cast and counted in accordance with established rules in
- 6 Article VI.
- 7
- 8 7. Certify vacancies upon the resignation, or removal from office, of any officer of the chapter.
- 9

10 A. **The Legal Representation Committee** shall consist of the President and Vice-President serving ex-

11 officio without vote, and three members appointed by the Executive Committee, from a panel

12 submitted by the Nominations and Elections Committee. The committee shall elect its own chair.

13 The Legal Representation Committee shall:

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- 15 1. Advise the Joint Council as to the effectiveness of the legal counsel.
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- 17 2. Aid in the search for and evaluation of new legal counsel.
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20 **Article V: Meetings**

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- 22 A. General meetings of the chapter shall be held at least twice during each semester.
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- 24 B. A special meeting shall be called upon written petition of 10 percent of the active members. A
- 25 written notice to all members shall be transmitted by the Secretary notifying them of the time, place
- 26 and purpose of the meeting.
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- 28 C. Meetings shall be governed by Robert's Rules of Order except as otherwise specified herein.
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- 30 D. The President shall appoint a Parliamentarian to rule on matters of order.
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- 32 E. Thirty-five active members shall constitute a quorum. Proxies, when allowed, shall not count toward
- 33 the quorum.
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- 35 F. For members who are at the Central Islip campus at the time of the meeting, if videoconferencing
- 36 technology permits them to fully participate in a chapter meeting at the Old Westbury campus, then
- 37 such members shall be considered to be present at the meeting and entitled to vote.
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40 **Article VI: Procedures for Voting**

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- 42 A. The Nominations and Elections Committee shall certify to the President that a quorum exists and
- 43 shall also designate those present who may not vote.
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- 45 B. A motion shall pass by a simple majority of all votes cast.
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- 47 C. If the videoconferencing linkage between the Old Westbury and Central Islip chapters is available
- 48 and working, then it shall be permissible for nominations and elections to take place at the same
- 49 meeting. In that case, the Nominations and Elections Committee shall present a slate consisting of
- 50 as many nominees as are available for each vacant office. Additional nominations from the floor
- 51 shall be allowed.
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- 53 D. If it is expected that video conferencing linkages between the Old Westbury and Central Islip

1 campuses will not be available, then two separate chapter meetings shall normally be held for: (a)  
2 nominations and (b) elections of all chapter officers.

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4 1. At the first meeting, the Nominations and Elections Committee shall present a slate  
5 consisting of as many nominees as are available for each vacant office. Additional  
6 nominations from the floor shall be allowed. If by the time nominations have been closed  
7 at this meeting, only one member has been nominated for a given office, then this member  
8 shall automatically be elected to that office, and no formal election for that office shall be  
9 required.

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11 2. Elections shall be held at the second meeting only if two or more members have been  
12 nominated for a given office at the first meeting, and they are still running for that office.  
13 This second meeting shall be held about two or three weeks after the first meeting at which  
14 nominations have been received. At this meeting, the Nominations and Elections  
15 Committee shall conduct the actual election, and no additional nominations from the floor  
16 shall be permitted.

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18 3. If there are not enough members present at the first meeting (at which time nominations  
19 would have been received) to have a quorum, then it shall be permissible for both  
20 nominations and elections to take place at the next Chapter meeting.

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22 E. If a videoconferencing linkage between the Old Westbury and Central Islip Chapters is established  
23 for the purpose of holding both nominations and elections at the same meeting, and this  
24 videoconferencing linkage stops functioning during the meeting after the time nominations have  
25 been closed and any other election preliminaries completed, then the voting process shall take place  
26 independently at the separate campuses to their conclusions. Under the supervision of a Joint  
27 Council designee, the results of all votes taken by the members at the Central Islip campus will be  
28 duly recorded and transmitted in a timely manner to the Chapter President.

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30 F. Election and recall of officers shall be conducted by secret ballot. Other votes may be cast by secret  
31 ballot upon the request of any active member present.

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33 G. Secret ballots shall be prepared, collected, tabulated and announced by the Nominations and  
34 Elections Committee.

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36 H. If a candidate for office does not receive a simple majority, a run-off election shall be held between  
37 the two candidates who received the most votes.

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39 I. A proxy vote shall be permitted only for a member who has a regularly scheduled class which  
40 conflicts with the time of the meeting. In the case of Librarians covering library positions, or  
41 Counselors seeing students or leading groups at the time of the election, proxy votes will be  
42 accepted if there is no substitute to cover the specific duties. In determining the conflict, travel time  
43 shall be taken into account. A request for a proxy ballot shall be accepted if it explains the conflict in  
44 writing, is submitted to the President before the meeting starts, is verified by the Secretary, and  
45 shall note who has the right to cast the proxy vote. Proxy holders must be active members and may  
46 hold only one proxy each.

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48 J. If the office of the President shall become vacant, the Vice-President shall serve as President Pro-  
49 Tem for no more than two (2) months during the academic year (September through May), during  
50 which time an election shall be held for replacement of that officer. If the office shall become vacant  
51 during the summer period, the election shall be set for no later than one month after the start of the  
52 new semester.

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- 1 K. If any other office becomes vacant, the President shall, with the approval of the Executive  
2 Committee, appoint a pro-tem replacement who shall serve until the next regular or special  
3 meeting. The Nominations and Elections Committee shall submit a slate for any required  
4 replacement.  
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7 **Article VII: Contributions to Outside Parties (non AAUP at NYIT members)**  
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9 Before any Union monies are sent to outside charities, organizations, institutions, or sister AAUP chapters,  
10 the general membership must first see the request, be given all available background information on the  
11 request, be given a voice in determining how much money can be sent, and then be given final vote to  
12 approve the sending of funds. This amendment is effective as of April 12, 2007.  
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15 **Article VIII: Ratification of this Constitution**  
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- 17 A. A copy of this proposed constitution shall be distributed to each member.  
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19 B. The current President shall convene a meeting within two (2) weeks following the distribution to  
20 discuss this proposed constitution, and the appended Joint Council By-Laws.  
21  
22 C. Following the discussion meeting, a final version shall be mailed by the current secretary to each  
23 active member's home address of record.  
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25 D. Active members shall have two weeks after the date of mailing to review and respond to the mailing.  
26 An official ballot enclosed with the Final Draft shall be marked for acceptance or rejection and  
27 returned, within the two-week period after the original mailing, to the current Secretary for  
28 tabulation. The returned ballots must be postmarked within the two-week period in order to be  
29 counted. This constitution shall be considered ratified if at least two-thirds (2/3) of the respondents  
30 vote affirmatively.  
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32 E. The constitution shall take effect immediately upon ratification.  
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34 F. All previously elected officers shall serve out their terms and shall function under this constitution.  
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37 **Article IX: Dissolution of the Chapter**  
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- 39 A. No part of the earnings of the chapter shall inure to the benefit of any member, trustee, director, or  
40 officer of the chapter or any private individual (except that reasonable compensation may be paid  
41 for services rendered to or for the chapter) and no member, trustee, director, or officer of the  
42 chapter or any private individual shall be entitled to share in the distribution of any of the assets of  
43 the chapter on dissolution of the chapter.  
44  
45 B. In the event of dissolution of the chapter, all of the remaining assets and property of the chapter  
46 shall, after necessary expenses thereof, be distributed to another organization exempt under section  
47 501(c) (3) or (5) of the Internal Revenue Code of 1954 as amended or the corresponding provisions  
48 of any subsequent federal tax laws, or the federal government or state or local government for a  
49 public purpose.  
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Article X: Amendments

A. This constitution may be amended as follows:

1. A member may submit, in writing, a "motion to amend" at any meeting.
2. Upon passage of the 'motion to amend', the Secretary shall mail copies of the proposed amendment to all members at least fifteen school days prior to a subsequent meeting at which the proposed amendment shall be on the agenda.
3. Adoption of the amendment shall require a two thirds (2/3) affirmative vote by the members voting.
4. In the event that an unexpected videoconferencing failure occurs during or just prior to a chapter meeting, the meetings shall continue independently at the separate campuses to their conclusions. Under the supervision of a Joint Council designee, the results of all votes taken by the members at the Central Islip campus will be duly recorded and transmitted in a timely manner to the chapter President.
5. A proxy vote shall be permitted for a member who has a regularly scheduled class which conflicts with the time of the meeting. In the case of Librarians covering library positions, or Counselors seeing students or leading groups at the time of the election, proxy votes will be accepted if there is no substitute to cover the specific duties. In determining the conflict, travel time shall be taken into account. A request for a proxy ballot shall be accepted if it explains the conflict in writing, is submitted to the President before the meeting starts, is verified by the Secretary, and shall note who has the right to cast the proxy vote. Proxy holders must be active members and may hold only one proxy each.
6. If it is expected that videoconferencing linkages between the Central Islip and Old Westbury campuses will not be available on the day of a chapter meeting, then those members at the Central Islip campus will be permitted to vote by proxy, as per the preceding paragraph.

B. Copies of all proposed amendments shall be forwarded immediately to all other chapters.

C. The chapter may amend those provisions of its constitution relating primarily to local business, provided that such amendments do not significantly impact on Joint Council responsibilities.

D. Each amendment shall contain an effectivity date.

9/26/07