

# CONSTITUTION

## **The University of Akron Chapter of the American Association of University Professors (Akron-AAUP)**

### **Article I: Name**

The name of this organization is *The University of Akron Chapter of the American Association of University Professors* (Akron-AAUP, hereafter referred to as the Chapter).

### **Article II: Purposes, Empowerment, Fiduciary Responsibility, and Distribution of Assets in Event of Chapter Dissolution**

#### **A. Purposes**

The Purposes of the Chapter are to:

1. advance the welfare of the University and of its faculty and students;
2. serve as the collective bargaining agent for the Collective Bargaining Unit Faculty (the unit certified by the Ohio State Employment Relations Board and amended subsequently by law or mutual agreement). The Collective Bargaining Unit consists of "All full-time faculty at the Akron (Main) and Wayne College campuses of The University of Akron, including librarians holding faculty rank." Excluded from the unit are: "President; Vice Presidents; Deans; Assistant Deans and Associate Deans of Colleges; Assistants to the President and Vice President; Division Chairs, Department Chairs and School Directors; Adjunct, part-time, temporary, visiting and research faculty; contract professional employees; faculty whose primary appointment is in The University of Akron School of Law; supervisory employees; and all other employees of the University." Hereafter, in this document, the terms "Collective Bargaining Unit" and "Collective Bargaining Unit faculty" shall refer to the above-defined unit;
3. promote high standards of teaching, scholarship, and public service;
4. increase public awareness and understanding of and advance the standards, ideals, and welfare of the profession;
5. achieve these goals by cooperating and/or partnering with the National AAUP, the Ohio Conference of the AAUP, other faculty organizations and governing bodies, the University Administration, and student organizations and governing bodies.

#### **B. Empowerment**

To further but not to limit the purposes listed above, the Chapter shall have power to:

1. conduct studies;
2. disseminate statistics and other information;
3. engage in various fund-raising activities;
4. conduct promotional activities, including advertising and publicity;

5. hold such property as is necessary to accomplish its purposes;
6. employ individuals: (a) to represent the Chapter in collective bargaining, and (b) for other purposes as deemed appropriate by the Executive Committee.

### **C. Fiduciary Responsibility Statement**

The Chapter is organized and shall be 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. 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, estate, trust or corporation having a personal or private interest in the Chapter. Compensation for services actually rendered and reimbursement for expenses actually incurred in attending to the affairs of the Chapter shall be limited to reasonable amounts. No loans shall be made by the Chapter.

### **D. Conflict of Interest Statement**

The Chapter prohibits any business or financial interests of its officers, agents, their spouses, minor children, parents, or others that conflict with the fiduciary obligations of such persons to the Chapter.

### **E. Distribution of Assets in Event of Chapter Dissolution**

Upon dissolution of the Chapter, its assets shall be disposed of exclusively for the purposes of the Chapter or distributed to such organizations that shall, at the time, qualify as exempt organizations under I.R.S. Section 501 (c) (3), such as the national American Association of University Professors, or I.R.S. Section 501 (c)(5).

## **Article III: Members**

### **A. Definitions:**

#### **1. Active Members of this Chapter must:**

- a. be members of the National and State AAUP
  - b. be faculty employed by The University of Akron, or retired faculty of The University of Akron, or graduate students enrolled at The University of Akron, and
  - c. have paid dues as specified in Article X (B-F) and not be in dues-arrears status as defined in Article X (H).).
- #### **2. Associate and Student Members of this Chapter must have paid dues as specified in Article X (C and D). Student Members must be current students at the University of Akron.**

### **B. Categories of Membership: Each member of this Chapter shall be in one of the following categories:**

1. **Active:** An Active Member is a Chapter member who is also in the Collective Bargaining Unit as defined in Article II (A) (2). Hereafter in this document, the terms "Active Member" or "Active Members" refer to the above definition.
2. **Associate:** An Associate Chapter Member is a Chapter member who is neither a member of the Collective Bargaining Unit nor a Student Chapter Member. Hereafter in this document, the terms "Associate Member" or "Associate Members" refer to the above definition.
3. **Student:** A Student Chapter Member is a Chapter Member who is currently enrolled as a student at The University of Akron. Hereafter in this document, the terms "Student

Member” or “Student Members” refer to the above definition.

**C. Rights and Privileges**

1. Chapter membership shall become effective upon payment of Chapter dues as specified in Article X (B-F).
2. Active Members are eligible to:
  - a. hold a Chapter office;
  - b. attend, make motions and vote in all Chapter meetings, including those restricted to collective bargaining matters;
  - c. be members of the Liaison Council or Negotiating Team;
  - d. vote on the ratification of Collective Bargaining agreements;
  - e. petition for calling of special Chapter meetings;
  - f. nominate Active Members for Chapter office;
  - g. vote in Chapter elections;
  - h. have all other privileges of membership as indicated in Article III (C) (3) (a-b).
3. Associate and Student Chapter Members are eligible to:
  - a. receive Chapter newsletters;
  - b. attend functions sponsored by the Chapter;
  - c. attend Chapter meetings, except those parts of any meeting when collective bargaining matters are being addressed;
  - d. make motions and vote at Chapter meetings on items not related to collective bargaining matters.
4. No Member can be disciplined without adherence to due process, which shall include notice of the alleged offense(s), a hearing before an impartial body of Active Members, the right to be heard at such a meeting, and the right to be represented by another member chosen by the charged member.

## **Article IV: Officers**

**A. Elected Officers**

The elected officers of the Chapter shall be the President, Vice President, Secretary, and Treasurer. Each term of office shall be two consecutive years. The nominations and elections of officers shall follow the procedures outlined in Article VIII (A) and (C) (1-3).

1. President. The responsibilities of the president shall include the following:
  - a. carry out policies;
  - b. coordinate functions;
  - c. exercise general supervision over the activities of the Chapter;
  - d. preside at meetings of the Chapter and Executive Committee;
  - e. appoint committee chairs;
  - f. appoint, in consultation with the Executive Committee and after considering nominations from active members, a Contract Administration and Grievance Officer and

- a Chief Negotiator and representatives of the Akron AAUP chapter to the Labor Management Committee, the Labor Management Policy Committee, and any other joint labor-management committees that may be created by the Collective Bargaining Agreement;
  - g. at his/her discretion, add one non-voting position to the Executive Committee for one Chapter member serving on the AAUP National Council or Executive Committee (National AAUP Liaison).
2. Vice President. The responsibilities of the vice president shall include the following:
- a. serve in the President's stead in the absence of the President;
  - b. chair the meetings of the Executive Committee or Chapter in the absence of the President;
  - c. perform the duties that are requested by the Executive Committee or the President.
3. Secretary. The responsibilities of the secretary shall include the following:
- a. keep a record of all proceedings and correspondence of the Chapter;
  - b. send such notices as may be required;
  - c. keep the roll of members of the Chapter;
  - d. certify Chapter delegates to meetings of the Ohio Conference, the AAUP Collective Bargaining Congress, and national AAUP;
  - e. prepare and (unless another person has been assigned this responsibility) oversee delivery of Chapter communications (flyers, newsletters, meeting notices, other documents) for distribution to the membership or bargaining unit.
4. Treasurer. The responsibilities of the treasurer shall include the following:
- a. administer the Chapter finances and keep accurate records of all moneys received and of all disbursements. These records shall be available for inspection by any Active Member;
  - b. receive the membership dues and retain accurate records of the payment status of the members;
  - c. certify the chapter members with the national and state AAUP;
  - d. prepare an annual financial report to be presented at a Chapter meeting in the Spring Semester of the next calendar year;
  - e. prepare an annual budget for the coming year to be presented for approval at a Chapter meeting in the Fall Semester of the current year;
  - f. ensure that all officials and employees of the Chapter who handle funds, trusts or other property of the Chapter or subsidiary organizations shall be bonded;
  - g. preside, in the absence of the President and Vice President, at Chapter and Executive Committee meetings. In the case of withdrawal of both the President and Vice President, the Treasurer shall assume the presidency of the Chapter until new officers can be elected;
  - h. The Treasurer must be bonded and all Chapter checks must be signed by both the Treasurer and either the Chapter President, the Chapter Vice President, or

another bonded person approved in writing by the Executive Committee.

## **B. Vacancies**

1. When an office becomes vacant before the end of the term, (e.g., in the event an officer resigns or dies or a successful recall), the office shall be filled by a special election following procedures outlined in Article VIII (C) (1-2).
  - a. The person so elected shall hold office for the remainder of the unexpired term.
  - b. The Executive Committee is empowered to fill vacancies in any elective office until a special election is held.
2. Any officer may resign at any time by giving written notice to the president or to the secretary of the Chapter.
3. Recall. All members of the Executive Committee are subject to recall through the implementation of the following procedures.
  - a. A petition signed by thirty (30) percent of the Active Members shall cause a recall election to be conducted within one month.
  - b. Upon a two-thirds vote of the Active Members casting ballots in favor of recall, the officer shall be recalled and relieved of his/her duties. This vote shall be held as stipulated in Article VIII (C) (1-2).
  - c. If an officer is recalled, then the vacant office shall be filled in accordance with Article IV (B) (1).

## **ARTICLE V. Departmental Liaisons Council**

- A. Active Members of the Chapter in each department, school, or equivalent unit will elect from among themselves one Departmental Liaison. This secret ballot election will be called by the current Departmental Liaison and held each September.
  1. Should a unit have only one Active Member, that Member shall be the Liaison without an election upon their acceptance of the role.
  2. Should a unit have no Active Members, it shall not have representation on the Liaison Council.
- B. Each Departmental Liaison's term in office shall be for one year, renewable each year in September by a majority vote of Active Members who cast ballots in the department or school or equivalent unit, (e.g., the University Libraries).
- C. Departmental Liaisons shall also constitute the Departmental Liaisons Council .
- D. Two co-chairs shall be elected annually by and from among the Departmental Liaisons to preside over meetings of the Departmental Liaisons Council and serve on the Executive Committee.
  1. The meeting to elect the co-chairs shall be held in October after the annual election of the Departmental Liaisons. A quorum for this meeting shall be one-third of the Departmental Liaisons.
  2. The incumbent co-chairs of the Council shall call the meeting.
  3. It is preferred that the co-chairs be from different colleges or, if not from different colleges, from different divisions (if any) within a college.

4. The election shall be conducted by secret ballot.
- E. These Co-Chairs shall preside over meetings of the Departmental Liaisons Council as Co-Chairs of that Council.
- F. Departmental Liaisons are advocates for the needs of their departments, schools, or equivalent units, resources for faculty seeking union-related information, and the persons to whom faculty may take concerns and complaints. Among a Liaison's duties are:
  1. keeping an up-to-date membership list of faculty in the department or area and informing the Chapter office of the names and current addresses for all new hires, retirees, departing faculty, and faculty taking sabbatical or other leave;
  2. serving as a first point of contact for faculty in a department with grievance issues, maintaining contact with the Chapter Contract and Grievance Administrator concerning faculty grievances, plus notifying the Contract and Grievance Administrator of any potential problems;
  3. serving on the Departmental Liaisons Council;
  4. helping to form, with the Executive Committee, study groups to research contract issues and proposals;
  5. communicating with other members of the Departmental Liaisons Council about faculty concerns and ideas that should be brought to the attention of the Departmental Liaisons Council and Executive Committee;
  6. communicating with colleagues by contacting newly hired faculty in the department or area about the Chapter, its activities, and membership information; distributing newsletters, minutes of Chapter meetings, and other important information to colleagues; and presiding over Chapter meetings within a department whenever necessary;
  7. attending and encouraging colleagues to attend Chapter meetings;
  8. participating in activities related to contract negotiations as specified in Article XII (B).
- G. Vacancies occurring among Departmental Liaisons Council co-chairs shall be dealt with according to the procedures for officer vacancies as specified in Article IV (B).

## **Article VI: Executive Committee**

- A. Executive Committee. The Executive Committee shall consist of the four elected officers of the Chapter, the two co-chairs of the Departmental Liaisons Council, the past Chapter President, the Contract and Grievance Administrator (*ex officio, nonvoting*), and the current Chief Negotiator (*ex officio, nonvoting*).
- B. The Executive Committee shall act as the governing body of the Chapter to uphold the Constitution. Four voting Executive Committee members shall constitute a quorum for the conduct of business by the Committee.
- C. The Executive Committee shall assume responsibility for the Chapter's continuing effective presence at The University of Akron and for its collective bargaining responsibilities, including adherence to Ohio Revised Code (ORC) Chapter 4117. Among the duties of the Executive Committee are the following:
  1. Meet with Chapter members to provide assistance and receive comments and

suggestions.

2. Conduct the business of the Chapter between Chapter meetings.
3. Regularly recruit members and encourage renewal of membership.
4. Make necessary appointments to complete an unexpired term of any officer until a special election is held.
5. Set the agenda for regular and special Chapter meetings.
6. Consult, as appropriate, with The University of Akron administration on matters of mutual interest.
7. Make decisions on grievance and contract administration issues presented by the Contract and Grievance Administrator.
8. Appoint a Negotiating Team in consultation with the Chief Negotiator.
9. Set the objectives and priorities for collective bargaining in consultation with the Departmental Liaisons Council. Discuss negotiation procedures with the Negotiating Team, including the possibility of agreeing to binding arbitration.
10. Maintain media relationships as appropriate.
11. Supervise the preparation and distribution of a newsletter to inform members and other faculty of recent activities of local and national importance.
12. Receive periodic reports from the Chief Negotiator during the negotiation process as specified by Article XII (C). Unless binding arbitration is used, the Executive Committee shall communicate the contract proposal to the Departmental Liaisons Council. The Executive Committee may transmit a proposed collective bargaining contract agreement, with or without recommendation, to the Active Members for ratification.
13. Promote diverse representation in terms of gender, race, ethnicity, age, disability, and tenure status in all of its endeavors.
14. If needed, remove and replace at any time: a) the Chief Negotiator and/or any member of the Negotiating Team, or b) the Contract Administration and Grievance Officer and/or any assistants.
15. Promulgate Chapter Bylaws as required, subject to approval by Active Members according to the procedures specified in Article XIII.
16. Appoint a delegate from among its members with voting privileges to be the Ohio Conference AAUP delegate. This delegate shall serve a full two-year term on the Ohio Conference AAUP Board of Trustees.

## **Article VII. Standing Committees and Their Duties**

Each standing committee shall consist of a Chair, appointed by the President unless otherwise specified, and any additional members who shall be nominated by the standing committee's chair and ratified by the Executive Committee.

- A. Communications and Membership Committee: This committee is charged with the responsibility for actively maintaining membership and with recruiting new members. The committee is also charged with helping to write Chapter information, developing and maintaining the website, writing the Chapter newsletter, and other public relations and informational activities deemed appropriate by the Executive Committee.

- B. Contract Administration and Grievance Committee: This committee, which shall be chaired by the Contract Administration and Grievance Officer, shall assist the Contract Administration and Grievance Officer in the resolution of faculty grievances, study labor law and grievance procedures as they pertain to the needs and interests of the bargaining unit faculty, and oversee the implementation and administration of the Contract between the Chapter and The University of Akron Board of Trustees.
- C. Nominations and Elections Committee: This committee shall solicit candidates for elections, and shall conduct and supervise all elections and referenda of the Chapter. This committee shall be composed of the immediate Past President (who will chair the committee) and two Active Members appointed by the current Chapter President.
- D. Diversity, Equity, and Inclusion Committee: This committee shall study matters relating to the professional and economic status of women, people of color, sexual minorities, members of minority ethnic groups, or people with disabilities who are faculty at the university, and shall recommend to the Executive Committee and advocate appropriate measures to enhance diversity, equity, and inclusion.
- E. Other Committees: The Chapter may create *ad hoc* committees from time-to-time, as they are deemed necessary, to promote the welfare of the Chapter's interests at The University of Akron. The Chapter President shall appoint the chairperson and members of these committees, in consultation with the Executive Committee

## **Article VIII: Nominations and Voting Procedures**

### **A. Nominations For Chapter Officers**

1. The Nominations and Elections Committee shall consist of the immediate past president (who will chair the committee) and two Active Members appointed by the current Chapter President.
2. At least thirty (30) days prior to the end of incumbents' term(s), the Nominations and Elections Committee shall send a "Call for Nominations" to each Active Member. Nominees must be active members. If possible, at least two nominations for each office will be obtained.
3. At the end of the fifteen-day nomination period, the Nominations and Elections Committee shall prepare a ballot listing the nominees for each office.

### **B. Nominations for Departmental Liaisons**

Departmental Liaisons Council members shall be nominated from among Active Members in their departments as outlined in Article V (A-D).

### **C. Voting Procedures for Officers and Referenda**

1. Regular elections of Chapter officers shall be held in April.
2. Voting shall be by secret ballot according to procedures established by the Nominations and Elections Committee.
  - a. If a MAIL BALLOT is used:
    1. the ballot shall be sent to each Active Chapter Member at least two weeks prior to the return date, and each ballot must indicate the following:



- a. the date and hour by which the Chapter Secretary or his/her designee must receive ballots for said ballots to be considered valid, and
  - b. the Chapter's US Post Office Box address and the campus mail address of the Chapter Secretary and/or his/her designee, and
  - c. Instructions for hand-delivery to the Chapter Secretary or his/her designee.
2. the Chapter Secretary or his/her designee and at least one member of the Nominations and Elections Committee shall count the valid ballots in a meeting in the presence of interested parties who wish to attend and communicate the results of the election to the full Chapter membership
- b. If ELECTRONIC VOTING PROCEDURES are used:
  1. the election shall be conducted by a responsible third-party provider that can guarantee the anonymity of the voters, and
  2. the ballot shall be sent to each voter at least (1) week prior to the return date, and
  3. the third-party provider will report the results to the Chapter Secretary or his/her designee, who will report the results of the election to the full Chapter membership.
3. In the election for Chapter officers, the candidate receiving a majority of votes cast shall be declared the winner. In the event that no candidate obtains a simple majority of votes cast, a run-off election (or series of run-off elections) shall be held among the two candidates (and ties) receiving the largest number of votes cast. The incumbent officer shall continue to serve until a replacement officer is duly elected.
4. When a new Chapter office is created via a Constitution change, the presiding officer may initiate a special election to fill the new position, according to the procedures specified in Article VIII (C)(2).

**D. Voting Procedures for Departmental Liaisons Co-Chairs**

The Departmental Liaisons shall elect two co-chairs, who shall also serve as members of the Executive Committee. The two candidates from among the Departmental Liaison nominees receiving the most votes shall be elected. In the case of a tie, a runoff election shall be held. If there is still no winner, the voting members of the Executive Committee shall choose the co-chair or co-chairs from among the candidates who tied.

**E. Voting Procedures for Departmental Liaisons**

Elections of departmental liaisons shall be held each September. These elections shall be conducted by the current department liaison via a secret ballot vote of Active Members casting ballots in their respective departments. The Chapter Treasurer shall provide the current departmental liaison in each department with a list of the active members in that department prior to the election. The candidate with the most votes is elected the Departmental Liaison. In case of a tie, a runoff election shall be held. If there is still no winner, the voting members of the Executive Committee shall choose the Departmental Liaison from among the candidates who tied. Election results shall be transmitted to the Chapter Treasurer or his/her designee. In the interim, existing Departmental Liaisons shall serve.

**F. Voting Procedures for Referenda**

Decisions on referenda shall follow the voting procedures specified in Article VIII (C) (2). A

simple majority of votes cast shall decide the result unless other rules take precedence.

**G. Nomination and Voting Procedures for Delegates to AAUP Meetings.**

The Chapter shall elect one or more delegates to each AAUP meeting by no later than April 20 immediately preceding the meeting. All Active Chapter members are eligible to run for election as a delegate. Delegates shall be elected by secret ballot. A call for nominations shall be made by the Executive Committee to all active Chapter members not less than 21 days prior to the start of balloting. All other details of the balloting and election procedure are at the discretion of the Executive Committee.

**Article IX: Chapter Meetings**

**A. Meeting Schedule**

The Chapter shall hold regular meetings at least once each Fall and Spring semester. At least five working days prior to a meeting the Chapter Secretary shall notify by email each Chapter Member who is eligible to attend

**B. Special Chapter Meetings**

Special meetings of the Chapter may be called by the President, a majority of the voting members of the Executive Committee, or by a petition from 15 Active Members delivered to any Chapter officer. The President shall determine the time and place of the meeting, but it shall take place within fifteen working days after the decision to call a special meeting.

At least five working days before the meeting, the Chapter Secretary shall notify each Active Member by paper or email notice.

**C. Other Chapter Meetings**

Other Chapter meetings are authorized in accordance with Article XII (D) (4), under the schedule specified by Ohio Revised Code Chapter 4117.

**D. Agenda Items**

The written meeting notice shall include the agenda of the meeting. All items requiring votes must be put on the agenda, except that the agenda may be amended in the meeting by majority vote.

**E. Quorum**

The quorum required for the transaction of business at all meetings of the Chapter shall consist of fifteen Active Members of the Chapter.

**Article X: Dues**

**A. Establishment of Local Chapter Dues**

Chapter shall establish local Chapter dues to be levied on Active Members and Associate Chapter Members, and other fees as established by contract or by law.

**B. Dues Rates for Active Members**

Except as otherwise provided in paragraph E of this Article, Active Members shall pay total dues of .75% of their nine-month base salary (but not less than the sum of national and state dues). The nine-month base salary for bargaining unit members on "fiscal" (12-month) vs.

"academic" (nine-month) contracts shall be computed as the annual base salary times  $(9/11 = 0.8182)$ . These dues shall include national, Ohio Conference, and local dues.

**C. Dues Rates for Associate Chapter Members**

Except as otherwise provided in paragraph E of this Article, Associate Chapter Members shall pay national and Ohio Conference dues plus \$10 per year in local dues.

**D. Dues for Active Members on Reduced Salary Leave**

Dues for Active Members on reduced salary during leave shall be reduced proportionately.

**E. Alterations in Local Dues**

The Executive Committee may propose alterations in the dues structure. Changes in local dues affecting Active Members shall be voted on by Active Members only and shall require a two-thirds vote of those casting ballots. Voting procedures shall be as prescribed in Article VIII (C) (2).

**F. Special Dues Assessment**

The Executive Committee may propose a special assessment in local dues. Ratification of the special assessment requires a majority vote by Active Members casting ballots on this issue. The voting procedures apply as outlined in Article VIII (C) (1-2). Special assessments can be for no more than one year.

**G. Method of Payment**

The method of payment of dues shall be determined by the Executive Committee.

**H. No Limitations Clause**

No provision of this article shall be interpreted as in any way limiting the ability of Akron-AAUP to negotiate collective bargaining service fees (fair share fee) for those members of the bargaining unit who choose not to hold membership in the Chapter.

**Article XI: Parliamentary Procedure at Meetings**

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Chapter in all cases to which they are applicable and in which they are not inconsistent with this Constitution and any special rules of order the Chapter shall adopt.

**Article XII: Contract Negotiations**

**A. Overview**

The Departmental Liaisons Council is the liaison between the Active Members and the Executive Committee, which in turn communicates with the Negotiating Team. The Departmental Liaisons Council seeks to determine the professional preferences of the Active Members and, in conjunction with the Executive Committee, determine the bargaining priorities. The Executive Committee shall forward this and other information (e.g., faculty survey results) to the Negotiating Team. The Negotiating Team negotiates a contract with representatives of The University of Akron Board of Trustees. As part of these negotiations, the Negotiating Team, with the approval of the Executive Committee, may agree to binding arbitration. Otherwise, the Chief Negotiator shall present the tentatively agreed upon contract to the Executive Committee for its review and recommendation. This proposal shall

be communicated to the Departmental Liaisons Council for its review and recommendation. The Executive Committee shall submit to the Active Members the tentative negotiated contract for ratification, along with the recommendations of the Executive Committee and Departmental Liaisons Council.

**B. Duties of the Departmental Liaisons Council and its members**

1. To establish and maintain effective communication with the entire bargaining unit.
2. To communicate with the bargaining unit faculty with regard to collective bargaining matters in order to determine faculty desires and priorities.
3. To keep members of the bargaining unit generally informed as to the progress of the negotiations.
4. To familiarize itself with AAUP policies, procedures, and reports, as well as with the process of collective bargaining and relevant collective bargaining agreements.
5. To make recommendations to the Negotiating Team regarding contract proposals and their priorities, and to assist in gathering the data necessary to support the recommendations.
6. To meet regularly with the Executive Committee in order to assess progress, suggest strategy, and generally assist in the entire negotiating process up to and including the ratification of a contract (unless binding arbitration is used).

**C. Duties of the Negotiating Team and its members**

1. The Chief Negotiator shall consult with the Executive Committee regarding selection of the members of the Negotiating Team.
2. The Negotiating Team prepares contract proposals based upon the priorities of the Executive Committee in consultation with the Departmental Liaisons Council, and based upon other information on the interests of bargaining unit faculty (e.g., surveys, focus groups, etc.).
3. The Negotiating Team negotiates in good faith a contract with representatives of The University of Akron Board of Trustees.
4. The Chief Negotiator shall serve as the primary spokesperson for the Negotiating Team in all negotiation sessions.
5. The Negotiating Team shall maintain detailed notes of all negotiating sessions.
6. Subject to the approval of the Executive Committee, the Negotiating Team has the option to ask both intramural and extramural specialists to participate in its activities. The Negotiating Team also has the option of forming research groups to provide supporting data for the Team's proposals or positions. The Negotiating Team shall not participate in negotiating sessions without the Chief Negotiator, nor shall it participate in negotiating sessions without any other Negotiating Team members or extramural participants deemed essential for a given session by the Negotiating Team and Executive Committee.
7. During negotiations, the Chief Negotiator shall present all tentatively agreed upon contract proposals to the Executive Committee. Authorization to pursue binding arbitration requires an affirmative vote of the Active Members, according to the voting procedures for contract ratification specified in Article XII (D), followed by approval of the Executive Committee.
8. Only the Negotiating Team is authorized to participate in contract negotiations on behalf

of the Chapter.

#### **D. Contract Ratification**

1. If binding arbitration is agreed upon, none of the following procedures for contract ratification will be in effect. However, it is the responsibility of the Negotiating Team and the Executive Committee through the Liaisons Council to continue to discuss priorities throughout the negotiations.
2. The Negotiating Committee shall submit a proposed contract agreement to the Executive Committee for discussion and recommendation. Upon review by the Executive Committee, the proposed agreement shall be brought to the Departmental Liaisons Council for discussion and recommendation. Upon review by the Departmental Liaisons Council, the proposed agreement shall be brought to the Active Members for ratification or rejection.
3. At least one week prior to a vote of the Active Members for ratification or rejection, the Executive Committee shall distribute copies of the proposed contract to all Active Members.
4. Prior to a ratification vote, except as in XII (E), a Chapter meeting shall be called for the purpose of discussing the proposed contract prior to distributing the ballots to the Active Members. However, the Chapter shall not take any action regarding the proposed contract at that meeting.
5. Subsequent to the meeting required in XII (D)(4), the Chapter President shall implement a contract ratification vote. Voting procedures shall be according to Article VIII (C)(2). An affirmative vote for the proposal by a majority of Active Members casting a ballot shall constitute the bargaining unit's acceptance of the contract.
6. A contract approved by the Active Members of the Chapter shall become binding when ratified by the University of Akron Board of Trustees.
7. A majority of Active Members casting ballots shall be necessary to authorize the Executive Committee to accept binding arbitration as a dispute resolution process for contract resolution or completion. At the discretion of the Executive Committee, this vote for binding arbitration may be conducted at a regular or special meeting of the Chapter, or according to the voting procedures in Article VIII (C)(2).
8. The Chapter shall comply with all rules and regulations of the Ohio State Employment Relations Board that are applicable to contract ratification and resolution of contract disputes.

#### **E. Emergency Ratifications**

When ORC Chapter 4117 requires a quick ratification vote of the Active Members of the Chapter, the Executive Committee may conduct a secret ballot vote by such means as the Executive Committee reasonably deems appropriate for: (a) contract ratification purposes, (b) approval or rejection of a fact finder's report, (c) authorization of a strike, or (d) other actions defined in ORC Chapter 4117 that require a timely vote. Unless otherwise precluded by ORC Chapter 4117, a contract shall be ratified if a majority of Active Members cast ballots in favor of ratification.

### **Article XIII: Amendments**

This Constitution may be amended by a two-thirds (2/3) affirmative vote of Active Members present and casting ballots at a regular or special Chapter meeting or by two-thirds (2/3) of the Active Members casting ballots in response to a written ballot. A notice of the proposed amendment(s), including reasons and known objections, shall be sent to each Active Member at least thirty (30) days prior to the vote. The Executive Committee or a petition of 25 Active Members may initiate amendments.

Notes:

- 1.) This Constitution was initially approved by a vote of the Chapter members present at the Chapter meeting held on May 07, 2003.
- 2.) This Constitution was amended according to the provisions in Article XIII on the following dates:
  - (a) Amended, Mar 31, 2004
  - (b) Amended, Sep 07, 2004
  - (c) Amended, Mar 22, 2005
  - (d) Amended, Oct 5, 2005
  - (e) Amended, Apr 15, 2009
  - (f) Amended, April 16, 2014
  - (g) Amended, April 10, 2023
  - (h) Amended, December 17, 2025