

Temple Association of

TAUP

University Professionals

Constitution
&
Bylaws

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T A U P

University Professionals

Constitution & Bylaws

As Amended November 2006

Published June 2007

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Constitution

Preamble

The present document is an outline of the basic principles for the bargaining unit of the Temple Association of University Professionals. The specifics are outlined in the attached Bylaws. All time limits shall refer to calendar days unless otherwise specified.

Article I: Name

The name of this organization shall be the Temple Association of University Professionals (TAUP).

Article II: Purpose

This organization shall be the sole and exclusive collective bargaining representative of its members with Temple University as certified by the Pennsylvania Labor Relations Board (PLRB). As such it shall exercise, or delegate to other bodies, all powers granted or not prohibited by law, including specifically Public Law 195, Commonwealth of Pennsylvania.

Article III: Membership

1. Active Members

- a. Membership shall be open to all full-time faculty in the Schools and Colleges of Temple University as specified by the PLRB, to academic professionals as defined by the PLRB, and to librarians as defined by the PLRB, and/or as

modified by the parties in negotiation.

- b. Membership is contingent upon payment of appropriate dues to TAUP. All members in good standing shall also be members of TAUP national, state, and local affiliates to whom the chapter pays dues on behalf of the members and of their respective state and local organizations. The term member or membership as used in the Constitution and Bylaws refers to members in good standing as defined in the Bylaws, I, 4. Any member in good standing shall be eligible to vote in any election or on any issue that comes before the membership.
- c. Membership meetings shall be called by the Executive Committee no fewer than two (2) times per calendar year. Additional meetings of the membership must be called upon receipt of a petition of no fewer than 100 members. Meetings called by petition must be held within two weeks of the receipt of the petition by the President.
- d. At least one open meeting must be held to solicit the views of the members during the preparation of contract proposals.

2. Retiree Members

- a. Retiree membership shall be open to all retiree members of TAUP who have held active membership in the TAUP for at least one year prior to retirement.
- b. A retiree chapter shall be established within the TAUP for the purpose of:
 - i. Maintaining the ties of professional unity between working members and retirees

- ii. Representing and promoting the interests of retiree members
 - iii. Providing a forum for exchanging information of interest and benefit to retiree members and for the expression of their views.
- c. All members of the retiree chapter shall hold simultaneous membership in the state and national affiliate as a retiree.
 - d. The retiree chapter shall establish bylaws that delineate membership, officers, committees and their responsibilities.
 - e. The retiree chapter president or a designee shall serve as a member of the TAUP executive committee and may have voting privileges on all matters except ULP's, contractual considerations including grievances, and similar considerations.

Article IV: Executive Committee

1. **Members at Large.** The Executive Committee of the Bargaining Unit shall consist of fifteen (15) members at large elected by the total membership. No more than one half (1/2) of the members at large shall come from any one College or School.
2. **Special Representatives.** If the Executive Committee representatives elected pursuant to paragraph 1 do not include at least (a) one (1) minority member (American Indian, Asian-American, Black, or Hispanic American), (b) one (1) woman faculty, (c) one (1) academic professional exclusive of librarians, and (d) one (1) librarian, separate elections will be conducted by TAUP officers within a month of the original

Executive Committee election among the members in good standing of any of the four groups not represented on the Executive Committee. These special representatives, when needed, are in addition to the fifteen (15) members elected at large.

3. **Terms of Office.** Members at large shall be elected for three (3) years. One-third (1/3) of the members at large shall be elected every year. The term of office for the special representatives elected under IV, 2 shall be for one (1) year. All terms of office shall run from May 1 through April 30.
4. **Elections** for all Executive Committee shall take place as provided in the Bylaws, I.

Article V: Officers

1. The officers of the TAUP shall be the President, Vice President, and Treasurer.
2. Elections for officers shall take place as provided under the Bylaws, I. No individual may stand for more than one office in any given election, though an individual may stand simultaneously for an office and for membership on the Executive Committee, or for delegate to city, state, or national affiliate councils and conventions.
3. The terms of these officers shall run for two (2) years. They shall commence May 1st following election and end April 30th two years afterwards.
4. The President shall function as the chief executive officer of the TAUP. He/she shall exercise supervision of the affairs of the Chapter, sign all official documents, and preside over membership meetings and meetings of the Executive Committee. He/she shall be an ex-officio member of all

committees, including the Negotiating Team.

5. The Vice President shall assist the President in the performance of the duties specified in paragraph 4. Should the President resign, be incapacitated, or be recalled under the provisions of Article VI, the Vice President shall serve as President for the remainder of the President's term.
6. The Treasurer shall be the chief financial officer of the TAUP and be in charge of and preserve all moneys, properties, securities and other evidences of investment, books, documents, files and effects of the TAUP which shall at all times be subject to the inspection of the other officers and all members of the Executive Committee. He/she shall produce annually a financial statement of the TAUP which shall be distributed to the membership. The Treasurer shall be required to provide for an annual audit of all books, accounts, records and financial transactions of the TAUP by an independent certified public accountant.
7. Delegates to city, state, or national affiliate councils and conventions, in addition to officers, as specified in Article VII, 2, shall be elected for a period of 12 months from May 1 to April 30 at the time of the annual election for Executive Committee members. The number of delegates to be elected shall be determined in accordance with the constitutions and Bylaws of our affiliate organizations.

Article VI: Recall

1. All officers, members of the Executive Committee, and delegates are subject to recall by the membership.
2. A petition by fifteen (15) percent of current dues-paying members shall require the Executive Committee to institute a recall vote by the membership by secret ballot on an officer,

member at large of the Executive Committee, or delegate. A petition by fifteen (15) percent of one of the groups designated for special representation in Article IV, paragraph 1, shall require the Executive Committee to institute a recall vote by secret ballot on a special representative by the members in that group.

3. The Executive Committee shall within fifteen (15) days have the signatures on such a petition verified by the Elections Committee. If sufficient valid signatures exist, secret ballots shall be sent within ten (10) additional days to all members who were in good standing as of fifteen (15) days prior to the receipt of the petition for recall by the Executive Committee. Ballots shall be sent to the membership twenty-one (21) days before the counting of the ballots.
4. A majority of the votes cast in the secret ballot shall constitute recall. The balloting shall be conducted by a neutral party to be selected by the Executive Committee.
5. No recall vote on an officer, Executive Committee member, or delegate shall be conducted within one (1) year after a recall of this individual has failed to achieve a majority of those voting. No recall vote shall be held within ninety (90) days preceding the termination of a contract, or between the expiration of a contract and forty (40) days following the ratification of its replacement by TAUP and Temple.

Article VII: Powers & Responsibilities

1. The Executive Committee

- a. The Executive Committee shall set policy and shall be responsible for carrying out the general purposes of the TAUP as defined in Article II.

- b. The Executive Committee shall have the authority to delegate responsibilities to any committees it may appoint or any established by the membership. All such committees are responsible to and shall report to the Executive Committee. The Executive Committee shall determine the membership of all committees, including the Negotiating Team. The Executive Committee may, by majority vote, create or alter the membership of any committee at any time.
- c. The Executive Committee shall appoint a standing Grievance Committee to hear and take appropriate action upon grievances arising under the contract.
- d. A Nominating Committee shall be appointed by the Executive Committee no fewer than ten (10) weeks prior to the annual elections, or to fulfill in a timely fashion the need for any replacement election that arises under the Bylaws, IV. It shall provide nominations for officers, Executive Committee members, and delegates to state and national conventions as specified in the Bylaws, I and IV.
- e. An Elections Committee of neutral members shall be appointed by the Executive Committee as needed to receive and validate any petitions for nominations in elections, petitions for recall, or petitions to change the Constitution or Bylaws. In elections, these shall not be candidates for office or members of the Nominating Committee.
- f. The Executive Committee shall appoint a Liaison Committee to work with members of the Faculty Senate Steering Committee to facilitate cooperation between the two organizations in matters of mutual interest and to keep each other informed.
- g. The Executive Committee shall prepare for and conduct

collective bargaining activities with the administration of Temple University on behalf of its membership.

- h. Any action of the Executive Committee may be overruled by a majority vote of the membership. Voting must be by secret ballot following an open meeting at which the issue or issues in question have been discussed.

2. Officers and Delegates

- a. The officers shall carry out the responsibilities specified in Article V, 4, 5, and 6.
- b. The officers acting by majority vote shall have the authority to approve expenditures or to reimburse any member for expenses incurred in the conduct of activities on behalf of the TAUP.
- c. A majority vote of the Executive Committee shall override any action of the officers.
- d. The President, Vice President, and Treasurer shall be three of the elected delegates of the TAUP at national or other conventions. If fewer than three delegates are allowed, they shall serve in the above order, the President coming first. Should more than three delegates be called for, or one or more of the officers be unable to attend, additions or replacements shall be chosen, in order of highest number of votes received, from those elected annually under the Bylaws, I.

Article VIII: Negotiating Team

- 1. Members of the Negotiating Team shall be appointed by the Executive Committee.
- 2. The President and the Chair of the Grievance Committee shall sit on the Negotiating Team ex officio.

3. The Negotiating Team must report to the Executive Committee fully and regularly on the progress of negotiations and must act on the basis of instructions from the Executive Committee.

Article IX: Ratification of Contract

1. No agreement reached between the Negotiating Team and the Administration of Temple University shall be binding unless approved by a majority of the Executive Committee and subsequently by a majority of the members voting.
2. The full details of the agreement reached with the Administration must be distributed to all members at least forty-eight (48) hours prior to voting.
3. At least one open meeting of the membership shall be held on the Main, The Health Science center, the Tyler, and the Ambler Campuses to explain and discuss the terms of the proposed contract prior to the balloting.
4. Voting shall be by secret ballot conducted by the TAUP office and overseen by a neutral party. The ballots will be counted by a neutral party at an open meeting of the membership.
5. If, in any circumstance, the outcome of said ratification vote is contested by any member in good standing, the following shall apply: The ballots will be sealed and stored by the neutral party overseeing the ballot. If within thirty (30) days a petition calling for a recount with valid signatures of at least ten per cent (10%) of the members in good standing is submitted to the TAUP Executive Committee, the neutral party holding the ballots shall recount the ballots and issue a decision.

Article X: Amendments to the Constitution

1. Amendments to the Constitution may be proposed by the Executive Committee or by petition containing verified signatures of no fewer than ten (10) percent of the members.
2. These proposed changes shall be distributed to the membership by the Executive Committee with its recommendations at least twenty-one (21) days prior to voting. Ballots on amendments shall be sent to the members no later than forty-five (45) days after a proposed amendment has been received by an officer.
3. Votes on amendments shall take place only during the normal academic year.
4. Two-thirds of those voting shall be required for approval. Voting shall be by secret ballot.

Article XI: Use of Income and Assets

1. TAUP is organized and will 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.
2. No part of the net earnings of this organization shall inure to the benefit of or be distributed to any officer, Executive Committee member, delegate, employee or other individual, partnership, estate, trust or corporation having personal or private interest in the TAUP. Compensation for services actually rendered and reimbursement for expenses actually incurred in attending to the affairs of the TAUP shall be limited to reasonable amounts.
3. Upon dissolution of the TAUP, its assets shall be disposed of

exclusively for the purposes of the TAUP or distributed to such organizations as shall, at the time, qualify as exempt organizations under Sections 501 (c) (3) or (c) (5).

*Note: The old **Article VI: Transition of Election Schedules**, which governed the change between 1985 and 1988 of the terms of office from the old dates (January 1 through December 31) to the new dates (May 1 through April 30), has been removed because it is no longer relevant. All subsequent articles have been appropriately renumbered.*

BYLAWS

I: Election Procedures

1. The Nominating Committee

- a. For annual elections the Nominating Committee shall be appointed by the Executive Committee no fewer than ten (10) weeks prior to the annual election, which shall be held in April of each academic year.
- b. The exact date of the election shall be set by the officers acting by majority vote.
- c. Before the election date, the Nominating Committee shall present to the membership at least twice as many nominations as there are openings for Executive Committee members at large and at least one nomination for each delegate. When vacancies for officers exist, the Nominating Committee shall present at least one nomination for each office.

2. The Elections Committee and Nomination by Petition

- a. The Executive Committee shall appoint an Elections Committee at least forty-five (45) days prior to an election. The Elections Committee will be responsible to oversee all procedures during the election process. No member of this committee shall be a candidate in the current election or a member of the Nominating Committee.
- b. Nomination by petition shall require at least fifteen (15) signatures of members in good standing. The petition must be received by the Elections Committee at least

thirty (30) days prior to the election. The Elections Committee shall present a ballot to the membership containing both candidates nominated by the Nominations Committee and those nominated by petition with a sufficient number of valid signatures of members in good standing.

3. Ballot and Voting

- a. Elections shall be held by secret ballot. The balloting means shall be secure, either electronic or paper, or a combination. No matter the means, electronic or paper ballot, the completed ballot shall be returned to a third party. There shall be appropriate guarantees that no member can vote more than once. There shall be appropriate guarantees that all voting is anonymous. Electronic ballots shall be returned electronically via appropriate means to an impartial third party to be counted. The paper ballots shall be returned either to a secure ballot box supervised by an impartial third part, or in other cases via U. S. mail to a post office box address, and will be counted at an open meeting of the TAUP membership, along, where appropriate, with the electronic ballots.
- b. An impartial party selected by the Elections Committee will draw candidates for ballot positions.
- c. Paper mail ballots will be provided if members specifically request them for Executive Committee and Officers Elections. An announcement to this effect will be included with the announcement of the slate of candidates when it is sent.
- d. For officers and delegates, if there are only as many candidates as there are open positions, the secret ballot will be foregone and the candidates will be considered

elected. For Executive Committee members, if there are only as many nominees as there are open positions, and if all open positions are for full three-year terms, the secret ballot procedure will be foregone and the nominees will be considered elected.

- e. If not all Executive Committee positions are for three years, the persons receiving the highest vote totals will get the three-year terms, up to the number of three-year terms open; similar procedures will be used to assign two-year or one-year terms. If there are only as many candidates as there are open terms, the candidates may by mutual agreement determine who will fill the three-year terms and other terms and thereby forego the secret ballot procedure.
 - f. Should no candidate receive a majority of the votes cast for an office, the Elections Committee shall within fifteen (15) days conduct a run-off election between the two candidates receiving the most votes in the initial balloting. This run-off will be conducted with the same procedures as the initial balloting.
 - g. When a secret ballot election is needed, a petition received at least fifteen (15) days prior to the sending out of ballots with the signatures of at least fifteen (15) members in good standing may assert the right to have the ballot procedure (sending ballots to members, receiving ballots, and counting them) be conducted by a neutral party outside the TAUP, which shall be selected by the Executive Committee.
4. Every candidate for Executive Committee, delegate, or office, every signer of a petition whose name is to be counted, and every voter must be a member in good standing in TAUP. A member in good standing is a person who is on dues check-off, who has paid his/her TAUP dues for the calendar year, or

who has paid his/her dues for the duration of a current leave from Temple.

5. In the event of election of an officer not a member of the Executive Committee, he/she shall serve as an extra member of that Committee for the term of the office. A maximum Executive Committee of twenty-two (22) is thus possible: fifteen (15) members at large; four (4) special representatives under Article IV, 2; and three (3) officers if none are otherwise members of the Committee.

II: Membership

1. The President or his/her designate shall preside at all meetings of the membership.
2. Robert's Rules of Order shall be followed except that a quorum shall be 20 percent of the members.
3. A ballot shall be required on any issue if one-half (1/2) of the members present so request except a strike vote, which shall be conducted by secret ballot at a meeting in which the current state of negotiations has been reported by the Executive Committee and opportunity for questioning and discussion by the membership has been provided.

III. Executive Committee Procedures

1. No one may serve on a committee who is not a TAUP member.
2. The Executive Committee shall operate by Robert's Rules of Order. Eight (8) members shall constitute a quorum.
3. The Executive Committee shall meet no less frequently than

once every two weeks when negotiations are in progress and upon call of the President, but no less frequently than once a month during the academic year. If there has not been a meeting for more than a month, any three (3) members of the Executive Committee can ask for a meeting. If they do, the President shall call a meeting within five (5) days. The officers by majority vote shall set the time and place of the meetings.

4. The tentative agenda and minutes of the previous meeting shall be made available to members of the Executive Committee at least one day before meetings. Minutes are to be available upon request.

IV: Replacement of Executive Committee Members & Officers

1. Any member of the Executive Committee who fails to maintain his/her membership in the TAUP in good standing shall be dropped from membership on the Committee ten (10) days after notice of such lapse has been given by the Executive Committee unless the situation has been corrected within the ten (10) days of notice.
2. Any member of the Executive Committee who fails for reasons other than health, work assignment, off-campus duties for the University, or extraordinary personal circumstances to attend three (3) consecutive meetings shall be deemed to have resigned. Executive Committee members taking leaves of absence from Temple of a full term or more may continue to attend subject to the above provision, or they shall be temporarily replaced by the Executive Committee. Leaves for Executive Committee members become subject to this paragraph as of January 2, 1986.
3. Whether vacancies occur under IV, 1 or 2, of the Bylaws above, from resignation, or by recall under Article VI of the

Constitution, the Executive Committee shall hold elections for replacing Executive Committee members or the Vice President or the Treasurer, as needed, within thirty (30) days to fill the unexpired term(s), provided that more than one hundred twenty (120) days remain in a term. The procedures to be followed are those generally specified for officers, Executive Committee members at large, and special Executive Committee members except that no election may be held between May 15 and September 15, or December 15 and January 15. Where fewer than one hundred twenty (120) days remain the term of the Vice President or Treasurer, the Executive Committee shall appoint a member of the Executive Committee to fill out the balance of the unexpired term.

V. Dues

1. TAUP dues shall be for the calendar year (January 1-December 31) and shall be pro-rated for new members enrolled during the year.
2. Changes in the dues structure must be made by the membership voting by secret ballot. The proposed change must be distributed to the members no fewer than twenty-one (21) days prior to the balloting.
3. Annual TAUP dues shall be:
 - a. **New members** – 0.5% of base salary for first year;
 - b. **Untenured faculty, Probationary Librarians and Academic Professionals** –0.75% of base salary;
 - c. **Tenured faculty, Librarians on regular appointment, and post-probationary Academic Professionals** – 1.0% of current annual base salary.
4. Individual members may voluntarily increase their dues by an amount they can specify, which amount will be transferred to

the TAUP COPE fund. A member so wishing to take advantage of this provision will give written authorization to TAUP, specifying the amount of extra dues the member wants transferred in this manner. A member may change the specified amount once per year, to take effect January 1 of the following calendar year. A member may revoke authorization for this voluntary amount, such revocation to be effective January 1 of the following calendar year. Changes in the specified amount or revocation of authorization to collect the extra dues must be received in writing at the TAUP office by December 31 to take effect the following January 1. Written authorizations may be received and collections may be initiated immediately upon passage of this paragraph.

VI: Amendments to the Bylaws

1. Amendments to the Bylaws may be proposed by the Executive Committee or by petition containing verified signatures of ten (10) percent of the members.
2. These proposed By-Law changes shall be distributed to the membership by the Executive Committee with its recommendations at least twenty-one (21) days prior to the balloting. Voting must be by secret ballot.
3. Two-thirds of those voting shall be required for approval.
4. Votes on amendments to the Bylaws shall take place only during the normal academic year.

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