

Democratic Constitution of the Eastern Michigan University Federation of Teachers

Article I Name

Section 1. The name of the union for the non-tenure track faculty at Eastern Michigan University shall be the EMU Federation of Teachers.

Section 2. EMU Federation of Teachers is affiliated with the American Federation of Teachers-Michigan, the American Federation of Teachers, and the AFL-CIO.

Article II Purpose

The purpose of the EMU Federation of Teachers is

Section 1. To provide an opportunity for members who share a common philosophy of making personal contributions of time and energy for the benefit of the union to have equal representation under one union known as EMU Federation of Teachers;

Section 2. To work towards bringing collective bargaining rights to all EMU employees who teach or who interact with students and who are not represented by any other labor union at EMU;

Section 3. To promote increased collegiality of non-tenure track faculty within and across academic departments and to ensure that these faculty are full citizens in the governance structures of the University;

Section 4. To promote workplace and economic democracy, justice, and inclusiveness both in the EMU community and the larger society of which it is an integral part, and to help build a dynamic and democratic national labor movement, animated by the principle that an injury to one is an injury to all, and in that spirit, to promote local, state, national, and international labor solidarity;

Section 5. To oppose policies that result in the increased casualization of the workforce;

Section 6. To increase the economic, professional, social and political power of non-tenure track faculty at EMU through collective bargaining and political action, and thus to improve the quality of education at EMU; and

Section 7. To work towards bringing all instructional faculty at EMU under one collective bargaining agreement.

Article III Membership & Definitions

Section 1. All persons represented by the EMU Federation of Teachers in a bargaining unit agreed upon with the employer shall be voting members in good standing in the Union, provided that:

- (a) The employee executes Payroll Deduction Authorization card for dues;
- (b) All dues owed by the employee to the union are current;
- (c) The employee has not retired or resigned from employment at the University, and
- (d) The employee has not revoked membership in the union through the revocation of their Payroll Deduction Authorization card for dues.

Section 2. Retired members shall be eligible to continue as members in good standing upon their notification to the Union.

Section 3. No person shall be denied membership on the basis of age, sex, race, citizenship, national origin, religion, ethnicity, political belief, sexuality, gender identity, gender expression, health, weight, height, marital, parental, or pregnancy status, or veteran status.

Section 4. Membership shall continue for any person of disputed employment status through the end of the EMU-FT grievance procedure.

Section 5. Contract Ratification: Only members in good standing who worked under a Collective Bargaining Agreement during the previous academic year, or whose upcoming appointments mean that they will be covered by a proposed tentative agreement, shall be eligible to vote in a Collective Bargaining Agreement ratification election.

Section 6. Other Voting Rights: Only members in good standing shall be eligible to vote on other matters.

Section 7. The term "day" in this Constitution shall mean any weekday during which the University is open for business. The term "week" shall mean any seven consecutive days.

Article IV Administrative Structure

The structure of the Union shall consist of the following:

Section 1. Members who give the Union its strength by volunteering their time in Union-building activities, participating in Union meetings and rallies, and voting in Union elections;

Section 2. Stewards who represent the members of their unit, promote member participation in and understanding of Union activities and priorities, and recruit new members;

Section 3. A Membership Council which organizes and coordinates the activities of the Union;

Section 4. A Union Council and the Standing Committees which coordinate activities and make decisions on policies affecting all departments and all facilities; and

Section 5. An Annual Membership Convention at which members vote on the Union's annual plan and budget, constitutional amendments, and resolutions.

Section 6. Special Positions: From time to time, the President with the approval of the Membership Council may appoint persons to provide special assistance to the Union. Such persons need not be members in good standing. They may attend Union Council Meetings as invited, but shall not have a vote on the Union Council. Such positions may include, but are not limited to: Auditor, Accountant, Sergeant-At-Arms, Special Projects Coordinator, Consultant, Special Advisor, American Federation of Teachers Representative, Liaisons with other Unions, etc.

Article V Stewards

Section 1. Organizational units of the Union shall be determined by the Union Council.

Section 2. Stewards shall serve as representatives of the members of the unit(s) and as organizers for the Union. Stewards may be chosen by the members of the unit(s) that they serve. All stewards must be members in good standing.

Section 3. The Union Council may merge units and/or appoint stewards as necessary so that all members are represented by a steward. No unit shall be without representation by a steward.

Section 4. Duties of Stewards

Stewards shall

- (a) Understand the Collective Bargaining Agreement(s) of EMUFT employees and protect the rights granted by those agreements;
- (b) Organize and recruit members in their units and beyond; and communicate information to the members of the unit as needed;
- (c) Meet regularly with members in their units to discuss workplace and organizational issues, and to receive instruction from their members;
- (d) Immediately notify the Grievance Committee of any grievable offence;
- (e) Consult with the employer's management personnel as necessary regarding matters of interest to the Union's membership; and
- (f) Be available to represent any member in their unit in any discussion with management over any workplace issue.
- (g) Regularly attend Membership Council meetings.

Article VI Membership Council

Section 1. The Membership Council shall be the coordinating, organizing and governing body for the Union in all departments and all facilities of Eastern Michigan University. It shall consist of any member in good standing in attendance.

Section 2. Membership Council shall

- (a) Promote, assist, and coordinate the organizing work of the Stewards;
- (b) Receive the reports of the Union Council or Standing Committees, and communicate to the Union Council the relevant needs, concerns, and calls for action of the campus membership;
- (c) With the help of the Stewards, implement and oversee Union policy on the campus;
- (d) Oversee and maintain the standing committees and establish, oversee and maintain such special committees as it deems necessary;
- (e) Appoint or elect at least one representative to each of the Union's Standing Committees;
- (f) Oversee the expenditure of any Union funds placed under its control;
- (g) Maintain a written set of Bylaws that do not contradict this Constitution or general democratic principles, which it shall make available on demand to any member of the Union;

Section 3. The President shall be responsible for issuing an agenda for regularly scheduled and special meetings of the Membership Council which shall be published and distributed to all members at least five days in advance of the meeting. Special meetings shall have the agenda published with the notice of the meeting.

Article VII Union Council

Section 1. The Union Council is composed of the five annually-elected officers of the Union.

Section 2. The Union Council shall meet monthly from September through May for the purpose of initiating, overseeing, or revising the Union's organizing program and to conduct other Union business within its authority. The Union Council may also meet more frequently, or during the months of June through August, at the call of the President or of at least two other Union Council members.

- Section 3.** An agenda for regularly scheduled and special meetings of the Union Council shall be published and distributed to members at least one week in advance. Special meetings shall have the agenda published with the notice of the meeting.
- Section 4.** Any elected member or ex-officio member of the Union Council, who fails to attend three consecutive meetings or a total of four meetings during the year, shall be subject to replacement as per Article XII.

Article VIII Officers

Section 1. The officers of the Union shall consist of a President, Vice President, Secretary, Treasurer, and Grievance Officer.

Section 2. President:

The President shall:

- (a) Oversee the ongoing administration of the Union;
- (b) Serve as the primary spokesperson for the Union;
- (c) Have authority to negotiate with the University subject to the advice and consent of the Membership Council;
- (d) Be the presiding officer at union meetings and make an annual report to the membership of the Union at an Annual Membership Convention;
- (e) Be an ex-officio member of all standing committees except the Elections Committee;
- (f) Be one of the responsible financial officers of the Union and be authorized to co-sign financial instruments and make regular and usual disbursements of funds; and
- (g) Be able to delegate all other responsibilities of the office except where otherwise specified by the constitution.

Section 3. Vice-President

The Vice-President shall:

- (a) Be the chief organizing officer of the Union;
- (b) Chair the Organizing Committee; and
- (c) Perform other duties as delegated by the President or assigned by the Union Council.

Section 4. Secretary

The Secretary shall:

- (a) Maintain the non-financial files and records of the Union, including all minutes of Membership Council, Standing and Special Committee meetings;
- (b) Chair the Social Committee and the Communications Committee;
- (c) Record and keep accurate minutes of meetings of the Annual Membership Convention and the Union Council;
- (d) Assist the President in handling the correspondence of the Union;
- (e) Receive and certify the reports of the Elections Committee; and
- (f) Perform other duties as delegated by the President, or assigned by the Union Council.

Section 5. Treasurer:

The Treasurer, with the assistance of the finance committee, shall:

- (a) Receive, record, and deposit all dues monies and other income in the name of the Union;
- (b) Chair the Finance Committee, which shall assist and advise the Treasurer in all duties;
- (c) Maintain accurate membership records;

- (d) Issue membership cards and notices of delinquency;
- (e) Be one of the responsible financial officers of the Union and be authorized to co-sign financial instruments and make regular and usual disbursements of funds;
- (f) Maintain all financial records of the Union;
- (g) Arrange for an annual independent audit or financial review of the finances of the Union and make it available to the Union Council and the membership;
- (h) Prepare and submit, at minimum, a quarterly financial report to the Union Council;
- (i) Make timely payment of all per capita dues and bills;
- (j) Prepare and file in a timely manner all appropriate tax returns on behalf of the Union; and
- (k) Perform other duties as delegated by the President or assigned by the Union Council;

Section 6. Grievance Officer:

The Grievance Officer, with the assistance of the Grievance Committee, shall:

- (a) Chair the Grievance Committee;
- (b) Maintain files and records related to possible grievances and other contractual violations and potential contractual violations;
- (c) Conduct on-going education of the membership about their contractual rights and responsibilities;
- (d) Make determinations, with the advice and approval of a simple majority of the Grievance Committee, regarding the validity, disposition, and method of pursuit (if any) for all grievance claims brought to the attention of the Grievance Committee, short of arbitration or civil remedy;
- (e) Make recommendations to the Union Council regarding disputes to be taken to arbitration or civil remedy;
- (f) Attend, or designate a Union representative to attend, any grievance, disciplinary, or other meeting between the University and Union members where contractual matters are discussed or disciplinary actions toward Union member(s) could result, or when requested by the Union member(s); and
- (g) Perform other duties as delegated by the President or assigned by the Union Council.

Article IX Standing and Special Committees

Section 1. The Standing Committees of the Union are permanent committees that perform essential and ongoing Union functions, including a) Bargaining, b) Communications, c) Elections, d) Finance, e) Grievance, f) Organizing, g) Political Education and Action, and h) Scholarship.

Section 2. Committee membership: The Membership Council shall appoint or elect members to the Standing Committees. All Union Council officers are *ex-officio* members of all standing and special committees. Chairs, other than those specified in this Constitution, shall be appointed or elected by the members of those committees.

Section 3. Special Committees: The Membership Council may create Special Committees of the Union on an as-needed basis to do work not covered by any of the Standing Committees. Their function is to advise the Union Council and/or the Standing Committees as these groups carry out their essential and ongoing Union functions. The Membership Council shall appoint or elect members of Special

Committees whose chairs, in turn, are either appointed or elected by their respective committee members.

Section 4. Duties of the Standing Committees:

- (a) The Bargaining Committee shall oversee the development of a bargaining platform and engage in collective bargaining.
- (b) The Communications Committee shall develop procedures and plans for effectively communicating the Union's goals, values, activities and achievements both to the Union membership and the wider community.
- (c) The Finance Committee shall develop and maintain internal controls to safeguard the Union's assets, guidelines for the reporting of expenses, and policies and procedures for the preparation of the annual budget.
- (d) The Grievance Committee shall work with the Stewards in the resolution of contractual and non-contractual disputes in the workplace, maintain records of grievances and their disposition, be responsible for responding to and resolving grievances and disputes beyond the immediate work location, and make recommendation to the Union Council regarding disputes to be taken to arbitration or civil remedy.
- (e) The Organizing Committee shall develop and oversee the education, training, and mobilization of members pursuant to the goals stated in Article II.
- (f) The Political Education and Action Committee shall monitor government policy actions relevant to the purposes of the Union stated under Article II and educate all members regarding these developments. It shall propose appropriate responses and oversee cooperation between the Union and other organizations committed to this work. It shall secure voluntary contributions to support the Union's political work and may recommend endorsement of candidates for local, state, and national elections.
- (g) The Scholarship Committee shall administer the scholarship given to an Eastern Michigan University student by the EMU Federation of Teachers.

Article X Annual Membership Convention

Section 1. An Annual Membership Convention shall be convened in order to make reports to the membership and to discuss and vote on the dues rate and any proposed resolutions or amendments to the Constitution, as provided for in this Constitution, and may serve as the venue for discussion of, and voting on, the annual budget.

Section 2. Guests who are not members of the EMU Federation of Teachers may be permitted to attend the Annual Membership Convention.

Section 3. The Union Council shall determine the time, place, and agenda of the Convention, and give at least thirty (30) days' notice to the members. The Convention will be held between March 1 and April 15.

Section 4. Resolutions may be put before the Convention in the same manner as other issues of importance. The purpose of a resolution is to state the Union's collective opinion on issues of importance. A resolution may suggest, but not dictate, policy. No resolution shall be viewed as in any way altering the provisions of this constitution. A majority of the votes cast at the Annual Membership Convention shall be required for approval of a resolution.

Section 5. An Emergency Convention may be held with at least three (3) days notice and shall have an agenda published with the notice of the meeting.

Article XI Elections

Section 1. Only members in good standing are eligible to vote for officers during the annual election of officers.

Section 2. Elections of Union Council officers must be completed by the conclusion of the Annual Membership Convention. Ballots shall be counted and the results reported by the elections committee within one week of the Annual Convention.

Section 3. Officers:

(a) The five Union Council officers shall be elected each year.

(b) Union Council members must be members of EMU Federation of Teachers in good standing at the time of their nomination, their election, and throughout their term of office.

Section 4. Elections shall be conducted by the Elections Committee. Any member in good standing except members of the Union Council may sit on the Elections Committee. The Elections Committee shall be responsible for issuing a call for nominations, accepting and maintaining the nominations, certifying the eligibility of the nominees, formulating the ballot, issuing to the members a draft ballot and other election information, conducting the election including counting the ballots and certifying and reporting the results.

Section 5. Nominations:

(a) Any member in good standing may be nominated for office or may self-nominate.

(b) Unless nominated on the floor of the Annual Membership Convention, each nominee must fill out a nomination acceptance form and return it to the Chair of the Elections Committee by a date specified by the Elections Committee in order to have his or her name placed on the ballot.

(c) If officer elections are being conducted at the Annual Membership Convention, nominations may be made on the floor. Such nominations must be seconded and accepted in person by the nominee in order to be considered valid and placed on the ballot. The Secretary or his/her designee must certify immediately the eligibility of the nominee.

Section 6. The elections committee shall circulate to the membership, or otherwise make available, the list of nominees for Union Council office no less than Fifteen (15) days prior to the Annual Membership Convention.

Section 7. The nominee gaining the most the votes at the Annual Membership Convention election shall be elected to each office.

Section 8. The term of office for all Union Council officers will begin May 1 and will end April 30 of the following year.

Article XII Succession and Interim Positions

If for any reason an officer is no longer able or allowed to fulfill his/her role, the Vice President shall act as interim until the next scheduled Membership Council meeting. The Membership Council will then elect a replacement for the duration of the original elected period.

Article XIII Recall of Elected Officers

Section 1. A petition of "no confidence" can be made against any member of the Union Council upon petition of at least fifteen percent (15%), of the dues-paying members in good standing, provided that such petition include members from at least three (3) separate colleges. Such a petition shall be referred to the Membership Secretary to have signatures validated.

Section 2. If the petition is found to be valid, the Elections Committee shall conduct a recall election no later than 90 calendar days following the submission of the petition.

Section 3. The recalled official shall be ineligible for appointment to any Union Council office for the remainder of that year, but may be nominated and run for Union Council office during the next annual election.

Article XIV Budget Process

Section 1. The Union Council shall submit an Annual Budget for the Union, including a proposed dues policy, to the membership by June 30 of the year preceding the year to which the budget relates for discussion, possible amendment and approval.

Section 2. The Union Council shall publish its proposed budget to all members at least fifteen (15) days prior to the deadline set in any given year for voting on the approval/rejection of the proposed budget.

Section 3. A majority of the votes cast shall be required for approval of the budget.

Section 4. The budget may be amended by the Membership Council as requested by the Union Council.

Article XV Finances and Dues Rate

Section 1. In accordance with the policies of the Federation, the Union Council shall have the power to make contracts, incur liabilities, borrow money, issue notes, bonds and other obligations, and to secure its obligations through mortgages, pledges, or deeds of trust.

Section 2. The Union Council shall have the power to employ all personnel including an office manager, clerical help, and other persons on a full or part-time basis as may be authorized by the policies of the Federation.

Section 3. The Union Council shall have the right to create an annual salary scale for officers and shall be responsible for the distribution of any release time for officers.

Section 4. The Treasurer shall submit an Annual Budget for the Union, including any proposal for changes to the dues policy, to the Union Council at least 45 calendar days before the deadline set in any given year for voting on the approval/rejection of the proposed budget for discussion and possible amendments prior to issuance to the Membership.

Section 5. If it proposes a change to the dues rate, the Union Council shall publish its proposed dues rate with explanations to all members at least fifteen (15) days prior to the deadline set for voting on the approval/rejection of the proposed Dues Rate change.

Section 6. A majority of the votes cast shall be required to approve changes to the Dues Rate.

Article XVI Rules of Order

Robert's Rules of Order, Revised shall be the default governing style of the Union and all of its subordinate bodies in all matters not covered by this Constitution or by the Bylaws and rules of the Councils and Committees.

Article XVII Availability of Constitution

Section 1. Three copies of this Constitution and all subsequent amendments shall be submitted to the office of the Secretary-Treasurer of the American Federation of Teachers.

Section 2. One copy shall be sent to the similar officer of each organization with which the Union is affiliated.

Section 3. The Secretary shall make available upon request a copy to any member of the Union.

Section 4. A copy shall be published on the Union's web site.

Article XVIII Ratification of Constitution

This Constitution shall go into effect immediately upon its ratification by a majority of votes cast in a ballot of the membership.

Article XIX Amendments to Constitution

Section 1. Any member of the Union may propose an amendment to this Constitution through the following process:

- (a) The member shall prepare a petition containing the full text of the proposed amendment.
- (b) The member shall collect on the petition the valid signatures of at least 15% members in good standing, from at least three (3) Colleges of the University, and then submit the original copy of the petition to the Secretary of the Union.
- (c) The Secretary shall verify the compliance of the petition with the provisions of this Article within ten (10) days of receipt of this petition. The Secretary shall either return the petition to the originating member with a written explanation of its deficiencies or transmit the petition to the Union Council and Membership Council for review and discussion.
- (d) The Councils shall publish their recommendations on the proposed amendment to all members at least fifteen (15) days prior to the next Annual Membership Convention.

Section 2.

- (a) An amendment to this Constitution may also be proposed by a majority vote of the Union Council or Membership Council.
- (b) An amendment proposed by either Council is also subject to the provisions outlined in Section 1, paragraph d above.

Section 3. Voting on a proposed Constitutional amendment that meets the requirements listed above shall take place at the next Annual Membership Convention. Two-thirds of votes cast shall be sufficient to pass an amendment.

Article XX Transitional Period

Section 1. The provisions in this article take effect immediately upon the ratification of this Constitution and expire on April 1, 2011, with exception of section 2.

Section 2. For the duration of the transitional period or until ratification of the initial tentative agreement which ever is later, any part-time lecturer employed by EMU in the past twelve months and who has signed a membership card shall be considered a member in good standing.

Section 3. During the transitional period, all members of the duly-elected Executive Board and Board of Trustees for 2010-2011 shall retain their offices and shall be called the Union Council.

Section 4. During the transitional period, all members of the Union Council are charged with representing the interests and needs of all lecturers without regard to full- or part-time status.

Section 5. During the transitional period, the Trustees shall be permanent members of the Membership Council and shall attend and organize all Membership Council Meetings. General Members are also highly encouraged to attend meetings of the Membership Council.

Section 6. Election of part-time lecturer Officer and Trustees:

- (a) For the duration of this Article, part-time lecturers who are members in good standing shall specially elect seven additional Trustees to the sitting EMU Federation of Teachers Union Council. These positions shall be open to any part-time lecturer who is a member in good standing and who is employed in the Fall 2010 or Winter 2011 semesters.
- (b) Trustees elected under this provision shall have all the rights and duties accorded to sitting Union Council members, and shall be charged with representing the interests of both full- and part-time lecturers.
- (c) For the duration of the transitional period, part-time lecturers shall elect a Vice President to the Union Council via the same special election described in paragraph (a) above. This position shall include all the rights and duties accorded to sitting Union Council members. This Vice President shall also have the authority to nominate candidates for Chief Negotiator for the initial contract covering all part-time lecturers subject to approval of the Union Council and Membership Council.

Section 7

- (a) The election outlined in this Article shall be overseen by the elections committee and conducted in a manner consistent with the provisions for elections in Article XI except for provisions regarding events to occur at the Annual Membership Convention. The election should be conducted as soon as possible following the ratification of this constitution.
- (b) Should any of the positions outlined in Section 6 become vacant, interim replacements shall be made following the procedure in Article XII, except that any replacement shall be a part-time lecturer hired for the Fall 2010 or Winter 2011 semesters.