

**CONSTITUTION AND BYLAWS OF THE UNION OF ADJUNCT
FACULTY AT PACE**

**ARTICLE I
NAME**

This organization shall be known as The Union of Adjunct Faculty at PACE (Union), also referred to in this Constitution and Bylaws ("Constitution") as the UAFP.

**ARTICLE II
PURPOSE AND OBJECTIVES**

The purpose of this organization shall be:

Section 2.1 To secure full trade union rights, including the rights to exclusive recognition and collective bargaining, for all employees who are eligible for membership.

Section 2.2 To advance the economic, social, and political well-being of the membership.

Section 2.3 To promote the improvement of standards in the employment situation of the membership.

Section 2.4 To encourage mutual understanding and cooperation among the membership.

Section 2.5 To promote the effectiveness and quality of the institutions in which our members work.

Section 2.6 To improve the quality of education, research, and scholarship at a Pace University in cooperation with the other members of our academic community.

Section 2.7 To secure and advance the professional and economic interests for job security of the adjunct faculty at Pace University.

**ARTICLE III
MEMBERSHIP**

Section 3.1 All persons who are employed as Adjunct Professors or Part Time Instructors by PACE University shall be eligible for membership.

Section 3.2 No person shall be denied membership on the basis of sex, race, national origin, religious or political belief, sexual orientation, disability, gender identity, or social status.

Section 3.3 An applicant shall be considered a member on the date when the Union has received both the membership application and the dues check-off authorization permitting initiation fees and regular dues to be deducted from earnings and transmitted by PACE to the Union. If the person signs the membership

application but chooses not to sign a check-off authorization, then membership shall commence upon the Union's receipt of the first payment of dues.

Section 3.4 All members shall remain in "good standing," which means and requires that all dues obligations are fully paid up. Dues are due as of the first day of the calendar month and, if not paid, shall be recognized as delinquent on the first day of the next calendar month. If a member has signed and submitted a dues check-off authorization and has earnings within a calendar month, but PACE has not either deducted the dues or transmitted the dues to the Union, such shall not result in a loss of "good standing." If a member does not have earnings from employment at PACE in any given month, such that dues are not able to be subject to check-off, the member shall not be obligated to pay the monthly dues amount ~~directly~~ to the Union. A member who does not remit dues by way of dues check off shall receive a timely invoice for dues payment. Once such invoice has been distributed to an individual for payment of Union dues, it is incumbent upon the individual to either pay such dues in a timely manner, or notify the Union that they did not have earnings during the relevant month, and, accordingly, such dues payment is not required to remain in good standing.

Section 3.5 A member who is delinquent in payment of dues for two (2) months, whether consecutive months or cumulative, shall be suspended from membership.

ARTICLE IV OFFICERS

Section 4.1 The officers of this organization shall be the President, Vice President, Secretary, and Treasurer. These four (4) officers shall constitute the Executive Board of the Union. The term of office for all officers shall be for three (3) years.

Section 4.2(a) The President is recognized as the Principal Officer of the Union and shall preside at regular and special meetings of the membership and at the meetings of the Executive Board. The President may appoint a Warden who shall assist him during membership meetings to exclude persons not entitled to attend and to maintain order. The President is authorized to supervise, direct, and control all of the executive and administrative functions of this organization. The President is authorized and empowered to recommend to the Executive Board the employment of administrative assistants, accountants, attorneys, and office, and service employees whenever they are reasonably needed to foster or protect the good and welfare of this organization. The President is also authorized to appoint and remove, with the consent of the Executive Board, such business representatives as deemed necessary to service the members of this organization. Business agents and assistant business agents shall be appointed and may be removed at will only by the appointing authority. With the exception of standing rec-occurring monthly bills, the President shall be provided with a copy of all invoices and draft checks prior to payment, and upon receipt and review of the invoice and draft check, approve all checks for the withdrawal of funds from the account of the Union by replying by email approving or disapproving such proposed payment. The Treasurer, or in the absence of the Treasurer then the Vice President, shall sign all checks which have been reviewed and approved by the President. The President and Treasurer shall exercise joint custody and control over the bank accounts and other assets of the organization. The President shall together

with the Treasurer, or in the absence of the Treasurer then by Vice President, make all expenditures authorized herein for Union purposes unless specifically prohibited by action of the Executive Board.

(b) The President shall hold responsibility and authority as the chief negotiator for collective bargaining to appoint members to the Negotiating Committee and for the processing and adjusting of grievances, but may delegate authority to an Executive Board member. If a grievance is not resolved during processing, the President shall make a recommendation to the Executive Board on whether it should be processed through arbitration or dropped.

Upon completion of an election of officers that results in a new President, the incumbent President shall meet with the officer-elect during the period between the date of the election and the end of the term of office to review pending grievances, open contract negotiations, and the Union's financial records.

(c) The President shall appoint the Election Committee Chairperson, subject to approval by the Executive Board, and have the authority to form committees for any purpose needed to carry out the purpose and objective of this Union, and to appoint the committee persons.

Section 4.3 The Vice President shall assist the President in the performance of duties and shall perform the duties of the President in the absence of the President. In the absence of the Treasurer, the Vice President shall have the authority to approve and co-sign checks and other financial documents. The Vice President, to the extent delegated by the President, shall have authority to process and adjust grievances. The Vice President shall prepare and distribute the agenda for each Executive Board meeting.

Section 4.4 (a) The Treasurer shall sign all approved and co-sign checks for withdrawal of funds from the accounts of the Union and, together with the President, shall exercise joint custody and control over the stocks, bonds, securities, and other assets of the organization. The Treasurer, together with the President, shall make all expenditures authorized herein for Union purposes, and authorize bills to be recognized as a standing re-occurring bill, unless specifically prohibited by action of the Executive Board. The Treasurer shall monitor savings and checking accounts, submit a statement of assets, receipts, and disbursements in summary form at each meeting, and report balances and anomalies, if any, to the Executive Board. The Treasurer shall make available, upon request, a fiscal report to the membership within ninety (90) days after the end of each calendar year. The Treasurer shall organize fiscal year spending to inform present and future budgetary decisions.

Section 4.4(b) The Treasurer shall keep a correct account of all monies paid to and paid out by the Union. Except for standing re-occurring bills, the Treasurer will not make any payments from the Union's funds until receiving bills or receipts evidencing obligation for the payment of goods or services received or to be received by the Union.

Section 4.4 (c) The Treasurer shall make available to the Executive Board all documents necessary for them to verify the accuracy of all financial reports and schedules. The Treasurer shall make available for inspection by the independent accountant, any documents necessary for the independent accountant to complete the annual financial records and prepare government filings.

Section 4.5 The Secretary shall keep and maintain minutes of the meetings of the membership and Executive Board and all other non-financial files and records of the Union. Secretary shall work with the Co-Coordinator for Membership Recruitment to facilitate and effectuate the recruitment of UAFP members.

It shall be the function of the Secretary to attend general membership meetings of the Union as well as those of the Union Executive Board and to keep minutes of the proceedings. Minutes shall reflect motions made at meetings and shall specify their adoption or rejection. Minutes shall specifically include all financial transactions approved at the meetings.

In the absence of the Secretary, the President shall appoint a member or members to keep minutes. Minutes of the meetings shall be official records of the Union and shall be maintained at the Union's files.

The Secretary shall provide members with a copy of the Constitution upon request.

Section 4.6 All officers of this Union when installed after election shall be required to take the following obligations of office:

I, _____, do sincerely promise, upon my honor as a trade unionist, that I will faithfully use my energies and abilities to perform the duties of my office, for the ensuing term, as prescribed by the Constitution and Bylaws of this Union. As an officer of this Union, I will, at all times, act solely in the interests of our members, devote the resources of our Union to furthering their needs and goals, work to maintain a Union that is free of corruption, to preserve and strengthen democratic principles in our Union, and to protect the members' interests in all dealings with employers.

As a condition of accepting an office of the Union, upon the termination of an officer, the former officer shall be required to return all intellectual and physical properties belonging to the Union.

ARTICLE V EXECUTIVE BOARD

Section 5.1 All officers elected by the general membership of the organization shall serve as members of the Executive Board.

Section 5.2 The Executive Board shall generally meet monthly, or at the call of the President, or at the call of at least a majority of its members, for the purpose of initiating, overseeing, or revising the program of the organization and to conduct other business of the organization that is within its authority. A quorum for the Executive Board shall be one-half of its members. Meetings may, at the President's option, be held electronically.

Section 5.3 The Executive Board shall determine the agenda for all Membership Meetings.

Section 5.4 The Executive Board shall approve the President's recommendation for the retention of attorneys, accountants, other professionals, and administrative personnel providers.

Section 5.5 The Executive Board shall be empowered to make contracts and incur liabilities including the purchase or leasing of services, equipment, and real property, purchase insurances for the protection of the organization, to borrow money, to secure such obligations by mortgage or other instrument, and to otherwise engage in all financial transactions to the extent permitted by applicable law or statute. The Executive Board shall have the power to approve the submission of unresolved grievances to arbitration, to discuss grievances, and to commence and defend litigation on behalf of the membership and the Union.

Section 5.6 The Executive Board shall approve the appointment of the Election Committee Chairperson and the two (2) Committee persons who are to be selected and recommended by the Chairperson.

Section 5.7 The Executive Board, as detailed further herein, shall be responsible for adherence to and enforcement of the Constitution and Bylaws of the organization. The Executive Board, by appointment, shall fill all vacant offices of the Executive Board.

Section 5.8 The Executive Board shall issue regular reports, including an annual written report, that will be distributed to the membership.

Section 5.9 The Executive Board shall approve initial collective bargaining proposals for negotiations by the President and Negotiating Committee and make a recommendation to the membership on proposed contractual agreements for ratification by the membership.

ARTICLE VI MEMBERSHIP MEETINGS

Section 6.1 The Membership Meeting shall meet at least once a year (Fall or Spring) with at least thirty (30) calendar days advanced notice of time and place, or more or less often as approved by the majority vote of assembled members in the regularly constituted Membership Meeting. The Executive Board is empowered to determine if the Membership Meeting will be conducted in-person or via the internet.

Section 6.2 Quorum for the Membership Meeting shall be 15 or more members.

Section 6.3 Unless otherwise stipulated in the Constitution, adoption of action items and elections shall require a simple majority of votes cast in the Membership Meeting.

Section 6.4 Special meetings may be called by the President (or acting President), by a majority of Executive Board, or by petition to the Executive Board of fifteen percent (15%) of the members in good standing. All such meetings shall be adequately advertised and properly conducted according to the provisions of this Constitution.

ARTICLE VII ELECTIONS

Section 7.1 During the month of January in the election year of the three (3) year election cycle, the President shall appoint an Election Committee Chairperson and the Chairperson shall appoint two (2) Election Committee persons, all of whom must be members in good standing. The appointments shall be subject to the majority vote approval by the Executive Board.

Section 7.2 The election of the officers of this Union shall be conducted in the month of April. The election shall be conducted by mail ballot voting. The Election Committee shall preside over the processes of Nomination of Officers. The Election Committee shall contract with a neutral organization experienced in the conduct of mail ballot elections compliant with Department of Labor regulations. Services of such neutral organization shall include the printing of, handling, mailing, counting, and tallying of ballots. The Election Committee shall be responsible for preparing the eligible voter list with last known mailing address. All members in good standing as of the first day of the calendar month in which ballots are to be mailed shall be eligible to receive and cast a ballot.

Section 7.3 The Election Committee may utilize a dual notice for purposes of notifying the members of the Nomination process, the offices for which nominations will be accepted, ~~and~~ as the time and date of the Nomination Meeting, and the deadline date and time for receipt of the Nomination Petition, in addition to the Notice of the Election. There shall be a minimum of thirty (30) calendar days between the nomination deadline date and the date the ballots must be received in order to be counted with at least sixteen (16) calendar days between the mailing of the ballots and the counting of the ballots. The date the ballot envelopes are placed in the U.S. Mail stream shall be recognized as the commencement date of the election. The election period shall be a duration of at least fifteen (15) calendar days, such that the deadline for receipt of the ballots shall be fifteen (15) calendar days after the date ballots are posted, the posting date being the first (1st) day of the election period.

Section 7.4 To be eligible to be a candidate for election to any Union Office position, a member must be in continuous good standing in the Union and be actively employed within the bargaining unit for a period of twenty-four (24) consecutive months prior to the month of nominations. "Continuous good standing" means compliance with the provisions of Article 111 Section 3.4, for a period of twenty-four (24) consecutive months, together with no interruption of active membership in the Union and active employment at PACE.

Section 7.5 To be eligible to nominate a candidate, a member must be in good standing and actively employed on the first day of the month in which the nomination meeting is conducted. To be nominated as a candidate, the candidate must submit to the Election Committee a petition identifying the candidate's name, office sought, and containing the signatures and printed names of at least ten (10) members in good standing. The petition must also contain a statement by the candidate that the candidate accepts the nomination and the candidate's signature and date. Petitions must be submitted no earlier than the issuance of the Notice for Nominations of candidates for office and received no later than 3:00 p.m. the day before the Nomination Petition deadline. Any candidate nominated for election shall have the right to review all other Nominating Petitions and, within forty-eight (48) hours of the close of the Nomination meeting, to file a challenge with the Election Committee, who shall decide the challenge. Within three (3) calendar days of the deadline date for the receipt of any challenge, the Election Committee shall prepare

a Notice of Election, which shall identify each of the candidates and office sought. Any office which is uncontested, the sole nominated candidate shall be deemed to have been elected. Slate voting shall be permitted with the slate candidates to be listed on the left column of the ballot. If there is more than one slate, position shall be determined by lot. Ballot positions of non-slate candidates shall be to the right of a slate, and relative positions of non-slate candidates shall be by lot.

Section 7.6 The Election Committee is empowered to make other rules for the conduct of the election and to decide all challenges and objections.

Section 7.7 Any challenge or objection to the conduct of the election must be submitted in writing and set forth a detailed statement of facts, the identity of witnesses, and the basis for the challenge or objection, and must be received by the Election Committee within seventy-two (72) hours from the time of the issuance of the tally of ballots. The Election Committee is empowered to decide all challenges and objections, which decision shall be final and binding. Decision shall be made in writing and provided to the challenging party.

Section 7.8 All elections materials, including the ballots, will be kept in a secure location for at least one year subsequent to the certification of the election.

Section 7.9 Successful candidates shall assume office within thirty (30) days of the conclusion of the election.

ARTICLE VIII REVENUES AND STIPENDS

Section 8.1 The dues of the Union shall be at the rate of 1.5% of an individual's salary.

Section 8.2 Adjustment to the rate of dues and special assessments for specific purposes may be levied by the Executive Board subject to the adoption of the membership, provided that the actions required for a referendum have not been initiated within thirty (30) days of the decision of the Executive Board.

Section 8.3 The President shall receive a stipend, per semester, equal to that semester's salary of an adjunct professor, for one (1) three (3) credit course for performing the duties set forth herein. The Vice President and Treasurer shall each receive a stipend, per semester, equal to that semester's salary of an associate adjunct professor (3 credit course), for performing the duties set forth herein. The Secretary shall receive up to a stipend, per semester, equal to that semester's salary (3 credit course) of an assistant adjunct professor, for performing the duties set forth herein. The payment date of the stipends shall be during the second week of each semester, unless determined otherwise by the Executive Board. The amount of each of the stipends shall be adjusted annually by the percentage amount or minimum salary per rank (whichever is greater) of the PACE collective bargaining agreement salary/compensation annual adjustment.

ARTICLE IX
OFFENSES FOR WHICH OFFICERS AND MEMBERS MAY
BE CHARGED AND TRIED

Section 9.1 The basis for charges against officers and members of this organization for which they shall be required to stand trial as hereinafter provided shall consist of one or more of the following:

- (a) The basis for charges against officers and members for which they shall stand trial shall consist of, but not be limited to, the offenses specified in the Constitution.
- (b) Violation of the responsibilities of members to this organization as an institution.
- (c) Conduct that interferes with the performance of the Union's legal or contractual obligations.
- (d) Violation of the oath of loyalty to this organization.
- (e) Violation of the oath of office.
- (f) Gross disloyalty or conduct unbecoming a member.
- (g) Misappropriation.
- (h) Abuse of fellow members or officers by written or oral communications.
- (i) Abuse of fellow members or officers at a Union meeting.
- (j) Activities which tend to bring this organization into disrupt.
- (k) Crossing a picket line of the UAFP.
- (l) Preferring charges against members or officers in bad faith or where actuated by malice.
- (m) It will be a violation of this Constitution for any member to be disorderly at any Union meeting. The refusal of a member to abide by the Standing Rules provided in XI shall constitute an offense against the Local Union for which the member may be charged and tried as provided herein.

ARTICLE X
CHARGES AND TRIALS

Section 10.1 Every member of this organization shall be entitled to fair, equal, and impartial treatment in the application of the governing rules and laws and in the interpretation and application of the governing rules, relating to offenses, trials, and appeals. The fundamental principles of due process, notice, hearing, and judgment shall be observed, without, however, requiring any technical formality such as is followed in courts of law and administrative bodies.

Section 10.2 The provisions of this Article being guides for justice and fair play, to be administered by laboring persons who are not trained in law, and deviations from these procedures which do not substantially affect the substantive rights of the members, shall not suffice to invalidate any charges, trials, or appeals.

Section 10.3 Any member or officer of this organization may be charged with violating any of the provisions of Article IX above. Charges shall be preferred by any member of the organization but must be filed in writing and in duplicate with the Secretary. While no particular formality shall be required in the written charges, they shall contain a statement of the particular section or sections of this Constitution and Bylaws which are contended to have been violated. After such charges have been filed, the Secretary shall promptly forward a copy thereof to the member or officer accused, and the accused shall thereafter be required to stand trial at a time and place designated by the Secretary, which shall not be less than ten (10) days from the date of the charges are served upon the accused.

Section 10.4 Persons so accused shall be tried by the Executive Board of this organization. If the member charged or preferring the charges is a member of the Executive Board, the Secretary of the organization shall appoint a disinterested member to serve as a substitute for trial purposes.

Section 10.5 In the conduct of the trial, the accused member may select any other member who must be in good standing of this organization for representation and presentation of a defense. No lawyer shall be permitted to appear as a formal representative ~~either~~ on behalf of the accused member, this organization, the Executive Board, or any other person in this organization.

Section 10.6 In the conduct of the trial, either verbatim minutes, mechanical recording, or accurate summaries of the evidence shall be kept, preserved, and made available for use in further proceedings. The accused shall have the right to be present at the trial and shall be guaranteed the right to confront and cross-examine witnesses giving testimony. The accused shall be given a full opportunity to make a defense and to produce testimonial or documentary evidence for that purpose and shall not be restricted to the rules of evidence and procedure applicable to court trials.

Section 10.7 After the trial body has conducted the trial of an accused it shall render its judgment and decision in writing, including a summary of the facts relied upon. Disciplinary action, including fines, suspension, expulsions, and removal of officers, if any is to be imposed, shall be clearly stated. The accused shall be given a copy of the decision of the trial body in each case. The decision shall be final and binding.

Section 10.8 Should charges preferred against three (3) or more officers of this organization, and if such charges arise out of the same transaction or series of transactions, the trial body shall be appointed by the President if not charged and, if charged, by any Executive Board member not charged.

**ARTICLE XI
RULES OF ORDER**

Section 11.1 *Robert's Rules of Order, Revised* shall govern this organization and all of its subordinate bodies in all matters not expressly covered by this Constitution or the Bylaws of this organization. The Secretary will be responsible for maintaining compliance with Roberts Rules of Order.

**ARTICLE XII
AMENDMENT**

Section 12.1 Either thirty percent (30%) of the membership, by petition, or by a majority vote of the Executive Board, may propose an amendment to this Constitution, which shall be served upon the Secretary, who shall notify the membership of the proposed amendment. A special membership meeting shall be scheduled to consider and vote upon the proposed amendment. An opportunity for discussion of the proposed amendment will be provided prior to the vote, and adoption shall require the vote of two-thirds (2/3) of the members in attendance. Secret ballot voting shall not be required.

**ARTICLE XII
DISSOLUTION**

Upon the dissolution of this organization, which shall be permitted with the unanimous vote of the Executive Board, its assets shall be distributed to a qualified tax-exempt organization selected by the Executive Board.

Revised and adopted

_____, 2023