

Constitution  
Cleveland-Marshall Subchapter of the Cleveland State University  
Chapter  
of the American Association of University Professors  
February, 2014

**Article I. Name**

The name of this organization shall be The Cleveland-Marshall Subchapter of the Cleveland State University Chapter of the American Association of University Professors ("CM-AAUP" or "Subchapter").

**Article II. Purpose**

The purpose of this organization shall be to promote legal education, legal professionalism and legal research; to advance the law and teaching professions; and to serve as the collective bargaining agent for the faculty of the Cleveland-Marshall College of Law, Cleveland State University.

**Article III. Membership, Dues, and Fiscal Year**

A. Membership

1. Active Membership. An Active Member is a member of the collective bargaining unit as defined by the Ohio State

Employment Relations Board (SERB) or the contract currently in force (if any) between CM-AAUP and Cleveland State University who has paid the current collective bargaining dues and national, state, and local Association dues.

Active members may vote in the elections of the Subchapter, hold elective office in the Subchapter, and vote on collective bargaining issues.

2. Associate Membership. An Associate Member is a person defined in subsections 2(a)-2(c) of this Constitution. An Associate Member may not vote in elections of the Subchapter, hold office in the Subchapter, or vote on collective bargaining issues. An Associate Member is a person in any of the following groups:

- a. a person classified as an Associate Member by national AAUP who is not a member of the local collective bargaining unit under the definition of the unit by SERB or the contract currently in force between CM-AAUP and Cleveland State University;
- b. an Active Member of the National AAUP who is not within the local collective bargaining unit under the definition of the unit by SERB or the contract currently in force between CM-AAUP and Cleveland State University;

c. an Emeritus Member, *i.e.*, a person no longer eligible for Active Membership by virtue of retirement who indicates that he or she wishes to retain the status of an Associate Member.

3. Deprivation of Membership Rights. No member shall be deprived of a right associated with membership except in accordance with rules that are either contained in this Constitution or that have been adopted by a majority of the Active Membership and are consistent with applicable law, with this Constitution, and with the principles of Academic Freedom. Members shall receive due process. Except in the case of non-payment of dues, due process shall include: a) notice; b) a hearing before an impartial body of three Active Members, chosen by the CM Executive Committee and ratified by the Active Membership; c) the right to be heard at such a hearing; and d) the right to be represented by counsel or by another Active Member.

#### B. Dues

1. CM-AAUP shall establish dues for Active Members.
2. Untenured Active Members of CM-AAUP in their first four years of full-time service shall pay five-tenths of one percent of base salary in dues. Active members shall shift from five-tenths of one percent of base salary to eight-tenths of one percent of base salary for dues beginning the

August 15 after the date their full-time service for four years at CSU becomes effective. Active Members with more than four years of service and Active Members who are tenured shall pay eight-tenths of one percent of base salary in dues. These amounts include national and state AAUP dues as well as local dues. For purposes of calculating dues, the starting dates of members shall be determined in accordance with applicable national and state AAUP policies.

3. Associate members shall pay the appropriate national and state dues plus an amount in local dues to be determined by the Cleveland-Marshall Subchapter Executive Committee ("CM Executive Committee").

4. The CM Executive Committee may propose alterations in the foregoing dues structure. Ratification of proposed changes in the dues structure shall require a majority vote of the Active Members who cast ballots on the changes.

Voting shall be by secret, mail ballot.

5. A Special Assessment may be proposed to the membership of CM-AAUP by means of a Subchapter wide referendum in emergency situations. Approval of the Special Assessment shall require a majority vote of those Active Members who cast ballots on the referendum. Voting shall be by secret, mail ballot. A cooperative agreement between CSU-AAUP and

CM-AAUP, pursuant to the provisions of Article VI(A), may include other provisions for Special Assessments.

6. Dues for bargaining-unit members on reduced salary because of leave shall be reduced proportionately.

7. Annual dues may be paid only by payroll deduction or in a single payment due September 30. An Active Member on payroll deduction shall not be considered to be delinquent in the payment of dues. No person shall be deemed an Active Member who is delinquent in the payment of dues for more than thirty-one calendar days after the end of the month in which the term commences. The CM-AAUP shall notify the Faculty Member by certified mail that he/she is delinquent in not tendering the required Association dues. If the arrearage in dues is not paid within thirty days after this notice is sent, that person shall thereupon be subject to the procedure provided by the collective bargaining agreement between CM-AAUP and Cleveland State University currently in force. If there is no such agreement, such person may be suspended from membership by action of the CM Executive Committee.

8. Those in the bargaining unit who wish to change their status to Active Membership during a fiscal year may do so by paying the difference between the fee for their current status and the fee for Active Membership.

9. No provision of this article shall be interpreted as in any way limiting the ability of the Subchapter to negotiate collective bargaining service fees for those members of the bargaining unit who choose not to hold membership in the Subchapter.

C. Fiscal Year

The fiscal year shall be the same as the Cleveland State University fiscal year.

**Article IV. Officers of the Subchapter**

A. The Subchapter shall have a President, a Vice President, and a Secretary-Treasurer. The Cleveland-Marshall Subchapter Executive Committee shall be composed of the previously three mentioned officers; the immediate past President, if any (ex officio, without a vote); and the Chief Negotiator (ex officio, without a vote). If a Grievance Officer and/or a Communications Officer is appointed by the Subchapter, such officer shall also serve ex officio, without a vote.

B. The President, Vice President, and Secretary-Treasurer shall be elected for two-year terms and may be reelected to succeed themselves no more than once.

C. The CM Executive Committee may appoint a Subchapter Grievance Officer and, as needed, Assistant Grievance Officers. The term of office shall be one year. The CM Executive Committee shall

evaluate the performance of the Grievance Officer and any Assistant Grievance Officer(s) before the close of each one-year term. In the alternative, the CM Executive Committee may recommend the use of Grievance Officers and Assistant Grievance Officers appointed by the CSU-AAUP in lieu of Subchapter grievance officers.

D. The CM Executive Committee may appoint a Communications Officer. The Communications Officer shall be a member (ex officio, without a vote) of the CM Executive Committee. The term of the Communications Officer shall be one year. He or she shall assist the CM Executive Committee in communicating with the public and the membership.

#### **Article V. Duties of the Officers of the Chapter**

A. The President shall preside over all meetings of the Subchapter and of the CM Executive Committee. The President shall be the official representative of the Subchapter. Unless appointed a voting member in the usual manner, the President shall be a non-voting member of every other committee, not to be included in the quorum count.

B. The Vice President, in the absence of the President, shall assume the duties of the President and shall perform other duties as directed by the Subchapter.

C. The Secretary-Treasurer shall keep minutes, maintain the official records of the Subchapter, publish the agenda for Subchapter meetings (with the advice of the CM Executive Committee), and perform other duties as directed by the Subchapter. The Secretary-Treasurer also shall be responsible for the recording of chapter finances and for the discharge of all financial obligations of the Chapter. At the regular Fall Subchapter meeting the Secretary-Treasurer shall, in consultation with the President, present an annual financial report on the previous fiscal year for review by the Chapter. The CM Executive Committee may request, at its discretion, periodic financial statements from the Secretary-Treasurer. The Secretary-Treasurer shall make the accounts available for inspection upon request by the CM Executive Committee or upon petition of 20% of the Subchapter's Active Membership. If the Subchapter's finances are consolidated with those of CSU-AAUP, the Secretary-Treasurer may, to the extent feasible, rely upon financial reports and documentation prepared by the CSU-AAUP.

D. Grievance officers, if any, shall be acquainted with current Grievance procedures. The Grievance Officer and/or Assistant Grievance Officer(s) shall assist and advise any and all persons in the bargaining unit from the initiation of a grievance to its eventual resolution, in accordance with any governing contract provisions. Grievance officers shall advise the CM Executive

Committee on all matters pertaining to the grievance procedure and on all grievance cases. The Subchapter may utilize CSU-AAUP grievance officers, as provided in Article IV(C), wholly or partially in lieu of appointing Subchapter grievance officers.

**Article VI.** Duties of the CM Executive Committee

A. The CM Executive Committee shall act for the Subchapter in carrying out the purposes of the Subchapter; it shall establish committees for the Subchapter and shall convene special meetings of the Subchapter at its discretion. The CM Executive Committee may propose alterations in the schedule of dues and regulations governing their payment, subject to ratification by the Active Membership. The CM Executive Committee may also enter into cooperative arrangements with the CSU-AAUP in matters affecting finances, Special Assessments, representation on committees, the use of grievance officers, or other matters relating to the Subchapter, subject to ratification by the Active Membership. For this purpose, ratification requires a majority vote of the Active Members who cast ballots and voting shall be by secret, mail ballot.

B. Subject to the provisions of any cooperative arrangement with the CSU-AAUP, as described in Article VI(A), the CM Executive Committee shall authorize all expenditures of

Subchapter funds and shall also act as the body that approves the employment of persons to serve the Subchapter.

C. The CM Executive Committee shall recommend the size and composition of the Negotiating Team, including the identity of the Chief Negotiator, to the Bargaining Council for ratification by majority vote of the Bargaining Council. (See Article IX for descriptions of the Negotiating Team and the Bargaining Council.) If the Executive Committee's recommendation is rejected, it shall submit a revised proposal to the Bargaining Council within one week. The characteristics of the Negotiating Team are as follows:

1. Each member of the Negotiating Team shall remain in office until discharged by the CM Executive Committee.
2. Any vacancy on the Negotiating Team shall be filled with the advice of the Negotiating Team and by recommendation of the Executive Committee to the Bargaining Council for ratification by majority vote of the Bargaining Council. If the Executive Committee's nominee is rejected, it shall submit a new nominee to the Bargaining Council within one week.

D. The CM Executive Committee shall not authorize any transaction which conflicts with the fiduciary obligations of Subchapter officers or agents of the Subchapter and shall not authorize any loan of Subchapter funds to any officer or agent

of the Subchapter. If requested by the Ohio State Employment Relations Board, Subchapter officers, agents, or employees who handle Chapter funds or other property may be required to be bonded.

E. The CM Executive Committee is authorized to take all actions necessary to effectuate the provisions of this Constitution and to do so in conformity with the rules and regulations of the Ohio State Employment Relations Board and other applicable laws.

**Article VII. Elections and Election Procedures for the CM  
Executive Committee**

A. Elections: Election of Chapter Officers shall take place during the Spring Semester. New Officers shall take office on August 15. From the date of their election until they formally assume office, the newly-elected Officers shall serve as non-voting members of the CM Executive Committee. Upon the ratification of this Constitution, the Subchapter shall meet and, by majority vote, adopt procedures for the first election of Chapter Officers, who shall take office immediately upon being elected and shall serve until August 15 of the following calendar year. The first election procedures shall, to the extent feasible, duplicate the procedures specified in the next section for conducting subsequent elections, except that a

Nominations and Elections Committee shall be selected at a meeting of the Active Membership.

B. Election Procedures:

1. At the beginning of Spring Semester, or as soon as possible thereafter, the CM Executive Committee shall appoint a three-person Nominations and Elections committee. At a regular Spring meeting of the Subchapter, which shall take place before April 1, the Nomination and Elections Committee shall submit the names of at least two candidates, if possible, for the offices of President, Vice President, and Secretary-Treasurer. Additional nominations may be made from the floor at this meeting. Voting shall follow this meeting as closely as possible, and shall be concluded before the end of April. Voting shall be by secret mail ballot, and the Nominations and Elections Committee shall count the votes. For each office the nominee receiving a majority of the votes cast shall be declared elected. If no nominee receives a majority of the votes cast for a particular office, there shall be a run-off by secret, mail ballot between the two candidates with the highest number of votes.

2. Only Active Members of the Chapter are eligible for election to Subchapter offices, to serve on the CM Executive Committee, or to vote in Subchapter elections.

3. Any vacant elective office or position on the CM Executive Committee shall be filled as soon as possible by a special election for the unexpired term, except that if more than one year of the term has expired, the CM Executive Committee may appoint an Active Member of the CM-AAUP to fill the office or position.

4. All active members have an equal right to participate in the affairs of the Subchapter, including the right to nominate, seek office and vote in Subchapter elections.

5. CM-AAUP funds may not be expended in a partisan fashion to promote the candidacy of any member in a Subchapter election. Any election dispute which cannot be resolved internally shall be resolved by neutral arbitration in accord with the procedures of the American Arbitration Association. Before arbitration occurs, the Executive Committee of the CSU-AAUP shall have an opportunity to make recommendations for the resolution of any election dispute, and those recommendations shall be reported to the disputing parties and to the Active Membership.

C. Recall Procedures: Any or all officers of the Subchapter may be removed from office by a recall vote. One-Third of the active members of the Subchapter must petition for a recall in order to institute these proceedings. A majority vote in favor of removal from office by the entire Active Membership shall be necessary

for recall. Vote shall be by secret, mail ballot and shall be conducted by the Nominations and Elections Committee. The counting of the ballots shall be open for observation by the Active Members of the Chapter.

#### **Article VIII. Chapter Meetings**

A. Meetings: The Subchapter shall have at least one regular meeting during each of the academic-year semesters (not including Summer). In the beginning of Fall Semester of each year, the CM Executive Committee shall provide the Subchapter with a calendar specifying the dates and times of the regular meetings. The CM Executive Committee may call special meetings of the Subchapter as it deems necessary. The CM Executive Committee shall call special meetings of the Subchapter upon petition of at least ten percent of the Active Members; such a meeting must be called within two weeks after the CM Executive Committee receives the petition. Except in exigent circumstances, at least fourteen days' notice of meetings shall be provided; and in all cases reasonable notice shall be provided.

B. Agenda: The Subchapter Secretary-Treasurer (with the advice of the CM Executive Committee) shall determine the agenda for each regular Subchapter meeting. Items of business may be placed on the agenda by a petition signed by at least three Active

Members and presented to the Secretary-Treasurer at least seven days prior to a regular Subchapter meeting. The Secretary-Treasurer shall distribute the written agenda to the membership of the Subchapter at least two business days prior to each regular meeting.

C. Quorum: At meetings of the CM Executive Committee the presence of a majority of the CM Executive Committee members shall constitute a quorum. At meetings of the Subchapter the presence of forty per cent of the Active Members shall constitute a quorum.

D. Powers: The Subchapter Active Membership is the highest decision-making and policy-making authority of the body. The will of the Active Membership is expressed through a vote at a Subchapter membership meeting or, when required by either this Constitution or by a policy adopted by the Active Membership, by a full ballot of the membership. Except as provided otherwise in this Constitution, a decision or policy or rule shall be adopted if approved by a majority of those voting, with abstentions not counting as votes.

E. The powers of the Active Membership include the adoption of parliamentary rules to govern the conduct of Subchapter meetings. Such rules shall respect the principle of majority rule. Meetings shall be conducted pursuant to Robert's Rules of Order, unless specified otherwise by rules adopted pursuant to

this subsection or by this Constitution. The CM Executive Committee may appoint a parliamentarian to advise the presiding officer at meetings.

**Article IX. Contract Negotiations: Bargaining Council,  
Negotiating Team and Contract Ratification**

A. Composition of the Bargaining Council: The Bargaining Council shall consist of the Elected Officers of the Chapter (the President, Vice-President, and Secretary-Treasurer; the Grievance Officer and Communications Officer (if any) (both ex officio, non-voting); the Chief Negotiator (ex officio, non-voting); and four Subchapter Representatives elected At-Large. The Bargaining Council shall include as voting members at least one Clinical Professor, one Legal Writing Professor, and two tenured or tenure track members of the faculty, provided that an eligible faculty member or faculty members are willing to serve.

B. At-Large Representatives to the Bargaining Council: The four At-Large Representatives shall be Active members of the CM-AAUP. The Nominating and Elections Committee shall present a slate of eight candidates, if possible, at a meeting of the CM-AAUP Subchapter, and shall in any event ensure that the slate includes a nominee or nominees whose election will satisfy the requirements of Article IX(A). Additional nominations may be made from the floor of the meeting. Voting shall be by secret,

mail ballot, the votes to be counted by the Nominations and Elections Committee. The four highest vote getters will be declared elected as At-Large Representatives, provided that the resulting Bargaining Council satisfies the representation requirements of Article IX(A). If necessary to meet these minimum requirements, the candidate with the highest vote total from a category of the faculty that otherwise would be unrepresented (or, in the case of tenured/tenure track faculty, underrepresented) shall be deemed the highest vote getter(s) in the election. Questions of eligibility, disputed votes, and other matters of interpretation pertaining to the selection of At-Large Representatives shall be determined by the CM Executive Committee.

C. Term of Office of the Bargaining Council: The Bargaining Council shall remain in existence until a contract is ratified. It shall then disband unless a majority of the Active Members attending the next regular Chapter Meeting after ratification request the Bargaining Council to remain in existence.

Dissolution of such a Bargaining Council which remains in existence after ratification of a contract shall require a majority vote of the Active Members in attendance at a regular Chapter Meeting. At least six months prior to the expiration date of the contract then in force or prior to the date that a salary or other economic adjustment would take effect (*i.e.*, a

salary or other economic re-opener), the Bargaining Council shall be reconstituted.

D. Duties of the Bargaining Council: The duties of the Bargaining Council shall be:

1. To act as the policy-making body for the Chapter in matters of collective bargaining.
2. To establish and maintain effective communication with the entire bargaining unit and survey the faculty with regard to collective bargaining matters, in order to determine faculty desires and priorities. Any Active Member may make suggestions to the Bargaining Council regarding collective bargaining matters, and the Bargaining Council shall receive and consider all such suggestions.
3. To keep members of the bargaining unit informed as to the progress of negotiations.
4. To familiarize itself with AAUP policies, procedures, and reports as useful guidelines affecting faculty welfare, both within and outside of the collective bargaining process, and to familiarize itself with the process of collective bargaining and collective bargaining contracts currently or previously in effect at other colleges or universities.
5. To make recommendations to the Negotiating Team regarding terms to be sought in the contract and to assist

in gathering the data necessary to support the recommendations.

6. To meet regularly with the Negotiating Team in order to assess progress, suggest strategy, and generally to assist in the entire negotiating process up to and including the ratification of the contract.

7. In order to perform its duties the Bargaining Council is to select a Chair from its own ranks and develop its own operating procedures.

E. Duty of the Negotiating Team: The duty of the Negotiating Team shall be to negotiate a contract with the representatives of the Board of Trustees of Cleveland State University. The Negotiating Team shall first submit any proposed agreement to the CM Executive Committee for discussion and recommendation. The CM Executive Committee shall then present any proposed agreement along with its recommendation to the Bargaining Council for discussion and for the Bargaining Council's recommendation to the Active Members for ratification or rejection. This meeting of the Bargaining Council is to be called by the President at the request of the Chief Negotiator.

F. Ratification: No less than seven days prior to a ratification vote, copies of the proposed agreement will be made available for members' inspection. At this time, the CM Executive Committee shall announce the date, place, and time of a meeting

of the Active Members of the Subchapter for their consideration of the proposed contract and the recommendation of the CM Executive Committee. At this meeting, a secret vote shall be taken on the contract. A quorum is required for voting to commence. In-person voting on the proposed contract may continue for 48 hours following the meeting at times and places scheduled by the Executive Committee. All Active Members may vote in person on the contract even if the member was not part of the original quorum. The CM Executive Committee may provide for absentee balloting on an individual basis under extraordinary circumstances and shall make an effort to call the meeting at a time when no or few classes are being held. A contract negotiated by the Negotiating Team shall become binding when ratified by the Board of Trustees of Cleveland State University and by a majority of the Active Members of CM-AAUP who vote. The Subchapter shall comply with all rules and regulations of the Ohio State Employment Relations Board that are applicable to the resolution of contract disputes and ratification of contracts.

#### **Article X. Other Standing Committees**

A. Composition and Term: Each Standing Committee shall consist of a Chair, appointed by the CM Executive Committee, and, if necessary, up to two additional members who will be nominated by

the Standing Committee's Chair and ratified by the CM Executive Committee. The CM Executive Committee shall make the final decision on whether more than one member is necessary for a Standing Committee. Committee Chairs and, when necessary, additional members shall take office on September 15 and shall serve one year terms. The CM Executive Committee shall have discretion: i) to not constitute a committee in a particular year; ii) to constitute a committee later in a year; and/or iii) to arrive at a cooperative arrangement, subject to Article VI(A), with the CSU-AAUP providing for Subchapter representation on committees and other official bodies of the CSU-AAUP.

B. Committees and Duties:

1. Committee on Membership: The committee is charged with the responsibility for actively maintaining membership and with recruiting new members.
2. Committee on Academic Freedom and Tenure: This committee shall be responsible for a continuous study of matters relating to the academic freedom of the faculty and to the tenure and professional ethics of the faculty members.
3. Committee on Economic Status and College and University Teaching Conditions: This committee shall be responsible for a continuous study of the economic status of the faculty and college, and university teaching conditions.

4. Committee on the Relationship of Higher Education to Federal and State Government: This committee shall be responsible for a continuous study of the relationship of higher education to federal and state government.

5. Committee on College and University Governance: This committee shall be responsible for continuous study of matters relating to college and university governance.

6. Committee on the Status of Women and Minority Faculty in the Academic Profession: This committee shall be responsible for a continuous study of the economic and professional status of women and minority faculty.

#### **Article XI. Amendments**

Any Active Members may propose an amendment to the Constitution at a regularly scheduled meeting of the Subchapter. The proposed amendment must be submitted in writing. If the Active Members in attendance at the next regularly scheduled meeting of the Subchapter agree by majority vote to consider the proposed amendment, it must then be submitted to the Active Members for ratification. Ratification shall require an affirmative vote of two-thirds of those Active Members who cast ballots on the proposed amendment. Voting shall be by secret, mail ballot.

#### **Article XII. Ratification**

This Constitution shall be ratified and, consistently with applicable laws and SERB rules and regulations, shall take effect when approved by two-thirds of the Active Members who cast ballots. Voting shall be by secret, mail ballot.