

Constitution of United Academics
American Federation of Teachers and
American Association of University Professors
University of Vermont

I. The Organization, Membership, and Dues

1.1 The name of this organization shall be the UVM United Academics - AFT/AAUP (hereafter referred to as UA), a chapter of United Professions of Vermont. UA is and shall remain an affiliate of the United Professions of Vermont (UPV), the American Federation of Teachers (AFT), and the American Association of University Professors (AAUP).

1.2 The purpose of this organization shall be to promote the interests of higher education and research, to advance the standards and welfare of the profession, and to serve as the collective bargaining agent for the eligible faculty and staff of the University of Vermont (UVM).

1.3 There shall be two categories of membership: Active and Associate.

1.3.1 An Active Member is a member of a United Academics collective bargaining unit, as defined by the Vermont State Labor Relations Board (VSLRB) or the contracts currently in force between UA and the UVM Board of Trustees, who has paid the current membership dues. Active members may vote in the elections of UA, hold elective office in UA, and vote on collective bargaining issues.

1.3.2 An Associate Member is a person defined by one of the categories below. An Associate Member may not vote in elections of UA, hold office in UA, nor vote on collective bargaining issues. An Associate Member may serve on committees and attend UA meetings. An Associate Member is a person in any of the following groups who has paid the current national, state, and local Association dues as adjusted for associate membership:

- A. Emeritus Member no longer eligible for Active Membership by virtue of retirement;
- B. Part-Time Faculty or First-Year Visiting Assistant Professor Member currently not included in a collective bargaining unit as defined by the VSLRB; or
- C. Graduate Student Member who is currently working toward an advanced degree and is not eligible to become an Active Member.

1.4 Each faculty member will be assigned to one academic unit according to her or his terms of employment. Part time eligible faculty will be considered part of a university wide part-time unit (the part-time academic unit) for purposes of representation in the Delegates Assembly of United Academics.

1.5 No member can be disciplined without due process.

1.6 No person will be denied membership on the basis of political believe, individual or group identity characteristics, such as race, color, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, marital or civil union status, or disability.

1.7 Upon ratification of this constitution by a majority of members voting at a UA meeting, dues for the first year will be set as follows:

1.7.1 Active Members shall pay 1 percent of base salary.

1.7.2 Associate Members shall pay appropriate national and state dues, and local dues as set by the Delegates Assembly.

1.7.3 Dues for bargaining-unit members on reduced salary because of paid leave shall be reduced accordingly.

1.7.4 Dues for bargaining-unit members on unpaid leave shall be one-quarter of the regular rate.

1.7.5 Annual dues may be paid by payroll deduction or in a single payment due within 45 days of the ratification of this constitution.

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

1.8 Starting with the July 1, 2002 fiscal year, dues (a combination of national, state, and local) shall be proposed by the Executive Council each year and be ratified by a majority vote of members present at a UA meeting.

1.8.1 Any required increases in affiliation fees and insurance premiums shall be implemented.

1.8.2 Dues for bargaining-unit members on reduced salary because of paid leave shall be reduced accordingly.

1.8.3 Dues for bargaining-unit members on unpaid leave shall be one-quarter of the regular rate.

1.8.4 Annual dues may be paid by payroll deduction or in a single payment due September 30 of each year. No person who elects the single payment method shall be deemed an Active Member if they are delinquent in dues payment beyond October 31. Any eligible person who wishes to become an Active Member may do so at any time by paying the difference between the fee for their current status and the fee for the Active Membership.

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

1.9 The fiscal year shall be the same as the University of Vermont fiscal year.

II. Officers of UA and the Executive Council [Amended Oct. 27, 2010]

2.1 UA shall have a President, Vice President, Secretary, and Treasurer, all of whom are considered as Officers of UA.

2.2 The Officers of UA are charged with the following powers and duties:

2.2.1 The President presides over all meetings of UA and of the Executive Council. The President is the official representative of UA and serves as spokesperson for UA.

2.2.2 In the absence of the President, the Vice President assumes the duties of the President and performs other duties as directed by UA. The Vice President also attends meetings of the Delegates Assembly and reports to the Delegates Assembly on the Executive Council's activities. At meetings of the Assembly, the Vice President shall have the right to participate in discussion without the right of vote.

2.2.3 The Secretary keeps minutes of UA and Executive Council meetings, maintains the official records of UA, prepares the agenda for meetings (with the advice of the Executive Council and Delegates Assembly), circulate notices to UA membership, conducts the correspondence appropriate to the office, and performs other duties as directed by UA.

2.2.4 The Treasurer is responsible for the collection of all monies and for the discharge of all financial obligations of UA. The Treasurer maintains UA's financial records and prepares a budget for the coming year. The Treasurer also maintains membership records, issues membership cards and notices of delinquency, and performs other duties as directed by UA.

2.3 The Executive Council shall be composed of the previously mentioned officers, the immediate Past President (ex-officio without vote), four Members-at-Large, one of whom shall be a member of the part-time unit, and the elected Chairperson of the Delegates Assembly (see Article III).

2.4 The Members of the Executive Council, including the Officers of UA, will be elected to a two-year term and may be reelected.

2.5 The powers and duties of the Executive Council include the following:

2.5.1 The Executive Council has the authority to act on behalf of UA as it deems necessary except where restricted by this Constitution.

2.5.2 The Executive Council will meet monthly during the Fall and Spring semesters or at the call of the President or at the call of two or more of its members or at the call of the Delegates Assembly.

2.5.3 The Executive Council will select chairs of the standing committees, to be approved by the Delegates Assembly. According to the procedures defined in the section Standing Committees, the Executive Council will also review and approve the final make-up of the standing committees and their proposed plans of action for each year.

2.5.4 Not less than three weeks prior to the spring membership meeting, the Executive Council shall present an annual budget for the next fiscal year to the Delegates Assembly, to be ratified by a majority of the members present. Not less than one week prior to the spring membership meeting, the Secretary shall distribute the ratified budget electronically to all members of United Academics. The budget shall be presented to the spring membership meeting by the Treasurer and must be ratified by a majority of the members present. Consistent with the approved budget, the Executive Council may make contracts and incur liabilities on behalf of UA.

2.5.5 Not less than one week before the fall membership meeting, the Secretary shall distribute electronically to all members of the Executive Council recommendations for the allocation of any surplus from the previous fiscal year to funds and projects relevant to United Academics purpose. The Treasurer shall present these proposals to the fall membership meeting and the proposals must be ratified by a majority of the members present.

2.5.6 The Executive Council has the authority to appoint the following positions: Grievance Officer, Communications Director, Chief Negotiator of each bargaining unit (in years when a contract is being negotiated) and Committee Chairs.

2.5.7 The Grievance Officer serves as chair of the Grievance/Contract Administration Committee. S/he shall be acquainted with current grievance procedures and with the implementation of a current contract. The Grievance Officer assists and advises persons in the bargaining unit from the initiation of a grievance to its eventual resolution. The Grievance Officer, with the support and advice of the Grievance/Contract Administration Committee, advises the Executive Council on all matters pertaining to the grievance procedure and on all grievance cases as well as any problems regarding the implementation of the current contract. The Grievance Officer, with the advice of the Grievance/Contract Administration Committee, may appoint Assistant Grievance Officers as necessary. The Grievance Officer also works with the Faculty Senate's ombudsperson and grievance committee when appropriate.

III. The Delegates Assembly [Amended Nov. 4, 2009 and Oct. 27, 2010]

3.1 Each academic unit within UA that has at least one Active Member shall be eligible to elect a delegate/delegates to the Delegates Assembly. The academic units are Agriculture and Life Sciences, Arts and Sciences, Business Administration, Education and Social Services, Engineering and Math, Extension, Library, Nursing and Health Sciences, Natural Resources, and the part-time academic unit.

3.1.1 For every 25 Active Members or a fraction thereof, a unit will elect one delegate to the Delegates Assembly. If a delegate is on sabbatical leave and wishes not to serve during that time, s/he may arrange for her/his unit to conduct a secret ballot election, with the necessary assistance provided by United Academics, for a substitute delegate during the leave period.

3.1.2 For the first year following ratification of this Constitution, a census of Active Membership shall be conducted every 90 days. Interim elections will be scheduled by the Nominations and Elections Committee to elect additional delegates should membership in a given unit expand into the next interval(s) of 25 Active Members.

3.1.3 At the conclusion of the first year following ratification of this Constitution, a census of Active Membership shall be conducted annually in the fall, with elections scheduled when units have grown to the next interval(s) of 25 Active Members.

3.2 With the exception of the Chairperson (see Article 2.3), members of the Delegates Assembly may not simultaneously serve on the Executive Council.

3.3 Members of the Delegates Assembly shall be elected to a two-year term and may be reelected.

3.4 Among the powers and duties of the Delegates Assembly are:

3.4.1 maintaining communication with department representatives;

3.4.2 relaying concerns and suggestions from members and department representatives to the Executive Council;

3.4.3 approving the Executive Council's selections for Chief Negotiator and members of the Negotiating Team of each bargaining unit.

3.5 During a period of contract negotiation, the Delegates Assembly also serves as the bargaining council to:

3.5.1 advise the Chief Negotiator and Negotiating Team of each bargaining unit on contract issues;

3.5.2 ensure effective communication with constituents about the collective bargaining process and progress.

3.6 The Delegates Assembly shall elect a chair for a two-year term from its own ranks to formulate meeting times and agendas in consultation with the Vice President and to circulate meeting agendas and to ensure that minutes are kept.

3.6.1 The chair will arrange meetings at times when few classes are held and will seek reasonable accommodations, such as telephone conferencing, for delegates whose university-related work keeps them away from campus.

IV. Department Representatives

4.1 Active Members of UA in each department or equivalent will elect from among themselves one or more Department Representatives. Where eligible part-time faculty are present in a department, UA members within the department will seek to recruit and elect at least one department representative who is a part-time faculty member, in addition to department representatives who are full-time faculty members.

4.1.1 Examples of equivalent units include, but are not limited to, Extension, Continuing Education, the Libraries, Fleming Museum, Computing and Information Technology, as well as the numerous programs, centers, and institutes.

4.1.2 Each Department Representative's term in office will be for one year, renewable each year by vote of the Active Members in the department or equivalent.

4.1.3 Department Representatives may also serve in the Delegates Assembly and on standing committees. They may not serve simultaneously on the Executive Council.

4.2 Department Representatives are lobbyists for the needs of their departments or areas, resources for faculty seeking Union-related information, and the persons to whom faculty may take concerns and complaints. Among a Faculty Representative's duties are:

4.2.1 keeping an up-to-date membership list for faculty in the department or area and informing the UA office of the names and current addresses for all new hires, retirees, departing faculty, and faculty taking sabbatical or other leave;

4.2.2 serving as a first point of contact for faculty in a department with grievance issues, maintaining contact with UA Grievance Officer concerning faculty grievances, plus notifying the Grievance Officer of any potential problems;

4.2.3 communicating with appropriate members of the Delegates Assembly about faculty concerns and ideas that should be brought to the attention of the Delegates Assembly and Executive Council;

- 4.2.4 communicating with colleagues by contacting newly hired faculty in the department or area about UA, its activities, and membership information; distributing newsletters, minutes of UA meetings, and other important information to colleagues, and presiding over UA meetings within a department whenever necessary;
- 4.2.5 attending and encouraging colleagues to attend UA meetings.

V. Standing Committees [Amended Nov. 4, 2009]

5.1 The following standing committees serve to provide research and advice to the members of the Executive Council, Delegates Assembly, and Negotiating Teams as appropriate or to perform specific tasks and functions for UA:

5.1.1 Grievance/Contract Administration Committee whose duties will be to assist the Grievance Officer in the resolution of faculty grievances, to study labor law and grievance procedures as they pertain to the needs and interests of UA, and to oversee the implementation and administration of a contract between UA and the University of Vermont Board of Trustees.

5.1.2 Nominations and Elections Committee which will conduct and supervise all elections and referenda of UA.

5.1.3 Communications and Membership Committee whose duties will include actively maintaining and recruiting members and working with the Executive Council to prepare newsletters and press releases, and create and maintain appropriate electronic communication services.

5.1.4 State/Higher Education Issues Committee whose duties will include working with the Executive Council to monitor higher education issues in state and federal government; to research viewpoints of the membership on such issues; and assist the Executive Council in initiating and coordinating lobbying activities;

5.2 Each year the Executive Council will present its selections for standing committee chairs to the Delegates Assembly, to be approved by a majority vote of the delegates present.

5.2.1 The Chair of the Grievance/Contract Administration Committee will be the Grievance Officer. Other standing committee Chairs must be Active Members of UA. They may serve as Department Representatives but may not simultaneously serve on the Executive Council or in the Delegates Assembly.

5.2.2 Members of the Nominations and Elections Committee may not hold other offices in UA.

5.3 Upon appointment by the Executive Council and approval by the Delegates Assembly, committee chairs shall recruit committee members and present their names to the Executive Council for approval.

5.3.1 To ensure broad participation, committee chairs will put out a call to the membership for participation on their committees. This call may be made at a regular UA meeting or via a mailing.

5.3.2 Members of the standing committees may be Department Representatives. With the exception of the Treasurer who will serve ex-officio on the Finance Committee and the

Secretary, who will serve ex-officio on the Communications and Memberships Committee, standing committee members may not be members of the Executive Council or the Delegates Assembly.

5.3.3 With the exceptions noted in 5.3.4 and 5.3.5, each committee shall consist of the chair and at least two other UA members

5.3.4 The Nominations and Elections Committee will have five members, including the Chair, and these members must represent at least three of UA's academic units.

5.5 Each standing committee will meet at least twice each school year and will report on their activities to the Executive Council, Delegates Assembly, and/or Negotiating Team as appropriate and to UA once a year.

5.6 Ad-hoc committees may be convened by the Executive Council as needed, the committee memberships to be ratified by a majority vote of members present at a meeting of the Delegates Assembly.

VI. The Negotiating Team

6.1 The year before a current contract expires, the Executive Council (which will include, for this function, the Chair of the Delegates Assembly/Bargaining Council, ex-officio) will appoint from the active membership of the appropriate bargaining unit a Negotiating Team responsible for negotiating a contract with the representatives of the Board of Trustees of the University of Vermont.

6.2 The Negotiating Team will consist of a Chief Negotiator and no less than two other members, with each of these selections ratified by a majority vote of members present at a meeting of the Delegates Assembly.

6.3 In selecting the Chief Negotiator and Negotiating Team Members, the Executive Council will first announce, both at a meeting of UA and by mail, a call for candidates. The Executive Council (and Bargaining Council Chair, ex-officio) will then have the responsibility for screening these candidates and will make their selections based upon the candidates' demonstrated and/or perceived skill and expertise in negotiations, as well as candidates' expertise in specific issues raised in a given contract.

6.4 In the event that the Executive Council wishes to add or subtract members of the Negotiating Team, including the Chief Negotiator, during bargaining, the Executive Council may do so without repeating the initial search-and-ratification process. The Executive Council must, however, justify these changes to the Bargaining Council.

VII. The Collective Bargaining Process and Contract Ratification

7.1 The Negotiating Team will be responsible for drafting contract proposals with the assistance of the Delegates Assembly/Bargaining Council and with the advice and consent of the Executive Council.

7.1.1 The Chair of the Delegates Assembly/Bargaining Council may appoint special subcommittees to research and assist in the drafting of proposals. Members of such subcommittees need not be members of the DA/BC, but must be a member of the bargaining unit of the contract to be negotiated.

7.1.2 Early in the process, the Chief Negotiator and the Chair of the Delegates Assembly/Bargaining Council will also hold a Collective Bargaining Caucus, attended by Department Representatives, for the purpose of gathering and discussing members' ideas and concerns.

7.2 The Delegates Assembly/Bargaining Council and the Executive Council have the responsibility of keeping the membership of the appropriate bargaining unit informed during a period of contract negotiation.

7.3 Upon majority vote by the Executive Council, a proposed agreement may be brought to the active membership of the appropriate bargaining unit for consideration.

7.4 At least seven days in advance, the Executive Council shall announce the date, place, and time of a meeting of the Active Members of the appropriate bargaining unit of UA for their consideration of a proposed contract, and circulate copies of the proposed contract to members. In unusual cases of crisis, the Executive Council may reduce the 7 day notification rule to not less than 48 hours.

7.4.1 The meeting shall be at a time when few classes are held.

7.4.2 Copies of the proposed agreement must be made readily available.

7.5 At this meeting, any vote taken on the contract shall be by secret ballot. Only Active Members of the appropriate bargaining unit, or any persons whose attendance is invited by the Executive Committee, may attend this meeting and only Active Members of the appropriate bargaining unit present at this meeting, or those whose absences have been deemed legitimate by the nominations and elections committee, shall have the right to vote.

7.6 A contract negotiated by the Negotiating Team shall become binding when ratified by the Board of Trustees of the University of Vermont and by a majority of the Active Members of the appropriate bargaining unit of UA who vote on ratification.

7.7 UA shall comply with all rules and regulations of the Vermont State Labor Relations Board which are applicable to the resolution of contract disputes and ratification of contracts.

VIII. Meetings

8.1 UA will hold at least two meetings each year, one in the Fall and one in the Spring.

8.1.1 Regular UA meetings are open to Active and Associate Members.

8.1.2 The Executive Council will provide seven days' notice of UA meetings and hold meetings at a time when few classes are meeting.

8.1.3 In extraordinary circumstances, the Executive Council, with the approval of at least six of its voting members, may suspend the seven days' notice requirement.

8.2 The Executive Council shall also call special meetings of UA upon petition of 25 or more of the Active Members.

8.2.1 The petition must state the reason for the special meeting.

8.2.2 Such a meeting must be called within two weeks after the Executive Council receives a valid petition. The Executive Council will provide no less than seven days' notice of such a meeting with all agenda items listed on the notice.

8.2.3 Additional conditions apply in the case of a special meeting to consider recalling a UA officer. See below.

8.3 UA Secretary, with advice from the Executive Council and Delegates Assembly, will set the agenda for each regular UA meeting and distribute that agenda to the membership at least two days prior to the meeting.

8.3.1 At each regular UA meeting, UA President will also make a good faith effort to solicit from the Membership items of new business for discussion at that or the next meeting.

8.3.2 Items of business may also be placed on the agenda by a petition signed by ten Active Members and submitted to the Secretary at least five days prior to a scheduled UA meeting

8.4 At a meeting of the Executive Council, a majority of the committee members shall constitute a quorum.

8.5 At meetings of the Delegates Assembly, the presence of a majority of delegates shall constitute a quorum.

8.6 At meetings of UA, the presence of 20 percent of the Active Members shall constitute a quorum.

8.7 At a meeting of a standing or ad-hoc committee, a majority of the committee members, not including those serving ex-officio, shall constitute a quorum.

8.8 Unless otherwise specified in this constitution, all meetings will be conducted according to Roberts' Rules of Order, newly revised.

IX. Vacancies or Removal of Elected Members of the Executive Council

9.1 Any vacant office or position on the Executive Council shall be filled as soon as possible by special election, conducted by the Nominations and Elections Committee, for the unexpired term, except that if more than one year of the term has expired, the Executive Council may appoint an Active Member of UA to fill the office or position or delegate the duties of that office among remaining officers.

9.2 Whenever any five members (elected or ex-officio) of the Executive Council or 20 percent of the Active Membership have reason to believe an elected member of the

Executive Council has been derelict or negligent in the performance of the office's duties, they may initiate a recall by bringing their petition to the Delegates Assembly.

9.3 Upon petition, the Chair of the Delegates Assembly will call a special UA meeting with at least seven days' notice given.

9.3.1 Attendance will be limited to Active Members.

9.3.2 The Chair of the Delegates Assembly will chair the special meeting and will make every effort to ensure that all members, including the member of the Executive Council whose removal is being discussed, have the opportunity to speak.

9.4 An officer shall be recalled by a majority of votes cast by members present at the special meeting. Voting will be by secret, written ballot.

X. Nominations and Elections

10.1 Within thirty days of the ratification of this Constitution, UA will hold its first election of Officers, Executive Committee Members-at-Large, and Delegates.

10.1.1 Nominations will be through open petition.

10.1.2 The Interim Steering Committee may utilize the services of employees or the staff of affiliates in the preparation and counting of ballots, but such persons are subject to the supervision of the committee.

10.1.3 Terms of office will commence as soon as the election results are announced and will expire on June 30, 2003. Subsequent terms of office will commence on July 1 of odd numbered years.

10.2 At the start of the second year of the two-year elected term, the Nominations and Elections Committee will broadly solicit the Active Membership, the current members of the Executive Council and Delegates Assembly, plus Department Representatives for nominations for UA officers and Delegates Assembly.

10.2.1 More specifically, to ensure that nominees for Executive Council and Delegates Assembly have been sought across colleges and other academic units, the Committee will attend a meeting of the Delegates Assembly as well as make contact with all department representatives to solicit possible nominees.

10.2.2 Whenever possible, the Committee will identify at least two nominees for each office or position.

10.2.3 Any member of the Committee who wishes to stand for election must resign from the Committee before doing so. The Executive Council, with the advice and consent of the Delegates Assembly, must promptly seek a replacement.

10.3 At the regular Fall meeting of the membership, the Committee will submit the names of nominees to the membership. Nominations for these positions will also be taken from the floor at this meeting.

10.4 An election date will be set by the Committee after the Fall meeting and before the last week of Fall classes.

10.5 At least seven days prior to the election, the Committee will circulate the final slate of candidates and their prepared statements among the membership.

10.6 Voting shall be by secret ballot with the Committee providing the appropriate printed ballots to members in each school in the bargaining unit.

10.7 Votes shall be counted by the Nominations and Elections Committee, and the counting of ballots shall be open for observation by Active Members of UA.

10.8 For each of the four officers the nominee receiving a majority of the votes cast will be declared elected.

10.9 Members-at-large shall be elected in the following manner: Active Members shall have one vote to cast for the two positions, and the two nominees receiving the most votes will be declared elected. The part time member-at-large will be elected as described in section 10.10 below, as applied to eligible candidates.

10.10 If there are more than two candidates for an office, the Nominations and Elections Committee will prepare, according to Roberts' Rules of Order, a preferential (also known as instant run-off) ballot with voting to proceed as follows:

10.10.1 The ballot will ask each voter to rank the candidates (1 for first choice, 2 for second choice, and so on).

10.10.2 The Committee will tally the first choices of all ballots cast. If one candidate receives a majority of the first-choice rankings, that candidate will be declared elected. If no one candidate receives a majority of the first-choice rankings, the candidate receiving the fewest first-choice rankings will be eliminated, and the Committee will re-tally the votes, this time counting the second choice on those ballots whose first choice has been eliminated.

10.10.3 This procedure will continue until a majority winner emerges.

10.10.4 If a ballot having one or more names not marked with any numeral comes up for placement at any stage of the counting and all of its ranked names have already been eliminated, that ballot will be set aside.

10.10.5 Ties will be handled according to the preferential balloting section of Roberts Rules of Order.

10.11 All Active Members have an equal right to participate in the affairs of UA, including the right to nominate, seek office, and vote in UA elections.

10.12 UA funds may not be expended to promote the candidacy of any member in any UA election.

XI. Amendments to the Constitution

11.1 Proposals to amend this Constitution may be made by the Executive Council or by a written petition signed by 20 percent of the Active Members.

11.2 The proposed amendment will be circulated by the Executive Council with its recommendations to the active members.

11.3 The proposed amendment will be considered at the next UA meeting provided that at least seven days have elapsed between the time the proposal has been circulated among members and the time of the meeting.

11.4 A two-thirds vote of the active members present at a UA meeting is necessary for ratifying an amendment. Voting will be by written, secret ballot.

Last Amended March 2007