CONSTITUTION
of
American Association of University Professors
The Montgomery College Chapter

Article I Name

The name of this organization shall be The American Association of University Professors - The Montgomery College Chapter.

Article II Purpose:

The purpose of this organization shall be to further, in concert with students, staff, administration and the Board of Trustees, the interests of education, research and public service at Montgomery College; to advance the standards and ideals of the profession; and, as certified, to serve as the collective bargaining agent for the Full-time Faculty of the College and to represent the interests of all the members of the bargaining unit without discrimination. This chapter of the American Association of University Professors is organized and will be operated to qualify as a labor organization exempt from federal income tax under section 501(c)(5) of the Internal Revenue Code for the above stated purposes.

Article III Membership:

There shall be four categories of membership: active, special, associate and emeritus.

1. *Active full member:* any member of the Montgomery College Faculty who is included within the collective bargaining unit, provided that current dues as established in Article IV, Section 3 have been paid. Only active full members shall have the right to hold office in the Chapter, to vote in meetings, to ratify collective bargaining agreements, and to participate fully in Chapter activities.

2. *Special member:* any member of the Montgomery College Faculty who is NOT included within the collective bargaining unit, providing that he/she is eligible for membership in the Association as defined by national AAUP and provided that current dues or service fee as established in Article IV, Section 4 have been paid or are being paid. Special members shall have NO voting rights on all Chapter matters (including election of Chapter officers). They are not eligible for service or elected office.

3. *Associate:* any Montgomery College personnel member who is an associate member of the national AAUP. Associates have no voting rights, nor shall they hold office or participate in any Chapter activity having to do with collective bargaining. They can attend Chapter meetings only upon invitation of the Executive Committee.

4. *Emeritus member:* any member retiring as an active or special member of the Montgomery College Chapter of AAUP may be transferred, upon request, to emeritus membership with the approval of the Executive Committee. Emeritus members have no voting rights, shall not hold office, and pay no dues. They may serve on committees and attend Chapter meetings.

5. No one otherwise eligible for membership shall be excluded from membership or restricted in the participation of any Chapter activity because of age, race, sex, religion, marital status or national origin.

6. *Fair share service fee member*: any member of the Montgomery College Full-time Faculty who has chosen to pay a service fee in support of the union is NOT considered to be an active full member. They can participate in union meetings, but they cannot vote, ratify collective bargaining agreements, nor have the right to hold any office in the Chapter.

Article IV Dues & Service Fees:

The Janus decision prevents the union from requiring non-members to pay service fees. However, non-active members can pay "fair share" service fees if they choose to do so.

1. Dues/Fair Share Service Fees (a combination of National AAUP/Maryland State AFT dues, Collective Bargaining Congress service fees, and Chapter dues/fair share service fees) shall be proposed by the Executive Committee each year and be ratified by a simple majority vote at the annual Spring Chapter meeting.

2. The authorized dues levels shall continue to apply until changed through full-faculty vote initiated by the executive committee.

3. Active full members shall pay National AAUP/AFT dues, Collective Bargaining Congress fees, and Chapter dues and service fees.

4. Special members shall pay National AAUP and Chapter dues, but shall not be obligated to pay service fees.

5. Associate members shall pay National AAUP dues only.

6. Emeritus members shall pay no dues.

7. Failure to pay dues shall result in loss of membership to the Chapter until the payment of dues is resumed.

8. The Chapter is authorized to receive contributions from any donor including service fee payments from full-time faculty who want to support the union.

9. The accounts of the Chapter shall be subject to creditable audit or review and the reports shall be available for inspection to any Chapter dues-paying member.

10. No personal loans from Chapter funds shall be made to officers or other Chapter members.

11. No part of the net revenues of this organization shall inure to the benefit of or be distributed to any director, officer, employee, or other individual, partnership, estate, trust or corporation having a personal or private interest in the Chapter. Compensation for services rendered and reimbursement for expenses actually incurred in attending to the affairs of the Chapter shall be limited to reasonable amounts.

Article V Meetings:

1. There shall be three types of meetings:
    a. General meeting: open to the entire academic community
    b. Chapter meeting:-open to all full-time faculty—only active full members can vote.
    c. Collective Bargaining Unit meeting: open only to members of the Negotiating Team or designated invitees.

2. Robert's Rules of Order shall be followed in the conduct of meetings. In cases of conflict between Robert's Rules of Order and this Constitution, the latter shall prevail.

3. There shall be an annual spring Chapter meeting held within the last three weeks of the academic year.

4. In the absence of a clear emergency, the call for all Chapter meetings shall be sent to all eligible members in sufficient time to give seven calendar days notice. An agenda shall be sent with the notice stating the type of meeting and list of talking points (if warranted) to be considered. An agenda will be provided at the meeting. In addition, any agenda items to consider must be submitted to the Chapter Secretary in writing 5 business days prior to the meeting. No other agenda items may be considered for action during the meeting.

5. Special Chapter meetings may be called at the discretion of the executive committee or by a petition with hand-written signatures by ten percent of the active full members. The petition shall state the reason(s) for calling the meeting, and no business other than that specified in the petition shall be in order. Such a special meeting must be called within two weeks after the President has received the original petition and hand-written signatures.

6. Minutes of all meetings are to be taken and, at the discretion of the Executive Committee, union updates and a summary of chapter activities may be distributed to the membership.

7. Voting shall be restricted to members as defined in Article III.

Article VI Elected Officers:

1. Effective with the conclusion of the 2023 January Chapter meeting, the elected officers of the Chapter shall be the President, the three Vice-Presidents (one from Germantown, one from Rockville, and one from Takoma Park/Silver Spring), the Secretary, and the Treasurer. All of the members of the MCAAUP Chapter seeking an elected office shall agree and adhere to the following stipulations.

    a. A Chapter officer must be a full-time faculty member at Montgomery College and be a dues-paying member of the Bargaining Chapter.
    b. A Chapter officer shall undergo the nomination and voting process by the membership of the bargaining unit. Under certain conditions stipulated in the Constitution, a Chapter officer might be appointed by the Executive Committee (early resignation, interim positions, and so forth).
    c. A Chapter officer shall agree to fill the designated position for a 3-year term.
    d. After one 3-year term, an Executive Committee member may be nominated again for a second term but must be nominated and elected in that position on the ballot.
    e. The term limit is a maximum of two consecutive terms in the same position (excluding the President position). A member may run again for the same position after taking a hiatus of three years from that position.
    f. The President may run for a third 3-year term, but only with special permission of two-thirds majority from the Executive Committee. After that third term, the President must step down for at least three years from that position.

2. Responsibilities of officers:

    a. *The President:* shall assume executive responsibility for all Chapter activities; shall carry out the policies and decisions of the Executive Committee; shall act as chairperson of the Executive Committee and shall preside at meetings of the Chapter; and shall be a non-voting ex-officio member of every committee and task-force. The President shall, with the advice and consent of the Executive Committee, appoint members of committees, task forces and teams, and may appoint the Chapter's Parliamentarian. Upon leaving office, the President becomes the immediate past President.
    b. *The Vice-Presidents:* shall assume the responsibility for leadership and coordination of Chapter activities at his/her local campus. In the absence of the President, each Vice-President shall alternate presiding at meetings of the Chapter and/or Executive Committee.
    c. *The Secretary:* shall supervise the keeping of the minutes of the Chapter and of the Executive Committee; shall oversee the conduct of correspondence and filing of chapter records; and shall be responsible for the arrangement of General and Special elections and balloting.
    d. *The Treasurer:* shall be responsible for the receipt and deposit of all monies due the Chapter; shall pay all bills, provided that all non-budgeted expenses be approved by the Executive Committee; shall keep Chapter accounts and present a financial report at the annual spring meeting of the chapter each year.
    e. *Immediate Past President:* shall assist the officers of the Executive Committee in their deliberations and duties and shall oversee the proceedings for the censure or removal of elected officers of the Chapter.

Article VII Executive Committee:

1. Effective with the conclusion of the 1992 annual spring Chapter meeting, the Executive Committee of the Chapter shall consist of the six elected officers of the Chapter and the immediate past President of the Chapter. If the Chapter's elected officers consider expansion of the Executive Committee to be advisable, they, by a vote of four of the six elected members, may select a maximum of two additional members-at-large to vote on the Executive Committee for the duration of the current one-year term.

2. The President or his/her designate and any four other members of the Executive Committee shall constitute a quorum of the Executive Committee.

3. The Executive Committee shall:

    a. be responsible for carrying out the general purposes of the Chapter as stated in Article II.
    b. have the responsibility to oversee the implementation of collective bargaining contracts.
    c. report regularly on its activities to the membership.
    d. appoint the Grievance Officer.
    e. recommend for membership approval the establishment of any standing committee.
    f. establish special ad-hoc task forces as deemed necessary, provided that such task forces have a well-defined mission to accomplish and are given a fixed time in which to accomplish that task.
    g. shall draft and approve an annual budget, approved through majority vote. When appropriate and

possible, the budget should work to provide fair compensation to leaders and members who perform substantial assigned duties and/or produce significant deliverables on behalf of the Chapter. The Executive Committee shall initiate any proposed dues increase for faculty vote at the annual spring Chapter meeting.

h. such staff as may be necessary to assist in carrying out the responsibilities and duties of the Executive Committee and other Chapter Committees, provided that funding for such staff is contained in the budget approved at the annual spring meeting, or as amended at a subsequent general Chapter meeting.
i. call meetings as required by this Constitution or as deemed necessary.
j. review status of national membership and propose changes as appropriate.
k. shall create and maintain a strategic plan for the Chapter, and annually review the plan for progress and revision, as needed.

4. Any action taken by the Executive Committee may be called to referendum upon presentation to the Chapter Secretary of a petition with hand-written signatures by at least twenty-five percent of the active full members of the Chapter. Balloting shall take place 30 days of the date of delivery of the petition, and shall require a two-thirds vote of all active full members to override the Executive Committee action in question.

Article VIII Nomination and Elections:

1. Only active full Chapter members are eligible to be nominated for and to hold office. The preference is that the nominees for the President of the Chapter have at least three years of experience on the Executive Committee.

2. Election of officers shall be by secret ballot of the active full membership of the Chapter.

3. The President, the Secretary, and the Treasurer shall be elected from and by the entire membership. Each Vice-President shall be elected from and by the eligible membership of his/her respective campus.

4. A nominating committee shall be appointed by the President, with the advice and consent of the Executive Committee, to coordinate the solicitation of nominating candidates for each office. In addition, any active full member may nominate him/herself, if eligible, or any other eligible member with that person's written consent, as a write-in candidate for any position or office.

5. Recommendations to the nominating committee shall be by written statement transmitted as specified in the call for nominations. Candidates for more than one position may be included in the same nomination statement. "Any office" nominations are permitted.

6. Nominations will be closed at least seven calendar days prior to the date for the circulation of ballots. The exact closing date will be published each year in the initial call for nominations. The recommended slate of candidates will be published as soon as possible after nominations are closed, and in no event later than five business days prior to the actual voting.

7. Balloting may be conducted by email and electronic voting or may be incorporated into business conducted at a Chapter meeting. Results must be final no later than the close of business at the Chapter meeting.

8. The Nominating Committee will assist the Chapter Secretary in conducting the election.

9. To be elected to any position, a candidate must receive fifty percent plus one of the votes cast for that office.

10. The terms of officers of the Chapter commence with the conclusion of the annual spring Chapter meeting, or as soon thereafter as is mutually agreed upon by the incoming and outgoing Presidents, but in no case later than the first day of the following academic year and expire at the conclusion of the annual spring meeting at the end of the last year of the term under these same conditions. In the event of a disagreement between incoming and outgoing Presidents regarding the most effective date for transfer of authority, the incoming President shall take office immediately.

Article IX Censure or Removal of Elected Officers:

1. Elected officers shall become subject to recall upon presentation to the Immediate Past President of a petition signed by at least twenty-five percent of the active members of the Chapter. The recall election shall take place within two weeks of delivery of such a petition. Removal from office shall require a two-thirds vote of the active membership.

2. The Immediate Past President shall oversee all proceedings for censure or removal of elected officers. In the event of a vacancy in the office of Immediate Past President, the presiding officer for such proceedings shall be selected by those earlier past presidents who remain active members of the Chapter, and shall come from their number if at all possible.

Article X Vacancies:

1. If a vacancy occurs in the office of the President, the Executive Committee shall immediately elect one of the members of the Executive Committee to serve as interim President until a special election can be held. Such an election must be held within 30 days unless the vacancy occurs within the last six weeks of the academic year. If the vacancy occurs after the first day of classes in the spring semester, the new President shall continue to serve through the following full term of office.

2. If a vacancy occurs in any other elected office, the President, with the advice and consent of the Executive Committee, may make an interim appointment not to exceed ~~three~~ six months until an election can be held to fill the remainder of the unexpired term.

Article XI Ratification or Constitution:

1. This Constitution is ratified when approved by a two-thirds vote of active and special Chapter members in attendance at the Chapter meeting at which this Constitution is formally presented. This meeting shall be openly announced, and copies of the text of this document shall be made easily accessible to all members at least two weeks prior to such formal presentation.

2. Except where otherwise noted, all provisions of this Constitution become effective immediately upon ratification of this Constitution.

3. This Constitution may be revoked only by the adoption of a new one.

Article XII Amendments to the Constitution:

1. Amendments to this Constitution shall be proposed either by the Executive Committee or by petition signed by at least twenty-five percent of the active membership. When an amendment is initiated by petition, the petition shall contain the complete wording of the proposed amendment.

2. The proposed amendment, whether emanating from the Executive Committee or from petition, shall be published by the Executive Committee and circulated with its recommendations to the active members.

3. The proposed amendment shall be considered at the Chapter meeting next following its publication and circulation, provided that at least seven calendar days have elapsed between the time the proposal is promulgated to members and the time of the Chapter meeting.

4. A vote of two-thirds of the active members present at a Chapter meeting shall be necessary for ratification of an amendment.

Article XIII Organizational Structure

Effective with the conclusion of the January 2023 Chapter meeting, the main components of the Chapter's organizational structure for Chapter and collective bargaining activities will be the Executive Committee, an Organizing Task Force, Workgroups, and the Negotiating Team.

1. Names of members of the Executive Committee, as defined in Article VII, shall be published on the website and circulated to the members of the collective bargaining unit.

2. An Organizing Task Force, a Standing Committee, consists of a Chairperson and additional members who shall engage and mobilize membership when needed and serve as a foundation group that funnels members to the various workgroups and focus groups.

3. Workgroups may-be appointed by the Executive Committee and may be appointed as a standing committee of the Chapter.

4. The Negotiating Team shall consist of a Chief Negotiator and no more than five additional members appointed by the President with the advice and consent of the Executive Committee. During the process of negotiations, the Negotiating Team, through the Chief Negotiator, shall report to the Executive Committee. The Negotiating Team shall be responsible for negotiating a tentative contract agreement.

5. All members of the Negotiating Team, Organizing Task Force, and any Workgroups must be active full members of the Chapter.

Article XIV Ratification of Collective Bargaining Agreements:

1. Any collective bargaining agreements reached on proposed contract terms shall require that such terms be approved by the Executive Committee.

2. The contract that is finally negotiated by the negotiating team shall be submitted for ratification to all active full members of the Chapter in accordance with Maryland state statutes and this Constitution.

3. Ratification of Collective Bargaining Agreements shall be by secret ballot via paper ballot or electronic voting and shall be decided by simple majority of those active full members who cast yes or no votes on the question.

4. To vote on these matters an active full member shall have been in good standing for at least thirty days prior to the date of the vote.

Article XV Dissolution

Upon dissolution of the Chapter, its assets shall be disposed of exclusively for the purposes of the Chapter or distributed to such organizations which shall, at the time, qualify as exempt organizations under Sections 501(c)(3) or 501(c)(5).