

# *Bylaws*

## ***APSCUF-KU KUTZTOWN UNIVERSITY***

*Adopted May 18, 1973*

*Amended to December 14, 2006*

# ***BYLAWS***

## ***Kutztown University Chapter of the Association of Pennsylvania State College and University Faculties***

(Ratified May 18, 1973)  
(Amended to December 14, 2006)

### **ARTICLE I - NAME**

The name of this organization shall be the Kutztown University Chapter of the Association of Pennsylvania State College and University Faculties (a.k.a. APSCUF-KU).

### **ARTICLE II - PURPOSE**

- Section 1. To promote the interests and advocate the general welfare of Kutztown University and its faculty and coaches.
- Section 2. To act as the local representative of State APSCUF. This empowerment is the result of an election in 1971 sanctioned by Act 195 of the Pennsylvania General Assembly.
- Section 3. To implement the Collective Bargaining Agreements between the Commonwealth and APSCUF-KU in order to guarantee fair and equal treatment of faculty and coaches.

### **ARTICLE III - MEMBERSHIP AND DUES**

- Section 1. Active Membership is available to all faculty and coaches at Kutztown University. Only active members may vote on APSCUF-KU matters.
- Section 2. Dues are set by the Legislative Assembly of State APSCUF.

### **ARTICLE IV - OFFICERS**

- Section 1. The elected Officers of APSCUF-KU shall be: President, Vice President, Secretary, and Treasurer. Officers shall be elected in even-numbered

years for two-year terms. All newly elected Officers shall assume office on June 1 with the exception of the Treasurer whose term shall begin on July 1.

Section 2. Duties of Officers

a. The President shall

1. preside at all meetings of APSCUF-KU, the Representative Council, and the Executive Committee;
2. call general membership meetings of APSCUF-KU as necessary;
3. prepare the agenda for meetings of the APSCUF-KU general membership, the Representative Council, and the Executive Committee;
4. appoint chairpersons & members of all standing and ad hoc committees, subject to ratification by the Representative Council;
5. appoint APSCUF-KU representatives to all other committees subject to the ratification of the Representative Council;
6. be an ex-officio member of all committees except the Nominations and Elections Committee;
7. be responsible for the general implementation of all decisions of the Representative Council;
8. designate Alternate Delegates to attend specific meetings of the Legislative Assembly when Delegates will not be able to attend;
9. represent or designate representation of APSCUF-KU at official meetings and functions;
10. serve a term as delegate to the APSCUF Legislative Assembly. This particular delegate term begins June 1 rather than September 1;
11. be responsible for the regular publication of the newsletter.

b. The Vice President shall

1. assume all duties of the President in case of absence or disability of the President;
2. serve as the President's designee at the request of the President;

3. prepare agenda, schedule, and serve as Chair of and Spokesperson for local Meet and Discuss;
4. succeed to the presidency in the event that the President leaves office.
5. serve as an alternate delegate to the APSCUF Legislative Assembly.

c. The Secretary shall

1. keep accurate minutes of the general membership meetings of APSCUF-KU, the Representative Council, and the Executive Committee;
2. assist the President with correspondence and campus communications when appropriate.

d. The Treasurer shall

1. receive, hold and disburse APSCUF-KU funds with the authorization of the Representative Council and/or the Executive Committee as appropriate;
2. keep accurate financial records and present regular financial reports to the Executive Committee and Representative Council;
3. submit for approval by the Representative Council an annual budget prepared by the Budget Committee.

Section 3. Whenever a vacancy occurs in the office of Vice President, Secretary, or Treasurer, a special election will be held to fill the office for the remainder of the term.

Section 4. In the event that both the president and vice-president are unable to perform the duties of the Presidency, the following succession of officers will temporarily fill that office until the special election is held.

1. Secretary
2. Treasurer
3. Delegates in order of their years of service as members of the executive committee.

Section 5. Any Officer shall be subject to recall from office by the Representative Council upon presentation to the Executive Committee of a petition requesting such, signed by 25% of the members of the Representative

Council. The petition shall be reviewed for validity by the Executive Committee which shall schedule a vote on recall of the Officer at a regular or special meeting of the Representative Council, but in no event later than the next regular meeting of the Representative Council. A two-thirds vote of the members of the Representative Council shall be required to call a meeting of the general membership, at which time a recall vote shall be taken. A vote to recall shall require a majority of the members present at this meeting. If the recall vote supports removal, the term of office of the officer recalled shall terminate immediately.

Section 6. APSCUF-KU Members who are serving as administrators are ineligible to hold an APSCUF-KU office.

#### **ARTICLE V - APSCUF-KU REPRESENTATIVE TO THE UNIVERSITY SENATE**

Section 1. By virtue of provisions in the University Governance structure APSCUF-KU shall have a representative in the University Senate.

Section 2. The APSCUF-KU Representative to the University Senate shall be elected by and from the general membership of APSCUF-KU for a two-year term.

Section 3. By virtue of election as the APSCUF-KU representative to the University Senate, he/she shall be a member of the Representative Council and the APSCUF-KU Executive Committee.

Section 4. It shall be the duty of the APSCUF-KU Representative to the University Senate to represent the interests of APSCUF-KU in the University Senate, to report to the Representative Council and the Executive Committee on Senate deliberations, and to maintain liaison between the Representative Council and the University Senate.

#### **ARTICLE VI - DELEGATES**

Section 1. The number of Delegates to the APSCUF Legislative Assembly is based on APSCUF-KU membership as specified in the State APSCUF Bylaws. The number of Alternate Delegates shall not exceed the number of Delegates. Coaches shall select one of their members to serve as Delegate to the Assembly.

Section 2. Delegates and alternate delegates shall be elected for two-year terms.

Section 3. By virtue of his/her office, the President shall be a Delegate and the Vice President, Secretary and Treasurer shall be Alternate Delegates. Other Delegates and Alternate Delegates shall be elected at those times when

the terms of incumbents expire. Delegates and Alternate Delegates shall assume office on September 1 with the exception of the President whose term begins June 1.

Section 4. Duties of Delegates and Alternate Delegates

- a. Delegates as voting members of the Legislative Assembly, Representative Council, and Executive Committee, are expected to participate in the work of these bodies.
- b. Alternate Delegates are expected to attend meetings of the Legislative Assembly when so requested by the APSCUF-KU President, as well as participate as voting members in all meetings of the Representative Council.

**ARTICLE VII - EXECUTIVE COMMITTEE**

Section 1. The Executive Committee shall consist of the President, Vice President, Secretary, Treasurer, the Immediate Past President, (one term only), the APSCUF-KU Representative to the University Senate, and the Delegates to the Legislative Assembly.

Section 2. The Executive Committee shall see that the policies and instructions of the Representative Council are carried out, and shall administer the daily affairs of APSCUF-KU.

Section 3. The Health and Welfare specialist shall be an ex-officio voting member of the Executive Committee.

Section 4. The chairperson of the Grievance Committee shall be an ex officio non-voting member of the Executive Committee

Section 5. A quorum shall be one-half of the voting members of the Executive Committee.

**ARTICLE VIII - REPRESENTATIVE COUNCIL**

Section 1. The Representative Council shall be the governing and policy making body of APSCUF-KU.

Section 2. The Representative Council shall represent the bargaining units in [its] their relationships with management on all university-related matters.

Section 3. The Representative Council shall be responsible for approving the guidelines and revisions of all contract committees.

- Section 4. The Representative Council shall consist of the members of the Executive Committee, the Alternate Delegates, the representatives from the academic departments and the coaches. Administrative Faculty shall be treated as a department for purposes of representation. A department with less than 15 APSCUF-KU members shall have one representative. Departments with 15 or more members as of February 1st of each year, and the coaches' bargaining unit, shall each have two representatives whose terms will be staggered with one representative entering Representative Council in the even-numbered years and the other in the odd-numbered years.
- Section 5. Departmental Representatives shall be elected by and from the APSCUF-KU members in their departments to serve two-year terms beginning on September 1 of the year of election. A Departmental Representative may designate another APSCUF-KU departmental member to represent the department at a meeting of the Representative Council if he/she is unable to attend, provided the President is notified prior to the meeting.
- Section 6. The Representative Council shall meet at least once a month during the academic year. Special meetings of the Representative Council shall be convened upon notification by the President or upon written petition to the President from at least eight members of the Representative Council. A quorum shall be one-half of the members of the Representative Council. An item may be placed on the agenda upon written request to the President of any three members of the Representative Council.
- Section 7. Representative Council shall elect from its membership the APSCUF-KU Representative to the KU Committee on Committees.
- Section 8. Representative Council members shall serve on at least one APSCUF-KU committee.
- Section 9. APSCUF-KU members who are serving as administrators are ineligible to be members of the APSCUF-KU Representative Council.

#### **ARTICLE IX - COMMITTEES**

- Section 1. Chairpersons of all standing and *ad hoc* committees (except the Black Faculty Liaison, Coaches, and Gender Issues committees) shall be appointed by the President from the membership of the Representative Council. Under exceptional conditions a chairperson who is no longer a member of Representative Council may continue in that capacity for up to two years after leaving Representative Council if reappointed each year by the President and ratified by the Representative Council. Other

members of standing and *ad hoc* committees shall be appointed by the President from the general membership of APSCUF-KU. Each standing committee shall have at least three (3) members. The chairperson and membership of all standing committees shall be ratified by the Representative Council.

Section 2. Appointed committee chairs and members serve at the pleasure of the President. Presidential power to appoint also includes the power to remove when ratified by the Representative Council. Appointment of the replacements for chairs or members of APSCUF-KU committees, when ratified by the Representative Council, shall result in immediate change or turnover in the composition of such committee, unless otherwise noted.

Section 3. Periodic committee reports, including recommendations as to policy, or actions to be taken by APSCUF-KU shall be submitted to the Executive Committee, which shall transmit them to the Representative Council for its advise and/or consent.

Section 4. Standing Committees of APSCUF-KU are as follows:

a. Academic Concerns Committee

The Academic Concerns Committee is responsible for investigating conditions, collecting and analyzing data, and making recommendations regarding the working and intellectual environment of the University.

b. Athletic Concerns Committee

The Athletic Concerns Committee shall serve as a vehicle for gathering information related to the student athlete and athletic programs in an effort to identify relevant concerns. This committee shall include at least one coach. Issues presented for committee consideration may originate from any member of the university community. After reviewing the substance and credibility of issues presented, the committee will make specific recommendations regarding possible resolutions to the APSCUF Executive Council.

c. Audit Committee

The Audit Committee is responsible for overseeing the conduct of the annual audit of APSCUF-KU's finances, such audit to be completed no later than June 30 of each year.

d. Budget Committee

The budget Committee shall consist of the Treasurer, members of the Audit Committee, and, if necessary, other members of APSCUF-KU, but shall have no more than five voting members. The President of APSCUF-KU shall also serve as an ex-officio member, with no vote. The committee shall prepare the proposed annual budget for presentation to the Executive Committee for review prior to its submission to the Representative Council by the Treasurer, Members of the Representative Council shall receive copies of the proposed budget at least two weeks before they vote on the adoption of the budget. The Committee shall consider adjustments during the fiscal year and shall make recommendations to the appropriate policy-making bodies under the fiscal policies of APSCUF-KU.

e. Black Faculty Liaison Committee

The Black Faculty Liaison Committee shall receive and gather information regarding working conditions and other issues related to Black faculty. The committee will bring such information to the attention of local APSCUF. The committee may advise and make recommendations regarding these matters. The chairperson shall be elected by the committee.

f. Bylaws Committee

The Bylaws Committee will revise the local bylaws as needed. The Committee will also serve as liaison with the State Bylaws Committee.

g. Coaches Committee

Pursuant to the Agreement between APSCUF and the State System, a Coaches Committee shall be organized by the coaches themselves for the purpose of addressing areas of common concern and interest of the coaches to appropriate University officials and/or organizations. This committee shall elect a chairperson and determine how it will organize itself in order to conduct business.

h. Gender Issues and Social Justice Committee

The Gender Issues Committee shall receive and gather information regarding working conditions and other issues related to gender. The Committee will bring such information to the attention of local APSCUF. The Committee may advise and make recommendations concerning gender related issues to these bodies. The chairperson

shall be elected by the committee and shall represent APSCUF-KU at meetings of the State APSCUF Gender Issues Committee.

i. Grievance Committee

The Grievance Committee, which shall include one coach among its members, is responsible for receiving prospective grievances, attempting to resolve such grievances equitably, attending workshops and conferences dealing with the grievance process, and working with the State Grievance Committee and staff on all grievance matters. The Chairperson shall represent APSCUF-KU at meetings of the State Grievance Committee. The coach member shall serve on the Coaches' State Grievance Committee.

j. Health and Welfare Committee

The Health and Welfare Committee is responsible for considering special services for members, participating in the work of the State Special Services Committee, and informing members of the health and welfare benefits and special services that are available to them. The Chairperson shall represent APSCUF-KU at meetings of the State Health and Welfare Committee.

k. Legislative Committee

The Legislative Committee is responsible for identifying candidates and issues that influence public higher education in Pennsylvania. The Committee shall also make recommendations regarding political endorsements based upon meetings with candidates and an analysis of their respective positions. The Legislative Committee shall inform the membership of its findings. The Chairperson shall represent APSCUF-KU at meetings of the State Legislative Committee. The CAP (Committee for Action in Politics) Chairperson shall be an *ex officio* member of the Legislative Committee.

l. Meet and Discuss Committee

The Meet and Discuss Committee shall represent APSCUF-KU in monthly meetings with management for the purpose of discussing matters related to the implementation of the faculty and coaches' Collective Bargaining Agreements (CBA). It is the responsibility of the Committee to reach agreement with management on local matters, when such agreement does not conflict with the CBA. The Committee shall include the Vice President, who shall serve as Chair and Spokesperson, the Grievance Chairperson, a coach representative, and the President.

m. Membership Committee

The Membership Committee is responsible for distributing membership information to new faculty/coaches, personally contacting all non-members and new faculty/coaches, and enrolling these faculty/coaches as members of APSCUF-KU. The Committee shall maintain a current membership list and report changes in membership to State APSCUF with the assistance of the APSCUF-KU Office Secretary. The Chairperson shall attend all State Membership meetings.

n. Negotiations Committee

The Negotiations Committee is responsible for consulting with faculty to identify issues of concern. During contract negotiations the Committee shall serve in a general advisory capacity to the State Negotiations Committee, shall facilitate communications between the State Negotiations Committee and the faculty, and shall notify the faculty of progress in negotiations. The President, or designee shall serve as chairperson of the Negotiations Committee. The Chairperson shall represent APSCUF-KU at meetings of the State Negotiations Committee.

o. Nominations and Elections Committee

A Nominations and Elections Committee consisting of three or more members shall be elected by the Representative Council. The Nominations and Elections Committee is responsible for conducting the election of APSCUF-KU Officers, Delegates/Alternates, APSCUF-KU Representative to the University Senate, APSCUF-KU Representative to the Committee on Committees, and members of the Promotion, Sabbatical Leave, and Tenure Committees.

Election dates and the total number of votes cast for each candidate shall be reported to the State APSCUF office by the Nominations & Elections Committee.

p. Public Relations Committee

The Public Relations Committee should be available, as appropriate, for assisting the President in the publication of the APSCUF KU Newsletter. The Committee shall also seek out and develop other avenues beneficial to APSCUF-KU and its public image.

q. Retirement Committee

The Retirement Committee shall be responsible for working with State APSCUF in promoting improvements to the various faculty and coach retirement systems. The Committee is also responsible for informing faculty and coaches of retirement benefits and options that are available to them.

r. Student Liaison Committee

The Student Liaison Committee shall be responsible for establishing and maintaining communication between the Kutztown University Student Organizations and APSCUF-KU. The Committee is also responsible for selecting students to receive APSCUF-KU scholarships and awards.

s. Temporary Faculty Committee

The Temporary Faculty Committee shall be charged with addressing issues relative to both full-time and part-time temporary appointments and shall make recommendations as appropriate. Either current or past temporary faculty shall comprise the majority membership on this committee.

Section 5. Any additional standing committees may be created through the amendment procedure.

Section 6. The President shall establish *ad hoc* committees as deemed necessary, subject to ratification by the Representative Council.

Section 7. Faculty Contractual Committees

The four contractual committees of the faculty CBA (Curriculum, Promotion, Sabbatical Leave, and Tenure) shall submit to the APSCUF-KU Representative Council for approval all rules of operation and any subsequent procedural changes recommended by any of these future committees.

Section 8. APSCUF-KU members who are serving as administrators are ineligible to serve as a member on any APSCUF-KU contractual committee.

## **ARTICLE X - ELECTIONS**

### **Section 1. APSCUF-KU Officers, Delegates and Alternate Delegates**

- a. The Nominations and Elections Committee shall present a slate of at least two candidates for each position, when possible at least three weeks before the election.
- b. For a period of two weeks following announcement of this initial slate, the Nominations and Elections Committee shall accept additional nominations for APSCUF-KU Officers Delegates or Alternate Delegates by a petition of 10 APSCUF-KU members, signed by the nominee.
- c. The Nominations and Elections Committee shall conduct the election of APSCUF-KU Officers Delegates, and Alternate Delegates prior to April 15.
- d. Election of APSCUF-KU Officers shall be by a majority of votes cast. Delegates and Alternate Delegates shall be elected by a plurality.
  1. In case a position is not elected on the first ballot, the candidate with the lowest number of votes shall be dropped, and a second ballot shall be sent to the membership.
  2. On each subsequent ballot, the candidate with the lowest number of votes shall be dropped, until a candidate is elected to office.
- e. The Nominations and Elections Committee shall report the results of the election to the President who shall announce the results to the membership.

### **Section 2. Faculty Contractual Committees**

- a. The Nominations and Elections Committee shall be responsible for nominations and elections to the following contractual committees: Promotion Committee, Sabbatical Leave Committee, and Tenure Committee.
- b. All regular faculty are eligible to serve except that the following restrictions shall apply:
  1. A faculty member may serve on only one of these committees at a time.

2. A faculty member is prohibited from serving on any of these committees if a spouse or other member of his/her immediate family is to be an applicant during the time of his/her membership on the committee.
  3. A faculty member is prohibited from serving on any of these committees to which he/she has made, or is planning to make, application for its consideration.
  4. The President, Vice President, and Grievance Chairperson are prohibited from serving on the University Promotion, Sabbatical leave, and Tenure Committees.
  5. Only one faculty member from a department may serve on the Promotion, Tenure, or Sabbatical Leave committees at one time.
  6. A faculty member must be tenured prior to his/her nomination to serve on either the Tenure or the Promotion Committee.
- c. The election procedure shall be as follows:
1. A willingness to serve form shall be transmitted to all eligible faculty.
  2. A primary ballot of candidates shall be constructed so as to include all eligible faculty members who are willing to serve.
  3. From the results of this primary ballot, a final ballot for each committee shall be constructed containing no more than twice as many candidates as there are committee vacancies.
  4. In both the primary and final balloting, winners are those who receive the greatest number of votes.
- d. The Nominations and Elections Committee shall report the results of the election to the President who shall announce the results to the membership.
- e. Failure of contractual committee members to fulfill bargaining unit committee duties, including, but not limited to, failure to attend committee meetings and failure to observe contractual provisions and/or relevant committee guidelines, can result in recall procedures.
1. Recall action can be initiated by a majority vote of the whole contractual committee or by a petition requesting such, signed by 25% of the members of the Representative Council.

2. The contractual committee member will be recalled and immediately removed from the committee upon a 2/3 vote of the whole Representative Council or by a majority vote of a general membership meeting called by the Representative Council.
3. If recall procedures result in the removal of a contractual committee member, the nominations and elections committee shall be responsible for conducting a special election to fill the vacancy.

#### **ARTICLE XI - PARLIAMENTARY AUTHORITY**

Robert's Rules of Order, newly-revised, shall be the authority on all questions of procedures not otherwise provided for in this Constitution.

#### **ARTICLE XII- AMENDMENTS**

An amendment to these Bylaws may be adopted by a two-thirds vote of the Representative Council present at any meeting, providing notice of the amendment has been presented at a previous meeting of the Representative Council, at least 20 days before the meeting at which the amendment is to be considered.

## **CHRONOLOGY OF BYLAW AMENDMENTS**

BYLAWS ADOPTED: May 18, 1973

AMENDED:

September 29, 1975  
March 18, 1981  
March 25, 1983  
March 13, 1986  
February 19, 1987  
September 8, 1988  
October 12, 1989  
February 8, 1990  
March 14, 1991  
March 11, 1993  
October 14, 1993  
December 9, 1993  
May 12, 1994  
May 11, 1995  
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May 8, 2003  
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