

Bylaws

APSCUF-KU KUTZTOWN UNIVERSITY

Adopted May 18, 1973

Amended to December 9, 2021

BYLAWS

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

(Ratified May 18, 1973)
(Amended to December 9, 2021)

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 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. President and Secretary shall be elected in even-numbered years for two-year terms. Vice President and Treasurer shall be elected in odd-numbered years for two-year terms. 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. serve as the university's representative on the state negotiations committee.
12. 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.
3. serve as signatory for APSCUF-KU accounts in the absence of The Treasurer.
4. serve as an alternate delegate to the APSCUF Legislative Assembly.

d. The Treasurer shall

1. obtain 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.
4. serve as an alternate delegate to the APSCUF Legislative Assembly.

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. 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 report to the Representative Council and the Executive Committee on Senate deliberations, and to maintain liaison between the Representative Council and the University Senate.

Section 5. APSCUF-KU Members who are serving as administrators are ineligible to serve as APSCUF-KU representative to 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. The Coach President will serve as Delegate to the Assembly and the Coach Vice-President and Coach Alternate will serve as Alternate Delegates 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 and non-voting members of Executive Committee.

ARTICLE VII - RECALL

Section 1. Any Officer, Delegate or Alternate Delegate 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, Delegate or Alternate Delegate 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, Delegate or Alternate Delegate recalled shall terminate immediately.

ARTICLE VIII - 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, the Delegates to the Legislative Assembly, the Coach President, the Coach Vice-President, and the Coach Alternate.

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 chairperson of the Grievance Committee shall be an ex-officio non-voting member of the Executive Committee

Section 4. The Alternate Delegates will be non-voting members of the Executive Committee.

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

Section 6. The Executive Committee is responsible for ensuring an independent audit of APSCUF-KU's finances be completed no later than June 30 of each year. The auditor shall be a bargaining unit member outside of Executive Committee, or a paid accountant.

Section 7. The President shall distribute the agenda and all associated material to all members no later than one week prior to the meeting.

Section 8. APSCUF-KU members who are serving as administrators are ineligible to be members of the APSCUF-KU Executive Committee.

ARTICLE IX - 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. 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.

Section 7. The President shall distribute the agenda and all associated material to all members no later than one week prior to the meeting. An item may be placed on the agenda upon written request to the President of any three members of the Representative Council.

Section 8. The Representative Council shall have a Parliamentarian appointed by the President from the membership of Representative Council. The role of Parliamentarian shall be ratified by Representative Council each year.

Section 9. Representative Council shall elect from its membership the APSCUF-KU Representative to the KU Committee on Committees.

Section 10. The Representative Council members shall serve on at least one APSCUF-KU committee.

Section 11. APSCUF-KU members who are serving as administrators are ineligible to be members of the APSCUF-KU Representative Council.

ARTICLE X - COMMITTEES

Section 1. Unless otherwise specified in the Bylaws, the President shall appoint each committee Chairperson 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. Unless otherwise specified in the Bylaws, 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 advice 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. Adjunct Faculty Committee

The Adjunct 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 adjunct faculty who are now in regular faculty positions shall comprise the majority membership on this committee. One member of the Adjunct Faculty Committee shall represent APSCUF-KU on the State Adjunct Faculty Committee.

c. 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 Committee.

d. Budget Committee

The budget Committee shall consist of the Treasurer and 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. The Committee will be responsible for overseeing the chapter audit.

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. The Bylaws Committee must meet annually to review the local bylaws.

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. Coaches Grievance Committee

The Coaches Grievance Committee is responsible for receiving prospective grievances from coaches, 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 coaches as a member of the Coach's State Grievance Committee.

i. Coaches Meet and Discuss Committee

The Coaches Meet and Discuss Committee shall represent APSCUF-KU Coaches members in monthly meetings with management for the purpose of discussing matters related to the implementation of the 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 one member of the coach leadership, who shall serve as Chair and spokesperson. The remaining members shall be selected from the coach members of APSCUF-KU.

j. Grievance Committee

The Grievance Committee 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 as a member of the State Grievance Committee. The coach member shall serve on the Coaches' State Grievance Committee.

k. Health and Welfare Committee

The Health & Welfare Committee shall be responsible for disseminating pertinent APSCUF Health and Welfare information to members. The committee will also consider special health related opportunities for Faculty.

The Chairperson of this committee is considered the KU Health & Welfare Specialist and will represent APSCUF-KU as a member of the State Health & Welfare Committee and sits on the University Wellness Committee. Additionally, the Chair (along with the President and Vice President) considers Sick Leave Bank approval on a case by case basis. The Chair is the liaison between faculty and the PA Faculty Health and Welfare Fund (dental and vision) office.

l. The International Faculty Caucus

The International Faculty Caucus (IFC) will promote and celebrate diversity, collaborate with other organizations, groups and caucuses, and address issues that confront international faculty from legal, social and cultural perspectives. IFC will also contribute to Kutztown University's commitment to diversity by providing a supportive forum for networking as well as serving as advocates for the interests and needs of KU's international faculty.

m. The Latinx Faculty Caucus

The Latinx Faculty Caucus will identify issues related to the working conditions of Latinx faculty members and will bring the issues to the local APSCUF chapter Executive Committee. The caucus will advance issues relevant to the working lives of Latinx faculty and will promote understanding and appreciation of linguistic, cultural, and social characteristics and perspectives of those who identify as Latinx.

n. Legislative Committee

The Legislative Committee is responsible for identifying issues that influence public higher education in Pennsylvania. The Legislative Committee shall inform the membership of its findings. The Chairperson shall represent APSCUF-KU as a member of the State Legislative Committee. The CAP (Committee for Action in Politics) Chairperson shall be an ex officio member of the Legislative Committee.

o. 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, and the President.

p. Membership Committee

The Membership Committee is responsible for making APSCUF-KU an inclusive organization whose strength lies in collective participation. Through direct outreach to the membership, the committee will solicit concerns from the regular and temporary faculty as well as the coaches and develop effective methods to address them. The committee will also identify potential leaders and mentor them toward key positions in the local. In concert with the APSCUF-KU office manager, the Committee shall maintain a current membership list and report changes in membership to State APSCUF. The Chairperson shall represent APSCUF-KU as a member of the State Membership Committee.

q. Mobilization Committee

The Mobilization Committee is responsible for planning, organizing, and executing any labor action, including a strike, specifically required of local chapters by state APSCUF, Members appointed to the Committee maybe assigned by the chairperson to fulfill roles as Picket Chair, Picket Captain, and others as needed. The Chapter President and Vice—President shall serve

as ex-officio members of the Committee. The Chairperson shall represent APSCUF-KU as a member of the State Mobilization Committee.

r. Nominations and Elections Committee

The 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 nominations and elections for APSCUF-KU officers, delegates, alternate delegates; members of the Promotion, Tenure, and Sabbatical Leave Committees; APSCUF Rep. To the University Senate; and any special elections as may arise. 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

s. 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.

t. Social Justice Committee

The Social Justice Committee shall receive and gather information regarding working conditions and other social justice related concerns. The Committee will bring such information to the attention of the local APSCUF Executive Committee and the Legislative Assembly as necessary. The Committee may advise and make recommendations concerning social justice related concerns to these bodies. The chairperson shall be elected by the committee and shall represent APSCUF-KU as a member of the State APSCUF Social Justice Committee.

u. 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.

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 XI - 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. In the case of a vacancy for a position, the Nominations & Elections Committee will run a special election to fill the vacant position.

- f. 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.

Section 3. Coaches Leadership Team

- a. The Coaches Leadership Team shall be responsible for nominations and elections to the following coach leadership positions: Coach President, Coach Vice-President, and Coach Alternate.
 1. A member of the Coach Leadership Team will solicit nominations for each position. Coach members of APSCUF-KU will vote on each position.
 2. Election of positions for the Coaches Leadership Team shall be by majority vote.

ARTICLE XII – SERVICE WHILE ON SABBATICAL LEAVE

Faculty members who are on sabbatical leave are ineligible to serve as an Officer, member of a contract committee, or chair of an APSCUF committee. Faculty members who know they will be on sabbatical leave during a term of office/position should consider not running for that office/position.

ARTICLE XIII - 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 XIV - 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
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October 12, 1989
February 8, 1990
March 14, 1991
March 11, 1993
October 14, 1993
December 9, 1993
May 12, 1994
May 11, 1995
May 8, 1997
October 12, 2000
May 8, 2003
March 9, 2006
December 14, 2006
September 24, 2011
April 26, 2012
April 13, 2017
March 8, 2018
December 9, 2021