

Constitution of the Marymount Adjunct Collective (MAC)

I. NAME

This Union shall be known as Marymount Adjunct Collective, Local 7946, NYSUT/AFT/NEA/AFL-CIO, herein referred to as MAC and/or the Union.

II. PURPOSES

The purposes of this union shall be:

1. To promote the best interests of students and education at Marymount Manhattan College
2. To secure the conditions necessary for the greatest effectiveness of our members
3. To advance the standards of, and promote unity and strength in, our professions
4. To promote mutual assistance and cooperation with other unions with which it is associated
5. To improve wages, benefits, and other terms and conditions of employment for members of the bargaining unit
6. To represent the bargaining unit members with the highest level of membership participation and democracy that is possible
7. To expose and fight all forms of racism and discrimination

III. AFFILIATIONS

This union is an affiliate of the New York State United Teachers and its national affiliates and recognizes the benefit of working closely with its sister local unions at Marymount Manhattan College: Marymount Union of Staff Employees (MUSE), Local 7946, NYSUT/AFT/NEA/AFL-CIO, International Union of Operating Engineers Local # 30, AFL-CIO, and all other unions representing workers at Marymount Manhattan College.

IV. MEMBERSHIP

1. Membership in MAC shall be open to all persons for whom the Union bargains collectively: adjunct faculty, tutors, accompanists, and private voice instructors. Immediately upon commencement of employment one is eligible to be a member of MAC.
2. To be a member in good standing a member shall: be employed by Marymount Manhattan College during one semester within the previous two academic years; be current in dues; and, not have been terminated for just cause.

V. OFFICERS

1. There shall be four officers of the Union: President, Vice President, Secretary, and Treasurer. They must be members of the Union in good standing to serve as officers.
2. Terms of office for officers shall be for three years commencing on January 31.

3. Duties of the President. The President shall:

- a. Serve as chief executive officer of MAC
- b. Administer all affairs and execute all policies of the Union
- c. Prepare the agenda for and preside at all Executive Committee and General Membership meetings
- d. Represent the union with all external groups or appoint a designee to do so in his/her absence
- e. Create and establish the function of all committees with the approval of the majority of the Executive Committee
- f. Call regular and special meetings of the Executive Committee and General Membership
- g. Appoint Stewards from all the job classifications which MAC represents: Adjunct Faculty, Tutors, Accompanists, Private Voice Instructors, and Adjunct Faculty who teach in the Bedford Hills College Program
- h. Fulfill such other duties as the office requires and as are consistent with this Constitution

4. Duties of the Vice President. The Vice President shall:

- a. Perform duties designated by the President
- b. Assume the duties and responsibilities of the President in his/her absence when designated.
- c. Serve as Chair of the Grievance Committee
- d. Perform such other duties as may be required by the President or Executive Committee

5. Duties of the Secretary. The Secretary shall:

- a. Keep and maintain all correspondence and records of the Executive Committee and the Union
- b. Distribute the agenda and notices for all Executive Committee and General Membership meetings
- c. Keep and maintain the minutes of Executive Committee and General Membership meetings, and make available said minutes for membership review
- d. Deliver all records of the Union to his/her successor at the end of his/her term
- e. Perform other such duties as may be required by the President or Executive Committee

6. Duties of the Treasurer. The Treasurer shall:

- a. Keep and maintain all financial records of the Union, including, but not limited to, accurate accounts of receipts and disbursements
- b. Transmit amounts due to NYSUT and affiliates
- c. Disburse the funds of the Union upon authorization of the Executive Committee
- d. Prepare monthly financial reports as required by the Executive Committee
- e. Prepare for an annual audit or financial review as required by AFT Constitution and policy
- f. Deliver all financial records of the Union to his/her successor at the end of his/her term
- g. Perform other such duties as may be required by the President or Executive Committee

7. Duties of the Stewards:

- a. Represent the respective members in the processing of grievances
- b. Keep members informed of the activities of the Union
- c. Recruit new members of the Union
- d. Inform the President and Vice President of all issues brought to his/her attention as potential grievances

VI. EXECUTIVE COMMITTEE

1. The Executive Committee shall consist of the four duly elected officers and three Representative Seats, each to be filled with one representative elected from each of the following job classifications by their respective constituents: Tutors, Accompanists, and Private Voice Instructors. Terms of office for Officers and Representatives shall be for three years. The first Executive Committee, elected after the ratification of this Constitution, shall serve until January 31, 2011.

2. The Executive Committee shall:

- a. Propose, approve, and execute policies and resolutions of the Union, except those otherwise specified by this Constitution and By-laws
- b. Propose amendments to the By-Laws
- c. Approve initial contract proposals prior to the start of collective bargaining and tentative collective bargaining agreements prior to ratification by the membership. If the Executive Committee rejects the tentative collective bargaining agreement, the negotiations committee continues bargaining with Marymount Manhattan College

- d. Approve the appointment of members and chairpersons of the standing and ad-hoc committees and editors of the Union's publications
- e. Fill vacancies among the elected officers as described in this Constitution and By-Laws and direct the Elections Committee to immediately commence the process of conducting a special election
- f. Ensure that an annual financial report is presented to the membership, and that an audit/review is conducted annually by an independent accounting firm or, in lieu of that, an annual internal financial review is conducted by a committee of no less than three members who do not sit on the Executive Committee
- g. Represent the needs of the bargaining unit members to the Union and/or the College, as appropriate
- h. Have the authority through a majority vote to determine grievances that will be forwarded to arbitration
- i. Remove stewards from their positions

VII. GENERAL PROVISIONS OF THE EXECUTIVE COMMITTEE

1. The Executive Committee shall meet regularly, at least once per month during the months of August through May and at least once during the month of either June or July.
2. The President, or a minimum of three members of the Executive Committee, can call a special meeting of the Executive Committee.
3. A majority of the membership of the Executive Committee shall constitute a quorum.

VIII. COMMITTEES

1. The members and chairpersons of all standing and ad hoc committees, with the exception of the chairperson of the Grievance Committee which shall be the Vice President, shall be nominated by the President and approved by a quorum majority vote of the Executive Committee.
2. The standing committees of the Executive Committee shall be the Grievance Committee, Membership Committee, and Communications Committee.
3. The ad hoc committees of the Executive Committee shall be the Negotiations Committee and Elections Committee. Ad Hoc committees shall be dismissed upon completion of their appointed tasks.
4. All committees shall report regularly to the Executive Committee. Duties of the committees are as follows:
 - a. The Grievance Committee shall

- i. Supervise and review the administration of grievance policies, procedures, and litigation arising from grievances
 - ii. Advise the Executive Committee on the disposition of grievances that have not gone to arbitration
 - iii. Recommend cases for arbitration to the Executive Committee
 - iv. Report regularly to the Executive Committee
- b. The Membership Committee shall
 - i. Present to the Executive Board policy and programmatic recommendations regarding membership development and growth
 - ii. Assist in the execution of such membership policies and programs as the Executive Committee might adopt
- c. The Communications Committee shall
 - i. Make recommendations relating to the publications, public relations, and internal and external communications of the Union
 - ii. Assist in the execution of those recommendations that are approved by the Executive Committee
- d. The Negotiations Committee shall
 - i. Develop proposals for contract negotiations and negotiate collective bargaining agreements with Marymount Manhattan College covering the terms and conditions of employment for all those represented by the Union
 - ii. Present contract proposals to the Executive Committee which will advise and work with the Negotiations Committee prior to the start of negotiations
 - iii. Report regularly to the Executive Committee regarding the status of negotiations
 - iv. Present the tentative collective bargaining agreement to the Executive Committee for its approval before the tentative agreement is submitted to the membership for ratification
- e. The Elections Committee shall
 - i. Conduct all elections which the President and the Executive Committee direct
 - ii. Determine nomination and election procedures not specified by the Constitution and By-Laws

iii. Determine the specifics of the nomination procedures, including, but not limited to the time, place, and proper form for the submission of nominations. The Elections Committee shall determine the specifics of the election procedures, including, but not limited to, the wording on the ballot, the location where voters shall return ballots, and the process by which ballots will be counted, including a system for election observers. Election procedures must be in accordance with Labor-Management Reporting and Disclosure Act (LMRDA), Landrum-Griffin Act

5. The terms of office for chairpersons and members of standing committees shall normally be one year, commencing at the February Executive Committee meeting. The terms of office for chairpersons and members of ad hoc committees shall commence at the time of appointment, and shall normally last for one year, but shall expire no later than the time of completion of their appointed charges.

IX. GENERAL MEMBERSHIP MEETINGS

1. General Membership meetings shall be held at least twice annually. Meetings of the General Membership may be called by the President, by a majority of the Executive Committee or by petition of ten (10) percent of the membership whose standing must be authenticated by the secretary within one week of receipt of the petition. Petition items must be included on the agenda of General Membership meetings. All members shall receive notice of the time and place of the meeting.

2. Ten members in good standing shall constitute a quorum at a General Membership meeting. For General Membership meetings at which ratification of collective bargaining agreements, strike authorization, and other votes will occur, see MAC By-Laws Article IV.

X. PARLIAMENTARY AUTHORITY

Meetings of all duly constituted bodies of this Union shall be governed by Roberts' Rules of Order, Newly Revised, except as otherwise provided in this Constitution.

Marymount Adjunct Collective (MAC) By-Laws

I. DUES

1. The dues rate for adjunct faculty shall be 2.50% of gross earnings. The dues rate for tutors, accompanists, and private voice instructors shall be 2% of gross earnings.
2. These dues may be changed by a simple majority vote of the general membership after reasonable notice of the intention to vote on such questions, or by majority vote of members in a membership referendum. The Elections Committee shall determine the procedures for a vote of the members to change the dues rate.

II. NOMINATIONS, ELECTIONS, AND TERMS OF OFFICE

1. Nominations

- a. Only members in good standing shall be eligible to nominate, and be nominated, as candidates for office.
- b. Nomination procedures, including which Union offices are to be filled and the time, place, and proper form for the submission of nominations shall be announced to the members of the Union at least 10 days prior to the commencement of the nominations procedure.
- c. Members in good standing shall have the opportunity to nominate candidates for office by mail.
- d. Members of the Elections Committee are not eligible for nomination to office.

2. Elections

- a. Elections shall be conducted by secret ballot, all in accordance with the Labor-Management Reporting and Disclosure Act (LMRDA), Landrum-Griffin Act.
- b. All members in good standing shall be notified of the election at least 15 days in advance of the date in which any ballots must be returned.
- c. The results of the election shall be announced to the members within one week.
- d. The Secretary shall maintain all election records for one year.
- e. No member shall hold more than one office at a time.
- f. Union funds shall not be used by any candidate in his/her campaign for election to a Union office.
- g. The Elections Committee shall provide a complete list of the Union membership, including the most current contact information available to the Union, to each candidate for office.

3. Election Protest Procedures

- a. Any member in good standing may protest the general election of officers based upon a stated defect/s in the election procedures, by submitting a letter that describes such defects to the Chair of the Elections Committee.
- b. The Chair of the Elections Committee shall certify the authenticity and the member standing of the signer(s) within one week of the receipt of the letter. The Executive Committee will then direct the Elections Committee to investigate the allegation(s) of defect(s). If no defect is found, the Elections Committee will indicate so to the protestor(s). If the Elections Committee determines that there was a defect in the election, another election will be held within 30 days of the determination of the defect. The Elections Committee shall determine the procedures of the election.
- c. If two thirds of those voting in the recall election vote to nullify the previous election due to the stated defect, the election shall be nullified, and a new election shall be held within 30 days.
- d. Officers shall remain in place until a new election is held.

4. Officer Recall Procedures

- a. A recall election may be initiated by any member in good standing by a recall petition stating the reasons for the proposed action and signed by twenty-five percent of the union members in good standing.
- b. A petition demanding a recall election shall be presented to the Executive Committee through the Secretary, who shall certify the authenticity and the member standing of each signer.
- c. The Elections Committee which served during the last general election shall be re-appointed for a recall election. Recall elections shall be completed no later than 30 days after the authenticity of the petition has been certified.
- d. An officer shall be removed when two-thirds of those casting ballots so vote.
- e. When a vacancy occurs because of recall elections, the position shall be filled according to the procedures listed below under Succession of Officers.

5. Succession of Officers

- a. In the event the President cannot complete his/her term, his/her vacant position shall be filled by the Vice President.
- b. If any other office of the Executive Committee becomes vacant, it shall be filled by election by the Executive Committee until the next election is held by the General Membership.

III. REPRESENTATIVE ASSEMBLIES

Representatives to the NYSUT Representative Assembly and national governance bodies shall be

elected by secret ballot in a manner not inconsistent with the Constitution and Bylaws of the appropriate state and national unions and with the law. The Elections Committee shall determine the procedures of the election.

IV. RATIFICATION OF COLLECTIVE BARGAINING AGREEMENTS, STRIKE AUTHORIZATION VOTES, AND GENERAL MEMBERSHIP VOTES

1. Approval or rejection of any collective bargaining agreement with Marymount Manhattan College shall be determined by a majority of the votes cast by the members of the Union. A copy of the proposed collective bargaining agreement or a Memorandum of Agreement, highlighting the negotiated changes to the Collective Bargaining Agreement, shall be distributed to all members in good standing no less than 15 days prior to the vote on its ratification. The vote shall be by mail ballot following at least one general meeting of the membership. The Elections Committee shall determine the specifics of the ratification vote.
2. A vote to give the Executive Committee the authority to call a strike shall be determined by a majority of the votes cast by the members of the Union. The vote shall be by mail ballot, following at least one general meeting of the membership. The Elections Committee will determine the specifics of a strike authorization vote.
3. All other votes put before the General Membership shall be by secret ballot following at least one meeting of the General Membership, at which the meeting agenda includes the issues to be voted upon by the Union members. The Elections Committee shall determine the due date for the return of the secret ballots which shall be no less than 15 days following the last meeting of the General Membership and no more than 30 days following the last meeting of the General Membership.

V. PROTECTION OF RIGHTS OF MEMBERS

1. Every member of this union shall have equal rights and privileges to nominate candidates to hold office, to vote in elections or referendum, to attend membership meetings and to participate in deliberations and voting upon the business of the union.
2. This union shall show no discrimination toward any individual or group of individuals on the basis of sex, sexual orientation, creed, color, race, religion, disability, age, military status, marital status, prior arrest or conviction record, national origin or political activities and beliefs.

VI. AMENDMENTS

1. Amendments to the MAC Constitution and By-Laws may be proposed by a majority of the Executive Committee or by petition of at least 20 percent of the membership.
2. Adoption of amendments to the MAC Constitution shall be by two-thirds of the vote in a General Membership vote as described in the MAC By-Laws, Article IV.
3. Adoption of amendments to the MAC By-Laws shall be by a simple majority of the vote in a General Membership vote as described in MAC By-Laws, Article IV.

VII. DISSOLUTION

In the event of the dissolution of the Union, the AFT Constitution shall be the governing document.

VIII. INITIAL ADOPTION

Initial adoption of the Marymount Adjunct Collective Constitution and By-Laws shall be by a majority of the votes cast in a mail ballot election which shall conclude no later than 20 days following the distribution of the ballots.