

CONSTITUTION
PROFESSIONAL STAFF CONGRESS
OF THE CITY UNIVERSITY OF NEW YORK

As amended December 18, 2008

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ARTICLE I: NAME

The name of this organization shall be the Professional Staff Congress of the City University of New York.

ARTICLE II: PURPOSE AND OBJECTIVES

SECTION 1. The purpose of this organization shall be to advance and secure the professional and economic interests of the instructional staff of the City University and other members of the bargaining units of the Professional Staff Congress, with special regard for the interest of students and the City University.

SECTION 2. The Professional Staff Congress shall advance the following objectives:

- a.** To improve the quality of education, research and scholarship at the City University.
- b.** To negotiate and administer collective bargaining agreements.
- c.** To cooperate with other educational, professional, and labor organizations in order to enhance the quality of education in the nation and to promote the professional and economic interests and the welfare of all workers.
- d.** To serve as the public representative of the instructional staff of the City University and other members of the bargaining units of the Professional Staff Congress.
- e.** To cooperate with other City University employee and academic organizations and student bodies in order to advance the interests of the faculty, staff and students of the City University and the community it serves.

ARTICLE III: MEMBERSHIP

SECTION 1. Each member of the Professional Staff Congress shall be entitled to all the rights, privileges, and benefits of the Professional Staff Congress and its affiliates, including but not limited to participation in all union activities, the right to vote and the right to hold union office, subject to the limitations set forth hereinafter.

SECTION 2.

- a.** Membership in the Professional Staff Congress shall be open to all persons for whom the Professional Staff Congress bargains collectively, including but not limited to persons on the staffs of the City University, the City

University Research Foundation, and retirees from such positions, unless

otherwise limited by express provisions of this Constitution.

b. Retiree Members shall be subject to the following conditions:

i. In the election of General Officers and Delegates and Alternate Delegates to affiliates with the exception of the Retiree Executive Council Officers, the total retiree vote shall be limited to ten (10) percent of the total vote cast by eligible non-retiree members. Should the number of retiree votes cast exceed this limit, then each Retiree Member's vote shall be weighted to achieve this limit.

ii. Retiree Members may vote for and hold office as Retiree Executive Council Officers, Retiree Chapter Officers and Delegates or Alternate Delegates to the Delegate Assembly.

iii. Retiree Members may be candidates for Delegate or Alternate Delegate to affiliate meetings or conventions.

iv. An incumbent Chapter or General Officer, Delegate or Alternate Delegate to the Delegate Assembly or to affiliates who retires may retain such office and membership in his or her previous chapter for up to one year after the effective date of retirement provided dues in the annual amount equal to dues paid during the final year on payroll shall be paid directly to the Professional Staff Congress in two (2) six-month installments.

v. Voting and candidacy rights for Retiree Members shall be limited to those enumerated in i.- iv. above.

SECTION 3. No person may be denied membership in the Professional Staff Congress because of race, religion, age, national origin, sex, sexual orientation, gender identity or expression, disability, veteran status, political affiliation, or political belief.

SECTION 4. The Chancellor of the City University, Deputy Chancellor, Vice-Chancellors, Presidents, Vice-Presidents, Provosts, Deans, Associate Deans, Assistant Deans, and all other persons who are specifically excluded from the collective bargaining unit by contractual agreement or by law shall be barred from Membership in the Professional Staff Congress.

SECTION 5.

a. No person shall be permitted to vote in any general election or referendum or contract ratification who has not been in good standing for at least four (4) months prior to the date for the mailing of ballots.

b. No person otherwise eligible shall be permitted to hold a position as a General Officer serving on the Executive Council who has not been a dues paying member in good standing of the Professional Staff Congress for at least one (1) year at the time of nomination to said office.

c. No person shall be permitted to vote in any chapter election who has not been a member in good standing of the appropriate chapter for at least four (4) months prior to the date for the mailing of ballots.

d. No person shall be permitted to hold chapter office who has not been a member in good standing of the appropriate chapter for at least one (1) year at the time of nomination to said office.

e. Notwithstanding Article III Section 5 (a-d) above, a member of the part-time instructional staff who has been a member in good standing for at least two years and who goes off payroll for one semester for any reason other than retirement shall be permitted to run for office upon returning to payroll provided he or she is otherwise eligible and has paid dues equal to dues paid during the previous semester while off payroll. Such person who runs for office shall also be eligible to vote.

f. No salaried employee of the union shall be permitted to hold Membership in the Professional Staff Congress, except that this exclusion shall not apply to elected General Officers.

SECTION 6. Associate Membership without the right to vote or hold union office shall be available to persons who were previously employed in a Professional Staff Congress bargaining unit title but are presently excluded by contract or by law from the bargaining unit and to persons on leave without pay from a position in a title represented by the Professional Staff Congress. Associate Membership without the right to vote or to hold office may be made available to individuals formerly employed in a Professional Staff Congress bargaining unit title who have withdrawn from the University community.

SECTION 7. Individuals on leave without pay shall have the option of retaining Membership for the duration of their leave by the direct payment of the dues appropriate to their previous status.

SECTION 8.

a. Membership in good standing shall be established upon receipt of a valid

application form at the office of the Professional Staff Congress.

b. Membership shall terminate upon receipt of a signed letter of resignation from the member or the loss of eligibility for membership.

c. An individual on direct payment who has not remitted dues payments for two (2) consecutive months shall no longer be a member in good standing. Such an individual shall lose the right to vote, nominate, run for or hold office, and shall be dropped from membership after a reasonable time.

SECTION 9. Any member whose non-reappointment, suspension or removal is subject to review under the grievance procedures established by contractual agreement or litigation arising from such grievance proceedings may retain Membership in the union. When all grievance procedures have been exhausted, the Executive Council may recommend to the Delegate Assembly that the aggrieved member may retain Membership.

ARTICLE IV: DUES SCHEDULES

SECTION 1. Dues schedules shall be established by a two-thirds (2/3) majority of the members of the Delegate Assembly present at a special meeting convened for that purpose. The entire membership of the Professional Staff Congress must be informed of the proposed revision in the dues schedule and the date of the special meeting of the Delegate Assembly at least twenty-one (21) days in advance of such meeting.

SECTION 2. Members shall contribute dues payments through a system of check-off deduction when available. Otherwise, dues shall be paid directly to the Professional Staff Congress.

SECTION 3. Upon recommendation of an affirmative vote of two-thirds (2/3) of the members of the Executive Council, the requirement of dues payment may be waived in individual instances for a period not to exceed one (1) year.

SECTION 4.

a. Dues shall be paid on earnings by members of the bargaining units of the Professional Staff Congress based on all bargaining unit employment.

b. A retiree who holds a part-time position shall pay retiree dues.

ARTICLE V: GOVERNING STRUCTURE

The governing structure of the Professional Staff Congress shall include the following:

- a. Elected General Officers.
- b. An Executive Council.
- c. A Delegate Assembly.
- d. Chapters.

ARTICLE VI: GENERAL OFFICERS

SECTION 1. The General Officers of the Professional Staff Congress shall be as follows:

- a. A President, First Vice-President, Treasurer, Secretary, and five (5) University-wide Officers, all of whom shall be elected from and by the entire membership.
- b. A Vice-President for the Senior Colleges and three (3) Senior College Officers elected from and by the full-time and part-time membership among the senior college chapters, the University Graduate Center Chapter, and the Hunter Campus Schools Chapter.
- c. A Vice-President for the Community Colleges and three (3) Community College Officers elected from and by the full-time and part-time membership among the community college chapters and other chapters representing two-year or pre-baccalaureate divisions of the City University.
- d. A Vice-President for Cross-Campus Chapters and three (3) Cross-Campus Officers elected from and by the full-time and part-time membership of Cross-Campus Chapters of College Laboratory Technicians, Higher Education Officers, and Registrars, the Central Office Chapter and the Research Foundation Chapters. Members of those chapters may not also vote in elections for General Officers chosen to represent the senior and community colleges. At least one of the Cross-campus Officers shall be a Higher Education Officer and at least one shall be a College Laboratory Technician.
- e. A Vice-President for Part-Time Members of the Instructional Staff and three (3) Part-Time Instructional Staff Officers elected from the part-time membership and by the entire membership of the Professional Staff Congress.
- f. Two (2) Retiree Officers elected from and by the membership of the Retirees Chapter.

SECTION 2. The term of office for all General Officers shall be three (3) years.

SECTION 3. The powers and responsibilities of the respective General Officers shall be as follows:

a. President. The President shall be the chief executive officer of the Professional Staff Congress. The principal functions of the President shall be to provide leadership for the organization, execute its established policies, serve as an ex-officio member without vote of standing committees, and supervise the operation of the various constituted bodies of the union. The President shall preside at all meetings of the Executive Council and the Delegate Assembly, recommend appointment to offices and committees unless otherwise provided by this Constitution or the Delegate Assembly, and act as the official spokesperson for the Professional Staff Congress.

b. First Vice-President. The First Vice-President shall assist the President in the performance of assigned executive functions, substitute for the President as the organization's chief executive officer in the temporary absence of the President, and serve as an ex-officio, non-voting member of standing committees. In the event the office of President becomes vacant either because of resignation, death, or incapacity as determined by two-thirds (2/3) vote of a special meeting of the Delegate Assembly, the First Vice-President shall assume the office of President for the duration of the elected term.

c. Vice-Presidents for Senior Colleges, Community Colleges, Cross-Campus Chapters, and Part-Time Instructional Staff. The Vice-Presidents for the Senior Colleges, Community Colleges, Cross-Campus Chapters, and Part-Time Instructional Staff shall have specific responsibility for coordinating the activities of the Professional Staff Congress in their respective jurisdictions and for representing these jurisdictions on the Executive Council.

d. Treasurer. The Treasurer shall have responsibility for the custody of the funds of the Professional Staff Congress. The Treasurer shall be bonded and pay all bills as authorized by the Executive Council, keep accurate account of receipts, expenditures and all financial transactions, and prepare regular financial reports as required by the Executive Council and the Delegate Assembly.

e. Secretary. The Secretary shall be responsible for the minutes, records, and correspondence of the Executive Council and the Delegate Assembly. The Secretary shall prepare the agenda and send out notices for all meetings of the Executive Council and Delegate Assembly as directed by the President.

f. At-Large Officers. The five (5) University-wide Officers shall provide leadership and representation in the Executive Council on the basis of a University-wide constituency.

g. The fourteen (14) additional Executive Council Officers chosen from Senior College, Community College, Cross-Campus, Part-time Instructional Staff and Retiree constituencies shall provide leadership and representation in the Executive Council on the basis of the membership which elected them.

SECTION 4. Any vacancy among the General Officers other than that of President shall be filled by the Delegate Assembly, except that in selecting General Officers for vacancies among senior college, community college, cross-campus and retiree officers, only those members of the Delegate Assembly from these respective jurisdictions may vote to fill such vacancies.

SECTION 5. Unless otherwise provided in this Constitution or by established bylaws, the powers and responsibilities of the General Officers shall follow the practices described in the latest revised edition of *Robert's Rules of Order*.

ARTICLE VII: EXECUTIVE COUNCIL

SECTION 1. The twenty-seven (27) General Officers shall constitute the Executive Council of the Professional Staff Congress and shall exercise overall executive and administrative responsibilities for the policy and operation of the union.

SECTION 2. The Executive Council shall have the following powers and responsibilities:

- a.** To recommend policies and resolutions for action by the Delegate Assembly including recommendations for the approval of initial contract proposals and the ratification of proposed contractual agreements.
- b.** To implement and execute the established policies and resolutions of the Delegate Assembly.
- c.** To act as a committee on nominations and make recommendations to the Delegate Assembly for the election of all standing committees and their chairpersons, and for other appointments, unless otherwise provided in this Constitution.
- d.** To appoint standing and special committees of the Executive Council to carry out its assigned powers and responsibilities.
- e.** To supervise and review the work of all committees in accordance with the delegated responsibilities with which the committees have been charged.
- f.** To authorize the expenditure of funds by the Treasurer within a budget approved by the Delegate Assembly.
- g.** To supervise the preparation of a budget by the Treasurer for submission to the Delegate Assembly.

h. To provide annually for an audit by an independent certified public accountant of the financial records and funds of the Professional Staff Congress which shall be presented to the Delegate Assembly, to the membership and, where required, to regulatory bodies.

i. To recruit and appoint an Executive Director, subject to the approval of the Delegate Assembly, who shall be responsible to the Executive Council for the union's administrative staff, except that all appointments to the professional staff shall require the approval of the Executive Council.

j. To appoint and/or remove a Legislative Representative and other agents, subject to the approval of the Delegate Assembly. The Legislative Representative shall further Professional Staff Congress policies before various law-making bodies and agencies.

k. To appoint and/or remove a University-wide Grievance Counselor subject to the approval of the Delegate Assembly. The University-wide Grievance Counselor shall be responsible for the implementation of the policies and procedures of the established grievance process.

l. To establish and supervise official publications of the Professional Staff Congress and to appoint and/or remove editors for these publications, subject to the approval of the Delegate Assembly.

m. To act as the initial judge of questions pertaining to membership. The actions of the Executive Council as to membership may be reversed by a majority vote at either of the next two (2) regular meetings of the Delegate Assembly.

n. To act as the initial judge of questions pertaining to the rules and procedures of chapters. The actions of the Executive Council as to rules and procedures of chapters may be reversed by a majority vote of the membership present at either of the next two (2) meetings of the Delegate Assembly.

SECTION 3. The members and chairpersons of all standing committees shall be appointed by the Executive Council. The following shall be the standing committees of the Executive Council:

a. Committees on Contract Negotiations. These committees shall develop union proposals for contract negotiations and negotiate agreements with the City University of New York and the Research Foundation of the City University of New York, covering the terms and conditions of employment for all those represented by the Professional Staff Congress and any other employers with whom the Professional Staff Congress bargains collectively. Contract proposals shall be presented to the Executive Council for approval.

b. University-wide Grievance Policy Committee. This committee shall review grievances and make determinations concerning further action on the grievances reviewed. The University-wide Grievance Counselor shall be a non-voting ex-officio member of this committee.

c. Committee on Legislation. This committee shall make recommendations to the Executive Council respecting electoral endorsements, political action and legislation affecting the membership of the Professional Staff Congress and its affiliates. The Legislative Representative shall serve as a non-voting ex-officio member of this committee.

d. Finance Committee. This committee shall be authorized to make recommendations to the Executive Council regarding the finances and budget of the Professional Staff Congress. The chairperson of this committee shall be the Treasurer.

e. Pension Committee. This committee shall be charged with matters of pensions, annuities and retirement benefits.

SECTION 4. A majority of the members of the Executive Council shall constitute a quorum.

SECTION 5. The Executive Council shall transact its business only at regularly called or special meetings.

SECTION 6. The President or one-third (1/3) of the members of the Executive Council shall be empowered to call a special meeting.

SECTION 7. The Executive Council shall meet no less than once each month during the academic year and at least once during the months of July and August.

ARTICLE VIII: DELEGATE ASSEMBLY

SECTION 1. The Delegate Assembly shall be the principal governing body of the Professional Staff Congress. The powers and responsibilities of the Delegate Assembly shall include the following:

a. To formulate and adopt policies and resolutions to govern the actions and positions of the union.

b. To elect members and the chairpersons of standing committees of the Delegate Assembly from among the nominees submitted by the Executive Council in advance of the meeting and/or from among nominees submitted from the floor, unless otherwise provided by this Constitution.

- c.** To establish and appoint special committees for a period not to exceed one year to formulate policies and consider problems not within the direct purview of existing standing committees.
- d.** To adopt an annual budget upon recommendation of the Treasurer and the Executive Council.
- e.** To review and reverse by a majority vote of the members present decisions of the Executive Council affecting membership and chapter rules and procedures.
- f.** To authorize the establishment of new chapters.
- g.** To fill vacancies among the members of the Executive Council according to the provisions of this Constitution.
- h.** To establish dues schedules according to the provision of the Constitution.
- i.** To consider and approve any initial contract proposals emanating from the Committees on Contract Negotiations and the Executive Council.
- j.** To consider, approve and recommend for vote of the members to be employed under such contract, the terms and stipulations of any proposed contractual agreement between the Professional Staff Congress and the City University or the Research Foundation or any other employers with whom the Professional Staff Congress bargains collectively.

SECTION 2. The membership of the Delegate Assembly shall be constituted according to the following formula:

- a.** Each of the chapters of the Professional Staff Congress, except the Retirees Chapter, whose representation is specified in paragraph f, shall be entitled to one (1) Delegate for each one-hundred (100) union members or major fraction thereof, except that each chapter authorized under the terms of this Constitution shall be guaranteed no less than one (1) Delegate. The duly elected chairperson of each chapter shall be the initial Delegate from that chapter or unit.
- b.** Each chapter shall elect Alternate Delegates who shall be entitled to act in the temporary absence of a regular Delegate from an authorized meeting of the Delegate Assembly. The number of Alternate Delegates to be elected shall be determined according to the following formula:

Three or fewer Delegates, a number of Alternates equivalent to the number of Delegates; four, five or six Delegates, 4 Alternates; seven eight, or nine Delegates, 5 Alternates; ten, eleven, or twelve Delegates, 6 Alternates; thirteen,

fourteen, or fifteen Delegates, 7 Alternates; sixteen or more Delegates, 8 Alternates.

c. The Professional Staff Congress shall conduct a review of chapter membership as of October 31 for those chapters scheduled to hold elections during that academic year for the purpose of determining the number of Delegates and Alternates to be elected.

d. The twenty-seven (27) General Officers of the Professional Staff Congress shall be included as members of the Delegate Assembly.

e. The members of the Delegate Assembly shall be elected for a term of three (3) years concurrently with their chapter officers.

f. The Retirees Chapter of the Professional Staff Congress shall be entitled to one (1) Delegate to the Delegate Assembly for each four-hundred (400) retiree members or major fraction thereof, and a number of Alternate Delegates in accordance with the formula in Article VIII Section 2(b). These Delegates and Alternate Delegates are to be elected in accordance with the bylaws of the Retirees Chapter.

SECTION 3. The following shall be the standing committees of the Delegate Assembly:

a. Elections Committee. This committee shall draft rules and requirements for elections and the filling of vacancies to be considered for adoption by the Delegate Assembly, conduct elections of the Professional Staff Congress, review and make recommendations to the Delegate Assembly regarding disputed elections, and conduct referenda authorized under Article XIII, Section 4.

b. Publications and Public Relations Committee. This committee shall make recommendations relating to the publications and public relations of the union. The Legislative Representative shall serve as an ex-officio member of this committee.

c. Committee for the Part-Time Instructional Staff. This committee shall be responsible for the consideration of problems and the recommendations of policies related to the part-time instructional staff. The chairperson of this committee shall be the Vice-President for the Part-Time Instructional Staff.

d. Committee for Library Faculty. This committee shall be responsible for the consideration of concerns and the recommendation of policies

related to library faculty employed at all units of the City University.

SECTION 4. The Delegate Assembly shall meet at least once each month during the academic year.

SECTION 5. A quorum for meetings of the Delegate Assembly shall require a majority of the entire number of members.

SECTION 6. Special meetings of the Delegate Assembly may be called by the President or by petition of ten (10) percent of the members of the Delegate Assembly.

SECTION 7. Unless otherwise provided in this Constitution, or by established bylaws, the rules and procedures of the Delegate Assembly shall follow the practices described in the latest revised edition of *Robert's Rules of Order*.

ARTICLE IX: CHAPTERS

SECTION 1. The membership of the Professional Staff Congress shall be organized into the following divisions:

- a.** Members of the Professional Staff Congress at each unit of the City University, Hunter Campus Schools, the City University Research Foundation, and the Educational Opportunity Centers shall constitute chapters of the Professional Staff Congress, except for the members of Cross-Campus Chapters listed below. Members in the Adjunct and Graduate Assistant series title and the Continuing Education Teacher title shall be members of the chapter at their respective units of the University.
- b.** Separate cross-campus chapters of the Professional Staff Congress shall be constituted of members of the Professional Staff Congress in the following title series: College Laboratory Technicians, Higher Education Officers, and Registrars, except for those members working at the Central Office, who shall constitute a separate chapter. Employees in the Part-time College Laboratory Technicians title series shall be members of the College Laboratory Technicians Chapter.
- c.** Retiree members of the Professional Staff Congress shall constitute the Retirees Chapter of the Professional Staff Congress.
- d.** A member may hold membership and vote in only one chapter, subject to the following conditions:
 - i.** A member employed in a full-time position covered by a chapter shall be a member of that chapter.

ii. A member employed full-time in a position covered by one chapter and part-time in a position covered by another chapter shall be deemed to be a member of the chapter that covers the position in which he or she holds a full-time appointment.

iii. A member employed part-time in positions covered by multiple chapters may transfer voting rights from the chapter designated on her/his membership enrollment card to a new chapter covering a position in which she/he is employed by written request to the Membership Department at the Professional Staff Congress, subject to the limitations of Article III, Section 5. If a member employed part-time in positions covered by multiple chapters fails to select a chapter, the Membership Department will select one.

iv. A member separated by retirement from employment in a position represented by the Professional Staff Congress shall be eligible to join only the Retirees Chapter except as provided by Article III Section 2(b)(iv).

SECTION 2. Chapters shall serve the following purposes:

- a.** To represent the Professional Staff Congress local membership on each campus of the City University or to represent specialized professional personnel throughout the university system.
- b.** To recommend policies and actions to the Delegate Assembly and the Executive Council.
- c.** To coordinate and implement locally on each campus, or for specialized professional personnel, policies of the Professional Staff Congress.
- d.** To hold campus meetings or to convene meetings of specialized personnel in order to develop positions on union activities and to adopt policies related to local issues.
- e.** To solicit membership in the union and to distribute union publications.
- f.** To present grievances and complaints according to the criteria and procedures of collective bargaining agreements.
- g.** To cooperate with the Executive Council and the Delegate Assembly in the implementation of union policies.

SECTION 3. There shall be at least two (2) meetings of the membership of each chapter each semester.

SECTION 4. The following officers shall be elected by the membership of each chapter

in accordance with the electoral provisions of this Constitution:

- a. Chairperson.
- b. Vice-Chairperson.
- c. Secretary.
- d. Four (4) At-Large Officers.
- e. Delegates and Alternate Delegates to the Delegate Assembly in accordance with Article VIII, Section 2.

SECTION 5. The term of office for all chapter officers shall be three (3) years

SECTION 6. The chapter officers and their elected representatives to the Delegate Assembly shall respectively constitute an Executive Committee for the purpose of executing union policies, administering the business of the local membership, and representing the views of the campus or specialized professional personnel. General Officers of the union shall be ex-officio members, without the right to vote, of their local Chapter Executive Committees. The Chapter Executive Committee shall appoint Chapter Grievance Counselors for their respective units.

SECTION 7. Special meetings of a chapter may be called by the Chairperson or by a written petition to the Chairperson of at least ten (10) members of that chapter. Upon receipt of such a petition, the Chairperson shall call the special meeting.

SECTION 8. Unless otherwise provided in this Constitution or limited by policies of the Delegate Assembly, the chapters shall follow the practices described in the latest revised edition of *Robert's Rules of Order*, except that a quorum shall be ten (10) percent of the entire chapter membership.

ARTICLE X: AFFILIATIONS

SECTION 1. The Professional Staff Congress shall be affiliated with the American Federation of Teachers, New York State United Teachers (NYSUT) and its national affiliates, New York State Federation of Labor (AFL-CIO), the New York City Central Labor Council (AFL-CIO), the New York City Municipal Labor Committee, and the American Association of University Professors, and their successor organizations.

SECTION 2. Future decisions of the Professional Staff Congress regarding affiliation or disaffiliation with educational or labor organizations shall follow the procedures established for amendment provided by this Constitution.

SECTION 3. Delegates of the Professional Staff Congress to meetings of affiliates shall be chosen, concurrent with elections for General Officers of the union, in a manner required by law and according to the stipulations of these affiliates for the choice of said delegates. In those instances in which neither statute nor an affiliate prescribes the mode of selection, delegates shall be nominated by the Executive Council and elected by the

Delegate Assembly.

SECTION 4. Where Delegates and Alternate Delegates to affiliates are elected, vacancies in the position of Delegate shall be filled by election of Delegates by the Delegate Assembly from among nominees selected by the Executive Council from among the incumbent Alternate Delegates.

ARTICLE XI: DISCIPLINE

SECTION 1. A member of the Professional Staff Congress may be subject to suspension or expulsion from the union for willful conduct designed to cause irreparable harm to the organization and its membership.

SECTION 2. Accusations against a member which render the person liable to suspension or expulsion shall be heard by the Executive Council. The person accused shall be accorded the substantial guarantees of due process recognized in academic life and in law. The Executive Council may recommend suspension or expulsion of a member only by a three-fourths (3/4) vote of its entire number. A vote of the Executive Council of no penalty shall be a final and irreversible disposition of the charges, which may never again provide the basis for disciplinary proceedings. The Delegate Assembly shall be empowered to suspend or expel a member only by an affirmative vote of two-thirds (2/3) of its entire number after receiving the recommendation of the Executive Council.

SECTION 3. Public Review Board. A member of the Professional Staff Congress who is disciplined under the terms of this Constitution shall have the right to an appeal to a Public Review Board which shall consist of three persons of stature in the community who shall be chosen from professions other than education. The Public Review Board shall be appointed for a term of three (3) years and shall have the power to final review, by majority vote, in any disciplinary matter. Two (2) of the members of the Public Review Board shall be selected by the Executive Council from nominations submitted to it by the membership. The two members thus selected shall select a third member who shall serve as Chairperson. In the event that the two members so selected fail to agree upon the selection of a Chairperson, a Chairperson shall be designated by the American Arbitration Association from among nominees of either of the two selected members.

ARTICLE XII: NOMINATIONS AND ELECTIONS

SECTION 1. All elections for General and Chapter Officers of the Professional Staff Congress shall be by secret ballot and in accord with the provisions of this Constitution and other rules and requirements established by the Delegate Assembly.

SECTION 2. All regular union elections shall be held during the month of April. Dates for each step in the election process shall be set annually by the Elections Committee with the approval of the Delegate Assembly. Nominations for all officers shall be

submitted on a date selected by the Elections Committee no less than four (4) weeks prior to the approved date for the mailing of ballots. Both mailing and deadline for receipt of ballots shall be scheduled in April, no less than twenty (20) calendar days apart.

SECTION 3. Nominations for General Officers shall be by written petition signed by no less than fifty (50) members in good standing. Nominations for Delegate Assembly and Chapter Officers shall be by written petition signed by no less than twenty-five (25) or twenty-five percent, whichever is less, of the members in good standing of the chapter.

SECTION 4. The nominating petitions and the qualifications of all candidates for office in the union shall be subject to certification by the Elections Committee of the Delegate Assembly. Disputes regarding nominations and the qualifications of candidates for offices shall be subject to an appeal to the Delegate Assembly.

SECTION 5. The conduct of all elections shall be the responsibility of the Elections Committee. The Elections Committee shall be required to certify the results of any election, subject to an appeal to the newly convened Delegate Assembly. The candidate receiving a plurality of votes among the nominees for a particular office shall be deemed elected.

SECTION 6. Delegate vacancies shall be filled by Alternate Delegates following procedures drafted by the Elections Committee and adopted by the Delegate Assembly.

SECTION 7. In the absence of Alternate Delegates, the Elections Committee shall be authorized to conduct a special election to fill the unexpired term of a Delegate.

SECTION 8. The term of elected Delegates and Alternate Delegates to affiliates shall include affiliate meetings for which the list of Delegates and Alternate Delegates must be submitted to the affiliate prior to the certification of, or the resolution of a challenge to, newly elected Delegates or Alternate Delegates.

SECTION 9. The term of all officers elected by the membership shall commence ten (10) working days after the certification of such election by the Election Committee or in the instance of a challenged election ten (10) working days after the action of the Delegate Assembly.

SECTION 10. An incumbent Chapter or General Officer, Delegate or Alternate Delegate to the Delegate Assembly or to affiliates whose job title changes and is covered by a different chapter may retain such office and membership in his or her previous chapter for up to one year after the effective date of the title change.

SECTION 11. An incumbent Chapter or General Officer, Delegate or Alternate Delegate to the Delegate Assembly or to affiliates whose job title changes to one that is excluded from Membership in the Professional Staff Congress under this Constitution shall forfeit his or her office.

SECTION 12. The American Arbitration Association, or a similar organization with experience in the conduct of elections, shall be authorized to conduct a secret mail ballot for every contested office in the regularly scheduled elections of General and Chapter Officers. All duly nominated candidates shall have equal and uniform access to the publications of the Professional Staff Congress.

SECTION 13. Tie votes shall result in a run-off election for those positions. A run-off election for General Office, Chapter Chair or Delegate Assembly position shall be held by means of a secret mail ballot conducted by the American Arbitration Association or similar organization. In the case of other positions, the candidates in such a run-off are entitled to a similarly conducted election unless they agree to a secret ballot conducted by the staff of the Professional Staff Congress.

ARTICLE XIII: BYLAWS, AMENDMENTS AND REFERENDA

SECTION 1.

a. Amendments to this Constitution may be proposed by a two-thirds (2/3) vote of the Delegate Assembly or the Executive Council, or by a petition signed by ten (10) percent of the membership and certified by the Elections Committee. The text of any proposed amendment to be voted upon by the Delegate Assembly must be submitted to the Delegates and to the entire membership at least two (2) weeks prior to a vote of the Delegate Assembly.

b. Amendments to this Constitution shall be effective when ratified by a three-fourths (3/4) vote of the Delegate Assembly at either of the next two regular meetings of the body following notification of the membership under Article XIII, Section 1(a).

c. An amendment proposed by petition of the membership that is not ratified by the Delegate Assembly shall be subject to a membership referendum conducted by the Elections Committee. Such an amendment shall be effective when ratified by a three-fourths (3/4) vote as certified by the Elections Committee, provided that the vote constitutes a majority of the eligible voters.

SECTION 2. The Delegate Assembly shall be empowered by a majority vote to establish bylaws to implement this Constitution and may change these bylaws by majority vote.

SECTION 3. The terms of this Constitution and bylaws deriving from its provisions shall take precedence over any bylaws, resolutions, or act adopted by any other body or agency of this union.

SECTION 4. Matters of union policy may be referred to membership referenda by a

two-thirds (2/3) vote of the Executive Council or the Delegate Assembly, or by a petition signed by ten (10) percent of the Professional Staff Congress membership. An affirmative vote of the union membership shall be conclusive with respect to the policy matter subject to referenda.

ARTICLE XIV: RATIFICATION

SECTION 1. Any proposed contractual agreement that has been recommended for ratification by the Executive Council and the Delegate Assembly as required under Article VII Section 2(a) and Article VIII Section 1(j) shall be submitted to the membership covered by the proposed agreement for ratification vote. Such proposed agreement shall be distributed to those members eligible to vote on its ratification no less than forty-eight (48) hours prior to the start of the ratification vote. Ratification votes shall be by secret ballot.

SECTION 2. In the case of a first contractual agreement for a newly organized bargaining unit, Article III Section 1 and Article III Section 5(a) shall not apply.

ARTICLE XV: DISSOLUTION

In the event of the dissolution of this organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c) (3) of the Internal Revenue Code, or corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public purpose.