

CONSTITUTION OF THE UNIVERSITY OF DETROIT MERCY PROFESSORS' UNION

(Amended 1975; Amended multiple times; Amended 2002; Amended 2020; Amended 2023)

ARTICLE 1: NAME

Section 1: The name of this organization (a non-profit corporation organized under the laws of Michigan) shall be the University of Detroit Mercy Professors' Union (hereinafter referred to as the UDMPU), an affiliated unit of the Michigan Education Association (hereinafter referred to as the MEA) and the National Education Association (hereinafter referred to as the NEA).

ARTICLE 2: PURPOSE

Section 1: To enable members to speak with a common voice in matters of University policy pertaining to the profession and to present their common interests before the Board of Trustees and other legal authorities as provided by law.

Section 2: To unify and strengthen the faculty by securing and maintaining the salaries, retirement, tenure, and other working conditions necessary to quality teaching and research, including through collective bargaining, and the promotion of the professional growth of its members.

Section 3: To develop and promote the adoption of such ethical practices, personnel policies, and standards of preparation and participation as mark a profession.

Section 4: To work for the welfare of the University of Detroit Mercy, its employees, and its students, the advancement of education, and the improvement of instructional opportunities for all.

ARTICLE 3: MEMBERSHIP

Section 1: All full-time faculty members employed full time as of 16 August 1975, and any time thereafter, at the University of Detroit Mercy in the School of Architecture and Community Development, College of Business Administration, College of Engineering and Science, College of Health Professions and McAuley School of Nursing, College of Liberal Arts and Education,¹ and McNichols and Dental Libraries, serving in a non-supervisory capacity as defined by the National Labor Relations Act, may, upon payment of dues herein described, become members of the Union with full rights and privileges of membership.

¹ Upon the official renaming of the College of Liberal Arts and Education to the College of Humanities, Arts, and Social Sciences (anticipated to occur early in 2024), all references to the former in this document shall apply to the latter.

Section 2: Compliance with dues transmittal policy is required to be considered a member in good standing and receive the benefits of membership 30 business days after applying for membership in the UDMPU.

Section 3: Active members of the UDMPU shall also be members of the MEA and the NEA.

Section 4: The President, Provost, Vice-Presidents, Associate and Assistant Vice-Presidents, Deans, Associate and Assistant Deans, and other administrative employees (excepting full-time faculty serving as department and program chairs, directors and/or coordinators of programs, administrators at the University and college/school level and libraries) shall not be eligible for membership in the UDMPU.

Section 5: No member of the UDMPU shall be censured, suspended or expelled without a due process hearing conducted by the Board of Directors of the UDMPU. A member may appeal the decision of the UDMPU Board of Directors to the MEA Board of Reference.

ARTICLE 4: OFFICERS OF THE UDMPU

Section 1: The elected officers of the organization shall consist of a President, a Vice President, a Secretary, and a Treasurer. The appointed officers of the organization shall consist of a Contract Maintenance Officer and a Grievance Officer.

Section 2: Terms of office for all elected and appointed officers in Section 1 shall be two years and shall commence on the date of May 1 following local elections.

Section 3: No officer shall be eligible to serve in more than one elected position named in Section 1.

Section 4: No person shall be a candidate for officer or hold an officer position, whether elected or appointed, unless they are an active member in good standing. Any officer, whether elected or appointed, who does not maintain active membership in good standing shall be removed from office after notice and opportunity to return to good standing within 30 days.

ARTICLE 5: MEA/NEA/MAHE REPRESENTATIVES

Section 1: There shall be one (1) elected delegate and one (1) elected alternate for the first seventy-five (75) active members or major fraction thereof within the UDMPU and a second delegate and second alternate for the next one hundred fifty (150) members, for a total of two hundred twenty-five (225) members as the threshold for the second delegate and alternate to the Michigan Education Association Representative Assembly (MEA-RA). The terms of office shall be two years and shall commence on the date of September 1 following local elections. Each MEA-RA delegate shall also serve as a Region Council delegate. Election of MEA-RA delegates takes place prior to June 1.

Section 2: There shall be one (1) elected delegate and one (1) elected alternate from the general membership per local and one (1) elected delegate and one (1) elected alternate for each additional 100-300 local members to the Michigan Association of Higher Education (MAHE) Board. The terms of office shall be two years and shall commence on the date of September 1 following local elections.

Section 3: There shall be one (1) elected delegate and one (1) elected alternate for the first seventy-five (75) active members or major fraction thereof within the UDMPU and a second delegate and second alternate for the next one hundred fifty (150) members, for a total of two hundred twenty-five (225) members as the threshold for the second delegate and alternate to the National Education Association Representative Assembly (NEA-RA). The terms of office shall be two years and shall commence on the date of September 1 following local elections. Election of NEA-RA delegates takes place prior to April 1.

Section 4: The representation of Minority Persons, 3-1G, shall be in compliance with the constitutions and bylaws of the National Education Association and the Michigan Education Association. In the event that the representation of Minority Persons, 3-1G, is less than required by the constitutions and bylaws of the MEA and NEA, the Board of Directors shall establish rules and procedures to ensure proportionate ethnic minority representation. Minority Persons, 3-1(g) and representatives of Minority Persons, 3-1(g) shall be defined in the MEA Bylaws.

ARTICLE 6: BOARD OF DIRECTORS

Section 1: There shall be a governing body known as the Board of Directors, which shall consist of the following:

- A. The officers named in Article 4, Section 1, whose terms of office shall be as stated in Article 4, Section 2.
- B. Delegate(s) to the MEA Representative Assembly as stated in Article 5, Section 1.
- C. Delegate(s) to the MAHE Board as stated in Article 5, Section 2.
- D. Delegate(s) to the NEA Representative Assembly as stated in Article 5, Section 3.
- E. One elected unit representative for every 30 members or fraction thereof from the following units: School of Architecture and Community Development, College of Business Administration, College of Engineering and Science, College of Health Professions & McAuley School of Nursing, College of Liberal Arts and Education, and McNichols and Dental Libraries. Terms of office for all unit representatives shall be two years, and shall commence on the date of May 1 following local elections.

- F. The Contract Maintenance Officer and the Grievance Officer, shall serve as *ex-officio* members of the Board of Directors. The appointment and terms of office for these positions shall be as indicated in the Bylaws.

Section 2: All members of the Board of Directors as named in Article 6, Section 1, are voting members of the Board.

Section 3: Any member of the Board who is absent without proper justification from three consecutive regularly scheduled meetings of the Board may no longer be considered a member of the Board, and the position may be declared vacant by a majority vote of the Board. Vacancies in officer positions shall be filled by presidential appointment, subject to discussion and approval by the Board by a two-thirds majority for the remainder of the unexpired term, except for a vacancy in the office of the President. If the Presidency is vacated, the Vice President shall preside until the next regular election. Vacancies in the position of MAHE, MEA, or NEA Representative Assembly delegate(s) shall be filled as indicated in the bylaws. Vacancies in office from unit representatives shall be filled as indicated in the bylaws.

Section 4: The representation of Minority Persons, 3-1G, shall be in compliance with the constitutions and bylaws of the National Education Association and the Michigan Education Association. In the event that the representation of Minority Persons, 3-1G, is less than required by the constitutions and bylaws of the MEA and NEA, the Board of Directors shall establish rules and procedures to ensure proportionate ethnic minority representation. Minority Persons, 3-1(g) and representatives of Minority Persons, 3-1(g) shall be defined in the MEA Bylaws.

ARTICLE 7: COMMITTEES

Section 1: Committees of the organization shall include the following three categories: Standing committees, Ad Hoc committees, and Professional Negotiating Committee. The enumeration of these categories is as follows:

- A. Standing Committees: The list of standing committees shall be as follows: Grievance Committee, Elections Committee, and Audit Committee. The membership, charges and responsibilities of each standing committee shall be as outlined in the Constitution and Bylaws. These committees shall report directly to the Board of Directors regarding their deliberations.
- B. Ad Hoc Committees: Ad hoc committees shall be created by the Board of Directors to address ongoing short-term issues and concerns raised by deliberations of the Board of Directors or general membership. The membership, charges and responsibilities of each ad hoc committee shall be established at the time of creation of the committee. These committees shall report directly to the Board of Directors regarding their deliberations.
- C. Professional Negotiating Committee: The Professional Negotiating Committee (hereinafter called the PNC) shall be established when the Union is to enter into negotiations with the

employing unit for purposes of establishing a legally binding agreement. The membership, charges and responsibilities of the PNC shall be as defined in the Bylaws.

Section 2: All committees shall operate in a manner consistent with the Bylaws.

ARTICLE 8: DIRECT LEGISLATION

Section 1: The rights of popular initiative shall rest with the active membership in good standing of the association. Upon receipt of a petition signed by 15% of the membership of the Union, the Secretary shall announce a general election or ballot as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership in good standing shall be required for its adoption, which shall take effect thirty (30) days later.

Section 2: The rights of referendum shall rest with the active membership in good standing of the association. Upon receipt of a petition signed by at least fifteen percent (15%) of the active membership in good standing of the association, the Secretary shall announce a general meeting or ballot as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership in good standing shall be required for its adoption, which shall take effect thirty (30) days later.

Section 3: The right of recall of all elected positions shall rest with the electing body. Upon receipt of a petition signed by at least fifteen percent (15%) of the membership in good standing of the electing body, the Secretary shall announce a general meeting or ballot by the electing body as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership in good standing shall be required for its adoption, which shall take effect thirty (30) days later. Delegates to the MEA Representative Assembly may only be recalled for just cause.

Section 4: Petitions shall be filed with the Secretary. However, if the Secretary is the subject of the petition, the petition shall be filed with the most senior member (determined by years of service to the Board) of the governing body not subject to the petition.

ARTICLE 9: FISCAL YEAR

Section 1: The fiscal year shall be September 1 through August 31.

ARTICLE 10: AUTHORITY

Section 1: The latest edition of Robert's RULES OF ORDER shall be the authority on all questions of procedure not specifically stated in this constitution.

Section 2: Any part of this constitution that is in conflict with the MEA or NEA constitution and bylaws will be declared null and void.

ARTICLE 11: AMENDMENTS

Section 1: Amendments to this Constitution may be introduced by the membership by petition signed by fifteen percent (15%) of the total active membership in good standing and submitted to the Secretary. Amendments to the Constitution may also be introduced by the Board of Directors. These proposed amendments shall be acted upon at a subsequent meeting of the membership in good standing or by ballot within at least sixty (60) days of submission. A copy of the proposed amendment, together with the recommendation of the Board of Directors, shall be sent to each member of the Union in good standing at least fifteen (15) days prior to voting. Provided that the total number of these voting is not less than half the total membership, a two-thirds affirmative vote of those voting is required to adopt the proposed amendment, which shall become effective immediately upon adoption unless otherwise provided.

ARTICLE 12: DISSOLUTION

Section 1: In the event of dissolution of the association, any assets remaining, after the payment of all expenses, shall be distributed to its successor so long as the successor is affiliated with the Michigan Education Association or to the Michigan Education Association, a Michigan nonprofit corporation exempt from tax under Section 501(C)(5) of the Internal Revenue Code of 1986.