



PORTLAND STATE UNIVERSITY

# American Association of University Professors

Promoting Quality Higher Education – An Investment in Oregon's Future

## **By-Laws**

*Last Adopted April 29, 2021*

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### **1. Nomination for Office**

- a. In Winter term, no later than January 15, the President, with the advice and approval of the Executive Council, shall appoint a Nominating and Elections Committee of three members (at least one of whom is not a member of the Executive Council).
- b. The Nominating Committee shall send to the membership a request for names to be considered for nomination. No petitions are required at this

stage. No later than February 15, the Nominating Committee shall present a slate of nominees to the Executive Council.

- c. Upon the Executive Council's approval of the slate of nominees, the Nominating Committee shall send to all members:
  - a slate of nominees for all vacant positions,
  - a form to be used as a nominating petition for additional nominees,
  - a list of all members eligible to hold office, and
  - a date by which petitions are to be returned to the PSU-AAUP office. At least 15 days are to be allowed for the return of the petitions, but in no case shall the return date be later than March 15th.
- d. Each nominating petition requires the signatures of ten members and the consent of the nominee to effect nomination.
- e. The Nominating and Elections Committee will place on the ballot all names from its original slate of nominees and any name properly endorsed by petition in (d) above.
- f. Nominees for office will be invited to present statements in support of their election (limit 150 words) to be included with the ballot mailing package. These statements may be written by the candidate, by the Nominating Committee, or by a signer of the candidate's nominating petition. In any case, the source of the statement shall be identified.

## **2. Election of Officers and Council Members**

Officers and Council members shall be elected by secret ballot not later than April 20. The names of the nominees will be circulated to the membership at least 15 days before this election. The ballots shall be counted by the Nominating and Elections committee. In case of a tie for any or all positions, one run-off election will be held for tied position(s). Should a tie again result, the election will be decided by the toss of a coin in the presence of the candidates involved. Elected officers and Council members shall take office immediately upon election.

The Executive Council may hold special elections to fill vacancies in positions whose remaining term in office is greater than one year. The Executive Council shall appoint a member to be nominating officer who shall request nominations from the membership for the vacancy. The nomination window shall be a minimum of five (5) days. The nominating officer shall confirm all nominees are members, are willing

to stand for election, and are willing to serve in the office for the remainder of the term. The nominating officer will inform the Executive Council of the eligible nominees at the next Executive Council meeting after the closed of the five-day nomination period, or via email. The Executive Council will approve the commencement of the election with the eligible nominees. The ballot shall be open for fifteen (15) days. The member elected from the special election shall take the oath of office and start their service as soon as practical.

### **3. Temporary appointment to Executive Council position**

The Executive Council may appoint a member to serve as an officer or executive council member temporarily, in an acting capacity, for a period to not exceed four (4) months to cover the planned absence of an executive council member. If the absence ends up being more that four (4) months, then the Executive Council can decide to extend the temporary appointment as necessary to cover the absence of the executive council member.

### **4. Unit Representatives Assembly**

A Unit Representative Assembly, chaired by the Vice President for Membership and Organizing, shall consist of representatives selected by and from the members of appropriate units of the university, as decided by Executive Council or its designee.

The role of the assembly shall be to communicate with members on behalf of the Executive Council, to provide members with guidance and direct them to Association resources, and to advise the Executive Council and designees of input they receive from members. Unit Representatives shall greet and invite new employees to join PSU-AAUP, and include them in Association activities. Unit Representatives can act as AAUP representatives in their respective departments or units on informal matters. Unit Representatives shall participate in organizing committee campaigns, including face to face campaigns.

### **5. Strategic Communications Committee**

A Strategic Communications Committee shall consist of the following: The Vice President for Communications and Public Relations (VP-COM) who shall chair the committee, one additional EC member, and two regular members. The Vice President for Collective Bargaining and the Vice President for Membership & Organizing shall be members of the committee. The committee will focus on both internal and external communications. Internal communications will focus primarily on member education and mobilization. External Communications will primarily focus on strengthening solidarity with other unions, and media and public

relations. The committee shall support the Vice President of Communications and Public Relations in ensuring that all Association communications comply with Association governing documents, and are in alignment with the Association's goals and objectives.

## **6. Negotiating Team**

The Negotiating Team shall consist of the Vice President for Collective Bargaining and up to six members appointed by the Executive Council.

- a. Prior to the expiration of a negotiated Agreement, the Council shall solicit from the membership suggested items for negotiation in the next Agreement. With input from members and the Executive Council, the Negotiating Team will present the Council a list of proposed changes and new items in a timely manner. The Executive Council may establish priorities among the items on this list.
- b. The Negotiating Team shall participate in negotiating sessions. The team may be advised and accompanied by legal counsel.
- c. The Chapter President may participate in planning and negotiating whether or not he or she has been appointed to the team.
- d. The Negotiating Team may invite other members, employees, or advisors from the National AAUP to assist as needed.
- e. Members of the Negotiating Team may be removed by vote of the Executive Council.
- f. If negotiations are in progress at the time of election of officers and Executive Council members, the Negotiating Team shall normally continue negotiations to completion of the contract.

## **7. Legislative and Political Action Committee**

The Legislative and Political Action Committee shall consist of the following: The Vice President for Legislative and Political Action (VP-LEG) who shall chair the committee, a member of the Executive Council, and two members appointed by the Executive Council. The committee shall have the following charge, and in accordance with Association Policy 06- Legislative Review and Endorsement Process:

- a. To review pending legislation and legislative concepts; provide feedback to the Executive Director for advocacy, and recommend positions as needed to the Executive Council,
- b. Craft legislative concepts, initiatives and work with Executive Director to advocate our broad interests in all political arenas.
- c. Interact with legislators and government leaders on behalf of higher education faculty.
- d. Recommend endorsements, financial contributions and chapter activism for endorsed candidates in elected positions of interest and ballot initiatives to the Association
- e. Inform and engage the Association membership on legislative and political action matters.

## **8. Finance Committee**

The Finance Committee shall consist of the Treasurer who shall chair the committee, the President, and one member appointed by the Executive Council.

The Finance committee shall have the following charge:

- a. Budgeting
  - a. Recommend the annual budget to the Executive Council, and any mid-year revisions to the budget the committee deems prudent
  - b. Provide oversight to management in the administration of the budget; monitor expenditures against the adopted budget
  - c. Monitor Association bank statements to ensure activity reported by management is consistent with what is reported by the banks
- b. Auditing and Taxes
  - a. Provide oversight to management, and participate as necessary in the administration of the Association's audit and the filing of the Associations tax returns
  - b. Select and retain the independent auditor
- c. Investments
  - a. Recommend investment policies to the Executive Council for the adoption for a portion of Association reserves
  - b. Provide oversight to management in the administration of the Association's investments in accordance with all applicable Association policies
  - c. Monitor investments and provide quarterly reports to the Executive Council on investment performance

## **9. Organizing Committee**

The organizing committee shall be comprised of between ten (10) and twenty (20) members and the Vice President for Membership and Organizing, who shall chair the committee. The committee is responsible for creating and executing campaigns, as approved by the Executive Council, to increase activism, engagement, and membership in the Association; to be the central ring of organizers in the face-to-face network in face to face campaigns; and to support the bargaining team in contract action campaigns. The President and Vice President for Collective Bargaining shall be ex-officio members of the committee.

#### **10. President's Role on Committees**

The President shall be an ex-officio member on all Association committees.

#### **11. Member Eligibility to Serve in Association Positions**

Active Members shall be considered eligible to serve in appointed or elected positions provided they are in active employee status at the University and not on any extended leave, including sabbatical leave.

#### **12. Ratification Requirements for Agreements with Portland State Administration**

As required by the PSU-AAUP Constitution Article VII, Paragraph 5, PSU-AAUP may enter into agreements with Portland State Administration and ratify them as follows:

- a. Successor agreements to the Collective Bargaining Agreement. The Successor agreement to a collective bargaining agreement requires ratification by the PSU-AAUP membership.
- b. Memoranda of Agreement (MOAs). These are new agreements, or agreements about new matters between PSU-AAUP and Portland State Administration. MOAs require ratification by the PSU-AAUP membership. For MOAs that deal with issues faced by a subset of the membership, the negotiating team should be interacting and including the subset in negotiations and the reaching of the tentative agreement prior to ratification by the PSU-AAUP membership.
- c. Memoranda of Understanding (MOUs). These are interpretations of current agreements, or codification of well-established past practices between PSU-AAUP and administration. MOUs do not require ratification of the PSU-AAUP membership and can be effective upon signature. MOUs must be disseminated to the PSU-AAUP membership if the MOU broadly impacts the bargaining unit at large, or the subset of impacted members within ten (10) days of signature.

- d. Agreements with Portland State University reached through collective bargaining shall be signed by the President or the Vice President for Collective Bargaining. Agreements reached through the grievance process, the disciplinary process, or resolutions for individual members shall be signed by the Vice President for Grievances or the Executive Director.

Whenever possible, ratification elections will be open for fifteen (15) days. The Executive Council can submit agreements to the membership for ratification with an election period of less than fifteen (15) days when necessary.

### **13. Dues, Fees, and Assessments**

- a. The dues structure will be recommended by the Executive Council subject to a vote of the Active Members. The dues schedule shall be published.
  1. General National AAUP dues increases shall be represented by the percentage increase in national AAUP dues in the full member category of AAUP membership from the previous year's national AAUP dues in the same category on the AAUP dues rate sheet and as billed to the Association by National AAUP. This percentage increase shall be applied to PSU-AAUP local dues in all categories of membership. Increases in rates in other categories of membership in National AAUP as billed to PSU-AAUP above that billed prior to January 1, 2013 shall be aggregated and applied to PSU-AAUP local dues across all categories of membership. National AAUP Collective Bargaining Congress (AAUP-CBC) dues increases as billed to the Association shall likewise be aggregated and applied to PSU-AAUP local dues in all categories of membership.
  2. Affiliation costs of the Oregon AAUP State Conference, or any other affiliation chosen by the membership shall be passed on to members and Fair Share Fee payers as payroll deductions.
- b. An AAUP member who leaves the PSU-AAUP bargaining unit to take a position in the University outside of the bargaining unit may continue their membership in PSU-AAUP as an Associate member. Associate membership in PSU-AAUP is voluntary. If dues continue to be deducted from an employee's wages after leaving the bargaining unit, PSU-AAUP assumes that the employee voluntarily elects to become an Associate member. Associate membership can be cancelled at any time.

### **14. Voluntary Representation Fee Payers**

- a. PSU employees in the PSU-AAUP Bargaining unit who do not wish to become Active Members of PSU-AAUP, but who otherwise wish to support the work of PSU-AAUP in negotiating and enforcing the collective bargaining agreement, and who do not want to force their coworkers to carry the cost of the collective bargaining relationship without paying their fair share, may pay voluntary representation fees to PSU-AAUP.
- b. Voluntary representation fees shall be the same as Active Member dues.
- c. Effective [adoption date of MOA with PSU], the PSU-AAUP Membership application shall provide PSU employees in the PSU Bargaining Unit with the choice to become an Active Member of PSU-AAUP, or to become a Voluntary Representation Fee Payer.
- d. Voluntary Representation Fee Payers will not have voting rights on any Association matter and will not be allowed to stand for election or accept appointment to any PSU-AAUP, AAUP-Oregon, or National AAUP office unless they become Active Members.
- e. Voluntary Representation Fee Payers can become Active Members of the Association by submitting, at any time, a new membership application to the Association indicating their election to do so.

## **15. Resignation of Active or Associate Membership, and Cancellation of Member Dues and Voluntary Representation Fees**

- a. Resignation of Active or Associate Membership
  1. The conditions under which an Active or Associate Member can resign their membership are controlled by this bylaw section.
  2. To be effective, and to preserve the integrity of the process, a resignation of Active or Associate Membership must be on a PSU-AAUP form created for that purpose. To complete this process, the member must come in person to the PSU-AAUP office, present valid PSU ID, and sign the form in the presence of a PSU-AAUP-authorized representative. If this is not possible, then the Executive Director shall provide an alternative method of resignation of membership that guarantees authenticity.



3. Any resignation meeting the above criteria shall be effective on the date of receipt by the Association and shall be confirmed in writing to the resigned member.

b. Cancellation of Member Dues and Voluntary Representation Fees

1. To maintain its financial stability, the Association shall establish an annual window period for cancellation of member dues and voluntary representation fees. This annual cancellation window shall apply to new members and to new Voluntary Representation Fee payers as of the date of execution of a MOA with PSU to this effect.
2. The window period when members can cancel their member dues or voluntary representation fees shall be August 1 to August 30 of each year.
3. The PSU-AAUP Membership application shall include the following language: "Through my signature below I request and authorize the University to deduct from my wages an amount equal to the regular member dues (or voluntary representation fees), as noticed by PSU-AAUP and in accordance with the CBA Article 10. This authorization shall remain in effect and be irrevocable until the 30-day cancellation period between August 1 and August 30 of the year following the date of this authorization and shall be renewed from year to year thereafter unless I notify the Association in accordance with its bylaws my desire to cancel the deduction of member dues (or fair share representation fees) during the next cancellation window."
4. To be effective, and to preserve the integrity of the process, a cancellation of member dues or voluntary representation fees must be in writing on the "Authorization to Discontinue Member Dues or Fair Share Representation Fee Deductions" form created by PSU-AAUP for this purpose. To complete this process, the member must come in person the PSU-AAUP office, present valid PSU ID, and sign the form in the presence of a PSU-AAUP-authorized representative. If this is not possible, then the Executive Director shall provide an alternative method of resignation of membership that guarantees authenticity.
5. All members who submitted applications prior to the establishment of the annual cancellation window shall be grandfathered and the cancellation window period will not apply. A member who submitted an application prior to the establishment of the annual cancellation window who wishes to cancel their member dues shall have their

cancellation processed and the University notified to cease the member dues deduction within thirty (30) days of the witnessed signature of the cancellation form by the member in the PSU-AAUP office in accordance with § 4 above.

6. A member or voluntary representation fee payer who submitted a membership application after the establishment of the annual cancellation window who wishes to cancel their member dues or voluntary representation fees shall have their cancellation processed and the University notified to cease the member dues deduction at the commencement of the next window period.

c. When a member moves from a represented to an unrepresented position

1. Should a PSU-AAUP member move to a new position that is not represented by PSU-AAUP, they may choose to either continue as an Associate member or they may resign their membership and not become an Associate member and cancel their member dues at that time. The member shall request cancellation of their membership to PSU-AAUP pursuant to § 11(b)4 (above). The Association shall process the cancellation of both the membership and the member dues deduction within thirty (30) days.
2. Should a PSU-AAUP Voluntary Representation Fee Payer move to a new position that is not represented by PSU-AAUP, the voluntary representation fee payer will be asked to cancel their voluntary representation fees pursuant to § 11(b)4 (above)..
3. Should a member who had been paying voluntary representation fees move to a new position that is not represented by PSU-AAUP and wish to continue supporting PSU-AAUP, they may voluntarily become an Associate member by submitting a "Payroll Deduction Authorization/ PSU-AAUP Membership Application" to PSU-AAUP where they choose membership and agree to member dues deductions.

d. Conversion of voluntary representation fees to member dues

1. A Voluntary Representation Fee Payer may elect to become a member and pay dues at any time through the submission of a new "Payroll Deduction Authorization/ PSU-AAUP Membership Application" indicating the selection of membership and member dues deduction, signed by the member and verified by PSU-AAUP.

e. Conversion of Active Member dues to voluntary representation fees

An Active Member paying member dues may elect to become a Voluntary Representation Fee Payer at any time through the submission of a new "Payroll Deduction Authorization/ PSU-AAUP Membership Application" indicating the selection for the agreement to pay voluntary representation fees, signed by the member and verified by PSU-AAUP.

## **16. Contributions**

The Chapter is authorized to receive contributions from any donor provided that the Executive Council determines that the conditions or purposes of any contribution are not inconsistent with this Constitution or the general purposes of the Chapter.

## **17. Grievance Procedures**

This grievance procedure is to be used by PSU-AAUP members who believe they have been negatively impacted by the actions or decisions of PSU-AAUP and/or its representatives.

- a. A grievance is a written letter to the Executive Council from a member or group of members that identifies itself as a grievance submitted under this bylaw section. The grievance must be signed by all grievants. The grievance must include a description of the events, actions or decisions that gave rise to the grievance, why the member(s) believe they were negatively impacted, and must include a statement of the relief sought. The grievance must be presented within sixty days of the events, actions, or decision giving rise to the grievance.
- b. The Executive Council will review any grievance received at the next scheduled Executive Council meeting. The President can decide to present and review the grievance in closed session. If the grievance involves any member (or members) of the Executive Council, those executive council members shall be recused from the Executive Council discussions about the grievance. If the Executive Council feels there is a prima facie case in the complaint brought by the grievant, it will appoint a hearing committee of three members within one academic calendar month of receipt of the grievance.
- c. The hearing committee shall hold a hearing which shall provide basic due process protections but need not be bound by formal rules of legal evidence. If the grievance levels accusations at any member leaders, staff or members

- appointed by the Executive Council as their representative, those individuals shall be notified in advance of the hearing of the accusations and shall be invited to the hearing to provide testimony that responds to those accusations. After considering all evidence and testimony, the hearing committee shall render a decision about the requested relief. Relief rendered in the opinion may be different than that requested by the grievant. The hearing committee must provide its final written report to the Executive Council within three academic calendar months of its formation by the Executive Council.
- d. The Executive Council shall review the recommendation of the hearing committee as soon as practicable in a regular meeting of the Executive Council. The President can decide to present and review the hearing committee's recommendation in closed session. If the grievance involves any member (or members) of the Executive Council, those Executive Council members shall be recused from the Executive Council discussions about the hearing committee's recommendations. The Executive Council may accept the remedy recommended by the hearing committee or decide on an alternative remedy or grant no remedy. The Executive Council's decision will be final and binding on the Chapter.

## **18. Loss of Membership**

Failure to pay dues shall result in loss of membership.

## **19. Affiliation Agreements**

- a. The Association may align with organizations through formal and informal affiliation agreements.
- b. Any formal affiliation in addition to National AAUP shall be through written agreement. All written affiliation agreements must be adopted by a majority vote of the Executive Council. Within fifteen days of the Executive Council vote, the affiliation agreement shall be sent to the membership. The membership will then have fifteen days to call for a recall of the affiliation agreement, or modifications or additions to the agreement. In order to file a recall or request changes to the affiliation agreement, the membership must present a recall or change petition signed by 20 members. Within fourteen days of receipt of the petition the Executive Council will meet again to discuss the recall or changes sought. The recall/change meeting will be open to the membership and the membership must be notified of this meeting at least ten days in advance. If the petition is a change petition (a request to change an aspect of the affiliation agreement), the Executive Council will seek to understand the changes sought and then agree or

disagree to seek changes with the Affiliate organization. The new Affiliation agreement, if consummated, must be noticed in compliance with this section; if there is no change to the affiliation agreement after discussion with the affiliation organization the notice to the membership shall indicate as such and the only petition that can be filed under this section shall be a recall petition. If the petition is a recall petition, the Executive Council can choose to either withdraw the affiliation agreement or present the affiliation agreement to a vote of the membership.

- c. Affiliation Agreements shall comport with the following requirements:
1. No affiliation agreement can require an alteration of our constitution and bylaws or an alteration of the Association's governance structure.
  2. The affiliate organization shall have a mission, principles and objectives that are not inconsistent with the Association's mission, principles, and objectives.
  3. The Association shall be able to retain full control over its operations and costs.
  4. The Association shall retain control of its obligation to advocate and act in its own interests.
  5. The Association shall not commit to any affiliate relationship where the affiliate can impose assessments, or automatic dues or fee increases. All dues and fees arrangements shall be through affiliation agreement.
  6. The Association shall have the ability to disaffiliate through a simple 60 day severance clause in the affiliation agreement.
  7. The Association shall not cede to any other organization any rights of receivership, any ability to remove Association leadership, any right to any claim on Association funds, or any rights otherwise bestowed on the Association through its constitution, bylaws, policies, standing rules, its certification document, or any other right known or declared by the Association.
  8. The Association shall have a fair level of representation in governance and decision-making to other similarly affiliated organization.
  9. If the affiliated organization is required to file tax returns, the affiliated organization shall maintain controls to ensure the organization files tax

returns annually, and share those tax returns with PSU-AAUP. The affiliated organization shall do yearly independent audits and share those audits with PSU-AAUP.

10. All financial agreements shall be in writing.

## **20. Association Policies**

The Executive Council maintains Association Policies that provide guidelines and procedures about Association operations. Association policies ensure Association operations are maintained with consistency and transparency. These policies are established, amended, modified, and retired as necessary for operations by the Executive Council. Executive Council members inherit and adopt the existing Association policies when they assume their Executive Council office. Association policies shall be accessible on the Association website and shall be referenced as necessary for operational decisions.

## **21. Governing Documents of the Association**

The Governing Documents of the Association are the Constitution and Bylaws, Association Policies, Executive Council Standing Rules, and Executive Council Resolutions. The Constitution and Bylaws will be shared when Association governing documents are required by external organizations.

### **21a. Executive Council Standing Rules**

The Executive Council maintains Standing Rules for member leader interactions on the Executive Council. These Standing Rules are established, amended, modified, and retired by a resolution of the Executive Council as necessary for the smooth operation and governance of the Executive Council. Executive Council members inherit and adopt the existing Executive Council Standing Rules when they assume their Executive Council office. Executive Council Standing Rules shall be accessible on the Association website and shall be referenced as necessary for governance issues.

### **21 b. Executive Council Resolutions**

Executive Council Resolutions are decisions made by the Executive Council from time to time to temporarily interpret or modify the Association Bylaws, Association Policies, or Executive Council Standing Rules. Executive Council Resolutions are used only when circumstances prevent Associations Bylaws, Association Policies, and/or Executive Council Standing Rules from operating as written. Executive

Council Resolutions are adopted when the Executive Council determines that the adoption or modification of a policy, standing rule, or bylaw is not appropriate. Executive Council members inherit and adopt the existing Executive Council Resolutions when they assume their Executive Council office. Executive Council Resolutions shall be accessible on the Association website and shall be referenced as necessary for governance issues.

## **22. Additions or Revisions to Bylaws**

Revisions or additions to the bylaws may be proposed by the Executive Council, or by a petition to the Executive Council signed by 20 members. A proposed text shall be circulated among the members of the Executive Council, 15 days prior to submission to the Executive Council of the final text for voting. A majority vote of the Executive Council shall be necessary for approval. Within fifteen days of the Executive Council vote, revisions to the bylaws shall be sent to the membership. The membership will then have fifteen days to call for a recall of the revisions and additions. In order to file a recall, the membership must present a recall petition signed by 20 members. Within fourteen days of receipt of the recall petition, the Executive Council will meet again to discuss the recall. The recall meeting will be open to the membership and the membership must be notified of this meeting at least ten days in advance.

### Record of Adopted Changes:

January 6, 2011	Changes to Article 6: Dues, Fees, and Assessments; and Article 7: Fair Share Exceptions to comport with changes to the CBA
November 29, 2012	Changes to Article 6
December 13, 2012	Addition of Article 12- Affiliations Agreements; clarification Article V: Executive Council and Article VIII- Rights of PSU Faculty; added Article 6: legislative committee
June 5, 2014	Expanded Legislative committee to include Political Action
April 20, 2018	Add Finance Committee
July 26, 2018	Add Member Eligibility to Serve in Association Positions; Remove Fair Share Fee Payers; Add Voluntary Representation Fee Payers; Add Resignation of Active or Associate Membership, and Cancellation of Member Dues and Voluntary Representation Fees
December 10, 2020	(2) Changes to Election of Officers to add provision for special elections; (3) Addition of provision to appoint members to Executive Council temporarily to cover planned absences; (4) change name and clarify role of Unit Representative Assembly; (5) Changes to Communication Committee: reduce size

requirements, change name, add Vice President for Communications and Public Relations (VP-COM); (7) Changes clarify membership and add VP-LEG as presiding officer of Legislative and Political Action Committee; (9) add Organizing Committee; (10) add President as ex-officio member of all committees; (12) Add clarification for ratification of agreements

April 22, 2021 (17) modify grievance procedure; (20) add Association Policies; (21) add Governing Documents of the Association; (21a) add Executive Council Standing Rules; (21b) add Executive Council Resolutions

April 29, 2021 (19) modify affiliation agreement requirements