

Constitution and By-Laws of The Berklee Faculty Union,

Local 4412

AFT, AFT—Massachusetts, AFL-CIO

CONSTITUTION AND BY-LAWS
of the Berklee Faculty Union, Local 4412,
AFT, AFT—Massachusetts, AFL-CIO

ARTICLE I—NAME

This organization shall be known as the Berklee Faculty Union, Local 4412 of the American Federation of Teachers, AFT—Massachusetts, AFL-CIO, consisting of all faculty at Berklee College of Music and Boston Conservatory at Berklee.

ARTICLE II—OBJECTIVES

The purpose of this organization shall be:

Section 1. To negotiate over wages, hours, and working conditions for full-time and part time faculty.

Section 2. To bring all faculty and other employees into relations of mutual assistance and cooperation.

Section 3. To obtain for faculty the rights to which they are entitled.

Section 4. To raise the standards for all faculty of Berklee College of Music and Boston Conservatory at Berklee by securing the conditions essential to the best professional service.

ARTICLE III—MEMBERSHIP

Section 1. Faculty of the Berklee College of Music, Boston, Massachusetts, and Boston Conservatory at Berklee, Boston, Massachusetts including full-time and part-time faculty, are eligible for membership.

Section 2. Supervisory personnel shall not obtain membership. Members who are promoted to supervisory positions automatically are removed from membership on the effective date of the transition.

Section 3. No discrimination shall ever be shown toward individual members or applicants for membership because of race, color, creed, national or ethnic origin, age, gender identity or expression, sexual preference, disability, status as a veteran, or political activities or belief.

Section 4. A member may be expelled for acts detrimental to the Berklee Faculty Union upon presentation of written charges signed by at least one fourth of the total membership and approved by at least three fourths of the Union Executive Committee.

ARTICLE IV—Union Executive Committee/Elections

Section 1. The following Executive Committee Union positions shall be elected by the Berklee Faculty Union triennially no later than May 1 of the spring semester: _____

Six Officers:

1. President
2. Secretary-Treasurer
3. Executive Vice President
4. Vice President, Full-time Unit
5. Vice President, Part-time Unit
6. Grievance Officer

Six Division Representatives:

One Representative each from the following Berklee three Divisions: Professional Education, Professional Performance, Professional Writing and Music Technology, and one each from the following Boston Conservatory at Berklee three Divisions: Dance, Music, and Theater

Six Councilors total from both Berklee and Boston Conservatory at Berklee.

Section 2. Membership in good standing for at least one year is required to hold office. This requirement may be waived in exceptional circumstances such as Article VIII, Section 11.

Section 3. Election of Officers and Executive Committee members shall take place triennially not later than May 1 of the spring semester. The candidate receiving the most votes for each position shall be declared the winner.

Section 4. Notice shall be sent during the fall semester in writing to all faculty, announcing that elections will take place not later than May 1 of the following spring semester.

Section 5. Notice of elections shall be mailed to all Union members at their home addresses by first class mail, postage prepaid, at least thirty (30) days prior to the first scheduled day of the elections. The notice shall include the times, days, dates and place(s) of the elections, normally to be held over three (3) consecutive days.

The notice shall also include the names of the members of the Nominations/Election Committee, a list of the Executive Committee positions to be filled and the nomination procedures. Further notices will be valid if sent either by the College email system or by the College internal faculty mail system.

Section 6. The Nominations/Election Committee shall solicit nominations prior to the Nomination Meeting, which will occur ten days after the mailing of the notice of elections. Nominations should be submitted to the Nominations/Election Committee in writing and should include the name of the nominee and the Executive Committee position sought and should be signed by two Union members, one of whom may be the nominee. Nominations shall close with the Nomination Meeting at which additional nominations may be made and seconded from the floor. The Nominations/Election Committee shall notify all nominees that they have been nominated. All nominees must notify the Nominations/Election Committee within one week of the Nomination Meeting.

Section 7. At least two (2) weeks prior to the first day of the election, the Nominations/Election Committee shall issue to the membership a final list of all the candidates.

Section 8. Elected Executive Committee members shall be installed at the next scheduled Executive Committee meeting in the following fall semester.

Section 9. Vacancies in any office may be filled by majority vote of the Executive Committee, except that the Executive Vice President shall automatically assume the duties of President if that position becomes vacant.

ARTICLE V - COMMITTEES

Section 1. The following standing committees shall be active in the Berklee Faculty Union and shall be composed of members of the Union Executive Committee:

1. Negotiating Committee
2. Faculty Promotion Advisory Committee
3. Budget Committee
4. Communications Committee

Section 2. The Nominations/Election Committee shall be appointed as needed for triennial elections.

Section 3. The Chairs of the special committees shall be appointed by the President with the consent of the majority of the Union Executive Committee. The President shall serve as Chair of the Negotiating Committee. The Secretary-Treasurer shall serve as Chair of the Budget Committee and, if the position is vacant, as Chair of the Communications Committee.

Section 4. Except for the Faculty Promotion Advisory Committee, members of each committee shall be appointed by the Chair of each committee with the consent of the President. The Faculty Promotion Advisory Committee may be full-time or part-time faculty and shall be appointed by the President. The Committee shall select its Chair. Members of the Nominations/Election Committee shall not be members of the Union Executive Committee or candidates for election to the Union Executive Committee.

ARTICLE VI—DUTIES OF THE UNION EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall administer the policies of this union as set by the membership at membership meetings. It shall have the power to act for the good of the union in situations where the policy cannot be set by the membership.

Section 2. The President shall serve as Chair of the Executive Committee.

Section 3. The Executive Committee shall normally meet once a week during the Academic Year when the College is in session, except for final exam weeks. The time and place shall be set by the President and announced in the fall semester of each Academic Year. Special meetings may also be called by the President.

Section 4. The Executive Committee shall have the power to employ all personnel on a full-time, part-time or consultant basis as may be determined by the needs and finances of the Local.

Section 5. The Executive Committee shall have the power to make contracts and incur liabilities which may be appropriate to enable it to accomplish any or all of its purposes; to borrow money for its purposes at such rates of interest and terms of conditions as they may determine; to issue notes, bonds and other obligations by mortgage pledge or deed of trust of all or any of its property and income.

Section 6. Attendance at Executive Committee meetings is mandatory for all committee members. Absenteeism may be cause for dismissal from the Executive Committee. Such dismissal shall be at the discretion of the other members of the Executive Committee and will require a majority vote of those members.

Section 7. Resignations from the Executive Committee shall be accepted or rejected by a majority vote of the Executive Committee.

Section 8. Executive Committee meetings shall be open to all faculty. However, because of the confidential nature of some issues discussed in the meetings, the Committee may, by majority vote, go into Executive Session and non-committee members will be required to leave.

Section 9. The Executive Committee shall report its activities at membership meetings.

ARTICLE VII—AFFILIATIONS

Section 1. The Berklee Faculty Union shall maintain affiliation with and, whenever possible, send delegates to the following organizations:

- a) The American Federation of Teachers—All delegates to the National Convention of the AFT shall be nominated by the Union Executive Committee. The nominees shall be elected by the membership by secret ballot at the Spring Membership Meeting.
- b) All delegates to the AFT National Higher Education Conference shall be appointed by the Executive Committee.
- c) The AFT—Massachusetts. Delegates and alternates shall be nominated by the Union Executive Committee. Nominees shall be elected by the membership by secret ballot at the Spring Membership Meeting.
- d) The Secretary-Treasurer shall forward the credentials for all the appointed delegates and alternates to the National Office or State Office as soon as possible but not later than ten days before the convening of the convention or conference. The Secretary-Treasurer shall send the AFT per capita through the month prior to the convening of the convention or conference.

Section 2. All delegates shall make reports to the Executive Committee on meetings attended.

Section 3. The Local will pay the expenses of delegates to meetings, conferences and conventions of affiliated organizations.

Section 4. The Local, to the best of its ability, shall be active in the affairs of affiliated organizations.

Section 5. Delegates to affiliated organizations must be members in good standing of the Berklee Faculty Union for at least one year.

ARTICLE VIII—DUTIES OF OFFICERS

Section 1. The President shall preside at all meetings of the Berklee Faculty Union and of the Executive Committee. The President may vote and/or make motions at these meetings. The President shall be chair of the Negotiating Committee and a member of the Budget Committee. The President shall sign all necessary papers and documents, and meet with the general membership to summarize the

accomplishments of the Berklee Faculty Union and outline plans for the future. The President may represent faculty in the Grievance Procedure.

Section 2. The Executive Vice President shall perform all duties of the President in the absence of that officer. The Executive Vice President may represent faculty in the Grievance Procedure and shall perform other duties as assigned by the President or Executive Committee.

Section 3. The Vice President, Full-time Unit shall coordinate matters for the full-time unit and shall perform other duties as assigned by the President or Executive Committee.

Section 4. The Vice President, Part-time Unit shall coordinate matters for the part time unit and shall perform other duties as assigned by the President or Executive Committee.

Section 5. The administrative duties of the Secretary-Treasurer shall be:

- a) issue all notices and answer correspondence at the direction of the President and the Executive Committee.
- b) be custodian of the seal and charter of the Berklee Faculty Union.
- c) be responsible for recording the minutes of the Executive Committee meetings, the monthly Union/Management meetings and General Membership meetings.
- d) post all approved minutes on the Union website and perform other duties as assigned by the President or Executive Committee.
- e) convene the Communications Committee, if the position of Chair of the Communications Committee is vacant.

Section 6. The financial duties of the Secretary-Treasurer shall be:

- a) receive, record, and deposit in the name of the Berklee Faculty Union all monies from dues and other sources.
- b) keep the membership roll, compensation information and other appropriate lists regarding members.
- c) issue receipts and delinquent notices.
- d) forward all per capita dues and current membership lists to the National Office of the American Federation of Teachers and to other affiliated organizations to keep the Local in good standing at all times. Special care shall be taken to see that per capita tax through June 30 is sent to the National Office no later than 15 days prior to the opening date of the National Convention to make sure delegates from this Local may be seated.
- e) keep adequate records available at all times for the Executive Committee and the annual independent audit.
- f) pay all bills authorized by the President, retaining vouchers or invoices for same. Unauthorized expenses must be presented to the Executive

Committee.

- g) convene the Budget Committee and to present the annual budget to all faculty. Discussion of the budget shall take place at the Spring semester General Membership meeting.
- h) ensure that all federal, state and other reports are filed in a timely and accurate manner.
- i) work with a local CPA to have an annual independent audit to be presented to all faculty present at the budget meeting and sent to the AFT-MA Secretary-Treasurer.

Section 7. The Grievance Officer shall process and coordinate all grievance matters for the Local and shall perform other duties as assigned by the President or Executive Committee. The Grievance Officer may represent faculty in the Grievance Procedure, or delegate faculty representation to one of the other officers.

Section 8. Division Representatives shall meet with their Division Deans once each Academic Year to discuss Union/Division issues. Division Representatives shall request permission from their Division Deans to introduce themselves to faculty and to speak briefly on behalf of the Faculty Union at their Division's Convocation. Division Representatives shall perform other duties as assigned by the President or Executive Committee.

Section 9. Councilors shall attend all Executive Committee meetings during the Academic Year and shall perform other duties as assigned by the President or Executive Committee.

Section 10. The President shall appoint one or more Union representative(s) in each Academic Department.

Section 11. In the event of a merger with another college or institution, the President shall appoint one or more Union representative(s) from the new college or institution, who, upon ratification by the Union Executive Committee, shall serve until the next regularly scheduled election of officers.

ARTICLE IX—DUTIES OF STANDING COMMITTEES

Section 1. The Negotiating Committee shall prepare salary and other contract proposals. It shall present these proposals for approval of the Executive Committee and then shall negotiate these proposals with the employer.

Section 2. The Faculty Promotion Advisory Committee shall review faculty dossiers and make recommendations for the promotion of faculty members seeking the rank of Associate Professor or Professor. All FPAC members must be at the rank of Professor or Associate Professor and may be either Full-time or Part-time.

Section 3. The Budget Committee shall present an annual budget for approval by the Executive Committee in the fall semester of each Academic Year.

Section 4. The Communications Committee shall prepare monthly messages to all faculty informing them of upcoming deadlines and other matters during the Academic Year. The Communications Committee shall also maintain the Union website, update the Faculty Database as needed and conduct faculty surveys. The Communications Committee will organize and oversee the publication of a newsletter in the fall semester and a newsletter in the Spring semester.

ARTICLE X—DUTIES OF SPECIAL COMMITTEES

The Nominations/Election Committee shall be responsible for securing nominations and for the general conduct of elections as scheduled pursuant to this Constitution and By-Laws. With the agreement of the Executive Committee, the Nominations/Election Committee may employ the American Arbitration Association or another external organization to conduct the election process.

ARTICLE XI—GENERAL MEMBERSHIP MEETINGS

Section 1. The time and place of meetings shall be determined by the Executive Committee.

Section 2. There shall be at least one General Membership Meeting per academic year.

Section 3. A quorum at any membership meeting shall consist of the members present.

ARTICLE XII—FINANCE

Section 1. Regular dues shall be set by majority vote of members present at any General Membership meeting providing that notice of any change in dues has been announced at least one month prior to the General Membership meeting.

Section 2. Additional finances may be obtained by various fund raising activities.

ARTICLE XIII—RULES OF ORDER

Robert's Rules of Order, Revised, shall govern in all cases not covered by the Constitution and By-Laws of this Local.

ARTICLE XIV—AMENDMENTS

Except for Article XII—Finance, and Article XVI—Stipends, this Constitution and By-Laws may be amended by a two-thirds majority vote of the Executive Committee or a majority vote at a General Membership Meeting. Article XII—Finance and Article XVI—Stipends may only be amended by a majority vote of the members present at a general membership meeting.

ARTICLE XV—AVAILABILITY OF CONSTITUTION AND BY-LAWS

Section 1. Three copies of this Constitution and By Laws, including all future amendments, shall be submitted to the National Office of the American Federation of Teachers. Single copies shall be submitted to the AFT-Massachusetts and the Department of Labor.

Section 2. Copies shall be made available to other affiliated organizations upon request.

Section 3. Copies shall be available for all members of the Berklee Faculty Union upon request to the Secretary-Treasurer and on the website.

ARTICLE XVI—STIPENDS

Section 1. All Executive Committee members in their first year in office shall receive annual stipends in the following amounts:

President—\$50,000.00
Secretary-Treasurer—\$35,568.00
Executive Vice President—\$12,000.00
Grievance Officer—\$10,000.00
Vice President Full-time faculty—\$5,000.00
Vice President Part-time faculty—\$5,000.00
Division Representatives—\$2,000.00
All Councilors —\$1,500.00

Section 2. Stipends shall increase each year at the same percentage as faculty wages increase.

Section 3. Stipends may be increased by more than the percentage amount indicated in Section 2 by a majority vote of the members present at a general membership meeting.

Section 4. The President or Secretary-Treasurer may compensate BFU employees, on an hourly basis, as necessary, at fair and appropriate rates; such compensation will not constitute a change to the base compensation of the individual or the position they hold.

ARTICLE XVII—DUES

Section 1. All Full-time Faculty shall pay dues at the rate of 1.25% of their teaching salary for each Academic Year.

Section 2. All Part-time Faculty shall pay dues at the rate of 1.25% of their total compensation for all teaching and related duties performed during the fall and spring semesters.

Section 3. No Union dues shall be deducted from wages earned for summer semester employment.

Section 4. The Secretary-Treasurer shall make all the necessary payments to the National and State affiliates on behalf of faculty members.

Section 5. Dues will be deducted directly from paychecks or faculty may pay their total yearly dues obligation in one lump sum. This lump sum shall be paid to the Secretary-Treasurer not later than May 31 of each Academic Year.

Section 6. By contractual agreement with management, membership in the union is a condition of employment. However, faculty may elect a Core Financial Member status. This request must be made in writing to the Secretary-Treasurer. Faculty electing this status shall pay a collective bargaining fee. Their yearly dues would decrease from 1.25%, as stated in 1 and 2 above to 1% (approximately \$5 to \$10 per paycheck, depending on income and pay cycle) . Though no longer union members, faculty who elect this status maintain all rights and responsibilities under the Faculty Contract Agreement except as follows: They may no longer nominate candidates for the Union Executive Committee or participate in union elections. They may not attend union meetings, participate in strike votes, or ratify union contract agreements.

ARTICLE XVIII—RATIFICATION

Section 1. All Faculty Contract Agreements shall be ratified by a majority vote of the members present at a General Membership Meeting called for that purpose.

Section 2. Prior to the vote, each member shall be provided a written summary of the document which is to be considered for ratification.

-

HISTORY OF AMMENDMENTS

The Constitution and By-Laws were adopted May 9, 1985 by a unanimous membership vote of the Berklee Chapter, AFT 4412.

The Constitution and By-Laws were amended in 1992 and 1996. The amendments were approved unanimously by the membership of the Berklee Chapter, AFT 4412.

The Constitution and By-Laws were amended in 1999 and 2003. The amendments were approved by a majority vote of the Union Executive Committee.

The Constitution and By-Laws were amended in September 2006 to reflect the updated minimum stipends for Officers, Division Representatives and Councilors as approved unanimously by the Executive Committee on November 20, 2003. This amendment was approved unanimously by the Executive Committee on September 14, 2006.

The Constitution and By-Laws, as rewritten and amended in January and February of 2007 and unanimously approved by the Union Executive Committee on January 16, 2008, were ratified by faculty participating in Union Elections held April 22–24, 2008. The secret ballot vote was tallied by the American Arbitration Association. The results were 164 in favor and 6 against.

2009: The Constitution and By-Laws were amended to include Core Financial Member status under Article XVII—Dues. The Union Executive Committee voted unanimously.

2011: The Constitution and By-Laws were ratified by faculty participating in Union Elections held April 19-21, 2011; the secret ballot vote was tallied by the American Arbitration Association. The results were 219 in favor, 24 against, and 12 abstained, to merge the positions of Secretary and Treasurer into one position, Secretary-Treasurer.

2011: The Constitution and By-Laws were ratified by faculty participating in Union Elections held April 19-21, 2011; the secret ballot vote was tallied by the American Arbitration Association. The results were 213 in favor, 22 against, 20 abstained to eliminate the stipend for Secretary.

2012: The Constitution and By-Laws were amended to increase stipends by more than the percentage amount indicated in Section 2 by a secret ballot majority vote of the members present at a general membership meeting on November 29, 2012.

2017: The Constitution and By-Laws were amended to increase stipends by more than the percentage amount indicated in Section 2 by a unanimous voice vote of the members present at a general membership meeting on March 9, 2017.

2017: The Constitution and By-Laws were amended to include Boston Conservatory at Berklee in our membership and representation on our Executive Committee. Additionally, the duties of the Secretary-Treasurer were updated to reflect current practice of annual independent audit and streamline language.

2020 May 28: Union Executive Committee approved amendment of Article 18, Section 1 as follows: "All Faculty Contract Agreements shall be ratified by a majority vote of the members present at a

General Membership Meeting called for that purpose. ~~In the Fall of 2018, to include more members in the process, we are incorporating an online vote through the American Arbitration Association."~~

2021 April 1: General membership approved amendment that will result in elections once every 3 years rather than once every 2 years by replacing all instances of the word biennial with the word triennial in the Berklee Faculty Union constitution and bylaws – namely, Article 4.1, Article 4.3, and Article 5.2.

2022 December 9: General membership approved amendment to Secretary-Treasurer base compensation, to \$35,568 to reflect the current FLSA minimum compensation requirement for an overtime-exempt position.

2022 December 9: General membership approved amendment to authorize President and Secretary-Treasurer to compensate BFU employees, on an hourly basis, as necessary, at fair and appropriate rates; such compensation will not constitute a change to the base compensation of the individual or the position they hold.