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THE Echo



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**Delegates to debate amendments
at union's virtual 2021 Spring DA**



THE Echo

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The Echo is an online publication of United University Professions (UUP), bargaining agent for the more than 37,000 academic and professional employees of the State University of New York.

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TO THE POINT:

A MESSAGE FROM UUP PRESIDENT FRED KOWAL



Delegates to tackle union, SUNY issues

This special Delegate Assembly edition of *The Echo* provides an overview of our upcoming two-day virtual Spring DA, which officially kicks off June 4—after a day of training for chapter presidents, vice presidents for academics and vice presidents for professionals. Statewide VPs Tom Tucker and Jamie Dangler will lead their respective trainings, assisted by NYSUT labor relations specialists assigned to UUP. The statewide Executive Board will also meet June 3 to discuss the challenges faced by our union and University, and to develop strategies to help us better advocate for our legislative programs.

DELEGATES TO ACT

Academic and professional delegates' meetings will open the DA, beginning at 8 a.m. June 4. Statewide Secretary/Treasurer Jeri O'Bryan-Losee will present a 90-minute workshop "UUP: 101," which offers an overview of the organization, beginning at 9:45 a.m.

Delegates and "observers" can enter the DA proceedings beginning at noon, with the first plenary. All of the officers are scheduled to report and answer questions during the four-hour open session. Statewide Membership Development Officer Tom Hoey will read the names of members who have passed away since the last Delegate Assembly.

A workshop on "Understanding the Taylor Law" will follow the plenary. Committee Chair Rich Veenstra, Upstate Medical University chapter president and a statewide Executive

Board member, will lead the workshop.

Day Two begins at 8:30 a.m., with the second plenary session. Delegates will discuss proposed constitutional amendments and resolutions, and address other issues under unfinished and new business.

AMENDMENTS TO BE DEBATED

Included in this issue is a detailed look at the proposed constitutional amendments that your elected chapter delegates will debate and vote on (see pages 3-9).

All of the proposed amendments call for temporary provisions authorizing alternative nomination procedures and mail-ballot elections for statewide VP positions and six Executive Board seats.

If adopted, these temporary provisions would be effective immediately and expire following the completion of mail-ballot elections that would normally have been held through in-person elections at the Spring Delegate Assembly, originally slated for April 9-10, 2021. The in-person Spring DA was shifted to a virtual DA due to the COVID-19 pandemic.

While only elected UUP delegates can vote on these proposed amendments, we include them here for your review. Take a look, and let your chapter delegates know your thoughts—suggest additions or deletions, or share your comments and concerns.

That's democracy in action!

Proposed constitutional amendments

In accordance with Article XIII of the UUP Constitution, UUP bargaining unit members are hereby notified that the following proposed constitutional amendments are on the agenda of the

virtual 2021 Spring Delegate Assembly, June 4-5.

The following proposed constitutional amendments were adopted March 26 by the union's statewide Executive Board.

NOTICE IS HEREBY GIVEN that due to the continuing COVID 19 pandemic and related public health concerns which preclude convening the DA in person, the 2021 Spring Delegate Assembly will convene virtually on **June 4-5, 2021**.

The virtual 2021 Spring Delegate Assembly will, in addition to other matters, take up adoption of proposed temporary constitutional amendments to provide for alternate nomination procedures and mail ballot elections for the state-wide offices of Vice President for Academics, Vice President for Professionals and six UUP Executive Board seats.

Proposed Temporary Amendments to the UUP Constitution
Submitted by the UUP Executive Board
Posted March 31, 2021

MOTION:

- A. To replace the existing provisions of Article VIII. Nomination and Election Procedures, Section 4. Nomination and Election Procedures for Officers and Executive Board Members with temporary provisions authorizing alternate nomination procedures and mail ballot elections for the state-wide offices of Vice-President for Academics, Vice-President for Professionals, and the six (6) UUP Executive Board seats that would normally have been elected through in-person elections at an in-person April 9-10, 2021 Spring Delegate Assembly.**
- B. These temporary provisions will be effective immediately upon adoption and expire following the completion of mail ballot elections for the Officers and Executive Board members that would normally have been elected through in person elections at an in-person April 9-10, 2021 Spring Delegate Assembly. Subsequent elections for state-wide Officers and Executive Board members will be conducted pursuant to the existing provisions of Article VIII, Section 4.**

Current Language:

Article VIII – Nomination and Election Procedures

Section 4. Nomination and Election Procedures for Officers and Executive Board Members.

- a. Officers and members of the Executive Board shall be elected by the membership of the Delegate Assembly from the roll of elected delegates;

Proposed constitutional amendments

b. Nominations shall be by written petition of at least ten members of the Delegate Assembly. Petitions shall be filed with the Constitution and Governance Committee at the time of the Delegate Assembly;

c. Election of Officers and members of the Executive Board shall be by majority of those voting; voting shall be by written, secret ballot, except that in cases where only one candidate has been nominated for an Officership or an Executive Board seat, the Secretary-Treasurer, by a two-thirds vote of those present and voting, may be directed to cast a single ballot for such candidate; only those votes, including write-ins, for persons eligible to serve shall be counted in determining the majority of votes cast; abstentions shall not be counted;

d. Nominations and elections shall be held for one position at a time, with results announced prior to nominations for the next, in the following order: Officer positions, in constitutional order; any created Officer positions, in constitutional order; Executive Board positions, in the following order: to meet the type of Chapter requirement; alternate between an academic seat, and a professional seat, until all academic and professional ratios are met, beginning with the at-large professional seat in 2012; provided, however, that elections to fill unexpired terms of Executive Board seats vacated by an incumbent shall be held prior to those for full terms; and further provided, that no nomination shall be permitted which would preclude the conditions imposed by Article V, Section 1, of this Constitution;

e. In cases where there are more than two candidates and no candidate receives a majority of the votes cast, a run-off shall be held; if there were no write-in candidates in the first balloting, the name of the candidate who received the smallest number of votes shall be dropped; if there were write-in candidates in the first balloting, the names of all candidates receiving fewer than 10 votes shall be dropped. Should no candidate receive a majority of the votes cast in the run-off, additional run-offs shall be held; on each additional run-off ballot, the names of all candidates receiving fewer than 10 votes shall be dropped; persons who have received votes may withdraw from the election, in which case subsequent votes in that election for such persons shall not be counted in determining a majority. These procedures shall be continued until one candidate receives a majority;

f. All elections, except those to fill vacancies, shall occur at the second Delegate Assembly of UUP's fiscal year, with the President, Secretary-Treasurer, and Membership Development Officer elected in the same year, and the Vice Presidents elected in the subsequent year, and one-half, to the nearest whole number, of the other positions on the Executive Board elected at the second Delegate Assembly of UUP's fiscal year in each year that officer elections are held;

g. Officers and Executive Board members shall assume their office on June 1 of the year in which they are elected, except that persons elected to serve out unexpired terms created by vacancies shall take office at the time of election;

h. When a member of the Delegate Assembly is elected as an Officer, such member's Chapter seat in the Assembly shall become vacant, but he or she may retain any Chapter office; when a

member of the Delegate Assembly is elected to an Executive Board seat, other than an Officership, such member's Chapter seat in the Assembly shall become vacant and the member shall be seated at large as a member of the Executive Board;

i. Any person serving as an Officer or member of the Executive Board shall be eligible for nomination, renomination, and election to any position elected by the Delegate Assembly from the roll of elected delegates.

Proposed Temporary Change:

Article VIII – Nomination and Election Procedures

Section 4. 2021 Nomination and Election Procedures for Officers and Executive Board Members.

a. Officers and members of the Executive Board shall be elected by the membership of the **virtual 2021 Spring** Delegate Assembly from the roll of elected delegates. **The credentialed membership of the virtual 2021 Spring Delegate Assembly shall be seated based on the chapter allotment established April 30, 2021. Naming of the delegates to be seated shall be done in order of votes received in the 2021 chapter elections. Eligible delegates must register no later than May 28, 2021 to receive credentials. Eligible delegates who register in a timely fashion for the virtual 2021 Spring Delegate Assembly shall be eligible to vote by mail ballot in the 2021 statewide elections.**

b. Nominations shall be by ~~written petition of at least ten members of the Delegate Assembly. Petitions shall be filed with the Constitution and Governance Committee at the time of the Delegate Assembly; self-nomination only.~~ Elected delegates interested in running for a statewide Office or Executive Board seat shall self-nominate by notifying the UUP Secretary-Treasurer in writing by return receipt e-mail to: jobryan@uupmail.org or received in the UUP office by regular mail to: **P.O. Box 15250, Albany, NY 12212-9953.** Self-nominations must clearly identify the individual's name, campus, state title and UUP position the individual is interested in running for. Self-nomination must be received no later than **June 23, 2021.** All timely-received self-nominations shall be reviewed by the UUP Executive Board to determine eligibility, provided further that no nomination shall be permitted which is precluded by the conditions imposed by Article V, Section 1, of this Constitution. If eligible the candidate shall be nominated by the UUP Executive Board.

c. **1.** Election of Officers ~~and members of the Executive Board~~ shall be by majority of those voting; ~~voting and~~ shall be by written, secret, **mail** ballot, except that in cases where only one candidate has been nominated ~~for an Officership or an Executive Board seat, the Secretary-Treasurer, by a two-thirds vote of those present and voting, may be directed to cast a single ballot for such candidate; only those votes, including write ins, for persons eligible to serve shall be counted in determining the majority of votes cast; abstentions shall not be counted; the Co-chairs of the Constitution and Governance Committee shall certify that voting is unnecessary and the Executive Board, on behalf of the Delegate Assembly, shall direct the Secretary-Treasurer to cast a single vote on behalf of that candidate immediately following the close of nominations. Only those votes for nominated candidates shall be counted in determining the majority of votes cast. Abstentions and write in votes shall not be counted.~~

Proposed constitutional amendments

c. 2. Election of Executive Board members shall be done in rank order by plurality of those voting. Voting delegates may vote for up to six nominated candidates for Executive Board seats. Only those votes for nominated candidates shall be counted in determining the rank order of votes cast. Abstentions and write-in votes shall not be counted.

d. ~~Nominations and elections shall be held for one position at a time, with results announced prior to nominations for the next,~~ **Votes shall be counted** in the following order: Officer positions, in constitutional order; any created Officer positions, in constitutional order; Executive Board positions, in the following order: to meet the type of Chapter requirement; **to meet the Contingent member requirement; then alternating alternate** between an academic seat and a professional seat, until all academic and professional ratios are met, beginning with the at-large **professional seat** ~~professional seat in 2012~~; provided, however, that elections to fill unexpired terms of Executive Board seats vacated by an incumbent shall be held prior to those for full terms; and further provided, that no ~~nomination election~~ shall be permitted which would **be** precluded **by** the conditions imposed by Article V, Section 1, of this Constitution~~;~~.

e. In cases where there are more than two candidates **for a state-wide Officer position** and no candidate receives a majority of the votes cast, a run-off **mail ballot election** shall be held **between the two candidates receiving the largest number of votes. In the event of a tie vote between two or more candidates receiving the largest number of votes for the final at-large Executive Board seat to be filled, a runoff mail ballot election will be held for the seat.** ~~if there were no write-in candidates in the first balloting, the name of the candidate who received the smallest number of votes shall be dropped; if there were write-in candidates in the first balloting, the names of all candidates receiving fewer than 10 votes shall be dropped. Should no candidate receive a majority of the votes cast in the run off, additional run-offs shall be held; on each additional run off ballot, the names of all candidates receiving fewer than 10 votes shall be dropped; persons who have received votes may withdraw from the election, in which case subsequent votes in that election for such persons shall not be counted in determining a majority. These procedures shall be continued until one candidate receives a majority.~~

f. **Except as specifically provided in this section,** all elections, except those to fill vacancies, shall occur at the second Delegate Assembly of UUP's fiscal year, with the President, Secretary-Treasurer, and Membership Development Officer elected in the same year, and the Vice Presidents elected in the subsequent year, and one-half, to the nearest whole number, of the other positions on the Executive Board elected at the second Delegate Assembly of UUP's fiscal year in each year that officer elections are held;

g. Officers and Executive Board members shall assume their office on June 1 of the year in which they are elected, **or as soon as the election for their office is completed thereafter.** ~~except that persons elected to serve out unexpired terms created by vacancies shall take office at the time of election;~~

h. When a member of the Delegate Assembly is elected as an Officer, such member's Chapter seat in the Assembly shall become vacant, but he or she may retain any Chapter office; when a member of the Delegate Assembly is elected to an Executive Board seat, other than an

Officership, such member's Chapter seat in the Assembly shall become vacant and the member shall be seated at large as a member of the Executive Board;

i. Any person serving as an Officer or member of the Executive Board shall be eligible for nomination, re-nomination, and election to any position elected by the Delegate Assembly from the roll of elected delegates.

j. **Ballots which comply with Labor Management Reporting and Disclosure Act mail ballot election guidance will be mailed to each eligible voter's last known address on June 30, 2021, and must be returned to UUP by mail and received by UUP no later than July 28, 2021 at which time, or as soon as possible thereafter, tabulation shall commence.**

k. **Election tabulation shall be conducted by the UUP Constitution and Governance Committee. Each candidate for a state-wide Officer or Executive Board seat shall be permitted to observe or to designate an observer to be present at the counting of the ballots in a manner to be determined by the Constitution and Governance Committee in compliance with public health recommendations. The results of the election must be filed by the Constitution and Governance Committee with the Secretary-Treasurer within two weeks following the date of the count and published in their entirety. All election records, including ballots, must be preserved for a period of one year.**

l. **A challenge to an election must be in writing and mailed registered or certified mail, return receipt requested, to: Co-Chairs of the Constitutional and Governance Committee, UUP, P.O. Box 15143, Albany, NY 12212-9954. The challenge must be received in the UUP Office not later than thirty-five calendar days following the date the ballots were counted.**

m. **The results of a challenged election are presumed valid unless and until found to the contrary by the UUP Executive Board. Officials elected perform the regular duties of their offices during the investigation of a challenge. A new election shall be required only when investigation reveals that violations may have affected the outcome of an election.**

Temporary Language If Adopted:

Article VIII – Nomination and Election Procedures

Section 4. 2021 Nomination and Election Procedures for Officers and Executive Board Members.

a. Officers and members of the Executive Board shall be elected by the membership of the virtual 2021 Spring Delegate Assembly from the roll of elected delegates. The credentialed membership of the virtual 2021 Spring Delegate Assembly shall be seated based on the chapter allotment established **April 30, 2021**. Naming of the delegates to be seated shall be done in order of votes received in the 2021 chapter elections. Eligible delegates must register no later than **May 28, 2021** to receive credentials. Eligible delegates who register for the virtual 2021 Spring Delegate Assembly shall be eligible to vote by mail ballot in the 2021 statewide elections.

Proposed constitutional amendments

b. Nominations shall be by self-nomination only. Elected delegates interested in running for a statewide Office or Executive Board seat shall self-nominate by notifying the UUP Secretary-Treasurer in writing by return receipt e-mail to: jobryan@uupmail.org or received in the UUP office by regular mail to: **P.O. Box 15250, Albany, NY 12212-9953**. Self-nominations must clearly identify the individual's name, campus, state title and UUP position the individual is interested in running for. Self-nomination must be received no later than **June 23, 2021**. All timely-received self-nominations shall be reviewed by the UUP Executive Board to determine eligibility, provided further that no nomination shall be permitted which is precluded by the conditions imposed by Article V, Section 1, of this Constitution. If eligible the candidate shall be nominated by the UUP Executive Board.

c. 1. Election of Officers shall be by majority of those voting and shall be by written, secret, mail ballot, except that in cases where only one candidate has been nominated the Co-chairs of the Constitution and Governance Committee shall certify that voting is unnecessary and the Executive Board, on behalf of the Delegate Assembly, shall direct the Secretary-Treasurer to cast a single vote on behalf of that candidate immediately following the close of nominations. Only those votes for nominated candidates shall be counted in determining the majority of votes cast. Abstentions and write in votes shall not be counted.

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¹ Conditions that show signs or symptoms prior to enrollment or during waiting periods.
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*Terms and conditions apply. See the policy at Trupanion.com/pet-insurance.
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