

**Assembly of State Conferences
Executive Committee**

Resolution

WHEREAS, Article II, Paragraph 2 of the Bylaws of the Assembly of State Conferences calls for the appointment of an Election Committee “for the purposes of conducting the election [of ASC officers] and announcing the results”; and

WHEREAS, Article II, Paragraph 2 of the Bylaws does not establish a process by which ASC delegates may assert challenges to the conduct of ASC elections; and

WHEREAS, Nothing in the Bylaws, the Constitution of the ASC, or past resolutions enacted by the ASC provides guidance with respect to the process to be followed for challenging the conduct of ASC elections or for adjudicating such challenges; and

WHEREAS, The number of election-related challenges has increased in recent years and it is reasonable to expect that such challenges may be filed in connection with the elections for ASC officers; and

WHEREAS, Article IV of the ASC Bylaws provides that ROBERT’S RULES OF ORDER NEWLY REVISED shall govern the conduct of meetings in all cases to which they are applicable and in which they are not inconsistent with the ASC’s Constitution and Bylaws; and

WHEREAS, In accordance with ROBERT’S RULES OF ORDER NEWLY REVISED (page 424), the ASC may establish standing rules governing any detail of election procedure not addressed by bylaw or constitutional provision; and

WHEREAS, Article V, Sections 2 and 3 of the ASC Constitution authorize the Executive Committee, by resolution adopted between annual meetings, to conduct the business of the ASC and to determine proper construction of constitutional provisions;

NOW, THEREFORE, BE IT RESOLVED By the Executive Committee, acting for the ASC in accordance with Article V, Sections 2 and 3 of the ASC Constitution, as follows:

(1) The ASC adopts and approves the “Standing Order Establishing Supplemental Procedures for the Resolution of Election Challenges” (the “Standing Order”), a true copy of which is appended to this resolution as Appendix A and incorporated herein by reference.

(2) The text of the Standing Order shall immediately be published on the web site of the American Association of University Professors. Printed copies shall be distributed to delegates at the 2007 annual meeting of the ASC.

(3) The Standing Order supplements but does not modify or supplant election-related provisions in the ASC Constitution and Bylaws. To the extent there is any inconsistency between the Standing Order and the ASC Constitution or Bylaws, the Constitution and Bylaws shall control.

(4) The Standing Order shall not apply to challenges involving the election of the ASC Chair. Such challenges are subject to the exclusive jurisdiction of the AAUP Election Committee and Election Appeals Committee as provided in the preamble to the AAUP Election Bylaws.

(5) The Standing Order shall be effective upon approval of this resolution by the ASC Executive Committee and shall govern the processing and adjudication of any election challenge (other than challenges to the election of the ASC Chair) filed on or after the effective date. The Standing Order shall remain in effect until repealed, rescinded or modified by the ASC or the ASC Executive Committee.

APPENDIX A

Assembly of State Conferences Executive Committee

Standing Order Establishing Supplemental Procedures for the Resolution of Election Challenges

- (1) The Executive Committee of the Assembly of State Conferences (“Executive Committee”) shall serve as the body duly constituted to receive election challenges and adjudicate such challenges.
- (2) The Executive Committee will not accept or process any challenge to the election of ASC Chair. Such challenges must be filed with the AAUP Election Committee as provided in the preamble to the AAUP Election Bylaws.
- (3) Any member wishing to submit a challenge regarding the manner in which an election (other than an election for Chair) is being or has been conducted must file such challenge in writing no later than ten (10) business days after the date on which final vote totals are announced. Challenges shall be referred to the Executive Committee for resolution. The Executive Committee will consider a challenge only after the final vote is announced.
 - (3) (a) If a challenge to the election of an ASC officer (other than Chair) is filed with the Executive Committee, the Executive Committee shall promptly refer the complaint to the AAUP Election Committee and shall ask the AAUP Election Committee to investigate the complaint and make proposed findings in accordance with the AAUP Election Committee’s own processes and procedures. Should the AAUP Election Committee agree to serve in that capacity, then its proposed findings shall be forwarded to the Executive Committee, which shall adopt them unless it determines that the AAUP Election Committee’s findings are arbitrary or capricious, in which case it shall reject the findings and conduct its own de novo processing of the complaint in accordance with Section 3(b) of this Standing Order, below.
 - (b) If the AAUP Election Committee declines to process the complaint, or if the AAUP Election Committee provides no affirmative response within five business days after receipt of the complaint from the Executive Committee, or if the AAUP Election Committee’s proposed findings are rejected, then the Executive Committee shall process the complaint itself. The Executive Committee will investigate the challenge; render a decision within thirty (30) days; and, if appropriate, recommend any policy changes for consideration by the ASC. The burden shall be on the challenging party to show by a preponderance of the evidence that the election was conducted in violation of ASC policy or applicable law. The decision of the Executive Committee will be final and binding.

(c) The Executive Committee's decision will be final, binding, and nonappealable to any other committee or body within the ASC or the AAUP.

(4) No Executive Committee member shall participate in the consideration or adjudication of any challenge directed at conduct attributed to such member. No Executive Committee member shall be eligible to participate in the election-related duties of the Executive Committee under this standing rule if such person is a candidate for or an incumbent seeking reelection to any ASC office in the immediately forthcoming election.