

**Procedures for Review and Resolution of
Complaints Against AAUP Chapters and Conferences**
(approved by the National Council, June 13, 2004)

Preamble

On occasion, a chapter or a conference acts in conflict with the principles of the Association or contrary to the legitimate interests of a particular faculty member or group of faculty members. Complaints raised in such circumstances are handled informally if at all possible. In anticipation of the possibility that some complaints may not be resolved informally, the Council establishes these procedures, which are intended to assure fairness as well as to maintain the longstanding flexibility in the handling of complaints.

Article VII (Chapters), Section 2 of the AAUP Constitution states that the charter of a chapter may be revoked for:

- financial malpractice;
- improper performance as a collective bargaining representative;
- disregard of democratic procedures; or,
- disregard of other principles, policies, or procedures of the Association.

This Section provides further that revocation of a chapter charter must be in accord “with due process procedures established by the Council, when two-thirds of the Council members present vote in support of the revocation.” The Council’s decision to revoke a charter may be appealed to the Annual Meeting of the Association.

AAUP state conferences are governed by Article VIII which, as it relates the issue of disciplinary sanctions, provides that the formation of a conference must be approved by the Council.

Pursuant to its authority under Article IV, Section 2(c) to “construe the provisions of this Constitution,” the Council concludes that: 1) the constitutional power of the Council to revoke a chapter’s charter includes the Council’s power to impose a lesser sanction; 2) the Council’s power to approve the formation of a conference includes the Council’s power to withdraw such approval; 3) the Council’s power to withdraw its approval of the formation of a conference includes the Council’s power to impose some lesser sanction; 4) conferences are to be held to the same standards of conduct as chapters, under Article VII; and, 5) Chapters have the right to appeal the Council’s revocation of their charters and Conferences have the right to appeal the Council’s withdrawal of approval of their formation to the Annual Meeting of the Association.

Complaint Procedures

A. Definitions.

A complaint is an allegation that a chapter or a conference has engaged in conduct identified in Article VII of the Constitution (hereafter, the “standards of conduct.”)¹. In order to submit a complaint under these procedures, the complainant must be an “active member” of the Association as defined by Article II.1 (a) of the AAUP Constitution. The chapter or conference which is the subject of a complaint shall be the respondent.

B. Submission of a Complaint.

If informal efforts fail to resolve the matter, a complaint may be submitted to the General Secretary. The complaint must be in writing, must state with reasonable specificity the conduct of the chapter or conference that is the subject of the complaint, and must state how such conduct may be in violation of the standards of conduct.²

C. Initial Response to a Complaint.

1. The General Secretary or designee may take whatever steps deemed necessary to effect a resolution of the complaint, which may include assisting in the resolution of the complaint at the chapter or conference level.

2. Absent a resolution at the chapter or conference level, the General Secretary or designee will provide a copy of the complaint to the affected chapter or conference, gather facts necessary to understand the substance of the complaint, and determine whether such facts support an allegation of breach of the standards of conduct.

D. Review by the Panel on Chapter and Conference Sanctions.

1. If continuing efforts to resolve the complaint are unsuccessful, the General Secretary or designee will notify the complainant and the respondent that the matter is to be submitted to the Panel on Chapter and Conference Sanctions (formerly known as the Panel on the Revocation or Suspension of Chapter Charters; hereafter “the Panel”).

2. The Panel will review the complaint along with the recommendation of the General Secretary or designee who handled the complaint and make a determination whether the complaint is with or without merit. The Panel will conduct such inquiry as it deems warranted and may undertake further inquiries regarding the complaint and/or attempt to effect a resolution of the complaint. At the conclusion of its review, the Panel will provide written notice to the complainant and the respondent of its determination.

3. If the Panel determines that the complaint is without merit, the Panel shall dismiss the complaint. The Panel’s decision is final and binding.

¹ These are: 1) financial malpractice; 2) improper performance as a collective bargaining representative; 3) disregard of democratic procedures; or, 4) disregard of other principles, policies, or procedures of the Association.

² No more than one complaint arising from the same set of facts shall be processed.

4. If the Panel determines that the complaint has merit, the Panel shall decide upon the appropriate sanction, if any. The Panel shall have the authority to impose any sanction except for revocation of a chapter charter or rescission of conference status and its decision is final and binding. If the Panel decides that revocation or rescission is the appropriate sanction, it shall forward its recommendation to the Council.

E. Action by Council

The Panel's recommendation of revocation or rescission shall be forwarded to the President of the Association who shall inform Council. The matter will be presented for decision at the next Council meeting. The President shall determine what documents shall be submitted to Council for its review.

Council action requires a majority of those voting at a meeting of Council attended by at least two-thirds of the members of Council.

A Council decision to dismiss the complaint or to impose any lesser disciplinary sanction other than revocation of a chapter charter or rescission of its approval of a conference shall be final.

F. Appeal to the Annual Meeting of the Association.

A chapter or conference may appeal the Council's revocation of a chapter charter or rescission of its approval of a conference within sixty (60) days of its receipt of notice of the Council's decision. Such appeal must be in writing to the President, who shall place the matter on the Meeting's agenda and shall provide such written materials as deemed appropriate to Meeting attendees. To be placed on the agenda of an Annual Meeting, an appeal must be made at least sixty (60) days prior to the Meeting. The appellant (or a representative who must be an active member of the Association) and a representative of Council shall have the opportunity to appear before the meeting on such terms and within such time as the President determines.

In the event the Council has revoked a chapter's charter or rescinded a conference's status, such revocation or rescission shall remain in effect pending any appeal to the Annual Meeting. If an appeal is entered and the Meeting sustains the appeal, the chapter shall have its charter restored or the conference shall have its status restored.

G. Restoration of Chapter or Conference Status

Members seeking to restore the charter of a chapter or the status of a conference shall apply to the Council for such action. Among other information, the Council shall consider whether these members are knowledgeable about the matter leading to charter revocation or rescission of conference status, are committed to avoiding that or similar conduct, and acknowledge acceptance of the AAUP's Guidelines for Good Practices for Chapters and Conferences. In considering a request to restore chapter or conference status, the Council may request additional information from or insist upon additional commitments of those who seek restoration.