

**U.S. DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT STANDARDS
WASHINGTON, DC 20210**

DETERMINATION

Determination of a Complaint Filed under Title IV
of the Labor-Management Reporting and Disclosure Act of 1959

On September 21, 2011, the Secretary of Labor received a complaint alleging violations of Section 401 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), in the regularly scheduled election of officers conducted on April 15, 2011, by the New York State Conference of the American Association of University Professors in Syracuse, New York.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that some members were denied the right to vote and were not informed that the electronic ballot could not be sent to certain institutional email addresses; some members were not sent an electronic ballot even though they provided a personal email address; and employers and AAUP employees had access to some members' voting credentials.

Apprised of these findings, the New York State Conference agreed to conduct a new election of officers under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on April 17, 2012. It is, therefore,

DETERMINED, that there is probable cause to believe that violations of Title IV of the LMRDA occurred which may have affected the outcome of the election conducted by AAUP New York State Conference on April 15, 2011, but that these violations have been remedied by the new election, conducted in accordance with Title IV of the LMRDA, under the supervision of the Secretary of Labor, on April 17, 2012.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on April 15, 2011 is not warranted.

Signed this 31st day of January 2013.

Patricia Fox
Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



February 1, 2013

[REDACTED]

Dear [REDACTED]

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



February 1, 2013

Mr. David Linton, President
AAUP New York State Conference
Marymount Manhattan College
Department of Communications
221 East 71st Street
New York, New York 10021

Dear Mr. Linton:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



February 1, 2013

Mr. Cary Nelson, President
American Association of University Professors
1133 Nineteenth Street, NW, Suite 200
Washington, DC 20036

Dear Mr. Nelson:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure