

**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 August 22, 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 American Association of University Professors (AAUP) in Washington, DC.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that there was a lack of secrecy and the balloting agent could determine how members voted, a person no longer a member was a candidate, the nomination notice for the Assembly of State Conferences (ASC) Chair position was inadequate when it was emailed to only those members for whom the union had email addresses, some members were denied the right to vote when they were not informed that the electronic ballot could not be sent to certain institutional email addresses or they were not sent an electronic ballot even though they provided a personal email address, and the union failed to provide adequate safeguards when employers and AAUP employees had access to some members' voting credentials.

Apprised of these findings, AAUP agreed to conduct new nominations and a new election for the Assembly of State Conferences Chair, and new nominations, if necessary, and a new election for three At-Large Council members and District 1 through 10 Council members 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 American Association of University Professors (AAUP) 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 30th day of July, 2012.

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



July 30, 2012

[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



July 30, 2012

██████████ President
American Association of University Professors (AAUP)
1133 Nineteenth Street, NW
Suite 200
Washington, DC 20036

Dear ██████████:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure