

## BYLAWS

### Merced College Faculty Association

#### Chapter 770

#### CCA /CTA/NEA

##### I. Name and Location

- A. The official name of this organization will be the Merced College Faculty Association, Chapter 770,CCA/CTA/NEA
- B. The official name of this organization shall be abbreviated as follows: MCFA

##### II. Purposes of the Association

- A. To represent its members in their relations with their employer, and to be the exclusive representative of all faculty employees in all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment;
- B. To form a representative body capable of developing group opinion on professional matters to speak with the district and its representatives;
- C. To provide an opportunity for continuous study and action on problems of the profession;
- D. To raise the standards for community college education;
- E. To provide a means of representation for its ethnic-minority members;
- F. To promote professional attitudes and ethical conduct among members;
- G. To encourage cooperation and communication between the profession and the community; and
- H. To foster good fellowship among members.

##### III. Affiliation with CCA/CTA/NEA

- A. The Merced College Faculty Association shall be a charter chapter of the Community College Association (CCA).
- B. The Merced College Faculty Association shall be a charter chapter of the California Teachers Association (CTA).
- C. The Merced College Faculty Association shall be an affiliate local association of the National Education Association (NEA).

##### IV. Membership

- A. Membership shall be open to any person who is engaged in or who is on limited leave of absence from professional educational work, is an employee of Merced Community College District, and whose primary assignment is such as not to hold evaluative responsibility over other employees to such an extent as not to be represented in the negotiations process by the bargaining unit.

- B. Membership shall be granted upon initiation of payroll deduction or upon payment of annual Association/CTA/NEA dues.
- C. The right to vote and to hold elective office or appointment position within the Association shall be limited to dues paying members.
- D. Dues paying members shall be eligible to vote in all elections, hold elective office or appointive position, receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of the Association.
- E. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association.
- F. All members shall adhere to The Code of Ethics of the Educational Profession.
- G. The rights to any privileges of membership shall not be abridged in any way because of age, sex, race, color, ethnic group, marital status, national origin, or sexual orientation.
- H. No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure.
- I. The membership year shall be that period of time from August 1 of any given calendar year through July 31 of the following calendar year, inclusive.
- J. Unless otherwise expressly provided by law, persons who tender agency fees shall have no rights or privileges within this Association.

#### V. Dues, Fees, and Assessments

- A. The basic annual dues level for members shall be sufficient to cover the operation expenses of the Association, the dues of CTA, and the dues of NEA.
- B. The Association's portion of the basic annual dues shall be established by action of the Executive Board.
- C. The Association shall apportion any negotiated representation fee or organizational security fee on the same percentage basis as the full Association/CTA/NEA dues.
- D. Membership shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for membership. If by October 31 of any calendar year a member has neither paid the established annual membership dues for the current membership year, nor made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and their name dropped from the rolls.

#### VI. Policy-making Body/Meetings of the Association

- A. The policy-making body of this Association shall be the general membership.
- B. The Association shall meet a minimum of 6 times each academic year; the time and place of such meetings to be decided by the Executive Board.
- C. The date, time, place, and agenda of all regular meetings of the Association shall be announced in writing to all members at least five (5) working days prior to the meeting.
- D. The agenda for regular meetings shall have the following order: Approval of the Minutes; Old Business; New Business; Committee Reports; and Other Presentations.

- E. Special meetings of the Association may be called by the President or by petition containing the signatures of twenty percent (20%) of the membership. The agenda for special or emergency meetings shall be limited to business matters which require emergency action.
- F. Notices and agendas for all special meetings shall be announced in writing to all members at least two days prior to the date of the meeting.
- G. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify members of the meeting dates, places, and times.
- H. A quorum for all meetings of the Association shall consist of ten percent of the membership; however, if 1/3 of those present and voting decide that a specific motion should be voted on by a majority of the membership, that motion shall either (a) be tabled until a majority of all members is present; or (b) be presented in writing to all members and voted on by mail in accordance with procedures set forth in the MCFA-CTA/NEA Bylaws.
- I. The budget of the Association shall be adopted by the membership on or before the first regular meeting of the school year.
- J. Grievance procedures shall be approved by the Executive Board.

## VII. Officers

- A. The officers of the Association shall be a President, a Vice-President, a Secretary, and a Treasurer.
- B. These officers shall be and remain currently paid-up local, state, and national members as a condition for nomination to and service in their respective positions during their term of office.
- C. These officers shall be elected by and from the voting membership of the Association. Such election shall be by open nominations and secret ballot.
- D. Each year in February, a regular election shall be held involving any open offices for President, Vice-President, Secretary, and Treasurer.
  - a. These officers shall be elected for a term of 2 years, commencing **July 1<sup>st</sup>** following the regular February election.
  - b. All nominations shall be received and certified by the Nominations and Elections Committee. The form of each nomination shall be a written petition containing the signature of the nominee and the signatures of ten (10) dues-paying members. Nomination petitions shall be accepted between five and thirty days prior to the date of the regular election.
  - c. The date of the election shall be well publicized by email and/or hard copy at least thirty (30) working days prior to the date the ballots are to be distributed. The election shall be conducted in accordance with secret ballot voting procedures as set forth in the Bylaws. (Article XII)
  - d. A candidate must receive a simple majority of votes cast in order to be elected to office.
- E. A vacancy shall be deemed to exist in the case of death, resignation, or inability to serve in any of the offices of the Association. In the event a vacancy occurs in the office of the President, the Vice-President shall assume the office. The President shall fill all other vacancies by appointment

until a special election can be conducted. Voting in special elections shall be by secret ballot in accordance with procedures set forth in these bylaws. (Article XII )

- F. An Association officer may be recalled at any time by a special recall election. A two-thirds vote of the membership participating in a secret ballot election shall be necessary to recall an officer. Association members wishing to recall an officer must file a letter-of-recall against the specific person signed by twenty-five percent of the membership with the Nominations and Elections Committee. The Nominations and Elections Committee shall call a special election within 30 days of receiving the letter-of-recall. The election shall be conducted in accordance with secret ballot voting procedures as set forth in these bylaws (Article XII).
  
- G. The President shall be the chief executive officer of the Association and its policy leader. The President shall:
  - a. Preside at all meetings of the Association and the Executive Board;
  - b. Prepare the agenda for the meetings of the Association and the Executive Board;
  - c. Be the official spokesperson for the Association;
  - d. Be familiar with the governance documents of the Association, CCA, CTA, and NEA;
  - e. Appoint all chairpersons and members of committees with the approval of the Executive Board by the beginning of each school year;
  - f. Appoint the chairperson and members of the bargaining team with the approval of the Executive Board by the beginning of each school year;
  - g. Call meetings of the Association and the Executive Board;
  - h. Propose the procedures for grievance processing for ratification by the Executive Board;
  - i. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
  - j. Attend meetings of the Service Center Council of which the Association is a part;
  - k. Attend other CCA/CTA/NEA meetings as directed by the membership; and
  - l. Serve as an ex-officio member of all committees.
  
- H. The Vice-President Shall:
  - a. Serve as assistant to the President in all duties of the President;
  - b. Assume the duties of the President in the absence of the President;
  - c. Be responsible for the information and distribution of the Association's calendar of activities;
  - d. Serve as coordinator of committee activities at the direction of the President; and
  - e. Serve as an ex-officio member of all committees.
  
- I. The Secretary shall:
  - a. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association and the Executive Board;
  - b. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to the members;
  - c. Maintain an accurate roster of the membership of the Association and of all committees; and

- d. Carry on the correspondence pertaining to the affairs of the Association as directed by the President;
- J. The Treasurer shall:
  - a. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;
  - b. Pay out all funds in accordance with the Executive Board and/or Standing Rules;
  - c. Provide a written Treasurer's report on the financial status of the Association at each Executive Board meeting and subsequent Representative Council, and distribute a summary of the audit on a timely basis to the membership on an annual basis;
  - d. Be responsible for submitting membership and financial reports to CTA, NEA, and other agencies as required by law.

#### VIII. Executive Board

- A. The Executive Board shall be composed of the elected officers of the Association and the chairperson of the Representative Council.
- B. All members of the Executive Board shall be and remain currently paid-up local, state, and national members as a condition for nomination to and service in this position.
- C. The Association President shall serve as chairperson of the Executive Board.
- D. The Executive Board shall meet prior to each regular meeting of the Association and at such other times, as the President may deem necessary, or upon written petition of a majority of the members of the Executive Board, to conduct the business of the Association between meetings of the general membership.
- E. The duties and responsibilities of the Executive Board are:
  - a. Coordinate the activities of the Association;
  - b. Direct the educational activities of the Association;
  - c. Present a budget for the Association to the membership;
  - d. Direct the bargaining activities of the Association, subject to the policies established by the membership;
  - e. Approve all appointments to and removal (majority vote) of committees, including chairpersons;
  - f. Approve appointment and removal (majority vote) of bargaining team members;
  - g. Adopt grievance procedures;
  - h. Direct the grievance activities of the Association;
  - i. To recruit and promote membership in the MCFA-CTA/NEA among eligible full-time and part-time faculty;
  - j. Adopt the standing rules for the Association; and
  - k. Exercise all the business and organizational powers and duties for the Association as prescribed by law and these bylaws, subject to any restrictions that may be imposed by the General Membership.
- F. A quorum for meetings of the executive Board consists of a majority of the elected members of that body.

## IX. Function and Structure of Committees of the Organization

- A. The Association will have the following standing committees, plus any other committees and/or task-forces deemed necessary by the Association President or Executive Board (majority vote):
  - a. Representative Council
    - i. Consisting of one representative from each Cohort, the library, guidance, and two representatives from part-time faculty.
      - 1. Part-time faculty representatives shall be appointed by the President with the advice and consent of the Executive Board and Representative Council.
      - 2. Committee members may be recalled in event of a failure to carry out the duties of a committee member (without these duties being carried out by an alternate).
        - a. The Chairperson of the Representative Council may recommend to the President of the MCFA-CTA/NEA that the member be removed and replaced.
        - b. The Association President may designate the alternate and direct a Cohort to elect a new representative to the Representative Council.
    - ii. The function of the Representative Council shall be:
      - 1. To fairly represent all members of the Association;
      - 2. To communicate with the members of the Association in a way that assures a two-way flow of information on matters relating to all business of the Association;
      - 3. To develop collective bargaining contract proposals and to prepare supporting documentation needed to negotiate the proposals;
      - 4. To screen and bring forward to the President the names of candidates for open positions on the Negotiating Team;
      - 5. To advise the negotiators during the course of contract negotiations;
      - 6. To formally present the final version of the negotiated contract to the entire MCFA membership for ratification in accordance with secret ballot voting procedures set forth in these Bylaws;
      - 7. Ratification of the contract shall be by secret ballot and shall be considered ratified when approved by a majority of the entire membership;
  - b. Grievance Committee
    - i. Shall consist of members selected by the Executive Board
    - ii. The function of the grievance committee shall be:
      - 1. To implement and publish procedures for assuring compliance with the provisions of the collective bargaining agreement as directed by the Executive Board.

- c. Nominations and Elections Committee
  - i. Shall consist of members selected by the Executive Board
  - ii. The function of the nominations and elections committee shall be:
    - 1. Ensure that all Association/CTA/NEA election codes and timelines are followed (Article XII);
    - 2. Establish election timelines;
    - 3. Develop and carry out timelines and procedures;
    - 4. Prepare ballots for election of officers and such other elections as may be necessary;
    - 5. Count the ballots and certify the results; and
    - 6. Handle initial challenges.
- d. Fiscal Affairs Committee
  - i. Shall consist of the President, treasurer, one other member of the Executive Board, as well as two members selected by the Executive Board.
  - ii. The function of the fiscal affairs committee shall be:
    - 1. To provide for an impartial audit of the Association's accounting records;
    - 2. To prepare and submit an Association budget covering the fiscal year which shall be October 1 through September 30;
    - 3. To make recommendations to the Executive Board on potential adjustments to the budget and monitor budget expenses against actual expenses;
- e. Political Action Committee
  - i. The Association's political action committee is the Merced College Faculty Association Political Action Committee, hereafter referred to as MCFA-PAC.
  - ii. The officers of MCFA-PAC shall be the chairperson/treasurer appointed by the Association President with the advice and consent of the Executive Board. No member of the Executive Board may serve as the chairperson of MCFA-PAC. The term of office shall be for two years, and the officers may be reappointed.
    - 1. The Chairperson shall appoint a recording secretary
  - iii. Any member of the Association may serve on MCFA-PAC with the consent of the Executive Board. The committee shall consist of the Executive Board and no more than seven members of the Association.
  - iv. Members of MCFA-PAC will be notified of meetings by the chairperson and a quorum shall be the majority of committee members.
  - v. MCFA –PAC Funds:
    - 1. A bank account will be kept and may not be part of the Association's general funds
    - 2. Separate books must be kept for the MCFA-PAC and the general fund.
    - 3. All legal reports must be filed by the PAC Chairman and PAC treasurer.
    - 4. Any individual may voluntarily contribute up to \$99.00 per year to the MCFA-PAC fund.

5. No monies will be collected from the Association member dues or agency fee payers to fund MCFA-PAC.

vi. MCFA-PAC shall:

1. Follow all governmental regulations, political action laws, and CTA practices;
2. Inform members about school board candidates that affect education, educator rights, working conditions, and educator benefits;
3. Serve as volunteer funding source through which individuals may give financial contributions to support or oppose school board candidates;
4. Recommend candidates to support using the following procedures:
  - a. All candidates will be interviewed in good faith to determine their views before endorsement is recommended;
  - b. The MCFA-PAC may actively recruit individuals to run as School Board candidates who have demonstrated a commitment to Merced College students and educators; and
  - c. The MCFA-PAC must get any candidate recommendations approved by the Representative Council by a simple majority before allocating any funds or providing any kind of support for candidates.

X. Negotiating Team

- A. The President shall appoint all members, alternates, and the chairperson of the Negotiating Team with the concurrence of the Executive Board.
- B. Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates.
- C. The Executive Board and Representative Council, by a three-fifths (3/5) majority of both independent bodies, may remove a member of the Negotiating Team.
- D. The Negotiating Team shall be under the direction of the Representative Council, and shall report its activities to the Representative Council as the Committee requires.
- E. The Negotiating Team is empowered to reach tentative agreement with the district, subject to ratification by the membership.
- F. The Negotiating Team shall consist of four members: A Chief Negotiator and three other negotiators. The President may appoint observers to the Negotiating Team.
  - a. The Negotiating Team members shall be appointed to staggering three year terms of office by the President with the advice and consent of the Executive Board;
  - b. Once appointed, the team and the President shall select the Chief Negotiator. If consensus is lacking, the Chief Negotiator shall be appointed by the President.
  - c. The duties of the Negotiating Team are:
    - i. to represent and to bargain for the bargaining unit;
    - ii. to serve as non-voting members of the Representative Council;

- iii. to represent the Association during all collective bargaining sessions; and
  - iv. to present the final version of the negotiated contract to the Representative Council.
- d. The duties of the Chief Negotiator are:
- i. To have the responsibility for developing a schedule which allows a contract to be successfully negotiated for each year; and
  - ii. To serve as a member of the Representative Council and to report all negotiations back to the Representative Council.
- G. Responsibility and authority for directing the bargaining process on behalf of the Association are vested in the Executive Board subject to policies established by the membership.
- H. Employees in each appropriate bargaining unit shall be surveyed to determine contents of the proposed contract demands, and the contract proposal for each appropriate unit shall be approved by the Association members in that unit.
- I. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Negotiating Team to the general membership.
- J. Agreement reached between the MCFA Negotiating Team and the Merced College District shall be considered tentative and not binding upon the Association until such agreements have been ratified by the membership by simple majority of membership participating in a secret ballot election.

#### XI. Grievance Processing

- A. The Executive Board shall adopt procedures for grievance processing.
- B. These procedures shall include, but not be limited to, the following:
- a. Provide for representation to assist all members of the bargaining unit(s) in processing grievances;
  - b. Training for handling grievances; and
  - c. Evaluation of the Association's grievance policies and procedures.

#### XII. Nominations and Elections

The chapter president must provide members opportunities to vote in all elections.

Chapter presidents do not have the option of deciding that such elections shall not be held except for NEA-RA Local Delegate elections where, following a period of open nominations, voting may be waived if the number of candidates is equal to or less than the number of positions to be filled and the affiliates has adopted a governing provision or election policy allowing such a practice.

- B. There shall be an appointed Elections Committee.
- C. Elections shall be conducted:

- a. With open nomination procedures;
  - b. By secret ballot;
  - c. With all members eligible to vote;
  - d. With a record of voters receiving or casting ballots; and
  - e. With a majority of cast votes electing, unless otherwise specified.
- D. State Council Representation elections shall be conducted in accordance with CTA guidelines after the chapter or service center council has been notified to do so by the CTA Elections Committee.
- E. NEA State Delegate elections shall be conducted in accordance with CTA guidelines.
- F. NEA Local Delegate elections shall be conducted in accordance with CTA/NEA guidelines.

### XIII. Initiative and Referendum

- A. A petition signed by ten percent of the membership shall be necessary to bring to the attention of the membership any initiative or referendum.
- B. Association members have the right of initiative or referendum on any action of the Executive Board.

### XIV. Parliamentary Authority

Robert's Rules of Order, latest edition, shall be followed at all meetings of the Association.

### XV. Ratification

- A. These bylaws shall become effective and supersede all previous constitutions and bylaws when ratified by two-thirds of the Association members who cast votes.
- B. Any officers under the previous bylaws shall fill their expected term of office after the ratification of these bylaws

### XVI. Amendments

- A. These bylaws may be amended at any time by a special election. A two-thirds vote of the membership participating in a secret ballot election shall be necessary to amend these bylaws. Executive Board may initiate a special election to amend these bylaws by a 3/5 vote. Association members wishing to amend these bylaws must file a "Letter of Intent to Amend Bylaws" signed by twenty-five percent of the membership with the Nominations and Elections Committee. The Nominations and Elections Committee shall call a special election within 30 days of receiving the "Letter of Intent to Recall Bylaws." The election shall be conducted in accordance with secret ballot voting procedures as set forth in these bylaws (Article XII).

## XVII. Standing Rules

- A. Standing rules of the Association shall provide such additional procedures and information as may be necessary to provide for the interpretation and administration of these bylaws, and the efficient administration of the program of the Association.
- B. The Executive Board and/or membership, at any regular or special meeting, shall have the power to adopt or amend such standing rules as it deems necessary, and such standing rules shall continue in effect until modified or revoked by the Executive Board and/or membership.