

CONSTITUTION

ARTICLE I - NAME

The name of this organization shall be the Chabot-Las Positas Faculty Association.

ARTICLE II - PURPOSE

The primary purpose of the Association shall be to represent the faculty as its Collective Bargaining Agent and to maintain an activist stance in representing its members in their contractual relationships with the district or other public agencies employing them.

ARTICLE III - MEMBERSHIP

All non-administrative faculty employed by Chabot-Las Positas Community College District are eligible to become members of this Association. A member in good standing shall be considered a voting member of the Association. Voting privileges are restricted for two months following the date of membership according to the records of the Treasurer and the Membership Chairs. All faculty shall have voting privileges for opinion surveys and questionnaires. Only members who have been members for two consecutive months shall vote any ballot measure to elect officers or change the Constitution and Bylaws.

If a faculty person has a name change, a new Membership form needs to be submitted. If a Part-time (Adjunct) faculty person has a break in service, a new Membership form needs to be submitted.

Membership records shall be reviewed before October 15 of each year to assess accuracy. This review shall include a public posting for all faculty to review. There shall be an annual Membership Drive the beginning of each Fall Semester.

ARTICLE IV – DUES (AGENCY FEE)

The annual dues (Agency Fee) may be adjusted by a referendum of the Association. To be in good standing, a member shall pay dues by the tenth of each month.

ARTICLE V – AUTHORITY

Section 1 As provided by the By-laws, actions of this Association may be initiated at Association meetings where a quorum of members is present or by referendum submitted to the membership.

Section 2 As provided in the Bylaws, the regular actions of the Association shall be conducted by the officers of the Association to be known as the Executive Board.

ARTICLE VI – OFFICERS

Section 1 Elected officers of the Association who serve on the Executive Board shall include a President, elected at large, two Vice Presidents, one from each college, two Part-time Representatives, one from each college, two At-Large Representatives, one from each

college, and two Membership Chairs one from each college. The immediate past President shall serve as an ex officio member of the Executive Board.

Non-elected, appointed, officers of the Executive Board shall be the Grievance Officers, the Secretary, the Treasurer, and the Chief Negotiator.

Section 2 Officers shall be elected by the membership using a secret ballot. An Election Committee approved by the Executive Board shall oversee the election process. Officers must be members of the Association.

Section 3 Recall of an elected Association officer may be initiated by 25% of the membership. In the case of recall of a College representative 25% of the faculty membership at the electing college may initiate recall. An election to replace recalled officers shall be held in 15 working days. Recall will be carried by a 60% vote of those members voting. The Executive Board can institute a recall of an elected officer, which then would require a simple majority of the voting members casting a ballot.

Appointed Association officers can be removed by the Executive Board by a majority vote of the Board.

Section 4 Officers shall cooperate in the orientation and training of their replacements.

ARTICLE VII - MEETINGS

Section 1 General Association meetings shall be open to all faculty who shall be notified of such meetings in advance. General Association meetings shall be held at least once a ~~term~~ semester.

Section 2 As provided by the Bylaws, a quorum of members at a General meeting shall be required to initiate Association actions. No substantive action shall occur at General meeting of the Association, but a written petition to initiate action maybe submitted to the Executive Board, in which case the Executive Board shall present a petition for referendum within 15 working days.

Section 3 Minutes of all General meetings shall be posted conspicuously.

Section 4 Meetings of the Executive Board shall be held as provided by the Bylaws. Officers are required to attend unless there are extenuating circumstances.

Section 5 Special meetings of the Association shall be called when deemed necessary by a petition of 25 percent of the members of a College or the call of the President. Special meetings shall be conducted according to the rules of General regular meetings.

ARTICLE VIII – QUORUM

Section 1 A quorum of all meetings of the Association at each college shall consist of 33% of the Association members of that college, and a quorum for Executive Board shall consist of a majority of the voting officers on the Executive Board. The Executive Board’s voting officers shall be as follows:

The Vice Presidents, the Part-time Representatives, the Membership Chairs, the At-Large

Representatives. The President shall be restricted to vote to break a tie. The non-elected, appointed officers shall not vote at Executive Board meetings.

ARTICLE IX - AMENDMENTS

- Section 1** A petition to amend this Constitution by referendum may be initiated by a petition signed by 25% of the membership or by a majority vote of the Executive Board.
- Section 2** A proposed Amendment to the Constitution shall be deemed ratified upon certification of a vote of a majority (50% plus one vote) of the total membership.
- Section 3** For such an election, notice in writing of a proposed Amendment shall have been filed with the Secretary and presented at the meeting preceding the referendum. Written copies of the proposed Amendment shall be made available to all members.
- Section 4** A proposed Amendment to the Bylaws shall be deemed ratified upon certification of a vote of 60% of membership voting in that election.

CHABOT-LAS POSITAS FACULTY ASSOCIATION BYLAWS

ARTICLE I - ELECTIONS

Section 1 In February of each year an Election Committee composed of Association members from each college in good standing shall conduct the election of Officers by secret, ballot, imprinted with the seal of the Association. Selection of the committee shall be made by the Executive Board.

Section 2 The Election Committee shall solicit written nominations from the membership at large by written notice. The Executive Board shall establish standard procedures for carrying out the election. All nominees submitted of those willing to serve shall appear on the Ballot.

Section 3 Conduct of other elections shall be the responsibility of the Vice President and the Membership Chair of each respective college at their college. Ballots shall be counted by the Vice President and Membership Chair of each college according to a timeline specified by the Executive Board or negotiated by the Negotiation Team if appropriate. If either the Vice President or Membership Chair of a college is facing a ballot opponent, then said Vice President or Membership Chair shall not participate in the ballot count, and another Association officer shall serve to count the ballots in his/her place. All candidates for Association office shall be permitted to witness the ballot counting procedure upon timely request.

Ballots shall be kept in a safe place, locked, by the Vice Presidents of each college for a period of two years after a ballot measure. The ballot boxes shall be kept by the Vice Presidents of each college in his/her office or the Faculty Association office.

A defeated candidate for an Association office can demand a recount in his/her presence if done so within ten (10) working days after the election results have been posted to the faculty at large. A ballot for anything other than officer elections can be subject to a recount by any member of the faculty at large if done so within ten (10) working days after the results of the ballot measure is announced to the faculty at large.

ARTICLE II – REFERENDUM

Section 1 A referendum on a substantive issue may be initiated by a petition signed by 25% of membership or by a majority vote of the Executive Board. The President of the Association shall call an election on the referred substantive issue within 15 workdays of the verified petition or vote of the Executive Board.

Section 2 Ratification of substantive issues shall be by a majority of those voting in that election.

Section 3 Substantive issues to be submitted to a vote of the membership shall include, but not be limited to, conduct or actions to be taken by the Association, capital expenditures to be made by the Association and the Contract between the District and the Faculty Association.

ARTICLE III – RECALL

- Section 1** Recall of an elected Association officer shall be initiated by a petition signed by 25% of the membership. Recall of a college representative shall be initiated by a petition signed by 25% of the members of that College. Upon verification of the petition the President, or a Vice President where the President may be recalled, shall call an election to be held within 15 workdays. The Executive Board may initiate a recall process according to Article VI, Section 3, above. The Executive Board can institute a recall of an elected officer, which then would require a simple majority of the voting members casting a ballot.
- Section 2** Recall of an elected officer shall be by majority vote of the membership and college officers by a majority vote of the members of that college.

ARTICLE IV - TERMS AND DUTIES OF OFFICERS

Overall Duties of All Association Officers

- Section 1** Code of Conduct and Ethics: As an Association Executive Board member, I shall abide by the following Code of Ethics and Conduct. I shall:
- a. assist in furthering the goals of the Association as stated in its Constitution and Bylaws,
 - b. not falsely, maliciously or recklessly injure or attempt to injure, whether directly or indirectly, the professional reputation of the Executive Board and its leadership,
 - c. recognize and accept my personal responsibility as stated in the Constitution and Bylaws, to build and maintain a good name and reputation for the Association and its Executive Board,
 - d. protect the Association’s financial, communication, historical and all other records; and will never use any of the Association’s assets as a means for making private gain.
 - e. not abuse privileges of my office nor Association resources for unauthorized purposes,
 - f. completely cooperate with my successor in the transfer of authority at the end of my term from my administration to that of my successor,
 - g. refrain from sharing information disclosed in Executive Board meetings that has been declared confidential, in the presence of non-Executive Board members.
 - h. not use or appear to use information discussed in the Executive Board meetings to create a negative impression of the Association Executive Board, its members or its leadership,
 - i. conduct myself in a manner that reflects accountability, dependability, integrity, trustworthiness and respect,
 - j. communicate in a manner consistent with my fiduciary duties under law,
 - k. address issues in a forthright and respectful manner,
 - l. abide by the principles of ethical behavior established in this statement,
 - m. respect and acknowledge the authority and responsibility of the elected Association officials in all aspects of Association activities to include meetings and all forms of

communication.

Violations of any of these codes shall be cause for removal from office upon approval by the general membership as determined at a general membership meeting according to the procedure outline in this document.

Section 2 In a democratic Association, as in a democratic society, every member has certain rights but the member also must accept certain corresponding obligations. Although each member has the right to criticize the officers, employees or agents of the Association, that right does not include the right to undermine the Association as an institution, to carry on activities with complete disregard of the rights of other members and the interests of the Association, to subvert the Association's goals in collective bargaining, or to advocate or engage in dual unionism.

Section 3 The Association shall not promote or permit itself to be used to promote any special interests, cause, or individual which shall not have been endorsed by at least a majority vote of the Executive Board and approved by the membership.

Section 4 All officers of the Association are agents thereof and shall conduct their offices in accordance with the expressed will of the majority of the members.

Terms of Officers and Duties of Specific Officers

Section 1 Officers shall be elected or appointed for a term of two (2) years. Those elected shall assume the duties of their offices on June 1 of each year. Appointed officers shall also assume the duties of their offices on June 1 of each year. Only voting members of the Association can be officers.

Section 2 Vacancies shall be deemed to exist in the case of death, resignation, verified disability, or recall. In the event of a vacancy in the office of President, the Executive Board shall select a Vice President to assume that office for the remainder of the term.

Section 3 In the event a vacancy occurs other than a recall, and other than the President, the Executive Board shall, at its next regular meeting, appoint a member of the Association to fill the office vacated. This appointment shall then be ratified by the membership at the next regular meeting.

Section 4 The President shall be a Regular (Tenured) faculty member. The President shall develop the Agenda for meetings, preside at all meetings, and shall promote the interests and purposes of the Association. The President shall adhere to the Constitution and the Bylaws of the Association; shall appoint all committees; be an ex-officio member of all committees; may sign checks drawn from the treasury; call meetings of the Association; suggest policies and plans for all committees; guide the progress and work of the Association, review the accounts and Membership List, and attend Board of Trustee meetings and delegate attendance at other district meetings. The President shall work with the Executive Board to maintain an accurate list of Association representation on committees and to follow up with reports to the Executive Board from Association committee representatives. The President shall organize the Association Newsletter on a regular basis.

The President shall attend Bay Faculty meetings and organize the Faculty Association Newsletter to be distributed to all faculty and staff in the District as well as to the Bay Faculty Presidents. The President shall be appointed to the Faculty Association Negotiating Team as either a negotiator or a consultant, at the discretion of the Executive Board.

The President shall articulate with the Association attorneys and shall authorize other Association officers to do so as needed. The President shall work with the Certified Public Accountant who audits the Association funds and shall work with the Insurance professional who insures the Association funds if one is appointed by the Executive Board.

The President shall meet with the District and College Administrators on a regular basis to promote Association business. The President shall be listed on all Faculty Association accounts with financial institutions and shall get a regular mailing from said institutions.

Section 5

There shall be two Vice Presidents, one from each college. The Vice Presidents shall be Regular (Tenured) faculty members. The Vice-President elected by each college shall serve as the Assistant to the President, contribute to the Association Newsletter, and organize Association business at their respective college in concurrence with the President.

The Vice Presidents will attend Bay Faculty meetings, especially if the President is unable to do so.

As part of their Faculty Association duties, the Vice Presidents may be appointed to serve as a Faculty Association representative on Campus/District committees or assist with special projects to promote Association business.

The Vice Presidents shall be listed on all Association financial accounts and shall be entitled to a mailing of monthly statements.

Section 6

The Secretary shall be appointed by the Executive Board. The Secretary shall be responsible for keeping a record of the proceedings of the Association and Executive Board meetings, and carry on the correspondence of the Association as directed by the President. The Secretary shall be responsible for providing duplicate hard copies of the Minutes of the Association meetings and shall bring the duplicate hard copies to Executive Board meetings. The Secretary may assist the President in the development of the Association newsletters and ballots. As part of their Faculty Association duties, the Secretary may be appointed to serve as a Faculty Association representative on Campus/District committees or assist with special projects to promote Association business.

Section 7

The Treasurer shall be appointed by the Executive Board. The Treasurer shall be responsible for receiving all funds belonging to the Association, and paying out such funds as are necessary according to orders signed by the President. The Treasurer shall maintain an accurate list of Association members, maintain an itemized account of receipts and expenditures and provide a written report of the Association's financial status monthly to the Executive Board. The financial records of the Association shall be audited annually by a Certified Public Accountant, or a committee of the Association appointed by the Executive Board. The Treasurer shall participate in this process with the President. The Treasurer and the President shall participate in the process of insuring the Association funds if appropriate. The Treasurer shall provide an annual Association Budget for the concurrence of the

Executive Board and shall provide the President with an electronic copy of the quarterly Income and Expense Statement and Balance Sheet. The Treasurer shall make copies of the paperwork to be provided to the President and to other appropriate Association officers. All checks drawn from Association monies shall be signed by both the Treasurer and another person on the account. The Treasurer shall be listed on all Faculty Association accounts with financial institutions and shall get a regular mailing from said institutions.

As part of their Faculty Association duties, the Treasurer may be appointed to serve as a Faculty Association representative on Campus/District committees or assist with special projects to promote Association business.

Section 8

There shall be two Part-time Representatives; one from each college. The Part-time Faculty Representatives shall present their concerns at regular and Executive Board meetings. Representatives shall convey information from the Faculty Association to Part-time Faculty. Representatives shall attend the orientation meeting of newly hired Part-time Faculty which occurs before each semester for the purpose of encouraging new Part-time Faculty to join the Association.

As part of their Faculty Association duties, the Part-time Representatives may be appointed to serve as a Faculty Association representative on Campus/District committees or assist with special projects to promote Association business.

Full-time faculty shall not be eligible to serve as Part-time Faculty representatives if a Part-time Faculty person is available and on the ballot.

Section 9

There shall be two Membership Chairs: one from each college. The Membership Chairs shall be Regular (Tenured) or Contract (Full-time, Untenured) faculty. The Membership Chairs shall be responsible for conducting the regular membership campaign at the beginning of each Fall Semester; working with the Treasurer to keep an updated record of members and non-members, and shall assist newly hired faculty with employment issues. Membership Chairs shall attend the orientation meeting of newly hired Full-time and Part-time Faculty which occurs before each semester for the purpose of encouraging new Full-time and Part-time Faculty to join the Association.

As part of their Faculty Association duties, the Membership Chairs may be appointed to serve as a Faculty Association representative on Campus/District committees or assist with special projects to promote Association business.

Section 10

There shall be two Grievance Officers, one from each college. The Grievance Officers shall be appointed by the Executive Board and shall handle faculty grievances on their respective college. All faculty shall be entitled to representation of a grievance regardless of Association membership status. The Grievance Officers shall maintain the confidentiality of the grievances, shall report to the President and work with the President, and shall keep a complete record of the grievance proceedings indefinitely, with a copy to the President. The Grievance Officers shall be authorized to work with the Association Attorneys on grievance issues.

The Grievance Officers shall conduct training in the tenure process for all newly hired Contract (Tenure track) faculty. They shall also train faculty in the various faculty evaluation

processes, including evaluation of online faculty. All or part of these training duties may be undertaken by an Association member other than the Grievance Officer(s) when that member is so designated by the Executive Board to conduct said training.

As part of their Faculty Association duties, the Grievance Officers may be appointed to serve as the Faculty Association representative on Campus/District committees or assist with special projects to promote Association business.

Section 11 There shall be two elected At-Large Representatives, one from each college. The At-Large Representatives shall have voting privileges. As part of their Faculty Association duties, the At-Large Representatives may be appointed to serve as the Faculty Association representative on Campus/District committees or assist with special projects to promote Association business. The At-Large Representatives shall perform other duties as agreed to by the Executive Board.

ARTICLE V - THE EXECUTIVE BOARD

Section 1 The Executive Board shall meet at least once a month or more frequently as deemed necessary. All officers are expected to attend all meeting of the Executive Board.

Section 2 The Executive Board shall act upon matters of business for the Association, make recommendations to be acted upon by the membership, fill vacancies which may arise between annual meetings, appoint the elections committee and approve extending a grievance beyond arbitration. The Executive Board shall develop a tentative budget for the Association for the following year by April 30th of each year. The Executive Board shall appoint Faculty Association representatives to committees and shall authorize Executive Board members to recommend committee appointees.

Section 3 The Executive Board shall develop policy, guide negotiations and insure compliance of the Contract between the Association and District, and upon receiving contract proposals, shall submit summaries thereof to the entire faculty together with its recommendations.

Section 4 The Executive Board shall call Association meetings for the express purpose of reviewing Contract proposals. Substantive side agreements shall be ratified by a referendum of the majority of the membership of the Association.

Section 5 The Executive Board shall delegate an Association officer to work on the Association Web Site.

ARTICLE VI - NEGOTIATION TEAM (Negotiators)

Section 1 Negotiators shall represent the Association in collective bargaining with the District and shall follow established procedures and directives.

Section 2 Negotiators shall be appointed by a 2/3 vote of the Executive Board.

Section 3 A Negotiator may be removed by a 2/3 vote of the Executive Board.

Section 4 Negotiators shall consist of at least one representative from each college and shall include a Part-time faculty member. The Executive Board shall select the Chief Negotiator.

Section 5 Negotiators shall receive the concerns of the Association members and shall regularly report the progress of negotiations to the Executive Board. The President or a designee shall

regularly notify the Association of negotiations progress.

Section 6 During periods when a Contract is in force, the Executive Board may demand a reopening of negotiation on any existing Article. Resulting side letters to the existing Contract must be approved by a majority of the Executive Board. Substantive changes to the Contract must be approved by a majority of the voting membership in a special election.

Section 7 The Chief Negotiator shall be appointed by the Executive Board and shall serve continuously during periods of Contract negotiation as well as between Contract cycles. He/she shall represent the Association in enrollment management activities at the district and the colleges as well as college and district budget service. He/she shall work closely with the Association attorneys in planning Contract provisions. He/she shall work closely with the District's Chief Negotiator and shall be responsible for scheduling negotiation sessions, organizing the Association negotiation team, and organizing the Association negotiation proposals and counterproposals.

ARTICLE VII - DATE OF MEMBERSHIP AND VOTING FOR NEW MEMBERS

Section 1 Faculty become members of the Association by filling out a Membership Form and submitting it to the Membership Chair of the appropriate college or submitting the Membership Form electronically through the Faculty Association website (www.clpfa.org)

Section 2 The date of membership shall be based upon the date of the District's payroll dues deduction report to the Treasurer and the Faculty Association Membership List.

Section 3 New members shall be eligible to vote two (2) months after becoming members, according to the records of the Treasurer and Membership Chairs.

ARTICLE VIII - PARLIAMENTARY PROCEDURE

Section 1 Roberts Rules of Order, Revised, shall be the authority on parliamentary procedure in both the Association and the Executive Board meeting.

Section 2 The Executive Board shall appoint a Parliamentarian at will.

Originally Adopted: 1/19/90

7th draft Revision 11/4/95

Revision Adopted by vote of the Membership, 12/1/95

8TH draft revision 3/2007

Revision Adopted by vote of the Membership, 4/2007

9th draft revision: 3/2012

Revision Adopted by vote of Membership, 4/2012

10th draft revision: 9/2013

Revision Adopted by vote of Membership, 12/12/2013