

# **The Bylaws of the YUBA COLLEGE FACULTY ASSOCIATION**

## **ARTICLE I Elections**

Section 1. There shall be a general election held during the first academic week of March for the purpose of electing the officers and the Executive Council of the Association.

Section 2. The general election shall be conducted by secret ballot, and the ballots shall be so arranged that the names of the candidates are presented by the position sought.

Section 3. During the month of February, the President, with the approval of the Executive Council, shall select and appoint a Nominating Committee of no fewer than three (3) dues-paying members for the purpose of selecting a slate of candidates for the offices to be contested in March. The Nominating Committee shall solicit nominations from Association members in each representational area where a vacancy exists. The Nominating Committee shall hold no less than one (1) meeting and report its recommendations to the Executive Council by the last Friday in February.

Section 4. The nomination of an Association member for the office of President, Vice President, Treasurer, or Secretary may be achieved by any one of the following ways:

- A. upon the recommendation of the Nominating Committee,
- B. upon the submission of a petition by a dues-paying member to the President containing the names of at least three (3) dues-paying members advocating the candidacy of another member, or
- C. by writing in the name of an Association member on the Ballot at the time of the election.

In order for candidacy to be valid under methods A and B above, the petitions and committee recommendations shall be deposited with the President no later than five (5) days prior to the date set for the elections.

Subsection 1. A member cannot become a candidate for the position of President, Vice President, Treasurer, or Secretary until after two (2) consecutive years of full-time certificated employment, nor

can a member become a candidate unless he or she has agreed to serve if elected.

Subsection 2. The Nominating Committee shall select, if possible, at least two (2) names for each elective office. A name may not be selected if it is of an agency fees-paying member (instead of a dues-paying member) or if it is of a dues-paying member who has not yet been employed for at least two (2) consecutive years of full-time certificated employment within the district or if it is of a member who has not agreed to serve if elected.

Section 5. The President, with the approval of the Executive Council, shall appoint and empower an Election Committee of no fewer than three (3) dues-paying members to make arrangements for and to hold the annual general election. The President shall receive and transmit the recommendations of the Nominating Committee and petitions to the Election Committee. The Election Committee shall do all things necessary to insure a democratic faculty response and participation from the Association's membership.

Section 6. Prior to each election of Executive Council members from representational areas, the Election Committee shall adjust membership apportionment such that one Executive Council member represents approximately one-tenth (1/10) of the full-time faculty members of the Association, ensuring no fewer than one seat for the Clear Lake Campus and two seats for Woodland Community College. Some areas, because of their size, may require more than one Council seat.

Subsection 1. The Council representation shall be divided by the following areas:

Area 1: Yuba College Business, Social Science, and Early Childhood Education

Area 2: Yuba College Applied Arts, Math, Engineering, and Science

Area 3: Yuba College Library, Language Arts, and Fine Arts

Area 4: Yuba College Student Services, Health, and Physical Education

Area 5: Yuba College Allied Health

Area 6: Woodland Community College At-Large

Area 7: Clear Lake Campus At-Large

Section 7. The election of Executive Council members from representational areas shall be conducted as follows:

A. The Election Committee shall solicit nominations from Association members in each representational area where a vacancy exists.

Subsection 1. Any dues-paying Association member may become a candidate for election to the Executive Council after reaching the equivalent of two years of full-time certificated employment.

Subsection 2. In order for a nominee to be included on the list of candidates for election, he or she must have agreed to serve if elected.

B. Nominations must be submitted to the Election Committee no fewer than three (3) days prior to the date set for elections.

C. In the event an area does not select a representative for the Executive Council, then the Election Committee shall solicit at-large nominations from Association members district-wide for that seat.

Section 8. In the event of a multiple-candidate election wherein no candidate receives a simple majority vote, there shall be a run-off election between the two (2) candidates with the highest number of votes. If the run-off election does not break the tie, then the Election Committee shall re-open the nominations for that office or council seat and conduct a new election.

Section 9. A simple majority of those voting shall be sufficient to elect officers and Executive Council members from representational areas. A simple majority vote shall be defined as any number greater than fifty percent (50%) of the total votes of the dues-paying members of the Association.

Section 10. The Election Committee shall tabulate the ballots and report the results to the Executive Council within five (5) days of the election date. The Executive Council shall, upon receipt and confirmation of the election results, discharge the Nominating Committee and duly announce and implement the results.

Section 11. The tabulated ballots shall be kept no fewer than seven (7) days by the Treasurer of the Executive Council, and during that time, the Executive Council may receive and rule upon election errors, omissions, and irregularities.

Section 12. The recall of any elected officer may be enacted by the following procedure:

A. A petition bearing a statement as to the nature of the recall, along with the signatures of fifty percent (50%) of the dues-paying membership shall be filed with the Executive Council for each elected official to be recalled.

- B. Within fifteen (15) working days the Treasurer shall form a Recall Election Committee composed of three (3) dues-paying members who are not current members of the Executive Council.
- C. Within ten (10) working days the Recall Election Committee shall place before the dues-paying membership a ballot to include for each officer to be recalled the original reason for recall, as provided by those submitting the petition, and a rebuttal statement, as provided by the officer being recalled.
- D. At least two (2) working days shall be required to conduct the recall.
- E. A simple majority vote of Association members shall be sufficient to recall. A simple majority vote shall be defined as any number greater than fifty percent (50%) of the total votes of the dues-paying members of the Association.
- F. Upon completion of the balloting, the results shall be made known simultaneously to the Executive Council and the dues-paying membership.

Section 13. Special Elections to fill a vacated Presidency or a vacated representational seat on the Executive Council shall be conducted within three (3) weeks of the date the position was vacated, and shall proceed under the guidelines described for regular elections.

## **ARTICLE II**

### **Terms of Officers and Executive Council Members from Representational Areas**

- Section 1. Officers shall be elected for a term of two (2) years. At the time the Nominating Committee is appointed in February, an officer who is currently in her or his first year of service may request to terminate that term at one (1) year. The Executive Council may then direct the Nominating Committee to select nominees who will be elected to fill the remaining one (1) year of the term.
- Section 2. Executive Council members from representational areas shall be elected for two-year terms.
- Section 3. Terms of office shall begin on July 1.
- Section 4. Vacancies. A vacancy shall be deemed to exist in the case of the death, resignation, recall, or evident inability to serve in any of the offices of the Association.

- A. In the event of a vacancy occurring in the office of the President, the Vice President shall assume that office. If the Vice-President declines or is not available to serve, the Treasurer shall assume that office. If the Treasurer declines or is unavailable to serve, the Secretary shall assume that office. If the Secretary declines or is unavailable, the Executive Council shall call a Special Election as described in Article I, Section 13.
- B. If the Vice President or Treasurer fills a vacant Presidency during the first year of a two-year term, the office of President shall come open during the next regular election.
- C. In the event of a vacancy which occurs in the office of Vice President, Treasurer, or Secretary, the Executive Council at its next regular meeting shall appoint a member of the Association to fill the office vacated. This appointment must then be approved by the dues-paying membership at its next regular or special meeting.
- D. In the event of a vacancy which occurs in a representational seat on the Executive Council, the President shall appoint an Election Committee to conduct a Special Election as described in Article I, Section 13.

### **ARTICLE III Duties of Officers**

Section 1. The President shall:

- A. arrange the agenda for and chair all meetings of the Executive Council and Association and shall endeavor to promote the interests and purposes of the Association.
- B. solicit the membership at large for written suggestions as bargaining items.
- C. solicit the membership at large in writing for volunteers for standing committees and appoint and approve membership lists for standing committees, subject to Executive Council approval.
- D. create and staff special committees where the need is manifest and implement the work of all committees.
- E. schedule regular twice-monthly meetings of the Executive Council and at least two (2) regular meetings of the Association during the academic year.

- F. as the need arises, call special meetings of the Executive Council and the Faculty Association.
- G. authorize all checks drawn upon the treasury.
- H. monitor and direct the activities of the Secretary.
- I. attend all Board of Trustees meetings or send another Executive Council member as a designee.

Section 2. The Vice President shall:

- A. serve as assistant to the President in all duties of the President and shall assume the duties of the President in case of absence or if the office is vacated.
- B. be available to the President for standing or special committee chairmanship upon request.
- C. be responsible for the coordination of the Association's social activities.
- D. function as chair of the Grievance Committee.
- E. direct the production of a monthly Association newsletter.

Section 3. The Treasurer shall:

- A. receive and manage all funds belonging to the Association, pay out such funds according to orders signed by the President, keep an itemized account of receipts and expenditures, and provide a written report of the Association's financial status to the membership once per month during regular sessions.
- B. make and propose an annual budget, in consultation with the President, on or before September 15 for the Association's activities and present it to the Executive Council for review and adoption.
- C. work with accountant to ensure timely and correct filing of annual tax returns.
- D. comply with the audit requirements of the Public Employees Relations Board of the State of California.
- E. comply with campaign reporting laws in a timely manner.

- F. assume the office of President if that office is vacated and the Vice President declines or is unavailable to serve.

Section 4. The Secretary is a stipend position, such stipend to be set annually by the Executive Council at its first regular meeting. The Secretary shall:

- A. keep a record of the proceedings of each Association meeting and of each Executive Council meeting and insure that the membership has adequate access to non-privileged records.
- B. maintain a roster of the Association membership and a list of committees and personnel.
- C. in cooperation with the President, publish for distribution to the general faculty an agenda for each Executive Council meeting no fewer than two (2) working days prior to the meeting date.
- D. carry on the correspondence pertaining to the affairs of the Association as directed by the President
- E. monitor attendance of Executive Council members and the Bargaining Committee Chair(s) at Executive Council meetings.
- F. monitor committee attendance and oral or written reports made by YCFA appointees to college committees.
- G. distribute minutes prior to the next Executive Council and Association meetings.

Section 5. The Past President shall

- A. be readily available to the President to offer historical context to issues and concerns.
- B. serve on one of YCFA's standing committees.

## **ARTICLE IV**

### **The Executive Council**

#### **Terms and Duties**

Section 1. All members of the Executive Council shall engage in the performance of the duties of that body with the awareness that each member is primarily a representative of the entire Association.

All conduct and public comment by Executive Council members on behalf of the Association shall be consistent with the direction of the Association.

It is the obligation of the Executive Council to represent the variety of views among the membership.

Section 2. The Executive Council shall meet on a regular twice-monthly basis and at least once prior to a general and/or special meeting of the Association.

If an Executive Council member has three (3) consecutive absences, that person's seat on the Executive Council shall be deemed vacant and open for Special Election.

Section 3. Members of the Executive Council shall:

- A. under the direction of the President, before September 30, adopt an annual budget that is sufficient in scope and resources to permit the Association to meet its obligations and attain its objectives.
- B. assist the President in the appointment of committee members, the creating and staffing of special committees, and the planning and attainment of committee activities and purposes.
- C. approve or deny committee appointments made by the President.

The Executive Council may review its previous approval of a committee appointment upon request of four (4) Executive Council members. A vote of six (6) Executive Council members shall be required to revoke approval.

- D. assist the President in filling vacancies that may occur in positions of the Association.
- E. make recommendations to be acted upon by the Association.
- F. see to the establishment and maintenance of communications between the Executive Council, the membership, the Administration, the Board of Trustees, and the community.
- G. adopt procedures to permit the continued performance of the Association during those periods of time when the membership of the Association is neither on campus nor available as a body for deliberative action.
- H. establish written policies which provide direction and continuity to the activities of the Bargaining Committee and the Grievance Committee.

- I. insure proportional ethnic minority representation on all its committees.
- J. conduct elections, such as Contract ratification.
- K. serve on at least one YCFA Standing Committee or one College Committee.
- L. approve or deny the filing of unfair labor practice charges and forwarding of grievances to arbitration.

Subsection 1. In order to preserve the confidentiality of unit members who may be involved in the grievance or unfair labor practice charge in question, this discussion may be held in closed session at the request of the unit member(s) involved or upon a simple majority vote of Executive Council members present.

- M. forward to the Executive Council the issues submitted by unit members in their representational worksites, departments, divisions, etc.
- N. set all stipends annually as deemed necessary by the Council.
- O. authorize a contract for the services of an outside accountant to handle financial, investment, and tax functions of the Association.

## **ARTICLE V**

### **Committees and Duties**

Section 1. The Membership Committee shall be composed of at least three (3) members. The Membership Committee shall:

- A. conduct the annual membership campaign for the Association.
- B. provide for the collection of funds for any community or educational activities in which the membership votes to participate.
- C. render monthly reports to the Executive Council on collection of dues and any other funds being solicited.
- D. establish and maintain a Special Services Subcommittee to publicize special services available to members of the Association.

Section 2. The Communication Committee shall be composed of at least three (3) members and shall

- A. collect information and written work from members of the Executive Council, the Bargaining Committee, and other committees and individuals as appropriate to compose an Association newsletter, to be distributed to all members at least once per semester.
- B. maintain and update an Association website on a monthly basis during the academic year.
- C. provide members with email notifications of important issues and events, as needed.

Section 3. The Grievance Committee, for which the Vice President shall be the Chairperson, shall:

- A. promote understanding and practice of professional conduct and democratic procedures which are consistent with the duty of fair representation.
- B. assist unit members and the Association in grievance proceedings.
- C. use the Bargaining Committee as a resource in processing grievances or unfair labor practice charges.
- D. request approval of the Executive Council to file unfair labor practice charges and carry grievances to arbitration. In extenuating circumstances, such approval may be obtained by calling an emergency meeting of the Executive Council or by polling Executive Council members by mail or by telephone if the college is not in session. A simple majority vote of the Executive Council shall be sufficient to approve the filing of unfair labor practice charges or the carrying of grievances to arbitration.
- E. preserve a confidential record of grievances that have been filed.
- F. insure that all members of the unit receive objective, reasonable, and non-discriminatory treatment in the grievance process.

Subsection 1. The Grievance Committee shall be composed of at least three (3), but not more than five (5), members.

Subsection 2. The Grievance Committee may excuse itself from making reports at regular or special meetings of the Association if, in the opinion of the committee chairperson, a public report would be detrimental to professional affairs.

Section 4. The Bargaining Committee shall:

- A. have all matters to be negotiated submitted to it in writing by the President of the Association.
- B. represent the Association on only those items in which a policy position has been taken by the dues-paying membership or on which specific deviations have been approved by the Executive Council.
- C. request any member of the Association to assist them in a consultative capacity if appropriate.
- D. utilize additional professional consultants as approved by the Executive Council if needed.
- E. serve as a resource to the Executive Council and the Grievance Committee in the processing of Grievances and unfair labor practice charges.

Subsection 1. The Bargaining Committee shall consist of at least five (5) appointed members. The President shall select the chief negotiator who also will be the chairperson of the committee, subject to Executive Council approval.

Subsection 2. The Bargaining Committee chair(s) shall attend all meetings of the Executive Council as a non-voting, resource person(s) (stipend position).

Section 5. The Finance Committee shall:

- A. conduct on-going examination of the District budget, including monthly adjustments and budget transfers.
- B. work closely with the Bargaining Committee by providing budgetary information.

Section 6. YCFA appointees to college or district committees shall:

- A. attend all meetings of the committee to which they have been appointed.

Subsection 1. Three (3) consecutive unexcused absences from committee meetings shall be deemed a vacancy, and the position will be opened for reappointment.

- B. either file with the YCFA President a brief written report of each committee meeting, or attend Executive Council meetings in order to give an oral report.

## **ARTICLE VI**

### **Duties, Benefits, and Responsibilities of Membership**

Section 1. Each dues-paying member of the Association shall have the right to participate equally and fully in all functions and activities of the Association, and no dues-paying member shall be denied the right to speak, vote, hold office, or perform special duties in behalf of the Association, except as provided below.

Subsection 1. A member shall not become a candidate for any position on the Executive Council until after two (2) consecutive years of full-time certificated employment.

Section 2. All dues-paying members, collectively and individually, shall be bound to the decisions of the Executive Council and to the Association. The Association shall also conduct its business within the guidelines of the duty of fair representation. Failure on the part of a member to adhere to the foregoing may be construed as grounds for expulsion, though no member of the Association shall be expelled without due process.

## **ARTICLE VII**

### **Parliamentary Authority**

*Robert's Rules of Order*, latest edition, shall be followed at all meetings of the Association and those of the Executive Council.