CONSTITUTION

of the

UNITED FACULTY OF OHLONE

(Ohlone Community College District)

Amended Fall 1988
Amended Fall 1997
Amended Fall 2000
Amended Fall 2011
CONSTITUTION of the UNITED FACULTY OF OHLONE
(Ohlone Community College District)

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PREAMBLE

WE, the United Faculty of Ohlone, do establish this constitution, and thereby, recognize that:

WHILE this organization will strive to work in harmony with the existing organizations, it will be created as a local organization without affiliation to any other organizations;

WE will offer ourselves as the exclusive representative of the Faculty in matters covered by collective bargaining;

WE will be an organization separate from the local Faculty Senate, but will strive to work in harmony with it;

WE will strive at all times to involve a cross section of membership.

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ARTICLE I NAME

The name of the organization will be the United Faculty of Ohlone (Ohlone Community College District), hereinafter referred to as "the organization".

ARTICLE II PURPOSE

The purpose of the organization shall be to develop, negotiate and implement contracts with the Governing Board of the Ohlone Community College District on behalf of and as representative for all eligible certificated personnel who share a common community of interest described by their positions as regular and/or contract instructors, librarians, and counselors. The organization shall undertake such activities as directly support that purpose.

ARTICLE III MEMBERSHIP

Section 1. All eligible certificated personnel. Membership is defined to include all full-time and part-time regular and contract instructors, librarians, and counselors.

Section 2. Dues shall be established by a majority vote.
Section 3.
Membership shall end when dues are in arrears for thirty (30) days.

ARTICLE IV

OFFICERS

Section 1.
There shall be a President, Vice-President, Treasurer, Secretary, and two (2) members-at-large; all elected by a majority of votes cast according to the election procedure spelled out in Article VIII.

Section 2.
The President shall:

a. Be the chief executive officer, spokesperson and representative of the organization,
b. Preside over meetings of the organization and of the Executive Board,
c. Appoint a chair-person of the Committee-on-Committees,
d. Appoint the faculty "chair" and two other faculty to CEER Committee (one adjunct when available).
e. Appoint a newsletter editor to prepare and distribute a regular newsletter to the membership--this will be done along with the full-time and part-time representatives and the secretary,
f. Appoint a webmaster to maintain and regularly update the UFO webpages.
g. Attend board meetings.

Section 3.
The Vice-President shall

a. Perform the duties of the President in his/her absence.
b. Attend Bay Area Faculty Association (BFA) meetings

The Treasurer shall be responsible for the management of the funds of the organization, for maintenance of appropriate records, and for making appropriate reports. All disbursement of funds must be approved by the Executive Board.

Section 5.
The Secretary shall be responsible for maintaining records of the proceedings of the organization and the Executive Board.
Section 6. The fulltime representative shall distribute information to the membership. He/she shall keep the fulltime faculty informed as to the activities of the Executive Board. He/she shall act as a liaison between the fulltime faculty and the Executive Board.

Section 7. The part-time representative shall act as an intermediary between part-time faculty and the Executive Board. He/she shall keep a part-time faculty membership list.

ARTICLE V COMMITTEES

Section 1. Committees of the organization shall be established to investigate issues in their designated areas and recommend action on these issues to the organization.

Section 2. A standing Committee-on-Committees may be established to aid in the formation of committees except for the negotiation committee. All appointments of these committees will be approved by the Executive Board. The chair-person of the Committee-on Committees is appointed by the President of the organization and in turn shall appoint the members of the Committee-on-Committees. The chair-person, when possible, should appoint a minimum of one part-time faculty member to all committees.

Section 3. Each subsequent committee when it is formed may choose a chair-person from its own ranks by majority vote of the said committee.

Section 4. Under normal circumstances committees shall study and report on issues before the organization acts upon them.

Section 5. The Chairperson of the Negotiating Committee:

a. Shall be elected by a majority of votes cast in an election after the approval of a Tentative Agreement with the District.
   1) A candidate for chairperson of the negotiating committee preferably should have served on the UFO Executive Board.
   2) Nominations shall follow the procedures set forth in Article VIII of this constitution.
   3) The election will follow the procedures set forth in Article VIII of this constitution.

b. Will appoint a negotiating team with the advice and approval of the Executive Board. The chair-person on the negotiating committee and the Executive Board
will use every effort to create a committee representing the diversity present in the general membership of the organization.

c. May serve as chief negotiator.
d. Will be subject to recall following the procedures set forth in Article VIII, Section 4, sub-section B of this Constitution.

Section 5.1

The negotiating team will consist of a minimum of three members. One member of negotiating team will be part-time faculty member (if available). If a part-time faculty member serves on the negotiating team s/he will receive a stipend equal to the highest level paid for a one-unit lecture course per semester. Members of the negotiating team do not necessarily participate at the negotiating table. The Chief Negotiator will determine who serves at the table depending upon topics and needs with the advice of the Executive committee.

Section 5.2

Negotiations
1. The negotiating committee must submit the Initial Proposal that they intend to present to the District for the Executive Board’s advice and consent. A two-thirds vote of the Executive Board is necessary for any substantive change of the Initial Proposal. The Executive Board, via a two-thirds vote, will send the Initial Proposal forward to the district.

2. The negotiating committee must submit all tentative agreements to the Executive Board for its approval before submitting them to the faculty for their approval.

3. At least five calendar days before voting for ratification of a tentative agreement all faculty members must be notified via e-mail of the location on the UFO website of the current contract, the tentative contract and a summary of the changes.

4. Memorandums of Understanding (MOU) must be approved by the Executive Board and then presented, as soon as possible, and no later than the next tentative agreement to the faculty for a ratification vote. Any MOU with the District must clearly state that they are temporary until approved via a vote of the faculty.
ARTICLE VI EXECUTIVE BOARD

Section 1. The voting members of the Executive Board will be the elected offices of the President, Vice-President, Treasurer, Secretary, two constitutionally elected members-at-large (one full-time representative and one part-time representative), Chair of the Negotiating Committee and the immediate past President of the UFO. The appointed members of the Executive Board – the chair-person of the Committee-on-Committees, the faculty chair representative to the CEER committee, the newsletter editor, and the webmaster – shall each have an advisory vote.

Section 2. The Executive Board shall have the authority to conduct the business of the organization, except in:

1. The amending of this Constitution,
2. The establishment of dues and initiation fees,
3. The ratification of agreements with the Governing Board.

The authority in these three cases is reserved to the organization, via a majority of votes cast in an election, or otherwise prescribed procedure in this Constitution.

The Executive Board shall be subject to the orders of the organization. None of the acts of the Executive Board shall conflict with actions taken by the organization.

Section 3. Executive Board meetings dealing with non-confidential issues shall be posted on the UFO website a week in advance.

Section 4. Discussion and votes on urgent matters may be done via e-mail. However, if any two Executive Board members object to an e-mail vote, a regular meeting must be held for the discussion and vote to occur. The outcome of any vote taken via e-mail must be posted on the UFO website and the secretary must record the vote in his/her next minutes.

Section 5. The Executive Board shall publish the newsletter a minimum of once each semester.

ARTICLE VII MEETINGS

Section 1. The Executive Board shall have the authority to call general and specific meetings of the organization.

Section 2. When ten percent of the membership shall have presented a petition for a special meeting to the President, s/he shall schedule a special meeting within two weeks.
and so inform the membership.

Section 3. All general meetings must be announced to the membership at least two weeks prior to the meeting. A quorum shall consist of the members present and be not less than twenty percent of the membership.

Section 4. Special meetings of the organization shall be called only in the event of an emergency. Special meetings shall be posted one working day in advance, and may require telephone communications or email among the membership.

ARTICLE VIII ELECTIONS/VOTING

Section 1. GENERAL VOTING PROCEDURES:

a. The Executive Board shall appoint an ad hoc election committee of three members in good standing who are not candidates for office. They shall have charge of distribution, collection, and the counting of the ballots. As an alternative, the Executive Board may find an unaffiliated company to run an online election.

b. All other ratifications, votes, etc. may be administered by the Executive Board or an unaffiliated company that can run an online election.

c. Only current members are eligible to vote in any election.

d. There shall be no voting by proxy.

e. It shall be the responsibility of the member to cast a ballot in accordance with the rules the Executive Board established.

Section 2. Elections of the Executive Board Officers

a. Regular terms of office shall commence on the first day of the spring semester and run for two years.

b. Regular elections shall be conducted in December of every odd year by General Election Procedures.

c. Nominations shall be made by any or all of the following:
   1) A committee with the consent of the one nominated
   2) Any current member with the consent of the one nominated
   3) Any current member himself/herself who wishes to be a candidate.
d. Elections of officers and members-at-large of the organization shall be by majority of those voting with provision for run-off between the two candidates with the largest plurality in the event that no candidate receives a simple majority.

e. If a vacancy occurs in any elected office, the secretary will announce the vacancy to all members in writing and ask for nominations. If more than one nomination is received for the office, then a special election will be held to elect a person to complete the term. If after one week time only one person, or no persons have been nominated, the Executive Board may appoint the one person nominated or if none were nominated, the Executive Board may appoint any member to complete the term of the vacated office. After the appointee has been announced, an election will be held if requested within two weeks by a petition of 10% of the membership.

f. When twenty percent of the membership shall have signed a petition requesting the recall of an officer of the organization that includes the reasons for the recall petition, the President, upon receipt of a valid recall petition (or the Vice-President if the President be named in the recall petition), shall notify the officer named in the recall petition and the membership within one week. The recall election for the office in question shall be conducted within the fourth week thereafter. Recall petitions will be received only after the third week and before the end of the academic year. If a majority of those voting within the membership vote to recall the incumbent, the seat shall be vacant and shall be filled by a special election.

Section 3. Miscellaneous Voting Procedures:

After the distribution of ballots, voting members shall have seven days to cast their ballot.

ARTICLE IX AMENDMENTS

This Constitution may be amended by a majority of the members voting, provided
a petition requesting the amendment signed by twenty percent of the members shall have been presented to the President or that the Executive Board shall have proposed the amendment. After a general meeting of the organization has been held to provide for discussion of the amendment(s), voting shall be conducted in accordance with Article VIII Section 1.

ARTICLE X  PARLIAMENTARY AUTHORITY

This Constitution allows for any special rules of order which may be adopted by the organization; however, where no inconsistencies occur with this Constitution, the rules contained in the current edition of (Robert's Rules of Order--Newly Revised) shall govern the organizational meetings in all cases where they are applicable.

ARTICLE XI  DISAFFILIATION/REAFFILIATION

This Constitution allows the organization to determine its own destiny; though created as a local organization without affiliation to any other organizations, the members may disaffiliate the organization or reaffiliate the organization, as may be the case. When thirty percent of the members shall sign a petition requesting disaffiliation/reaffiliation to the President, or if the Executive Board shall have proposed the disaffiliation/reaffiliation, then voting on that matter shall be in accordance with the rules and regulations set forth by PERB.