

BYLAWS

San Joaquin Delta College Teachers Association/CTA/NEA

(April 28, 2009)

I. NAME AND LOCATION

The official name of this Association shall be the San Joaquin Delta College Teachers Association (SJDCTA), hereinafter referred to as SJDCTA in San Joaquin County.

II. PURPOSES

The primary purposes of this Association shall be:

- A. To represent its members in their relations with their employer, and to seek to be the exclusive representative of appropriate units of school 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 authority for members;
- C. To provide an opportunity for continuous study and action on problems of the profession;
- D. To raise the standards for education support professionals;
- 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;
- H. To foster good fellowship among members; and
- I. To maintain the focus on the common good of the member without concern for pecuniary gain nor profit to individual members.

III. AFFILIATION WITH CTA/NEA

- A. The SJDCTA shall be a chartered chapter of the California Teachers Association (CTA).
- B. The SJDCTA shall be an affiliate local association of the National Education Association (NEA).

IV. MEMBERSHIP

- A. Categories of Membership. Full-time and Part-time Faculty.
- B. Active 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 San Joaquin Delta Community College district, and whose primary assignment is such as not to hold evaluatory responsibility over other employees to such an extent as not to be represented in the negotiations process by the bargaining unit.
- C. Membership may be granted upon initiation of payroll deduction or upon payment of annual Association/CTA/NEA dues.
- D. The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.
- E. Active 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.

- F. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association.
- G. Active members shall adhere to The Code of Ethics of the Education Profession. <<http://sites.nea.org/aboutnea/code.html>>
- H. The rights to and privileges of membership shall not be abridged in any way because of age, sex, race, color, religion, ethnic group, marital status, national origin or sexual orientation.
- I. No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure.
- J. The membership year shall be that period of time from September 1 of any given calendar year through August 31 of the following calendar year, inclusive.
- K. 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 Active members, and representation fee for non-members represented in the bargaining unit, shall be sufficient to cover the operation expenses of the Association, the dues of CTA, and the dues of NEA.
- B. 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 the second regular monthly pay date of the fall semester 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 the name dropped from the rolls.
- C. Each college year the President shall appoint a Budget Committee which shall propose the annual membership dues and any fees or assessments of SJDCTA. The Treasurer of SJDCTA shall be the chairperson of the Budget Committee. The Budget Committee's report shall be completed by May 1 and shall be presented to the members of Executive Council for approval at a meeting to be held in May.
- D. At the last Executive Council meeting of the college year, the SJDCTA portion of the basic annual dues, and the representation fee for non-members, shall be established by action of the SJDCTA Executive Council. The Executive Board shall disseminate the agenda of this meeting to the membership at least one week in advance. The Association shall apportion any negotiated representation fee or organizational security fee on the same percentage basis as the full Association/CTA/NEA dues.

VI. POLICY-MAKING BODY

- A. The policy-making body of the Association shall be an Executive Council. The Executive Council, comprised of Active members of the Association, derives its powers from and shall be responsible to the Active membership.
- B. The Executive Council shall be composed of the following Active members:
 - 1. Officers;
 - 2. Delegates (when they are members of SJDCTA): Community College

Association, California Teachers Association, CTA State Council, and NEA;

3. The President of the Academic Senate or his/her designee shall be an ex-officio non-voting member.

C. The Executive Council shall:

1. Establish Association policies and objectives;
2. Adopt the annual budget of the Association on or before the first meeting of the school year;
3. Approve the establishment or discontinuance of committees recommended by the Executive Board; and
4. Establish the dues of the Association.

D. The Executive Council shall meet at least once during each school month; the number, place and time of meetings to be decided by the Executive Board.

E. Special meetings of the Executive Council may be called by the President, the Executive Board, or by the petition of twenty percent (20%) of the Active membership.

F. Special meetings of the Executive Council shall be called for a specific purpose and no business other than that for which the meeting is called may be transacted.

G. Notices and agendas for all meetings of the Executive Council shall be sent to all members of the Executive Council at least two days prior to the date of the meeting.

H. For emergency meetings of the Executive Council during crisis situations, the Executive Board shall adopt procedures to notify representatives of meeting dates, places, and times.

I. A quorum for all meetings of the Executive Council shall consist of a majority of all voting members of the Executive Council.

J. Members of the Executive Council shall serve a term of two years. (Except for the CTA state council representatives whose terms are set by CTA.)

VII. DIVISION REPRESENTATIVES

A. Division representatives shall be elected by and from the Active membership for each Division group. Such election shall be by open nominations and by secret ballot.

B. Each division shall be entitled to one representative.

C. Active members who are not represented through a division will be represented by the Counseling Division representative.

D. Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly appointed replacements.

E. Division Representatives shall:

1. Conduct ongoing liaison between the Executive Council and the Active members of the faculty/site unit;
2. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the members;
3. Represent the views and input of the Active membership of the faculty in votes taken in the Executive Council; and
4. Perform such additional duties as prescribed by the Executive Board.

VIII. OFFICERS

- A. The elected officers of SJDCTA shall be a President, a First Vice President, a Second Vice President, a Third Vice President of Part-Time Affairs (who shall be a part-time faculty member), a Secretary, a Treasurer, one representative from each academic division, and one part time faculty member.
- B. Elected officers may NOT work overload more than 2 classes or 8 hours per week (including bonus units) excluding SJDCTA stipends and/or release time
- C. The immediate Past President, if s/he remains a member of SJDCTA, is a voting member of the Executive Council.
- D. SJDCTA shall take such steps as are legally permissible to achieve representation of minorities on the Executive Council at least proportionate to its minority membership.
- E. The President shall deem a vacancy to exist in the case of death, resignation, or inability to serve in any of the offices of SJDCTA.
 - 1. In the event of a vacancy in the office of President, the Executive Council will determine which of the Vice Presidents shall assume the office for the remainder of the unexpired term. The selected Vice President has the right to continue as President through his/her normal elected term.
 - 2. If a vacancy occurs in any elected position, except President, the President will nominate a replacement to the Executive Council for its approval.
- F. The elected officers of SJDCTA shall serve a two-year term of office. The election for these positions will be held in odd numbered years.
- G. The President, the Vice Presidents, Secretary, and Treasurer may receive reassigned time and/or a stipend as determined by the Executive Council. The decision of the Executive Council will be discussed with the candidates prior to the election. Adjustments may be made after the election if there is mutual agreement between the individual and the Executive Council.
- H. Terms of office will begin on June 1.

IX. **Duties of Officers**

- A. The President:
 - 1. shall be the chief Executive Officer of SJDCTA and its policy Leader;
 - 2. shall preside at all meetings of SJDCTA and Executive Council;
 - 3. shall determine the agenda for the meetings of SJDCTA and the Executive Council;
 - 4. shall be the official spokesperson for SDJCTA;

5. shall be familiar with the governance documents of the SJDCTA, CTA and NEA; shall appoint all chairpersons, members of committees and office vacancies with the advice and consent of the Executive Council, except as otherwise stated in these Bylaws;
6. shall call meetings of the Executive Council;
7. shall suggest policies, plans, and activities for SJDCTA and be held responsible for the progress and work of the Association;
8. or his/her designee shall attend meetings of the Service Center Council;
9. or his/her designee shall attend other CTA/NEA meetings;
10. shall serve as a member of the Executive Board of the Academic Senate as outlined in the Senate's Constitution;
11. or his/her designee shall serve on College committees as determined by College policy; and
12. shall supervise individuals contracted to provide services to SJDCTA.

B. The First Vice President:

1. shall assume the duties of President in case of the absence of the President or at the President's request;
2. shall serve on the College Policy & Procedures Committee;
3. shall be responsible for presenting proposed policy and/or procedure changes to the Executive Council for comment, summarizing these comments in written form, and presenting the comments to the Policy & Procedures Committee.

C. The Second Vice President:

1. shall assume the duties of President in case of the absence of the substituting First Vice President or at the President's request;
2. serve as Chairperson of the Grievances Committee.

D. The Third Vice President shall:

1. represent the interests of the Part-Time members;
2. serve as a consultant to or member of the Negotiations Team;
3. serve on at least one committee as assigned by the SJDCTA President;
4. chair the Part Time Concerns Committee.

E. The Secretary shall:

1. keep minutes of all meetings of SJDCTA;
2. maintain SJDCTA files;
3. distribute an agenda to the membership of SJDCTA at least one week in advance of the Executive Council meeting;
4. conduct such correspondence and perform other duties as may be prescribed by the President.
5. be responsible for extending the good wishes and compliments of SJDCTA as appropriate.

F. The Treasurer shall:

1. receive all funds belonging to SJDCTA and be responsible for their safekeeping and accounting;
2. pay out such funds upon orders of the President;
3. provide a written report on the financial status of SJDCTA at each meeting;
4. be responsible for an annual audit of the books of SJDCTA and distribute a summary of this audit to the membership;
5. be responsible for submitting membership and financial reports to CTA, NEA, and other agencies as required by law;
6. obtain approval from the Executive Council for non-budgeted expenditures in excess of two hundred dollars (\$200);
7. serve as Chairperson of the Budget Committee.

G. The Division Representatives shall:

1. attend all, or send a proxy to all, Executive Council meetings;
2. serve on the Elections Committee;
3. monitor the general needs of the membership in each Division;
4. maintain and manage communications with the membership in his/her Division.

X. Negotiations Committee

A. The President will appoint one or more persons as Chairperson of the Negotiations Committee. The Executive Council will ratify the Chairperson prior to the formation of the Committee.

1. The Negotiations Committee shall consist of the Chief Negotiator, and at least two instructors, one counselor, one librarian, and one part-time faculty.
2. The President shall be a consultant to the Negotiations Committee.

- B. Three to five members of the Negotiations Committee shall be appointed by the Executive Council in consultation with the Negotiations Committee Chairperson no later than 120 days before the expiration of the current contract.
- C. The term of the members of the Negotiations Committee is for the duration of the contract and members may succeed themselves. Members may be removed by a vote of the majority of the Executive Council.
- D. The Executive Council, upon the advice of the membership, shall recommend the issues to be negotiated to the Negotiations Committee. The Negotiations Committee may represent the Bargaining Unit only as authorized by the Association.
- E. The Negotiations Committee may employ, subject to the approval of the Executive Council, additional consultants or expert counsel.
- F. The Negotiations Committee must bring the final contract to the Executive Council for approval, then to the Elections Committee for the ratification vote. Should this prove impossible for reasons of time or vacation, the Executive Council may ratify the contract in the name of the general membership provided there has been prior authorization by the general membership.
- G. Ratification of the contract shall be by a simple majority.
- H. The Negotiations Committee and its Chairperson shall receive reassigned time and/or a stipend as determined prior to the negotiations process by the Executive Council.

XI. GRIEVANCE PROCESSING

- A. The Grievances Committee, chaired by the Second Vice President, is responsible for the processing of grievances. The Grievances Committee shall consist of three to six members appointed by the President.
- B. An appeal procedure will be available should the grievant not agree with the Grievance Committee's decision regarding the processing of the grievances. The Executive Council of SJDCTA will be convened to meet with the grievant to review the Grievance Committee's decision. The Executive Council's decision is final however individual members are free to pursue the grievance on their own.
- C. In order for the grievant to seek outside legal counsel, prior written authorization must have been given by statewide CTA.

XII. NOMINATIONS AND ELECTIONS

The Chapter President must provide Active members an opportunity 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 affiliate has adopted a governing provision or election policy allowing such a practice.

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

1. Open nomination procedure;
 2. Secret ballot;
 3. All Active members vote;
 4. Record of voters receiving or casting ballots; and
 5. Majority vote, unless otherwise specified.
- C. State Council Representative 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.
- D. NEA State Delegate elections shall be conducted in accordance with CTA guidelines.
- E. NEA Local Delegate elections shall be conducted in accordance with CTA/NEA guidelines.
- F. The duties of the Elections Committee shall be to:
1. Ensure that all Association/CTA/NEA election codes and timelines are followed;
 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.
- G. A recall of any person in an elective office may be initiated by a petition signed by one-third (1/3) of the membership. A statement of the reasons for the proposed recall shall be a part of the recall petition. Each person named in the recall petition shall have the right to make a rebuttal statement which shall be distributed to the membership at least seven (7) working days before the recall election. Recall elections shall be by secret ballot.

XIII. COMMITTEES

- A. The standing committees shall be the Contract Maintenance, Professional Concerns, Employee Benefits, Civil and Human Rights, Internal Management, Membership, Political Affairs, Grievances, Part time Concerns, Budget and Negotiations Committees. The President will appoint the standing committee chairs with the approval of the Executive Council.
- B. The Contract Maintenance Committee shall monitor policy and procedure provisions proposed and maintained by the District and develop proposals for consideration by the membership to be submitted to the Negotiations Committee by the Executive Council.
- C. The Professional Concerns Committee shall research membership needs and priorities, provide information on matters related to California Education Code provisions, grievance procedure and the due process and other related matters.
- D. The Employee Benefits Committee shall monitor employee benefits provided by the District suggest changes, direct member claims, and coordinate proposals with the Contract Maintenance Committee

- E. The Civil and Human Rights Committee shall concern itself with the general needs and welfare of the membership. This Committee will make every effort to involve the membership in Association activities.
- F. The Internal Management Committee shall perform functions relating to the internal workings of the Association, by-law revision, public relations, newsletter, social affairs, and recognition of member achievement and of retirees.
- G. The Membership Committee shall maintain current membership lists, distribute membership information to the certificated employees, and coordinate payment of dues with the District business office.
- H. The Political Affairs Committee shall perform functions related to political action including legislation, candidate endorsement, contact with trustees and other elected officials, and cooperation with management personnel in the District on matters related to legislation. All legislative activity is to be approved by the general membership.
- I. The Grievance Committee shall be responsible for the processing of all grievances as outlined in the by-laws of the Association. Members of this Committee are expected to receive training at the state and local levels.
- J. The Part time Concerns Committee shall aid the Membership Committee in the recruitment of new part time members and will present part time concerns to the Executive Council.
- K. The Negotiations Committee shall negotiate the employment contract with the San Joaquin Delta Community College District, subject to the provisions of Chapter 961 California Statutes, 1975.
- L. With the approval of the Executive Council, the President shall appoint such other committees deemed necessary.

XIV. PARLIAMENTARY AUTHORITY

- A. *Robert's Rules of Order, Newly Revised*, latest edition, shall be followed at all meetings of the Association, the Executive Council, and the Executive Board.

XV. AMENDMENTS/PROCEDURES:

- A. These Bylaws may be amended by a two-thirds (2/3) vote of the representatives at any regular or special meeting of the Executive Council. Notice in writing of a proposed Bylaws amendment shall have been submitted to the Secretary and provided to members of the Executive Council at the meeting preceding the one at which it is to be voted upon.
- B. An amendment to these Bylaws may be proposed by any Active member in the form a petition signed by 20% of the Active members, presented to the Executive Council, and presented to the membership for a vote. To pass, two-thirds of the vote shall be in favor of the petition.
- C. Standing rules for SJDCTA operations will be affirmed at the first regular meeting of SJDCTA in each academic year.

Standing Rules

Appendix 1 Political Action Committee Standing Rules

Recommendation of Candidates for Public Election

- A. The President of SJDCTA shall appoint a Recommendations Chairperson, who shall recommend to the President for appointment a Recommendations Committee. The number of members included in the committee will be recommended by the Recommendations Chair and approved by the President.
- B. The Recommendations Committee will develop a recommendations timeline for elections for the Delta College Board of Trustees.
- C. The President of SJDCTA shall appoint a Recommendations Chairperson, who shall recommend to the President for appointment a Recommendations Committee. The number of members included in the committee will be recommended by the Recommendations Chair and approved by the President.
- D. The Recommendations Committee will develop a recommendations timeline for elections for the Delta College Board of Trustees.
- E. All viable candidates in the above listed elections will be invited to participate in the SJDCTA recommendation process.
- F. All candidates will be interviewed by the Recommendation Committee using identical questions developed by the Committee. Telephone interviews may be included if a candidate cannot attend a scheduled interview.
- G. The Committee shall operate on a consensual basis. Only candidates that have a consensus of support will be reported out of the Committee.
- H. The Recommendation Committee will report its recommendation(s) to the Executive Council at the conclusion of the interviews.
- I. The Recommendation Committee may recommend that no candidate be supported or that one or many candidates warrant the support of the Association. The Committee may recommend a neutral position in a given race. Under no circumstances shall the Committee recommend more candidates than there are available seats.
- J. At the earliest possible date after the conclusion of the interviews, the Committee's recommendation(s) shall be voted on by the Executive Council. To be officially recommended by SJDCTA, a candidate must have received a majority of the votes of the Executive Council.
- K. No funds will be allocated out of the SJDCTA PAC fund for any candidate who does not receive SJDCTA recommendation.
- L. No Officer of the Association will support any candidate not officially recommended by the Association in their capacity as officer of SJDCTA.