

CONSTITUTION of the UNITED FACULTY OF OHLONE

Amended Fall 1988
Amended Fall 1997
Amended Fall 2000
Amended Fall 2011
Amended Fall 2016
Amended Fall 2021

PREAMBLE

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

- WHILE this organization strives to work in harmony with the existing organizations, it was created as a local organization without affiliation to any other organizations;
- WE are a nonprofit organization and file taxes as 501(c)(5).
- WE offer ourselves as the exclusive representative of the Faculty in matters covered by collective bargaining;
- WE are an organization separate from the local Faculty Senate, but will strive to work in harmony with it;
- WE strive at all times to involve a cross section of membership.

ARTICLE I. NAME

The name of the organization is 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 faculty employed by the College. The organization shall undertake such activities as directly support that purpose.

ARTICLE III. MEMBERSHIP

Section 1. Membership is defined to include all full-time and part-time instructors, librarians, and counselors.

Section 2. A member in good standing is one who, in a given semester and at least seven days prior to the start of an election, has submitted their membership form to the UFO Treasurer and either:

- is currently employed by the college

- has/had a reasonable expectation of employment by the college (e.g., the member is scheduled to teach a late-start class; or the member had a class cancelation during the month of the course start date, excepting dismissal)

Section 3. Each member of the organization in good standing is entitled to one vote on issues presented to the membership.

Section 4. Dues shall be established by a majority vote of those members voting and recorded on the organization website. Dues shall be paid by all members of the organization.

ARTICLE IV. EXECUTIVE BOARD

Section 1. The authority to govern the organization is vested in an Executive Board. The Executive Board shall have the authority to determine policy and direct the operation of the organization, including the determination of the disbursement of funds. The authority of the Executive Board does not include:

- the amending of this Constitution,
- the establishment of dues and initiation fees,
- 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 2. The membership of the Executive Board shall be as follows:

- a. Voting members of the Executive Board will be the elected offices of the President, Vice-President, Treasurer, Secretary, Negotiations Chair, Chair of the CEER Committee, and the two constitutionally elected members-at-large (one full-time representative and one part-time representative) as defined by Article V of this Constitution.
- b. For continuity purposes in years when there is a transition from one President to another, the immediate past President shall serve one semester on the Executive Board as an advisory member, if they are available to do so and is still a member of the organization.
- c. Any additional members appointed by the President, such as a newsletter editor or a webmaster, shall each have an advisory vote.

Section 3. The Executive Board is empowered to create all bylaws and rules necessary for the operation of the organization. Approval, modification, or deletion of any bylaw shall require an affirmative vote of two thirds of the Executive Board membership.

ARTICLE V. OFFICERS

Section 1. There shall be a President, Vice-President, Treasurer, Secretary, Negotiations Chair, Chair of the CEER Committee, and two (2) members-at-large; all elected by a majority of votes cast by the general membership.

Section 2. Officers shall be elected for a term of two years. There shall be no limit to the number of consecutive terms a member may serve.

- Section 3. 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. Provide regular communications to the membership, possibly including the appointment of a newsletter editor to prepare and distribute a regular newsletter,
 - d. Ensure the UFO website is maintained and regularly updated, possibly by appointing a webmaster,
 - e. Attend Ohlone Board of Trustees meetings and report back to the Executive Board when appropriate,
 - f. Serve as the grievance officer for the organization, representing and supporting individuals on contractually-related matters, as needed.
- Section 4. The Vice-President shall perform the duties of the President in their absence, and otherwise assist the President as needed.
- Section 5. 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 6. The Secretary shall be responsible for maintaining records of the proceedings of the organization and the Executive Board.
- Section 7. The Negotiations Chair shall:
- a. Appoint a negotiating team with the advice and approval of the Executive Board,
 - b. Have the option of serving as Chief Negotiator,
 - c. Guide the negotiating team in developing the Initial Proposal for negotiations,
 - d. Present the Tentative Agreement to the membership for consideration.
- Section 8. The Chair of the CEER (Certificated Employee-Employer Relations) Committee shall coordinate the committee meetings, including developing agendas, compiling minutes, and appointing faculty members as needed to the committee. The Chair shall make regular reports to the Executive Board.
- Section 9. The Full-time Representative shall distribute information to the full-time membership. They shall keep the fulltime faculty informed as to the activities of the Executive Board. They shall act as a liaison between the fulltime faculty and the Executive Board.
- Section 10. The Part-time Representative shall distribute information to the part-time membership. They shall keep the part-time faculty informed as to the activities of the Executive Board. They shall act as a liaison between part-time faculty and the Executive Board.
- Section 11. The Executive Board shall determine the allocation of District-provided release time to its officers, as defined in the contract. Any additional monetary compensation paid to officers or any other members from organization funds must be established

by majority vote of the general membership and recorded on the organization website.

Section 12. Recall of Officers

- a. To initiate recall procedures for a current Executive Board officer, a petition that includes the reasons for recall must be signed by at least 50 members in good standing.
- b. Upon receipt of the valid recall petition, the President (or the Vice-President, if the President is named in the recall petition) shall notify the named officer and the membership within one week.
- c. A recall election for the office in question shall be conducted within three weeks thereafter, following the general voting procedures put forth in Article VI of this Constitution.
- d. If a majority of the voting members vote to recall the officer, the seat shall be vacant and shall be filled by a special election.

ARTICLE VI. GENERAL VOTING PROCEDURES

Section 1. For the election of officers, the Executive Board shall appoint an ad hoc election committee of three organization members in good standing who are not candidates for office. They shall have charge of the creation, distribution, collection, and counting of ballots. All other ratifications and votes will be administered by the Executive Board.

Section 2. The Executive Board will determine whether voting will be on paper or online. If voting is on paper, appropriate time and location considerations will be taken to allow all members access to vote, regardless of their work location. If voting is online, an official voting website/resource will be used to ensure the integrity of the vote. Unless special circumstances require otherwise, elections shall not occur between semesters or during the summer.

Section 3. Only members in good standing are eligible to vote in any election.

Section 4. It shall be the responsibility of each member to cast a ballot in accordance with the rules established by the Executive Board.

Section 5. In all cases, the election results will be reported to the membership, including the tallies of votes for each candidate or issue being voted on.

ARTICLE VII. AMENDMENTS

This Constitution may be amended by a majority of the members voting, provided a petition requesting the amendment signed by 50 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 VI of this Constitution.

ARTICLE VIII. 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 IX. 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 a petition requesting disaffiliation/reaffiliation signed by 75 members shall have been presented 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 the Public Employment Relations Board (PERB).