

**Constitution
of the
Delta College Faculty Association**

Preamble

We, the Full-time Faculty of Delta College, believing that we must institute our own self-government, protect shared governance, and secure proper recognition and responsibility for the well-being of our members, adopt this Constitution.

I. Name

The name of this organization shall be the Delta College Faculty Association (DCFA), MEA-NEA, an affiliated unit of the Michigan Education Association and the National Education Association. The Association shall be a nonprofit corporation organized in accordance with the laws of Michigan.

II. Purpose

The objectives of this Association shall be:

- A. To encourage the professional growth of its members, to advance the interests and welfare of the students, and to promote the continuous educational progress of Delta College.
- B. To provide a forum for member communication, and to facilitate communication between the Association and other areas of the College.
- C. To unify and strengthen the teaching profession and to maintain the academic integrity of higher education at the College.
- D. To collaborate with other stakeholders in maintaining the support structures of education, the salaries and benefits, retirement, promotion and tenure, curriculum, programs, professional leaves and other working conditions necessary to support full-time teaching as a profession at the College.
- E. To enable the Association members to speak with a common voice in matters of College Shared Governance and to present their common interests before the Delta College Board of Trustees and other legal authorities as provided by law.

III. Membership

- A. All Full-time Faculty who meet the active membership requirements of the Michigan Education Association may, upon payment of dues as herein provided, become active members of DCFA with full rights and privileges of membership.
- B. Active members of this Association shall also be members of the Michigan Education Association and the National Education Association.

- C. Active members who meet the requirements established by the MEA in the Dues Transmittal Policy for the payment of dues shall be considered active members in good standing and shall be entitled to the rights, privileges, and benefits of membership.
- D. No member shall be censured, suspended, or expelled without a due process hearing. The hearing shall be conducted by the DCFA Executive Council. An appeal may be made to the MEA Board of Reference.

IV. Officers and governing bodies

A. *Governing Body*

- 1. The governing body of the DCFA shall be the Executive Council. The Executive Council shall consist of the President, Vice President, Secretary, Treasurer, and no less than one member per division elected by the division (following the rules outlined in By-Laws section IV).
- 2. *Officers.* The officers of the Executive Council shall consist of a president, a vice president, a secretary, and a treasurer. Terms of officers shall be for two years and shall commence on August 15. Elections shall be held prior to April 1. After the first election of officers, the president and vice-president will be elected in odd years, and the secretary and treasurer will be elected in even years. The President, or duly elected officer, shall serve as a Region Council delegate.

B. *MEA Representative Assembly delegates.*

- 1. The term of office for MEA Representative Assembly delegates and alternates shall be two years commencing on August 15. Elections shall be held prior to April 1. The President will serve as the first delegate and the Vice-President will serve as the second delegate. When there are four or more MEA Representative Assembly delegates elected, Representative(s) of Minority Persons 3-1G shall be elected as required by the MEA Constitution and Bylaws. Each MEA Representative Assembly delegate shall serve as a Region Council delegate.
- 2. *Representation of Minority Persons 3-1G.* The representation shall be in compliance with the constitutions and bylaws of the National Education Association and the Michigan Education Association. In the event that the representation is less than required by the constitutions and bylaws of the MEA and NEA, rules and procedures shall be established for an at-large election to ensure proportionate minority representation.

- C. *NEA Representative Assembly delegates.* The term of office for NEA Representative Assembly delegates and alternates shall be two years commencing on August 15. Elections shall be held prior to April 1. When there are three or more NEA Representative Assembly delegates elected, Representative(s) of Minority Persons 3-1G shall be elected as required by the MEA Constitution and Bylaws.

- D. Any additional Region Council delegates shall be appointed by the Executive Council. The term of office for any additional Region Council delegates shall be two years commencing on August 15.
- E. *The Contract Negotiating Body*
1. At least three members of the negotiating body will be elected by the Faculty. Elections shall be held prior to April 1. All other members of the negotiating body will be appointed by the Executive Council.
 2. Terms of negotiating body members shall be two years and shall commence on August 15.
 3. During a contract negotiation process, current members of the negotiating body will stay on until the contract is ratified, even if their term has ended.
- F. No person shall be a candidate for office or position or hold office or position, whether elected or appointed, in the Association unless he or she is an active member in good standing. Any office or position holder, whether elected or appointed, of the Association that does not maintain active membership in good standing shall be removed from office after notice and opportunity to return to good standing within 30 days.

V. Direct legislation

- A. *Initiative*. The rights of popular initiative shall rest with the active membership in good standing of the Association. Upon receipt of a petition signed by at least fifteen percent of the active membership in good standing of the Association, the Secretary shall announce a general meeting or ballot as indicated on the petition within fifteen calendar days for the purposes presented in the petition. A majority of the total active membership in good standing shall be required for its adoption, which shall take effect thirty days later.
- B. *Referendum*. The rights of referendum shall rest with the active membership in good standing of the Association. Upon receipt of a petition signed by at least fifteen percent of the active membership in good standing of the Association, the Secretary shall announce a general meeting or ballot as indicated on the petition within fifteen calendar days for the purposes presented in the petition. A majority of the total active membership in good standing shall be required for its adoption, which shall take effect thirty days later.
- C. *Recall*. The right of recall shall rest with the electing body. Upon receipt of a petition signed by at least fifteen percent of the membership in good standing of the electing body, the Secretary shall announce a general meeting or ballot by the electing body as indicated on the petition within fifteen calendar days for the purposes presented in the petition. A majority of the total active membership in good standing shall be required for its adoption, which shall take effect thirty days later. Delegates to the MEA Representative Assembly may only be recalled for just cause.

D. Petitions shall be filed with the Secretary. However, if the Secretary is the subject of the petition, the petition shall be filed with the most senior member of the governing body not subject to the petition.

VI. Membership and fiscal year

The membership and fiscal years shall be September 1 through August 31.

VII. Authority

Any part of this Constitution and/or Bylaws that is in conflict with the MEA and/or NEA constitutions and/or bylaws will be declared null and void.

VIII. Amendments

Amendments to this Constitution may be introduced by the membership by petition signed by fifteen percent of the total active membership in good standing and submitted to the Secretary. Amendments to the Constitution may also be introduced by the Executive Council. These proposed amendments shall be acted upon at a subsequent meeting of the membership in good standing or by ballot within at least sixty days of submission. A copy of the proposed amendment, together with the recommendations of the Executive Council, shall be sent to each member of the Association in good standing at least fifteen days prior to voting. A two-thirds affirmative vote of the active membership in good standing is required to adopt the proposed amendment, which shall become effective immediately upon adoption unless otherwise provided.

IX. Dissolution

In the event of dissolution of the Association, any assets remaining, after the payment of all expenses, shall be distributed in the following manner: Upon dissolution of the Association, any assets remaining after the payment of all expenses shall be distributed to its successor so long as the successor is affiliated with the Michigan Education Association or to the Michigan Education Association, a Michigan nonprofit corporation exempt from tax under Section 501(C)(5) of the Internal Revenue Code of 1986.

DATE RATIFIED: April 29, 2019

DATE AMENDED: _____

Bylaws of the Delta College Faculty Association

I. Rules

Robert's Rules of Order, latest edition, shall be the authority on all questions of procedure not specifically stated in the Constitution and Bylaws.

II. Meetings

- A. General Membership meetings shall be called by the President or Executive Council as needed. At least twenty-four hours' notice is required, specifying date, time, place and purpose of such meetings. Notices of meetings will be sent via email to the registered email of the member.
- B. The Executive Council will meet at least once a month from September through April. Special meetings of the Executive Council may be called at any time by the President or any four members of the Executive Council. There shall be a minimum of two General Membership meetings each year. After establishment of a calendar, the membership shall be notified of dates, times, and place of meetings.
- C. Except as specified in MEA Administrative Policies, meetings shall be open to all members in good standing and members in good standing shall be permitted to address meetings.

III. Quorum

- A. The quorum for the general membership of the Association shall be twenty percent of the total active membership in good standing.
- B. A quorum for the Executive Council membership meeting shall be at least a majority of the elected members in good standing. The President or the Vice-President must be in attendance for the meeting.

IV. Powers of governing body

Upon the Executive Council, as the governing body of the Association, shall rest the duties, responsibilities, and authority for conduct of the Association in all matters except as provided in the Constitution and Bylaws; the Executive Council may at any time refer matters to the general membership for consideration.

V. Duties of officers and delegates

- A. *President*: Preside over meetings, appoint members of committees subject to approval of the Executive Council, serve on the negotiating body (per By-Laws section VIII.C), and serve as an ex-officio member on all other committees. The President will also represent the Association before the public, be executive officer of the Association, be the first delegate to the MEA Representative Assembly, serve as a Regional Council representative, submit annual budget for consideration, and perform all other functions attributed to this office.

- B. *Vice President*: Preside in President's absence and perform duties as assigned by the President. Chair of the Grievance Committee. Be the representative to the MAHE and be the second delegate to the MEA Representative Assembly. Attend Delta College Board of Trustees meetings, unless otherwise designated by the Executive Council.
- C. *Secretary*: Keep accurate minutes of all meetings of Association and Executive Council, make minutes available for inspection, maintain official files, assist President with Association correspondence, maintain accurate contact information of all active membership, and other duties assigned by the Executive Council.
- D. *Treasurer*: Deposit funds of Association and disburse them according to decisions of governing body, update Association membership records, keep accurate accounts of receipts and expenditures, report to each meeting of Association and Executive Council, prepare annual financial statement for membership, assist in drafting annual budget, and other duties assigned by the Executive Council. The Treasurer shall be bonded and the Association shall provide for an annual audit of the books.
- E. *Immediate Past President*: Shall serve on the Executive Council as a resource person for a term of one year immediately following the completion of his or her term of office in the presidency, if still an active member of the Association. At the discretion of the Executive Council, the Immediate Past President may be appointed to one additional year of service. The Immediate Past President shall be an ex-officio and non-voting member of the Executive Council.
- F. *MEA Representative Assembly delegates*: Keep Association informed of actions by the MEA and issues to be presented to the Representative Assembly, attend the MEA Representative Assembly and other appropriate meetings, and report back to the Association.
- G. *NEA representative assembly delegates*: Keep Association informed of actions by the NEA and issues to be presented to the Representative Assembly, attend the NEA Representative Assembly and other appropriate meetings, and report back to the Association.
- H. *Region council delegates*: Keep Association informed of actions by the region council and issues to be presented to the region council, attend the region council and other appropriate meetings, and report back to the Association.
- I. *Michigan Association for Higher Education (MAHE) representative*: Keep Association informed of actions by the MAHE and issues to be presented to the MAHE, attend MAHE meetings, and report back to the Association.

VI. Association representatives

- A. *Division Representatives*. The Division Representatives shall keep and maintain a current copy of the DCFA Constitution and Bylaws and a current copy of the DCFA Collective Bargaining Agreement. The Division Representatives are responsible for maintaining communications between the Executive Council and the DCFA members within their

assigned division. These Division Representatives are the “first contact” between a member and the Executive Council for any issues covered by the Collective Bargaining Agreement.

- B. Association Division Representatives are elected by each division on the basis of one Division Representative for every ten members in good standing of the division or major fraction thereof.
- C. Duties shall be to attend regular meetings of the Executive Council, call meetings of division membership to discuss Association business, conduct enrollment of members, and provide communication between members and Executive Council.
- D. Term of office shall be for two years and commence August 15.
- E. Elections shall be held prior to April 1.
- F. Vacancy in the position of Division Representative shall be filled by special election in the division.

VII. Nominations and elections

- A. The President, with approval of the Executive Council, shall appoint a Nominating and Election Committee of three members which shall establish election procedures that guarantee that all elections shall provide for open nominations by active members in good standing, secret ballot (on-site or electronic voting), voting procedures, and preservation of ballots for at least one year. The preserved ballots shall be kept in the custody of the president.
- B. The Executive Council shall certify the Nominating and Elections Committee report and publish results of the election. Official reports of elections must be filed with MEA within thirty days after the election. Official reports of elected Representative Assembly delegates shall be filed with MEA within ten days after the election.
- C. A vacancy in any of the positions shall be filled by the Executive Council until the next general election, except a vacancy in the position of President, and MEA or NEA Representative Assembly delegate(s). In the event of a President’s vacancy, a special election shall be held no later than sixty days from the known vacancy. A MEA or NEA Representative Assembly delegate(s) shall be replaced by the duly elected alternate(s).
- D. Every active member in good standing shall have the opportunity to vote. All elections shall take place following the one member/one vote principle.
- E. Elections will take place prior to April 1 of every year.

VIII. Contract negotiation team

- A. Three members of the negotiating team shall be elected. The Nominations and Election Committee will solicit names for the Contract Negotiating Team from among members in

good standing. Elections will take place before April 1 and terms shall commence on August 15.

- B. The Executive Council will appoint at least five negotiating team members, attempting to ensure there are broad skill sets and representation from all divisions.
- C. The President is a member of the Negotiation Team, but shall have no vote, unless the team is equally divided.
- D. The MEA executive director is an ex-officio and non-voting member of the Negotiation Team.
- E. The Chair of the Negotiation Team will be selected by the Executive Council in consultation with the negotiation team.
- F. Contract Negotiating Team members shall serve two-year terms.

IX. Contract ratification

- A. Only a proposed contract tentatively agreed to by an officially impaneled bargaining team may be submitted to a membership for ratification vote. Prior to the ratification vote, the President shall schedule a special Executive Council meeting. At the special Executive Council meeting, the Negotiation Team shall present the proposed changes in writing and provide the Executive Council the opportunity to ask questions regarding the proposed changes. The Executive Council shall vote on whether or not to recommend the proposed changes as a whole to the membership.
- B. Ratification Vote Process
 - 1. The Executive Council shall schedule a contract ratification information meeting.
 - 2. The Executive Council shall send each active member a written notice that includes the time, place, and date of the meeting. At the general membership contract ratification information meeting, the following shall occur:
 - a. Presentation of the tentative agreement.
 - b. A report and recommendation by the Negotiation Team.
 - c. A report and recommendation of the Executive Council.
 - d. Discussion of the written proposed changes by the membership.
 - e. The Nominating and Election Committee shall make provisions for secret balloting (on-site or electronic) for a ratification vote which shall be conducted at the end of the contract ratification meeting no longer than seventy-two hours after the presentation.
 - 3. A majority vote of those members voting shall be required for ratification.
 - 4. Only members in good standing may vote on ratification.

X. Other committees

- A. The Grievance Committee manages, on behalf of the DCFA and its membership, the implementation of grievance procedures. The Grievance Committee shall be responsible for screening, investigating, and recommending action relative to the processing for bargaining unit grievance.
 - 1. The Grievance Committee shall consist of the Vice President (who shall serve as the Chair) and the Division Representatives, and they shall serve for the duration of their term in office.
 - 2. Vacancies shall be filled in accordance with the provisions specified in the By-Laws for officers and division representatives.
 - 3. Prior to withdrawing support for a grievance, the Committee shall provide due process to the grievant including the right to be present at a meeting of the Committee and present testimony and evidence in support of the grievance and to examine or cross-examine any evidence or testimony offered in opposition to the grievance.
 - 4. If the Grievance Committee fails to support a grievance, the grievant shall have the right to appeal to the Executive Council. The decision of the Executive Council completes the grievance process.
- B. The Budget Committee shall prepare a budget that will meet the anticipated financial need of the Association's program. This committee shall be composed of all members of the Executive Council with the treasurer serving as chairperson. This budget will be submitted by the Executive Council for recommendation and transmittal to the active membership.
- C. The Public Relations Committee shall carry out all internal and external public relations duties as deemed necessary by the Executive Council. Members of the committee shall be appointed by the President and approved by the Executive Council.
- D. Special Committees shall be appointed by the President as needed (among these may be cards and flowers, retirement banquet, new members social, etc.). New committee members shall assume their duties immediately upon Executive Council approval and shall continue to serve at the discretion of the Executive Council.
- E. Auditing Committee shall audit the books of the treasurer and render a written report on its audit, together with any recommendation it wishes to offer. By the October meeting of the Executive Council, the President shall appoint an Auditing Committee of three members.
- F. Ad Hoc Committees shall be submitted by the President for approval by the Executive Council and shall serve at the discretion of the Executive Council.

XI. Dues

- A. Dues of the Association shall consist of the total amount of local, state, and national dues.
- B. Local dues shall be established by a vote of the membership in good standing.

C. Special assessments can only be voted by the membership in good standing.

XII. Amendments

Amendments to these Bylaws may be introduced by the membership by petition signed by fifteen percent of the total active membership in good standing and submitted to the Secretary. Amendments to the Bylaws may also be introduced by the Executive Council. These proposed amendments shall be acted upon at a subsequent meeting of the membership in good standing or by ballot within at least sixty days of submission. A copy of the proposed amendment together with the recommendations of the Executive Council, shall be sent to each member in good standing of the Association at least fifteen days prior to voting. A majority vote of the active membership in good standing voting is required to adopt the proposed amendment, which shall become effective immediately upon adoption unless otherwise provided.

DATE RATIFIED: April 29, 2019

DATE AMENDED: _____