

ASSOCIATION of ADJUNCT FACULTY of MACOMB COMMUNITY COLLEGE CONSTITUTION

Preamble

We, the Association of Adjunct Faculty of Macomb Community College, believing that we must institute our own self-government and secure proper recognition and responsibility for the well-being of our members, adopt this constitution.

I. Name

The name of the organization shall be the Association of Adjunct Faculty of Macomb Community College, an affiliated unit of the American Federation of Teachers (AFT). The association shall be a nonprofit corporation organized in accordance with the laws of Michigan.

II. Purpose

The objectives of this association shall be to bargain and enforce the AAFMCC union contract, the advancement of the interests of education, of educators and of educational support personnel, and the promotion of the professional growth of its members.

III. 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.

IV. Membership

A. Regular membership in the AAFMCC shall be open to all persons for whom the Union bargains collectively.

B. Sustaining membership shall be open to those who have taught as adjunct faculty at Macomb Community College (MCC) within the past two years but are not currently teaching there, past adjunct faculty of MCC now retired from active service, and those former MCC adjuncts who have been terminated from adjunct teaching at MCC and who have litigation, grievance, or other similar proceedings in progress against MCC.

C. Active members of this organization shall also be members of the American Federation of Teachers (AFT).

D. Membership and its rights and privileges shall not be denied or abridged on account of sex, color, race, age, disability, religion, creed, ethnic or national origin, marital status, sexual orientation, or political belief.

E. Discipline of Members.

1. A member may be disciplined by the organization for actions contrary to this Constitution or to the interests of the union or its membership. Such action may only be initiated by the bringing of written and signed charges to the Executive Board by two or more members of the local; these charges must include a specific and detailed accounting, including any documentation, of the allegations against the member.
2. Upon the receipt of such charges, the Executive Board shall cause a preliminary investigation to be conducted in order to determine whether the charges against the member have merit. In addition, at this time, the Executive Board shall give a copy of the charges to the accused member.
3. Following the preliminary investigation, the Executive Board shall vote on the question of whether a disciplinary hearing should be held. If a majority of the Executive Board votes to hold a hearing, the member shall be given at least 10 days written notice of the hearing.
4. At a disciplinary hearing, the accused member shall have the right to be represented by a person of his or her choice, and shall have the right to question the charges and present evidence and witnesses to support their defense. At the conclusion of the hearing, a majority vote of the Executive Board shall be required for discipline. If a member of the Executive Board has brought the charges against the member, that Board member shall recuse him/herself from the vote.
5. A disciplined member may appeal the decision of the Executive Board to the membership by requesting a vote at the next regular meeting. A simple majority of the members voting shall be sufficient to overrule the decision of the Executive Board to discipline.

G. General Membership and all other meetings of the association shall be open to all members in good standing. For definitions of "members in good standing" see IV, F and X below.

F. In addition to the criteria set forth in Article X of this Constitution, a member in good standing is defined as a member who is current in payment of dues. A member who is more than 30 days delinquent in dues payment shall be considered to be a member in bad standing, and shall be promptly notified of such status. A member shall be removed from membership in this organization, with notice, following three months of dues nonpayment, unless a plan to pay back dues is made and approved by both the Executive Board and the member.

V. Quorum

- A. A quorum for a General Membership or any other meeting of the organization shall be those members of the total active membership present at that meeting.
- B. A quorum for an Executive Board meeting shall be a majority of the Executive Board present at that meeting.

VI. Officers, Powers and Duties of the Executive Board

- A. *Executive Board:* There shall be a governing body of the union called the Executive Board which shall consist of a president, a vice president, a secretary, a treasurer, and one Member-at-Large. Terms of office shall commence on May 1.
- B. Upon the governing body shall rest the duties, responsibilities and authority for the conduct of the association in all matters except as provided in the Constitution and Bylaws.
- C. The Executive Board shall meet monthly, or at the call of the President, or at the call of two (2) or more of its members, for the purpose of initiating, overseeing or revising the program of the organization and to conduct other business of the organization that is within its authority.
- D. The Executive Board shall determine the agenda for all Membership Meetings.
- E. The Executive Board shall employ all professional, technical, clerical and support staff of the organization.
- F. The Executive Board shall establish the salary, benefits and expense guidelines of any general officer who is employed by the organization.
- G. The Executive Board shall be empowered to make contracts and incur liabilities including the purchase of services, equipment and real property, to borrow money, to secure such obligations by mortgage or other instrument, and to otherwise engage in financial transactions to the extent permitted by applicable law or statute. The Executive Board shall have the power to sue, complain and defend on behalf of the membership.
- H. The Executive Board shall approve the chairperson and membership of all standing committees of the organization, except the Elections Committee, and receive regular reports from such committees.
- I. The Executive Board shall be responsible for adherence to and enforcement of the Constitution and Bylaws of the organization.
- J. The Executive Board shall issue regular reports, including an annual report, to the membership.
- K. Three (3) unexcused absences from an Executive Board meeting within a year, counted from the date of assumption of office, shall be grounds for an Executive Board member's suspension and/or replacement.

VII. Nominations and Elections of Officers

A. *An Elections Committee* shall be appointed by the Executive Board to conduct all general and special elections and referenda of the organization. Elections shall be conducted in accordance with the rules established by this Constitution and the AFT Constitution as well as the standards set out by the Labor-Management Reporting and Disclosures Act (LMRDA).

1. The Elections Committee shall consist of three (3) members in good standing appointed by the President with the approval of the Executive Board. The Elections Committee shall elect its chair.
2. Any member of the Elections Committee nominated for or seeking office must vacate their position and be replaced by a member nominated by the President and approved by the Executive Board.

B. *Certification.* The Executive Board shall certify the Election Committee Report and publish results of the election. Official reports of the elections must be filed within thirty (30) days after the election including a communication from the Executive Board to the college and general membership. Election results and official reports of elected officers and appointments shall be posted within ten (10) days after the election on the union website and the membership notified via e-mail.

C. *Nominations.* There shall be a call for nominations via AAFMCC/MCC email and a post to the union website by the second Monday in January of each election cycle. An official nominations form will also be provided in said email and made available on the union website. Any member may nominate any other member as long as both are members in good standing with the union. All nominations for offices up for election that year must be mailed to the union address on record indicated on the nominations form and postmarked no later than the second Monday in the February following. Members nominated to run for office must affirmatively accept their nomination. The Election Committee shall determine whether the nominations were timely and if the nominees are eligible for office.

D. THIS SECTION WAS LEFT BLANK.

E. *Elections.*

1. Every member in good standing shall have the opportunity to vote. All elections shall take place following the one member/one vote principle.
2. All elections must be held in March during the last semester of the term of office. Officers shall serve for one (1) year. The term of office shall begin at the conclusion of the May Executive Board Meeting following the election. If the election cycle fall on a year when the collective bargaining agreement expires, the election will be postponed until the March following the new contract ratification.
3. Every election shall be carried out by mailing ballots through USPS to each active member's address on record (no p.o. boxes) and the union shall provide a return envelope pre-addressed to the union address on record. Electronic voting may take place only upon approval of the Executive Board.
4. Ballots will be mailed out by the second Tuesday in March. Returned ballots must be post marked no later than the first Tuesday in April.

5. *Special Circumstances.*

- a. In the absence of a majority, the Elections Committee shall conduct a runoff election between the two candidates who have received the most votes for the office in question.
 - b. If any nominee runs unopposed their name shall still appear on the ballot with the other nominees who have challengers. In the event, however, that all the nominees are running unopposed they shall be considered elected by acclamation and no mailing of ballots shall take place.
 - c. If a situation arises where no nominee for an office is presented those elected or acclaimed members of the Executive Board shall exercise the right of appointment as described in Article VIII, Section 5, sub-section 7 below.
 - d. In the event that any of the situations described in in sub-sections 5-a, b, or c occur the membership shall be informed by college e-mail.
6. *Challenges and objections* to the election must be submitted in writing, with a statement of supporting reasons that includes specific facts as well as any documentation, to the Elections Committee within five (5) days of the count. The Elections Committee shall issue its written opinion regarding the objections no later than ten (10) days after receipt of such objections.
7. *Vacancies.* With the exception of the Office of President, or in the case of a recall, the Executive Board will have the power to fill vacancies in its membership until the next general election of officers is held.

VIII. Contract Ratification

Contract ratification procedures shall minimally incorporate the following:

- A. Only a proposed contract tentatively agreed to by the bargaining team may be submitted to the membership for a ratification vote.
- B. A majority vote of those members voting shall be required for ratification. This vote may take place at a ratification meeting to be held on campus if the ratification meeting notification is given by email to every member at least forty-eight (48) hours ahead of the scheduled date for the ratification or by mail ballot at the discretion of the Executive Board when time is not an issue. The ratification information must be posted on the union website within five (5) business days.
- C. Only members in good standing may attend and/or vote on ratification.
- D. To ensure against voter fraud, any person in attendance at a ratification meeting must:
 1. Present photo ID or have Executive Board member verify their membership.
 2. Upon verification of membership all attendees must sign attendance sheet.
 3. Place ballot in ballot box.

E. Any person in attendance at a ratification vote whose identity cannot be verified or provide valid photo ID may cast a ballot which will be marked "UNVERIFIED" and then shall be removed from the meeting. Verification must be received within twenty-four (24) hours by the Executive Board. Upon verification, their ballot shall be approved for counting by the Election Committee.

F. Ratification vote counting must take place immediately following the casting of ballots and must take place in the room where the ballots were cast. At no time should the ballot box be removed from the plain view of the members. Members may remain to witness the vote count. The count must be announced with the detail and then read into the minutes and reported off.

G. The Executive Board or members may issue the request to audit the ballot count. This must take place within ten (10) days. Audit results will only be reported if there was a discrepancy.

IX. Direct legislation

A. *Initiative*. The rights of popular initiative shall rest with the active membership of the association. Upon receipt of a petition by fifteen percent (15%) of the active membership of the association, the secretary shall announce a general meeting or ballot as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership shall be required for its adoption, which shall take effect thirty (30) days later.

B. *Referendum*. The rights of referendum shall rest with the active membership of the association. Upon receipt of a petition signed by the fifteen percent (15%) of the active membership of the association, the secretary shall announce a general meeting or ballot as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership shall be required for its adoption, which shall take effect thirty (30) days later.

C. *Petitions*. All 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.

D. *Recall*. The right of recall shall rest with the electing body. Upon receipt of a petition signed by thirty percent (30%) of the membership of the electing body alleging constitutional violations, fiduciary breaches or acts clearly detrimental to the union, the Secretary shall present the signatures to the Executive Board to vote on whether to conduct a recall election of the officer identified in the petition. The signatures will be valid if they are taken within a thirty (30) day period and are presented to the Secretary within the thirty (30) day period. If the majority of the Executive Board approves a recall election, the Secretary shall announce a recall election as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. The recall election shall take place thirty (30) days after the membership has received notice of such election and shall be conducted by secret ballot. The Elections Committee shall supervise the recall election. A majority of the total active membership shall be required for its adoption.

E. *Removal of Officers.* Any officer shall be removed from office upon a unanimous vote of the remaining members of the Executive Board and only for cause. Cause may include (but is not limited to): abuse of office, persistent pattern of failure to fulfill the duties of their office, or other offenses deemed detrimental to the union or its governing body. The Executive Board shall recommend a replacement candidate at the earliest possible time and shall be appointed upon a majority vote of the Executive Board. Any officer who is removed from office under these provisions may exercise due process by producing a petition signed by no less than thirty percent (30%) of the active membership. Petitions must be submitted within thirty (30) days of removal.

X. Rules of Active Membership

Active membership and fiscal years shall be September 1 through August 31. Active membership shall refer to those members eligible to teach at Macomb Community College and who are in "good standing" with the union by satisfying all of the following criteria:

1. The member has paid dues and dues are current.
2. The member is recorded on the Macomb Community College seniority list.
3. The member has declared themselves as such by completing a union form.

XI. Authority

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

XII. Amendments

A. *Amendments* to this Constitution or the Union's Bylaws shall occur in either one (1) of the following methods:

[1] Amendments may be proposed and adopted by a member or members in good standing if both of the following conditions are met:

- (a) a copy of the exact language of the proposed amendment, signed by the members(s) proposing it, is mailed to the AAFMCC Secretary at the union address on record; and
- (b) within ninety (90) days of that submission a petition signed by no less than thirty (30%) percent of the total active membership in support of the proposed amendment must be submitted to the AAFMCC Secretary at the union address on record.
- (c) Each page of the petition must contain a copy of the proposed amendment language, along with the printed names, signatures and dates of only those members in good standing to be valid. The AAFMCC Secretary must verify all signatures.

[2] Amendments may also be introduced by the Executive Board at a General Membership Meeting where they will be subject to a vote. A majority of the members present must vote “yea” for the amendment to be adopted. A draft of the proposed amendment along with the recommendations of the governing body shall be sent to the membership via e-mail message at least fourteen (14) days prior to the General Membership Meeting at which the amendment is to be introduced to a vote.

B. In both methods 1 and 2 the amendments shall take effect immediately and posted to the AAFMCC website unless otherwise specified in the language.

C. *Quorums* for any meeting at which constitutional or bylaw amendments are to be considered and adopted shall be those members of the total active membership present.

D. Any changes to the AAFMCC Constitution or Bylaws must be reported via e-mail message, including a text of the amendment language, to the membership within three (3) days of adoption.

AAFMCC Constitution: Drafted 11-30-13; Revised 3-25-14; Ratified 4-6-14.

Adopted Amendment Ratified: 03-31-17