

# **CONSTITUTION OF THE UNITED PROFESSORS OF MARIN (UPM)**

## **ARTICLE I: *Name***

The name of this organization shall be the United Professors of Marin, American Federation of Teachers (UPM/AFT), Local 1610 (hereinafter referred to as UPM or Union).

## **ARTICLE II: *Objectives***

The purpose of the United Professors of Marin shall be to:

1. Raise the standards of our teaching profession and promote the highest standards of professional services in education;
2. Promote the welfare and safeguard the best interests of students at the College of Marin by every means available;
3. Secure full trade union rights, including the rights to exclusive recognition and collective bargaining for all employees eligible for membership;
4. Promote the advancement of community college education in the public interest;
5. Protect and advance the economic and professional interests of our members and obtain just compensation for services rendered;
6. Establish and maintain academic freedom in the classroom;
7. Secure for faculty their rightful voice in the determination of curriculum and educational policy and in establishing the conditions under which they teach;
8. Establish and maintain class sizes and teaching loads for faculty members, which are consistent with their professional training, responsibilities and professional norms;
9. Provide fair and safe working conditions; and
10. Encourage mutual understanding, cooperation, and civility among the membership.

## **ARTICLE III: *Membership and Dues***

1. All non-administrative certificated employees of the Marin Community College District, including Permanent/Probationary and Adjunct (Temporary/Part Time) credit and noncredit, not for credit (community ed) faculty are eligible for membership in United Professors of Marin.
2. The UPM does not and shall not discriminate against or deny membership on the basis of race or ethnicity, color, gender, gender identity/expression, national origin/ancestry,

immigration status, religion/creed, sexual orientation, age, marital status, physical or mental disability, medical condition, or military or veteran status.

3. For all first-time members, membership in UPM and all rights thereof will become effective after processing the UPM membership application and after at least one paycheck has been issued in which UPM dues have been paid.
4. Faculty shall have the right to withdraw membership from UPM by submitting a letter of resignation to the UPM secretary. In order to resume voting privileges in UPM, faculty shall restore membership by completing and submitting the membership application and resuming the payment of dues. Employees who restore membership shall pay dues for a total of four (4) calendar months prior to participating in any UPM election.
5. Dues and assessment increases shall be proposed by the Executive Council and must be approved by a majority vote of the membership attending a general or special meeting. No increase to dues or assessments can be voted on at the same meeting at which it is introduced. At least 10 working days must elapse before the first meeting at which such a previously introduced motion can be voted on. Dues decreases may be approved by a majority vote of the Executive Council.

#### **ARTICLE IV: *Executive Council and Their Elections***

##### **Section 1. Executive Council Members and Duties**

1. Elected and appointed officers of UPM, union representatives to committees, councils and task forces, and delegates to councils and conventions must be union members in good standing of the organization for a period of four months prior to the date of their election or appointment and must remain in good standing for the entire time they serve as officers, representatives or delegates.
2. The below-mentioned officers shall constitute the Executive Council of UPM and shall represent UPM and its members. The Executive Council is responsible for the day-to-day operation of UPM including, but not limited to, all financial matters, member complaints and grievances, public relations, contract and Memoranda of Understanding, negotiations with the Marin Community College District, and legislative and other political matters. The Executive Council is responsible for adherence to and enforcement of the Constitution and Bylaws of the organization. Specific duties of Executive Council leadership are further outlined in the UPM Bylaws.

3. The officers of this organization shall consist of the nine (9) members of the Executive Council, which shall include no fewer than six (6) and not more than seven (7) members of the permanent/probationary staff and not fewer than two (2) and not more than three (3) members of the adjunct staff. The six (6) permanent/probationary members shall be chosen from a list of nominees who are members of the permanent/probationary staff and shall be elected by a vote of the permanent/probationary members of the union. The two (2) adjunct members shall be selected from a list of nominees who are members of the adjunct staff and shall be elected by a vote of the adjunct members of the Union. One member shall be chosen from a list of nominees who may be members of either the permanent/probationary or adjunct staff and shall be elected by a vote of all members.

## **Section 2. Elections and Terms of Office**

1. All Executive Council members shall be elected for a term of two (2) years or until their successors have been duly elected, qualified and installed. Elections shall be held each year by the last full week of March. The seats held by the officers elected by the permanent/probationary members shall be number 1,2,3,4,5 and 6; the seats held by the officers elected by the adjunct members shall be numbered 7 and 8; the seat held by the officer elected at large shall be numbered 9. Officers holding the odd numbered positions (1,3,5,7, & 9) shall be elected in odd years. Officers holding even numbered positions shall be elected in even numbered years.

2. The Election Committee shall conduct all general and special elections and referenda of the organization.

3. The President with a majority vote of the Executive Council shall appoint an election committee of three (3) and, working with the UPM Administrative Assistant, they shall oversee the process of nomination notices and electronic ballots.

4. Any member of the Election Committee nominated for or seeking office must vacate their position on the Election Committee and be replaced by a member nominated by the president and approved by the Executive Council.

5. All newly elected officers shall be installed at the first regular Executive Council meeting in July.

## **Section 3. Vacancies**

1. Permanent vacancies of any Executive Council seat shall be appointed by a vote of at least six (6) Executive Council members until the next election of officers by the General Membership. If the vacancy occurred during the first year of a two-year term, the appointed officer will serve out the academic year until June 30<sup>th</sup> and a newly elected officer will complete the term by serving for one year beginning on July 1<sup>st</sup>.

#### **Section 4. Election of Executive Council Leadership**

1. By the last full week of April, the Executive Council-elect (EC-elect) will convene to elect leadership positions for the upcoming academic year.

At this meeting:

- a. Members of the EC-elect shall, by majority vote, elect from the members of the EC-elect a President, who shall serve at the will of the majority of the Executive Council and shall, with the approval of the Executive Council delegate duties to other Union members in keeping with the various functions of the Executive Council and the Union.
- b. Members of the EC-elect shall, by majority vote, elect from the members of the EC-elect a Secretary-Treasurer and Grievance Officer, who shall serve at the will of the majority of the Executive Council and carry out the functions of the office as outlined in the UPM Constitution and Bylaws.
- c. Members of the EC-elect shall, by a majority vote, elect a Chief Negotiator who is a UPM member in good standing and who does not sit on the Executive Council. If a current member of the EC is elected as Chief Negotiator they must resign their position on the EC. The Chief Negotiator shall serve at the will of the majority of the Executive Council and carry out the functions of the office as outlined in the UPM Constitution and Bylaws. The Chief Negotiator shall have no vote on the Executive Council, nor shall the Chief Negotiator have a vote to determine articles of the CBA that shall be sun-shined, nor a vote on the final language of negotiated items.

If any of these positions are not filled at this special meeting, they may be elected once the Executive Council is seated in July.

#### **Section 5. Other Appointed Positions**

1. The Executive Council shall approve the membership of all standing, ad-hoc and special committees and positions. These include, but are not limited to, Communications Director, Webmaster, and budget monitor.
2. Ad-hoc and Special Committees shall be created as needed by a majority vote of the Executive Council. Duties and scope of service will be outlined at the time of the creation of the committee.

## **ARTICLE V: *Meetings***

### **Section 1. General Membership**

1. General membership meetings shall be held at least once during the fall and spring flex period of the school year. These meetings are open to all Union members in good standing.

### **Section 2. Executive Council**

1. The Executive Council shall meet at least once per month, or at the call of the President or any five Executive Council members. These meetings are open to all union members, except for agenda items designated as closed session of the Executive Council.
2. A quorum for Executive Council meetings shall consist of five (5) members. A majority vote of the entire Executive Council (5 affirmative votes required) shall be necessary to transact business and pass any motion.

## **ARTICLE VI: *Source of Authority***

### **Section 1. Will of the Majority**

1. Meetings shall be conducted in a democratic manner with final authority for all actions vested in the will of the majority of the voting members, except when the Constitution or Bylaws call for a higher threshold. A quorum constitutes 20% of UPM members. All votes shall be by open ballot held during official UPM meetings, except for the election of the Executive Council members as provided for in Article IV. At the direction of the majority of the Executive Council, or at the request of a UPM member supported by a vote of more than 50% of the voting members at any official meeting, a secret mail ballot shall be conducted.

### **Section 2. Contract Ratification**

Contracts between the United Professors of Marin and the Marin Community College District may be revised or modified at any time during the lifetime of a contract. Any modification of the contract involving salaries, fringe benefits or pay rates (as specified in Articles III or IV of the Collective Bargaining Agreement) must be submitted for ratification to the membership at an official meeting. No vote for ratification can be held at the same meeting at which the motion is introduced. At least ten (10) working days must elapse before the first meeting at which such a previously introduced motion can be voted on. All other modifications shall be approved by a majority vote of the Executive Council with the proposed revisions provided to all members of the Executive Council at least one week prior to consideration by the Executive Council. If requested by one-third of the voting members of the Executive Council the said proposals shall

be brought before a general or special meeting of UPM members. In this case, a majority vote of the voting members shall be required for passage. At least ten (10) working days prior to consideration of a proposed contract change by a general or special meeting of the membership, a notice of the specific proposed revision or modification shall be made available to each member of UPM.

#### **ARTICLE VII: *Rules of Order***

1. *Robert's Rules of Order Newly Revised* shall govern this organization and all of its subordinate bodies in all cases in which they are applicable, and in which they are not inconsistent with this Constitution or the By-Laws or procedural rules adopted by the organization.
2. No member of the Executive Committee shall vote on any matter that directly or personally affects them unless it is for the good of the membership. This includes but is not limited to contract language specific for their discipline/area, grievances/disputes involving them, and selection of sabbatical committee members.

#### **ARTICLE VIII: *Recall of Executive Council***

1. A petition signed by twenty-five (25%) percent of the UPM membership and documenting constitutional violations, blatant disregard of the bylaws, fiduciary breaches, and/or other acts clearly detrimental to the union by a member or members of the Executive Council, shall cause the President of the Executive Council to call a special meeting of the membership to consider the charges.
2. The meeting of the membership shall be held within thirty (30) days of the presentation of the petition to the President of the Executive Council.
3. Attendance of thirty (30%) percent of the general membership shall constitute a quorum at such a meeting.
4. A ballot vote shall be conducted of the members present. A recall requires approval by a majority of the voting members present.

#### **ARTICLE IX: *By-Laws***

In order to clarify additional procedures, duties, and methods of operation, Bylaws for the organization have been established. Any proposed amendment to the Bylaws, submitted to the President by a signed petition of twenty-five (25%) percent of the union membership or by majority vote of the Executive Council, will be submitted to the general membership at the next

regularly scheduled, or special meeting and shall be ratified by a majority voting members. Such proposed amendments shall be made available to each member a minimum of ten (10) working days before the next regularly scheduled or special meeting.

## **ARTICLE X: *Procedures for Amending the Constitution***

### **Section 1. Proposing an Amendment**

Any proposed amendment(s) to the constitution must be supported by a majority vote of the Executive Council or by petition of twenty-five (25%) of the membership. The motion to consider the amendment(s) shall be approved by a majority vote of those attending the next regularly scheduled or special meeting.

### **Section 2. Notice of Proposed Amendment**

Such proposed amendment(s) shall be made available to each member a minimum of twenty (20) working days before the next regularly scheduled or special meeting. Notice of the meeting time and place will be announced at least ten (10) working days before such meeting takes place.

### **Section 3. Voting on Proposed Amendment**

A favorable vote of two-thirds of those attending the regular or special meeting shall cause proposed amendment to take effect.

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### ***Procedure for Approving this Constitution***

This constitution shall be introduced at a regular meeting of the UPM members where a simple majority vote shall be required for the circulation and consideration of this constitution by the full UPM membership. (Completed 8/14/2019)

During the circulation period, members may submit questions and suggestions in writing to the Executive Council for their consideration. The Executive Council, with a majority vote, may make changes to this draft of the constitution prior to the members' vote. A vote on the final draft of the constitution shall be held at a general (flex) or special meeting of the members, which shall be scheduled within 6 months of the introduction of the constitution. Approval of the constitution shall require a two-thirds (2/3) vote of the members present.

**Date of Introduction and Motion to Consider: 8/14/2019**

**Date of first submission for review: 11/11/2019 (via email to members)**

**Date of second submission for review: 12/9/2019 (sent via email to members)**

**Date of third submission for review: 1/6/2020 (sent via email to members)**

**Date of final review by Executive Council: 1/13/2020 (completed)**

**Final copy sent to members: 1/14/2020 (completed)**

**Date of Approval by General Membership: 1/15/2020 (APPROVED)**