

(Adopted SEPT 28, 2011.)

BYLAWS

San Joaquin Delta College Teacher's Association/CTA/NEA

I. NAME AND LOCATION

The official name of this Association shall be the San Joaquin Delta College Teacher's Association (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 membership 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.** The primary category of membership shall be Active members.
- 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 the San Joaquin Delta Community College district(s), 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, and is not an Active member.
- G. Active members shall adhere to The Code of Ethics of the Education Profession.
- H. The rights to and privileges of membership shall not be abridged in any way because of age, sex, race, color, 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.
- L. Religious Objectors must present a receipt of charitable contribution to one of the Association's approved charities (i.e. American Cancer Society, American Red Cross, or United Way), at least the equivalent of the current year's union dues, by October 1st of every year and in compliance with state law. The receipt will be given to the current Treasurer of the 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.
- A. 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.
- B. 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. 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 of any calendar year 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.

VI. POLICY-MAKING BODY

- A. The policy-making body of the Association shall be a Representative Council. The Representative Council, comprised of Active members of the Association, derives its powers from and shall be responsible to the Active membership.
- B. The Representative Council shall be composed of the following Active members:
 1. Executive Board Officers, ex-officio-voting;

2. Faculty Representatives elected on the basis of one-person one-vote;
3. The President of the Academic Senate or his/her designee shall be an ex-officio non-voting member.

C. The Representative 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 Representative 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 Representative 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 Representative 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 Representative Council shall be sent to all members of the Representative Council at least two days prior to the date of the meeting.
- H. For emergency meetings of the Representative Council during crisis situations, the Executive Board shall adopt procedures to notify representatives of meeting dates, places, and times.
- I. Members of the Representative Council shall serve a term of two years.
- J. A quorum for all meetings of the Representative Council shall consist of a majority of all voting members of the Representative Council.

VII. MEETING ATTENDANCE PROCEDURES

- A. If an Officer or Faculty Representative is absent for four or more meeting in a year or two meetings in a row AND has not notified, within two days of the meeting, the President, with a compelling reason for her/his absences, the position will be considered job abandonment.
- B. The Representative Council will then review the circumstances presented and determine whether or not to declare a vacancy.
- C. Vacancies will be filled by standard election procedures.

VIII. FACULTY REPRESENTATIVES

- A. Faculty/ representatives shall be elected by and from the Active membership for each faculty group. Such election shall be by open nominations and by secret ballot. Elections for Faculty representatives shall occur in even numbered years.
- B. Each faculty group shall be entitled to at least one representative and shall have one representative for each 35 Active members on the faculty, or major fraction thereof.
- C. Faculty groups are delineated as follows:
 1. Math and Science
 2. Fine arts and Communications
 3. Humanities, Social Science, and Education
 4. Nursing and Health Sciences

5. Applied Sciences and Technology and Agriculture
 6. Athletics and Physical Education
 7. Languages and Learning Resources
 8. Business, Accounting, Computer Science and Engineering
 9. Counselors
 10. Librarians
- . Active members who are not represented through a regular faculty group shall be represented by the Counselor group.
- D. Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly elected replacements.
- E. Faculty Group Representatives shall:
1. Conduct constant and ongoing liaison between the Representative Council and the Active members of the faculty group
 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 Representative Council, conducting frequent and regular polls of such membership for this purpose; and
 4. Perform such additional duties as prescribed by the Executive Board.
- F. A Faculty group representative may not conduct an election in which he/she is a candidate.

IX. 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, a Secretary, and a Treasurer.
- B. These officers shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in their respective positions during their terms of office.
- C. These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nominations and secret ballot.
- D. Elected officers may NOT work overload of more than 2 classes or 8 hours per week (including bonus units) excluding SJDCTA stipends and/or release time.
- E. 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.
- F. 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 Representative 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. In the event a vacancy occurs in the other offices, a special election shall be held to elect successors to fill the unexpired terms.
- G. 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. (See Standing Rules for Elections)
- H. 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.
- I. Terms of office will begin on June 1.

X. DUTIES OF OFFICERS

- A. The President shall be the chief executive officer of the Association and its policy leader.

The President shall:

1. Preside at all meetings of the Association, the Representative Council and Executive Board;
2. Prepare the agenda for the meetings of the Association, the Representative Council and the Executive Board;
3. Be the official spokesperson for the Association;
4. Be familiar with the governance documents of the Association, CTA, and NEA;
5. Appoint all chairpersons and members of committees with the approval of the Executive Board by the beginning of each school year;
6. Appoint the chairperson and members of the bargaining team with the approval of the Executive Board by the beginning of each school year;
7. Call meetings of the Association, Representative Council and the Executive Board;
8. Propose the procedures for grievance processing for ratification by the Executive Board and the Representative Council;
9. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
10. Attend meetings of the Service Center Council of which the Association is a part (or send a designee);
11. Attend other CTA/NEA meetings (or send a designee) as directed by the Representative Council; and
12. Supervise individuals contracted to provide services to SJDCTA.

B. The First Vice-President shall:

1. Serve as assistant to the President in all duties of the President;
2. Assume the duties of the President in the absence of the President;
3. Be responsible for the formation and distribution of the Association's calendar of activities; and
4. Serve as coordinator of committee activities at the direction of the President.
5. Serve on the College Policy & Procedures Committee;
6. Be responsible for presenting proposed policy and/or procedure changes to the Representative Council for comment, summarizing these comments in written form, and presenting the comments to the Policy & Procedures Committee.

C. The Second Vice President shall:

1. 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 a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and the Executive Board;
2. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Executive Board; and to the membership when appropriate;
3. Maintain SJDCTA files;
4. Distribute an agenda to the membership of SJDCTA at least two days in advance of the Representative Council meeting;
5. Keep an accurate roster of the membership of the Association and of all committees; and
6. Carry on the correspondence pertaining to the affairs of the Association as directed by the President; and

F. The Treasurer shall:

1. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;
2. Pay out such funds upon orders of the President;
3. Provide a written financial report for each regular meeting of the Representative Council and Executive Board;
4. Be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the membership; and
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);

XI. EXECUTIVE BOARD

- A. The Executive Board shall be composed of the **elected** officers.
- B. All members of the Executive Board shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in this position.
- C. The Executive Board shall meet prior to each regular meeting of the Representative Council and at such other times as the President may deem necessary, or upon written petition of a majority of the members of the Executive Board.
- D. The duties and the responsibilities of the Executive Board are:
 1. Coordinate the activities of the Association;
 2. Act for the Representative Council when school is not in session;
 3. Direct the bargaining activities of the Association, subject to policies established by the Representative Council;
 4. Approve by majority vote appointment and by 2/3 vote removal of bargaining team members;
 5. Recommend a budget for the Association to the Representative Council;
 6. Approve by majority vote all appointment and removal of committee members, including chairpersons;
 7. Adopt the Standing Rules for the Association;
 8. Adopt grievance procedure;
 9. Direct the grievance activities of the Association; and
 10. Exercise all the business and organizational powers and duties for the Association as prescribed by law and these bylaws, subject to any restrictions that may be imposed by the Representative Council.
- E. A quorum for all meetings of the Executive Board shall consist of a majority of the elected members of that body.

XII. MEETINGS OF THE GENERAL MEMBERSHIP:

- A. Meetings of the Association may be called by the President, the Executive Board, or by written petition of twenty percent (20%) of the Active membership.
- B. Notices of the Association meetings including date, place, time, and purpose of the meeting shall be made available to all members of the Association at least two days before the meeting except during crisis situations.
- C. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places and times.
- D. A quorum for meetings of the Association shall be 51 percent of the Active membership.

XIII. BARGAINING TEAM

- A. The duties of the Bargaining Team are to represent and to bargain for all bargaining unit members.
- B. The President shall appoint all members, alternates, and the chairperson of the Bargaining Team with the concurrence of the Executive Board.
- C. Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates.
- D. The Executive Board, by two-thirds (2/3) vote, may remove a member of the Bargaining Team.
- E. The Bargaining Team shall be under the direction of the Executive Board, and shall report its activities to the Executive Board, as the Board requires.
- F. The Bargaining Team is empowered to reach tentative agreements with the district subject to ratification by the Active membership.
- G. Responsibility and authority for directing the bargaining process on behalf of the Association are vested in the Executive Board subject to policies established by the Representative Council.
- H. Employees shall be surveyed to determine contents of the proposed contract demands, and the contract proposal shall be approved by the Representative Council.
- I. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.
- J. Agreements reached between the Bargaining Team and the school board or its representatives shall be considered tentative and not binding upon the Association until such agreements have been ratified by the Active membership in the appropriate unit(s) unless such ratification shall have been specifically waived or otherwise delegated by that Active membership.

XIV. GRIEVANCE PROCESSING

- A. The Executive Board shall adopt, with the approval of the Representative Council, the procedures for grievance processing.
- B. These procedures shall include, but not be limited to, the following:
 - 1. Provide for representation to assist all members of the bargaining unit(s) in processing grievances;
 - 2. Training for handling grievances; and
 - 3. Evaluation of the Association's grievance policies and procedures.

XV. 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.

XVI. COMMITTEES

- A. Committees, except as otherwise provided in these bylaws, may be established and discontinued by the Executive Board, subject to approval by the Representative Council.
- B. Each committee shall submit periodic reports to the Executive Board and Representative Council.

XVII. CONFIDENTIALITY

- A. Any discussion items introduced as “confidential” at any SJDCTA meeting has therefore been determined as confidential and remains as such until the Executive Board determines and approves the item’s status as no longer confidential.
- B. If an Officer or Faculty Representative violates confidentiality, the President will notify the violator. After the notification, if the Officer or Representative violates confidentiality again, the Executive Board will meet to discuss whether or not the Officer or Representative should be removed from office. The Executive Board will then vote on the question of removal of the violating Officer or Representative. In the event the complaint involves the President, another Officer, not associated with the complaint will notify the violator. After the notification, if the President violates confidentiality again, the Executive

Board will meet, without the President, to discuss whether or not the President should be removed from office. The Executive Board will then vote for removal or not of the President. In all cases, a two-thirds vote shall be required for removal from office.

XVIII. PARLIAMENTARY AUTHORITY

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

XIX. AMENDMENTS/PROCEDURES:

These Bylaws may be amended by a two-thirds (2/3) vote of the representatives at any regular or special meeting of the Representative Council. Notice in writing of a proposed Bylaws amendment shall have been submitted to the Secretary (Secretary-Treasurer) and provided to members of the Representative Council at the meeting preceding the one at which it is to be voted upon.