

CONSTITUTION/BYLAWS OF THE COMMUNITY COLLEGE OF RHODE ISLAND FACULTY ASSOCIATION/NEARI/NEA

[The italicized parts within brackets] represent existing parts of the document proposed for elimination.

The shaded areas represent proposals for replacement of portions or additions to the document.

ARTICLE I

NAME

This organization shall be named the Community College of Rhode Island Faculty Association, *[NEARI/NEA]*, **hereinafter referred to as the Association.**

ARTICLE II

PURPOSE AND OBJECTIVES

2.1 To promote the interests of public higher education on the community college level.

2.2 To develop, adopt and promote those ethical practices, personnel policies and standards of preparation and participation which characterize the profession.

2.3 To unify and strengthen the profession by working to secure and maintain the salaries, academic freedom, tenure, professional leave, sick leave, retirement and other working conditions necessary to maintain and support the dignity of the profession.

2.4 To enable members to speak with an equitable and common voice on matters pertaining to the profession and the college and to present their individual and common interests and view before respective legal authorities.

2.5 To maintain effective communications with other college faculty members within and without the state system and to implement concerted actions on matters and issues affecting faculty welfare and policy considerations.

2.6 To hold property and funds and to engage a staff for the attainment of these purposes and objectives.

ARTICLE III

MEMBERSHIP

Any faculty member wishing to join [NEARI/NEA] the Association must also join whatever [the] local, state and national [associations] organizations with which it is affiliated. *[The Community College of Rhode Island Faculty Association shall have three (3) classes of members.]*

[3.1 Active Member]

Active members of the Association shall be those members who pay dues and have officially joined the Association as determined in accordance with Article X. Members eligible to vote on collective bargaining issues and other matters concerning the Association's organization and maintenance shall be limited to those members paying dues who are members of the bargaining unit as defined in the recognition clause of the collective bargaining agreement.*

[3.2 Life Member]

A person is a life (active-voting) member of the Association if he or she meets the requirements of Section 1 above and has paid life membership dues.

3.3 Associate Member

Any member of the Association who ceases to be eligible for active voting membership because of his or her work has become primarily non-teaching shall be eligible for Associate (non-voting) membership.]

*Rhode Island labor law allows the Association to collect union dues from faculty members who do not formally join it. These members, or agents, shall not have voting privileges within the Association.

ARTICLE IV OFFICERS

4.1 The officers of the Community College of Rhode Island Faculty Association shall be president, vice president, treasurer and secretary.

4.2 The terms of office shall be two (2) years. There shall be no limit on the number of consecutive terms an elected officer may serve.

4.3 President

The president shall have the duties associated with the office. He or she shall:

a. *[Preside at]* Attend all meetings of *[the Association and]* the Executive Committee unless unavoidably absent or incapacitated, in which case the vice president shall preside.

b. Call *[all]* special meetings of the Association in conformance with Article 8.1.

c. Sit as a member ex officio of all committees except the Nominating-Elections Committee and the Executive Committee, *[thus allowing inclusion of the president for a quorum count on the latter according to Robert's Rules.]*

d. Serve on the negotiating team and [A]appoint its chairperson. *[the chairperson of the Negotiating Committee.]*

e. Represent the Association at those functions where Association representation is required.

f. In the case of a vacancy in an officer's or committee member's position, appoint a replacement until the next regularly scheduled election.

[g. In the case of a vacancy on a committee, appoint a replacement until the next regularly scheduled election.]

g. Authorize the secretary to conduct an electronic vote to fill faculty positions on search committees.

4.4 Vice President

The vice president shall have the duties associated with the office. He or she shall:

- a. *[Preside at] Attend Association and Executive Committee meetings [in the absence of the president].*
- b. *When requested by the president, represent [the president] him or her at committee meetings. [at the request of the president]*
- c. *When requested by the president, represent [the president] him or her at functions when representation of the Association is required.*
- d. Serve in consultation with the President to help resolve conflicts between Association members and CCRI's administration and/or the Office of Higher Education regarding contractual issues in accordance with Article IX of the contract between the CCRIFA and the Board of Governors.
- e. In the case of dereliction, permanent incapacity, or unexpected retirement by the president, assume the presidency on an interim basis until the Nominating-Elections Committee arranges voting for a new president. (See Article VI for election procedures).
- f. *Serve on the negotiating team.*

4.5 Treasurer

The treasurer shall have the duties associated with the office. He or she shall

- a. Receive from the membership and take custody of the *[Chapter] Association's* dues and monies.
- b. Notify the membership in advance and in writing of dues payable.
- c. Supervise the expenditures of all Association monies following approval of the appropriate committees and the President.
- d. Keep an adequate and accurate record of all Association monies.
- e. Publish an annual report and distribute it to the membership prior to the first meeting of the next academic year.
- f. *Enroll new members into the Association.*

4.6 Secretary

The secretary shall have the duties associated with the office. He or she shall

- a. Keep an accurate record of the proceedings and attendance of all meetings of the Association.
- b. Verify the necessary requirements for quorum, voting, candidacy and election.
- c. Prepare all correspondence for the Association after consultation with the president and committees.
- d. Issue to the membership notices (with agenda, where possible) of all general and special meetings of the Association, giving at least a one (1) week advance notice.
- e. During an election year, organize and conduct the election of members to the Negotiating-Elections Committee.
- f. Conduct at the president's request an electronic vote to fill faculty positions on search committees.

ARTICLE V

COMMITTEES

5.1 There shall be two (2) standing committees of the Association: the Executive Committee, and the Nominating-Elections Committee. *[At the discretion of the president,]* Temporary ad-hoc committees[, *including the Negotiating Committee*] and unelected college-wide committees, *such as but not limited to search committees,*] may be either (a) appointed by the president with the approval of the *Executive Committee*, (b) elected by the Executive Committee, or (c) elected by the general membership to serve until their objective(s) are achieved. Membership on any committee shall be restricted to *[active-]*voting members of the Association as defined in Article III.

5.2 Executive Committee

a. The Executive Committee shall consist of the Association's officers, elected representatives from each department, the committee's political action representative, who shall be appointed by the president, and six (6) representatives elected at large. Each department shall be entitled to one (1) seat on the Executive Committee for every ten (10) active members in the department.

(1). Departments where the number of active members is more than midway into any unit of ten (10) shall be considered to have a whole unit of ten (10) for purposes of representation on the Executive Committee. (For example, a department composed of sixteen (16) active-voting members shall be entitled to two (2) seats on the Executive Committee.)

(2.) Conversely, any department of more than ten members whose actual membership falls below the midway cutoff point in a unit of ten will lose a seat on the Executive Committee at the time of the next election for committee members.

(3.) If a member of the committee retires or resigns before his or her term on the committee ends, that member's department shall decide upon a replacement as soon as possible.

b. Only actual (employed) faculty, not budgeted positions, shall be counted when determining the number of representatives to which a department is entitled at the time of election.

c. Departmental representatives shall be chosen by election within each department in October of an election (calendar) year. At the same time, each department may elect an alternate(s) who will serve in the absence of any elected department representative(s). Department chairs shall notify the secretary of the names of elected representatives.

d. A quorum at all Executive Committee meetings shall be one third (1/3) of the number of elected representatives. The number needed for a quorum will vary, therefore, depending upon whether all departments have elected their representatives at the time an Executive Committee meeting occurs.

e. The Executive Committee shall elect its own chairperson. The chair shall serve for one year and may be re-elected continuously thereafter or not, as long as he or she remains a member of the committee.

[e]f. The Executive Committee shall be the administrative authority of the Association and shall:

(1.) Function as a steering committee in matters that pertain to the general welfare and serve the best interests of the Association. In this capacity, the committee shall seek all information necessary to understand and approve the decisions of the Association's elected officers and shall share with the leadership responsibility for those decisions.

(2.) Advise the president on appointments to committees over which the president has authority.

(3.) By majority vote of the entire Executive Committee, declare an office vacant in the following circumstances: (a) an elected officer suffers from long-term (more than one year) disability and cannot participate at meetings; (b) an elected officer refuses to perform the duties required by his or her position as explained in the bylaws. An officer accused of dereliction shall be notified when a vote is to be taken considering his or her removal from office and shall have the opportunity, but shall not be required, to present a defense in front of the committee before a vote is taken.

f. Executive Committee members shall take office immediately upon their election.

g. There shall be no limit on the number of consecutive terms to which an Executive Committee member may be elected.

5.3 Nominating-Elections Committee

a. There shall be a Nominating-Elections Committee composed of five (5) members elected by the *[body via government-postal-land ballot]* faculty in October of an elections year.

(1).The election shall be conducted by the Association’s secretary aided by members of the Executive Committee. The secretary shall canvass the faculty via e-mail *[during the last week in]* no later than September 30 requesting the names of those members who want to run for a position on the Nominating-Elections committee. Interested parties must send their names either in writing or via e-mail to the secretary by October 10.

(2). Ballots shall be e-mailed, or in the case of those on leave or absent from the college for some other justifiable reason, land mailed to active voting members of the Association by October 15, to be returned to the secretary by October 25 (postmarked no later than October 23) either by hand, interoffice mail or land mail.

(3). On October 25 or the next working day, the ballots shall be counted at the campus of the secretary with the assistance of members of the Executive Committee or their designees. The exact time and place of the counting shall be noted on the ballots. All the counters shall testify to the accuracy of the count through their signatures on the tally sheet(s). After the results have been verified by the secretary of the Association, they shall be posted on the Association’s website and sent to the membership by e-mail. *[who shall give notice via e-mail and the Association’s website one week prior to their counting of the exact location and time the counting shall occur.]* All active-voting members of the Association may attend the counting of the ballots. The secretary shall keep the ballots for two years after the election for the inspection of any member of CCRIFA.

b. The committee shall elect its own chairperson.

c. The committee shall notify all members who are elected to contractual and/or CCRIFA committees—Curriculum Review, Student Grievance, Sabbatical Leave, Environmental and any future such contractually or organizationally created committees— of the expiration of their terms of office one month before the expiration of said term.

(1.) The notification shall occur through interoffice mail and/or e-mail.

(2.) The Nominating-Elections Committee shall conduct elections for positions on the contractual and union committees following the method and timetable listed below under Article VI.

ARTICLE VI

ELECTION OF ASSOCIATION OFFICERS, CONTRACTUAL AND CCRIFA MANDATED COMMITTEE MEMBERS.

6.1 Procedure for Election of Officers.

- a. The chairperson of the Nominating-Elections Committee, through e-mail or land mail for those on leave or not on campus for some other justifiable reason, shall notify the membership by March 1 of an election year of an upcoming election and call for nominees.
- b. By March 25 of an election year, any member of the Association interested in running for *[an office]* president, vice-president, secretary or treasurer must submit a petition to the committee's chairperson showing the candidate's name, both printed and signed, the office sought, and the signatures of five other Association members supporting the candidate's nomination.
- c. After receiving the necessary petitions, the chairperson shall then create a ballot, post it on the Association's website, and e-mail it to the entire membership by April 1. A lost ballot may be replaced by simply downloading it from the website. Provisions shall be made for any write-in candidate for each office on the ballot. No person can be nominated nor elected to more than one (1) *[office]* officer's position.
- d. By April 3, The Nominating-Elections Committee shall land-mail ballots to those on leave or absent from the college for some other justifiable reason. *[postal ballots to voting members of the Association by April 5.]*
- e. Ballots must be returned in an envelope to the chair of the Nominating-Elections Committee either by hand, interoffice or land mail no later than 1:00 p.m., April 25 (or the following Monday if the 25th occurs on a weekend). Polls will close at that time. A voter's name must appear both signed and in print on the return envelope; otherwise, it will be considered a disputed vote whose legitimacy shall be resolved by the committee when the ballots are counted.
 - (1). Once an envelope with the ballot inside is in the hands of the chair of the Nominating-Elections Committee, it may not be reconsidered.
 - (2). The ballot shall indicate the exact time and place for the tallying of votes. This information shall also appear on the Association's website.

[To be valid, ballots must be signed and postmarked for return mail to the committee's chairperson by April 24 or delivered either by interoffice mail or by hand to that person by April 25. By that latter date, the committee's chairperson shall both post on the Association's website and e-mail the membership telling them where and when the ballots will be counted.]

[e] f. The Nominating-Elections Committee shall at the request of the candidates provide opportunities for presentations and/or debates at any or all campuses between April 7 and 21.

6.2 Validation of Election.

- a. The Chairperson of the Nominating-Elections Committee will keep an updated list of CCRIFA voting members and place it on the Association's website. The list shall also be available for viewing when and where ballots are counted.
- b. The ballots shall be placed in a container which will be sealed and left in the possession of the Chairperson of the Nominating-Elections Committee or designee until the election is certified by the Nominating-Elections Committee or a run-off election is held.
- c. All valid ballots will be counted at the committee chairperson's campus by members of the Nominating-Elections committee no later than April 30 following notification procedures explained in 6.1.[d]e. above. Committee members will certify the election by signing their names to the tally sheets. All interested CCRIFA members may attend the counting of the ballots.
- d. A person shall be elected to office by receiving an absolute majority, i.e. more than fifty percent, of the ballots cast.
 - (1.) If an absolute majority is not received by any candidate, the Nomination-Elections Committee shall no later than May 5 send ballots by postal mail to the membership for a run-off election between the top two (2) vote getters.
 - (2.) The ballots must be returned to the chair of the Nominating-Elections Committee postmarked no later than May 15. A voter's name must appear both signed and in print on the return envelope. Otherwise the ballot inside will be considered disputed, and its legitimacy decided by the committee on the day ballots are counted.

(3.) Within one week from that date, the Nominations-Election Committee shall count the ballots at the campus of the committee's chairperson, who shall give the membership two-days notice via e-mail and website of exactly where and when the ballots will be counted. All interested CCRIFA members may attend the counting of the ballots.

(a.) If either of the top two vote getters for a particular office withdraws prior to a run-off election, the election for this office is null and void.

(b.) In that case, the Nominating-Elections Committee shall solicit candidates for that office and conduct a new mail-ballot election within one month from the null and void declaration, giving candidates and voters at least one week's notice before the closing of the polls.

(i.) The chair of the committee shall post on the Association's website exactly where and when counting of the ballots shall take place.

(ii.) Any CCRIFA member(s) shall be entitled to attend the counting of the ballots.

e. Ballots shall be kept in the secure possession of the chair of the Nominating-Elections Committee for two years after the date of the election for the inspection of any CCRIFA member.

6.3 Procedure for Election to Contractually and CCRIFA Mandated Committees.

a. Committee positions that must be filled during a year when a general election for officers is not scheduled shall be filled through electronic-mail ballot.

(1.) Consistent with Article 5.3.c, the Nominating-Elections Committee shall electronically notify members on the contractually and mandated committees one month before the expiration dates of their terms.

(2.) The Nominating-Elections Committee shall at the same time electronically notify the entire faculty of

openings on these committees and solicit candidates to run for the open slots.

(3.) Faculty who want to run for an open slot shall notify the chair of the Nominating-Elections Committee with ten days after receiving notification.

b. An electronic ballot shall be created by the Nominating-Elections Committee and sent to the faculty two weeks after notification of an opening(s) on a mandated committee. Valid e-ballots must be returned to the chair of the committee one week later. **Provision shall be made on the ballot for write-in candidates.**

(1.) The chair shall post the election results on the Association's website and through e-mail within four days after voting closes.

(2.) Printed copies of the ballots shall be kept in the Association's office for two years from the date of the election(s) for inspection by any CCRIFA member(s).

ARTICLE VII

QUORUM

At any meeting of the Association a quorum shall consist of fifteen (15) percent of the active-voting members. A quorum shall be established by the secretary after taking the roll. A quorum being present, the vote necessary for conducting business shall consist of a majority of those active-voting members present.

ARTICLE VIII

MEETINGS

8.1 The Association shall have at least [*one (1) annual meeting*] **two annual meetings** each academic year, **one by mid-October and one by late February.** Special meetings shall be called at any time of the year by the President or at the written **(including e-mailed)** request of ten (10) active-voting members (minimum)

with seven days' prior notice to the membership. In the latter case, notice of the meeting shall be electronically posted and sent no later than the weekday following the president's receipt of the request. Requesters shall avoid calling for meetings that will fall on holiday or holiday eves.

8.2 The record of each meeting shall be signed by the secretary and the president. One (1) copy of the record shall be filed in the Association Office and another copy shall be kept by the Secretary during his or her term of office.

8.3 At its first meeting of the academic year, the Association shall elect a speaker to preside over all general-faculty meetings for the next calendar year. Election for a speaker shall occur at the beginning of each academic year thereafter, with no limit placed on the number of years a member may serve in that capacity.

ARTICLE IX

RULES OF ORDER AND PARLIAMENTARY PROCEDURE

9.1 Robert's Rules of Order shall be the fundamental parliamentary law of the Association meetings. Special Rules of Order shall govern the Association whenever applicable.

9.2 The parliamentarian, appointed by the president, shall be sufficiently familiar with these rules in order to guide the president whenever a disagreement arises at a meeting over parliamentary procedure. Such guidance may be given at the request of the President or upon the initiation of the parliamentarian.

9.3 If not elected to the Executive Committee in his or her own right, the parliamentarian shall be an ex officio member of that committee.

ARTICLE X

DUES

10.1 The annual dues for membership in the Association will be as prescribed, using the state and national associations as guidelines. Any funds collected through the agency shop will be distributed in the same manner as regular membership dues.

10.2 Special assessment of the membership shall be accomplished by a two-thirds (2/3) vote of the members present at a meeting of the Association with seven days' notice given of the meeting, including an agenda that clearly spells out its purpose.

ARTICLE XI

PROVISION FOR AMENDMENT

11.1 The Constitution of the Association shall be amended in the following manner:

a. Proposed amendments shall be submitted in writing to the president. Within ten days after receiving the proposed amendment, the president shall then forward it to the Executive Committee for study. The committee shall vote upon it no later than the semester after which it was submitted, earlier, if possible. The committee may vote to approve, disapprove, or return the proposed amendment to its originator(s) for clarification and/or revision.

b. A vote in the affirmative by [of two-thirds] a majority of the entire Executive Committee shall be required to approve a proposed amendment. Any disapproved amendment may be resubmitted for consideration during the next [school] academic year.

c. In the case of approval by the Executive Committee, the secretary, no later than the first week of the subsequent semester, must notify the membership of the proposed amendment through electronic posting when practicable but by land mail for those active members on leave or absent from the college for some other justifiable reason.

(1.) As soon as practicable after notification has been sent, but within one week, the president shall call a general-faculty meeting to expeditiously discuss any amendment(s), notifying the faculty either electronically or through land mail for those on leave or absent from the college for some other justifiable reason.

(2.) Within one week after the general-faculty meeting, the secretary shall electronically send to faculty who are not on leave ballots to approve or disapprove the proposed amendment,

notifying faculty on leave or absent for some other justifiable reason by land mail.

(3.) However, votes to approve or disapprove the proposed amendment shall be returned to the secretary via either land mail, interoffice mail, or by hand no later than fourteen (14) days after ballots have been sent.

d. Two-thirds of the ballots cast must approve of the proposed amendment to incorporate it into the CCRIFA Constitution and Bylaws. If the proposed amendment fails, it may be reconsidered during the next [school] academic year.

1996 Amendment:

The Executive Committee will vote on any contract proposal(s) before it is submitted to the general faculty, who shall have a minimum of five days to review the contract before voting on any changes to it. The president of the union [will] must report on the result of the committee's vote to the membership before asking them to vote on the contract proposal; otherwise the vote by the general membership is null and void. Nothing in this amendment [would] can prevent the union's leadership from moving a motion for acceptance before the general faculty [on] of a contract which has been rejected by the Executive Committee or vice versa as long as the other provisions of this amendment are adhered to.