

# Bylaws

## of the MiraCosta College Faculty Assembly

### Article I—Preamble

The name and purpose of the MiraCosta College Faculty Assembly is as stated in Article I of the Constitution. The representation and membership of the Faculty Assembly are as stated in Article II of the Constitution.

The Faculty Assembly Council shall establish recommended dues to be paid by members of the FA and said dues shall be reviewed annually, posted on the FA website, and reflected on the FA Contribution Form.

All references to “members” or “membership” in this document refer to any full-time faculty employees who pay at the recommended rate or make any regular dues contributions that the faculty employee deems to be fair and equitable.

### Article II—Faculty Assembly (FA)

#### Section A: Areas of Authority and Responsibilities

1. The specific areas of the Faculty Assembly’s authority are defined by the *MiraCosta District/Faculty Assembly Agreement* (hereinafter referred to as the District-FA Agreement) and in Memoranda of Understanding between the Faculty Assembly and the District.
2. With regards to matters that may overlap with the responsibilities of the Academic Senate, the Faculty Assembly shall make every effort to work with the Academic Senate leadership to clarify and establish clear lines of authority.

#### Section B: Duties, Rights, and Responsibilities

1. All members shall be entitled to vote as provided in the Constitution and these Bylaws, and when elected or appointed in accordance with the Bylaws, serve as members of the Executive Committee, Negotiating Team, or Council.
2. Only full-time faculty who are up to date in dues and have paid the recommended dues for the current academic year and are or will be tenured faculty members upon the start of their term is eligible to run for and hold office. All executive members must remain dues-paying members at the recommended rate for their full term in office.
3. All full-time faculty shall have the right to vote on the District-FA collective bargaining agreement.

#### Section C: Meetings and Quorum

1. Upon a decision by the FA President, a recommendation by a simple majority of the Council, or upon a petition of 10% of the membership, a general membership meeting shall be called. General membership

meetings may be open to all full-time faculty, or restricted to FA members only, at the discretion of the FA President.

2. A quorum exists when a simple majority of Faculty Assembly members are present.
3. Although discussion may take place in the absence of a quorum, a quorum is necessary for motions to be made or considered.

## Article III—Executive Committee

### Section A: Terms of Office

1. President
  - a. Serves for a two-year term, then one additional year as Immediate Past President.
  - b. Must be a tenured faculty member and may not serve concurrently in an elected position within the Academic Senate.
  - c. No term limits.
  - d. May vote with regards to decisions made by the Executive Committee.
  - e. Votes only in the case of a tie in matters before the Council or at a general membership meeting.
  - f. May vote in all elections.
  - g. Receives appropriate reassigned time as negotiated with the District or provided by Faculty Assembly funds.
2. Vice President and Executive Members
  - a. Each serves a two-year term.
  - b. Must be a tenured faculty member and may not serve concurrently in an elected position within the Academic Senate.
  - c. No term limits.
  - d. May vote in all meetings and elections.
  - e. Receives appropriate reassigned time as negotiated with the District or provided by Faculty Assembly funds.
3. Ombudsperson
  - a. Serves a two-year term.
  - b. Must be a tenured faculty member and may not serve concurrently in an elected position within the Academic Senate.
  - c. No term limits.
  - d. May vote in all meetings and elections.
  - e. If not formally trained in mediation, must receive such training within three months of taking office.
  - f. Receives appropriate reassigned time as negotiated with the District or provided by Faculty Assembly funds.
4. Immediate Past President
  - a. Serves a one year term following completion of term or resignation.
  - b. Does not serve in the event of a recall.

- c. Must remain a member of the FA to serve in this role.
- d. May vote in all meetings and elections.

## Section B: Duties and Responsibilities

1. All Executive Committee Members
  - a. Provide leadership for the Faculty Assembly.
  - b. Oversee the fair and equitable implementation of working conditions agreements specified in the District-FA Agreement and in Memoranda of Understanding.
  - c. Vote to approve Memoranda of Understanding, side letters, or minor modifications to the District-FA Agreement that have limited impact on faculty working conditions, subject to correction by the full FA Council. Approval of minor changes to the District-FA Agreement requires a majority vote of the Executive Committee.
2. President
  - a. Chairs and calls meetings of the Faculty Assembly, Council, and the Executive Committee.
  - b. Ensures smooth functioning of meetings and provides opportunities for all members to participate.
  - c. Acts as the official spokesperson of the Faculty Assembly, the Council, and the Executive Committee.
  - d. With the consent of a majority of the other members of the Executive Committee, appoints a minimum of 13 regular members to Council positions with particular consideration for individual expertise and the establishment of a balanced membership capable of representing the full diversity of faculty interests.
  - e. With the consent of a majority of the other members of the Executive Committee, appoints ex-officio members to Council as needed to supplement the knowledge and expertise of regular Council members.
  - f. Meets regularly with representatives of the District to identify potential working conditions issues and to address concerns.
  - g. With the consent of a majority of the other members of the Executive Committee, establishes necessary subcommittees of the Council and appoints FA representatives to district committees, teams, or other groups.
  - h. Communicates directly and regularly with all full-time faculty, providing regular updates on the work of the Faculty Assembly.
  - i. Is solely responsible for authorizing appropriate payments. Authorizes payments only after consultation with the Executive Committee. Expenditures may be subject to additional FA Rules.
  - j. Regarding matters requiring interpretation, is solely responsible for responding to questions regarding the District-FA Agreement and portions of California state laws and regulations that impact FA working conditions.
  - k. Deliberates with the District's Director of Labor Relations to arrive at interpretations of the District-FA Agreement that are mutually acceptable to the FA and the District.
  - l. Determines which matters presented to the FA are delegated to the Ombudsperson, Chief Negotiator, or other members of the FA leadership.
  - m. Other duties as determined by the Council and established in FA rules.

3. Vice President
  - a. In the event that the President is unable to perform duties, the Vice President shall assume each of the President's responsibilities.
  - b. Other duties as determined by the Council and established in FA Rules.
  
4. Treasurer
  - a. One of the Executive Members shall be designated as Treasurer by the FA President with confirmation by Council.
  - b. The Treasurer shall be responsible for proposing annual budgets and documenting and reporting on expenditures of funds.
  
5. Ombudsperson
  - a. Works through appropriate channels to resolve grievances impacting the working conditions of one or more full-time faculty.
  - b. Provides representation to full-time faculty who become the subject of an investigation, explaining rights, preparing for interview, garnering legal advice as necessary, and actively ensuring rights are protected throughout the process to resolution.
  - c. Serves as the Weingarten representative when full-time faculty are called into a meeting with supervisor/administration which may result in disciplinary action.
  - d. Updates the FA Council on working conditions grievances and investigations and advises the FA Council on such matters should they emerge in formal negotiations. Such updates shall occur in closed session when necessary to protect the privacy rights of individual full-time faculty or other district employees.
  - e. Addresses full-time faculty complaints, including grievances related to working conditions. When full-time faculty complaints are directed at other faculty members and create an actual or potential conflict of interest, the FA may elect to forego involvement.
  - f. Remains current on all District policies, laws, and regulations related to grievances and full-time faculty rights.
  - g. Works with District personnel and other campus constituencies to formulate policies and offer training designed to limit and resolve conflicts.
  - h. With regards to disputes between or among full-time faculty, advises and mediates as necessary without taking sides.
  - i. With regards to disputes between full-time faculty and the District or others outside the Faculty Assembly, maintains an interest in resolving the issue to the advantage of the full-time faculty interests.
  - j. Calm, reasoned sincerity should govern the ombudsperson's efforts in all cases. The ability to listen carefully without interruption or the imposition of personal bias is an essential quality.
  - k. Other duties as determined by the Council.
  
6. Other Duties (all Executive Members)
  - a. Perform other duties as determined by the Council and/or established in FA Rules.

# Article IV—Faculty Assembly Council (FAC)

## Section A: Terms of Office

1. All Council members are appointed by the FA President to two-year terms after consultation with Executive Committee and the Academic Senate President.
2. At least one of the members of the Council shall be appointed by the Faculty Assembly as a member of the Fringe Benefits Committee (FBC) and serve as a liaison between FBC and the Council.

## Section B: Duties and Responsibilities

1. Each council member represents interests of the entire Faculty Assembly, as opposed to representing any specific group.
2. Council members are expected to serve on subcommittees of the Faculty Assembly as needed.
3. Council members may serve on the negotiation team, as determined by the Faculty Assembly President.
4. Council members' responsibilities may include active involvement in the politics of the North County region as a means of promoting fair and equitable working conditions agreements for full-time faculty.
5. Vote to approve Memoranda of Understanding or modifications to the District-FA Agreement that have broad impact on faculty working conditions, as determined by Executive Council. Approval of such changes to the District-FA Agreement requires a 60% majority vote of the FA Council.
6. Other duties as determined by the Council and established in FA Rules.

## Section C: Establishment of Council Rules

1. The FA Council may establish rules to encourage consistent operational practices. Rules may establish permanent standing committees, outline specific duties for these committees and/or committee chairs, determine standard meeting times, determine the frequency of standing committee meetings, and make additional provisions as necessary to ensure the smooth functioning of the FA Council and its subcommittees.
2. All FA Rules must be consistent with the FA Constitution, FA Bylaws, and any duly adopted amendments to either the Constitution or Bylaws.
3. The creation, elimination, or modification of rules requires a sixty-percent majority vote of the FA Council, a quorum being present, for approval.

## Section D: Quorum

1. A quorum exists when a simple majority of FA Council members are present.
2. A quorum is necessary for motions to be considered. However, regular meetings may occur for discussion without a quorum present.

## Article V—Negotiating Team

### Section A: Appointment of Full Contract Negotiation Team

1. All members are appointed by the FA President after consultation with the members of the Executive Committee.
2. Once a team is selected, the composition of the team must be confirmed by a simple majority vote of the FA Council.

## Article VI—Elections

### Section A: Nominations and Elections

1. When practical, Faculty Assembly elections shall be conducted in conjunction with the MiraCosta College Academic Senate elections. The procedures that follow will generally mirror those of the Academic Senate.
2. Faculty Assembly elections shall take place through an independent FA Elections Committee or through a joint committee of the Faculty Assembly and the Academic Senate (AS).
3. If elections take place through an independent FA Elections Committee, the FA Executive Committee shall appoint members to the committee. No members of the Elections Committee shall be members of the Executive Committee.
4. With mutual agreement of the AS President and FA President, the FA Elections Committee may meet jointly with the AS Elections & Leadership Committee or a Joint Elections Committee may be formed for the purposes of smooth coordination of elections. References to the “Elections Committee” in the remainder of this Section apply to either the FA Elections Committee or the Joint Elections Committee, as appropriate.
5. As appropriate, the Faculty Assembly President will consult with the Chair of the Elections Committee to ensure smooth functioning.
6. By the end of the sixth week of classes of the spring semester, the Elections Committee shall establish an election timeline consistent with the procedure described below.
7. By the beginning of the ninth week of classes of the spring semester, the Elections Committee shall put out a call for nominations to the members of the Faculty Assembly. The nomination period lasts approximately two weeks while classes are in session. Upon receiving nominations, the Elections Committee shall first confirm eligibility for office according to Article II.B.2 in these Bylaws, and only those meeting these requirements will be announced as nominated. Only those members nominated within the nominations period and confirmed as eligible shall be considered for the ballot.
8. After the Elections Committee verifies the eligibility of each nominee, the Elections Committee will notify each eligible nominee via email. Any member of the Elections Committee who accepts a nomination shall resign from the Elections Committee and be replaced by appointment by the Faculty Assembly Executive Committee if necessary. Nominees shall have three days from the close of

nominations to accept the nomination. Those accepting the nomination may then submit a candidate statement (and possibly other requested materials) by the designated deadline via email to the identified person on the Elections Committee. If at one week from the close of nominations there are no more *bona fide* candidates than the number of seats for a particular position to be filled, the candidate(s) shall be declared winner(s) by the Elections Committee and no election for such position(s) shall be held. Any process noted here may be done through automated or electronic means.

9. If an election is to be held, within two working days of the deadline to submit candidate statements, the Elections Committee shall make an Election Brochure available online. It may also be distributed electronically or in print. The Elections Committee shall notify members how and when to access the brochure.
10. Additionally, the Elections Committee may establish one or more election forums, with the rules governing the forum to be mutually agreed upon by the candidates.
11. Ballots shall be distributed to FA members within three working days after the election brochure is available. Once the ballots are distributed, members shall have at least three working days (weekdays when classes are in session) in which to submit their vote and at least five working days from the date the brochure was made available. In the race for positions on the FA Executive Committee, a single paper or electronic ballot shall list all candidates. All ballots shall be returned either in person, via campus mail, or electronically to the chair of the Elections Committee or designee according to the election timeline. Votes for candidates who are not listed on the official ballot shall not be counted or considered.
12. After the deadline for submission of ballots according to the timeline established by the Elections Committee, the Elections Committee shall count the ballots. Ballot counting may be done through automated means using appropriate technology.
  - a. The candidates for FA President, Vice President, and Ombudsperson who receive a majority of the vote for each position shall be declared the winner. If there is no majority in the initial balloting, within a week, a runoff election shall be held between the two candidates who received the highest number of votes. The person who receives the majority in the runoff shall be declared the winner. The two candidates for general Executive Officers who receive the largest number of votes shall be declared the winners. In the event of a tie for the second or for both of the general Executive Officer positions, within a week, a runoff election shall be held between the tied candidates.
  - b. Candidates for Ombudsperson must provide evidence of formal training in mediation, or signify a willingness to receive appropriate training within 3 months of taking office.
  - c. As winning candidates are determined, the Elections Committee shall notify all full-time faculty of the results for each position.
13. Any candidate may request a recount of the votes. In the case of this request, each candidate in that race may be present during the recount and may inspect the Elections Committee security for the paper or electronic ballots. In the case of a mistake in counting the votes or a breach of security, the Elections Committee may amend the results of the election to declare the candidate who received the verified majority of the votes cast to be elected or may conduct a new paper or electronic ballot if a security breach compromised the results of the election.

#### 14. Vacancies

- a. Vacancies on the Executive Committee due to health issues, sabbatical leave, or unbanking that occur for a single semester or less may be filled by appointment by the remaining members of the Executive Committee and confirmed by a majority vote of the FA Council.
- b. Those vacancies that occur for Vice-President, Ombudsperson, and Executive Committee members while half or less of the term is unserved shall be filled by appointment by the remaining members of the Executive Committee and confirmation of the FA Council.
- c. Those vacancies that occur while more than half of the term is unserved, or a vacancy in the office of FA President, shall be filled by special election using the same process as for the general election as described above, but with an adjusted timeline as determined by the Elections Committee. Once the ballots are tabulated and the winner with the most votes declared, the winner shall take office immediately.
- d. If the Faculty Assembly President resigns and the Immediate Past President position is vacant, then, if able, the resigning president serves as Immediate Past President until May 31<sup>st</sup> of that academic year.

#### Section B: Recall of Faculty Assembly Executive Committee Officers

1. To initiate a recall of any member of the Executive Committee, a written petition bearing the signatures of at least 20 percent of the Faculty Assembly members must be presented to the Elections Committee. A separate petition is required for each officer being recalled. A recall may not be held if three months or less remain in the officer's term.
2. If a valid petition is received, the Elections Committee shall establish a nominations period of no less than two weeks and issue a call for nominees. If no one accepts a recall nomination, then no recall shall be held.
3. If at least one eligible Faculty Assembly member accepts a recall nomination, then the Elections Committee shall distribute paper or electronic ballots to all members of the Faculty Assembly. The ballot shall contain two questions per officer subject to recall: (1) "Shall [name of officer] be recalled"; and (2) "If [name of officer] is successfully recalled, which of the following candidates should replace him/her"? All ballots shall be returned either in person, via campus mail, or electronically to the chair of the Elections Committee or designee within five class days.
4. If the first question is successful, the candidate receiving the majority of the votes shall be declared the winner. If there is no majority in the initial balloting, within a week, a runoff election shall be held between the two candidates who received the highest number of votes. The person who receives the majority in the runoff shall be declared the winner.
5. The winning candidate shall serve for the remainder of the recalled officer's term, effective immediately on declaration of a winner by the Elections Committee.
6. If the FA President is recalled, he/she shall not serve as Immediate Past President.

#### Section C: Resignation of Faculty Assembly Council Members and Executive Committee Officers

1. In order to resign their position, Faculty Assembly Council Members and Executive Committee Officers must send a message of resignation to the Chair of the Elections Committee that also specifies their last



date of service. A simultaneous copy shall be sent to the FA President (or to the FA Vice President in the event of the President's resignation). This message must be sent via MiraCosta College email.

2. The resignation and its effective date shall be official once the Chair of the Elections Committee has verified the message and replied to the Council Member or Executive Committee Officer via MiraCosta College email. A simultaneous copy of the reply shall be sent to the FA President (or to the Faculty Assembly Vice President in the event of the President's resignation).
3. Once a resignation message has been verified, it is not possible to rescind this resignation.