

ACE CONSTITUTION *approved 11-21-07*

Preamble

For purposes deemed wise and good, we, the faculty of the West Valley-Mission Community College District herewith form the Association of College Educators (ACE) of the West Valley- Mission Community College District, an organization whose goal is to represent fairly and equally all faculty in the West Valley- Mission Community College District in matters pertaining to employment and professional relations, pursuant to California State Law and our own sense of professional responsibility.

ARTICLE I. Name

The name of this organization is the Association of College Educators of the West Valley-Mission Community College District (herein called the Association or ACE).

ARTICLE II. Membership

Section 1

Membership is generally available to all academic employees, in good standing, of the West Valley-Mission Community College District except those employees defined as supervisory or management personnel pursuant to Chapter 10.7 of the California State Government Code. However, the Association may establish in its bylaws other reasonable restrictions regarding who may join the Association and may make reasonable provisions for the dismissal of individuals.

Section 1.1

Academic employees who have retired and/or terminated employment from the District are not eligible for membership.

Section 2

A faculty member shall be defined as an individual who has been issued a contract for academic employment for the current school semester or academic year.

Section 2.1

Regular Member: a tenured faculty member.

Contract Member: a non-tenured faculty member.

Associate Member: a non-tenured, 60% or less, non-tenure-track faculty member

Categorical Member: a tenured or non-tenured faculty member whose position is funded from categorical monies.

Leave Member: a person on leave who will return as a regular or contract member.

A retired faculty member, who serves as an associate faculty member, is eligible for membership in ACE. (see section 2)

Section 2.2

Representation Service Fee Individual: is a non-ACE member who pays a service fee for fair share representative services. This person may not hold any ACE office, elected or appointed, and shall have no voting privileges. This person is prohibited from attending any ACE meetings, forums, or association sponsored events.

Section 3

Each member of the Association is entitled to one (1) vote on issues presented to the membership.

Section 4

Membership in other professional organizations does not prejudice Association membership.

Section 5

Membership is on an individual basis and continues on payment of annual membership dues, fees and assessments.

ARTICLE III. Association Dues and Assessments

Section 1

Annual dues shall be proposed by the Council after due consideration of the projected cost of the level of service desired by the membership. The membership will then approve or disapprove the dues proposal in a vote. The issue shall be decided by a majority of those members voting. A majority is defined as a number greater than 50% of those eligible faculty members who vote.

Section 2

When a financial emergency is deemed to exist by the Council, the Council shall propose to the membership a special assessment, which shall be considered separate and independent of regular annual dues. Such proposals shall be approved or disapproved by a majority (greater than 50%) of those Council representatives voting. The membership will then approve or disapprove the dues proposal in a vote. The issue shall be decided by a majority of those members voting. A majority is defined as a number greater than 50% of those eligible faculty members who vote.

ARTICLE IV. Council

Section 1

The authority to govern the Association is vested in an Executive Council of eleven (11) elected representatives. The Council has the authority to determine policy and direct the operation of the Association. Each council representative shall have one (1) vote.

Section 2

Council seats shall be apportioned so as to provide one (1) part-time and four (4) full-time representatives for each college and one at-large part-time representative. The part-time seat of each college shall be held and elected by the part-time Association membership of the respective college. The at-large part-time seat shall be held and elected by the part-time Association membership of both colleges. The full-time seats shall be held and elected by the full-time Association members of the respective college. Any elected Council representative must be a member of the Association.

Section 3

The Council representatives shall be elected for a term of three (3) years. There shall be no limit to the number of consecutive terms Council representatives may serve. Upon receipt by the Executive Secretary of a petition signed by ten (10) Association members supporting a faculty member's candidacy the name of said candidate for the Council shall be placed on a Council election ballot. Article IV Section 2 will apply to the petition signatures. Ballots shall be counted by an election committee consisting of the Executive Secretary and at least one Council member (elected or appointed) from each campus. Any vacant or due to expire Council representative seat shall be approved by a majority (greater than 50%) of the eligible faculty members voting.

Section 4

The Council is empowered to create all bylaws and rules necessary for the operation of the Association. Approval or deletion of any bylaw shall require an affirmative vote of two thirds (2/3) of the Council representatives.

Section 5

The Council shall establish and make known a referendum procedure by which a disputed Council action can be the subject of a general membership vote. To initiate a referendum a petition bearing the signatures of 25% of the general membership of the Association must be submitted to the Council. The

Council shall submit the disputed action to a membership vote within twenty (20) working days of receipt of the petition. The balloting method shall attempt to reach the widest voting participation of the membership. To overturn a Council action it shall require a two-thirds (2/3) vote of those members voting.

Section 6

A Council representative is subject to recall by the membership. To initiate a recall a petition bearing the signatures with names printed next to signatures of 25% of the general membership of the Association must be submitted to the Council. The Council shall submit the disputed action to a membership vote within twenty (20) working days of receipt of the petition. The balloting method shall attempt to reach the widest voting participation of the membership. To recall a Council representative shall require a two-thirds (2/3) vote of those members voting.

Section 7

For voting purposes an Association member having work assignments at both colleges, the member shall state the college through which she/he would be represented on the Council.

Section 8

The Council shall meet at least once monthly during the academic year (fall and spring semesters) to conduct business and respond to the membership.

Section 9

The Council, in whatever way shall be deemed appropriate and reasonable, may compensate Council representatives for attendance at regular Council meetings.

Section 10

The Council shall have the authority to make appointments to contractually established committees. These actions require a majority (greater than 50%) Council vote.

Section 11

Only the Council has the authority to approve "Letters of Understanding" (LOU) and will publicize such letters in the ACE Update and the ACE Website.

Section 12

Any information or topic discussed during a closed session of an ACE Council meeting shall not be disseminated outside of the Council. Any breach of this confidentiality may result in censure, suspension, request for resignation and/or removal from office. This shall include but is not limited to grievances, negotiations, pending litigation, legal issues, and personnel matters.

Section 13

When necessary, a Council representative or negotiator may also serve in one other ACE Council function, such as, Executive Secretary, Treasurer, Budget Analyst, or Grievance Officer. A Council representative shall not serve as a negotiator.

ARTICLE V. Officers

Section 1

A Council President and Council Vice-President are the officers of the Association. Their terms of office shall be one (1) year with no limit as to the number of consecutive terms. The position of Council President shall alternate between each college when a vacancy occurs. If the eligible college presents no candidate then the position shall default to the other college. These positions shall be agendized at least two meetings prior to the vote.

Section 1.1

The President and the Vice-President seeking an uncontested seat shall be approved by a majority vote (greater than 50%) of the Council representatives.

Section 2

The Council President shall be elected through a majority vote of the Council and shall be currently serving as a Council member representative and have completed at least half an academic year on the Council. The President's duties include, but are not limited to, presiding over Council meetings, carrying on liaison with other professional organizations in the college district and the state, coordinating the activities of the Council with the activities of the Council committees, and coordinating the Association's business with the Executive Secretary. The President, and/or the President's appointed designee, is the chief spokesperson for the Association. No other Council representatives, appointees and/or ACE committee representatives shall speak on behalf of the Association without the prior consent of the ACE President and/or the Council.

Section 3

The Council Vice-President shall be elected through a majority vote of the Council and shall be currently serving as a Council representative. The Vice-President shall be elected from the opposite college as the President. The Vice-President's duties include, but are not limited to, assuming the role of the president in the absence, resignation and/or separation of employment from the District by the President for the duration of the term, and duties/activities as assigned by the President.

Section 4

An Executive Secretary shall be appointed by the Council. The Executive Secretary is a non-voting Council appointee. The Executive Secretary's duties include, but are not limited to, gathering information needed by the Council and other Association committees, preparing and distributing agendas for council and general membership meetings, budget proposals, conducting elections, advertising meetings, soliciting and transmitting to the Council consensus views among other professional organizations, managing an Association office, and keeping accurate records of all Association transactions.

Section 5

Any Council member (elected or appointed) shall be given compensation in reassigned time or monetary payment at the discretion the ACE Council. The amount of compensation shall be determined by the Council after due consideration of Association resources. Compensation for appropriate and documented ACE services, when requested, shall be based on an hour-for-hour rate.

ARTICLE VI. General Meetings

Section 1

The Council shall notify the Association within twenty (20) working days at the conclusion of negotiations of the tentative agreements for the purpose of ratification of the tentative agreements that have been reached with the District. The Council shall call a general meeting of the Association within twenty (20) working days during the Academic year (fall and spring semesters). Such negotiated tentative agreements shall be ratified or rejected by a majority (greater than 50%) of the Association members voting using an official ACE ballot.

Section 2

Upon written request of twenty-five (25) members of the Association, or whenever deemed necessary by the Council, special general Association meetings shall be called. The Executive Secretary shall announce the date, time and agenda for the special general Association meeting.

The written request shall contain the specific reason(s) for the special general Association meeting and it shall have listed the printed names of the petitioners as well as their signatures. The reason(s) in the written request for a special meeting shall be limited to and must cite specific articles or sections to the ACE Constitution, Bylaws and/or Contract.

ARTICLE VII. Conflict of Interest

Section 1

No Council representative, appointee and/or ACE committee representative shall engage in any activity or enterprise, which is inconsistent, in conflict with, or inimical to their duties and responsibilities as representatives of the Association and are subject to suspension, censure, request of resignation, and/ or removal from the ACE Council and/or ACE committee for such activities. This action is subject to a majority (greater than 50%) vote of the ACE Council. The charged individual shall not have a vote.

Section 1.1

The Council shall have the power to suspend, censure, request resignation of, and/or remove from office any Council representative, appointee and/or ACE committee representative for failure to carry out the assigned duties and responsibilities of their position. Any such action against any Council representative, appointee and/or ACE committee representative is subject to a majority (greater than 50%) vote of the ACE Council.

ARTICLE VIII. Constitutional Changes

Section 1

Changes to this constitution may be proposed by a member of the Association and shall be accomplished in the following manner:

1. Any proposed constitutional change shall be presented in writing to a respective college Council representative. The written proposed constitutional change shall be endorsed, in writing, with 50 signatures and printed names from the members of the Association. The Council representative's intention to present the proposed change must be declared in time to allow for the proposal's inclusion in the next regularly scheduled Council meeting agenda. The author of the change may be invited to present the proposal at a Council meeting.
2. At its next regular meeting, the Council representatives shall decide whether or not to take the necessary action and submit the proposed change to the general membership for a vote. Two thirds (2/3) of the Council representatives must approve before the issue shall be presented to the membership. If an Association member has proposed the change to the constitution this member shall be informed of the Council's decision within twenty (20) working days of making the proposal.
3. If Council approval is obtained, the proposed change will be printed in the ACE newsletter and/or posted on the ACE website.
4. A vote of the Association membership will be obtained not more than twenty (20) working days after distribution of the proposed change. An affirmative vote of a majority (greater than 50%) of those voting shall be required for approval.
5. If approved the Council will determine the earliest date for the amendment to go into affect.

ARTICLE IX. Incorporation

Section 1

The Association shall be incorporated as a non-profit organization pursuant to appropriate state and federal statutes.