

CONSTITUTION

The University of Montana -Missoula College Faculty Association

Article I. Name, Purpose and Governance

Section 1. Name

The name of this organization shall be The University of Montana, Missoula College Faculty Association (UM-MCFA), an affiliate of MFPE and its national affiliates.

MCFA is recognized by the Board of Regents as the exclusive bargaining representative for all persons in the bargaining unit.

Section 2. The purpose of this organization shall be:

- a. To represent members in employer-employee relations.
- b. To promote and protect the interests and welfare of members.
- c. To promote professional attitudes and ethical conduct among members.
- d. To encourage members to exercise their rights and privileges as citizens and to provide leadership in civic affairs.
- e. To hold property and funds for the attainment of union purposes.
- f. To promote the well-being of the citizens of Montana by providing quality educational opportunities to students at the University of Montana-Missoula College.

Section 3. Governance

- a. MCFA functions as an affiliate of MFPE and shall be governed by this constitution and by such other actions as may be taken by its MCFA Board of Directors and/or membership consistent herewith.
- b. This constitution shall comply with Federal and Montana State laws, the governance of MCFA and the provisions of the Collective Bargaining Agreement (CBA) between MCFA and the Montana University System (MUS) and Board of Regents (BOR). If any provision of this constitution in part or in whole, is found to be in violation of, or inadequate to conform to the laws and provisions of the above stated entities, it shall be amended as soon as possible by the MCFA to ensure compliance.
- c. MCFA shall be governed by the Board of Directors as defined in Article V.
- d. Amendments to this constitution shall be adopted by a two-thirds majority of those members voting at the general meeting of the membership.
- e. All proposed constitutional amendments must be presented to the membership not less than thirty days prior to the vote.
- f. Policies implementing and enforcing this constitution shall be by a majority vote of the MCFA Board of Directors.

Section 4. Membership

- a. Active membership in the union shall be available to all employees who are members of the bargaining unit.

- b. Members who retire from their positions are eligible to continue as retired MCFA members.
- c. Members who assume administrative positions that make them temporarily ineligible for membership may continue as members but without privileges of voting or holding office.
- d. Membership is accomplished and maintained by payment of dues, consistent with the CBA and MCFA policy.

Section 5. Rights of Membership

The union shall not deny membership to any member of the bargaining unit nor discriminate against individual members or applicants for membership because of race, sex, age, marital status, sexual orientation, physical or mental handicap, national origin, religious faith, or political belief.

Section 6. Membership Year and Membership Maintenance

- a. The membership year shall be September 1 through August 31.
- b. Membership shall continue from year to year unless the member leaves the employ of the employer or cancels membership during the period established for membership cancellation by MFPE.
- c. Cancellation of membership must be requested in writing, by the unit member, to the President of MFPE.

Section 7. Obligations of Members

- a. Members must hold active membership in MFPE and its national affiliates.

Article II. Officers

Section 1. Officers

The officers of the union shall consist of a President, a Vice President, a Secretary, and a Treasurer, and such other officers as the union shall establish.

Section 2. Duties of the Officers

- a. President
 - 1) Preside over all union meetings and prepare their agendas.
 - 2) Represent the union on all matters of union policy and program.
 - 3) Serve as ex officio member of all UM-MCFA committees.
 - 4) Serve as first local unit delegate to MFPE district council and MFPE Annual Conference.
 - 5) Appoint committee members as necessary to carry out union programs. f. Maintain the physical records of the union activities
- b. Vice President.
 - 1) Preside over union meetings in the absence of the president.
 - 2) Perform such other duties as delegated by the president.
- c. Secretary

- 1) Keep minutes of official meetings of the union.
- 2) Maintain official electronic files of the union.
- 3) .Perform such other duties as delegated by the president.
- d. Treasurer.
 - 1) Hold the funds of the union and disburse them upon authorization.
 - 2) Maintain records of receipts and disbursements.
 - 3) Maintain membership records.
 - 4) Prepare financial reports for meetings.
 - 5) Perform such other duties as delegated by the president.

Section 3. Term of Office

- a. The term of office for officers on the MCFA Board of Directors shall be for two (2) years. Elections will be held every two years..
- b. If a vacancy occurs in the office of president, the vice president shall assume the duties of president. A vacancy occurring in any other office shall be filled by appointment of the president and concurrence of the majority of the MCFA Board of Directors until an election can be conducted.

Section 4. Nomination and Election of Officers

- a. Any active member shall have the right to nominate or be nominated for office.
- b. Elections shall be by secret ballot and shall require a majority (50%+ 1) of the votes cast.
- c. Regular elections shall be conducted every April. In odd numbered years the President, Treasurer shall be elected. In even numbered years the. Vice President and Secretary shall be elected
- d.. Special elections will be held to fill a vacancy or recall of an elected officer. Special elections shall be held within thirty (30) days of the vacancy or verification of signatures on a recall petition.
- e.. Elected officers shall assume office on July 1 in the year elected unless the election is to fill a vacancy, in which case the elected officer shall assume the office immediately. For transition in this first year the officers shall assume office following certification of election.

Section 5. Recall of Elected Officers

Any elected official of the local maybe recalled for nonfeasance or malfeasance of his/her duties as spelled out in the Constitution.

The recall process is:

By a petition stating the name of the officer and the reason(s) for recall signed by at least thirty-seven and one-half percent (37 ½ %) of the membership submitted to Election Committee. Within ten (10) days of receiving the petition, the Election Committee shall meet and verify the signatures being those of members in good standing.

Upon verifying the signatures, the MCFA Board of Directors shall notify the officer whose recall is being sought of the petition being filed, the reasons contained therein, and that he/she has the right to have a statement on the ballot of not more than two hundred (200) words giving reasons why he/she should not be recalled. No such statement will be included if not delivered to the MCFA Board of Directors within ten (10) days of notice of the officer.

The MCFA Board of Directors will direct the Election Committee to conduct a recall election within thirty (30) days of the verification of the signatures on the recall petition.

The recall election shall be by secret ballot with a majority voting for recall necessary to remove the officer.

If an officer is removed by recall, Article III Officers, Section 2, of this constitution will be followed.

Section 6. Ethnic-Minority Representation.

The union shall make reasonable efforts to encourage the nomination and election of ethnic minority members.

Article III. MCFA Board of Directors

Section 1. Membership

The officers of the union, the President, the Vice-President, the Secretary and the Treasurer shall constitute the MCFA Board of Directors.

Section 2. Presiding Officer.

The president shall preside at all meetings of the MCFA Board of Directors. If the president is absent, the vice president shall preside.

Section 3. Power and Duties.

The MCFA Board of Directors shall:

- a. Adopt a mission statement, policies, and objectives.
- b. Adopt an annual budget and establish dues to support the budget.
- c. Confirm committees and committee members as recommended by the president.
- d. Schedule general meetings of the membership as may be necessary to:
 - 1) nominate and elect officers.
 - 2) amend the constitution.
 - 3) review union policies and programs.
 - 4) discuss collective bargaining issues.
 - 5) perform other such business as may be necessary to protect and promote the interests of the union.

Section 4. Quorum

A quorum of the MCFA Board of Directors shall be a majority (50%+1) of the total number of Board of Director members being present at a meeting. A quorum is necessary for the MCFA Board of Directors to conduct business. If a quorum is present, decisions are made by achieving a majority vote of those present.

Article IV. Committees

Section 1. Standing Committees

UM-MCFA shall have three standing committees:

1. Bargaining
2. Grievance, and
3. Election

Section 2. Duties of Standing Committees

- a. Every attempt will be made to assure that the Bargaining Committee is made up proportionately of representatives from the various department and campuses of the bargaining unit. It shall prepare and substantiate all contract proposals. It shall consult with the membership on these proposals, bargain with the employer, and submit any tentative agreements to the membership for ratification. The bargaining committee will seek the input of the membership through surveys on the issues to be bargained and the priority of the issues. The Bargaining Committee will provide updates after each bargaining session. When a tentative agreement on a successor contract is reached the Bargaining Chairperson in consultation with the President shall convene a ratification meeting of the UM-MCFA members. Prior to that meeting a copy of the tentative successor contract will be provided to each UM-MCFA member. Ratification shall be by secret ballot at the meeting and the ballots counted and reported in the presence of the members.
- b. The Grievance Committee shall assist members in the preparation and filing of grievances. It shall recommend to the Board of Directors what course of action the UM-MCFA should take on any grievance in which final and binding arbitration has been requested by a member.
- c. The Elections Committee will consist of members that are not at the time of the election running for office. They shall conduct the nomination and election processes for Officers and MCFA Board of Director members. All elections shall be by secret electronic ballot. The date, time and place of the voting, plus the counting of the ballots will be made known to all members and any member may be present to witness the counting. Results of elections will be made known to all members.
- d. All committees shall self-organize, electing a chair and vice-chair, determine the time and place of their meetings and report any activities at the next regularly scheduled general membership meeting and/or through appropriate other communication media, i.e. e-mail, newsletter, etc. The President with the concurrence of the MCFA Board of Directors shall provide committees with their specific responsibilities and duration.

Article V. General Membership Meetings

Section 1. There are two types of meetings of the general membership:

- a. A general membership meeting called by the MCFA Board of Directors for one or more of the five (5) listed reasons listed in Article V, Section 3, d., and
- b. A special general membership meeting may be called, by the members, through a petition submitted to the MCFA Board of Directors. The petition must state the purpose, time, and date of the special general membership meeting. The petition must be signed by at least thirty-three and one third percent (33 1/3%) of the membership. The names of members signing the petition, will be verified by the Treasurer. A special general membership meeting called by petition is limited to the purpose stated on the petition.
- c. A parliamentarian appointed by the president shall be available at all general and special membership meeting to assist the president (chair of the meeting) in handling questions of parliamentary procedure.

Section 2. Quorum

A quorum shall consist of the members present and voting. Unless specified in this document or in Robert's Rule of Orders decisions at a general membership meeting shall be by a majority (50% +1) vote.

Article VI. State and National Delegates

All union delegates to state and national governance bodies shall be elected in conformance with the requirements of the respective affiliate.

Article VII. Authority

Section 1. State and National Affiliation

- a. The union shall comply with all affiliation requirements of MFPE and its national affiliates.
- b. Should any provision in this constitution conflict with the official documents of either the state or national affiliate, said provision shall be declared null and void.

Section 2. Parliamentary Procedure

Robert's Rules of Order, latest revised edition, shall be the authority governing all matters of procedure not otherwise provided in this Constitution.

Article VIII. Amendments

Amendments to this constitution shall be adopted by a two-thirds majority of those members voting at a general meeting of the membership.

All proposed constitutional amendments must be presented to the membership not less than thirty days (30) prior to the vote.