

# Constitution

## of the MiraCosta College Faculty Assembly

### Approved 5/26/2023

#### Article I - Name and Purpose

The MiraCosta College Faculty Assembly (FA) is hereby established:

1. To advance the general welfare of the college, its staff, and students by providing an opportunity for continuous study and action on problems of the profession, promoting professional attitudes and conduct, and encouraging cooperation between the college and community;
2. To be the exclusive representative for all full-time faculty;
3. To represent full-time faculty in matters relating to working conditions and employer-employee relations, including but not limited to wages, benefits, workload, and other terms and conditions of employment in the *MiraCosta District/Faculty Assembly Agreement* (hereinafter referred to as the District-FA Agreement);
4. To provide representation to faculty who are subject to an Investigation either as respondent, claimant, or witness, explaining rights, preparing for interview, garnering legal advice as necessary, and actively ensuring rights throughout the process to resolution;
5. To serve as Weingarten representative when faculty are called into a meeting with supervisor/administration, which may result in disciplinary action; and mediating conflicts and other disputes among FA members and/or others outside of the unit;
6. To support quality education throughout the MiraCosta Community College District by promoting effective communication regarding working conditions among the MiraCosta faculty, staff, administration, and board of trustees;
7. To employ the most effective and ethical means available in order to establish negotiation priorities and working conditions agreements with the District that are fair and equitable for all full-time faculty;
8. To promote agreements that are consistent with the professional needs of faculty and with the District's commitment to maintaining the highest quality of education for our students, and that take into consideration the varied interests of a diverse faculty, staff, administration, and board of trustees;

9. To maintain open, transparent, and inclusive processes among full-time faculty while honoring the confidentiality of negotiations, and the personal privacy of individual faculty;
10. To establish and maintain a productive, collegial relationship with the Academic Senate intended to produce consensus between the two bodies when deliberating appropriate lines of authority in relation to matters that involve both working conditions and areas of academic and professional matters as defined by AB 1725 and District policy.

## Article II - Faculty Assembly Representation and Membership

1. All full-time faculty of the MiraCosta Community College District are represented by the MiraCosta College Faculty Assembly and are entitled to attend meetings of the Assembly (except when such meetings are restricted to members only).
2. All references to “members” or “membership” in this document refer to full-time faculty who contribute to the FA in accordance with the Bylaws.
3. Members are eligible to vote in Faculty Assembly elections and on the District-FA Collective Bargaining Agreement.

## Article III – Faculty Assembly Council (Council)

### **Section A: Executive Committee**

The Council shall be headed by a five (six when an Immediate Past President is serving) member Executive Committee, elected by the Faculty Assembly members. All Executive Committee members shall be members of the Faculty Assembly.

### **Section B: Members**

The Faculty Assembly Council shall include the five elected members of the Executive Committee, along with a minimum of 13 additional members to be appointed by the FA President in consultation with other Executive Committee members and the Academic Senate President. In selecting appointees, the FA President and the Executive Committee shall, to the extent that it is possible, appoint faculty in such a manner as to represent the full diversity of faculty in relation to characteristics such as (but not limited to) job type, gender identity, and ethnicity. All Faculty Assembly Council members shall be members of the Faculty Assembly throughout their term of service.

### **Section C: Ex-Officio Members**

The Faculty Assembly President, in consultation with other Executive Committee members and the Academic Senate President, may appoint additional, temporary, ex officio (non-voting) members when Council identifies a need for collaboration with the Academic Senate in addressing working condition issues that overlap with areas of Academic Senate primacy. The terms of Ex-Officio members will be limited in duration to one year (and may be less), but reappointments may occur as appropriate.

### **Section D: Amendments**

Amendments to this Constitution shall be enacted by a vote of the Faculty Assembly in accordance with Article VII, Section A of this Constitution.

### **Section E: Bylaws**

The Bylaws of the Faculty Assembly shall be enacted by the Council and amended in accordance with Article VII, Section B of this Constitution.

### **Section F: Authority**

The Council shall have authority to make all policies, rules, regulations, and modifications to the Bylaws of the Faculty Assembly in a manner consistent with the provisions of this Constitution.

### **Section G: Expenditures**

Expenditures of any funds made available to the Faculty Assembly shall be authorized at the recommendation of the FA President in consultation with the Executive Committee as provided in the Bylaws.

### **Section H: Meetings**

Council meetings shall be scheduled no less than once each calendar month of the regular academic year and at other times at the discretion of the FA President.

## **Article IV - Executive Committee**

**Section A:** The Executive Committee shall consist of all FA officers: the FA President, Vice President, two Executives, Ombudsperson, and the Immediate Past President (when applicable). These officers will serve as elected representatives in accordance with the FA Bylaws. Their authority, responsibilities, and terms of office shall be enumerated in the Bylaws.

**Section B:** Executive Committee meetings shall be scheduled no less than once each calendar month of the regular academic year and at other times at the discretion of the FA President.

## **Article V - Negotiating Team**

1. Established on an as-needed basis to conduct formal negotiations between the Faculty Assembly and the MiraCosta Community College District.

## Article VI – Committees

1. The FA Executive Committee may create such committees as it deems appropriate. The purposes, functions, constituencies, and terms of membership for permanent committees shall be specified in the Bylaws.
2. Committee chairs shall be appointed by the FA President with the consent of a simple majority of the Executive Committee. With the consent of a simple majority of the Executive Committee, the FA President may remove the chair of a committee.

## Article VII – Amendments or Revisions to Constitution or Bylaws

### Section A: Amending or Revising the Constitution

1. Proposing Amendments or Revisions to the Constitution

Amendments or revisions to this Constitution may be proposed by a majority vote of the Council or by a petition signed by at least twenty percent (20%) of the Faculty Assembly members and presented to the Faculty Assembly President. All proposed amendments or revisions must be presented in writing.

2. Scheduling of Special Election

The Council shall call a special election for the purpose of voting on amendments or revisions within thirty (30) days of their proposal unless the regular annual election falls within this period, in which case the amendments or revisions shall be voted on simultaneously with the regular election.

3. Posting of Constitutional Amendments or Revisions

Proposed amendments or revisions shall be distributed to all members via campus mail or email at least two (2) weeks prior to the election.

4. Voting Procedure for Amendments or Revisions of the Constitution

Votes for constitutional amendments or revisions shall be held by secret ballot. Electronic voting is acceptable, so long as it remains secret. A 60% majority vote in the affirmative of the members who vote shall be necessary for the adoption of an amendment or revision.

If adopted, each amendment or revision shall include the date of adoption.

An amendment or revision to the Constitution shall become effective immediately upon its adoption, unless otherwise provided in the amendment or revision.

## **Section B: Amending or Revising the Bylaws**

### **1. Proposing Amendments or Revisions to the Bylaws**

Amendments or revisions to the Bylaws require a 60% majority vote in the affirmative of the voting Faculty Assembly Council members, a quorum being present. Motions to amend or revise the existing Bylaws may be made by any member of the Faculty Assembly Council or by a petition signed by at least 5% of the current Faculty Assembly members and presented to the FA President. All proposed amendments or revisions must be presented in writing.

### **2. Voting Procedure: Faculty Assembly Council Vote on Amendments or Revisions**

Upon receipt of proposed amendments or revisions, the Faculty Assembly President shall place the item on the agenda for the next, regularly scheduled meeting of the Faculty Assembly Council. All proposed amendments or revisions must be discussed at an open meeting of the Faculty Assembly Council and may not be voted upon until the following Council meeting. Council members must be notified in writing of all proposed amendments or revisions to Bylaws at least forty-eight hours in advance of debate or a vote on them.

An amendment to the Bylaws shall become effective immediately upon its adoption, unless otherwise provided in the amendment.

### **3. Voting Procedure: Faculty Assembly Member Vote on Amendments or Revisions**

Any member of the Faculty Assembly Council may make a motion requiring that a proposed amendment or revision to the Bylaws occur through a special election of the membership. If such a motion receives the support of a simple majority of the Faculty Assembly Council members, the amendment will be subject to a vote of the Faculty Assembly's membership.

Proposed amendments or revisions shall be distributed to all Faculty Assembly members a minimum of two weeks prior to the vote. Voting shall be held by secret ballot. Electronic voting is acceptable, so long as it remains secret.

Approval will require a simple majority vote in the affirmative for adoption.

An amendment to the Bylaws shall become effective immediately upon its adoption, unless otherwise provided in the amendment.