

Constitution
of the
Cuesta College Federation of Teachers

As Re-Written March 20, 2009
and
Approved by the Members April 3, 2009

ARTICLE I

NAME OF THE ORGANIZATION

Section 1. Name of the Organization

- a. This organization shall be known as Cuesta College Federation of Teachers, AFT/CFT Local 4909, herein referred to as CCFT or the organization.

ARTICLE II

PURPOSES OF THE ORGANIZATION

Section 1. Purposes of the Organization

- a. The purposes of this organization shall be:
 1. To secure full trade union rights, including the rights to exclusive recognition and collective bargaining, for all employees who are eligible for membership.
 2. To advance the economic position, improve the working conditions, and increase the political influence of the membership.
 3. To promote the improvement of standards in the employment domain of the membership.
 4. To encourage mutual understanding, cooperation, and civility among the membership.
 5. To promote the interests of students who are served by the membership.
 6. To promote the effectiveness and quality of the institutions in which our members work.
 7. To promote democracy, equality, and human rights in the society at large.

ARTICLE III
AFFILIATIONS

Section 1. Affiliations of the Organization

- a. This organization shall maintain affiliation with the following organizations:
 1. The American Federation of Teachers, AFL-CIO
 2. The California Federation of Teachers, AFT/AFL-CIO
 3. The California Labor Federation, AFL-CIO
 4. The Tri-Counties Central Labor Council of the California Labor Federation, AFL-CIO, including its local county chapter(s).
- b. CCFT will, whenever possible, actively support the activities and call to action of each of its affiliates.
- c. CCFT will, whenever possible, send its allotted delegates to each of its affiliates' conventions and to the Tri-Counties Central Labor Council's regular and/or local (county) chapter meetings. The delegates will be elected and/or designated by procedures consistent with federal law and by this Constitution.

ARTICLE IV
MEMBERSHIP

Section 1. Authority of the Membership

- a. The legislative power of the organization shall be vested in the membership of the organization and in the votes of the membership through elections. Unless otherwise stipulated in this Constitution, action items and elections shall require a simple majority of votes cast in membership meetings.
- b. The membership of the organization shall elect the officers of the organization and shall be the deciding body for elections of Constitution and Bylaws amendments (including changes to dues); contract ratifications; job actions; and special referenda and resolutions proposed by members, the Council of Representatives, and/or the Executive Board.
- c. Defined constituent groups within the membership of the organization shall elect representatives to the Council of Representatives and the chairperson of the Part-Time Faculty Committee.

Section 2. Definition and Dates of Membership

- a. Membership in the organization will be open to all faculty members who are represented by CCFT (as defined in the CCFT/District Collective Bargaining Agreement) and considered to be

an employee of Cuesta College. Membership in the organization will continue for faculty members during temporary breaks in employment, such as over winter and summer breaks.

- b. No person shall be denied membership on the basis of sex, race or ethnicity, national origin, religious or political belief, sexual orientation, gender identity/expression, disability, or social or economic status.
- c. Membership in the organization and all rights thereof will become effective as of the date recorded on the CCFT membership application as received by the CCFT official designated in charge of maintaining the membership records and after at least one paycheck has been issued in which CCFT dues have been paid, unless a faculty member has outstanding financial or material debts or obligations to the organization, in which case all outstanding financial debts or material debts or obligations shall be fulfilled before membership becomes effective.
- d. A member in good standing shall have no outstanding financial or material debts or obligations to the organization, including but not limited to dues, for thirty (30) or more days. If such debts or obligations are not fulfilled within thirty (30) days, the member shall lose the benefits of membership in the organization, including, but not limited to, voting in elections of the organization, membership on committees of the organization, and holding office or other positions of responsibility in the organization. Status as a member in good standing shall be reinstated when such debts or obligations are fulfilled, given all other conditions of membership are met.
- e. A faculty member who has not resigned his or her membership in the organization and is not employed by Cuesta College (except for temporary breaks in employment over the winter and summer breaks) or is on a leave without pay or other such breaks in employment by Cuesta College shall remain on the rolls of the organization and shall regain his or her rights of membership in the organization on the first day of the semester upon being re-hired by Cuesta College.
- f. A faculty member shall be deemed a non-member of the organization and shall have no rights of membership of the organization when s/he no longer pays his or her dues (except for temporary breaks in employment over winter and summer breaks) or immediately upon receipt of the member's letter of resignation from the organization (including by email) by the designated CCFT official in charge of maintaining the membership records.

Section 3. Expulsion From the Organization

- a. The expulsion of a member from CCFT shall proceed according to applicable labor laws and regulations and with appropriate legal counsel.

ARTICLE V

THE EXECUTIVE BOARD

Section 1. Purpose of the Executive Board

- a. The Executive Board is responsible for the day-to-day and overall operation of the organization, including, but not limited to, all financial matters, member complaints and

grievances (except as designated elsewhere in this Constitution), public relations, contract and Memoranda of Understanding negotiations with the district, and legislative and other political issues.

- b. The Executive Board shall provide a vision and direction of the organization by setting annual goals and a program of activities in accordance with the purposes stated in Article II.

Section 2. Authority and Duties of the Executive Board

- a. The Executive Board by simple majority vote shall make adjustments to the annual budget as it deems necessary. A mid-year budget revision shall occur by February 15 of each year.
- b. Non-budgeted expenses shall not be incurred without the consent of a simple majority of the Executive Board members voting. All such expenses shall be recorded in the minutes of the meeting at which the consent was given.
- c. The Executive Board shall be empowered to make contracts and incur liabilities including the purchase of services, equipment, and real property; to borrow money; to secure such obligations by mortgage or other instrument; and to otherwise engage in financial transactions to the extent permitted by applicable law or statute. The Executive Board shall have the power to sue, complain, grieve, and defend on behalf of the membership.
- d. The Executive Board shall employ all professional, technical, clerical and support staff of the organization and shall establish the stipend, salary, benefits, and/or expense guidelines of any general officer, director, employee, or member who is employed, contracted, or subcontracted by the organization.
- e. The Executive Board shall direct all bargaining and negotiations with the district.
- f. The Executive Board shall oversee and be responsible for the activities and finances of the Committee on Political Education (COPE). Political endorsements may be made by the Executive Board in all national, state, and local races that affect the membership directly or indirectly. In all elections, endorsements are recommended to the Executive Board by COPE, but the Board may reject the recommendations and substitute others.
- g. The President shall propose and the Executive Board shall approve reassigned time, release time, stipends, and other payments for Executive Board members and others to perform the duties and activities of the organization.
- h. The President shall nominate and the Executive Board shall approve the chairpersons of all standing and special committees of the organization, except those committees and chairpersons elected by the membership or by the Council of Representatives. The President shall nominate and the Executive Board shall approve representatives to joint CCFT/District committees and the chairpersons and members of the Grievance Committee, Negotiation Committee, Catastrophic Leave Bank Oversight Committee, Peace and Justice Committee, and Negotiations Team. The Executive Board, via the President, shall receive regular reports from all CCFT committees and representatives of joint CCFT/District committees.
- i. The Executive Board shall be responsible for adherence to and enforcement of the Constitution and Bylaws of the organization.

- j. The Executive Board, via the President, shall issue and publish regular reports, including semi-annual reports of the major goals and activities taken by the Executive Board and the Council of Representatives, to the membership.

Section 3. Composition of the Executive Board

- a. The Executive Board shall be comprised of the officers, the chairpersons of committees delineated in this section, the Council of Representative liaisons, and the ex-officio, non-voting member(s) delineated in this section. Only Executive Board members (except ex-officio, non-voting members) are eligible to hear and discuss confidential information, make motions, and vote on matters of any business coming to the Board.
- b. The organization's officers shall be the
- President
 - Vice-President
 - Secretary
 - Treasurer
- c. One member may hold both the Secretary and the Treasurer positions simultaneously, in which case s/he may be designated as the Secretary-Treasurer. A Secretary-Treasurer shall be re-elected according to the election procedures delineated in this document for the Secretary and/or for the Treasurer positions in order to continue in each position.
- d. The chairpersons of the following committees shall serve on the Executive Board:
- Communications Committee
 - Committee on Political Education (COPE)
 - Grievance Committee (this committee may have two chairpersons, both of whom are ex-officio, non-voting members)
 - Part-Time Faculty Committee
- e. Three (3) liaisons from the Council of Representatives, who shall be elected by the Council of Representatives, shall serve on the Executive Board. Two of the liaisons are the co-chairs of the Council of Representatives. The third liaison shall be a temporary faculty member who has a Full-Time Equivalent Faculty (FTEF) workload of sixty-seven percent (67%) or less.
- f. The Cuesta College Academic Senate President shall be an ex-officio, non-voting member of the Executive Board.
- g. There shall be no proxy members or votes on the Executive Board.

Section 4. Duties of the Officers

- a. The President shall be the chief executive officer and primary spokesperson of the organization and shall be responsible, with the Executive Board, for the daily operations of the organization.
- b. The Vice-President shall fulfill the duties and responsibilities of the President in the absence of the President and shall be responsible for the membership.
- c. The Secretary shall be responsible for keeping and distributing the minutes of all meetings of the organization, for assistance with communications for the organization, and for maintaining all non-financial files and records of the organization.

- d. The Treasurer shall perform all the financial duties and responsibilities of the organization, including for the Committee On Political Education.
- e. The officers of the organization shall be, by office, a delegate to the meetings and conventions of the California Federation of Teachers, the American Federation of Teachers, the Tri-Counties Central Labor Council, the California Labor Federation, and other local, regional, and state affiliated organizations.

Section 5. Eligibility For Executive Board Positions

- a. To be eligible for an officer position, a person must be a member in good standing of the organization for a period of six consecutive months prior to the date that the elected term begins.
- b. To be eligible for a chairperson position that serves on the Executive Board, a person must be a member in good standing for a period of three consecutive months prior to the date that the elected term begins.

Section 6. Election of Executive Board Members

- a. CCFT officers will be elected in the spring semester, as designated in this section, by the membership of the organization. Terms of office for officers shall be three years, commencing on July 1 after the election. The officers of the Executive Board shall be elected in the following years:
 - 1. President, elected in 2010 and every three years afterwards
 - 2. Vice-President, elected in 2011 and every three years afterwards
 - 3. Secretary, elected in 2010 and every three years afterwards
 - 4. Treasurer, elected in 2011 and every three years afterwards
- b. Committee chairpersons who serve on the Executive Board (except for the chairpersons of those committees delineated elsewhere in this section) shall be elected in the spring semester of odd-numbered years by the Council of Representatives for two-year terms.
- c. The chairperson(s) of the Part-Time Faculty Committee shall be elected in the spring semester of odd-numbered years for a two-year term by the temporary (non-tenured and the non-tenure track) faculty members who are members of CCFT.
- d. The chairperson(s) and the members of the Grievance Committee shall be nominated by the President and approved in the spring semester by the Executive Board for a two-year term(s).
- e. Terms of all committee chairpersons who serve on the Executive Board shall begin on July 1 after the election.

Section 7. Vacancies on the Executive Board

- a. The Council of Representatives, by majority vote of a nomination by the Executive Board, shall appoint to an Executive Board position in which there is a vacancy (except for the position of President and Grievance Officer) a CCFT member in good standing who meets all of the criteria for the position for which s/he is being nominated.

- b. The Executive Board may re-nominate to the Council of Representatives at any time another candidate for an Executive Board position currently held by a person in an appointed position.

Section 8. Recall of Executive Board Members

- a. A petition signed by twenty-five percent (25%) of the organization's membership, and documenting constitutional violations, fiduciary breaches, and/or other acts clearly detrimental to the union, shall cause the Council of Representatives to vote within thirty (30) working days on whether to conduct a recall election of the Executive Board member(s) identified in the petition. The Executive Board member(s) subject to recall and any Executive Board member(s) signing the petition shall not vote on the question of the recall election.
- b. A majority vote of the Council of Representatives to hold a recall election shall cause an election to take place by the election methods described in this document for that position. Such a recall election shall be completed within forty-five (45) calendar days or within forty-five (45) days of the beginning of the next semester, whichever comes later.

ARTICLE VI

THE COUNCIL OF REPRESENTATIVES

Section 1. Purposes of the Council of Representatives

- a. The Council of Representatives is the primary liaison between the membership and the Executive Board and is one of the decision-making bodies of the organization. Each CCFT member shall have the right to be represented by one or more elected members of the Council of Representatives.

Section 2 Authority of the Council of Representatives

- a. The Council of Representatives shall be the deciding body for elections of the co-chairs of the Council of Representatives, the chairperson of the Communication Committee, the chairperson of the Committee On Political Education (COPE), and the chairperson of the Financial Review Committee.
- b. The Council of Representatives shall elect the Elections Committee.
- c. Upon proposal by the Treasurer, the Council of Representatives shall approve before September 15 of each year an annual budget that includes all CCFT anticipated revenues and expenses for that fiscal year.

Section 3. Composition and Elections of the Council of Representatives

- a. The CCFT members in each instructional and/or service division of which a CCFT member belongs shall elect by secret ballot in the spring semester of odd-numbered years to the Council

of Representatives for a two-year term one representative for each ten (10) Full-Time Equivalent Faculty (FTEF) or fraction thereof in the division, except for the North County Campus representative, which shall be allocated one representative. Terms shall begin on July 1 after the election.

- b. CCFT members in divisions in which there are fewer than ten (10) FTEF may elect, by majority vote of the CCFT members in the division(s), to combine its FTEF with one or more division(s) for Council representation purposes, subject to the approval of a majority of the CCFT members in each division involved.
- c. The Council of Representatives shall elect by majority vote every spring semester one (1) of two (2) co-chairpersons for overlapping two-year terms. These two (2) co-chairpersons shall also be liaisons of the Council of Representatives to the Executive Board. Terms shall begin on July 1 after the election.
- d. The Council of Representatives shall conduct an election in every odd-numbered spring semester to select one of its members who is a temporary faculty member with a workload of sixty-seven percent (67%) or less of Full-Time Equivalent Faculty as a liaison to the Executive Board for a two-year term, if there is such a person(s) on the Council who wishes to serve on the Executive Board. The term shall begin on July 1 after the election.
- e. Members of the Executive Board (except for the Council of Representatives liaisons) shall be ex-officio, non-voting members of the Council of Representatives.

ARTICLE VII

COMMITTEES

Section 1. The Standing Committees

- a. The standing committees of the organization shall include but not be limited to:
 - 1. Catastrophic Leave Bank Oversight
 - 1. Committee on Political Education (COPE)
 - 2. Communications
 - 3. Elections
 - 4. Financial Review
 - 5. Grievance
 - 6. Negotiations
 - 7. Negotiation Team
 - 8. Part-Time Faculty
 - 9. Peace and Justice

Section 2. Representatives to Joint CCFT/District Committees

- a. The President shall nominate to the Executive Board for approval representatives who are CCFT members in good standing to joint CCFT/District committees, including, but not limited to, the Benefits (Health) Committee and the Calendar Committee. Such representatives shall negotiate with the district, subject to the direction and approval of the Executive Board.

Section 3. Special Committees

- a. The Executive Board may establish and oversee special committees. The Council of Representatives may direct the Executive Board to establish and oversee a special committee for a specific purpose and duration.

ARTICLE VIII

REVENUES AND DISBURSEMENTS

Section 1. Dues and Fees of the Organization

- a. The dues of this organization shall be equal to one and two-tenths percent (1.2 %) of the annual base salary (not including overloads, reassigned duties, and/or summer session) of tenured and tenure-track faculty members or one and two-tenths percent (1.2%) of the semesterly total salary (not including overloads, reassigned duties, and/or summer session) of non-tenured and non-tenure track (temporary) faculty members.
- b. The organization shall assess a fair share fee (agency fee) for each faculty member in the CCFT bargaining unit who is not a member of CCFT. The organization shall be responsible for collecting fair share fees (agency fees) according to procedures consistent with local, state and federal law and Article VIII, Sections 1 (a) – (d) of the AFT Bylaws.
- c. The fair share fee (agency fee) of this organization for non-CCFT members shall be equal to the dues paid by CCFT members for each category of faculty member (tenured, tenure-track, or temporary), except for fair share fee payers who request by a method approved by the Executive Board the discounted (“non-chargeable” or “rebated”) rate. Such faculty members shall receive the discounted rate.
- d. The organization shall be responsible for collecting and disbursing all required affiliation dues, including mandated increases of the American Federation of Teachers, the California Federation of Teachers, the California Labor Federation, the Tri-Counties Central Labor Council, and other affiliated organizations; of AFT-sponsored occupational liability insurance and fidelity bond fees; and all other mandatory fees and dues.

Section 2. Special Assessments

- a. Special assessments for specific purposes and a specified duration may be approved by a fifty-five percent (55%) majority of the membership voting.

Section 3. Signatories on Disbursements

- b. All disbursements shall require two signatures on checks. The President, Vice President, and Treasurer shall be possible signatories on checks. No officer shall sign a check in which s/he is the recipient of the check.

ARTICLE IX

ELECTIONS

Section 1. Authority of Elections

- a. Authority of elections resides within the membership of the organization, constituency groups within the membership, the Council of Representatives, and the Executive Board, as designated in this Constitution.
- b. The CCFT members who are considered temporary (non-tenured and non-tenure track) by the district shall be the deciding body for elections of the chairperson of the Part-Time Faculty Committee.

Section 2. The Elections Committee

- a. The Elections Committee shall conduct elections by the organization's membership or constituency group for officers, for the chairperson of the Part-Time Faculty Committee, for Constitution and Bylaws amendments and revisions, for contract ratification, for special elections and referenda of the organization, and for all other elections not delegated to the Council of Representatives or to the Executive Board.
- b. The Elections Committee shall consist of three CCFT members in good standing and who are not members of the Executive Board or the Council of Representatives. The Elections Committee members shall be elected by a majority vote of the Council of Representatives. The Elections Committee shall elect its own chairperson, who shall report to the chairperson(s) of the Council of Representatives and to the Secretary.
- c. Any member of the Elections Committee seeking an elected CCFT position must vacate their position on the Elections Committee and be replaced by a vote of the Council of Representatives.

Section 3. Notification of Elections

- a. For elections requiring a vote of the membership, a constituency group, or the Council of Representatives, the Elections Committee shall notify all CCFT members by first class U.S. Postal Service to the members' last known home address at least forty (40) days prior to the date of the election. Such notice shall include the date of the election, the process for being nominated to an officer or chairperson or representative position, the article(s) and/or section(s) of the Constitution and/or Bylaws to be changed, the nature of the referendum(s), and other information necessary for the membership to reasonably ascertain the general nature of the election(s).

Section 4. Nominations

- a. To be nominated for a position on the Elections Committee, a candidate must be a CCFT member in good standing and shall not be a member of the Council of Representatives or the Executive Board or seeking an elected CCFT position. Such a nominee shall accept the nomination before his/her name is placed on the ballot.

- b. To be nominated for an officer position, a candidate shall be subject to the limitations delineated in the Constitution and shall submit to the Elections Committee a petition containing the signatures of ten (10) members, all of whom are members in good standing of the organization. Said petitions must be submitted to the Elections Committee no later than twenty (20) days before the election begins. If a nomination occurs without the signature of the nominee, the nominee shall accept the nomination before his/her name is placed on the ballot.
- c. To be nominated for a chairperson position (except for the Elections Committee, Grievance Committee, or Negotiation Team), a candidate shall be subject to the limitations delineated in the Constitution and shall submit to the Elections Committee a petition containing the signatures of five (5) members, all of whom are members in good standing of the organization. Said petitions must be submitted to the Elections Committee no more than twenty (20) days before the election begins. If a nomination occurs without the signature of the nominee, the nominee shall accept the nomination before his/her name is placed on the ballot
- d. Write-in candidates shall not be allowed.

Section 5. Conducting Elections

- a. The Elections Committee shall conduct elections at a membership meeting, by intra-district mail, by U.S. Postal Service, or by a combination of any of these. Any election method used shall provide for anonymous ballots and for a recount by CCFT members. Provisions shall be made for mail-in ballots when the election is conducted at a membership meeting. The vote shall be by secret ballot. There shall be no proxy votes.
- b. All elections, including run-off elections and decisions regarding challenges to an election, shall be scheduled to be completed and final outcomes to be announced before the final week of the spring semester.
- c. At least 40 days prior to an election by the membership all CCFT members will be notified of the scheduled election and of the nominating procedures. Notice of the election, including a listing of the candidates and the specific language of the referenda, resolutions, amendments, and/or other ballot items, shall be delivered to all CCFT members at least 10 days before the election.
- d. In the absence of a majority of votes cast for one of three or more candidates for officer positions, the Elections Committee shall conduct a run-off election by the membership for the two candidates who have received the most votes for the position in question.
- e. Elections of committee chairpersons and of the Election Committee by the Council of Representatives shall be by secret ballot at one of its meetings, by intra-district mail, by U.S. Postal Service, or by any combination of these, as decided by a majority vote by the Council of Representatives. Provisions shall be made for mail-in ballots. There shall be no proxy votes for elections of committee chairpersons and/or the Elections Committee. The majority of the ballots cast shall determine the outcome of the election for each committee chairperson position and/or the Elections Committee.
- f. In the absence of a majority of votes cast for one of three or more candidates for a committee chairperson position in an election conducted by the Council of Representatives, the Council of Representatives shall hold an election for the two candidates who have received the most votes for the position in question.

- g. If only one candidate has been nominated for a position and the candidate has accepted the nomination when the nomination period for that position has closed, the Elections Committee or Council of Representatives shall not hold an election for that position, but shall instead declare and announce within 24 hours after nominations have closed that the candidate is elected.

Section 6. Announcing Election Results

- a. The decisions of the Elections Committee regarding run-offs, re-counts, etc., and the outcome of all elections conducted by the Elections Committee, Council of Representatives, and the Executive Board shall be announced to the membership within twenty-four (24) hours via email, voicemail, and listserv (all of those available); shall be announced at the next regularly-scheduled membership, Council of Representatives, and Executive Board meetings; shall be posted on the CCFT website within seventy-two (72) hours; and shall be published in the next CCFT newsletter.

Section 7. Challenges to Election Results

- a. Challenges and objections on matters conducted by the Elections Committee must be submitted in writing, with a statement of supporting reasons and facts, to the Elections Committee within five (5) days of the action taken by the Elections Committee for which the challenge or objection is being made. The Elections Committee shall issue its written opinion regarding the challenge or objection no later than five (5) days after receipt of such objections. The Council of Representatives shall have the authority to overrule the opinion and decision of the Elections Committee.
- b. Challenges and objections to the elections conducted by the Council of Representatives must be submitted in writing, with a statement of supporting reasons and facts, to the Council of Representatives Chairperson(s) within five (5) days of the election. The Council of Representatives shall issue its written opinion regarding the objections no later than ten (10) days after receipt of such objections. The Executive Board shall have the authority to overrule the decision of a challenge of an election conducted by the Council of Representatives by a 2/3 (two-thirds) majority of the Executive Board members.

Section 8. Maintenance of Election Materials

- a. All materials published by the Election Committee for an election, including ballots and other election materials, public communiqués (including emails), and other documents, shall be kept and made available to the membership for at least one year after an election is held.

ARTICLE X

AMENDMENTS

Section 1. Proposed Amendments

- a. Twenty percent (20%) of the total CCFT membership, sixty percent (60%) of the total Council of Representatives, or sixty percent (60%) of the total Executive Board may present,

by signed petition, a proposed amendment(s) to this Constitution to the Secretary, who shall notify the membership within 72 hours of receipt of the proposed amendment(s). Discussion of the proposed amendment(s) will be scheduled for the next membership, Council of Representatives, and Executive Board meetings.

Section 2. Elections of Amendments

- a. The Elections Committee will hold a vote on the amendment(s) to this Constitution by the same methods described in the Constitution or Bylaws for elections by the general membership. Two-thirds (2/3) of those members voting shall be required for passage of the amendment(s), except for a dues or fees change or special assessment, which shall require a fifty-five percent (55%) majority of the membership voting for passage.

ARTICLE XI

AVAILABILITY OF THE CONSTITUTION AND BYLAWS

Section 1. Availability of the Constitution and Bylaws

- a. A copy of the current CCFT Constitution and Bylaws shall be published on the CCFT web site, if such a web site exists.
- b. The Secretary shall make available upon request by any member of the organization a copy of the current CCFT Constitution and Bylaws.
- c. Three copies of this Constitution and all subsequent amendments shall be submitted to the office of the Secretary-Treasurer of the American Federation of Teachers. One copy shall be sent to the similar officer of each organization with which this organization is affiliated.