

HUDSON VALLEY COMMUNITY COLLEGE FACULTY ASSOCIATION, INC.

CONSTITUTION

(April 11, 2022)

We, the faculty of Hudson Valley Community College, do hereby establish the Faculty Association to be covered by this CONSTITUTION AND BY-LAWS.

I. NAME

The name of this organization shall be the Hudson Valley Community College Faculty Association, Inc., hereafter referred to as the "Faculty Association" or "Association."

II. PURPOSE

The Faculty Association shall exist for the following purposes:

A. To promote the interest of public education, particularly at the community college level.

B. To develop and promote the adoption of such ethical practices, personnel policies, and standards of preparation and participation as mark a profession.

C. To unify and strengthen the profession, to secure and maintain the salaries, insurances, retirement, tenure, professional and sick leave, and other working conditions and benefits necessary to support the faculty of Hudson Valley Community College and the profession generally, and to promote diversity in the membership.

D. To enable the Members to speak with a common voice on matters pertaining to the profession and to present their individual and common interests before the respective legal authorities.

E. To represent the faculty in implementing the provisions of the Public Employees' Fair Employment Law.

III. MEMBERS

A. Members shall consist of instructional faculty, Education Specialists, and Librarians, (hereinafter collectively referred to as "faculty") both full-time and part-time, in the employ of the employer who elect to join the Faculty Association.

B. Rights of Members. Any faculty, full-time or part-time, in the employ of the employer and who has elected to join the Faculty Association, who is not disqualified under New York State law, and who is current in the payment of agency fees/dues to the Faculty Association, shall be considered an active Member in good standing. Rights of active Members in good standing include:

1. Vote no more than once in each Association election, contract ratification, adoption or amendment of the budget, bylaws, constitution, or recall;
2. Vote no more than once on any question put forth for a vote to the Association. Votes shall be weighted as defined in the Association Bylaws, Article I-A.
3. Attend and participate in general membership meetings and Faculty Association social events.
4. Enjoy Faculty Association representation with respect to matters of discipline, grievances, and collective bargaining.
5. Seek elective office within the Association, provided the Member has completed two consecutive semesters of membership in the Association, is current in the payment of dues/agency fees, and satisfies the qualification criteria set forth in sections V-B and VI-B below.
6. Sign petitions for Members seeking elective office, provided a Member shall sign no more than one (1) candidate's petition for each office.

C. Pledge to support. By electing membership in the Association, Members pledge to comply with this Constitution and Bylaws. While the Association values free, open, and responsible discourse and the civil expression of differing points of view, members also have a responsibility to refrain from behaviors that undermine or are contrary to the Association and the interests of the membership. These include, but are not limited to:

1. Intentionally communicating false or misleading information about the Association, its members, or activities, to individuals either on or off-campus;
2. Acting as a liaison between the College and the Association in violation of Article III of these bylaws
3. Purporting to speak for or representing the Association, unless specifically designated to do so by the Association President;
4. Interfering with collective bargaining negotiations;

5. Disrupting Association meetings; and/or:
6. Violating any provision of the Taylor Law applicable to the Association and its members.

Members who violate this pledge will be subject to adverse action, to include termination of their membership in the Association, without refund of any dues paid. Allegations that members have violated this pledge to support will be heard and determined by the HVCCFA Ethics Committee as set forth in paragraph D below. The Ethics Committee's determination will be adopted or rejected by a simple majority vote of the members of the Executive Board.

D. **ETHICS COMMITTEE (THE PANEL)**

1. Purpose: An Ethics Committee (the Panel) shall be established whose purpose shall be to hear charges against member(s) alleging violation of the Association's Bylaws, Rules, Regulations and/or policies having occurred. The panel will hear charges, make findings and provide recommendations to the Executive Board. Respondents will have the opportunity to address the Panel either by submission of written matters, or in person.

2. Approval Authority: The Executive Board will review the Panel's findings and recommendations. The Executive Board shall adopt, modify or reject the Panel's findings and recommendations. The Executive Board's determinations are final and binding on all parties.

3. Records: The Executive Board will maintain all records of allegations, charges, proceedings and determination. Such records will not be released, other than to a Respondent, without a showing of good cause.

4. Guidelines: The panel shall establish and periodically evaluate the procedures and guidelines of the Association and propose any changes it deems necessary to the Executive Board for approval. The panel will make available, upon request to any active member, procedural guidelines detailing their rights under the Ethics panel. The guidelines must contain the following information:

a) Procedures for filing charges; Respondent will have written notice of alleged breach of duty/misconduct, alleged dates and law/rule/policy violated. Charges will be served within 60 days of the act or omission, or

b) Rights of the respondent; Respondent will have the right to respond to charges, either in writing, submission of documents, or to make personal appearance before panel.

c) Respondent will be advised of all possible sanctions, including removal

from Association;

d) A formal hearing may be held at the discretion of the Panel Chairman.

5. Composition of Ethics Committee (the Panel): The Ethics Committee shall consist of three (3) members. The Association Vice President or their designee shall be the chairperson and preside over all matters. The remaining two (2) members shall consist of Association members. No directly interested party may serve on an Ethics Committee hearing. Accordingly, the Executive Board shall elect an alternate panel member who will meet with the Committee, but will only participate in hearings in the event of a conflict of interest (Panel member has interest in outcome of proceeding).

E. Rights of Non-Members. Any faculty, full-time or part-time, in the employ of the employer who has not elected to join the Faculty Association shall be considered a non-Member.

1. Non-Members are entitled only to representation in matters pertaining to the Collective Bargaining Agreement with the College.
2. Non-Members are not entitled to representation for grievance proceedings. However, to the extent that a grievance issue affects the Faculty Association as a whole organization, or involves enforcement of a contractual right that affects the entire body, the Faculty Association may elect to represent the non-member in a grievance proceeding. Such representation is the Faculty Association's discretion. The determination of the Faculty Association on representation in a grievance proceeding is final and binding.
3. Non-Members may request Association representation with respect to disciplinary matters, subject to Association consent and the payment of a fee for expenses to be determined by the Association.
 - a. Any determination regarding the provision of representation for non-Members shall be made by a majority of the Executive Board Members voting in the affirmative to provide such services to the specific non-Member making the request.
 - b. Non-Members accepting representation from the Association shall reimburse the Association reasonable costs for all services provided and charges incurred, including but not limited to legal, administrative, and other such fees.
 - c. At any time, the Executive Board, if it is deemed in the best interests of the Association, may by majority vote, immediately terminate

representation of a non-Member. In the event of such termination, the non-Member remains responsible for all unpaid costs associated with representation services up to such time as the Association elects to terminate representation.

- d. Determinations regarding representation of a non-Member lie solely with the Executive Board and are not subject to appeal or the grievance process specified in any Collective Bargaining Agreement currently in effect with the College.

4. Non-Members shall not be permitted to any of the rights of Members noted in III-B.

F. Membership in the Faculty Association will be offered to individuals hired in the positions listed in III-A above upon appointment. Upon the Faculty Association's receipt of the signed Authorization for Representation form or electronic member application consenting to dues collection, Membership will be activated and dues payments to the Association shall be collected. Membership shall remain active and in good standing so long as a Member remains employed in an Association-eligible position and is current in the payment of Association dues. Eligible employees, as defined in III-A, may elect membership in the Faculty Association during the months of September, January, and June each year. Part-time faculty members who do not have courses/hours assigned to them to perform their faculty duties, and are not otherwise employed by the College, will be considered "inactive" members and will not be responsible for payment of dues. Inactive members will not have voting rights.

1. A Member may opt-out of membership in the Faculty Association by submitting a written request to the Association Vice-President or Secretary during the months of September, January, and June each year.
2. Membership in the Association will terminate through separation from employment at the College, transfer to an employment title not represented by the Association, or a Member's resignation of membership in the Association.
3. Any individual accepting or currently holding a full-time Management Confidential, Non-Teaching Professional (Excluded) position, Department Chairperson position, or full-time consulting position at the College, regardless of membership status in the Association, teaching assignments, or previous membership in the Association, or status as a faculty member at the College, may become ineligible for membership in the Association. Such determination shall be made by a majority vote of the Executive Board.
4. Persons opting-out of membership in the Association may re-elect membership during the next enrollment period, as defined in "D" above. Former Members wishing to rejoin the Association may reactivate their

membership by notifying the Vice President. Membership shall be re-activated during the months of September, January, and June of each year. Members terminating membership in the Association shall not be eligible for Faculty Association privileges, benefits and/or services during the time period of non-Membership, and membership privileges, benefits and/or services will not be made retroactive to the new opt-in date.

F. The membership shall be the highest governing body of this Association. All actions and decisions of the Association may be subject to review by and/or appeal of the membership.

G. The membership delegates to the Executive Board all powers not reserved for itself.

IV. EXECUTIVE BOARD

A. The Executive Board shall consist of the four (4) elected officers of the Association and five (5) delegates-at-large. Election to Executive Board positions is limited to Members of the Association in good standing who meet the qualifications set forth in V-B and VI-B below.

B. The President is the chairperson of the Executive Board.

C. Officers and delegates shall hold one vote on any question or ballot before the Board, with the exception of the President, who shall vote only to break a tie.

V. OFFICERS

A. There shall be four (4) elected Officers of the Association: the President, Vice-President, Secretary, and Treasurer.

B. The elected officers of the Association must be Association Members in good standing as defined by III-B. Individuals employed full-time or part-time in positions at the College outside those titles eligible for Faculty Association membership, or who have elected membership in any other collective bargaining organization recognized by the College, are not eligible to serve as elected officers of the Faculty Association. Nothing in this provision shall disqualify Members who perform limited substitute, short-term temporary, or per diem work in non-faculty roles from serving as Officers of the Faculty Association, provided they do not join another recognized bargaining unit at the College.

C. The election for the office of President and Secretary shall take place during

the month of April on a date to be determined by the Executive Board in years ending in an odd digit.

D. The election for the office of Vice President and Treasurer shall take place during the month of April on a date to be determined by the Executive Board in years ending with an even digit.

E. The term of office for the four (4) elected officers shall begin on August 15 of the same year following their election.

F. The President may resign office by providing a written statement to this effect to each of the Members of the Executive Board. If the President vacates the position within the first year of a term of office, the Vice President shall act as President, and assume the rights, powers, duties, and obligations of the President on an interim basis. The Executive Board shall meet within 10 working days of the date of the resignation, Saturdays and Sundays excluded, for the purpose of determining whether to call a special election among the general membership to fill the vacancy.

G. If a majority of the Executive Board vote to call a special election by the general membership to fill the vacancy of President, such election shall take place within thirty (30) calendar days of the meeting. The Vice President, then serving as Interim President, may run for and hold the office of President if elected under this provision. If the President vacates the position within the second year of a term, the Vice President shall immediately assume the title, rights, powers, duties, and obligations of the President, and will hold this position for the unexpired portion of the President's term. A simple majority of those who voted is necessary to elect a candidate.

H. If any other officer or delegate-at-large vacates their position, a special election shall be scheduled to fill the vacancy. If the vacancy occurs during the Fall or Spring semesters, the special election shall be held within three (3) calendar weeks. If the vacancy occurs between or outside the Fall and Spring semesters, the special election shall be held within four (4) weeks of the resumption of classes. A simple majority of those who voted is necessary to elect a candidate. If no candidates stand for election, the Executive Board, may at its discretion, call another election, or by a simple majority vote of the Board, appoint a Member to fill the remainder of the unexpired term.

I. In the event of a tie vote for any elected office in the Faculty Association, a new election with the same candidates for office shall be taken within five (5) working days. If the withdrawal of one or more candidates leaves one remaining candidate for the office, the new election shall be cancelled, and the remaining candidate shall be declared elected to the office.

VI. DELEGATES-AT-LARGE

A. The five (5) Delegates-at-Large shall be elected by a simple plurality vote of the Association Members for a term of two (2) years.

B. The five (5) Delegates-at-Large must be Members of the Association in good standing as defined by III-B. Individuals employed full or part-time in positions at the College outside those titles eligible for Faculty Association membership, or who have elected membership in any other collective bargaining organization at the College, are not eligible to serve as Delegates-at Large of the Faculty Association. Nothing in this provision shall prevent Members who perform temporary, seasonal, or per diem work in other occupations (e.g., advising) from holding elected office in the Association, provided they do not join another recognized bargaining unit at the College.

C. Delegates-at-Large, who at the request of the President, agree to accept additional duties and responsibilities beyond the normal duties of Delegates-at-Large, may be appointed to Senior Delegate status by the Association President, in consultation with the Vice President. To be eligible for appointment as a Senior Delegate, a current Delegate-at-Large must have completed at least four (4) full years of service in any capacity on the Executive Board. The years may be non-consecutive.

D. The election of the five (5) Delegates-at-Large shall be staggered with two (2) to be elected in years ending in an odd digit and three (3) to be elected in years ending in an even digit. The elections shall take place during the month of April on a date to be determined by the Executive Board.

E. The term of office for the five (5) Delegates-at-Large shall begin on August 15 in the same year following their election.

VII. REFERENDUM

A. Issues upon which faculty opinion is desired may be presented to the Members by the Executive Board alone or at the direction of a petition of 15% of the Faculty Association Members, as defined in III-B.

B. Voting on such issues will be by secret ballot within two (2) weeks of presentation at a time and place mutually agreed upon by the Executive Board and the petitioning group. A simple majority of the Association Members is required for passage, except for recall, as provided for in Section X. Voting is limited to Members in good standing as defined in III-B.

VIII. AMENDMENTS TO THE CONSTITUTION

A. Amendments to the Faculty Association Constitution may be proposed by the Executive Board, or by petition of 15% of the Association Members, as defined in III-

B. Proposed changes shall be submitted in writing to the Association Members no fewer than fourteen (14) calendar days before a general Members meeting.

B. Voting on amendments shall be by secret ballot within seven (7) calendar days after the general meeting at which they were aired. A simple majority of those voting is required for passage. Voting is limited to Members in good standing as defined in III-B.

IX. ADOPTION AND AMENDMENT OF BY-LAWS

A. Adoptions or amendments to the Faculty Association By-Laws may be proposed by the Executive Board or by petition of 15% of the Association Members, as defined in III-B. Proposed changes shall be submitted in writing to the Association Members no fewer than fourteen (14) calendar days before a general Members meeting.

B. Voting on By-laws or amendments shall be by secret ballot within seven (7) calendar days after the general meeting at which they were aired. A simple majority of those voting is required for passage. Voting is limited to Members in good standing as defined in III-B.

X. RECALL

The Members of the Association by referendum have the authority to recall any officer or Delegate-at-Large of the Association. A two-thirds majority of the Faculty Association Members voting in the affirmative is necessary to recall any officer or Delegate-at-Large. Voting is limited to Members in good standing as defined in III-B. A vacancy resulting from a recall vote shall be filled in a special election no later than seven (7) calendar days after the recall.

XI. CONTRACT RATIFICATION

A. A copy of the proposed contract shall be made available via electronic means to current Members of the Association as defined in III-B no fewer than two weeks prior to a contract ratification information meeting.

B. Ratification during the academic year will take place within one (1) week of the contract ratification information meeting. A simple majority of those voting shall be required to ratify the contract. The ratification vote shall be conducted electronically. Voting is limited to Members in good standing as defined in III-B.

C. Ratification of a contract during the summer will take place one (1) week after a special contract ratification meeting. The ratification vote shall be conducted electronically. The electronic votes must be submitted NO LATER than one week after the special contract ratification information meeting. A simple majority of those

Association Members voting shall be required to ratify the contract. Voting is limited to Members in good standing as defined in III-B. Results of the vote shall be posted within 24 hours of the close of the vote.

BY-LAWS

I. MEMBERS, VOTING, AND DUES

A. The right to vote on any Faculty Association ballot shall be granted solely to active Members in good standing as defined under section III-B of the Constitution. Full-time faculty will each have one (1) full vote. Each adjunct/part-time faculty vote shall be weighted at one-half ($\frac{1}{2}$) the vote of a full-time faculty member.

B. Dues shall be established by the yearly budget of the Faculty Association. Such dues shall become effective upon the approval of the yearly budget by the Members.

II. FACULTY ASSOCIATION MEETINGS

A. At least one regular general meeting of the Faculty Association shall be held each semester. Meetings may be held either in-person or electronically, utilizing an online meeting platform, at the discretion of the President of the Association (or their designee). The meeting agenda shall announce the format of each meeting. Attendance at general meetings shall be limited to current Members of the Association in good standing, as defined in III-B of the Constitution, unless the President declares the meeting open to non-Members.

B. The President of the Association (or their designee) shall preside at all general meetings. The President (or their designee) shall call the meeting to order, exercise control over the agenda, and recognize Members or individuals who wish to speak, at the President's discretion. The President shall conduct the meeting in good order, in their sole discretion.

C. A proposed Faculty Association budget shall be submitted to the Members for their adoption and/or amendment in the spring semester prior to its effective fiscal year. The fiscal year of the Faculty Association shall be from September 1 to August 31.

D. A quorum shall be necessary to conduct business at any regular or special meeting of the Faculty Association. Twenty-five (25) Members shall constitute a quorum.

E. An affirmative vote of a simple majority of the Members present at an Association meeting shall be required for passage of any item presented, except in the case of votes on budget, election of officers or Delegates-at-Large, referenda, contract ratification, constitutional amendments, by-laws or by-law amendments, in which cases voting shall be by electronic ballot. An affirmative vote will be a simple majority of those Members voting, except for recall as provided for in section X.

F. Special meetings of the Faculty Association may be called by the President, a majority of the Executive Board, or by written request of ten (10) Members in good standing of the Association. The purpose of the meeting shall be stated in the call. Except in cases of

emergency, at least one week's notice shall be given.

G. Faculty Association Members by petition of at least ten (10) signatures of current Members in good standing may request consideration of an item at a Faculty Association meeting, if presented to the President at least one week before any such meeting.

H. The rules contained in the current edition of Robert's Rules of Order, newly revised, shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with these by-laws and by any special rules of order the Association may adopt.

III. POWERS AND DUTIES OF THE PRESIDENT

The President shall be the chief executive officer of the Association, its policy leader, spokesperson, and liaison with the College administration. The President shall:

- A. Represent the Association as spokesperson on matters of policy or assign responsibility for such representation;
- B. Preside at all general meetings and meetings of the Executive Board;
- C. Appoint, except as provided by these by-laws, all chairpersons and members of committees, with the advice and consent of the Executive Board; such chairpersons shall serve at the pleasure of the President, except where a term is fixed by these by-Laws;
- D. Serve as Chairperson of the Executive Board and have primary responsibility for the functioning of the Executive Board;
- E. Prepare with the Executive Board a budget for submission to the Members;
- F. Administer the budget and approve expenditures, as prepared by the Treasurer, in accordance with the budget;
- G. Meet regularly with other officers of the Association;
- H. Make themselves available for regular consultation with the Members;
- I. Perform the duties stipulated in the Faculty Association Constitution and in the by-Laws, and other duties as are customarily assumed by the chief executive officer of an Association;
- J. Attend or appoint a surrogate to attend meetings of the College Board of Trustees;
- K. Vote only to break a tie vote;

L. Prepare the agendas for Faculty Association general meetings, as well as meetings of the Executive Board, and labor-management;

M. Investigate and prepare potential grievances.

N. Form, organize, or dissolve, and appoint or remove persons from Faculty Association committees, task forces, or work groups.

O. In consultation with the Vice President, appoint from the elected Delegates-at-Large, individuals to serve as Senior Delegates, to accept additional responsibilities and commitments to the Association, with a stipend amount paid at a rate determined by the budget.

IV. POWERS AND DUTIES OF THE VICE-PRESIDENT

The Vice-President shall:

- A. Act for the President when the President is unable to perform the duties of the office;
- B. Assume the duties of the President in the absence or upon the direction of the President;
- C. Assist the President in the performance of additional duties as directed by the Executive Board;
- D. Serve as member *ex-officio* on all committees authorized, except the Nominating Committee;
- E. Review Association policies and recommend priorities to be considered to the Executive Board;
- F. Submit and confirm dates of general meetings on the official Academic Calendar;
- G. Delegate duties to the officers and committees of the Association;
- H. Coordinate elections and the Elections Committee;
- I. In cooperation with the Secretary, be responsible for the maintenance of a current Members list;
- J. Attend all labor/management meetings;

K. Assist the President with all grievances.

V. POWERS AND DUTIES OF THE TREASURER

The Treasurer shall:

- A. Receive all funds and be responsible for their safekeeping and accounting;
- B. Maintain records of all revenues and expenditures of the Association;
- C. Upon direction of the Executive Board, with the co-signature of any two (2) of the following officers: President or Vice-President and Treasurer, shall disburse funds as required for the conduct of Faculty Association business;
- D. Recommend an independent auditing agency to conduct an annual audit of all Association funds;
- E. Monitor the performance of the Association's investment funds held by the Association's designated investment agent;
- F. Report, at least once a month, to the Executive Board on the performance of the managed Association funds.

VI. POWERS AND DUTIES OF THE SECRETARY

The Secretary shall:

- A. Keep and maintain a file of the minutes and attendance of all Executive Board, Faculty Association, and labor/management meetings;
- B. Keep and maintain a file of appointments made by the Association to task forces, committees, working groups, boards, and other bodies.
- C. Distribute minutes within ten (10) business days following meetings;
- D. Attend all labor/management meetings.
- E. Manage electronic communication for the Faculty Association, with assistance from other members of the Executive Board as the President may designate;
- F. In cooperation with the Vice-President, be responsible for keeping up-to-date Members lists.

VII. POWERS AND DUTIES OF THE DELEGATES-AT-LARGE

The delegates-at-large shall:

- A. Attend at least 70 percent of the meetings of the Executive Board and General Membership, unless excused for emergency reasons by either the President or Vice President (if presiding).
- B. Represent Members-at-large.
- C. Bring issues from the Members to the Executive Board.
- D. Actively participate in or chair a Faculty Association committee or team.
- E. Accept other duties as assigned by the Executive Board.

VIII. THE EXECUTIVE BOARD

- A. The Executive Board has authority to act for the Faculty Association on all matters that do not involve a change in the Constitution or By-Laws.
- B. The Executive Board is responsible for assisting the President in implementing their duties. It has the responsibility of providing its advice and consent on the selection/termination of all Board appointments and their chairpersons. The Executive Board may require progress reports from all committees and appointed Association

representatives and is responsible for the coordination and functioning of all committees and for the policies promulgated by them.

C. The Executive Board shall appoint an Elections Committee, to consist of at least two Members, to establish procedures for the election of Association officers and Delegates-at-Large. No member of the Executive Board shall be appointed to or serve on this committee. The Elections Committee shall be responsible for the conduct of such elections, as well as contract ratification, and all other balloting. Members of the Elections Committee must be active Members as defined in III-B. Members of the Election Committee shall be paid a stipend in an amount as established by the adopted Faculty Association budget.

D. Candidates for the Executive Board shall be nominated on official nominating petitions, each signed by not fewer than ten (10) Faculty Association Members currently in good standing, as defined in Constitution article III-B. The nomination form may be paper or digital format; if a candidate uses a digital format, members may sign electronically (a typed name shall constitute a valid signature on a petition). A Member may sign only one (1) nominating petition for each office (i.e., President, Vice-President, Secretary, Treasurer, Delegate-at-Large) to be filled in the election. Petitions must be submitted by noon the Friday before the election. A list of all valid nominations shall be published and distributed by the Elections Committee.

E. The Executive Board shall propose the annual budget to the Members of the Association. The Executive Board shall discharge such other fiscal responsibilities as the Members may delegate to it.

F. The Executive Board may authorize the expenditure of funds, within budget limitations, in order to contract for outside services including but not limited to: contract negotiation, contract implementation and research, grievance and arbitration processing, professional consulting, and other Faculty Association business as the Executive Board deems appropriate. In order to avoid a conflict of interest or the appearance thereof, the Executive Board will not contract for services and/or authorize payment for any services rendered to the immediate family member of any person currently serving as a faculty member.

G. Unless otherwise ordered by the Executive Board, regular meetings of the Executive Board shall be held at least once every month - September through May, inclusive. Special meetings can be called by the President or upon request of three (3) Members of the Board.

H. A quorum of five (5) Members is required for the Executive Board to conduct business.

I. Executive Board meetings may be conducted in-person or via electronic means, at the president's (or vice president, if presiding) discretion. The format of the meeting shall be identified on the agenda prepared before the meeting.

J. In accordance with applicable provisions of New York State law, members of the Executive Board, upon voting to adopt proposed matters of collective bargaining, acknowledge an affirmative duty and obligation to publicly support, in their statements and

behaviors before Association members, outside of the Executive Board, any such collective bargaining agreement.

| Revisions approved by a vote of the Members, November 2009; August 2019; April 2022.