

UFA CONSTITUTION REVISION (approved by UFA Executive Board 3/22/16)

Approved by Vote of General Membership,

Effective Tuesday, April 26, 2016

ARTICLE I. NAME and AFFILIATIONS

Name: This organization shall be known as the University Faculty Association (UFA), Local 119 of the MEA-MFT. The UFA is recognized by the Board of Regents as the exclusive bargaining representative for all persons in the bargaining unit.

Affiliations: As a local of MEA-MFT, the UFA is an affiliate of the National Education Association (NEA), American Federation of Teachers (AFT), and the American Federation of Labor–Congress of Industrial Organizations (AFL-CIO). The UFA may be affiliated with other organizations as determined by the Executive Board.

ARTICLE II. MISSION

The UFA serves to protect faculty rights and to advance professional opportunities in teaching, scholarship, and service for all University of Montana faculty, thereby fulfilling the mission of the University of Montana. As a union of professionals, the UFA cooperates with other unions and professional organizations in an effort to eliminate all forms of discrimination and to work for the mutual benefit of all citizens as an advocate for labor and higher education.

ARTICLE III. GOVERNANCE

The UFA functions as an affiliate of MEA-MFT and is governed by the provisions of this constitution as adopted and amended by the UFA membership.

A. This constitution shall comply with Federal and Montana State laws, the governance of MEA-MFT, and the provisions of the Collective Bargaining Agreement (CBA) between the UFA 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 UFA to ensure compliance.

B. The UFA shall be governed by an Executive Board as defined in Article VI.

C. A Representative Council, made up of at least one UFA representative from each department/unit represented by the UFA, shall serve as a standing committee to the Executive Board. Functions and duties of the Representative Council shall be established by UFA policy.

D. Amendment of this constitution shall be achieved by a 2/3 affirmative vote of the Executive Board and a majority of members voting from the general membership. Both votes must occur within the same membership year. When the constitution is found out of compliance with Federal law, Montana law, or the constitution of MEA-MFT or other affiliates, its amendment to accomplish compliance may be achieved by a 2/3 affirmative vote of the Executive Board. Other than the achievement of compliance, nothing herein may be amended in such a manner.

E. Policies implementing and enforcing this constitution shall be by a majority vote of the Executive Board after consultation with the Representative Council.

F. A quorum for Executive Board meetings shall be seven (7) E.B. members. The Executive Board can conduct official business only if a quorum is present.

ARTICLE IV. MEMBERSHIP

A. Membership shall be consistent with the terms and conditions of the CBA. It is open to University of Montana faculty -- professional and paraprofessional employees -- and excludes only those designated as excluded in CBA 3.100 (Recognition).

B. Members who retire from their positions are eligible to continue as retired UFA members. Members who assume administrative positions that make them temporarily ineligible for membership may continue as members, but without privileges of voting or holding office.

C. Membership is accomplished and maintained by payment of dues consistent with the CBA and UFA policy.

D. There shall be three categories of members: UFA members, UFA supporters, and agency fee payers. Members may change categories consistent with the CBA and UFA policy.

1. UFA members shall pay the representation fee and all other dues and shall have full voting membership in the UFA. Members are eligible to serve as officers or Executive Board members or to serve on the MEA-MFT Representative Council.

2. UFA supporters are not members of UFA/MEA-MFT and shall pay the representation fee and all other dues and shall have voting rights for at-large positions on the Executive Board of the UFA. UFA supporters may serve on the Representative Council or as at-large-members of the Executive Board. Supporters are allowed to vote, along with members and agency fee payers, on the ratification of contracts.

3. Agency fee payers are not members of UFA/MEA-MFT and must identify themselves in writing to the UFA by September 30th each year. They will be

assessed only the representation fee, calculated by subtracting the average percent of the "non-chargeable" expenses of the five previous calendar years from a given year's assessment. Agency fee payers have **no** voting rights and are not eligible to serve on the Executive Board or the Representative Council.

4. The previously existing membership categories of objecting supporter, charity contributors, and objecting charity contributors no longer exist as options for new faculty nor are they possible categories for a change in status for current faculty, as of the date of this constitution (April 2012). For voting rights of these three categories, see UFA policy.

E. Agency fee payers are eligible for the return of a portion of the agency fees as determined by the independent audit. Before October 30 each year, agency fee payers may object to the calculation of the agency fee. By September 30 of each year, all members of the bargaining unit will receive by email the Calculation of Agency Fees. To object to this calculation an agency fee payer must:

1. Submit a written objection of the agency fee calculation. Objections must be submitted in writing to the UFA within fifteen (15) days of receipt of the Calculation of Agency Fees.

2. Within two (2) weeks of the receipt of any such objections, the UFA will call a meeting of all of the objectors for the purpose of the selection of a spokesperson for the objectors. The UFA will arrange for a meeting space but will not attend the meeting of the objectors.

3. The spokesperson for the objectors will notify the UFA of his/her selection within twenty-four (24) hours of the meeting.

4. Within ten (10) days of submitting the name of the spokesperson, (hereafter referred to as the Objector), to the UFA, the UFA and the Objector shall meet for the purpose of the selection of a neutral arbitrator. The arbitrator shall be selected from a list of five (5) names supplied by the State Mediation and Conciliation Service. Such list shall be supplied to the Objector at least five (5) days before the selection will take place.

5. Within thirty (30) days of the selection of the arbitrator, a hearing shall take place to determine if the amount charged to fair share payers is an appropriate amount.

6. The Arbitrator's authority will be limited to determining whether the calculation as a fair share amount is justifiable.

7. The arbitrator shall render his/her decision within thirty (30) days from the hearing date. It shall be final and binding upon both parties.

F. No person shall be barred from membership or the privileges thereof on the basis of race, sex, sexual orientation, religious faith, or political activities or beliefs.

G. A member taking leave of absence from the University of Montana for an academic year or more shall be permitted, upon written request to the Executive Board, to suspend membership and payment of dues for the period of that leave and to resume UFA membership upon return and resumption of payment of dues without prejudice.

H. The local may, by vote of a majority of members present at a general meeting, recognize outstanding contributions by an individual to labor or education in Montana by election to honorary membership. An honorary member is not subject to dues, but is eligible to engage in the activities of the local, with the exception of sharing privileges dependent on payment of per capita to affiliates.

I. The UFA membership year will begin September 30th each year.

J. General meetings of the bargaining unit membership shall be held at least once annually during the academic year as set by the Executive Board. The Executive Board may call additional or special meetings.

ARTICLE V. OFFICERS

A. The elected officers of the UFA shall be President, Vice President, Secretary, Treasurer, Grievance Officer, Student Resolutions (Student Complaint) Officer, Program & Advocacy Committee Chair, and Labor & Trades Committee Chair.

B. The above named officers, and between two (2) and five (5) at large members (see VI.A below), shall be elected for a one-year term, with re-election possible.

C. As an affiliate of the MEA-MFT, the UFA shall have the appropriate number of delegates to the MEA-MFT Representative Assembly, as specified by MEA-MFT bylaws. UFA officers shall serve as MEA-MFT delegates, and they are expected to attend the annual MEA-MFT Representative Assembly.

D. The President is the chief executive officer of the union. The President shall serve as Chair of the Executive Board and Chair of the Representative Council. The President, or a designee approved by the Executive Board, shall represent the UFA in all official capacities as determined by UFA policy, MEA-MFT policy, or the CBA. The President shall have spending authority as assigned by the Budget and Finance Committee and approved by the Executive Board.

E. The Vice President shall assist or stand in for the President as requested by the President or shall perform all the duties of the President in the absence of the President, and shall be Chair of the Membership Committee.

F. The Secretary shall serve as Chair of the Communications Committee and supervise the maintenance of UFA records and communications assigned to UFA staff.

G. The Treasurer shall serve as Chair of the Budget & Finance Committee, which is responsible for maintaining the UFA budgets, finances, and accounts, as well as overseeing the accounting and financial tasks assigned to UFA staff.

H. All Elected Officers must be UFA members, consistent with section IV.D.1, and actively serve to fulfill the mission of the UFA as advocates for higher education.

ARTICLE VI. EXECUTIVE BOARD

A. The Executive Board shall have either eleven (11) or thirteen (13) members, composed of the eight (8) officers named in Article V.A, the immediate Past President (if applicable), and between two (2) and five (5) at-large members. The current President shall serve as Chair of the Executive Board.

B. All officers and committee chairpersons must be UFA members.

C. The Executive Board is vested with the general administrative authority for the UFA. It is responsible for formulating and enforcing UFA policies and enforcing the UFA constitution and the CBA.

D. The Executive Board shall fill board vacancies that occur between annual elections by majority vote of the remaining members of the Executive Board. The single exception is when there is a vacancy in the Presidency, and then the Vice President shall succeed the President.

E. The Executive Board shall meet twice monthly while school is in session or at the call of the President or the request of three (3) Executive Board members.

F. The Executive Board will appoint all UFA delegates to conventions of affiliated organizations from among its Executive Boards members.

G. All Executive Board members must be UFA members consistent with section IV.D.1 or UFA supporters consistent with section IV.D.2 and serve actively to fulfill the mission of the UFA.

H. The Executive Board may, in the event of three (3) consecutive unexcused absences by a board member, declare his or her position vacant.

I. The Past President may serve as a voting member in the position of Past President of the Executive Board for a term of no more than one year after vacating the Presidency. The Executive Board shall have the option of adding an at-large position when the Past President position is not filled in order to maintain an odd number of Executive Board members.

J. When preparing for new elections, the Executive Board may add or delete at-large positions for the ballot, subject to VI.A. above, so that the Executive Board will have either 11 or 13 members.

ARTICLE VII. NOMINATIONS AND ELECTIONS

A. Elections among members shall be held by secret ballot on dates set by the Executive Board and shall be consistent with the provisions of this constitution and UFA policies. Election of officers and a new Executive Board must be completed by April 30th of each year.

B. UFA members are eligible to vote for all nominated candidates for Executive Board positions – both officers and at-large. UFA supporters are eligible to vote only for at-large positions. Agency fee payers are not eligible to vote for any Executive Board positions – neither officers nor at-large.

C. The Membership Committee shall call for nominations from among current general membership, the Representative Council, and the Executive Board by March 20th of each year. The Membership Committee is responsible for finding at least one candidate for each officer position and each at-large position and for verifying the qualifications (i.e., membership status) and the availability of all nominees. The Nominating Committee shall present the slate to the Executive Board for approval. No one shall be nominated (and appear on the ballot) if unwilling to serve.

D. The Executive Board shall then call a joint meeting of the general membership and the Executive Board for the purpose of presenting the list of nominations to the membership and also to solicit additional nominations for the ballot. This meeting must be scheduled to allow for the completion of elections by April 30th. Quorum requirements (Article IX.B) must be met. Following the presentation of nominee list by the nominating committee, additional nominees may be added to the ballot from the general membership, provided the nominee consents to run (verbally if attending or in writing if absent) and the nominee meets qualifications (Article V, Article VI). The final list shall include all nominations for President, Vice President, Treasurer, Secretary, Grievance Officer, Student Resolution (Student Complaint) Officer, Program & Advocacy Chair, Trades and Labor Chair, and between two (2) and five (5) at-large nominees. The Executive Board shall, by majority vote, accept the final slate of candidates, after which no further candidates may be nominated. The ballot shall include slots for write-in candidates. Nominations may only be reopened by the Executive Board if a nomination is withdrawn for the position of President, Vice President, Grievance Officer, or Student Resolution (Student Complaint) Officer.

E. Any nonunion member must become a UFA member to be nominated as a candidate for any office or committee chair (Article IV.D.1). Any nominee for an at-large position must, if elected, become either a UFA member (Article IV.D.1) or a UFA supporter (Article IV.D.2.).

F. All UFA elections shall be by secret ballot. All UFA officers are elected by receiving the greatest number of votes cast for their position. At-large UFA Executive Board members are elected based on rank order, from greatest to least, by the number of affirmative votes each candidate receives.

G. UFA members and UFA supporters shall have voting rights for contract ratification.

ARTICLE VIII. COMMITTEES

A. The UFA shall have the following standing committees: Communications, Budget & Finance, Grievance, Student Resolution (Student Complaints), Membership, Program & Advocacy, Trades & Labor, and the Representative Council.

1. The Secretary shall chair the Communications Committee, which is responsible for major communications to the university community or the press. The President shall be on this Committee.

2. The Treasurer shall serve as Chair of the Budget and Finance Committee, which is responsible for the budgetary and financial affairs of the UFA consistent with UFA, MEA-MFT, and legal requirements. The Committee shall design and monitor compliance of the UFA budget, oversee UFA financial investment portfolios and the UFA Investment Plan, and assure that a full independent audit of UFA budgets and finances is conducted at least biannually and an audit review is conducted in each year a full audit is not conducted. The Committee will report to the Executive Board at least once each semester.

3. The Grievance Officer shall chair the Grievance Committee, which shall assure MUS and UM compliance with the CBA. Consistent with the UFA constitution, UFA policies, and the CBA, the Committee shall manage member consultations and grievances for the UFA.

4. The Student Resolution (Student Complaint) officer shall chair the Student Resolution (Student Complaint) Committee, which will manage student complaints consistent with the terms and conditions of the CBA.

5. The Vice President shall chair the Membership Committee. The Membership Committee is responsible for the management of membership affairs consistent with this constitution and for nominations to the Executive Board as in VII.C above.

6. The Program and Advocacy Officer shall chair the Program and Advocacy Committee, which is responsible for managing UFA functions and organizing events, legislative lobbying, and fruitful interactions with UM students, administration, alumni, the Commissioner's Office, and the Board of Regents.

7. The Trades & Labor Committee Chair shall be the UFA delegate to the Missoula Area Central Labor Council (MACLC) and the primary UFA liaison to other UM Campus Unions.

8. Representative Council shall function consistently with Article III.C. Each unit represented by the UFA, according to the CBA, shall appoint at least one Representative Council member at the beginning of the fall semester. Representative Council members must be either UFA members (Article IV.D.1) or UFA supporters (Article IV.D.2). The unit may replace Representative Council members at any time subject to approval by the Executive Board. The Representative Council duties and functions are defined in UFA Policies.

9. The UFA's 3 (three) voting members of the UFA-Administration Committee shall be appointed by the UFA President (CBA 8.100) with the approval of the Executive Board. This committee meets regularly to consult about questions not clarified in the CBA.

B. Additional standing committees or special (ad hoc) committees may be created as need arises by majority vote of the Executive Board.

C. Each standing committee shall meet at least once per semester.

ARTICLE IX. MEMBERSHIP MEETINGS

A. Meetings of the membership shall be held at least once each academic year and will be called by the Executive Board. In addition, special meetings may be called by the Board as the need arises.

B. A quorum for such a meeting shall consist of 5% of the membership.

C. Meetings will take place following notice given as to time and place by the President.

ARTICLE X. AFFILIATIONS

This union shall maintain affiliation with and whenever possible send delegates to the following organizations:

A. The American Federation of Teachers. If delegates and alternates to the national convention of the AFT are to be chosen, they will be elected according to the requirements of that organization.

B. The MEA-MFT. The Executive Board may elect delegates to the state convention of the MEA-MFT according to the requirements of that organization.

C. The Missoula Area Central Labor Council. The Trades & Labor Committee Chair shall be a delegate to MACLC.

D. The Montana AFL/CIO. The Executive Board may elect delegates to the state labor convention according to the requirements of that organization.

ARTICLE XI. AMENDMENTS

1. The Constitution may be amended by simple majority vote of those members and supporters present at a general meeting of the local for which notification has included the proposed amendment(s) as an agenda item, and for which a quorum is in attendance.

2. Proposed amendments to the Constitution must be submitted by the Secretary, who shall mail or email a copy of the proposed changes to each member of the bargaining unit not less than five (5) days before the meeting at which the changes are to be considered.

ARTICLE XII. AVAILABILITY OF CONSTITUTION

1. Three (3) copies of this Constitution and all future amendments shall be submitted to the National Office of the American Federation of Teachers.

2. Copies of this Constitution shall be made available to all affiliated organizations upon request.

3. Every member of the Bargaining Unit shall be provided an electronic copy, or a hardcopy upon request, of this Constitution.