

METRO COMMUNITY COLLEGE EDUCATORS UNION

CONSTITUTION AND BYLAWS

PREAMBLE

We, educators at Metropolitan Community College Area, in order to form a more perfect union, establish this Constitution.

We, who come from diverse campuses, centers, divisions, and programs, believe in unity there is strength.

We believe all members of labor have the right to economic, political and social justice.

That all members of labor have the right to working conditions that are free of intimidation, discrimination, harassment, and known dangers.

That all members of labor have the inherent right to earn a living and to be justly paid for the services they perform.

We further believe all people are created equal with the right to determine their own destiny and to participate in the forces and events that affect them.

We believe all workers have the right, regardless of race, color, creed, sex, sexual orientation, nationality, handicap, political affiliation, age, or religion to hold their heads high and to have respect for themselves as individuals.

We believe, therefore, that in the spirit of the Declaration of Independence and the U. S. Constitution, all people are free and have the right to come together to promote the common cause of all.

We also believe all members have certain basic rights within our Union and shall be secure in those rights.

In order to give life to the Preamble of this Constitution and to the Constitution itself, the Members' Bill of Rights has been established.

MEMBERS' BILL OF RIGHTS

1. Every member has the right to be respected as a human being.
2. Every member has the right to be respected as a brother or sister of this Union.
3. Every member has the right to freedom of speech and the right to be heard.
4. Every member has the right to the freedom to listen.
5. Every member has the right to the freedom of the press.
6. Every member has the right to participate in the activities of this Union.
7. Members shall not be denied the right to seek any office or the right to vote in this Union because of race, color, creed, sex, sexual orientation, nationality, handicap, political affiliation, age or religion.
8. Every member has the right to support the candidate of their choice and to participate in that right with others.
9. Every member has the right to a fair hearing, to be represented by an individual of his or her choice, and to proper appeal procedures.
10. Every member has the right to be secure in his or her basic rights without fear of political, economic, physical or psychological intimidation.

BYLAWS

ARTICLE 1 – NAME

The name of this union shall be Metro Community College Educators Union.

ARTICLE 2 – PURPOSES

Section 1. To work for the welfare of students, the advancement of education, and the improvement of instructional opportunities for all.

Section 2. To promote an environment where educational employees are highly valued, professionally compensated and guaranteed their human, economic, and civil rights.

Section 3. To enable members to speak with a common voice on matters pertaining to the education profession and to present their individual and common professional interests before the Board of Governors, other legal authorities, and the public.

Section 4. To negotiate with the Metropolitan Community College Area or their designee for salaries, retirement, professional, personal, and sick leave, employee benefits, and other terms and conditions of employment for members.

Section 5. To facilitate communication and dissemination of information.

Section 6. To promote cooperation and goodwill among members from all campuses and centers.

Section 7. To hold property and funds, to employ staff, contractors, experts, and legal counsel as needed, and to otherwise do any and all things necessary and proper for the accomplishment of the purposes set forth herein.

ARTICLE 3 – MEMBERSHIP

Section 1. Membership is open to any person employed by Metropolitan Community College in the employee classification of full-time faculty, academic advisor, or counselor.

Section 2. Membership is effective upon receipt of a completed membership form by a Union officer or Representative and shall be continuous (1) until termination of employment with the College, (2) until August 31 of any year during which the member provided to any member of the Executive Team a written notice expressing an intent to withdraw from the Union, (3) until the member no longer qualifies for membership in the Union, or (4) until the member fails to pay membership dues.

Section 3. Membership in the Union is voluntary. No discrimination, interference, harassment, or coercion shall be used in the recruitment of members.

Section 4. A member shall begin paying dues immediately upon joining the Union. Two options are available for paying dues. Dues may be paid by payroll deduction following submission of the appropriate form to the College. Members not wishing to use payroll deduction may opt to pay their dues on an annual basis to the Treasurer, with payments due by September 15 each year.

Section 5. A member shall be afforded all rights and benefits of membership immediately upon enrollment, except that a new member shall not be eligible for legal assistance provided by the Union for any matter relating to the member's employment with the College which originated prior to the date of application for membership, unless a specific exemption is requested by the member and granted by the Executive Team.

Section 6. The Executive Team will have authority to vote annually to increase membership dues incrementally. The percentage of such increase will be limited by the negotiated percentage increase in total compensation for the upcoming contract year, unless greater authority is granted by a vote of the membership. The membership will be provided with notice of, and an opportunity to attend and provide input at any Executive Team meeting where a dues increase is proposed. The Executive Team will have authority to vote to reduce the amount of dues at any time it deems appropriate.

ARTICLE 4 – OFFICERS

Section 1. The officers of the Union shall be a President, Vice President, Secretary, and Treasurer.

Section 2. The President shall be elected in even-numbered years. The President shall serve a term of two Union Years. The President shall preside over meetings; appoint leads and members to standing and ad hoc teams; be an ex-officio member of all standing teams; and shall be the executive officer of the Union. The President shall represent the Union before the public, either personally or through their representative, and shall perform all other functions normally attributed to this office.

Section 3. The Vice President shall be elected in even-numbered years. The Vice President shall serve a term of two Union Years. The Vice President shall perform the functions of the President in the absence of the President and shall work closely with all teams as the President may suggest. The Vice President shall manage elections.

Section 4. The Secretary shall be elected in odd-numbered years. The Secretary shall serve a term of two Union Years. The Secretary shall keep accurate minutes of all meetings of the Union, shall maintain official files, and shall assist the President with Union correspondence.

Section 5. The Treasurer shall be elected in odd-numbered years. The Treasurer shall serve a term of two Union Years. The Treasurer shall hold the funds of the Union and disperse them as authorized by the Executive Team. All Union checks shall be signed by the Treasurer. The Treasurer shall keep a roll of the members and receive membership dues paid by members directly or through payroll deduction. The Treasurer shall report the financial condition of the

Union to the Executive Team at each meeting, and to the membership, at the annual meeting. The Treasurer shall be bonded by the Union. A bank audit shall be made and presented to the Executive Team at the end of each fiscal year.

ARTICLE 5 - CAMPUS AND CENTER REPRESENTATIVES

Section 1. Each campus or center will have one Representative who serves on the Executive Team and shall have the right to vote on all Executive Team matters.

Section 2. Campus and center Representatives shall be elected for a term of two Union Years. The Representatives shall be elected as follows:

Even number years: Elkhorn, Sarpy, South Omaha

Odd number years: Fort Omaha, Applied Technology, Fremont.

Section 3. Campus and center Representatives shall be responsible for gathering information and input from their constituents and relaying it to the Executive Team, disseminating information to their constituents from the Executive Team, organizing and holding campus or center meetings, and serving as the local Union representative for members assigned to work on that campus or center.

ARTICLE 6 - EXECUTIVE TEAM

Section 1. The Executive Team shall consist of the officers of the Union, one Representative from each of the 6 campuses or centers, and up to 3 at-large Representatives appointed by the President and approved by a majority vote of the Executive Team. The immediate past President may, and is encouraged to, attend Executive Team meetings and serve on any standing or ad hoc teams for a period of one year after leaving office. However, such past President may vote on Executive Team matters only if he or she remains on the Executive Team in another capacity.

Section 2. The Executive Team shall be responsible for the managing of the Union, approving all expenditures, approving tentative collective bargaining agreements for presentment to the membership for vote, carrying out policies adopted by the Union, approving all appointments made by the President, and any other function necessary for carrying out the purposes of the Union. The Executive Team will inform the general membership of all meetings. Under normal circumstances, this notification will be one week in advance.

Section 3. Whenever a majority of the Executive Team shall agree that an officer or representative has been grossly negligent of the duties defined in these Bylaws, or is incapacitated, they shall recommend to the membership that the office be declared vacant. If the membership concurs by a two-thirds vote, it shall immediately elect a replacement to fill the unexpired term.

ARTICLE 7 EXECUTIVE TEAM MEETINGS

Section 1. *Open Meetings/Furnished Meals.* All meetings of the Executive Team are open to any Union member unless an executive session is called. If the meeting includes a meal, meals are furnished only for Executive Team members, the Union's Attorney, and invited guests.

Section 2. *Regular Meetings.* As a general rule, the Executive Team will meet monthly. The Executive Team shall, however, meet at a minimum quarterly.

Section 3. *Special Meetings.* Special meetings of the Executive Team may be called by any member of the Executive Team upon written notice to the President at least three days in advance of such scheduled special meeting setting forth the nature of the issues on the agenda. In case of emergency, a special meeting may be conducted through electronic mail correspondence, and voting may be accomplished by electronic mail with at least a quorum responding, unless an objection to this format is timely made.

Section 4. *Annual Meeting.* There shall be at least one annual membership meeting that will count as an official Executive Team meeting.

Section 5. *Required Attendance.* Attendance at Executive Team meetings is required unless a member is engaged in College duties. Any member missing more than three meetings per year may be removed as an officer by eight voting members of the Executive Team, following the third absence.

Section 6. *Agenda.* The date and agenda of regular Executive Team meetings shall be established by the Executive Team President or his or her designee. At least three days in advance of any regular meeting, the agenda for the upcoming meeting and minutes of the previous meeting shall be distributed to all Executive Team members. The agenda will be distributed to all members at least one day before the meeting.

Section 7. *Order of Business.*

1. Election of officers, if that is an item of business.
2. Corrections and additions to the agenda.
3. Approval of the minutes of the previous meeting.
4. Treasurer's report.
5. Reports from officers, legal counsel, and teams.
6. Consideration of unfinished business.
7. Consideration of new and miscellaneous business.

Section 8. *Rules of Order.* Roberts Rules of Order (revised) shall be used to conduct all Executive Team business unless modified by a majority vote of the Executive Team.

Section 9. *Quorum.* A majority of voting members of the Executive Team must be present to constitute a quorum for the purpose of conducting Union business. Unless proscribed

differently elsewhere in these Bylaws, a simple majority vote shall be used to conduct all Union business.

ARTICLE 8 – OFFICER AND REPRESENTATIVE ELECTIONS

Section 1. The election of officers and campus and center representatives shall occur during the month of September each Union Year.

Section 2. On or near September 1 of each Union Year, the Vice President shall solicit nominations for any position that will be vacated that year and will collect nominations for 7 days. Thereafter, the Vice President will report all nominations to the membership via electronic mail. If only one or fewer nominations are received for any position, the Vice President may elect to keep the nominations period open for up to an additional 7 days, and in the email reporting all current nominations, solicit additional nominations.

Section 3. Any active member may nominate any other active member, or may nominate themselves, for elective office in the Union.

Section 4. At any point during the election process, the Vice President or any individual running for a position may distribute to the members brief information on each candidate.

Section 5. Following the nomination period, an election will be conducted by electronic ballot or any other reasonable and fair method approved by the Executive Team.

Section 6. The Vice President shall report results to the President who shall certify the results and cause them to be published.

Section 7. The term of any elected officer shall begin on the day of the publication of the election results and will continue for two years or until the date of the publication of the election of their successor, whichever occurs first.

ARTICLE 9 – MAJOR ELECTIONS

Section 1. Major Elections include: any election to approve or disapprove the proposed negotiated agreement with the Metropolitan Community College Area, an election to amend these Bylaws, or an election pertaining to any other issue designated by the Executive Team as a Major Election.

Section 2. It shall be the responsibility of the Vice President to oversee any Major Election.

Section 3. All members in good standing are eligible to vote in a Major Election.

Section 4. It is the responsibility the Vice President to ensure that the Union Attorney has a list of all Union members eligible to vote in a Major Election. The membership list should be validated as current within 72 hours prior to any such election.

Section 5. Procedure:

- A. Notification of the election shall be provided to the membership by electronic mail providing at least 7 days' notice prior to the closing of the polls for the election.
- B. Instructions for how to submit a ballot will be sent by electronic mail to each eligible member no later than 9:00 a.m. on the day of the election.
- C. Eligible voters shall be given the option to vote by either of the methods set forth below:

Option One: Members may choose to return the ballot to the Union Attorney's office at a specified e-mail address. Electronic ballots must be submitted from the member's official MCC e-mail address. Electronic ballots must be received by the Union Attorney no later than 8:00 p.m. on Election Day. Electronic ballots received after the deadline, or in a manner other than that set forth herein, will not be counted.

Option Two: Voters may elect to mail their completed ballot directly to the Union Attorney's office. Voters choosing this method shall request from the Vice President or other designated individual a blank mail-in ballot. Mail-in ballots must be received in the Union Attorney's office by 5:00 p.m. on the day of the election. Mail-in ballots received after 5:00 p.m. on election day will not be counted. Voters must include his or her name, signature, and campus or center on the ballot or envelope. Any ballot not submitted in full compliance with these procedures will not be counted.

- D. The Union Attorney's office will cross check each ballot with the eligible voter list provided by the Vice President to confirm each ballot is cast by an individual authorized to vote in the election, and that no person casts more than one vote. Unauthorized or duplicate ballots will be null and void.
- E. Immediately following this verification, the Union Attorney will tabulate all authorized ballots and provide the election results to the President via electronic mail. Within 24 hours of receipt of the election results from the Union Attorney, the President will certify the election and immediately communicate the election results via electronic mail to all Union members.
- F. The Union Attorney will keep, for a period of not less than 60 days following the election, a copy of every ballot, with attached mail envelope or transmittal e-mail which accompanied the ballot attached thereto, if any, and the list of eligible voters.

ARTICLE 10 – TEAMS

Section 1. Negotiating Team.

- A. *Composition and Selection.* The Negotiating Team will be composed of the President and up to 4 members of the Executive Team elected by the Executive Team. From this Team, the Executive Team shall elect a Chief Negotiator.
- B. *Conflict of Interest.* A member of the Team who is, or anticipates becoming, engaged in the application process for an administration position, shall be deemed to have a material conflict of interest. Such member shall immediately notify the remaining Team members of the conflict of interest and resign from the Negotiations Team.
- C. *Negotiation Process.* The Negotiating Team shall either hold a member meeting or design and distribute to all members a survey for the purpose of identifying negotiation priorities. The general results of the meeting or survey shall be reported to all Union members. The Negotiating Team will establish a set of negotiation priorities and develop a negotiation strategy based upon the results of the meeting or survey, input from the Executive Team, and the principle of equal and fair treatment of all members. The Negotiating Team shall be directly responsible to the Executive Team and receive its authority from the Executive Team. The Negotiating Team will provide to the Executive Team periodic updates and reports on the status of negotiations. Regular reports shall be given to the Union members unless doing so will harm the process or will violate any agreement with the College regarding the negotiation process.
- D. *Ratification.* After negotiations are complete, the Negotiating Team shall present the proposed Agreement to the Executive Team for approval. If approved by the Executive Team by majority vote, the proposed Agreement shall be presented to the Union membership for review. An election in accordance with Article IX must take place within a reasonable period of time following such presentment. A majority vote of the membership voting in the election shall be sufficient to ratify the Agreement. Upon ratification, the Agreement shall be executed by the President.
- E. In the event of disruption or impasse in the negotiation process at any level, the Executive Team shall have the authority to determine the appropriate course of action.

Section 2. *Ad Hoc Teams.* The Executive Team may appoint ad hoc teams from time to time whenever the need may arise. Any member of the Union can be appointed to an ad hoc team. Ad hoc teams shall be disbanded by the Executive Team when their work is complete, as determined by the Executive Team. Any such team shall be directly responsible to the Executive Team.

ARTICLE 11 – AMENDMENT

Section 1. These articles may be amended in whole or in part by a two-thirds vote of those voting in an election conducted in accordance with the procedures for a Major Election.

Section 2. An amendment of these Bylaws may be proposed by the Executive Team or by petition containing the signatures of at least 20 percent of the recorded membership. Any such

amendment shall be submitted to a vote of the general membership within 90 days after submission of the proposal to the Vice President. The Vice President shall then see that a copy of the proposed amendment is given to each active member of the Union at least seven days prior to any vote on said proposed amendment.

ARTICLE 12 – BUDGET AND UNION YEAR

Section 1. The Treasurer shall prepare a proposed budget for the following Union Year. This proposed budget shall be acted upon at the first Executive Meeting of the Union Year.

Section 2. Except for the inaugural year of the Union, the Union year shall begin on September 1 each year and end on August 31 of the following year.

ARTICLE 13 - CONSIDERATIONS FOR INAUGURAL YEAR OF UNION

Section 1. In the first year of the Union’s existence, all terms and requirements set out in these Bylaws specifying dates, deadlines, procedures or other similar requirements shall be adhered to as closely as feasible but as flexibly as is necessary under the circumstances to accomplish the purposes of the Union.

Section 2. Approved by majority vote of the membership March 20, 2024.