

THE
CONSTITUTION
of the



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ARTICLE I. NAME.

The name of the association shall be the Massachusetts State College Association, Inc. (hereafter called the MSCA).

ARTICLE II. OBJECT.

Section 1. Purpose. The purpose of the MSCA shall be to organize and consolidate the efforts of its members to maintain and improve public higher education in the Commonwealth in general and State College education in particular; to develop and advocate policies for improving the welfare of its members; and to negotiate, to submit for approval, and to enforce collective bargaining contracts for its members.

Section 2. Constitutional Relationships. The MSCA shall be a member of the Massachusetts Teachers Association (hereinafter, the MTA) and of the National Education Association (hereinafter, the NEA), and the Constitution of the MSCA, and those of its Chapters, shall not be in conflict with the constitutions of the MTA and the NEA. If any provision of this Constitution is held unenforceable, then all remaining provisions of this Constitution shall remain in full force and effect.

ARTICLE III. MEMBERS.

Section 1. Membership of Chapters. The members of the faculty and the librarians who are included in the bargaining units represented by the MTA at any public college or public university in the Commonwealth of Massachusetts shall, upon the granting of a charter by the MSCA Board of Directors, comprise a Chapter of the MSCA. Prior to the granting of such a charter, any petitioning Chapter shall submit its constitution to the MSCA Board of Directors for approval.

No constitution of a chapter, including any amendments enacted once a Chapter has become a member, shall be in conflict with the Constitution of the MSCA. All amendments to Chapter constitutions shall be submitted to the MSCA Board of Directors to verify the lack of such conflict. Each Chapter shall submit any amended constitution to the MSCA President's Office for safekeeping.

Section 2. Membership of Individuals. Any person who is eligible for membership in a Chapter of the MSCA and who is a member of a bargaining unit represented by the MTA is eligible thereby for membership in the MSCA. Membership in the MSCA shall begin upon the issuance of a formal receipt by the Treasurer of a Chapter, or by another designated agent of the MSCA, for a completed form of application for membership and for a proper instrument for the payment of dues under the provisions of Section 4 of this Article III. Any member of the MSCA shall be in good standing while payment of the dues of such member is current and while his or her eligibility is unimpaired. Only a member who is in good standing may be an Officer, a

member of the Board of Directors, a member of any Standing Committee, a member of any Special Committee, or a Delegate to the Delegate Assembly.

For the purposes of serving as an Officer, a member of the Board of Directors, a member of any Standing Committee, a member of any Special Committee, or a Delegate to the Delegate Assembly, good standing shall be determined by membership in the MSCA in no more than one Chapter.

Section 3. Other Memberships. Associate membership shall be available to all retired unit members who were members, in good standing, of the MSCA on the date of their retirement. Associate members shall have the right of petition and shall have the right to vote in elections to the Delegate Assembly as determined by their Chapters.

Section 4. Dues. The Delegate Assembly shall set the annual dues for all full-time and part-time members of the MSCA. Annual dues of all members shall be payable by the Chapter to the MSCA on or before October 31 unless the member is on payroll deduction plan, and notice of said plan is filed with the MSCA. Such plan for payroll deduction must be filed on or before September 30 of the academic year and must have the approval of the MSCA Treasurer.

ARTICLE IV. OFFICERS AND ELECTIONS.

Section 1. Officers. The Officers of the MSCA shall be a President, a Vice-President, a Secretary, and a Treasurer. These Officers shall perform the duties prescribed in this Constitution and in the parliamentary authority adopted in Article IX. All persons elected to Office shall take office on the first day of June next following their election. All persons elected to fill vacancies in the various Offices shall take office upon election.

[a] Special Duties of the President. The President shall be responsible for reporting to the MTA the names of MSCA delegates and designated alternates to the MTA Annual Meeting. The President shall be responsible for reporting to the NEA the names of MSCA delegates and designated alternates to the NEA Representative Assembly.

[b] Special Duty of the Secretary. The Secretary shall be responsible for conducting the election of MSCA delegates and designated alternates to the NEA Representative Assembly.

[c] Special Duties of the Treasurer. The Treasurer shall be responsible for the preparation of a budget. All deduction payments shall be made to the MSCA. The Treasurer shall receive these funds, bill cash-payment members for dues, and transmit amounts due the Chapters, the MTA, and the NEA according to a previously agreed-upon plan. The Treasurer shall maintain a roll of the members. The Treasurer shall be bonded. The Treasurer shall be responsible for the determination of each Chapter's

delegate allocation for the Annual Meeting of the Delegate Assembly and the MTA Annual Meeting, subject to approval by the Board of Directors.

Section 2. Nomination for Offices. Any member in good standing shall be eligible to be a candidate for office except for members of the MSCA Elections and Credentials Committees.

[a] At any time after November 1 of any odd numbered year, an eligible member shall be required to obtain nomination papers by requesting by certified mail to the MSCA Nominations & Elections Supervisor stating the Office to be sought. The Nominations & Elections Supervisor shall enter the name of the eligible member and the Office to be sought on the nomination papers and deliver them to the eligible member within two weeks. No person shall be a candidate for more than one office.

[b] In order to be certified as a candidate for Office, an eligible member shall be required to obtain at least forty signatures of members in good standing; no more than fifteen shall be counted from a single Chapter. The eligible member shall file nomination papers with the Nominations & Elections Supervisor prior to 5:00 PM of the third Friday of January next following.

[c] The Nominations & Elections Supervisor shall certify that each eligible member's nomination papers have been timely and appropriately filed and shall report the names of the certified candidates and the office sought to the Board of Directors no later than the MSCA Board of Directors meeting next following. The Supervisor shall prepare a ballot on which names shall be entered in order, by lot, without designation of incumbency. A space for write-in candidates shall be provided for each Office. No person shall be a certified candidate save those who have complied with the above designated procedures.

Section 3. Election of Officers.

[a] Ballots shall be sent to all eligible MSCA members, who shall be certified as eligible voters by the MSCA Treasurer. In order to be eligible to vote, a member shall have paid dues in compliance with Article III, Section 2, by March 15 of an election year.

[b] The Nominations & Elections Supervisor shall publish the names of certified candidates for Officers of the MSCA at least thirty days prior to the election. Election of Officers of the MSCA shall be held at least 30 days after publication of the names of certified candidates. The Nominations & Elections Supervisor shall conduct the election for Officers of the MSCA by direct, secret balloting of the MSCA membership and shall report the elections results to the Assembly prior to its adjournment. The Supervisor shall make a full report of the elections to the MSCA Board of Directors no later than the first Friday in June next following.

[c] The Nominations & Elections Supervisor shall submit all documents regarding the election to the MSCA President's Office for safekeeping.

Section 4. Vacancies and Recall. A vacancy occurring in any Office by reason of resignation, disability or death, shall be filled for the unexpired portion of the term within one calendar month of notice of such vacancy. Unless the Delegate Assembly shall be convened within the said calendar month, the Board of Directors shall fill the vacancy. A vacancy in Office may be created by the MSCA through recall of an Officer, and the vacancy thus created be filled, by the following procedure:

[a] Presentation to the Committee on Elections of a Petition of Recall, which shall state the reasons of the petitioners therefore, signed by no less than fifty percentum (50%) of the members of each of one half (1/2) of the Chapters; followed by

[b] A special meeting of the Delegate Assembly, which shall be convened and moderated by the Nominations and Elections Supervisor, within thirty calendar-days of the presentation of the Petition of Recall, at which the Petition of Recall shall be considered and at which a ballot thereon shall be taken; followed by

[c] Vacancy of the Office if, and only if, the Petition of Recall be sustained by a two-thirds vote of the Delegate Assembly; followed by

[d] Filling of the vacancy by an election to be held at the same special meeting of the Delegate Assembly.

Section 5. Election of MSCA Delegates to the MTA Annual Meeting. Each Chapter shall be responsible for the election of its delegates to the MTA Annual Meeting, in accordance with the procedures established by the MTA. Should there be vacancies in any Chapter's delegation, the Board of Directors shall be empowered to fill such vacancies, in accordance with the procedures established by the MTA.

ARTICLE V. DELEGATE ASSEMBLY.

Section 1. Composition. There shall be a Delegate Assembly which shall consist of one Delegate from each Chapter for each fifteen full-time equivalent members, or remaining major fraction thereof, in that Chapter. In each Chapter, the Delegates, and designated alternates shall be directly elected for a term of one year by and from the members of the Chapter by secret, written ballot. Each Delegate to the Delegate Assembly shall be entitled to one vote. No member shall be seated as a Delegate from more than one Chapter. The number of Delegates to which a Chapter is entitled shall be based upon the full-time equivalency of the membership of that Chapter indicated on its dues membership form for that membership year, no later than the fifteenth day of February next preceding the Annual Meeting of the Delegate Assembly.

Full-time equivalency of the membership of a Chapter shall be determined by dividing by twelve the sum total of the semester hours taught by members of that Chapter. The Officers of the MSCA shall serve as the officers of the Delegate Assembly, *ex officio*

without vote (unless they shall have been elected Delegates from their respective Chapters).

Section 2. Meetings. The Delegate Assembly shall hold an Annual Meeting on a day determined by the Board of Directors, which day shall be either the last Saturday in April or the first Saturday in May. At least fourteen days prior to the Annual Meeting of the Delegate Assembly, each Chapter shall submit to the President a list of its Delegates and designated alternates. At least seven days prior to the annual meeting of the Delegate Assembly, the President shall report the names of Chapter Delegates and designated alternates to the Credentials Committee.

Special meetings of the Assembly may be called by the Board of Directors, by the Assembly itself, by petition of one-tenth the membership of each Chapter, by petition of one-half the membership of any two Chapters, or by a Petition of Recall presented under the provisions of Article IV, Section 4.

Section 3. Quorum. A majority of the delegates in person shall constitute a quorum, but a smaller number may adjourn from time to time without further notice until a quorum is present.

Section 4. Authority. The Delegate Assembly shall be the policy-making authority of the MSCA. Its policies, programs and resolutions shall be implemented by the Board of Directors and the Officers. However, Collective Bargaining Agreements shall be ratified by a majority of MSCA members of the appropriate unit present and voting, unless otherwise specified by state law. The fiscal affairs of the MSCA shall be conducted according to a budget approved by the Delegate Assembly, provided that the Board of Directors has the authority to transfer line items.

ARTICLE VI. BOARD OF DIRECTORS.

Section 1. Composition. There shall be a Board of Directors consisting of two Directors from each Chapter, one of whom shall be the president of the Chapter, and the other of whom shall be directly elected, in each evenly numbered year, by and from the members of the Chapter by secret, written ballot. The Officers of the MSCA shall serve as the officers of the Board of Directors, *ex officio* without vote, provided however, that the President may vote if, and only if, that vote will affect the outcome of a question. Each member of the MSCA Board of Directors shall be entitled to one vote. Each Chapter President shall certify, in writing, the name and address of the second Director from the same Chapter.

Section 2. Meetings. Regular meetings of the Board shall be called as necessary by the MSCA President or upon petition of five Directors. The MSCA President shall be the presiding officer of the Board.

Section 3. Responsibility and Authority. Subject to the provisions of Article V, Section 4, the Board of Directors shall conduct the business of the MSCA between

meetings of the Delegate Assembly. The Board shall provide for a periodic audit of the accounts of the Treasurer of the Association. The Board shall receive reports and recommendations from all Standing Committees of the MSCA. The Board shall hire and direct personnel as may be necessary to carry out the business of the MSCA. No person shall hold, at one time, two paid positions within the MSCA.

Section 4. Quorum. A quorum of the Board of Directors shall consist of 50% plus one of the members of the Board (excluding vacancies but including the MSCA statewide officers who are not otherwise Board members).

ARTICLE VII. COMMITTEES AND APPOINTMENTS.

Section 1. Standing Committees. The Standing Committees shall be the Bargaining Committees, a Grievance Committee, a Legislation Committee, an Affirmative Action, Equal Opportunity, Diversity (AA/EO/DIV) Committee, an Elections Committee, a Credentials Committee, and a Librarians Committee. Members of Standing Committees will serve a two year term commencing October of even numbered years and on the date of appointment by the Board of Directors under the provisions of Section 2 of this Article VII; however, no member of the Elections Committee nor of the Credentials Committee shall be a candidate for any Office of the MSCA during his or her term of service in such committee. Each Standing Committee shall consist of one member from and representing each Chapter. Each Standing Committee shall elect its own Chairperson and determine its own quorum.

Section 2. Appointments of Members Representing Chapters. Chapter members of Standing Committees of the MSCA shall be appointed by confirmation of the Board after first being nominated by the MSCA President. Said nomination(s) shall be made upon the recommendation of the Chapter President.

Section 3. Bargaining Committees. The Bargaining Committees shall be responsible for preparing bargaining proposals and for negotiating contracts on behalf of the MSCA. The Bargaining Committees shall submit Bargaining Proposals for approval by the Board before entering into negotiations. The Bargaining Committees shall bring any tentative collective bargaining agreements to the Board of Directors for its recommendation. The Board shall submit such agreements with its recommendation to the MSCA members of the appropriate unit for their approval or disapproval, unless otherwise specified by law.

Section 4. Grievance Committee. The Grievance Committee shall be responsible for processing grievances according to the terms and conditions of the collective bargaining contracts and shall act on grievances upon appeal from any Chapter.

Section 5. Legislation Committee. The Legislation Committee shall serve as a reservoir and source of information on national and state legislation affecting public

higher education and shall recommend appropriate action. It shall endeavor to seek legislation of benefit to the State Colleges of the Commonwealth.

Section 6. The Affirmative Action, Equal Opportunity, Diversity Committee. The Affirmative Action, Equal Opportunity, Diversity (AA/EO/DIV) Committee shall serve as a liaison between, and a resource for, campus AA/EO/DIV committees. It shall disseminate affirmative action, equal opportunity and diversity information to all members; organize statewide workshops/conferences under the direction of the MSCA; and monitor campus AA/EO/DIV practices. The Committee will monitor compliance with the current "Affirmative Action, Equal Opportunity, Diversity Plan of the State Colleges of the Commonwealth of Massachusetts," or its successor. In addition, it shall serve as a resource to the Bargaining Committee to aid it in insuring that the contract is in concert with affirmative action, equal opportunity and diversity guidelines.

Section 7. Elections Committee. The Elections Committee shall conduct and certify nominations and elections of Officers under the provisions of Article IV, Section 2. The title of the chairperson of the Elections Committee shall be Nominations and Elections Supervisor. The Elections Committee shall propose Elections Rules for Members and an Elections Calendar for the Board's adoption no later than the first Friday of December in odd-numbered years.

Section 8. Credentials Committee. The Credentials Committee shall prepare, for recommendations to the Annual Meeting of the Delegate Assembly, a list of persons entitled to vote therein in accordance with Article V, Section 1 and Section 2.

Section 9. Librarians Committee. The Librarians Committee shall discuss and monitor issues specifically pertaining to the state college libraries and librarians. Working within the structure of the MSCA, the Librarians Committee shall seek to find resolutions to librarians' workplace challenges and advance issues affecting librarians and state college libraries to other members of the MSCA.

Section 10. Special Committees. Ad Hoc Committees may be established by the Delegate Assembly, by the Board of Directors, or by the MSCA President.

Section 11. Role of the President. The President of the MSCA shall serve as a member of each MSCA Committee, *ex officio* without vote.

Section 12. General Provision. Members of any Committee shall serve at the will of the appointing authority.

ARTICLE VIII. AMENDMENTS.

Amendments to this constitution shall be made by the following methods:

- [a] Endorsement by a majority of the members of a Chapter or of the Board of Directors; followed by
- [b] Circulation in writing to all Chapters at least one calendar month in advance of the ratification vote; followed by
- [c] Ratification by a two-thirds vote of the Delegate Assembly at a meeting held within three months of said circulation.

If the affirmative vote on ratification is less than two-thirds but at least fifty percent, and if the sponsor(s) so desire(s), the proposed amendment shall be submitted to referendum of the MSCA membership within six months of said circulation. It shall be considered ratified if approved by a majority of the members voting on the referendum.

ARTICLE IX. PARLIAMENTARY AUTHORITY.

The rules contained in the most recent edition of Robert's Rules of Order shall govern the organization and its subordinate bodies in all cases to which they are applicable and in which they are not inconsistent with this Constitution.