

**Changes to the MSCA Constitution
Endorsed by the MSCA Board of Directors
for Consideration at the 2008 MSCA Delegate Assembly**

Additions appear in ***bold-face italics***; deletions are ~~struck~~; comments appear in [brackets].

1) Article II, 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.***”

Rationale: This severance language has been recommended by our MTA staff.

2) Article III, 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. ~~Each Chapter shall submit amendments to 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.***”

Rationale: The first change (“bargaining units”) is based on advice from our MTA staff that MSCA membership be restricted to bargaining unit members. The subsequent changes reflect the reality that, in the past 20 years, no chapter has ever submitted constitutional amendments to the Board for approval. However, the Board should retain its authority to review chapter constitutions for possible conflict with the MSCA constitution. It is appropriate for the chapter constitutions, when amended, to be submitted to the president’s office for eventual storage in the MSCA archives. The paragraph has been divided into two for stylistic reasons.

3) Article III, 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.” [The remaining language in this section stays unchanged.]

Rationale: The advice from our MTA staff is that MSCA membership be restricted to bargaining unit members.

4) Article IV. Officers and Elections.

“Section 1. Officers. The Officers of the MSCA shall be the President, the Vice-President, the Secretary, and the 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

~~“Section 4~~ ***[b] Special Duties*** ~~Duty~~ of the Secretary. The Secretary shall be responsible for conducting the election of MSCA delegates **and designated alternates** to the MTA and NEA **Representative Assembly**. [Move the second sentence of Section 4 to be the first sentence in Section 5 after it is amended. Delete the last two sentences of Section 4.]

~~“Section 5~~ ***[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.”***

Rationale: The MSCA Secretary has not conducted elections of delegates to the MTA Annual Meeting nor has the Secretary determined chapter allocations or voting procedures for this meeting since the late 1980s. This section reflects the actual practice of the MSCA concerning the responsibilities of the officers and moves the responsibilities for Secretary and Treasurer from the existing Sections 4 and 5 to this section, where the officers are listed.

5) Article IV, 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.”

Rationale: The only change in this section adds “Credentials Committee” to the introduction. The nomination process is separated from the election process but remains unchanged. Paragraphs [d] through [f] will be moved to a new section 3.

6) Article IV, Section 3. “**Election of Offices** ~~Recall of Officers: Filling Vacancies.~~

“**[a]** ~~[d]~~ 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 ~~shall be paid~~ in compliance with Article III, Section 2, by March 15 of an election year.

“**[b]** ~~[e]~~ 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 election results to the Assembly prior to its adjournment. The Supervisor shall make a full report of the election to the MSCA Board of Directors no later than the first Friday in June next following.

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

Rationale: This section separates out the election process from the nomination process and re-letters the existing sections. There are no changes in the election procedures themselves. In the new paragraph [a], second sentence, the grammatical error has been corrected. In reference to the new paragraph [c], since the elections have been conducted by outside vendors, the ballots have been retained by the vendor and then destroyed. Deleting “and ballots” from the new paragraph [c] is consistent with this practice since 1994.

- 7) “Article IV, Section **4 3. *Vacancies and Recall of Officers: Filling Vacancies.***”

Rationale: No changes are proposed, except to renumber this section and change the section heading.

- 8) “Article IV, Section **5 4. *Election of MSCA Delegates to the MTA Annual Meeting*** ~~Special Duty of the Secretary.~~”

~~“The Secretary shall be responsible for conducting the election of MSCA delegates to the MTA and NEA annual meetings. 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. The Secretary shall be responsible for the determination of each Chapter's delegate allocation and for the notification of each chapter as to the procedures for election established by the MTA. The Secretary shall be responsible for reporting to the MTA the names of all MSCA delegates to the MTA Annual Meeting. ***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.***”~~

Rationale: This new Section 5 spells out the MSCA's practice in electing delegates and alternates to the MTA Annual Meeting. The text of the existing Section 5 has been moved to Section 1, paragraph [c].

- 9) Article V. Delegate Assembly.

“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 Credentials Committee*** 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.”

Rationale: For practical reasons, the MSCA president's office gathers the names of delegates and designated alternates to the Delegate Assembly and then transmits them to the Credentials Committee. This change reflects that practice. The section on special meetings has been put into a separate paragraph, and a comma has been added after the word “Directors.”

10) Article VI. Board of Directors. New Section 4.

“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).”

Rationale: This definition has been the practice of the Board since 1992, at least.

11) 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 Resolutions 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.***”

Rationale: The Resolutions Committee has meet only once since it was included in the Constitution and should be deleted. The amendment in the last sentence incorporates the practice of the Committees.

12) Article VII, 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 local Chapter President.”

- Rationale: This deletion is a style change only.
- 13) Article VII, Section 8.

~~Resolutions Committee. The Resolutions Committee shall consider all resolutions sent to the Chair of the Committee and shall recommend suitable action thereon when presenting the resolutions the Delegate Assembly.~~

Rationale: The Resolutions Committee has meet only once since it was included in the Constitution and should be deleted. The remaining Sections 9 through 13 would be renumbered as Sections 8 through 12, respectively.