

Staff and Chair Association Constitution  
(as of December 2019)

Article I – Name

The name of the organization shall be the Staff and Chair Association of Orange County Community College. (Hereinafter to be called: “The Association”.)

Article II – Purposes

The purposes of this organization are:

- A. To represent membership in contractual agreements with the college that define terms of working conditions and compensations, and address non-compliance with such agreements;
- B. To actively protect and support the rights of all members;
- C. To provide a forum where members of the Association can freely give expression to their ideas and opinions concerning the best interests of the membership and the general wellbeing of the college;
- D. To promote greater inclusion of the Association members through the sharing of professional and intellectual interests;
- E. To communicate as a group with the Administration;
- F. To function as a policy agency of the Association.

Article III – Membership

The membership shall be open to the Department Chairs, Assistant Chairs, Academic Coordinators, Athletic Directors, and all members of the Professional staff.

- A. Active membership in this organization shall be open to any person, whose title is delineated in the collective bargaining agreement with the employer.
- B. Membership shall be maintained through the payment of all required dues.

Article IV – Officers and Elections

- A. A President, Vice President for Chair Issues, Vice President for Staff Issues, Secretary and Treasurer shall be elected by members. Union Representatives can volunteer to serve from each campus.
  - 1. The Duties of the President:
    - i. The President shall preside over all meetings. They are an ex-officio a member of all committees which may be established. They shall appoint members of special committees as a need for them arises;
    - ii. Administer all affairs and execute all policies of the Association;
    - iii. Certify to the Secretary Treasurer of the American Federation of Teachers that the annual audit/internal financial review was presented to the Executive Board, as the organization’s governing body, and to the entire membership annually;
    - iv. Represent the organization with all external groups, and be the first delegate to the NYSUT Representative Assembly and the conventions of its national affiliates;

- v. Call regular and special meetings of the Executive Board and general membership;
  - vi. Formulate an annual report for the general membership including but not limited to representation, grievances, number of updated job descriptions, disciplinary outcomes, support given to members, financial standing, etc.;
  - vii. Fulfill such other duties as the office requires and as are consistent with this constitution.
2. The Duties of the Vice Presidents:
- i. The Vice Presidents shall perform the duties and exercise the powers of the President in the absence of the latter;
  - ii. Co-sign financial instruments in the absence of the President or Treasurer;
  - iii. Serve as liaisons and spokespersons to their respective groups;
  - iv. Sponsor a yearly workshop with the NYSUT Rep, particularly for new members;
  - v. Work with the Administration to educate them on the importance of contract regulations;
  - vi. Perform such other duties as the President may designate.
3. The Duties of the Secretary:
- i. The Secretary will keep minutes of all meetings, handle correspondence and maintain the membership list;
    - 1. Minutes of meetings should be kept indefinitely due to possible audit by the Department of Labor and/or IRS;
  - ii. Preserve all election records, including ballots, for a period of time equal to the term of office or the election cycle. Further, if the election is contested, the records shall be preserved for a period of one year after a final determination is made in the contested election.
4. The Duties of the Treasurer:
- i. The Treasurer will receive, record and deposit all dues monies and other income in the name of the organization;
  - ii. Reimburse local officials as mandated by the Expense Reimbursement Policy;
  - iii. Maintain accurate membership records;
  - iv. Be one of the responsible financial officers of the organization and be authorized to co-sign financial instruments and make regular and usual disbursements of funds;
  - v. Maintain all financial records of the organization;
  - vi. Contribute information to the annual report written by the president, present periodic financial reports to the Executive Board, and present a monthly report to the general membership;
  - vii. Collaborate with the Executive Board in the preparation of the annual budget;
  - viii. Arrange for an independent audit/internal financial review of the finances of the organization annually no later than (month/day) and make same available to the Executive Board and membership;
  - ix. Transmit per-capita payments on a regular basis to the Membership Reporting Department of the New York State United Teachers;

- x. Perform other financial duties as delegated by the President or assigned by the Executive Board;
    - xi. Perform duties of the office and reports as required by the Labor Management Reporting and Disclosure Act, the Internal Revenue Service and the guidelines developed by NYSUT, AFT and NEA.
  - 5. The Duties of the Union Representatives:
    - i. Serve as proxy members to the Executive Board;
    - ii. Serve as liaisons between the Executive Board and the general membership;
    - iii. At least one union representative will be present on each campus and up to one representative per building.
- B. Elections:
  1. All officers shall be elected for two years.
  2. Election shall be by secret ballot. The principle of one-person, one-vote shall apply to all local/council elections.
  3. Elections shall be conducted in the spring semester to allow for cross training between newly elected officers and previous officers. Positions shall commence as of September 1. In even number years the President, Treasurer, and Union Representatives shall be elected; in odd years the Vice President for Chairs, Vice President for Staff and the Secretary shall be elected.
  4. The results of the election shall be announced in a letter/email from the President or Executive Board within two business days after votes have been tallied and confirmed.
  5. The Secretary (and/or Elections Committee Chair) shall preserve all election records, including ballots, for a period of time equal to the term of office or the election cycle. Further, if the election is contested, the records shall be preserved for a period of one year after a final determination is made in the contested election.
  6. Candidates for the Elective Officers shall be nominated from the floor or approved by the president by the third to last regularly scheduled meeting of the spring semester.
  7. Election notices will be sent to members' last known email address at least 15 days prior to election.
  8. In the event that a staff member is President of the Association, they will be given the equivalent of a chair abatement at the instructor rate, to be paid from the Association's local dues.
  9. In the event a Chair, Assistant Chair, or Coordinator, is President of the Association, they shall be given a three credit (four contact hours) redefined load per semester. An additional three credit (four contact hours) redefined load per semester shall be granted in semesters where: \* the term of "this Agreement" has expired and a successor contract has not been ratified; or \* when it is known at least 30 days prior to the beginning of the semester that a legal action is underway regarding an Association member's [sic] professional responsibilities; or \* when it is known at least 30 days prior to the beginning of the semester that three (3) or more Association grievances are pending.
- C. Nominations:
  1. Each member in good standing shall be given reasonable opportunity to nominate candidates for office and to run for office;

2. Notice of the offices to be filled, the right to make nominations, and the time, place, and proper form for submission of nominations will be announced by the President and/or Executive Board;
  3. Nomination procedures shall be determined by the Executive Board and shall be in compliance with the requirements of the Landrum Griffin Act. If there is only one nominee for a position, the President or Secretary shall cast one vote in favor of the nominee;
  4. The Executive Board shall approve an ad hoc Elections Committee to conduct and monitor each election held by the local;
  5. Any member in good standing is eligible for nomination for office.
- D. Voting:
1. A majority of the votes cast by members suffices to win election to office. If there is no majority on the first ballot, a runoff election shall be held between the two top contenders for the office;
  2. There shall be separate ballots cast for election to each office. Votes shall be verified by three members at least 1 from each Staff and Faculty) not holding or seeking office, appointed by the President. These persons shall announce only the name of the winning candidate.
  3. Voting procedures will be initiated electronically (via Google, or equivalent)
    - I. The Association will utilize a dual-layered ballot method. This will eliminate the possibility of fraudulent voting, allow voting responses to be monitored, and ensure ballot anonymity.
    - II. At the established voting end-date, final results will be extracted from the database and verification of the number of ballots will be made. In the event that mismatch occurs, the vote will be deemed invalid. Assuming the vote is valid, the committee will then report the official results to the President and the Voting Committee. Results will be announced in May.
- E. Terms of Office
1. Each officer shall remain in office until their successor assumes the office.
  2. All officers shall be elected for two-year terms. There shall be no restrictions concerning reelection.
  3. All members of the Association are eligible for officer positions.
  4. All officers will receive reimbursement of union dues up to \$599 at the end of the academic year. If an officer leaves their position before the end of the academic year, they will receive a prorated reimbursement equal to the length of service.
- F. Vacancies:
1. If the office of the President becomes vacant, one of the Vice Presidents, or nomination from the floor, shall assume the office of President by a majority of those who vote until the next election is held; then that Vice President position will be replaced via vote until the next regular/scheduled election is held.
  2. If any other office becomes vacant, it shall be filled by election by the Executive Board until the next regular/scheduled election is held by the general membership.
  3. If an officer is on an extended leave, the President or designee may appoint someone to serve in the interim.

- A. Meetings shall be called according to By-Laws.
- B. A quorum shall consist of the members present at a meeting with a minimum of 15% of the membership as defined by the By-Laws.
- C. The major items of business must be stated in a proposed agenda at the calling of the meeting.
- D. Any member has the right to place items on the agenda.

#### Article VI – Amendments to the Constitution

- A. Amendments may be proposed in writing (including email) by any member and presented for discussion at a meeting.
- B. Decisions can be made at any subsequent meeting by two-thirds of those present, or at the same meeting during which the proposal is made by 50%+1 of the total membership.
- C. Failure to receive sufficient affirmative votes defeats the proposal. If a defeated proposal is re-introduced at a subsequent meeting, it is considered to be a new amendment.

#### Article VII – By-Laws

- A. By-Laws shall be written and passed or amended by a majority.

#### Article VIII – Ratification of the Constitution

- B. This Constitution goes into effect upon ratification by a majority of the membership using electronic voting procedures.

#### Article IX – Ratification of Contract

- A. Need to have an electronic vote.
- B. Need to have a copy for everyone to review.

#### Article X – Budget Approval Process

- A. Discussion of the budget at the last meeting of the year.
- B. Send out electronic copy to full membership.
- C. Shall be approved, denied or rescinded by majority vote at first meeting of next year.

#### Article XI – Affiliations

- A. This organization shall be affiliated with the New York State United Teachers (NYSUT) and its national affiliates.

#### Article XII – Executive Board

- A. The Executive Board shall be composed of the duly elected officers and other positions as determined by the local. The Executive Board, including Union Representatives, when necessary shall meet at least monthly. Special meeting may be called by the President or by petition of a majority of the Executive Board.
  - 1. Duties: The Executive Board shall:
    - i. Be empowered to make contracts and incur liabilities including the purchase of services or equipment; to otherwise engage in financial transactions to the extent permitted by applicable law or statute. The Executive Board shall have the power to sue, complain and defend on behalf of the membership;

- ii. Ensure that an annual financial report and an audit/internal financial review is presented to the membership;
- iii. Ensure that an audit/review, by an independent accounting firm or an internal financial review conducted by a committee of 3 – 5 members who do not sit on the Executive Board is presented to the membership annually;
- iv. Ensure that an annual budget is adopted, in collaboration with the Treasurer, by the Executive Board/Membership annually;
- v. Implement an Investment Policy determining acceptable types of investments, maturity timeframes, and number of commercial banking relationships with assessments of these relationships based on periodic ratings by an independent ratings service;
- vi. Follow an expense reimbursement policy and update as necessary;
- vii. Interpret the constitution and by-laws;
- viii. Act on policy matters for the organization between the meetings of the general membership;
- ix. Make policy recommendations to the membership for their consideration;
- x. Approve committee appointments;
- xi. Hear appeals from members regarding decisions by the Grievance Committee.

Article XIII – Standing Committees

- A. Chairpersons and members of standing committees and ad hoc committees shall be appointed by the Executive Board:
  - 1. Negotiations Committee: Having the Negotiations Committee be a standing committee will allow negotiations and preparation for negotiations to be an on-going endeavor; however, the Negotiations Committee need not necessarily be a standing committee; rather, an ad-hoc committee appointed 1 to 1 ½ years prior to the expiration of the contract.
  - 2. Grievance Committee: Responsible for assisting any member who feels they may have been wronged. Help follow grievance paperwork process and meet all required deadlines.
  - 3. Employment Standards Committee: Responsible for reviewing job descriptions discrepancies, positions, grades, and/or duties.
  - 4. Voting Procedure Committee: Responsible for administering Association votes and voting procedures.
  - 5. Constitution and By-Laws Committee: Responsible for updating any changes to the Constitution and By-Laws and disseminate updates to entire membership.
  - 6. Audit Committee: Composed of three to five members, of which no member should sit on the Executive Committee. Responsible for review of financial records within six months of close of fiscal year (8/31). Will attest to the fact that the union funds are being handled properly.
  - 7. Labor Management Committee: A College/Staff and Chair labor-management committee shall be created, consisting of three (3) representatives of the S&C Association designated from among unit members by the Association President and

three (3) non-unit managerial personnel designated by the College President. The committee shall meet at agreed dates and times to address issues of mutual concern.

8. Sick Bank Committee: An emergency sick leave bank has been established to provide against the economic effects of a long-term disabling illness.

#### Article XIV – Delegates to NYSUT and Other Affiliates

- A. Delegates to the NYSUT Representative Assembly, and other affiliates shall be elected by secret ballot in a manner consistent with the Constitution and By-laws of the appropriate state and national organizations and with the Landrum Griffin Act.

#### Article XV – Protection of Right of Members

- A. Every active member in good standing of this organization shall have equal rights and privileges to nominate candidates to hold office, to vote in elections or referendum, to attend membership meetings, and to participate in deliberations and voting upon the business of the organization.
- B. No member may be fined, suspended, expelled, or otherwise disciplined (except for nonpayment of dues) by this organization unless such member has been served with written specific charges, given a reasonable time to prepare a defense, and afforded a full and fair hearing.
- C. No officer of the organization may be removed from office unless such officer has been served with written specific charges, given a reasonable time to prepare a defense, and afforded a full and fair hearing before the Executive Board. Following the hearing, the Executive Board may recommend to the membership of the organization that the officer be removed from office by a 50% +1 vote of the Executive Board. Subsequently, the officer may be removed office by a 50% +1 vote of the membership at a general membership meeting called for that purpose and pursuant to the organization's by-laws.
- D. This organization shall show no discrimination toward any individual or group of individuals on the basis of sex, religion, color, race, marital status, sexual orientation, gender identity, national or ethnic origin, age, disability, or political activities and beliefs.

#### Article VI – Parliamentary Authority

- A. Meetings of all duly constituted bodies of this organization shall be governed by Roberts' Rules of Order, Newly Revised, except as otherwise provided in this Constitution.

## Amendments

### Staff and Chair Association

#### *Amendment: Election of Officers*

*All officers shall be chosen from a list of nominees of at least two names.*

*Constitution and amendment accepted 13 April 1970. Amendment accepted on 9 April 2007 to create two Vice President Positions, one to assist the President in dealing with staff issues, and one to assist with faculty issues – replacing the existing Vice-President position.*

*The following changes to the constitution were unanimously approved 2 February 2009:*

#### **First approved amendment:**

*Election of officers*

*All officers shall be chosen from a list of nominees of at least two names.*

*This statement will read: All officers shall be chosen from a list of nominees.*

#### **Second approved amendment:**

*Article IV – Officers and Elections*

*G. ...in even number years the President and the Treasurer shall be elected; in odd number years the Vice President for Faculty Issues, the Vice President for Staff Issues, and the Secretary shall be elected. Voting shall be by secret ballot, with candidates chosen by nomination from the floor or by write-in.*

#### **Here is the new Article IV, section G, as approved:**

*The President and the Treasurer shall be elected in the same year. The Vice President for Faculty Issues, the Vice President for Staff Issues, and the Secretary shall be elected in the same year, a different year than the President and Treasurer. If an officer is filling an unexpired term, he/she should complete the term so that officer elections stay on an alternating year schedule. Candidates will be chosen by nomination from the floor or by write-in.*

#### **Third approved amendment:**

*Article IX – Affiliations*

*This organization shall be affiliated with the New York State United Teachers (NYSUT) and its national affiliates. (approved 01 May 2017)*



***Fourth approved amendment:***

*Update/make changes to existing Constitution (see Information Log) (approved 05 June 2017)*

## By-Laws

### **Staff and Chair Association**

Adopted November 18, 1974

1. Election of the officers shall take place during the first meeting of each academic year. Proxy votes shall be invalid. Providing a quorum is present, the person receiving a plurality of votes cast by those present shall be the winner and shall server until a successor is elected.
2. A President and a Treasurer shall server for two years, and a Vice President for Staff Issues, a Vice President for Faculty Issues (Revised April 9, 2007), and Secretary/Asst. Treasurer shall be elected on the alternate years and also serve two years.
3. Candidates for elective officers shall be:
  - a. Nominated from the floor

**OR**

  - b. Proposed by an ad hoc nominating committee appointed by the President by the final meeting of the academic year.
4. Annual dues shall be determined by a majority vote of those present at the first meeting of each academic year. Proxy votes shall be invalid. The Treasurer, after consultation with the other elected officers, will refund monies on a proportional basis to any unit employee who objects to the use of dues or agency fees for political or ideological causes not directly related to the provisions of the contract. (Revised October 13, 1992)
5. By-Laws may be adopted, amended or rescinded by a majority vote of those present at any regular meeting provided all members have been notified in advance that “by-law” action is contemplated.
6. A change in union representation can be implemented with a 50% + 1 majority vote of the membership (Adopted January 30, 2017).
7. Expense reimbursement – all expenses must be pre-approved for reimbursement by the President and Treasurer, or their designees. Requests for reimbursement must be accompanied by appropriate receipts.
  - a. Mileage shall be reimbursed at the federal rate. Tolls and parking expenses shall also be reimbursed.
  - b. Members shall have the option of obtaining a rental car via Enterprise using the college’s organization contract number or using a personal vehicle.
  - c. Conference registration fees and hotel costs can be paid either directly by the Association or by the individual and then submitted for reimbursement.

**Information Log**  
**Staff and Chair Association**

- Constitution and Amendment accepted April 13, 1970
- By-laws adopted November 18, 1974
- Amendment created on April 9, 2007 to create two vice president positions. One to assist with staff and one to assist with chairs
- February 2, 2009 approved amendments:
  - Article IV: Election of Officers – “All Officers shall be chosen from a list of nominees of at least two names” revised to “All Officers shall be chosen from a list of nominees”
  - Article IV: Offices and Elections – “G. In even number years the president and treasurer shall be elected; in off number years the VP for Faculty, the VP for Staff, and the Secretary shall be elected. Voting shall be by secret ballot, which candidates chosen by nomination from the floor and by write-in” revised to “...the president and treasurer shall be elected in the same year. The VP for Faculty, the VP for Staff, and the secretary shall be elected in the same year, a different year than the President and Treasurer. If an officer is filling an unexpired term, he/she should complete the term so that the officer elections stay on an alternating year schedule. Candidates will be chosen by nomination from the floor or by write in.”
- By-Law approved January 20, 2017:
  - A change in union representation or affiliation can be implemented with a 50%+1 majority vote of the membership (proposed December 7, 2016)
- At least 50% +1 majority voted to affiliate with NYSUT (voting took place February 1, 2017-February 10, 2017) on February 10, 2017.
- March 1 & March 6, 2017, the Constitution & By-Laws Committee met and reviewed current documents and revised based on a model provided by NYSUT. Current practices to be discussed and voted on at next meeting (April)
- Amendment passed May 1, 2017:
  - Article IX “Affiliations” – “This organization shall be affiliated with the New York State United Teachers (NYSUT) and its national affiliates.
- Updated Constitution was approved June 5, 2017. Changes were as follows:
  - Staff and Chairmen’s Association changed to “Staff and Chair Association” (reflected throughout)
  - Article II – Purpose changed to “Article II – Purposes”
    - Added Section “A”
    - Added Section “B”
    - Added “...membership and the general wellbeing of the college,” to Section “C”
    - Changed “integration” to “inclusion” in Section “D”
  - Article III – Membership
    - Removed “Divisional”; added “Assistant Chairs, Academic Coordinators, Athletic Directors”
    - Added Sections “A” and “B”
  - Article IV – Officers and Elections
    - Section “A”: “Union Representatives...” sentence added
      - Subsection “1” – The Duties of the President: Sections “ii-vii” added
      - Subsection “2” – The Duties of the Vice Presidents: Sections “ii-iv” added
      - Subsection “3” – The Duties of the Secretary: Section “a” added

- Subsection “4” – The Duties of the Treasurer: Sections “i-xi” added
    - Subsection “5” – The Duties of the Union Representatives”: Total new subsection
  - Section “B”: “All” added; “with no restrictions concerning re-election” removed.
  - Sections “G”, “H”, “I” of original Constitution removed
  - Section “C”:
    - Subsections “1”, “2”, “3”, “4”, “5”, “6”, “7” added
  - Section “D” – Nominations (with subsections “1-5”) added
  - Section “E” – Voting: Subsection “3” (with items “i” and “ii”) added
  - Section “F” – Terms of Office: Total new added
  - Section “G” – Vacancies (with subsections “1” and “2”): Total new added
- Article V – Meetings
  - Section “B”: Added “with a minimum of 15% of the membership”
- Article VI – Amendments to the Constitution
  - Section “A”: Added “including email” and “and presented for discussion at a meeting.”
  - Section “B”: Change “taken” to “made”
    - Removed “by three fourths of the total membership” and changed to “by 50%+1 of the total membership.”
- Article IX – Affiliations: Total new added
- Article X – Executive Board: Total new added (with subsections “A”, “1” and “i-xi”)
- Article XI – Standing Committees: Total new added (with subsections “A” and “1-5”)
- Article XII – Delegates to NYSUT and Other Affiliates: Total new added (with subsection “A”)
- Article XIII – Protection of Right of Members: Total new added (with subsections “A-D”)
- Article XIV – Parliamentary Authority: Total new added (with subsection “A”)
- Updated Constitution was approved March 4, 2019. Changes were as follows:
  - Article IV – Officers and Elections.
    - Section “A”: Changed VP for Faculty Issues to Chair Issues.
      - Subsection “2”: Added iv and v.
      - Subsection “3”: Added ii.
    - Section “B”: removed “All officers shall be elected for two years” and re-lettered subsequent sections.
    - Section “B” Elections
      - Subsection “3”: Removed “...before the beginning of the fiscal year (9/1-8/31) and changed to “...in the spring semester to allow for cross training between newly elected officers and previous officers. Positions shall commence as of September 1.”
      - Subsection “6”: Removed “proposed by an ad hoc nominating committee” and “by the final meeting of the academic year.” Added “approved by the president” and “the third to last regularly scheduled meeting of the spring semester.”
    - Section “C” Nominations, subsection “3”: Added “If there is only one nominee for a position, the President and/or Secretary shall cast one vote in favor of the nominee;”
    - Section “D” Voting
      - Subsection “3”: Removed Qualtrics.

- Subsection “3 ii”: Added “and verification of the number of ballots will be made.” Removed “The number of ballots will be matched against the number of unique landing-page links accessed by voting members.” Removed “Executive Officers” and added “the Voting Committee. Results will be announced in May.”
    - Section “E” Terms of Office
      - Added “All officers shall be elected for two-year terms. There shall be no restrictions concerning reelection.” “3. All members of the Association are eligible for officer positions.” “4. All officers will receive reimbursement of union dues up to \$599 at the end of the academic year. If an officer leaves his/her position before the end of the academic year, he/she will receive a prorated reimbursement equal to the length of service.”
    - Section “F” Vacancies, subsection “1”: removed “vote of the entire membership” and replaced with “majority of those who vote”
  - Article VII – By-Laws, subsection “A” removed “present at two successive meetings”
  - Added Article IX – Ratification of Contract and “A. Need to have an electronic vote.” and “B. Need to have a copy for everyone to review.”
  - Renumbered following Articles
  - Article XI – Executive Board, subsection 1 vi removed “Adopt” and added “Follow”
  - Article XII – Standing Committees
    - Subsection A 1 Grievance Committee – added “Responsible for assisting any member who feels he/she may have been wronged. Help follow grievance paperwork process and meet all required deadlines.”
    - Added 6, 7 and 8.
- Updated Constitution was approved 12/19/2019. Changes were as follows:
  - Added Article X – Budget Approval Process
  - Renumbered following Articles.
  - Added #7 to By-Laws
  - Article IV – Officers and Elections, Section D Voting, Subsection F Vacancies, added 3.
  - Article IV – Officers and Elections, Section B Elections, added #8 and 9
  - Updated all references of he/she to they.