

BYLAWS

Fremont Unified District Teachers Association/CTA/NEA

I. NAME AND LOCATION

The name of this Association shall be the Fremont Unified District Teachers Association/CTA/NEA in Alameda County.

II. PURPOSES

The primary purposes of this Association shall be:

- A. To represent its members in their relations with their employer, and to seek to be the exclusive representative of appropriate units of school employees in all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment;
- B. To form a representative body capable of developing group opinion on professional matters to speak with authority for unit members
- C. To provide an opportunity for continuous study and action on problems of the profession;
- D. To provide a means of representation for its ethnic-minority members;
- E. To promote professional attitudes and ethical conduct among members;
- F. To encourage cooperation and communication between the profession and the community; and
- G. To foster good fellowship among members.

III. AFFILIATION WITH THE CTA/NEA

- A. The Fremont Unified District Teachers Association shall be a chartered chapter of the California Teachers Association (CTA).
- B. The Fremont Unified Teachers Association shall be an affiliated local association of the National Education Association (NEA).

IV. MEMBERSHIP

- A. Categories of Membership. There shall be two categories of membership in the Association: Active and Associate.
 - 1. Active membership shall be open to any person who is engaged in or who is on limited leave of absence from professional educational work, is an employee of Fremont Unified School District(s), and whose primary assignment is such as not to hold supervisory responsibility over other certificated employees to such an extent as not to be represented in the negotiations process by the FUDTA bargaining unit.
 - a. Membership may be granted upon initiation of payroll deduction or upon payment of annual FUDTA/CTA/NEA dues appropriate to the class of membership.
 - b. The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.

- c. Active members shall be eligible to vote in all elections, hold elective office or appointive position, receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of the Association.
 - d. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association.
 - e. Active members shall adhere to The Code of Ethics of the Education Profession.
 - f. The rights to and privileges of membership shall not be abridged in any way because of age, sex, race, color, ethnic group, marital status, national origin, or sexual orientation.
 - g. No member of the Association may be disciplined without a due process hearing which shall include the established appellate procedure.
 - h. The membership year shall be that period of time from September 1 of any given calendar year through August 31 of the following calendar year, inclusive.
2. Associate membership shall be open to any person who is interested in advancing the cause of public education but who is not eligible for any other class of membership in the Association. Persons whose eligibility for Active membership has been withdrawn because of holding a non-bargaining unit position may be enrolled as Associate members in accordance with policies adopted by the Representative Council. Rights and privileges in such cases shall be limited to continuance in economic benefits and insurance programs previously held as Active members.

V. DUES, FEES, ASSESSMENTS, AND CHAPTER FINANCES

- A. The basic annual dues level for Active members, and representation fee for non-members represented in the bargaining unit, shall be sufficient to cover the operating expenses of the Association, the dues of CTA, and the dues of NEA.
- B. The Association's portion of the basic annual dues, and the representation fee for non-members, shall be established by action of the Representative Council at the last regular meeting of the school year.
- C. The chapter (local) shall apportion any negotiated representation fee or organizational security fee on the same percentage basis as the FUDTA/CTA/NEA dues.
- D. Membership in a given class or category shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for that class or category. If, by October 31 of any calendar year, a member has not either paid the established annual membership dues for the current membership year, or made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and the name dropped from the rolls.
- E. Annual membership dues may be paid in cash or by payroll deduction.
- F. Special assessments fees beyond normal annual dues may be levied in the event of an emergency by two-thirds (2/3) vote of the Representative Council following ten (10) school day's notice to the Active membership.
- G. Contributions may be accepted for the general budget by action of the Executive Board. Donations of materials or property may also be accepted by similar action. Where conditions as to use are attached to a contribution or donation, the Representative Council shall set policies whereby such contributions or donations may be accepted.
- H. The Fiscal year shall be that period of time from September 1 of any given calendar year through August 31 of the following calendar year, inclusive.

- I. The Preliminary Annual Budget shall be submitted to the Representative Council by action of the Executive Board at the first regular meeting in May, and shall include the recommended dues level needed to fund the budget. A copy of the proposed budget shall be given to each Faculty Representative at that time. Final refinement and adoption shall be the responsibility of the Representative Council at the time of the Annual meeting. Changes between categories, need to exceed five (5) percent of the total budget, may be made during the fiscal year by action of the Executive Board; changes in excess of this percentage shall be made only with the approval of the Representative Council.
- J. The Executive Board shall not incur indebtedness where the payments for same exceeds the amount provided in the budget for that purpose without prior approval of the Representative Council.

VI. POLICY-MAKING BODY

- A. The policy-making body of the Association shall be a Representative Council. The Representative Council, comprised of members of the Association, derives its powers from and shall be responsible to the membership.
- B. The Representative Council shall be composed of the following Active members:
 - 1. Executive Board, ex-officio;
 - 2. Faculty Representatives elected on the basis of one-person one-vote;
 - 3. Special Units: Active members who work on more than one campus shall declare by October 1 of each school year the Local Faculty Unit that shall represent them. Active members, such as, but not limited to Nurses, Librarians, Speech Therapists, Psychologists, and Substitute Teachers who are not represented through an individual school Faculty Unit shall be counted as Special Units. Representative Council shall determine the composition and appropriateness of the Special Units. Units wishing to be considered a Special Unit must petition Representative Council. An Active member can be represented by only one Faculty Unit. When a special unit representation is at 15 or major fraction thereof, then representation to the Representative Council may exceed one (1) but no more than two (2).
 - 4. The following additional representatives:
 - a. Elected Service Center Council Representative(s), when not already serving on the Representative Council in another capacity;
 - b. Committee Chairpersons, ex-officio non-voting;
 - c. CTA State Council Representatives, if any;
 - d. Any members of the Association who hold CTA/NEA offices or committee appointments, ex-officio non-voting; and
 - e. The ALCOSTA Minority-At-Large whenever a FUDTA unit member holds the position.
- C. The Representative Council shall:
 - 1. Establish Association policies and objectives;
 - 2. Adopt the annual budget of the Association on or before the first meeting of the school year;
 - 3. Approve the establishment or discontinuance of committees recommended by the Executive Board; and
 - 4. Establish the dues of the Association.
- D. The Representative Council shall meet at least once during each school month; the number, place and time of meetings to be decided by the Executive Board.
- E. Special meetings of the Representative Council may be called by the President, the Executive Board, or by the petition of twenty percent (20%) of the membership.

- F. Special meetings of the Representative Council shall be called for a specific purpose and no business other than that for which the meeting is called may be transacted.
- G. Notices and agendas for all meetings of the Representative Council shall be sent to all members of the Representative Council at least two days prior to the date of the meeting.
- H. For emergency meetings of the Representative Council during crisis situations, the Executive Board shall adopt procedures to notify representatives of meeting dates, places, and times.
- I. A quorum shall consist of the majority of the total number of the Representative Council members who have registered at the meeting as in attendance as determined by the Chair.
- J. Members of the Representative Council shall serve a term of 1 year. (EXCEPT FOR THE CTA STATE COUNCIL REPRESENTATIVES WHOSE TERMS ARE SET BY CTA AND EXECUTIVE BOARD MEMBERS WHOSE TERM IS DEFINED BY BYLAWS)
- K. Any Active member shall be entitled to be a non-voting member of the Representative Council.
- L. The Representative Council shall have the authority to adopt and change its own agenda. A preliminary agenda shall be prepared and submitted by the President.
- M. The Representative Council shall have the authority to handle all business property placed before it in its capacity to act for the membership as the policy-making body. A delay until the next regular or special meeting in the handling of an item of business shall occur by its declaration to be a Major Policy. Such delay shall be for the purpose of permitting the polling of Local Faculty Units by the Faculty Representatives. Major Policy may be declared by either of the methods: a majority vote of the Representative Council; or a ruling from the chair at the time an item is being considered, however, that such a ruling may immediately be overturned by a two-thirds (2/3) vote of the Representative Council.

VII. FACULTY REPRESENTATIVES

- A. Faculty representatives shall be elected by and from the Active membership for each faculty group. Such election shall be by open nominations and by secret ballot.
- B. Each faculty shall be entitled to at least one representative and shall have one representative for each 15 Association members on the faculty, or major fraction thereof. Allocation of Faculty Representatives shall be established by the Executive Board based on a membership consensus of each Faculty Unit as of January 1 of each calendar year. Once made each year, such apportionment shall remain in effect until the following December 31 unless as appeal for change based on extenuating circumstances is approved by the Representative Council.
- C. Active members who are not represented through an individual school faculty group shall be counted as a Special Unit entitled to the same representation on the Representative Council as individual school faculty groups.
- D. Vacancies: Vacancies in the office of Faculty Representative for whatever cause may be filled by properly elected or appointed replacements.
- E. Faculty Representatives shall:
 - 1. Conduct constant and ongoing liaison between the Representative Council and the Active members of the faculty unit;
 - 2. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the Active members;
 - 3. Represent the views and input of the Active membership of the faculty in votes taken in the Representative Council, conducting frequent and regular polls of such membership for this purpose; and
 - 4. Perform such additional duties as prescribed by the Executive Board.

- F. Faculty Representatives may not conduct an election in which he/she is a candidate.
- G. Alternate Faculty Representatives shall be elected by and from the Active members of each Unit to serve in the event of absence or incapacity of the regular Representative for any reason.

VIII. OFFICERS

- A. The Principal shall be President, First and Second Vice-President, Secretary, Treasurer, Attendance Area Representatives, and CTA State Council Representatives. The ALCOSTA Minority-At-Large State Council Representative shall be a member of the Board whenever a FUDTA unit member holds the position.
- B. These officers shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in their respective positions during their terms of office. No Principal Officer shall hold more than one position on the Executive Board at a time except that the Chapter President may serve as a representative to State Council.
- C. No person shall serve as an officer continuously in excess of two (2) full terms, after which at least one full term must elapse before again being eligible to serve in that office, with the exception of State Council Representatives, who may serve three (3) full three-year terms. Time served in an office in an interim capacity shall not count against the term limits.
- D. These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nominations and secret ballot.
- E. Officers shall be elected for a term of 2 years, commencing on the 27th day of June.
- F. A vacancy shall be deemed to exist in the case of death, resignation, or inability to serve in any of the offices of the Association. If there is a vacancy occurring in the office of the President, the Vice-President shall assume the office. In the event a vacancy occurs in the other offices, a special election shall be held to elect successors to fill the unexpired terms.
- G. The President shall be the chief executive officer of the Association and its policy leader. The President shall:
 1. Preside at all meetings of the Association, the Representative Council, and Executive Board;
 2. Prepare the agenda for the meetings of the Association, the Representative Council, and the Executive Board;
 3. Be the official spokesperson for the Association;
 4. Be familiar with the governance documents of the Association, CTA, and NEA;
 5. Appoint all chairpersons and members of committees, and of the bargaining team, with the approval of the Executive Board;
 6. Call meetings of the Association and the Executive Board;
 7. Suggest policies, plans, and activities for the Association and be held responsible for the progress and work of the Association;
 8. Attend meetings of the Service Center Council of which the Association is a part;
 9. Attend other CTA/NEA meetings as directed by the Representative Council;
 10. Serve as ex-officio member of all committees;
 11. Serve as a delegate to the NEA/RA;
 12. Be responsible for the formation and distribution of the Association's calendar of activities;
 13. Keep accurate rosters of all committees; and
 14. Carry on the correspondence pertaining to the affairs of the Association.
- H. The First Vice-President shall:

1. Serve as assistant to the President in all duties of the President;
 2. Assume the duties of the President in the absence of the President;
 3. Serve as coordinator of committee activities at the direction of the President;
 4. Ex-officio member of all committees; *and*
 5. Shall function as coordinator of Membership.
- I. The Second Vice-President shall:
1. Serve as coordinator of communications; and
 2. Serve in any other capacity as delegated by the President.
- J. The Secretary shall:
1. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and the Executive Board; and
 2. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Executive Board; and to the membership when appropriate.
- K. The Treasurer shall:
1. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;
 2. Pay out such funds upon orders of the President;
 3. Prepare a written financial report for each regular meeting of the Representative Council and Executive Board;
 4. Be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the membership by June 25;
 5. Submit membership and financial reports to CTA, NEA, and other agencies as required by law; and
 6. Prepare the preliminary budget for consideration by the Executive Board.
- L. The Attendance Area Representative shall:
1. Act as the liaison and communication link between the Executive Board and the Faculty Representatives;
 2. Be members in the area they represent at the time of their election; and
 3. Be elected by membership vote at-large.
 4. Mission and Irvington Attendance Areas shall be elected in the odd-numbered years and Kennedy, Washington, and American in the even-numbered years.
- M. The State Council Delegate shall:
1. Perform analogous duties to and from the state organization similar to those duties assigned to Faculty representatives to be performed to and from the Association.
 2. Alternates shall be selected in order of their runner-up position in the General Election. Should the positions not be filled, a Special Election will be held.

IX. EXECUTIVE BOARD

- A. The Executive Board shall be composed of the officers and 5 members elected at large from the membership to serve as Attendance Area Representatives, as long as this complies with the "one-person-one-vote" rule.

- B. All members of the Executive Board shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in these positions.
- C. The at-large members of the Executive Board shall be elected with open nominations and by secret ballot.
- D. The at-large members of the Executive Board shall be elected for a term of 2 years, commencing on the 27th of June.
- E. Vacancies in the position of at-large members of the Executive Board shall be deemed to exist in the case of death, resignation, or inability to serve in these positions. If there is a vacancy occurring in a position, a special election to fill the vacancy shall be held within thirty days.
- F. The Executive Board shall meet before each regular meeting of the Representative Council and at such other times as the President may deem necessary, or upon written petition of a majority of the members of the Executive Board.
- G. The duties of the Executive Board shall be to:
 - 1. Coordinate the activities of the Association;
 - 2. Act for the Representative Council when school is not in session;
 - 3. Direct the bargaining activities and grievance processing of the Association, subject to policies set by the Representative Council;
 - 4. Approve appointment and removal of bargaining team members;
 - 5. Recommend a budget for the Association to the Representative Council;
 - 6. Approve Committee appointments;
 - 7. Adopt the Standing Rules for the Association; and
 - 8. Exercise all the business and organizational powers and duties for the Association as prescribed by law and these bylaws, subject to any restrictions that may be imposed by the Representative Council.
- H. A quorum for all meetings of the Executive Board shall consist of a majority of the members of that body.

X. MEETINGS OF THE GENERAL MEMBERSHIP

- A. Meetings of the Association may be called by the President, the Executive Board, or by written petition of twenty percent (20%) of the membership.
- B. Notices of the Association meetings including date, place, time, and purpose of the meeting shall be made available to all members of the Association at least two days before the meeting except during crisis situations.
- C. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places and times.
- D. A quorum for meetings of the Association shall be 33% of the active membership or of the members present as determined by the chair.

XI. BARGAINING TEAM

- A. The Bargaining Team and such alternates as the Executive Board deems necessary shall be appointed by the President and approved by the Executive Board.
- B. The President shall appoint all members and the chairperson of the Bargaining Team with the concurrence of the Executive Board and Representative Council.

- C. Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates.
- D. The Executive Board, by two-thirds (2/3) majority, may remove a member of the Bargaining Team.
- E. The duties of the Bargaining Team are to represent and to bargain for the bargaining unit(s).
- F. Responsibility and authority for directing the bargaining process on behalf of the Association are vested in the Executive Board subject to policies established by the membership.
- G. Employees in each appropriate bargaining unit shall be surveyed by the Bargaining Team and/or Contract Construction Committee to determine contents of the proposed contract demands, and the contract proposal for each appropriate unit shall be approved by Association members in that unit.
- H. The Bargaining Chair is responsible for reporting activities to the Executive Board and for maintaining complete and accurate records of all matters related to bargaining. Said records are the property of the Association and a copy of the records shall be kept at the Teachers Association office at all times. Within thirty (30) days of the signing of the contract, all bargaining records and related materials shall be properly and permanently filed in the Association office.
- I. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.
- J. Agreements reached between the Bargaining Team and the school board or its representatives shall be tentative and not binding upon the Association until such agreements have been ratified by the bargaining unit.
- K. Upon reaching a Tentative Agreement with the Fremont Unified School District, the Association's Bargaining Team shall submit the proposal to the Executive Board for approval. It will then be sent to the Representative Council for review and recommendation. After this review the Tentative Agreement will be sent to the bargaining unit for a vote by secret ballot.

XII. GRIEVANCE PROCESSING

- A. The Executive Board shall adopt, with the approval of the Representative Council, the procedures for grievance processing.
- B. These procedures shall include, but not be limited to, the following:
 - 1. Provide for representation to assist all members of the bargaining unit(s) in processing grievances;
 - 2. Training for handling grievances; and
 - 3. Evaluation of the Association's grievance policies and procedures.

XIII. NOMINATIONS AND ELECTIONS

- A. There shall be an appointed Elections Committee.
- B. Elections shall be conducted with:
 - 1. Open nomination procedure;
 - 2. Secret ballot;
 - 3. All member vote; and

4. Record of voters receiving or casting ballots.
- C. State Council Representative elections shall be conducted in accordance with CTA guidelines after the Chapter or Service Center Council has been notified to do so by the CTA Elections Committee.
- D. NEA State Delegate elections shall be conducted in accordance with CTA guidelines.
- E. NEA Local Delegate elections shall be conducted in accordance with NEA/CTA guidelines.
- F. The duties of the Elections Committee shall be to:
 1. Ensure that all FUDTA/CTA/NEA election codes and timelines are followed;
 2. Establish election timelines;
 3. Develop and carry out timelines and procedures;
 4. Prepare ballots for election of officers and such other elections as may be necessary;
 5. Count the ballots and certify the results; and
 6. Handle initial challenges.

XIV. COMMITTEES

- A. Committees, except as otherwise provided in these bylaws, may be established and discontinued by the Executive Board, subject to approval by the Representative Council.
- B. Each committee shall keep a written record of their deliberations and recommendations and submit periodic reports to the Executive Board and Representative Council.

XV. GOVERNANCE DOCUMENTS

- A. All types of classes of governance shall be conducted in accordance with the Governance Documents. These shall be as follows, in the order of their rank and precedence:
 1. **ARTICLES OF INCORPORATION.** This shall be the lawfully constituted authority for the structure and existence of the Association as a legal entity. Custody over this document is reserved by the active membership to itself.
 2. **BYLAWS.** The Bylaws shall be the blueprint for the representative policy-making machinery and the related organizational structure of the Association. Custody over the Bylaws is delegated to the Representative Council except as may otherwise be directed by the Active membership.
 3. **POLICIES, PROCEDURES AND STANDING RULES.** The Standing Rules shall a written means by which the daily organizational business of the Association is accomplished. They also may be used where appropriate to implement the Bylaws and those policies of the Representative Council to which they can be applied. Establishment and custody over the Standing Rules is delegated to the Executive Board except as may otherwise be directed by the Representative Council.
- B. Parliamentary Authority: Where not otherwise prescribed within the Governance Document, the latest edition of "Robert's Rules of Order" shall be prescribed authority for the conduct of the meetings of all Governance Bodies.
- C. Availability of Governance Documents and Record of Proceedings: Copies of the Governance Documents and Record of Proceedings (Minutes) of the Governance Bodies shall be readily available to members at the organization's principal office of business.

XVI. AMENDMENTS/PROCEDURES:

- A. Amendments of the Bylaws: The Representative Council and/or the Active membership shall have final ratification authority for amendments to these Bylaws in accordance with the following procedure:
1. **Proposal.** By majority vote, the Executive Board or the Representative Council may propose an amendment to these Bylaws during any meeting.
 2. **Notice.** At least seven (7) days notice to the Active membership shall be required prior to final consideration of the proposed amendments of the Representative Council.
 3. **Adoption.** The proposed amendment shall be debated, and by majority vote be amended in any manner which does not increase its scope or impact prior to final vote in the Representative Council. The Council may, by majority vote, refer amendments to a Referendum General Election for final decision by Active membership whenever such amendments are deemed to be substantial in nature. If acted upon directly by the Representative Council, at least two-thirds (2/3) of those voting at a valid meeting shall be required for ratification of the amendment. The effective date shall be the date of the ratification, unless a later date is specified at the time of such ratification.

