

**CONSTITUTION AND BY-LAWS
of the
FREMONT EDUCATION ASSOCIATION
Fremont, Ohio**

ARTICLE I – NAME AND AFFILIATIONS

Section 1. Name

The name of this organization shall be the Fremont Education Association.

Section 2. Affiliations

This Association shall maintain affiliation with the Northwest Ohio Education Association, the Ohio Education Association, and the National Education Association.

ARTICLE II – PURPOSES

Section 1. The purposes of this Association shall be to promote the educational objectives of the local school system, and of the State and Nation. The purposes shall also be to promote and to protect the welfare and to advance the interests of its members by fostering professional attitudes, and by establishing and maintaining helpful, friendly relationships within the membership.

Section 2. The Association shall cooperate with the aims of the National Education Association, the Ohio Education Association, and the Northwest Ohio Education Association.

Section 3. The Association shall abide by the Code of Ethics and promote the stated principles of the National Education Association and the Ohio Education Association.

ARTICLE III – MEMBERSHIP

Section 1. All certificated/licensed employees of the Fremont City School District shall be eligible for membership with the exception of those hired as administrators and paid on the administrative scale. Membership is obtained by paying an annual dues as set in the By-Laws of the Association.

Section 2. Members of the Fremont Education Association will also become members of the Northwest Ohio Education Association, the Ohio Education Association, and the National Education Association.

Section 3. Retired certificated/licensed members of the Fremont Education Association shall be granted honorary membership in this Association. They shall have no voting power. They shall not be required to pay dues and/or assessments.

Section 4. Membership in this Association shall in no way be based upon nor restricted to anyone because of race, religion, sex, or national origin of the person.

ARTICLE IV – OFFICERS AND THEIR DUTIES

Section 1. Officers

- a. The elective officers of this Association shall be: President, Vice-President, Immediate Past President, and Association Representatives to the Executive Committee.
- b. The appointive officers of this Association shall be the Secretary and the Treasurer.

Section 2. Qualifications of Officers

- a. Officers must be members in good standing of the Fremont Education Association and all affiliated Associations.
- b. An Association Representative shall be employed at the building he/she represents.
- c. Any elective or appointive office in the Association shall not be restricted to anyone because of race, religion, sex, or national origin.

Section 3. Terms of Office

- a. The terms of officers, including Association Representatives, shall begin on June 1 following their election and they shall remain in office through May 31 of the year in which a successor is elected.
- b. The terms of Association Representatives shall be one (1) year.

Section 4. Impeachment of Officers

- a. Officers of the Association may be impeached for violation of the Code of Ethics of the Education profession or for misfeasance, malfeasance or nonfeasance in office.
- b. Impeachment proceedings against an officer may be initiated by written petition submitted to the Executive Committee by at least twenty-five (25) percent of the members.
- c. If, after a due process hearing, a two-thirds (2/3) vote of the Executive Committee sustains the charge, the office shall become vacant.
- d. The officer may appeal the decision to a special meeting of the general membership.

ARTICLE V – THE EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall be composed of the officers of the Association and Association Representatives.

Section 2. The Executive Committee shall:

- a. Act as advisors to the officers, assign duties, be responsible for all committees of the Association, and have such policy-making authority as provided in the Constitution and By-Laws.

- b. Act as the authoritative voice of the Association on positions affecting the Association during the interim period between regular meetings.
- c. Prepare recommendations for the consideration and action of the Association.
- d. Carry out policies established at general membership meetings.
- e. Report its transactions and those of the general membership to all members.
- f. Direct an independent audit of the Association's financial records at regular intervals not to exceed two (2) years.

Section 3. There shall be one Association Representative elected in each building or unit of representation for every twenty (20) bargaining unit members or fraction thereof.

Section 4. It is the policy of this Association, and it shall take all legally permissible steps to achieve governance and delegate representation of ethnic minority at least proportionate to the ethnic minority membership in the Association.

ARTICLE VI – ELECTIONS

Section 1. The President shall appoint an Elections Committee of three (3) members whose duty it shall be to present a slate of officers for each office. Candidates for office may also be submitted by a petition signed by at least fifteen (15) active members or by nomination from the floor.

Section 2. No member shall be nominated for office without the knowledge and consent of the individual.

Section 3. Elections shall be conducted in accordance with the OEA Elections Manual. No nominee for office shall serve on the Elections Committee.

Section 4. Election of officers and Association Representatives shall be conducted by secret ballot in each building during one school day designated by the Elections Committee.

Section 5. The Elections Committee shall report the results of the election to the total membership within five (5) calendar days following the election.

Section 6. Newly elected officers shall be installed and assume their office at the last meeting of the school year.

Section 7. All ballots, marked, unmarked and voided, and all other records pertaining to the election of officers of this Association and OEA and NEA delegates and alternates, shall be preserved for one year from the date the election was held and such ballots and other records shall be made available to OEA officers upon request for inspection and examination.

Section 8. Non-members of the Association, including fee payers, shall not have the right to vote, hold office, or otherwise have privilege of Association membership.

Section 9. Association Representatives

- a. An Association Representative shall be elected by the members in his/her building for a term of one (1) year.

b. The members in each building shall elect one Association Representative for each twenty (20) bargaining unit members or fraction thereof.

c. If not otherwise accomplished, the number of ethnic-minority members of the Executive Committee shall be determined by dividing the total membership of the Association by the number of members of the Executive Committee to determine the ratio of members represented by each Executive Committee member. When the ethnic-minority membership reaches or exceeds one-half (1/2) of this ratio, that ethnic-minority shall be granted a seat on the Executive Committee.

d. Vacancies among the Association Representatives shall be filled by special elections as specified in the By-Laws.

Section 10.

a. The candidate elected shall be the one receiving a majority of the vote.

b. In the event that no candidate receives a majority of the votes cast, a run-off election, the names of the candidates with the two highest numbers of votes cast in the previous election, shall be placed on the ballot.

ARTICLE VII – COMMITTEES AND DELEGATES

Section 1. All committees shall be appointed by the President subject to the approval of the Executive Committee.

Section 2. The Standing Committees of the Association shall be:

- a. Elections
- b. Grievance
- c. Negotiations
- d. Auditing

Section 3. Other committees may be appointed in the same manner as described above to fill the particular needs that may arise.

Section 4. The duties of these committees shall be such as determined by the Executive Committee or as stated in the By-Laws.

Section 5. The number of UniServ delegates shall be as prescribed by the Uniserv Unit. Delegates shall be elected by the Executive Committee from its membership.

Section 6. The President and Vice-President shall be delegates to all Representative Assemblies by virtue of office. Other delegates to the Representative Assemblies shall be elected in accordance with constitutions of the respective Associations.

ARTICLE X – AMENDMENTS

Section 1. Amendments to this Constitution may be made by a two-thirds (2/3) majority of those voting provided that the amendments have been introduced at the preceding Executive Committee meeting and that copies of proposed amendments have been distributed to all members for discussion.

ARTICLE IX – DUES

Section 1. The Association shall have a dues structure adequate to fund an active program. The dues rates shall be established according to the By-Laws.

BY-LAWS

ARTICLE I – GENERAL MEETINGS

Section 1. The Association may schedule general meeting(s) at the discretion of the President and/or Executive Committee.

Section 2. Special general membership meetings may be called by the President of the Association or at the written request of at least ten percent (10%) of the membership. Business to come before the special meeting must be stated in the call which shall be sent to each building in writing and posted. Business at a special meeting shall be limited to that for which it is called.

Section 3. Business of the Association may be conducted only at those meetings in which a quorum is present.

Section 4. The Executive Committee shall, upon petitioned request of twenty percent (20%) of the membership, submit any proposal or business item to the general membership for consideration. A majority vote of the membership shall be necessary to enact the proposal.

ARTICLE II – QUORUM

Section 1. The quorum for the Executive Committee meetings shall be one more than fifty (50) percent.

Section 2. The quorum for a general meeting shall be the membership present.

ARTICLE III – DUTIES OF OFFICERS

Section 1. Powers and Duties of the President

The President, in accordance with the By-Laws, shall:

a. Preside over all meetings of the Association and the Executive Committee and shall vote only to break a tie.

b. Be an ex-officio member of all committees.

c. Be responsible for calling special meetings and coordinating Association activities.

d. Represent the Association as spokesman on matters of policy, or at his/her discretion, assign responsibility for such representation.

e. Appoint all standing and special committees with the approval of the Executive Committee.

f. Have the power to approve expenditures not in excess of one hundred (\$100) dollars.

g. Review Association policies and recommend priorities to be considered by the Executive Committee.

h. Be a representative to the National Education Association, Ohio Education Association, and Northwest Ohio Education Association Representative Assemblies.

Section 2. Powers and Duties of the Vice-President

The Vice-President shall:

- a. Preside at all meetings in the absence of the President.
- b. Automatically assume the office of President of the Association in the event the office becomes vacant.
- c. Serve as chairman of the Grievance Committee.
- d. Be a representative to the National Education Association, Ohio Education Association, and the Northwest Ohio Education Association Representative Assemblies.

Section 3. Immediate Past President

The Immediate Past President shall:

- a. Serve on the Executive Committee.
- b. Serve as chairman of the Elections Committee.

Section 4. The Secretary

The Secretary shall be appointed for a term of one year by the President with the approval of the Executive Committee. The Secretary shall:

- a. Keep a written record of all Association meetings and Executive Committee meetings.
- c. Be the custodian of all books, records, and supplies that are the property of the Association and shall keep them in such order as they are usable and may be passed satisfactorily to a successor.

Section 5. The Treasurer

The Treasurer shall be appointed for a term of one year by the President with the approval of the Executive Committee. The Treasurer shall:

- a. Be responsible to receive all monies belonging to the Association, pay all authorized expenditures, and shall keep an itemized account of all receipts and expenditures.
- b. Submit a monthly report of the balance in each account and a written annual report to the Executive Committee of the Association's finances.
- c. File all required financial reports to the authorized governmental bodies.
- d. Be bonded.
- d. Submit all records to the Auditing Committee as established in the By-Laws of the Association.

Section 6. Association Representative

An Association Representative shall:

- a. Attend all official meetings or provide an alternate in his/her absence.
- b. Report actions of the Executive Committee to the members in his/her building.
- c. Transmit proposals and recommendations from the members in his/her building to the Executive Committee.
- d. Carry out elections, pollings, and other activities deemed appropriate by the Executive Committee.
- e. Assist the Association with the yearly enrollment of members.

ARTICLE IV – COMMITTEES

Section 1. Auditing Committee

The Auditing Committee shall audit the financial records of the Association once a year, or at any other time deemed necessary. The Committee shall check that proper procedures have been followed in the collection and disbursement of Association funds. The Committee shall then report its findings to the Executive Committee.

Section 2. Negotiations Committee

a. The Professional Negotiations Committee shall consist of the members of the negotiations team and any other members necessary to formulate negotiation proposals.

b. The Negotiations Committee shall assess membership concerns prior to bargaining, develop initial proposals and provide additional advice and input, upon the request of the team, during active negotiations.

c. The Negotiating Team shall serve as the representative of the Fremont Education Association in all negotiations with the Fremont City School District.

Section 3. Grievance Committee

The Grievance Committee shall investigate all alleged grievances of members of the bargaining unit and ensure the maintenance of the negotiated agreement and advocate for the members and the Association.

Section 4. Elections

The Elections Committee is charged with the responsibility to protect the integrity of an election or vote and ensure that an election is conducted in accordance with the local, state and national constitutions.

ARTICLE V – DUES

Section 1. Setting and Approving Dues

The annual dues for membership in this Association shall be determined by the April meeting of the Executive Committee.

Section 2. Payment Deadline

The annual dues shall be paid or arranged for by October 1 of each year.

Section 3. Dues for Partial Year

In accordance with OEA guidelines, the Treasurer shall have the authority to prorate dues for members who are not employed for the full school year.

Section 4. Dues to Affiliates

Every member shall also pay the dues required by the districts, state, and national associations with which this local is affiliated.

Section 5. The Association shall annually enter into a Dues Transmittal Contract with the Ohio Education Association.

ARTICLE VI – FISCAL YEAR AND MEMBERSHIP YEAR

Section 1. The fiscal year and the membership year of the Association shall be September 1 to August 31.

ARTICLE VII – EXPULSION OF MEMBERS

Section 1. According to procedures adopted by the Association, the Executive Committee may suspend from membership or expel any member for one or more of the following reasons:

- (1) Violation of the Code of Ethics of the Education Profession;
- (2) Conviction of a felony;
- (3) Actively engaging in, or actively supporting activities directed against the

constitutional purposes of the Association to bring about changes in the Association by means other than those that are consistent with the Association's Constitution.

Section 2. The Executive Committee may reinstate members previously suspended or expelled.

ARTICLE VIII – DUE PROCESS

Section 1. The Association guarantees that no member may be censured, suspended, or expelled without a due process hearing, which shall include an appropriate appellate procedure.

ARTICLE IX – AUTHORITY

Section 1. Robert's Rules of Order, Revised shall be the parliamentary authority for the Association on all questions not covered by the Constitution and By-Laws and such standing rules as the Executive Committee may adopt.

ARTICLE X – VACANCIES

Section 1. Whenever the office of President shall become vacant, the Vice-President shall automatically assume the Presidency of the Association for the remainder of the term.

Section 2. Whenever the office of President and Vice-President shall become vacant, the remaining members of the Executive Committee shall choose one of their members to serve as President Pro-Tempore until a special election by the membership is conducted.

Section 3. At the regular April meeting of the Executive Committee:

a. It shall be the duty of the Association Representatives in the respective buildings to conduct an election in a democratic manner to fill impending or existing vacancies. In the event an election is not held, the President, with the approval of the Executive Committee, shall appoint person(s) in that building to conduct the election.

b. At the end of the enrollment period in October of each year, the Secretary will inform the Executive Committee of the correct number of Association Representatives from each building. If all positions are not filled, special elections will be held as described in Part a. If there is an excessive number of Association Representatives from any building, the Association Representatives from that building will decide who will step down. In the event they cannot decide, the most recently elected Faculty Representative from that building will be divested of office.

ARTICLE XI – THE EXECUTIVE COMMITTEE

Section 1. At the first meeting in September, the President, with the advice of the Executive Committee, shall set a regular monthly meeting of the Executive Committee. A regular time and

place shall be specified. For good and sufficient reasons, the President can delay the regular Executive Committee meeting for a reasonable period.

Section 2. A special meeting of the Executive Committee can be called either by the President or by written request signed by one-fourth (1/4) of the Executive Committee members. Every effort should be made at least forty-eight (48) hours in advance of a special meeting.

Section 3. In order for the Executive Committee to conduct business, a quorum must be present.

Section 4. The Executive Committee shall have general supervision of the Association budget. All expenditures from the Association treasury must be approved by the Executive Committee with these exceptions:

- a. Dues collected for and disbursed to the OEA.
- b. Payments of contractual arrangements.
- c. Payments not exceeding \$100.00 which have been approved by the President.
- d. Expenditures from the Treasurer's petty cash fund.

The President shall authorize the Treasurer to make disbursements that have been approved by the Executive Committee.

Section 5. Meetings of the Executive Committee:

- a. The Executive Committee shall meet at least once a month during the time that school is in session and at other times when called by the President or one-fourth (1/4) of its members.
- b. Meetings of the Executive Committee shall be open to all members except for reasons specified in the By-Laws.

ARTICLE XII – AMENDMENTS

Section 1. These By-Laws may be amended by a majority vote of the total active membership of the Association.

ARTICLE XIII – DISSOLUTIONS OF ASSOCIATIONS

Section 1. A petition for dissolution of the Association may be presented in writing to a meeting of the general membership by any member in good standing and must contain the signatures of three-fourths (3/4) of the total membership of the Association.

Section 2. Upon receipt of the petition for dissolution by the total membership, the Association shall act upon the petition at the next general membership meeting.

Section 3. The Association shall be considered dissolved if three-fourths (3/4) of the total membership vote by secret ballot in favor of the dissolution.

Section 4. The effective date of dissolution shall be thirty (30) days from the date of the vote, thus allowing for the disposal of assets and liabilities.

Section 5. In the event of dissolution of this Association, all assets of this organization remaining after payment of all obligations shall be distributed to PTO-ChristaMcAuliffe

Scholarship Fund provided that it is an entity recognized as exempt from Federal taxation. In the event that the PTO-Christa McAuliffe Scholarship Fund is not then recognized as tax exempt, such assets shall then pass to Friends of Birchard Public Library provided that it is recognized as exempt from Federal taxation.

ARTICLE XV – ENABLING PROVISION

Section 1. This Constitution and these By-Laws shall become effective **February ____, 2011** following their adoption, and shall remain in effect until amended according to regulations herein provided.

ARTICLE XIV – BARGAINING AND CONTRACT RATIFICATION

Section 1. The Association shall be represented in collective bargaining by an authorized team of Association Representatives appointed by the President and Executive Committee.

- a. If the President is not an active member of the bargaining team, the President will be an ex-officio member of the Association bargaining team.
- b. Members of the bargaining team need not necessarily be from the Negotiations Committee.
- c. Necessary sub-committees may be appointed, as needed, by the committee chairperson.
- d. The bargaining team shall have the authority to bargain in good faith; make proposals, counter-proposals, and concessions; and make tentative agreement on a contract with representatives of the Board of Education.
- f. While negotiations are in progress, periodic reports to members may be made by the bargaining team.

Section 2. In preparation for bargaining, the Negotiations Committee shall make reports and recommendations to the Executive Committee.

Section 3. The Ohio Education Association represents the Association on all matters concerning the Association before the State Employment Relations Board (SERB).

- a. The OEA/NEA Labor Relations Consultant shall be the Association's designated representative for the purpose of dealing with SERB.

Section 4. Written copies of the tentative agreement should be given to the general membership at the ratification meeting.

Section 5. A vote on a tentative agreement to the contract or on a factfinding report shall be made by written ballot.

- a. No absentee or proxy votes will be allowed on contract ratification votes or factfinding reports.
- b. The first vote on contract ratification or factfinding report will be to accept or reject the contract/report as presented.
- c. All ballots used in a vote regarding a contract ratification or factfinding report, after tabulation, will be sealed and retained by the Association Treasurer for three (3) years or the duration of the contract, whichever is greater.

d. The President will communicate required details of the ratification vote to the employer's designated representative.

Section 6. The designated representative for the Association is authorized to give timely notice of intent to strike to the Board of Education and SERB upon approval of the membership and in keeping with provisions ORC 4117.14(D) (2).

Section 7. Non-members of the Association are not eligible to vote on contract ratification or a fact finding report.