

Durand Education Association Constitution
(Adopted by the Durand Education Association, January 14, 2020)

Preamble

We, the Durand Education Association, professional educators of the Durand Area Schools, believing that we must institute our own self-government and secure proper recognition and responsibility for the well-being of our members, adopt this Constitution.

I. Name

The name of this organization shall be the Durand Education Association, DEA-SCEA-MEA-NEA, an affiliated unit of the Michigan Education Association and the National Education Association. The association shall be a nonprofit corporation organized in accordance with the laws of Michigan.

II. Purpose

The objectives of this association shall be the improvement of education, the advancement of the interests of education, of educators and of educational support professionals, and the promotion of the professional growth of its members.

III. Membership

- A. Membership in the Association shall be limited to employees of the Durand Area Schools except those employee whose assignments are largely administrative or supervisory. All persons who meet the active membership requirements of the Michigan Education Association may, upon payment of dues as herein provided, become active members of this association with full rights and privileges of membership.
- B. Active members of this organization shall also be members of the Michigan Education Association and the National Education Association.
- C. No member shall be censured, suspended or expelled without a due process hearing. The hearing shall be conducted by the local trial body or by the local governing body if no trial body exists. An appeal may be made to the MEA Board of Reference.
- D. Active members who meet the requirements established by the MEA in the Dues Transmittal Policy for the payment of dues shall be considered active members in good standing and shall be entitled to the rights, privileges and benefits of membership.

IV. Officers and Governing Bodies

- A. *Officers.* The officers of the organization shall consist of a president, a vice president, a secretary, and a treasurer, known as the Executive Committee. Terms of officers shall be

for two (2) years and shall commence on September 1. Elections shall be held prior to May 31. The President, or duly elected officer, shall serve as a Region Council delegate.

- B. No person shall be a candidate for office or position or hold office or position, whether elected or appointed, in the association unless he or she is an active member in good standing. Any office or position holder, whether elected or appointed, of the association that does not maintain active membership in good standing shall be removed from office after notice and opportunity to return to good standing within 30 days.
- C. *MEA Representative Assembly delegates.* The term of office for MEA Representative Assembly delegates and alternates shall be two (2) years commencing on September 1. Elections shall be held prior to May 31. When there are four (4) or more MEA Representative Assembly delegates elected, Representative(s) of Minority Persons 3-1G shall be elected as required by the MEA Constitution and Bylaws. Each MEA Representative Assembly delegate shall serve as a Region Council delegate.
- D. *NEA Representative Assembly delegates.* The term of office for NEA Representative Assembly delegates and alternates shall be two (2) years commencing on September 1. Elections shall be held prior to April 1. When there are three (3) or more NEA Representative Assembly delegates elected, Representative(s) of Minority Persons 3-1G shall be elected as required by the MEA Constitution and Bylaws.
- E. Any additional Region Council Delegates. The term of office for any additional Region Council delegates shall be two (2) years commencing on September 1.
- F. *Governing body.*
 - 1. There shall be a governing body, which shall consist of officers, association building representatives, and delegate(s) to the MEA Representative Assembly, known as the Board of Directors.
 - 2. *Representation of Minority Persons 3-1G.* The ethnic representation shall be in compliance with the constitutions and bylaws of the National Education Association and the Michigan Education Association. In the event that the ethnic representation is less than required by the constitutions and bylaws of the MEA and NEA, rules and procedures shall be established for an at-large election to ensure proportionate ethnic minority representation.

V. Direct legislation

- A. *Initiative.* The rights of popular initiative shall rest with the active membership in good standing of the association. Upon receipt of a petition signed by at least twenty-five percent (25%) of the active membership in good standing of the association, the secretary shall announce a general meeting or ballot as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership in good standing shall be required for its adoption, which shall take effect thirty (30) days later.

- B. *Referendum*. The rights of referendum shall rest with the active membership in good standing of the association. Upon receipt of a petition signed by at least twenty-five percent (25%) of the active membership in good standing of the association, the secretary shall announce a general meeting or ballot as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership in good standing shall be required for its adoption, which shall take effect thirty (30) days later.
- C. *Recall*. The right of recall shall rest with the electing body. Upon receipt of a petition signed by at least twenty-five percent (25%) of the membership in good standing of the electing body, the secretary shall announce a general meeting or ballot by the electing body as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership in good standing shall be required for its adoption, which shall take effect thirty (30) days later. Delegates to the MEA Representative Assembly may only be recalled for just cause.
- D. Petitions shall be filed with the secretary. However, if the secretary is the subject of the petition, the petition shall be filed with the most senior member of the governing body not subject to the petition.

VI. Membership and fiscal year

The membership and fiscal years shall be September 1 through August 31.

VII. Authority

Any part of this Constitution and/or Bylaws that is in conflict with the MEA and/or NEA constitutions and/or bylaws will be declared null and void.

VIII. Amendments

Amendments to this Constitution may be introduced by the membership by petition signed by twenty-five percent (25%) of the total active membership in good standing and submitted to the secretary. Amendments to the Constitution may also be introduced by the governing body. These proposed amendments shall be acted upon at a subsequent meeting of the total active membership in good standing or by ballot within at least sixty (60) days of submission. A copy of the proposed amendment, together with the recommendations of the governing body, shall be sent to each member of the association in good standing at least fifteen (15) days prior to voting. A two-thirds (2/3) affirmative vote of the active membership in good standing voting is required to adopt the proposed amendment, which shall become effective immediately upon adoption unless otherwise provided.

IX. Dissolution

In the event of dissolution of the association, any assets remaining, after the payment of all expenses, shall be distributed in the following manner: donation to the Durand Educational Foundation.

DATE RATIFIED: _____

DATE AMENDED: _____

Durand Education Association Bylaws

(Adopted by the MEA Board of Directors January 21, 1977; amended January 20, 1978, August 22, 1980, February 22, 1985, November 7, 1986, March 13, 1998, November 5, 1999, November 10, 2000, March 10, 2006, and July 28, 2014)

I. Rules

Robert's Rules of Order, latest edition, shall be the authority on all questions of procedure not specifically stated in the Constitution and Bylaws.

II. Meetings

- A. General membership meetings, ratification meetings, or other special meetings shall be called by the president or governing body as needed. At least eighteen (18) hours notice is required, specifying date, time, and place of such meetings.
- B. The governing body shall meet monthly during the school year or in accordance with the calendar adopted by the governing body. At least four (4) of those meetings shall be General Meetings. After establishment of a calendar, the membership shall be notified of dates, times and place of meetings.
- C. Except as specified in MEA Administrative Policies, meetings shall be open to all members in good standing and members in good standing shall be permitted to address meetings.

III. Quorum

- A. The quorum for the general membership shall be ten percent (10%) of the total active membership in good standing.
- B. A quorum for the governing body membership meeting shall be at least ten percent (10%) of the elected members in good standing.

IV. Duties of officers and delegates

- A. *President*: Preside over meetings, appoint members of committees subject to approval of the board of directors, serve as ex officio member of all committees, represent the association before the public, be executive officer of the association, submit annual budget for consideration and perform all other functions attributed to this office.
- B. *Vice president*: Preside in president's absence and perform duties as assigned by the president.
- C. *Secretary*: Keep accurate minutes of all meetings of association governing body, make minutes available for inspection, maintain official files and assist president with association correspondence.

- D. *Treasurer*: Deposit funds of association and disburse them according to decisions of governing body, maintain roll of members, keep accurate accounts of receipts and expenditures, report to each meeting of association and board of directors, prepare annual financial statement for membership, assist in drafting annual budget. The treasurer shall be bonded and the association shall provide for an annual audit of the books.
- E. *Building Representatives*: Act as the initial point of contact for members with questions or concerns, communicate those questions or concerns to executive committee as necessary, represent membership at governing body meetings.
- F. *MEA Representative Assembly delegates*: Keep association informed of actions by the MEA and issues to be presented to the Representative Assembly, attend the MEA Representative Assembly and other appropriate meetings and report back to the association.
- G. *NEA representative assembly delegates*: Keep association informed of actions by the NEA and issues to be presented to the Representative Assembly, attend the NEA Representative Assembly and other appropriate meetings and report back to the association.
- H. *Region council delegates*: Keep association informed of actions by the region council and issues to be presented to the region council, attend the region council and other appropriate meetings and report back to the association.

V. Powers of executive committee

- A. Upon the executive committee shall rest the duties, responsibilities and authority for conduct of the association in all matters except as provided in the Constitution and Bylaws; the executive committee may at any time refer matters to the general membership for consideration.
- B. Any members of the Executive Committee may turn in a bill for expenses to the treasurer. These expenses can only be for official MEA/DEA business. Payment is subject to approval by the executive committee with a $\frac{3}{4}$ vote.

VI. Powers of Board of Directors

Upon the board of directors shall rest the duties, responsibilities and authority for conduct of the association in all matters except as provided in the Constitution and Bylaws; the board of directors may at any time refer matters to the general membership for consideration.

VII. Association representatives

- A. Association representatives are elected on the basis of two (2) ARs for each building.
- B. Duties shall be to attend regular meetings of the governing body, call meetings of building (classification) membership to discuss association business, conduct enrollment of members and provide communication between members and board of directors.
 - i. All elected ARs shall share the responsibility of acting reps for grievances, reprimands, and working conditions in their buildings.
 - ii. The ARs shall have the authority to carry out Association policy and the Master Agreement, and to enforce same when necessary with the building supervisor.
- C. Term of office shall be for two year(s) and commence September 1.
- D. Vacancy in the position of association representative shall be filled by appointment by the executive committee after consultation with the board of directors.

VIII. Nominations and elections

- A. The president shall appoint an elections committee, which shall establish election procedures that guarantee that all elections shall provide for open nominations by active members in good standing, secret ballot, voting procedures and preservation of ballots for at least one (1) year. The preserved ballots shall be kept in the custody of the president.
- B. The executive committee shall certify the election results with the board of directors and publish results of the election. Official reports of elections must be filed with MEA within

thirty (30) days after the election. Official reports of elected representative assembly delegates shall be filed with MEA within ten (10) days after the election.

- C. A vacancy in any of the positions shall be filled by the governing body until the next general election, except a vacancy in the position of president or MEA or NEA Representative Assembly delegate(s). A MEA or NEA Representative Assembly delegates(s) shall be replaced by the duly elected alternate(s).
- D. Every active member in good standing shall have the opportunity to vote. All elections shall take place following the one member/one vote principle.
- F. *MEA Representative Assembly delegates and their alternates, and NEA Representative Assembly delegates and their alternates must always be elected by the membership. These positions may never be appointed.*

IX. Contract ratification

Contract ratification procedures shall minimally incorporate the following:

- A. Only a proposed contract tentatively agreed to by an officially impaneled bargaining team may be submitted to a membership for ratification vote.
- B. A majority vote of those members voting shall be required for ratification.
- C. Only members in good standing may vote on ratification.

X. Contract Waivers

Waivers of the Master Agreement will be temporary in nature and will be by mutual agreement of the Association and the Board of Education. The expiration date of any waivers must be documented in the letter of agreement.

Before the Association will enter into an agreement with the Board of Education, the DEA will adhere to the following procedures:

- a. For an individual building waiver, the proposed waiver must first have consensus agreement of the building staff. ARs will consult with members in good standing to determine consensus agreement (at least 51% of the members in good standing in that building). The proposed waiver must be in writing and signed by the ARs.
- b. Waivers of the Master Agreement that affect more than one building shall be presented to the executive committee for consideration. Upon recommendation of the executive committee, the waiver will be presented to the membership for a ballot vote. Waivers must be approved by a majority vote of the voting membership in good standing.

XI. Dues

- A. Dues of the association shall consist of the total amount of local, state and national dues.

B. Local dues shall be established by a vote of the membership in good standing.

C. Special assessments can only be voted by the membership in good standing.

D. Reimbursement of officers for DEA expenses shall be:

- i. DEA president to receive reimbursement of dues
- ii. DEA vice-president, treasurer, secretary to receive \$300 each
- iii. Delegate positions are unpaid
- iv. Grievance chair will be paid \$100
- v. Negotiators shall each be paid \$300

XI. Retirement

Upon retirement, members in good standing will be presented with a check for \$50. Members in good standing who have worked for Durand Area Schools for at least 20 years will receive a check for \$100.

XII. Amendments

Amendments to these Bylaws may be introduced by the membership by petition signed by twenty-five percent (25%) of the total active membership in good standing and submitted to the secretary. Amendments to the Bylaws may also be introduced by the board of directors. These proposed amendments shall be acted upon at a subsequent meeting of the membership in good standing or by ballot within at least sixty (60) days of submission. A copy of the proposed amendment together with the recommendations of the board of directors, shall be sent to each member in good standing of the association at least fifteen (15) days prior to voting. A majority vote of the active membership in good standing voting is required to adopt the proposed amendment, which shall become effective immediately upon adoption unless otherwise provided.

DATE RATIFIED: _____

DATE AMENDED: _____