

**SWARTZ CREEK EDUCATION ASSOCIATION  
CONSTITUTION**



Adopted September 1973; Amended Dec. 2003, October 15, 2009

**Preamble**

We the professional educators of the Swartz Creek Community 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.

**Article I – Name**

Section 1. The name of this organization shall be the Swartz Creek Education Association (SCEA), an affiliate of the Michigan and National Education Associations. The association shall be a nonprofit corporation organized in accordance with the laws of Michigan.

**Article II. – Objectives**

Section 1. The objectives of this organization shall be (1) to improve education, (2) to advance the interest of education and educators, and (3) to promote the professional growth of its members.

**Article III – Membership**

Section 1. All teachers who meet the active membership requirements of the Michigan Education Association and are members of the SCEA may, upon payment of dues as herein provided, become active members of this Association with full rights and privileges of membership.

Section 2. Active members of this organization shall also be members of the Michigan Education Association and the National Education Association.

Section 3. No member shall be censured, suspended or expelled without a due process hearing. The hearing shall be conducted by the Representative Council. An appeal may be made to the MEA Board of Reference.

#### **Article IV – Officers and Governing Boards**

Section 1. The officers of this Association shall consist of a president, vice-president, immediate past – president, secretary, treasurer, and MEA RA delegates. Terms of officers shall be for two years and shall commence on June 30. Elections shall be held prior to April 1.

Section 2. There shall be a governing body known as the Representative Council, which shall consist of the officers, Committee Chairpersons, Association Representatives, delegates to MEA RA and NEA RA, and SCEA members serving on state and national boards and commissions.

Section 3. MEA Representative Assembly delegates. Terms of office for MEA Representative Assembly delegates shall be for two years and commence on September 1. Elections shall be held prior to April 1.

Section 4. NEA Representative Assembly delegates. Terms of office for NEA Representative Assembly delegates shall be for two years and commence on September 1. Elections shall be held prior to April 1.

Section 5. Representation of Minority Persons 3-1G. The ethnic representation shall be in compliance with the Constitution and Bylaws of the Michigan Education Association and the National Education Association. In the event that the ethnic representation is less than required by the Constitution and Bylaws of the MEA and NEA, rules and procedures shall be established for an at-large election to insure proportionate ethnic minority representation.

#### **Article V – Direct Legislation**

Section 1. Initiative and referendum. The rights of popular initiative and referendum shall rest with the active membership of the Association. Upon receipt of a petition signed by fifteen percent (15%) of the active membership 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 shall be required for its adoption, which shall take effect thirty (30) days later.

Section 2. Recall. The right to recall shall rest with the electing body. Upon receipt of a petition signed by fifteen percent (15%) of the membership of the electing body, the secretary shall announce a general meeting or a secret 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 shall be required for its adoption, which shall take effect thirty (30) days later. MEA RA delegates may only be recalled for just cause.

Section 3. 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. Elections shall be conducted with open nominations and a secret ballot. In the event the number of candidates equals the number of positions to be filled, there is no need for a printed ballot, and the candidates can be declared elected by acclamation.

#### **Article VI – Membership and Fiscal Year**

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

#### **Article VII – Authority**

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

#### **Article VIII – Amendments**

Amendments to this Constitution may be introduced by the membership by petition signed by fifteen percent (15%) of the total active membership and submitted to the secretary. Amendments to the Constitution may also be introduced by the Representative Council, to be acted upon at a subsequently announced membership meeting or by ballot within at least sixty (60) days of submission. A copy of the proposed amendment, together with the recommendations of the Representative Council shall be provided to each member of the Association, after which it shall be submitted to a vote of the membership by secret ballot in each building at least fifteen (15) days prior to voting. A sixty percent (60%) majority of those voting is required to adopt the proposed amendment, which shall become effective immediately upon adoption unless otherwise provided.

#### **Article IX – Affiliation**

Section 1. This association shall be affiliated with the MEA and NEA and may affiliate with other lay and professional organizations as long as there is no conflict of interest with the above listed objectives

## **BYLAWS**

### **Article I – Rules of Order**

Section 1. Robert's Rules of order (latest revision) shall be the authority on all questions of procedure not specifically stated in this Constitution and Bylaws.

### **Article II – Meetings**

Section 1. General membership meetings shall be called by the president or Representative Council as needed. At least twenty-four (24) hours notice is required specifying date, time, place and purpose of such meetings. Special meetings may be called by the president or the Representative Council or by petition of ten percent (10%) of the membership.

Section 2. The Representative Council shall meet monthly during the school year or in accordance with the calendar adopted by the Representative Council. After establishment of a calendar, the membership shall be notified of dates, times and place of meetings. Meetings shall be open to the membership.

Section 3. Except as specified in MEA Administrative Policies, meetings shall be open to all members and members shall be permitted to address meetings.

### **Article III – Quorum**

Section 1. A quorum for all Association meetings shall be fifteen percent (15%) plus one (1) of the total membership.

Section 2. A quorum for meetings of the Representative Council shall be fifty percent (50%) plus 1 of its members.

Section 3. A quorum for committee meetings shall be fifty percent (50%) of the members of the committee.

### **Article IV – Duties of Officers and Delegates**

Section 1. The president or his/her designee will preside at any meeting of the membership or Representative Council. The president shall be responsible for leadership and program development of this Association shall appoint all other committees and other positions not provided for herein subject to the approval of the Representative Council, serve as an ex-officio member of all committees, represent the association before the public, be executive officer of the association, submit annual budget for

consideration, be a delegate to the appropriate Coordinating Council, and perform all other functions attributed to this office.

Section 2. The vice-president shall assume all duties of the president in the event of the absence or resignation of the president and perform duties as assigned by the president. He/she shall serve until the election of a new president is held.

Section 3. The secretary shall keep a permanent record of all the meetings of the Association and the Representative Council, make minutes available for inspection upon request of any member, providing reasonable notice of the request is given, maintain official files and assist president with association correspondence.

Section 4. The treasurer shall deposit funds of the association and disburse them according to decisions of Representative Council, maintain roll of members, keep accurate accounts of receipts and expenditures, report to each meeting of the association and board of directors, prepare annual financial statement for membership, and assist in drafting annual budget. The treasurer shall be bonded and the association shall provide for an annual audit of the books.

Section 5. The MEA Representative Assembly delegates shall be responsible for keeping the Association informed of actions by the MEA and issues to be presented to the RA by oral and/or written report at each meeting of this Association, and attend the MEA RA and other appropriate meetings.

Section 6. The National Education Association (NEA) Representative Assembly delegates shall keep the 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.

Section 7. Region council delegates shall keep the 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.

#### **Article V -- Powers of Representative Council**

Section 1. Upon the Representative Council shall rest the duties, responsibilities, and final authority for the conduct of the Association in all matters except as stated otherwise in the Constitution and Bylaws or by action of the membership, provided they may at any time refer matters to the general membership for consideration. The Representative Council shall not take any action contrary to action by the membership.

Section 2. The Representative Council may authorize payment of monies not to exceed \$1000.00 for any one expenditure except as authorized by the Association.

Section 3. The Representative Council shall meet at least one week prior to the regular Association meetings during the regular school year and special meetings may be called by the president or by a majority of the Council.

Section 4. The Representative Council is empowered to enter into binding agreements or contracts in the name of the Association; including the establishment of an Association office and hiring secretarial help as authorized by the membership, initiating arbitration and court action initiated by a grievance.

#### **Article VI – Duties of Association Representatives**

Section 1. Association Representatives shall be elected by majority vote of the teachers stationed in that building under the supervision of the committee on elections. The person receiving the next highest number of votes shall be the Association Representative Alternate.

Section 2. Teachers assigned to a building shall be entitled to one Association Representative for each fifteen (15) teachers or major portion thereof (8 – 15). Teachers in any building with fewer than 8 teachers will be attached to another building for Association administrative purposes.

Section 3. The Association Representatives shall serve as a liaison between the Representative Council and the teachers within the building, attend regular meetings of Representative Council, and call meetings of building membership to discuss association business.

Section 4. Association Representatives shall be elected for two years in September and shall take office immediately upon election.

Section 5. If an Association Representative vacancy occurs, the alternate shall become the Association Representative and a new alternate elected.

#### **Article VII – Committees**

Section 1. The following committees shall be standing committees of the Association: Professional Rights and Responsibilities, Public Relations and Publications, Curriculum, Scholarship, Membership, PEP (Professional Educators Panel), Negotiating Team, Elections.

Section 2. As the need arises, other committees may be established by the Representative Council.

Section 3. Committee chairpersons' terms shall expire on the last day of May August. One third (1/3) of the committee members shall be replaced annually when practical. Standing committee members will remain active until relieved.

Section 4. Committee chairpersons are members of Representative Council and shall preside over their respective committees and keep the Association informed of its activities by oral and/or written report at each meeting of the Representative Council.

#### Article VIII – Nominations and Elections

Section 1. 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, 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. The appointment of the committee and the election procedures require the approval of the Representative Council. Voting will occur at reasonable times and place(s). Voting for election of officers and Representative Assembly delegates shall take place prior to April 1.

Section 2. If the number of candidates equals the number of positions to be filled for local officers and/or MEA RA delegates and/or alternates, there is no need for a printed ballot, and the candidates can be declared elected by acclamation.

Section 3. The Representative Council shall certify the elections committee report and publish results of the election. Official reports of elections must be filed by the secretary with MEA within ten (10) days after the election. Official reports of elected representative assembly delegates shall be filed with MEA within ten (10) days after the election.

Section 4. A vacancy in any of the positions shall be filled by the Representative Council until the next general election, except a vacancy in the position of MEA or NEA Representative Assembly delegate(s). A MEA or NEA Representative Assembly delegate(s) shall be replaced by the duly elected alternate(s).

Section 5. Every active member in good standing shall have the opportunity to vote. All elections shall take place following the one member/one vote principle.

Section 6. Voting on other issues will be by method determined by a vote of the Association. The President may designate the method of voting if no direction has been given by the Representative Council.

Section 7. When an elective position consists of two or more members, the terms shall be staggered.

PROBABLY SHOULD BE "ELECTED"

## **Article IX – Negotiating Team/Professional Educators Panel (PEP)**

Section 1. The Negotiating Team shall be appointed by the President and approved by the Representative Council. This team is responsible to the Representative Council and chaired by the Vice President.

Section 2. The Negotiating Team shall have the rights and responsibility to negotiate for all teachers in this representative unit. They shall be empowered to negotiate a Master Agreement with the Board of Education of Swartz Creek Community Schools in accordance with all applicable laws and regulations (State and Federal) subject only to ratification as provided in the Bylaws.

Section 3. The Negotiating Team shall survey the membership as to their needs and wants regarding the Master Agreement; research and prepare tentative proposals; and do back-up work with assistance, as needed, before and during actual negotiations. This committee shall prepare extensive rationale for all proposals.

Section 4. The Representative Council shall set priorities for negotiating issues.

Section 5. The UniServ Director shall be a consultant to the Negotiating Team.

Section 6. The Negotiating Team shall function as the Professional Educators Panel (PEP) between periods of formal negotiations to discuss topics and resolve problems that may arise. Efforts of PEP do not supersede the grievance procedure.

## **Article X – Ratification of Master Agreement**

### **Section 1. Tentative Agreement**

When the Negotiating Team reaches a tentative agreement with the Board, it will be presented to the Representative Council which will make a recommendation to the membership.

### **Section 2. – Ratification Procedure**

- a. At least three school days prior to the ratification vote each member shall be provided in writing:
  1. a copy of the tentative agreement
  2. a copy of the contract changes
- b. The tentative agreement together with a copy of contract changes shall be presented to the Representative Council for discussion prior to the ratification vote. The Representative Council shall make a recommendation to the membership.



- c. A membership meeting for the purpose of discussion of the tentative agreement shall be scheduled by the SCEA President at a convenient time and place. The meeting shall be scheduled between the time of the distribution of the tentative agreement and contract changes and the scheduled ratification date. Written materials must be distributed at least one school day prior to the scheduled meeting.
- d. The ratification vote shall be subject to other provisions of the SCEA Constitution and Bylaws. The procedure shall be subject to provisions of the Bylaws of MEA and any other organization with which the SCEA may affiliate.

Section 3. Only a proposed contract tentatively agreed to by an officially impaneled bargaining team may be submitted to the membership for ratification vote.

Section 4. The Master Agreement shall be ratified by members in good standing of the Association by secret ballot.

Section 5. A majority vote of those members voting shall be required for ratification.

#### **Article XI – Budget, Dues and Fiscal Year**

Section 1. The budget for the next fiscal year shall be prepared by the treasurer. This budget shall be presented to the Representative Council for their review at the May meeting. The Representative Council shall review the budget and establish a recommended dues level to be put to a vote of the general membership prior to the end of school. The membership must be given at least a one-week notice before a dues change may be voted; this may be accomplished by posting a notice on the teachers' bulletin board in each building, through the Association newsletter, via e-mail, or by written notice to each teacher.

Section 2. An audit of the books shall be conducted by a competent party at the end of each fiscal year.

Section 3. a. The membership may at any meeting vote to levy upon themselves an assessment which may not exceed \$10.

b. Voting on an assessment can only be done at a meeting where this subject was included in the announced agenda.

#### **Article XII – Amendments**

Amendments to these Bylaws may be introduced by the membership by petition signed by fifteen (15%) of the total active membership and submitted to the secretary.

Amendments to the Bylaws may also be introduced by the Representative Council. These proposed amendments shall be acted upon at a subsequent meeting of the membership or by ballot within at least sixty (60) days of submission. A copy of the proposed amendment together with the recommendations of the Representative Council shall be sent to each member of the Association at least fifteen (15) days prior to voting. A majority vote of the active membership voting is required to adopt the proposed amendment, which shall become effective immediately upon adoption unless otherwise provided.

Date ratified: 10/15/09

Date amended: \_\_\_\_\_