

**Constitution and By-Laws of  
The Switzerland of Ohio Education Association**

**CONSTITUTION**

**Revised March 15, 2016**

**Article I – NAME**

Section A: The name of this organization shall be the Switzerland of Ohio Education Association.

Section B: The Switzerland of Ohio Education Association henceforth referred to as the Association, shall maintain affiliation with the Eastern Ohio Education Association (District), the Ohio Education Association and the National Education Association.

**Article II – PURPOSES**

Section A: The purposes of this Association shall be to:

- 1) Help set and promote the educational objectives of the local school system and the state of the nation;
- 2) Protect the welfare and advance the professional interests of its members;
- 3) To foster professional attitudes and establish and maintain helpful, friendly relationships within the membership and school community.

**Article III – MEMBERSHIP**

Section A: All certified personnel employed by the Switzerland of Ohio Board of Education, except those classified as administration, shall be eligible for active membership.

Section B: Active members shall be members of the Switzerland of Ohio Education Association, the Eastern Ohio Educational Association, the Ohio Education Association, and the National Education Association.

Section C: All members shall abide by the Code of Ethics of the Education Profession

Section D: Any certified teacher, guidance counselor, school nurse, and speech and hearing therapist employed either full time or part time by the public schools of the Switzerland of Ohio Schools may become an active member of this Association by paying the annual dues as stipulated in the By-Laws of the Constitution.

Section E: Membership Year: The membership year shall be from September 1 through August 31.

#### **Article IV – OFFICERS**

Section A: The Officers of the Association shall be the President, Vice President, Secretary, and Treasurer.

Section B: All officers shall hold office for a two-year term. The President and Secretary shall be elected in even years. The Vice President and Treasurer shall be elected in odd years.

Section C: Qualifications of Officers:

- 1) Any candidate for the office of President or Vice President shall have been a member for at least three years.
- 2) Filling vacancy during term of office: Whenever the office of President becomes vacant due to death, incapacity, termination, resignation, retirement or recall, the Vice President shall automatically assume the presidency for the remaining part of the term. A vacancy in the office of Vice President, Secretary, or Treasurer shall be filled for the remainder of the term by majority vote of the Executive Committee.

#### **Article V – EXECUTIVE COMMITTEE**

Section A: The Executive Committee shall be composed of the President, the Vice President, the Secretary, the Treasurer, the Past President and Building Representatives. All members of the Executive Committee shall be from the Association membership.

Section B: The Executive Committee shall serve as the agency through which the policies of the Association will be put into effect and have general supervision of all activities sponsored by the Association.

Section C: The dues paying members of each building shall elect one (1) building representative for each (10) teachers to a one-year term beginning in September. The calculations shall be based on the number of teacher members rounded to the nearest ten (10). There shall be at least one (1) building representative in each building (elementary, high school, career center, and central office).

Section D: The duties of each building representative shall be as follows:

- 1) To attend the regularly scheduled monthly meetings of the Executive Committee.
- 2) To report recommended policies and other actions of the Executive Committee to members of his/her building.
- 3) To transmit proposals and recommendations from members in his/her building to the total Executive Committee for its consideration.
- 4) Manage all Association elections in his/her building.

Section E: 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.

Section F: A vacancy on the Executive Committee due to death, incapacity, termination, resignation, retirement or recall shall be filled for the remainder of the term by majority vote of the Executive Committee of the local.

Section G: No business or financial transaction involving a member of the Executive Committee/Board of Directors or agent of the Association, or their spouse, children, or parents or otherwise as described in this Section, shall conflict with the fiduciary responsibility of such person to the Association. Such relationships with the members of the Executive

Committee/Board of Directors include relationships with any person that would reasonably be expected to affect the person's judgement with respect to the transaction or conduct in question in a manner adverse to the Association.

## **Article VI – ELECTIONS**

Section A: The President shall appoint an Elections Committee, subject to the approval of the Executive Committee, whose duty it shall be to conduct elections in accordance with the OEA Elections Manual and to resolve all challenges or protests to an election. No nominee for office shall serve concurrently on the Elections Committee. Election committee members will elect a chairperson yearly.

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

Section C: All elections shall be with open nominations and secret ballot. Voting in each building should be done in a group meeting if possible. Each member must sign his/her initials beside his/her name on a school association membership list. Voting time will be determined in each building by the SOEA members. Absentee ballots are permitted one day prior to the scheduled election day, which will be on a day in the third week in March for election of SOEA officers. All ballots (marked, unmarked, and voided) and all other records pertaining to the election of OEA and NEA delegates and alternates shall be preserved for one (1) year from the election by the election committee. The ballots and other records shall be available to OBA officers for inspection and examination.

Section D: The officers shall be installed and assume duties at the regular May meeting.

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

## **Article VII – IMPEACHMENT OF OFFICERS AND/OR ELECTED COMMITTEE MEMBERS**

Section A: Officers and/or elected committee members 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.

Section B: Impeachment proceedings against an officer or an elected member of a committee may be initiated by written petition submitted to the Executive Committee by at least twenty0five (25) percent of the members.

Section C: If after a due-process hearing, two thirds (2/3) vote of the Executive Committee sustains the charge, the office shall become vacant.

Section D: The officer or elected committee member may appeal the decision to a special meeting of the general membership.

## **Article VIII – APPOINTED COMMITTEES**

Section A: The Association shall have such standing committees as are necessary to carry out the responsibilities and program of the association.

Section B: All committees shall be appointed by the President with the approval of the Executive Committee.

Section C: Ad hoc (temporary) committees may be formed as necessary to achieve the Association program.

## **Article IX – DUES**

Section A: The Association shall have a dues structure adequate to fund an active program. The dues rate shall be established according to By-Laws Article II.

## **Article X – CONSTITUTION**

Section A: The constitution shall become effective immediately upon the adoption by a simple majority of those voting on a prepared ballot.

## **Article XI – AMENDMENTS**

Section A: No alterations, additions, deletions, or amendments shall be made to this constitution except by a simple majority vote of all members present and voting at any regular Association meeting or any special meeting called specifically for that purpose, or by a simple majority vote of those members voting on a prepared ballot.

Section B: Proposed changes in this constitution shall be presented in writing to the membership at least thirty (30) days prior to voting.

Section C: Any amendment shall have an effective date.

## **Switzerland of Ohio Education Association**

### **BY-LAWS**

**Revised October 2009**

## **Article I – MEETINGS**

Section 1-1: The Executive Committee shall meet monthly during the school year or at the call of the President. The monthly meetings will be the Monday after the Board of Education meetings or as otherwise set by the Executive Committee at the previous meeting.

Section 1-2: The general membership meeting shall be held at least twice each school year, spaced over the year. Additional meetings may be called by the President, a majority vote of the Executive Committee, or a petition to the President signed by at least ten (10) percent of the membership. Such petitions shall state the purpose of the desired meeting and the business of that meeting shall be limited to consideration of the stated purpose.

Section 1-3: The chairperson of the Negotiations Committee may call a general membership meeting for the following purposes:

- 1) To discuss the status of current negotiations;
- 2) To consider a tentative agreement;
- 3) Consideration of Board's offer;
- 4) To vote on a tentative agreement; or
- 5) Discussion of and voting on other actions by the membership.

Section 1-4 To call a general membership meeting the membership must receive written notification of such meeting at least three calendar days in advance of the meeting, indicating place, time, and reason for meeting.

## **Article II – QUORUM**

Section 2-1: The quorum for the Executive Committee meetings shall be one more than fifty (50) percent.

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

## **Article III – DUTIES OF OFFICERS**

Section 3-1: President

- 1) Presides over all Association meetings and prepare and distribute the agendas to the building reps prior to the meeting.
- 2) Represents the Association on all matters of Association policy.
- 3) Serve as ex-officio member of all Association committees.
- 4) Recommends to the Executive Committee committee appointments for approval.
- 5) Attends all Board of Education meetings or arranges for his/her designee to be present.
- 6) Familiarize himself/herself with programs, policies, personnel, and procedures of the local, state, and national associations.
- 7) Disseminates information received from the district and state associations to the building representatives and the membership.
- 8) Seeks out and trains future leaders.
- 9) Supervises the compilation of an up-to-date file for succeeding officers.
- 10) Delegates responsibilities to key personnel.
- 11) Signs all checks (in addition to the treasurer).

Section 3-2: Vice President

- 1) Preside over Association meetings in the absence of the President.
- 2) Performs specific duties as delegated by the President
- 3) Familiarize himself/herself with the plans and the programs of the local association.
- 4) Serves as the Association's delegate to the Uniserve Council.
- 5) Serves as Membership Chairperson

Section 3-3: Secretary

- 1) Keeps accurate minutes of all official meetings of the Association.
- 2) Maintains official files of the Association
- 3) Performs such other duties as delegated by the President.
- 4) Sends an accurate list of elected officers, Negotiations Committee members, SOEA members on LPDC Committee, SOEA members of the Insurance

Committee and Grievance Committee to the Uniserve Office and Eastern Ohio Education Association in the spring prior to the end of each school year.

- 5) Effectively communicate to membership.

#### Section 3-4: Treasurer

- 1) Holds the funds of the Association and disbursed them upon authorization of the Executive Committee.
- 2) Maintain records of receipts and disbursements.
- 3) Maintain membership rolls.
- 4) Prepares monthly financial reports for meetings of the Executive Committee and an annual financial report for the previous school year for the first meeting of the Executive Committee at the beginning of the school year.
- 5) Prepares for an independent audit as authorized by the Executive Committee.
- 6) Shall be bonded.
- 7) Signs all checks (in addition to the President)

#### Section 3-5: Association Representative (Building Representatives)

- 1) Reports recommended policies and other actions of the Executive Committee to members in his/her building or unit of representation.
- 2) Transmits proposals and recommendations from members in his/her building or unit of representation to the Executive Committee for its consideration.
- 3) Assists the Membership Chairperson (Vice President) in the collection of dues.
- 4) Assists the Elections Chairperson in conducting elections within the buildings.
- 5) Attends all official meetings of the Association or provides an alternate in his/her absence.
- 6) Act as a consultant to the individual member who has a professional problem and, when necessary, seek needed assistance from the Association.

### **Article IV – COMPENSATION**

#### Section 4-1: Compensation for officers:

- 1) All officers will be compensated at the level established in the annual Association budget.
- 2) All elected committee members will be compensated at the level established in the annual Association budget.
- 3) All building representatives will be compensated at the level established in the annual Association budget.

### **Article V – COMMITTEES**

#### Section 5-1: There shall be the following committees:

**Negotiations:** Assesses membership concerns prior to bargaining, develops initial proposals of the Association, and provides additional advice and input during active negotiations. The Negotiation Committee will be comprised of six



people elected from the Association membership in addition to the Association president or his/her designee and follow procedures as outlined in the Master Agreement.

**Elections:** Protects the integrity of an election or vote and ensures that an election is conducted in accordance with the guidelines set forth in the OEA election manual and with local, state, and national constitutions.

**Grievance:** Composed of all past presidents who are still active members of the Association. This committee will have the final determination of whether or not to move the grievance on to arbitration. It will also serve as the appellate level for a due process hearing.

**LPDC:** Composition and duties of this committee are established in the Master Agreement.

**Budget:** Prepares a budget giving estimates of income and expenditures (including a separate estimate for each committee) for the future fiscal year.

**Calendar:** Solicited by President from general membership individuals who want to develop a proposed calendar for the next school year. These committee members will develop a proposed calendar, then meet with representatives from the administration and the representatives from the classified staff and construct a calendar for recommendation to the Board of Education for adoption for the upcoming school year.

**Insurance:** Composition and duties of this committee are established in the Master Agreement.

**Sick Leave Bank:** Composition and duties of this committee are established in the Master Agreement.

**Constitution Revision:** President shall solicit members from the Executive Committee when constitution revision is warranted.

**Discipline Committee:** Composition and duties of this committee are established in the Master Agreement.

Section 5-2: Necessary sub-committees may be appointed, as needed, by the committee chairperson.

## **Article VI – BARGAINING AND CONTRACT RATIFICATION**

Section 6-1: The Association shall be represented in collective bargaining by an authorized team of Association Representatives elected by the membership as per Article VI.

- 1) If the President is not an elected member of the Negotiations Committee, the President will be an ex-officio member of the Association Negotiations Committee.
- 2) The Negotiations Committee shall have the authority to bargain in good faith; make proposals, counterproposals, and concessions: and make tentative agreement on a contract with representatives of the Board of Education
- 3) While Negotiations are in progress, periodic reports to members may be made by the bargaining chairperson.

Section 6-2: The Ohio Education Association represents the Association on all matters concerning the Association before the State Employment Relations Board (SERB).

- 1) The Executive Committee shall name the designated representative as called for under ORC 4117, prior to the opening of negotiations.

Section 6-3: Written copies of the tentative agreement summary shall be given to the general membership prior to ratification.

Section 6-4: A vote on a tentative agreement to the contract shall be made by written ballot.

- 1) No absentee or proxy votes will be allowed on contract ratification votes.
- 2) All ballots used in a vote regarding a contract ratification after tabulation, will be sealed, and retained by the Association Treasurer for three (3) years or duration of contract, whichever is greater.
- 3) Ratification of Collective Bargaining Agreement will be in accordance with the guidelines set forth in the OEA election manual.
- 4) The Negotiations Chairperson or designee will communicate required details of the ratification vote to the employer's designated representative.

Section 6-5: Non-members of the Association are not eligible to vote on contract ratification.

## **Article VII – DUES**

Section 7-1: The dues rate for the succeeding year shall be determined by the April meeting of the Executive Committee.

Section 7-2: Every member shall pay the dues required by the Eastern Ohio Education Association, the Ohio Education Association and the National Education Association.

Section 7-3: The Association shall annually enter into a Dues Transmittal Contract with the Ohio Education Association.

## **Article VIII – MEMBERSHIP YEAR**

Section 8-1: The membership year of the Association shall be September 1 to August 31.

## **Article IX – EXPULSION OF MEMBERS**

Section 9-1: According to procedures adopted by the Association, the Executive Committee may censure, 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 9-2: The Executive Committee may reinstate members previously suspended or expelled.

## **Article X – DUE PROCESS**

Section 10-1: The Association guarantees that no member may be censured, suspended, or expelled without a due process hearing, which shall include an appropriate appellate procedure.

Section 10-2: Procedures for due process:

- 1) The accused member must be notified in writing of charges at least two (2) weeks in advance of the meeting where such action may be taken by Executive Committee.
- 2) The accused member may be present at the meeting of the Executive Committee where charges will be discussed.
- 3) If the accused does not agree with the decision of the Executive Committee, he/she will be afforded a hearing before the Grievance Committee within one (1) month of the Executive Committee's action.
- 4) The accused has the right to be represented at said hearing.

## **Article XI – AUTHORITY – PARLIAMENTARY PROCEDURE**

Section 11-1: Robert's Rules of Order, Newly Revised shall be the authority governing all matters or procedures not otherwise provided in this constitution, by-laws or standing rules.

## **Article XII – AMENDMENTS**

Section 12-1: Amendments, alteration, additions or deletions to these by-laws shall be made by a majority vote of the total present and voting members of the Association.

Section 12-2: Changes shall be proposed upon the initiative of the Constitution Committee or upon presentation to the Executive Committee of a petition signed by twenty (20) percent of the current active membership. All proposed changes shall be submitted in writing to all active members at least thirty (30) days prior to implementation.

## **Article XIII – DISSOLUTION OF ASSOCIATION**

Section 13-1: 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 signature of three-fourths (3/4) of the total membership of the Association.

Section 13-2: 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 13-3: The Association shall be considered dissolved if three-fourths (3/4) of the total membership vote by secret ballot in favor of dissolution.

Section 13-4: 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 13-5: In the event of dissolution of the Association, all assets of this organization remaining after payment of all obligations shall be distributed to a charity designated by the Executive Committee provided it is an entity recognized as exempt from Federal Taxation. In the event that the chosen charity is not then recognized as tax exempt, such assets shall then pass to the Eastern Ohio Education Association provided that it is recognized as exempt from Federal Taxation.

## **Article XIV – ENABLING PROVISION**

Section 14-1: This Constitution and these By-Laws shall become effective following their adoption, and shall remain in effect until amended according to regulations herein provided.