

# **THE FORT WAYNE EDUCATION ASSOCIATION, INC. CONSTITUTION**

## **ARTICLE I: NAME**

### **SECTION 1.**

The name of this Association shall be the Fort Wayne Education Association, Inc. and shall be referred to hereafter as the “Association”.

## **ARTICLE II: PURPOSES**

### **SECTION 1.**

The purposes of this Association shall be:

- a. to uphold the ideals of the public school system as an instrument for the advancement of quality education for the children of this community,
- b. to develop and promote the adoption of such ethical practices, personnel policies, and standards of preparation and participation as mark a profession,
- c. to develop and promote a continuing program to improve salaries, fringe benefits, retirement, tenure, working conditions, and instruction through negotiations with the Board of School Trustees as the exclusive negotiation representative for teachers in compliance with the Association-School Board Agreement,
- d. to enable members to speak with a common voice on matters pertaining to the teaching profession and to present their common interests before the Board of School Trustees and the other legal authorities,
- e. to participate in community affairs so as to promote an appreciation of the professional ideals which the Association represents, and
- f. to hold property funds and to employ a staff for the attainment of these purposes.

## **ARTICLE III: MEMBERSHIP**

### **SECTION 1.**

Membership in the Association shall be open to all professional certified personnel employed by the Fort Wayne Community Schools who agree to abide by the code of ethics of the education profession and pay annual unified professional dues. The Association shall not deny membership to individuals on the basis of race, sex, creed, or national origin.

### **SECTION 2.**

All members of the Association shall have voting privileges, except in business meetings of the Representative Assembly and Executive Board.

### **SECTION 3.**

All Association members shall also be members of the INDIANA STATE TEACHERS ASSOCIATION and the NATIONAL EDUCATION ASSOCIATION.

### **SECTION 4.**

The membership year shall be from September 1 to August 31. Enrollment shall be accomplished by completion of a continuing membership form. These forms shall be forwarded to the Association office by the second (2<sup>nd</sup>) Monday in September.

## **ARTICLE IV: AFFILIATION**

### **SECTION 1.**

The Association shall affiliate with the INDIANA STATE TEACHERS ASSOCIATION, under its rules, and with the NATIONAL EDUCATION ASSOCIATION, under its rules.

## **ARTICLE V: OFFICERS**

### **SECTION 1.**

The officers of this Association shall be President, 1<sup>st</sup> Vice President, 2<sup>nd</sup> Vice President, 3<sup>rd</sup> Vice President, Secretary, Treasurer, Negotiation Liaison Officer, High School Board Representative, Middle School Board Representative, Elementary School Board Representative, Special Education Board Representative, ISTA Board Member, and Immediate Past President.

### **SECTION 2.**

Any member in good standing and who is a member of the bargaining unit represented by FWEA shall be eligible to hold office in the Association.

### **SECTION 3.**

The Executive Board shall consist of the officers of the Association, and as non-voting members: (1) the Parliamentarian, (2) ISTA-Retired and (3) the UniServ Director. Non-voting members may participate in discussion and debate when recognized and shall not be permitted to offer or second motions.

### **SECTION 4.**

Ethnic minorities shall be represented in the Association on all appointed committees and assemblies. Additional voting members shall be appointed to these committees and assemblies if there is no ethnic minority representation. An ethnic minority shall also serve on the Executive Board. If no ethnic minority is elected, one shall be appointed as a non-voting representative.

### **SECTION 5.**

All elected officers shall be elected for a term of two (2) years. The newly elected officers shall assume office on the day following the close of the school year.

### **SECTION 6.**

- a. In the event the office of the Presidency has been officially declared vacant by the Executive Board, the 1<sup>st</sup> Vice President shall assume the office of the Presidency.
- b. In the event of a simultaneous declaration of vacancy for the office of President and 1<sup>st</sup> Vice President by the Executive Board, said board shall be empowered to call a special election.
- c. The Executive Board shall be authorized to fill other vacancies in its body until the next regularly scheduled election.
- d. The Immediate Past President shall serve a one-year term immediately following his/her term as President.

## **ARTICLE VI: REPRESENTATIVE ASSEMBLY**

### **SECTION 1.**

All legislative powers herein granted shall be vested in a Representative Assembly. The Representative Assembly shall be made up of the Representatives or their Alternates. The Executive Board shall participate in all Representative Assembly meetings as non-voting members except the President in case of tie votes.

The Representative(s) and Alternate(s) shall be elected as follows:

1-25 Association members, one (1) Representative, one (1) Alternate; 26-50 Association members, two (2) Representatives and two (2) Alternates; 51-75 Association members, three (3) and three (3) Alternates; 76-100 Association members, four (4) Representatives and four (4) Alternates; 101-125 Association members five (5) Representatives and five (5) Alternates; 116-150 Association members, six (6) Representatives and six (6) Alternates. All Representatives and their Alternates must be current members of the Association.

- a. The Association Representative shall conduct an election for Representative(s) and their Alternate(s) on or before May fifteenth (15th) unless special permission is obtained from the Elections Committee. The newly elected Representatives shall represent their assigned buildings for a term of one (1) year. The term of office shall begin on the day following the close of the school year.
- b. The Representatives or their Alternates in each building are charged with the responsibilities:
  - 1) to attend Association meetings,
  - 2) to hold building meetings,
  - 3) to obtain the opinions of constituents,
  - 4) to vote at Representative Assembly meetings in accordance with said opinions,
  - 5) to report the enacted business of each Association meeting to constituents,
  - 6) to be responsible for soliciting membership within their school in the FWEA/ISTA/NEA.
  - 7) to conduct all general elections and referendum votes within their buildings and report the results,
  - 8) to be the direct representatives of their constituents, and
  - 9) to distribute all Association surveys.
- c. In buildings having more than one Representative, the Representatives shall designate one representative to act as chairperson.
- d. In the event that any elected Representative does not return to his/her school the following year, the Alternate shall then become the Representative and a new Alternate shall be elected by the fifteenth (15th) of September unless special permission is obtained from the Elections Committee.
- e. In the event that neither the Representative nor the Alternate from the building returns, a new Representative and Alternate shall be elected under the direction of the Elections Committee.
- f. Representatives and Alternates are subject to recall in accordance with ARTICLE VII of the Constitution and ARTICLE VIII of the By-Laws.
- g. The President shall be empowered to appoint Association Representatives and Alternates for schools without representatives who shall hold office until the next regularly scheduled Representative election.

**SECTION 2.**

Any member of the Association is permitted to attend any or all meetings of the Representative Assembly and speak on items presented.

**SECTION 3.**

No Executive Board member shall serve as Association Representative or Alternate.

**SECTION 4.**

The Representative Assembly shall meet on the third (3rd) Monday of each month, September through May, unless otherwise specified.

**SECTION 5.**

Special meetings may be held upon the call of the Executive Board. Special meetings also may be called upon the written request of five percent (5%) of the members. The written request shall contain the purpose for calling the meeting and the signatures of the members requesting the meeting. At least five (5) days notice must be given prior to holding a petitioned special meeting. The President must call a special meeting within five (5) weeks of receipt of the written request of five percent (5%) of the members.

**SECTION 6.**

A referendum of the Association may be requested on any Association matter by written petition of ten percent (10%) of the members, or the majority vote of the Representatives present at a Representative Assembly meeting. The Executive Board shall grant such a referendum within five (5) weeks of the request. The Association Representative in each building shall be responsible for every member receiving a ballot. A one vote majority of membership votes cast in such a referendum would decide the issue.

**SECTION 7.**

The Association meetings shall be governed by the current edition of Robert's Rules of Order, Newly Revised.

**ARTICLE VII: RECALL**

**SECTION 1.**

The following shall be the reasons for recall of Executive Board members, Representative Assembly members or Alternates, or appointed officials of the Association except the UniServ Director:

- a. Four (4) absences from called meetings without Executive Board approval.
- b. Non-performance of duties.
- c. Disregard for the governing rules, policies and/or Constitution and By-Laws of the Association.
- d. Financial malfeasance.

**SECTION 2.**

The Association believes that any member who may be subject to censure, suspension, or expulsion, shall be guaranteed due process with the right to appeal. Such procedures shall be adopted by the Executive Board. Such decision may be appealed to the Judicial Review Board of the Indiana State Teachers Association.

## **ARTICLE VIII: ELECTION OF STATE AND NATIONAL REPRESENTATIVES AND SUCCESSOR REPRESENTATIVES**

### **SECTION 1.**

Representatives and Successor Representatives to the Representative Assembly of the INDIANA STATE TEACHERS ASSOCIATION, and the Representative Assembly of the NATIONAL EDUCATION ASSOCIATION shall be elected by the membership. The elections shall be conducted by the Elections Committee. The election of NEA delegates is to be completed and reported according to the State Plan.

### **SECTION 2.**

Ethnic minority representation in such representative bodies shall be at least proportionate to the ethnic minority membership of the Association as long as this provision does not conflict with the *Landrum-Griffin Act of 1959*.

## **ARTICLE IX: DISSOLUTION**

### **SECTION 1.**

In the event of dissolution of the Association, any assets remaining after payment of all debts of the Association, shall be transferred by the Association to either another association approved by the Internal Revenue Service as a not-for-profit association or a school, association, or corporation that is a not-for-profit organization under Internal Revenue Code Sec. 501(c) or 501(c) 6.

## **ARTICLE X: AMENDMENTS**

### **SECTION 1.**

Amendments to the Constitution may be proposed to the membership by one or more of the following methods:

- a. by a majority vote of the Executive Board,
- b. by petition signed by twenty-five (25) elected Association Representatives, or
- c. by petition signed by ten percent (10%) of the general membership.

### **SECTION 2.**

All amendments shall be presented to the Representative Assembly.

The proposed amendment shall be submitted to each Association member for consideration within five (5) weeks of its presentation to the Representative Assembly.

### **SECTION 3.**

This Constitution may be amended by a two-thirds (2/3) vote of the total Association members voting.

### **SECTION 4.**

The vote will be taken not less than two (2) weeks nor more than five (5) weeks after the proposed amendment has been submitted to each Association member for study.

## **ARTICLE XI: IMPLEMENTATION**

### **SECTION 1.**

This Constitution and By-Laws shall become effective one week following ratification by a majority of those Association members voting.

Revised 2014

## **THE FORT WAYNE EDUCATION ASSOCIATION, INC. BY-LAWS**

### **ARTICLE I: POLICY**

#### **SECTION 1.**

The By-Laws shall govern the Association under the Constitution.

### **ARTICLE II: DUES**

#### **SECTION 1.**

The amount of annual Association dues shall be recommended to the Representative Assembly by the Executive Board each March and voted on by the Representative Assembly at the April meeting for the following fiscal year. If the recommendation fails to pass the vote of the Representative Assembly, the dues shall remain the same as the previous year.

#### **SECTION 2.**

Said dues shall be paid by FWEA/ISTA/NEA approved pay methods. Teachers employed after the start of the school year may join the Association upon the pro-rated payment plan approved by the FWEA/ISTA/NEA.

#### **SECTION 3.**

All membership authorizations shall be continuing membership authorization. Such an authorization by an individual teacher shall remain in effect from year to year until and unless the teacher shall notify the President of the Association in writing with a signed, hand-delivered or postmarked letter by said deadline at the Fort Wayne Education Association office of a decision to revoke the previously made authorization. Revocation of such authorization may be made only during the period beginning August 15 and ending the second Monday in September of each year.

A member wishing to be released from his/her dues obligation after the revocation deadline shall request in writing a waiver from the deadline to the President. The President shall submit the request to the Representative Assembly at its next meeting after receipt of the request by the President. By a majority vote of the delegates, the Representative Assembly shall have the discretion to grant the request.

## **ARTICLE III: BUDGET**

### **SECTION 1.**

The Association budget year shall be from September 1 through August 31. The Executive Board shall present the tentative budget at the February Representative Assembly meeting. All recommended revisions to the tentative budget will be made at the regular March Representative Assembly meeting. The Executive Board shall present copies of the revised budget, supplied by the Budget Committee, to each Association Representative one (1) week prior to the regular April Representative Assembly meeting. The Representative Assembly must approve the proposed budget by a majority vote no later than the regular May meeting or the preceding year's budget will remain in effect until a new budget is approved. When the final budget has been approved, no single item nor the total budget may be exceeded without prior approval of an additional appropriation by fifty-one percent (51%) of the Representative Assembly present.

## **ARTICLE IV: DUTIES OF OFFICERS**

### **SECTION 1. THE EXECUTIVE BOARD:**

- a. shall approve all expenditures of the Association within the framework of the annual budget and direct payment by the Treasurer, and
- b. shall develop plans prior to the September Representative Assembly meeting for workshops and training conferences, and
- c. shall sponsor a workshop for all chairpersons of Standing Committees and appointed committee members before the October Representative Assembly meeting, and
- d. shall serve as an advisory group to the President and the Association, and
- e. shall supervise the affairs of the Association, including attendance at meetings of the Representative Assembly, and
- f. shall have a qualified Parliamentarian (from the Parliamentarian Committee) present and introduced at all general membership and Representative Assembly meetings, and
- g. shall have input on the selection of the employment of a UniServ Director and UniServ Assistant with the assistance of the INDIANA STATE TEACHERS ASSOCIATION. The UniServ Director's duties, determined by the Executive Board with approval of the Representative Assembly, shall be defined in the "Job Description for UniServ Director(s)," and
- h. shall attend Association meetings, and
- i. may offer evaluative input for the UniServ Director and UniServ Assistant with consideration given to signed comments from identified members, and
- j. shall develop guidelines for the President, and
- k. shall develop goals for the Association, and
- l. shall have the authority to release any survey results.
- m. may go into executive session as defined in Roberts Rules only if approved by a 2/3 majority of the voting members of the Board and shall include all officers and non-voting members of the Board. Other persons, upon approval of 2/3 majority of the voting members of the Board, may participate in the executive session.
- n. A written statement of the purpose of any executive session must notify all members of the Representative Assembly within one (1) working day after the executive session is conducted.
- o. During any Board meeting, a roll call vote on any Board action shall be taken upon the request of any member of the Board.

**SECTION 2: THE PRESIDENT:**

- a. shall preside over the Executive Board meetings, Representative Assembly meetings, and specially called Association meetings, and
- b. shall be responsible for the selection of the minority of committees and/or chairpersons and shall delegate the selection of the majority of the committees to the Vice President. All appointments are subject to the approval of the Executive Board, and
- c. shall be ex-officio member of all committees except the Elections Committee, and
- d. shall prepare the agenda cooperatively with the UniServ Director for each Association meeting and shall circulate it to all representatives, and
- e. shall be the chief spokesperson for the Association. The President may delegate this responsibility with prior approval of the Executive Board, and
- f. shall perform all other duties pertaining to the office of the Presidency.

**SECTION 3. THE 1<sup>st</sup> VICE PRESIDENT:**

- a. shall assist the President in all duties and shall be prepared in case of absence, resignation, recall or death, to assume the President's responsibilities, and
- b. shall be responsible for the selection of the majority of the committees and/or chairpersons as delegated by the President. All appointments are subject to the approval of the Executive Board, and
- c. shall serve as ex-officio member of designated committees except the Elections Committee, and
- d. shall be responsible for other duties designated by the President and/or Executive Board.

**SECTION 4. THE 2<sup>nd</sup> VICE PRESIDENT:**

- a. shall serve as FWEA Community Liaison, and
- b. shall be responsible for other duties designated by the President and/or Executive Board, and
- c. shall serve as ex-officio member of designated committees except the Elections Committee.

**SECTION 5. THE 3<sup>rd</sup> VICE PRESIDENT:**

- a. shall coordinate the Membership Program with the help of the Executive Board Liaisons, and
- b. shall maintain a roll of the members, contact potential members, and new teachers from the FWCS School Board report, and
- c. shall keep a record of representatives present at each meeting of the Representative Assembly, and shall be responsible for other duties designated by the President and/or Executive Board.

**SECTION 6. THE SECRETARY:**

- a. shall maintain a roll of the Representatives and Alternates, and
- b. shall record the minutes of all meetings (regular, special, and Executive Board) and distribute copies of Representative Assembly minutes to Association Representatives at least two (2) days prior to the Representative Assembly meetings, and
- c. shall be responsible for maintaining official files and correspondence files of the Association and the Executive Board, and
- d. shall be responsible for other duties designated by the President and/or Executive Board.



**SECTION 7. THE TREASURER:**

- a. shall manage the funds of the Association and disburse them upon authorization by the Executive Board or the Representative Assembly, and
- b. shall manage the collected annual dues and transmit amounts due to affiliated organizations, and
- c. shall submit to the accountant accurate monthly accounts of receipts and disbursements, and
- d. shall keep accurate accounts of receipts, disbursements, and financial condition, and report same to each meeting of the Representative Assembly, and
- e. shall review an annual financial statement prepared by the auditor for publication to members, and
- f. shall submit financial records for audit annually, and
- g. shall assist the Budget Committee in drafting the annual budget, and
- h. shall be bonded and the bond fee paid by the Association, and
- i. shall be responsible for other duties designated by the President and/or the Executive Board.

**SECTION 8. NEGOTIATION LIAISON:**

- a. shall be responsible for maintaining communications between the Negotiations Committee, the Executive Board, and the membership, and
- b. shall serve as a member of the Negotiations Committee, and
- c. shall coordinate school board meeting observations during non-bargaining years, and
- d. shall be responsible for other duties as defined by the Executive Board.

**SECTION 9. IMMEDIATE PAST PRESIDENT:**

- a. if the president completes his/her term of office, the president shall serve as a voting member of the Executive Board for the period of one (1) year after completing his/her term, and
- b. shall be responsible for other duties designated by the President and/or Executive Board.

**SECTION 10. HIGH SCHOOL BOARD REPRESENTATIVE:**

- a. shall serve on the Executive Board representing members assigned to high schools, and
- b. shall be responsible for other duties designated by the President and/or Executive Board, and
- c. shall be responsible to communicate with high school members prior to, and after the monthly Representative Assembly, forwarding meeting information.

**SECTION 11. MIDDLE SCHOOL BOARD REPRESENTATIVE:**

- a. shall serve on the Executive Board representing members assigned to middle schools, and
- b. shall be responsible for other duties designated by the President and/or Executive Board, and
- c. shall be responsible to communicate with middle school members prior to, and after the monthly Representative Assembly, forwarding meeting information.

**SECTION 12. ELEMENTARY SCHOOL BOARD REPRESENTATIVE:**

- a. shall serve on the Executive Board representing members assigned to elementary schools, and
- b. shall be responsible for other duties designated by the President and/or Executive Board, and
- c. shall be responsible to communicate with elementary school members prior to, and after the monthly Representative Assembly, forwarding meeting information.

**SECTION 13. SPECIAL EDUCATION BOARD REPRESENTATIVE:**

- a. shall serve on the Executive Board representing special education teachers, and
- b. shall be responsible for other duties designated by the President and/or Executive Board, and
- c. shall be responsible to communicate with elementary school members prior to, and after the monthly Representative Assembly, forwarding meeting information.

**SECTION 14. THE ISTA BOARD MEMBER:**

- a. shall be responsible for maintaining communication between the INDIANA STATE TEACHERS ASSOCIATION Board of Directors and the Association (the Executive Board and the Representative Assembly).

**SECTION 15. THE PARLIAMENTARIAN:**

- a. shall serve as the parliamentary advisor to the Executive Board and the Representative Assembly.

**SECTION 16. THE ISTA-RETIRED:**

- a. shall be responsible for maintaining communications between the Indiana State Teachers Association-Retired and the Association (The Executive Board and the Representative Assembly).

**ARTICLE V: COMMITTEES**

**SECTION 1.**

**a. Standing Committees**

1. The Standing Committees shall study and make recommendations on matters of Association concern.
2. The Standing Committees shall consist of:
  - a) Discussion
  - b) Negotiations
  - c) Community Outreach
  - d) Legislative
  - e) Membership
  - f) Read Across America
  - g) Joint Special Education
  - h) Grievance (Teacher Rights & Responsibilities)
  - i) Political Action
  - j) Elections
  - k) Budget/Finance
  - l) Minority Affairs
3. The duties, goals, and objectives of Standing Committees must be presented in written form for approval of the Executive Board.

**b. The Negotiations Committee**

1. The majority of the Negotiations Committee shall consist of appointed teacher members who are not Association-wide elected office holders.
2. Each member shall be subject to recall based on provisions in the Constitution and By-Laws.
3. The UniServ Director may also serve on the Negotiations Committee.
4. The Negotiations Liaison shall serve on the Negotiations Committee.

**c. The Elections Committee**

1. The Elections Committee shall consist of five (5) members and shall be appointed by the President for a term of one year. Each school level shall be represented.

**SECTION 2. STRUCTURE**

Committees shall have a minimum of five (5) members selected to represent different interests in the Association, and have overlapping terms of two (2) years when possible.

**SECTION 3. MEETINGS**

Each Standing Committee shall meet regularly and may hold special meetings at the call of the chairperson; summaries of the meetings shall be filed with the 1st Vice President.

**SECTION 4. REPORTS**

- a. Each committee shall choose a secretary who shall keep the minutes of each meeting which shall be submitted to the Executive Board. Chairpersons shall report items of action to the Representative Assembly and shall prepare an annual written report which the elected Vice President shall file as part of the Association records.
- b. Requests for reports, statistical data, or other information from the Fort Wayne Community Schools shall be made through the Association office.
- c. All surveys, general communications, and news releases from any committee shall be distributed only with the prior approval of the Executive Board and/or the UniServ Director.

**SECTION 5. RELATION TO STATE AND NATIONAL ASSOCIATION**

The Standing Committees shall seek to understand and relate to the objectives and programs of corresponding units of State and National Associations and shall counsel with them.

**ARTICLE VI: SPECIAL COMMITTEES AND/OR TASK FORCES**

**SECTION 1.**

Each year the President may appoint special committees or task forces as may be necessary. These committees and task forces shall operate according to guidelines established by the Representative Assembly.

**ARTICLE VII: ELECTIONS**

**SECTION 1. NOMINATIONS:**

- a. Any member in good standing of the Association and who is a member of the bargaining unit represented by FWEA may be a candidate for an Association office. The Association Representative shall deliver all nominations containing candidates' signatures to the Elections Committee.
- b. The Elections Committee shall present a slate of officers by the February Representative Assembly meeting. Members may nominate other candidates from the floor, having prior permission from the nominee.

**SECTION 2. TIME OF ELECTIONS:**

The Elections Committee shall conduct the Executive Board officer elections between the March and April Representative Assembly meetings in all buildings during the prescribed balloting periods.

### **SECTION 3. PROCEDURES**

- a. The Elections Committee shall establish guidelines for the publication of campaign material distributed by the Association.
- b. Voting shall take place in each building on ballots containing the Association logo.
- b. The Elections Committee shall supply Association Representatives with a list of members and a like number of ballots.
- c. The voting period shall extend over a twenty-four (24) hour period.
- d. At the end of the prescribed voting period, the ballots shall be counted by the Representative(s) and at least one other member at a time and place previously announced by the Association Representative.
- e. The building count shall be kept in the building for two (2) months following the election by the Representative(s).
- f. The results and ballots shall be hand-delivered to the Association office within thirty-six (36) hours of the end of the voting period.
- g. The ballots shall be secured and retained in the Association office by the Elections Committee for not less than two (2) months.
- h. The Elections Committee shall publish a school-by-school vote count for each candidate and shall distribute this to all Association Representatives within two (2) weeks of the announced election results.
- i. Any Association member may demand a recount of the vote upon acquiring the signatures of fifty (50) other Association members within the two month period. Any recount by the Elections Committee must have the petitioner and two (2) other Association members present at said recount.
- j. All elections shall be with open nominations and secret ballots.
- k. A member's pay school shall determine where the member casts his/her ballot.
- l. Teachers assigned to programs other than special education at the Anthis Career Center shall be considered high school teachers for representation purposes.
- m. Questions regarding the level (elementary, middle school, high school, or special education) teachers are assigned for representation purposes shall be resolved by the Representative Assembly.
- n. Ballots for the election of members of the Executive Board and officers shall be distinguishable by elementary, middle school, high school, and special education level.
- o. When elected, and through the duration of the term of office, the High School
- p. Executive Board member must be assigned at least .5 of his/her contract at the High School level. If the Board member's assignment falls below .5 at the High School level, the member becomes ineligible for that position and the President shall declare the office vacant.
- q. When elected, and through the duration of the term of office, the Middle School Executive Board member must be assigned at least .5 of his/her contract at the Middle School level. If the Board member's assignment falls below .5 at the Middle School level, the member becomes ineligible for that position and the President shall declare the office vacant.
- r. When elected, and through the duration of the term of office, the Elementary School Executive Board member must be assigned at least .5 of his/her contract at the Elementary School level. If the Board member's assignment falls below .5 at the Elementary School level, the member becomes ineligible for that position and the President shall declare the office vacant.
- s. When elected, and through the duration of the term of office, the Special Education Executive Board member must be assigned at least .5 of his/her contract at the Special Education level. If the Board member's assignment falls below .5 at the Special Education

level, the member becomes ineligible for that position and the President shall declare the office vacant.

- t. If at any time during the term of office a Board member no longer meets the eligibility requirements of his/her position, the president shall declare the office vacant within seven (7) days after the member is known to be ineligible for office.

#### **SECTION 4.**

Special elections for officers shall take place within a fifteen (15) day period following the next regularly or specially called Representative Assembly meeting. Assumption of office shall be immediately following the announced results by the Elections Committee.

#### **SECTION 5.**

The Elections Committee shall be the final authority on all elections conducted by this committee.

### **ARTICLE VIII: RECALL**

#### **SECTION 1. FOR ELECTED OFFICIALS OF THE ASSOCIATION**

- a. A petition of recall shall be supported by signatures obtained by one of the following methods:
  1. thirty-three percent (33%) of the Representative Assembly, or
  2. twenty-five percent (25%) of the Association membership.Said petition shall be laid before the Executive Board to be disposed of as provided for in this Article, Section 1, Part b, number 1.
- b. For elected offices to be declared vacant, one of the following procedures shall be used:
  1. A special recall Election by the general membership must sustain the recall petition by a two-thirds (2/3) vote, or
  2. A special recall election by Association members within a building to unseat an Association Representative or Alternate must sustain the recall petition by a two-thirds (2/3) vote.
- c. In the event of a vacated position:
  1. a special election for an officer of the Association shall be held upon approval of the majority vote of the Representative Assembly.
  2. a special election for an Association Representative or Alternate shall be held in the respective building.
  3. special elections are under the authority of the Elections Committee.

#### **SECTION 2. FOR APPOINTED OFFICIALS OF THE ASSOCIATION, EXCEPT THE UNISERV DIRECTOR:**

- a. A petition of recall shall be supported by a majority of the Executive Board.
- b. For the appointed position to be declared vacant, a two-thirds (2/3) vote of the Executive Board is required.

#### **SECTION 3.**

The initiators of the recall petition shall have the right to present a position statement to the Representative Assembly and/or general Association membership in writing.

#### **SECTION 4.**

Any person subjected to recall shall be guaranteed due process.

## **ARTICLE IX: AUTHORITY**

### **SECTION 1.**

The current edition of Robert's Rules of Order, Newly Revised shall be the parliamentary authority for the Association on all questions not covered by the Constitution, By-Laws, and such Standing Rules as the Representative Assembly may adopt.

## **ARTICLE X: AMENDMENTS**

### **SECTION 1.**

Amendments to the By-Laws may be proposed to the Representatives by one or more of the following methods:

- a. by a majority vote of the Executive Board,
- b. by petition signed by twenty-five (25) elected Association Representatives and/or
- c. by petition signed by ten percent (10%) of the general membership.

### **SECTION 2.**

The proposed amendment shall be submitted to each Representative and/or Alternate for consideration within five (5) weeks of its presentation to the Representative Assembly.

### **SECTION 3.**

These By-Laws may be amended by a two-thirds (2/3) vote of the total Representatives voting at a regular Representative Assembly meeting.

### **SECTION 4.**

The vote will be taken not less than two (2) nor more than five (5) weeks after the proposed amendment has been submitted to each Representative and Alternate for study.

Revised 2014