

# **CONSTITUTION of the LAKOTA EDUCATION ASSOCIATION**

**Revised March 2022**

## **PREAMBLE**

We the members of the Lakota Education Association in order that the Association may serve as spokesman for education in the Lakota School district, advance the cause of education for all individuals, promote professional excellence among educators, promote recognition of the basic importance of the professional educator in the learning process, protect the rights of educators and advance their interests and welfare, secure professional autonomy, unite educators for effective citizenship, promote and protect human rights, and obtain for its members the benefits of an independent united education profession, do hereby adopt this Constitution.

## **EDUCATOR'S BILL OF RIGHTS**

The Association recognizes that a free society is dependent upon the education afforded its citizens. In order to develop and preserve respect for the educational process and for the worth and dignity of all persons to provide a climate in which actions develop as a consequence of rational thought, and to ensure intellectual educators must be free to contribute fully to an educational environment which secures the freedom to teach and the freedom to learn.

## **ARTICLE I**

### **NAME, GOALS AND OBJECTIVES, AND AUTHORITIES FOR GOVERNANCE**

Section 1. **Name.** The name of this organization shall be the Lakota Education Association.

Section 2. **Affiliation.** The Lakota Education Association (LEA), henceforth referred to as the Association, shall maintain affiliation with the Southwestern Ohio Education Association (SWOEA), the Ohio Education Association (OEA), and the National Education Association (NEA).

Section 3. **Goals and Objectives.** The goals of the Association shall be stated in the Preamble. In carrying out the stated goals, the LEA shall have all power necessary and proper to take action the attainment of these goals, and to receive, hold, and administer funds and property. Nothing in this Constitution or in the Bylaws shall be construed to prevent the Association from pursuing objectives which are consistent with the stated goals of the Association.

Section 4. **Governance.** The Association shall be governed by this Constitution, the Bylaws, the Standing Rules, and such other actions as the Representative Assembly and the Executive Committee may take consistent therewith.

## **ARTICLE II**

### **MEMBERSHIP**

Section 1. **Classes of Membership.** Membership in the Association shall comprise a class of active members and other such classes as may be provided in the Bylaws.

Section 2. **Membership Eligibility.** Provisions and Limitations.

- A. Membership, as provided in the Bylaws, shall be open to all persons actively engaged in the profession of teaching or in other educational work or to persons interested in advancing the cause of public education who are employed either full-time or part-time by the Lakota Local Schools and who shall agree to subscribe

to the goals and objectives of the Association and to abide by its Constitution and Bylaws.

B. Members shall adhere to the **Code of Ethics of the Education Profession**.

C. The Association shall not deny membership to individuals on the basis of race, creed, national origin, or sex, nor shall any organization which so denies membership be affiliated with the Association.

Section 3. All rights, title and interest, both legal and equitable, of a member in and to the property of the Association shall end upon the termination of the individual's membership.

### **ARTICLE III REPRESENTATIVE ASSEMBLY**

Section 1. **Representative Assembly.** There shall be a Representative Assembly.

Section 2. **Composition.** The Representative Assembly shall be composed of the officers (as defined by Article IV, Section 1) and Building Representatives determined by procedures set forth in the Bylaws.

Section 3. **Function.** The Representative Assembly shall be the supreme governing body of the Association and perform such functions as stipulated by the Bylaws.

Section 4. **Meetings.** The time and place for all regular meetings of the bodies of the Association shall be set at the first Representative Assembly meeting of the school year.

### **ARTICLE IV OFFICERS-EXECUTIVE COMMITTEE**

Section 1. **Officers.** Officers of this Association shall be: President, First Vice-President, Second Vice-President, Secretary, and Treasurer.

Section 2. **Executive Committee.** The Executive Committee shall be composed of the five (5) elected officers, and up to seventeen (17) Standing and ad hoc Committee Chairs.

Section 3. **Qualifications of the Executive Committee.** All officers shall have been active members of the Association for at least two (2) years immediately preceding the election and shall be a member of the local, state, and national education Associations during his or her term of office.

Section 4. **Powers and Duties of the President.**

The President shall in accordance with the Bylaws:

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

B. Preside over the sessions of the Executive Committee and all other meetings of this Association except as provided elsewhere and shall vote in case of a tie vote or when a ballot is taken.

C. Recommend all chairpersons and members of Standing Committees and appoint with the approval of the Representative Assembly. However, the President may leave a maximum of three Standing Committee Chair positions vacant.

D. Serve as member ex officio without vote on all committees except the Nominations and Elections Committee.

- E. Be a delegate to the OEA Representative Assembly and the NEA Representative Assembly.
- F. Oversee the expenditure of funds meetings, Representative Assemblies and the two annual general membership meetings of this Association.
- G. Review Association policies and recommend priorities to be considered by the Representative Assembly.
- H. Submit an annual report of the Association's programs and activities.
- I. Prepare, with the Treasurer's assistance, an annual budget subject to Representative Assembly approval.
- J. Perform all other duties and exercise such functions as ordinarily pertain to that office and those assigned by the Representative Assembly and general membership through action at general membership meetings.

#### **Section 5. Functions of the Executive Committee.**

The Executive Committee shall, in accordance with the Bylaws:

- A. Act for the Association and make the policy decisions between Representative Assemblies; it shall prepare the annual budget and shall be responsible for the fiscal affairs of the Association.
- B. Have an independent auditing agency conduct an annual audit of all Association funds. The Committee shall present a financial report of all monies to the membership.
- C. Direct that adequate bond be required of the Treasurer as it may determine.
- D. No business or financial transaction involving a member of the Executive Committee 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 include relationships with any person that would reasonably be expected to affect the person's judgment with respect to the transaction or conduct in question in a manner adverse to the Association.
- E. Call a meeting on written request of one-fourth (1/4) of its members.
- F. Provide for ethnic-minority representation at least proportionate to its ethnic-minority membership.

#### **Section 6. Elections and Terms.**

- A. The President, Vice-Presidents, Secretary, and Treasurer shall be nominated and elected in accordance with the Bylaws.
- B. The terms for the First Vice-President and the Treasurer shall be two years with elections in odd numbered years; the terms for the President, Second Vice-President and Secretary shall be two years with elections in even numbered years.
- C. The terms of officers shall begin on July 1st following their elections and they shall remain in office through June 30th of the year in which a successor is elected. In the event of a retiring officer, the term shall begin immediately upon that officer's retirement following the successor's election. The outgoing treasurer will continue their duties through the end of the fiscal year, working with the incoming treasurer to provide for a smooth transition.

#### **Section 7. Succession and Vacancies.**

Vacancies occurring by reason of death, resignation, incapacity, judgment of recall, or other disqualification shall be as follows:

- A. A vacancy in the office of President shall be filled by the First Vice-President who shall complete the unexpired term.
- B. A vacancy in the office of First Vice-President, Second Vice-President, Secretary or Treasurer shall be filled by an appointment of the President with approval of two-thirds of the Representative Assembly.
- C. In the event a vacancy occurs in the office of both the President and a Vice-President, the remaining Vice-President shall assume the responsibilities of the President for the unexpired term.
- D. In the event the remaining Vice-President cannot serve, the Representative Assembly by two-thirds vote

shall appoint an acting President to fulfill the unexpired term. The presiding officer in this interim shall be the Secretary.

#### **Section 8. Impeachment.**

- A. Officers of the Association may be impeached for violation of the **Code of Ethics of the Education Profession**, or for misfeasance, malfeasance, or nonfeasance in office.
- B. Proceedings against an officer may be initiated by written petition submitted to the Executive committee, listing the specific charge.
- C. Petitions against the elected officers and the Standing Committee Chairs must be signed by at least ten percent (10%) of the active members.
- D. If, after a due-process hearing, an affirmative two-thirds (2/3) vote of the Representative Assembly sustains the charge, the office shall become vacant.
- E. The officer may appeal the decision to a special meeting of the general membership.

### **ARTICLE V COMMISSIONS AND COMMITTEES**

Section 1. In order to facilitate the objectives of the Association, Commissions and Committees shall be established.

Section 2. Committee and Commission members shall be appointed as provided in the Bylaws to terms that begin on September 1.

### **ARTICLE VI AMENDMENT OF CONSTITUTION AND BYLAWS**

Section 1. **Proposal of Amendments.** Amendments to the Constitution or the Bylaws may be proposed by one or more of the following:

- A. By a majority of the Representative Assembly; or
- B. By petition signed by at least twenty-five (25) or more building representatives; or
- C. By petition by a total of one hundred seventy-five (175) or more active members from at least three (3) buildings.

#### **Section 2. Amendment of the Constitution.**

- A. Proposed amendment to the Constitution shall be presented in writing to the Executive Committee and read by title to the Representative Assembly. Provided that the other requirements of this section have been met, it will then be voted on at the following General Meeting.
- B. The text of the proposed amendment shall be printed in an official publication sent to all members at least fourteen (14) days prior to its consideration.
- C. A proposed amendment to the Constitution may be debated, refined and/or amended by the Members at the General Meeting at which it was presented.
- D. This Constitution may then be amended by a two-thirds (2/3) vote of the members present and voting at the General Meeting.

### Section 3. **Amendment of the Bylaws.**

A. A proposed amendment to the Bylaws shall be presented in writing to the Executive Committee no later than forty-five (45) days preceding the General Meeting.

B. The text of the proposed amendments shall be posted on the Association website at least fourteen (14) days prior to its consideration.

C. A proposed amendment to the Bylaws may be debated, refined and/or amended on the floor by the Members at the same General Meeting at which it is presented.

D. The Bylaws may be amended by a majority vote of the Members present and voting at the General Meeting.

### Section 4. **Voting on Amendments.**

A. Voting on proposed amendments to this Constitution or to the Bylaws shall be by secret ballot.

B. Unless otherwise provided, all amendments shall take effect at the beginning of the fiscal year following their adoption.

Section 5. **Withdrawal of Proposed Amendments.** A majority of the body or petitioners may withdraw their proposed amendments by written request to the Constitution and Bylaws Committee and approval of the Representative Assembly.

Section 6. **Parliamentary Procedure Authority.** **Robert's Rules of Order Newly Revised** shall be the authority on parliamentary procedure at any meeting of the duly constituted bodies of the Association.

## **ARTICLE VII DISSOLUTION OF THE ASSOCIATION**

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

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

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

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

Section 5. In the event of dissolution of this Association, all assets of this organization remaining after payment of all obligations shall be distributed to OEA provided it is an entity recognized as exempt from federal taxation. In the event that OEA is not then recognized as tax exempt, such assets shall then pass to Special Olympics Organization, provided that it is recognized as exempt from federal taxation.

## **BYLAWS OF THE CONSTITUTION of the LAKOTA EDUCATION ASSOCIATION**

### **1. EDUCATORS' BILL OF RIGHTS**

1.1. **Proclamation.** Believing that certain rights of individuals are derived from fundamental freedoms that must

be universally recognized and respected, the Association proclaims this **Members' Bill of Rights**.

1.2. **Rights as a Professional.** As a member of the profession, the individual has the right:

- a) To be licensed under professional and ethical standards established, maintained and enforced by that profession.
- b) To maintain and improve individual professional competence.
- c) To exercise professional judgment in presenting, interpreting and criticizing information and ideas, including controversial issues.
- d) To influence effectively the formulation of policies and procedures which affect professional services, including curriculum, teaching materials, methods of instruction, and school-community relations.
- e) To exercise individual professional judgment in the use of teaching methods and materials appropriate to the needs, interests, capacities, and the linguistic and cultural background of each student.
- f) To safeguard information obtained in the course of professional service.
- g) To work in an atmosphere conducive to learning, including the use of reasonable means to preserve the learning environment and to protect the health and safety of the students, of herself or himself, and others.
- h) To express publicly his or her views on matters affecting education.
- i) To attend and address legal governing bodies and to be afforded access to their minutes when official action may affect the individual's professional concerns.

1.3. **Rights as An Employee.** As an employee, the individual has the right:

- a) To seek and be fairly considered for any position commensurate with the individual's qualifications.
- b) To retain employment in the absence of a showing of just cause for dismissal or non-renewal through fair and impartial proceedings.
- c) To be fully informed in writing of rules, regulations, terms, and conditions affecting the individual's employment.
- d) To have conditions of employment in which the individual's health, security and property are adequately protected.
- e) To influence effectively the development and application of evaluation procedures.
- f) To have access to all written materials in the individual's personnel file except documents entered prior to original employment, to have documents placed in the individual's personnel file to rebut derogatory information, and to have removed false or unfair material through a clearly defined process.
- g) To be free from arbitrary, capricious or discriminatory actions affecting the terms and conditions of the individual's employment.
- h) To be advised promptly in writing of the specific reasons for any actions which might affect the individual's employment.
- i) To be afforded due process through the fair and impartial hearing of grievances, including binding arbitration.
- j) To be free from interference to form, join, or assist employee organizations to bargain collectively through representatives of his or her own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.
- k) To withdraw services when reasonable procedures to resolve impasse have been exhausted.

## 2. MEMBERSHIP

2.1. **Classes.**

- a) There shall be two (2) classes of membership in the Association: Active and Retired.
- b) Membership is limited to any person who supports the principles and goals of the Association.
- c) Active membership shall be open to any certificated staff member in the Lakota Local Schools who agrees to adhere to the **Code of Ethics of the Education Profession**, and who maintains membership in the Lakota Education Association, the Southwestern Ohio Education Association, the Ohio Education Association, and

the National Education Association.

- d) Retired lifetime membership shall be granted to any officially retired person who has held active membership in the Association for at least one (1) year. Retired members shall not officially represent the Association in other than a retired member's status.

## 2.2. **Rights and Limitations**

- a) The right to vote and to hold elective office or appointed position shall be limited to active members except as provided in the Constitution and Bylaws.
- b) All members shall be eligible for LEA services, assistance in the protection of professional and civil rights, and the receiving of reports and publications of the Association.
- c) Membership shall be continuous unless terminated for cause.
- d) Any member who changes professional or occupational position shall be transferred to the class of membership applicable to that new position. A member shall not remain in a class of membership for which the individual is no longer eligible.
- e) Members who fail to adhere to any of the conditions of membership as stated in Article II of the Constitution shall be subject to censure, suspension, or expulsion.

2.3. **Membership Year.** The membership year shall be from September 1 through August 31.

## 2.4. **Membership Dues.**

- a) Dues of Active members shall be .0025 times the negotiated base salary of the previous year for Lakota certificated staff rounded to the nearest dollar. Such dues shall be a uniform figure for all members.
- b) Every member shall also pay the dues required by the district, state, and national associations with which this local is affiliated.
- c) There shall be no dues for retired members.
- d) The local association shall have a dues structure adequate to fund an active program.

## 2.5. **Dues Transmittal and Enforcement Procedures.**

- a) Members paying by payroll deduction shall have on file with the Association Treasurer a dues deduction form.
- b) The LEA shall enter into a contract with the Lakota Local Schools governing collection of dues by payroll deduction.
- c) The LEA shall enter into a contract with the Ohio Education Association governing transmittal of dues.

## 3. **DEFINITIONS**

3.1. **Certificated Staff.** Certificated staff shall be one who has a major responsibility in the instruction or guidance of pupils in the elementary or secondary school and has no staff-evaluation duties requiring that the educator be certificated as an administrator or supervisor.

## 4. **MEETINGS**

### 4.1. **General Meetings.**

The semi-annual meetings of the General Membership shall be held in the fall and spring.

- a) The fall meeting shall convene to conduct necessary business. At the discretion of the President and Executive Committee, this general meeting may be replaced by an informational meeting in each of the individual Lakota school buildings.
- b) The spring meeting shall convene to act on items of new business, act on resolutions and elect officers of the

Association.

- c) Special meetings of the General Membership may be called by:
  - 1) The Representative Assembly upon a two-thirds vote, or
  - 2) The President, upon a petition signed by one-third of the members. The petition shall specify the purpose of the Special General Meeting. This special meeting must be convened within 30 days after such petition is officially filed with the Representative Assembly. The agenda of such special session shall include the stated purpose of the petition.
- d) The General Meeting shall organize with the President of the Association as presiding officer.
- e) Business of the Association may be conducted only at those meetings when a quorum is present. Members present and voting shall constitute a quorum.

4.2. **Functions.** The General Meeting shall:

- a) Establish Association policies and objectives.
- b) Elect the President, Vice-Presidents, Secretary, and Treasurer as provided by these Bylaws.
- c) Adopt the rules and agenda governing its meetings.
- d) Amend the Constitution and Bylaws as provided herein.
- e) Enact such other measures as may be necessary to achieve the goals and objectives of the Association which are not in conflict with the Constitution and Bylaws.

## 5. REPRESENTATIVE ASSEMBLY

5.1. **Allocation of Building Representatives.**

- a) Allocation of building representatives shall be on the basis of active membership in the Association. Those active members shall be counted whose current annual dues have been paid or are in the process of collection.
- b) Allocation of building representatives will be in the ratio of one representative for each fifteen (15) active members of the Association or fraction thereof in each building.

5.2. **Senior Representative.** A senior representative from each building shall be elected to a one-year term at building elections held in May after election of officers. Building apportionment will be completed by October 1 and additional building representatives elected as warranted to serve the current school year. The duties of each Senior Representative shall be as follows:

- a) Attend meetings of the Representative Assembly.
- b) See to the duplication and distribution of all LEA and related materials.
- c) To report recommended policies and other actions of the Representative Assembly to members of his or her building.
- d) To transmit proposals and recommendations from members in his or her building to the Representative Assembly for its consideration.
- e) To assist Standing Committees in the collection of forms, surveys, FCPE contributions and dues as requested.
- f) Serve as or designate co-chair of Building FAC.
- g) Oversee to proper building election procedures.

5.3. **Building Representatives.** The duties of each building representative shall be as follows:

- a) Attend meetings of the Representative Assembly.
- b) To report recommended policies and other actions of the Representative Assembly to members of his or her building
- c) To transmit proposals and recommendations from members in his or her building to the Representative Assembly for its consideration.
- d) To assist Standing Committees in the collection of forms, surveys, and dues as requested.

- e) Post OEA Outlook, OEA legislative reports, LMC minutes and other pertinent information on Association bulletin boards.

#### **5.4. Election of Representatives.**

- a) All candidates for building representatives to the Representative Assembly shall have been active members of the LEA for one year prior to election.
- b) Nomination for representatives to the Representative Assembly shall be by declaration of intent or by nomination from the floor, where applicable.
- c) All representatives shall be elected annually for one-year terms. Candidates shall be eligible to seek election only within their designated buildings.
- d) The election will be by secret ballot of the members or acclamation.

### **6. OFFICERS**

#### **6.1. Qualifications.**

- a) All officers shall have been members of the NEA, OEA, SWOEA, and LEA for two years.
- b) All officers shall attend training sessions applicable to their office, i.e. Leadership Academy, Issues Conference, OEA/SWOEA and/or Eastern Butler County Uniserv workshops.

#### **6.2. Salaries and Stipends.**

- a) The President shall serve half time and the President's salary shall be established as .175 times the previous year's base salary.
- b) The First Vice-President's salary shall be .125 times the previous year's base salary. This includes the salary as Chairperson of the assigned standing committee.
- c) The Second Vice-President's salary shall be .10 times the previous year's base salary. This includes the salary as Chairperson of the assigned standing committee.
- d) The Secretary's salary shall be .10 times the previous year's base salary.
- e) The Treasurer's salary shall be .10 times the previous year's base salary.
- f) Salaries of the officers shall be paid per agreement with the district Treasurer.
- g) The Negotiating Team's salaries shall be based on the time involved in negotiations at \$15.00 per hour. The salary of each team member will be limited to .05 times the previous year's base salary and the salary of the Negotiation Chair will be limited to .075 times the previous year's base salary. (Negotiation meetings that take place during the summer will be paid at \$15.00 per hour in addition to mileage based on OEA guidelines.) The Chair will designate a member to log the negotiation hours of each team member to be submitted to the Treasurer for reimbursement.
- h) 1. Each standing committee Chairperson shall receive a stipend equivalent to the amount of dues paid by a full-time member. This stipend shall be paid per agreement with the district Treasurer.  
2. Additionally, each standing committee Chairperson, excluding officers, shall receive a meal allowance of \$25.00 for each Executive Committee meeting attended, and a meal allowance of \$25.00 for each building representative meeting attended.
- i) Each building representative, excluding officers, shall receive a meal allowance of \$25.00 for each building representative meeting attended.
  - 1. The Secretary shall inform the Treasurer of the names of each building representative and the number of meetings each attended by May 1<sup>st</sup> of each year.
  - 2. Payment shall be made by the completion of the fiscal year.
- j) Any member serving on the Labor Management Committee and/or subcommittees of the LMC, shall receive a meal allowance of \$25.00 per meeting if after the workday. Payment shall be made at the completion of the fiscal year.

### 6.3. Expenses.

- a) For officers and executive committee members, mileage to/from meetings regarding members' contractual concerns will be reimbursed following OEA guidelines, regardless of when the meeting takes place. Other association members may be reimbursed for mileage with approval of the executive committee.
- b) The President and First Vice-President shall be reimbursed for phone expenses at the rate of \$35 per month (\$420 maximum) to be paid at the completion of the fiscal year.

### 6.4 Powers and Duties of the Vice-Presidents.

The First Vice-President shall:

- a) Act for the President when the President is unable to perform the duties of that office.
- b) Act as chairperson of the Grievance team by monitoring the implementation of the contract and assisting members with the filing of grievances, when necessary.
- c) Serve on the Labor-Management Committee.
- d) Serve on the Negotiations Committee/Team.
- e) Attend Board Meetings, Eastern Butler County Uniserv meetings and such other meetings as assigned by the President.
- f) Perform all ordinary duties and exercise such other functions as ordinarily pertain to that office and those assigned by the President.

The Second Vice-President shall:

- a) Act as chairperson of the Membership Committee by distributing, collecting, updating and tabulating membership materials according to the procedures and deadlines developed with the Treasurer.
- b) Inform the district's Treasurer in September of the amount of dues to be deducted for members.
- c) Provide OEA with the names of all members by October 15.
- d) Keep an accurate list of all paid members and provide the list to the Treasurer and the nominations and elections committee.
- e) Verify accuracy of payroll deduction for members for the first month dues are deducted.
- f) Work with the Treasurer to report changes in individual member status through the United Education Professional Update form.
- g) Serve as a member of the Labor-Management Committee.
- h) Attend Board Meetings, Eastern Butler County Uniserv Meetings and such other meetings as assigned by the President.
- i) Perform all ordinary duties and exercise such other functions as ordinarily pertain to that office and those assigned by the President.

### 6.5. Powers and Duties of the Secretary. The Secretary shall:

- a) Keep a record of the proceedings of all General Meetings of the Association, Representative Assemblies and Executive Committee meetings and make copies available to all members through the Building Representatives.
- b) Handle the correspondence of the Association.
- c) Be responsible for meeting scheduling, announcements, and reservations.
- d) Compile and distribute:
  - 1) An LEA Directory of all officers, committee chairs and Building Representatives to all officers and committee chairs.
  - 2) A list of all building membership chairs to the officers and Human Relations and Membership Committee chairs.
  - 3) A list with addresses and social security numbers of all elected SWOEA/OEA elected representatives to the election chair.
- e) Send meeting reminders for each executive committee and representative assembly meeting.

- f) Maintain official Constitution, Bylaws, Standing Rules of the Organization and provide one copy to each building to be housed with the LEA/Lakota contract in the media center.
- g) Attend SWOEA and OEA sponsored seminars related to the Office of the Secretary.
- h) Perform all ordinary duties and exercise such other functions as ordinarily pertain to that office and those assigned by the President.

**6.6. Powers and Duties of the Treasurer.** The Treasurer shall:

- a) Collect all receipts of this Association for deposit in a savings institution approved by the Representative Assembly.
- b) Disperse funds upon authorization of the Representative Assembly.
- c) Keep records of receipts and disbursements as outlined in the IRS code.
- d) Report to each meeting of the Representative Assembly.
- e) Prepare, with the President's assistance, a budget for adoption by the Representative Assembly.
- f) Submit the books for audit at the end of each fiscal year to a CPA approved by the Representative Assembly.
- g) Be bonded, such bonding to be provided by the Association as required.
- h) Make timely remittance of:
  - 1) Payment of outstanding bills.
  - 2) Changes in individual member status, as provided by the Second Vice-President, through the United Education Professional Update form.
  - 3) Annual dues transmittal contract.
- i) Work with the membership committee setting up enrollment procedures and deadlines.
- j) Verify accuracy of payroll deductions for members after the first month dues are deducted.
- k) Comply with IRS tax obligations.
- l) Attend SWOEA and OEA sponsored seminars related to the Office of the Treasurer.
- m) Perform all ordinary duties and exercise such other functions as ordinarily pertain to that office and those assigned by the President.

**6.7. Functions of the Representative Assembly.** The Representative Assembly:

- a) Shall implement policies established by the General Membership.
- b) Shall determine the time and place of the General Membership meetings.
- c) Shall provide the ethnic-minority representation on all committees over which it has direct control.
- d) Shall receive all reports of the Standing Committees and shall transmit with its recommendations such reports as may be appropriate to the General Membership.
- e) Shall establish guidelines for the accountability of Representative Assembly members.
- f) Shall provide for the election of state delegates to the OEA and NEA Representative Assemblies.
- g) May consider expulsion of a member as a result of:
  - 1) Flagrant or continued violation of recognized professional standards, including the provisions of the **Code of Ethics of the Education Profession**.
  - 2) Personal advocacy of, or membership in, an organization which advocates changing the form of government of the United States by unconstitutional means.
  - 3) Conviction of a felony.
  - 4) Actively engaging, 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 LEA Constitution.

**6.8. Expulsion of Members.** The Representative Assembly may initiate an action for expulsion. The Representative Assembly or a subcommittee of the Representative Assembly will conduct an Investigation and make written recommendations to the Representative Assembly. A member shall be notified of all charges and shall have the opportunity to appear before the Representative Assembly prior to final action to present evidence on his or her own behalf. The member shall have the opportunity to confront and cross-examine any accuser or

any other witnesses against him or her; examine and refute all evidence considered by the Representative Assembly, whether or not such evidence is presented at the hearing, and be accompanied and represented by legal counsel. The member shall be notified in writing about the final action taken by the Representative Assembly.

#### **6.9. Nominations.**

- a) Nominations for officers shall be by Officer Candidacy Form sent to the Elections Chair at least thirty (30) days prior to the election, by the Nomination Committee at least thirty (30) days prior to the election, or by nomination from the floor at a building representative meeting prior to the LEA Spring General Meeting.
- b) The President, Vice-Presidents, Secretary and Treasurer shall be elected by the members at the Spring General Meeting.

#### **6.10. Elections of Officers.**

- a) Officers shall be elected to staggered terms so that an election is held yearly.
- b) Members will be notified at least 30 days in advance via district email, and/or building postings.
- c) The election of officers shall be by majority vote.
- d) In the event that after nominations are closed there is only one candidate on the ballot for an office, the secret ballot election shall be dispensed with and the unopposed candidate shall be declared elected to the office. Write-in voting shall be prohibited in all elections subject to Bylaws 6.9 and 6.10.
- e) In the event there are more than two candidates and no candidate receives a majority of the votes cast, a runoff election shall be held immediately. In such an election, the names of the candidates with the two highest number of votes cast in the previous election shall be placed upon the ballot. The procedure shall continue until one candidate receives a majority of the votes cast.
- f) Immediately upon election, a non-incumbent elected to the offices of President, Vice-Presidents, Secretary or Treasurer shall serve on the Executive Committee without vote until the official term begins.

### **7. EXECUTIVE COMMITTEE**

7.1. Member committees shall include Standing Committees, Special Committees and Ad Hoc Committees to be determined each year depending on the Association's focus.

Such committees shall include, but not be limited to

- a) Constitution and Bylaws
- b) Membership
- c) Negotiation
- d) Nomination and Elections
- e) Grant-writing
- f) Political Activism
- g) Faculty Advisory

7.2. **Reporting.** The Standing Committee Chairpersons shall report the substantive actions of each meeting to the Representative Assembly either in person or in writing.

7.3. **Removal.** The Representative Assembly may remove any member who does not adequately fulfill the duties of a member of the committee.

#### **7.4. Functions of the Standing Committees.**

- a) The Constitution and Bylaws Standing Committee shall suggest and implement revisions to the Constitution and Bylaws upon the direction of the representative assembly to ensure that the Lakota Education Association is compliant with Bylaw 9-2 of the Ohio Education Association.

- b) The Membership Standing Committee shall assist the Second Vice President with the distribution, collection, updating and tabulation of membership materials according to the procedures and deadlines developed with the Treasurer.
- c) The Negotiation Standing Committee shall:
  - 1) Develop contract issues that reflect the surveyed priorities of the members.
  - 2) Make a recommendation to the President of a negotiation team that will represent the Association during negotiations. The team shall have representatives from each teaching level. A wide range of years of experience and teaching areas shall be achieved, if possible.
  - 3) Recommend to the negotiating team items to be negotiated with representatives of the Board of Education.
  - 4) Attend SWOEA and OEA sponsored seminars related to negotiations.
- d) The Nomination and Elections Standing Committee shall:
  - 1) Conduct all LEA elections and ratifications of collective bargaining agreements in accordance with the guidelines set forth in the OEA Elections Manual. This includes the preparation, distributions, collection, tabulation and preservation of membership lists and ballots, marked and voided, and all other records pertaining to elections of LEA officers, SWOEA/OEA and NEA delegates for one year from the election.
  - 2) Make such ballots and other records available to OEA officers and/or designee(s) for inspection and examination.
  - 3) Nominate candidates for elective officers when there are fewer than two persons declared in accordance with procedures for election in this document. In the event the Nominations and Elections Committee has made a good-faith effort to make such additional nominations and is unable to do so by thirty (30) days prior to the election, provision for a write-in candidate for each such office shall be made.
  - 4) Guarantee that votes cast were done so according to the manual for the conduct of local association elections and the ratification of collective bargaining agreements published by OEA.
- e) The Grant-writing Standing Committee shall:
  - Write and apply for appropriate grants as directed by the President.
- f) The Political Activism Standing Committee shall:
  - 1) Run the FCPE drive, i.e. distribute, collect and tabulate FCPE materials before giving them to the Treasurer.
  - 2) Keep members informed in legislative matters.
  - 3) Screen and support desirable candidates for election.
  - 4) Establish and maintain good relationships with Congresspersons and state and local officials.
  - 5) Encourage all teachers to register to vote.
  - 6) Attend SWOEA and OEA sponsored legislative workshops.
- g) The Faculty Advisory Standing Committee shall:
  - 1) Communicate with the FAC Chairpersons in each building the purpose and procedures that should be followed.
  - 2) Collect the minutes from each building FAC meetings and submit a monthly summary to the President.

7.5. **Vacancies.** All committee chairs shall be appointed by the President subject to the approval of the Representative Assembly.

7.6. **Faculty Advisory Committee.**

- a) There shall be a Faculty Advisory Committee established in each building according to the contract which shall be co-chaired by the LEA building chairperson and the building principal. The building principal shall be a member of the committee.
- b) LEA shall have representatives on the Faculty Advisory Committee in a ratio of one (1) LEA representative for each fifteen (15) teachers, or fraction thereof, provided that in each building the LEA shall be entitled to a minimum of three (3) LEA representatives. Such representatives shall be elected by their respective faculties.

## **8. DELEGATE**

### **8.1. OEA Representative Assembly**

- a) One delegate and alternate is elected per fifty (50) active members or major fraction thereof.
- b) Elected delegates will attend the SWOEA Assembly and delegate briefing prior to the OEA Assembly.
- c) Expenses for the SWOEA Assembly are paid by SWOEA.
- d) LEA will pay expenses for the OEA Assembly based on double occupancy with reasonable exceptions approved and delegate participation in voting. If a single room is preferred, reimbursement will be made at half the cost of the double occupancy rate. In the event the meeting is virtual, rather than in person, delegates will be reimbursed for meals at the standard rate.
- e) Elections of OEA delegates shall not be held later than October 10th of each year.

### **8.2. NEA Representative Assembly**

- a) One delegate and alternate is elected per one hundred fifty (150) active members or major fraction thereof.
- b) Elected delegates will attend the OEA delegate briefing prior to the NEA Convention.
- c) Expenses for the NEA Convention will be paid by LEA following the OEA Expense guidelines, which include but are not limited to:
  1. Mileage to/from the NEA representative assembly will be reimbursed up to the average cost of a plane ticket
  2. Delegates must stay at the OEA host hotel to receive reimbursement for lodging. Exceptions may be made with the approval of the LEA Executive Committee.
  3. LEA will pay the cost of the OEA shirts for delegates.
  4. Delegates must cast a vote at each opportunity and submit proof of voting (if available) before reimbursement can be made.
  5. Each delegate will receive the final check related to the stipend after s/he has submitted her/his receipts to the LEA Treasurer.
- d) Elections of NEA delegates shall not be held later than March 10 of each year.

### **8.3. Mid-Atlantic Conference, Issues Conference, Leadership Academy, Eastern Butler County UNISERV Meetings, SWOEA meetings, etc.**

- a) Participation at the Mid-Atlantic Conference and Leadership Academy is limited to members of the LEA Executive Committee who have attended at least two-thirds (2/3) of the executive committee meetings for the current school year. For all other active members, a written request must be submitted at least 45 days prior to the conference and approved by the executive committee. A follow-up report must be written by each attendee and submitted to the LEA President to be published at the discretion of the executive committee.
- b) Mileage to/from the Mid-Atlantic and/or Leadership Academy will be reimbursed up to the average cost of a plane ticket.
- c) Reimbursement for lodging will be paid up to the rate of the OEA host hotel.
- d) Registration costs will be paid by LEA per OEA/SWOEA guidelines.
- e) Reimbursement for expenses to the Mid-Atlantic Conference shall not exceed two percent (.02) of the current base salary.

## **9. BARGAINING AND CONTRACT RATIFICATION**

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

- a) If the President is not an active member of the bargaining team, the President will be an ex-officio member of the Association bargaining team.
- b) The OEA Uniserv consultant shall be part of the Association bargaining team.

- c) Necessary sub-committees may be appointed, as needed, by the Negotiations Chairperson.
- d) The bargaining team 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.
- e) While negotiations are in progress, periodic reports to members may be made by the bargaining team.

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

9.3. **Ratifications.**

- a) Written copies of the tentative agreement summary shall be given to the general membership prior to ratification.
- b) All ratifications of collective bargaining agreements shall be in accordance with the guidelines for ratification of Collective bargaining agreements as set forth in the OEA Elections Manual.
- c) Non-members of the Association are not eligible to vote on a contract ratification.

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