

BRIGHTON EDUCATION ASSOCIATION

CONSTITUTION

Preamble

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

I. Name

The name of this organization shall be the Brighton Education Association, an affiliated unit of the Michigan Education Association and the National Education Association. The Brighton Education Association, shall be a non-profit corporation organized in accordance with the laws of Michigan.

II. Purpose

The objectives of this Brighton Education Association shall be the improvement of the quality of education, the advancement of the professional and economic interests of education and of educators, and the promotion of the professional growth of its members.

III. Membership

A. All non-supervisory Brighton School District employees who meet the active membership requirements of the Michigan Education Association, may, upon payment of dues as herein provided, become active members of the Brighton Education Association, with full rights and privileges of membership. An active member is one who is currently employed by Brighton Area Schools and is paying MEA/NEA and BEA dues.

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

C. No member shall be censured, suspended, or expelled without a due process hearing. The hearing shall be conducted by the Board of Directors. A two-thirds vote by the Board of Directors will be required to take action against a member. An appeal may be made to the MEA Board of Reference.

IV. Officers and Governing Bodies

A. Elected Officers. The officers of the organization shall consist of a President, Vice-Presidents (one Vice-President shall be appointed from each level), Vice-President Elect (elected by general membership from the appointed Vice-Presidents), Secretary, & Treasurer. Terms of office shall be for two years and shall commence on the last teacher day of the school year elected. The President is encouraged to serve as the first elected MEA and NEA delegate. The President, or duly elected officer, shall serve as the Region Council delegate.

B. Appointed Officers. Appointed officers shall consist of committee chairpersons including grievance chair, chief negotiator (in bargaining years), PR, Elementary Congress, etc. Additional, appointed

officers include Membership, PAC, Elections, and Technology. Terms of office shall be for one year and shall commence on the first regularly scheduled Board of Directors meeting of the membership year.

C. Additional MEA Representative Assembly delegates. The term of office for MEA Representative Assembly delegates and alternates shall be 2 years commencing on September 1. Elections shall be held prior to June 1. When there are four (4) or more MEA Representative Assembly delegates elected, Representatives of Minority Persons 3-1G shall be elected as required by the MEA Constitution and Bylaws. Each MEA Representative Assembly delegate shall serve as a Region Council delegate.

D. Additional NEA Representative Assembly delegates. The term of office for NEA Representative Assembly delegates and alternates shall be two (2) years commencing on September 1st. Elections shall be held prior to April 1st. When there are three (3) or more NEA Representative Assembly delegates elected, Representative(s) of Minority Persons 3-1G shall be elected as required by the MEA Constitution and Bylaws.

E. Any additional Region Council delegates. The term of office for any additional Region Council delegates shall be two (2) years commencing on September 1st.

F. Governing body.

1. There shall be a governing body known as the Board of Directors which shall consist of the elected and appointed officers, association building representatives, and delegates to the MEA Representative Assembly. In addition, there shall be an advisory body known as the Executive Board, which shall consist of the elected and appointed officers.

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

V. Direct Legislation

A. Initiative

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

B. Referendum

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

C. Recall

The right of recall shall rest with the electing body. Upon receipt of a petition signed by twenty-five percent (25%) of the membership of the electing body, the secretary shall announce a general meeting or ballot by the electing body as indicated on the petition within fifteen (15) calendars days for the purposes presented in the petition. A majority of the total active membership shall be required for its adoption, which shall take effect thirty (30) days later. Delegates to the MEA Representative Assembly may only be recalled for just cause.

D. Petitions shall be filed with the secretary. However, if the secretary is the subject of the petition, the petition shall be filed with the most senior member of the governing body not subject to the petition.

VI. Membership and Fiscal Year

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

VII. Authority

Any part of this Constitution and or Bylaws, which is in conflict with the Michigan Education Association and/or National Education Association constitutions and/or bylaws will be declared null and void.

VIII. Amendments

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

DATE RATIFIED: April 18, 2013

DATE AMENDED: March 19, 2013

BRIGHTON EDUCATION ASSOCIATION

BYLAWS

I. Rules

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

II. Meetings

A. General Membership meetings shall be called by the President or Board of Directors as needed. At least a 24-hour notice is required, specifying date, time, place, purpose and/or agenda of such meetings.

B. The Board of Directors may meet monthly during the school year or in accordance with the calendar adopted by the governing body. After establishment of a calendar, the membership shall be notified of dates, times and place of meetings.

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

1. A two-thirds (2/3) roll call vote shall be required to hold a closed session. The Board of Directors may meet in closed session only for the following purposes: to hear charges brought against an officer, employee, or member when that person requests a closed hearing; for strategy and negotiating sessions; or to consider awards, organizing activities, or items of a sensitive nature. In any case, the purpose of the closed session shall be announced prior to the vote.

III. Quorum

A. The quorum for the general membership shall be 25% of the total active membership.

B. A quorum for the Board of Directors meetings shall be a simple majority of the elected members.

IV. Duties of Officers and Delegates

A. President: Preside over meetings, appoint chairpersons of committees, serve as ex-officio member of all committees, represent the association before the public, be executive officer of the association, submit annual budget for consideration, and perform all other functions attributed to this office. Annually, the President will review the job duties of the Office Manager and make a recommendation at the budget meeting for the level of funding necessary to maintain this position. The Office Manager's duties will be assigned by the BEA President including sending flowers/cards to members, publishing & distributing the monthly newsletter, keeping articles and other items of a historical nature and supporting committee chairs.

B. Vice-Presidents: Responsibilities shall be to perform duties as assigned by the President and assume responsibility for all functions delegated to them by the President.

C. Vice President-Elect: Responsibilities shall be to preside in the President's absence; perform duties as assigned by the President and assume responsibility for all functions delegated to the office

by the President. In the event that a vacancy is created in the position of President, the Vice President-Elect shall immediately become the President and serve in that capacity for the remaining term of office. This is an annually elected position from among the three appointed Vice Presidents (one for each level: (JK/K – 4th, 5th – 8th and 9th – 12th grade).

D. Secretary: Responsibilities shall be to keep accurate minutes of all meetings of the Executive Board and Board of Directors, make minutes available for membership inspection, and assist the President with official correspondence and be responsible for providing the approved official minutes for all Board of Directors meetings.

E. Treasurer: Responsibilities shall be to deposit funds of the association and disburse them according to decisions of the Board of Directors, keep accurate accounts of receipts and expenditures, report to each meeting of the Board of Directors, prepare an annual financial statement for membership, and assist in drafting the annual budget. The treasurer must provide for an annual audit of the books.

F. MEA Representative Assembly Delegates:

Responsibilities shall be to keep Brighton Education Association informed of actions by the MEA and issues to be presented to the Representative Assembly. MEA Representative Assembly and other appropriate meetings (i.e. region meetings) and provide a written report back to the association.

G. NEA Representative Assembly Delegates: Responsibilities shall be to keep the Brighton Education Association informed of actions by the NEA and issues to be presented to the Representative Assembly, attend the NEA Representative Assembly when budget allows and other appropriate meetings (i.e. region meetings) and report back to the association.

H. Region Council Delegates: Keep association informed of actions by the region council and issues to be presented to the region council, attend the region council and other appropriate meetings and report back to the association.

I. All BEA Officers are bonded by the MEA.

V. Powers of Governing Bodies

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

A. Executive Board: The Executive Board may convene to plan Board of Directors meetings and general membership meetings, to review negotiations or grievances, and to provide direction on specific issues within the association. It is the responsibility of the Executive Board to insure that training is being provided for all incoming officers and Association Representatives. A majority of the Executive Board may approve emergency expenditures. The Executive Board will create a budget for the upcoming year, to be approved by the general membership.

B. Board of Directors: Upon the Board of Directors shall rest the duties, responsibilities and authority for conduct of the Brighton Education Association, in all matters except as provided in the Constitution and Bylaws; the Board of Directors may at any time refer matters to the general membership. The Board of Directors shall approve all expenditures in excess of \$150.00 not already approved in the budget (in case of emergency, a majority of the Executive Board may approve such expenditures). The budget may be adjusted by the Board of Directors to compensate for changing association priorities. Any such adjustment must be within the approved dues level unless approval of the general membership is given by special election.

C. Committees:

1. The President shall appoint all committee chairpersons, upon the advice and consent of the Board of Directors, except as specified otherwise in the Constitution and Bylaws.

2. The President shall appoint, no later than February 1, upon the advice of the Chief Negotiator, a Professional Negotiations Team consisting of at least two (2) representatives from grades JK-4, 5-8 and 9-12.

a. The Professional Negotiations Team shall: survey the membership, the Grievance Committee, and other appropriate resources for input into the bargaining proposal; participate in area and statewide negotiations meetings; develop a recommendation for an initial bargaining proposal; have all necessary authority to make concessions, accept or reject Board of Education proposals, conduct final ratification by the membership and provide to all members the opportunity to study the Tentative Agreement for at least forty-eight (48) hours prior to the scheduled ratification.

b. The Negotiations Chairperson may appoint a standing committee to insure input from all groups within the association.

c. The Negotiations Chair may appoint a Crisis Committee Chairperson responsible for building unity and morale within the Association. In addition, the Crisis Chair will create and implement a crisis plan.

3. The President will appoint a Grievance Chair.

a. The Grievance Committee Chairperson will assign a grievance number to each written grievance approved by the Association. At Level 1 the grievant and a building AR will pursue resolution. Any proposed resolution will be sent to the Grievance Chair for the approval of the Association. The Grievance Chairperson shall establish a Committee to consider each approved grievance that reaches level 2. The committee shall include the Grievant, a building level Association Representative, the Grievance Chair, and the level Vice President. The President and the MEA Uniserv Director may be involved in grievance hearings at any level.

b. Upon the Grievance Committee shall rest the responsibility and the authority to interpret the terms and conditions of the Master Agreement. The Grievance Committee shall be responsible for representing Brighton Education Association at the Superintendent and Board of Education levels of the Grievance Procedure. The committee shall be vested with all authority necessary to reach settlement of grievances at Level 2 or Level 3. Should a satisfactory settlement of a grievance not be achieved at the Board of Education (level 3 of the Grievance Procedure), the Grievance Chair shall call a meeting of the Arbitration Committee. The Arbitration Committee shall consist of the President, Grievance Chair, Chief Negotiator, Treasurer, Secretary, MEA Delegates, NEA Delegates, and the three Vice Presidents. The grievant(s) and the Uniserv Director will also be invited to

provide information and answer questions, but will not have a vote on the Committee. A motion to approve must be supported by at least a 2/3 majority of the committee members present in order for the grievance to proceed to level 4. A quorum of this committee shall be a simple majority.

c. Any member who is dissatisfied with the manner in which the member's grievance has been settled by the Association Representative, Grievance Chairperson, the President, or any other union official, shall file an appeal to the Association's Executive Board within ten (10) working days from the date of such settlement or the date of being notified whichever is longer. Such appeal shall be in writing. The Executive Board shall set a time for a hearing on such an appeal. Following the hearing the Executive Board shall take action as it deems necessary. The Executive Board shall notify the member in writing of the Executive Board's decision. If the member is dissatisfied with the decision of the Executive Board the member may request a review of the Executive Board's decision to the MEA. Such a request for review shall be in writing and shall be within ten (10) working days from the date of the Executive Board's decision. In the event a member does not request an appeal or review within the time limit as set forth above, the matter shall be considered closed.

4. The President shall schedule and chair a Budget Meeting, which shall include the President, the Treasurer, and Executive Board Members. The purpose of the meeting is to develop a budget (and recommended dues level) to be presented to general membership for approval in the first quarter of the school year.

5. The President shall select an Audit Committee consisting of three (3) members approved by the Board of Directors. The Audit Committee shall not include the Treasurer or any member authorized to sign checks, approve expenditures, responsible for preparation of financial reports, or any member of the Board of Directors. The Audit Committee shall conduct an audit of the books for the previous fiscal year and present the results to the Board of Directors at the November or December meeting.

6. The Membership Chairperson is responsible for registering new members and forward paperwork to the MEA. The Membership Chair is responsible for holding a new teacher orientation meeting designed to familiarize new unit members with the organization, goals, and programs of the local unit and the MEA/NEA.

The Membership Chair works with the Association Treasurer regarding dues responsibilities and changes in membership and communicates with the district's payroll office.

7. The Public Relations Chairperson shall establish a Committee responsible for building morale and unity within the Association, for increasing community awareness and involvement in public education, and for working with the media to promote public education.

8. The Screening & Recommending Chairperson shall establish a committee representing all building levels. The committee is responsible for screening all local school board election candidates through a questionnaire and interview process. The committee will report its recommendation to the Board of Directors. The committee may also screen and make recommendations regarding candidates for other local, county, state, and national offices.

VI. Association Representatives

A. Association Representatives are elected on the basis of one (1) AR for each twelve (12) members or major fraction thereof (i.e. 6 or more).

B. Duties shall be to attend regular meetings of the Board of Directors, attend Board of Education meetings, call meetings of building membership to discuss business of the Brighton Education

Association, meet with the building principal to discuss issues, and to provide communication between the members and the Board of Directors.

C. Term of office shall be two (2) school years and commence with the first general membership meeting of the school year. In those buildings where two (2) or more Association Representatives are allowed, the terms of office shall be staggered so that each year one half of the number of Association Representatives in that building will be open for election.

SECTION 4. D. The ethnic representation shall be in compliance with the Constitution and By-Laws of the National Education Association and the Michigan Education Association. In the event that the ethnic representation is less than required by the Constitution and By-Laws of the NEA AND MEA, rules and procedures shall be established for an at-large election to insure proportionate ethnic minority representation.

E. Vacancy in the position of Association Representative shall be filled by special election in the building where the vacancy exists.

VII. Nominations and Elections

A. The President shall appoint an Elections Chairperson who shall establish election procedures that guaranties that all elections shall provide for open nominations by active members, secret ballot, voting procedures (including secure online) and preservation of ballots for at least one (1) year. The preserved ballots shall be kept in the custody of the President. The Elections Chair will deliver a report at the next Board of Directors Meeting following the election & make a motion for its acceptance.

B. The Board of Directors shall certify the Election Chairperson's report and publish results of the election. The Chair shall be charged with the responsibility for preparing an official election report. Official reports of elected Representative Assembly delegates shall be filed with the MEA within ten (10) days after the election. The official election report is to be filed with the Michigan Education Association no later than thirty (30) days following the election.

C. Vacancies in any of the positions shall be filled by the Board of Directors until the next general election, except for vacancies in the office of President and/or Representative Assembly Delegate. The Vice President-Elect shall fill a vacancy in the office of President, for the remainder of the President's term of office. MEA or NEA Representative Delegates shall be replaced by the duly elected alternate(s).

D. All voting officers (President, Treasurer, Secretary, & Vice President-Elect) plus NEA and MEA Representative Assembly Delegates must be elected at-large by the membership. The election of MEA and NEA Representative Assembly Delegates shall take place prior to April 1 of the preceding year.

E. The Elections Chair will act as the Nominations Chair for the at-large elections. This Chair shall be appointed no later than February 15th.

F. The Elections Chair and Office Manager shall be charged with the responsibility for preparation, publication, and distribution to the membership of a tentative slate of candidates for at-large offices no later than March 15th. The Chair shall present to the membership the final slate of candidates at least one week prior to the scheduled election. The Elections Chair shall conduct the election of at-

large officers by secret ballot. The Chair shall publish and distribute the results of the election within one week of the election.

G. The Chair shall be charged with the responsibility for notifying the MEA of the results of the MEA Representative Assembly Delegate within ten (10) days of the election.

H. The terms of office for all officers shall be fixed at one (1) year, except for the President, Secretary, Treasurer, MEA & NEA Delegates which shall be (2) years.

I. Appointed officers shall not have voting privileges on the Board of Directors. If appointed officers serve in a dual capacity in a position for which they were elected, they may have voting rights by nature of the office being served in duality.

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

VIII Contract Ratification

Contract ratification procedures shall minimally incorporate the following:

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

DUES

A. Dues of the Brighton Education Association shall consist of the total amount of local, state and national dues. Local dues will not be prorated; state and national dues are prorated according to the dues structure.

B. Local dues shall be established by a recommendation from the Executive Board and a vote of the membership.

C. Special assessments can only be implemented by a vote of the membership.

D. All members covered by the Master Agreement Article II between the Brighton Board of Education and the Brighton Education Association, must pay dues or a Representative Benefit Fee as determined by the Brighton Education Association, Board of Directors. Any member covered by said master Agreement Article II who has not filed a dues/benefit authorization card with the Board of Education for payroll deduction by the 8th day of October will be subject to discharge from employment.

1. There will be no provision for cash payment of dues by any member covered by the Master Agreement Article II. Each covered member will have their total dues paid by the payroll deduction method.

2. The amount of monthly payroll deduction for dues and the number of pay periods that dues will be deducted will be determined by the executive Board and approved by the Board of Directors.

X. Payment of Officers

A. Officers, elected and appointed, will be compensated on the basis of a schedule to be determined by the Executive Board and subject to a vote of the membership as part of the annual budget.

XI. Amendments

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