

Revised 1981, 1986, 1991, 1993, 1998, 1999, 2007

CONSTITUTION and BYLAWS

of the

WESTLAKE

TEACHERS

ASSOCIATION

**CONSTITUTION**  
**of the**  
**WESTLAKE TEACHERS ASSOCIATION**

**ARTICLE I - NAME**

Section A. The name of this organization shall be the Westlake Teachers Association.

Section B. The Westlake Teachers Association, henceforth referred to as the Association, shall maintain affiliation with the North Eastern Ohio Education Association (NEOEA), the Ohio Education Association (OEA), and the National Education Association (NEA).

**ARTICLE II - PURPOSES**

Section A. To work for the welfare of school children, the advancement of education, and the improvement of instructional opportunities for all.

Section B. Protect the welfare and advance the professional interests of its members.

Section C. To enable members to speak with a common voice on matters pertaining to the teaching profession and to present their individual and common interests before the Board of Education and other legal authorities.

Section D. Foster professional attitudes.

Section E. To hold property and funds and to employ a staff for the attainment of these purposes as the need arises.

Section F. Establish and maintain helpful, friendly relationships within the membership and school community.

**ARTICLE III - MEMBERSHIP**

Section A. All certified/licensed personnel employed by the Westlake Board of Education (except those excluded by the collective bargaining agreement) shall be eligible for active membership.

Section B. Active members shall be members of the Westlake Teachers Association, the North Eastern Ohio Education Association, the Ohio Education Association and the National Education Association.

Section C. Membership shall be continuous until the member leaves the school system, resigns from the Association, or fails to pay membership dues.

Section D. Membership shall be open for thirty (30) school days following the first day of employment.

Section E. All members shall abide by the Code of Ethics of the Education Profession.

#### **ARTICLE IV - OFFICERS**

Section A. The officers of the Association shall consist of a President, a Vice President, a Secretary, a Treasurer, and the Immediate Past President.

Section B. The officers shall hold office for a one (1) year term commencing on July 1<sup>st</sup>.

#### **ARTICLE V - EXECUTIVE BOARD**

Section A. The Executive Board shall consist of the officers, the Building Representatives, the chairperson of the Committee on Professional Rights and Responsibilities, and the Immediate Past President of the Association. Election of the officers and the Chairperson of the Committee on Professional Rights and Responsibilities shall be conducted by secret ballot in each building during one school day designated by the Nominations and Elections Committee. Building Representatives shall be elected by their respective building members by secret ballot. There shall be elected to the Executive Board representation of ethnic minority at least proportionate to the ethnic minority of membership in the Association.

Section B. The Executive Board shall:

1. Act as advisors to the officers, assign duties, be responsible for all committees of the Association, and have such policy making authority as provided in this Constitution and Bylaws;
2. Act as the authoritative voice of the Association on positions affecting the Association during the interim period between regular meetings;
3. Prepare recommendations for the consideration and action of the Association;
4. Carry out policies established at general membership meetings;
5. Report its transactions and those of the general membership to all members;

6. Direct an independent audit of the Association's financial records at regular intervals not to exceed two (2) years.
7. If a grievance decision is appealed, shall determine whether an individual or Association grievance goes to arbitration.
8. Establish the political endorsement procedure.

Section C. Any member of the Association who is not a member of the Executive Board may attend its meetings, may receive permission to speak, but will have no voting rights.

#### **ARTICLE VI - IMPEACHMENT OF OFFICERS**

Section A. Officers of the Association may be impeached for violation of the Code of Ethics of the Education Association Profession, or misfeasance, malfeasance, or nonfeasance in office.

Section B. Impeachment proceedings against an officer may be initiated by written petition submitted to the Executive Board by at least twenty-five percent (25%) of the members.

Section C. If, after a due process hearing, a two-thirds (2/3) vote of the full membership shall sustain the charge, the office shall become vacant.

Section D. The officer may appeal the decision to a special meeting of the general membership.

#### **ARTICLE VII - VACANCIES**

Section A. If a vacancy in the office of President occurs, the Vice-President shall succeed immediately to that office.

Section B. If a vacancy occurs in the office of Vice-President, a new election shall be held as soon as possible.

Section C. If a vacancy occurs in the office of Secretary or Treasurer, a new person shall be elected by the Executive Board and announced to the Association immediately thereafter. A new election shall be held as soon as possible.

Section D. If a vacancy occurs in the office of Building Representative, a new election shall be held in the building where the vacancy occurs.

Section E. Whenever the offices of both President and Vice President shall become vacant between elections, the remaining members of the Executive Board shall choose one of their number to serve as President Pro Tempore until an election can be held.

## **ARTICLE VIII - COMMITTEES**

- Section A. The Association shall have such standing committees as are necessary to carry out the responsibilities and program of the Association.
- Section B. Ad hoc (temporary) committees may be formed as necessary to achieve the Association program. Chairpersons of these ad hoc committees need not be elected.
- Section C. All committee members shall be appointed by the President with the approval of the Executive Board.

## **ARTICLE IX - DUES**

The local association shall have a dues structure adequate to fund an active program. The dues rate shall be established according to Bylaws Article IX.

## **ARTICLE X - AMENDMENTS OR ENTIRE CONSTITUTION REVISION**

- Section A. Changes shall be proposed upon the initiative of the Constitution Committee or upon presentation to the Executive Board of a petition signed by ten percent (10%) of the current membership.
- Section B. Amendments shall become part of this Constitution or an entire Constitution may replace the present Constitution when approved by a two-thirds (2/3) vote of the voting membership. All proposed Constitution amendments or an entire Constitution shall be distributed to members in written form not fewer than five (5) days prior to the vote. The Association President shall determine if it is necessary to hold a general membership meeting to discuss the proposed Constitution amendments or an entire Constitution. If the Association President determines that a general membership meeting is not necessary, if the Executive Board through a motion or if ten (10) members, via written petition, request a general membership meeting to discuss the proposed Constitution amendments or an entire Constitution, one shall be held. Voting on the proposed Constitution amendments or an entire Constitution shall be by secret ballot in the individual school buildings.

**BYLAWS**  
**of the**  
**WESTLAKE TEACHERS ASSOCIATION**

**ARTICLE I - MEETINGS**

- Section A.     Executive Board - The Executive Board shall meet the second Thursday of each school month. At the call of the President or at the request of one-third (1/3) of the members of the Executive Board, additional meetings shall be called.
- Section B.     General Membership - The Executive Board shall arrange at least two (2) meetings of the membership of the Association each year.
- Section C.     Special Meetings of the General Membership - Special meetings of the general membership shall be called by the President upon receipt of (a) a request from the Executive Board, or (b) a written petition signed by at least twenty percent (20%) of the general membership.

**ARTICLE II - QUORUM**

- Section A.     The quorum for the Executive Board meetings shall be one more person than twenty-five percent (25%).
- Section B.     The quorum for a general meeting shall be the membership present.

**ARTICLE III - DUTIES OF THE OFFICERS**

- Section A.     President
1.     Presides over all Executive Board and general membership meetings
  2.     Represents the Association on all matters of Association policy
  3.     Serves as ex-officio member of all Association committees
  4.     Serves as a member of the Superintendent's Advisory Committee or designates a member of the Executive Board
  5.     Serves as a member of the OEA Service Council or designates a member of the Executive Board
  6.     Attends all school board meetings or designates a representative

7. Serves as a delegate to the NEOEA, OEA, NEA Representative Assemblies, which may be funded by the Association
8. Appoints the Negotiations Team, the Negotiations Committee, the chairperson of the Nominations and Elections Committee, the chairperson of the Teacher Education and Professional Standards Committee, and the chairperson of the Legislative Committee with the approval of the Executive Board

Section B.     Vice President

1. Presides over all Executive Board meetings and general membership meetings in the absence of the President
2. Performs such other duties as delegated by the President
3. Serves as an ex-officio member of all committees

Section C.     Immediate Past President

1. Presides over Association meetings in the absence of the President and Vice President
2. Serves as a consultant to the Executive Board

Section D.     Secretary

1. Keeps accurate minutes of all official meetings of the Association and distributes Executive Board minutes to each member
2. Maintains official files of the Association
3. Notifies Executive Board members of all meetings and special duties
4. Assists the President with Association correspondence
5. Performs such other duties as delegated by the President

Section E.     Treasurer

1. Holds the funds of the Association and disburses them upon authorization of the Executive Board
2. Maintains records of receipts and disbursements

3. Maintains membership rolls
4. Prepares financial reports for meetings of the Executive Board and an annual financial statement to be distributed to the membership
5. Prepares for an independent audit as authorized by the Executive Board
6. Shall be bonded
7. Chairs the Budget Committee
8. Works with the Membership Committee Chairperson (if other than the Treasurer) in conducting/coordinating the membership drive and updating membership throughout the year

Section F.     Building Representative

1. Reports recommended policies and other actions of the Executive Board to members in his/her building through building meetings
2. Transmits proposals and recommendations from members in his/her building or unit of representation to the Executive Board for its consideration
3. Assists the Membership Committee and/or Association Treasurer in the collection of dues and contributions
4. Assists the Nominations and Election Committee in the collection of ballots
5. Attends all official meetings of the Association or provides an alternate in his or her absence
6. Acts as a consultant to the individual member who has a professional problem and when necessary, seeks needed assistance from the Association

**ARTICLE IV - STIPENDS**

Section A.     The President of the Association shall be paid a stipend of \$1,000 per year. It shall be paid in two (2) equal payments, one in December and one in June.

Section B.     The Vice President of the Association shall be paid a stipend of \$600 per year. It shall be paid in two (2) equal payments, one in December and one in June.



Section C. The Treasurer of the Association shall be paid a stipend of \$300 per year. It shall be paid in two (2) equal payments, one in December and one in June.

Section D. The Secretary of the Association shall be paid a stipend of \$200 per year. It shall be paid in two (2) equal payments, one in December and one in June.

Section E. The Membership Chairperson shall be paid a stipend of \$100 per year. It shall be paid in two (2) equal payments, one in December and one in June.

Section F. Each Building Representative shall be compensated for each Executive Board meeting attended. The compensation shall be at the rate of 1/10<sup>th</sup> of the local Association dues per each Executive Board meeting attended, not to exceed the total amount of the yearly local Association dues. This compensation shall be deducted from the following school year's Association dues; however, if the Building Representative is no longer in active pay status at the start of the next school year (e.g., leaves the district, goes on a leave), the compensation will be paid by check.

Section G. The chairperson of the Committee on Professional Rights and Responsibilities shall be paid a stipend of \$700 per year. It shall be paid in two (2) equal payments, one in December and one in June.

Section H. The chairperson of the Negotiations Team of the Association shall be paid a stipend of \$250. Each Negotiations Team member shall be paid a stipend of \$200.

Section I. NEA, OEA, UniServ, and NEOEA dues shall be paid by the Association for the President, Vice President, Secretary, Treasurer, and chairperson of the Committee on Professional Rights and Responsibilities.

#### **ARTICLE V - BUILDING REPRESENTATIVES**

Section A. In each public school in Westlake, faculty members who are members in good standing of this Association shall elect from their number for a term of one (1) year commencing July 1, one (1) Building Representative to the Executive Board for each twelve (12) members, or major fraction thereof. There shall be at least one (1) representative from each building. Where more than one (1) representative is elected, they may designate one (1) as chairperson.

Section B. Building Representatives shall attend the regular meetings of the Executive Board unless they give prior notification to the President. After two (2) absences of the representative without prior notification, the President shall declare the seat unfilled and call for a faculty election to fill out the term. The President shall designate a member in good standing to organize this special election.

Section C. The Building Representative shall call faculty meetings of the Association members to discuss Association business, shall appoint such Faculty Committees as the Association may require, and shall organize and oversee the subsequent elections of Building Representatives, the enrollment of members in local, state, and national associations, and two-way Association communication within the building.

#### **ARTICLE VI - STANDING COMMITTEES**

Section A. There shall be the following standing committees:

1. Negotiations Committee – The Association President shall appoint a Negotiations Committee Chairperson and members of the Negotiations Committee. The appointment of the Negotiations Committee Chairperson and the Negotiations Committee members shall be approved by the Executive Board. This committee assesses membership concerns prior to bargaining, develops initial proposals of the Association and provides additional advice and input, upon request of the Negotiations Team, during active negotiations.
  - a. The Negotiations Team shall be included on the Negotiations Committee. The Negotiations Team shall be appointed by the President with the approval of the Executive Board and shall be comprised of a representative from elementary, intermediate, middle and high school levels. The President shall appoint one of the Negotiations Team members as chairperson of the Negotiations Team.
  - b. The Negotiations Team shall present written negotiations proposals to the Association Executive Board prior to the exchange of said proposals with the Board Negotiations Team. The Negotiations Team shall present the negotiated tentative Agreement to the Executive Board before presenting it to the general membership for a vote.
2. Committee on Professional Rights and Responsibilities – The chairperson of the Committee on Professional Rights and Responsibilities is elected by the general membership and this chairperson may appoint committee members. The appointment of committee members shall be approved by the Executive Board. The purpose of this committee is to maintain membership advocacy in grievance processing

3. Teacher Education and Professional Standards Committee – The Association President shall appoint the chairperson of the Teacher Education and Professional Standards Committee and this chairperson may appoint committee members. The appointment of the chairperson and the committee members shall be approved by the Executive Board. The purpose of this committee is to improve opportunities for continual professional education. This committee shall be responsible for evaluating and selecting a recipient of the Association Scholarship and shall direct the Treasurer concerning the management of the monies of the Association Scholarship Fund.
4. Legislative Committee – The Association President shall appoint a Legislative Committee Chairperson and this chairperson may appoint committee members. The appointment of the chairperson and the committee members shall be approved by the Executive Board. The purpose of this committee is to explore and prepare recommendations for the endorsement of candidates and/or levy/bond issues, and to seek membership involvement in relevant local, state and national political affairs. This committee also conducts the annual FCPE (Fund for Children and Public Education) drive.
5. Nominations and Elections Committee - The Association President shall appoint a Nominations and Elections Committee Chairperson and the chairperson may appoint additional committee members. The appointment of the chairperson and committee members shall be approved by the Executive Board. The purpose of this committee is to conduct local, state, or national elections in accordance with the OEA Elections Manual and to resolve all challenges or protests to an election.
  - a. The Nominations and Elections Committee shall present a slate of officers to the Executive Board for each office by March 30<sup>th</sup> of each year. This slate shall be posted in each building by April 5<sup>th</sup>. Candidates for office may also be submitted by a petition signed by at least fifteen (15) members; said petition must be received by the Nominations and Election Committee by March 15<sup>th</sup>.
  - b. No nominee for office shall serve concurrently on the Nominations and Elections Committee.
  - c. No member shall be nominated for office without the knowledge and consent of the individual.

- d. Election of officers shall be conducted between April 15<sup>th</sup> and April 30<sup>th</sup> by secret ballot in each building during one school day designated by the Nominations and Elections Committee.
- e. The Nominations and Elections Committee shall report the results of the election to the total membership within five (5) calendar days following the election. Newly elected officers shall assume their office on July 1<sup>st</sup>.
- f. All ballots, marked, unmarked and voided, and all other records pertaining to the election of officers of this Association and OEA and NEA delegates and alternates, shall be preserved for one (1) year from the date the election was held and such ballots and other records shall be made available to OEA officers upon request for inspection and examination.
- g. Non-members of the Association, including fee payers, shall not have the right to vote, hold office, or otherwise have privilege of Association membership.

**ARTICLE VII - SPECIAL COMMITTEES/POSITIONS**

Section A. The President shall appoint other special committees as may be necessary, such as a Budget Committee and a Membership Committee. These committees shall operate according to rules approved by the Executive Board.

Section B. Budget Committee – This committee prepares a budget giving estimates of income and of necessary expenditures for the future fiscal year.

Section C. Membership Committee – This committee coordinates the membership drive at the beginning of the year and also enrolls and deletes members throughout the year as dictated by the hiring of new teachers and having other teachers resign. The chairperson of the Membership Committee may concurrently be the Treasurer of the Association.

**ARTICLE VIII - VOTING PROCEDURES**

Section A. Voting shall be by voice except in the following circumstances:

- 1. Vote by ballot as described in this Constitution and Bylaws.
- 2. Vote by ballot upon request of the majority present at any meeting of the general membership.

3. Ratification of negotiated agreements and interim-bargained language between the Board and the Westlake Teachers Association Negotiation Team shall require approval by written ballot of a majority of the full membership of the Association (see procedures below).

Section B. Agreement Ratification

1. Efforts shall be made to provide written copies of the tentative Agreement or a tentative Agreement summary to the general membership at least two (2) working days prior to the vote. However, written copies of the tentative Agreement summary shall be given to the general membership at least forty-eight (48) hours prior to the vote. This forty-eight (48) hour waiting period may be changed by a secret ballot majority vote of the voting membership at the Agreement presentation meeting.
2. Ratification of this Agreement shall be by secret ballot in each school building, unless a majority of those present at the Agreement presentation meeting determine to vote at a different time and place. However, all Agreement ratification votes shall be by secret ballot. Non-members of the Association, including fair share fee payers are not eligible to vote.
  - a. No absentee or proxy vote shall be allowed on Agreement ratification.
  - b. Balloting will be completed in each building by 3:30 p.m. on the designated day using the procedures as specified by the Nominations and Elections Committee.
  - c. One Association representative from each building must deliver the ballots to the Nominations and Elections Committee by 4:00 p.m. on that same day.
  - d. The Nominations and Elections Committee shall count the ballots by 4:30 p.m.
3. If the Agreement is not ratified by a majority of the full membership of the Association, a strike vote by secret ballot may be taken at a general meeting of the Association. A strike can only be authorized by a vote of the majority of those members present at the meeting.

Section C. Interim Bargaining Ratification Procedures

1. All interim-bargained language shall be distributed to members in written form prior to the vote.

2. The Association President shall determine if it is necessary to hold a general membership meeting to discuss the language; however, if ten (10) members, via written petition, request a general membership meeting, one shall be held.
3. Voting on the interim-bargained language shall be conducted by the Nominations and Election Committee, shall take place in the individual school buildings, and shall be done by secret ballot.
  - a. No absentee or proxy vote shall be allowed
  - b. Balloting will be completed in each building by 3:30 p.m. on the designated day using the procedures specified by the Nominations and Elections Committee.
  - c. One Association representative from each building must deliver the ballots to the Nominations and Elections Committee by 4:00 p.m. on that same day.
  - d. The Nominations and Elections Committee shall count the ballots by 4:30 p.m.
4. The interim-bargained language is ratified if there is a majority vote of those voting to accept it.

Section D. Representatives to affiliated organizations shall be nominated and elected in accordance with procedures defined by these organizations. (See OEA Elections Manual.)

#### **ARTICLE IX - DUES**

Section A. The annual dues of this Association shall be set at .0019 of the existing base salary figure. Such dues shall be rounded to the nearest dollar.

Section B. Teachers employed after the beginning of the year or on a part-time basis shall pay pro-rated dues in accordance with the OEA policy.

Section C. Every member shall also pay the dues required by the district, state, and national associations with which this local is affiliated.

Section D. The Association shall annually enter into a Dues Transmittal Contract with the Ohio Education Association.

## **ARTICLE X - MEMBERSHIP AND FISCAL YEAR**

The membership and fiscal year of the Association shall be September 1<sup>st</sup> through August 31<sup>st</sup>.

## **ARTICLE XI - PARLIAMENTARY AUTHORITY**

Roberts Rules of Order shall be the parliamentary authority for the Association on all questions not covered by the Constitution and Bylaws and such standing rules as the Association may adopt.

## **ARTICLE XII - AMENDMENT TO BYLAWS**

Section A. Changes shall be proposed upon the initiative of the Constitution Committee or upon presentation to the Executive Board or a petition signed by ten percent (10%) of the current membership.

Section B. Amendments shall become part of these Bylaws or an entire Bylaws may replace the present Bylaws when approved by a majority vote of the voting membership. All proposed Bylaws amendments or an entire Bylaws shall be distributed to members in written form not fewer than five (5) days prior to the vote. The Association President shall determine if it is necessary to hold a general membership meeting to discuss the proposed Bylaws amendments or an entire Bylaws. If the Association President determines that a general membership meeting is not necessary, if the Executive Board through a motion or if ten (10) members, via written petition, request a general membership meeting to discuss the proposed Bylaws amendments or an entire Bylaws, one shall be held. Voting on the proposed Bylaws amendments or an entire Bylaws shall be by secret ballot in the individual school buildings.

## **ARTICLE XIII - DISSOLUTION OF ASSOCIATION**

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

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

Section D. 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 E. In the event of dissolution of the Association, all assets of this organization remaining after payment of all obligations shall be distributed to charitable organizations as determined by the Executive Board provided that it is an entity recognized as exempt from federal taxation.

**ARTICLE XIV - ENABLING PROVISION**

Section A. All changes shall be implemented immediately upon their adoption.

Section B. Changes to Article IV shall be retroactive to the beginning of the 2006-2007 school year.