

**CONSTITUTION AND BY LAWS
of the
AMHERST TEACHERS ASSOCIATION**

**AMHERST, OHIO
(revised 11/18/2015)
(revised 8/01/2017)**

CONSTITUTION

**Article I
Name**

Section 1. The name of this organization shall be the Amherst Teachers Association (A.T.A.)

Section 2. The A.T.A., henceforth referred to as the association, shall maintain affiliation with the Ohio Education Association, The National Education Association, and the North Eastern Ohio Education Association (N.E.O.E.A).

**Article II
Purposes**

Section 1. The purpose of this association shall be to promote the educational objectives of the local school system and of the state and nation; to foster professionalism; **to protect the welfare and advance the professional interests of its members**; and to establish and maintain helpful, friendly relationships within the membership.

Section 2. This association shall be the official negotiating agent for all A.T.A. members, certified staff, and licensed staff.

Article III Membership

Section 1. All certified professionals employed by the Amherst Board of Education ~~may become active members~~ **shall be eligible for active membership** of the A.T.A. Active members shall be members of the Amherst Teachers Association, the North Eastern Ohio Education Association (N.E.O.E.A.), Ohio Education Association (O.E.A.), and the National Education Association (N.E.A.).

Section 2. A certified professional shall be defined as outlined in Section 5.04 of the negotiated agreement.

Section 3. The membership year shall coincide with the contract year.

Section 4. Members shall be in good fiscal standing with A.T.A., O.E.A., N.E.A., N.E.O.E.A., and Local Option.

Section 5. All members shall abide by the Code of Ethics of the Education Profession.

Article IV Officers and Their Duties

Section 1. The officers of the association shall be President, Vice-President, Secretary, and Treasurer. ~~and Membership Officer.~~

Section 2. The president shall:

- preside at all meetings of the Legislative Council.
- provide an agenda for such meetings.
- be an Ex Officio member of all committees.
- be responsible for calling special meetings.
- recommend for Legislative **Executive** Council's approval all standing committees and the negotiating team.
- promote communication between A.T.A. and the superintendent's office.
- oversee the FCPE drive (Fund for Children in Public Education).**

Section 3. The vice-president shall:

- act in the absence of the president.
- become president in the event of the resignation of the president.
- in conjunction with the president, promote communication between A.T.A. and the superintendent's office.
- serve as sergeant at arms.

Section 4. In the event that both the president and vice-president are absent, the presiding officer will be, in the following order: treasurer, secretary. ~~membership.~~

Section 5. The secretary shall:

- keep a record/**accurate minutes** of the proceedings of all Legislative **Executive** Council meetings.
- handle the correspondence of the association.
- keep in usable order all books, records, and supplies that are the property of the association.

Section 6. The treasurer shall:

- receive all monies belonging to the association.
- make payments when properly authorized.
- keep an itemized account of receipts and expenditures.
- make reports of the balance at legislative meetings.
- be bonded.

~~**Section 7.** The membership officer shall:~~

(these duties now become treasurer duties included in Section 6)

- compile and update annual membership lists.
- work in conjunction with OEA to ensure that membership dues are accurate and current.
- communicate with the Amherst Board of Education Treasurer's Office regarding any membership dues/payroll deduction concerns.
- file all necessary documents with the IRS.
- work in conjunction with the ATA President ~~and Treasurer~~ to keep them updated on any relevant membership issues.
- ~~oversee the FGPE drive (Fund for Children in Public Education).~~ (this duty now becomes President duty in Section 2)

Section 7. The officers and building representatives will be paid a stipend amount that is determined by the Legislative Executive Council. The stipend is based on a meeting attendance requirement of 7 out of 10 meetings per membership year.

Section 8. All officers shall be elected for four year terms.

Section 9. Whenever the office of the President becomes vacant due to death, incapacity, termination, resignation, retirement or recall, the Vice President shall automatically assume the presidency for the remaining part of the term.

A vacancy in the office of the Vice Presidency, Secretary, **or** Treasurer, ~~or Membership~~ shall be filled for the remainder of the term by majority vote of the **Legislative Executive Council** ~~Committee~~.

Article V Legislative Executive Council

Section 1. The purpose of the Legislative **Executive** Council is to address contractual issues, share information, and act as a forum for questions and concerns.

Section 2. The Legislative **Executive** Council shall be composed of the ~~five~~**four** elected officers and elected representatives from each building.

Section 3. All members of the Legislative **Executive** Council shall promote the purposes of the Association.

Section 4. The number of representatives shall be determined by the number of teachers in each building. There will be two representatives for the first twenty-five teachers. One additional representative will be elected for each additional twenty teachers.

Section 5. The Council shall meet monthly to conduct the routine business of the association.

Section 6. The Legislative Executive Council shall prepare recommendations for the consideration and action of the Association.

Section 7. The Legislative Executive Council shall report its transactions and those of the general membership to all members.

Section 8. The Legislative Executive Council shall ensure the Association acts on an annual financial report/budget by the Association Treasurer.

Section 6-9. A quorum is necessary to conduct binding business. A quorum shall consist of a simple majority of Legislative **Executive** Council members. Each council member attending will receive one vote on each issue.

Section 7-10. The building representatives shall:

- communicate proposals, recommendations, questions, and concerns from building members to the Legislative **Executive** Council for its consideration.
- report recommended policies and other actions of Legislative **Executive** Council to building members.
- be elected for three-year terms.
- be elected by May 15th with duties to begin immediately after installment.
- be retired as a building representative should election as an officer occur.

Section 8-11. 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. Removal from office may be considered in the event that a Legislative **Executive** Council member neglects or violates the oath of office. Impeachment proceedings against an officer may be initiated by written petition submitted to the **Legislative Executive Committee-Council** by at least twenty-five (25) percent of the members. If, after a due-process hearing, a two-thirds (2/3) vote of the **Legislative Executive Committee-Council** sustains the charge, the office shall become vacant. Any member who wishes to initiate such action shall contact the grievance committee chairperson with such concerns. **The officer may appeal the decision to a special meeting of the general membership.**

Section 9-12. All meetings of the Legislative **Executive** Council will be announced. All meetings are open to association members.

Section 10-13. Standing committee chairpersons shall attend Legislative **Executive** Council meetings to present their reports but are not considered voting members of Legislative **Executive** Council.

Section 11-14. It is the policy of this Association, and it shall take all legally permissible steps to achieve governance and delegate representation of ethnic minority at least proportionate to the ethnic minority membership in the Association.

Article VI Elections

Section 1. Subject to the approval of the Legislative **Executive** Council, the president shall recommend an election committee chairperson. The chairperson and president shall recommend a committee composed of one member from each building whose duty it shall be to conduct elections in accordance with the OEA Elections Manual and to resolve all challenges or protests to an election. No nominee for office shall serve concurrently on the Elections Committee.

Section 2. Members interested in running for an elected office should notify their election officer by April ~~10-15~~ of an election year.

Section 3. Additions to the ballot must be received by the election committee between April ~~10-15~~ and April ~~15-20~~. Such additions must be accompanied by a petition signed by at least ten members.

Section 4. The election chairperson shall create ballots and distribute them to committee members. The election committee members shall forward ballots to each association member in their buildings.

Section 5. The election process will proceed as follows:

- The election of officers and representatives shall be conducted by secret ballot in each building upon a day designated by the election committee.
- On that same day, ballots shall be returned to election committee members.
- Ballots shall be forwarded to the election chair by the following school day.
- The election chair and one Legislative **Executive** Council member will tabulate votes.
- The election chair will publish results and distribute them to committee members.
- Committee members will post results on A.T.A. bulletin boards in all buildings.

Section 6. Officers and representatives shall be installed at the last regular Legislative **Executive** Council meeting of the school year.

Section 7. The election committee shall oversee the O.E.A., N.E.A., and N.E.O.E.A elections for delegates and alternates as directed by those associations.

Section 8. All ballots, marked, unmarked, and voided and all records pertaining to the elections of officers and representatives of the association and O.E.A. and N.E.A. delegates and alternatives shall be preserved for one year from the date of the election. Such ballots and other records shall be made available to O.E.A. officers upon request for inspection and examination.

Section 9. 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 Committees

Section 1. All committees shall be established by the president, subject to the approval of Legislative Council.

Section 2. The association shall have the following standing committees:

Policy Review

Negotiations- **assess membership concerns prior to bargaining, develop initial proposals of the Association, and provide additional advice and input, upon the request of the bargaining team, during active negotiations.**

Grievance- **maintenance of, and membership advocacy in, grievance procedure.**

Elections- **charged with the responsibility to protect the integrity of an election or vote and ensure that an election is conducted in accordance with the guidelines set forth in the O.E.A. Election Manual and with local, state, and national constitutions.**

Social

Insurance

~~local option~~

Website

Public relations- **promotion of understanding, unity, and communication among all groups in the school and school district communities.**

Section 3. The duties of ~~these~~ **Policy Review, Social, Insurance, and Website** committees shall be determined by Legislative **Executive** Council.

Article VIII Changes to Constitution and By-Laws

Section 1. No additions, deletions, or amendments shall be made to the Constitution or By-Laws except as specified in sections two and three of this article.

Section 2. Proposed changes to this Constitution shall be prepared by the Legislative **Executive** Council and presented in writing to the membership at least seven days prior to the voting on these changes.

Section 3. Acceptance of the proposed changes must be made by ballot with at least 1/3 of the membership voting. A 2:1 majority is needed for passage.

Section 4. Within a year following the ratification of each new contract, A.T. A.'s Constitution and By-Laws shall be reviewed by Legislative **Executive** Council.

By Laws

Article I Bylaw 1 Association

Section 1-1. There shall be an **a general membership** Association meeting at the beginning of the year in conjunction with the ~~orientation program~~ **teacher inservice** as per the negotiated agreement.

Section 1-2. When the entire membership meets to conduct binding business of the association, a quorum must be present. One-third of the members of the association shall constitute a quorum.

Section 1-3. Association meetings shall be conducted in accordance with Robert's Rules of Order.

Section 1-4. The Ohio Education Association represents the Association on all matters concerning the Association before the State Employment Relations Board (SERB).

Article II Bylaw 2 Dues

Section 2-1. The annual dues of this association are on a unified basis, including dues in the **local** district Association, the Ohio Education Association, and the National Education Association.

Section 2-2. The annual dues for membership in the A.T.A. shall be determined by the Legislative **Executive** Council. The Legislative **Executive** Council shall be empowered to make assessments when necessary.

Section 2-3. The dues of the officers shall be **reimbursed** paid by the association. **The dues payment is based on a meeting attendance requirement of 7 out of 10 meetings per membership year.**

Section 2-4. In the event that the association dissolves, the disbursement of monies in the treasury shall be determined by the Legislative **Executive** Council.

Section 2-5. **The Association shall annually enter into a Dues Transmittal Agreement with the Ohio Education Association.**

Article III
Bylaw 3
Delegates to the O.E.A. Convention

Section 3-1. Delegates to the annual convention of the Ohio Education Association shall be elected from among the Association members. The President of the Association shall be one of the delegates.

Section 3-2. The nomination and election of delegates shall be in accordance with the regulations of the Ohio Education Association.

Section 3-3. The expenses of each delegate, if not paid by the O.E.A., are to be paid by the treasury of the Association.

Article IV
Bylaw 4
Delegates to the National Education Association Convention

Section 4-1. One delegate and one alternate from among the Association membership may be elected to the Representative Assembly of the National Education Association.

Section 4-2. The nomination and election of delegates shall be in accordance with the regulations of the National Education Association.

Section 4-3. The expenses of each delegate, if not paid by the N.E.A., are to be paid by the treasury of the Association.

Article V
Bylaw 5
Expulsion of Members

Section 5-1. According to procedures adopted by the Association, the **Legislative Executive Committee-Council** may censure, suspend from membership, or expel any member for one or more of the following reasons:

- A.** Violation of the Code of Ethics of the Education Profession.
- B.** Conviction of a felony.
- C.** Actively engaging in, or actively supporting activities directed against the constitutional purposes of the Association to bring about changes in the Association's Constitution.

Article VI
Bylaw 6
Due Process

Section 6-1. The Association guarantees that no member may be censured, suspended, or expelled without a due process hearing, which shall include an appropriate appellate procedure.

Article VII
Bylaw 7
Dissolution of Associations

Section 7-1. A petition for dissolution of the Association may be presented in writing to a meeting of the general membership by any member in good standing and must contain the signature of three-fourths (3/4) of the total membership of the Association.

Section 7-2. 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 7-3. The Association shall be considered dissolved if three-fourths (3/4) of the total membership vote by secret ballot in favor of dissolution.

Section 7-4. 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 7-5. In the event of dissolution of the Association, all assets of this organization remaining after payment of all obligations shall be distributed to Lorain County Food Bank provided that it is an entity recognized as exempt from Federal taxation. In the event that Lorain County Food Bank is not then recognized as tax exempt, such assets shall then pass to Amherst Public Library provided that it is recognized as exempt from Federal taxation.

Article VIII
Bylaw 8
Bargaining and Contract Ratification

Section 8-1. The Association shall be represented in collective bargaining by an authorized team of Association Representatives appointed by the President and the Legislative **Executive** Council.

- A.** If the President is not an active member in the bargaining team, the President will be ex-officio member of the Association bargaining team.
- B.** Members of the bargaining team need not necessarily be from the negotiations team.
- C.** Necessary sub-committees may be appointed, as needed, by the committee 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.

Section 8-2. In preparation for bargaining, the negotiations committee shall make reports to the Legislative **Executive** Council.

Section 8-3. The Ohio Education Association represents the Association on all matters concerning the Association before the State Employment Relations Board (SERB).

Section 8-4. The OEA/NEA UniServ Consultant or the **Local Option Consultant** shall be the Association's designated bargaining representative.

Section 8-5. Written copies of the tentative agreement summary should be given to the general membership prior to ratification.

Section 8-6. Conduct all ratifications of collective bargaining agreements in accordance with the guidelines for ratification of collective bargaining agreements and fact finder reports as set forth in the OEA Elections Manual.

Section 8-7. A vote on a tentative agreement to the contract or on a fact-finding report shall be made by written ballot.

- A.** No absentee or proxy votes will be allowed on contract ratification votes or fact-finding reports.
- B.** The first vote on contract ratification or a fact-finding report will be to accept or reject contract/report as presented.
- C.** All ballots used in a vote regarding a contract ratification or fact-finding report, after tabulation, will be sealed and retained by the President for three (3) years or duration of contract, whichever is greater.
- D.** The President will communicate required details of the ratification vote to the employer's designated representative.

Section 8-8. 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 and in keeping with provisions of ORC 4117.14 (D)(2).

Section 8-9. Non-members of Association, including fee payers, are not eligible to vote on a fact finder's report or contract ratification.

Article IX
Bylaw 9
Membership Year

Section 9-1. The membership year and the fiscal year of the Association shall be September 1 to August 31.

~~Article X~~
Bylaw 10
Meetings

Section 10-1. The Legislative **Executive** Council shall meet monthly or at the call of the President.

Section 10-2. The general membership meetings shall be held at least twice per year, e.g. one in the fall and one in the spring, or once in August and once in May. Additional meetings may be called by the President, a majority vote of the Legislative **Executive** Council, or a petition to the President signed by at least ten (10) percent of the active membership. Such petitions shall state the purpose of the desired meeting and the business of that meeting shall be limited to consideration of the stated purpose.

Section 10-3. Robert's Rules of Order, Newly Revised shall be the authority governing all matters of procedure not otherwise provided in this Constitution, Bylaws, or standing rules.

Bylaw 11
Amendments

Section 11-1. Amendments, alterations, additions, or deletions to these Bylaws shall be made by a majority vote of the total active membership of the Association.

Section 11-2. Changes shall be proposed upon presentation to the Legislative Executive Council of a petition signed by twenty (20) percent of the current active membership. All proposed changes shall be submitted in writing to all active members at least ten (10) days prior to action.

Bylaw 12
Enabling Provision

Section 12-1. This Constitution and Bylaws shall become effective August 22nd, 2017, following their adoption, and shall remain in effect until amended according to regulations herein provided.