

CONSTITUTION OF McCracken County Education Association

ARTICLE I. NAME, PURPOSE, AND GOVERNANCE

SECTION 1. NAME:

The name of this organization shall be the McCracken County Education Association, an affiliate of the Kentucky Education Association and the National Education Association.

SECTION 2. PURPOSE:

- a. To represent its members in their relations with their employer.
- b. To develop and promote the professional interests and concerns of the members.
- c. To promote professional attitudes and ethical conduct among teachers.
- d. To work for the welfare of school children, the advancement of education, and the improvement of instructional opportunities for all.
- e. To encourage teachers to exercise their rights and privileges as citizens and to provide leadership in civil affairs.
- f. To hold property and funds for the attainment of association purposes.

SECTION 3. GOVERNANCE:

The Association shall be governed by this Constitution and be such other actions as may be taken by its membership consistent therewith.

ARTICLE II. MEMBERSHIP

SECTION 1. ACTIVE MEMBERSHIP:

Active membership in the Association shall be available to all professional personnel certified as members of the Association bargaining unit employed by or on limited leave for the McCracken County School District who has a legal teaching certificate.

SECTION 2. RIGHTS OF MEMBERSHIP

The Association shall not deny membership to individuals on the bases of race, creed, sex, or national origin.

SECTION 3. MEMBERSHIP YEAR:

The membership year shall be September 1 to August 31.

SECTION 4. OBLIGATIONS OF MEMBERSHIP:

- a. Active members shall adhere to "Code of ethics of the Education Profession."
- b. Active members shall support the stated purposes and objectives of the Association.
- c. Active members shall hold appropriate memberships in the Kentucky Education Association and the National Education Association.

SECTION 5. CONTINUATION OF MEMBERSHIP:

- a. Active membership shall be continuous until the member leaves the school system, for a period of at least two months, resigns from the Association, or failed to pay membership dues.
- b. The Board of Directors shall have the authority to ensure, suspend, or expel members for violations of Article II, Section 4. Charged members shall have the right to a due process hearing by the Board of Directors and the right to appeal to the general membership, which shall also afford a due process hearing.

ARTICLE III. LEGISLATIVE AUTHORITY

SECTION 1.

The legislative and policy- forming body of the association shall be the Representative Council. The Representative Council shall consist of the Board of Directors (formerly called Executive Board), one or more representatives of alternates from each school faculty and the central administration office, and the chairs of standing committees who will be nonvoting members. The Representative Council shall be composed of the same proportion of classroom teachers and administrators as exist within the membership. The Representative Council shall prepare a set of by-laws governing operation, seating, etc. These shall be offered to the full membership for approval. Any member of the association who is not a member of the Representative Council may attend its meeting, shall sit apart from the voting body, but must be provided the opportunity to speak.

SECTION 2. GENERAL MEMBERSHIP:

The general membership shall have a minimum of two meetings per year for discussion of professional issues, voting on association issues of general concern such as Constitution, By-laws, Salaries, Incentives, and Fringe Benefits.

SECTION 3. MEETINGS:

- a. There shall be at least two meetings of the general membership each year. The Association President shall schedule such meetings. The regular spring meeting of the membership shall be designated the annual meeting.
- b. Special meetings of the general membership may be called by the President, by majority vote of the Board of Directors, or by the petition of a least 20% of the membership.
- c. Fifty (50) percent of membership plus one shall constitute a quorum for regular or special membership meetings.

ARTICLE IV. OFFICERS AND BOARD OF DIRECTORS

SECTION 1. OFFICERS

The officers of the association shall consist of a president, president-elect, a vice president, a secretary, a treasurer, and three (Delegates) directors elected by the membership-at-large, and the immediate past president. The immediate past president shall advise the officers.

SECTION 2. BOARD OF DIRECTORS:

The Board of Directors, consisting of the nine above named officers, shall function as the executive authority of the Association. The Board of Directors shall be responsible for managing the affairs of the Association, approving budgeted expenditures, carrying out the adopted policies of the Association and acting for the Association between meetings of the general membership. The Board of Directors shall have the authority to create additional director positions as needed to provide at least proportional representation of ethnic-minorities or proportional representation of classroom teachers and administrators.

SECTION 3. MEETINGS:

The Board of Directors shall meet the first (1st) Tuesday of each calendar month during the school year or at the call of the president, or at the request of three members of the board.

SECTION 4. TERMS OF OFFICE:

- a. The terms of office of all officers shall be one year except: Secretary, effective with the election of spring of 1986, shall serve two years. Treasurer, effective with the election in the spring of 1987, shall serve two years. All terms shall begin on August 1 and expire on July 31 of the appropriate year.
- b. If a vacancy occurs in the office of president, the president elect shall immediately assume the duties of president. A vacancy occurring in any other office may be filled by appointment of the president until the next regularly scheduled membership meeting. At the meeting, and after a period of at least two weeks for open nominations, a secret ballot election shall be conducted to fill the vacancy.

SECTION 5. IMPEACHMENT:

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

- a. Impeachment proceedings against an officer may be initiated by written petition submitted to the Board of Directors by at least twenty-five (25) percent of the Representative Council.
- b. If, after a due process hearing, a two-thirds (2/3) vote of the Board of Directors shall sustain the charge, the office shall become vacant.
- c. The officer may appeal the decision to a special meeting of the general membership.

SECTION 6. NOMINATION AND ELECTION OF OFFICERS:

The President shall annually appoint a Nominating Committee which shall be charged with the responsibility of securing candidates for pending vacancies in such a manner as will insure at least proportional representation of ethnic minorities and proportional representation of classroom teachers and administrators. During the month of April any active member shall have the right to make nominations or to be nominated in writing to the Nominating Committee. The election of offices shall be by secret ballot at each school the day of the May Annual meeting. Election by secret ballot shall require a majority of all votes cast. Elected officers shall assume office at the beginning of the next school year unless the election is to fill a vacancy, in which case the elected officer shall assume the office immediately.

SECTION 7. ELECTION APPEALS:

- a. Any voting member may appeal an election to the Board of Directors. The appeal must be in writing, signed by the individual(s) making the appeal, and presented to the president within ten (10) working days after announcement of the election results.
- b. Within ten (10) working days of receiving the appeal, the Board of Directors shall meet to hear the appeal, make a decision, and inform all parties.
- c. Any voting member may appeal the decision of the Board of Directors to the First District Education Association within ten (10) working days after the decision of the Board of Directors.
- d. The persons holding the office before the election shall remain in that position until the appeal has been resolved.

SECTION 8. ETHNIC-MINORITY REPRESENTATION:

The Association shall make every effort to encourage the nomination and election of ethnic-minority members to the Board of Directors. In the event that the Board of Directors has fewer ethnic-minority members, the Board of Directors shall create the necessary additional office(s) and the Nominating Committee shall call for the nominations of ethnic-minority members. All members shall have the right to offer such nominations. The general membership at its next regularly scheduled meeting shall elect officer(s) by secret ballot.

SECTION 9. PROPORTIONAL REPRESENTATION BY EDUCATIONAL POSITION:

The Board of Directors shall be composed of the same proportion of classroom teachers and administrators as exist within the membership. In the event that the Board of Directors does not reflect that proportionately, the Board shall create sufficient new offices to achieve proportionality. All members shall have the right to offer eligible nominations for the new office(s) and the membership, at its next regularly scheduled meeting, shall vote by secret ballot for the new officers.

ARTICLE V. STATE AND NATIONAL DELEGATES

All Association delegations to District, State and National governance bodies shall be elected in conformance with respective requirements.

ARTICLE VI. FINANCES

SECTION 1. DUES:

At the first scheduled business meeting of the Representative Council, the council shall adopt a budget for the following membership year and establish a dues schedule sufficient to fund the budget. Dues will be .1% of a first year teacher's salary, Rank III with zero years experience, rounded to the nearest dollar as determined by McCracken County Board of Education and McCracken County Education Association.

SECTION 2. AUDIT:

The Treasurer shall hire an Auditor each year which shall submit an Audit Report on the prior year's financial transactions to the first regularly scheduled Representative Council meeting each year.

ARTICLE VII. ELECTIONS:

SECTION 1. NOTICE OF ELECTIONS:

Representative Council members shall inform faculty members of elections to be held. The active members of the association in each school shall have an opportunity to nominate candidates or may nominate themselves by delivering nominations in writing to the Nominating Committee. The association shall make every effort to encourage the nominations and election of ethnic minority members to the Board of Directors and the Representative Council.

The following requirements shall be observed in the preparation of the ballot:

- a. The names of all nominees shall appear on the ballot.
- b. The ballot shall not identify the source of any nomination, indicate endorsing parties, or contain any information that might be construed as influencing voters.
- c. Provision shall be made for write-in votes.

SECTION 2. MAJORITY VOTE:

A majority vote of the valid ballots cast shall be necessary for election. The computation of a majority shall be based on the total number of valid ballots cast, not on the total number of votes. A valid ballot shall be a ballot cast for no more than the maximum number of positions to be filled and cast in a manner that clearly indicates the voter's choice. If a member leaves one or more of the choices blank on a ballot containing more than one or more of the offices to be filled, the blank spaces in no way affect the validity of the vote(s) cast for one or more of the offices to be filled. A totally blank ballot is not counted.

SECTION 3. BALLOTS:

1. All elections shall be held by secret ballot.
2. Secret ballot means a voting procedure, which cannot disclose the identity of the voter on the marked ballot to the individuals tallying the result of the voting.
 - a. In an in-person election, whether the individual votes on a slip of paper or on a voting machine, the individual must be provided an area where the ballot may be marked with reasonable secrecy.
 - b. In a mail ballot, one permissible procedure is to instruct the voter to place the marked ballot in an unmarked envelope, which is then to be sealed and inserted into a larger envelope which identifies the voter with respect to eligibility to vote. Before tabulation, the inner envelope must be separated from the larger envelope identifying the sender.
3. Challenged ballots will be set aside by the Committee on elections until a decision regarding their validity is reached without compromising the secret ballot requirement.
4. When only one individual is nominated for a position, a secret ballot election must nevertheless be conducted in order to permit the opportunity for write-in candidates.

SECTION 4. VOTING FOR INDIVIDUAL OFFICE:

Slate voting shall not be permitted. (This provision prohibits block or unit voting in which a voter chooses two or more candidates by means of placing only one mark on the ballot.)

SECTION 5. CANDIDATES:

Each candidate must be permitted to have an observer at the polls and at the counting of the ballots if an in-person vote and at the preparation, mailing, and counting of ballots in a mail ballot.

- a. Candidate placement on Ballot - Names may be placed in an order in accordance with any procedure, which is not designed to give preferential treatment to any candidate.

SECTION 6. RUN-OFF ELECTION:

1. Under Robert's Rules of Order, if any office remains unfilled after the first ballot, the balloting should be repeated as many times as necessary to obtain a majority vote for a single candidate. In such event, the names of all nominees who wish to remain on the ballot should be placed on the run-off ballot.
2. To achieve a majority, the run-off ballot shall list those unsuccessful candidates who, in descending order, received the highest number of votes on the previous ballot, listing at least one more candidate than the number of positions to be filled.

SECTION 7. OTHER VOTING PROCEDURE:

1. The active members of the association shall receive a ballot to cast a vote. Each member can cast only one ballot in a single election. At the close of the day on which voting takes place, the head MCEA Representative will collect the ballots, count the votes, and present the election results to the President of the Association.
2. Election results should be released immediately after ballot tabulation has been completed.
3. A person eligible to cast a vote may not do so by proxy.
4. There shall be separate ballots for local positions and district positions.

ARTICLE VIII. CHALLENGES OF ELECTIONS AT THE LOCAL LEVEL

Election challenges of McCracken County Education Association shall be resolved at the local level by the local Board of Directors (local executive board).

ARTICLE IX. APPEALS OF ELECTIONS AT THE LOCAL LEVEL

A voting member of McCracken County Education Association who feels that the election has not been in accordance with the election criteria (as printed above), and has not been resolved at the local level, may issue an appeal to the district board of directors in the following manner:

1. An appeal must be made within ten (10) working days after the decision at the local level has been rendered.
2. The appeal, which must be in writing and must state the exact criteria allegedly, violated, shall be presented to the First District Education President.
3. The appeal must be signed by the candidate or a member. A copy of the challenge shall be presented to the McCracken County Education Association President.
4. Within ten (10) working days of receiving the appeal, the District President shall call a meeting of the First District Board of Directors for the purpose of hearing the appeal.
5. The Board of Directors may call witnesses or take written-signed statements from both parties to the question.
6. The District Board shall guarantee that all parties to the appeal will be given equal opportunity to present their case.

7. The district board will make a decision and inform all parties.
8. If any party is not satisfied with the decision of the District Board, he or she may appeal the decision to the KEA Executive Committee.
9. The appeal, which must be in writing and must state the exact criteria allegedly violated, shall be presented to the KEA President.
10. The candidate or a member shall sign the challenge. A copy of the challenge shall be presented to the KEA President.
11. Within fifteen (15) working days of receiving the challenge, the KEA President shall call a meeting of KEA Executive committee for the purpose of hearing the challenge.
12. The Executive Committee may call witnesses or take written-signed statements from both parties to the question.
13. The Executive Committee shall guarantee that all parties to the challenge will be given equal opportunity to present their case.
14. The KEA Executive Committee shall make a decision and inform all parties.
15. Notice of the appeal shall be presented to the KEA President in writing within ten (10) working days of receipt of the notice from the Executive Committee.
16. The appeal shall be presented at the next regularly scheduled meeting of the KEA Board of Directors.

ARTICLE X. HOLDING OF OFFICE DURING A CHALLENGE OR APPEAL

The person holding the office before the election shall remain in that position until the challenge or appeal has been resolved.

ARTICLE XI. AUTHORITY

SECTION 1. STATE AND NATIONAL AFFILIATION:

The Association shall comply with all affiliation requirements of the Kentucky Education Association and the National Education Association. Any part of this constitution found to be in conflict with the constitution or by-laws of either the Kentucky Education Association or the National Education Association shall be declared null and void.

SECTION 2. PARLIAMENTARY PROCEDURE:

Robert's Rules of Order, Newly Revised shall be the authority governing all matters of procedure not otherwise provided in this constitution.

ARTICLE XII. AMENDMENTS

The members may adopt amendments to this Constitution by a two thirds (2/3) majority of those voting at any regular meeting provided that amendments have been introduced at the preceding regular meeting and that copies of proposed amendments have been distributed to members of The Representative Council for faculty discussing.

ARTICLE XIII. RATIFICATION OF CONTRACT

The voting on contract proposals shall take place at each member's workplace, unless the Professional Negotiations committee deems it necessary to convene a General Membership meeting. Prior to the day set aside for voting, an informational meeting shall be held for all interested members to study the contract/salary proposals presented by the Professional Negotiations committee.

BY-LAWS

ARTICLE I. MEETINGS

SECTION 1.

Board of Directors (Executive Board) shall meet the first (1st) Tuesday of each calendar month or at the call of the president, or at the request of three members of the Board.

SECTION 2.

The Representative Council shall meet on the third (3rd) Tuesday of the calendar month. The secretary of the McCracken County Education Association shall prepare the agenda for each meeting and shall circulate it to all members of the Representative Council so that representatives shall have time to be instructed by their faculty members in advance of the Representative Council meeting.

SECTION 3.

Special meetings of the Representative Council may be held at the call of the president or upon written request to the Board of Directors from five faculty representatives. Business to come before special meetings must be stated in the call, which shall be sent in writing to each representative.

SECTION 4.

Central Membership Meetings: The Board of Directors (Executive Board) shall arrange at least two meetings of the each year for discussion of professional issues, and voting on matters of general concern (Constitution, basic finances, etc.)

ARTICLE II. QUORUM

A quorum shall be present at the Representative Council, Executive Board, committees, and general membership meetings: all to include regular and called meetings. For a meeting to be called to order to conduct business there must be a quorum present. A quorum is defined as 50% plus one member of the total membership of the association.

ARTICLE III. DUTIES OF OFFICERS

SECTION 1. PRESIDENT:

- a. Preside over all Association meetings.
- b. Represent the Association on all matters of Association policy personally or through delegates.
- c. Serve as ex-officio member of all Association committees.
- d. Appoint the chairs of committees.
- e. The president shall be paid transportation expenses at the rate of whatever KEA is paying at the time.
- f. The president shall be a voting delegate to the National education Association.

SECTION 2. PRESIDENT ELECT:

- a. Assist the president at all meetings.
- b. Serve as ex officio member of all standing committees.
- c. Become president at the expiration of one year or when the presidency becomes vacant excepted as provided in Article V, Section 2.

SECTION 3. VICE PRESIDENT:

- a. Perform the functions usually attributed to this office.
- b. Work closely with one or more standing committees as the President may suggest.
- c. Perform such other duties as delegated by the President.

SECTION 4. SECRETARY:

- a. Keep accurate minutes of all official meetings of the Association.
- b. Prepare agenda and distribute to Representative Council members prior to meeting date.
- c. Maintain official files of the Association.
- d. Maintain official roll of Association.
- e. Perform such other duties as delegated by the President.
- f. Assist President with Association correspondence.

SECTION 5. TREASURER

- a. Hold the funds of the Association and disburse them upon authorization of the Board of Directors.
- b. Maintain records of receipts and disbursements.
- c. Prepare proposed budget and present at first regularly scheduled meeting of Representative Council each year.
- d. Prepare financial reports for monthly meetings of Representative Council and for Executive Board meetings as directed.
- e. Prepare an annual publication to members as directed by the Executive Board.
- f. Keep the President and Executive Board informed of the financial condition of the Association.

ARTICLE IV. DUTIES OF THE REPRESENTATIVE COUNCIL

The Representative Council shall set dues for the association, act on reports of committees, and approve resolutions and other policy statements. It shall be the judge of the qualification and elections officers and faculty representatives. Powers not delegated to the Board of Directors (Executive Board), the officers, or their groups in the association shall be vested in the Representative Council.

ARTICLE V. FACULTY REPRESENTATIVES

SECTION 1.

In each school in McCracken County, faculty members who are members in good standing of this Association shall elect for a term of two years one faculty representative and an alternate to the Representative Council for each ten members or major fraction thereof. Work sites with fewer than six members shall cluster with another work site for representation. Elections shall be held in May, and representatives and alternates shall take their seats at the next meeting of the Representative Council.

SECTION 2.

Faculty representatives or alternates shall attend the regular meetings of the Representative Council.

SECTION 3.

The faculty representatives 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 faculty representatives and two way association communications within the school.

SECTION 4.

A building housing only administrative offices shall be considered a school building for purposes of the association and each such office shall be considered a member of the faculty of that building.

SECTION 5.

Faculty representatives shall be members of the Kentucky Education Association and the National Education Association for at least one-year prior to their election and shall maintain their membership in good standing during their term of service.

ARTICLE VI. STANDING COMMITTEES

SECTION 1.

The President shall appoint committee chairs and chairs shall appoint committee members EXCEPT: The Professional Negotiation Committee and the Sick Leave Bank Approval Committee. Each committee shall choose a secretary who shall keep minutes of activities. The chairperson shall report as necessary to the Representative Council and shall prepare a written report summarizing objectives and action plan which shall become a part of the continuing committee record in the association files. The chair of the committee shall distribute to the Representative Council members a copy of the report for distribution to general membership.

SECTION 2. TITLES

The Association shall have the following standing committees for effective local activities: Public Relations Committee, Political Education Committee, Teacher Welfare Committee, Professional Rights and Responsibilities Committee, Professional Negotiations Committee, Professional Negotiations Advisory Committee, Sick Leave Bank Approval Committee.

SECTION 3.

The Public Relations Committee shall make such contact with the community and the public as will develop and maintain a desirable relationship on support of the profession and the whole program of public education.

SECTION 4.

The Political Education Committee shall study pending legislation and shall promote activities leading to the passage of desirable state legislation for schools. To study legislation before the Congress and to develop activities leading to the passage of desirable federal legislation for schools are also goals. The committee shall keep the members informed on legislative matters affecting schools or the profession. The Political Education Committee shall engage in political education activities, including, but not limited to, candidate interviews, candidate endorsements, and campaign activities and making recommendations to KEPAC for contributions to candidates.

SECTION 5.

The Teacher Welfare Committee shall study problems connected with teacher welfare and make recommendations for promoting teacher welfare to the local association and proper authorities. The Teacher Welfare Committee shall be composed of a chairperson (appointed by the President) and a person (selected by his /her faculty) from each elementary, middle, and high school. It is the responsibility of each selected teacher to report to the chairperson about his/her fellow staff members.

Guidelines For Teacher Welfare

1. Retirees Gift \$75
2. Cards will be sent for other occasions or events.

SECTION 6.

The Professional Rights and Responsibilities Committee shall explore and prepare action programs and procedures for the redress of all grievances qualified under the McCracken County negotiated contract or by law. This committee will explore action programs for securing satisfactory personnel policies. It shall advise the Representative Council on procedures for the implementation of the Code of Ethics. This committee shall advise the Executive Board in situations of censure, suspension, or expulsion of members of the Association.

SECTION 7.

The Professional Negotiation Committee shall consist of the president, president-elect, vice-president, one rotating member from the Executive Board, and three members elected at large, the latter shall be elected for a three-year term.

SECTION 8.

The Professional Negotiation Advisory Committee shall consist of a representative from each school not represented on the negotiation committee. The committee shall develop broad position statements which serve as guides for the negotiation team. The committee shall also develop data that the negotiators will use as they press the Association's demand.

SECTION 9.

Each teacher representative serving on the Approval Committee for the Sick Leave Bank shall be elected by the general membership. The term of office for each Approval Committee member shall be two years. Committee members may be eligible to run for successive terms, and there shall be no limit on the number of terms that a member may serve. Elections shall be held in conjunction with the election of officers. One member shall be elected on even numbered years, and two members shall be elected on odd numbered years. In the event of a vacancy, the president may appoint a member to the Approval Committee to fill the remainder of a term.

ARTICLE VII. SPECIAL COMMITTEES

The President shall appoint a Nominating Committee; a Committee of Elections, a Calendar Committee and such other committees as may be necessary to achieve the Association program. All committees shall receive specified charges from the President and shall be discharged upon completion of those charges. These committees shall operate according to rules approved by the Representative Council. No officer of the Association shall serve on the Nominating Committee.

ARTICLE VIII. ELECTIONS

SECTION 1. NOMINATIONS:

1. The active members of the association in each school during the month of April may nominate a candidate for president-elect, vice-president, secretary, treasurer, one PN member and three delegates at large, and such shall be delivered in writing to the Nominating Committee. The association shall make every effort to encourage the nominations and election of ethnic minority members to the Board of Directors and the Representative Council.
2. The Nominating Committee shall report all nominations to the Representative Council at the April meeting. Members of the Council may nominate other candidates from the floor.
3. Election of officers shall be by secret ballot at each school the day of the May general meeting.

SECTION 2. ELECTIONS OF DELEGATES AND ALTERNATES TO KEA AND FDEA

1. The nominating Committee shall submit a slate of candidates to the Representative Council for position of delegates and alternates to KEA. The KEA delegates compose the list of delegates to FDEA.
2. Due regard should be given to the securing of:
 - a. experienced persons as FDEA and KEA delegates.
 - b. the broadest possible representation of the full membership in these delegates.
 - c. president, president-elect, and secretary will be elected as delegates by vote at the time of their election to their offices.

3. Other persons may be nominated by the Representative Council, if required to do so by their faculty.
4. Delegates and alternates shall be elected for a one-year term.
5. The General membership shall elect the delegates by secret ballot at the local building level.

SECTION 3. STANDARDS FOR AFFILIATION

“Election appeals to the KEA Board and Review Board may be made within ten (10) days following the election by a candidate who believes he/she had proof of an improperly conducted election for the office for which he/she was a candidate. Said appeal should be sent to the KEA President. Candidates elected to office shall assume their respective duties until a successful appeal is confirmed by the KEAA Board of Directors and Review Board and returned to the local/district for disposition.”

ARTICLE IX. AUTHORITY

Robert’s Rules shall be the parliamentary authority for the association on all questions not covered by the constitution and by-laws and such standing rules as the Representative Council may adopt. The President may appoint a Parliamentarian.

ARTICLE X. AMENDMENTS

These by-laws may be amended by majority vote at any regular meeting of the Representative Council provided that amendments have been sent to faculty representatives two calendar weeks in advance of the meeting.

Revised May 2009

Revised May 2010

Revised May 2015