



# **Derby Education Association**

## **Constitution and By-laws**

**June 1, 2003**

# **CONSTITUTION AND BY-LAWS OF THE DERBY EDUCATION ASSOCIATION**

## **ARTICLE I - NAME**

The name of this organization shall be the Derby Education Association.

## **ARTICLE II - OBJECTIVES**

The objectives of this organization shall be to promote the best interests of education, to improve the professorial status of its members, and to cooperate with the Connecticut Education Association and the National Education Association for purposes of mutual professional advancement.

## **ARTICLE III - MEMBERSHIP**

- Section 1. All certified professional employees (below the rank of Assistant Principal) of the Board of Education in this school district shall be eligible for active membership, providing that they are also enrolled as active members of the Connecticut Education Association and the National Education Association.
- Section 2. Adherence to the Code of Ethics of the Education Profession adopted by the Association shall be a condition of continuance of membership.
- Section 3. The Association shall not deny membership to individuals on the basis of race, creed, national origin, age, marital status, sexual orientation, or gender nor shall any organization which so denies membership be affiliated with the Association.
- Section 4. All right, title and interest, both legal and equitable, of a member in and to the property of the Association shall end upon the termination of such membership. A member shall not be considered terminated when the member is actively appealing his/her employment termination pursuant to §10-151 of the Connecticut General Statutes.

## **ARTICLE IV - EXPULSION AND REINSTATEMENT OF MEMBERS**

Expulsion and reinstatement of members shall be governed by the procedures outlined in the Constitution and By-laws of the Connecticut Education Association.

## **ARTICLE V - DUE PROCESS**

Due process for members shall be provided in accordance with the Constitution and By-laws of the Connecticut Education Association and the CEA Board Policy on Appeals Procedure.

## **ARTICLE VI - OFFICERS**

- Section 1. The officers of this organization shall be a president, vice-president, or co-presidents, secretary and treasurer.
- Section 2. The president and vice-president, or co-presidents, secretary and treasurer shall be elected for a term of one (1) year or until their successors shall have qualified.
- Section 3. The election of the president, vice-president, secretary and treasurer shall be conducted by secret ballot. The officers shall assume office on July 1<sup>st</sup> of every year.
- Section 4. Vacancies occurring by reason of death, resignation, incapacity or by other disqualifications shall be filled in accordance with procedures defined in the By-laws.

## **ARTICLE VII - EXECUTIVE BOARD**

- Section 1. In addition to the officers specified in Article VI, the Executive Board shall consist of the local's building representatives (2 per elementary school and 3 per Junior/Senior High School) and the chairs of the standing committees.

## **ARTICLE VIII - MEETINGS**

- Section 1. The Executive Board shall meet at least monthly during the school year. Special meetings of the Executive Board shall be at the call of the president or upon request of five other members. Meetings of the Executive Board shall be rotated each month between the district's public schools. Members of the Association shall be advised of the time, place and agenda of each Executive Board meeting not less than 48 hours prior to the meeting. Members shall be provided a reasonable opportunity to raise general concerns of the faculty at the beginning of each Executive Board meeting.
- Section 2. Meetings of the general membership shall be conducted once a year, in the month of October, or special meetings to be called at

the discretion of the president, the Executive Board or upon petition of 20% of the members.

- Section 3. The most recent edition of Robert's Rules of Order, newly revised, shall be the authority governing all matters of procedure not otherwise provided in the Constitution and By-laws.

## **ARTICLE X - QUORUM**

- Section 1. A quorum for general meetings of the Association shall consist of ten percent of the members.
- Section 2. A quorum for all other meetings shall consist of twenty percent.
- Section 3. A motion to adjourn shall not require a quorum.

## **ARTICLE XI - AFFILIATION**

This organization, as an affiliate of the CEA and NEA, shall comply with the standards and procedures set forth in the By-laws of the Connecticut Education Association and the National Education Association

## **ARTICLE XII - WAIVERS**

Any provision of this constitution found to be in contradiction to CEA or NEA requirements which could result in disaffiliation by the CEA or NEA may be waived and operating procedures established to bring the Association into compliance by two-thirds majority vote of the Executive Board. Such waiver and operating procedure shall remain in effect until this constitution has been duly changed.

## **ARTICLE XIII - DISSOLUTION**

Upon any dissolution or liquidation of the Derby Education Association, all of its assets remaining after payment of its liabilities shall be paid to the Connecticut Education Association. Each member of the Derby Education Association shall be deemed to have waived and relinquished all rights conferred by statute or otherwise upon members of corporations without capital stock to share in such assets upon any dissolution or liquidation.

## **ARTICLE XIV - AMENDMENTS**

This Constitution may be amended by a two-thirds majority of the ballots cast

by the active members, providing the amendment has been proposed by the Executive Board. Proposed amendments shall be distributed to the general membership at least two weeks prior to their vote. Amendments shall become effective upon ratification unless specified otherwise.

## **ARTICLE XV - RATIFICATION**

This Constitution shall become effective upon ratification by a majority of the ballots cast by the active members.

## **BY-LAWS**

### **ARTICLE I - OBJECTIVES**

The objectives of the Derby Education Association shall be:

1. To advance professional rights and to enhance professional responsibilities in order to further the consistent development and improvement of the profession and its practitioners;
2. To create in the community-at-large a deeper sense of the dignity and importance of the teaching profession;
3. To initiate and encourage programs which have as their purpose the improvement of the educational opportunities offered to the youth of the Derby Public School System;
4. To represent all certified teachers of the Derby Board of Education;
5. To cooperate with the Connecticut Education Association and the National Education Association for the purposes of mutual professional advancement.

### **ARTICLE II - MEMBERSHIP**

Section 1. "Certificated Professional Employee" shall mean a person who is actively engaged in the teaching profession, certificated by the State Board of Education and part of the legal bargaining unit.

Section 2. There shall be two (2) classes of membership in the Association - Active and Retired.

- A. Active membership shall be open to any certificated, professional teachers who is engaged in or who is on a limited leave of absence from professional educational work. Active membership is limited to persons who support the principles and goals of the Association and maintain membership in the

national and state affiliates where eligible.

- B. Retired membership shall be open to any retired member who has held active membership in the Association for a total of 10 years or for at least the 5 years immediately prior to retirement.

### Section 3. Rights and Limitations

- A. The right to vote and to hold elective office or appointive position shall be limited to active members except as otherwise provided.
- B. Active members shall be eligible to receive special services, to obtain assistance in the protection of professional and civil rights, and to receive reports and publications of the Association.
- C. An individual who is a member of a negotiating team representing a school board shall be ineligible for membership.

### Section 4. Membership and Dues

- A. Continuity of Membership - Membership as indicated in Article III, Section 1 of the Derby Education Association Constitution shall be considered as continuous.
- B. Membership Year - A membership year begins July 1<sup>st</sup> and runs through June 30<sup>th</sup> of the following year.
- C. Dues
  - 1. Dues shall include the cost of active membership in the CEA and NEA.
  - 2. Local dues shall be set as part of the annual budget.
- D. Special Assessments - Special assessments may be recommended by the Executive Board. They shall be collected if approved by a two-thirds majority of the ballots cast by the active members.

## **ARTICLE III - OFFICERS**

### **Powers and Duties Of The Officers**

- Section 1. The president or co-presidents shall be the chief executive officer(s) of the Derby Education Association and its (their) policy leader(s).

If there are co-presidents, they will assume all duties normally assigned to the offices of president and vice-president. The president shall:

- A. Represent the Association as spokesperson on matters of policy or assign, at the president's discretion, responsibility for such representation.
- B. Prepare the agenda for and preside over meetings of the Executive Board and of the general membership.
- C. Nominate, except as provided in these By-laws, all chairpersons of committees; such chairpersons to serve at the pleasure of the president, except where a term is fixed by these By-laws.
- D. Serve as an ex-officio member of all committees.
- E. Preside over the local delegation to the Representative Assemblies of the Connecticut Education Association and the National Education Association.
- F. Authorize orders and sign checks drawn upon the Association's treasury. All checks shall be co-signed by the treasurer.
- G. Perform the duties as stipulated in the Constitution and in these By-laws, and such other duties as are customarily assumed by the chief executive officer of an Association.
- H. The president shall have all local, CEA and NEA dues paid on his/her behalf.

Section 2. The vice-president shall:

- A. Act for the president when the president is unable to perform the duties of the office.
- B. Attend the meetings of the CEA New Haven County Council and its Advisory Board.
- C. Perform such other duties as are stipulated by the Constitution, by these By-laws, and by the president.
- D. The vice-president shall have all local, CEA and NEA dues paid on his/her behalf.

**Section 3. The secretary shall:**

- A. Keep a record of the proceedings of all meetings, including those of the Executive Board.
- B. At the direction of the president, carry on the correspondence of the Association.
- C. Maintain a file of all committee, financial, and other reports of the Association.
- D. Maintain a record of attendance at Executive Board and general membership meetings.
- E. Perform such other duties as are stipulated by the Constitution, by these By-laws and by the president.
- F. The secretary shall have all local, CEA and NEA dues paid on his/her behalf.

**Section 4. The treasurer shall:**

- A. Act as receiver and custodian of all funds of the Association; make all transfers and payments from those funds as duly authorized; keep an itemized record of receipts and expenditures.
- B. Make a written line-item report for (1) the membership annually, and (2) the regular monthly meetings of the Executive Board.
- C. Sign all checks of the Association. A checks shall be co-signed by the president.
- D. Prepare with the assistance of the Executive Board the annual budget for presentation to the Executive Board.
- E. Perform such other duties as are stipulated by the Constitution, by these By-laws and by the president.
- F. The treasurer shall have all local, CEA and NEA dues paid on his/her behalf.

## **ARTICLE IV - EXECUTIVE BOARD**

### **Powers And Duties Of The Executive Board**

#### **Section 1. The Executive Board shall:**

- A. Have authority to speak and act for the Association between meetings of the Executive Board, formulate policies, and carry on the program of the Association. It shall fill any vacancies in office that may occur between elections.
- B. Assist the Treasurer in the preparation of the annual budget.
- C. Approve grievances for submission to arbitration.
- D. Transact any and all business of the Association, except that excluded by this Constitution and By-laws.
- E. Take action on the nomination of persons to chair standing committee(s).
- F. Take action on the annual budget as presented by the treasurer and authorize any expenditures not included in the budget.
- G. Receive timely reports for contractual negotiations with the Board of Education as presented by the Negotiations Committee.

#### **Section 2. Limitations**

- A. The action of the Executive Board shall be subject to review and repeal by the general membership at a meeting called for this purpose. A majority vote of those present and voting shall be final.
- D. Perform such other functions as stipulated by the Constitution and these By-laws, and such other duties as are customarily assumed by the Executive Board of an Association.

## **ARTICLE V - COMMITTEES**

#### **Section 1. The following committees shall be the standing committees of the Derby Education Association: Membership, Sunshine,**

Negotiations, and Professional Rights and Responsibilities.

Section 2. The president, with the approval of the Executive Board, shall create other committees as required.

Section 3. Chairpersons

- A. Chairpersons of standing committees shall be appointed annually by the president with the approval of the Executive Board. Co-chairpersons may be appointed.
- B. Chairpersons of other committees shall be appointed by the president.
- C. Each committee chairperson shall report at each regular meeting of the Executive Board.
- D. Each standing committee chairperson shall present at the last regular meeting of the Representative Council a written annual report. Chairpersons of other committees shall present a final report at said meeting or at the termination of that committee.
- E. Each chairperson of a committee is authorized to endorse vouchers for the expenditure of funds allocated to that committee.

Section 4. Membership and Responsibilities of Standing Committees

A. Membership Committee

This committee shall enroll members in the Association. It shall organize and conduct informational programs and promote activities to augment membership.

B. Negotiations

This committee shall represent the Association before the administration and the Board of Education in studies and negotiations concerning salaries and other conditions of employment of teachers. This committee shall be comprised on an equal number of elementary and secondary school representatives.

C. Professional Rights and Responsibilities Committee

This committee shall process individual and/or class action

professional problems in the area of grievance, prohibited practices, or other administrative or legal proceedings.

D. Sunshine Committee

This committee is responsible for implementing social and hospitality functions of the local.

## **ARTICLE VII - NOMINATIONS AND ELECTIONS**

Section 1. The president shall appoint members to serve on the Nominations and Elections Committee.

Section 2. The Nominations and Elections Committee shall:

- A. Be representative of all levels of Association membership.
- B. Inform the Executive Board of the nominations for elected offices by May 1<sup>st</sup> of each year.
- C. Distribute the list of nominees to the general membership by May 15<sup>th</sup> of each year.
- D. Elections for officers shall be conducted at a June General Membership Committee when there is an election contest.
- E. Present the slate of nominees for office to the membership at least 2 weeks prior to the elections.
- F. Hold the election no later than the end of each school year.

Section 3. This committee shall be charged with conducting all other voting and balloting by the general membership.

Section 4. No candidate for elected office shall conduct the election or serve as a teller.

## **ARTICLE VIII - DELEGATES**

Delegates to the CEA and NEA Representative Assemblies shall be chosen by open nominations and "secret ballot".

## **ARTICLE IX - REMOVAL OF OFFICERS**

Executive 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.

- Section 1. Impeachment proceedings against an officer may be initiated by written petition submitted to the Executive Board by at least fifteen percent of the Executive Board members.
- Section 2. If after a due process hearing, a two-thirds vote of the Executive Board membership shall sustain the charge, the office shall become vacant.

## **ARTICLE X - BONDING**

The treasurer and president of this Association shall each be bonded in such amounts as are deemed necessary.

## **ARTICLE XI - FINANCES**

- Section 1. The fiscal year of the Association shall run from July 1<sup>st</sup> through the next June 30<sup>th</sup>.
- Section 2. The treasurer shall present the proposed annual budget at the May meeting of the Executive Board. The Executive Board shall approve an annual budget at a June meeting. Approval shall be by two-thirds majority of those present and voting.

## **ARTICLE XII - STANDARDS**

The Association shall:

- A. Apply the one-person, one-vote principle for representation on its governing bodies.
- B. The Association shall take all reasonable and legally permissible steps to guarantee ethnic-minority representation at least proportionate to its ethnic-minority membership.
- C. Conduct all elections with open nominations and a secret ballot.
- D. Hold all Executive Board meetings open to members of the Association.

- E. Permit guests at Executive Board and General Membership meetings at the discretion of the President.
- F. Endeavor to secure equal representation from all segments of the membership on all committees.

### **ARTICLE XIII - WAIVERS**

Any provision in these By-laws found to be in contradiction to CEA or NEA requirements which could result in disaffiliation by the CEA or NEA may be waived and operating procedures established to bring the Association into compliance by two-thirds majority vote of the Executive Board. Such waiver and operating procedure shall remain in effect until the By-laws have been duly changed.

### **ARTICLE XIV - AMENDMENTS**

These By-laws may be amended by the Executive Board with a two-thirds majority of those present and voting. Amendments may be proposed by any Executive Board member. Amendments shall be proposed at one regular meeting and voted on at the next regular meeting. Proposed amendments shall be distributed to the general membership at least two weeks prior to the Executive Board vote.

### **ARTICLE XV - RATIFICATION**

Upon ratification by a majority of the ballots cast by the active members, the By-laws shall be implemented as feasible, prior to September 1, 2003.

