

*NOTE: Boxes contain suggestions and/or explanations, not actual language for inclusion.*

## L-5

### Local Constitution Prototype

*(Adopted by the MEA Board of Directors January 21, 1977; amended January 20, 1978, August 22, 1980, February 22, 1985, November 7, 1986, January 16, 1990, March 13, 1998, November 5, 1999, November 10, 2000, April 25, 2002, March 10, 2006, March 12, 2010, July 28, 2014 and July 25, 2019)*

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#### Preamble

We, the \_\_\_\_\_ [choose one of the following: professional educators, educational support professionals, or professional educators and educational support professionals] of the \_\_\_\_\_ [choose one of the following: school district, county, educational institution], believing that we must institute our own self-government and secure proper recognition and responsibility for the well-being of our members, adopt this Constitution.

#### I. Name

The name of this organization shall be the \_\_\_\_\_ MEA-NEA, an affiliated unit of the Michigan Education Association and the National Education Association. The association shall be a nonprofit corporation organized in accordance with the laws of Michigan.

This would be the appropriate place to include a MABO bargaining unit or any other affiliation.

#### II. Purpose

The objectives of this association shall be the improvement of education, the advancement of the interests of education, of educators and of educational support professionals, and the promotion of the professional growth of its members.

This section may be expanded as long as it is not in conflict with MEA policy.

#### III. Membership

- A. All persons who meet the active membership requirements of the Michigan Education Association may, upon payment of dues as herein provided, become active members of this association with full rights and privileges of membership.

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- B. Active members of this organization shall also be members of the Michigan Education Association and the National Education Association.
- C. No member shall be censured, suspended or expelled without a due process hearing. The hearing shall be conducted by the local trial body or by the local governing body if no trial body exists. An appeal may be made to the MEA Board of Reference.
- D. Active members who meet the requirements established by the MEA in the Dues Transmittal Policy for the payment of dues shall be considered active members in good standing and shall be entitled to the rights, privileges and benefits of membership.

Associate or any other types of membership should be defined in this section. This section could also list rights and privileges of association membership or any other affiliation.

#### **IV. Officers and Governing Bodies**

Should a local wish to elect Local Officers, MEA Representative Assembly delegates, NEA Representative Assembly delegates, and additional Region Council delegates all at one time, it must take place prior to April 1.

- A. *Officers.* The officers of the organization shall consist of a president, a vice president, a secretary, and a treasurer. Terms of officers shall be for \_\_\_\_\_ ( ) years and shall commence on \_\_\_\_\_. Elections shall be held prior to \_\_\_\_\_. The President, or duly elected officer, shall serve as a Region Council delegate.

Term of office for local officers should not exceed three (3) years.

- B. No person shall be a candidate for office or position or hold office or position, whether elected or appointed, in the association unless he or she is an active member in good standing. Any office or position holder, whether elected or appointed, of the association that does not maintain active membership in good standing shall be removed from office after notice and opportunity to return to good standing within 30 days.
- C. *MEA Representative Assembly delegates.* The term of office for MEA Representative Assembly delegates and alternates shall be \_\_\_\_ ( ) years commencing on \_\_\_\_\_. Elections shall be held prior to June 1. When there are four (4) or more MEA Representative Assembly delegates elected, Representative(s) of Minority Persons 3-1G shall be elected as required by the MEA Constitution and Bylaws. Each MEA Representative Assembly delegate shall serve as a Region Council delegate.
- D. *NEA Representative Assembly delegates.* The term of office for NEA Representative Assembly delegates and alternates shall be \_\_\_\_ ( ) years commencing on \_\_\_\_\_. Elections shall be held prior to April 1. When there are three (3) or more NEA

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Representative Assembly delegates elected, Representative(s) of Minority Persons 3-1G shall be elected as required by the MEA Constitution and Bylaws.

The term of office for MEA Representative Assembly delegates may be two (2) or three (3) years. The term of office for NEA Representative Assembly delegates may be one (1), two (2) or three (3) years. Further, it is recommended that locals make the local president the first MEA and NEA Representative Assembly delegate.

E. *Any additional Region Council delegates.* The term of office for any additional Region Council delegates shall be \_\_\_\_\_ ( ) years commencing on \_\_\_\_\_,

The use of additional Region Council delegates is determined on a Region by Region basis. The term of such delegates should not be more than 3 years.

F. *Governing body.*

1. There shall be a governing body, which shall consist of officers, association building representatives, and delegate(s) to the MEA Representative Assembly.

If a local has multiple delegates, at least one Representative Assembly delegate is required, including a local's cluster delegate, if applicable.

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

A local may establish other governance bodies (such as executive board or local trial body), which may be part of the governance structure, but is not required.

## V. Direct legislation

A. *Initiative.* The rights of popular initiative shall rest with the active membership in good standing of the association. Upon receipt of a petition signed by at least fifteen percent (15%) of the active membership in good standing of the association, the secretary shall announce a general meeting or ballot as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active

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membership in good standing shall be required for its adoption, which shall take effect thirty (30) days later.

- B. *Referendum.* The rights of referendum shall rest with the active membership in good standing of the association. Upon receipt of a petition signed by at least fifteen percent (15%) of the active membership in good standing of the association, the secretary shall announce a general meeting or ballot as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership in good standing shall be required for its adoption, which shall take effect thirty (30) days later.
- C. *Recall.* The right of recall shall rest with the electing body. Upon receipt of a petition signed by at least fifteen percent (15%) of the membership in good standing of the electing body, the secretary shall announce a general meeting or ballot by the electing body as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership in good standing shall be required for its adoption, which shall take effect thirty (30) days later. Delegates to the MEA Representative Assembly may only be recalled for just cause.

A local's bylaws may change the required percentage for initiative, referendum and recall, but the number of signatures required for recall elections shall not be less than 15%.

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

## **VI. Membership and fiscal year**

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

## **VII. Authority**

Any part of this Constitution and/or Bylaws that is in conflict with the MEA and/or NEA constitutions and/or bylaws will be declared null and void.

## **VIII. Amendments**

Amendments to this Constitution may be introduced by the membership by petition signed by fifteen percent (15%) of the total active membership in good standing and submitted to the secretary. Amendments to the Constitution may also be introduced by the governing body. These proposed amendments shall be acted upon at a subsequent meeting of the membership in good standing or by ballot within at least sixty (60) days of submission. A copy of the proposed amendment, together with the recommendations of the governing body, shall be sent to each member of the association in good standing at least fifteen (15) days prior to

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voting. A two-thirds (2/3) affirmative vote of the active membership in good standing voting is required to adopt the proposed amendment, which shall become effective immediately upon adoption unless otherwise provided.

Current total active members in good standing may be used in place of active membership voting.

## **IX. Dissolution**

Upon dissolution of the association, any assets remaining after the payment of all expenses shall be distributed to its successor so long as the successor is affiliated with the Michigan Education Association or to the Michigan Education Association, a Michigan nonprofit corporation exempt from tax under Section 501(C)(5) of the Internal Revenue Code of 1986.

Any remaining assets after dissolution must be distributed to another entity that is a nonprofit corporation exempt from tax under Section 501(C) of the Internal Revenue Code of 1986. **It is unlawful for assets to be distributed to members or leaders.**

DATE CONSTITUTION LAST RATIFIED: \_\_\_\_\_

The dates listed above **MUST** be on the copy of the governance documents submitted to MEA. It is recommended that a local not ratify changes before having the governance documents reviewed by the MEA Governance Review Committee.

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## **Local Bylaws Prototype**

*(Adopted by the MEA Board of Directors January 21, 1977; amended January 20, 1978, August 22, 1980, February 22, 1985, November 7, 1986, March 13, 1998, November 5, 1999, November 10, 2000, March 10, 2006, July 28, 2014 and July 25, 2019 )*

### **I. Rules**

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

### **II. Meetings**

- A. General membership meetings shall be called by the president or governing body as needed. At least eighteen (18) hours notice is required, specifying date, time, place and purpose of such meetings.

Additional requirements for calling special meetings (including ratification meetings) should be listed in this section. Locals may change the hours of notice, but it must be at least 18 hours.

- B. The governing body shall meet monthly during the school year or in accordance with the calendar adopted by the governing body. After establishment of a calendar, the membership shall be notified of dates, times and place of meetings.
- C. Except as specified in MEA Administrative Policies, meetings shall be open to all members in good standing and members in good standing shall be permitted to address meetings.

### **III. Quorum**

- A. The quorum for the general membership shall be ten percent (10%) of the total active membership in good standing.
- B. A quorum for the governing body membership meeting shall be at least two-thirds (2/3) of the elected members in good standing.

*Warning:* Don't sign away the rights of members by establishing too small a quorum.

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#### IV. Duties of officers and delegates

- A. *President*: Preside over meetings, appoint members of committees subject to approval of the board of directors, serve as ex officio member of all committees, represent the association before the public, be executive officer of the association, submit annual budget for consideration and perform all other functions attributed to this office.

Committee members may be elected instead of appointed. A separate section on committees should be added in that case. If a new section is written, it might include method of selection of a chairperson and reference to task forces and standing ad hoc committees.

- B. *Vice president*: Preside in president's absence and perform duties as assigned by the president.
- C. *Secretary*: Keep accurate minutes of all meetings of association governing body, make minutes available for inspection, maintain official files and assist president with association correspondence.
- D. *Treasurer*: Deposit funds of association and disburse them according to decisions of governing body, maintain roll of members, keep accurate accounts of receipts and expenditures, report to each meeting of association and board of directors, prepare annual financial statement for membership, assist in drafting annual budget. The treasurer shall be bonded and the association shall provide for an annual audit of the books.

The MEA/NEA provides bonding insurance for local treasurers, so it is not necessary for the local to purchase this insurance.

- E. *MEA Representative Assembly delegates*: Keep association informed of actions by the MEA and issues to be presented to the Representative Assembly, attend the MEA Representative Assembly and other appropriate meetings and report back to the association.
- F. *NEA representative assembly delegates*: Keep association informed of actions by the NEA and issues to be presented to the Representative Assembly, attend the NEA Representative Assembly and other appropriate meetings and report back to the association.
- G. *Region council delegates*: Keep association informed of actions by the region council and issues to be presented to the region council, attend the region council and other appropriate meetings and report back to the association.

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## **V. Powers of governing body**

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

Other powers can be listed in this section (such as employment of staff, purchase and maintenance of property).

Assignment of responsibility for determining which body decides that grievances may be carried to arbitration should be included. It may be assigned to the governing body or such other body as specified.

## **VI. Association representatives**

- A. Association representatives are elected on the basis of one (1) AR for each fifteen (15) members in good standing or major fraction thereof, allowing each building (classification) at least one (1) association representative.

This language guarantees the concept of one member/one vote, although the ratio between association representatives and members may vary according to need.

- B. Duties shall be to attend regular meetings of the governing body, call meetings of building (classification) membership to discuss association business, conduct enrollment of members and provide communication between members and governing body.
- C. Term of office shall be for \_\_\_\_\_ year(s) and commence \_\_\_\_\_.
- D. Vacancy in the position of association representative shall be filled by special election in the building (classification).

## **VII. Nominations and elections**

Should a local wish to elect Local Officers, MEA Representative Assembly delegates, NEA Representative Assembly delegates, and additional Region Council delegates all at one time, it must take place prior to April 1.

- A. The president shall appoint an elections committee, which shall establish election procedures that guarantee that all elections shall provide for open nominations by active members in good standing, secret ballot, voting procedures and preservation of ballots for at least one (1) year. The preserved ballots shall be kept in the custody of the president.



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- B. The governing body shall certify the elections committee report and publish results of the election. Official reports of elections must be filed with MEA within thirty (30) days after the election. Official reports of elected representative assembly delegates shall be filed with MEA within ten (10) days after the election.
- C. A vacancy in any of the positions shall be filled by the governing body until the next general election, except a vacancy in the position of MEA or NEA Representative Assembly delegate(s). A MEA or NEA Representative Assembly delegates(s) shall be replaced by the duly elected alternate(s).
- D. Every active member in good standing shall have the opportunity to vote. All elections shall take place following the one member/one vote principle.

MEA Representative Assembly delegates and their alternates, and NEA Representative Assembly delegates and their alternates must always be elected by the membership. These positions may never be appointed.

### **VIII. Contract ratification**

Contract ratification procedures shall minimally incorporate the following:

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

### **IX. Dues**

- A. Dues of the association shall consist of the total amount of local, state and national dues.
- B. Local dues shall be established by a vote of the membership in good standing.
- C. Special assessments can only be voted by the membership in good standing.

The authority to levy dues and assessments may rest with the governing body.

### **X. Amendments**

Amendments to these Bylaws may be introduced by the membership by petition signed by fifteen percent (15%) of the total active membership in good standing and submitted to the secretary. Amendments to the Bylaws may also be introduced by the governing body. These proposed amendments shall be acted upon at a subsequent meeting of the membership in good standing or by ballot within at least sixty (60) days of submission. A copy of the proposed

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amendment together with the recommendations of the governing body, shall be sent to each member in good standing of the association at least fifteen (15) days prior to voting. A majority vote of the active membership in good standing voting is required to adopt the proposed amendment, which shall become effective immediately upon adoption unless otherwise provided.

Bylaw amendments may be adopted by the governing body; however, provision for such power must be clearly spelled out in this section.

Current total active members in good standing may be used in place of active membership voting.

Governance documents must be submitted to the MEA Governance Review Committee for approval prior to ratification at the local level.

DATE BYLAWS LAST RATIFIED: \_\_\_\_\_

The dates listed above MUST be on the copy of the governance documents submitted to MEA. It is recommended that a local not ratify changes before having the governance documents reviewed by the MEA Governance Review Committee.