

# CONSTITUTION STATE COUNCIL OF PROFESSIONAL EDUCATORS OEA/NEA

## **Article 1 – Name**

*Section (A)* - The name of this organization shall be State Council of Professional Educators.

*Section (B)* – The State Council of Professional Educators (the Association) shall maintain affiliation with Central OEA/NEA, the Ohio Education Association and the National Education Association.

## **Article 2 - Purpose**

*Section (A)* – The purpose of the Association shall be to:

- (1) Help set and promote the educational objectives of the state and the nation
- (2) Promote and support through advocacy, the professional development of the state employees in Unit 10
- (3) Advocate for equity with public schools for state employees in Unit 10
- (4) Implement procedures that provide for the safety of Unit 10 employees to the fullest extent possible
- (5) Negotiate for a fair and systematic process of advancement for state employees in Unit 10
- (6) Assist in the establishment and effective implementation of a communication process through which employees in unit 10 will be able to voice concerns and suggestions and impact on administrative policymaking
- (7) Seek the full and equal implementation of state policy that affects state employees in Unit 10 throughout all state agencies and departments
- (8) Maintain a grievance procedure that state employees in Unit 10 may utilize when normal methods of sharing problems and concerns with the administration are found to be ineffective
- (9) Seek OEA representation and implementation of the Association’s goals and objectives to ensure that the clients and students receive the most professional and effective treatment and care possible

## **Article 3 - Membership**

*Section (A)* – All State of Ohio professional employees included in Unit 10 shall be eligible for active membership.

*Section (B)* – Active members shall be members of the State Council of Professional Educators, Central OEA/NEA, the Ohio Education Association and the National Education Association.

*Section (C)* – All members shall abide by the Code of Ethics of the Education Profession.

## **Article 4 - Officers**

*Section (A)* – The Officers of the Association shall be the President, Vice-President, Secretary, Treasurer, and Immediate Past President.

*Section (B)* – The duty of the officers shall be to act as the authoritative voice of the Association on positions affecting the Association during the interim period between regular Executive Committee meetings.

## **Article 5 - Executive Committee**

*Section (A)* – The Executive Committee shall be composed of the Officers of the Association and the Department Representatives.

*Section (B)* – The Executive Committee shall:

- (1) Act as advisors to the officers, assign duties, be responsible for all committees of the Association and have such policy-making authority as provided in this Constitution and By-laws;
- (2) Act as the authoritative voice of the Association on positions affecting the Association;
- (3) Prepare recommendations for the action and consideration of the Association;
- (4) Carry out policies established at SCOPE meetings;
- (5) Report its transactions to all members;
- (6) Direct an independent audit of the Association's finances within thirty (30) days of the close of the previous membership year.

*Section (C)* – It is the policy of this Association and it shall take all legally permissible steps to achieve governance and delegate representation of ethnic minorities at least proportionate to the ethnic minority membership of the Association.

## **Article 6 - Elections Guidelines**

*Section (A)* - Whenever applicable, all SCOPE elections will follow the guidelines and procedures as set in the Ohio Education Association's, *Manual for the Conduct of Local Association Elections and the Ratification of Collective Bargaining Agreements*.

*Section (B)* - All elected officials of the Association shall be active members and be employed within the electoral units which they represent.

*Section (C)* - No member shall be nominated for any elected position without the knowledge and consent of the individual.

*Section (D)* - The President shall appoint an Elections Committee chairperson whose duty it shall be to conduct elections in accordance with the OEA Elections Manual.

*Section (E)* - No nominee/candidate for any office shall serve concurrently on the Elections Committee.

*Section (F)* - Newly elected Officers, Department Representatives and Site Representatives shall be installed and assume their offices at the Association Leadership Training in August each year.

*Section (G)* - The membership shall elect a number of delegates as allowed under OEA and NEA guidelines.

*Section (H)* - Non-members of the Association, including Non-Member employees, shall not have the right to vote, hold office, or otherwise have privileges of Association membership.

*Section (I)* - Elections held by SCOPE may be protested by any member. The member is to contact the Elections Committee Chairperson within thirty (30) workdays after the results have been dated and postmarked (unless compelling reasons are demonstrated to the SCOPE Executive Committee for an extension of timelines). Protests to any SCOPE election will be resolved first by the SCOPE Elections Committee as outlined in the Ohio Education Association's, Manual for the conduct of Local Association Elections and the Ratification of Collective Bargaining Agreements. If the protests cannot be resolved by the Elections Committee, they will be referred to the SCOPE Executive Committee.

## **Article 7 - Removal of Elected Officers, Department Representatives, OEA/NEA Delegates and Site Representatives**

*Section (A)* – Officers of the Association may be impeached for violation of the Code of ethics of the Education Profession; or for misfeasance, malfeasance, or nonfeasance.

*Section (B)* – Impeachment proceedings against an officer may be initiated by written petition specifying the grounds for impeachment submitted to the Executive Committee with a copy to the Officer signed by either 25% or one hundred and fifty (150) active members, whichever is less.

*Section (C)* – Department Representatives may be impeached for misfeasance, malfeasance, or nonfeasance in duty. Impeachment proceedings may be initiated by written petition listing specific charges, and signed by either 50% or 26 active members from the Representative's employing agency or department, whichever is less.

*Section (D)* – Site Representatives may be impeached for misfeasance, malfeasance, or nonfeasance. Impeachment proceedings may be initiated by written petition, listing specific charges and signed by fifty percent (50%) of the active members from the representative's employing site.

*Section (E)* – OEA Delegates or NEA Delegates may be impeached for misfeasance, malfeasance, or nonfeasance in duty. Impeachment proceedings against a Delegate may be initiated by written petition specifying the grounds for impeachment submitted to the Executive Committee with a copy to the Delegate signed by either 25% or one hundred and fifty (150) active members, whichever is less.

*Section (F)* – The petition for impeachment shall be submitted to the Executive Committee which shall conduct a hearing of the charges within (30) days of receipt of petition(s).

*Section (G)* – The Officer and/or Department Representative and/or Site Representative and/or OEA/NEA Delegate shall be notified of the date of the hearing and the specific charges. This notification shall be served by certified mail, return receipt requested.

*Section (H)* – If after a due process hearing, and a two-thirds (2/3) vote of the Executive Committee sustaining the charge, the office shall become vacant.

## **Article 8 - Committees**

*Section (A)* – The Association shall have such standing committees as are necessary to carry out the responsibilities and the programs of the Association.

*Section (B)* – Ad Hoc (temporary) committees may be formed as necessary to carry out the responsibilities and the programs of the Association.

*Section (C)* – All committee chairs shall be appointed by the President with the approval of the Executive Committee.

*Section (D)* – All Labor/Management Committees, in the Collective Bargaining Agreement Between the State of Ohio and SCOPE/OEA/NEA, shall be appointed and/or removed by the President subject to the approval of the Executive Committee.

## **Article 9 - Ohio Education Association Committee and Commissions**

All representatives who are to be seated on Ohio Education Association Committees and Commissions by virtue of the Ohio Education Association Constitution and Bylaws shall be recommended by the Association President. The recommendations shall be approved by a majority vote of the Executive Committee.

## **Article 10 - Dues**

The Association shall have a dues structure adequate to fund an active program. The dues rate shall be established according to Bylaws Article 7.

## **Article 11 - Parliamentary Authority**

The rules contained in the current edition of *Robert's Rules of Order* Newly Revised shall govern all meetings of the duly constituted bodies of the Association.

## **Article 12 - Amendments**

*Section (A)* Amendments to this Constitution may be proposed upon the initiative of a majority vote of the Executive Committee or by a petition signed by at least five percent (5%) of the active members representing at least two (2) departments within SCOPE. Any proposed amendment(s) and/or petitions should be directed to the SCOPE Elections Chair accompanied by a written copy of the amendment with the changes highlighted. The proposed amendment(s) shall then be put forth on the next regularly scheduled statewide ballot.

*Section (B)* Amendments to this Constitution may be made by a secret mail ballot of a two-thirds (2/3) majority of the voting membership provided that the amendments have been introduced in writing to all members at least two (2) weeks before the vote.

# **BYLAWS**

## **STATE COUNCIL OF PROFESSIONAL EDUCATORS**

### **OEA/NEA**

#### **Article 1 - Meetings**

*Section (1-1)* – The Executive Committee shall meet bi-monthly and/or at the call of the President.

*Section (1-2)* – A membership meeting may be convened when a petition calling for a membership meeting signed by at least twenty-five (25) active members has been submitted to the Association President. Such petition shall include a rationale justifying the expense of holding a membership meeting. The Executive Committee will consider the petition, and then make the final decision regarding a membership meeting. At least two (2) weeks advance written notice of such meeting shall be provided to the membership.

*Section (1-3)* – There shall be at least two (2) general membership meetings during each year, one in September at the Annual CEA Conference, the other immediately following the March/April Site Rep Training.

#### **Article 2 – Quorum**

*Section (2-1)* – The quorum for the Executive Committee meetings shall be one (1) more than fifty (50) percent.

*Section (2-2)* – The quorum for a general membership meeting shall be the membership present.

#### **Article 3 – Newsletter**

An Association Newsletter shall be published and distributed to the Association membership at least four (4) times yearly. The Editor of the Newsletter shall be appointed and/or removed by the President with approval of the Executive Committee.

#### **Article 4 - Duties**

*Section (4-1) - **President***

- (A) Preside over all Association meetings and prepare their agenda
- (B) Represent the Association on all matters of Association policy
- (C) Serve as ex-officio member of all Association Committees
- (D) Serve as a delegate to the Ohio Education Association Representative Assembly

*Section (4-2) – **Vice-President***

- (A) Preside over Association meetings in the absence of the President

- (B) Perform such other duties as delegated by the President
- (C) Serve as a delegate to the Ohio Education Association Representative Assembly
- (D) Chair the Grievance Committee

*Section (4-3) – Secretary*

- (A) Keep accurate minutes of all official meetings of the Association
- (B) Maintain the official files of the Association
- (C) Assist in mailing information and newsletters to the general membership
- (D) Perform other such duties as delegated by the President

*Section (4-4) – Treasurer*

- (A) Hold the funds of the Association and disburse them upon authorization of the Executive Committee
- (B) Cosign all financial documents and transactions with any other officer
- (C) Maintain records of receipts and disbursements
- (D) Provide guidance to the Membership Chair in the maintenance of the membership rolls
- (E) Prepare financial reports for meetings of the Executive Committee and an annual financial statement that shall be available to the membership
- (F) Be bonded
- (G) Chair the Budget Committee

*Section (4-5) – Immediate Past President*

- (A) Preside over Association meetings in the absence of both the President and the Vice-President
- (B) Serve by virtue of experience in and knowledge of the Association, as an advisor to the Executive Committee
- (C) Perform other such duties as delegated by the President
- (D) Serves for a period of 1 year after the expired/non re-elected term of office

*Section (4-6) – Department Representative*

- (A) Attend all Executive Committee meetings; or inform the President of anticipated absence and recommend seating of alternate

- (B) Contact Site Representatives as assigned, in their respective departments on a regular basis, at least semi-monthly, and prior to Executive Committee meetings
- (C) Report recommended policies and other actions of the Executive Committee to assigned Site Representatives in his/her department
- (D) Transmit proposals and recommendations from Site Representatives to the Executive Committee via written reports due at each Executive meeting
- (E) Serve on at least one standing committee other than the Elections Committee
- (F) Encourage other members of their Department to become actively involved in working on standing committees of the Association
- (G) At sites where no site representative is elected, or resigns, or is removed, the department representative shall serve as the site representative

*Section (4-7) – Site Representative*

- (A) Report recommended policies and other actions of the Executive Committee to members of the site
- (B) Transmit proposals and recommendations from members at the site to the Department Representative
- (C) Assist the Membership Committee in verifying the accurate membership and enrolling new members
- (D) Insures that a SCOPE member is assigned to conduct the annual Site Rep election each May according to the SCOPE Policy for the Election of Site Representatives
- (E) Act as a representative for the individual member(s) who has a professional problem, transmit information and seek needed assistance from the Association
- (F) Act as an advocate for members in terms of contract enforcement and assist in the grievance process; or alternately advocate for members in other venues recommended by Association leadership (e.g. Labor/Management meetings)
- (G) Responsible for appointing SCOPE member to standing, mandatory institutional committees
- (H) Must contact their department representative by phone, e-mail, or postcard once per month (by the 15<sup>th</sup> of each month) and report the status of their site. An alternative form of communication can be mutually decided upon by the department representative and the site representative

*Section (4-8) – Delegate to OEA and/or NEA Representative Assembly*

- (A) Represent SCOPE and the membership of the Association at the Representative Assembly. If the elected representatives are not able to be present, they will notify the President of SCOPE at least two weeks prior to the RA so that an alternate may be seated.

- (B) Follow all policies and procedures established by the SCOPE Executive Committee for delegates attending Representative Assemblies

## **Article 5 - Committees**

*Section (5-1)* – The following standing committees shall be maintained:

- (A) Negotiations – prepares and pursues membership goals in collective bargaining
- (B) Grievance – maintains grievance records and advocates for the membership in grievance procedures
- (C) Communication – produces membership newsletters under the direction of the editor, develops press releases and encourages positive public relations, and oversees the facilitation of various designated Union workshops or training sessions
- (D) SCOPE Day Committee – develops and facilitates the annual SCOPE professional day
- (E) Elections – oversees and directs elections as provided herein. No current member or candidate for the Association’s Executive Committee shall serve as a member of the Elections Committee
- (F) Membership – promotes membership, conducts membership campaigns and maintains membership rolls under the observation of the treasurer
- (G) Political Action – involves membership in Candidate endorsements, campaigns, and political action fund collections; seeks membership involvement in relevant local, state, and national political affairs
- (H) Budget – prepares the annual budget and presents it to the Executive Committee at the 1st Executive Committee meeting in October each year, giving estimates of income and of necessary expenditures (including a separate estimate for each Committee) for the next year; periodically reviews the SCOPE expenditure policy; and makes budget recommendations for fiscally reasonable changes at any time during the year
- (I) Audit – arranges for regular audits of the Association’s financial records

*Section (5-2)* – Necessary Ad-Hoc committees may be appointed, as needed, by the President, with the approval of the Executive Committee

## **Article 6 - Budget**

An annual budget shall be adopted by the Executive Committee at the October Executive Committee meeting of each year.

## **Article 7 - Dues**

*Section (7-1)* – The Association shall have a dues structure adequate to fund an active program. The dues rate for the succeeding year shall be determined before the end of each fiscal year and approved by the Executive Committee.

*Section (7-2)* – Every Unit 10 person shall also pay the dues required to the district, state, and national Associations with which the local is affiliated.

*Section (7-3)* – The Association shall annually enter into a dues transmittal contract with the Ohio Education Association.

## **Article 8 - Fiscal Year and Membership Year**

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

## **Article 9 - Censure, Suspension and Expulsion of Members**

*Section (9-1)* – According to procedure adopted by the Association, the Executive Committee may suspend from the 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 by means other than those that are consistent with the Association's Constitution

*Section (9-2)* – The Executive Committee may reinstate members previously suspended or expelled

*Section (9-3)* – Due Process

The Association guarantees that no member may be censured, suspended, or expelled without a due process hearing, which shall include a proper appellate procedure.

## **Article 10 – Elections**

*Section (10-1)* – Unless otherwise specified, the elections committee shall report, in writing, the results of elections to the President within five (5) working days of the elections.

*Section (10-2)* – All ballots, marked, unmarked and voided, and all other records pertaining to the elected positions of this association shall be preserved for one year from the date the election was held and such ballots and other records shall be made available to OEA officers upon request for inspection and examination.

*Section (10-3)* - The Elections Committee shall present a slate of candidates for each office, except that of immediate past president. A candidate for office shall submit a petition signed by at least five active members or a member may nominate himself/herself by completing a

declaration of candidacy form, which shall be obtained from the Elections Committee Chairperson.

*Section (10-4) – Election of Association Officers and Department Representatives*

- (A) The election of the SCOPE President and SCOPE Secretary shall be conducted by secret mail ballot in odd numbered years on dates by May designated by the elections committee.
- (B) The election of the SCOPE Vice-President and SCOPE Treasurer shall be conducted by secret mail ballot in even numbered years on dates by May designated by the elections committee.
- (C) The election of SCOPE Department Representatives shall be conducted by secret ballot in even numbered years on dates by May designated by the elections committee.

*Section (10-5) – Newly-Elected Officers and Department Representatives*

- (A) The newly elected SCOPE Officers and Department Representatives shall serve a two (2) year term of service, effective with the August training of the Site representatives.

*Section (10-6) –* In the event the office of President becomes vacant during a term of office, the Vice-President shall assume the office of President. If the Vice-President cannot assume the office of the President, the line of succession shall be as follows: Secretary, then Treasurer. In the event the office of Vice-President, Secretary, or Treasurer becomes vacant during a term of office, the President shall, upon the advice and consent of the Executive Committee, appoint another member to fill that vacancy. The appointment shall be approved by a majority vote of the Executive Committee.

*Section (10-7) –* One (1) Department Representative for every fifty (50) employees major fraction thereof employed during the pay period which includes January 1 of an election year in the following departments shall be elected to serve on the Executive Committee, provided, however, that there is at least one (1) Department Representative for each of the following:

- Department of Rehabilitation & Corrections
- Department of Youth Services
- Department of Education, School for the Blind
- Department of Education, School for the Deaf
- Department of Mental Health, State Library Board, and Other Miscellaneous Agencies (The various agencies represented as miscellaneous shall be considered as one (1) agency.)

*Section (10-8) –* The term of office for each Department Representative shall be two (2) membership years, effective with the August training of the representatives in even years.

*Section (10-9) -* A candidate for Department Representative shall submit a petition signed by at least five (5) active members in the department or a member may nominate himself/herself by completing a Declaration of Candidacy form which shall be obtained from the SCOPE Elections Committee chairperson or on the [aboutscope.ohea.us](http://aboutscope.ohea.us) website.

- Section (10-10)* – The election of Department Representatives shall be conducted by secret mail ballot with voting restricted to SCOPE members in each respective department. It shall be the duty of the Elections Committee to establish the election procedure and to ensure the conduct of a fair and impartial election in each department.
- Section (10-11)* – In the event of a vacancy for the position of Department Representative, a Department Representative shall, upon the advice and consent of the Executive Committee, be appointed by the Association President to fill the unexpired term. The appointment shall be approved by a majority vote of the Executive Committee.
- Section (10-12)* – There shall be one (1) Site Representative at each site with 5 or more members.
- Section (10-13)* – The term of office for each Site Representative shall be one (1) membership year beginning with the Site Rep meeting in August.
- Section (10-14)* – In May the members of each site shall elect a Site Representative. Candidates for Site Representatives shall submit a petition signed by at least five (5) active members at the site or a member may nominate himself/herself by completing a Declaration of Candidacy form obtained from the SCOPE Elections Committee Chairperson. All Site Representatives shall be elected by secret ballot. The election shall be conducted by the Site Representative at each site, except that no person seeking the position of Site Representative shall participate in conducting of the election. In the case that a Site Representative is seeking re-election, the Executive Board representative for each site shall appoint a member to conduct the election. In the event that there are no candidates for Site Representative at the site, the SCOPE President shall appoint a volunteer to the position, with the approval of the SCOPE Executive Committee.
- Section (10-15)* – The newly elected Site Representatives shall be certified to the President of the Association on a form provided by the SCOPE Elections Committee Chairperson, no later than May 30<sup>th</sup> of the election year.
- Section (10-16)* – In the event of a vacancy in the position of Site Representative, an interim Site Representative shall be appointed by the Association President to complete the term of office.
- Section (10-17)* – The term of office for OEA or NEA delegates shall begin October 15<sup>th</sup> and shall last one (1) membership year.
- Section (10-18)* – Candidates for OEA or NEA delegates shall submit a petition signed by at least five (5) active members or a member may nominate himself/herself by completing a Declaration of Candidacy form which shall be obtained from the Elections Committee Chairperson or on the [aboutscoop.ohea.us](http://aboutscoop.ohea.us) website.
- Section (10-19)* – The election of OEA and NEA delegates shall be conducted by a secret mail ballot prior to the beginning of each membership year during the April/May elections. It shall be the duty of the Elections Committee to establish the election procedure and to ensure the conduct of a fair and impartial election.

*Section (10-20)* – If a vacancy for an OEA or NEA delegate occurs the individual with the next highest number of votes shall assume the delegate position as an alternate. The SCOPE President shall inform the OEA or the NEA of alternates for delegates.

## **Article 11 - Fact Finding and Ratification Vote Policy**

Fact-Finding and Ratification vote procedures should conform to ORC 4117-9-05 and be in accordance with the guidelines for ratification of collective bargaining agreements and fact find reports as set forth in the OEA Elections manual.

*Section (11-1)* – SCOPE shall conduct all ratifications of collective bargaining agreements in accordance with the guidelines for ratification of collective bargaining agreements and fact finders reports as set forth in the OEA Elections Manual. Fact Finding and Ratification vote procedures should conform to ORC 4117-9-05 and OEA Elections Manual.

*Section (11-2)* – At least one member of the Bargaining Team or SCOPE Executive Committee member shall be present at each location to oversee the vote. At least one (1) day prior to the Fact-Finding or Ratification vote a copy of the Fact Finder’s report or Tentative Agreement shall be delivered to each site.

*Section (11-3)* – Voting policy shall be as follows:

- (A) Only SCOPE members may vote
- (B) Non-members of SCOPE (RE: NON MEMBER) may observe the vote but do *not* have voting privileges.
- (C) An ID shall be required for admittance.
- (D) Each member’s name must appear on a current membership list and each member shall sign his/her name and address on the list to receive a ballot.
- (E) There shall be no absentee or proxy votes.

*Section (11-4)* – Balloting policy shall be as follows:

- (A) Voting shall be by written, secret ballot
- (B) The first vote shall be for acceptance or rejection of the Fact-Finding report. The ballot language shall read as follows:

\_\_\_\_\_ Accept the Tentative Agreement or Fact Finder’s Report

\_\_\_\_\_ Reject the Tentative Agreement or Fact Finder’s Report

(NOTE: A VOTE TO REJECT CONSTITUTES A STRIKE AUTHORIZATION FOR THE SCOPE EXECUTIVE COMMITTEE.)

(C) The vote must be verified by the elections committee.

*Section (11-5)* – The President of the Association shall be responsible for reporting the voting results to SERB.

## **Article 12 - Amendments**

*Section (12-1)* – Amendments to these Bylaws may be proposed upon the initiative of a majority vote of the Executive Committee or by a petition signed by at least ten (10) current, active members representing at least two (2) departments within SCOPE.

*Section (12-2)* – Amendments, alterations, additions, or deletions to these Bylaws shall be made by a majority vote by secret mail ballot of the total voting membership of the Association.

## **Article 13 - Enabling Provision**

This Constitution and these Bylaws shall become effective December 1, 2005 following their adoption, and shall remain in effect until amended according to the applicable provisions hereof. The Association President shall be empowered to fill by appointment those Department Representative positions shown in Section 4 of the Merger Agreement as “To be appointed”.

## **Article 14 Dissolution of Association**

Section 14-1. 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 14-2. 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 14-3. The Association shall be considered dissolved if three-fourths (3/4) of the total membership vote by secret ballot in favor of dissolution.

Section 14-4. 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 14-5. In the event of dissolution of the Association, all assets of this organization remaining after payment of all obligations shall be distributed to the Make a Wish Foundation of Ohio provided that it is an entity recognized as exempt from Federal taxation. In the event that Make a Wish Foundation of Ohio is not then recognized as tax exempt, such assets shall then pass to The Ronald McDonald House of Ohio provided that is recognized as exempt from Federal taxation.