

WASHINGTON-CENTERVILLE PUBLIC LIBRARY STAFF ASSOCIATION  
CONSTITUTION and BYLAWS

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## **ARTICLE I. NAME**

**Section A.** The name of this organization shall be the Washington-Centerville Public Library Staff Association (WCPLSA).

**Section B.** The Washington-Centerville Public Library Staff Association, henceforth referred to as the Association, shall maintain affiliation with the Ohio Education Association, the National Education Association, and the Western Ohio Education Association (WOEA).

## **ARTICLE II. PURPOSE**

**Section A.** The purpose of the Association shall be to:

1. Help set and promote the policies and objectives of Washington-Centerville Public Library;
2. Protect the welfare and advance the professional interests of its members;
3. Foster professional attitudes;
4. Establish and maintain helpful, friendly relationships within the library;
5. Act as the sole and exclusive bargaining representative for the employees of the Washington-Centerville Public Library.

## **ARTICLE III. MEMBERSHIP**

**Section A.** All professionals and paraprofessionals employed by the Washington-Centerville Public Library Board of Trustees, except those classified as administration shall be eligible for active membership.

Included: The Combined Unit (Professionals and Nonprofessionals) is described as follows: Library Specialists or Technicians (with a Master's Degree in Library or Information Science), Reference Specialists & Assistants, Webmaster, Graphic Designer, Adult Programming Coordinator, Public Service Assistants & Specialists, Technicians, Systems Support, Youth Services Assistants & Specialists, Community Outreach & Development Coordinator, Facilities Administrator and ILS Administrator.

**Section B.** Active members shall be members of the Washington-Centerville Public Library Staff Association, the Western Ohio Education Association, the Ohio Education Association, and the National Education Association.

**Section C.** All members shall abide by the Code of Ethics of the Education Profession, when applicable.

**Section D.** All members shall abide by the Code of Ethics of the American Library Association.

#### **ARTICLE IV. OFFICERS**

**Section A.** The Officers of the Association shall be the President, Vice President, Secretary, and Treasurer.

**Section B.** All Officers shall hold office for a two-year term, beginning with ratification of this document, the exception of the first term of the Vice President and Treasurer, who will serve a one-year term to allow for a staggered election cycle for officers. The President and Secretary shall be elected in odd years. The Vice President and Treasurer shall be elected in even years. Association Representatives will serve a one-year term. Terms of officers in place at the time of adoption of this document will continue until the election cycles begin in 2016, or through 60 days after ratification of WCPLSA's first contract (whichever comes later). At that time elections for all offices will be held.

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

A vacancy in the office of Vice President, Secretary or Treasurer shall be filled for the remainder of the term by majority vote of the Board of Directors/Executive Committee.

#### **ARTICLE V. BOARD OF DIRECTORS / EXECUTIVE COMMITTEE**

**Section A.** The Board of Directors/Executive Committee shall be composed of the elected officers of the Association and Association Representatives.

**Section B.** The Board of Directors/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 C&B.

2. Act as the authoritative voice of the Association on positions affecting the Association during the interim period between regular meetings.
3. Prepare recommendations for the consideration and action of the Association.
4. Carry out policies established at general membership meetings.
5. Report its transactions and those of the general membership to all members.
6. Direct an independent audit of the Association's financial records at regular intervals not to exceed two (2) years.
7. Ensure the Association acts on an annual financial report presented by the Association Treasurer.

**Section C.** There shall be one Association Representative elected for a term of one year in each building or unit of representation for every twenty (20) members or fraction thereof. Each representative has one vote on the Board of Directors/Executive Committee.

**Section D.** Any candidate for office must be an Association member in good standing.

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

**Section F.** Professionals and nonprofessionals shall serve in equal capacity, regardless of classification. All members are eligible to hold office.

**Section G.** A vacancy on the Board of Directors/Executive Committee due to death, incapacity, termination, resignation, retirement or recall, shall be filled for the remainder of the term by majority vote of the Board of Directors/Executive Committee of the local.

**Section H.** No business or financial transaction involving a member of the Executive Committee/Board of Directors or agent of the Association, or their spouse, children, or parents, or otherwise as described in this Section, shall conflict with the fiduciary responsibility of such person to the Association. Such relationships with the members of the Executive Committee/Board of Directors include relationships with any person that would reasonably be expected to affect the person's judgment with respect to the transaction or conduct in question in a manner adverse to the Association.

**Section I.** Only elected Board of Directors/Executive Committee members are allowed to vote on Board of Directors/Executive Committee matters.

## **ARTICLE VI. ELECTIONS**

**Section A.** The President shall appoint an Elections Committee whose duty it shall be to present a slate of officers for each office.

**Section B.** Every member must have a reasonable opportunity to nominate for or seek office.

**Section C.** No member shall be nominated for office without the knowledge and consent of the individual.

**Section D.** The Elections Committee shall conduct elections in accordance with the OEA Elections Manual and resolve all challenges or protests to an election.

**Section E.** No nominee for office shall serve concurrently on the Elections Committee. Members of the Elections Committee should be impartial and charged with conducting the election in a fair and neutral fashion. Members should consult the OEA Elections Manual for guidelines as to how to run an election that is in technical compliance with the state and federal statutes.

**Section F.** Elections of officers and Board of Directors/Executive Committee members shall be conducted by secret ballot in each building during a weekday designated by the Elections Committee.

**Section G.** The Elections Committee shall report the results of the election to the total membership within five (5) calendar days following the election.

**Section H.** All ballots (marked, unmarked, and voided) and all other records pertaining to the election of officers of this Association and OEA and NEA delegates and alternates 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 I.** Non-members of the Association, including fee payers, shall not have the right to vote, hold office, or otherwise have privilege of Association membership.

## **ARTICLE VII. IMPEACHMENT OF OFFICERS**

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

**Section B.** Impeachment proceedings against an officer may be initiated by written petition submitted to the Board of Directors/Executive Committee signed by at least twenty-five (25) percent of the members.

**Section C.** If, after a due-process hearing, a two-thirds (2/3) vote of the Board of Directors/Executive Committee sustains the charge, the office shall become vacant.

**Section D.** The officer may appeal the decision to a special meeting of the general membership.

## **ARTICLE VIII. COMMITTEES**

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

**Section B.** Ad hoc (temporary) committees may be formed as necessary to achieve the Association program.

**Section C.** All committees shall be appointed by the President with the approval of the Board of Directors/Executive Committee. If Committee Chairs are members of the Board of Directors/Executive Committee, they must be elected to have voting rights.

## **ARTICLE IX. DUES**

**Section A.** The local association shall have a dues structure adequate to fund an active program. Local dues shall be \$39 per year through 2017. In 2018 and thereafter, local dues shall be established by a majority vote of the Executive Committee every even-numbered year, starting in 2018.



## **ARTICLE X. AMENDMENTS**

**Section A.** Amendments to this Constitution may be made by a majority (50%+1) of those voting at any regular meeting provided that the amendments have been introduced at the preceding regular meeting and that copies of proposed amendments have been distributed to all members for discussion.

## **ARTICLE XI. COMMUNICATION WITH MEMBERS**

**Section A.** Communication with members will be done through the use of non-work emails and the Association's web site ( <http://wcplsa.ohea.us/> ).

## **BYLAW 1. MEETINGS**

**Section 1-1.** The Board of Directors/Executive Committee shall meet regularly or at the call of the President.

**Section 1-2.** The general membership meetings shall be held at least twice per year, e.g. one in spring and one in the fall, with at least fourteen (14) days prior notice of agenda, date, time and location. Additional meetings may be called by the President, a majority vote of the Board of Directors/Executive Committee, or a petition to the President signed by at least ten (10) percent of the active membership. Such petitions shall state the purpose of the desired meeting and the business of that meeting shall be limited to consideration of the stated purpose.

## **BYLAW 2. QUORUM**

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

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

## **BYLAW 3. ELECTIONS**

**Section 3.1.** Notice of calls for nominations must indicate which offices need to be filled and spell out the nomination process. Members will be notified by non-work email and the Association web site. The nomination notice will also announce the start date and terms of office for each office to be filled.

**Section 3.2.** Open nominations are required. Any member in good standing who wishes to run for office must submit a written declaration of intention to run for a particular office to the Elections Committee within two (2) weeks after a call for nominations.

**Section 3.3.** Notice of elections must be given at least fifteen 15 days before an election for officers or issues. There is no minimum advanced notice for contract ratification elections.

**Section 3.4.** Proxy votes and absentee votes are not permitted, to protect the secrecy of ballots.

**Section 3.5.** Write-in candidates are not permitted.

**Section 3.6.** Challenges to candidates must be raised before an election and will be resolved by the Elections Committee as quickly as possible.

#### **BYLAW 4. DUTIES OF OFFICERS**

##### **Section 4-1. President**

- A. Preside over all Association general membership meetings and prepare their agendas.
- B. Represent the Association on all matters of Association policy.
- C. Serve as ex-officio member of all Association committees, with voting rights.
- D. Serve as Chairperson of the Negotiation Committee.
- E. Be responsible for presenting a yearly State of the Association report to the membership.
- F. Serve as a delegate to the OEA (and NEA, if desired) Representative Assembly by virtue of her/his office.

##### **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 on the Negotiation Committee.
- D. Serve as a delegate to the OEA (and NEA, if desired) Representative Assembly by virtue of her/his office.

##### **Section 4-3. Secretary**

- A. Keep accurate minutes of all official meetings of the Association.
- B. Maintain official files of the Association including maintaining an electronic copy of Association Constitution and Bylaws.

C. Perform such other duties as delegated by the President.

**Section 4-4. Treasurer**

A. Hold the funds of the Association and disburse them upon authorization of the Board of Directors/Executive Committee.

B. Maintain records of receipts and disbursements.

C. Maintain membership rolls.

D. Prepare financial reports for meetings of the Board of Directors/Executive Committee and an annual financial statement to be distributed to the membership.

E. Prepare all tax forms required by state and federal government or work with those who assist the association.

F. Prepare for an independent audit as authorized by the Board of Directors/Executive Committee.

G. Shall be bonded.

H. Chair the Budget Committee, if the committee is needed.

**Section 4-5. Association Representative (Steward)**

A. Report recommended policies and other actions of the Board of Directors/Executive Committee to members in her/his building or unit of representation.

B. Transmit proposals and recommendations from members in her/his building or unit of representation to the Board of Directors/Executive Committee for its consideration.

C. Assist the elections committee in the collection of ballots.

D. Attend all official meetings of the Association or provide an alternate in her/his absence.

E. Act as a consultant to the individual member who has a professional problem and, when necessary, seek needed assistance from the Association.

## BYLAW 5. COMMITTEES

**Section 5-1.** There shall be the following standing committees:

**Negotiations** - assess membership concerns prior to bargaining, develop initial proposals of the Association, and provide additional advice and input, upon the request of the bargaining team, during active negotiations. The Negotiations Committee will include the Association President and Vice President and between one (1) and three (3) other Association members.

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

**Constitution and Bylaws** – reviews and submits to OEA the local's C&B when amended or every five years.

**Section 5-2.** Necessary sub-committees may be appointed, as needed, by the committee chairperson. Other than the Elections Committee which is required, ad hoc, or temporary committees, may be created and disbanded to deal with short-term issues and projects. [Each committee chairperson should have a written list of responsibilities and be responsible to the local Board of Directors/Executive Committee.] These committees may include, but are not limited to, the following:

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

**Professional Development** - pre-service, continuing, and in-service educational opportunities.

**Human Relations** - promotion of understanding, unity, and communication among all groups in the library and library communities.

**Communications** - membership newsletter, press releases and public relations.

**Legislative** - candidate endorsement/campaigning, EPAC fund collections, levy/bond campaigning, seek membership involvement in relevant local, state, and national political affairs.

**Budget** - prepares a budget giving estimates of income and expenditures (including a separate estimate for each committee) for the future fiscal year.

**Audit** - checks accuracy of accounting procedures.

## **BYLAW 6. BARGAINING AND CONTRACT RATIFICATION**

**Section 6-1.** The Association shall be represented in collective bargaining by an authorized team of Representatives of the Association appointed by the President and Board of Directors/Executive Committee.

A. If the President is not an active member of the bargaining team, the President will be an ex-officio member of the Association bargaining team.

B. Members of the bargaining team need not necessarily be from the negotiations committee.

C. Necessary sub-committees may be appointed, as needed, by the committee chairperson.

D. The bargaining team shall have the authority to bargain in good faith; make proposals, counterproposals, and concessions; and make tentative agreement on a contract with representatives of the Library & Library Board.

E. While negotiations are in progress, periodic reports to members may be made by the bargaining team.

**Section 6-2.** In preparation for bargaining, the negotiations committee shall make reports and recommendations to the Board of Directors/Executive Committee.

**Section 6-3.** The Ohio Education Association represents the Association on all matters concerning the Association before the State Employment Relations Board (SERB).

**Section 6-4.** The OEA/NEA UniServ Consultant shall be the Association's designated bargaining representative.

**Section 6-5.** Written copies of the tentative agreement summary should be given to the general membership prior to ratification.

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

**Section 6-7.** A vote on a tentative agreement to the contract or on a fact-finding report shall be made by written ballot.

A. No absentee or proxy votes will be allowed on contract ratification votes or fact-finding reports.

B. The first vote on contract ratification or a fact-finding report will be to accept or reject the contract/report as presented.

C. All ballots used in a vote regarding a contract ratification or fact-finding report, after tabulation, will be sealed and retained by the Association Treasurer for three (3) years or duration of contract, whichever is greater.

D. The President will communicate required details of the ratification vote to the employer's designated representative.

**Section 6-8.** The designated representative for the Association is authorized to give timely notice of intent to strike to the Washington Centerville Public Library and its Board of Trustees and SERB upon approval of the membership and in keeping with provisions of ORC 4117.14(D)(2).

**Section 6-9.** Non-members of the Association are not eligible to vote on a fact finder's report or contract ratification.

## **BYLAW 7. DUES**

**Section 7-1.** Local dues shall be \$39 through 2017. The local dues rate for every succeeding year shall be determined by the April meeting of the Board of Directors/Executive Committee, starting in 2018 and every even numbered year thereafter.

**Section 7-2.** Every member shall also pay the dues required by the district, state, and national associations with which this local is affiliated. Dues shall be deducted per twenty-six (26) pay periods. Dues are not refundable for any reason whatsoever.

**Section 7-3.** The association shall annually enter into a Dues Transmittal Agreement with the Ohio Education Association.

**Section 7-4.** Fair-share fee language should be in the Collective Bargaining Agreement, not the local Constitution & Bylaws.

## **BYLAW 8. MEMBERSHIP YEAR**

**Section 8-1.** The membership year and the fiscal year of the Association shall be September 1 to August 31.

## **BYLAW 9. EXPULSION OF MEMBERS**

**Section 9-1.** According to procedures adopted by the Association, the Board of Directors/Executive Committee may censure, suspend from membership, or expel any member for one or more of the following reasons:

- A. Violation of the Code of Ethics of the Education Profession, when applicable.
- B. Violation of the Code of Ethics of the American Library Association.
- C. Conviction of a felony.
- D. 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 Board of Directors/Executive Committee may reinstate members previously suspended or expelled.

## **BYLAW 10. DUE PROCESS**

**Section 10-1.** The Association guarantees that no member may be censured, suspended, or expelled without a due process hearing, which shall include an appropriate appellate procedure.

## **BYLAW 11. PARLIAMENTARY PROCEDURE**

**Section 11-1.** Robert's Rules of Order, Newly Revised shall be the authority governing all matters of procedure not otherwise provided in this constitution, bylaws, or standing rules.



## **BYLAW 12. AMENDMENTS**

**Section 12-1.** All proposed changes shall be submitted in writing to all active members at least ten (10) days prior to action.

## **BYLAW 13. DISSOLUTION OF ASSOCIATIONS**

**Section 13-1.** 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 13-2.** 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 13-3.** The Association shall be considered dissolved if three-fourths (3/4) of the total membership vote by secret ballot in favor of dissolution.

**Section 13-4.** 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 13-5.** In the event of dissolution of the Association, all assets of this organization remaining after payment of all obligations shall be distributed to the Ohio Education Association (OEA) provided that it is an entity recognized as exempt from Federal taxation. In the event that the Ohio Education Association (OEA) is not then recognized as tax exempt, such assets shall then pass to the American Library Association (ALA), provided that it is recognized as exempt from Federal taxation. Assets cannot be distributed to members or any other entity that is not recognized as exempt from Federal taxation.

## **BYLAW 14. GROUNDS FOR CHARGES AGAINST MEMBERS AND OFFICERS**

**Section 14-1.** Every member of the Association, by virtue of such membership, agrees that, in consideration of the rights and benefits conferred upon him or her pursuant to the terms of the Association Constitution, he or she shall be subject to disciplinary action for any conduct which constitutes a violation of his or her duties and obligations as stated in Section 2 below. Every member, by virtue of his or her membership, agrees that termination of membership does not terminate his or her liability for discipline for acts occurring during the period of his or her membership.

**Section 14-2.** Any member or elected or appointed officer may be charged and disciplined for engaging in conduct which constitutes a violation of his or her duties and obligation to the membership. The basis for such charges shall include, but not be limited to, the following:

- a. Violating any provision of the approved Constitution or established Bylaws of the Association or its affiliates.
- b. Failing to pay dues, fines, assessments, fees, and other financial obligations owed to the Association or its affiliates in a timely manner.
- c. Obtaining membership by misrepresentation or through other fraudulent means.
- d. Working in the interest of, or accepting membership in, any competing organization with interests dual to the Association.
- e. Furnishing a complete or partial list of the membership of the Association to any person other than those whose position entitles them to have a list, without specific authorization in writing from the Association President.
- f. Deliberately engaging in conduct which violates the responsibility of members toward the Association as an institution.
- g. Unreasonably, unlawfully or improperly disturbing the peace or harmony of any meeting of the Association.
- h. Embezzling, misappropriating, fraudulently receiving, wrongfully handling, or failing to account for the funds of the Association, or any employee benefit fund.
- i. Wrongfully taking, retaining, or destroying any money, books, papers or any other property belonging to the Association.
- j. Using the name of the Association for soliciting funds, for advertising, or for any other similar activities.
- k. Crossing or working behind a lawful and properly authorized picket line established by the Association.
- l. Working for lower wages, longer hours, or other conditions inferior to those established by the Association collective bargaining agreement.
- m. Acting in any way to circumvent, defeat or interfere with: (1) the Association's collective

bargaining agreement with the employer or (2) the Association's performance of its legal or contractual rights or obligations.

n. Disclosing any confidential matter of Association or its affiliates to any employer or employer agent.

o. Acting in collusion with any employer or employer agent to the detriment of the Association.

p. In the case of any elected or appointed Officer of the Association, failing to faithfully perform the duties of his or her office or position, or accepting dual compensation or expenses for the performance of duties related to his or her office or position.

q. Making false and malicious statements which jeopardize the employment or reputation of another Association member.

r. Filing a malicious and frivolous charge against a member or Officer, as evidenced by the Hearing Board's dismissal of said charge with a finding that the charge was malicious and frivolous.

## **BYLAW 15. PROCEEDINGS**

### **Section 15-1.** Establishment of the Hearing Board.

a. The Association President shall have the authority to establish and preside as Chairperson over a Hearing Board consisting of three (3) members to hear any disciplinary case. No Association officer or Board of Directors/Executive Committee member may be appointed to the Hearing Board. No charging party or accused member or a witness may serve on the Hearing Board in the conduct of disciplinary proceedings involving said member or witness. Where the Association President is unable to serve for any reason, the Association Vice President shall act as Chairperson. Where the Vice President is unable to serve for any reason, the remaining members of the Association Executive Board shall designate one of their number to act as Chairperson.

b. On motion filed with the Hearing Board prior to the hearing, either party may ask that a particular Hearing Board member be excused from participating in the proceeding if said party believes and has evidence that he or she cannot receive a fair hearing before that Hearing Board member. The Hearing Board shall give precedence to consideration of such motion.

c. For purposes of any Hearing Board Proceedings, a quorum of the Hearing Board shall consist of three of its members, and a quorum shall be required throughout the hearing.

d. If a Hearing Board member is absent during any portion of the hearing, he or she may not participate further in the proceeding.

e. All questions of order, procedure, and admissibility of evidence shall be decided by the Chairperson, subject to being overruled by a majority vote of the Hearing Board upon motion by a member of the Board.

**Section 15-2. Procedure for Filing Charges.**

a. An Association member accused of violating Bylaw 13 (“Grounds for Charges against Members and Officers”) shall be charged and tried before the Association Hearing Board. Any person who is no longer a member shall be charged and tried in the Association if the acts giving rise to the charges occurred while said person was a member of the Association.

b. Charges may be initiated by an active member of the Association.

c. More than one charging party may join in the same set of charges, but the charges must name one of the charging parties as the representative of the others to be responsible for filing papers, receiving papers, and trying the case. Where the charges fail to designate such representative, then the first charging member named in the charge shall be considered the representative of the others.

d. All charges and documents related to the charges shall be considered filed as of the postmark date (if sent via United States Mail), or the date of receipt by the Association (if hand delivered). It is the charging party’s responsibility to verify that the filing date is accurately noted on all documents.

e. Charges shall be filed in writing with the Association within thirty (30) days after the occurrence of the alleged violation, or if applicable, within thirty days after the alleged violation should have been discovered. Notwithstanding the date of discovery, any charge based upon alleged misconduct which occurred more than one (1) year prior to the filing of the charge shall be rejected by the Association Board of Directors/Executive Committee as time-barred, except for charges based upon the non-payment of dues, assessment and other financial obligations.

f. The charges shall specify the Article or Articles of the Association’s Constitution and/or Bylaws allegedly violated and shall also set forth a short and plain factual statement of the acts considered to be in violation (including available information as to dates and places) in such a manner as to fairly inform the accused of the specific acts which are alleged to constitute violations of the Constitution. By vote of the Association Board of Directors/Executive Committee, charges failing to comply with this requirement shall be dismissed by the Association Board of Directors/Executive Committee, without prejudice to the re-filing of charges which do comply, provided the re-filing occurs within the original thirty (30) day time limit.

g. A true and correct copy of the charges, a copy of the Association Constitution and a copy of any applicable policies shall be served upon the accused without delay via first class certified U.S. mail with return receipt requested. The accused shall be afforded seven (7) days after receipt to reply in writing to the charges, if he or she so desires.

**Section 15-3. Hearing Procedure.**

a. On motion of the accused before a Hearing Board, or upon its own motion, the Hearing Board may dismiss without a hearing any charges it finds are of such a trivial or frivolous nature that the interest of the Association does not justify the expenditure of time, money and other resources necessary for the conduct of a disciplinary proceeding.

b. The hearing on the charges shall be held as soon as practicable, but no later than sixty (60) days following the date on which the charges are filed. Upon request of either party, for good cause shown, the Hearing Board may grant an adjournment to a later date, not to exceed 120 days from the date charges were filed. The Hearing Board shall have the power, upon its own motion, to postpone any scheduled hearing, provided such postponement shall not result in a hearing beyond 120 days from the date the charges were filed. Any such Hearing Board decision to postpone the hearing beyond the scheduled date or to set a hearing for 60 days beyond the date that the charge was filed must be served upon all parties immediately. Every effort shall be made to schedule the hearing so that it does not conflict with the working schedule of the parties, and at least 14 days notice of the hearing date shall be given in writing to all parties. Any request for the postponement of the hearing date must be received by the Hearing Board at least three (3) days before the scheduled hearing date unless a satisfactory showing is made of inability to comply with this requirement. In the event the accused fails to appear for a duly noticed hearing, the hearing shall nevertheless proceed.

c. No member or Officer shall be required to stand before the Hearing Board on charges involving the same set of facts upon which said member or officer is facing criminal or civil trial until his/her final court appeal has been concluded.

d. The accused and the charging party shall have a fair and impartial hearing and shall have the right to present witnesses and other evidence on their behalf and the right to examine/cross-examine all witnesses. The accused and the charging party shall have the right to refuse to testify. The accused and the charging party may be assisted, advised, or represented by another member of the Association. At the commencement of the hearing, the Chairperson of the Hearing Board shall advise the parties of their rights as set forth in this section and shall read the charges to the accused. The accused shall then plead guilty or not guilty to each charge. In the event the accused elects not to appear or to respond, he or she shall be deemed to have entered a plea of not guilty, and the hearing shall proceed. Throughout the hearing, there shall be a presumption of innocence in favor of the accused. The charging party shall

present his or her case first and shall have the burden of proving the allegations contained in the charge. At the close of the charging party's case, either the accused or a member of the Hearing Board shall have the right to make a motion to dismiss the charges because the charging party has failed to present record evidence that establishes a violation of the Association Constitution or Bylaws.

e. Upon the completion of the hearing proceedings, the Hearing Board shall, without undue delay, determine the innocence or guilt of the accused, based solely on the record evidence. The parties shall be advised of the decision via first class certified U.S. mail with return receipt requested, and in duplicate by regular U.S. mail. A verdict of guilty shall require a two-thirds majority vote of the Hearing Board. If the decision is that of guilty, the Hearing Board shall affix appropriate penalties. Any member found guilty of any one or more of the charges against him or her may be censured, fined, suspended, and/or expelled, provided that such discipline shall not be imposed without stating with detailed specificity what the discipline is being imposed for. In the event of a finding of guilty on a charge that a member has crossed or worked behind a lawful and properly authorized picket line established by the Association, the penalty imposed shall be the greater of twice the charged party's per diem rate or five hundred dollars (\$500.00) per day. The decision and any penalty imposed on the basis of the decision shall be reported to the Association Board of Directors/Executive Committee within seven (7) calendar days of the date of the decision.

f. The accused may appeal the decision and/or penalty imposed by the Hearing Board to the Association Board of Directors/Executive Committee. Any such appeal must be filed no later than seven (7) days after the accused's receipt of notification of the Hearing Board's decision/penalty. The Association officer who presided as Chairperson of the Hearing Board must abstain from voting on the appeal. Any penalty imposed by the Hearing Board shall become immediately operative unless the accused moves the Association Board of Directors/Executive Committee to stay the penalty pending the outcome of the appeal, and the Board of Directors/Executive Committee grants such motion.

## **BYLAW 16. REFERENDUM**

**Section 16-1.** The membership may vote directly on issues through the use of the Referendum.

**Section 16-2.** The Referendum may be called by any of the following:

- a. At least 20% of the voting membership at a general meeting
- b. The Executive Committee/Board of Directors
- c. The President
- d. A petition signed by at least twenty percent (20%) of the voting membership.

**Section 16-3.** Voting will take place by secret ballot.

**Section 16-4.** The referendum will pass if approved by majority vote.

#### **BYLAW 17. ENABLING PROVISION**

**Section 17-1.** This Constitution and these Bylaws shall become effective upon ratification with a vote of 50%+1 of voting members and shall remain in effect until amended according to regulations herein provided.

## Appendix A.

### CODE OF ETHICS OF THE EDUCATION PROFESSION

#### Preamble:

The National Education Association believes that the education profession consists of one education workforce serving the needs of all students and that the term 'educator' includes education support staff.

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of the democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than the one specifically designated by the NEA or its affiliates.

#### PRINCIPLE I:

##### Commitment to the Student

The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator--

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student's access to varying points of view.



3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to embarrassment or disparagement.
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly--
  - a. Exclude any student from participation in any program
  - b. Deny benefits to any student
  - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage.
8. Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

**PRINCIPLE II:  
Commitment to the Profession**

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified

In fulfillment of the obligation to the profession, the educator--

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.

3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist a noneducator in the unauthorized practice of teaching.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

Adopted by the NEA 2010 Representative Assembly

## **Appendix B.**

### **Code of Ethics of the American Library Association**

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

I. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.

II. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.

III. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

IV. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.

V. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.

VI. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.

VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.

VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of coworkers, and by fostering the aspirations of potential members of the profession.

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

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