

1 **AGREEMENT OF MERGER**

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3 AGREEMENT OF MERGER, dated April 11, 1988, between the Mansfield
4 Education Association, a non-profit Ohio membership association, herein sometimes
5 referred to as "MEA," and the Mansfield School Support Association, a non-profit Ohio
6 membership association, herein sometimes referred to as "MSSA."
7

8 WHEREAS, MEA is an unincorporated voluntary membership association
9 organized and existing under and by virtue of the laws of the State of Ohio;
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11 WHEREAS, MSSA is an unincorporated voluntary membership association
12 organized and existing under and by virtue of the laws of the State of Ohio;
13

14 WHEREAS, the Board of Directors of MEA and the Executive Committee of
15 MSSA, the parties hereto, deem it desirable and in the best interests of the associations
16 and their members that MSSA be merged into MEA;
17

18 NOW, THEREFORE, in consideration of the premises and the mutual promises
19 and covenants, and subject to the conditions herein set forth, the constituent associations
20 agree as follows:
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- 22 1. The constituent associations shall be merged into a single association by
23 MSSA merging into and with MEA, the surviving association, which shall
24 survive the merger. Upon such merger the separate existence of MSSA
25 shall cease and MEA as the surviving association shall, as provided by
26 law, become the owner, without other transfer, of all the rights, privileges,
27 immunities, powers, franchises, collective bargaining rights, State
28 Employment Relations Board bargaining unit certifications/recognitions as
29 the exclusive bargaining agent for the employees previously represented
30 by MSSA and as the exclusive bargaining agent for the employees
31 previously represented by MEA, the MEA labor contract, the MSSA labor
32 contract, and authority of, and the property of the constituent associations,
33 and the surviving association, shall become subject to all the obligations,
34 debts, and liabilities of the constituent associations in the same manner as
35 if the surviving association had itself incurred them.
36
- 37 2. The name of the surviving corporation shall be Mansfield School
38 Employees Association (MSEA), and the purposes shall be as appears in
39 the constitution and by-laws of the surviving corporation as amended and
40 as hereinafter set forth.
41
- 42 3. The constitution and by-laws of the surviving association, as amended,
43 shall on the effective date of the merger be further amended to read as
44 herein set forth in full:
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46

47 **MANSFIELD SCHOOL EMPLOYEES ASSOCIATION**

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51 **CONSTITUTION, BY-LAWS, AND STANDING RULES**

52
53 **P R E A M B L E**

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55 We, the members of the Mansfield School Employees Association, in order that the
56 Association may serve as an advocate for employees of the Mansfield City Board of
57 Education, advance the cause of education for all individuals, promote professional
58 excellence among employees, promote recognition of the basic importance of the
59 professional employees in the learning process, protect the professional and human rights
60 of employees and advance their interests and welfare, and promote human and civil
61 rights, do hereby adopt this Constitution.
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65 **EDUCATORS BILL OF RIGHTS**

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67 The Association recognizes that a free society is dependent upon the education afforded
68 its citizens. In order to develop and preserve respect for the educational process and for
69 the worth and dignity of man, to provide a climate in which actions develop as a
70 consequence of rational thought, and to ensure intellectual freedom, the Association in
71 the NEA Bill of Rights affirms that educators must be free to contribute fully to an
72 educational environment which secures the freedom to teach and the freedom to learn.
73

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76 **ENABLING PROVISION**

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78 This Constitution and these By-Laws shall become effective April 11, 1988, following
79 their adoption, and shall remain in effect until amended according to regulations herein
80 provided.
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93
94 **MANSFIELD SCHOOL EMPLOYEES ASSOCIATION CONSTITUTION**
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96
97 **ARTICLE I** **NAME**
98

99 Section 1: The name of this Association shall be the Mansfield School
100 Employees Association.
101

102 Section 2: The Mansfield School Employees Association may affiliate with
103 organizations as recommended by the Board of Directors, provided
104 such affiliation is not in conflict with the Constitution or By-Laws
105 of the National Education Association.
106

107 **ARTICLE II** **PURPOSE**
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109 Section 1: The purpose of this Association shall be to:

- 110
111 (a) promote the educational objectives of the local school
112 system and of the state and of the nation;
113
114 (b) protect the welfare and advance the professional interests of
115 its members;
116
117 (c) foster professional attitudes;
118
119 (d) establish and maintain helpful, friendly relationships within
120 the membership and school community;
121
122 (e) advance the standards of educational employees;
123
124 (f) secure the active participation of employees in the solution
125 of school problems;
126
127 (g) promote the interests of public education.
128

129 Section 2: The Mansfield School Employees Association shall have the
130 power to receive, hold and administer funds and property to carry
131 out the purposes of the Association.
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133 **ARTICLE III** **MEMBERSHIP**
134

135 Section 1: All personnel employed by the Mansfield City Board of Education
136 (except those classified as administration), shall be eligible for
137 active membership.
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139 Section 2: Retired membership is open to all retired members, except those
140 classified as administration, who are members of OEA & NEA
141 Retired. Retired membership is classified as Retired Member and
142 is a non-voting membership, except if elected into a voting
143 position.
144

145 Section 3: The Mansfield School Employees Association shall be unified with
146 the National Education Association, the Ohio Education
147 Association, and North Central Ohio Education Association.
148

149 Section 4: All members shall abide by the Code of Ethics of the Education
150 Profession.
151

152 Section 5: Expulsion of Members
153
154 According to procedures adopted by the Association, the
155 Leadership Committee may censure, suspend from membership, or
156 expel any member for one or more of the following reasons:
157

- 158 (a) Violation of the Code of Ethics of the Education
159 Profession;
- 160
- 161 (b) Conviction of a felony;
- 162
- 163 (c) Actively engaging in, or actively supporting activities
164 directed against the constitutional purposes of the
165 Association to bring about changes in the Association by
166 means other than those that are consistent with the
167 Association’s Constitution.
168

169 The MSEA Leadership Committee may reinstate members
170 previously suspended or expelled.
171

172 Section 6: Due Process
173
174 The Association guarantees that no member may be censured,
175 suspended, or expelled without a due process hearing, which shall
176 include an appropriate appellate procedure.
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178

179 ARTICLE IV ORGANIZATIONAL GOVERNANCE
180

181 Section 1: Governing Bodies
182
183 There shall be (a) a Board of Directors, (b) an MSEA Leadership
184 Committee.

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186 Section 2: Board of Directors
187
188 The Board of Directors shall be composed as set forth in the By-
189 Laws.
190
191 Section 3: Authority – Parliamentary Procedure
192
193 Robert’s Rules of Order, Newly Revised shall be the authority
194 governing all matters of procedure not otherwise provided in this
195 constitution, by-laws, or standing rules.
196
197 Section 4: MSEA Leadership Committee
198
199 (a) The officers of the Association shall be a President, First
200 Vice President, Second Vice President, Third Vice
201 President, Recording Secretary, Corresponding Secretary,
202 and Treasurer.
203
204 (b) All district wide elected committee chairpersons and
205 officers shall be members of the MSEA Leadership
206 Committee.
207
208 (c) The Immediate Past President of the Association shall be a
209 member of the MSEA Leadership Committee.
210
211 (d) Additionally, the retired members will elect one (1) retired
212 member to the MSEA Leadership Committee as a voting
213 member.
214
215 (e) There shall be Ad Hoc Committees established either by
216 the MSEA Leadership Committee or by the Board of
217 Directors. However, the chairpersons of such committees
218 shall be non-voting members of the MSEA Leadership
219 Committee.
220
221 (f) School support members and teacher members shall be
222 elected and/or appointed to the MSEA Leadership
223 Committee at least in proportion to their respective
224 membership in the Association.
225
226 Section 5: Duties
227
228 The duties of the Board of Directors, MSEA Leadership
229 Committee, Officers, and Standing Committees shall be as set
230 forth in the By-Laws and Standing Rules.

231
232 Section 6: Meetings
233
234 There shall be meetings of the (a) Board of Directors, (b) MSEA
235 Leadership Committee, (c) Association as set forth in the By-
236 Laws.
237
238
239 Section 7: Elections
240
241 All nominations for elected officers shall be open by petition from
242 any MSEA member, signed by twenty-five (25) MSEA members
243 representing at least five (5) buildings, to be filed no later than two
244 (2) weeks prior to the election with the chairperson of the
245 Nominations & Elections Committee.
246
247 ARTICLE V AMENDMENTS TO THE CONSTITUTION
248
249 Section 1: A. Proposals to amend the MSEA Constitution may be made
250 (1) by a majority vote of the Board of Directors; (2) on
251 petition by at least twenty-five (25) active members of the
252 Association; or (3) by action of the Legislative Committee.
253
254 B. The proposed amendment(s) shall then be referred to the
255 Legislative Committee to be drafted.
256
257 C. The draft of any proposed amendment(s) will be reviewed
258 by the MSEA Leadership Committee and sent to the Board
259 of Directors for approval, with or without recommendation
260 of the MSEA Leadership Committee.
261
262 D. After approval from a majority of the Board of Directors,
263 the proposed amendment shall then be sent to a vote by the
264 general membership. Upon a negative vote by the Board of
265 Directors, the proposed amendment(s) will be referred back
266 to the Legislative Committee with recommended changes.
267 The proposed amendment(s), with changes, will be
268 reconsidered by the Board of Directors before being sent to
269 a vote of the general membership.
270
271 Section 2: Upon approval of a majority of the Board of Directors, the text of
272 any proposed amendment(s) to the Constitution shall be published
273 and distributed to all members of the Association thirty (30) days
274 prior to the vote on such amendment(s).
275

276 Section 3: All proposed amendments to the MSEA Constitution shall be
277 submitted to a vote of the membership of the Association, and shall
278 be by secret ballot.
279

280 Section 4: An amendment to this Constitution shall be considered adopted
281 with two-thirds (2/3) of the ballots cast in the affirmative.
282

283 Section 5: Active members of the Association, as defined in the By-Laws, are
284 eligible to vote on the proposed amendment(s).
285

286 Section 6: Upon approval by the membership, all amendment(s) to this
287 Constitution are immediately in force and supersede any
288 constitutional provision(s) that may be in conflict with such
289 amendment(s).
290

291 Section 7: Amendments to the By-Laws
292

293 A. Proposals to amend the MSEA By-Laws may be made (1)
294 by petition from the membership; or (2) by written
295 notification of intent to the President by no less than ten
296 (10) members of the Board of Directors; or (3) by action of
297 the Legislative Committee.
298

299 B. The proposed amendment(s) to the By-Laws shall then be
300 referred to the Legislative Committee to be drafted.
301

302 C. An amendment to the By-Laws shall be considered adopted
303 when two-thirds (2/3) of the members voting by secret
304 ballot are in the affirmative.
305

306 D. Upon declaration of approval by the President following
307 provision in Section 7 (C), all amendment(s) to the By-
308 Laws are immediately in force and supersede any
309 provision(s) that may be in conflict with such
310 amendment(s).
311

312 E. The draft of any proposed amendment(s) to the By-Laws
313 will be reviewed by the MSEA Leadership Committee and
314 sent to the Board of Directors for approval, with or without
315 recommendation of the MSEA Leadership Committee.
316

317 F. After approval from a majority of the Board of Directors,
318 the proposed amendment shall then be sent to a vote by the
319 general membership. Upon a negative vote by the Board of
320 Directors, the proposed amendment(s) will be referred back
321 to the Legislative Committee with recommended changes.

322 The proposed amendment(s), with changes, will be
323 reconsidered by the Board of Directors before being sent to
324 a vote of the general membership.
325
326 G. Following the approval of a majority of the Board of
327 Directors the text of any proposed amendment(s) to the By-
328 Laws shall be published and distributed to all members of
329 the Association thirty (30) days prior to the vote on such
330 amendment(s).
331
332 H. An amendment to the By-Laws shall be considered adopted
333 when two-thirds (2/3) of the members voting by secret
334 ballot are in the affirmative.
335
336 I. Upon declaration of approval by the President following
337 provision in Section 7 (H), all amendment(s) to the By-
338 Laws are immediately in force and supersede any
339 provision(s) that may be in conflict with such
340 amendment(s).
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342 ARTICLE VI FISCAL YEAR AND DUES STRUCTURE
343
344 Section 1: The fiscal and membership year shall be September 1 to August
345 31.
346
347 Section 2: The annual dues of teacher members shall be 3 mills (.003)
348 (effective the 2009-2010 school year) of the negotiated base salary
349 plus such additional dues as may be established by the NCOEA,
350 OEA, and NEA.
351
352 Section 3: The annual dues of school support members shall be 25 percent of
353 teacher member dues plus such additional dues as may be
354 established by the NCOEA, OEA, and NEA.
355
356 Section 4: The annual dues for part-time active members, as defined in the
357 By-Laws, shall be 50 percent of active member dues.
358
359 Section 5: The dues for Retired Members shall be a one time payment of 50%
360 of the local millage of an active member; one-half to be donated to
361 the scholarship fund, one-half to be put into the general operating
362 fund.
363
364 Section 6: Fair share fee payers shall follow guidelines as set and monitored
365 by OEA.
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367 Section 7: The MSEA shall establish a savings plan where 2% of the annual
368 budget, each year, shall be deposited into the MSEA savings
369 account annually.
370

371 Section 8: A strike fund shall be established for the membership of the
372 MSEA. Each member shall be assessed \$26 a year (\$1 per pay)
373 and all funds shall be deposited in such strike fund. This fund
374 shall be kept in a separate account and may only be used in the
375 event of a strike. Money will be distributed evenly in the event of a
376 strike.
377

378 ARTICLE VII DISSOLUTION PROCEDURE
379

380 Section 1: A petition for dissolution of the Association may be presented in
381 writing to a meeting of the general membership by any member in
382 good standing and must contain the signature of three-fourths (3/4)
383 of the total membership of the Association.
384

385 Section 2: Upon receipt of the petition for dissolution by the total
386 membership, the Association shall act upon the petition at the next
387 general membership meeting.
388

389 Section 3: The Association shall be considered dissolved if three-fourths (3/4)
390 of the total membership vote by secret ballot in favor of
391 dissolution.
392

393 Section 4: The effective date of dissolution shall be thirty (30) days from the
394 date of the vote, thus allowing for the disposal of assets and
395 liabilities.
396

397 Section 5: In the event of dissolution of the Association, all assets of this
398 organization remaining after payment of all obligations shall be
399 distributed to United Way provided that it is an entity recognized
400 as exempt from federal taxation. In the event that United Way is
401 not then recognized as tax exempt, such assets shall then pass to
402 March of Dimes provided that it is recognized as exempt from
403 federal taxation.
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BY-LAWS

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ARTICLE I

MEMBERSHIP

Section 1: Active membership is open to all personnel employed by the Mansfield City Board of Education, except those classified as administration.

Section 2: Part-time active membership is open to all personnel working four (4) hours or less per day.

Part-time active members shall have the same rights as other members.

Section 3: Retired membership is open to all retired members, except those classified as administration, who are members of OEA & NEA Retired.

ARTICLE II

ORGANIZATIONAL GOVERNANCE

Section 1: Board of Directors

- A. Purpose: The Board of Directors shall be the primary legislative body establishing policies of the Mansfield School Employees Association.
- B. Makeup: (1) The Board of Directors shall consist of Association Representatives or their certified alternates, Representatives-at-Large, and Officers. (2) There shall be elected to the Board of Directors representation of ethnic minority at least proportionate to the ethnic minority of membership in the MSEA.
- C. Duties: The Board of Directors shall be empowered to conduct business, to make recommendations to the membership, to refer any matter to the entire membership if necessary, to fill vacancies occurring between scheduled elections for officers of the Association, to authorize the spending of money, and to assist the President in carrying forward the work of the Association.
- D. Association Representatives
 - 1. Association Representatives shall be elected annually on the following basis: One elected

- 459 representative from each work site having 1 to 10
460 active members; and one additional Association
461 Representative for each additional 10 members or
462 any fraction thereof. At least one ESP Association
463 Representative shall be elected at each work site,
464 and one additional ESP Association Representative
465 shall be elected at each middle school and at each
466 high school.
- 467
- 468 2. Election: The responsibility for obtaining
469 candidates for Association Representatives and
470 alternates shall rest with the Nominations &
471 Elections Committee member(s) from each work
472 site. Elections will be held prior to the October
473 Association Representatives' meeting. The exact
474 date shall be chosen by the chairperson of the
475 Nominations & Elections Committee. Results shall
476 be returned to the chairperson of the Nominations &
477 Elections Committee.
- 478
- 479 3. Duties: The Association Representative(s) shall
480 report to the staff of the work site, at least once per
481 Board of Directors meeting, keeping the staff in
482 close contact with the policies, programs, and
483 activities of the Association, and make known to the
484 Board of Directors the opinions and attitudes of the
485 work site members.
- 486
- 487 4. Attendance: An Association Representative by
488 reason of absence from three (3) Board meetings in
489 a year, without certified alternate representation,
490 shall forfeit his membership on the Board and be so
491 notified by the Recording Secretary. In such cases,
492 the Recording Secretary shall notify the President
493 and a replacement shall be appointed by the
494 President.
- 495
- 496 E. Representatives-at-Large
- 497
- 498 1. Makeup: Representatives-at-Large are:
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- 500 a. Chairpersons of Standing and Ad Hoc
501 Committees;
- 502
- 503 b. The Immediate Past President who is a
504 member of MSEA;

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Section 2:

MSEA Leadership Committee

- c. Executive Committee members of NEA, OEA, and/or NCOEA who are MSEA members.
 - d. Retired members may elect one (1) voting representative to the Board of Directors for every 25 retired members.
2. Duties: Representatives-at-Large shall be responsible to the opinions and attitudes of the membership at large. The Representatives-at-Large shall be available for any work site or committee discussion, if asked.
- A. All members of the MSEA Leadership Committee defined in the MSEA Constitution shall have the right to vote.
 - B. The MSEA Leadership Committee shall implement motions and resolutions approved by the Board of Directors. It shall establish the tentative agenda for the ensuing Board meetings. It shall make recommendations to the Board of Directors. The MSEA Leadership Committee shall review programs of the Standing Committees. When a quorum of the Board of Directors cannot convene, the MSEA Leadership Committee may make such decisions as are necessary to provide for the best interest of the Association. Such actions are subject to ratification by the Board of Directors.
 - C. The MSEA Leadership Committee shall conduct training sessions as needed for Association Representatives, alternates, and Representatives-at-Large. At least one (1) training session may be held prior to the first Board meeting each year.
 - D. All MSEA Leadership Committee members shall be responsible for a regularly submitted newsletter item.
 - E. All MSEA Leadership Committee members shall attend 75% of all MSEA Leadership Committee meetings and 75% of all Board of Directors meetings. After attendance falls below 75%, and at the discretion of the president, the MSEA Leadership Committee member may be removed

551 from their MSEA Leadership Committee position and
552 replaced according to the constitution, by a vote of the
553 existing MSEA Leadership Committee members.

554
555 F. All MSEA Leadership Committee members shall give a
556 report at all Board of Directors meetings.

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559 Section 3: Officers

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561 A. Requirements

562

563 1. All officers shall be members of the United
564 Education Profession.

565

566 2. All elected MSEA Leadership Committee members
567 shall have been members of the UEP and MSEA for
568 at least twenty-four (24) months immediately prior
569 to the term of office..

570

571 3. The term of office shall be for two (2) years,
572 beginning July 1, following the election.

573

574 4. The Board of Directors and MSEA Leadership
575 Committee shall recognize in a formal way all
576 outgoing officers.

577

578 5. Retired members of UEP may run for an office,
579 except President, Vice Presidents, and/or Treasurer,
580 as long as that position has no active member
581 seeking to fill the office.

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583 B. Duties of the President

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585 The President shall:

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587 1. Be custodian and enforcer of the Constitution, By-
588 Laws, and Standing Rules of the Association.

589

590 2. Preside over all meetings of the Association, MSEA
591 Leadership Committee, and Board of Directors.

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593 3. Appoint chairpersons of Standing Committees,
594 Parliamentarian and Sergeant(s)-at-Arms, subject to
595 the approval of the Board of Directors.

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4. Be ex-officio member of all committees and be apprised of all meetings and recommendations they plan to make to the Board of Directors.
5. Shall be chief delegate to the District, State, and National Education Association assemblies.
6. Act on behalf of the Association, subject to review of the Board of Directors, when in the judgment of the President it is impractical for either the MSEA Leadership Committee or the Board of Directors to convene.
7. Apprise the First Vice President of all Association activities to enable the First Vice President to fulfill the official duties as stated in Article II, Section 3, C, 1-3.
8. Upon completion of the elected term be Immediate Past President.
9. Shall serve as the first representative to the North Central Ohio UniServ Council.
10. Attend or appoint a designee to attend all regularly scheduled meetings of the Mansfield City Board of Education.
11. Arrange meetings as needed with the Superintendent of the Mansfield City Schools.

C. Duties of the First Vice President

The First Vice President shall:

1. Preside over all meetings of the Association, MSEA Leadership Committee and Board of Directors in the absence of the President.
2. In the case of resignation, impeachment, incapacitation or death of the President, assume the office of the President for the remainder of the term or at such time as the President is able to resume his/her duties. In the event of the assumption of the Presidency, the First Vice President's grievance

- 642 duties shall be assumed by the elected chairpersons
643 (ESP & Certified) of the Contract Committee.
644
645 3. In the event of the assumption of the Presidency,
646 upon the completion of the term, be Immediate Past
647 President.
648
649 4. Shall apprise the President of action and status of all
650 grievances and contract violations for both ESP and
651 Certified staff. Shall process all grievances, both
652 ESP and Certified, and make appropriate
653 recommendations to the MSEA Leadership
654 Committee concerning MSEA support and possible
655 financial assistance for contract enforcement.
656
657 5. Shall serve as second representative to the North
658 Central Ohio UniServ Council.
659
660 6. Shall receive a combination of paid membership in
661 the UEP and 17 percent of base salary.
662
663 7. Advise and seek opinions concerning contract
664 issues from the Contract Committee.
665
666 8. Shall serve as second representative to District and
667 State Association assemblies.
668

669 D. Duties of the Second Vice President

670 The Second Vice President shall:

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672
673 1. Serve as chairperson of the Membership
674 Committee.
675
676 2. Advise the Legislative Committee concerning
677 constitutional revisions.
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679 3. Advise the Nominations & Elections Committee.
680
681 4. Preside over all meetings of the Association MSEA
682 Leadership Committee and Board of Directors in
683 the absence of the President and First Vice
684 President.
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686 5. Advise the Public & Human Relations Committee.
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E. Duties of the Third Vice President – shall be filled by an ESP member.

The Third Vice President shall:

1. Assist the Second Vice President in membership.
2. Be responsible for scholarship fund and fund raising.
3. Preside at meetings of the Association MSEA Leadership Committee, Board of Directors in the absence of the President, First Vice President and Second Vice President.
4. Advise the Public & Human Relations Committee.

F. Duties of the Recording Secretary

The Recording Secretary shall:

1. Keep full and complete records of the MSEA Leadership Committee meetings, Board of Directors meetings, and Association meetings.
2. Maintain records or books in which the Constitution, By-Laws, Standing Rules, policies, master contract, minutes, and attendance of the current year are properly recorded with any amendments to these documents and have current records on hand at every meeting.
3. In the absence of the President, First and Second Vice Presidents, call the meeting to order until the election of a chairperson pro tem, which shall be the first order of business.
4. Shall send minutes of the monthly Board of Directors' meetings to the representatives one week after the meeting.

G. Duties of the Correspondence Secretary – shall be filled by an ESP member.

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The Corresponding Secretary shall:

1. Serve as ESP chairperson of the FCPE Committee and run annual ESP - FCPE drive.
2. Attend to all correspondence of the Association.
3. Shall maintain a file of incoming and outgoing mail.
4. Notify the Board of Directors of monthly meetings
5. Take attendance in the absence of a Sergeant(s)-at-Arm.
6. Send appropriate communications to the family of a deceased MSEA member.
7. Serve as ESP Legislative Chair.

H. Duties of the Treasurer

The Treasurer shall:

1. Be responsible for collecting all dues.
2. Be in charge of all funds of the Association.
3. Deposit funds in the bank designated by the Board of Directors.
4. Disperse funds as authorized by the Board of Directors.
5. Serve as a chairperson of the Budget Committee.
6. Make a financial report at each Board of Directors meeting and an annual report to the membership.
7. Keep on file a record of names and addresses of all members.
8. Act as liaison to the Treasurer of the Mansfield Board of Education.

778 9. Upon notification, shall send an appropriate
779 remembrance in the event of the death of an MSEA
780 member.

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782 I. Immediate Past President

783
784 In the event of the resignation, impeachment,
785 incapacitation, or death of the President, First Vice
786 President, the Second Vice President, and the Third Vice
787 President, the Immediate Past President shall become
788 President for the duration of the term.

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790 J. Officer Reimbursement

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792 1. Officers shall receive reimbursement for expenses
793 in the form of an advance expense allowance and/or
794 paid membership in the UEP.

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796 2. The amount shall be determined and approved by a
797 majority affirmative vote of the Board of Directors.

798
799 3. The President shall receive a combination paid
800 membership in the UEP and 20 percent of base
801 salary.

802
803 4. The Third Vice President, Recording Secretary,
804 Corresponding Secretary, Nominations & Elections
805 Chairs (ESP & Certified), Internal Relations Chair,
806 Contract Chairs (ESP & Certified), and Legislative
807 Chair shall receive a paid membership in the UEP.

808
809 5. The Treasurer shall receive a combination of an
810 advance expense allowance and paid membership in
811 the UEP and 17 percent of base salary.

812
813 6. The Second Vice President shall receive a
814 combination of paid membership in the UEP and 17
815 percent of the base salary.

816
817 Section 4: Standing Committees

818
819 The term of these committees shall be two (2) years, concurrent
820 with the term of officers. There will be an attempt to have co-
821 chairpersons (Certified and ESP).

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A. Budget Committee

Makeup: Treasurer and a committee of four (4) members.

Duties: The Budget Committee shall assist and advise the Treasurer. This Committee shall plan a budget after consultation with officers and committee chairpersons, and recommend means of financing the proposed budget. The proposed budget shall be presented to the Board of Directors for approval at the May Board of Directors meeting.

B. Contract Committee

Makeup: Elected chairpersons (one ESP) and one Certified) and members representing every work site, named by the co-chairs and subject to the approval of the President and Board of Directors.

Duties: Co-chairs shall serve as consultants for initiation of grievances and shall be a member of their negotiating team and supervise the general training of the negotiating team appointed by the President. Chairs may offer recommendations to the President for the negotiations team. If co-chairs are called upon to fill the First Vice President's grievance responsibilities they shall receive 12 percent and 5 percent (Certified and ESP) of base salary, until the First Vice President resumes the responsibility or another First Vice President is appointed.

The Committee shall offer input to the First Vice President on issues concerning the contract. It shall gather information from the general membership through a survey, or other appropriate means. It shall provide an exchange of ideas between the Association membership and the negotiations team. It will assist the President and negotiations team in establishing the Association's initial proposal to the Board of Education. It shall educate members on their contract and its importance.

C. Legislative Committee

Makeup: Elected chairpersons (Corresponding Secretary and one Certified) and members representing every work site.

870 Duties: This Committee shall recommend to the
871 Association actions that further the political and legislative
872 aims of the profession. The Committee shall develop
873 support for political candidates favorable to education and
874 work for the passage of legislation favorable to public
875 education and the teaching profession. The Committee
876 shall make recommendations to revise the Constitution.
877 This Committee shall be in charge of the annual FCPE fund
878 drive and distribute and collect forms and monies. All
879 monies collected shall be forwarded to the OEA-FCPE
880 Division.

881
882 D. Negotiations Team(s)

883
884 Makeup: Appointed chairpersons (one ESP or one
885 Certified). The negotiations team shall be named by the
886 President and subject to approval of Board of Directors.
887 Each team may also have three (3) consultants. The
888 chairpersons shall serve as ex-officio members of the
889 MSEA Leadership Committee.

890
891 Duties: The OEA/NEA Labor Relations Consultant may
892 also serve as part of the team. In addition his duties shall
893 be the following:

894
895 The Ohio Education Association represents the Association
896 on all matters concerning the Association before the State
897 Employment Relations Board (SERB).

898
899 The OEA/NEA Labor Relations Consultant shall be the
900 Association's designated representative for the purpose of
901 dealing with SERB.

902 (Or)

903 The MSEA Leadership Committee shall name the
904 designated representative as called for under ORC 4117,
905 prior to the opening of negotiations.

906
907 The team shall negotiate according to the conditions set
908 forth in the appropriate Agreement between the Mansfield
909 School Employees Association and the Mansfield Board of
910 Education. Members of the bargaining unit either ESP or
911 Certificated may attend a ratification meeting. Members
912 whose contract is not being voted upon may attend as
913 observers only. Any agreements reached between the team
914 and the Board must be ratified by secret ballot of a majority
915 of appropriate ESP or Certificated MSEA members.

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Written copies of the tentative agreement summary should be given to the general membership prior to ratification.

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 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.
- (d) The President will communicate required details of the ratification vote to the employer's designated representative.

The designated representative for the Association is authorized to give timely notice of intent to strike to the Board of Education and SERB, upon approval of the membership and in keeping with provisions of ORC 4117.14 (D) (2).

Non-members or retired members of the Association are not eligible to vote on a fact-finder's report or contract ratification. (This is recommended, but not a legal requirement.)

E. Nominations & Elections Committee

Makeup: Two elected chairs (one ESP, one Certified), five certified representatives (two elementary, one middle school, two high school), five ESP representatives (one from each Maintenance, Custodians, Food Services, Paraprofessionals, and Secretaries) appointed by the President and subject to Board of Directors approval.

Duties: This Committee shall secure candidates for all Association's elections. They shall verify that Article VI of the By-Laws is followed. This Committee shall supervise

962 all elections, secure persons to count ballots, and report
963 results to the President, MSEA Leadership Committee, and
964 Board of Directors.

965
966 F. Public & Human Relations Committee

967
968 Makeup: Elected chairperson, advised by Second Vice
969 President and Third Vice President and members
970 representing each work site.

971
972 Duties: This Committee shall be responsible for external
973 and internal public relations, including the Chalk and Slate
974 Award, articles for the Association newsletter, and
975 arrangement of staff meals. This Committee will also deal
976 with business and community persons in order to cultivate
977 a positive image of MSEA.

978
979 This Committee shall annually identify areas of human
980 need present in the community, present a chosen project(s)
981 to the Board of Directors in October for their adoption,
982 inform the Board how last year's project finished, and lead
983 the membership toward completing the newly adopted
984 project.

985
986 G. Internal Relations Committee

987
988 Makeup: Elected chairperson and a committee of five (5)
989 members.

990
991 Duties: This Committee shall collect a copy of meeting
992 minutes from the following committees: SAC (each
993 building), Curriculum Committee, Labor-Management
994 Committee (both ESP and Certified), and all other
995 committees the MSEA Leadership Committee / Board of
996 Directors deems necessary (LPDC, Crisis Committee, etc.).
997 Information shall be supplied to the MSEA Leadership
998 Committee / Board of Directors as requested. The chair
999 shall coordinate, or appoint a designee to oversee the
1000 NCOEA and OEA Rep. Assembly Delegates.

1001
1002 This committee shall be responsible for a monthly
1003 association newsletter containing officer updates, calendar
1004 of events, and any other information deemed necessary for
1005 the association by the committee. In addition, this
1006 committee, or a designee, will update and maintain the
1007 association website on a by-monthly basis.

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H. Membership Committee

Makeup: Second Vice President with Third Vice President (ESP), certified as chair, and members representing each work site.

Duties: This Committee shall distribute membership information and distribute and collect membership forms. This Committee shall also collect payments by check and forward to the Association Treasurer.

Section 5: Parliamentarian and Sergeant(s)-at-Arms

A. Parliamentarian

The President may appoint a Parliamentarian, as needed, at any meeting.

B. Sergeant(s)-at-Arms

Sergeant(s) -at-Arms shall be appointed by the President when necessary. The Sergeant(s)-at-Arms shall be responsible for: (1) taking attendance; (2) keeping order; (3) the seating of voting and non-voting members in the designated areas; and (4) the securing of doors prior to voting if so directed by the President.

ARTICLE III MEETINGS

Section 1: Board of Directors

A. The Board of Directors shall meet the first school day following the first Sunday of each month during the school year at a time and place designated by the President.

B. Special meetings may be called by the President, Leadership Committee, or a majority of the Board of Directors upon written notice to all members of the Board of Directors.

Section 2: MSEA Leadership Committee

A. The MSEA Leadership Committee shall meet one week prior to each regular Board of Directors meeting to assist

1054 the President in preparing the agenda for the Board of
1055 Directors.
1056
1057 B. The MSEA Leadership Committee shall meet during the
1058 summer to carry forth the business of the Association.
1059
1060 C. The MSEA Leadership Committee shall meet during the
1061 month of June to inform the newly elected officers of
1062 pending Association business, procedures, and to prepare
1063 for the transfer of existing records to the appropriate
1064 people.
1065
1066 Section 3: Association
1067
1068 A. Special Association meetings may be called by the
1069 President or the Board of Directors upon one (1) week’s
1070 written notice to all members.
1071
1072 B. Members may petition for an Association meeting. The
1073 signatures of fifty (50) active members stating the purpose
1074 of the request shall be presented to the President. The
1075 President shall call the meeting by one (1) week’s written
1076 notice to all members upon receipt of petition(s).
1077
1078 C. Emergency meetings may be called by the President,
1079 MSEA Leadership Committee, or Board of Directors upon
1080 an attempt to notify all members.
1081
1082 Section 4: Quorum
1083
1084 A. A quorum for the Board of Directors shall consist of those
1085 members present.
1086
1087 B. A quorum for general Association meetings shall be 10
1088 percent of the active members of MSEA.
1089
1090 C. A quorum for the Leadership Committee shall be a
1091 majority of the elected/appointed voting members.
1092
1093 Section 5: Training Sessions
1094
1095 A. Training sessions for Association Representatives and their
1096 certified alternates shall be held as needed.
1097

- 1098 B. There may be a training session supervised and conducted
1099 by the Leadership Committee at the first Board of Directors
1100 meeting before each school year.
- 1101
- 1102 C. Additional training sessions may be conducted by the
1103 Leadership committee or the Board of Directors.
1104
1105
- 1106 ARTICLE IV NOMINATIONS, CAMPAIGNING, AND ELECTIONS
1107
- 1108 Section 1: Nominations Procedures
1109
- 1110 A. When notifying membership of elections to be held, the
1111 Nominations & Elections Committee shall publish a list of
1112 elected positions to be filled with appropriate job
1113 descriptions and the date of the election. They will also
1114 inform the membership of procedures to be followed in
1115 order to secure a position on the ballot.
1116
- 1117 B. The Nominations & Elections Committee shall secure
1118 candidates for elected positions if no resumes are submitted
1119 from prospective candidates.
1120
- 1121 C. Each candidate shall submit a written resume to the
1122 Nominations & Elections Committee upon acceptance of
1123 the candidacy. Resumes for anyone running for an office
1124 in MSEA, may be of any length. Resumes of persons
1125 running for any other elected position will be limited to
1126 twenty-five (25) words or less.
1127
- 1128 D. Resumes of each candidate shall be published and
1129 distributed to all active members of the MSEA by the
1130 Nominations & Elections Committee.
1131
- 1132 E. Persons eligible to run for an elected position or vote shall
1133 be those who are members of MSEA thirty (30) days prior
1134 to the beginning of the nominations/elections process.
1135
- 1136 F. A “challenge” is a formal objection to someone’s right to
1137 run for office. It must be raised by a member before the
1138 election is actually held.
1139
- 1140 G. The cost of running for any elected position shall be borne
1141 by the candidate.
1142

1143 H. In the event the Nominations & Elections Committee
1144 cannot obtain persons to serve as chair(s) of various
1145 committees, the MSEA Leadership Committee may appoint
1146 persons to serve in these positions. Such appointments
1147 must be approved by the Board of Directors. Such persons
1148 will not be voting members of the MSEA Leadership
1149 Committee, but may attend meetings.
1150

1151 Section 2: Campaigning Procedures
1152

- 1153 A. The Nominations & Elections Committee may provide for
1154 a “meet the candidates” session at least one (1) week prior
1155 to the election.
1156
1157 B. The Nominations & Elections Committee shall determine
1158 the time limits for the candidates’ speeches at the “meet the
1159 candidates” session.
1160
1161 C. The source of all campaign literature shall be properly
1162 identified.
1163

1164 Section 3: Election Procedures
1165

- 1166 A. The Nominations & Elections Committee shall assume the
1167 responsibility of notifying all members of the MSEA of the
1168 slate of candidates of the election one (1) week prior to the
1169 election.
1170
1171 B. The names of the candidates shall be placed on the ballot
1172 by random order. A space shall be provided for write-in
1173 candidates for each elected position.
1174
1175 C. All balloting will be conducted by the Nominations &
1176 Elections Committee person at the respective work sites on
1177 the Monday of the May AR meeting.
1178
1179 D. All elections shall be conducted by secret ballot.
1180
1181 E. Persons eligible to vote shall be all who are in good
1182 standing as members of the Association.
1183
1184 F. Fair share fee payers shall not have the right to vote, hold
1185 office, or otherwise have privilege of Association
1186 membership.
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- G. During balloting, the member(s) of the Nominations & Elections Committee shall give no opinion of the issue(s) or candidate(s) in question.
 - H. Ballots shall be counted at the MSEA office by a committee of four (4) whose names do not appear on the ballot to be chosen by the Nominations & Elections Committee. Ballots shall be counted the same day as the elections.
 - I. The candidate(s) or a representative may be present during the counting of the ballots.
 - J. A recount will be held if the difference in the number of votes between candidates for the same office is two percent (2%) or less of the voting members.
 - K. The Nominations & Elections Committee Chairperson shall notify all candidates of the election results immediately after the votes are counted.
 - L. The results of the election shall be posted at each work site within five (5) days after the election.
 - M. The results of the election shall be signed by the chairperson of the Nominations & Elections Committee and certified by the President of the MSEA.
 - N. The ballots for all elected positions shall be kept by the Nominations & Elections Committee for a minimum of one year.
 - O. All election procedures shall be in compliance with Landrum & Griffin.
- Section 4:
- A. Any complaints or alleged violations of the MSEA By-Laws regarding elections shall be reported to the Nominations & Elections Committee Chairperson.
 - B. The Nominations & Elections Committee shall decide upon any action to be taken concerning complaints and alleged violations of the elections procedure subject to the approval of the Board of Directors.
 - C. 1. Should an irregularity arise which affects the outcome of an election and a protest raised, the

1234 irregularity should be brought to the attention of the
1235 chairperson of the Nominations & Elections
1236 Committee within ten (10) days.
1237
1238 2. After a protest has been filed, a hearing will be held
1239 within five (5) days by the Nominations & Elections
1240 Committee.
1241
1242 3. Any protests not resolved at the local level may be
1243 appealed to the OEA Secretary-Treasurer and the
1244 matter will be investigated in accordance with OEA
1245 Executive Committee Policy 900.011.
1246
1247 ARTICLE V DELEGATES
1248
1249 Section 1: A. The President of the Association shall be first delegate and
1250 chairperson of the delegations to the District, State, and
1251 National Education Association Representative Assemblies
1252 and the Local UniServ Council.
1253
1254 B. The President of the Association shall be the first delegate
1255 to the UniServ Council.
1256
1257 Section 2: A. Other delegates to District, State, and National Education
1258 Association Representative Assemblies shall be elected
1259 from the membership of the Association by written ballot
1260 in an election conducted by the Nominations & Elections
1261 Committee in accordance with requirements of the
1262 affiliated associations.
1263
1264 B. Delegates to NCOEA and OEA Representative Assembly
1265 shall be elected in ratio to Certificated/ESP membership in
1266 MSEA.
1267
1268 C. The President shall appoint the remaining UniServ
1269 Coordinating Council members from among the elected
1270 officers. The selections shall be subject to approval by the
1271 Board of Directors.
1272
1273 Section 3: Alternates to the Representative Assemblies named in Section 2
1274 shall be selected by their order on the ballot count.
1275
1276 Section 4: Delegates to Leadership Conferences, seminars and workshops
1277 shall be appointed by the President upon the approval of the Board
1278 of Directors and priority shall be given to officers, Association
1279 Representatives, and Representatives-at-Large.

1280
1281 Section 5: Expenses of delegates shall be provided through the budgeted
1282 funds recommended by the Budget Committee.
1283
1284
1285 ARTICLE VI IMPEACHMENT PROCESS FOR ELECTED PERSONS
1286
1287 A. Officers of the Association may be impeached for violation
1288 of the Code of Ethics of the Education Association
1289 Profession, or misfeasance, malfeasance, or nonfeasance in
1290 office.
1291
1292 B. The Board of Directors, upon request of two-thirds (2/3) of
1293 its members, shall have the power to initiate and conduct
1294 trials. It shall be the responsibility of the MSEA
1295 Leadership Committee to ensure that all members of the
1296 Board of Directors are given a minimum of ten days' notice
1297 of impending trial. This notice shall be by registered mail.
1298 If the President is being tried, the First Vice President shall
1299 call the session and preside. No person shall be impeached
1300 from a position without the concurrence of 60 percent of
1301 the Board of Directors voting on the bill of impeachment.
1302 Voting shall be by a roll call. Judgment shall not extend
1303 further than removal from a position and disqualification to
1304 hold and enjoy any position of honor, trust or profit in the
1305 Association.
1306
1307 C. If, after a due process hearing, a two-thirds (2/3) vote of the
1308 MSEA Leadership Committee shall sustain the charge, the
1309 office shall become vacant.
1310
1311 D. The officer may appeal the decision to a special meeting of
1312 the general membership.
1313
1314
1315 ARTICLE VII VACANCIES – ELECTED POSITIONS
1316
1317 In the event that an elected person is unable to fulfill the term of
1318 his/her position the President shall appoint a replacement. The
1319 nominated replacement shall be confirmed both by the MSEA
1320 Leadership Committee and the Board of Directors. Such a person
1321 shall receive the same benefits as the person whose term he/she is
1322 filling, but shall not be a voting member of the Executive
1323 Committee.
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1325

STANDING RULES

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ALTERNATES

- 1.01 Alternates shall be elected annually on the following basis: A minimum of one from each work site and a maximum of the same number as certified Association Representatives designated in the By-Laws.
- 1.02 A certified alternate shall, in the absence of a certified Association Representative of the same work site, have all of the rights and responsibilities of a member of the Board of Directors.
- 1.03 In the event that an Association Representative is unable to fulfill the duties of the elected term, the certified alternate shall become the new Association Representative.

OFFICERS

- 2.01 The Treasurer shall be bonded in accordance with OEA policy.

STANDING COMMITTEES AND AD HOC COMMITTEES

- 3.01 Each chairperson shall provide the President with a current list of persons serving on that committee. This list shall include names, work site, address, and phone number.
- 3.02 Each chairperson shall prepare a written report of each meeting held. An oral report may be given at the following Board of Directors meeting.
- 3.03 Each chairperson shall provide a written year-end summary of the committee's activities no later than April 15 of each year.
- 3.04 All committee meetings shall be conducted in accordance with provisions of the MSEA Constitution, By-Laws, and Standing Rules.
- 3.05 Written reports will be provided by committee chairpersons upon request of the President.

MEETINGS

- 4.01 Meetings of the Board of Directors, MSEA Leadership Committee, and Association shall be conducted in accordance with provisions of the

1371 MSEA Constitution, By-Laws, Standing Rules, and special rules
1372 incorporated herewith.
1373
1374 4.02 Only members of the Board of Directors may offer motions for
1375 consideration and vote during Board of Directors' meetings.
1376
1377 4.03 Only members of MSEA may offer motions for consideration, enter
1378 debate, and vote during Association meetings.
1379
1380 4.04 Voting other than for elections shall be via voice except when a division is
1381 called for by the chair or by at least ten (10) delegates at a Board of
1382 Directors meeting, or by at least twenty-five (25) members at an
1383 Association meeting.
1384
1385 4.05 Voting for elections and ratification of contract shall be by secret ballot.
1386
1387 4.06 Meetings of the Board of Directors shall be open to members of the
1388 Association. Members of the Association who are not members of the
1389 Board of Directors shall be seated in the designated area. With the
1390 consent of the President or the Board of Directors, a member or guest may
1391 address the Board of Directors.
1392
1393 4.07 The number of delegates or certified alternates seated from any work site
1394 shall not exceed the total number provided for in the By-Laws. Delegates
1395 or certified alternates in excess of the number provided for in the By-Laws
1396 shall be governed by the same restrictions as members of the Association.
1397 (See Section 4.04, Standing Rules.)
1398
1399 4.08 It shall be the responsibility of each member of the Board of Directors or
1400 their certified alternate to sign in.
1401
1402 TRAINING SESSIONS
1403
1404 5.01 The training session(s) shall inform the Association Representatives and
1405 their alternates of the following:
1406
1407 A. The Constitution, By-Laws, and Standing Rules of the Association.
1408
1409 B. Parliamentary Procedure
1410
1411 C. Introduction of committee chairpersons and explanation of the
1412 committees.
1413
1414 D. Information contained in the Association Representative packet.
1415

1416 E. Methods of contacting the members at the work site to ensure
1417 maximum participation and involvement.
1418

1419
1420 AMENDMENTS TO THE BY-LAWS
1421

1422 6.01 Any active member of the MSEA may initiate any amendment to the
1423 MSEA Constitution and/or By-Laws by petition.

1424
1425 6.02 This petition shall be typewritten.
1426

1427 6.03 Proposals to amend the MSEA Constitution may be made (1) by a
1428 majority vote of the Board of Directors; (2) on petition by at least twenty-
1429 five (25) active members of the Association; and (3) action of the
1430 Legislative Committee.
1431

1432 6.04 The petition shall be submitted to the President of the MSEA.
1433

1434 PETITION FORM
1435

1436 7.01 The petition shall contain the following information in this order:
1437

1438 A. The heading: Amendment(s) to the Constitution, Amendment(s) to
1439 the By-Laws, Amendment(s) to the Constitution and By-Laws
1440 shall be placed at the top of the petition.
1441

1442 B. The presently adopted item (noting article and section number[s])
1443 shall appear in its entirety.
1444

1445 C. The proposed change shall be so identified and appear following
1446 the presently adopted item.
1447

1448 D. The signature and work site identification of all petitioners shall
1449 follow.
1450

1451 7.02 The President shall have the responsibility of publishing the text of the
1452 proposed amendment. It shall then be distributed, and all steps as outlined
1453 in the Constitution, Article V, followed.
1454

1455
1456
1457 ATTENDANCE TO CONFERENCES, WORKSHOPS, AND SEMINARS
1458

1459 8.01 Attendance to all conferences, workshops, and seminars shall be limited to
1460 no more than six (6) persons. Exceptions may be made by a three-fourths
1461 (3/4) vote of the Board of Directors.

- 1462
1463 8.02 Applications to attend conferences, workshops, and seminars shall be
1464 forwarded to the MSEA Treasurer on the approved form no later than one
1465 (1) week prior to the closing of acceptance by the sponsoring agency.
1466
1467
1468 8.03 Once approval is given for attendance, the applicant assumes full financial
1469 responsibility should he/she elect not to attend. Expenses incurred by the
1470 Association on behalf of the applicant(s) who do not attend shall be
1471 reimbursed by the applicant.
1472
1473 8.04 A typewritten report shall be submitted to the President within two (2)
1474 weeks of the termination of the conference. Included in the report shall be
1475 the following:
1476
1477 A. Title, date, and location of the conference;
1478
1479 B. A synopsis of meetings, speeches, etc., attended;
1480
1481 C. Suggestions on how this conference was of individual benefit or
1482 potential benefit to the individual or Association.
1483
1484 8.05 A synopsis shall be given to the First Vice President for publication.
1485
1486 8.06 A file shall be maintained in the MSEA office of reports on all
1487 conferences, workshops, and seminars attended.
1488
1489 SCREENING OF DISTRICT, STATE, AND NATIONAL CANDIDATES FOR
1490 ASSOCIATION OFFICE
1491
1492 9.01 The Legislative Committee shall be responsible for screening and/or
1493 endorsing candidates for district, state, and national association office.
1494
1495 9.02 The Legislative Committee shall publish results of any screening sessions
1496 for endorsement by the Board of Directors.
1497
1498 9.03 Endorsed candidates may receive no more than \$25.00 for district, \$50.00
1499 for state, and \$75.00 for national campaigns. Contributions exceeding
1500 recommended amounts may be appropriated by the Board of Directors.
1501
1502

Amended March 2009