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Berkshire Hills Education Association

working to create a culture of collaboration in education

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Berkshire Hills Education Association BY-LAWS

ARTICLE I

This Association shall be called the Berkshire Hills Education Association.

ARTICLE II

The purposes of this Association shall be to:

- A. Promote the general welfare of teachers.
- B. Act as a representative body empowered to speak with authority for its members.
- C. Promote respect for the profession, and to foster unity and understanding within the profession.
- D. Advance the interests of public education and increase the efficiency of education as a public service.
- E. Cooperate with and help to promote all efforts directed toward improvement of community life in Great Barrington, Stockbridge and West Stockbridge.
- F. Act as a third party and /or party of interest during educational disputes.
- G. Endeavor to promote student wellness and participation in educational activities.

ARTICLE III

This Association shall be affiliated with the Massachusetts Teachers Association and the National Education Association.

ARTICLE IV

MEMBERSHIP

Section 1: Membership of this Association shall consist of Active members and Honorary-life-members.

Section 2: Active membership shall be composed of all educational, nursing, and paraprofessional employees who have been appointed by the Berkshire Hills Regional School

District Committee, and who have paid the dues of the Association for the current year. Only active members are entitled to vote on contractual issues and to hold elected office.

Section 3: Any member upon retirement shall become an Honorary-life-member of the BHEA. Honorary-life-membership in the BHEA shall not require the payment of dues.

Section 4: The membership year shall be from September 1 to August 31.

Section 5: Dues shall be collected for membership in the MTA, the NEA, and the BHEA.

Section 6: Membership dues may be paid in full on or before December 19, or by payroll deduction. A person who has been a past member of the BHEA has the rights and privileges of Active Membership without paying any dues until December 19.

Section 7: A person who has not been a past member of the BHEA must pay his or her dues or authorize their payment by payroll deduction before she/he acquires the rights and privileges of Active Membership.

Section 8: Educational employees hired during the school year may become Active members upon payment of their dues or by authorizing their payment by payroll deduction within 45 days of the beginning of their employment.

Section 9: Teachers entering the Berkshire Hills Regional School District with paid membership in the MTA, and any local association within this State, for the current school year, shall be granted Active membership in the Association.

ARTICLE V

OFFICERS

Section 1:

1. The officers of this Association shall be a President, high school Vice President, middle school Vice President, elementary school Vice President, the Secretary, the Treasurer, and the Executive Secretary (Grievance Officer). They shall be known as the Executive Board. The immediate Past President shall be an advisor to the Executive Board.
2. The Executive Board of this Association shall have the following responsibilities:
 - A. To advise and assist the President in the Execution of his/her duty.
 - B. To act in emergency situations.
 - C. To transact business by a majority vote.
3. Each office in the Executive Board is granted one vote.

Section 2:

1. The President of this Association shall have the following responsibilities:
 - a. Preside over all meetings of the Executive Board and the Representative Council.
 - b. Be an ex-officio member of all committees except the Nominating Committee.
 - c. Appoint the chairperson and members of the necessary committees. The Representative Council shall ratify the President's appointments to committees.

- d. Preside over all meetings of the Association.
- e. Endeavor to promote the interests and purposes of the Berkshire Hills Education Association.
- f. Represent the Association or provide representation for the Association at all civic and professional gatherings where representation from the Association is deemed necessary.
- g. Remove all committees and chair-people, with the advice of the Representative Council, , when deemed necessary.
- h. Have the power to expend reasonable sums for the execution of these duties with approval of the treasurer.
- i. Appoint to Non-Association committees member(s) to represent the Association.
- j. Call all meetings as s/he deems necessary.
- k. Appoint, subject to approval of the Executive Board, a parliamentarian to assist at membership meetings.
- l. Appoint to each committee a member of the Representative Council to serve as a liaison member.
- m. Fill, with the approval of the Representative Council, until the next election, vacancies which occur on the Executive Board.
- n. Enforce the observance of these by-laws.
- o. Call meetings of the Executive Board, Representative Council, and this Association.
- p. Present at the Annual Meeting a report on the Years' accomplishments of the Association.

The stipend for President is suggested as \$4,000 a year; however, the Representative Council shall set the stipend at the May or June meeting for the following school year and may make adjustments to it as it deems necessary.

2. The Vice-Presidents of this Association shall have the following responsibilities:
 - a. Preside at meetings in the absence of the President at his or her request.
 - b. Handle all other duties assigned by the President.
3. The Secretary of this Association shall have the following responsibilities:
 - a. Keep and distribute an accurate record of the proceedings of this Association..
 - b. Maintain the list of current membership.
 - c. Handle all correspondence assigned by the President
4. The Treasurer of this Association shall have the following responsibilities:
 - a. Pay to the MTA all dues collected for that association.
 - b. Pay out any funds requested by the President in the performance of his or her duties.
 - c. Pay out any funds when authorized by the membership of the Representative Council as provided for in the By-Laws.
 - d. Keep an up-to-date itemized account of receipts and expenditures.
 - e. Receive and deposit annual dues, agency fees, and all other money coming to the Association.

- f. Prepare a budget subject to Representative Council for approval at the May or June meeting for the following school year.
 - g. Present at the annual meeting an accounting of all funds.
 - h. Handle all other duties as assigned by the President.
5. The Executive Secretary is an appointed representative of the BHEA and must be an active member of the association. The executive secretary shall have the following responsibilities:
 - a. Act as the grievance chair for the BHEA
 - b. Represent teachers at the superintendent and school committee levels, especially if the teachers' jobs are in jeopardy.
 - c. Advise the representative council on matters before them.
 - d. Act as liaison to the MTA.
 - e. Perform any other duties assigned by the President, Executive Board or Representative Council.

The stipend for the executive secretary is suggested as \$2,000 a year; however, the Representative Council shall set the stipend at the May or June meeting for the following school year and may make adjustments to it as it deems necessary.

Section 3: Terms and Succession

1. The office of the President shall be held by a person who has professional status, except for cases of automatic succession due to a resignation.
2. No one may hold more than one office at any one time.
3. All officers shall be elected for a term of two years and may be re-elected for as many years as they are willing to serve.
4. Positions can be shared with the approval of the Representative Council.

Section 4: Vacancies

1. In the event of a vacancy in the office of President, the representative council will appoint a successor from one of the Vice-Presidents.
2. In the event of a vacancy in any other elective office that vacancy shall be filled by an appointee of the President with the approval of the Representative Council until the next election of the BHEA.
3. Should a vacancy occur in the office of President and Vice-Presidents simultaneously, the Representative Council shall appoint a President pro-tempore until an election of these offices can be held.

Section 5: Newly elected officers shall assume their duties on July 1 of each calendar year.

Section 6: Parliamentarian

1. The Parliamentarian shall be appointed by the President with the approval of the Executive Board.
2. He or she shall bring a copy of Roberts Rules of Order Revised to all meetings which he/she attends.

3. All rulings made by the Parliamentarian shall be final, unless such rulings are appealed in accordance with the provisions set forth in Roberts Rules of Order Revised, unless such rules are in conflict with the Constitution or By-Laws of this Association.

ARTICLE VI

REPRESENTATIVE COUNCIL

Section 1: The Legislative and policy forming body of the BHEA shall be the Representative Council.

Section 2: The Representative Council shall consist of the Executive Board and Building Representatives from each school.

Section 3: There shall be at least one Building Representative from each school. These representatives shall be appointed by the President, Vice-Presidents or the Executive Secretary as needed, with approval of the Representative Council.

Section 4: A majority of the members of the Representative Council shall constitute a quorum necessary to transact business.

Section 5: Powers of the Representative Council

1. Set the dues for the Association
2. Approve and set the policy and resolutions necessary to carry out the program accepted by the membership.
3. Appropriate the funds necessary to represent teachers.
4. Approve the President's choice of delegates to the Massachusetts Teacher's Association.
5. Approve appointed Building Representative.
6. Request the President call a meeting of the Representative Council.
7. Be responsible for reporting on meetings to the teachers in his or her building.
8. Shall act as the Professional Rights and Responsibilities Committee and the Professional Ethics Committee.

ARTICLE VII

MEETINGS

Section 1: The annual meeting shall be in May or June.

Section 2: There shall be at least three general membership meetings of the Berkshire Hills Education Association during the school year.

Section 3: Special meetings may be called by the President.

Section 4: A majority of the Representative Council or a majority of the Executive Board may request the President to call a meeting of the BHEA or a meeting of their respective bodies. The President must honor such a request.

Section 5: A quorum of the Association for any general or special meeting shall be 30 percent of the total membership.

Section 6: Initiative, Referendum, Recall

1. A petition signed by 30 percent of the members shall be necessary to bring to the attention of the membership any initiative, referendum or recall action.
2. Members have the right of initiative and referendum on any action of the BHEA.
3. Any official may be recalled by a 2/3 vote of the total membership of the BHEA.

Section 7: Special meetings may be called by a petition signed by 30 percent of the membership presented to the Executive Board/Representatives Council. The date of such meeting will be decided by the Representative Council. The petition must contain the necessary proposals to be acted upon.

ARTICLE VIII

ELECTIONS

Section 1: Nominations of officers shall be made to an Elections Committee by the first Wednesday in May.

Section 2: Balloting shall be made by secret ballot. Absentee votes shall be allowed if requested by a member to the Elections Committee 5 days prior to the election and approved by the members of the Election Committee.

Section 3: Elections of officers shall be held in each building on the last Wednesday in May. The Election Committee shall present the list of candidates by the first Friday after the first Wednesday of May.

Section 4: Officer Positions will be cycled between even and odd years so that at no point will the full slate of positions be open to election at once.

Even year positions: President, Middle School Vice President, Secretary

Odd year positions: High School Vice President, Elementary Vice President, Treasurer

ARTICLE IX

COMMITTEES

Section 1: The standing committees shall be:

1. Negotiations
2. Policy
3. Membership
4. Nominations

5. Educational and Scholarship Projects
6. Professional Rights and Responsibilities
7. Professional Ethics

Section 2: Standing Committees shall meet as often as necessary to conduct its business. A majority vote of the committee or the chairman may deem when necessary to call a meeting. Business shall be conducted by a majority vote.

Section 3: Standing Committees shall consist of at least three members appointed by the President, including the President.

Section 4: Standing Committees can ask the help of any of the other committees. If the assistance requested is within the sphere of the committee contracted, then that request must be honored.

Section 5: Standing Committees shall represent the Association and work with the School Committee in every matter covered by the Standing Committee.

Section 6: Special committees shall be appointed, as the need arises, by the President. Business shall be conducted by majority vote.

Section 7: Standing Committees

1. Negotiations

It shall be the function of this committee to:

- a. Evaluate the salary schedule and contract in relation to existing conditions.
- b. Keep officers and members of the BHEA informed of developments in regard to salary matters, and all contractual matters.
- c. Negotiate salary and contract with the School Committee.
- d. Carry out the Association's program for achieving salary goals and other related programs suggested and voted by the Association
- e. Consider the input of all members who wish to give it.

2. Membership

It shall be the function of this committee to:

- a. Make sure that new teachers are acquainted with the surrounding communities.
- b. Inform the new teachers of the benefit of membership in the BHEA.

3. Elections

It shall be the function of this committee to:

- a. Advertise to the membership any positions that are due for election during the school year at least 10 days prior to the first Wednesday in May.
- b. Present a slate of candidates for the annual elections.
- c. Provide a candidate or candidates for a vacant office upon a request by the President.
- d. Supervise the voting in all elections.
- e. Prepare, distribute, and count the ballots when instructed to do so by the Representative Council in the event that the By-Laws are to be amended or repealed.

- f. Members of the election committee cannot be any member that is running for a position.
4. Education Projects and Scholarships
It shall be the function of this committee to:
 - a. Create and foster educational programs in the communities of the District.
 - b. Work closely with community groups in promoting education in the District.
 - c. Determine scholarships to be awarded for raising money and be responsible for the same.
5. Professional Rights and Responsibilities (Representative Council)
It shall be the function of this committee to:
 - a. Hear and investigate any issue or topic referred to it by the membership, Representative Council or by the school board.
6. Professional Ethics
It shall be the function of this committee to:
 - a. After due notice and hearing shall censure, suspend, or expel from membership any member for violation of the code of ethics adopted by the membership. It shall also take any other action deemed necessary or no action.
 - b. The Code of Ethics of the Education Profession and any local amendments shall constitute the Code of Ethics.
 - c. Charges against an accused member may be brought by any member of the Association in writing to the Executive Board. If the Executive Board decides that a formal complaint should be filed, it shall do so to the Representative Council.
 - d. The accused members shall be given due notice of any pending charges against him or her and s/he shall have the right of attending the hearing to defend himself, including the right to counsel of his choice and the right of cross-examination of witnesses.
 - e. The decision of the committee shall be by majority vote and shall be final on the local level.
 - f. The decision may be appealed to the MTA committee on Professional Ethics.

ARTICLE X

POLICY

Section 1: The word “majority” shall be interpreted to mean one more than half of the total membership unless otherwise stated.

Section 2: The word “shall” is interpreted to mean must.

Section 3: The entire membership must approve all contractual items and policy changes in the By-Laws by secret ballot, either in person or by absentee ballot. Such items or change shall be posted no less than 48 hours before the vote takes place.

Section 4:

1. Voting in elections shall be governed by ARTICLE VII.
2. Voting on contractual items and policy changes in constitution and By-Laws will be in person or absentee ballot.

3. Voting on all other items not covered by Section 4-1 or 4-2 above shall be by secret ballot, voice vote, or other method decided by the presiding officer.
4. A person may vote by absentee ballot as allowed by Section 4-2 upon request to the building Vice President. Such requests shall be allowed if not frivolous, at the discretion of the building Vice President.

Section 5:

1. The BHEA, through its President, shall maintain all files in a digital database.
2. Members of the Executive Board shall be granted access to the digital database.
3. Members of the Executive Board are responsible for using any necessary files, updating files, and securing the contents of files.
4. At no point shall members of the Executive Board share contents of files verbally, digitally or in any other manner, outside of the board without consent of the President.
5. The President shall back-up the digital database every six months to an external hard drive.

ARTICLE XI

AMENDMENTS

Section 1: These By-Laws may be amended, adopted, or repealed by a 60 percent vote of the total membership. Notice of such proposed changes shall be made to the members at least 5 school days in advance of the necessary vote.

Section 2: A call to amend these By-Laws shall be by

1. The Representative Council.
2. A petition of the Executive Board signed by 30 percent of the membership.