

# CONSTITUTION AND BY-LAWS

## BRISTOL/WARREN EDUCATION ASSOCIATION

Approved May 3, 2021

(This is Amendment 5 to the original BWEA Constitution approved May 4, 1994 with Amendment 1 approved December 19, 2000, Amendment 2 approved May 1, 2007, Amendment 3 Approved April 23, 2008, and Amendment 4 approved on August 27, 2019.)

### CONSTITUTION

#### ARTICLE I

##### NAME

The name of this organization shall be the Bristol/Warren Education Association.

#### ARTICLE II

##### PURPOSE

**Section 1** To unify and strengthen the teaching profession and to secure and maintain the salaries, retirement, tenure, professional and sick leave and other working conditions necessary to support teaching as a profession.

**Section 2** To enable members to speak with a common voice on matters pertaining to the teaching profession and to promote their individual and common interests before the Board of Education and other legal authorities.

**Section 3** To hold property and to employ a staff for the attainment of these purposes.

## **ARTICLE III**

### **MEMBERSHIPS**

**Section 1.a** Active membership in the Association shall be open to all professional personnel employed in the schools of Bristol/Warren, Rhode Island, as defined by the Michaelson Act.

**Section 1.b** Active membership shall be continuous until the member leaves the school system, resigns from the Association, or fails to pay membership dues.

**Section 1.c** Active members of the Association shall also be members of NEARI and the NEA.

## **ARTICLE IV**

### **OFFICERS**

The officers of the Association shall consist of a president or co-presidents (2), vice-president, a secretary, a treasurer, and elementary, middle and high school grievance chairpersons.

## **ARTICLE V**

### **REPRESENTATIVE COUNCIL**

**Section 1** The Representative Council shall be the executive authority of the Association. The Council shall also serve as the legislative and policy-forming body of the Association.

**Section 2** The Representative Council shall consist of the Officers, the Chairpersons of the Grievance and Negotiating Committees, and school representatives chosen in accordance with Article V – Section 1 of the by-laws.

**Section 3** The Representative Council shall have the power to employ a staff for the efficient management of the Association.

**Section 4** After a hearing and whenever a 2/3 majority of the Representative council shall agree that an officer or representative has been grossly negligent of the duties and/or responsibilities as defined in the by-laws, is incapacitated, or shall announce intention to no longer serve; the office shall become vacant.

**Section 5** Any member of the Association who is not a member of the Representative Council may attend its meetings and shall sit apart from the voting body, but shall receive permission to address the Council if they so request.

## **ARTICLE VI**

### **AFFILIATION**

The Association shall be affiliated with the National Education Association – Rhode Island.

## **ARTICLE VII**

### **AMENDMENTS AND REVISIONS**

The Representative Council may propose amendments and/or revisions to the Constitution to the general membership by a 2/3 vote.

Proposed amendments and/or revisions must have been introduced at the preceding regular meeting of the Representative Council and copies of the proposed amendments and/or revisions must have been distributed to members of the Council for faculty discussion. At least thirty (30) days shall transpire between both meetings, and then the amendment must be presented to the general membership for final ratification also by a 2/3 vote.

## ARTICLE VIII

### PROVISIONS FOR DISTRIBUTION OF ASSETS ON DISSOLUTION OR FINAL LIQUIDATION

The Representative Council shall, after paying or making provision for the payment of all liabilities of the Association, dispose of all of the assets to such organization or organizations organized and operated exclusively for such purposes as shall at the time qualify as an exempt organization or organizations under 501(c) 5 of the Internal Revenue Code as the Executive Committee shall determine.

## BY-LAWS

### ARTICLE I

#### MEETINGS

**Section 1** Meetings of the Representative Council shall be held at least monthly during the regular school year at the call of the President(s). An annual calendar of meetings will be formulated by the members at the first meeting.

**Section 1.a** Regular Representative Council The President(s) shall prepare the agenda for each meeting and shall circulate it to all members of the Council so those Representatives have time to discuss it with their faculty members in advance of the Council meeting. Minutes of the Representative Council meeting shall be available to all members before the next meeting.

**Section 1.b** Special Representative Council Special meetings of the Representative Council may be held at the call of the President(s) or upon written request to the President from five (5) faculty representatives (or three [3] officers). Business to come before special meetings must be stated in the call, which shall be sent in writing to each representative.

**Section 2** General Membership Meetings The Representative Council shall arrange meetings of the members each year. By petition of a majority of the members, a special general membership meeting may also be called.

## ARTICLE II

### QUORUM

**Section 1** A majority of their members shall be a quorum for the Representative Council and all Committees.

**Section 2** Twenty percent (20%) of the membership shall constitute a quorum at all General Membership meetings of the Association.

## ARTICLE III

### POWERS OF OFFICE

#### **Section 1 President(s)**

The Office of the President(s) may be held by a single President or up to two (2) CoPresidents. The President(s) shall preside over meetings of the Representative Council, appoint the chairpersons of the standing committees (except the grievance chairs) with the advice and consent of the Representative Council, appoint chairpersons of special committees with the advice and consent of the Representative Council, may attend any committee meetings and shall be executive officer(s) of the Association. The President(s) shall represent delegates, and shall perform all other functions usually attributed to the officers.

#### **Section 2 Vice President**

The Vice President of the Association shall perform the functions usually attributed to the office and may choose to be an ex officio member of any committee with the power to vote. The Vice President shall stand ready to perform any additional duties required by the President(s) including, but not limited to, temporarily chairing committees. The Vice President will also attend or send a designee to all regular or special meetings of the Bristol Warren Regional School Committee. If unable to do so a copy of the School Committee minutes will be obtained at the earliest opportunity.

#### **Section 3 Secretary**

The Secretary shall keep accurate minutes of all meetings of the General Membership and the Representative Council. The Secretary shall assist the President(s) with Association correspondence. The Secretary shall be responsible for the dissemination of information to the membership.

#### **Section 4 Treasurer**

The Treasurer shall hold the funds of the Association and disburse them upon authorization of the Representative Council. This officer shall maintain a roll of members of the Association; keep accurate accounts of receipts and disbursements; report to each meeting of the Representative Council and prepare an annual financial statement for publication to members as directed by the Representative Council. This officer shall keep the President(s) and Representative Council informed of the financial condition of the Association and assist the Representative Council in the initial drafting of the annual budget. The Treasurer shall submit a proposed budget to the Representative Council at its April meeting. This proposed budget shall include a recommendation as to membership dues for the following year. All checks issued by the Treasurer shall require two signatures from among the President(s), Vice President, Secretary, Treasurer and any other persons approved by the Representative Council. An independent audit shall be completed at least once every two (2) years.

#### **Section 5 Grievance Co-Chairs**

The primary function of the Grievance Co-Chairpersons is to handle grievances from level II through arbitration following procedure as written in the contract. Grievance CoChairpersons will work with representatives from the elementary, middle and high schools. They should receive all Level I information whether or not the grievance goes further. It is the function of the grievance Co-Chairpersons to set up meetings and hearings with the interested parties, when the grievance is initiated. They will also meet with the Superintendent, School Committee, etc. as necessary.

#### **Section 6 Terms and Succession**

**Section 6.a** The officers elected by the general membership shall serve for two (2) years and may be re-elected without an intervening term.

**Section 6.b** Whenever any of the above offices become vacant between elections, an election shall be held within thirty (30) school days. If the Office of President(s) is held by two persons and one position shall be vacated the Vice President shall assume that position except if the Representative Council shall vote to continue with a singular President. If both the offices of President and Vice President become vacant, the Representative Council shall choose from among its members, the Secretary, the Treasurer or the Grievance Chairpersons, someone to serve as President pro tempore until an election is held.

**Section 7 Honoraria of Officers**

The yearly honoraria for officers shall be:

President (one serving)	<b>\$10,500</b>
President (two serving)	<b>\$6,500</b> each
Vice President	<b>\$5,500</b>
Secretary	<b>\$4,000</b>
Treasurer	<b>\$5,000</b>
Grievance Chairpersons:	
Elementary	<b>\$3,750</b>
Middle	<b>\$3,750</b>
High School	<b>\$3,750</b>

**Section 8 Honoraria of Negotiating Committee**

A predetermined amount shall be set aside annually to compensate the Negotiating Committee. All or a portion of these funds shall be appointed as determined by the Rep. Council at the first meeting of the school year and may be increased if the Council deems is necessary. Negotiating Committee members shall be compensated at the rate equal to the curriculum rate as stated in the most current CBA

**Section 9 Honoraria for Representative Council Members**

The honoraria for Representative Council Members shall be established at a stipend of \$250 and \$25.00 per meeting attended.

**Section 10 Honoraria for Grievance Committee Members**

The honoraria for Grievance Committee Members shall be established at \$50.00 per meeting attended.

**Section 11 Honoraria for Sick Bank Committee**

The honoraria for Chairperson of Sick Bank Committee shall be established at a stipend of \$250 and \$50.00 per meeting attended.

The honoraria for Sick Bank Committee Members shall be established at \$50.00 per meeting attended.

## ARTICLE IV

### POWERS OF THE REPRESENTATIVE COUNCIL

**Section 1** The Representative Council shall be responsible for the management of the Association, approve all expenditures, carry out policies it establishes and report its transactions to the members. Also, the Representative Council shall approve the budget and approve and advise the President(s) regarding the appointment of chairpersons of standing committees and of chairpersons of special committees except where defined in Article VI, Section 4.e. The Council shall act on reports of committees. It shall be the final judge of the qualifications and election of officers and faculty representatives, except where defined in Article VIII, Section 1 paragraph c.

**Section 2** The officers shall be expected to attend all Representative Council meetings. If in the opinion of the Representative Council an officer has missed more than three (3) meetings without just cause, that person shall be granted a hearing before the Representative Council to decide the status of the office.

## Article V

### Faculty Representatives

**Section 1** Prior to the first Representative Council Meeting of the school year, each school shall elect for a term of one (1) year faculty representatives as follows: One representative for every 25 BWEA members (or portion thereof), or a minimum of two representatives should the building school have fewer than 26 BWEA members.

**Section 2** Faculty representatives shall attend regular meetings of the Representative Council unless they are excused prior to the meeting by the President(s). After two (2) unexcused absences of the representative, the President(s) may declare the seat unfilled and designate a member in good standing to organize a special election. Faculty Representatives shall in their representation:



- a. Seek to enroll members to serve on committees
- b. Hold meetings when necessary
- c. Disseminate information to the membership
- d. Refer grievances to the appropriate Grievance Chair
- e. Obtain professional information
- f. Promote social functions of the Association
- g. Post the agenda of Representative Council meetings
- h. Voice opinions of their constituents.
- i. Keep Association leadership abreast of what is going on in the different district buildings.
- j. Attend school Faculty Advisory Committee Meetings
- k. Perform any duties necessary for the proper function of the Association.

## **ARTICLE VI**

### **STANDING COMMITTEES**

**Section 1** There shall be seven (7) standing committees appointed in September or as soon as possible thereafter by their respective chairperson except as defined in Article VI, Section 4.e and approved by the Representative Council. Each committee shall carry the special functions authorized below. They shall have at least three (3) members, selected to represent different groups in the Association and appointed for a term of one (1) year. Each committee may, with the approval of the Council, organize special subcommittees and task forces for specific activities from the membership of the Association.

#### **Section 2 Meetings**

Each standing committee shall meet regularly according to a calendar developed by the Executive Board and may hold special meetings at the call of the chairperson.

### **Section 3 Reports**

Each standing committee shall choose a secretary who shall keep a continuous record of activities. Chairpersons shall report as necessary to the Representative Council and shall prepare an annual written report summarizing objectives, action programs, gains and unattained goals, which the Council shall distribute to the members and which shall become part of the continuing committee record in the Association files.

### **Section 4 Titles and Duties**

**Section 4.a Negotiating Committee** shall explore prepare material as necessary in all areas of teacher welfare with particular responsibility for salaries, leaves, fringe, benefits, insurance, credit and investment facilities and general working conditions. This Committee shall be responsible for professional negotiations as defined in the General Laws of Rhode Island. This Committee shall be composed of teachers from each level (elementary, middle, secondary) and from each building such as is possible to make it representative of the entire association.

**Section 4.b Grievance Committee** shall fulfill its function as set forth in the grievance procedure in the master contract. This Committee shall be composed of the Officers plus teachers from each level (elementary, middle, secondary) and from each building such as is possible to make it representative of the entire association. One member shall be designated as the chairperson for elementary grievances, another member as the chairperson for middle school grievances and a third member as chairperson for high school grievances.

**Section 4.c Committee on Public Relations** shall seek to develop public understanding of the purposes and programs of the Association, the values and importance of education and, in cooperation with administration, the educational philosophy and programs of the schools. It shall develop procedures by which the Association can work cooperatively with parents and public in civic, fraternal and social organizations and through all available channels of communications. This Committee shall be composed of at least five (5) members representing all levels (elementary, middle, secondary) from buildings in both towns.

**Section 4.d Committee on Professional Relations and Member Organizing** shall develop and conduct programs for the orientation of new teachers to the community, school system and Association. It shall organize such social activities as may serve the needs of members and promote fellowship within the Association.

**Section 4.e Committee on Elections** shall consist of a maximum of five (5) members, who shall be elected by the Representative Council. Within five (5) days after this election the President(s) shall designate a chairperson. This Committee shall be composed of at least five (5) members representing all levels (elementary, middle, secondary) from buildings in both towns.

**Section 4.f Sick Bank Committee** shall be made up of three (3) Association members. One member of the committee shall be appointed as the chairperson. Members of the committee shall follow the guidelines laid out in the Collective Bargaining Agreement between the BWEA and the BWRSC.

**Section 4.g Scholarship Committee**

**Section 5 Relation to the Representative Council**

The Representative Council shall assist the President in filling all unexpired terms if vacancies exist after the committees have been appointed and shall plan for an organizational committee conference each year. It shall assist to decide any jurisdictional argument between committees.

**Section 6 Relation to State and National Associations**

The standing committees shall seek to understand and relate to the objectives and programs of corresponding units of state and national associations and shall counsel with them.

**ARTICLE VII**

**SPECIAL COMMITTEES**

Special committees shall consist of an Audit Committee, a Budget Committee and such other special committees as may be necessary. These committees shall be discharged upon completion of their duties. These committees shall operate according to the rules approved by the Representative Council. No officer of the Association shall serve on the Election Committee or the Audit Committee.

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## ARTICLE VIII

### ELECTIONS

#### Section 1 Nominations

**Section 1.a** The active members of the Association in each building during the month of March may nominate a candidate who is an active member of the Association for each office. A Faculty Representative shall deliver all nominations in writing to the Committee on Elections. All nominees must acknowledge in writing a willingness to seek office. Nominations close on the 3rd Friday in March.

**Section 1.b** At the time of acceptance each candidate shall be responsible to see that the Committee of Elections has a biographical sketch listing qualifications by April 1st.

**Section 1.c** Any member of the Committee on Elections who accepts a nomination for an office must resign from the Committee and shall be replaced to conform to Article VII, Section 4.e.

**Section 1.d** The Committee on Elections shall publish a ballot consisting of the candidates for each office. The Committee shall also publish the biographical sketch on each candidate. There shall be separate ballots for the elementary, middle and high school levels to reflect the candidates for their respective grievance chairs.

**Section 1.e** A majority vote will determine winners for each office. Candidates for President/Co-President may declare as individuals or may declare as a two-person slate for Co-President. Members will cast one vote for each office. If a two-person slate gains the majority, they will serve as Co-Presidents for the two-year term of office. If an individual gains the majority, he/she shall serve as President for the two-year term of office. If no person/slate holds a simple majority of the ballots cast for any office, then a runoff among the top three finishers shall take place. If after this runoff no person/slate shall have a simple majority, then a second runoff between the top two finishers shall take place.

**Section 1.f** In the event that only one (1) candidate runs for any office that person shall be declared unanimously elected to that office.

**Section 1.g** In the event that no one declares as a candidate for an office, the President(s) shall be empowered to appoint a member to fill that office with the approval of the Representative

Council. Said approval shall be voted on at the next Representative Council meeting and persons so appointed shall fill the office until the next regular election.

**Section 1.h** Within two (2) weeks prior to an election of the officers of the Association, the Committee on Elections shall publish an election plan.

### **Section 2 Balloting**

On the first day of school in May, members shall vote for officers by ballot, in accordance with the procedures developed by the Committee on Elections and approved by the Representative Council. The Committee on Elections shall report the results to the President who shall cause them to be published. The new officers shall be installed at the June meeting of the Representative Council.

## **ARTICLE IX**

### **AUTHORITY**

Robert's Rules of Order. Revised shall be the parliamentary authority for the Association on all questions not covered by the Constitution and by-laws and such standing rules as the Representative Council may adopt.

## **ARTICLE X**

### **AMENDMENTS AND REVISIONS**

The Representative Council may propose amendments and/or revisions to the by-laws to the general membership by a 2/3 vote. Proposed amendments and/or revisions must have been introduced at the preceding regular meeting of the Representative Council and copies of the proposed amendments and/or revisions must have been distributed to members of the Council for faculty discussion. At least thirty (30) days shall transpire between both meetings, and then the amendment must be presented to the general membership for final ratification also by a 2/3 vote.

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