

Burlington Educators' Association

Constitution and Bylaws

Originated in 1966
Amended in 1977, 1981 and 1992
Add 2011 (if ratified)

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BURLINGTON EDUCATORS’
ASSOCIATION
CONSTITUTION

Amended 1977, 1981, 1992

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BURLINGTON EDUCATORS’
ASSOCIATION
CONSTITUTION

Amended 1977, 1981, 1992

Article I The name of this Association shall be the Burlington Educators’ Association

Article II Purposes

Section 1 Collective Bargaining

The Association will represent the professional staff under contract, inclusive of Units A, C and D, excluding the office of the superintendency and administrators for the purpose of collective bargaining with respect to wages, hours, and other conditions of employment, in the negotiation of collective bargaining agreements, and in the resolution of any questions arising thereunder.

Section 2 Qualifications

The Association will encourage high qualifications for entrance into the teaching profession.

Section 3 Professionalism

The Association will promote within the teaching group the highest type of professional practices; will encourage active participation of all teachers in the solution of school problems; will promote teacher participation in school projects; and, will foster a genuine spirit of professional ethics.

Section 4 Legislative

The Association will aid in securing and maintaining adequate salaries, Professional Teachers Status (tenure) and sound retirement systems, and such other improvements in conditions as will enable teacher

to function properly as vital factors in the educational program.

Section 5 Affiliations

The Association will promote, organize and assist other affiliated organizations.

Section 6 Communications

The Association will consult with parent and teacher associations or others having education of children or adults as one of their aims.

Article III Membership

Section 1 Active Members

- A. Active membership in the Association shall be open to all professional personnel in **Units A, C and D** employed in the schools of Burlington who hold: an earned bachelors or higher degree; a regular, vocational, technical or R.N. certificate—effective June 1, 1992.
- B. The Association shall continue to allow Active membership to those members laid off due to a reduction in force with a reduction in dues of fifty (50) percent. Such eligibility shall continue **s** as long as such persons are eligible to be recalled.
- C. The Association shall continue to allow membership to those members on leave of absence for active service in the armed forces with a reduction of dues to zero (0) percent. Such eligibility for active membership shall continue as long as such members are in active armed service to our country.
- D. Only Active Members as defined in subsection A, who are actively employed in the system, shall have the privilege of holding office in the Association. An officer who is laid off while serving may remain in the position for the duration of the term.

- E. Active members as defined in subsections A, B and C shall have the privilege of voting.
 - 1. Unit A consists of all classroom teachers, librarians, BEA member-coaches, assistant audio-visual specialists, special subject teachers, and guidance counselors in the primary, middle and secondary schools.
 - 2. Unit C consists of all BEA member-Nurses
 - 3. Unit D includes Department Heads, Team Leaders, Team Chairs, Curriculum Coordinators and other positions deemed to have similar responsibilities.
- F. Active Membership shall be continuous until the member leaves the school system, resigns from the Association, or fails to pay membership dues.

Section 2 Associate Members

- A. Persons working with children and employed in the schools of Burlington who are not eligible to become Active Members may upon application accompanied by payment of dues become an Associate Member.
- B. Associate Members shall have all rights and responsibilities of Active Members except the right to vote and hold office or to represent the Association.
- C. Active Members who retire with five (5) years of membership immediately preceding their retirement may continue as Associate Members for life, paying such annual dues as the Executive Board may determine.

Section 3 Unified Membership

Active Members of the Association shall also be members of the Massachusetts Teachers' Association and the National Education Association.

Section 4 Honorary Membership

Honorary Membership may be granted by a unanimous vote of the Executive Board.

Article IV Officers

The officers of this Association shall consist of a President, Vice President, Secretary, Treasurer and Presidential Advisor (immediate Past-President). ~~In the case that the president runs for re-election and wins there will be no Presidential Advisor.~~ The Presidential Advisor may remain in position for ~~one year~~ a minimum of two years, or longer at the discretion and vote of the Executive Board.

Article V Executive Board

- A. There shall be a representative group called the Executive Board which shall consist of the Association's officers, representatives from each school building in Burlington, and the chairperson of the Professional Rights and Responsibilities (PR&R) Committee.
- B. The Executive Board, excluding the President and Presidential Advisor (immediate Past-President), shall have full voting powers. The President shall vote in the event of a tie.
- C. There shall be one (1) representative for every twenty-five (25) active members, or a major fraction thereof, in each building, or one (1) representative per building for those with ~~less~~ fewer than twenty-five (25) active members.
- D. Association members with ~~less~~ fewer than three (3) days in any one building shall choose the school through which he/she shall be represented.

Article VI Affiliation

This Association shall be affiliated with:

- a. The Massachusetts Teachers' Association
- b. The National Education Association

Article VII Rules for Amending

1. Proposing Amendments

- A. Proposals to amend the Constitution or Bylaws must be submitted in writing prior to January 7 to the Chairperson of the Constitution and Bylaws Committee
 - 1. Active Members may submit a proposal if it is signed by fifteen (15) Active Members of the Association, or
 - 2. The Executive Board, or
 - 3. The Constitution and Bylaws Committee may submit a proposal following a majority vote.
- B. Amendment proposals must be submitted in writing by the Constitution and Bylaws Committee to the Executive Board members no later than one (1) week prior to the March Executive Board meeting at which time a vote to recommend or not recommend will be taken.
- C. Proposed amendments to the Constitution and/or Bylaws must be written ~~and distributed to each member of the Association seven (7) days in advance of the vote.~~ or posted in each building (by paper or electronic means) which will serve as distribution to each member of the Association and will occur seven (7) school days in advance of the vote.

2. Voting on Amendments

- A. Amendments will be voted on by the general membership in April.
- B. Amendments to the Constitution and Bylaws may be made by an affirmative vote of two-thirds (2/3) of the Burlington Educators' Association membership by secret (paper) ballot at each school building, or at a general membership meeting under the guidance of the Credentials and Ballots Committee.

~~C. Amendments to the Bylaws may be made by a two-thirds (2/3) vote of the entire Executive Board of the Burlington Educators' Association.~~

Article VIII Meetings

Section 1 Bylaws

The meetings of this Association shall be held in accordance with its Bylaws and shall be conducted according to *Robert's Rules of Order, Revised*

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BURLINGTON EDUCATORS' ASSOCIATION BYLAWS

Amended 1977, 1981, 1992 and 2011 (if ratified)

Article I Duties of Officers

Section 1 Executive Officers

A. President

The President shall preside at all meetings of the Association and the Executive Board. The President shall appoint all committees except the Professional Rights and Responsibilities Committee, the Negotiating Team, the Credentials and Ballots Committee, the Academic Review Board and the Retired Teachers' Advisory Committee. Committees formed by Presidential appointment shall include the Professional Development Committee and the Sick Leave Bank. At least five weeks prior to the April Executive Board meeting, the President shall inform all BEA members of the upcoming election and vacancies. All nominations must be received prior to the April Executive Board Meeting. Said information shall be distributed to the membership via email, faculty mailboxes and/or posting in each school building. President shall also perform other duties normally associated with this office.

B. Vice President

The Vice President shall assume the duties of the President in case of absence. The Vice President shall become the President in the event that the office of President becomes vacant for the duration of that term. The Vice President shall also perform other duties normally associated with this office.

C. Secretary

The Secretary shall keep the Minutes of Executive Board and general membership meetings and shall provide the minutes for all BEA Executive Board members at the next meeting. The secretary shall be in charge of attendance at Executive Board meetings. The Secretary will have available copies of the Association's Constitution and Bylaws. The Secretary shall also perform other duties normally associated with this office.

D. Treasurer

The Treasurer shall be responsible for the collection of dues from the ~~Faculty—Representatives~~ **BEA Members**. The Treasurer shall issue, **upon request**, a receipt to all members who have paid in full all local, state and national dues. The Treasurer shall have full responsibility for the deposit of all Association dues and funds. All funds of the Association shall be deposited in the bank in the name of the Association and shall be disbursed by the Treasurer as authorized by the President and Executive Board. The Treasurer is to keep an itemized list of all receipts and expenditures. The Treasurer shall present an annual audit and/or review of the Association's accounts within ninety (90) days after the close of the fiscal year. The Treasurer shall also perform other duties normally associated with this office.

Section 2 Building Representatives

- A. Representatives shall attend the regular meetings of the Executive Board.
- B. Representatives may call building meetings of the Association to discuss Association business.
- C. Representatives shall distribute Association documents to members in their buildings.

- D. Representatives shall encourage membership enrollment by non-members.
- E. Representatives shall contact all those eligible for active membership who are on a leave of absence to encourage them to keep their membership active.

Section 3 Length of Service

1. Elected officers shall serve for a two (2) year term.
2. Elected officers shall serve no more than three (3) consecutive 2-year terms unless the office is uncontested.

Article II Executive Board

A. Duties of the Board

1. The Board will vote in a joint meeting with the PR&R Committee for members to the Negotiating Team(s), the Credentials and Ballots Committee, the Academic Review Board and the Retired Teachers Advisory Committee.
2. The Executive Board shall approve the budget.
3. The Board will, by vote, set the dues for the Association.
4. The Board will act on Committee Reports.
5. The Board will vote on resolutions and other policy questions.
6. The Board shall have the authority to expend Association funds whether or not such expenditures are provided for in the budget.

B. Meetings

1. Regular meetings of the Executive Board shall be held on the first Monday of each month unless changed by a vote of the Executive Board.
2. Special Meetings of the Executive Board or for the general membership shall be held:
 - a. at the call of the President,
 - b. or, upon the written request of five (5) members of the Executive Board
 - c. or, upon written request of forty (40) members of the BEA, but no more than ten (10) members from the same school;
 - d. and, shall be held within seven (7) school days of the date of the request.
3. Order of Business
 - a. Call to Order
 - b. Opening Remarks by the President
 - c. Approval of the Minutes
 - d. Treasurer's Report
 - e. Other Reports
 - f. Old Business
 - g. New Business
 - h. Adjournment

Article III Professional Rights and Responsibilities (PR&R) Committee

Section 1 Committee Members

A. Election

Committee members shall be elected by building membership and shall consist of: one (1) from each elementary school; two (2) middle school members; and two (2) high school members. In addition, there shall be one (1) member-at-large elected by the entire Association membership.

B. Length of Term

Committee members shall serve for a two (2) year term.

Committee members shall be eligible for re-election to the same Committee.

C. Responsibilities

1. Committee members shall attend meetings called by the Committee Chair, which may occur separately from and/or in addition to the monthly Executive Board meeting.
2. Committee members shall ~~fulfil~~ fulfill responsibilities and requirements as stated in the current Agreement between the Burlington Educators' Association and the Burlington School Committee.
3. Committee members are expected to respond within 24 hours or by a specified date to calls for a vote on grievance matters, as may be required by the Committee Chair via telephone or email.
4. All correspondence dealing with a grievance shall be copied and forwarded to the PR&R Chair in a timely manner, inclusive of notes and/or verbal communications.

Section 2 Committee Chairperson

A. Election

The Chairperson of the PR&R Committee must be a member of said committee and shall be elected by a majority of the PR&R Committee in June.

B. Length of Term

The Chairperson shall serve for two (2) year term.

C. Responsibilities

1. The Chairperson shall be present at all Executive Board Meetings with voting rights.
2. The Chairperson shall maintain a log of all grievances and their histories.
3. The Chairperson shall chair the PR&R Committee and shall dispense with all grievances, which includes appearing at Level 2 and 3 hearings. At the conclusion of each grievance, a written report (or resolution/outcome) shall be sent to the grievant with a copy to the President.
4. The Chairperson shall inform all PR&R Committee members of current grievances and their disposition as soon as possible after they have been initiated.

Article IV Terms of Office

Section 1 President

The term of office of the President shall be for a two (2) year term. Said officer shall be eligible for re-election to the same position, subject to Article I, Section 3, *Length of Service*.

Section 2 Other Officers

The term of office of the Vice President, the Secretary and the Treasurer shall be for a two (2) year term. Said officer shall be eligible for re-election to the same position. Committee members shall serve for a two (2) year term.

Committee members shall be eligible for re-election to the same Committee.

Section 3 Building Representatives

Representatives shall serve for a two (2) year term. Said representative shall be eligible for re-election to the same position.

Section 4 Elected Committee Members

Members shall serve for a two (2) year term, except for the Negotiating Team, which will begin service in October of the last year of the current contract, and will remain in force until the next Team is elected. Elected committee members may be re-elected for additional terms.

Section 5 Appointed Committee Members

Members shall serve for a one (1) year term and may be re-appointed.

Section 6 Commencement of Terms of Office

Newly elected officials shall assume their duties **August 15** following the regular election, except in a special election, when they will assume their duties immediately following the election, and except for the Negotiating Team, which will be as stated in Article IV, Section 4.

Article V Standing Committees

Section 1 Presidential Appointments

A. Procedures & Responsibilities

1. Standing committees shall be appointed at the Association's first Executive Board meeting in June.
2. Appointments are for one (1) year terms.
3. Each standing committee shall meet regularly.
4. Each committee shall choose a secretary who shall record the activities of the committee.
5. The Chairperson shall report to the Executive Board.

B. Titles and Duties

1. Constitution and Bylaws Committee

- a. The committee will review the Constitution and Bylaws once within a three (3) year period, but not to be done during a BEA Presidential election year.
- b. The committee will give written notification to the membership stating the procedures and deadlines for submitting proposals for new items and/or for revisions.
- c. The committee will present its proposal to the Executive Board for the purpose of allowing time to said Board for communication to the members of its approval or

disapproval of the changes to be voted upon.

d. Voting on amendments to the Constitution and Bylaws will proceed as outlined in the Constitution, Article VII.

e. The committee shall be composed of equal representation from each level—elementary, middle and high school—and chaired by the President’s appointee.

2. Sick Bank Committee

a. The committee shall be responsible for processing members’ applications. Given the confidential and sensitive nature of these applications, no Sick Bank Committee voting shall be conducted via telephone or email. Meetings must be held in-person in the presence of appointed BEA committee members.

b. The Sick Bank Committee shall meet, as needed. The committee shall consist of BEA members as specified by the current BEA Agreement.

3. Additional Committees

Shall be appointed as needed and chaired by the President’s appointee.

Section 2 Elected Committees

A. Procedures and Responsibilities

1.
 - a. There shall be standing committees elected by the Executive Board and the Professional Rights & Responsibilities (PR&R) Committee members at a joint meeting.
 - b. All Negotiating Team members for Units A, C & D will be elected at a joint meeting to be held in October.
2. Length of Term
 - a. The Negotiating Team for Units A, C & D will serve from October prior to expiration of the current contract, until the next team is elected.
 - b. Other Committee members shall be elected at the Association's first Executive Board meeting in June, following the regular elections of officers, and shall serve for two (2) year terms.
3. Each committee shall meet regularly.
4. Each committee shall choose a secretary who shall record the activities of the committee.
5. The Chairperson shall make regular reports to the Executive Board.

B. Titles and Duties

1. Academic Review Board

- a. The Board shall perform the duties as described in the current Agreement between the Burlington Educators' Association and the Burlington School Committee.
- b. The composition of the Board shall include four (4) teacher members.
- c. The chair shall be elected from and by the Academic Review Board
- d. Any and all procedural and/or application changes will be put into effect after first being brought before the Executive Board, and second, carried by a majority vote.

2. Credentials and Ballots Committee

- a. The committee shall implement all BEA elections by
 1. confirming all candidates as to eligibility,
 2. composing official ballots
 3. conducting elections
 4. counting and recording results
 5. notifying candidates of results
 6. posting all election results

- b. The committee shall be composed of at least one (1) member from each building and chaired by the President's appointee.
- c. In the event that there is no candidate from a particular building, that position will be open to the membership at large.

3. Negotiations Team for Unit A (Teachers)

- a. The Unit A Team shall review existing language, solicit suggestions from the general Unit A membership, formulate new language, and negotiate with the School Committee.
- b. The Unit A Team shall be composed of seven (7) Unit A teacher members voted by the Executive Board.
- c. The Chair shall be elected from and by the Unit A Negotiating Team.

4. Negotiations Team for Unit C (Nurses)

- a. The Unit C Team shall review existing language, solicit suggestions from the Unit C membership, formulate new language, and negotiate with the School Committee.
- b. The Unit C Team shall be composed of three (3) Nurses voted by a joint meeting of the Executive Board and PR&R Committee members.

- c. If not a member of the bargaining unit, the BEA President or appointee will attend all bargaining sessions.

**5. Negotiations Team for Unit D
(Department
Heads/Coordinators/Team Leaders)**

- a. The Unit D Team shall review existing language, solicit suggestions from the Unit D membership, formulate new language, and negotiate with the School Committee.
- b. The Unit D Team shall be composed of three (3) Unit D members voted by a joint meeting of the Executive Board and PR&R Committee members.
- c. If not a member of the bargaining unit, the BEA President or appointee will attend all bargaining sessions.

**6. Retired Teachers Advisory
Committee**

- a. The Committee shall serve in an advisory capacity to the Executive Board and/or Unit Negotiating Team(s) without voting rights, on the issues of pensions, retired healthcare and insurance plans, Medicare, or other issues pertaining to retirees.
- b. The Committee shall be composed of no more than three (3) retired BEA members and voted by a joint meeting of the

Executive Board and PR&R
Committee members.

- c. Members shall attend meetings at the request and discretion of the Executive Board and/or the BEA President.

Article VI Elections

Section 1 Management

The Credentials and Ballots Committee will conduct all elections. No candidate for any BEA, MTA or NEA position will serve in any capacity in conducting BEA elections.

Section 2 Nominations

- A. Any BEA member in good standing may be nominated for any elected BEA position.
- B. Notification that nominations are open for elected BEA positions will be sent by the President to all Association members at least **five (5) weeks** prior to the Executive Board meeting in April. It will be requested that those who wish to be nominated for office submit their name to the President prior to the Executive Board meeting in April.
- C. At the Executive Board meeting in April, the President shall present all nominations for each position to the chair of the Credentials and Ballots Committee. Additional nominations may be made from the floor by any BEA member.

- D. Nominations will be closed at the end of the Executive Board meeting in April. No additional names will be included on the ballot after nominations have closed, however, there will be a space for write-in candidates for every position on the ballot.
- E. Nominations for Special Elections
 - 1. Notice that nominations for a special election (general or building) are open will be sent to all members or all building members, respectively, two (2) weeks prior to the date at which the vote will take place.
 - 2. Before the close of nominations, final nominations may be made from the floor.
 - 3. After final nominations have been made, the President shall declare that nominations are closed and no further names may be added to the ballot.

Section 3

Voting

- A. All BEA members in good standing may vote in all general elections.
- B. Absentee ballots will be provided by the Credentials and Ballots Committee Chair to BEA members in good standing who will not be able to vote at the designated time and place for the following reasons:
 - 1. leave of absence
 - 2. lay off due to a reduction in force and on the recall list

3. absence due to professional/contractual commitment
 - a. field trip
 - b. conference
 - c. workshop
 - d. verified school/professional contractual commitments
 4. personal leave
 5. long term sick leave
- C. An absentee ballot must be requested in writing to the chairperson of the Credentials and Ballots Committee two (2) weeks prior to the election day.
- D. Absentee ballots must be returned in a sealed unmarked envelope inside a sealed envelope signed by the member, to the Chair of the Credentials and Ballots Committee. The ballot must be received by the chairperson prior to the commencement of the counting of the ballots. The envelopes will remain sealed until the Chair of the Credentials and Ballots Committee commences tabulation of all ballots.
- E. Voting will be by secret (paper) ballot by BEA members.
- F. ~~Balloting for BEA elections will only take place at a specified time and at one (1) centralized location designated by the Credentials and Ballots Committee at the May Executive Board meeting~~ take place at times and locations in each school building designated by the Credentials and

Ballots Committee at the May Executive Board meeting. The starting and ending times for voting will be strictly enforced.

- G. Ballots will be available at the place of election after verification of membership.
- H. Sealed ballot boxes will be provided by the Credentials and Ballots Committee and will be opened at ~~the time and place designated for counting ballots.~~ a time and central location predetermined by the Chair of said Committee. All ballots will be counted simultaneously by the Credential and Ballots Committee under the supervision of the Chair of said Committee. Committee members shall be responsible for counting ballots from a school other than their own.
- I. The Chair of the Credentials and Ballots Committee shall communicate to the membership final election results as stated in Article V, Section B, ss 2a.
- J. Any violations of Article VI can be reported in writing ~~within seven (7) school days to any Executive Board member within one week of said election~~ directly to the Chair of Credentials & Ballots.
 - 1. Said ~~Board member~~ Chair must notify, ~~within forty-eight (48) hours,~~ the Association President that a violation has been reported.

2. The President must call a special Executive Board meeting in order to hear the claim.
3. The Executive Board will vote to determine the validity of the claim.
4. If said claim is valid the President shall declare the seat vacant and/or that part of the election invalid and shall order the Credentials and Ballots Committee to hold a Special Election according to Article VI, Section 5.
5. Any officer involved in said claim shall temporarily remove him/herself for the duration of the Executive Board's discussion and vote.

Section 4 General Election

The general election will take place on the second (2nd) Monday in May.

Section 5 Run-off Elections

The candidate for office must win by a majority vote. If a majority vote is not received, a run-off election of the top two (2) vote receivers must be held within the following two (2) weeks, following the same procedure as stated in Article VI, sections 1 and 3.

Section 6 Special Elections

When a vacancy occurs, the Credentials and Ballots Committee shall conduct a special election according to the terms of the Bylaws, Article VI.

Article VII Vacancy of Association Position

A position is declared vacant if the person holding said position dies, is no longer a member, submits a letter of resignation to an Executive Board member, or is removed from office.

A. President

1. The Vice President will assume the office of the President in the case of a vacancy.
2. A temporary Vice President will be elected from and by the Executive Board no later than seven (7) days after the vacancy of the office of President.

B. Other Officers

In the case that the office of Vice President, Secretary or Treasurer becomes vacant, the Credentials and Ballots Committee will hold a special general election in accordance with the Bylaws within twenty (20) school days to fill the vacancy.

C. Building Representatives

If a position of building representative is vacant, the Credentials and Ballots Committee will hold a special election, **in that building**, in accordance with the Bylaws, within twenty (20) days ~~in that building~~ to fill the vacancy.

D. Elected Committee Members

If a vacancy occurs on a standing committee whose members are elected, the Executive Board will hold an election in accordance with the Bylaws at its next regularly scheduled meeting to fill said vacancy.

E. Appointed Committee Members

If a vacancy occurs on a standing committee whose members are appointed, the President will make the decision regarding whether or not to make another appointment.

Article VIII Removal from Office

Section 1 Cause

An officer or member of the Executive Board or an elected committee member may be removed during the term of service for cause, after notice and hearing

Section 2 Procedure

1. Removal proceedings may be initiated by written petition submitted to the Executive Board by at least seven (7) members of the Executive Board.
2. Removal proceedings shall be heard by the BEA Executive Board.
3. Removal petitions must set forth with specificity the nature of the conduct for which removal is sought.
4. All decisions of the Executive Board shall:
 - a. be in writing
 - b. state whether a petition for removal has been approved or dismissed

- c. make findings of fact in support of the decision
 - d. state the vote on such petition
 - e. be signed by all members of the Executive Board who voted on the petition
5. If a two-thirds (2/3) vote of the Executive Board sustains the charge, the office shall be declared vacant

Article IX Collection of Dues

The annual unified Association cash dues will be collected by the Faculty representatives. Except in the case of payroll deduction, dues are to be paid in full and turned over to the treasurer on or before the date, specified by the BEA treasurer, for each school year.

Article X Special Polices

Section 1 Scholarships

The Executive Board will decide if any scholarship(s) will be given and, if so, the amount(s) and requirements for application.

Section 2 Grievance Dispute

If the grievant(s) is/are dissatisfied with the disposition of the grievance, an appeal may be made in writing to the Executive Board. A two-thirds (2/3) vote of the Executive Board will set aside the PR&R Committee decision and the PR&R Committee shall take the grievance to the next level.

**Section 3 Constitution and Bylaws
 Distribution**

Copies of the Constitution and Bylaws will be distributed to new teachers upon becoming Association members. Following a vote to change the Constitution and/or Bylaws, copies of any revisions of the Constitution and Bylaws shall be distributed to all members.

Section 4 Contract Distribution

Copies of new contracts will be distributed at the beginning of the year to each new teacher. Following ratification of each new contract, copies will be distributed to all teachers as soon as possible.

ADDENDUM

The Credentials and Ballots Committee will be instituted as soon as possible following ratification of these proposed bylaws for ~~1992~~ 2011