

Please note that where there may be a discrepancy of a printed word in this web-based copy of the BEA By-laws and the printed blue copy dated 1997, the printed blue copy dated 1997 will prevail as the accurate word.

ARTICLE I NAME

The name of this association shall be the Brockton Education Association.

ARTICLE II PURPOSES

Section I. To work for the welfare of school children, the advancement of education, and the improvement of instructional opportunities for all.

Section II. To promote ethical practices, personnel policies, and standards of preparation and participation that are the hallmark of our profession.

Section III. 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 IV. To enable members to speak with a common voice on matters pertaining to the teaching profession and to present their individual and common interests before the School Committee and other legal authorities.

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

ARTICLE III MEMBERSHIP AND AFFILIATIONS

Section I. Any teacher, administrator, or other professional employed by the Brockton Public Schools may become an active member upon payment of the annual dues of the Brockton Education Association, Massachusetts Teachers Association, the National Education Association, and the Plymouth County Education Association.

Section II. Any member upon retirement shall be invited to become an honorary member of this Association for life.

Section III. This Association shall be affiliated with:

- A. The Plymouth County Education Association.
- B. The Massachusetts Teachers Association.
- C. The National Education Association.

ARTICLE IV OFFICERS

Section I. The officers of the Association shall be President, First Vice-President, Second Vice-President, Secretary and Treasurer.

Section II. Duties of officers.

- A. The President shall:
 - 1. Enforce a proper observance of the by-laws of the BEA.
 - 2. Preside at meetings of the Association, the Executive Board and the Representative Council, and prepare agendas for distribution by the Secretary.
 - 3. Serve as ex-officio member of all committees of the Association, except the Credentials and Ballot Committee and except as otherwise noted in the by-laws.
 - 4. Be the official representative of the BEA in all business of the Association except when otherwise stipulated by the by-laws or the Representative Council.
 - 5. Present the proposed contract to the General Membership for ratification.
 - 6. Be the chief spokesman for the Association.
 - 7. Appoint, subject to the approval of the Representative Council, the chairman of all ad hoc and standing committees, except as otherwise noted in these by-laws.
 - 8. Be chairman of the Executive Board.
 - 9. Submit a written annual report to the members of the BEA.
 - 10. Be present at all regular meetings of the School Committee.
 - 11. Assume specified and limited duties relative to the contract and negotiations at the direction of the Representative Council.
- B. The First and Second Vice-President shall, in order of rank:
 - 1. In the absence of, or at the request of the President, assume the duties of the President.
 - 2. Be a voting member of the Executive Board.
 - 3. Perform such tasks as the President assigns.
 - 4. Be present at all Representative Council meetings.
- C. The Secretary shall:
 - 1. Be secretary to all meetings of the Association Executive Board, and the Representative Council.
 - 2. Keep accurate minutes of all regular and special meetings.
 - 3. Assist the President with correspondence.
 - 4. Prepare the minutes of each meeting and present printed copies to each Executive Board and Representative Council member no later than seven calendar days following said meetings.
 - 5. Keep full and accurate lists of all officers, board members, Council members and the general membership.
 - 6. Keep accurate attendance records of all official Association meetings.
 - 7. Implement the production and distribution of such materials as may be requested by the executive officers of the Association.
 - 8. Send written notification to all concerned parties no less than seven days prior to all regularly scheduled meetings and include a copy of the prepared agenda.
 - 9. Be a voting member of the Executive Board.
 - 10. Be present at all Representative Council meetings.

11. Prepare directives of the Executive Board and Representative Council and disseminate printed copies to the appropriate person(s) or committee for action within 3 days of their enactment by the Board or Council.

D. The Treasurer shall:

1. Hold all funds of the Association.
2. Assume responsibility for the collection of annual dues and the transmittal of state and national dues to the MTA.
3. Submit to the President and Secretary an accurate membership list.
4. Disburse budgeted funds on the authorization of the President and/or the Representative Council.
5. Prepare and submit monthly financial statements to the Representative Council, and submit an annual report to the general membership.
6. Be chairman of the Finance Committee.
7. Be a voting member of the Executive Board.
8. Be bonded at the expense of the Association.
9. Be present at all Representative Council meetings.

ARTICLE V EXECUTIVE BOARD

Section I. The Executive Board shall consist of the elective officers of the Association, the immediate President (non-voting), and seven Representative Council members, elected by the Council members from the appropriate level; three from elementary, one from junior high, two from senior high level and one from administration.

Section II. The Executive Board shall serve as a board of general review in matters of executive policy:

- A. It shall meet prior to every meeting of the Representative Council and General Meeting of the Association.
- B. It shall present itself before the membership at every General Meeting.
- C. Upon instructions from the Representative Council, it shall advertise for any required paid employees and make its recommendation to the Representative Council.
- D. It shall hold any special meetings that may be required to conduct the business of the Association.
- E. In the event that a vacancy should occur in any of the positions of the officers of the Association, the President shall direct the Credentials and Ballot Committee to fill such vacancies as they shall occur. The election shall take place within 60 days of said vacancy. If there are less than 90 days remaining to the term of the vacating officer, then the Representative Council shall appoint a person to serve in said office until the general elections are completed, at which time the interim officer shall vacate immediately and the officer-elect shall assume his office and perform as directed by the By-Laws.

**ARTICLE
REPRESENTATIVE COUNCIL**

Section I. Accountability

- A. The Representative Council, comprising members of the Association, derives its powers from and shall be responsible to the membership.

Section II. Membership of the Representative Council shall be composed of the following voting members:

- A. The officers of the Association (President, First Vice-President, Second Vice-President, Secretary and Treasurer.)
- B. The Faculty Representatives.

Section III. The number of Faculty Representatives shall be determined by the following formula:

- A. One representative for the first 25 members from each building and one additional representative for every 25 members or major fraction thereof.
- B. For the purpose of determining representation, a member's building shall be his school mailing address.
- C. One representative for every 25 administration members.

Section IV. Duties of the Representative Council. The Representative Council shall be the governing body of the Association.

- A. The Representative Council shall legislate and act on matters of general policy.
- B. The Representative Council shall authorize expenditures of money for carrying on the general business of the Association either directly or through its designee.
- C. The Representative Council shall approve committee chairs.

Section V. Responsibilities of Faculty Representatives.

- A. Represent the views and interests of their respective members.
- B. Call and conduct building meetings to discuss Association business.
- C. Be in regular attendance at Representative Council meetings.
- D. Communicate Council action to constituents.
- E. Distribute to his constituents information of the Association business.
- F. Enroll members in local, state and national associations.

**ARTICLE VII
COMMITTEES**

Section I. The President shall appoint chairmen to the following standing committees who shall serve continuously with the President:

- By-Laws and Rules
- Credentials and Ballot
- Educational Policies
- Legislation
- Negotiations
- Political Education
- Professional Assistance and Benefits
- Professional Library
- Professional Rights and Responsibilities

Public Relations
Scholarship and Children's Aid
Social Activities and Amenities

Section II. All standing committee members shall be members of the Brockton Education Association.

- A. Each committee shall be composed of a chairman and at least one representative from the elementary, junior high and senior high school levels.
- B. The Negotiations Committee, in addition to its chairman, shall consist of the following members who are to be elected as provided in these by-laws:
 - 1. A total of four administrators to be elected by all the administrators, one from senior high, junior high, elementary and system-wide levels, provided however, that such administrators must rank below the level of assistant superintendent.
 - 2. Five classroom teachers from the primary level, one of whom shall be a special teacher.
 - 3. Five classroom teachers from the intermediate level, one of whom shall be a special teacher.
 - 4. One classroom teacher from the kindergarten.
 - 5. Four classroom teachers from the junior high level.
 - 6. Seven classroom teachers from the high school level.
 - 7. One member each to represent special interests such as guidance, vocational education, special education, Community School nurses, and other groups recognized by the Executive Board.

Section III. The President, the Executive Board, the Representative Council, or the membership at a general meeting may establish ad hoc committees.

Section IV. Duties of Standing Committees.

- A. The By-Laws and Rules Committee shall:
 - 1. Study, formulate and recommend By-Law changes to the Council.
 - 2. Be responsible for maintaining an accurate up-to-date copy of the By-Laws and standing rules of the Association.
 - 3. Review proposed amendments to the By-Laws, prepare and distribute copies of such documents to the membership, hold necessary hearings relative to amendments and revision and report its findings to the Representative Council.
 - 4. Be responsible for the interpretation of rules governing the Association through a spokesman who may also act as Parliamentarian. These rules will not be in conflict with BEA By-Laws and/or Roberts Rules of Order.
- B. The Credentials and Ballot Committee shall:
 - 1. Administer the election procedures as stated under Elections.
 - 2. Certify the results of any election.
 - 3. Retain all ballots for a period of not less than six months following the election.
- C. The Educational Policies Committee shall:
 - 1. Study and recommend measures for the improvement of education in Brockton.

2. Submit all recommendations for discussion and acceptance to the Executive Board and Representative Council.
- D. The Legislation Committee shall:
1. Keep the Representative Council informed of all local, state and national legislation.
 2. Communicate to MTA or NEA or other appropriate agency, suggestions for legislation relative to educational matters.
 3. Act at the discretion of the Representative Council, in a resource capacity in the area of school law.
 4. Attend regional legislation conferences, PCEA Legislative Conferences, TASC meetings, etc.
- E. The Negotiations Committee shall:
1. Solicit and review all contract proposals prior to and during contract negotiations with the School Committee.
 2. Elect from its membership 5 members, in addition to its chairman and the President of the Association, who will serve as the Bargaining Team responsible for the presentation of the Association position at the bargaining table. Each Negotiations Team shall complete the negotiations for which they were elected and remain active for the duration of the contract which is negotiated.
 3. The Chairman of the Negotiations Committee shall:
 - a. Collect, compile and collate data for contract purposes.
 - b. Perform, at the direction of the Representative Council, other functions relative to the contract and negotiations procedure.
 - c. Attend all Representative Council meetings and keep the Council informed about the status of negotiations.
 - d. Attend all regular meetings of the Brockton School Committee.
 - e. Attend any and all general meetings of the Association.
- F. Political Education Committee shall:
1. Inform members of all upcoming or pending elections, registration deadlines and other data necessary to the governmental election process.
 2. Provide information concerning candidates and their positions on issues relative to education.
 3. Provide opportunities for members to meet candidates.
 4. Ensure, in conjunction with the Legislative Committee, full and fair representation of the Association's interests and goals at all government levels.
 5. Recommend candidates for endorsement after following the procedures used by the National Education Association Political Action Committee.
- G. The Professional Assistance and Benefits Committee shall be responsible for the gathering and dissemination of information relative to:
1. Teacher retirement.
 2. Health Insurance programs.
 3. Savings and Investment programs.
 4. Blood Bank.
 5. All special services of the PCEA, MTA and NEA.

6. Fellowships, scholarships, and institutes. The Committee may establish a sub-committee for each of these and any other areas it considers relevant.
- H. The Professional Library Committee shall:
1. Maintain a fixed location for the Association's Professional Library.
 2. Annually, publish a complete list of all titles, and publish addenda as necessary.
 3. Solicit recommendations for additions to the collection.
- I. The Professional Rights and Responsibilities Committee shall:
Review all matters brought to its attention in pursuant to the terms of the contract and take such steps as it deems advisable and necessary to resolve such matters.
- J. The Public Relations Committee shall:
1. Promote a positive image of the association to its members and to the community.
 2. Oversee the dissemination of both internal and external publications.
- K. The Scholarship and Children's Aid Committee shall:
1. Organize and implement all fund-raising activities for the BEA Scholarship Fund.
 2. Screen all BEA scholarship applicants and make recommendations to the proper authorities who will present the scholarship to a student from Brockton High School who intends to pursue a career in education, or a related field.
 3. Be responsible for all Association activities related to the general welfare of Brockton children who are not eligible for assistance through any other public or private agency.
- L. The Social Activities and Amenities Committee shall:
1. Prepare a program of social events for the year.
 2. Be responsible for extending the Association's sympathy, congratulations, etc.
 3. Sponsor and support cultural and recreational activities for members and the community.
- M. The Finance Committee shall be responsible for the preparation and presentation of the Annual Budget to the Representative Council for approval. Said budget shall be arrived at in the following manner:
1. A budget requisition form shall be sent to every committee or agency of the Association by the Finance Committee.
 2. Completed requests will be returned to the Finance Committee by those committees or agencies requesting funds.
 3. The head of any committee or agency so desiring may request an opportunity to justify its budget to the Finance Committee in person.
 4. The Finance Committee will prepare and distribute to the Representative Council a recommended budget no less than 2 weeks prior to the date specified by the Representative Council for its consideration.
 5. Approval of the budget will require a majority of the present and voting members of the Representative Council.

Section V. Transition Team.

- A. There shall be a transition team consisting of the President, Vice-President, chair of the Negotiations Committee, PR&R Committee, and their respective successors.
- B. The transition team shall be responsible for the transfer of all records and other documents of the Association to the successor administration. The present officers and chairs shall apprise the officers-elect and successor chairs of all information necessary for an orderly transfer of authority.

**ARTICLE VIII
EMPLOYEES OF THE ASSOCIATION**

Section I. Conditions of employment.

- A. Applicants for positions will be interviewed by the Executive Board and/or the Representative Council.
- B. They shall be employed for a term of one year by a majority of present and voting members of the Representative Council.
- C. Employees may be removed from their positions at any time by a 2/3 vote of the present and voting members of the Representative Council.

Section II. Duties and Responsibilities.

- A. The Representative Council may hire a Business Agent to perform duties as specified by the Representative Council.
- B. The Representative Council may require a clerical secretary to be responsible for:
 - 1. Reproducing for distribution various materials requested by the Council.
 - 2. Acting as clearing agency or message center in all matters relating to the Association.
 - 3. Performing, by mutual consent, additional duties designated by the Representative Council.
- C. Additional employees made necessary by circumstances may be hired according to By-Laws provisions and subject to majority of the present and voting members of the Council.

**ARTICLE IX
MEETINGS**

Section I. regular afternoon meetings of the Association shall convene 15 minutes after the latest dismissal time.

- A. There shall be at least two meetings of the Association each school year, one to be held not later than the last week in October and the other to be held not later than the first week in June.
- B. Additional meetings may be called by:
 - 1. The President.
 - 2. By a majority of the Representative Council.
 - 3. By a petition of 10% of the membership.

Section II. Meetings of the Representative Council.

- A. Regular meetings shall be held at least once a month, on the first Monday of each month of the school year whenever possible.
- B. Additional meetings may be called by:
 - 1. The President.
 - 2. Petition of 10% of the Representative Council.
- C. Meetings of the Representative Council will be open to the general membership of the Association.

Section III. Meetings of the Executive Board.

- A. The executive Board shall meet prior to every regularly scheduled meeting of the Representative Council and every meeting of the Association.
- B. Additional meetings may be held as necessary.

**ARTICLE X
QUORUM**

Section I. Fifteen percent of the membership shall constitute a quorum for transaction of the business of the Association in general session.

Section II. For the Representative Council and all committees, a quorum shall consist of one more than half of the membership of that body.

**ARTICLE XI
ELECTIONS**

Section I. Candidates.

- A. Any member of the Association is eligible for candidacy to any office of the Association.
- B. No member may hold two or more elective offices concurrently.
- C. No person employed by the Association may hold elective office.
- D. Effective June 1998, all elective offices shall be elected for a term of two years or until a successor is elected.

Section II. Election Procedures.

- A. Filing for candidacy shall be in accordance with the procedures determined by the Credentials and Ballot Committee.
- B. All voting shall be carried out as follows:
 - 1. By secret ballot.
 - 2. With an accurate list of voting members recorded by the faculty rep.
 - 3. With all marked and unmarked ballots and voting lists returned to the Credentials and Ballot Committee on the day of the election.
- C. All system-wide elections shall be completed by May 31 of each school year.
- D. Faculty Representative elections shall be completed by May 31 of each school year.
- E. All offices shall become effective at the June meeting of the Representative Council.
- F. The president-elect shall attend all negotiations meetings as an observer from the date of election until the effective date of his or her term.

Section III. The results of every election shall be made public to all schools no later than three school days following its balloting.

Section IV.

- A. In the event of a disputed election, the Representative Council may, by a majority vote, require the Credentials and Ballot Committee to hold a new election.
- B. Any such election would be held only for the position in question.
- C. Any such election must be held within two weeks of the Representative Council's decision.

**ARTICLE XII
FINANCE**

Section I. The annual dues shall be the sum of Brockton Education Association, Massachusetts Teachers Association, and National Education Association dues for that year. Dues shall be payable on or before the fifteenth day in November, except for any payroll deduction plans or persons employed after November 15.

Section II. On or before December thirtieth the Association shall pay the annual affiliation dues assessed by the Massachusetts Association and the National Education Association.

Section III. An annual independent audit of all financial records shall be conducted.

Section IV. Salaries and Compensation.

- A. The officers of the Association may receive an annual compensation for their services.
- B. Any Association members may be compensated for services and/or expenses incurred in Association activities.
- C. The annual compensation for the officers and employees shall be determined by a majority vote of the Representative Council and be periodically reviewed. In the event an officer or employee serves a reduced term for any reason, such compensation may be calculated on a pro-rated basis.
- D. Any increase in the compensation given officers of the Association shall be publicized to the membership prior to the effective date of a vote by the Representative Council.
- E. Increases in compensation for services of elective members shall not take effect during their term of office.

ARTICLE XIII

AMENDING BY-LAWS

These By-Laws may be amended at a meeting of the Association by a 2/3 vote of those members present provided that a copy of the proposed amendments shall have been distributed to the members at least 7 school days prior to said meeting.

**ARTICLE XIV
PARLIAMENTARY PROCEDURE**

The rules contained in Robert's Rules of Order Newly Revised shall govern the Association in all cases where applicable provided that they are not inconsistent with these By-Laws.

**ARTICLE XV
CONTRACT**

Ratification of the contract and all subsequent agreements between the Brockton Education Association and the School Committee of the City of Brockton shall take place at a general meeting of the Association. Copies of proposals which are changes to the existing contract shall be issued to the membership in writing five calendar days before the ratification meeting.

**ARTICLE XVI
IMPEACHMENT**

Section I. Officers of the Association may be impeached for misfeasance, malfeasance, and for nonfeasance in office.

- A. Impeachment proceedings against an officer may be initiated by written petition submitted to the Review Board by at least fifteen (15) percent of the membership.
- B. If after a due process hearing, a two-thirds (2/3) vote of the Review Board shall sustain the charge, the office shall become vacant.
- C. The officer may appeal the decision to the Representative Council. The Review Board decision may not be overturned except by a 2/3 vote of the Representative Council.
- D. No member of the Review Board may be part of the appellate procedure.

Section II. Review Board.

The judicial powers of the Association as described in this article shall be vested in a Review Board.

Section III. Powers of the Review Board

The jurisdiction of the Review Board shall extend to cases herein defined:

- A. The Review Board shall have original jurisdiction in the following cases:
 - 1. Impeachment of an officer
 - 2. The censure, suspension, or expulsion of an officer.
- B. The Review Board shall have the following powers subject to the conditions as herein outlined:
 - 1. To impeach an officer. The officer shall have the right to appeal to the Representative Council.
 - 2. To censure, suspend, or expel an officer for sufficient cause. The officer shall have the right to appeal to the Representative Council.
 - 3. To vacate censure, lift suspension, or reinstate an officer.

Section IV. Review Board Appointment

The Representative Council shall generate a Review Board of 6 members.

Section V. Review Board Prerogatives.

The Review Board shall establish its rules of procedure with the approval of the Representative Council. Due process must be guaranteed in all proceedings.

**ARTICLE XVII
DISSOLUTION**

In the event that the Brockton Education Association is dissolved or ceases to exist, the assets of the Association shall be transferred to whichever non-profit organization succeeds it.