

Lakeland Faculty Association Constitution

Article I: Name and Affiliation

Section 1

The name of this organization shall be the Lakeland Faculty Association, abbreviated and hereinafter referred to as "the LFA." The LFA shall maintain affiliation with the North Eastern Ohio Education Association (NEOEA), the Ohio Education Association (OEA), and the National Education Association (NEA).

Article II: Philosophy

Section 1

The purpose of the LFA shall be to maintain and enrich the quality of education at Lakeland Community College, hereinafter referred to as "the College," and to promote the professional interests of the faculty of the College through collective action and other appropriate means.

Section 2

All members shall abide by the Code of Ethics for Educators (see appendix).

Article III: Membership

Section 1

Professional membership in the LFA shall be available to any employee who is part of the bargaining unit as defined under the recognition clause (Article I) of the Collective Bargaining Agreement.

Section 2

Members of the LFA shall also be members of NEOEA, OEA, and NEA.

Section 3

The membership year of the LFA shall be September 1 to August 31.

Article IV: Executive Committee

Section 1

The Executive Committee shall consist of four officers and an odd number of representatives. The four officers shall be President, Vice President, Secretary, and Treasurer. All Executive Committee positions will be elected in a manner as described in the Bylaws, except for mid-term vacancies, which will be appointed by the Executive Committee. All positions are for terms of two years. The immediate past president of the LFA shall be an ex-officio member of the Executive Committee.

Section 2

Executive Committee representatives will reflect diverse representation from teaching and non-teaching disciplines, as well as representation from different divisions of the College. There shall be one Executive Committee representative for every twenty-five members or

fraction thereof in each unit of representation. A unit of representation is a cohesive group of members as defined by the process outlined in Bylaws Article II. Should this lead to an even number of representative positions, an additional at-large representative position shall be created.

Section 3

Of the four Executive Committee officers, not more than two shall be from the same unit of representation.

Section 4

The Executive Committee shall exercise the powers of the LFA in the interim between LFA general meetings. Action taken on matters affecting the LFA membership shall be communicated by the LFA President at the next LFA general meeting. The Executive Committee shall aim to make decisions via consensus; however, all official acts of the Executive Committee must be certified by a majority vote.

Section 5

The term of office of Executive Committee members shall commence immediately following their election to that office.

Section 6

No person shall remain a member of the Executive Committee for more than six election cycles or fractions thereof (e.g., should they resign their term). However, a person appointed or elected to fill a vacated position shall not have such service counted toward the maximum number of consecutive terms.

Section 7

It is the policy of the LFA to take all legally permissible steps to achieve governance and delegate representation of ethnic minorities at least proportionate to the ethnic minority membership in the LFA.

Section 8

No business or financial transaction involving a member of the Executive Committee or agent of the LFA, or their spouse, children, or parents, or otherwise as described in this section, shall conflict with the fiduciary responsibility of such person to the LFA. Such relationships with the members of the Executive Committee include relationships with any person that would reasonably be expected to affect the person's judgment with respect to the transaction or conduct in question in a manner adverse to the LFA.

Article V: Meetings

Section 1

Meetings of the entire LFA membership shall be held at least twice a year. General meetings shall, barring extenuating circumstances, be scheduled near the start of each semester. Additional LFA general meetings may be initiated by the Executive Committee or by petition to the Executive Committee by one-fourth of the membership of the LFA.

Section 2

A quorum for the transaction of business shall consist of 40% of the voting membership.

Section 3

Meetings of the Executive Committee shall be held at least once a month during the academic year, and minutes will be available to the membership at large following each meeting.

Section 4

LFA meetings shall only be open to LFA members and Executive Committee-approved guests. Non-members shall not be able to attend unless a particular general meeting or part thereof is designated as an open meeting.

Article VI: Committees

Section 1

The LFA shall have such committees as are necessary to carry out the responsibilities and program of the LFA, including: 1) standing (permanent) committees, including but not limited to Academic Rank, Elections, Grievance, Negotiations, and Social; 2) ad hoc (temporary) committees to serve a particular need; 3) joint LFA/College committees for which the LFA is only responsible for the LFA part of the committee. All standing and joint LFA/College committee positions with the exception of Grievance and Negotiations are for two-year terms. Ad hoc committee terms shall continue until the committee is dissolved.

Section 2

The Executive Committee shall appoint members of all standing LFA and joint LFA/College committees except Rank and Elections, which shall be elected by the full membership, and Long-Term Professional Leave and Vice President's Academic Advisory Council, which shall be elected by each unit of representation.

Article VII: Representation

Section 1

All representatives elected by the full LFA membership, including delegates to all OEA and NEA governance bodies, shall be elected by secret ballot.

Section 2

Any delegates to the OEA and/or NEA Representative Assemblies elected by the general membership will serve as additional delegates after the Executive Committee officers who are delegates by virtue of their positions.

Section 3

The Executive Committee shall appoint representatives to external entities as necessary.

Article VIII: Amendments

Section 1

With a petition signed by 20 percent of the LFA membership, any member can propose an amendment to the Constitution or Bylaws. Alternatively, the Executive Committee may

appoint an ad hoc committee to review the Constitution or Bylaws and recommend amendment(s) as appropriate.

Section 2

Proposed amendments must be submitted to the Executive Committee in writing.

Section 3

The Executive Committee will distribute the proposed amendment to the membership at least two weeks prior to the next LFA general meeting.

Section 4

The proposed amendment will be placed on the agenda for discussion at the next LFA general meeting and will be voted upon by secret ballot during the next election.

Section 5

An amendment to the Constitution or Bylaws must be approved by three-fifths of the entire membership to take effect.

BYLAWS

Article I: Duties of the Executive Committee

Section 1: President

1. To preside at and prepare an agenda for all LFA general meetings and Executive Committee meetings.
2. To collaborate with the Executive Committee to appoint members of all committees except for those whose membership is determined by election.
3. To act as official signatory with respect to LFA- and Executive Committee-approved documents requiring the signature of its principal officer.
4. To act as a spokesperson between the LFA and the College administration and the Board of Trustees.
5. To appoint a member of the Executive Committee to attend all regularly scheduled meetings of the Board of Trustees.
6. To appoint, with Executive Committee approval, a member of the LFA to serve until the next annual election, in the event that an elected position is vacated. At that time, an election will be held to fill the vacated position.
7. To appoint, with the consent of the Executive Committee, a member of the LFA to act as parliamentarian.
8. To serve as a delegate to the OEA and/or NEA Representative Assemblies by virtue of office.
9. To serve as immediate past president upon completion of their term(s). The immediate past president will have no voting rights, and the term served as immediate past president will not be considered when determining term limits. Because the position of immediate past president has no voting rights, the role of immediate past president may be served concurrently with any other position on the Executive Committee. The individual serving as immediate past president will continue to serve as immediate past president until a new person is in the position of immediate past president.
10. To recommend, with Executive Committee approval, a faculty member to serve as faculty marshal at commencement.

Section 2: Vice President

1. To assume the duties of the President in the President's absence.
2. To assume the office of President for the unexpired term in the event the office is vacated.
3. To assist the President in administration of the Executive Committee and LFA and serve as the President's representative upon request.
4. To issue advance notification of agenda of general meetings and regularly scheduled Executive Committee meetings.
5. To notify the membership at large of general meetings and regularly scheduled Executive Committee meetings at least 24 hours in advance.
6. To serve as a delegate to the OEA and/or NEA Representative Assemblies by virtue of office.
7. To coordinate LFA orientation for new full-time faculty members.

Section 3: Secretary

1. To record and maintain official copies of approved minutes of LFA general meetings and Executive Committee meetings.
2. To provide, within one week, a copy of unapproved minutes of LFA general meetings to each member of the Executive Committee.
3. To provide, at or before each meeting of the Executive Committee, minutes of the prior Executive Committee meeting to each committee member.
4. To make approved Executive Committee meeting minutes available to LFA members following each meeting.
5. To be responsible for executing, receiving, and maintaining all organizational documents with the exception of documents prepared and maintained according to Treasurer duties (Bylaws Article I Section 4).

Section 4: Treasurer

1. To receive all LFA funds and to pay out same only upon order approval of the Executive Committee or order approval of the LFA.
2. To submit a financial statement at each LFA general meeting.
3. To submit financial reports at each regular Executive Committee meeting.
4. To make recommendations for deposition of LFA funds.
5. To co-sign all checks with the President.

Section 5: Executive Committee Representatives

1. To provide a summary of regular Executive Committee meetings, including but not limited to discussion related to agenda items, recommended policies, and other actions of the Executive Committee, to members of their unit of representation. This information is to be provided via non-College channels within one week of the Executive Committee meeting.
2. To act as a liaison between the Executive Committee and members of their unit of representation.
3. To attend regular meetings of the Executive Committee. Three consecutive absences are considered a resignation.
4. To serve as Executive Committee advisors to standing and ad hoc committees as designated by the President.

Article II: Changes to Unit Representation Structure

Section 1

Either the current Executive Committee or a petition of 20% of the LFA membership may propose a change to LFA units of representation.

Section 2

If a proposed change to LFA units of representation is initiated, it must be announced to all members at least one month prior to a general meeting.

Section 3

The proposal must be approved by three-fifths of the entire membership to take effect.

Section 4

If approved, the proposal shall go into effect in the next annual election, provided that the election is at least eight weeks away. If the annual election is scheduled to take place in the next eight weeks, the proposal shall go into effect the following annual election.

Article III: Recall of Executive Committee Members

Section 1

Any member of the Executive Committee may be recalled by two-thirds vote of the total membership. Written notice of the proposed action must be provided to that member at least three weeks prior to the general meeting in which the recall vote will occur.

Section 2

The Executive Committee member in question shall have the right to either a private (Executive Committee only) or public (open to all LFA members) due process hearing, to be conducted by the Elections Committee after the written notification of the impeachment charges and before the meeting in which the recall vote will occur.

Article IV: Recall of Committee Members

Section 1

Faculty representatives on all committees shall take the responsibility for working with the LFA President and the members of the Executive Committee.

Section 2

Faculty representatives on all committees shall be subject to recall by a two-thirds vote of the total membership of the Executive Committee. Written notice of the proposed action must be provided to that member at least three weeks prior to the Executive Committee meeting in which the vote will occur.

Section 3

In the case of a recall vote, the member in question shall have the right to either a private (Executive Committee only) or public (open to all LFA members) due process hearing, to be conducted by the Elections Committee after the written notification of the impeachment charges and before the meeting in which the recall vote will occur.

Article V: Grievance Committee

Section 1

The Grievance Committee shall follow the grievance process outlined in the Collective Bargaining Agreement. The Grievance Committee shall have decision-making power over moving grievances to the next step of the grievance process. Should the grievant be dissatisfied with the decision from the Grievance Committee, the grievant can appeal to the Executive Committee to overturn the decision through a special meeting.

Section 2

The Grievance Committee shall make a recommendation to the Executive Committee as to whether a grievance should be sent to arbitration.

Article VI: Negotiations Committee

Section 1

The Negotiations Committee will solicit input from the general membership during a negotiations year to inform bargaining priorities.

Article VII: Elections Committee

Section 1

The Elections Committee shall conduct elections in accordance with the OEA Elections Manual and shall resolve all challenges or protests to an election.

Section 2

The Elections Committee shall consist of five members, all of whom shall be elected by the membership. The chairperson of the Elections Committee shall be designated by the Executive Committee.

Section 3

No more than two members of the Elections Committee may also be members of the Executive Committee.

Section 4

No more than two members of the Elections Committee shall be from the same LFA unit of representation.

Section 5

The Elections Committee shall prepare and distribute to all members, at least 15 days prior to the election, a slate of nominees consisting preferably of at least one more candidate than the number to be elected to each office. The Elections Committee shall conduct the elections to fill all offices and committee vacancies over two consecutive days and no later than the second Thursday in April.

Section 6

The consent of the nominees shall be obtained before announcing their nominations.

Section 7

The Elections Committee shall be the receiving body for declarations of candidacy for all elected positions.

Section 8

Any person who makes their interest in running for a position known to the Elections Committee after the nominations deadline will be considered a write-in candidate. Write-in candidates receive the same treatment as nominated candidates with the exception of not having their names included on the ballot.

Section 9

Elections Committee members who are on the ballot shall recuse themselves from the election responsibilities of monitoring the ballot box, counting ballots, and making decisions related to their own candidacy for that election.

Article VIII: Election Procedures

Section 1

Voting shall be by a secret printed ballot.

Section 2

Each member shall have one vote. Members must be afforded a reasonable opportunity to vote. Elections are held on site. Members who are unable to vote in person may request an absentee ballot no later than 10 business days prior to the election.

Section 3

The President, Treasurer, and approximately half of the representatives will be elected in odd-numbered years, and the Vice-President, Secretary, and the other half of the representatives will be elected in even-numbered years. The results of the vote must be published by the Elections Committee for the benefit of LFA members.

Section 4

All ballots, marked, unmarked, and voided, and all other records pertaining to the election shall be preserved for one year from the date of the election was held, and such ballots and other records may be requested for inspection and examination.

Section 5

For election of officers of the LFA, a person must receive a simple majority of those voting (50%+1). For all other elected positions, a person must receive a plurality of the votes cast.

Section 6

If no candidate receives the required number of votes for a position, a second election must be conducted. Candidates who receive the most votes and the second most votes (when there is not a tie for most votes) will be eligible for the second election.

Article IX: Meeting Voting Procedures

Section 1

Voting, including ratifications of collective bargaining agreements, will be conducted in accordance with the guidelines set forth by the OEA.

Section 2

When issues are voted upon in an LFA general meeting, they shall be passed by a simple majority of those present, provided that quorum has been achieved.

Section 3

Voting by proxy shall not be permitted.

Section 4

Robert's Rules of Order shall govern all matters not covered by this Constitution and Bylaws.

Section 5

Non-members of the LFA, including fee payers, shall not have the right to vote, hold office, or otherwise have privilege of LFA membership. Non-members of the LFA are not eligible to vote on a fact finder's report or contract ratification.

Article X: Liability of Members

Section 1

No LFA member shall be personally liable for any bills or obligations of the LFA, past or present, except for the payment of their own dues.

Section 2

No person shall use the name, mailing lists, or official insignia of the LFA for other than strictly LFA purposes without authorization of the Executive Committee. This authorization is to be confirmed in writing by the President or Secretary of the LFA.

Article XI: Finances

Section 1

Professional membership dues shall include those established by NEOEA, OEA, and NEA and sufficient LFA dues to ensure participation in UniServ and maintain an effective local program.

Section 2

No professional dues shall be used to support the candidacy of any officer or representative (including delegates) of the LFA for any office at the local, state, or national level. Social dues shall be optional.

Section 3

An audit shall be made of all LFA funds during May or June of odd-numbered years. The Audit Committee shall consist of three LFA members not currently on the Executive Committee.

Article XII: Powers

Section 1

The LFA shall be empowered to negotiate as a group through the collective bargaining process on behalf of all members of the LFA. Said collective bargaining shall include, but not be limited to, conditions of employment, job protection, overall working conditions, salaries, fringe benefits, and such other matters as may from time to time be deemed necessary.

Section 2

The LFA shall be an affiliate of the NEOEA, OEA, and NEA and draw upon the professional and legal services of these affiliates.

Article XIII: Dissolution

Section 1

A petition for dissolution of the LFA may be presented in writing at an LFA general meeting by any member in good standing and must contain the signature of three-fourths of the total membership of the LFA.

Section 2

Upon receipt of the petition for dissolution by the total membership, the LFA shall act upon the petition at the next LFA general meeting.

Section 3

The LFA shall be considered dissolved if three-fourths of the total membership vote by secret ballot in favor of dissolution.

Section 4

The effective date of dissolution shall be thirty days from the date of the vote, thus allowing for the disposal of assets and liabilities.

Section 5

In the event of dissolution of the LFA, all assets remaining after payment of all obligations shall be distributed to the Lakeland Foundation, provided that it is an entity recognized as exempt from federal taxation.

Article XIV: Expulsion of Members

Section 1

According to procedures adopted by the LFA, the Executive Committee may censure, suspend from membership, or expel any member for one or more of the following reasons: 1) violation of the Code of Ethics for Educators (see appendix), 2) conviction of a felony, 3) actively engaging in or actively supporting activities directed against the constitutional purposes of the LFA to bring about changes in the LFA by means other than those that are consistent with the LFA Constitution.

Section 2

The Executive Committee may reinstate members previously suspended or expelled.

Article XV: Enabling Provision

Section 1

This Constitution and these Bylaws shall become effective January 1, 2008, following their adoption, and shall remain in effect until amended according to regulations herein provided.

APPENDIX

Code of Ethics for Educators

This appendix text reflects the Code of Ethics for Educators as provided on the NEA website on the date listed in this document's enabling provision (Bylaws Article XV). Should the Code of Ethics for Educators change after this date, the version provided by NEA shall override the one printed here.

Preamble

The National Education Association believes that the education profession consists of one education workforce serving the needs of all students and that the term 'educator' includes education support professionals.

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of the democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than the one specifically designated by the NEA or its affiliates.

Principle I: Commitment to the Student

The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator--

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student's access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to embarrassment or disparagement.
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly –
 - a. exclude any student from participation in any program

- b. deny benefits to any student
- c. grant any advantage to any student
- 7. Shall not use professional relationships with students for private advantage.
- 8. Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

Principle II: Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator –

- 1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
- 2. Shall not misrepresent his/her professional qualifications.
- 3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
- 4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
- 5. Shall not assist a noneducator in the unauthorized practice of teaching.
- 6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
- 7. Shall not knowingly make false or malicious statements about a colleague.
- 8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

Adopted by the NEA 1975 Representative Assembly