

Constitution & By-Laws

CONSTITUTION AND BYLAWS

OF THE

YOUNGSTOWN STATE UNIVERSITY

**ASSOCIATION OF PROFESSIONAL AND ADMINISTRATIVE
STAFF**

Revised:

October 2024

Table of Contents

Article 1. Name, Affiliation and Purpose

SECTION 1. Name

SECTION 2. Affiliation

SECTION 3. Purpose

Article 2. Association Membership

SECTION 1. Eligibility of Membership

SECTION 2. Classes of Membership

SECTION 3. Affiliated Memberships

SECTION 4. Rights and Choice of Membership

SECTION 5. Timeframe

Article 3. Rules of Order and Quorum

SECTION 1. Rules of Order

SECTION 2. Quorum

Article 4. Officers

SECTION 1. Positions and Terms

SECTION 2. Vacancies

Article 5. Executive Committee

SECTION 1. Definition

SECTION 2. Elections

SECTION 3. APPOINTMENTS

SECTION 4. Vacancies

SECTION 5. Exclusivity of Executive Committee Members

SECTION 6. Terms of office

Article 6. Elections

SECTION 1. Timeframe

SECTION 2. Process

SECTION 3. Vote

Article 7. RECALL OF OFFICERS, Elected EXECUTIVE COMMITTEE MEMBERS AND ELECTED STANDING COMMITTEE MEMBERS

SECTION 1. Recall Process

SECTION 2. Filling the vacancy

SECTION 3. Election Committee Recusal

ARTICLE 8 EXPULSION AND SUSPENSION OF MEMBERS

SECTION 1. Reasons

SECTION 2. Reinstate

ARTICLE 9 DISCIPLINARY PROCEEDINGS

SECTION 1. Establishment of the Hearing Board

SECTION 2. Procedure for Filing Charges

SECTION 3. Hearing Procedure

Article 10. Duties of Officers

SECTION 1. President

SECTION 2. Vice-President

SECTION 3. Treasurer

SECTION 4. Secretary

SECTION 5. Succession

Article 11. Duties of the Executive Committee

SECTION 1. Duties

SECTION 2. Ethnic Minority

SECTION 3. Financial Transaction

SECTION 4. Meetings

SECTION 5. Grievance Approval

SECTION 6. Supervision of Standing and Ad Hoc Committees

SECTION 7. Review of Membership

SECTION 8. Executive Session

SECTION 9. Compliance

SECTION 10. Building Representatives

SECTION 11. HEAC and OEA/NEOEA Representatives

SECTION 12. Membership Coordinator

SECTION 13. Publicity Coordinator

SECTION 14. Grants Coordinator

Article 12. Committees

SECTION 1. Standing Committees

SECTION 2. Ad Hoc Committees

SECTION 3. Audit (Financial) Committee

SECTION 4. Elections Committee

SECTION 5. Negotiations Committee/Team

SECTION 6. Grievance Committee

ARTICLE 13 BARGAINING AND CONTRACT RATIFICATIONSECTION

SECTION 1. Ratifications

SECTION 2. Intent to Strike

SECTION 3. Eligible to Vote

Article 14. Meetings

SECTION 1. General membership Meetings

SECTION 2. Special Meetings

SECTION 3. Order of Business

ARTICLE 15 Virtual meeting

SECTION 1. Meetings Held Electronically.

SECTION 2. Sample Rules for Virtual meeting Meetings

Article 16. Dues and Dissolution

SECTION 1. Dues

SECTION 2. Dissolution

Article 17. Expenses

SECTION 1. Reimbursement

SECTION 2. Receipts

Article 18. Amendments

SECTION 1. Review

SECTION 2. Presentation and Voting

APPENDIX A. CODE OF ETHICS

ARTICLE 1

NAME, AFFILIATION AND PURPOSE

SECTION 1. NAME

The name of this organization will be the Youngstown State University Association of Professional Administrative Staff, hereafter known as YSU-APAS or the Chapter.

SECTION 2. AFFILIATION

YSU-APAS will be an affiliate of the National Education Association (NEA), the Ohio Education Association (OEA), and the North Eastern Ohio Education Association (NEOEA).

SECTION 3. PURPOSE

The purpose of the YSU-APAS will be to promote the professional and economic interests of the professional administrative staff of Youngstown State University.

YSU-APAS members will recognize and incorporate the OEA Code of Ethics in their practice and commitment to students and their profession.

ARTICLE 2

ASSOCIATION MEMBERSHIP

SECTION 1. ELIGIBILITY OF MEMBERSHIP

Membership will be available to any eligible professional administrative staff member of YSU except those excluded by law.

SECTION 2. CLASSES OF MEMBERSHIP

There will be two classes of dues-paying members: full dues-paying, and part-time dues-paying.

SECTION 3. AFFILIATED MEMBERSHIPS

Members of YSU-APAS will also be members of the NEA, the OEA, and the NEOEA and will abide by the OEA Code of Ethics of the Education profession.

SECTION 4. RIGHTS AND CHOICE OF MEMBERSHIP

All dues-paying members are entitled to all of the privileges of membership including the right to vote, to hold office, to serve on the committees of the Chapter, and represent APAS on university committees.

All members may attend Executive Committee meetings except when the Executive Committee adjourns to executive session.

.SECTION 5. TIMEFRAME

The Membership and The Fiscal Year of the Chapter will be September 1 through August 31.

ARTICLE 3

RULES OF ORDER AND QUORUM

SECTION 1. Rules of Order

Robert's Rules of Order (Newly Revised) will be the authority on all questions of procedure not specifically covered in this Constitution and Bylaws.

SECTION 2. Quorum

For the transaction of business at all general membership meetings, which includes general meetings called for a special purpose, a quorum will consist of at least 35 dues-paying members, whichever is greater, and the President or Vice-President and one other officer. A simple majority of the quorum is required to approve business at a general meeting.

ARTICLE 4

OFFICERS

SECTION 1. ELECTIONS

The officers of the Chapter will be elected by the membership and will consist of a President, Vice-President, Treasurer, and Secretary

SECTION 2. VACANCIES

Whenever the office of the President becomes vacant midterm due to death, incapacity, termination, resignation, retirement or recall, the Vice-President will automatically assume the presidency for the remaining part of the current term. This change in position for the Vice-President will not be calculated in the two-term limit.

A midterm vacancy in the office of the Vice-President, Treasurer or Secretary will be filled by a majority vote of the Executive Committee in secret ballot. The replacement will serve for the remainder of the current term.

In the event a vacancy occurs in the offices of both the President and Vice-President, the vacancies will be filled by an emergency election of the general membership to be held according to the by-laws within fifteen days after the vacancies occur. During that time the Executive Committee will administer the Chapter.

ARTICLE 5

EXECUTIVE COMMITTEE

SECTION 1. DEFINITION

The Executive Committee will consist of the officers of the Chapter and the elected Building Representatives including the Grievance Chair, two elected OEA/NEOEA, two HEAC representatives

Parliamentarian, Publicity Coordinator, Grants Coordinator, and other Coordinator may be appointed to advise the Executive Committee but will not have voting privileges.

Members who serve on standing committees and University committees may be asked to attend Executive Committee meetings and give reports but are not recognized as members of the Executive Committee nor do they have voting privileges at those meetings.

SECTION 2. ELECTIONS

There will be one elected Building Representative for each 25 members or fraction thereof. Every effort will be made to include one elected part-time member and an appropriate ethnic minority representation unless none of these members will consent to run for office. Building Representatives and the OEA/NEOEA and HEAC representatives and the Elections Committee will be elected by the general membership.

SECTION 3. APPOINTMENTS

Appointments will be made by the President and approved by the Executive Committee.

SECTION 4. VACANCIES

By reason of absence without reasonable cause and notice from three consecutive meetings of the Executive Committee, or resignation, a member of the Executive Committee will no longer be considered as holding that office to which he or she has been elected or appointed; the member will be notified in writing by the Executive Committee of his/her removal.

Except for the presidency, OEA/NEOEA and HEAC representatives, a vacancy on the Executive Committee due to death, incapacity, termination, resignation, retirement or recall will be filled with an appointment by the Executive Committee. The OEA/NEOEA and HEAC representatives will be replaced by their alternates. If there is no alternate, the vacancy will be filled with an appointment by the Executive Committee. The replacement will serve for the completion of the current term.

Except for the presidency, OEA/NEOEA and HEAC representatives, a vacancy on the Executive Committee due to temporary leave will be filled with an appointment by the Executive Committee and the appointee will serve until said member returns or resigns. The OEA/NEOEA and HEAC representatives will be replaced by their alternates. If there is no alternate, the vacancy will be filled with an appointment by the Executive Committee. The replacement will serve until said member returns or resigns.

SECTION 5. EXCLUSIVITY OF EXECUTIVE COMMITTEE MEMBERS

Executive Committee may only hold one voting position at a time on the Executive Committee.

SECTION 6. TERMS OF OFFICE

All elected members of the Executive Committee will have 3years terms that run with the APAS contract. No person will hold the same elected office for more than two consecutive three-year terms but may hold the office again after a three-year break. The new officers will assume office at the end of the first Executive meeting after the election of officers. The newly elected (incoming) Executive Committee may attend meetings with the current (outgoing) Executive Committee for purposes of continuity but will not have a vote.

All positions will have 3years terms that run with the APAS contract. They can be filled by any member, same person can hold more than non-voting position at a time, and may be reappointed as long as they are still a member

ARTICLE 6

ELECTIONS

SECTION 1. TIMEFRAME

The Elections Committee will conduct the election of officers and the rest of the Executive Committee in accordance with the guidelines set forth in the OEA Elections Manual 1 week after the fall general membership of a new contract year.

SECTION 2. PROCESS

Nominations for the various offices will be submitted by email or written format in a designated timeframe to any of the Election Committee. Candidates will confirm or deny their intention to run for office by email or written format, and those members who nominated candidates will be

notified by email of the candidate's decision to run or not. The candidates' names will appear on a printed ballot. Write-in candidates must announce their candidacy in an email to the entire membership at least one week prior to the election meeting; their names will not be printed on the ballot. Election results will be published on the YSU/APAS website and in an email to the general membership. The Elections Committee will preserve all emails and ballots (marked, unmarked and void) and all other records pertaining to the elections of this Chapter for one year from the date the election was held, and such ballots and other records will be made available to the OEA offices and any members of the YSU-APAS upon request for inspection and examination.

SECTION 3. VOTE

The Chapter applies the one member, one vote principle in all elections.

ARTICLE 7

RECALL OF OFFICERS, ELECTED EXECUTIVE COMMITTEE MEMBERS AND ELECTED STANDING COMMITTEE MEMBERS

SECTION 1. RECALL PROCESS

A. Any officer(s) may be recalled for misfeasance, malfeasance, nonfeasance or no-confidence. Charges to this effect may be made by a majority of the members of the Executive Committee or by virtue of a petition signed by at least twenty-five (25) chapter members. If the officer(s) is (are) not in attendance at the Executive Committee meeting, the officer(s) will be formally notified within 48 hours of the charges. Within five working days of being presented the charges, the Executive Committee will convene a review panel consisting of five members drawn at random by the Election Committee from the dues-paying membership. The Review Panel will meet within five working days to review the claims and will report to the Executive Committee no later than two weeks from the first meeting of the Review Panel. Within a timeframe not to exceed two weeks after the Review Panel reports to the Executive Committee, the Executive Committee will call a general membership meeting for the purposes of voting on the retention or dismissal of the officer(s) in question. A quorum **MUST** be present in order for a vote to be taken. If a quorum is not present after two attempts at holding a special meeting, the question will be tabled until the next general meeting when a quorum must be present for business to be transacted. At the meeting, the officer(s) being considered for dismissal will be given the opportunity to speak in his/her (their) defense. A two-thirds majority of those voting in a secret ballot at the meeting will be required to dismiss an officer(s).

B. Any appointed position(s) may be recalled for misfeasance, malfeasance, nonfeasance or no-confidence. Charges to this effect may be made by a of the members of the Executive Committee. The charged member will be asked to address the next Executive Committee meeting before a vote is taken. A three fourths majority vote is needed for removal of appointment.

SECTION 2. FILLING THE VACANCY

A vacancy in the office of the President will be filled by the Vice-President. A vacancy in other offices will be filled by appointment of the Executive Committee, except in the case where both the President and Vice-President are recalled. In such an instance an election supervised by the Elections Committee will be held within fifteen (15) days to fill the vacancies for the unexpired terms. The Executive Committee will administer the Chapter until the vacancies are filled. In the event the entire Executive Committee is recalled, the chairperson of the Negotiations Committee/Team will act as President until the vacancies are filled by an election.

SECTION 3. ELECTIONS COMMITTEE

If a member of the Elections Committee must be recused from participating in a recall of an officer or Executive Committee member due to conflict of interest, the Executive Committee will appoint a replacement for the purpose of this election only.

ARTICLE 8

EXPULSION AND SUSPENSION OF MEMBERS

SECTION 1. REASONS

The Executive Committee may censure, suspend from membership, or expel any member for one or more of the following reasons:

- A. Violation of the Code of Ethics of the Education Profession.
- B. Conviction of a felony.
- C. Actively engaging in, or actively supporting activities directed against the constitutional purposes of the Chapter to bring about changes in the Chapter by means other than those that are consistent with the Chapter's Constitution.

SECTION 2. REINSTATE

The Board of Directors/Executive Committee may reinstate members previously suspended or expelled

ARTICLE 9

DISCIPLINARY PROCEEDINGS

SECTION 1. ESTABLISHMENT OF THE HEARING BOARD.

- A. The Chapter President shall have the authority to establish and preside as Chairperson over a Hearing Board consisting of three (3) members to hear any disciplinary case. No Chapter officer or Executive Committee member may be appointed to the Hearing Board. No charging party or accused member or a witness may serve on the Hearing Board in the conduct of

disciplinary proceedings involving said member or witness. Where the Chapter President is unable to serve for any reason, the Chapter Vice President shall act as Chairperson. Where the Vice President is unable to serve for any reason, the remaining members of the Chapter Executive Board shall designate one of their number to act as Chairperson.

B. On motion filed with the Hearing Board prior to the hearing, either party may ask that a particular Hearing Board member be excused from participating in the proceeding if said party believes and has evidence that he or she cannot receive a fair hearing before that Hearing Board member. The Hearing Board shall give precedence to consideration of such motion.

C. For purposes of any Hearing Board Proceedings, a quorum of the Hearing Board shall consist of three of its members, and a quorum shall be required throughout the hearing

D. If a Hearing Board member is absent during any portion of the hearing, he or she may not participate further in the proceeding.

E. All questions of order, procedure, and admissibility of evidence shall be decided by the Chairperson, subject to being overruled by a majority vote of the Hearing Board upon motion by a member of the Board.

SECTION 2. PROCEDURE FOR FILING CHARGES.

A. A Chapter member accused violating the YSU APAS Constitution and Bylaws shall be charged and tried before the Chapter Hearing Board. Any person who is no longer a member shall be charged and tried in the Chapter if the acts giving rise to the charges occurred while said person was a member of the Union.

B. Charges may be initiated by an active member of the Chapter

C. More than one charging party may join in the same set of charges, but the charges must name one of the charging parties as the representative of the others to be responsible for filing papers, receiving papers, and trying the case. Where the charges fail to designate such representative, then the first charging member named in the charge shall be considered the representative of the others.

D. All charges and documents related to the charges shall be considered filed as of the postmark date (if sent via United States Mail), or the date of receipt by the Chapter (if hand delivered). It is the charging party's responsibility to verify that the filing date is accurately noted on all documents.

E. Charges shall be filed in writing with the Chapter Grievance Chair within thirty (30) days after the occurrence of the alleged violation, or if applicable, within thirty days after the alleged violation should have been discovered. Notwithstanding the date of discovery, any charge based upon alleged misconduct which occurred more than one (1) year prior to the filing of the charge shall be rejected by the Chapter Executive Committee as time-barred, except for charges based upon the non-payment of dues, assessment and other financial obligations.

F. The charges shall specify the Article or Articles of the Chapter's Constitution and Bylaws allegedly violated and shall also set forth a short and plain factual statement of the acts considered to be in violation (including available information as to dates and places) in such a manner as to fairly inform the accused of the specific acts which are alleged to constitute violations of the Constitution. By vote of the Chapter Executive Committee, charges failing to comply with this requirement shall be dismissed by the Chapter Executive Committee, without prejudice to the re-filing of charges which do comply, provided the re-filing occurs within the original thirty (30) day time limit.

G. A true and correct copy of the charges, a copy of the Chapter Constitution and a copy of any applicable policies shall be served upon the accused without delay via first class certified U.S. mail with return receipt requested. The accused shall be afforded seven (7) days after receipt to reply in writing to the charges, if he or she so desires.

SECTION 3. HEARING PROCEDURE.

A. On motion of the accused before a Hearing Board, or upon its own motion, the Hearing Board may dismiss without a hearing any charges it finds are of such a trivial or frivolous nature that the interest of the Chapter does not justify the expenditure of time, money and other resources necessary for the conduct of a disciplinary proceeding

B. The hearing on the charges shall be held as soon as practicable, but no later than sixty (60) days following the date on which the charges are filed. Upon request of either party, for good cause

shown, the Hearing Board may grant an adjournment to a later date, not to exceed 120 days from the date charges were filed. The Hearing Board shall have the power, upon its own motion, to postpone any scheduled hearing, provided such postponement shall not result in a hearing beyond 120 days from the date the charges were filed. Any such Hearing Board decision to postpone the hearing beyond the scheduled date or to set a hearing for 60 days beyond the date that the charge was filed must be served upon all parties immediately. Every effort shall be made to schedule the hearing so that it does not conflict with the working schedule of the parties, and at least 14 days' notice of the hearing date shall be given in writing to all parties. Any request for the postponement of the hearing date must be received by the Hearing Board at least three (3) days before the scheduled hearing date unless a satisfactory showing is made of inability to comply with this requirement. In the event the accused fails to appear for a duly noticed hearing, the hearing shall nevertheless proceed

C. No member or Officer shall be required to stand before the Hearing Board on charges involving the same set of facts upon which said member or officer is facing criminal or civil trial until his/her final court appeal has been concluded.

D. The accused and the charging party shall have a fair and impartial hearing and shall have the right to present witnesses and other evidence on their behalf and the right to examine/cross-examine all witnesses. The accused and the charging party shall have the right to refuse to testify. The accused and the charging party may be assisted, advised, or represented by another member of the Chapter. At the commencement of the hearing, the Chairperson of the Hearing Board shall advise the parties of their rights as set forth in this section and shall read the charges to the accused. The accused shall then plead guilty or not guilty to each charge. In the event the accused elects not to appear or to respond, he or she shall be deemed to have entered a plea of

not guilty, and the hearing shall proceed. Throughout the hearing, there shall be a presumption of innocence in favor of the accused. The charging party shall present his or her case first and shall have the burden of proving the allegations contained in the charge. At the close of the charging party's case, either the accused or a member of the Hearing Board shall have the right to make a motion to dismiss the charges because the charging party has failed to present record evidence that establishes a violation of the APAS Constitution or Bylaws.

E. Upon the completion of the hearing proceedings, the Hearing Board shall, without undue delay, determine the innocence or guilt of the accused, based solely on the record evidence. The parties shall be advised of the decision via first class certified U.S. mail with return receipt requested, and in duplicate by regular U.S. mail. A verdict of guilty shall require a two-thirds majority vote of the Hearing Board. If the decision is that of guilty, the Hearing Board shall affix appropriate penalties. Any member found guilty of any one or more of the charges against him or her may be censured, fined, suspended, and/or expelled, provided that such discipline shall not be imposed without stating with detailed specificity what the discipline is being imposed for. The decision and any penalty imposed on the basis of the decision shall be reported to the Executive Committee within seven (7) calendar days of the date of the decision. The accused may appeal the decision and/or penalty imposed by the Hearing Board to the Chapter Executive Committee. Any such appeal must be filed no later than seven (7) days after the accused's receipt of the Hearing Board's decision/penalty. The Chapter officer who presided as Chairperson of the Hearing Board must abstain from voting on the appeal. Any penalty imposed by the Hearing Board shall become immediately operative unless the accused moves the Executive Committee to stay the penalty pending the outcome of the appeal, and the Executive Committee grants such motion.

ARTICLE 10

DUTIES OF OFFICERS

SECTION 1. PRESIDENT

The President will preside at all meetings of the Chapter and of the Executive Committee and will construct an agenda for said meeting; will appoint the chairperson of all Ad Hoc committees, unless otherwise indicated in these Bylaws, subject to the approval of the Executive Committee; will be a member; will be one of the chapter delegates to the OEA and NEOEA Representative Assembly, will be a member of HEAC; and will be the chief spokesperson of the Chapter.

As spokesperson and chief officer for the Chapter, the President will follow the directives as set down by the membership and the Executive Committee in all matters.

The Chapter President is a nonvoting member of all committee by virtue of office unless the Chapter President may run for NEGOTIATIONS COMMITTEE/TEAM and if elected will be a voting member and can be is chair.

SECTION 2. VICE-PRESIDENT

The Vice-President will assist the President in the performance of his/her duties; will assume all the duties of the President in case of absence, resignation, or recall.

SECTION 3. TREASURER

The Treasurer will keep a financial record of the Chapter; will be responsible for collection of revenue and disbursement of funds as authorized by the Executive Committee; will submit biannual financial reports to the membership; will prepare the annual budget in May for consideration by the Executive Committee; In charge of membership maintenance and expansion; will coordinate membership services.

The Treasurer will be bonded by the Chapter.

SECTION 4. SECRETARY

The Secretary will serve as official recorder of all meetings of the Chapter and of the Executive Committee and will maintain a permanent record of such; will distribute to the membership an agenda and minutes of all Chapter meetings; and will serve as Chapter Historian.

SECTION 5. SUCCESSION

Upon leaving office the Officers will turn over current and active Chapter records to their successors and all other Chapter records to the incoming Secretary.

ARTICLE 11

DUTIES OF THE EXECUTIVE COMMITTEE

SECTION 1. DUTIES

- A. Upon the Executive Committee will rest the duties, responsibilities, and authority for all business and all matters of the Chapter except as stated otherwise in this Constitution and Bylaws. Upon leaving office the Executive Committee will turn over current and active Chapter records to their successors and all other Chapter records to the incoming Secretary.
- B. Act as advisors to the officers, assign duties, be responsible for all committees of the Chapter, and have such policy-making authority.
- C. Act as the authoritative voice of the Chapter on positions affecting the Chapter during the interim period between regular meetings.
- D. Prepare recommendations for the consideration and action of the Chapter.
- E. Carry out policies established at general membership meetings.
- F. Report its transactions and those of the general membership to all members.
- G. Direct an independent audit of the Chapter's financial records at regular intervals not to exceed two (2) years.
- H. Ensure the Chapter acts on an annual financial report presented by the Chapter Treasurer.

Section 2. ETHNIC MINORITY

It is the policy of this Chapter, and it shall take all legally permissible steps to achieve governance and delegate representation of ethnic minority at least proportionate to the ethnic minority membership in the Chapter

Section 3. FINANCIAL TRANSACTION

No business or financial transaction involving a member of the Executive Committee or agent of the Chapter, or their spouse, children, or parents, or otherwise as described in this Section, shall conflict with the fiduciary responsibility of such person to the Chapter. 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 Chapter.

SECTION 4. MEETING

The Executive Committee will establish a regular schedule of meetings. Special meetings of the Executive Committee may be called by the President or by a request of a majority of the members of the Executive Committee.

SECTION 5. GRIEVANCE APPROVAL

The approval of the Executive Committee will be required before a grievance is advanced to arbitration.

SECTION 6. SUPERVISION OF STANDING AND AD HOC COMMITTEE

The Executive Committee will oversee and coordinate the activities of all standing and Ad Hoc committees, and all such committees will be responsible to and report to the Executive Committee. The Executive Committee will supervise, coordinate and certify the election of the Elections Committee.

SECTION 7. REVIEW OF MEMBERSHIP

The Executive Committee will periodically review the membership lists to assure that all persons listed are eligible for membership.

SECTION 8. Executive Session

The Executive Committee may conduct executive session to deal with legal matters and any other business which requires confidentiality to protect the rights and interests of YSU/APAS/OEA/NEA and of its members. Only Voting members of the Executive Committee and approved advisors may attend the session.

SECTION 9. COMPLIANCE

All officers of the Chapter and Executive Committee Members are charged to comply with the consensus of the Executive Committee in all matters when making public presentations or in meetings with the University Administration, private or public. Failure to do so may result in a vote of no confidence from the Executive Committee.

SECTION 10. BUILDING REPRESENTATIVE

The Building Representatives will report recommended policies and other actions of the Executive Committee to the membership; and will transmit proposals and recommendations from the membership to the Executive Committee for its consideration. Building Representatives will also serve as Grievance Officers for the duration of their term.

SECTION 11. HEAC AND NEOEA/OEA REPRESENTATIVES

The HEAC and NEOEA/OEA Representatives will serve as legislative watch dogs for purpose of federal and state legislation and collective bargaining issues; and will disseminate election-related material for local state & federal elections to the YSU-APAS general membership.

SECTION 12. PUBLICITY COORDINATOR

The Publicity Coordinator will oversee the creation of the Chapter newsletter and website.

SECTION 13. GRANTS COORDINATOR

The Grants Coordinator will pursue grants that will help benefit YSU-APAS not only monetarily but also in its attempts to raise its public profile.

ARTICLE 12

COMMITTEES

SECTION 1. STANDING COMMITTEES

The following will be standing committees of the Chapter: Audit (Financial), Elections and Negotiations. All standing committees will establish their own rules of procedure which will be consistent with this Constitution and Bylaws and which will be placed on record with the Executive Committee and the local OEA Uniserv office. Members will also serve on University committees as appointed or on a volunteer basis as required.

SECTION 2. AD HOC COMMITTEES

Other committees may be established by the Executive Committee as the need arises or may be established by the general membership at any meeting of the Chapter. Ad Hoc committees will

take their direction from the Executive Committee and will be dissolved when the need has been met.

SECTION 3. AUDIT (Financial) COMMITTEE

The Executive Committee will annually appoint an Audit Committee which will consist of three individuals from the general membership. The Audit Committee will annually review the accounting records and budgetary procedures of the Chapter and will report its findings to the Executive Committee. This report will be available to the membership and to the NEOEA/OEA upon request.

SECTION 4. ELECTIONS COMMITTEE

The Elections Committee will consist of three individuals elected by the membership during an election year. The term of office will be three years beginning the day after the election. The Elections Committee will supervise, coordinate, and certify all Chapter elections to the Executive Committee and to the membership. The Elections Committee will elect its own chairperson and appoint tellers from the membership as is necessary to conduct elections quickly and efficiently. Members of the Elections Committee who choose to run for consecutive terms must recuse themselves from certifying the elections prior to the new election process. If a member of the Elections Committee must be recused due to conflict of interest, the Executive Committee will appoint a replacement for the counting of ballots and certification of the election.

SECTION 5. NEGOTIATIONS COMMITTEE/TEAM

The Negotiations Committee/Team will consist of one voting member for every twenty-five full dues-paying members and any additional fraction thereof. Up to two alternates may also be included. All members/alternates will be elected by the membership 1 week after the spring membership meeting of the academic year preceding negotiations. The term of office for the elected members will extend for the length of the contract they negotiate regardless of a new negotiation team being elected to negotiate a subsequent contract. The Negotiations Committee /Team and the alternates will represent the Chapter both in negotiations of the Master Agreement and follow-up negotiations which flow out of the Master Agreement.

Necessary sub-committees may be appointed, as needed, by the committee.

While negotiations are in progress, periodic reports to members may be made by the bargaining team

The Ohio Education Association represents the Chapter on all matters concerning the Association before the State Employment Relations Board (SERB)

The Negotiations Committee/Team will represent the Chapter in negotiations with the Board of Trustees and its agents. The Committee/Team will be empowered to prepare proposals for negotiations and to revise those proposals as it deems proper during negotiations. The

Negotiations Committee/Team will submit the proposed Master Agreement to the dues-paying members of the Chapter for a ratification vote. The Negotiations Committee/Team will elect its own chairperson

The Negotiations Committee/Team will keep all records (including members notes, scribe records, exchange documents, etc.) of the negotiations Master Agreement and follow-up negotiations which flow out of the Master Agreement. Records will pass to the new Negotiations Committee/Team at the end of their term.

SECTION 6. GRIEVANCE COMMITTEE

The Grievance Committee will consist of members made up of the Building Representatives. The members of the Grievance Committee will be referred to as Grievance Officers. The term of office will be three (3) years. The Grievance Committee will administer and coordinate processing of grievances under the terms of the Master Agreement. Grievance Officers will counsel Chapter members prior to filing a grievance. The Grievance Committee will elect a Chief Grievance Officer from among their members who will serve as chairperson. In the event of a vacancy in the Grievance Committee, the remaining members will recommend to the Executive Committee a replacement to serve the unexpired term.

ARTICLE 13

BARGAINING AND CONTRACT RATIFICATION

SECTION 1. RATIFICATION

Conduct all ratifications of collective bargaining agreements in accordance with the guidelines for ratification of collective bargaining agreements and fact finder reports as set forth in the OEA Elections Manual.

- A. vote on a tentative agreement to the contract or on a fact-finding report shall be made by written ballot.
- B. No absentee or proxy votes will be allowed on contract ratification votes or fact-finding reports.
- C. The first vote on contract ratification or a fact-finding report will be to accept or reject the contract/report as presented.
- D. All ballots used in a vote regarding a contract ratification or fact-finding report, after tabulation, will be sealed and retained by the Chapter Treasurer for three (3) years or duration of contract, whichever is greater.
- E. The President will communicate required details of the ratification vote to the employer's designated representative.

SECTION 2. INTENT TO STRIKE

President for the Chapter is authorized to give a timely notice of intent to strike to the Youngstown State University and SERB upon approval of the membership and in keeping with provisions of ORC 4117.14(D)(2)

SECTION 3. ELIGIBLE TO VOTE

Non-members of the Chapter are not eligible to vote on a report or contract ratification.

ARTICLE 14

MEETINGS

SECTION 1. DATES

A. The Chapter will conduct general membership meetings at least once during the fall and once during the spring academic terms. The Executive Committee will set the meeting dates and plan the meeting programs.

B. The Executive Committee will conduct an Executive Committee meeting at least monthly. The Executive Committee will set the meeting dates and plan the meeting programs.

SECTION 2. SPECIAL MEETINGS

Special meetings of the Chapter may be called by the Executive Committee, or upon the request of ten percent of the general membership.

SECTION 3. THE ORDER OF BUSINESS

The order of business at a general membership meeting will be as follows, unless changed by a vote of the membership present at the meeting:

- A. Secretary's Report
- B. Treasurer's Report
- C. Committee Reports
- D. Special Reports
- E. Old Business
- F. New Business

SECTION 4. MEETING TYPE

All and any meetings may occur virtually or in-person at the discretion of the Executive Committee.

ARTICLE 15

Virtual meeting

SECTION 1. MEETINGS HELD ELECTRONICALLY

Except as otherwise provided in these bylaws, meetings shall be conducted through use of Internet meeting services designated by the President that support anonymous voting and support visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) the text of pending motions, and showing the results of votes. These electronic meetings shall be subject to all rules adopted by the Executive Committee, to govern them, which may include any reasonable limitations on, and requirements for, members' participation. Any such rules adopted by the Executive Committee shall supersede any conflicting rules in the parliamentary authority but may not otherwise conflict with or alter any rule or decision of the Chapter. An anonymous vote conducted through the designated Internet meeting service shall be deemed a ballot vote, fulfilling any requirement in the bylaws or rules that a vote be conducted by ballot.

SECTION 2. RULES FOR VIRTUAL MEETINGS

- A. Login information. The Secretary shall send by e-mail to every member, at least 1 week before each meeting, the time of the meeting, the URL and codes necessary to connect to the Internet meeting service, and, as an alternative and backup to the audio connection included within the Internet service, the phone number and access code(s) the member needs to participate aurally by telephone. The Secretary shall also include a copy of, or a link to, these rules.
- B. Login time. The Secretary shall schedule Internet meeting service availability to begin at least 15 minutes before the start of each meeting.
- C. Signing in and out. Members shall identify themselves as required to sign into the Internet meeting service and shall maintain Internet and audio access throughout the meeting whenever present but shall sign out upon any departure before adjournment.
- D. Quorum calls. The presence of a quorum shall be established by audible roll call at the beginning of the meeting. Thereafter, the continued presence of a quorum shall be determined by the online list of participating members, unless any member demands a quorum count by audible roll call. Such a demand may be made following any vote for which the announced totals add to less than a quorum.
- E. Technical requirements and malfunctions. Each member is responsible for his or her audio and Internet connections; no action shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented participation in the meeting.
- F. Forced disconnections. The chair may cause or direct the disconnection or muting of a member's connection if it is causing undue interference with the meeting. The chair's decision to do so, which is subject to an undebatable appeal that can be made by any member, shall be announced during the meeting and recorded in the minutes.
- G. Assignment of the floor. To seek recognition by the chair, a member shall ... [specifying the exact method appropriate to the Internet meeting service being used]. Upon assigning the floor to a member, the chair shall clear the online queue of members who had been seeking recognition. To claim preference in recognition, another member who had been seeking recognition may promptly seek recognition again, and the chair shall recognize the member for the limited purpose of determining whether that member is entitled to preference in recognition.
- H. Interrupting a member. A member who intends to make a motion or request that under the rules may interrupt a speaker shall use [the designated feature] for so indicating, and shall

thereafter wait a reasonable time for the chair's instructions before attempting to interrupt the speaker by voice.

I. Motions submitted in writing. A member intending to make a main motion, to offer an amendment, or to propose instructions to a committee, shall, before or after being recognized, post the motion in writing to the online area designated by the Secretary for this purpose, preceded by the member's name and a number corresponding to how many written motions the member has so far posted during the meeting (e.g., "SMITH 3: "; "FRANCES JONES 2: "). Use of the online area designated by the Secretary for this purpose shall be restricted to posting the text of intended motions.

J. Display of motions. The Secretary shall designate an online area exclusively for the display of the immediately pending question and other relevant pending questions (such as the main motion, or the pertinent part of the main motion, when an amendment to it is immediately pending); and, to the extent feasible, the Secretary, or any assistants appointed by him or her for this purpose, shall cause such questions, or any other documents that are currently before the meeting for action or information, to be displayed therein until disposed of.

K. Voting. Votes shall be taken by the anonymous voting feature of the Internet meeting service, unless a different method is ordered by the Board or required by the rules. When required or ordered, other permissible methods of voting are by electronic roll call or by audible roll call. The chair's announcement of the voting result shall include the number of members voting on each side of the question and the number, if any, who explicitly respond to acknowledge their presence without casting a vote. Business may also be conducted by unanimous consent.

L. Video display. [For groups using video, but in which the number of participants is too large for all to be displayed simultaneously:] The chair, the Secretary, or their assistants shall cause a video of the chair to be displayed throughout the meeting, and shall also cause display of the video of the member currently recognized to speak or report.

ARTICLE 16

DUES AND DISSOLUTION

SECTION 1. DUES

The Chapter will charge dues to adequately fund a quality program as required for support staff by its affiliates (NEA/OEA/NEOEA), full UniServ dues and the Chapter's local dues; and will be established annually by the Executive Committee.

SECTION 2. DISSOLUTION

In the event of dissolution of the Association, all assets of this organization remaining after payment of all obligations shall be distributed to The YSU APAS Scholarship. In the event that The YSU APAS Scholarship is not then recognized as tax exempt, such assets shall then pass to United Way of Youngstown and the Mahoning Valley provided that is recognized as exempt from Federal taxation.

ARTICLE 17

EXPENSES

SECTION 1. REIMBURSEMENT

Individuals who are on official Chapter business and who incur financial expenses in such business will be reimbursed by the Treasurer for the actual expenses and for automobile travel at a rate set by the Executive Committee. If pre-approved, the reimbursement will be at 100%. If not pre-approved, the Executive Committee will determine the percentage of reimbursement.

SECTION 2. RECEIPTS

The Treasurer will require receipts and other appropriate evidence to assure that such expenses are reasonable.

ARTICLE 18

AMENDMENTS

SECTION 1. REVIEW SCHEDULE

This Constitutions and Bylaws will be reviewed by an Ad Hoc committee for additions and corrections every five (5) years unless more frequent review is warranted; will be sent to the OEA Membership/Affiliation Subcommittee for review every five (5) years.

SECTION 2. PRESENTATION AND VOTING

An amendment to these constitution/bylaws may be introduced by any member to the Executive Committee at least one month prior to any regular general meeting of the Chapter. The Executive Committee will forward the proposal to the membership at least 10 days before the general meeting. After presentation and discussion at the general meeting, a non-ballot show of hands vote will be taken. A two-thirds (2/3) majority of the voting quorum present will be required to adopt the proposed amendment.

If an amendment is proposed more than three months prior to a general meeting, the Executive Committee will call a special general meeting within one month of the submission to act on the proposal.

APPENDIX A

CODE OF ETHICS

CODE OF ETHICS OF THE EDUCATION PROFESSION

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 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 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 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 2022-23 OEA Handbook, Supplementary Documents, Code of Ethics (S) 40

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.

PRINCIPAL 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 non-educator 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.

APPENDIX B

Important dates

Elections

Executive Committee members and election committee

1 week after the fall general membership of a new contract year.

NEGOTIATIONS COMMITTEE/TEAM

1week after the spring membership meeting of the academic year preceding negotiations.