

CONSTITUTION AND BY-LAWS OF THE NORTH CAROLINA COUNCIL OF EDUCATIONAL OPPORTUNITY PROGRAMS

CONSTITUTION

ARTICLE I

NAME

The name of this organization shall be the **NORTH CAROLINA COUNCIL OF EDUCATIONAL OPPORTUNITY PROGRAMS**, hereafter referred to as the **COUNCIL**.

ARTICLE II

PRINCIPLE OFFICE

The principle office of the **COUNCIL** shall be the President's working office and address during the President's term.

ARTICLE III

The **COUNCIL** exists to:

- A. Foster and promote professional standards for **TRIO** program personnel (employees of the following programs: Educational Opportunity Centers, Educational Talent Searches, Ronald E. McNair Post-Baccalaureate Achievement Programs, Student Support Services, Upward Bound, and Veterans Upward Bound, hereafter called **TRIO** Programs) and other personnel; to enhance the training effectiveness, and recognition of these personnel in institutions of higher learning and other public and private agencies and organizations concerned with educational opportunity programs and/or engaged in their support.
- B. Service the needs and interests of students, faculties, and administrators of institutions engaged in the support and/or administration of the **TRIO** programs.
- C. Promote and facilitate communications between **TRIO** programs and sponsors of student financial aid funds.

- D. Stimulate promote, and conduct systemic studies and research, cooperative experiments, education, conferences, and such other related activities as are desirable or necessary fulfilling the purposes of the **COUNCIL**.
- E. Coordinate with **SAEOPP** and **COE, Inc.** to promote individual programs.

ARTICLE IV

MEMBERSHIP

SECTION 1. TYPES OF MEMBERSHIP

Membership shall be of three types - **ACTIVE, ASSOCIATE, and HONORARY.**

SECTION 2. ACTIVE MEMBERSHIP

- A. Any person employed (part or full time) by a **TRIO** program shall become an Active Member by the payment of state membership dues in **NCCEOP** as fixed by the **EXECUTIVE BOARD**.
- B. Each Active Member shall be entitled to one vote as a member of the **COUNCIL** shall be eligible to hold office in the **COUNCIL**.

SECTION 4. HONORARY MEMBERSHIP

- A. **ASSOCIATE** membership is open to persons interested in the activities of **TRIO** programs. A person may become an Associate member upon payment of dues as set by the **EXECUTIVE BOARD**. Associate members are ineligible to vote, to serve on committees or hold office. **Persons employed by TRIO programs may, not become an Associate Member.**

SECTION 4. HONORARY MEMBERSHIP

Persons deemed by the Executive Board to have made outstanding contributions to educational opportunity programs in general, and the **TRIO** programs in particular, shall be eligible to become **Honorary Members**. Honorary members are ineligible to vote, hold office, or serve on the Executive Board.

SECTION 5. SEVERANCE OF MEMBERSHIP

- A. Any member of the **COUNCIL** may be dropped from membership by the Executive Board for nonpayment. Any member may be dropped for conduct which adversely affects the reputation of the **COUNCIL**. No member shall be removed from membership without opportunity for a hearing by the Executive Board.

SECTION 6. DUES

A. The dues of the **COUNCIL** shall be set by the **EXECUTIVE BOARD**.

ARTICLE V

OFFICERS

SECTION 1.

The officers of the **COUNCIL** shall be **President, Vice-President, Secretary, Treasurer, and Parliamentarian**.

These officers will be members of the **EXECUTIVE BOARD** along with other Board members as stated in Article VI.

Consideration shall be given to the disbursement of position throughout the state's **TRIO** programs.

SECTION 2.

All officers of the **COUNCIL** shall be elected at-large from the active membership.

SECTION 3

The term of the office of elected officers shall begin following installation ceremonies to be held at the **SAEOPP** Conference.

SECTION 4.

An elected officer may succeed herself/himself in office for no more than two consecutive terms.

SECTION 5.

Officers shall be elected by ballots mailed to all Active members of the **COUNCIL**.

ARTICLE VI

EXECUTIVE BOARD

SECTION 1.

The **EXECUTIVE BOARD** of the **COUNCIL** shall be composed of: the **President**, the **Vice-President**, the **Secretary**, the **Treasurer**, the **Parliamentarian**, the **Immediate Past President**, and four **Regional Representatives**.

SECTION 2.

The Immediate Past President will serve as a member of the **EXECUTIVE BOARD** for a one year period during the first year of the next administration.

SECTION 3.

The President will appoint Regional Representatives for a two-year term subject to the approval of the **EXECUTIVE BOARD**.

SECTION 4.

A simple majority of the **EXECUTIVE BOARD** shall be necessary to pass any business which is acted upon by the Board.

ARTICLE VII

MEETINGS

The **COUNCIL** shall meet three times per year. One meeting will be in conjunction with the annual **SAEOPP** meeting. The other meetings will be held at the annual Fall Conference and Spring One Day Conference. The places shall be fixed by the Conference Committee with approval from the **EXECUTIVE BOARD**. Other meetings (called, emergency, designated by the President or by a majority on the Executive Board) may be called, and the **COUNCIL** shall be duly notified.

COMMITTEES

All committees of the **COUNCIL** are created to promote the purpose of the **COUNCIL** and shall be composed of the members of the **COUNCIL**.

ARTICLE IX

AMENDMENT OF CONSTITUTION

SECTION 1.

This **CONSTITUTION** may be amended by a simple two-thirds majority vote of the members voting at a regularly called meeting, providing that all registered membership is notified by mail of impending action thirty (30) days prior to voting. If there is no prior notification, a two-thirds vote of the total membership will be required. Abstentions will be counted as negative votes. **SECTION 2.**

This **CONSTITUTION** may be amended by an affirmative vote of at least two-thirds of the members of the **COUNCIL** actually voting as a regular scheduled meeting or a special called meeting as described in Article VII of the **CONSTITUTION**.

AMENDMENT OF THE BY-LAWS

SECTION 1.

Proposals to amend the By-Laws may be initiated by the **EXECUTIVE BOARD**, a duly constituted committee of the **COUNCIL**, or by any member of the **COUNCIL**. Such proposals must be in writing, and, if initiated by an individual member, they shall be signed by at least seven (7) Active members in good standing. Copies of such proposed amendments shall be delivered to the Secretary for distribution to all members of the **COUNCIL** and no vote shall be taken until thirty (30) days after copies of such proposed amendments have been made available to all **ACTIVE MEMBERS**. Without prior notification, a two-thirds vote of the total membership with **ABSTENTION** counted as negative votes will be required to amend the **By-Laws**.

SECTION 2.

By-Laws consistent with this **CONSTITUTION** shall be adopted or amended by a two-thirds majority vote of the members voting at a regular or called meeting, providing that all registered membership is notified by mail of impending action thirty (30) days prior to voting. If there is no prior notification, a two-thirds vote of total membership will be required. **ABSTENTION** will be counted as negative votes.

DISSOLUTION OF CONSTITUTION

SECTION 1.

On dissolution or final liquidation of the **COUNCIL**, the Executive Board shall (after paying or making provisions to pay all debts, obligations, and liabilities) make adequate provisions to transfer, convey, or distribute all remaining assets of the **COUNCIL** to one or more of the following categories or recipients, as determined by the Executive Board by majority vote.

A. A nonprofit organization or organizations, which may have been created to succeed the **COUNCIL**, as long as such organization or each of such organizations shall then qualify as an organization exempt from Federal income taxation under Section 501 (a) of such Code as an organization described in Sections 170 (c) (2) and 501 (c) (3) of such code; and/or

B. A nonprofit organization of organizations having similar aims and objectives as the **COUNCIL** and which may be selected as an appropriate recipient of such assets, as long as such organizations or each of such organizations shall then qualify as an organization exempt from

Federal income taxation under Section 501 (a) of such Code as an organization described in , Sections 170 (c) (2) and 501 (c) (3) of such Code.

ARTICLE XII

REFERENCES

SECTION 1.

Reference herein to sections of the Internal Revenue Service Code, as amended, are to provisions of such Code as those provisions are now enacted or to corresponding of any future United States Internal Revenue Service laws.

BY –LAWS

ARTICLE I

MEMBERSHIP AND DUES

SECTION 1.

MEMBERSHIP

A. Membership in the **COUNCIL** shall be by definition under Article IV of the constitution and the payments of dues described.

B. When a member is removed from membership, he/she may request a meeting with the **EXECUTIVE BOARD** to determine a hearing procedure.

SECTION 2.

DUES

A. The amount of annual dues for membership as an Active or Associate Member of the **COUNCIL** shall be determined by the **EXECUTIVE BOARD** at a-regular scheduled meeting or at a special called meeting.

B. The membership year will be from October 01 to September 30 yearly. Dues are payable by October 1st of each year.

ARTICLE II

OFFICERS OF THE COUNCIL

SECTION 1.

DUTIES OF THE OFFICERS

- A. The President shall be the chief elected officer of the **COUNCIL** and shall with the consent of the **EXECUTIVE BOARD**, make all appointments to **STANDING** and **SPECIAL COMMITTEES**. The President shall be preside at all meetings of the **COUNCIL** and the **EXECUTIVE BOARD**. The President shall be ex-officio member of all **COMMITTEES**, except the **NOMINATION COMMITTEE**.

The President shall submit an annual report to the **COUNCIL** on all matters which have taken place during his/her term. The President shall be a North Carolina Delegate to the **SAEOPP EXECUTIVE BOARD**.

- B. The Vice-President shall serve with the same power and authority of the President and in the event of absence or incapacity the President shall perform such duties as prescribed by the **EXECUTIVE BOARD**. The Vice-President shall serve as Chairperson of the Constitution and Legislative Committee. The Vice-President will serve as North Carolina's Delegate to the **SAEOPP Conference Committee**.
- C. The Secretary shall be responsible for keeping and maintaining the records of the **COUNCIL** and the **EXECUTIVE BOARD**, mailing notices of meetings, and correspondence responsibilities as provided for in the Constitution and By-Laws, maintaining up-to-date records concerning membership status and for the, performance of such other duties as are appropriate to the office or as prescribed; by the **EXECUTIVE BOARD**.
- D. The Treasurer shall represent the Board in, and be responsible for, the receipts, expenditures and distribution of funds in accordance with fiscal policies established by the **EXECUTIVE BOARD**. He/she shall maintain appropriate and adequate financial records, and shall be prepared, at any time, upon request to submit to the **EXECUTIVE BOARD** all records, receipts and monies and shall give same to his/her successor upon termination of his/her term of office. Records shall be audited at the end of each Treasurer's term of office. He/she shall also submit a financial report to the **COUNCIL** at each meeting.
- E. The Parliamentarian will ensure that proper parliamentary procedures will be unitized during the execution of business in meetings of the **COUNCIL**, of the **EXECUTIVE BOARD**, and as required for Standing Committees.
- F. The four (4) **REGIONAL REPRESENTATIVES** will serve as liaisons to their identified geographical areas and as members of the communications network for the North Carolina **TRIO** Programs.

SECTION 2. COMPENSATION AND EXPENSES OF OFFICERS

- A. Elected or appointed officials of the **COUNCIL** shall not receive any compensation for their services as such to the **COUNCIL**. Any necessary travel expenses of an elected or appointed to represent the **COUNCIL** may be paid for the **COUNCIL** funds by approval of the **EXECUTIVE BOARD**.

**SECTION 3.
VACANCIES IN OFFICE**

- A. A vacancy created by the death or resignation of the **PRESIDENT** shall be filled according to the line of succession. The line of succession is: **VICE-PRESIDENT, SECRETARY, and TREASURER**.
- B. A Vacancy in any other elected office shall be filled with an **ACTIVE** Member of the **COUNCIL** to be appointed by a majority vote of the **EXECUTIVE BOARD** from the nominations by the **PRESIDENT**. Such appointments shall be on an interim basis until the next general election on the incumbent to a regular term of office.

**ARTICLE II
THE EXECUTIVE BOARD**

SECTION 1.

FUNCTIONS OF THE EXECUTIVE BOARD

- A. The **EXECUTIVE BOARD** shall have full authority over the affairs of the **COUNCIL** during the interim between meetings of the **COUNCIL**. Such authority shall not include that of rescinding or modifying any official action taken by the **COUNCIL**.
- C. The **EXECUTIVE BOARD** may assist in the establishment other regional and state associations whose purposes and ideals are compatible with those of the **COUNCIL**, through which expansion of activities, programs, and communications of interest to the **COUNCIL** may be accomplished.

**SECTION 2.
MEETING OF THE EXECUTIVE BOARD**

- A. The **EXECUTIVE BOARD** shall meet immediately prior to and during meetings of the **COUNCIL**. Special meetings of the **EXECUTIVE BOARD** may be called by the **PRESIDENT** upon petition by two other members of the **EXECUTIVE BOARD**. The time and place of such meetings are to be designated by the **PRESIDENT**, all members being duly notified.
- B. A simple majority of the **EXECUTIVE BOARD** shall constitute a quorum at an official meeting.

ARTICLE IV

STATE MEETINGS

A simple majority of the eligible voting members registered at a conference shall constitute a quorum. If a quorum is unavailable, a special vote to decide issues shall be taken by mailing a ballot to all **ACTIVE MEMBERS**.

ARTICLE V

COMMITTEES

SECTION 1.

STANDING COMMITTEES

The **COUNCIL** shall have the following standing committees, each of which shall perform such functions as may be prescribed by the **COUNCIL**, the **EXECUTIVE BOARD**, or by the **BY-LAWS** of the **COUNCIL**. Unless otherwise specified by the **BY-LAWS**, members of standing committees and the Chairperson thereof shall be appointed by the **PRESIDENT** subject to the approval of the **EXECUTIVE BOARD**.

A Nominations and Elections Committee shall consist of (5) **ACTIVE MEMBERS**. They shall be charged with the conducting fair nominations and elections procedures for electing officers of the **COUNCIL**. The Committee members shall be identified at the Fall meeting and shall entertain nominations from the floor. A final slate shall be decided upon, including these nominations, by the committee members of this committee shall be appointed by the **EXECUTIVE BOARD**. Election of the Chairperson for the Committee shall be made only by the members of the Committee. Appointments to this committee shall give broad representation to race, gender, programs, and geographic location.

B. The Conference Committee shall consist of at least five (5) **ACTIVE MEMBERS**; with at least one being an Active member of the host area. They shall be charged with planning the regular meetings of the **COUNCIL**.

C. The Constitution and Legislative Committee shall consist of at least three (3) **ACTIVE MEMBERS** and shall be charged with keeping the **COUNCIL** abreast of all pertinent legislative issues as deemed appropriate.

D. The Financial Review Committee will consist of that least three (3) **ACTIVE MEMBERS** and shall be charged with auditing the books of the **COUNCIL** from various offices. An annual audit of the records shall be conducted by the committee.

SECTION 2.

The Chairpersons on the **NCCEOP** Standing Committees shall be the **COUNCIL'S** representatives to the corresponding **SAEOPP** committees.

SECTION 3.

SPECIAL COMMITTEES

Special Committees may be created to promote the purposes of the **COUNCIL** or to carry out necessary functions on the **COUNCIL**. Creation of such committees, their jurisdictions, and the number selection, and tenure of members shall be the responsibility of the President, subject to the approval of the **EXECUTIVE BOARD**.

ARTICLE VI

CONSULTANT AND RESOURCE PERSONNEL

Provided necessary funds are available, the **COUNCIL** may employ personnel whose title, duties, and remuneration shall be determined by the **EXECUTIVE BOARD**. (Such persons may receive a stipend for services determined by the **EXECUTIVE BOARD**. Necessary expenses of any such person may be paid from the funds of the **COUNCIL** under the policies of the **EXECUTIVE BOARD** established for such payments.

ARTICLE VII

STANDING OPERATING PROCEDURES

SECTION 1.

RECORDING AND DISTRIBUTION

A record of the Operating Procedures of the **COUNCIL** and the **EXECUTIVE BOARD** shall be kept by the **SECRETARY**, and shall be made available to all **EXECUTIVE BOARD** members and upon request, to any member of the **COUNCIL**.

ARTICLE VIII

RULE OF ORDER

SECTION 1.

ROBERT'S RULES OF ORDER, NEWLY REVISED

(by: Henry Martin Robert) shall govern the proceedings of the **COUNCIL** not otherwise: specified by the **CONSTITUTION** and the **BY -LAWS**.

ARTICLE IX

IMPLEMENTATION

This **CONSTITUTION** and **BY -LAWS** shall be implemented and go into effect as per decision and schedule of the ratifying vote.

REVISED: 1984, 1991, 1997, and 2000