

# Constitution and By-Laws

of the

## MICHIGAN DRIVER AND TRAFFIC SAFETY EDUCATION ASSOCIATION

### **ARTICLE I** **NAME AND ADDRESS**

Section 1. This organization shall be known as the MICHIGAN DRIVER AND TRAFFIC SAFETY EDUCATION ASSOCIATION (MDTSEA). The Association shall be incorporated as a non-profit organization under Act No. 327, Public Acts of 1931, as amended.

Section 2. Association and Secretariat mailing addresses shall be found in the By-Laws.

### **ARTICLE II** **PURPOSES**

Section 1. The purposes of this Association shall be:

- a. To promote and encourage the teaching of driver and traffic safety education to school youth of the state of Michigan.
- b. To study, evaluate and attempt to solve the problems that are associated with the teaching of driver and traffic safety education.
- c. To cooperate with agencies in the interest of teaching driver and traffic safety education to students in the state of Michigan.
- d. To improve and upgrade requirements for driver and traffic safety education programs.

Section 2. Said organization is organized exclusively for charitable, religious, and educational purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501 (C) (3) of the Internal Revenue Code, or corresponding section of any future Federal Tax Code.

Section 3. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (A) by an organization exempt from Federal income tax under Section 501 (C) (3) of the Internal Revenue Code, corresponding section of any future Federal Tax Code, or (B) by an organization, contributions to which are deductible under Section 170 (C) (2) of the Internal Revenue Code, or corresponding section of any future Federal Tax Code.

### **ARTICLE III** **MEMBERSHIP**

- Section 1. Membership in this Association shall be active, associate, honorary, sustaining, and complimentary.
- Section 2. Active members shall be individuals teaching or supervising driver and traffic safety education in an approved program; safety education teachers and supervisors; safety patrol sponsors; transportation supervisors; and college, university or state personnel working directly with driver and traffic safety education in the state of Michigan.
- Section 3. Associate members shall be individuals who are interested in the purposes of MDTSEA, but who are not eligible for membership under Article III, Section 2.
- Section 4. Honorary membership may be granted to individuals who have made outstanding contributions to driver and traffic safety education upon action of the President with the approval of the Executive Board or upon three-fourths (3/4) majority vote by active members present at any Association meeting. Past presidents shall automatically be granted honorary memberships.
- Section 5. Sustaining members shall be any organization or individual that contributes to MDTSEA.
- Section 6. Individuals and/or organizations eligible for membership as active, associate, or sustaining members may become members upon payment of dues.
- Section 7. Complimentary memberships are issued each year to newly approved driver education instructors. Up to five (5) Association newsletters may be sent to new potential members based upon the names our Association receives from the Michigan Department of State.

### **ARTICLE IV** **OFFICERS**

- Section 1. The officers of the Association shall be a President, President-Elect, Secretary, and Treasurer.
- Section 2. Association officers shall be elected by Secret Ballot at the annual business meeting held at the annual conference. Members who are unable to attend the annual meeting may request an absentee ballot from the Secretariat after April 1.

- Section 3. Incoming officers shall take office at 12:00 p.m. (noon) on the first Sunday following the annual conference.
- Section 4. The President, President-Elect, and Secretary shall serve a term of one (1) year. The Treasurer shall serve a term of two (2) years and be elected in the odd-numbered year.
- Section 5. At the conclusion of the President's term of office, the President-Elect shall become the President.
- Section 6. In the event of a vacancy in the office of President, the President-Elect shall complete the vacated term, at the conclusion of which, he/she shall commence and complete the term for which he/she was elected.
- Section 7. In the event of a vacancy in the office of President-Elect, the Executive Board may conduct a special election or appoint a person to carry out the duties of that office until the office can be filled at the annual conference.
- Section 8. No individual shall hold more than one elective position in the Association at one time.
- Section 9. All officers shall be, at the time of their nomination and election, active or associate members of MDTSEA.

**ARTICLE V**  
**DUTIES OF OFFICERS**

- Section 1. The President shall preside at all meetings of the Association and of the Executive Board. With Executive Board approval, the President shall appoint chairpersons for all standing or temporary committees and serve as an ex-officio member of all committees.
- Section 2. The President-Elect shall assume all duties of the President in the absence of the President. In addition, the President-Elect shall serve as Chairperson of the State Conference Committee.
- Section 3. The Treasurer shall have charge of all monies of the Association, and shall pay all Association debts at the direction and approval of the President and/or Executive Board. Following the election of the Treasurer, the Executive Board shall select and appoint one (1) or two (2) Executive Board members to become joint signatories on all bank accounts and investment instruments. In the absence of the Treasurer, the first available appointee shall perform the duties of Treasurer.
- Section 4. The Secretary shall take notes and prepare minutes of all Executive Board and Association meetings. In addition, the Secretary shall write thank you letters to conference speakers and exhibitors, and any other correspondence as directed by the President.

Section 5. In addition to the duties of the officers as outlined in other sections of this Article, the officers shall perform other duties as usually pertain to their offices in an organization.

**ARTICLE VI**  
**DISTRICT REPRESENTATIVES**

Section 1. District Representatives shall be appointed by the President with the approval of the Executive Board. When deciding upon the number of representatives for any district, consideration should be given to the number of school districts, the number of counties and the number of approved driver education teachers within such district.

Section 2. The District Representatives shall be responsible for administering Association affairs within their respective districts, including serving as Chairpersons of regional Association conferences held within their respective districts and as Membership Chairpersons for their districts.

**ARTICLE VII**  
**SECRETARIAT**

Section 1. The Secretariat shall serve as a clearing house for Association activities, including telephone service; maintenance of records; handling of correspondence and inquiries; preparing reports upon request; and distributing minutes of Executive Board meetings.

Section 2. The Association may employ a secretariat. The compensation shall be determined by the Executive Board.

**ARTICLE VIII**  
**EXECUTIVE BOARD**

Section 1. The Executive Board shall consist of Association Officers, all Past Presidents, the Representatives of Districts 1 through 15, the Secretariat, the Chairpersons of the Standing Committees and the Newsletter Editor.

Section 2. Ex-officio members of the Executive Board shall be sustaining members, college and university driver and traffic safety education instructors, Department of State driver and traffic safety education representatives, driver and traffic safety education specialists of AAA Michigan, safety council managers, and the Michigan Office of Highway Safety Planning. The President, upon the vote of three-fourths (3/4) of the Executive Board members present, may designate as ex-officio Executive Board members such individuals as deemed beneficial to the operation of the Board. Ex-officio members shall not have a vote on the Executive Board.

Section 3. Elected or appointed members of the Executive Board who fail to meet the responsibilities of their office may be replaced by majority action of the Executive Board. An elective or appointed office vacated in this manner shall be filled by nomination and election or appointment at the next regular Association Executive Board meeting.

- Section 4. Executive Board or Ex-Officio Board Members must be of “good moral character.” Hence, disqualification from MDTSEA Executive Board participation shall include, but not be limited to:
- a. Any conviction which would disqualify an individual from obtaining or maintaining teacher approval from the Michigan Department of State, as outlined in Public Act 384 of 2006.
  - b. Any conviction or disciplinary action which would disqualify an individual from obtaining or maintaining a license issued by the Michigan Department of State for the purpose of operating a private driving school or providing private driving instruction, as outlined in Public Act 284 of 2006.
  - c. Any conviction or disciplinary action as outlined above shall result in the loss of “Executive Board Membership” for a period of not less than thirty-six (36) months from the date of the conviction, Michigan Department of State action, or other date, as determined by the Executive Board.

#### **ARTICLE IX** **COMMITTEES**

- Section 1. After the annual conference, the newly elected President, with the approval of the Executive Board, shall appoint standing committees members and designate ~~the~~ each committee chairperson. All committees shall be listed, with their defined duties, in the By-Laws.
- Section 2. In addition to the standing committees, the President, with the approval of the Executive Board, may appoint temporary committees that are deemed necessary to carry on the work of the Association.
- Section 3. Each committee, both standing and temporary, shall consist of at least three members. More than three members may be appointed at the discretion of the Executive Board.
- Section 4. Written reports of all formal and/or informal committee meetings shall be promptly submitted to the Secretariat and forwarded to the President. Said reports shall then be placed on the agenda of the next Executive Board meeting.

#### **ARTICLE X** **NEWSLETTER**

- Section 1. The Association Newsletter shall be posted every two months during the academic year.
- Section 2. The Association may employ and/or reimburse an Editor of the Association Newsletter. The compensation shall be determined by the Executive Board.

#### **ARTICLE XI**

## **MEETINGS**

- Section 1. There shall be one (1) annual state conference each school year, the time and place to be at the discretion of the Executive Board.
- I. Special meetings may be held at the call of the Executive Board.
  - II. Special meetings may be called by petition of 10% of the active members of MDTSEA.
- Section 2. The members of the Association shall be notified of the annual business meeting held at the annual state conference at least 30 days prior to the conference.
- Section 3. Executive Board meetings shall be scheduled as follows:
1. Just prior to the annual conference.
  2. On the first Saturdays in March, June, and December; and the second Saturday in September.
  3. At the discretion of the President.
- Section 4. If the President and President Elect are absent, the past presidents in descending order will assume the President's duties for that meeting.

## **ARTICLE XII AMENDMENTS**

- Section 1. Constitutional or By-Law Amendments may be introduced at any regular or special Association meeting.
- Section 2. A Constitutional amendment shall be voted upon and ratified by a two-thirds (2/3) majority vote of members present and voting at the annual conference. Said Amendment shall have been submitted to the Secretariat in writing and a copy circulated among the members at least ten (10) days prior to the time at which the vote is taken.
- Section 3. The By-Laws of this document may be amended by a two-thirds (2/3) majority vote at any regular or special meeting of the Executive Board. All successful amendments shall be subject to review at the next annual conference.
- Section 4. The method of voting on Amendments shall be determined by the Executive Board.

## **ARTICLE XIII DISSOLUTION**

- Section 1. The Association shall be dissolved only upon the vote of a majority of the membership upon one year's notice.

Section 2. Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501 (C) (3) of the Internal Revenue Code, or corresponding section of any future Federal Tax Code, or shall be distributed to the Federal Government, or to a State or Local Government, for a public purpose. Any such assets not disposed of shall be disposed of by the circuit court of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

Section 3. None of the assets of the Association shall ever revert to the individuals or organizations comprising its membership.

**By-Laws**

**ARTICLE I  
RULES OF ORDER**

Section 1. The revised *Roberts Rules of Order* shall be the authority on all questions not specifically stated in this Constitution or its By-Laws.

**ARTICLE II  
DUES**

Section 1. The dues of this Association shall be determined by the Executive Board and shall be payable on May 1. For new members who join between February 1 and May 1, the membership shall be for the balance of the year and the following membership year.

Section 2. Associate member dues are the same as those of the regular membership.

Section 3. Dues are waived for honorary members.

Section 4. Sustaining membership fees shall be determined by the Executive Board.

Section 5. Members whose dues are not paid by June 1 shall be dropped from the membership roles.

**ARTICLE III  
QUORUM**

Section 1. The members of any Association meeting shall constitute a quorum for transaction of Association business.

**ARTICLE IV  
STANDING COMMITTEE/CHARGES**

Section 1. The Association's committees and charges are as follows:

a. Budget and Auditing Committee: Develop the Association budget and audit the books of the Treasurer during the annual conference.

b. Constitution, By-Laws, and Legislative Committee: Review the Constitution and By-Laws and recommend changes to the Executive Board; assist in formulating the Association's legislative program(s); and update the Executive Board on pertinent legislation.

c. Driver Education Materials Committee: Review and update educational materials and resources provided by the Association.

d. Membership, Nomination/Awards, and Historian Committee: Promote individual and organizational memberships; secure a slate of candidates for the

offices of President-Elect, Secretary, and Treasurer; recommend to the Executive Board appropriate candidates for Association awards and honors; annually compile and record the Association's history via relative documents for display on the web site.

e. Educational Review Committee: To review all teacher preparation and professional development courses and to recommend improvements in such classes, as warranted. To serve with the President as the investigative arm of the Executive Board in alleged misconduct charges filed under the MDTSEA Code of Conduct.

f. Professional Development Committee: Develop, conduct and promote professional development courses that meet or exceed MDOS requirements.

g. State and National Conferences Committee: Recommend to the Executive Board the site, dates, and plans for the Association's annual conference; suggest the Association's level of participation at the ADTSEA's conference.

## **ARTICLE V** **CODE OF CONDUCT**

- Section 1. Each person or entity acting for or representing the Association or its sponsored programs, as a member of the Executive Board, as an employee, as an independent contractor, or in any other official or unofficial capacity, shall abide by a Code of Conduct adopted by the Executive Board.
- Section 2. Periodic review of the Code of Conduct shall be an ongoing duty of the Educational Review Committee or any other standing committee designated by the Executive Board. Recommended changes shall be brought as necessary by such committee to the attention of the Executive Board for its consideration, and shall not be effective unless ratified by the Executive Board.
- Section 3. Enforcement of the Code of Conduct shall be a duty of the President and the Educational Review Committee. Methods of enforcement and penalties for violation of the Code of Conduct may be set forth in the Code of Conduct. In addition, and not subject to any enforcement or penalty provisions of the Code of Conduct, the Executive Board may enforce the Code of Conduct against members of the Executive Board or other individuals or entities as recommended by the President and Educational Review Committee or by its own motion, by taking such actions as it deems appropriate, including but not limited to (i) removing from office Members of the Executive Board or Officers of the Association, (ii) firing employees, (iii) disallowing or placing limits on a person's or entity's actions for or representation of the Association, or (iv) any other action that the Executive Board deems necessary or expedient.
- Section 4. Incoming District Representatives shall, as a part of their Executive Board approval process, sign and deliver to the Secretariat, a signed copy of the form entitled, "Addendum to the Code of Conduct."

## **ARTICLE VI**

**ASSOCIATION ADDRESSES**

Section 1. The Association addresses shall be:

MDTSEA: PO Box 13006, Lansing, Michigan, 48901-3006. Phone: 800/419-9509.

Secretariat: PO Box 13006, Lansing, Michigan, 48901-3006. Phone: 800/419-9509.

**ARTICLE VII  
ABSENTEE BALLOTS**

Section 1. Absentee ballots must be returned to the Secretariat no later than the Monday preceding the annual meeting.

**ARTICLE VIII  
FISCAL YEAR**

Section 1. The MDTSEA fiscal year shall be January 1 through December 31.

(03/11)