

**REVISED BYLAW - VOLUME 27, NO. 2**

**DEFINITIONS**

As used in the School Board's bylaws and policies and the ~~Superintendent~~**Executive Director**'s administrative guidelines, the following terms shall have the meaning set forth below:

**Administrative Guideline**

A written statement adopted and approved by the ~~Superintendent~~**Executive Director** which is consistent with Board policy to outline and prescribe procedures to be used in implementing Board policy.

**Board**

The Board ~~of School Trustees (or Education), which~~ is the governing body of the Corporation as defined in I.C. 20-18-2-5.

**Bylaw**

A rule of the Board for its own governance adopted by a Board vote at a meeting.

**Certificated Employee**

An employee of the Board in a position that requires a license or permit from the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-4. The term includes teachers, and all administrators in positions requiring a license or permit from the Division of Professional Standards of the Indiana Department of Education.

**Classified Employee**

A non-certificated employee as defined in these definitions. Synonymous with "support" and "non-professional."

**Corporation**

The Central Nine Career Center \_\_\_\_\_. [Insert name of Corporation.]

**Due Process**

Procedural due process requires an established rule or standard, notice of facts of an alleged violation and the applicable rule or standard (accusation), and an opportunity to respond before a decision is made.

**Full Board**

All members of the Board.

**May**

A statement providing that an action is permitted but not required.

**Meeting**

A gathering of the majority of the members of the Board for the purpose of taking "official action" on "public business" of the Corporation. See Indiana Code 5-14-1.5-2(c), (d), and (e).

**Non-Certificated Employee**

An employee of the Board employed in a position that does not require a permit or license issued by the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-11. Synonymous with "classified employee" and "support employee".

**Official Action**

Board action to receive information, deliberate, make recommendations, establish policy, make decisions, or take final action. See Indiana Code 5-14-1.5-2(d).

**Parent**

The natural or adoptive parent(s) or the party designated by a court as the legal guardian or custodian of a student. Both parents will be considered to have equal rights unless a court terminates or otherwise limits parental rights.

**Policy**

A general, written statement approved by the Board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

**President**

The chief executive officer of the **Governing** ~~Board of School Trustees~~ (or Education) (see Bylaw 0170).

**Principal**

A professional employee who is assigned to be the educational leader and head administrator of one or more Corporation schools. **The term is synonymous with the building administrator in charge of a facility.** The use of the term includes a delegate unless the law, policy or guideline specifically prohibits delegation. "Vice Principal" or "Assistant Principal" means an administrator assisting a Principal with the performance of all or a portion of the duties assigned to the Principal.

**Professional Employee or Professional Staff Member**

An employee of the Board in a position that requires a license or permit from the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-4. The term includes teachers, and all administrators in positions requiring a license or permit from the Department of Professional Standards of the Indiana Department of Education. Synonymous with "certificated employee."

**Public Business**

The performance by the Board of a function upon which it is specifically authorized to take official action, or not statutorily prohibited from performing. See Indiana Code 5-14-1.5-2(e), Indiana Code 20-26-3, and Indiana Code 20-26-5-4.

**Relative**

The mother, father, sister, brother, spouse, child, parent of spouse, grandparents, grandchild, or dependent residing in the immediate household of a person.

**Secretary**

An officer of the **Governing** Board ~~of School Trustees (or Education)~~ **is** responsible for preparation of minutes of Board meetings and custody of the Records of the Board (see Bylaw 0170).

**Shall**

Expressing non-discretionary required action or action, synonymous with “will” or “must”.

**Student**

A person who is officially enrolled in a school or program of the Corporation.

~~Superintendent~~ **Executive Director**

The chief executive officer of the Corporation. The use of the term includes a delegate unless the law, policy or guideline specifically prohibits delegation.

**Support Employee**

A non-certificated employee as the term is used in Indiana Code 20-29-2-11, and as defined in these definitions.

**Teacher**

A professional person whose position in a school corporation requires certain educational preparation and licensing and whose primary responsibility is the instruction of students. The term includes a ~~superintendent~~ **Executive Director** who holds a license under I.C. 20-28-5, a principal, a teacher, a librarian, and a school counselor. See I.C. 20-28-2-22

**Vice-President**

The Vice-President of the **Governing** Board ~~of School Trustees (or Education)~~ (see Bylaw 0170).

**Voting**

An action by which a member of the Board indicates approval or rejection of a motion by a Board member that has been seconded by another Board member at a meeting convened in compliance with all applicable laws including the Indiana Open Door Law (Indiana Code 5-14-1.5). Also see Bylaw 0167.1.

**Using Citations to Indiana and Federal Statutes, Rules and Cases****Citations to Indiana Law, Rules and Court Decisions**

Citations to the Indiana Code are shown as I.C. or Ind. Code. The numbers which follow I.C. or Ind. Code separated by a hyphen state the title, article, chapter, section, and subsection of an Indiana statute. So Ind. Code 5-14-1.5-6.1(a) is found at title 5, article 14, chapter 1.5, section 6.1, subsection (a).

Citations to the Indiana Administrative Code ("IAC" or "I.A.C.") are prefaced by a title and followed by an article, rule, and section number. So 511 I.A.C. 6-5-1 identifies title 511, article 6, rule 5, section 1.

Citations to Indiana cases begin with a citation to a volume and page in Thompson West Northeast Reporter Series. So a citation to 545 N.E.2d 341 (Ind. 1997) is a cite to volume 545, page 341 of the Northeast Reporter, Second Series. The "(Ind. 1997)" tells the reader the case cited is an Indiana Supreme Court decision issued in 1997.

**Citations to Federal Laws, Rules and Court Decisions**

Citations to the United States Code ("USC" or "U.S.C.") are preceded by a title number and followed by a section number. So 20 USC 1232g refers to title 20 of the United States Code section 1232g.

Citations to the Code of Federal Regulations ("C.F.R." or "CFR") are identified by a citation similar to the Indiana Administrative Code. The citation to the title precedes CFR, and the section number follows.

Federal cases are cited in much the same way as Indiana cases. Trial court decisions are reported in the Federal Supplement as "F. Supp." followed by the series number, such as "F. Supp.2d" for the second series of the Federal Supplement. Appellate decisions are published in the Federal Reporter, which is now in its third series. Citations in both the Federal Supplement and the Federal Reporter follow the same format. A volume number precedes the name of the volume, and a page number in that volume follows the volume number. So a cite to 406 F.3d 500 (7<sup>th</sup> Cir. 2005) directs the reader to volume 406 of the Federal Reporter Third Series, page 500. The (7<sup>th</sup> Cir. 2005) tells the reader that the case was issued by the Seventh Circuit Court of Appeals in 2005.

**REVISED BYLAW - VOLUME 27, NO. 2 - BYLAW 0131.1 AND BYLAW 0131.2****FUNCTIONS****0131 Legislative****0131.1 Bylaws and Policies**

The Board shall adopt bylaws and policies for the organization and operation of this Board and the Corporation.

The bylaws and policies may be adopted, amended, and repealed at any meeting of the Board,

[X] provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding Board meeting until approved or rejected.

~~(+) except that the Board may, upon a vote and where compelling reasons exist, cause to suspend at any time the operation of a bylaw or policy herein contained, provided the suspension does not conflict with law, and such suspension shall terminate at the next meeting of the Board or at such earlier time as is specified in the motion to suspend.~~

[ ] These bylaws and policies may be adopted or amended by resolution at a single meeting of the Board in an emergency. An emergency shall be defined for purposes of this rule as any situation or set of circumstances which the Board has reason to believe will close the schools or jeopardize the safety or welfare of the students or employees of the Corporation.

~~[ ] Any resolution adopted under emergency conditions shall expire automatically at the first public meeting of the Board following the abatement of the emergency unless the Board moves to adopt said resolution as a bylaw or a policy.~~

Bylaws shall be adopted, amended, repealed, or suspended by a majority vote ~~(2/3's recommended) vote~~ of the full Board (physically present). Policies shall be adopted, amended, or repealed by a majority vote of the full Board (physically present). (Two-thirds (2/3's) of a five (5) member Board is four (4) members.)

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be ~~printed~~ **published** in the Board policy manual. ~~Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect as a policy.~~

**Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect as a policy.**

**Further, any policy or part of a policy that is inconsistent with the law or with a decision rendered by a court of competent jurisdiction shall no longer be in force and effect as a policy.**

[ ] The Board may adopt, amend, or repeal administrative rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

I.C. 20-26-5-4

## 0131.2

### Technical Corrections

**Periodically it may be deemed necessary to make technical corrections to policies that already have been adopted through normal procedures. These technical corrections may include:**

- (X ) transfer of sections,**
- (X ) renumbering subsections, sections, chapters and titles,**
- (X ) corrections or additions for grammatical or typographical errors,**

- (X ) changes in citations of the law such as renumbering,
- (X ) changes in names for compliance personnel, or
- (X ) changes in titles of personnel when Board action is taken in making new positions or reducing staff

not affecting the construction or meaning of those sections, subsections, chapters, titles, or policies as a whole.

Should the Board choose to make such technical corrections, it may be accomplished by resolution as part of the consent agenda without going through the normal policy adoption procedure.

0132

**Executive**

0132.1

**Selection of ~~Superintendent~~Executive Director**

The ~~School-Governing~~ Board shall exercise its executive power in part by the appointment of a ~~Superintendent~~Executive Director who shall enforce the statutes of the State of Indiana, administrative guidelines of the State School Board, and the policies of this Board.

Before entering into a contract of employment with a ~~Superintendent~~Executive Director, the Board shall comply with the requirements of I.C. 20-26-5-4.3 regarding notice and hearing. See also Board Policy 1220 regarding Employment of the ~~Superintendent~~Executive Director. After entering into a contract of employment with the ~~Superintendent~~Executive Director, the Board shall comply with the requirements of I.C. 20-26-5-4.3 regarding posting the ~~Superintendent~~Executive Director's contract. See also Board Policy 8311 regarding Public Access to Employee Contracts.

0132.2

**Administrative Authority**

- [X ] The ~~Superintendent~~Executive Director shall consult with the Board with regard to the development and/or revision of policies.

**BOARD OF SCHOOL TRUSTEES**

**BYLAWS**

**Central Nine Career Center** ~~SCHOOL CORPORATION~~ 0130/page 4 of 6

[ ] The ~~Superintendent~~ **Executive Director** shall prepare guidelines for the administration of the Corporation which are not inconsistent with statutes, regulations of the State Board, and/or the policies of this Board. (See Policy 1230.01)

- [X] The ~~Superintendent~~ **Executive Director** shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

I.C. 20-26-5-4

0133

### Judicial

The Board may assume jurisdiction over any dispute or controversy arising within this Corporation and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

- ~~[ ] In furtherance of its adjudicatory function, the Board may hold hearings which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.~~
- ~~[ ] Beyond the basic requirements of due process, a hearing may vary in form and content in line with the severity of the consequences which may flow from it, the degree of difficulty of establishing findings of fact from conflicting evidence, the impact of the Board's decision on the Corporation, and any statutory or regulatory requirements.~~
- ~~[ ] In order to provide a fair hearing for the parties to a matter to be adjudicated by the Board, Board members shall be impartial in such matters and capable of making a decision based solely upon the evidence presented by the parties. Therefore, Board members shall not conduct or participate in any investigation of the facts in such matters; collect, evaluate, or review the facts of the matter prior to presentation of the facts to the Board; or form or express an opinion not subject to change on any aspect of the pending matter.~~

- [ ] ~~If a Board member testifies concerning a material fact in dispute, has a personal interest in the matter under consideration, has participated in the gathering of evidence or the formulation of strategy, or has expressed an opinion on one or more material facts in dispute, that Board member shall not participate in the Board's consideration of the matter or vote in the matter, unless the Board member certifies and declares to the parties in the matter and to the Board that s/he is capable of resolving the matter based solely on the evidence presented to the Board.~~
- [ ] ~~If a Board member is unable to make this certification, the Board member shall voluntarily recuse himself/herself and shall not participate in any evidentiary hearing, discussion, or vote in the matter.~~

REVISED POLICY - VOLUME 27, NO. 2

CONFLICT OF INTEREST - PRIVATE PRACTICE

- A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by ~~School Corporation~~ Career Center employees is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the ~~School Corporation~~ Career Center.

To accomplish this, the ~~School~~ Governing Board has adopted the following guidelines to assure that conflicts of interest do not occur. These are not intended to be all inclusive, ~~nor~~; ~~nor are they intended~~ to substitute for good judgment.

**SELECT EITHER OPTION 1 OR OPTION 2**

**[H] Option 1**

~~An employee of the School Corporation making a recommendation to the Board on a matter to be considered by the Board shall not accept any gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter.~~

**OR**

**[I] Option 2**

An employee of the ~~School Corporation~~ Career Center making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. ~~35-44-1-3~~ 35-44.1-1-4.

**END OF OPTIONS**

1. No employee shall engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his/her ~~Corporation~~ Career Center responsibilities.

2. Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the ~~School-Corporation~~ **Career Center**.

Included, by way of illustration rather than limitation are the following:

- a. the provision of any private lessons or services for a fee
  - b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through his/her access to ~~School-Corporation~~ **Career Center** records
  - c. the referral of any student or client for lessons or services to any private business or professional practitioner; if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
  - d. the requirement of students or clients to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
3. Employees shall not make use of materials, equipment, or facilities of the ~~School-Corporation~~ **Career Center** in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
  4. **Employees shall not solicit gifts, travel packages, and other incentives from prospective contractors.**

5. Employees shall not participate in the selection, award and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit or in which a dependent of the employee has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild or adopted child under the age of eighteen (18); or individual for whom the employee provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee or the employee's dependent who is under the direct or indirect administrative control of the employee or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.
- B. No conflict of interest will be deemed to be present if the ~~Corporation~~Career Center employee's interest in the contract or purchase and all other contracts and purchases made by the ~~Corporation~~Career Center during the twelve (12) months before the date of the contract or purchase was \$250 or less.
- B.C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the ~~School~~ ~~Corporation~~Career Center, all such exceptions will be made known to the employee's supervisor and will be disclosed to the Superintendent before entering into any private relationship.

- D. Violation of this Board Policy by a ~~Corporation~~Career Center employee will result in disciplinary action being taken against the ~~Corporation~~Career Center employee, up to and including termination of employment.

I.C. 20-26-3-4  
I.C. 20-26-5-4  
I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5  
2 C.F.R. 200.318  
7 C.F.R. 3016.36(b)(3) and 3019.42  
~~I.C. 20-26-3-4~~  
~~I.C. 20-26-5-4~~  
~~I.C. 35-44-1-3~~

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**REVISED POLICY - VOLUME 27, NO. 2****STAFF GIFTS**

The ~~School~~**Governing** Board discourages the presentation of gifts to administrators.

Upon the recommendation of the ~~Superintendent~~**Executive Director**, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

Administrators shall not accept any form of compensation from vendors that might influence their recommendations on **or raise a conflict of interest with respect to** the eventual purchase of equipment, supplies, or services. **See also Board Policy 1130 - Conflict of Interest.** Furthermore, administrators shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, administrators who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the ~~Corporation~~**Career Center** or a vendor with whom the ~~Corporation~~**Career Center** is doing business, whereby an individual administrator receives compensation in any form for services rendered.

Such compensation includes, but is not limited to cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an administrator receives such compensation, albeit unsolicited, from a vendor, the administrator shall notify the ~~Superintendent~~**Executive Director**, in writing, that s/he received such compensation and the compensation has been returned to the vendor.

SELECT EITHER OPTION 1 OR OPTION 2

☐ Option 1

~~An employee of the School Corporation~~ **A Corporation Career Center employee** making a recommendation to the Board on a matter to be considered by the Board shall not accept any gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter.

OR

☐ Option 2

~~An employee of the School Corporation~~ **A Corporation Career Center employee** making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. ~~35-44-1-3~~ **35-44.1-1-4**.

[End of Options]

**I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5**

**2 C.F.R. 200.318**

**7 C.F.R. 3016.36(b)(3) and 3019.42**

~~I.C. 35-44-1-3~~

**REVISED POLICY - VOLUME 27, NO. 2****AUDIO, AND VIDEOTAPING VIDEO, AND DIGITAL RECORDING OF MEETINGS**

The **School Governing** Board believes that the education of children is a joint responsibility, one it shares with the parents of the school community. The **School Governing** Board realizes it has the responsibility of protecting the rights of students in keeping and sharing student records.

**[SELECT OPTION 1 OR OPTION 2]****[OPTION 1]**

~~[ ] In order to facilitate parents' ability to fully participate in the educational process, parents ordinarily are permitted to audio record meetings such as parent-teacher conferences, case conferences (i.e., IEP meetings), meetings under Section 504 of the Rehabilitation Act, discipline-related conferences and the like, in accordance with the procedures set forth below.~~

- ~~A. Parent(s) wishing to audio record such a meeting must utilize their own recording device and tapes or disks and provide notice to the Corporation prior to the date of the scheduled meeting.~~
- ~~B. If parent(s) elect(s) to audio record such a meeting, the Corporation also will record the meeting.~~

**[END OPTION 1]**

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[OPTION 2]

[X] The recording of meetings such as parent-teacher conferences, case conferences (i.e., IEP meetings), meetings under Section 504 of the Rehabilitation Act, discipline-related conferences and the like is prohibited unless it is necessary in order for a parent or authorized representative of a parent to meaningfully participate in the educational process and/or his/her child's IEP, or otherwise necessary to implement other parental rights under the IDEA, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and/or the Americans with Disabilities Act, as amended.

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- A. If a parent believes that audio recording such a meeting is necessary, s/he should notify Principal (~~principal or Director of Student Services or Director of Special Education~~) in writing, preferably at least two (2) school days before the meeting, of his/her desire to audio record the meeting and the reason the recording is required.                      will notify the parent at least one (1) school day before the meeting if s/he intends to grant or deny the parent's request to record the meeting.
- B. If the Corporation representative denies the request, s/he will state in writing the reasons for the denial. Authorized exceptions to the general prohibition against the audio recording of meetings typically will involve situations when a parent, or authorized representative of a parent, or other meeting participant has a disability recognized under Section 504/ADA or a language barrier that would preclude the individual's ability to understand and/or meaningfully participate in the educational process. The Corporation representative may ask for documentation of the existence of any such disability or language barrier. If a parent is permitted to audio record the meeting, s/he must use his/her own recording device and tapes or disks, and the Corporation similarly will record the meeting.

[END OPTION 2]

For purposes of this policy, a recording is defined as the capture of a person's individual voice through audio (X ) and/or video tape ~~[End of Option]~~, digital, or other electronic means.

- [X] Video recording of meetings such as parent-teacher conferences, case conferences (i.e., IEP meetings), meetings under Section 504 of the Rehabilitation Act, discipline-related conferences and the like is strictly prohibited.

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The requirements of this policy shall not be interpreted to be in conflict with the provisions of Policy 5136 - Use of Personal Communication Devices as it pertains to recordings. Nor shall the requirements of this policy be interpreted to extend to school-sponsored public events, where there can be no expectation of privacy. A school-sponsored public event is any school-related activity, whether free or at which an admission fee is charged, that members of the public may attend. These include but are not limited to athletic competition, plays, musical performances, awards ceremonies, and graduation. See Policy 9160 - Public Attendance at School Events for additional information about restrictions on recording at such events.

If the Corporation audio records meetings such as parent-teacher conferences, case conferences (i.e., IEP meetings), meetings under Section 504 of the Rehabilitation Act, discipline-related conferences and the like, the resulting recording shall become a part of the student's educational record and will be maintained in accordance with State and Federal law.

~~Meetings such as parent-teacher conferences, case conferences, meetings under Section 504 of the Rehabilitation Act, discipline-related conferences and the like, may be audiotaped with the permission of the building administrator but may also be recorded by the School Corporation. Any tape made by the Corporation will become a part of the student's file and is governed by the requirements of the Family Educational Rights and Privacy Act. Such meetings will not be videotaped under any circumstances.~~

~~In making a decision whether a meeting is to be audiotaped, the building administrator will consider the following:~~

- ~~A. the importance, to both parents and the Corporation, of having a verbatim record of the hearing~~
- ~~B. the ability or inability of all necessary parties to be present in person or by phone at the meeting~~
- ~~C. the length and the complexity of the meeting~~

**BOARD OF SCHOOL TRUSTEES**

**Central Nine Career Center**

**PROGRAM**

**SCHOOL CORPORATION** 2410/page 4 of 4

- ~~D. past dissatisfaction with written notes from former meetings~~
- ~~E. any other circumstances which have a direct bearing on the quality/success of the meeting~~

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