

# Constitution of the National Education Association of the United States

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## Preamble

*We, the members of the National Education Association of the United States, in order that the Association may serve as the national voice for education, advance the cause of public education for all individuals, promote the health and welfare of children and/or students, promote professional excellence among educators, gain recognition of the basic importance of the teacher in the learning process and other employees in the educational effort, protect the rights of educational employees and advance their interests and welfare, secure professional autonomy, unite educational employees for effective citizenship, promote and protect human and civil rights, and obtain for its members the benefits of an independent, united education profession, do hereby adopt this Constitution.*

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## **Article I. Name, Goals, Objectives, and Authorities for Governance**

### **Section 1. Name.**

The name of this organization shall be the National Education Association of the United States.

### **Section 2. Goals and Objectives.**

The goals of the Association shall be as stated in the Preamble. The Association shall have all power necessary and proper to take action for the attainment of these

goals. Nothing in this Constitution or in the Bylaws shall be construed to prevent the Association from pursuing objectives which are consistent with the stated goals of the Association.

### **Section 3. Governance.**

The Association shall be governed by its Charter, this Constitution, the Bylaws, the Standing Rules, and such other actions as the Representative Assembly, the Board of Directors, and the Executive Committee may take consistent therewith.

## **Article II. Membership**

### **Section 1. Categories of Membership.**

Membership in the Association shall comprise a category of Active members and such other categories as may be provided in the Bylaws.

### **Section 2. Membership Eligibility: Provisions and Limitations.**

a. Membership, as provided in the Bylaws, shall be open to persons engaged in the profession of teaching or in other educational work who shall agree to subscribe to the goals and objectives of the Association and to abide by its Constitution and Bylaws.

b. Members engaged in teaching or in other educational work shall adhere to the *Code of Ethics of the Education Profession*.

c. An application for membership shall be subject to review as provided in the Bylaws.

d. The Association shall not deny membership to individuals on the basis of race, color, national origin, creed, gender, sexual orientation, age, handicap, marital status, or economic status, nor shall any organization which so denies membership be affiliated with the Association.

### **Section 3. Property Interest of Members.**

All right, title, and interest, both legal and equitable, of a member in and to the property of the Association shall end upon the termination of such membership.

## **Article III. Representative Assembly**

### **Section 1. Accountability.**

The Representative Assembly, comprising members of the Association, derives its powers from and shall be responsible to the membership.

### **Section 2. Allocation of Delegates.**

a. Except as otherwise provided in Subsection (c) below, allocation of delegate credentials to state affiliates shall be based on the ratio of 1:1,000 Active members of the Association within the state. No state shall receive fewer than fifteen (15) delegate credentials. Other delegate credentials shall be allocated as provided in the Bylaws.

b. Except as otherwise provided in Subsection (c) below, allocation of delegate credentials to local affiliates shall be based on the ratio of 1:150 Active members of the Association or major fraction thereof. Local affiliates within a state may similarly join together to form membership units for the purpose of representation. Allocation of delegate credentials for such clustered local affiliates shall be based on the ratio of 1:150 Active members of the Association or major fraction thereof.

c. The ratios to be used for the allocation of delegate credentials to state affiliates, dual-national state affiliates, and dual national local affiliates shall be proportionately adjusted to reflect the reduction in Association dues paid by Active members of such affiliates pursuant to Bylaw 2-7.n., provided that this Article

III, Section 2 (c) shall not apply to Active members of a dual national local affiliate (i) in a state that does not have a dual-national state affiliate, and (ii) that became affiliated with the Association as a dual-national local affiliate prior to September 1, 1999.

d. The Bylaws shall define the term ethnic minority and shall seek to achieve ethnic-minority representation in the Representative Assembly.

### **Section 3. Election of Delegates.**

a. Members of the Representative Assembly shall be elected in accordance with the one-person-one-vote principle. Specific exceptions to the application of this principle may be set forth in this Constitution and/or the Bylaws.

b. Election to the Board of Directors by the Active NEA members within the state shall constitute election to the Representative Assembly for all purposes.

Election to the Board of Directors by the Active NEA members elected to serve as delegates to the state representative body shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

Election to the Board of Directors as a retired or student director shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

Election to executive office or to the Executive Committee shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

Election to the presidency of a state affiliate by vote of members in the state who are eligible to vote in such election shall constitute election to the Representative Assembly for all purposes.

Election to the presidency of a state affiliate by the state representative body shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

Selection as chairperson of the Advisory Committee of Student Members shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

Election to the presidency of National Education Association-Retired shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

c. Election of delegates to the Representative Assembly shall be by secret ballot for each individual position. The NEA members within each membership group entitled to delegate allocations as set forth in the Constitution and the Bylaws shall be eligible to vote.

d. If the number of candidates for delegate positions is equal to or less than the number of positions to be filled, elections may be waived, and the candidates declared elected to the delegate positions in question.

### **Section 4. Seating of Delegates.**

The Representative Assembly shall have jurisdiction over the seating of its delegates.

### **Section 5. Meetings.**

The Representative Assembly shall meet at least annually. This stipulation shall apply except in cases of emergency.

### **Section 6. Committees.**

All appointive bodies of the Association except the Review Board shall be designated by the term committee. A Committee on Constitution, Bylaws, and Rules shall be established by the Representative Assembly. All other committees shall be established or discontinued as provided in the Bylaws. All committees except the Advisory Committee of Student Members shall comprise at least seventy-five (75) percent classroom teachers. There shall be a minimum of twenty (20) percent ethnic minority representation on each committee.

### **Section 7. Functions.**

The Representative Assembly shall:

- a. Establish Association policies and objectives;
- b. Elect the President, the Vice President, the Secretary-Treasurer, the at-large members of the Board of Directors, and the members of the Executive Committee as provided in this Constitution and/or the Bylaws;
- c. Adopt the budget;
- d. Establish dues;
- e. Approve or ratify the establishment of subsidiary corporate structures;
- f. Exercise final authority in all matters of the Association;
- g. Amend this Constitution and the Bylaws in accordance with Article IX hereof;

h. Adopt the rules and agenda governing its meetings; and

i. Enact such other measures as may be necessary to achieve the goals and objectives of the Association which are not in conflict with the Charter, this Constitution, or the Bylaws.

### **Section 8. Objectives.**

The Representative Assembly may periodically establish specific objectives in the pursuance of the stated goals of the Association.

### **Section 9. Postponement of Annual Meeting.**

In the event of an emergency, the Board may postpone the Annual Meeting as provided by the Bylaws. In the event of such postponement, all officers and members of boards and committees authorized by this Constitution and by the Bylaws shall remain in office until the Representative Assembly convenes. It shall then provide for their successors.

## **Article IV. Executive Officers**

### **Section 1. Executive Officers.**

The executive officers of the Association shall be the President, the Vice President, and the Secretary-Treasurer.

### **Section 2. Qualifications for Executive Officers.**

All candidates for the office of President, Vice President, and Secretary-Treasurer shall have been Active members of the Association for at least two (2) years immediately preceding the election. All

executive officers shall maintain Active membership in the Association.

### **Section 3. Elections, Terms, and Salaries.**

a. Beginning in 1993 and each third year thereafter, the President and the Vice President shall be nominated at and elected by the Representative Assembly at the Annual Meeting in accordance with this Constitution, the Bylaws, and the Standing Rules.

b. Beginning in 1994 and each third year thereafter, the Secretary-Treasurer shall be nominated at and elected by the Representative Assembly at the Annual Meeting in accordance with this Constitution, the Bylaws, and the Standing Rules.

c. In an election for President, Vice President, or Secretary-Treasurer, if there is only one (1) candidate for the position, the Chair shall declare such candidate elected.

d. The terms of the President, of the Vice President, and of the Secretary-Treasurer shall be three (3) years beginning September 1 following their election. Each executive officer shall remain in office through August 31 of the year in which a successor is elected, unless otherwise provided in this Constitution. An executive officer shall serve no more than two (2) terms in the office to which elected.

e. The executive officers shall serve full time; their salaries shall be established by the Board of Directors.

### **Section 4. Affirmative Action Procedure.**

By December 1 of each membership year immediately preceding the next membership year in which a presidential election is to be held (i.e., approximately 18 months prior to the date of the election), appropriate information about the office of President and the electoral process, including all relevant timelines, shall be sent to each of the ethnic-minority special interest groups identified in Bylaw 12; and

During the membership year in which the aforesaid presidential election is to be held, a copy of this section of the Constitution, with an appropriate explanation as to its background and intent, shall be included in (a) an Association publication sent to all members by December 1 and (b) the material that is sent to the delegates to that year's Representative Assembly.

If, after any period of eleven (11) consecutive membership years a member of an ethnic-minority group has not served as President, the Association shall take such steps as may be legally permissible to elect a member of an ethnic-minority group.

### **Section 5. Succession and Vacancies.**

Vacancies occurring by reason of death, resignation, incapacity, judgment of impeachment, or other disqualification shall be filled as follows:

a. A vacancy in the office of President shall be filled by the Vice President.

b. If, during the first or second year of a term a vacancy in either the office of Vice President or the office of Secretary-Treasurer occurs, such vacancy shall be filled by the Board of Directors, which shall elect a successor to serve until the next meeting of the Representative Assembly. The Representative Assembly shall then elect a successor for the remainder of the term. In the event a vacancy occurs during the third year of a term, the Board of Directors shall elect a successor for the remainder of the term.

## **Section 6. Impeachment.**

Executive officers of the Association may be impeached for violation of the *Code of Ethics of the Education Profession*, for misfeasance, for malfeasance, or for nonfeasance in office.

a. Impeachment proceedings against an executive officer shall be initiated by written petition submitted to the Review Board by at least fifteen (15) percent of the certified delegates to the Representative Assembly.

b. If, after a due process hearing, a two thirds (2/3) vote of the Review Board shall sustain the charge, the office shall become vacant.

c. The officer may appeal the decision to the Board of Directors.

## **Article V. Board of Directors**

### **Section 1. Composition.**

The Board shall consist of (a) at least one (1) director from each association affiliated with the Association as a state affiliate, (b) six (6) directors for the Retired

members of the Association, and (c) three (3) directors for the Student members of the Association.

Except as otherwise provided below, each state unit shall be entitled to an additional director for each 20,000 Active members of the Association, provided that if the number of state directors reaches one hundred fifty (150), the number of directors to which the state units are entitled shall be adjusted to prevent the total from exceeding one hundred fifty (150). The Board of Directors shall adopt rules for implementing this provision. The number of Active members of the Association that shall be required to entitle a state affiliate or a dual-national state affiliate to an additional director shall be proportionately adjusted to reflect the reduction in Association dues paid by such members pursuant to Bylaw 2-7.n, provided that this Article V. Section 1 shall not apply to Active members of a dual-national local affiliate (i) in a state that does not have a dual-national state affiliate, and (ii) that become affiliated with the Association as a dual-national local affiliate prior to September 1, 1999.

The executive officers and other members of the Executive Committee shall be members of the Board of Directors ex officio.

a. At least one (1) director elected within each state shall be a nonsupervisor and, if a state is entitled to more than one (1) director, at least one (1) shall be a classroom teacher. The total number of additional directors representing the members in each state affiliate after the first shall be on the basis of proportional

representation by educational position of NEA members.

b. In the event that the first three (3) directors from a state or the first three (3) retired directors do not include at least one (1) ethnic-minority person, the state affiliate or the retired delegates to the Representative Assembly, as the case may be, shall take all legally permissible steps to elect a fourth director who is from an ethnic-minority group.

c. Members from ethnic minorities shall comprise at least twenty (20) percent of the Board. The Representative Assembly shall elect additional directors as appropriate to assure such ethnic-minority representation. If, between meetings of the Representative Assembly, ethnic-minority representation on the Board falls below twenty (20) percent, the Board shall elect additional directors as appropriate to assure the necessary ethnic-minority representation, provided that such an election can be held at a Board meeting prior to the meeting that takes place in connection with the Annual Meeting. Candidates for these positions shall be nominated by members of the Board and ethnic-minority caucus chairpersons, and any ethnic-minority person who otherwise is eligible to serve on the Board may be a candidate. The person(s) elected shall serve until an election can be held by the next Representative Assembly in accordance with this section.

d. Administrators shall be represented on the Board in proportion to their membership in the Association. If the percentage of administrators elected to the Board of Directors fails to

achieve proportional representation, the Representative Assembly shall elect at large the number required to assure such representation. Candidates for these positions shall be nominated by the delegates at the Representative Assembly who are administrators.

e. Classroom teachers in higher education shall be represented on the Board at least in proportion to their membership in the Association. If the percentage of classroom teachers in higher education elected to the Board of Directors fails to achieve such proportional representation, the Representative Assembly shall elect at large the number required to assure such representation. Candidates for these positions shall be nominated by the delegates at the Representative Assembly who are classroom teachers in higher education.

f. Active members employed in education support professional positions shall be represented on the Board at least in proportion to their membership in the Association. If the percentage of such members elected to the Board fails to achieve such proportional representation, the Representative Assembly shall elect at large the number required to assure such representation. Candidates for these positions shall be nominated by the delegates at the Representative Assembly who are Active members employed in education support professional positions.

g. In elections for at-large positions on the Board of Directors at the Representative Assembly, if the number of candidates nominated equals the number of positions to be filled, the Chair shall declare such candidates elected.

h. Student and retired representation on the Board of Directors shall not be computed in determining the representation entitlements of administrators, classroom teachers in higher education, or Active members employed in education support professional positions.

## **Section 2. Terms of Office.**

a. The terms of office of NEA state, at-large, and retired directors shall be three (3) years.

b. NEA state and at-large directors shall serve no more than two (2) terms. Prior service as a student director shall not be counted toward the two (2) term limit for state and at-large directors.

c. Retired directors shall serve no more than two (2) terms. Prior service on the Board of Directors in a position other than a retired director position shall not be counted toward the two (2) term limit for a retired director.

d. All candidates for NEA state director shall have been Active members of the Association for at least two (2) years immediately preceding the election. All state directors shall maintain throughout their terms of office Active membership in the Association.

e. Retired directors shall maintain Retired membership throughout their terms of office.

f. Student directors shall serve terms of one (1) year and may not serve more than two (2) terms. The directors shall be Student members of the Association.

## **Section 3. Functions.**

Consistent with the goals and objectives and the existing policies of the Association, the Board of Directors shall act for the Association between meetings of the Representative Assembly and in addition shall have the sole responsibility for any matter expressly delegated to it by the Representative Assembly.

## **Article VI. Executive Committee**

### **Section 1. Composition.**

The Executive Committee shall consist of the three (3) executive officers and six (6) members who shall be officers of the Association.

a. The executive officers and the six (6) members of the Executive Committee shall be nominated and elected at large by the Representative Assembly by majority vote and by secret ballot for each individual office.

b. If the number of candidates for the Executive Committee equals the number of positions to be filled, the Chair shall declare such candidates elected.

c. Members from ethnic minorities shall comprise at least twenty (20) percent of the Executive Committee. The Representative Assembly shall elect additional Executive Committee members as appropriate to assure such ethnic-minority representation.

### **Section 2. Qualifications and Terms of Office.**

a. Terms of the Executive Committee members shall be three (3) years beginning September 1 following the election. Such

members of the Executive Committee shall not serve more than two (2) terms.

b. All candidates shall have been Active members of the Association for at least two (2) years immediately preceding the election. All Executive Committee members shall maintain throughout their terms of office Active membership in the Association.

### **Section 3. Functions.**

Consistent with the goals and objectives and the existing policies of the Association, the Executive Committee shall act for the Association between meetings of the Board of Directors and in addition shall have the sole responsibility for any matter expressly delegated to it by the Representative Assembly and/or the Board of Directors.

### **Section 4. Impeachment.**

Officers of the Association may be impeached for violation of the *Code of Ethics of the Education Profession*, for misfeasance, for malfeasance, or for non-feasance in office.

a. Impeachment proceedings against an officer may be initiated by written petition submitted to the Review Board by at least fifteen (15) percent of the certified delegates to the Representative Assembly.

b. If, after a due process hearing, a two thirds (2/3) vote of the Review Board shall sustain the charge, the office shall become vacant.

c. The officer may appeal the decision to the Board of Directors.

## **Article VII. Review Board**

### **Section 1.**

The judicial powers of the Association as described in this Article shall be vested in the Review Board.

### **Section 2. Powers.**

The jurisdiction of the Review Board shall extend to cases as herein defined:

a. The Review Board shall have original jurisdiction in the following cases:

1. Impeachment of an officer who is a member of the Executive Committee;

2. Alleged violations of the *Code of Ethics of the Education Profession*;

3. The censure, suspension, or expulsion of a member;

4. Review, upon request, of an action of the Executive Committee, Board of Directors, or Representative Assembly regarding consistent application of the Constitution or Bylaws of the Association.

b. The Review Board shall have the following powers subject to the conditions as herein outlined:

1. To impeach an officer. The officer shall have the right to appeal to the Board of Directors;

2. To censure, suspend, or expel a member for violation of the *Code of Ethics of the Education Profession* or other sufficient cause. The member shall have the right to appeal to the Executive Committee on procedural grounds only;

3. To vacate censure, lift suspension, or reinstate a member;

4. To review an action of the Executive Committee, Board of Directors,

or Representative Assembly for consistency with the Constitution and Bylaws and to recommend to the appropriate governing body remedial action if necessary. Requests for review may be made only by the Executive Committee, Board of Directors, Representative Assembly, a local or state affiliate (by official action), or upon petition of ten (10) percent of the certified delegates of the Representative Assembly.

### **Section 3. Review Board Appointment.**

The Review Board shall be appointed by the President with the advice and consent of the Board of Directors.

### **Section 4. Review Board Prerogatives.**

The Review Board shall establish its rules of procedure with the approval of the Board of Directors. Due process must be guaranteed in all its proceedings.

### **Section 5. Impeachment.**

a. Members of the Review Board may be impeached for violation of the *Code of Ethics of the Education Profession*, for misfeasance, for malfeasance, or for non-feasance in office.

b. The process for impeachment of Review Board members shall be as follows:

1. Proceedings against a member of the Review Board shall be initiated by action of the Representative Assembly, or by official action of a local or state affiliate or upon petition of ten (10) percent of the certified delegates of the Representative

Assembly under rules determined by the Board of Directors.

2. An affirmative vote of the Executive Committee shall be required to order an impeachment hearing on specified charges.

3. An affirmative vote of at least two thirds (2/3) of the members of the Executive Committee shall be required to sustain a charge following a due process hearing before the Committee and the position shall become vacant.

4. The member has the right to appeal the Executive Committee decision to the Board of Directors. No member of the Executive Committee shall be a party to the appellate procedure.

## **Article VIII. Affiliates and Special Interest Groups**

### **Section 1. Affiliation.**

Affiliation shall mean a relationship based on a reciprocal contractual agreement between the Association and an organization involved with or interested in education and shall continue until the affiliate withdraws or becomes disaffiliated.

### **Section 2. Ethnic-Minority Representation.**

Affiliates of the Association shall take all reasonable and legally permissible steps to achieve on their elective and appointive bodies ethnic-minority representation that is at least proportionate to the ethnic-minority membership of the affiliate.

### **Section 3. Classes.**

The classes of affiliates shall be governance, nongovernance, and such other affiliates as may be provided in the Bylaws.

a. The governance class shall comprise local and state affiliates exclusively.

b. The nongovernance class shall comprise all other affiliated professional and nonprofessional organizations.

### **Section 4. Rights of Active Members in Governance Affiliates.**

Each governance affiliate shall guarantee its active members an open nomination procedure and a secret ballot except as otherwise provided in this Constitution or in the Bylaws. No governance affiliate shall discriminate against its active members in their right to vote, seek office, or otherwise participate in the affairs of the affiliate, of other governance affiliates, or of the Association.

### **Section 5. Standards and Procedures for Affiliation.**

Affiliates which fail to comply with standards and procedures set forth in the Bylaws shall be subject to censure, suspension, or disaffiliation as prescribed in this Constitution.

### **Section 6. Special Interest Groups.**

Any organized group of Association members having a common interest or purpose may be recognized as a Special Interest Group, provided such group is not eligible for any class of affiliation.

## **Article IX. Amendment of Constitution and Bylaws**

### **Section 1. Proposal of Amendments.**

Amendments to the Constitution or the Bylaws may be proposed to the Representative Assembly by one or more of the following methods:

a. By petition signed by at least one hundred (100) Active members from two (2) or more states and submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Representative Assembly;

b. By petition signed by at least fifty (50) certified delegates and submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Representative Assembly;

c. By at least two (2) state delegations in the Representative Assembly whose concurrence in the proposed amendment is evidenced either by a majority vote of those delegates present and voting in each delegation at a regularly called meeting of the delegation held in connection with the Annual Meeting or by petition signed by a majority of the members of each delegation. Proposals shall then be submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Representative Assembly.

d. By majority vote of the NEA Board of Directors and submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Representative Assembly; or

e. By a majority vote of the Committee on Constitution, Bylaws, and Rules.

## **Section 2. Amendment of the Constitution.**

a. A proposed amendment to the Constitution shall be presented in writing to the Committee on Constitution, Bylaws, and Rules and read by title to the Annual Meeting immediately prior to its proposed adoption. Documentation of timely submission of an amendment shall be the responsibility of the contact person for the amendment, provided that the time of submission of an amendment that is proposed by a majority vote of the NEA Board of Directors shall be when the language of the amendment is approved by the Board of Directors.

b. The text of the proposed amendment shall be printed in an official publication sent to all members at least sixty (60) days prior to its consideration.

c. This Constitution may then be amended at the Annual Meeting by a two-thirds (2/3) vote of delegates present and voting.

## **Section 3. Amendment of the Bylaws.**

a. A proposed amendment to the Bylaws shall be presented in writing to the Committee on Constitution, Bylaws, and Rules, postmarked no later than one hundred twenty (120) days preceding the Annual Meeting. Documentation of timely submission of an amendment shall be the responsibility of the contact person for the amendment, provided that the time of submission of an amendment that is proposed by a majority vote of the NEA Board of Directors shall be when the language of

the amendment is approved by the Board of Directors.

b. The text of the proposed amendment shall be printed in an official publication sent to all members at least sixty (60) days prior to its consideration.

c. The Bylaws may then be amended at the Annual Meeting by a majority vote of the delegates present and voting.

## **Section 4. Voting on Amendments.**

a. Voting on proposed amendments to this Constitution or to the Bylaws shall be by secret ballot.

b. Unless otherwise provided, all amendments shall take effect at the beginning of the fiscal year following their adoption.

## **Section 5. Withdrawal of Proposed Amendments.**

Requests for withdrawal of proposed amendments shall be submitted in writing to the Committee on Constitution, Bylaws, and Rules. Such withdrawal shall be effective when approved by the Representative Assembly. Requests for withdrawal of proposed amendments to this Constitution or to the Bylaws may be granted by action of the Representative Assembly based on requests made in the following manner:

a. If originally proposed by petition of one hundred (100) or more members from two (2) states or fifty (50) or more delegates, the request shall be signed by at least two-thirds (2/3) of such members or delegates;

b. If originally proposed by two (2) state delegations, the request shall be signed by at least two-thirds (2/3) of the delegates from each state;

c. If originally proposed by the NEA Board of Directors, the request shall be made by a majority of the Board;

d. If originally proposed by the Committee on Constitution, Bylaws, and Rules, the request shall be made by a majority of the committee.



# Bylaws of the National Education Association of the United States

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## 1. Objectives

### 1-1. Specific Objectives.

The specific objectives directed toward the achievement of the stated goals of the Association shall be:

a. To improve the structure of the Association to ensure the full and effective participation of all members, thereby establishing and maintaining an independent, self-governing organization;

b. To promote continuous improvement of instruction and of curriculum;

c. To promote and to protect the rights and welfare of its members;

d. To advance professional rights and to enhance professional responsibilities to further the consistent development and improvement of the profession and its practitioners;

e. To work among the American people for broad support of education and for improved attitudes toward the profession;

f. To secure adequate financial support for public education;

g. To promote the rights and welfare of all students;

h. To assist each student in realizing his or her maximum potential;

i. To develop and provide leadership in solving social problems; and

j. To protect and support its members as employees in disputes with employers or with those acting on behalf of employers.

## 2. Membership

### 2-1. Categories.

a. There shall be seven (7) categories of membership in the Association: Active, Student, Retired, Substitute, Reserve, Associate, and Staff.<sup>1</sup>

b. Active membership shall be open to any person (i) who is employed by or in a public school district, public or private preschool program, public or private college or university, or other public institution devoted primarily to education, regardless of the specific nature of the functions that the person performs at the work site and regardless of who actually employs the person; (ii) who is employed by a public sector employer other than a school district, college or university, or other institution devoted primarily to education but who is employed primarily to perform educational functions; (iii) who is on limited leave of absence from the employment described in items (i) and

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<sup>1</sup> See note for Bylaw 2-1(g) on pg. 138.

(ii) above; or (iv) who is serving as an executive officer of the Association or of a state or local affiliate. The Association shall continue to allow Active membership to those Active members (i) who have been laid off due to a reduction in force for as long as such persons are eligible to be recalled, or for three (3) years, whichever is longer; or (ii) who have been discharged for as long as a legal challenge to such discharge is pending.

An Active member who is engaged in or on a limited leave of absence from professional educational employment shall hold or shall be eligible to hold a baccalaureate or higher degree or the regular teaching, vocational, or technical certificate required by his or her employment or shall be an exchange teacher who is regularly employed as a teacher in another country.

Active membership is limited to persons who support the principles and goals of the Association and maintain membership in the local and state affiliates where eligible. The Association shall not accept as Active members persons who are not eligible for Active membership (or the equivalently designated membership category) in the state affiliate, unless the state affiliate (i) by action of its board of directors (or equivalent governing body) approves such acceptance and (ii) enters into an agreement with the Association pursuant to which the state affiliate agrees to function as the Association's agent for the delivery of Association services and programs to the members in question. Approval by and a service agreement with the state affiliate shall not be prerequisites to the Association's acceptance into

Active membership of persons who are not eligible for active membership (or the equivalently designated membership category) in the state affiliate if said persons are members of a local affiliate that (i) is comprised predominantly of persons who are not eligible for active membership in the state affiliate and (ii) was a local affiliate of the Association as of the effective date of this amendment.

c. Student membership shall be open to any student (i) who is enrolled in a postsecondary program that is preparatory for employment in a position that would make him or her eligible for Active membership or (ii) who is serving as chairperson of the NEA Advisory Committee of Student Members. A student who is eligible for Association membership in both the Student and Active membership categories may, with the approval of the Executive Committee, join the Association as a Student member. Student members shall be eligible to be voting delegates at the Representative Assembly. Student members shall maintain membership in the state affiliate provided the affiliate has a membership category for student members.

d. Retired membership shall be open to any person who is at least forty-five (45) years of age or who is eligible to receive a pension from an educational employment retirement system (including Social Security), and who was employed for at least five (5) years in a position that qualified him or her for Active membership but who is no longer so employed or who retires and returns to either day-to-day or regular full- or part-time educational

employment as part of an early retirement agreement with the local school district. Retired membership is limited to persons who support the purposes and programs of the Association. Retired members shall maintain membership in the state affiliate provided the affiliate has a membership category for retired members and provided the affiliate grants such members at least the right to serve as delegates to its delegate assembly or equivalent body and to be counted toward the representation entitlement for such body.

Retired members shall have the right to vote, to hold elective or appointive positions in the Association, and to be counted toward the representation entitlement for the Board of Directors and the Representative Assembly as provided in the Constitution and Bylaws.

Retired members shall be eligible to receive Educators Employment Liability Coverage and other benefits and services of the Association authorized by the Board of Directors.

Unless these Bylaws provide otherwise, a person who is eligible for Association membership in both the Retired and Active membership categories shall have the option to join the Association as a Retired or as an Active member.

An Active Life member who is eligible for Retired membership may join the Association as a Retired member while retaining his or her Active Life membership, provided that during the period of such membership, he or she shall be counted for the allocation of delegate credentials, be eligible to participate in Association governance, be eligible to receive Association

benefits and services, and be treated for all other Association purposes only as a Retired member.

e. Unless otherwise provided herein, an educational employee employed on a day-to-day basis who is eligible for membership in the Active category shall have the option of joining the Association as a Substitute member, unless said employee is eligible for NEA Retired membership. The option to join the Association as a Substitute member shall be available only to an educational employee who is employed in a state in which the state affiliate has a substitute membership category and who maintains membership in the state affiliate's substitute membership category. Substitute members shall receive Educators Employment Liability coverage and other benefits and services authorized by the Board of Directors. Educational employees employed on a day-to-day basis who are included in a bargaining unit with full-time educational employees shall be eligible only for Active membership.

f. Reserve membership shall be open to any person (i) who is on a leave of absence of at least six (6) months from the employment that qualifies him or her for Active membership or (ii) who has held Active or Education Support membership in the Association but whose employment status no longer qualifies that individual for such membership.

g. Associate membership shall be open to any person who is interested in advancing the cause of public education but who is not eligible for any other Association membership category. Associate members

shall be eligible to receive such benefits and services authorized by the Board of Directors.<sup>2</sup>

h. Staff membership shall be open to any person employed by the Association or any of its affiliates in a staff position.

i. Unless these Bylaws provide otherwise, a person who is eligible for more than one (1) membership category shall join the Association in the membership category that provides the greatest degree of participation in Association governance.

j. A member may appeal the assigned category of membership to the Executive Committee, which shall have authority to make the final determination in this regard.

### **2-3. Rights and Limitations.**

a. Membership in the Association shall be determined by the local or state affiliate. Where Association membership is denied on the local level by virtue of educational position, the state may provide for such membership by vote of the state delegate assembly. Educational positions eligible for membership shall be determined through secret ballot in all local or state affiliates. Those local associations limited in membership to classroom teachers may be exempt from such determination.

b. The right to vote and to hold elective or appointive position shall be limited to Active members except as otherwise provided.

c. All members shall be eligible to receive special services, assistance in the protection of professional and civil rights, and reports and publications of the Association in accordance with the policies and procedures of the Association.

d. An individual who is a member of a negotiating team representing a school board or representing a board of trustees of a higher education institution shall be denied membership if such denial is requested by a governing body of an Association affiliate in the school district or higher education institution in question. The Executive Committee shall adopt rules for implementing this Bylaw.

e. An individual who is expelled or suspended by a local or state affiliate for violation of the affiliate's code of ethics or other sufficient cause shall be expelled or suspended, as may be appropriate, by the Association, unless he or she was expelled or suspended by the affiliate without being accorded due process or for conduct in support of a goal, objective, or written policy of the Association.

f. Active Life members at the time of adoption of this document by the Representative Assembly shall continue to hold Active membership for life; Associate Life members shall continue to hold Associate membership for life. A past president of the Association shall hold Active membership for life. If the employment status of a past president does not meet the requirements of Bylaw

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<sup>2</sup> The provision for an Associate membership category cannot be implemented due to a limitation on Association membership eligibility in Article II, Section 2(a), of the NEA Constitution; the provision will be implemented if this constitutional limitation is removed.

2-1.b, the education position of said individual shall be category 2.

g. Any member, other than a Life member, whose profession or occupational position changes shall be transferred to the class of membership applicable to the new position; the member shall not remain in a class of membership for which the member is no longer eligible.

h. Membership shall be continuous unless terminated for sufficient cause, including but not limited to the unjust use of administrative authority to break a strike, to lock out, to reduce in force, to fire, or to harass an NEA member. Sufficient cause, including “unjust use,” shall be decided by the Review Board on a case-by case basis.

i. Members who fail to adhere to any of the conditions of membership as stated in Article II of the Constitution shall be subject to censure, suspension, or expulsion.

## **2-5. Membership Year.**

a. The membership year shall be from September 1 through August 31. A person who is not a continuing member of the Association who joins the Association for a particular membership year shall become a member of the Association as of September 1 of that membership year, or the date on which he or she joined the Association, whichever is later.

b. If a person who is not a continuing member of the Association joins the Association for a particular membership year prior to September 1 of that membership year, and the school year that corresponds to the Association membership year begins for that person prior to September 1,

he or she shall be eligible to receive the benefits and services of the Association authorized by the Board of Directors during the portion of the school year between the date that he or she joined the Association and September 1.

## **2-7. Membership Dues.**

a. Dues of Active members engaged in or on limited leave of absence from professional educational employment shall be .00225 times the national average annual salary of classroom teachers in the public elementary and secondary schools (rounded to the nearest dollar) plus .00055 of the national average annual salary of classroom teachers in the public elementary and secondary schools (rounded to the nearest dollar) to be allocated to UniServ grants according to the policy of the Board of Directors. The computation shall be based on salary data for the prior year as determined by NEA Research.

The dues of an Active member who has left professional educational employment to serve as an executive officer of the Association or of a state or local affiliate shall be equal in amount to the dues of an Active member engaged in or on a limited leave of absence from professional educational employment.

Dues of Active members who are employed in or on limited leave of absence from education support professional positions shall be determined in the same manner as the dues of Active members engaged in professional educational employment except that the national average annual salary of school employees in education support professional positions

shall be used in the formula and the dues shall in no event be less than one-half (1/2) the dues of Active members engaged in professional educational employment. The portion of said dues allocated to UniServ grants shall be equal in amount to that allocated on behalf of Active members engaged in professional educational employment.

The dues of an Active member who has left an education support position to serve as an executive officer of the Association or of a state or local affiliate shall be equal in amount to the dues of an Active member employed in or on a limited leave of absence from an education support position.

Any person (i) who joins as an Active member for the first time after the commencement of the membership year, (ii) who becomes eligible for Active membership after the commencement of the membership year, or (iii) who returns to professional educational employment or to an education support position from a limited leave of absence after the commencement of the membership year shall be enrolled in full standing for the remainder of the membership year by paying the amount of annual dues which is commensurate with the remaining portion of the membership year.

b. The dues of an Active member who is an exchange teacher from another country shall be waived, provided that the exchange teacher continues to hold membership in a national teacher organization in his or her country of residence, the national teacher organization grants full membership rights and a dues waiver

to any NEA member who is an exchange teacher in that country, and the relevant state and local affiliates grant full membership rights and a dues waiver to the exchange teacher.

c. The Association shall allow credit to first-year Active members who join the Association during their first year of membership eligibility, the reduction of their dues being twenty dollars (\$20) per year for each year of their membership in Student NEA and/or for each year of their NEA Student membership up to four (4) years. The first-year Active member shall provide proof of membership in Student NEA to be eligible for credit, and the Association shall verify NEA Student membership.

d. The membership fee for persons eligible for Active membership who are regularly employed for fifty (50) percent or less, but greater than twenty-five (25) percent, of the normal schedule for a full-time employee, who are not employed as substitutes, and who are not eligible for membership as a full-time employee through another local association (as verified by the local association) shall be one half (1/2) of the Active dues, as appropriate. The membership fee for persons eligible for Active membership who are regularly employed for twenty-five (25) percent or less of the normal schedule for a full-time employee, who are not employed as substitutes and who are not eligible for membership as a full-time or part-time employee through another local association (as verified by the local association) shall be one-quarter (1/4) of the Active dues, as appropriate.

e. The membership fee for Active members who are employed as substitutes shall be one-fourth (1/4) of the Active dues, as appropriate.

f. The Association shall continue to allow Active membership to those education association members laid off due to a reduction in force with reduction in dues of fifty (50) percent. Such eligibility for Active membership shall continue as long as such persons are eligible to be recalled or for three (3) years, whichever is longer.

g. Annual dues of Student members shall be established by the Representative Assembly in the program budget.

h. Dues of Retired members shall be established by the Board of Directors and shall be payable (i) by a retired individual who joins the Association on an annual basis or (ii) through a Retired membership-for-life program as established by the Board of Directors.

i. Dues for Substitute members shall be established by the Board of Directors.

j. Dues of Reserve members shall be one-half (1/2) the dues of Active members, as appropriate.

k. Dues of Staff members shall be one half (1/2) the dues of Active members engaged in professional educational employment.

l. Dues of Associate members shall be established by the Board of Directors.<sup>3</sup>

m. The Executive Committee may establish reduced membership dues for persons eligible for Active membership who are included in a group of employees

(i) that is attempting to become an affiliate of the Association; (ii) for which an affiliate of the Association is attempting to become the recognized organization; (iii) for which an affiliate of the Association is the recognized organization, but has not yet negotiated an initial collective bargaining agreement; (iv) in which a competing organization is attempting to solicit members by charging a lesser amount of dues; or (v) who are not eligible for membership in a state or local affiliate of the Association. The amount of the dues charged to such persons, and the Association services and benefits for which they are eligible, shall be determined by the Executive Committee on a case-by-case basis. The Executive Committee shall adopt rules for implementing this Bylaw.

n. (1) Except as otherwise provided in Bylaw 2-7.n (2) with regard to members of certain dual-national local affiliates, members of a dual-national state affiliate shall maintain membership in the Association and the American Federation of Teachers where eligible, and the total combined national dues that such members pay shall be not less than the Association dues for members in the relevant membership category. If a member of a dual-national state affiliate is a member of the Association and the American Federation of Teachers, said member's total combined national dues shall be allocated between the two organizations in a manner that reflects the comparative number of members in the relevant membership category who were eligible for Association membership in the respective

<sup>3</sup> See note for Bylaw 2-1(g) on pg. 138.

Association and American Federation of Teachers state affiliates during the membership year immediately preceding the date on which the dual-national state affiliate came into existence as a legal entity (hereinafter "allocation percentage"), provided (a) if, during any of the first five (5) membership years following the affiliation of a dual-national state affiliate, the number of such members exceeds by more than three percent (3%) the number of such members during the immediately preceding membership year, each organization shall receive fifty percent (50%) of the total combined national dues of such excess members; (b) beginning with the sixth membership year following the affiliation of a dual-national state affiliate, if the number of such members during any membership year exceeds the number of such members during the immediately preceding membership year, each organization shall receive fifty percent (50%) of the total combined national dues of such excess members; and (c) the Association shall not receive pursuant to Section n (1) (a) or n (1) (b) above, more from any such member than the allocation percentage, or fifty percent (50%), whichever is appropriate as applied to Association dues for the relevant membership category. If the member is a member of the Association but is not eligible for membership in the American Federation of Teachers, the Association shall receive the full amount of said member's total combined national dues.

(2) If a member of a dual-national local affiliate (a) that is in a state that does not have a dual-national state affiliate, or (b)

that is in a state that has a dual-national state affiliate but is newly created and did not result from the merger of an Association local affiliate and an American Federation of Teachers local affiliate, is a member of the Association and the American Federation of Teachers, each organization shall receive fifty percent (50%) of said member's total combined national dues, provided that the Association shall not receive more than fifty percent (50%) of the Association dues for the relevant membership category. If the member is a member of the Association but is not eligible for membership in the American Federation of Teachers, the Association shall receive the full amount of said member's total combined national dues.

(3) The provisions of Bylaw 2-7.n shall take precedence over anything to the contrary in Bylaw 2-7.a through m.

o. Beginning with the 2007-08 membership year, the annual membership dues of Active members of the Association, as computed pursuant to Bylaw 2-7.a, shall be increased by ten dollars (\$10.00). This dues increase shall be allocated to the Ballot Measure/Legislative Crises and Media Campaign Fund. The annual membership dues of Student members of the Association, as established pursuant to Bylaw 2-7.g, shall include one dollar (\$1.00) to be allocated to the Ballot Measure/Legislative Crises and Media Campaign Fund.

Sixty percent (60%) of the money allocated to the Ballot Measure/Legislative Crises and Media Campaign Fund during each membership year shall be available to assist state affiliates in dealing with

ballot measures and legislative crises, and forty percent (40%) shall be available for national and state media campaigns to advance the cause of public education and publicize the role of the Association and its affiliates in improving the quality of public education.

Where necessary to avoid legal problems under state law, the Association and a state affiliate may, at the request of the state affiliate, enter into a written agreement providing that the money collected from members of that state affiliate shall not be used to deal with ballot measures, but shall be used only to deal with legislative crises and/or to fund national and state media campaigns. The Executive Committee shall develop guidelines to implement this Bylaw. These guidelines shall be submitted to the Board of Directors, and shall become effective when approved by the Board of Directors.

The NEA president shall make a report regarding the operation of the Ballot Measure/Legislative Crises and Media Campaign Fund, which shall include a financial statement, to each Representative Assembly.

p. Beginning with the 2002–2003 membership year: (1) Active members engaged in or on limited leave of absence from professional educational employment who pay annual dues as calculated pursuant to Bylaw 2-7(a) (hereinafter “base annual dues”) shall pay an additional one dollar (\$1) in annual dues; and (2) Active members who pay less than base annual dues, Reserve members, and Staff members shall pay an additional fifty cents (\$.50). These additional dues

shall be allocated to the NEA Foundation for the Improvement of Education.

## **2-9. Dues Transmittal and Enforcement Procedures.**

a. The Association shall enter into contracts with state affiliates governing the transmittal of Association dues. State affiliates shall have the full responsibility for transmitting Association dues from local affiliates on a contractual basis. Local affiliates shall have the full responsibility for transmitting state and Association dues to state affiliates on a contractual basis. Standards and contracts for transmitting dues shall be developed between the state affiliate and each local affiliate.

b. A local shall transmit to a state affiliate and a state affiliate shall transmit to the Association at least forty (40) percent of the Association dues receivable for the year by March 15 and at least seventy (70) percent of the Association dues receivable for the year by June 1; the percentage shall be based upon the last membership count prior to January 15, and upon a membership year beginning September 1, unless the contracted transmittal schedule stipulates otherwise.

(1) A local or state affiliate which becomes delinquent in its contracted transmittal schedule by more than thirty (30) days shall be assessed a penalty of two (2) percent per month on the overdue balance.

(2) Except as otherwise provided in 2-9.b (3) or (4), the delegates representing a state affiliate that has not transmitted at least forty (40) percent of the dues receivable for the year by March 15 and

seventy (70) percent of the dues receivable for the year by June 1 shall have no right to participate in the NEA Representative Assembly at the Annual Meeting other than to (i) participate in elections for Association officers and (ii) vote on increases in Association membership dues.

(3) Except as otherwise provided in 2-9.b (4), if a state affiliate informs the NEA in writing that a local affiliate has failed to transmit the Association dues in accordance with the dates set forth in 2-9.b and such information is verified by the executive director, the delegates of that local shall have no right to participate in the NEA Representative Assembly at the Annual Meeting other than to (i) participate in elections for Association officers and (ii) vote on increases in Association membership dues. In this event, the delegates of the state affiliate shall have full right to participate in the NEA Representative Assembly at the Annual Meeting.

(4) The denial of participatory rights called for in 2-9.b (2) or (3) may be waived by the NEA Executive Committee if the state or local affiliate in question enters into a written contract with the NEA Executive Committee in which it agrees to transmit the delinquent dues on terms that are acceptable to the NEA Executive Committee, provided that the NEA Executive Committee shall not enter into such a contract with a local affiliate until after it has consulted with the relevant state affiliate. The NEA Executive Committee may terminate any waiver granted pursuant to this section if the affiliate fails to comply with the aforesaid contract.

### **3. Representative Assembly**

#### **3-1. Allocation of Delegates.**

a. Allocation of delegate credentials to state and local affiliates shall be on the basis of Active membership in the Association as of January 15 of the calendar year in which the Representative Assembly convenes.

Representation from state and local affiliates which provide all-inclusive membership shall be on the basis of proportional representation by education position.

Representation from state and local affiliates which include in their membership more than one (1) of the three (3) job categories eligible for Association Active membership (i.e., nonsupervisory Active members in prekindergarten through secondary instructional positions, education support positions, or higher education faculty positions) may, at the option of the state and local affiliates, be on the basis of proportional representation by job category. A delegate elected to represent an affiliate shall be a member of that affiliate, provided that if additional delegate positions are allocated to a state affiliate on the basis of Active members of the Association within a state who are not also members of the state affiliate, only the latter members of the Association may be elected to such additional delegate positions.

b. Article III of the Constitution shall provide for the allocation of delegate credentials to local affiliates.

c. Article III of the Constitution shall provide for the allocation of delegate credentials to state affiliates.

d. Except as otherwise provided in Bylaw 3-1.k, each state affiliate shall be allocated one (1) delegate credential for the first fifty (50) Student members of the Association. The state affiliate shall receive a second credential when Student membership in the state reaches seven hundred fifty (750) and an additional credential for each five hundred (500) Student members thereafter. The allocation shall be on the basis of Student membership in the Association as of March 15 of the calendar year in which the Representative Assembly convenes.

e. Except as otherwise provided in Bylaw 3-1.k, allocation of delegate credentials for Retired members of the Association within each state shall be made to state affiliates based on the ratio of 1:50 for the first 50 Retired members and an additional delegate for each 1,000 Retired members thereafter.

f. Except as otherwise provided in Bylaw 3-1.k, allocation of delegates to school nurse members denied active membership in local affiliates shall be based on the ratio of 1:150 school nurse members so denied.

g. It is the policy of the Association to achieve ethnic-minority delegate representation at least equal to the proportion of identified ethnic-minority populations within the state. Prior to December 1 of each fiscal year, each state affiliate shall submit to the NEA Executive Committee for its approval a legally permissible plan which is designed to achieve a total state and local delegation to the Representative Assembly held that fiscal year which reflects these ethnic-minority proportions.

If a state affiliate fails to submit such a plan, the NEA Executive Committee fails to approve a plan which is submitted, or a state affiliate fails to comply with an approved plan, the Representative Assembly may deny to the delegates from the state affiliate any right to participate in the NEA Representative Assembly at the Annual Meeting other than to (i) participate in elections for Association officers and (ii) vote on increases in Association membership dues. Local affiliates shall comply with the approved plan of the state affiliate, and if a local affiliate fails to do so, the right of its delegates to participate in the NEA Representative Assembly at the Annual Meeting may be limited as indicated above. The failure of a state or local affiliate to comply with the provisions of this Bylaw shall in addition be grounds for censure, suspension, or expulsion pursuant to Bylaw 6-5.

h. Except as otherwise provided in Bylaw 3-1.k, allocation of delegates to higher education members denied active membership in local affiliates shall be based on the ratio of 1:150 higher education members so denied. The state affiliate shall determine the most appropriate unit for this purpose.

i. Except as otherwise provided in Bylaw 3-1.k, allocation of delegates to Active members employed in education support professional positions who are denied active membership in local affiliates shall be based on the ratio of 1:150 such members so denied.

j. Except as otherwise provided in Bylaw 3-1.k, allocation for category 2 delegates in local units which have all

inclusive membership shall allow for clustering with category 2 members from other local units. In such local units, category 2 members shall not be counted in the allocation for category 1 delegates. Delegates for clustered category 2 members shall be based on the ratio of 1:150. This section shall apply only in those states where the state affiliate has determined that it shall be applicable.

k. The ratios to be used for the allocation of delegate credentials pursuant to Bylaw 3-1.d, e, f, h, i, and j for members of a dual-national state affiliate or a dual national local affiliate shall be proportionately adjusted to reflect the reduction in Association dues paid by such members pursuant to Bylaw 2-7.n, provided that this Bylaw 3-1.k shall not apply to members of a dual-national local affiliate (i) in a state that does not have a dual-national state affiliate, and (ii) that became affiliated with the Association as a dual-national local affiliate prior to September 1, 1999.

### **3-3. Term.**

Delegates shall be elected for a term not to exceed three (3) years. An individual elected to a multiyear term shall serve if he/she and the affiliate continue to qualify for the delegate position.

### **3-5. Meetings: Location.**

No meeting shall be held in any location where any delegates are likely to experience discriminatory treatment.

### **3-9. Standing Committees: Establishment and Accountability.**

Standing committees may be established and discontinued by the Representative Assembly. When that body is not in session, standing committees shall be accountable to the president, the Board of Directors, and the Executive Committee. Each committee chairperson shall submit periodic reports to the president and to the Board.

### **3-11. Special Committees: Establishment and Functions.**

Special committees may be established by the Representative Assembly or by the Board of Directors or by the Executive Committee for the purpose of accomplishing a specific task within a limited period of time.

### **3-13. Committee Appointment, Qualifications, and Vacancies.**

a. Appointments shall be made on the basis of individual expertise and ability to make substantial contribution in the specific areas of concern. Candidates for committees shall be recommended by state and local affiliates and by ethnic-minority special interest groups. The chairperson of the NEA Advisory Committee of Student Members shall recommend student candidates for committees. Appointments to all committees shall be as provided by these Bylaws.

b. Absence of a member from two (2) consecutive meetings shall constitute resignation. A member shall vacate the seat held if a change in the member's education position shall violate the

constitutional requirement for at least seventy-five (75) percent classroom teacher committee membership. Each vacancy on a standing committee shall be filled for the remainder of the term.

### **3-15. Voting**

No signing of new business items can be conducted in the polling area and voting lines during voting.

## **4. Executive Officers**

### **4-1. Powers and Duties of the President.**

The president shall be the chief executive officer of the Association and its policy leader. The president shall:

a. Represent the Association as spokesperson on matters of policy or assign, at the president's discretion, responsibility for such representation;

b. Prepare the agenda for the governing bodies of the Association and the program for the Annual Meetings;

c. Appoint, except as provided in these Bylaws, all chairpersons and members of committees, with the advice and consent of the Board of Directors; such chairpersons and members to serve at the pleasure of the president, except where a term is fixed by these Bylaws;

d. Serve as member ex officio without vote on all committees authorized by the governing bodies;

e. Prepare, with the secretary-treasurer, the executive director, and the Committee on Program and Budget, a budget for submission to the appropriate policy-making bodies;

f. Review Association policies and recommend priorities to be considered by the Board of Directors;

g. Administer, through the executive director, the budget of the president's office and of the governing bodies;

h. Recommend an independent auditing agency to conduct an annual audit of all Association funds;

i. Meet regularly with the other officers of the Association and with the executive director;

j. Delegate duties to the officers and through the executive director to the staff of the Association; and

k. Perform the duties as stipulated in the Charter, in the Constitution, and in these Bylaws and such other duties as are customarily assumed by the chief executive officer of an association.

### **4-3. Powers and Duties of the Vice President.**

The vice president shall:

a. Act for the president when the president is unable to perform the duties of the office;

b. Advise and assist the president and the Committee on Program and Budget in preparing the budget;

c. Serve on the Committee on Program and Budget; and

d. Perform such other duties as are stipulated by the Constitution, by these Bylaws, and by the president.

#### **4-5. Powers and Duties of the Secretary-Treasurer.**

The secretary-treasurer shall:

- a. Receive all funds and be responsible for their safekeeping and accounting;
- b. Serve as chairperson of the Committee on Program and Budget;
- c. Keep the official seal of the Association;
- d. Be responsible for preparing records of all official meetings and for distributing the minutes of all such meetings;
- e. Make annual financial reports as required by the Board of Directors; and
- f. Perform such other duties as are stipulated by the Constitution, by these Bylaws, and by the president.

#### **5. Board of Directors**

##### **5-1. Election.**

a. A majority vote of those voting shall be necessary to elect an NEA director. Except as otherwise provided in Article V of the Constitution, members of the Board of Directors shall be elected by secret ballot for each individual office (i) by the Active NEA members within each state or (ii) by the NEA members elected to serve as delegates to the state representative body, but only if all Active NEA members in the state who meet all other relevant requirements are eligible to vote for and serve as delegates to the state representative body. Retired directors shall be elected by secret ballot for each individual office by the duly elected retired delegates to the NEA Representative Assembly. Student directors shall be elected by duly elected student delegates

to the NEA Representative Assembly. In an election for NEA director, if there is only one (1) candidate for the position, the election may be waived, and the candidate declared elected.

b. Nominations of directors shall be open, except where limitations are required to comply with the provisions of Article V.

c. Terms of the directors shall be staggered except for student directors.

d. If on May 31 of two (2) consecutive years the Active Association membership within a state unit is less than that required to establish and maintain the positions of its directors, the number of its additional directors shall be reduced according to the membership on the second of such two (2) consecutive years.

##### **5-3. Vacancies.**

Vacancies arising in the office of state directors held by persons elected within the state shall be filled upon recommendation of the state association by the Board of Directors when in session, or when not in session, by the Executive Committee. Vacancies arising in the office of directors held by persons elected by the Representative Assembly shall be filled by the Board of Directors when in session, or when not in session, by the Executive Committee, upon recommendation of the president. Persons filling vacancies shall be from the same education positions as the members being replaced and shall serve until the first opportunity that successor directors may be elected in accordance with the regular election procedure. Recommendations to fill vacancies in the

office of retired or student director shall be made by the NEA-R Advisory Council or the Advisory Committee of Student Members respectively. Vacancies shall be filled by the Board of Directors when in session, or when not in session, by the Executive Committee. The individual(s) appointed shall serve until the first opportunity that a successor director may be elected in accordance with the regular election procedure.

### **5-5. Membership Restriction.**

A director shall immediately relinquish the position held on the Board when such director ceases to be employed in the category represented.

### **5-6. Alternate Directors.**

a. (i) A state or the retired or student delegates to the NEA Representative Assembly may elect an alternate director to serve in the place of a state or retired or student director, as the case may be, who is unable to attend a meeting of the Board of Directors. The number of alternate directors need not equal the number of directors in a state or representing NEA-R or the number of student directors, but in no event shall any alternate director be designated to substitute for more than one (1) director at a meeting. An alternate director must be elected in accordance with the requirements set for the election of NEA directors.

(ii) If, pursuant to Article V, Section 1 of the Constitution, the Representative Assembly elects one or more at-large ethnic minority, administrator, classroom teacher in higher education, or education

support professional directors, the Representative Assembly shall also elect one at-large alternate in a particular category to serve in an at-large director's place if he or she is unable to attend a meeting of the Board of Directors.

b. An alternate director shall be from the same education position, or at-large category, as the case may be, as the director who is replaced.

c. Alternate directors shall be certified to the NEA president in the same manner and at the same time as directors.

d. Prior to the opening of a Board meeting, the president of the state affiliate or the president of NEA-R or the chairperson of the NEA Advisory Committee of Student Members, or the president of NEA in the case of an at-large alternate director, may request that the alternate director be seated by the Board of Directors if the director is to be absent from that meeting. Alternate directors shall have the right to vote and otherwise participate and shall assume all rights and privileges of the director replaced until the meeting is adjourned, except that they may not be elected to positions filled by and from the Board.

e. An alternate director shall not be a delegate to the NEA Representative Assembly by virtue of his/her seating as an alternate director at any meeting of the Board of Directors.

f. An alternate director temporarily may fill a vacancy in the office of state, retired, student, or at-large director in accordance with requirements set forth in these Bylaws.

g. Service as an alternate director, whether prior to or following service as a state, at-large, student, or retired director, shall not be counted toward the two-term limit for any director position.

### **5-7. Functions.**

The Board—

a. Shall implement policies established by the Representative Assembly;

b. Shall determine the time and place of the Annual Meeting and, in the event of an emergency, shall have the power to postpone the Annual Meeting by a two-thirds (2/3) vote;

c. Shall provide for ethnic-minority representation on all committees over which it has direct control;

d. Shall establish procedures and/or requirements for affiliation consistent with the standards as set forth in these Bylaws;

e. May establish a committee to review and to recommend recognition or withdrawal of recognition of a Special Interest Group;

f. Shall receive all reports of the executive director, of the secretary-treasurer, and of committees, and shall transmit with its recommendations such reports as may be appropriate to the Representative Assembly;

g. May authorize, upon recommendation of the Executive Committee, the establishment of contractual relationships between the Association and nonaffiliated groups whose policies or practices are not discriminatory. Such relationships shall exist to promote specific mutual objectives. Each relationship shall be

reviewed at least annually to determine continuation;

h. Shall set the salaries of the executive officers except that the salaries shall not be increased or decreased during the terms of office for which these officers shall have been elected.

### **5-9. Fiscal Powers.**

In even-numbered years, the Board shall propose a budget for two (2) fiscal years to the Representative Assembly. The Board shall discharge such other fiscal responsibilities as the Representative Assembly may delegate to it.

### **5-11. Meetings.**

a. The Board shall meet four (4) times per year and at other times it deems necessary to conduct the business of the Association.

b. One (1) meeting shall be held in connection with the Annual Meeting.

c. The president or a majority of the members of the Board shall determine the time and place of meetings.

d. Due notice of all meetings shall be given.

e. The Board shall enact rules and procedures to govern the conduct of its meetings.

### **5-13. Recall.**

a. Six (6) months after assuming office, an NEA state director shall be subject to recall in accordance with the provisions of this Bylaw.

b. Recall proceedings shall be instituted by the filing of a recall petition with the NEA executive director. The recall

petition shall be in a form specified by the NEA and shall, among other things, contain (i) a statement of the specific grounds for the recall and (ii) the signatures of at least five (5) percent of the total number of NEA Active members in the state as of the close of the membership year immediately preceding the membership year in which the petition is filed where NEA directors are elected by all NEA Active members of the state, or signatures of at least thirty-three (33) percent of the NEA Active members who are elected to serve as delegates to the state representative body in the year in which the petition is filed where NEA directors are elected by such delegates.

c. The NEA executive director shall determine whether the recall petition complies with the Association's filing requirements. If it does, the NEA executive director shall send a copy of the recall petition, including any documents filed in support thereof, to the director named in the petition. If the director contends that the attempted recall is based upon actions taken by him/her in support of the Constitution, Bylaws, and/or established policies of the NEA, he/she may request a review by the NEA Executive Committee. If two-thirds (2/3) of the total membership of the NEA Executive Committee sustains the contention of the director, the recall petition shall be dismissed. If the NEA Executive Committee fails to sustain the contention of the director, or if a request for review is not made, the NEA executive director shall direct the relevant state affiliate to conduct a recall election.

d. A recall election shall be conducted in accordance with rules of procedure adopted by the NEA Board of Directors, provided that (i) where NEA directors are elected by the NEA Active members of the state, all NEA Active members in the state as of the date of the recall election shall be eligible to vote or, where NEA directors are elected by the state representative body, all NEA Active members who are elected to serve as delegates as of the date of the recall election shall be eligible to vote; (ii) the recall election shall be by secret ballot; and (iii) two-thirds (2/3) of the valid ballots cast shall be required for recall.

e. The pendency of recall proceedings shall have no effect upon the right of a director to function as a member of the NEA Board of Directors. If a director is recalled, the resulting vacancy shall be filled pursuant to Bylaw 5-3, provided that the recalled director shall not be eligible for appointment to the vacancy or such other vacancy as may occur in a director position from that state. The recall of a director shall not disqualify him/her from subsequent election to the NEA Board of Directors or other NEA office, nor shall it in any other way affect his/her rights as a member of the Association.

f. If a recall petition is filed when there is a pending NEA disciplinary proceeding against the director which could result in his/her removal from the NEA Board of Directors, the processing of the recall petition shall be stayed until the disciplinary proceeding is concluded.

g. The NEA Board of Directors shall adopt rules of procedure to implement the provisions of this Bylaw.

## **6. Executive Committee**

### **6-1. Election.**

a. The Executive Committee shall consist of nine (9) members: president, vice president, secretary-treasurer, and six (6) members elected at-large by the Representative Assembly. Two (2) of the six (6) at-large members shall be elected each year.

b. Nominations of candidates for any of the nine (9) positions on the Executive Committee shall be filed in writing with the NEA executive director no later than April 15 of the year in which the election is to take place. This deadline shall not apply to elections conducted to fill mid-term vacancies.

### **6-3. Vacancies.**

The Executive Committee shall be authorized to fill vacancies in its body until the next Representative Assembly.

In the event a vacancy occurs in the office of Executive Committee member within sixty (60) days prior to the start of the Representative Assembly, said vacancy shall be filled by direct election at the Representative Assembly.

### **6-5. Functions.**

The Executive Committee shall have the power to make decisions consistent with the provisions of the Association's Constitution and Bylaws and actions of the Representative Assembly;

a. Shall, upon recommendation of the executive director, approve or reject for cause applications for membership and make assignments to membership classes;

b. Shall charter affiliates pursuant to standards established by the Representative Assembly and requirements or procedures consistent with such standards which may be adopted by the Board of Directors;

c. Shall have the power to censure, suspend, or expel an affiliate pursuant to procedures adopted by the Board of Directors. An association may appeal such decision to the Board of Directors;

d. Shall have the power to reinstate an affiliate pursuant to procedures adopted by the Board of Directors;

e. Shall enter into contracts with state affiliates for dues transmittal as provided in Bylaw 2-9; and

f. Shall, upon recommendation of the executive director, approve or reject appointments of management personnel at the level of unit administrator or higher.

### **6-9. Fiscal Powers.**

The Executive Committee shall:

a. Administer the Capital Improvement Fund;

b. Appoint annually an independent auditing agency with the recommendation of the president and transmit the report of the auditing agency to the Board of Directors;

c. Direct that adequate bonds be required of the executive director, of the secretary-treasurer, and of such other individuals as it shall determine;

d. Discharge such other fiscal responsibilities as the Representative Assembly and/ or the Board of Directors may delegate to it.

## **6-11. Meetings.**

The Executive Committee shall enact rules and procedures to govern the conduct of its meetings.

## **7. Review Board**

### **7-1. Review Board.**

a. The Review Board shall comprise nine (9) members, at least two (2) of whom shall be members of ethnic-minority groups, appointed for five (5) year staggered terms beginning September 1. No person shall be eligible for reappointment to a regular term.

b. Members of the Review Board shall have been Active and/or Retired members of the Association for five (5) consecutive years immediately prior to appointment. Time spent by an Active member in the education support professional membership category shall be counted for purposes of the five (5) year requirement. Members of the Review Board shall maintain Active or Retired membership.

c. A member of the Review Board shall hold no elective or other appointive position in the Association or its affiliates.

d. No executive officer or director shall be appointed to the Review Board within three (3) years following separation from such office.

e. The Association shall reimburse a member of the Review Board for any (i) expenses incurred and (ii) salary lost from his/her employment as a professional educator or other primary employment as a result of the performance of official Association business. Except as provided

above, a member of the Review Board shall not accept an honorarium or any other payment from any source at the local, state, or national level of the Association.

f. The Review Board may assign less than a majority of its members to hear cases; however, a member so assigned shall not sit, should the Review Board hear the case on appeal.

g. The president annually shall select the chairperson with the advice and consent of the Board of Directors.

h. The Review Board shall have the discretionary authority, within its allocated budget, to employ consultants or legal counsel.

## **8. Affiliates and Special Interest Groups**

### **8-1. Affiliates.**

a. Affiliates of the Association shall be chartered by a majority vote of the Executive Committee.

b. Each affiliate shall conduct elections with open nominations and a secret ballot, except as may otherwise be provided in the Constitution, these Bylaws, or the Standing Rules. A secret ballot shall not be required in elections in which the number of candidates nominated does not exceed the number of positions to be filled.

### **8-3. Governance Affiliates.**

a. A local affiliate, the basic unit of self-governance within the Association, may be organized in a manner which comprises any compatible group, meeting at least the minimum standards of affiliation.

b. An organization shall not be eligible for Association affiliation as a dual-national local affiliate unless:

1. The organization is from a jurisdiction:

i. which, by operation of law, has been created by combining, in whole or in part, other jurisdictions in which both Association and American Federation of Teachers local affiliates had representational status; or

ii. in which the Association membership and the American Federation of Teachers membership were relatively equal (i.e., neither organization had more than sixty (60) percent of the combined membership); or

iii. in which, during the preceding six (6) years, both the Association local affiliate and the American Federation of Teachers local affiliate had been officially recognized as the employee representative; or

iv. in a state in which there is a dual-national state affiliate; and

2. The creation of the organization has been approved by at least a two-thirds (2/3) vote of the board of directors (or equivalent governing body) of the relevant state affiliate and by at least a two-thirds (2/3) vote of the board of directors (or equivalent governing body) of any pre-existing local affiliate of the Association that was a predecessor of the organization seeking to be a dual-national local affiliate.

c. A state affiliate shall be the association within each state or commonwealth and the associations representing the District of Columbia, Puerto Rico,

the Federal Education Association, and such other comparable associations that meet at least the minimum standards of affiliation.

### **8-5. Nongovernance Affiliates.**

a. A professional organization shall comprise at least seventy-five (75) percent Association members with a common occupation or subject matter assignment who are organized to further specific educational objectives. Such organization shall meet at least the minimum standards for nongovernance affiliation.

b. A nonprofessional organization shall be an auxiliary or service organization comprising at least seventy-five (75) percent Association members with a common interest or occupation. Such organization shall meet at least the minimum standards for nongovernance affiliation.

### **8-6. NEA-Retired.**

The NEA-Retired shall be an organization comprised solely of the Retired members of the Association. The president of NEA-Retired shall be chosen by the retired delegates to the NEA Representative Assembly.

### **8-7. Standards for Local Affiliates.**

The Association shall not affiliate a local association, including a dual-national local affiliate, unless it meets the following minimum standards:

a. Each affiliate shall apply the one-person–one-vote principle for representation on its governing bodies except that (i) the affiliate shall take such steps as are legally permissible to achieve ethnic-

minority representation at least proportionate to its ethnic-minority membership and (ii) the affiliate may adopt a provision in its governing documents that would permit that local to allocate a minimum of one (1) representative or delegate to members at each work site of a school district or higher education institution within the jurisdiction of the affiliate.

Where an all-inclusive affiliate exists, it shall provide proportionate representation between its nonsupervisor members and its supervisor members.

b. The affiliate shall conduct all elections with open nominations and a secret ballot.

c. The affiliate shall require membership in the Association and in its state affiliate where eligible.

If an affiliate enrolls education support professionals in any membership category and as a matter of policy seeks to recruit and represent such members, the affiliate (i) shall grant them full rights of participation and (ii) shall require them to be members of the Association and its state affiliate where eligible.

d. The affiliate is comprised predominantly of persons who are eligible for active membership (or the equivalently designated membership category) in the state affiliate, unless the state affiliate by action of its board of directors (or equivalent governing body) approves such affiliation. This requirement shall not apply to any local association that was an affiliate of the Association as of the effective date of this amendment.

e. The affiliate shall be reviewed by the Association to determine compliance

with minimum standards for affiliation at least once every five (5) years.

f. The affiliate shall have the same membership year as that of the Association.

g. The affiliate shall guarantee that no member of said affiliate may be censured, suspended, or expelled without a due process hearing, which shall include an appropriate appellate procedure.

h. The affiliate shall deny membership to an individual while said individual is denied membership in the Association pursuant to Bylaw 2-3.d.

### **8-9. Local Affiliation by State.**

A local association meeting the requirements for affiliation stipulated in the governing documents of the Association and of the state affiliate shall be granted affiliate status by the appropriate state affiliate.

### **8-11. Standards for State Affiliates.**

The Association shall not affiliate a state association, including a dual-national state affiliate, unless it meets the following minimum standards:

a. Each affiliate shall apply the one-person-one-vote principle for representation on its governing bodies except that the affiliate shall take such steps as are legally permissible to achieve ethnic-minority representation at least proportionate to its ethnic-minority membership.

A state delegate body may adopt a provision to the governing documents of the state affiliate that would permit that state to allocate a minimum of one delegate credential to each local affiliate.

Where an all-inclusive affiliate exists, it shall provide proportionate representation between its nonsupervisor members and its supervisor members.

The state affiliate shall designate at least one of its NEA state directors to serve on the board of directors (or equivalent governing body) of the state affiliate with full rights of participation.

b. The affiliate shall conduct elections with open nominations and a secret ballot. In considering an application for affiliation of an organization in New York as a dual-national state affiliate, the Executive Committee may waive the requirement for a secret ballot election of the affiliate's officers, provided that (i) in the membership year immediately preceding the effective date of merger, the active membership of the affiliate of the American Federation of Teachers was at least five (5) times the active membership of the affiliate of the Association, and (ii) the dual-national state affiliate has a procedure which allows local affiliates that wish to vote for officers of the dual-national state affiliate by a secret ballot to do so.

c. The affiliate shall require membership in the Association and in its local affiliate where eligible.

If an affiliate enrolls education support professionals in any membership category and as a matter of policy seeks to recruit and represent such members, the affiliate (i) shall grant them full rights of participation and (ii) shall require them to be members of the Association and its local affiliate where eligible.

The affiliate shall require Student membership in the Association for its

student members.

The affiliate shall require Retired membership in the Association for its retired members provided the affiliate has a membership category for retired members and provided the affiliate grants such members at least the right to serve as delegate to its delegate assembly or equivalent body and to be counted toward the representation entitlement for such body. Upon the vote of the board of directors or the equivalent governing body of the affiliate, this requirement shall not apply to persons who were retired members of the affiliate during the 1984–85 membership year if such members (i) had the aforesaid governance rights during the 1984–85 membership year or (ii) are granted the aforesaid governance rights subsequent to the 1984–85 membership year.

The affiliate shall require Substitute membership in the Association for its substitute members.

d. The affiliate shall have an end-of-year audit conducted by an independent certified public accounting firm in accordance with generally accepted auditing standards at least every other year, and an end-of-year audit review for any year in which an audit is not conducted. This audit or audit review shall be presented to the board of directors (or equivalent governing body) of the state affiliate, and a copy of the complete audit or audit review report (including the auditor's opinion letter and the financial statements and footnotes thereto), together with any management letter received from the auditor shall be provided to the Association within twenty (20) days after it is presented to the board

of directors of the state affiliate.

The affiliate shall submit a copy of its annual budget to the Association within twenty (20) days after it is adopted by the appropriate governing body of the state affiliate.

e. The affiliate shall have the same membership year as that of the Association.

f. The affiliate shall guarantee that no member of said affiliate may be censured, suspended, or expelled, and that none of its local affiliates may be censured, suspended, or disaffiliated, without a due process hearing, which shall include an appropriate appellate procedure.

g. The affiliate shall deny membership to an individual while said individual is denied membership in the Association pursuant to Bylaw 2-3.d.

h. The affiliate shall be reviewed by the Association to determine compliance with minimum standards for affiliation at least once every five (5) years.

## **8-12. Trusteeships over State Affiliates.**

a. The Association may establish a trusteeship over an affiliated state association for the purpose of (i) correcting corruption or financial malpractice or (ii) restoring democratic procedures.

b. If the Executive Committee determines, by a two-thirds (2/3) vote, that there is adequate cause under section (a) of this Bylaw to establish a trusteeship, it shall recommend to the Board of Directors that a trusteeship be established. As soon as possible after said vote, the president shall send to the Board of Directors a copy

of the recommendation of the Executive Committee, and shall include with said recommendation a written statement setting forth the basis for the Executive Committee's determination that there is adequate cause for the establishment of a trusteeship. The written statement shall be sufficiently specific so as to enable the state association to prepare a defense.

Any action taken by the state association to disaffiliate from the National Education Association after the Executive Committee has made an adequate-cause determination pursuant to section (b) of this Bylaw, or has established an immediate trusteeship pursuant to section (g) of this Bylaw, shall be of no effect.

c. A recommendation by the Executive Committee to establish a trusteeship shall be acted upon by the Board of Directors at its next regularly scheduled meeting or at a special meeting called for that purpose, occurring at least forty (40) days after the Board of Directors has received said recommendation.

At least thirty (30) days prior to the meeting of the Board of Directors at which the recommendation of the Executive Committee is to be acted upon, the president shall send to the state association a notice advising it of the recommendation of the Executive Committee and setting forth the date, time, and place of the meeting of the Board of Directors at which said recommendation shall be acted upon. The president shall include with said notice a copy of the written statement that was submitted to the Board of Directors pursuant to section (b) of this Bylaw and a copy of the rules and procedures that shall

be followed by the Board of Directors in acting upon the Executive Committee's recommendation.

A hearing shall be held before the Board of Directors, pursuant to rules and procedures adopted by the Board of Directors for such purpose to determine whether to establish a trusteeship. The Board of Directors may delegate to a committee consisting of not less than eleven (11) Board of Director members, none of whom may be members of the Executive Committee, the responsibility to receive evidence and hear arguments in the first instance, provided that the final decision regarding the establishment of a trusteeship shall be made by the full Board of Directors, and all interested parties shall have an adequate opportunity to present their views on the matter to the full Board of Directors before the final decision is made.

On the basis of the evidence and arguments presented at the hearing, the Board of Directors shall vote on the question of whether a trusteeship should be established.

If more than one-third (1/3) of the members of the Board of Directors who vote on the question vote "no," the recommendation of the Executive Committee shall have been rejected. If two-thirds (2/3) or more of the members of the Board of Directors who vote on the question vote "yes," the recommendation of the Executive Committee shall have been accepted, in which event a trusteeship shall be established over the state association as of the announcement of the vote. As soon as possible after said vote, the Executive Committee shall appoint a trustee.

d. Subject to the control and direction of the Executive Committee, a trustee shall have the power to:

(1) conduct the affairs of the state association, including supervisory control over its officers, employees and other representatives;

(2) take possession of the books, records, funds, and other assets of the state association, to be held in trust for and used only in the proper conduct of its affairs;

(3) remove officers and staff of the state association, and replace them if deemed appropriate for the duration of the trusteeship; and

(4) take such other actions as in a trustee's judgment are necessary for the preservation of the rights and interests of the National Education Association and the members of the state association.

The Executive Committee shall have the right, with or without cause, to replace a trustee at any time.

Reasonable expenses incurred by a trustee in the performance of his or her functions shall be paid out of the funds of the state association, if available; otherwise, such expenses shall be paid by the National Education Association.

e. The Executive Committee shall terminate a trusteeship as soon as the cause for its establishment has been remedied. If the Executive Committee rejects a request from the board of directors (or equivalent governing body) of a state association to terminate a trusteeship, the state association shall have the right to appeal to the NEA Board of Directors, provided that no such appeal may be taken within three (3) months after the

decision of the NEA Board of Directors on a prior appeal.

Prior to the termination of a trusteeship, a trustee shall conduct an election, in accordance with the applicable provisions of the governing documents and policies of the state association and the National Education Association to fill, as of the date of such termination, officer positions vacated by removal or departure of former incumbents. As of the date of termination of a trusteeship, a trustee shall return control of the books, records, funds, and other assets of the state association to its appropriate officers. A trustee shall make a final accounting of a trusteeship, and submit copies to the Board of Directors and the state association.

f. No financial obligation or liability of the state association which may exist at the time a trusteeship is established, or which may be incurred during a trusteeship, shall be assumed by or become an obligation of the National Education Association.

g. Subject to the provisions of Section (a) of this Bylaw, in case of emergency, where the best interests of the state association and the National Education Association require, the Executive Committee may, by unanimous vote of all members of the Executive Committee (excluding any member who is or was a member of the state association in question), establish an immediate trusteeship over the state association without action by the Board of Directors. In such a case, the matter shall be submitted to the Board of Directors, which may affirm or reverse the action of the Executive Committee pursuant to the procedure set forth in section (c) of this

Bylaw, provided that if the Board of Directors does not take action within sixty (60) days following establishment of a trusteeship by the Executive Committee, said trusteeship shall automatically terminate.

h. If the Board of Directors establishes a trusteeship or refuses to terminate an established trusteeship, the state association shall have the right to appeal to the Representative Assembly, provided that written notice of such appeal is filed with the president by at least ten (10) percent of the active members in good standing of the state association or by a three-fourths (3/4) vote of the highest governing body of the state association within forty-five (45) days after the decision of the Board of Directors is made known to the state association. The Representative Assembly shall rule on the appeal at its first meeting occurring after the president receives the written notice of appeal.

Pending an appeal to the Representative Assembly, the decision of the Board of Directors shall remain in full force and effect.

i. The Board of Directors shall adopt such rules and procedures as may be necessary to implement this Bylaw.

### **8-13. Standards for Nongovernance Affiliates.**

The Association shall not affiliate a nongovernance affiliate unless it meets the following minimum standards:

a. The affiliate shall have common interests with the Association;

b. The affiliate shall be a self-governing organization with governance

documents compatible with those of the Association;

c. At least seventy-five (75) percent of the members of the affiliate shall be members of the Association;

d. The affiliate shall comprise at least one hundred (100) members;

e. The affiliate may assess its own dues;

f. The affiliate shall not duplicate Association services; and

g. The affiliate shall have the same membership year as that of the Association.

#### **8-14. Standards for NEA-Retired.**

The NEA-Retired shall operate in accordance with its bylaws, which shall be compatible with the Constitution and Bylaws of the Association.

The NEA-Retired shall conduct all elections with open nominations and a secret ballot.

#### **8-15. Procedure for Affiliation.**

a. A group or unit seeking governance affiliation shall file a written application including copies of its governance documents with the Executive Committee.

b. A group or unit seeking nongovernance affiliation shall file a written application including copies of its governance documents with the Executive Committee.

The application shall be by petition signed by two hundred fifty (250) members of the Association from among at least twenty-five (25) state affiliates.

c. After action by the Executive Committee, the group or unit seeking

affiliation shall ratify the granting of affiliate status.

#### **8-17. Charter for Affiliation.**

a. The Association shall charter no more than one (1) local affiliate within the same jurisdictional boundaries, with the exception that local affiliates not competing for the same category of membership may be chartered. Where two (2) or more local affiliates of the same category of membership qualify for affiliation in the same jurisdictional boundaries, the Association shall charter the prospective local affiliate with the greater number of active members.

b. The Association shall charter no more than one (1) state affiliate within the same jurisdictional boundaries.

The Association and/or any successor organization shall not revoke the charter of, or take any other action against, an existing state affiliate for failure to merge or otherwise form a unified single state organization with an organization affiliated with the American Federation of Teachers (AFT) and/or the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO).

#### **8-19. Special Interest Groups.**

a. Any Special Interest Group may be recognized by a majority vote of the Board of Directors.

b. The terms and conditions of the relationship between the Association and the Special Interest Group shall be negotiated by the Board of Directors and the group seeking recognition.

## 8-20. Dual Affiliates.

Except as otherwise provided in Bylaw 8-17 of these Bylaws, the Association shall not create dual affiliates within the legal boundaries of any local, state, or other jurisdictional boundaries. Except for the association representing Association members in the District of Columbia, there shall be no affiliation of any association representing Association members only in a city as a separate state affiliate.

## 10. Executive Director and Staff

### 10-1. Executive Director.

The Executive Committee shall employ an executive director who shall be the Association staff member with primary responsibility for implementing the policies of the Association. The executive director shall be responsible to the Executive Committee.

### 10-3. Executive Director: Functions.

The executive director shall:

- a. Employ, direct, and supervise all Association staff. The employment of managerial personnel beginning at the level of unit administrator shall be with the approval of the Executive Committee;
- b. Serve as a consultant to the governing bodies of the Association;
- c. Advise the officers and governing bodies on all policy matters through appropriate reports and recommendations;
- d. Represent the Association as spokesperson on matters of established policy at the discretion of the president;
- e. Meet periodically with the president, the vice president, and appropriate

staff to confer on Association policies and procedures;

- f. Advise and assist the president, the secretary-treasurer, and the Committee on Program and Budget in preparing the budget, and administer the budgets authorized by the governing bodies of the Association;

- g. Co-sign with the secretary-treasurer all authorizations for disbursements from the Capital Improvement Fund;

- h. Co-sign and/or authorize a designee to co-sign with the secretary-treasurer or the designee of the secretary-treasurer all authorizations for disbursements from the General Fund;

- i. Notify state and local affiliates and other qualified organizations of the number of Representative Assembly delegates to which they are entitled;

- j. Furnish each member appropriate evidence of membership; and

- k. Perform such other duties as may be assigned by the Executive Committee.

### 10-5. Staff: Principles.

The following principles shall govern employment and functions of staff as agents of the Association:

- a. Full-time local, state, and national staff shall be eligible only for Staff membership and shall not hold elective or appointive positions at any level; part-time staff shall not be eligible to serve on the NEA Board of Directors or Executive Committee;

- b. The Association shall be an equal opportunity employer;

- c. The Association shall, as vacancies arise, employ at all levels of service at

least the same ratio of any ethnic minority as is that ethnic minority to the total population of the United States; and

d. The Association shall recognize the rights of its employees to organize for the purpose of collective bargaining.

## **11. General Finance**

### **11-1. Fiscal Year.**

The fiscal year of the Association shall be September 1 through August 31.

### **11-3. General Fund.**

a. The General Fund of the Association shall comprise all income received in the form of dues, interest, dividends, fees, earnings from advertising, sales of Association publications, payments for services, and funds received by gift, bequest, devise, or transfer to the Association which are not specifically designated for deposit in the Capital Improvement Fund.

b. All operating accounts and debt services shall be paid out of the General Fund.

c. If at the end of the fiscal year the audited General Fund balance is less than ten (10) percent of that year's budget, subsequent budgets must include an appropriation equal to one (1) percent of the current year's budget or the amount necessary to bring the General Fund up to ten (10) percent of the prior year's budget, whichever is less. The Representative Assembly may approve a budget without the required appropriation only by a two-thirds (2/3) vote. The Board of Directors may make appropriations which reduce

the General Fund balance to less than ten (10) percent of the prior year's budget only by a two-thirds (2/3) vote of the Board and only when the Board has received a thirty (30) day notice of the proposed appropriation.

d. Disbursements from the General Fund shall be by check or by similar written orders to depositories, co-signed by the secretary-treasurer and by the executive director or by their designees.

### **11-5. Capital Improvement Fund.**

a. The Capital Improvement Fund shall comprise the properties and permanent investments of the Association, and other funds or properties received by gift, devise, bequest, or transfer for deposit in this fund.

b. Disbursement from the Capital Improvement Fund to acquire new properties or to provide for major long-term improvements in existing properties shall be authorized by a two-thirds (2/3) vote of the Board of Directors. Expenditures from this fund for any other purpose shall be authorized by a two-thirds (2/3) vote of the Representative Assembly.

c. Investment policies for the General Fund and for the Capital Improvement Fund shall be established by the Board of Directors.

d. Disbursements from the Capital Improvement Fund shall be by check or by similar written orders to depositories, cosigned by the secretary-treasurer and by the executive director or by their designees.

### **11-7. Committee on Program and Budget.**

The Committee on Program and Budget shall comprise seven (7) members whose function shall be to prepare with the president, the secretary-treasurer, and the executive director the biennial budget. The vice president and the secretary-treasurer shall be members during their terms of office. The Board of Directors shall elect at its first meeting following September 1 five (5) of its members for staggered two (2) year terms. Members from ethnic minorities shall comprise at least twenty (20) percent of the committee. The Board shall elect additional members as appropriate to assure such ethnic-minority representation. A member elected by the Board of Directors shall serve only while a member of the Board. The secretary-treasurer shall serve as chairperson.

### **11-9. Budget.**

a. The budget of the Association shall be designed to achieve the goals and objectives of the Association.

b. The president, with the secretary-treasurer, the executive director, and the Committee on Program and Budget, shall prepare the proposed budget for presentation to the Executive Committee for review prior to its transmittal to the Board of Directors. In even-numbered years the budget shall be recommended to the Board of Directors at least forty-five (45) days prior to the Annual Meeting. After reviewing and tentatively approving the budget, the Board shall direct its printing. The budget shall then be transmitted not later than thirty (30) days prior to the Annual

Meeting to the presidents of state and local affiliates and to others as determined by the Board of Directors. The Committee on Program and Budget shall hold at least one (1) open hearing on the proposed budget at the Annual Meeting. The delegates may give input and make recommendations to the committee for changes in the proposed budget. The Committee on Program and Budget shall meet following the hearings to consider any change which it may wish to make prior to final action by the Board of Directors. Following such open hearings, the Board shall meet to approve the budget for transmittal to the Representative Assembly.

c. The budget shall include an appropriation for contingencies of no less than one million dollars (\$1 million) and no more than one (1) percent of the budget.

d. Financial participation by the Association in activities of Special Interest Groups shall be limited to funds for projects or for short-term, special program contracts authorized in the budget.

e. In the second year of a biennial budget, adjustments as deemed necessary shall be recommended by the Board of Directors at a meeting held at least forty-five (45) days prior to the Annual Meeting and reported to the Representative Assembly. The Representative Assembly shall receive and act on the modifications recommended by the Board of Directors.

### **11-11. Financial Reports.**

The secretary-treasurer shall prepare an annual report of the General Fund and the Capital Improvement Fund, including income and expenditures for the fiscal year.

The audit report received by the Executive Committee shall be transmitted to the Board of Directors and printed in the annual financial reports to the Representative Assembly. A summary of the audit shall be printed in a publication distributed to all members.

## 12. Definitions

### 12-1. Definitions of Terms.

As used in the Charter, the Constitution, these Bylaws, and the Standing Rules, the Association adopts and adheres to the following definitions of terms:

a. State affiliate: (i) State affiliate shall mean the association within each state or commonwealth and associations representing the District of Columbia, Puerto Rico, the Federal Education Association, and such other comparable associations which meet at least the minimum standards of affiliation. (ii) Dual-national state affiliate shall mean a state affiliate of the Association that is also a state affiliate of the American Federation of Teachers.

b. Dual-national local affiliate shall mean a local affiliate of the Association that also is a local affiliate of the American Federation of Teachers.

c. State director: State director shall mean a member of the NEA Board of Directors elected to represent Active members in a state, the District of Columbia, Puerto Rico, or the jurisdiction of the Federal Education Association.

d. Classroom teacher: Classroom teacher shall mean any person who is certified, where required, and a major part of whose time is spent in direct contact with

students or who performs allied work which results in placement of the person on a local salary schedule for teachers.

e. Education position: Education position shall mean the following two categories: Category 1 shall include NEA Active members who are not supervisors; and category 2 shall include NEA Active members who are supervisors, NEA retired Life members, NEA staff Life members, and NEA Active members for life who are past presidents of the Association and who do not meet the requirements for membership set forth in Bylaw 2-1.b.

f. Supervisor and administrator: Supervisor and administrator shall mean any person who has continuing authority to hire, evaluate, transfer, discipline, dismiss, or otherwise direct employees or to effectively recommend any of the aforesaid actions. A person shall not be deemed a supervisor or administrator: (i) if the exercise of such authority is routine or clerical in nature and does not call for the exercise of independent judgment; (ii) solely because of the authority that he or she exercises in regard to a secretary, aide, or other employee specifically assigned to assist him or her; or (iii) solely because he or she participates in a peer review program or other program which involves said person on an occasional basis in the evaluation of employees.

g. Ex officio: Ex officio shall mean by virtue of office. This designation shall carry with it the right to vote except as otherwise provided.

h. Ethnic minority: Ethnic minority shall mean those persons designated as ethnic minority by statistics published by

the United States Bureau of the Census. This designation shall specifically include American Indian/Alaska Native, Asian, Native Hawaiian or other Pacific Islander, Black, and Hispanic.

## **13. Parliamentary Authority**

### **13-1. Robert's Rules of Order Newly Revised.**

The most recent edition of *Robert's Rules of Order Newly Revised* shall be the authority in all matters of procedure at the NEA Representative Assembly and in the election of NEA directors and delegates to the NEA Representative Assembly,

except as otherwise specified in the Charter, the Constitution, these Bylaws, or the Standing Rules.

### **13-2. Parliamentary Procedures for Affiliates.**

An affiliate shall officially adopt any published parliamentary authority and may adopt special rules which supplement or substitute for that parliamentary authority provided that such procedures do not conflict with the Charter, the Constitution, these Bylaws, or the Standing Rules as these documents may be interpreted by the Representative Assembly, Board of Directors, or Executive Committee.



# Standing Rules of the National Education Association of the United States

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## Rule 1. Credentials Committee

**A. Composition.** The President shall appoint a chairperson and four (4) members of the Credentials Committee for rotating terms of three (3) years. The appointments shall be with the advice and consent of the Board of Directors. No individual shall serve more than two (2) terms as a member of the Credentials Committee.

**B. Duties.** The committee shall be responsible for the supervision of the accreditation and registration of delegates to the Representative Assembly. Any complaint or question regarding the issuance of credentials shall be submitted in writing to the committee no later than June 1. After June 1, the committee shall not entertain a challenge if it is based on information that was known or that reasonably should have been known prior to that date.

The chairperson of the Credentials Committee shall give a preliminary report at the first meeting of the Representative Assembly. The preliminary report shall include information concerning compliance with all requirements required of delegations. Noncompliance by delegations will be specifically noted and reported. A final report will be given when the registration is complete.

The seating of a delegate, or delegates, may be challenged by means of a motion to amend such report. The action of the Representative Assembly, which has jurisdiction over the seating of its delegates, shall be final.

## Rule 2. Certification of Delegates

**A. Delegate Allocations.** The Executive Director shall notify state and local affiliates, and other qualified organizations, of the number of delegates to which they are entitled after January 15 and no later than February 15 of the calendar year in which the Representative Assembly convenes. State affiliates shall be notified of the number of student delegates to which they are entitled after March 15 and no later than April 1.

**B. Verification of Eligibility.** The president of each local affiliate to which delegates have been allocated shall forward to the state affiliate by April 10 a certificate of eligibility for each local delegate and the term for which the delegate was elected on a form provided by the NEA.

By May 15, the president of each state affiliate shall forward to the NEA Executive Director a certificate of eligibility for each state association delegate

and for each delegate elected pursuant to Bylaws 3-1.d, e, h, and i in that state, when appropriate, and the term for which the delegate was elected on a form provided by the NEA. The person designated by the President of the NEA to certify delegates pursuant to Bylaw 3-1.f. shall certify each school nurse delegate and the term for which the delegate was elected on a form provided by the NEA. Once certified, the delegate shall remain certified until the expiration of said delegate's term to fulfill such duties of a delegate as are appropriate between Annual Meetings.

Upon verification of eligibility, the Executive Director shall forward such material as to allow the delegate to effect registration, voting, and official seating.

**C. Vacancies.** The organization to which delegates have been allocated shall be responsible for filling vacancies that may occur when a delegate does not fulfill the term for which elected. The filling of vacancies must comply with the requirements of the Constitution and Bylaws for the election of delegates.

Successor delegates to fill possible vacancies should be elected at the same time delegates are elected. Those persons filing delegate lists under the provision of B above shall file with the Executive Director, by May 15, lists of successor delegates that may have been elected, and a certificate of eligibility of each such successor delegate. Only those members who are so certified shall be eligible to serve as successor delegates.

A successor delegate shall serve for the remainder of the term of the delegate

in whose place the successor delegate is serving. However, if a delegate is unable to attend one or more Annual Meetings by reason of uncontrollable circumstances, that delegate may resume service in the term of office to which the delegate was elected, commencing at the next Annual Meeting, provided that the delegate has submitted a statement to the Credentials Committee (no later than January 15 immediately preceding the Annual Meeting at which the delegate wishes to resume office) certifying that the delegate wishes to resume office and was unable to attend by reason of uncontrollable circumstances and the Credentials Committee concurs that such reason does in fact exist.

If a registered delegate leaves the Representative Assembly for an emergency reason, the elected successor delegate may be registered as a voting delegate during the absence of the originally registered delegate. A successor delegate registered in accordance with this provision shall be credentialed to serve as a voting delegate only until the adjournment of the Representative Assembly.

### Rule 3. Registration

**A.** Registration materials shall be sent by mail to all delegates prior to the time of the Annual Meeting.

**B.** Registration of delegates, successor delegates, nondelegate members, and guests shall begin on the first day of the Annual Meeting. Registration of delegates and successor delegates shall be completed on the day prior to the first

business meeting of the Representative Assembly.

**C.** Successor delegates filling vacancies shall present at registration the permanent credential originally sent to the delegate the successor is replacing and a signed statement from the person filing the original and successor delegate lists under the provision of Rule 2.B identifying the delegate to be replaced.

**D.** Members other than delegates shall present evidence of membership and shall be given appropriate badges. Guests shall also be given appropriate badges.

**E.** Registration for the Annual Meeting shall be under the supervision of the Credentials Committee. Appeals shall be made to the same committee.

## **Rule 4. Seating Arrangements**

**A.** Meetings of the Representative Assembly shall be open to members of the Association insofar as seating arrangements permit.

**B.** The auditorium seating plan shall be arranged to provide sections for delegates, nondelegate members, guests, and staff.

**C.** Admittance to the auditorium shall be by badge. The type of badge will determine admittance to the proper section.

**D.** Members of the news media shall be given an appropriate badge and admitted to the area reserved for their use.

**E.** Staff members who need access to the floor of the Assembly shall wear an appropriate badge and an “official” ribbon. Staff members of state and local affiliates shall, upon designation by the chairperson of the delegation, be permitted to be seated in the section with their delegation.

**F.** The chairperson and members of each delegation shall assume responsibility for permitting only certified delegates and designated staff to sit in their section.

## **Rule 5. State Delegations**

**A.** The first meeting of state delegations shall take place before the first business meeting of the Representative Assembly with all accredited delegates duly notified.

**B.** Each delegation shall elect a chairperson and vice chairperson at its first meeting during the Annual Meeting unless previously elected by the NEA members within the state or the state representative assembly or the state’s NEA Representative Assembly delegates at the state association’s first caucus session prior to the Annual Meeting. The form certifying the election of the chairperson and vice chairperson shall be submitted to the Committee on Constitution, Bylaws, and Rules by the close of the first business meeting of the Representative Assembly.

**C.** Meetings of state delegations shall be governed by Robert’s Rules of Order Newly Revised or such other officially recognized parliamentary authority as the state delegation may recognize.

**D.** The chairperson of each state delegation, or the chairperson's authorized deputy, shall serve as spokesperson for the delegation on the floor of the Representative Assembly. Except when authorized, other members of the delegation may speak only as individuals in the Representative Assembly.

**E.** No state delegation shall vote by unit rule in the Representative Assembly. Each individual delegate shall have one (1) vote.

**F.** If a roll call of state delegations is made in the Representative Assembly, the chairperson of each state delegation shall be responsible for taking an accurate poll of delegates present at the time of the vote and for transmitting a report to the Committee on Constitution, Bylaws, and Rules.

## **Rule 6. Order of Business and Debate**

**A.** The adoption of the order of business of the Representative Assembly shall be the first item of business at the first business meeting of the Assembly.

**B.** The annual session of the Representative Assembly shall be conducted in accordance with provisions of the NEA Constitution, Bylaws, and these Standing Rules. Matters not specifically governed in these documents shall be governed by *Robert's Rules of Order Newly Revised*.

**C.** There shall be an official parliamentarian, to whom questions may be directed only through the presiding officer. If deemed advisable by the presiding officer, a question may be referred to the Committee on Constitution, Bylaws, and Rules for an advisory interpretation. The presiding officer rules; the parliamentarian and Committee on Constitution, Bylaws, and Rules may advise.

**D.** The content of debate on any items for debate shall be displayed on all available screens, including projection screens, by real-time captioning.

**E.** Any delegate who is recognized by the chair shall give his/her name and state, and shall indicate whether speaking as an individual or as spokesperson for the state delegation or the NEA Board of Directors before speaking to a point under discussion. No member shall speak and/or be recognized in debate more than twice to the same question during the same meeting, nor longer than two (2) minutes at one time if speaking as an individual or three (3) minutes at one time if speaking for the delegation or the NEA Board of Directors, unless permission is granted by majority vote of the Representative Assembly.

With the consent of the Representative Assembly, an NEA member who is not a delegate may address the Assembly.

**F.** A member may yield the microphone or speaking time to another delegate only for the unused portion of his/her allotted time.

**G.** No member speaking on a question may move the previous question.

**H.** A motion to move the previous question shall apply to no more than the single question immediately before the Representative Assembly.

**I.** The motion to amend by substitution shall be treated as the motion to amend.

**J.** A roll call vote (the counting of delegates by state delegations) shall be taken only after approval, by a standing vote, of one-third (1/3) of the delegates present. The doors shall be closed while a count is being taken. Supervision and counting of roll call votes shall be in the charge of the Committee on Constitution, Bylaws, and Rules.

**K.** The Committee on Constitution, Bylaws, and Rules shall supervise the submission and processing of items of new business and amendments to the Legislative Program. The committee shall determine which are items of new business, which are legislative amendments, and which are resolutions. The adoption of a new business item shall not include approval of any appropriations.

**L.** New business relating to substantive policies or programs for the Association shall be specific in nature and terminal in application.

New business items submitted prior to May 1 shall be sent to the president and executive director of each state affiliate as soon as possible. Those items submitted

after May 1 but prior to June 15 shall be included in the delegate packets given to delegates at registration.

New business items shall be submitted to the Committee on Constitution, Bylaws, and Rules no later than 12 noon on the second day of the Representative Assembly and shall be submitted (1) by petition of at least fifty (50) delegates, (2) by a majority vote of those present and voting at a state delegation at a regularly called meeting of the delegation in connection with the Annual Meeting, (3) by a governance body of the NEA or a state or local affiliate, or (4) by the Committee on Constitution, Bylaws, and Rules pursuant to Rule 10.G. The material shall be made available to the chairperson of each delegation on the following morning prior to the beginning of the Representative Assembly. Such material shall include a brief written rationale for each new business item.

Each new business item shall be printed accompanied by the name of the submitting NEA, state, or local group and shall be accompanied by the name and state of the contact person. Any new business item that contains an acronym or abbreviated term shall include the complete name for the acronym followed by the acronym in parentheses when it is first used in that new business item.

Items of new business submitted in accordance with this section shall be the first business item at all business meetings except the first business meeting of the Representative Assembly. These new business items shall be considered for at least one hour at the second business

meeting and for at least 90 minutes at each subsequent meeting.

When a new business item is submitted and the concept or action is being implemented or duplicates previous new business item positions approved by the Representative Assembly, the maker of the motion shall be advised where the duplication exists prior to the introduction on the floor of the Representative Assembly. The decision to submit or withdraw the new business item shall remain with the maker of the motion.

**M.** Any new business item relating to federal legislation for the consideration of the Representative Assembly shall be treated as an amendment to the Legislative Program and shall be marked in the order received as legislative amendment 1, 2, and so forth. Legislative amendments shall be considered as amendments to the main motion on the Legislative Program and shall be discussed at the time that the Representative Assembly acts on the Legislative Program.

Legislative amendments submitted prior to May 1 shall be sent to the president and executive director of each state affiliate as soon as possible. Those amendments submitted after May 1 but prior to June 15 shall be included in the delegate packets given to delegates at registration.

Legislative amendments shall be submitted to the Committee on Constitution, Bylaws, and Rules no later than 12 noon on the second day of the Representative Assembly and shall be submitted (1) by petition of at least fifty (50) delegates, (2) by a majority vote of those present and

voting at a state delegation at a regularly called meeting of the delegation in connection with the Annual Meeting, or (3) by a governance body of a state or local affiliate. The material shall be made available to the chairperson of each delegation on the following morning prior to the beginning of the Representative Assembly. Such material shall include a brief written rationale for each legislative amendment.

Each legislative amendment shall be printed accompanied by the name of the submitting state or local group and shall be accompanied by the name and state of the contact person.

**N.** New business of the Association presented at the direction of the Board of Directors may be debated and acted upon at any business meeting of the Representative Assembly.

**O.** New business relating to a boycott or sanction shall be referred to the Executive Committee. Prior to further action, NEA shall communicate with the state affiliate and local affiliate in which the affected company headquarters, organization, or governmental entity is located.

Affected state affiliates that do not concur with the recommendations of the Executive Committee regarding a boycott will be allowed to file a rebuttal position paper that will be circulated to the Board of Directors together with the report of the Executive Committee. Further, the state president of any affected affiliate will be allowed time to address the Board of Directors before a vote is taken.

The Board of Directors shall act on the report of the Executive Committee or transmit it to the Representative Assembly. In making such referral, the Representative Assembly may take a position for or against the action proposed in the new business item. The Board shall implement this position unless, after consideration of legal and other relevant factors, it deems by two-thirds (2/3) vote that such implementation would not be in the best interest of the Association. If the Representative Assembly takes a position on the new business item, the Board of Directors shall act on it at its initial meeting of the new fiscal year. Information and rationale regarding the boycott or sanction shall be provided to the affected affiliate(s) prior to public notification.

**P.** A five (5) member committee shall be established to review new business items prior to and during the Representative Assembly. The committee shall consist of the secretary-treasurer, one (1) member of the Board of Directors elected by and from the Board, and three (3) delegates to the Representative Assembly appointed by the President. The committee shall review each new business item submitted and, without changing or eliminating any, shall (1) make a preliminary estimate of the cost of each item and (2) determine whether the item is covered in the program budget.

**Q.** A new business item adopted by a Representative Assembly shall remain in effect (1) until a specified expiration date, or (2) until it is implemented, or

(3) until it is rescinded by a subsequent Representative Assembly.

**R.** The text of a new business item adopted by a Representative Assembly may be edited with the approval of the President provided no substantive changes are made and the final text is approved in writing by the mover and the seconder. During the program year of implementation, the mover of a new business item adopted by the Representative Assembly shall be advised about the steps being undertaken to accomplish its implementation.

**S.** At the request of the presiding officer and/or a majority of the delegates, any amendment or main motion shall be in writing.

**T.** Any person, chairperson, or member who is presenting a committee report shall not speak more than five (5) minutes unless permission is granted by majority vote of the Representative Assembly.

**U.** The object to consideration motion shall be in order only immediately after the maker of the motion has had the opportunity to speak to it.

**V.** The vote on a motion to refer shall be in order only after the maker of the original motion has been given the opportunity to speak to the referral.

**W.** Any proposed new business item that impacts the planning and organizing of an annual regional conference shall automatically be forwarded to the appropriate

conference planning committee for consideration. The planning committee shall not be required to implement the new business item.

New business items which impact the conduct of subsequent Annual Meetings shall be processed as follows:

1. If the Representative Assembly rejects the new business item, no further action shall be taken.

2. If the Representative Assembly adopts the new business item, it shall be referred to the Annual Meeting Review Committee. The Annual Meeting Review Committee shall implement the new business item, unless, after consideration of legal, financial, and other relevant factors, it concludes that such implementation would not be in the best interest of the Association. In that event, the Annual Meeting Review Committee shall make a recommendation to the Board of Directors regarding implementation of the new business item at or before the Board's February meeting, and the Board shall take such action as it deems appropriate. The action taken by the Board with regard to the new business item shall be reported to the next Representative Assembly, and the Representative Assembly shall take such action as it deems appropriate.

3. If the Representative Assembly refers the new business item to the Annual Meeting Review Committee without taking a position for or against the new business item, the Annual Meeting Review Committee shall assess the new business item. Following such assessment, the Annual Meeting Review Committee shall make a recommendation to the

Board of Directors regarding implementation at or before the Board's February meeting, and the Board shall take such action as it deems appropriate. The action taken by the Board with regard to the new business item shall be reported to the next Representative Assembly, and the Representative Assembly shall take such action as it deems appropriate.

## **Rule 7. Reports**

**A. Availability.** Copies of each report by a committee of the Association or of the Representative Assembly shall be made available to each member of the Assembly before or at the time of the presentation of such report.

**B. Action.** The adoption or acceptance of committee reports does not include approval of any requested appropriation.

**C. Report of the Committee on Program and Budget.** Appropriation requests shall be considered by the Representative Assembly at the time of the adoption of the budget. The adoption of the budget shall be by vote of the Representative Assembly after consideration of all new business items.

**D. Report Format.** Reports of committees shall be in a format, prescribed by the President, which provides for a separation of explanatory, background, or introductory report information from any recommendations the Assembly is to act upon.

## Rule 8. Length of Remarks

Except for the keynote address by the President of the Association, and any address by the President of the United States, speakers delivering prepared speeches to the Representative Assembly should be advised that their remarks should be limited to 15 minutes.

## Rule 9. Policy Statements

**A. Purpose.** A policy statement shall set forth NEA's positions with regard to a particular subject, and may include expressions of opinion, intent, or belief; may call for actions that are specific in nature and terminal in application; and may indicate support for or opposition to federal legislation.

**B. Submission and Consideration of Proposed Policy Statements.** A proposed policy statement may be submitted to the Representative Assembly only by the Board of Directors. The proposed policy statement, together with the committee report upon which it is based, shall be sent to delegates in the advance mailing for the Annual Meeting. Committee reports, including proposed policy statements and other recommendations, shall be sent to the Committee on Legislation and the Resolutions Committee at the same time they are sent to the Board of Directors.

A proposed policy statement shall be presented to the Representative Assembly for consideration at the time designated in the official program.

**C. Effect of Adopted Policy Statements.** If a policy statement is adopted by the Representative Assembly, any resolution, new business item, or provision in the Legislative Program that deals with the subject addressed in the policy statement shall be editorially changed to accommodate the positions taken in the policy statement. Any resolution, new business item, or provision in the Legislative Program that deals with a subject addressed in an adopted policy statement shall be accompanied by a notation indicating that NEA's position with regard to the subject in question is set forth in full in the policy statement and that the policy statement is controlling and supersedes all other NEA pronouncements dealing with that subject.

An adopted policy statement shall continue in force unless and until further action is taken with regard to that policy statement by a subsequent Representative Assembly.

**D. Amending Adopted and Proposed Policy Statements.** The Executive Committee shall review all adopted policy statements each year to assure that they continue to serve the contemporary needs and interests of NEA. In conducting this review, the Executive Committee may seek input from NEA members, affiliates, and constituency groups.

The Executive Committee shall report the results of its review, including any recommendations that the Executive Committee may wish to make for amending the adopted policy statements, to the

Board of Directors at the Board's May meeting. Any amendments to the adopted policy statements approved by the Board of Directors shall be submitted to the Representative Assembly for action. The Committee on Legislation and the Resolutions Committee shall submit to the Board of Directors in advance of the Board's May meeting any proposed amendments to adopted or proposed policy statements adopted pursuant to their regular committee work, including regular open hearings at which members of the Association may submit proposed amendments to policy statements.

A Preliminary Report on Policy Statements, including a copy of all adopted and proposed policy statements, including any amendments approved by the Board of Directors for submission to the Representative Assembly, shall be sent to delegates in the advance mailing for the Annual Meeting.

Amendments to adopted and proposed policy statements may be submitted to the Committee on Constitution, Bylaws, and Standing Rules after the opening of the Representative Assembly until noon on the second day of the Representative Assembly by (1) petition of at least fifty (50) delegates, (2) a majority vote of those present and voting at a state delegation at a regularly called meeting of the delegation in connection with the Annual Meeting, (3) a governance body of a state or local affiliate, or (4) the Committee on Legislation and the Resolutions Committee. These amendments will be distributed in writing to the delegates prior to consideration of policy statements

by the Representative Assembly.

If a new business item, an amendment to the Legislative Program, or an amendment to a resolution that is submitted to the Committee on Constitution, Bylaws, and Standing Rules would have the effect of changing a position taken in an adopted or a proposed policy statement, the Committee shall treat the submission as an amendment to the policy statement, and it shall be acted upon when policy statements are being considered by the Representative Assembly.

Amendments to adopted and proposed policy statements shall be considered by the Representative Assembly at the time designated in the official program. The Representative Assembly shall deal with proposed policy statements first, and then shall deal with amendments to adopted policy statements. In this latter regard, the Representative Assembly shall deal with each adopted policy statement separately, acting first on any amendments to the policy statement in question submitted by the Board of Directors, and then acting on any other amendments to that policy statement.

### **Rule 10. Definition of Resolutions, Committee, and Procedure**

**A. Definitions of Resolutions.** Resolutions are formal expressions of opinion, intent, belief, or position of the Association. They shall set forth general concepts in clear, concise language, shall be broad in nature, shall state the positions of the Association positively and

without ambiguity, and shall be consistent with the goals of the Association as stated in the Preamble of the Constitution.

**B. Composition of Resolutions Committee.** The Resolutions Committee shall consist of an Internal Editing Committee of five (5) members and at least as many additional members from each state affiliate as the affiliate has NEA state directors, from among the retired delegates to the NEA Representative Assembly as the Retired members have NEA directors, and from among the Student members of the Association as the Student members have NEA directors.\* The chairperson, vice chairperson, and secretary of the Internal Editing Committee shall serve as chairperson, vice chairperson, and secretary of the full Resolutions Committee.

**C. Internal Editing Committee.** The Internal Editing Committee shall be appointed by the president with the advice and consent of the Board of Directors for rotating terms of three (3) years. No person shall serve more than two (2) terms as a member of the Internal Editing Committee. The President shall annually appoint a chairperson from the Internal Editing Committee. Members of the Internal Editing Committee shall serve at the pleasure of the President. The Internal Editing Committee shall select

annually a vice chairperson and a secretary from among its own membership. It shall meet prior to the opening meeting of the Representative Assembly to draft proposed resolutions.

The functions of this committee shall be:

1. To submit verbatim to the Resolutions Committee the resolutions adopted by the previous Representative Assembly. Changes or amendments to these resolutions may be offered by this committee. Such changes will appear separately, attached to the original resolution.

2. To collect and categorize new resolutions. If clarification of a resolution seems necessary, the committee may make such changes.

The committee shall synthesize related resolutions into a common resolution where possible.

In the event of either of the above procedures, the committee will send the final resolution plus all resolutions from which it was prepared to the Resolutions Committee and the original drafter(s).

Controversial issues may have more than one (1) resolution sent to the full Resolutions Committee.

3. To draft new proposed resolutions.
4. To apply the definition of resolution set forth in A above to proposed amendments to resolutions and to new resolutions.

5. To review regularly the adopted resolutions of the Association to assure, among other things, their timeliness and internal consistency. The committee shall report its recommendations to the full Resolutions Committee for action.

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\*The Retired members are entitled to six (6) Resolutions Committee members and alternates and Student members to three (3) Resolutions Committee members and alternates.

6. To make such changes in the adopted resolutions of the Association as may be necessary to accommodate the positions taken in policy statements adopted by the Representative Assembly. Such changes shall be made promptly after the policy statements have been adopted and shall be reported to the Resolutions Committee for information at its winter meeting.

**D. State, Retired, Student, and At-Large Members.** The registered delegates to the Representative Assembly from each state shall elect as many members and alternates to the Resolutions Committee from among the state and local delegates in the state delegation as each state has NEA state directors. The retired delegates to the NEA Representative Assembly shall elect as many members and alternates to the Resolutions Committee from among the retired delegates as the number of retired directors. The student delegates to the NEA Representative Assembly shall elect as many members and alternates to the Resolutions Committee as the number of student directors.\* Nominations of student members to the Resolutions Committee shall be open to all eligible NEA student members.

The terms of members of the Resolutions Committee shall commence September 1. The terms of state, at-large, and retired members of the Resolutions Committee shall be for one (1) year, two

(2) years, or three (3) years, and no person shall serve more than six (6) years as a state member, as an at-large member, or as a retired member. The terms of student members of the Resolutions Committee shall be for one (1) year, and no person shall serve more than two (2) terms as a student member. Service as a Resolutions Committee member prior to September 1, 2008, shall count toward the six (6) year and two (2) year term limits. A state, at-large, or retired member of the Resolutions Committee shall immediately relinquish his or her position when such member ceases to be a delegate to the NEA Representative Assembly.

Elections shall be by secret ballot. Voting shall be by those delegates present and shall take place at the third business meeting of the state delegations and by the retired and student delegates at the time and place designated in the annual program by the President of the Association except as may otherwise be approved in advance by the Committee on Constitution, Bylaws, and Rules. If the number of candidates for Resolutions Committee positions is equal to or less than the number of positions to be filled, elections may be waived, and the candidates declared elected to the positions in question. The report of election results shall be submitted on the proper form to the Committee on Constitution, Bylaws, and Rules before the close of the fifth business meeting of the Representative Assembly.

A challenge to the election of a Resolutions Committee member shall be made to the Committee on Constitution, Bylaws, and Rules within twenty-four

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\*The Retired members are entitled to six (6) Resolutions Committee members and alternates and Student members to three (3) Resolutions Committee members and alternates.

(24) hours after the challenger knew or reasonably should have known the basis for the challenge.

The procedure for filling vacancies on the Resolutions Committee between meetings of the Representative Assembly shall be as follows: If the number of vacancies exceeds the number of alternates elected to fill vacancies, additional alternates shall be appointed by the governing board of the state affiliate or by the NEA Advisory Committee of Student Members, if feasible, or appointed by the president of the state affiliate or the chairperson of the NEA Advisory Committee of Student Members. Retired member vacancies shall be filled as provided in the bylaws of NEA-Retired.

The members elected from each state shall meet the requirements set forth in Article V, Section 1(a). Nominations of such state members shall be open except where limitations are required to comply with the provisions of Article V, Section 1(a). In the event that the first three (3) members from a state or the first three (3) retired members do not include at least one (1) ethnic minority, the fourth member shall be from an ethnic-minority group.

At-large members of the Resolutions Committee shall be appointed by the President as may be necessary to assure compliance with the requirements set forth in Article V, Section 1(d), (e), and (f) and that ethnic minorities comprise at least twenty (20) percent of the committee.

A member of the Resolutions Committee shall immediately relinquish the

position held on the Resolutions Committee when such member ceases to be employed in the category represented.

**E. Duties.** The Resolutions Committee shall prepare and present to the Representative Assembly proposed resolutions for adoption. Proposed resolutions shall be printed and made available to delegates before action is scheduled thereon by the Representative Assembly. The form and text of each resolution shall be approved by the majority vote of the Resolutions Committee before presentation to the Representative Assembly provided, however, that a minority report may be presented to the Representative Assembly upon a one-third (1/3) favorable vote of the total Resolutions Committee's eligible voters.

Such minority report shall be printed with the majority report and shall be presented by the chairperson of the Resolutions Committee concurrently with the majority report. The chairperson of the Resolutions Committee shall present the report of the committee, together with any minority report, to the Representative Assembly for consideration at the time and place designated in the official program.

**F. Procedures for Submitting Resolutions.** Resolutions from delegates or members designated for consideration by the Resolutions Committee at its winter meeting shall be submitted to the Executive Director or the chairperson of the Resolutions Committee or the members of the Resolutions Committee from their states.

The committee shall hold at least one (1) open hearing on proposed resolutions at a time and place to be announced in the printed program. The Resolutions Committee shall meet on a day prior to the open hearing and shall meet following the open hearing to consider any changes (additions, deletions, and/or amendments) it may wish to make in its report to the Representative Assembly.

The Resolutions Committee shall recommend a body of resolutions in its annual report to the Representative Assembly. These resolutions shall be presented for vote en masse.

The submission of all new resolutions, amendments to resolutions, and requests to set aside resolutions for discussion shall be submitted to the Committee on Constitution, Bylaws, and Rules no later than 12:00 noon on the second day of the Representative Assembly. Floor amendments to new resolutions and floor amendments to resolutions amendments shall be in order.

All new resolutions to be submitted from the floor for consideration must have a majority of the vote to be placed on the agenda (heard) and a two-thirds (2/3) vote to pass.

Resolutions submitted for consideration by the Representative Assembly shall be in writing on the forms provided, signed by the maker and the seconder of the motion.

At the request of any delegate, a proposed resolution shall be separately considered for the purpose of discussion or amendment.

The consideration of the NEA resolutions shall commence with the goal area

containing the final resolution debated at the preceding Representative Assembly. Resolutions adopted by a Representative Assembly shall continue in force until the next Representative Assembly acts upon the report of the Resolutions Committee.

All resolutions adopted by the NEA Representative Assembly shall be publicized as official NEA resolutions.

### **G. Submission of Resolution as New Business.**

Between Representative Assemblies, any current resolution in whole or in part that is jointly determined to be a new business item by the Committee on Constitution, Bylaws, and Rules and the Internal Editing Committee shall be submitted for vote to the next Representative Assembly.

## **Rule 11. Constitution, Bylaws, and Standing Rules: Committee and Amendment Procedures**

**A. Composition.** The Committee on Constitution, Bylaws, and Rules shall consist of five (5) members appointed by the President with the advice and consent of the Board of Directors. The President shall annually appoint a chairperson of the committee. Members shall serve rotating three (3) year terms beginning September 1. No member shall serve more than two (2) terms.

**B. Duties.** The committee shall initiate proposed amendments to the Constitution, Bylaws, and Standing Rules as appropriate; receive and process proposed amendments; supervise the submission and

processing of new business and amendments to the Legislative Program; supervise and count roll call votes; provide advisory opinions to parliamentary questions upon the request of the presiding officer; and perform such other duties as are set forth in the Standing Rules or are requested by the President.

### C. Constitution and Bylaws.

1. *Constitution:* Proposed amendments to the Constitution shall be submitted to the Committee on Constitution, Bylaws, and Rules in writing and in accordance with Article IX, Sections 1 and 2 of the Constitution not later than the close of the seventh business meeting of the Representative Assembly. Documentation of timely submission shall be the responsibility of the contact person for the amendment.

(a) *Presentation by Title:* These amendments shall be presented by title by the chairperson of the committee to the Representative Assembly immediately preceding the Representative Assembly at which they are to be voted upon.

(b) *Printing and Distribution:* The Committee on Constitution, Bylaws, and Rules shall arrange proposed amendments to the Constitution so that they are sequential by article of the Constitution. Titles and texts of proposed amendments to the Constitution along with the name and state of the contact person shall be available upon request to any NEA member no later than ninety (90) days following adjournment of the Representative Assembly. The text of the proposed amendments shall be printed in

an official publication sent to all members at least sixty (60) days prior to its consideration.

2. *Bylaws:* Proposed amendments to the Bylaws shall be submitted to the Committee on Constitution, Bylaws, and Rules in writing and in accordance with Article IX, Sections 1 and 3 of the Constitution. Documentation of timely submission shall be the responsibility of the contact person for the amendment.

(a) *Publication:* These amendments shall be printed in an official publication sent to all members at least sixty (60) days prior to their consideration.

(b) *Printing and Distribution:* The Committee on Constitution, Bylaws, and Rules shall arrange proposed amendments to the Bylaws sequentially by bylaw.

The text of proposed amendments to the Bylaws, along with the name and state of the contact person, shall be printed in an official publication sent to all members at least sixty (60) days prior to its consideration.

(c) *Bylaw Amendments Contingent on Adoption of Amendments to the Constitution:* A proposed amendment to the Bylaws which is dependent upon adoption of a proposed amendment to the Constitution shall be deemed to have failed unless the proposed amendment to the Constitution is adopted.

3. *Editing:* Amendments to the Constitution and Bylaws shall be reviewed and, if necessary, edited by the Committee on Constitution, Bylaws, and Rules.

The editing responsibilities of this committee shall include (a) combining two or more amendments of a similar

intent into a single amendment, if the final amendment is agreed to by the contact person for each group making the original amendments involved; (b) printing identical amendments as a single amendment with the contact persons of each listed with the amendments; and (c) dividing an amendment at the discretion of the committee and with the consent of the contact person to enable the component parts of an amendment to be voted upon independently of each other.

4. *Discussion:* The Committee on Constitution, Bylaws, and Rules shall hold an open hearing on proposed amendments to the Constitution and Bylaws at a time and place to be announced in the printed program. A representative of the petitioners shall be requested to attend the open hearing to explain the intent of a proposed amendment. The Representative Assembly shall discuss the proposed amendments prior to voting.

5. *Titles for Amendments:* Titles of amendments to both the Constitution and Bylaws shall summarize the intent of the amendment, including the significance of the deletions as well as the changes and/or additions. The titles shall be posted outside the voting area on the day the amendments are voted upon.

## **D. Standing Rules.**

1. *Submission:* Amendments to the Standing Rules may be proposed to the Representative Assembly by one or more of the following methods:

(a) By petition signed by at least twenty-five (25) certified delegates and submitted to the Committee on Constitution,

Bylaws, and Rules for presentation to the Representative Assembly.

(b) By a state delegation in the Representative Assembly whose concurrence in the proposed amendment is evidenced either by a majority vote of those delegates present and voting in such delegation at a regularly called meeting of the delegation held in connection with the Annual Meeting or by petition signed by a majority of the members of such delegation. Proposals shall then be submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Representative Assembly.

(c) By majority vote of the NEA Board of Directors and submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Representative Assembly.

(d) By a majority vote of the Committee on Constitution, Bylaws, and Rules.

2. *Time for Submission and Notice:* (a) A proposed amendment to the Standing Rules shall be presented in writing to the Committee on Constitution, Bylaws, and Rules, postmarked no later than one hundred twenty (120) days preceding the Annual Meeting. (b) Documentation of timely submission shall be the responsibility of the contact person for the amendment. (c) The text of the proposed amendment along with the name and state of the contact person shall be printed in an official publication sent to all members at least sixty (60) days prior to its consideration. (d) The Standing Rules may then be amended by the Representative Assembly by a majority vote of the delegates present and voting, by voice vote.

3. *Suspension of a Standing Rule:* By a motion from the floor, a Standing Rule may be suspended or amended without notice by a two-thirds (2/3) vote of those present and voting.

4. *Adoption of a Standing Rule After Vote on Amendments to Constitution and/or Bylaws:* Any amendment to the Standing Rules which is dependent upon adoption of a pending amendment to the Constitution and/or Bylaws and which was previously submitted pursuant to Standing Rule 11.B.1 shall be designated for vote following adoption of the contingent amendment to the Constitution and/or Bylaws.

5. *Withdrawal of Proposed Amendments to Standing Rules:* By motion of the contact person, an amendment to the Standing Rules may be withdrawn. Without objection, the chair shall rule that the amendment is withdrawn. If there is objection, a majority vote of the delegates shall be required for withdrawal of the amendment.

## **Rule 12. Elections, Committee and Procedure**

**A. Composition of Committee.** The Board of Directors, on the basis of recommendations from the state affiliates, shall appoint a chairperson and at least twenty (20) members of an Elections Committee. The chairperson and members shall serve at the pleasure of the Board of Directors.

**B. Duties.** The committee shall be responsible for the conduct of elections and any other items on which votes are taken by printed ballots.

**C. Filing.** Each candidate for election at the Representative Assembly must file with the executive director no later than at the time of nomination a certificate of eligibility, and the executive director shall verify such certification. Distribution and display of campaign literature shall be restricted to the year of the nominee's candidacy.

**D. Advance Publicity.** Candidates for executive office or membership on the Executive Committee may file their intention in writing with the executive director of the NEA, along with a picture and candidate statement. The executive director of the NEA shall publish in an NEA publication sent to Active members the picture and candidate statement of each candidate who has filed and presented such statement by April 1. The eligibility of such candidates shall be verified prior to publication.

The Association shall mail to all delegates a brochure, no larger than 8 1/2 by 11 inches, for each candidate for executive office or membership on the Executive Committee with the candidate's approval. Subject to legal requirements, the content of the brochure shall be determined by the candidate, who shall provide the Association with camera-ready art for the brochure. Such artwork shall be received at the NEA headquarters building no later than May 1. The Association shall pay printing, mailing, and handling costs for such brochure.

In the event a candidate chooses to have printed his or her brochure for distribution to all delegates in the one-time

mailing, the brochure shall be one (1) page, no larger than 8 1/2 by 11 inches; shall be supplied in sufficient number for all delegates; and shall be received at NEA Headquarters by May 15. There shall be no charge to such candidates for inclusion in the mailing.

**E. Campaign Expenses.** No portion of dues money collected at the local, regional, state, or national level shall be used to promote the candidacy of any individual for an NEA office.

Using forms provided by the Committee on Constitution, Bylaws, and Rules, each candidate shall file a preliminary report of campaign revenues and expenses, including projected revenues and expenses, with the committee prior to the opening of nominations at the Representative Assembly. A final report, on the forms provided by the committee, must be filed with the committee no later than thirty (30) days following certification of the election results. The committee shall report to the Representative Assembly, prior to any nominations or elections, whether any candidate has in any manner violated the election rules and regulations. The final report of campaign revenues and expenditures shall be printed in an appropriate NEA publication for inspection by any member.

**F. Certification of Election of NEA Director.** On a form provided by the NEA, the president of a state affiliate shall certify by May 20 the election of any director elected to assume office the following September 1. The president of a state

affiliate shall certify the election of a person elected to complete an unexpired term on the NEA Board of Directors as soon as possible after such election. In the event the certifying officer is in fact the elected NEA Board member, the next ranking state officer shall certify the election report.

Prior to June 1, notification of the number and type of at-large positions necessary to fulfill the requirements of Article V, Section 1 of the NEA Constitution shall be sent to the executive officers, Executive Committee, Board of Directors, state presidents, state executive directors, members of the Ethnic Minority Affairs Committee, and individuals who have notified NEA of intention to run for those positions.

**G. Nominations.** At the first business meeting of the Representative Assembly, nominations shall take place, as appropriate in each year, for the elections provided for by Article IV, Section 3; Article V, Section 1; and Article VI, Section 1 of the Constitution.

1. Nominations, as appropriate in each year, shall be made in the following order: (i) president; (ii) vice president; (iii) secretary-treasurer; (iv) members of the Executive Committee; (v) at-large representatives of classroom teachers in higher education on the Board of Directors; (vi) at-large representatives of administrators on the Board of Directors; (vii) at-large representatives of Active members employed in education support professional positions on the Board of Directors; (viii) at-large representatives of ethnic minorities on the Board of Directors. The time

of nominations of at-large ethnic-minority candidates, if necessary to achieve twenty (20) percent ethnic-minority representation on the Executive Committee as provided for by Article VI, Section 1(c) of the Constitution, shall be announced by the President contingent upon other nominations and/or balloting for Executive Committee positions.

2. Nominations for each category shall be made in an order determined by a drawing by the candidates or their designees.

3. Consistent with the requirements set forth in Rule 12.H, each candidate shall be nominated from the floor by motion of a delegate who has full voting rights in the Representative Assembly. When all nominations have been made, each candidate or designee shall have an allotment of time to address the Representative Assembly. Candidates for the office of president shall be given five (5) minutes for this purpose. Candidates for vice president, secretary-treasurer, and the Executive Committee shall be given three (3) minutes. Candidates for at-large positions on the Board of Directors shall be given two (2) minutes.

Candidates or their designees shall speak in an order determined by a drawing by the candidates or their designees.

4. If the number of candidates nominated equals the number of positions to be filled, the chair shall declare such candidates elected.

5. The Committee on Constitution, Bylaws, and Rules shall be in charge of timing all speakers. Each speaker shall be given a one (1) minute warning before

the time has elapsed, and the timekeeper shall stand at the end of the allotted time.

**H. Elections.** Elections shall be by printed ballot by the delegates to the Representative Assembly.

1. The names of the candidates shall be placed on the first ballot in the order determined by lottery by the candidates or their designees immediately following the close of nominations at the Representative Assembly; on subsequent ballots the order also shall be determined by lottery by the candidates or their designees.

The candidates or their designees, no later than thirty (30) minutes after the nomination and acceptance speeches have concluded, shall assemble at a place designated by the chairperson of the Committee on Constitution, Bylaws, and Rules. The lottery shall be held under the supervision of the chairperson of the Elections Committee and in the presence of the chairperson of the Committee on Constitution, Bylaws, and Rules or designee.

In the event that a candidate or designee fails to appear at the appointed time and place, the chairperson of the Elections Committee shall draw for that candidate.

The order of the lottery shall be as follows: For placement on the first ballot, the candidates shall draw in order determined alphabetically by the states of the candidates. For placement on a runoff ballot, the candidates shall draw in order of the highest number of votes received on the previous ballot.

2. Elections on the first ballot shall be on the second day of the Representative Assembly. Polls for voting on the first

ballot shall be open from 8:30 a.m. to 12 noon on election day at such place or places as the President may designate.

On the first ballot, delegates shall vote for positions as follows:

(a) Executive officers (as appropriate for that year);

(b) Members (as appropriate for that year) to serve on the Executive Committee;

(c) Representatives of classroom teachers in higher education, if necessary, on the Board of Directors;

(d) Representatives of administrators, if necessary, on the Board of Directors;

(e) Representatives of Active members employed in education support professional positions, if necessary, on the Board of Directors; and

(f) Representatives of ethnic minorities, if necessary, on the Board of Directors.

3. Runoff elections shall be held as necessary until there is an election for each position by a majority vote. Notice of runoff elections shall be given by the chairperson of the Elections Committee from the platform during a regularly scheduled business meeting of the Representative Assembly. The chairperson of the Elections Committee shall set, subject to approval by the Representative Assembly, the hours for all runoff elections. The chairperson of the Elections Committee shall authorize a runoff election by mail ballot of the certified delegates, if it becomes necessary, to assure elections by majority vote.

4. Administrators shall be nominated by administrator delegates and elected by majority vote of all delegates if necessary

to achieve administrator representation on the Board of Directors as provided for by Article V, Section 1 of the Constitution. Runoff elections for such positions will be held as necessary.

5. Classroom teachers in higher education shall be nominated by such delegates and elected by majority vote of all delegates if necessary to achieve classroom teachers in higher education representation on the Board of Directors as provided by Article V, Section 1 of the Constitution. Runoff elections for such positions will be held as necessary.

6. Active members employed in education support professional positions shall be nominated by such delegates and elected by majority vote of all delegates if necessary to achieve such representation on the Board of Directors as provided for by Article V, Section 1 of the Constitution. Runoff elections for such positions will be held as necessary.

7. Ethnic-minority persons shall be elected by majority vote of all delegates if necessary to achieve at least twenty (20) percent ethnic-minority representation on the Board of Directors as provided by Article V, Section 1(c) of the Constitution. The number of positions to be voted upon shall be equal to the number required to assure a minimum of twenty (20) percent ethnic-minority representatives on the Board of Directors (excluding the ex officio members) without counting the number of ethnic-minority persons who may be elected at large in the same year to achieve the required proportion of administrators, classroom teachers in higher education, and Active members employed

in education support professional positions on the Board. Runoff elections for such positions will be held as necessary.

8. Ethnic-minority persons shall be elected by majority vote of all delegates if necessary to achieve twenty (20) percent ethnic-minority representation on the Executive Committee as provided for by Article VI, Section 1(c) of the Constitution. Runoff elections for such positions will be held as necessary.

9. Polls for voting on amendments shall be open from 8:30 a.m. to 12 noon on the third day of the Representative Assembly at such place or places as the President shall designate.

10. The chairperson of the Elections Committee shall present the report of each balloting by vote tally to the Representative Assembly. In the event that each of two or more incompatible amendments receives the required number of votes, the amendment receiving the greatest number of votes shall prevail.

11. As soon as the results of an election are certified, all business of the Representative Assembly shall be suspended until the results are reported to the Representative Assembly.

12. Following the oral report of the results of balloting to the Representative Assembly, the certified results shall be posted at the voting booths, displayed electronically to the Assembly hall, and printed in the next edition of the Representative Assembly newspaper.

13. The Representative Assembly shall not recess until the results of the election are certified and presented to the Assembly on the day of an election.

**I. Tenure.** Officers chosen shall continue in office through August 31 of the final year of the term for which they were elected, or until their successors are chosen in accordance with the Constitution and Bylaws.

## **Rule 13. Distribution of Materials**

**A.** General distribution of any type of printed material in the auditorium and adjacent lobbies (within one hundred [100] feet) of the auditorium in which the Annual Meeting is held shall require clearance with the chairperson of the Committee on Constitution, Bylaws, and Rules. Identification of source and sponsorship shall be printed on such materials. Clearance is not required for official NEA reports or for distribution of materials by the chairperson of a state delegation to his/her own delegates.

**B.** No campaign literature or related materials may be distributed or posted within the seating area of the auditorium or where they are visible from the seating area, or from the polling places on election day.

**C.** The following rules shall apply to the use of exhibit and fundraising areas at the NEA Annual Meeting:

1. NEA affiliates, delegates, and caucuses shall be permitted to use the exhibit and fundraising areas to distribute material or disseminate information related to the Association's agenda, including material or information that is contrary to or

advocates a change in NEA policy. The material distributed or information disseminated may be prepared by the affiliates, delegates, and caucuses themselves, or the affiliates, delegates, and caucuses may distribute material or disseminate information prepared by groups external to the Association.

2. Groups external to the Association shall be permitted to use the exhibit area to distribute material or disseminate information related to the Association's agenda, provided that such material is not contrary to or does not advocate a change in NEA policy.

3. Groups that do not adhere to NEA policies and resolutions on nondiscrimination shall not be permitted to use the exhibit area to distribute material or disseminate information of any kind.

4. The Association may prohibit the distribution of any material or the dissemination of any information that is disruptive or offensive (i.e., obscene or in bad taste).

## **Rule 14. Prohibitions**

**A.** There shall be no smoking in the Representative Assembly or in any area or line where delegates are required to be in order to carry out their responsibilities.

**B.** There shall be no consumption of alcoholic beverages in the Representative Assembly.

**C.** There shall be no drawings or giveaways conducted during the Annual Meeting in which delegates must be

present to win except for those designed to motivate delegates to attend business meetings or properly scheduled caucuses.

## **Rule 15. Definition of Terms**

The following terms from the Constitution and Bylaws, when used in the Standing Rules, shall have these definitions:

**A.** Open nomination procedure shall mean a procedure by which every eligible NEA member shall have the opportunity to nominate any NEA member who meets the qualifications for the elective position; subject, however, to any limitations required in the NEA Constitution and Bylaws and also to any other reasonable restrictions uniformly imposed.

**B.** Secret ballot shall mean a procedure for voting on slips of paper (or via a voting machine) on which the voter may mark the vote in secrecy.

**C.** One-person—one-vote principle shall mean a voting procedure by which the vote of each member of the constituency has equal weight, so that in the elected governing body each delegate represents approximately the same number of constituents as each and every other delegate.

**D.** Election by secret ballot for each individual position shall mean that slate voting shall not be permitted.

**E.** Runoff elections shall mean a voting procedure as follows: In an election by the

Representative Assembly, if a sufficient number of candidates has not achieved a majority of the valid ballots cast, another election shall be held and the runoff ballot shall list those unsuccessful candidates who, arranged in decreasing order of votes received, obtained a majority of the votes cast in the previous election. In the event that this procedure would not provide at least one more candidate than the number of remaining positions to be filled, then the runoff ballot shall list those candidates who, in descending order, received the highest number of votes on the previous ballot (though not

elected), listing one more candidate than the number of positions to be filled.

**F. Valid Ballot:** In the case of elections at the Representative Assembly, a valid ballot shall be a ballot (1) cast by a credentialed delegate for a person nominated for the office, (2) cast for no more than the maximum number of positions to be filled, and (3) cast in a manner that clearly indicates the voter's choice. In the case of a vote by the Representative Assembly on any issue placed on a ballot, a valid ballot shall be a ballot clearly cast for or against this issue.