

# NCHE E-Letter

June 2009

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[About NCHE](#)  
[Who's NCHE](#)  
[Join NCHE](#)  
[NCHE News](#)  
[NEA Higher Ed](#)  
[NEA Legislative](#)  
[Action](#)

-  [RA San Diego NCHE Dates to Note](#)
-  [Arne Duncan, U.S. DOE Secretary of Education, et als, July 2](#)
-  [NEA Proposed Standing Rules, Bylaws, and Constitutional Amendments](#)
-  [Potential Change in How Faculty Order Textbooks](#)
-  [NEA 2009 RA Begins New Year of Membership Recruitment](#)

## RA SAN DIEGO NCHE DATES TO NOTE

NCHE Executive Committee Meeting	June 30	TBD
<b>Manchester Grand Hyatt Molly A&amp;B</b>	NCHE July 1	4-6
Manchester Grand Hyatt <b>Molly A&amp;B</b>	Adjunct/Contingent	
	July 1, 3-3:30	
Convention Center <b>Room 4</b>	July 3	9:30-11
Convention Center <b>Room 4</b>	July 3-6 during lunch with at	least one-half hour break.

## ARNE DUNCAN, U.S. SECRETARY OF EDUCATION, ET ALS, JULY 2

*A DAY OF HOPE AND CHANGE*

Thursday, July 2 promises to be a powerhouse day. Here is what the day holds in store. Please share widely and announce often to help ensure that RA delegates know of these events. A one-page flyer is available at the RA website <http://www.nea.org/assets/docs/dayofhopefinal2009.pdf>

### Secretary of Education Arne Duncan—Town Hall Conversation

**San Diego Convention Center, Hall G**

**RA Floor 10 a.m. – 11:30 a.m.**

Join Dennis Van Roekel and NEA leaders from across the country for an address by U.S. Secretary of Education Arne Duncan, followed by Q&A. Viewed as “the most important speech of his tenure as Secretary,” Duncan will discuss teacher quality issues and be making a significant announcement about the role of standards. This interactive session with NEA members is the final stop in the Secretary’s “Listening and Learning” tour across America.

**Alan Blanksein—Founder and President of the Hope Foundation**  
**Keynote Address on School and District Transformations**  
**San Diego Convention Center, Room 8A**  
**12 p.m. – 1:30 p.m.**

The HOPE Foundation (Harnessing Optimism and Potential through Education) has worked with districts in creating school and district-based collaboration for systemic education transformation. Alan Blankstein, founder and president, will share his own compelling story and the value he places on public education. His work focuses on six principles: mission, achievement for all, collaborative teaching, using data, active community engagement, and sustained leadership for continuous improvement. This session is geared to delegates interested in learning how to begin the transformation process in their schools and districts. Come learn specific, hands-on approaches to school improvement that you can implement immediately back home. Lunch will be provided to the first 300 participants. Alan Blankstein will sign copies of his best-selling book, *Failure is Not an Option*, at the conclusion of the event.

**Crossroads o Change—Communities on the Brink**  
**San Diego Convention Center, Room 6A**  
**2 p.m. – 4 p.m.**

Eugene Robinson, Pulitzer Prize winning associate editor and columnist at the Washington Post, will moderate a discussion on race, education, and culture in America. Robinson is also a frequent guest on MSNBC's *Morning Joe*, *Countdown with Keith Olbermann*, and *Hardball with Chris Matthews*. Join us for a thought-provoking discussion with noted author and scholar Dr. Michael Eric Dyson; award-winning film producer Moctesuma Esparza; the Honorable Congressman Mike Honda (D-CA), and Olympic Gold medalist Billy Mills. NEA Vice President Lily Eskelsen will serve as the official respondent representing the perspectives of educators. There will be drawings for free Southwest Airlines tickets flying to anywhere in the USA – you must be present to win. There will also be a surprise special guest. Refreshments will be served.

**PROPOSED STANDING RULES, BYLAWS AND CONSTITUTIONAL AMENDMENTS**

**Standing Rule Amendment 1**

TITLE: To encourage the submission of new business items prior to June 15, and require that new business items submitted prior to June 15 be sent via email to state affiliate presidents and executive directors for distribution to Representative Assembly delegates from their states.

Rule 6. Order of Business and Debate

Contact Person: Christopher Reza, Texas NEA Board: *Opposed*

**Standing Rule Amendment 2**

TITLE: To require that new business items be submitted to the Committee on Constitution, Bylaws, and Rules no later than 5:00 p.m. on the first day of the Representative Assembly.

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

New business items shall be submitted to the Committee on Constitution, Bylaws, and Rules no later than [12 noon on the second day] 5:00 p.m. on the first day of the Representative Assembly.

*Contact Person: Gail Guarino, Massachusetts NEA Board: Opposed*

### **Standing Rule Amendment 3**

TITLE: To require a majority vote of the delegates in order for amendments to existing resolutions that are submitted to the Committee on Constitution, Bylaws, and Rules by 12:00 noon on the second day of the Representative Assembly to be considered.

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

### **F. Procedures for Submitting Resolutions.**

*Contact Person: Curt Christensen, Wisconsin NEA Board: Opposed*

### **Standing Rule Amendment 4**

TITLE: To require that proposed amendments to the NEA Constitution, Bylaws, and Standing Rules be published in the second issue of *RA Today*, together with pro and con arguments.

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

**E. Pro and Con Arguments.** The *RA Today*, Issue #2, at the national convention shall include a pro and a con argument with the Constitution, Bylaws, and Standing Rules amendment text. If no argument is submitted for a particular side, by the print deadline, then it will be indicated as such.

*Contact Person: T. J. Prendergast, California NEA Board: Opposed*

### **Standing Rule Amendment 5**

TITLE: To prohibit the use of money or resources from specified sources to promote the candidacy of any individual for an NEA office.

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

### **E. Campaign Expenses.**

(Final paragraph numbering of Standing Rule 12.E will be determined by the Committee on Constitution, Bylaws, and Rules based on the results of all related amendments considered).

1. [No portion of dues money collected at the local, regional, state, or national level] No money or resources of NEA, an NEA affiliate, a labor organization, an employer, or any entity created or controlled by any of the above, shall be used to promote the candidacy of any individual for an NEA office.

*Contact Person: NEA Board of Directors NEA Board: Supported*

## Standing Rule Amendment 6

TITLE: To clarify that procedural requirements regarding reporting of campaign revenues and expenditures in the second paragraph of Standing Rule 12.E apply only to elections for NEA office that take place at the Representative Assembly, and to allow financial information to be made available by electronic means.

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

#### **E. Campaign Expenses.**

(Final paragraph numbering of Standing Rule 12.E will be determined by the Committee on Constitution, Bylaws, and Rules based on the results of all related amendments considered).

1. 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.
2. The following procedure shall apply in regard to elections for NEA office that take place at the Representative Assembly: 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] made available for inspection by any member by means of an appropriate NEA electronic or printed publication [for inspection by any member].

Contact Person: NEA Board of Directors **NEA Board: Supported**

## Standing Rule Amendment 7

TITLE: To establish procedural requirements regarding the reporting of campaign revenues and expenditures for elections for NEA office that do not take place at the NEA Representative Assembly (*i.e.*, elections for state, retired, and student directors).

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

#### **E. Campaign Expenses.**

(Final paragraph numbering of Standing Rule 12.E will be determined by the Committee on Constitution, Bylaws, and Rules based on the results of all related amendments considered).

1. 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.
2. 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.

3. The following procedure shall apply in regard to elections for NEA office that do not take place at the Representative Assembly: Using forms provided by the Committee on Constitution, Bylaws, and Rules, each candidate for state, retired, or student director shall file a final report of campaign revenues and expenses with the state association president, the President of NEA-Retired, or the Chairperson of the NEA Advisory Committee of Student Members, as the case may be, or his or her designee. Such report must be filed no later than thirty (30) days following certification of the result of the election, and a copy of the report shall be submitted to NEA together with the notice of certification of the result of the election.

*Contact Person: NEA Board of Director NEA Board: Supported*

### **Standing Rule Amendment 8**

TITLE: To allow ex-officio delegates with limited voting rights to nominate candidates for NEA office at the Representative Assembly.

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

##### **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 – 2: UNCHANGED

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] to 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 – 5: UNCHANGED

*Contact Person: NEA Board of Directors NEA Supported*

### **Standing Rule Amendment 9**

TITLE: To clarify the prohibitions on the distribution, posting, and display of campaign materials in the auditorium while the Representative Assembly is in session, and at the polling places on election day.

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

**B.** No campaign [literature or related] materials may be distributed, [or] posted, or displayed within the seating area of the auditorium or where they are visible from the seating area while the Representative Assembly is in session, provided that this prohibition shall not apply to the wearing of T-shirts, hats, pins, buttons, and the like.

No campaign materials, including T-shirts, hats, pins, buttons, and the like, shall be distributed, posted, or

displayed at the polling places or where they are visible [, or] from the polling places on election day.

Contact Person: NEA Board of Directors **NEA Supported**

### Standing Rule Amendment 10

TITLE: To define the term “campaign materials,” and to provide that all of the definitions in Standing Rule 15 apply whenever the term in question is used in the Constitution, Bylaws, and/or Standing Rules.

#### Standing Rule 15. Definition of Terms

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

**A-F:** UNCHANGED

**G.** Campaign materials shall mean any document, electronic transmission, object, or other material that has the purpose or effect of promoting the candidacy of an individual for NEA office, and shall include, by way of illustration and without limitation, billboards, newspaper advertisements, audiotapes, videotapes, emails, brochures, position papers, buttons, pins, articles of clothing, candy, and posters.

Contact Person: NEA Board of Directors **NEA Board: Supported**

### Bylaw Amendment 1

TITLE: To establish that NEA officially takes a position of “no position” on the issues of abortion and family planning.

#### Bylaw 1. Objectives

##### 1.1 Specific Objectives.

(Text location will be determined by the Committee on Constitution, Bylaws, and Rules in the event the location conflicts with another amendment.)

**k.** The NEA officially takes a position of ‘no position’ on the issues of abortion and family planning.

#### IMPACT STATEMENT:

Adoption of this amendment would prohibit NEA from taking a position in support of, or in opposition to, any issue relating to abortion or family planning in resolutions and new business items, litigation, legislation, and/or any other context. By way of example, the amendment would (1) invalidate NEA Resolution I-16. Family Planning, which provides in relevant part that NEA "supports family planning, including the right to reproductive freedom"; (2) prohibit NEA from filing an *amicus curiae* brief with the United States Supreme Court in litigation seeking to overturn or limit the protections provided by *Roe v. Wade*; or (3) lobbying for or against legislation regarding the dissemination of birth control information, the funding of birth control procedures, or the sale of birth control products.

Contact Person: Ruth Boyatt, Ohio

**NEA Board: Opposed**

## Bylaw Amendment 2

TITLE: To prohibit NEA or any of its affiliates from endorsing a candidate for President of the United States, unless a ballot with the names of the nominees or presumptive nominees of the seven specified political parties are presented to the NEA Representative Assembly, and one of those nominees or presumptive nominees is approved by a 58% vote of the Representative Assembly.

### **Bylaw 1. Objectives: 1.1 Specific Objectives.**

(Text location will be determined by the Committee on Constitution, Bylaws, and Rules in the event the location conflicts with another amendment.)

k. No endorsement may be given by the NEA or any of its affiliates in a race for President of the United States unless the names of the nominee or presumptive nominee for all of the following political parties are present on the ballot question presented to the Representative Assembly seeking that endorsement: Democratic, Republican, Green Party, Libertarian, American Independent, Socialist, and Constitution. A 58% vote of approval shall be necessary in order to endorse any candidate for President of the United States.

### IMPACT STATEMENT:

This amendment sets forth a procedure that would have to be followed in order for NEA or any of its affiliates to endorse a candidate for President of the United States in a general election. (Because this amendment calls for action by the Representative Assembly – which takes place after the conclusion of all presidential primary elections – the Committee does not believe it is intended to deal with the recommendation of a presidential candidate in primary elections.)

NEA's current presidential recommendation process is set forth in the NEA Fund Council Guidelines (which have been adopted by the NEA Board of Directors, based on various actions taken by the NEA Representative Assembly), and the NEA Fund Council Operating Procedures (which have been adopted by the NEA's Fund Council).

The Guidelines/Operating Procedures set forth a "Multi-Option Presidential Recommendation Procedure," which allows for certain flexibility to accommodate the circumstances that exist at the time of the NEA Representative Assembly. In general terms, the recommendation process operates as follows. Each presidential candidate deemed "viable" (*i.e.*, deemed to have a realistic possibility of success in the general election) by the NEA Fund Council is invited to complete a questionnaire indicating his or her position(s) on issues of importance to NEA, and to be interviewed by the NEA President. A candidate must meet both of these prerequisites – *i.e.*, complete a questionnaire and be interviewed – in order to be placed on the ballot that is presented to the NEA Representative Assembly. To obtain the NEA endorsement, a candidate must be approved by a 58% vote of those delegates voting.

If this amendment is adopted, the current presidential recommendation procedure would be significantly changed. Among other things, there would be a single recommendation procedure that would have to be followed regardless of the circumstances at the time of the Representative Assembly. Moreover, the nominee or presumptive nominee of each of the seven specified political parties would have to be included on the Representative Assembly ballot, even if he or she chose not to participate in the NEA screening process, took positions that were contrary to those of NEA, and/or had little or no chance of success in the general election.

The first line of this amendment refers to "NEA or any of its affiliates." The underscored reference means that NEA state and local affiliates are prohibited from endorsing a presidential candidate unless the indicated procedure is followed. The Committee also construes the amendment to mean that NEA affiliates are bound by the outcome of the procedure, and they can only endorse a candidate who receives the requisite 58% approval by the NEA Representative Assembly.

Contact Person: Scott D. Austin, Nevada **NEA Board: Opposed**

### Bylaw Amendment 3

TITLE: To require the NEA Board of Directors to adopt procedures for challenging the election of a director.

#### **Bylaw 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. The Board of Directors shall adopt procedures for challenging the election of a director.
- d. [c.] Terms of the directors shall be staggered except for student directors.
- e. [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.

##### **IMPACT STATEMENT:**

Because NEA is subject to the Labor-Management Reporting and Disclosure Act (LMRDA), all elections for NEA officer positions – which include a position on the NEA Board of Directors – must be held in compliance with the requirements of the LMRDA. Under the LMRDA, any member of NEA may file a challenge to an election for a position on the NEA Board of Directors with the United States Department of Labor (DOL) on the ground that the election violated the statute. DOL regulations provide that the challenger must first have "exhausted the remedies available to him under the Constitution and Bylaws of the" union, or must have "invoked such remedies without obtaining a final decision within three calendar months" before DOL will consider the challenge. If this amendment is adopted, a remedy would be available under the NEA Bylaws for challenging the election of an NEA director (*i.e.*, the procedures adopted by the Board of Directors), which means that DOL would not become involved until NEA has had an opportunity to deal with and resolve the challenge itself.

*Contact Person: NEA Board of Directors NEA Board: Support*

### Bylaw Amendment 4

TITLE: To expand the definition of a vacancy to include an additional state director resulting from an increase in the number of NEA Active members.

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

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

Vacancies arising in the office of state directors held by persons elected within the state or as the result of a state's entitlement to an additional director pursuant to Article V, Section 1, of the Constitution, 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, other than vacancies arising as the result of a state's entitlement to an additional director pursuant to Article V, Section 1, of the Constitution, shall be from the same education positions as the members being replaced. All persons filling vacancies [and] shall serve until the first opportunity that a successor or additional director[s] 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-Retired 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.

**IMPACT STATEMENT:**

Under NEA Bylaw 5-3 as it now stands, a vacancy in the office of state director is deemed to occur only when a person elected to that position can no longer serve. In point of fact, however, a vacancy also occurs when a new state director position is created pursuant to Article V, Section 1 of the NEA Constitution as the result of an increase in membership over a 20,000 Active-member threshold, and in practice, such a newly created position has been treated by NEA as a vacancy and dealt with under Bylaw 5-3. If this amendment is adopted, Bylaw 5-3 will reflect the current NEA practice.

*Contact Person: NEA Board of Directors* **NEA Board: Supported**

### **Bylaw Amendment 5**

**TITLE:** To require the NEA Board of Directors to adopt procedures for challenging the election of a member of the Executive Committee (including the executive officers).

**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 midterm vacancies.
- c. The Board of Directors shall adopt procedures for challenging the election of a member of the Executive Committee.

**Impact Statement:**

Because NEA is subject to the Labor-Management Reporting and Disclosure Act (LMRDA), all elections for NEA officer positions – which include a position on the NEA Executive Committee (including the executive officers) – must be held in compliance with the requirements of the LMRDA. Under the LMRDA, any member of NEA may file a challenge to an election for a position on the NEA Board of Directors with the United States Department of Labor (DOL) on the ground that the election violated the statute. DOL regulations provide that the challenger must first have "exhausted the remedies available to him under the Constitution and Bylaws of the" union, or must have "invoked such remedies without obtaining a final decision within three calendar months" before DOL will consider the challenge. If this amendment is adopted, a remedy would be available under the NEA Bylaws for challenging the election of a member of the Executive Committee (*i.e.*, the procedures adopted by the Board of Directors), which means that DOL would not become involved until NEA has had an opportunity to deal with and resolve the challenge itself.

*Contact Person: NEA Board of Directors* **NEA Board: Supported**

## Constitution Amendments

This year, there are no constitutional amendments, as constitutional amendments are done on a two-year cycle. There will be, however, five constitutional amendments read into the record at this year's RA, and these will be voted on at the 2010 RA.

### POTENTIAL CHANGE IN HOW FACULTY ORDER TEXTBOOKS

Mark Smith, higher education's new policy person, will update NCHE members on the impact of language in the Higher Education Reauthorization Act concerning the proposed changes regarding how and when faculty must order their textbooks. Because much confusion has arisen around this language, Mark is seeking clarification from the U.S. Department of Education on its regulations for us.

### NEA 2009 RA BEGINS NEW YEAR OF NCHE MEMBERSHIP RECRUITMENT

Members of the NCHE Executive Committee and other volunteers will be working throughout the week to contact higher education members to renew their NCHE membership or to join as a new member. We will also work to increase our Associate memberships, as well. Please join us for the NCHE meetings (see table on first page for meeting dates, times and locations).

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