

SAN DIEGO EDUCATION ASSOCIATION, CTA/NEA BYLAWS

CERTIFIED BY BOARD OF DIRECTORS - DECEMBER, 1999

Amended at Representative Council February 18, 2009

AFFILIATION WITH THE CTA/NEA

- A. The San Diego Education Association shall be a chartered chapter of the California Teachers Association (CTA).
- B. The San Diego Education Association shall be an affiliated local Association of the National Education Association (NEA).

ARTICLE I

PURPOSES

Section 1 The purposes of this Association shall be:

- 1.1 To represent members in relations with their employer, and to seek to be the exclusive representative of appropriate units of school employees in all matters relating to employment conditions and employer-employee relations, including but not limited to, wages, hours and other terms and conditions of employment;
- 1.2 To provide an opportunity for continuous study and action on the problems of the teaching profession;
- 1.3 To provide a means of representation for its ethnic-minority members;
- 1.4 To promote professional attitudes and ethical conduct among members;
- 1.5 To raise the standards of the teaching profession;
- 1.6 To advance the general welfare of the schools;
- 1.7 To encourage cooperation and communication between the profession and the community;
- 1.8 To form a representative body capable of developing group opinions on professional matters to speak with authority for teachers; and
- 1.9 To foster good fellowship among members.

ARTICLE II

MEMBERSHIP

Section 1 Categories of Membership. The following categories of membership within the San Diego Education Association shall be: Active, and Associate.

1.1 Active membership

1.1.1 Active membership shall be open to any person who is engaged in or who is on limited leave of absence from professional educational work, is an employee of San Diego Unified School District or a charter school governing body of a charter school chartered by the San Diego Unified School District, and whose primary assignment is such as not to hold supervisory responsibility over other certificated employees to such an extent as not to be represented in the negotiations process by the teacher bargaining unit. Supports the goals of the Association; and agrees to adhere to the Code of Ethics of the National Education Association.

1.1.2 Active members shall be classified as Category I, II, III or IV as follows:

1.1.2.1 Category I:

Those members with a contract whose teaching assignment is more than sixty percent of a normal assignment. These members shall pay full dues.

1.1.2.2 Category II:

Those members with a contract whose assignment is thirty-three to sixty percent, or who are assigned to a CDC, SAPID and Preschool who are assigned more than fifty percent. These members shall pay fifty percent of full dues.

1.1.2.3 Category III:

Those members with a contract whose assignment is less than thirty-three percent. Those members who are assigned to CDC, SAPID, Preschool fifty percent or less. Those members who are on an unpaid leave of absence. These members shall pay dues as established annually by the Board of Directors.

1.1.2.4 Category IV:

Visiting Teachers without a contract, these members shall pay dues as established annually by the Board of Directors.

1.2 Associate Membership

1.2.1 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 class of membership in the Association. The different types of eligibility and services for such memberships shall be prescribed in the Standing Rules.

1.3 Retired SDEA Members

1.3.1 Members of SDEA Retired shall be associate members with rights and privileges as delineated in the Standing Rules.

- Section 2. Membership may be granted upon initiation of payroll deduction or upon payment of annual Chapter/CTA/NEA dues appropriate to the class of membership, or upon receipt of a completed membership form. Upon signing the membership form with a designation pursuant to the membership categories of SDEA/CTA/NEA and upon initiation of payroll deduction or upon payment of annual SDEA/CTA/NEA dues appropriate to the class of membership unit member becomes a member of SDEA/CTA/NEA.
- Section 3. The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.
- Section 4. Active members shall be eligible to vote in all elections, hold elective office or appointive position, receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of the Association.
- Section 5. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association.
- Section 6. Active members shall adhere to The Code of Ethics of the Education Profession.
- Section 7. The rights to and privileges of membership shall not be abridged in any way because of age, sex, race, color, ethnic group, marital status, national origin or sexual orientation.
- Section 8. No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure, as stated in the current CTA Organizational Handbook.
- Section 9. The membership year shall be that period of time from September 1 of any given calendar year through August 31 of the following calendar year, inclusive.

ARTICLE III

DUES, FEES, AND ASSESSMENTS

- Section 1. The basic annual dues level for Active members, and representation fee for non-members represented in the bargaining unit, shall be sufficient to cover the operating expenses of the Association, the dues of CTA, and the dues of NEA.
- Section 2. The Association's portion of the basic annual dues, and the representation fee for non-members, shall be established by action of the Representative Council at the last regular meeting of the school year.
- Section 3. The San Diego Education Association shall apportion any negotiated representation fee or organizational security fee on the same percentage basis as the Chapter/CTA/NEA dues.
- Section 4. Membership shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for membership. If by October 31 of any calendar year a member has neither paid the established annual membership dues for the current membership year, nor made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and the name dropped from the rolls.

ARTICLE IV

OFFICERS

- Section 1. The officers of the Association shall be a President, a Vice- President, a Secretary, and a Treasurer.
- Section 2. These officers shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in their respective positions during their terms of office.
- Section 3. These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nominations and secret ballot.
- Section 4. Officers shall be elected for a term of two (2) years, commencing on August 1, of any calendar year and terminating on July 31. No person shall be eligible to serve in the same office for more than two (2) consecutive terms.
- Section 5. A vacancy shall be deemed to exist in the case of death, resignation, or inability to serve in any of the offices of the Association. If there is a vacancy occurring in the office of the President, the Vice-President shall assume the office. In the event a vacancy occurs in the other offices, a special election shall be held to elect successors to fill the unexpired terms.
- Section 6. Whenever a vacancy exists in the offices of Vice President, Secretary or Treasurer, the Representative Council shall elect a person to fill the vacancy in accordance with the Association's election procedures. In the event of a vacancy in the office of Vice President or Secretary or Treasurer, the Representative Council shall appoint an

interim replacement to serve until the General Membership elects an officer to fill the unexpired term.

Section 7. The President shall be the chief executive officer of the Association and its policy leader. The President shall:

- 7.1 Preside at all meetings of the Association, the Representative Council and Board of Directors;
- 7.2 Prepare the agenda for the meetings of the Association, the Representative Council and the Board of Directors;
- 7.3 Be the official spokesperson for the Association;
- 7.4 Be a member ex officio of all committees;
- 7.5 Represent the Association to all other agencies including the California Teachers Association and the National Education Association;
- 7.6 Be familiar with the governance documents of the Association, CTA, and NEA;
- 7.7 Appoint all chairpersons and members of committees, and of the bargaining team, and the chairpersons and member of Joint Association-District Committees with the concurrence of the Board of Directors;
- 7.8 Appoint chairpersons and members to serve on Association Task Forces, with concurrence of the Board of Directors;
- 7.9 Appoint Association members to any external liaison position with the concurrence of the Board of Directors;
- 7.10 Call meetings of the Association, Representative Council and the Board of Directors;
- 7.11 Propose the procedures for grievance processing for ratification by the Board of Directors and the Representative Council;
- 7.12 Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
- 7.13 Sign checks drawn on Association accounts with the Executive Director and/or Treasurer;
- 7.14 Perform such other duties as prescribed by the Standing Rules;
- 7.15 Attend meetings of the Service Center Council of which the Association is a part; and

- 7.16 Attend other CTA/NEA meetings as directed by the Representative Council;
- 7.17 The President shall be a full time twelve-month President, released from responsibilities with the San Diego Unified School District. The President shall be paid at the daily pro-rata salary pursuant to their placement on the teacher's salary schedule times 248 days. The President shall receive health and welfare benefits and retirement benefits at the same level as those provided to twelve-month District employees within the Association bargaining unit.
- 7.18 The President shall receive twenty days of vacation per year, and all holidays granted to twelve-month District employees within the Association bargaining unit.
- 7.19 The President shall suffer no loss in benefits, salary, sick leave, or other employment guarantees as a result of his/her service as President of the Association.

Section 8. The Vice-President shall:

- 8.1 Serve as assistant to the President in all duties of the President;
- 8.2 Assume the duties of the President in the absence of the President;
- 8.3 Be responsible for the formation and distribution of the Association's calendar of activities; in conjunction with the Board of Directors;
- 8.4 Serve as coordinator of committee activities at the direction of the President;
- 8.5 Work with such Association Committees and Joint Committees as may be assigned by the President;
- 8.6 Conduct such meetings as may be assigned by the President;
- 8.7 Perform such other duties as prescribed by the Standing Rules; and
- 8.8 The Vice President shall be paid a monthly stipend of no less than \$200 per month as determined by the budget process.

Section 9. The Secretary shall:

- 9.1 Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and the Board of Directors;
- 9.2 Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Board of Directors; and to the membership when appropriate;
- 9.3 Perform such other duties as prescribe by the Standing Rules;

- 9.4 Keep an accurate roster of the membership of the Association and of all committees; and
- 9.5 Carry on the correspondence pertaining to the affairs of the Association as directed by the President; and
- 9.6 The Secretary shall be paid a monthly stipend of no less than \$100 per month as determined by the budget process.

Section 10. The Treasurer shall:

- 10.1 Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;
- 10.2 Pay out such funds upon orders of the President;
- 10.3 Prepare and provide a written financial report for each regular meeting of the Representative Council, Board of Directors and the Membership;
- 10.4 Recommend to the Board of Directors an auditor to perform the annual audit and be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the appropriate governance bodies;
- 10.5 Serve as chairperson of the Budget Committee;
- 10.6 Arrange for appropriate bond in an amount approved by the Board of Directors, for necessary officers and employees of the Association;
- 10.7 Sign checks drawn on the accounts of the Association with the President and/or the Executive Director;
- 10.8 Be responsible for submitting membership and financial reports to CTA, NEA, and other agencies as required by law;
- 10.9 Perform such other duties as prescribed by the Standing Rules; and
- 10.10 The Treasurer shall be paid a monthly stipend of no less than \$100 per month as determined by the budget process.

ARTICLE V

BOARD OF DIRECTORS

Section 1. Eligibility

- 1.1 Any member of the Association who is assigned within the geographic district and who fits the designated category for the vacancy is eligible to become a candidate for election to a seat on the Board of Directors.

Section 2. The Board of Directors shall be composed of the elected officers and twelve (12) members elected at large from the Active membership, as long as this complies with the “one-person – one-vote” rule.

- 2.1 All members of the Board of Directors shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in this position.
- 2.2 The twelve Directors shall be elected by and from the membership in their geographic districts. Among the twelve elected directors, four shall be designated as elementary, four shall be designated secondary and four shall be designated at large seats and open to any qualified member within the Board of Directors election district.
- 2.3 Elections for the twelve Board of Director seats shall be conducted within four election districts reapportioned every six years by the Representative Council. Within each Board of Director Election District, one elementary, one secondary and one at large Board of Directors member shall be elected.
- 2.4 All directors except for those established in Section 4.1.6 below, shall be elected for a term of two years with one half of the directors elected each year. The Representative Council shall determine which seats shall be for an initial term of one year.
- 2.5 In the event the composition of the Board does not include a minority, the Council shall elect an additional director from among the ethnic minority membership. The term shall be for one year.

Section 3. Vacancies

- 3.1 A vacancy shall be declared upon a Board of Director member’s resignation, death, or inability to serve. A vacancy shall also be declared whenever a board member, with more than a year remaining on his/her term either transfers out of the geographic area and/or changes to a level other than that from which he/she was elected.
- 3.2 For vacancies of more than one year, the vacancy shall be filled by a special election within the geographic district. For vacancies of less than one year, the representative council shall appoint a temporary replacement to serve until the membership making up the appropriate constituency from that geographic district can elect someone who fits the designated category to the

Board to fill the unexpired term. Vacancies shall be filled from within the geographic area and from the designated level.

Section 4. The Board of Directors shall meet prior to each regular meeting of the Representative Council and at such other times as the President may deem necessary, or upon written petition of a majority of the members of the Board of Directors.

Section 5. The duties and the responsibilities of the Board of Directors shall be as set forth herein are:

- 5.1 Coordinate the activities of the Association;
- 5.2 Act for the Representative Council when school is not in session;
- 5.3 Direct the bargaining activities of the Association, subject to policies established by the Representative Council;
- 5.4 Approve appointment and removal of bargaining team members;
- 5.5 Recommend a budget for the Association to the Representative Council;
- 5.6 Approve all appointments to committees, including chairpersons;
- 5.7 Adopt the Standing Rules for the Association;
- 5.8 Adopt grievance procedure;
- 5.10 Direct the grievance activities of the Association;
- 5.10 Hire, direct the evaluation of staff, direct and terminate staff in accordance with negotiated contracts and standing rules;
- 5.11 Prepare and submit to the Council the annual budget for the coming year no later than the last regular meeting of the Council for the current school year;
- 5.12 Direct the negotiations between the Association and its staff;
- 5.13 Ratify the negotiated Agreement between the Association and the Staff;
- 5.14 Be responsible for the formation and distribution of the Association's calendar of activities in conjunction with the Vice President;
- 5.15 Perform such other duties and responsibilities as are appropriate and in conformance with the governance documents.
- 5.16 The Board of Directors may conduct executive sessions during which discussions shall be exclusively limited to:
 - 1) Hiring, firing and/or evaluation of Association staff;
 - 2) Personnel cases or grievances involving members and the District;
 - 3) Strategy and tactics related to bargaining; and
 - 4) Litigation.
- 5.17 Exercise all the business and organizational powers and duties for the Association as prescribed by law and these bylaws, subject to any restrictions that may be imposed by the Representative Council.

Section 6. A quorum for all meetings of the Board of Directors shall consist of a majority of the elected members of that body.

ARTICLE VI REPRESENTATIVE COUNCIL

Section 1. The policy-making body of the Association shall be a Representative Council. The Representative Council, comprised of Active members of the Association, derives its powers from and shall be responsible to the Active membership.

Section 2. The Representative Council shall be composed of the following Active members:

1. Board of Directors, ex-officio;
2. Faculty Representatives elected on the basis of one-person one-vote;
3. The following additional representatives.
 - a. CTA State Council Representatives;
 - b. Committee Chairperson, non-voting (provided they are not a elected representative to the Representative Council); and
 - c. Any SDEA members who hold a CTA/NEA office are ex-officio.

Section 3. Additional Representatives:

3.1 SDEA Retired shall have two (2) representatives elected by SDEA Retired with rights and privileges as delineated in the Standing Rules.

Section 4. The Representative Council shall:

4.1 Establish Association policies and objectives;

4.2 Adopt the annual budget of the Association on or before the last meeting of the school year;

4.3 Approve the establishment or discontinuance of committees recommended by the Board of Directors; and

4.4 Establish the dues of the Association.

Section 5. The Representative Council shall meet a minimum of seven times per year; the number, place and time of meetings to be decided by the Board of Directors.

Section 6. Special meetings of the Representative Council may be called by the President, the Board of Directors, or by the petition of ten percent (10%) of the Representative Council.

- Section 7. Special meetings of the Representative Council shall be called for a specific purpose and no business other than that for which the meeting is called may be transacted.
- Section 8. Notices and agendas for all meetings of the Representative Council shall be sent to all members of the Representative Council at least two days prior to the date of the meeting.
- Section 9. For emergency meetings of the Representative Council during crisis situations, the Board of Directors shall adopt procedures to notify representatives of meeting dates, places, and times.
- Section 10. A quorum for all meetings of the Representative Council shall consist of a majority of all voting members present at the commencement of the meeting of the Representative Council.
- Section 11. Members of the Representative Council shall serve a term of one (1) year. (EXCEPT FOR THE CTA STATE COUNCIL REPRESENTATIVES AND CTA/NEA OFFICE HOLDERS WHOSE TERMS ARE SET BY CTA.)

ARTICLE VII ASSOCIATION REPRESENTATIVES/COUNCIL REPRESENTATIVES

- Section 1. Association Representatives/Council Representatives shall be elected by and from the Active membership for each school site/program or job alike group. Such election shall be by open nominations and by secret ballot per AR/CR election procedures.
- Section 2. There shall be one Association Representative for each school site/program or job alike group. Additional Council Representatives shall be elected for each major fraction of twenty members beyond the first twenty members, whose duties shall be to attend council meetings and to assist the Association Representatives in carrying out their duties.
- Section 3. Vacancies in the office of Representative for whatever cause may be filled by properly elected replacements.
- Section 4. Association Representatives shall:
- 4.1 Shall be the official Grievance representative for site enforcement of the contract for teachers.
 - 4.2 Shall assure due process for teachers in the Grievance procedure.
 - 4.3 Shall undergo extensive training to understand the contract and teachers' right.
 - 4.4 Shall file a Level One Grievance when requested.

- 4.5 Shall represent all bargaining unit members at his/her site/program in accordance with SB 160 (Rodda).
- 4.6 Shall attend meetings of the Council and workshops relating to their function.
- 4.7 Conduct monthly site meetings
- 4.8 Develop and update SDEA bulletin board at site.
- 4.9 Supervise SDEA mandated elections.
- 4.10 Distribute information items:
 - a. SDEA Advocate
 - b. Bargaining Updates
 - c. Election Information
- 4.11 Recruitment of new members
- 4.12 Be and advocate for the Association
- 4.13 Serve as a member of site governance team, and other assignments required by the Collective Bargaining Agreement.
- 4.14. Assist site in determining if a contract waiver is needed for a restructuring plan.

Section 5. Council Representatives shall:

- 5.1 Attend all regular and special meetings of the Council and shall notify their designated alternate if they cannot attend.
- 5.2 Present to the Council all matters referred to them by members at their work location.
- 5.3 Promote good public relations in matters pertaining to the SDEA/CTA/NEA.
- 5.4 Interpret the SDEA/CTA/NEA position to members at their work location.
- 5.5 Call meetings at their work location in order to report and discuss all Association business.
- 5.6 Be responsible at their work location for the performance or delegation to others of the following duties:
 - a. Posting of materials from the SDEA/CTA/NEA teaching profession.

b. Handling of Association business at the site.

- 5.7 Shall serve as liaison between their constituents and the Council.
- 5.8 Shall report to their constituents all actions and policies of the Council.
- 5.9 At work locations having two (2) or more representatives, one (1) shall be designated to carry the primary responsibility for the performance of duties listed in 5 and 6 above.
- 5.10 Involve SDEA members in Association activities and actively recruit members.

Section 6. AR's and CR's Additional Involvement

- 6.1 Conduct constant and ongoing liaison between the Representative Council and the Active members of the faculty unit;
- 6.2 Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the members;
- 6.3 Represent the views and input of the Active membership of the faculty in votes taken in the Representative Council, conducting frequent and regular polls of such membership for this purpose;
- 6.4 Perform such additional duties as prescribed by the Board of Directors;
- 6.5 Join and participate in SDEA committees; and
- 6.6 Utilize SDEA staff for information and problem solving.

Section 7. An Association Representative/Council Representative may not conduct an election in which he/she is a candidate.

ARTICLE VIII

COMMITTEES

- Section 1. The Representative Council shall establish such standing committees as are necessary to the accomplishment of the Association's goals, objectives and program.
- Section 2. SDEA shall allow for the establishment of a Political Action Committee (PAC) to support or oppose local candidates or issues.
- Section 3. The Board of Directors shall establish such task forces from time to time required to accomplish the responsibilities of the Board of Directors.

Section 4. The Board of Directors shall approve Association participation in Joint District-Association Committees. The Board of Directors shall also approve Association participation in District developed committees when the Association is requested to appoint members to participate.

Section 5. Annually, the President shall appoint, with the concurrence of the Board of Directors;

5.1 The Chairpersons of all standing committees of the Association;

5.2 The members of all Joint Association-District Committees;

5.3 The members of all District Committees to which the Association provides members;

5.4 The members of the Bargaining Team;

5.5 The Grievance Committee;

5.6 The Elections Committee; and

5.7 Association members, who indicate an interest through completion of an appropriate sign up form, may become members of Association committees and task forces.

Section 6. Bargaining Team

6.1 The President shall appoint all members, alternates, and the chairperson of the Bargaining Team with the concurrence of the Board of Directors.

6.2 The Bargaining Team shall have responsibility for conducting all bargaining related activities as set forth in the Standing Rules.

6.3 Vacancies created by resignation or inability to serve shall be filled by the Board of Directors from the list of alternates.

6.4 The Board of Directors, by two-thirds (2/3) majority, may remove a member of the Bargaining Team.

6.5 The Bargaining Team shall be under the direction of the Board of Directors, and shall report its activities to the Board of Directors, as the Board requires.

6.6 The Bargaining Team is empowered to reach tentative agreements with the District subject to ratification by the Active membership.

6.7 The duties of the Bargaining Team are to represent and to bargain for the bargaining unit(s).

6.8 Responsibility and authority for directing the bargaining process on behalf of the Association are vested in the Board of Directors subject to policies established by the Active membership.

6.9 Employees in each appropriate bargaining unit shall be surveyed to determine contents of the proposed contract demands, and the contract

proposal for each appropriate unit shall be approved by Active members in that unit.

- 6.10 The Board of Directors shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.
- 6.11 Agreements reached between the Bargaining Team and the school board or its representatives shall be considered tentative and not binding upon the Association until such agreements have been ratified by the Active membership in the appropriate unit(s) unless such ratification shall have been specifically waived or otherwise delegated by that active membership.

Section 7. Budget Committee

- 7.1 The Budget Committee shall be appointed by the President with concurrence of the Board of Directors. The Treasurer shall serve as the Chairperson of the Committee.
 - 7.1.1 Budget hearings will be held yearly with the Treasurer serving as Chair;
 - 7.1.2 Hearings will be open to all members for input;
 - 7.1.3 Hearings may be held at various locations;
 - 7.1.4 Hearings will be concluded in time for a preliminary budget to be presented to the Board of Directors for approval and recommendation to the Representative Council; and
 - 7.1.5 The budget will be presented to the Representative Council for adoption on or before the last Representative Council meeting of the school year.

Section 8. Grievance Committee

- 8.1. Annually, with the concurrence of the Board of Directors, the President shall appoint a Grievance Committee Chairperson and members of the grievance committee. In accordance with guidelines set forth in the Standing Rules, the Grievance Committee shall have the responsibility of representing members in grievance meetings, identification and training of grievance representatives and recommending grievance cases for arbitration to the Board of Directors.
 - 8.1.1 The Board of Directors shall adopt, with the approval of the Representative Council, the procedures for grievance processing.
 - 8.1.2 These procedures shall include, but not be limited to, the following:
 - a. Provide for representation to assist all members of the bargaining unit(s) in processing grievances;
 - b. Training for handling grievances; and
 - c. Evaluation of the Association's grievance policies and procedures.

Section 9. Elections Committee

9.1 With the concurrence of the Board of Directors, the President shall appoint annually the Chairperson and members of the Elections Committee. In accordance with these governance documents, and in accordance with Association elections procedures adopted by the Representative Council, the Elections Committee shall be responsible for conducting all Association elections.

Section 10. The Recognition Committee is responsible for planning and organizing the following activities:

- a. Day of the Teacher Celebration
- b. SDEA Awards Banquet
- c. Recognition activities at the Representative Council meetings

10.1 The Recognition Committee is responsible for the publication and dissemination of information about the SDEA Scholarship program. The committee organizes the activities involved in the selection of the scholarship winners and presentation of the awards.

10.2 The Recognition Committee is responsible for the selection of the award recipients for the following awards:

- a. Who Awards
- b. Crystal Apple

10.3 The President is responsible for selecting the recipient(s) of the SDEA President's Award.

10.4 The Board of Directors is responsible for selecting the recipient(s) of the SDEA Board of Directors' Award.

10.5 The Executive Director is responsible for selecting the recipient(s) of the Executive Director's Award.

ARTICLE IX

ELECTIONS

Section 1. Election Procedures

The SDEA shall provide Active members an opportunity to vote in all elections. The Chapter does not have the option of deciding which elections shall not be held except for NEA-RA Local Delegate elections where, following a period of open nominations, voting may be waived if the number of candidates is equal to or less than the number of positions to be filled and the affiliate has adopted a governing provision or election policy allowing such a practice.

1.1 There shall be an appointed Elections Committee.

1.2 Elections shall be conducted with:

- 1.2.1 Open nomination procedure;
- 1.2.2 A secret ballot;

- 1.2.3 An all Active member vote;
- 1.2.4 Record of voters receiving or casting ballots;
- 1.2.5 Majority vote, unless otherwise specified.

Section 2. State Council Representative Elections shall be conducted in accordance with CTA guidelines after the chapter or service center council has been notified to do so by the CTA Elections Committee.

Section 3. NEA State Delegate elections shall be conducted in accordance with CTA guidelines.

Section 4. NEA Local Delegate elections shall be conducted in accordance with CTA/NEA guidelines.

- 4.1 Absent CTA/NEA guidelines for online elections, online elections shall be conducted using Local guidelines.

Section 5. The duties of the Elections Committee shall be to:

- 5.1 Ensure that all chapter/CTA/NEA election codes and timelines are followed;
- 5.2 Establish election timelines;
- 5.3 Develop and carry out timelines and procedures for paper and online elections;
- 5.4 Prepare ballots for election of officers and such other elections as may be necessary;
- 5.5 Certify the results for online elections and count the ballots and certify the results for paper elections.
- 5.6 Handle initial challenges.

ARTICLE X DUE PROCESS

Section 1. Discipline

- 1.1 No member of the Association may be disciplined without due process.

Section 2. Interpretation of Documents

- 2.1 Whenever a question is raised regarding an interpretation of the governance documents and policies of the Association, it shall first be presented to the Board of Directors for an interpretation.

Section 3. Grievance and Arbitration

- 3.1 A bargaining unit member having a grievance shall be entitled to Association representation through all pre-arbitration steps in the grievance procedure.
- 3.2 The decision as to whether or not to pursue a grievance to arbitration shall be an organizational decision. In reaching a decision whether to recommend a particular grievance to arbitration, the grievance committee, in consultation with the Association professional staff, shall utilize objective criteria and procedures, which shall be set forth in the Standing Rules.
- 3.3 The Board of Directors shall have final authority to determine whether or not to pursue a grievance to arbitration.

ARTICLE XI AFFILIATIONS

The Representative Council may, upon recommendation by the Board of Directors, affiliate with such other organizations and groups, which are not in conflict with the provisions of these governance documents.

ARTICLE XII AMENDMENTS TO THE BYLAWS

Section 1. The Bylaws may be amended by a two-thirds vote of the Representative Council, as set forth in the Constitution, Article XII, Section 2.

Section 2. Procedures

- 2.1 Proposed amendments shall be presented to the Representative Council for discussion, clarification and amendment at one meeting of the Council, and shall be voted upon at the next meeting of the Representative Council.
- 2.2 An amendment to the bylaws shall be deemed to have passed when voted upon in the affirmative by two thirds of the members of the Representative Council voting on the amendment, provided that a quorum is present.

ARTICLE XIII PARLIAMENTARY AUTHORITY

Except as may be modified by the Association governance documents, Robert's Rules of Order shall govern meetings of the Association, latest revised edition.

CODE OF ETHICS OF THE EDUCATION PROFESSION

Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of the democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than the one specifically designated by the NEA and its affiliates.

Principle I

Commitment to the Student

The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator—

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student's access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to embarrassment or disparagement.
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly—
 - a. Exclude any student from participation in any program
 - b. Deny benefits to any student
 - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage.
8. Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

Principle II

Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator—

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist a non-educator in the unauthorized practice of teaching.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or it required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

Adopted by the NEA 1975 Representative Assembly