

# FEA CONSTITUTION

## PREAMBLE

We, the members of the Federal Education Association, Inc., (FEA) hold these beliefs:

1. We speak for education.
2. We promote high quality education in federal schools overseas and in the United States.
3. We protect and advance the civil and academic rights of students and educators.
4. We promote and foster international understanding.

To this end, we publish this constitution.

## ARTICLE ONE

### Name, Goals and Objectives, Governance

#### Section 1. Name

This organization, hereinafter referred to as the Association, shall be known as the Federal Education Association, Incorporated, as will be stated in the incorporation papers on record with its resident agent in Wilmington, Delaware, effective September 1, 1995. The organization shall be identified by the initials FEA.

#### Section 2. Goals and Objectives

The goals of the Association shall be as stated in the Preamble. The objectives of the Association shall be to:

- a. Improve instruction and curriculum to enable all students to realize their maximum potential;
- b. Promote community involvement in school activities;
- c. Improve working conditions and advance educator rights;
- d. Support and strengthen local associations;
- e. Provide a structure for a strong educator voice at all levels;
- f. Promote welfare and economic benefits for all members;
- g. Provide adequate communication with all members;
- h. Support the processes of consultation and negotiation at all levels;
- i. Provide direct contact with Congress, government agencies, and other organizations;
- j. Promote equitable employment benefits and policies for all educators;
- k. Protect the right to due process for all educators;

The Association shall have all power necessary and proper to take action for the attainment of these goals and objectives. Nothing in this Constitution shall be construed to prevent the Association from adopting and pursuing additional objectives which are consistent with its stated goals.

#### Section 3. Governance

The Association shall be governed by its Certificate of Incorporation, Charter, Constitution, Standing Rules and other such

actions consistent with them that may be taken by the Board of Directors.

The affairs of the Association shall be governed by its membership in the following manner:

- a. The highest governing authority of the Association shall be the Board of Directors composed of the Executive Officers. The Board shall hold regular meetings at least twice a year. Additional meetings may be called in accordance with the provisions of this Constitution.
- b. Between meetings of the Board of Directors the administrative authority of the Association shall be vested in the President. The President shall be responsible to the Board of Directors for the administration of the Association between Board of Directors meetings, according to the Constitution, and the decisions of the Board of Directors. On all matters of major importance, the President shall consult the other Executive Officers. The President shall report his/her actions to the Board of Directors for its approval or rejection.
- c. Every member of the Association is obliged to comply with the Constitution and Bylaws of the NEA, this Constitution and the decisions of the Board of Directors. Every member of the Association shall refrain from conduct, which interferes with the ability of the Association to carry out its obligations. Members shall refrain from any conduct which subverts the lawful goals and objectives of the Association.
- d. Local associations may adopt bylaws supplementary to this Constitution provided that these organizational instruments are not inconsistent with the Constitution and Bylaws of the NEA, this Constitution or any of the duly adopted resolutions of the Board of Directors.
- e. Prior to becoming effective, organizational instruments from any subordinate level must be submitted to the President for examination to insure consistency with the established objectives and requirements of the Association. Any modification or rejection by the President may be appealed to the Board of Directors.

## ARTICLE TWO

### Membership

#### Section 1. Eligibility

- a. Membership shall be open to all people actively engaged in the profession of teaching or in other educational work and to people interested in advancing the cause of public education who shall agree to subscribe to the goals and objectives of the Association and to abide by its Constitution.
- b. Members engaged in teaching or in other education work shall adhere to the Code of Ethics of the Education Profession.

c. The Association shall not deny membership to anyone on the basis of creed, race, color, national origin, sexual orientation or sex, nor shall any organization that so denies membership be affiliated with the Association.

d. An application for membership shall be subject to acceptance by the President. In the event the President shall deny membership, membership may be granted by a majority vote of the Board of Directors.

e. A local association shall not establish qualifications for membership which contravene qualifications set forth in this Constitution.

f. A member who resigns or terminates his/her membership shall have no right, title or interest, legal or equitable, in any property of any local association or the Association, including any dues or other financial obligations which have been or may be paid by the member or on behalf of the member by any third party.

#### **Section 2. Classes**

a. Membership in the Association shall be classified as active, retired, student teacher, associate, and honorary. Any eligible person may become an Association member upon payment of the annual membership dues.

b. Active membership is limited to people who support the goals and objectives of the Association and maintain membership in the National Education Association and in the local associations, if local associations are available. Temporary absences not exceeding three years will not affect active membership in the Association. Active membership shall be open to professional members and to educational support members.

(1) Professional members are nonsupervisory educators who are engaged in the education profession or who are serving as Executive Officers of the Association.

(2) Educational support members are nonsupervisory employees of a school, college, university, or other activity that is devoted primarily to education or the educational process or who are serving as Executive Officers of the Association.

c. Retired membership shall be open to any educator retired from the DoDDS/DDESS system. Retired membership is limited to persons who support the purposes and programs of the Association. Retired members shall be eligible to receive benefits and services of the Association as authorized by the Board of Directors.

d. Student Teacher membership shall be open to any student teacher in the DoDDS/DDESS system. Student teacher members shall be eligible to receive benefits and services of the Association as authorized by the Board of Directors.

e. Associate membership shall be extended to any interested person who supports the goals and objectives of the Association and is not eligible

for any other class of membership in the Association.

f. Honorary membership shall be offered to any person not otherwise eligible for active membership, provided that a nomination for honorary membership made by an individual member, a local association, an area council, or an affiliated organization is approved by a two-thirds vote of the Board of Directors.

#### **Section 3. Rights and Limitations**

a. The right to vote and to hold elective or appointive office shall be limited to active members.

b. All active members shall be eligible to obtain assistance in the protection of their professional and civil rights.

#### **Section 4. Membership Year**

The membership year shall be the same as the NEA Membership year.

#### **Section 5. Dues**

a. Active members shall pay unified dues in accordance with the following schedule: NEA dues as set by the NEA-RA, FEA dues of 1 percent of base salary at Step 1 of a BA degree as of August 1 each school year; local dues of \$30 or more, of which a minimum of \$15 shall be paid to the area for local participation in the UniServ Program. Each local association may adjust its dues beyond the \$30, in accordance with its own program requirements, its bylaws, and this constitution. Where organized locals do not exist, the area shall fulfill the obligations of the locals and shall receive the \$30 local dues.

b. Active membership for half-time teachers shall be one-half the dues required for active membership. Active membership for eligible employees who are employed for one-half of a school year or less shall be one-half the dues required for active membership.

c. Retired members shall pay dues as established by a vote of two-thirds of the Board of Directors.

d. Student Teacher members shall pay dues as established by a vote of two-thirds of the Board of Directors.

e. Associate members shall pay dues as established by a vote of two-thirds of the Board of Directors.

f. Association membership obligates each member to pay fully and completely the amount of membership dues required in these Bylaws that is applicable under the member's membership class.

g. Dues shall be transmitted to the Association in accordance with the schedule of procedures established by the Board of Directors.

h. Notwithstanding any other provision to this Constitution, the Association and each local association shall each hold title to its respective share of dues income immediately upon receipt of those moneys by the appropriate agent of the local association, or of the area where organized locals do not exist.

## **ARTICLE THREE**

### **Charges and Trials of Members**

#### **Section 1. Improper Conduct of Member**

The following acts or omissions shall constitute misconduct by a member which shall warrant a reprimand, fine, suspension and/or expulsion from membership, or any lesser penalty or any combination of these penalties as the evidence may warrant after written and specific charges and a full hearing as hereinafter provided. No member of the Association shall be immune from penalty for committing any of the offenses set forth in this section by reason of the position or office the member may hold in the Association.

- a. Acquiring membership by false pretense, misrepresentation, or fraud.
- b. Refusal or failure to perform any duty or obligation imposed by this Constitution or the bylaws of the local association to which the member belongs, the established policies of the Association or local association, or the valid decisions and directives of any officer or officers thereof.
- c. Misappropriating money or property of the Association or a local association.
- d. Advocating, encouraging or attempting to inaugurate movements or organizations inimical to the interests of the Association or its established laws and policies.
- e. Violation of the Code of Ethics of the education profession.
- f. Willful actions constituting a violation of the provisions of the Constitution of the NEA, this Constitution or the bylaws of a local association.
- g. Disobeying or willfully failing to comply with any lawful decision or order of the Association or local association.
- h. Illegal voting or in any way preventing an honest and fair election to fill elective offices, posts or positions in the Association or local association.
- i. Committing other serious offenses which bring the Association into disrepute. Charges shall specify the alleged acts or omissions which constitute the offense.

#### **Section 2. Charges**

- a. Charges made against a member of the Association shall be in writing, signed and sworn to by the accuser. All charges shall be filed with the President of the Association. In the event the accused is the President of the Association, the charges shall be filed with the Vice President/Secretary-Treasurer of the Association.
- b. Charges must be submitted within ninety days of the time the accuser first became aware, or reasonably should have been aware of the alleged offense.
- c. Charges shall contain an allegation of the facts constituting the offense with which the accused is charged and the approximate date or dates said offense is alleged to have occurred.

d. Only active members of the Association may bring a charge of violation under the Code of Ethics of the Education Profession.

#### **Section 3. Initial Consideration of Charges**

- a. Upon charges being submitted, it is mandatory that a hearing be held unless the charges are withdrawn by the accuser or considered to be improper under this Article.
- b. Prior to the notification to a member that charges have been filed against him/her, the President or in the case of a charge against the President, the Vice President/Secretary-Treasurer, shall review the charges and consider them improper if:
  - (1) The charges do not state the exact nature of the alleged offense as required by Section 2 of this Article;
  - (2) The charges are untimely under Section 2 of this Article;
  - (3) The charges allege a violation of the Code of Ethics of the Education Profession and are not made by an active member;
  - (4) The allegation does not sustain a charge of a violation of the Constitution or conduct which tends to bring the Association or local association into disrepute.
- c. Both the accused and the accuser shall be notified in writing of the President's determination and the accuser may appeal from such determination to the Board of Directors. Such an appeal must be limited to the question of whether the charges are proper or improper under items (1), (2), (3), or (4) of this Section.

#### **Section 4. Hearings**

- a. Notwithstanding other provisions provided for under this Article and Article Six, upon charges being filed against an elected official of the Association and pending the final determination of the charges, the FEA Board of Directors may place the accused under a leave status. An elected official who is placed on a leave status shall not exercise the powers and duties of the office.
- b. A member against whom proper charges have been filed shall be notified of such charges and the name of the member who initiated the charges by receipted registered or certified mail within seven days after the charges have been reviewed, as provided in Section 3 of this Article.
- c. Except as otherwise provided in this Article, the President, or in the event the charge is made against the President, the Vice President/Secretary-Treasurer, shall, within 30 days of the notification of the accused, appoint a hearing committee of 3 or 5 members, not parties to the proceedings, one of whom shall act as chairperson and one of whom shall act as secretary. In the event that the charges allege a violation of the Code of Ethics of the Education Profession, only active members shall be named to the trial committee. Within one week of its appointment, the committee shall notify the member by receipted registered or certified mail

of the rights of the accused in the hearing and of the time and place of the hearing. The time set for the hearing shall allow the accused a reasonable time (not less than 30 calendar days after notification) to prepare his/her defense.

d. If a member fails to appear for trial when notified to do so, the trial shall proceed as though the member were in fact present.

e. Both the accused and the accuser shall have the right to present evidence, cross-examine witnesses and be represented either in person or by a member to act as his/her counsel.

f. All witnesses shall testify under oath.

g. Notice of the decision and penalty, if any, shall be given to the parties to the proceedings within 10 calendar days after the close of the trial.

h. The committee shall maintain a faithful and accurate record of the proceedings.

### **Section 5. Appeals**

a. A member upon being found guilty by a hearing committee shall have the right to appeal the decision of the hearing committee to the Board of Directors within thirty days after the decision.

b. The appeal shall be directed, in writing, to the President who shall obtain the record of the case.

c. The Board of Directors shall review the case and by a majority vote to affirm or reverse the decision of the hearing committee, and may amend, reject, or substitute another punishment for that penalty imposed by the hearing committee provided, however, that a two-thirds vote of those voting shall be required to substitute expulsion as the penalty where a lesser punishment was imposed by the hearing committee.

d. The thirty-day time limit provided in this section for filing appeals may be extended by the Board of Directors for an additional period not to exceed ninety days, upon a showing of good cause by the party making the appeal.

## **ARTICLE FOUR**

### **Annual Membership Meeting**

a. An annual membership meeting of the Association shall be held on a date at such place as may be determined by the Board of Directors. The President shall preside over the meeting.

b. Active members may present business items at the annual membership meeting. Such items shall be considered as recommendations to the Board of Directors.

c. Notice of the meeting shall be given to the membership at least 60 days prior to the meeting.

## **ARTICLE FIVE**

### **Executive Officers: Powers and Duties**

#### **Section 1. Offices**

The Executive Officers of the Association shall be the President, Vice President/Secretary-Treasurer, Human and Civil Rights Coordinator,

**Education Support Professional (ESP) Coordinator**, Area Directors/FEA Director for DDESS and NEA Directors(s) for FEA.

#### **Section 2. Qualifications**

All candidates for the offices of President, Vice President/Secretary-Treasurer, Human and Civil Rights Coordinator, NEA Director, **Education Support Professional (ESP) Coordinator** and Area Director/FEA Director for DDESS shall be active members of the Association. No member who has been finally adjudged guilty of misappropriating money or property of the Association or a local association in accordance with procedures set forth in this Constitution, who holds membership in a labor organization that has goals, interests or objectives inimical to the goals and objectives of the Association, or who otherwise is ineligible under Federal Law to be a candidate for or to hold an Association office shall be eligible for the office of President, Vice President/Secretary-Treasurer, Human and Civil Rights Coordinator, **Education Support Professional (ESP) Coordinator** or Area Director/FEA Director for DDESS. All officers shall maintain active membership during their terms of office. The Area Directors/FEA Director for DDESS shall, during their term in office, remain in the area in which they were elected. An Area Director/FEA Director for DDESS subject to an involuntary action by management affecting his/her location will not be subject to this provision.

#### **Section 3. Term**

The term of office for an Executive Officer shall be three (3) years. Executive Officers shall serve no more than two (2) elected consecutive terms in the office to which elected. Each Executive Officer except the NEA Director shall remain in office through August 1 of the year in which a successor is elected unless otherwise provided in this Constitution. The terms and conditions of service of the NEA Director shall be established in the NEA Constitution and Bylaws.

#### **Section 4. President**

The President shall:

a. Be the chief officer of the Association;

b. Represent the Association on matters of policy or delegate authority for such representation;

c. Preside at all meetings of the Board of Directors and the Annual Membership Meeting, exercise all the powers and duties of a presiding officer; and vote in accordance with Robert's Rules of Order.

d. Serve as delegate to the NEA Representative Assembly;

e. Appoint and remove, except as otherwise provided in this Constitution, all chairpersons and members of committees, with the advice and consent of the Board of Directors.

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

- g. Reviews, modifies and approves as appropriate all organizational instruments of subunits for consistency with the NEA and FEA Constitutions and bylaws;
- h. Decide disputes or questions in controversy, including all questions involving interpretation of this Constitution, except such cases as follow the procedure and conditions as outlined in this Constitution; all his/her decisions being subject to appeal to the Board of Directors. Notice in writing of appeal of any decision of the President must be filed with the Vice President/Secretary-Treasurer and the President within thirty days from the date of decision;
- i. Authorize the disbursement of moneys from the general fund to meet the financial obligations of the Association.
- j. Delegate duties and responsibilities to Association officers and other Association officials;
- k. Serve as ex officio member of all committees and commissions except for an impeachment commission;
- l. Serve as alternate NEA Director;
- m. Perform all duties stipulated in this Constitution and other duties such as are customarily assumed by the chief officer of an association;
- n. Hold no other executive office in the Association.

**Section 5. Vice President/Secretary-Treasurer**

The Vice President/Secretary-Treasurer shall:

- a. Perform such duties as the President may delegate to the Vice President/Secretary-Treasurer;
- b. Assume and fulfill the responsibilities of the President in the absence of the President;
- c. Be responsible for recording, publishing, and maintaining minutes and other official records of the Annual Membership Meeting and all meetings of the Board of Directors.
- d. Review at least once a year all state and Area Council's financial activity (income and expenditures);
- f. Work with the Financial Coordinator to submit to the Board of Directors an annual financial report at the end of each fiscal year and other financial reports as may be required;
- g. Submit to the Board of Directors an independent audit report of the custodial accounts (under paragraph b above) at the end of each fiscal year. The expense of the audit shall be borne by the Association.
- h. Serve as chairperson of the Budget Committee;
- i. Perform other duties such as may be stipulated in this Constitution, public statutes, the laws of the state of Delaware and the District of Columbia and the Board of Directors may require;
- j. Hold no other executive office in the Association.

**Section 6. Area Directors/FEA Director for DDESS**

Each Area Director/FEA Director for DDESS shall:

- a. Serve as the chairperson of the Area Council. In those cases where two or more Area Directors/FEA Director for DDESS serve an Area Council, the Council will determine the rotation of the chair;
- b. Coordinate and implement Association policies in the area the Area Director/FEA Director for DDESS represents;
- c. Promote membership within the area;
- d. Represent the area on the Board of Directors;
- e. When appropriate, designate in writing a person from that area to serve as Acting Area Director/FEA Director for DDESS, pending approval of the designee by the Area Council;
- f. Have authority to grant interim affiliation to a local association;
- g. Supervise the UniServ Staff according to Board adopted policy. Supervise and direct all other area staff providing yearly evaluations for review by the area council.
- h. Submit to the Vice President/Secretary/Treasurer once a year, copies of all financial reports and the independent audit.
- i. Hold no other executive office in the Association.

**Section 7. NEA Director**

The number of NEA Directors shall be determined under the applicable provisions of the NEA Constitution and Bylaws. Each NEA Director shall:

- a. Be responsible for transmitting reports of NEA actions to the Association Board of Directors;
- b. Assist in interpreting NEA policies and services to Association members;
- c. Represent the concerns of the Association to the NEA Board of Directors;
- d. Hold no other executive office in the Association.

**Section 8. Human and Civil Rights Coordinator**

The HCR Coordinator shall:

- a. Represent minority members' interests in the FEA;
- b. Assist in coordinating and implementing Association policies to encourage minority membership and leadership roles in FEA;
- c. Present concerns of minority members to the FEA leadership;
- d. Hold no other executive office in the Association.

**Section 9. Education Support Professional (ESP) Coordinator**

The ESP Coordinator shall:

- a. Be an Active Education Support Professional (ESP) member of the Association (full or part time);
- b. Represent Education Support Professional members' interests in the FEA;

- c. Assist in coordinating and implementing Association policies to encourage Education Support Professional membership and leadership roles in FEA;
- d. Present concerns of Education Support Professional members to the FEA leadership;
- e. Hold no other executive office in the Association.

**ARTICLE SIX**

**Executive Officers: Vacancies, Impeachment and Removal**

**Section 1. Vacancies**

In the event of a vacancy of an executive office by reason of incapacity, death, resignation, removal from office or other disqualification, the vacancy shall be filled in the following manner:

- a. If the office of President is vacant, it shall be filled by the Vice President/Secretary-Treasurer.
- b. If the offices of President and Vice President/Secretary-Treasurer are vacant at the same time, the Board of Directors shall appoint one member of the Board of Directors to the office of President and shall also appoint a Vice President/Secretary-Treasurer. The appointees shall fulfill their respective unexpired terms of office.
- c. If a vacancy in the office of Vice President/Secretary-Treasurer occurs, the Board of Directors shall appoint a successor to fulfill the unexpired term of office.
- d. If the office of Area Director/FEA Director for DDESS is vacant, the Board of Directors shall appoint an interim Area Director/FEA Director for DDESS with recommendations from the affected Area Council. A member who fills the vacancy of an Area Director/FEA Director for DDESS shall be from the same area as the member being replaced and shall serve for the unexpired term.
- e. If a vacancy in the Office of NEA Director occurs, it shall be filled in accordance with the applicable provisions of the NEA Constitution and Bylaws.
- f. If the office of Human and Civil Rights Coordinator is vacant, the Board of Directors shall appoint a successor to fulfill the unexpired term of office.
- g. If the office of Education Support Professional (ESP) Coordinator is vacant, the Board of Directors shall appoint a successor to fulfill the unexpired term of office.
- h. Those members appointed to fill the unexpired terms of office shall meet all the eligibility requirements of the Constitution pertaining to candidates for the office to which they are appointed.

**Section 2. Impeachment Petitions**

- a. Executive Officers other than the NEA Director(s) may be impeached and removed from office for violation of the Code of Ethics of the Education Profession or for malfeasance,

misfeasance or nonfeasance in office in accordance with the provisions of this Article. The NEA Director(s) may be impeached in accordance with the applicable provisions of the NEA Constitution and Bylaws.

- b. An impeachment proceeding against an Executive Officer other than an Area Director/FEA Director for DDESS may be initiated by a written petition proffered by twenty percent of the Association's active members. An impeachment proceeding against an Area Director/FEA Director for DDESS may be initiated by a written petition proffered by twenty percent of the Association's active members of the area the Director represents.

c. All impeachment petitions shall be filed with the President or, in the event the petition seeks the impeachment of the President, the Vice President/Secretary-Treasurer. Petitions shall contain a specific allegation of the facts constituting the accusation and shall name a representative of those petitioning who shall be notified in the event that the petition is determined to be improper.

- d. Upon receiving a written petition for impeachment, the President or in the case of a petition seeking the impeachment of the President, the Vice President/Secretary-Treasurer, shall review the petition and consider it improper if:

(1) The accusation does not state the exact nature of the alleged offense or constitute proper grounds for the impeachment and removal of an Executive Officer as required by this section;

(2) The petition is not proffered by the requisite number of active members whose signatures can be certified as authentic and valid.

- e. The representative of those petitioning, as named in the petition, shall be notified in writing of the President's determination within fifteen days of the receipt of the petition and may appeal from such determination to the Board of Directors. Such an appeal must be limited to the question of whether the petition is proper under items (1) and (2) of this Section.

**Section 3. Impeachment Commission and Trial**

- a. An Executive Officer against whom a proper petition as been filed shall be notified of such petition by receipted registered or certified mail within seven days after the petition has been reviewed as provided within this Section. The notice will inform the officer of his/her rights in the hearing and of his/her right to select one member of the impeachment commissions.

- b. Within fifteen days after the petition has been reviewed, as provided within this Section, an impeachment panel shall be impaneled. The Commission shall consist of three active members of the Association, none of whom shall be members of the Board of Directors. The officer against whom the petition has been filed shall have the right to select one member of the commission. The two other members of the

commission shall be appointed by a majority of the Board of Directors. The officer against whom the petition is filed shall not vote on the appointment of impeachment commission members.

c. Upon being impaneled the impeachment commission shall immediately notify the officer against whom the petition has been filed by receipted registered or certified mail of the time and place of the trial. The time set for trial shall allow the officer a reasonable time (not less than thirty calendar days nor more than sixty calendar days after notification) to prepare his/her defense.

d. If an officer fails to appear for trial when notified to do so, the trial shall proceed as though the officer were in fact present.

e. Those members filing the petition shall have the right to appoint a member of the Association to act as a prosecutor.

f. The officer against whom a petition has been filed shall have the right to be represented either in person or by a member to act as his/her counsel.

g. Both the prosecutor and the officer against whom a petition has been filed, or his/her counsel, shall have the right to present evidence and to cross-examine witnesses.

h. All witnesses shall testify under oath or affirmation.

i. The commission shall maintain a faithful and accurate record of the proceedings.

j. The commission shall file a written report setting forth all accusations, findings of fact, and verdict to the Board of Directors within fifteen calendar days of the conclusion of the hearing.

#### **Section 4. Removal of Impeached Officer.**

a. Within thirty days of a determination of guilt by the majority of an impeachment commission, the Board of Directors shall meet to consider the commission's report and may, upon a vote of two-thirds of those members of the Board eligible to vote, remove the officer found guilty from office. The charged officer shall not participate in the deliberations nor vote on such an action.

b. The officer impeached and removed may file a written appeal of the decision of the Board of Directors within seven days of such decision. Such an appeal shall be filed with the Presiding Officer.

c. Pending the outcome of such appeal, the officer impeached and removed shall not exercise the powers and duties of the office. If no appeal is taken within seven days of the Board of Directors' decision to remove the officer, the office shall be declared vacant. Within thirty days of receiving an appeal from the decision of the Board of Directors to remove an officer, the Presiding Officer shall conduct a secret mail ballot of the Association's active membership or, in the case of the impeachment and removal of an Area Director/FEA Director for DDESS, the active members of the area the

Director represents. If a majority of the eligible members vote in favor of sustaining the removal, the office shall be declared vacant.

#### **Section 5. Recall of NEA Director(s).**

An NEA Director shall be subject to recall in accordance with the applicable provisions of the NEA Constitution and Bylaws.

### **ARTICLE SEVEN**

#### **Complaints Against the Association or Executive Officers**

##### **Section 1. Complaints**

a. All complaints shall be in writing, signed by the complainant and filed with the President and within sixty (60) days of the time the complainant became aware of the alleged violation. Complaints against an Area Director/FEA Director for DDESS must first go to the Area Council with appeal to the Board of Directors through the President.

b. All complaints must contain an allegation of the facts on which the complaint is based, including applicable dates. The complaint must state that the complaint is filed in good faith and specify the nature of the relief sought.

##### **Section 2. Consideration of Complaints**

The President shall determine what action, if any, is to be taken within thirty (30) days and notify interested parties.

##### **Section 3. Appeal**

a. The decision of the President may be appealed in writing to the Board of Directors within thirty (30) days notice of the President's decision.

b. The complaint shall be placed on the agenda of the next Board of Directors meeting after the date the appeal is filed.

c. The Board of Directors shall review the appeal and affirm, reverse or modify the decision of the President and cause interested parties to be notified.

### **ARTICLE EIGHT**

#### **Board of Directors**

##### **Section 1. Membership**

The Board of Directors shall consist of the Executive Officers.

##### **Section 2. Powers and Duties**

The Board of Directors shall:

- a. Formulate voting procedures and rules for conducting elections consonant with this Constitution and applicable Federal Law;
- b. Establish and maintain an office for the Association;
- c. Employ an Executive Director and other staff whose duties the Board of Directors shall define; have the authority to dismiss staff hired by the Board of Directors;
- d. Set the salaries of the staff;
- e. Adopt and, if necessary, revise the annual budget;

- f. Establish requirements and procedures for affiliation consistent with standards in the Constitution;
- g. Appoint annually an independent auditor who shall examine all accounts of the Association and render a written report to the Board;
- h. Acquire bonds in amounts deemed necessary, but in no event for an amount less than the amount required by Federal Law, for all Association officers, members, and employees who handle Association money. The cost of bonds shall be borne by the Association;
- i. Establish the salary replacement of Executive Officers if they serve the Association in a full-time capacity;
- j. Establish and, if necessary, realign the boundaries of any area;
- k. Select members of all national-level consultations and negotiation teams;
- l. Produce an official publication;
- m. Determine the funding of Area Councils;
- n. Determine the date and location of the Annual Membership Meeting;
- o. Hear all appeals appropriately filed in accordance with this Constitution;
- p. Have the authority to rescind, reverse or repeal any action of any of the Executive Officers;
- q. Establish, as necessary, select committees and commissions;
- r. Issue charters to local associations in accordance with the provisions of this Constitution;
- s. Otherwise manage Association business and establish and execute worldwide Association policy consistent with the Association goals and objectives.

**Section 3. Meetings**

- a. The Board of Directors shall meet at least two times each year. Exact date, time, and place shall be set at the previous meeting of the Board. If the Board does not set the exact date, the President shall do so, with the concurrence of a majority of other members of the Board of Directors. If the President sets the date, advance written notice of at least sixty (60) days (between the postmark of the notice and the meeting date) or advance telephone notice of at least thirty (30) days shall be given to all Board members.
- b. The President shall call additional meetings of the Board of Directors as may be required by this Constitution or if the President receives a written request to do so by a majority of the Board of Directors. In the event that the President fails to call a meeting within fifteen (15) days of receiving such a request, the Vice President/Secretary-Treasurer shall call the meeting. Notice of emergency meetings shall be given to each member of the Board of Directors as soon as the date is set.
- c. The President may request any standing and special committee chairperson to attend meetings of the Board of Directors, subject to the approval of the Board of Directors.

- d. A quorum for any meeting of the Board of Directors shall be a simple majority of the total members of the Board of Directors.

**Section 4. Voting**

- a. Voting at meetings of the Board of Directors shall be limited to the members of the Board.
- b. Voting by the Board of Directors shall conform to the one person-one -vote principle in accordance with this Constitution and the NEA Constitution and Bylaws. Each Board member will have one vote with the President or presiding officer voting only to break or cause a tie in accordance with Robert’s Rules of Order.
- c. If the number of votes per Board member falls out of compliance with the one person- one vote concept because the number of members in an existing area changes dramatically, the Board of Directors is required to take all appropriate actions to remain in compliance.

**ARTICLE NINE**

**Area Councils**

**Section 1. Boundaries**

The number of Area Councils and the boundaries of the Area Councils shall be established by the Board of Directors.

**Section 2. Membership**

The Area Council shall be composed of the Area Director/FEA Director for DDESS, who is the chairperson, **the Area Human and Civil Rights Coordinator** and (a) representatives(s) from each subunit within the area. Subunit representatives may be elected directly by secret ballot among the active members within the subunit or by representatives of local associations within the subunit who themselves have been elected by secret ballot. In the event that the President of the sole local association within the subunit is to serve as the subunit representative, the ballot for President of the local association must include a statement to this effect.

**Section 3. Powers and Duties**

The Area Councils shall:

- a. Carry out all policies established by the Board of Directors;
- b. Recommend to the Board of Directors items for worldwide consideration;
- c. Participate in the selection, coordination, and deployment of area staff;
- d. Provide for area-wide consultation and negotiation team(s);
- e. Be empowered to realign subunit boundaries;
- f. Provide for the election of Area Council subunit representatives, **the Area Human and Civil Rights Coordinator**, and other officers deemed necessary from the membership of the area and formulate voting procedures and rules for conducting elections, rules concerning the method for filing vacancies in the office of subunit representative and procedures, if any, for the recall or removal of subunit representatives, consonant with this Constitution and Federal Law, which shall be submitted to the President



of the Association for examination and necessary revision and approval before becoming effective. Any proposed amendments, revisions, or modifications to such procedures and rules shall likewise be submitted to the President for examination and necessary revision and approval prior to becoming effective.

- g. Exercise area-wide executive authority;
- h. Review the Area Council budget annually.
- i. Direct an annual independent audit of Area Council accounts and provide written reports to the area council and FEA Board.
- j. Otherwise manage Association business and establish and execute area-wide policy consistent with Association goals and objectives and with policies set forth by the Board of Directors.

#### **Section 4. Meetings**

The Area Director/FEA Director for DDESS shall call at least one meeting before November 15 of each school year and additional meetings as necessary. In addition, the Area Director/FEA Director for DDESS shall call a meeting upon written petition of thirty (30) percent of the members of the Council. If the Area Director/FEA Director for DDESS fails to call such a meeting within fifteen (15) days of receiving such a request, any other member of the Council may call the meeting.

#### **Section 5. Voting**

- a. Voting at meetings of the Area Council shall be limited to the Area Director/FEA Director for DDESS, subunit representatives, **Area Human and Civil Rights Coordinator**, and other elected officers of the Area Council.
- b. Voting at meetings of the Area Council shall conform, in so far as practicable, to the one-person-one-vote principle in accordance with this Constitution and the NEA Constitution and Bylaws. Each Area Council shall submit bylaws detailing its voting procedure to the President of the Association for examination and necessary revision and approval before becoming effective. Any proposed amendments, revisions, or modifications to such bylaws shall likewise be submitted to the President for examination and necessary revision and approval prior to becoming effective. A determination by the President that any bylaws, proposed amendments, revisions or modifications thereto are improper may be appealed to the Board of Directors.
- c. Area Councils will determine the method for choosing a designated representative alternate.

### **ARTICLE TEN** **Local Associations**

#### **Section 1. Membership**

Each local association shall be composed of a single unit or a conglomerate of units within a given geographical area. Locals may organize to form subunit advisory councils.

#### **Section 2. Affiliation Standards**

The Association shall not grant an affiliation charter to a local association unless it meets the following minimum standards. Each affiliate shall:

- a. Apply the one-person-one-vote principle for representation on its governing bodies and shall encourage ethnic-minority representation at least proportionate to its ethnic-minority membership.
- b. Conduct elections with open nominations and a secret ballot;
- c. Require membership in the Association and in the National Education Association;
- d. Adopt a policy that recognizes the preeminence of the Code of Ethics of the Education Profession;
- e. Be reviewed by the Association at least once every three years to determine its compliance with minimum affiliation standards;
- f. Have the same membership year and fiscal year as those of the Association;
- g. Guarantee that no member of the affiliate shall be censured, suspended or expelled without a due process hearing and an appropriate appellate procedure.

#### **Section 3. Affiliation Procedures**

- a. A local seeking affiliation shall file a written application for affiliation with the Board of Directors and shall send a copy to the appropriate Area Director/FEA Director for DDESS. The Area Director/FEA Director for DDESS shall have authority to grant interim affiliation pending subsequent approval at the next meeting of the Board of Directors.
- b. In the event that only one chartered local exists within an area subunit, the Board of Directors may allow a school or group of schools to form an independent, autonomous local with its own geographical boundaries within an existing local.

#### **Section 4. Causes for Revocation or Suspension of Charter**

The Charter of a local association may be revoked or suspended for:

- a. Failure to meet any financial obligation to the Association within sixty (60) days after it is due;
- b. Refusing or neglecting to install a successor to any officer properly removed from office in accordance with this Constitution;
- c. Resorting to civil suit or criminal action against the Association or any Executive Officer thereof before exhausting remedies within the Association;
- d. Refusing or neglecting to conform to this Constitution, the properly established goals and objectives of the Association, or any decisions or directives of the Board of Directors.

#### **Section 5. Procedures for Revocation**

- a. An Area Director/FEA Director for DDESS may file a written petition to revoke the charter of any local association with the area he/she represents with the President of the Association.
- b. Within thirty (30) days of receiving a petition to revoke the charter of a local association which specifically sets forth the nature of proper

charges against the local association within the meaning of this Article, the President shall give the local association proper notice of the charges against it and appoint a trial committee of three (3) members, one of whom shall be from the area which encompasses the charged local association, who shall serve as chairperson, and two of whom shall be from areas which do not encompass the charged local association. Within one week of its appointment, the trial committee shall notify the local of its rights in the hearing and of the time and place of the trial. The time set for trial shall allow the local a reasonable time (not less than 30 calendar days after notification) to prepare its defense.

c. The Area Director/FEA Director for DDESS shall appoint one member to act as prosecutor who, together with any member appointed by the local to act as its representative, shall have the right to present evidence and cross-examine witnesses. All witnesses shall testify under oath or affirmation.

d. The committee shall maintain a faithful and accurate record of the proceedings.

e. Notice of the findings, decision and penalty, if any, shall be given to the parties to the proceeding within ten calendar days after the close of the trial. In the event that penalties other than suspension or revocation are imposed, the notice shall state that, if the local association fails to comply with the finding or to appeal within the allotted time, its charter will automatically be revoked. The findings, decision and penalty shall be published to all members of the Association.

#### **Section 6. Appeal of Revocation**

a. A local association may appeal the decision of the trial committee to the Board of Directors within thirty (30) days after such decision.

b. A two-thirds (2/3) vote of the Board of Directors shall be required to sustain the decision of the trial committee in the event such decision is appealed.

#### **Section 7. Authority, Duties and Obligations of Local Associations**

The authority, duties and obligations of chartered local associations, their officers and members, in addition to those otherwise set forth in this Constitution or in their respective Bylaws and Rules, shall be:

a. To abide by this Constitution and the decisions and directives of the Board of Directors;

b. To strive to the goals and objectives set forth in this Constitution;

c. To adopt bylaws not inconsistent with the Constitution and Bylaws of the NEA, this Constitution, duly adopted resolutions of the Board of Directors, or the established goals and objectives of the Association and to submit such bylaws, and any proposed amendments, revisions or modifications thereto to the President for examination and necessary revisions and approval;

d. To hold meetings of the local association membership at such time, place and frequency as the members may decide by vote;

e. To hold local association elections by secret ballot with the provision of reasonable opportunity for all members to vote in accordance with the bylaws established by the local association, this Constitution and Federal Law;

f. To establish a quorum and other rules of conduct of local association meetings;

g. To maintain adequate files and records;

h. To make available to members upon requests, copies of the local budget and financial transaction records.

i. To establish a program designed to keep members informed of Association activities;

j. To carry out all policies established by its Area Council;

k. To maintain the minimum affiliation standards required by this Article;

l. To do all other things necessary for the proper disposition of matters which may come before the local association for consideration.

#### **Section 8. Contract Responsibility**

No local association, nor officer, agent, representative or member thereof shall have the power or authority to make contracts or incur liabilities for the Association, except upon express authority having been granted thereof in writing by the Board of Directors.

#### **Section 9. Assets**

All assets of a local association shall be considered a trust fund of the Association to be held and administered by the local association for the members of the Association belonging to the local association so long as the local association remains a chartered local of the Association. In the event the charter of a local association is revoked, or the local association otherwise disbands, all of the funds, property and assets of the local association shall forthwith revert to and become the property and assets of the Association. If within one (1) year thereafter a new charter is issued to a local association with the same or similar jurisdiction, the Board of Directors shall, in order to aid such newly chartered local associations in the commencement of its operations, make an appropriation to it in an amount not to exceed the value of such funds, property and assets.

#### **Section 10. Local Association Officers**

a. Local association officers shall be elected by direct secret ballot of the active members of the local association in good standing in accordance with nomination and election procedures set forth in the local association bylaws, which shall be consistent with this Constitution and in accordance with Federal Law.

b. Eligibility for election to local association offices shall be determined by the local association, provided, however, that no member who has been finally adjudged guilty of misappropriating money or property of the

Association or a local association in accordance with procedures set forth in this Constitution, who holds membership in a labor organization that has goals, interests or objectives inimical to the goals and objectives of the Association, or who otherwise is ineligible under this Constitution or Federal Law.

c. The bylaws of a local association shall set forth the method for filling vacancies in local association offices.

d. The bylaws of a local association may provide for the removal of a local association officer by recall or following an adequate procedure for removal which shall include a due process hearing and a secret ballot of the active local association members at an appropriately called meeting or a vote of a trial committee or other duly authorized body, subject to appeal and review by the active local association members voting by a secret ballot at an appropriately called meeting.

#### **Section 11. Faculty Representative Spokesperson**

a. Faculty representative spokespersons shall be elected by secret ballot of the active members of the faculty at the school(s) for which the faculty representative spokesperson will be the FEA representative. The members electing the faculty representative spokesperson shall be in good standing and the nomination and election procedures used to elect this FEA representative shall be those established by the Area Council, in accordance with this Constitution and in accordance with Federal Law.

b. Eligibility for election as faculty representative spokesperson shall be determined by the Area Council provided, however, that no member who has been finally adjudged guilty of misappropriating money or property of the Association or a local association, in accordance with procedures set forth in this Constitution, who holds membership in a labor organization that has goals, interests, or objectives inimical to the goals and objectives of the Association, or who otherwise is ineligible under this Constitution or Federal Law shall be eligible for election as the faculty representative spokesperson.

c. The Area Council shall determine, in accordance with this Constitution and Federal Law, the method for filling a vacancy in the faculty representative spokesperson position.

d. The Area Council shall provide for the removal of a faculty representative spokesperson by recall or following an adequate procedure for removal that shall include a due process hearing and a secret ballot of the active members of the school(s), for which the faculty representative spokesperson was the FEA representative, at an appropriately called meeting or a vote of a trial committee or other duly authorized body, subject to appeal and review by the Board of Directors, in accordance with this Constitution.

### **ARTICLE ELEVEN** **Limitation of Liability**

The Association prohibits all individual members and groups of members from involving the Association in plans, projects, or schemes pertaining to travel by members of the Association that are connected to their personal or private affairs and that may hold the Association liable in any way. All Association members, by virtue of becoming members, renounce for themselves, their heirs, their assigns, and their estates any and all claims of any nature whatsoever against the Association and its officers, collectively or individually, resulting from travel to or from any meeting or assembly of the Association, or in connection with any insurance plans, whether for life, accident, automobile, or liability insurance, that the Association may at any time be said to have become involved in. Should such plans for travel or insurance be adopted at any time, then the members of officers of the Association negotiating therefore or administering such plans shall be deemed to be not the agent or agents of the Association but only uncompensated volunteers assisting the beneficiaries of such plans, and not otherwise. In no case shall Association members be individually liable to anyone, within or without the Association, for their acts other than acts they would be legally liable for were they not members of the Association except as otherwise may be provided by Federal Law. In the event that the Association should at some time arrange for blanket accident or disability insurance to cover members while traveling to and from or while attending Association meetings, such blanket coverage shall be gratuitous and not an obligation of the Association. Should such insurance lapse without notice to the members, the lapsing shall be without liability on the part of the Association, its officers, or its members.

### **ARTICLE TWELVE** **Staff Principles**

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

a. The Association shall be an equal opportunity employer;

b. The Association shall adhere to the principles of affirmative action in employment practices.

### **ARTICLE THIRTEEN** **Finance**

#### **Section 1. Fiscal Year**

The fiscal year of the Association shall be from September 1 of one calendar year through August 31 of the following calendar year.

#### **Section 2. General Fund**

a. The general fund of the Association shall comprise all income received in the form of

dues, interest, earnings from advertising, sale of Association publications, and funds received as gifts or transfer to the Association.

b. All operation accounts and debt services shall be paid out of the general fund.

c. Disbursements shall be by check, electronic fund transfer, or by written order to the depositories.

### **Section 3. Budget Committee**

a. The Budget Committee shall be comprised of the Vice President/Secretary-Treasurer, who shall serve as Chairperson and at least two other members appointed by the Chairperson.

b. The Budget Committee shall prepare the proposed budget for presentation at the Annual Membership Meeting for review before its approval by the Board of Directors.

c. The Budget Committee shall hold at least one open hearing on the proposed budget at the Annual Membership Meeting. Following the open hearing, the Board of Directors shall meet to consider the budget. The old budget shall remain in force until a new budget has been approved.

### **Section 4. Budget**

The budget of the Association shall be designed to implement and facilitate the realistic attainment of the professional goals and objectives of the Association.

### **Section 5. Financial Reports**

a. The Vice President/Secretary-Treasurer shall insure that an annual report of finances, including dues, income and expenditures for the fiscal year is prepared.

b. The audit report shall be transmitted to the Board of Directors.

### **Section 6. Dissolution**

In the event the Association is dissolved, all funds and physical property of the Association shall be turned over to the National Education Association, Washington, DC

## **ARTICLE FOURTEEN**

### **Standing Committees**

The following committees shall be standing committees within the Association: (a) Elections Committee; (b) Budget Committee.

## **ARTICLE FIFTEEN**

### **Association Elections**

#### **Section 1. Electoral Body**

a. The President, Vice President/Secretary-Treasurer, Human and Civil Rights Coordinator, **Education Support Professional (ESP) Coordinator** and NEA Director shall be elected at large by the active members of the Association.

b. The Area Directors/FEA Director for DDESS shall be elected at-large from and by the active members of the area they represent. The Area Director/FEA Director for DDESS shall reside in the Area he or she will represent.

#### **Section 2. Nominations and Balloting**

All elections for Association office shall be by secret ballot after open nominations.

#### **Section 3. One Person One Vote**

a. All elections to Association offices shall accord with the one-person-one-vote principle.

b. In all elections the Association shall encourage and seek candidates from ethnic minorities.

#### **Section 4. Slate Voting**

Slate voting shall not be permitted in any Association election.

#### **Section 5. Majority Vote**

All elections shall be decided by a majority of the valid votes cast for each office, using a preferential system of voting. Preferential voting is defined as follows. When more than two candidates for one office are on the ballot, the voters must give preference to all the candidates by numbering their choices first, second, third, etc. If no candidate receives a majority, then the candidate with the least first-choice votes is dropped and those ballots are redistributed to the remaining candidates using the second choice designated of that candidate's ballots. The system continues until one candidate receives a majority of the valid votes cast.

#### **Section 6. Procedures**

The Board of Directors shall formulate procedures for conducting Association elections consonant with this Constitution. The Board shall also formulate procedures for conducting Association run-off elections when the preferential system fails to produce a winning candidate.

#### **Section 7. Elections Committee**

The Elections Committee shall conduct the tally of ballots in the election of the President, Vice President/Secretary-Treasurer, Human and Civil Rights Coordinator, **Education Support Professional (ESP) Coordinator**, Area Directors/FEA Director for DDESS and NEA Director(s) in accordance with specific procedures determined by the Board of Directors and such other duties as may be incumbent upon it under specific nomination and election procedures developed by the Board of Directors.

#### **Section 8. Write-in Nominations**

Names of candidates for any office may be placed on the official ballot by write-in nomination.

## **ARTICLE SIXTEEN**

### **Parliamentary Procedure**

Robert's Rules of Order, Newly Revised, shall be the authority governing all matters of procedure not otherwise provided for in the Constitution.

## **ARTICLE SEVENTEEN**

### **Amendment of the Constitution**

#### **Section 1. Proposal**

Amendments to this Constitution may be proposed by a written petition of fifteen (15) percent of the active members of the Association or by a two-thirds vote of the total possible vote of the Board of Directors.

**Section 2. Procedures**

A motion to amend this Constitution shall be presented to the Board of Directors and the members at the Annual Membership Meeting for review prior to the ballot process.

**Section 3. Ballot**

The Ballot containing the motion to amend, along with the portion of the Constitution that is proposed for change shall be submitted to the membership before the end of the next school year following the Annual Membership Meeting in which the proposal was discussed, and shall be distributed to each active member at least forty-five (45) days (counted from the postmark date) before the deadline for the return of votes (counted timely if postmarked on the deadline date).

**Section 4. Adoption**

An affirmative majority vote of the members exercising their right to vote shall adopt this Constitution and shall be the majority vote necessary to approve proposed amendments.

**ARTICLE EIGHTEEN**

**Supremacy of NEA Constitution and Bylaws**

No provision of this Constitution shall be construed, applied or enforced so as to conflict with any provision of the NEA Constitution and Bylaws pertaining to the powers, duties and obligations of an NEA state affiliate.

**ARTICLE NINETEEN**

**Revocation**

All prior constitutions with their amendments and bylaws are hereby revoked and shall become null and void immediately upon the adoption of this Constitution.

**EFFECTIVE DATE**

School year 1975-1976. Full implementation 1976-1977. Adopted July 1, 1964. Amended May 6, 1967; May 3, 1968; May 3, 1969; May 9, 1970; May 8, 1971; May 10, 1975; June 24, 1977; August 15, 1984; May 3, 1988; May 21, 1991; January 1992; May 1992; April 1994; May 1995; March 1998; July 1998; May 2001; August 2008; April 2013;