

OAKLAND EDUCATION ASSOCIATION  
**BYLAWS**

Last amended 6/6/2011

I. ***NAME AND LOCATION OF ASSOCIATION***

- A. The official Chapter name shall be the Oakland Education Association CTA/NEA.
- B. The Oakland Education Association CTA/NEA is located in Oakland, Alameda County, California.

II. ***PURPOSES***

The purposes of this Association are to represent its members in their 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.

- A. The purpose of this Association shall also be to participate in activities and endeavors which promote quality public education.

III. ***AFFILIATION WITH THE UNITED TEACHING PROFESSION (UTP)***

"The Oakland Education Association shall be a Chartered Chapter of the California Teachers Association."

- A. Section 2: "The Oakland Education Association shall be an affiliated local of the National Education Association."

IV. ***MEMBERSHIP CLASSES***

- A. There shall be five (5) classes of membership in the Association: Active, Educational Support, Retired, Associate, and Honorary Life.
- B. Active membership shall be open to any person who engages in or who is on a limited leave of absence from professional educational work or who is serving as an

executive officer of the Association. Active members shall hold or shall be eligible to hold a baccalaureate or higher academic degree of the regular teaching, vocational, or technical certificate required by their employment. Active membership is limited to persons who support the principles and goals of the local Association and maintain membership in the California Teachers Association Chapter and in the National Education Association where eligible. Active membership shall be open to all certificated non-management employees of the Oakland Unified School District.

- C. Educational Support membership shall be open to any employee of the Oakland Unified School District, or other institutions devoted primarily to educational employment who is not eligible for Active membership. Educational Support membership is limited to persons who support the principles and goals of the Association and maintain membership in the Oakland Education Association (OEA), and state and national affiliates where eligible.
- D. Retired membership shall be open to any retired member who has held membership in the Association for the year immediately prior to retirement and who is a qualified applicant for or recipient of service or disability retirement allowances from a public or private retirement system or who currently is a member of the California Retired Teachers Association. The Executive Board shall fix the terms and conditions upon which such membership shall be free from the payment of assessments and the extent to which such terms and conditions shall not be subject to change or revocation by the Association.
- E. Associate membership shall be open to any non-Oakland Public School employee who is interested in advancing the cause of public education. Management employees who are currently (school year 1979-80) associate members of this Association may continue in this status. The different types of eligibility and services for such membership shall be prescribed in the Standing Rules.

- F. Honorary Life membership may be granted by the Representative Council.
- G. No person who serves as a representative for a public school employer in negotiations with representatives of certificated employee organizations shall be eligible for membership in the Association.
- H. Membership in the United Teaching Profession (OEA/CTA/NEA) shall be retained by all members of this Association.
- I. Rights and privileges of membership shall not be abridged in any way because of age, sex, race, color, ethnic group, national origin, sexual orientation or marital status.
- J. No member may be disciplined without a due process hearing which shall include the right of appeal to the Executive Board and the procedure under Article XII.
- K. Adherence to the Code of Ethics of the Education Profession as adopted by CTA and NEA shall be a condition of membership in the OEA.
- L. The Association membership categories shall not compete with those of another UTP Chapter within the same employing jurisdiction as this Association.
- M. Members on leave from the District shall maintain the rights of membership upon payment of dues of their category as provided in the Standing Rules of the Association.
- N. Rights and Limitations
1. *Active Members.* Active members in good standing shall be entitled to the following privileges:
    - a. The right to vote in the Association on all matters submitted to the membership;
    - b. Eligibility to elective and appointed office in the Association.
    - c. Admission to and participation in Association meetings;
    - d. Eligibility to appointment to committees of the Association;
    - e. Receipt of the official publication and reports

of the Association;

- f. All Association services available to the membership.

7. *Other Than Active Members.* All other persons enrolled in classes of membership other than the Active class shall be granted such privileges as may be prescribed for that class by actions of the Executive Board and/or approved by the Representative Council. The right to vote and to hold elective and appointed position shall be limited to Active members.

8. *Obligations of Membership.* Members of the Association shall be subject to the following obligations:

- a. Prompt payment of membership dues as required for their class of membership;
- b. Active support and promotion of the stated purpose of the Association.
- c. Conformity with the Code of Professional Ethics adopted by the Association;
- d. Support of and conformity to the provisions of these Bylaws; and
- e. Honoring of all OEA picket lines during a crisis.
- f. All members shall be eligible to receive special services and to obtain assistance in the protection of professional and civil rights.
- g. Any member other than a life member, whose profession or occupational position within the school district changes shall be transferred to the class of membership applicable to the new position. The member shall not remain in the class of membership for which the member is no longer eligible.
- h. Membership shall be continuous unless terminated for cause.
- i. Members who fail to adhere to any of the

conditions of membership as stated in these Bylaws shall be subject to censure, suspension or expulsion.

- j. The membership year shall be from September 1 through August 31.
- O. *Termination of Membership.* Membership in the Association shall terminate upon the death or resignation of the member. Membership may also be terminated under the following circumstance: Any member who fails to pay the annual dues as may be prescribed for the class of membership in which the enrolled shall automatically be dropped from membership as provided in the Standing Rules.
- P. The Executive Board and Representative Council, in conformity with these Bylaws, shall rule on questions of eligibility for membership, including determination as to dues category of membership in accordance with the Standing Rules of the Association.

V. ***DUES, FEES AND ASSESSMENTS***

A. *Dues* - Membership in a given class or category shall be continuous after initial enrollment until a change in professional status shall make the member ineligible for that class or category. If by December 31st of any calendar year a member has not either paid the established annual membership dues for the current membership year, or made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and the name dropped from the rolls.

B. *Membership Dues, Fees and Assessments* - The amount and type of membership dues, fees, and assessments shall be specified as prescribed herein. The Standing Rules shall contain the procedures by which dues, fees, and assessments are collected and transmitted to the Association, including the establishment of provisions for declaring delinquency and forfeiture of membership as a consequence thereof. The Executive Board with the approval of the Representative Council shall have the

authority to waive the prescribed dues, fees, and assessments on an individual basis for extenuating or honorary circumstances. Upon completion of satisfactory arrangements for the payment of dues as prescribed in the Standing Rules, each member of the Association shall be issued a membership card, appropriate to the class of membership in which enrolled.

1. *Active Members.* Active members shall be required to pay annual membership dues as established by OEA/CTA/NEA in accordance with the following:
  - a. Category 1 - Full time active members will be required to pay a full share.
  - b. Category 2 - Active members working between one-third and 60% of a full-time shall pay an apportioned share as established by the Executive Board and approved by the Representative Council.
  - c. Category 3 - Active members working less than one-third of time shall pay an apportioned share established by the Executive Board and approved by the Representative Council.
1. *Educational Support, and Associate Members.* The dues for these classes of members, Educational Support and Associate members, shall be fixed by the Executive Board and approved by the Representative Council in an amount not to exceed that annually prescribed for active members and to be dependent upon the level of Association services accorded to members of such classes.
2. *Retired Life Members.* The dues for Retired Life members shall be a one-time payment in the amount to be determined by the Executive Board and approved by the Representative Council.
3. *Honorary Life Members.* Dues will not be required from Honorary Life Members.
  - C. OEA dues, fees and assessments are to be recommended by the Executive Board to the

Representative Council with final approval residing in a simple majority of those representatives voting.

D. Any recommended OEA dues increase shall not exceed 2/3 the percentage of the previous year's salary increase. At the recommendation of the Representative Council, OEA dues may exceed the 2/3 in Section V,D, with approval of the OEA membership by May in the preceding school year.

E. Agency Fee dues shall be apportioned on the same percentage basis as the full United Education Profession (OEA/CTA/NEA) dues.

#### IV. **GOVERNANCE BODIES**

##### A. POLICY-MAKING BODY

1. The Representative Council is the policy making body for this Association and is responsible for developing Standing Rules for their internal procedures.
2. The official roll of the voting members of the Representative council shall consist of those members elected to the Representative Council and who have signed the roll at one or more the current year meetings of the Representative Council.
3. Council Representatives and alternates shall be elected annually by members of the Association at their site to serve from October for one year and may be re-elected. Each site shall have one representative for every fifteen (15) members at their site, which at least one representative for each site to provide representation on as close to a one-person-one vote basis as possible. A site is defined as a school, work site, or homogeneous group
4. Each voting member of the Representative Council shall be entitled to one vote. Only such members who are registered at the meeting of the Representative Council shall be entitled to vote at the meeting.
5. Minority guarantees consistent with those at the State Association Level shall be provided.

6. The Representative Council shall be responsible for adopting annual guidelines to ensure a vigorous leadership training program.
7. Actions of the Executive Board shall be subject to review, approval, rejection, or modification by the Representative Council before actions shall become policy of this Association.
8. Representative Council vacancies shall be filled at the site where a vacancy exists.
9. *Duties of Faculty Representatives.* Duties of Faculty Representatives shall include, but not be limited to:
  - a. Distribute Association materials at school/work site.
  - b. Recruit and keep membership roster.
  - c. Conduct on-site meetings and elections.
  - d. Attend Representative Council meetings.
  - e. Serve as a liaison between school/work site and Representative Council and Executive Board.

#### B. OFFICERS

1. The officers of the Association shall be President, First Vice-President, Second Vice-President, Treasurer, and Secretary.
2. The President, First Vice-President, Second Vice-President, Treasurer, and Secretary shall be elected bi-annually by the members. The President and Vice-President shall be elected to two (2) year terms during even numbered years. The Second Vice- President, Treasurer, and Secretary shall be elected to two (2) year terms during odd numbered years.
3. The term for each officer shall be from July 1 through June 30.
4. The office of President shall be limited to:
  - a. Three consecutive terms.
  - b. A former president may be elected president after an interval of one term.
5. Vacancies of elected officers shall be filled by election by and from the constituency except where succession by other elected officers is specified. A vacancy shall be



deemed to exist in the case of recall, death, resignation or inability to discharge the duties as an officer. The Representative Council, by two-thirds of those voting shall determine the inability of an officer to discharge his/her duties. In the event of a vacancy in an office, other than the president, the Representative Council shall elect the successor to serve until the next regular election of officers in that school year. In the event of a vacancy in the office of President, a special election by the General Membership shall be held between 30 and 45 calendar days within the school year that the vacancy is declared.

6. Officers shall be and remain United Education Profession (UEP) members as a requirement for, nomination to, and service in an office.
7. The President shall:
  - a. Be the official spokesperson representing the Association's policies at the local, state and national level and shall promote the interests and purposes of the Association in every way possible.
  - b. Call the regular and special meetings of the Association, the Representative Council the Executive Board and he/she shall preside at such meetings.
  - c. Appoint chairpersons of committees with the advice and consent of the Executive Board and Representative Council.
  - d. Provide leadership for the work and progress of the Association.
  - e. Attend United Education Profession (UEP) meetings as directed by the membership.
  - f. Appoint members of the Bargaining Teams with the advice and consent of the Executive Board and Representative Council.
  - g. Be a full-time released, paid officer whose compensation shall be at the top of the teacher's
  - h. salary schedule plus two months; except that, in the event of a strike conducted by OEA, that

- i. compensation shall be reduced in the same manner as the striking members.
8. The First Vice-President shall:
  - a. Serve as an assistant to the President.
  - b. Assume the duties of the President upon request of the President or in his/her absence.
  - c. visit work sites, when possible to advise on Association matters particularly membership and to coordinate the filling of vacancies in the Representative Council.
  - d. Become acting president in the event the office is declared vacant.
    - e. Shall help coordinate and provide an orientation for Representative Council members so they may become familiar with Council procedures, their duties, and responsibilities.
9. The Second Vice-President shall:
  - a. Coordinate the activities of the Association's Committees and the committee's calendars.
  - b. Be responsible for publishing a document of the Standing Rules of all committees, and updating the document with all changes made during the year.
  - c. Assist committees in the preparation and/or modifications of their Standing Rules, and submitting these to the Executive Board and Representative Council for their approval.
  - d. Monitor the Committees to ensure that the committees abide by their Standing Rules.
10. The Treasurer in cooperation with the Executive Director shall:
  - . Have access to all books and accounts of all funds of the Association
  - a. Directly assist in the preparation of the preliminary budget and the Annual Report for consideration and approval by the Executive Board and Representative Council.
  - c. Be one of the Cosigners of the Association's checks.
  - d. Review membership and financial reports submitted

to CTA, NEA and/or other agencies as required by law.

- e. Review monthly all income versus expenditures and report to the Representative Council and Executive Board.
  - f. Submit information and financial reports to the Association, CTA, NEA, and other agencies as required by law.
  - g. Have the Association's financial records audited in a manner to meet legal requirements.
  - h. Shall submit an annual financial report to the Executive Board and Representative Council not later than November Representative Council meeting.
6. The Secretary shall be responsible for keeping the minutes of each Membership, Representative Council and Executive Board meeting and in addition, a roll of those present.
7. Work with the First Vice-President to develop and maintain a list of Council Representatives and their alternates.
8. Ensure the availability of Bylaws and Standing Rules to the membership.
9. In the April edition of the OEA paper, the Secretary shall see that the following information is published concerning the Executive Board:
- a. The number of Executive Board meetings,
  - b. The number of Executive Board meetings each Director was present or absent,
  - c. The voting record of each Director on major motions. Major is defined as those motions so designated by the President when reviewing the minutes.
  - d. Executive Director and Professional Staff
15. The Executive Director and the Professional Staff shall be hired by the Executive Board who shall determine their salaries, duration of contracts, and terms of employment with the consent of the Representative Council.
16. The Executive Director administers and coordinates all activities of the Representative Council and serves at the direction of the Executive Board.

17. The duties and responsibilities of the Executive director shall be specified in the Executive Director's contract.

18. The Professional Staff serves at the direction of the Executive Director with the consent of the Executive Board.

#### C. EXECUTIVE BOARD

1. The Executive Board is the executive body created by the members of the Association to implement the policies of the Association. It shall represent and act for the members in the matter of amending the Articles of Incorporation of the Association. The Executive Board may by vote or written consent of at least two-thirds of its members, take any action required of OEA to amend its Articles of Incorporation.

2. The Executive Board shall be composed of 16 directors: The five (5) officers and eleven (11) other directors of which one shall be from the Children's Centers. One of the positions will be filled by election from, and to represent the interests of, the following group of OEA members: speech therapists, counselors and psychologists.

3. Elections to fill Seats on the Executive Board shall be held at an annual spring election scheduled by the Election Committee. The term of office for these

Executive Board Seats shall be two (2) years.

4. A vacancy on the Executive Board shall be deemed to exist when one or more of the following is recognized by the Executive Board to exist:

a. A member fails to attend three (3) regular meetings during any year of the term without an excuse deemed acceptable by the Executive Board.

b. A member has resigned as an Executive Board member or is no longer an Active Member of the Association.

c. A member of the Executive Board requests a leave of absence from his/her duties on the Executive Board not to exceed six (6) months.

- d. Illness or absence due to an accident or other occurrence which in the opinion of the member or the Executive Board is likely to exceed two (2) months.
- e. A member has been found lacking Professional Ethics.
5. When a vacancy occurs on the Executive Board the Representative Council shall elect an active member to fill the vacancy until the next general election.
6. The Executive responsibilities of this Association shall be invested in the Executive Board who shall:
  - a. Attend at least 80% of the Representative Council meetings each year during their term.
  - b. Be responsible for the financial affairs of the Association.
  - c. Direct and monitor the activities of the Executive Director.
  - d. Recommend policy changes to the Representative Council.
  - e. Be responsible for implementation of all aspects of these Bylaws.
  - f. Control the affairs and interests of the Association between meetings of the Representative Council.
  - g. Shall subject all Committee standing rules and amendments thereto to executive review and consent.
  - h. To refer all actions of the Executive Board to the next meeting of the Representative Council. Such actions are subject to approval, modification, or revocation by the Representative Council.
  - i. Establish Standing Rules pertaining to grievance processing as provided for in Article VIII.
  - j. Shall ensure that an accurate list of the membership be maintained
2. Each voting member of the Executive board, as defined in Section 2, above, shall be entitled to one vote.
3. An ethnic census of the total membership shall be made in accordance with state association requirements.

## **VII. BARGAINING**

A. The negotiating functions of this Association are vested in an Association Bargaining Team. The Bargaining Team shall represent the Association on only those items on which a policy position has been taken by the Representative Council or on items that will be returned to the Representative Council for approval.

B. The members of the Bargaining Team shall be appointed by the President with the advice and consent of the Executive Board. Alternates as deemed necessary may also be appointed.

C. Members and alternates may be replaced at any time by the President with the concurrence of the Executive Board.

D. The Officers and Executive Board shall be kept advised of all bargaining matters. This shall be done on a regular basis in executive session.

E. The OEA Executive Board shall adopt a procedure for designation and service of negotiation team consultants, under which interest groups, including psychologists, within the OEA bargaining unit, will select persons to advise with the OEA negotiating team at all stages of the negotiating process. Such persons, to be designated Negotiating Consultants, shall: draft, explain and advocate for proposals to be included in the overall OEA contract proposal; attend negotiating sessions along with the OEA negotiating team at which provisions of particular interest to their constituency are to be discussed; and, actively assist the OEA negotiating team in presenting the OEA position to District negotiators at such negotiation sessions.

F. All ratification of contracts or strike votes shall occur at a general membership meeting open to all members in good standing.

1. The agenda of ratification meetings shall be limited to the motion submitted by the Executive Board. The members at the ratification meeting may amend the motion.

2. Members shall receive notice of a ratification meeting.

In the case of strike, notice through the media shall be sufficient.

3. All Active Members in good standing have one vote at a ratification meeting.

### **VIII. GRIEVANCE PROCESSING PROCEDURE**

A. The Grievance Committee shall be responsible for implementing the Association's Grievance Processing program. It shall provide representatives to assist members in the processing of grievances. It shall represent the Association at grievance proceedings. It shall make recommendations to the Executive Board regarding budget for grievance processing and arbitration. It shall keep a record in the Association's office of all grievances processed. It shall make recommendations to the Executive Board for maintaining and improving the processing grievance program.

B. The Committee shall be composed of representatives recommended by the President and with the approval of the Executive Board and Representative Council.

C. Members of the committee may be removed by the Executive Board and the Representative Council upon recommendation of the President.

D. The Executive Board will provide a training program for all grievance representatives.

E. Should the Grievance Committee or the Executive Director recommend that a grievance not be carried to arbitration:

1. The aggrieved shall be notified of the recommendation, the reasons for their recommendation, and the time and place of the Executive Board meeting to consider the recommendation.
2. The Association shall not take any further action on the grievance pending the final determination by the Executive Board and the Representative Council.

F. *Executive Board Duties and Responsibilities.* Upon notification to the President of an arbitration not to

proceed to arbitration, or disagreement over a committee recommendation, the Executive Board will convene within three (3) work days to consider the recommendation.

1. Should the recommendation be not to proceed to arbitration, the aggrieved will be given an opportunity to state why he/she believes the Association should support the grievance in arbitration.
2. Should the recommendation be not to proceed to arbitration, the aggrieved will be notified of the reasons for the action and apprised of his/her rights under this section, the Agreement and Education Employees Relations Act (EERA).

### **IX. NOMINATIONS AND ELECTIONS**

A. At their request, any active member who files a declaration of candidacy shall have their name placed upon the ballot for any office.

B. Floor nominations may be made at a Representative Council meeting held prior to the Annual Election.

C. Vacancy notices and Declaration of Candidacy forms shall be made available in a timely manner to the members.

D. All elections will be by written secret ballot.

E. A write-in space will be provided on all ballots for each office.

F. In an election, votes will only be tallied for active members.

G. Provisions for Special Election:

1. Representatives:

a. CTA State Council Representatives and alternates shall be elected by a vote of the active membership in accordance with the Bylaws and Standing Rules of CTA/OEA.

b. The CTA Representatives shall be elected for three-year terms and shall be active members.

c. The CTA Representatives shall be subject to recall by the active membership.

d. In case of a vacancy, an election shall be held to fill the remainder of the term as soon as possible.

2. NEA Delegates:



- a. The Executive Board shall determine the number of delegates who may be sent to the NEA Annual Convention. Delegates shall be active members.
  - b. The President of the Association shall be elected as a delegate at the time of the presidential election and serve as Chairperson of the Delegation.
  - c. NEA Delegates and alternates shall be elected by a vote of the active membership in accordance with the Bylaws and Standing Rules of NEA/CTA/OEA.
- H. *Initiative*. The active members of the Association shall retain for themselves the power of the initiative on any matter falling within the authority delegated to the Representative council as follows:
- 1. The Executive Board shall act within twenty (20) school days to call an Initiative General Election receipt of a petition containing the signatures of at least twenty-five (25) percent of the current active members from at least twenty (20) work sites.
  - 2. The petition shall set forth the specific question to be posed on the ballot.
- I. *Referendum*. The Representative Council may refer policy issues to a referendum vote of the active members of the Association.
- J. *Recall*. One third (1/3) of the constituent body may petition to recall a council representative, officer of the Association, CTA State Council Representative or NEA Delegate. A Recall Election shall be held within thirty (30) school days after verification of the petition by the Executive Director. A Recall shall be sustained if approved by a majority of the voting active members.

## **X. COMMITTEES**

A. Standing Committees of the Representative Council are operating adjuncts of the Representative Council. The Representative Council may, as they deem necessary provide for Standing Committees in addition to the following list of Standing Committees:

- 1. Bylaws and Standing Rules
- 2. Political Involvement Committee (PIC)

3. Election
  4. Membership
  5. Grievance
  6. Crisis
  7. OEA/PAC
  8. Budget Committee
- C. The Executive Board and the Representative Council shall create other Committees and Task Forces as deemed necessary on a year to year basis. Such Committees may include but not be limited to Social, Curriculum, Minority Affairs, Special Services, and Community Action.
- D. All active members who abide by the Standing Rules for Committees may become members of any of the Standing Committees and/or caucuses with full voting rights.
- E. The Chairperson for each Committee shall be appointed by the President with the advice and consent of the Executive Board and the Representative Council.
- F. The purposes and actions of committees and Task Forces shall be within the policies of this Association as declared by the Representative Council. The procedures of order for all Committees and Task Forces shall be as prescribed in their Standing Rules as approved by the Executive Board and the Representative Council. Standing Rules shall be submitted to the Executive Board for review by the third regular Committee meeting which should be before November 30th.
- G. All Committees and caucuses shall abide by their Standing Rules. Any recommended changes in the Standing Rules shall be submitted to the Executive Board for review.
- H. Persons desiring to form a caucus within the Oakland Education Association may do so with approval of the Executive Board and the Representative council and the approval of the Standing Rules, goals, and objectives for the caucus.
- I. The Budget Committee shall be a sub-committee of the Executive Board with the Treasurer as its Chair. It shall work with the Executive Director in formulating the year's budget and submit it to the Executive Board for approval.

## **XI MEETINGS**

### **A. *General Membership.***

1. Meetings of the Association may be called by the President, the Executive Board, or by written petition of twenty percent (20%) of the Active membership.
2. Notices of the Association meetings including date, place, time, and purpose of the meeting shall be made available to all members of the Association at least two days before the meeting except during crisis situations.
3. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places and times.
4. A quorum for meetings of the Association shall be Ten percent (10%) of the Active membership.

### **B. *Executive Board.***

1. The President shall call at least one regular monthly meeting.
2. Special meetings may be called at any time by the President.
3. The President shall also call a special meeting for a specific purpose upon receipt of a written request signed by three members of the Executive Board.
4. Notice of time, place, and purpose of such meeting shall be distributed at least forty-eight (48) hours in advance except in cases of emergency.
5. A quorum shall be a majority of the Executive Board.

### **C. *Representative Council.***

1. Regular meetings shall be held each month that school is in session.
2. Special meetings may be called by the President.
3. Special meetings shall be called by the President upon the receipt of a written request signed by Representatives from at least ten (10) work-sites.
4. Notices of all meetings shall be provided to all Representatives at least one (1) week prior to the meeting and it shall contain the time, place, and agenda of the meeting.

5. The Representative Council may delegate specific authority to the Executive Board to act during school breaks and for emergency actions.
6. A quorum shall be representatives in attendance from one-third (1/3) of the work sites or one-third (1/3) of the representatives on the official roll.

## **XII. REVIEW BOARD**

- A. The Judicial powers of this Association, as described in this Article, shall be vested in a Review Board.
- B. The Jurisdiction of the Review board shall extend to cases as herein defined.
  1. The Review Board shall have original jurisdiction in the following cases:
    - a. Alleged violations of *The Code of Ethics of the Education Profession*.
    - b. The censure, suspension, or expulsion of a member.
  2. The Review Board shall have the following powers subject to the conditions as herein outlined.
    - . The censure, suspension or expulsion of a member for violation(s) of *The Code of Ethics of the Education Profession*, or other sufficient cause. The member shall have the right to appeal to the Executive board on procedural grounds and to the National Education Association Review Board.
      - a. To vacate censure, lift suspension, or reinstate a member.
- A. Review Board Prerogatives. The Review Board shall establish its rules of procedure with the approval of the Representative council. Due process shall be guaranteed in all of its proceedings. Such due process shall include, but not be limited to:
  1. Open hearings before the Review Board.
  2. The right of the accused member(s) to face those making the allegations.
  3. The right to bring their own witnesses and legal counsel.
  4. To examine and cross-examine all witnesses.
  5. To have due notice of impending action against them.

6. To have provided to them copies of all written allegations prior to the beginning of the proceedings.
  7. All rights of membership shall be preserved during the entire course of these, and appellate proceeding.
- F. *Review Board Appointments.* The Review Board shall be appointed by the President with the advice and consent of the Executive Board.
0. The Review Board shall comprise seven (7) members appointed for five (5) year staggered terms beginning October 15th. No member shall be eligible for reappointment to a regular term.
    1. Members of the Review Board have been active members of this Association for five (5) consecutive years immediately prior to appointment. Members of the Review Board shall maintain active membership.
    2. A member of the Review Board shall hold no elective or appointive office in this Association.
    3. No Executive office holder of this Association shall be appointed to the Review Board within three (3) years following separation from such office.
    4. The President annually shall select the chairperson from among the membership of the Review Board with the advice and consent of the Executive Board.
- G. *Impeachment of Review Board Members.*
0. Members of the Review Board may be impeached for violation of The Code of Ethics of the Education Profession, for malfeasance, misfeasance and/or nonfeasance in office.
    1. The process for impeachment for Review Board members shall be as follows:
      - a. Proceedings against a member of the Review Board shall be initiated upon petition of ten (10) percent of the Active members of the Association from no less than ten (10) work sites.
      - b. An affirmative vote of at least two-thirds (2/3) of the members of the Executive Board shall be required to order an impeachment hearing on specific charges.
      - c. An affirmative vote of at least two-thirds (2/3) of the

members of the Executive Board shall be required to sustain a charge following a due process hearing before the Board and the position shall become vacant.

- d. The member has the right to appeal the Executive Board decision to the Representative council on both the allegations and on procedural grounds.
- e. Subsequent appeal on procedural grounds may be made to the national Education Association Review Board.

### **XIII. PARLIAMENTARY AUTHORITY**

A. In all matters of procedure not otherwise covered by the provisions of these Bylaws, or by the Standing Rules of the Association, the most recent edition of *Roberts Rules of Order, Newly Revised* shall be the authority.

B. A Parliamentarian shall be provided for meetings of the Representative Council and Executive Board as specified in the Standing Rules.

### **XIV. AMENDMENT PROCEDURES**

**The Bylaws may be amended by a two-thirds (2/3) vote of the representatives at any regular or special meeting of the Representative Council. Notice in writing of a proposed Bylaws amendment shall have been submitted to the Secretary and provided to members of the Representative Council at the meeting preceding the one at which it is to be voted upon. Bylaws amendments passed by Representative Council shall be ratified at a general membership election.**

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