

BYLAWS
Sweetwater Education Association/CTA/NEA

ARTICLE I – Name and Identification Location

The **official** name of this Association shall be the Sweetwater Education Association/CTA/NEA **in San Diego County.**

1. ~~Name.~~ The name of this Association shall be the Sweetwater Education Association/CTA/NEA.
 1. ~~Identification.~~ This organization has been established (by written
 2. ~~Articles of Incorporation)~~ in the County of San Diego, State of California, and is hereinafter known as the Sweetwater Education Association/CTA/NEA.
1. **Clarifications**
 - A. For the purposes of these by-laws, the term "site" shall include traditional and non-traditional sites, and other places to which a member might be assigned.
 - A. No part of these by-laws may be interpreted so as to grant any rights or privileges to members of any other SUHSD employee association, nor to obligate them in any way.

ARTICLE II – Purposes

1. **Purpose:** The primary purposes of this Association shall be:
 - A. ~~To act as the exclusive representative of Negotiating units composed of employees eligible for membership 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. **To represent its members in their relations with their employer and act as 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;**
 - B. To establish itself as a representative body to develop group opinions on professional matters and to speak with authority for its members;
 - C. To provide an opportunity for continuous study and action on ~~issues~~ **problems** of the profession;
 - D. To promote ~~professional attitudes and ethical conduct among members, and to raise the standards of the, teaching profession;~~ **cooperation and communication between education support professionals and certificated educators;**
 - E. To advance the general welfare of the schools;
 - F. To encourage cooperation and communication between ~~members~~ **the profession** and the community;
 - G. To provide a means of representation for its ethnic-**minority members** and other minorities;
 - H. **To foster good fellowship among members.**
 - H. ~~To represent its membership; both individually and collectively, in matters arising out of the interpretation and application of policies and laws before officials of the Sweetwater Union High School District and other public officials having jurisdiction in any way over the educational service of a member or members within the Sweetwater Union High School District;~~

- I. ~~To serve the membership in any other lawful manner leading directly or indirectly to the improvement of group and individual morale and welfare with regards to service in the educational profession.~~

ARTICLE III – Affiliation With CTA/NEA

1. **The Sweetwater Education Association shall be a chartered chapter of the California Teachers Association (CTA).**
2. **The Sweetwater Education Association shall be an affiliate local association of the National Education Association (NEA).**

~~A. **Affiliation.** The Association is affiliated with the National Education Association (NEA) under its rules, and the California Teachers Association (CTA) under its rules.~~

ARTICLE IV – Membership

1. Classifications

- A. ~~Members will be classified as Active, Retired or Associate. Members shall not be classified as Retired or Honorary until approved by an action taken by the Representative Council.~~
- B. Active membership shall be open to any certificated employee:
 1. Who is engaged in, or who is on leave of absence of two years or less, from professional education work;
 2. Who is an employee of Sweetwater Union High School District.
 3. Whose primary assignment with Sweetwater Union High School District is such that the member does not hold ~~evaluatory~~ **evaluative** responsibility over any other employee, and is represented by the Association in the negotiations process.

C. To become an Active member, qualified individual must complete and file a membership enrollment form. In addition, membership must also be obtained in the appropriate parallel category within the California Teachers Association and within the National Education Association.

D. Active members who retire with ten consecutive years of membership in the Association immediately preceding their retirement may continue as Retired members for life without paying annual dues of the Association, upon approval of the Representative Council.

~~E. Upon approval of the Representative Council, Associate membership may be extended to those individuals who have made a significant contribution to public education. Such membership shall be for two years, renewable indefinitely.~~

F. Active membership shall be continuous after initial enrollment until a change in membership status makes the unit member ineligible for Active membership.

~~G. The right to vote in general elections, or to hold elective office in the Association, shall be limited to Active members. Any member may hold an appointive position, including committee chair or member. Any such committee chair or member shall have the right to vote within the committee. (Moved to 2. Rights and Responsibilities)~~

H. No individual who is serving as a negotiator for any public school employer shall be eligible for membership in the Association.

- I. The Membership year shall begin on the first day of the month in which the majority of teachers are required to report to begin the first semester.

~~J. No member of the Association may be disciplined by the Association without due process, as determined by CTA policies. (Moved to member rights)~~

K. Persons who tender only agency fees shall have no rights or privileges within this Association, except as expressly required by law.

2. Rights and Responsibilities - Active members in good standing shall be entitled to and be subject to the following:

- A. **The right to vote in general elections, or to hold elective office in the Association, shall be limited to Active members. Any member may hold an appointive position, including committee chair or member. Any such committee chair or member shall have the right to vote within the committee.**

4.3 Rights. Active members in good standing shall be entitled to:

- A. ~~The right to vote on all matters submitted to the general membership;~~
- B. Be present at meetings at which business of the Association is to be transacted, excluding executive sessions and negotiations;
- C. Present matters of individual concern to the Representative Council.

4.4 Responsibilities. Members of the Association shall be subject to the following obligations: ~~To support and promote the stated purposes of the Association;~~

- A. ~~To conform with the Code of Ethics for the Education Profession, as adopted by NEA (See Appendix I);~~
- B. To support and conform to these by-laws and to the standing rules of the Association (**This will be D)**);
- C. ~~To support the job actions and concerted activities of other CTA chapters and NEA affiliates, and those of unions and associations in other fields of endeavor;~~
- D. ~~To refuse to perform work for Sweetwater Union High School District in any capacity during a strike legally authorized by the Association;~~

4.5 Discipline. E. A member's membership may be terminated or suspended, or a member may be censured, in accordance with the procedures set forth in the Standing Rules.

4.6 Rights and Control. F. No individual member shall attain rights to any property of the Association as a result of membership.

4.7 Non-Discrimination. The rights to, and privileges of, membership shall not be abridged in any way because of age, race, ethnicity, gender, creed, color, national origin, marital status, or sexual orientation or identification, or because of perception or belief concerning any of these attributes.

G. No member of the Association may be disciplined by the Association without due process, as determined by CTA policies. **Due process includes the right to select representation, to present evidence on his/her behalf, to confront and cross-examine his/her accuser and any other witnesses against him/her, and to examine and refute all evidence considered by the hearing panel, whether or not such evidence is presented at a hearing. The member has the right to appeal the decision of the hearing panel to the governing body.**

H. Members shall receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of the association.

I. Active members shall adhere to The Code of Ethics of the Education Profession.

J. The rights to and privileges of membership shall not be abridged in any way because of age, sex, race, color, ethnic group, marital status, national origin or sexual orientation.

V. Dues, Fees, and Assessments Payment

- A. **The basic annual dues level for Active members, and representation fee for non-members represented in the bargaining unit shall be sufficient to cover the operation expenses of the Association, the dues of CTA, and the dues of NEA.**

- B. The Association's portion of the basic annual dues, and the representation fee for non-members, shall be established by action of the active membership of the Association at the last regular meeting of the school year.
- C. The Association shall apportion any negotiated representation fee on the same percentage basis as the full Association/CTA/NEA dues.
- D. Membership shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for membership. If by October 31 of any calendar year a member has neither paid the established annual membership dues for the current membership year, nor made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and the name dropped from the rolls.
- E. Apart from CTA and NEA dues, Association dues shall be changed annually by the same percentage as the average of the previous three years' base salary change. This dues structure shall not be modified except by the action of the membership of the Association by secret ballot. A dues increase may be waived by a majority vote of the Executive Board.
- F. At a meeting held prior to the first Executive Board meeting of each school year, the budget committee shall meet and calculate the annual change in dues. This shall be presented to the Executive Board and Representative Council for consideration and action no later than May 30. The membership shall be notified of the dues change in writing.
- G. Members will pay their dues by monthly payroll deductions through the payroll office of the Sweetwater Union High School District.

ARTICLE VI - Executive Officers

- A. **Composition.** The Executive Officers of the Association shall be: president, vice president, secretary, and treasurer. All Executive Officers must be Active members of the Association.
- B. **Terms and Qualifications**
 - 1. Executive Officers shall be elected by the active membership. Election shall be by open nomination and written, secret ballot. A plurality of votes cast shall be required to elect.
 - 2. Executive Officers shall hold office for two years beginning July 1 or as soon after that date as possible. The president and vice president will have concurrent terms and be elected in odd numbered years. The secretary and treasurer will have concurrent terms and be elected in even numbered years.
 - 3. Executive Officers shall serve no more than two consecutive terms in any one office.
 - 4. A vacancy among the Executive Officers shall be deemed to exist in the case of death, resignation, retirement or removal from office. The Executive Board will declare an office to be vacant and will initiate the following procedures:
 - a. In the case of a vacancy in the office of President, the Vice President shall immediately assume the office of President, and the office of Vice- President will become vacant.
 - b. In the case of all other Executive Officers, the President may call a special meeting, or the Executive Board shall take up naming a successor at their next scheduled meeting.

The Board shall nominate a successor to complete the officer's term. The nominated successor may be named an interim Executive Officer until the next scheduled meeting of the Representative Council. At that meeting, meeting of the Representative Council, the Executive Board shall propose the nominee to the Representative Council, who will then vote to accept or reject the nominee. Upon a vote to accept the nominee, the elected member will assume the office immediately. If the nominee is rejected, the President will entertain nominations from the Representative Council, who may then elect a successor. Should the Representative Council fail to elect a successor, the member nominated by the Executive Board continue to serve as an interim Executive Officer until the following scheduled meeting of the Representative Council.

C. Duties of Executive Officers

1. The President shall be the chief executive officer of the Association and its policy leader.

The President's duties will be:

- a. To ~~prepare the agenda and to~~ preside at all meetings of the Executive Board and of the Representative Council, and of General Membership meetings;
- b. To prepare the agenda for all meetings of the Executive Board and of the Representative Council, and of the General Membership meetings;
- c. To be familiar with the governance documents of the Association, CTA and NEA;
- d. To call meetings of the Executive Board and of the Representative Council, and of General Membership meetings;
- e. To serve as ex-officio member of all committees, or to appoint a designee;
- f. To represent the Association before the public and the school district, either personally or through delegates;
- g. To serve as the executive officer of the Association in coordination with the CTA Executive Director;
- h. To report orally or in writing on the condition of the Association to the Executive Board and the Representative Council at each regular meeting during the school year;
- i. To appoint ad-hoc committees whenever the need arises;
- j. To appoint chairpersons of standing committees, except the Budget Committee, and to appoint representatives to affiliated organizations with the approval of the Executive Board;
- k. In association with the committee chairs, to appoint members of standing committees;
- l. To appoint the chair of the ~~Negotiating~~ Bargaining Team and to work in association with the chair to select the members of the Team, subject to the approval of the Executive Board and Representative Council;
- m. To be responsible for the progress and work of the association;
- n. To represent the Association at Service Center Council, or to send an appointed designee as a representative;
- o. To attend meetings of South County Teachers United as official Association representative and to appoint such additional Board Members as SEA may be allotted;
- p. To communicate with the treasurer regarding all financial transactions made with Association funds, and to provide records of said transactions to the treasurer within three working days;
- q. To perform such other duties as may be directed by the Executive Board or the Representative Council.

2. Vice President

- a. To assume the duties of the president in his/her absence, and in the event that the office of President is declared vacant by the Executive Board, to succeed to that office for the remainder of the president's term, or until no longer eligible, whichever comes first;
- b. To coordinate the Association's committee activities;
- c. To be responsible for the information, maintenance, and distribution of the Association's calendar of activities, events, and meetings;
- d. To perform such other duties as may be directed by the Executive Board, the Representative Council, or the president.

3. Secretary

- a. To keep minutes of the proceedings of the Executive Board and the Representative Council and be responsible for the distribution of the minutes, to perform other duties which fall within the

secretarial purview of the Board's activities, and to ensure such records are open to the inspection of any member of the Association;

- b. To maintain a record of all elected and appointed representatives and committee members and their respective terms of office and to notify the Executive Board and the Representative Council when terms approach expiration;
- c. To perform such other duties as may be directed by the Executive Board, the Representative Council, or the president.

4. Treasurer

- a. To supervise and maintain a detailed record of all receipts and expenditures of the Association and to present this information in a monthly financial report to the Executive Board and to the Representative Council;
- b. To be the custodian of all funds of the Association obtained from any source, by or through any person or persons, acting for or in the name of the Association or under its direction or authority;
- c. To collect and deposit in a financial institution designated by the Executive Board all funds received by/and belonging to the Association and to disburse such funds upon authorization by the Representative Council;
- c. To transmit those monies which are due to CTA and NEA;
- d. To supervise special collection and to transmit such collected funds to the appropriate accounting agencies.
- e. To issue all checks drawn on the funds of the Association in accordance with the policies of the Representative Council and the procedures of the Executive Board;
- f. After consultation with the president and Executive Board, to select members of the Budget Committee which will draft the annual SEA budget and to serve as chair of the committee;
- g. To prepare for an annual audit of the accounts of the Association;
- h. To assist the Association and the Membership Committee in maintaining an accurate roster of Association membership;
- i. To submit the chapter's financial records to CTA, NEA, and other agencies as required by law;
- j. To perform other such duties as may be directed by the Executive Board, the Representative Council, or the President.
- k. To serve as ex-officio member of the Membership Committee.

ARTICLE VII - Executive Board

A. Composition -The executive authority of the Association shall be vested in an Executive Board consisting of the Executive Officers, ~~an Executive Board,~~ **Five Members-at-Large**, and members elected to CTA State Council.

~~A. The Executive Board shall consist of five members at large, with their seats designated as (A) (E).~~

6.2 1. . ~~At-Large Members~~ **Members-at-Large**

- a. ~~Members of the Executive Board~~ **The five Members-at-Large shall be identified as Seats A, B, C, D, and E and** shall serve for a period of three years. The terms shall be staggered **as follows:**
 - b. Terms for Seats (A) & (D) shall be concurrent, and elections for those seats shall take place the year following the election for Seat (C); terms for seats (B) & (E) shall be concurrent and election for those seats will be held one year after those of (A) and (D); the election for seat (C) shall be held ~~11~~ years after those of (B) and (E).
 - c. Election shall be by written, secret ballot. ~~A majority of votes cast shall be required to elect.~~ In the case of elections of two ~~Executive Board members~~ **Members-at-Large**, the two candidates

with the greatest number of votes shall be elected. In the case of election of one Member-at-Large, the candidate with the greatest number of votes shall be elected.

E. 2. CTA State Council Members

A. a. Members of the Association elected to State Council will hold seats on the Association's Executive Board for as long as they remain on State Council.

B.b. Elections, terms of office, and all other aspects of their membership on State Council will be according to CTA rules.

C. c. The State Council Seats may be designated with sequential numbers.

B. Vacancy

1. A vacancy on the Executive Board shall be deemed to exist in the case of death, resignation, recall, or the inability to serve of an Executive Board member; or if any member of the Executive Board ceases to be eligible for Active membership in the Association. In case of a vacancy on the Executive Board, the Executive Board shall nominate a successor at their next scheduled meeting. The nominee shall take office as an interim Board member immediately. At the next scheduled meeting of the Representative Council, the Executive Board shall propose the nominee to the Representative Council, who will then vote to accept or reject the nominee. Upon a vote to accept the nominee, the elected member will assume the office immediately. If the nominee is rejected, the President will entertain nominations from the Representative Council, who may then elect a successor. Should the Representative Council fail to elect a successor, the position shall remain vacant until next scheduled Executive Board election. The member who served as Interim Board Member shall be eligible to run in that election. If it is necessary to hold an election to fill a vacancy on the Executive Board at the time of a regularly scheduled election for other seats, the two elections will be combined. If two seats are scheduled for an election, the two candidates receiving the most votes shall be candidate receiving the third highest number of votes shall complete the unexpired term. If one seat is scheduled for an election.

C. Members elected to the Executive Board will only have one vote, regardless of their election to more than one qualifying position.

D. No additional Executive Board seats shall be created as a result of an Executive Officer also serving on State Council. Current members holding those seats will retain their seats until the expiration of their term.

E. State Council Members

~~B. Members of the Association elected to State Council will hold seats on the Association's Executive Board for as long as they remain on State Council.~~

~~B. Elections, terms of office, and all other aspects of their membership on State Council will be according to CTA rules.~~

~~C. The State Council Seats may be designated with sequential numbers.~~

E. Meetings

1. Frequency. The Executive Board shall meet no fewer than eleven times a year at announced dates, ordinarily one week prior to each regularly scheduled meeting of the Representative Council.

2. Special Meetings. TF President may call special meetings as s/he deems necessary. Upon the request of four or more members of the Executive Board, the President shall call a special meeting. Notification will be given to all members of the Executive Board in a timely fashion.

3. Quorum. Two-thirds A majority of its elected members, ~~INCLUDING Executive Officers,~~ shall constitute a quorum for the Executive Board.

4. Proxy. There will be no proxy voting for absent members of the Executive Board.

5. Minutes. Minutes of the meetings of the Executive Board shall be available online for each member of the Representative Council within 48 hours of ~~adjournment~~ **approval**.

F. Assuming Office. Members of the Executive Board will assume office on July 1 or as soon after that date as possible.

~~6.6.~~ **G. Parliamentarian.** At their first meeting each year, the Executive Board shall designate one of its members to serve as Parliamentarian. The Parliamentarian shall serve in that capacity for Executive Board, Representative Council, and General Membership meetings.

H. Duties and Responsibilities of the Executive Board. To exercise the executive and leadership functions of the Association, the Executive Board shall:

1. Be responsible for the management of the Association and for implementing policies established by the Representative Council;
2. Cooperate with South County Teachers United in its capacity as office manager and employer of office and support staff;
3. Designate which Executive Officers or employees shall be authorized to sign checks drawn upon the accounts of the Association, according to procedures set forth in the Standing Rules;
4. Prepare and submit recommendations or plans to the Representative Council for its consideration;
5. Develop workshops and training conferences for site representatives and/or other unit members;
6. Assist the Association president in his/her appointment responsibilities;
7. As an individual Executive Board member, act as a liaison to at least one standing committee, and assist committees in defining their immediate and long-range objectives;
8. As an individual Executive Board member, act as a liaison to a certain number of school sites or areas, as determined at the first Executive Board meeting each year, or as soon thereafter as possible;
9. ~~As an individual Executive Board member, act as a liaison to at least one member of the Sweetwater Union High School District Board of Trustees;~~
- ~~10. Review committee plans and progress as necessary and arbitrate jurisdictional disputes between among committees.~~
- ~~11. Preview and coordinate committee reports or recommendations prior to presentation to the Representative Council.~~

9. Approve by majority vote all appointment and removal of committee members, including chairpersons;

- ~~10.~~ **12.** Supervise and control all property of the Association;
- ~~13. Review and study proposals for action by the Association, which are made by individuals who are not members of the Association, or organizations not affiliated with the Association.~~
- ~~14. Hear Grievance Committee reports and make recommendations regarding carrying current grievances to arbitration.~~
- 11.** ~~15. Develop and r~~**Review** a list of school sites for the purpose of determining Representative Council representation and quorum. This shall be done at the first Executive Board meeting of each year, and presented to the Representative Council for modification and approval at their first meeting;

~~12. 16. To discuss and recommend to the Representative Council the chair and members of the Negotiating Committee; **Approve by majority vote appointment and two thirds (2/3) vote removal of Bargaining Team recommendation from the President subject to the approval of the Site Representative Council;**~~

~~13. 17. Adopt and maintain Standing Rules of the Association;~~

~~18. To adopt grievance procedures. These procedures will include, but not be limited to:~~

~~a. Provide for representation to assist all members of the Negotiating unit in processing grievances;~~

~~b. Arrange training for handling grievances;~~

~~c. Evaluate grievance policies and procedures;~~

~~14. 19. Following a vote of the general membership to authorize a strike, to determine if and when such strike will be called. The strike call must be approved by a majority of the Executive Board.~~

ARTICLE VIII - Representative Council

A. The legislative or policy-making powers of the Association shall be vested in a Representative Council.

1 In each designated school site or equivalent, unit members shall elect one (1) site representative to the Representative Council for each fifteen (15) members or fraction thereof. Allocation of site representatives shall be established by the Executive Board based on a census of each faculty as of May 1 of each calendar year. Once made each year, such apportionment shall remain in effect through the end of the school year, unless an appeal for change is approved by the Representative Council.

2. Each of these representatives, as well as all members of the Executive Board shall be entitled to one vote in the Representative Council, except that no person shall be entitled to more than one vote by virtue of holding more than one entitlement to vote.

3. Any unit member shall be entitled to be a non-voting member of the Representative Council.

B. Where more than one site representative is elected from a site or equivalent, one representative shall be designated the Lead Site Representative. The Lead Site Representative will ordinarily be the representative with the most continuous on-site experience as a site representative on that campus. Lead Site Representatives will usually be the SEA representative to the site Faculty Advisory Committee, and will usually chair site representative meetings held at the site.

C. Term of Office. Term of office of the site representatives shall be ~~one~~ **two years**. Site representatives may serve an unlimited number of consecutive terms.

D. Elections

1, Elections will be held annually at a date determined by the site representatives. Alternate site representatives shall be elected by and from the active members of each site as necessary to serve in the event of absence or incapacity of the regular incumbent for any reason. Whenever possible, there shall be a minimum of one alternate per site, not to exceed the authorized number of elected representatives.

2. Prior to the second meeting of the Representative Council each year, the Lead Site Representative shall report to the Secretary the name of the Lead Site Representative and all other site Representatives.

E. Meetings

1. The Representative Council shall hold regular monthly meetings in accordance with a schedule developed by the Vice-President or, designee. An effort will be made to hold these meetings when all sites are in session.

2. Special meetings of the Representative Council may be held at the call of the Association president, or upon written request from site representatives, or by the Executive Board. Notification shall be given to all Representative Council members in a timely fashion.
3. In case of emergency meetings of the Representative Council during a crisis, the President shall adopt procedures to notify representatives of meeting dates, places and times.

F. Quorum

1. A majority of the sites and site equivalents shall constitute a quorum for the transaction of business.
2. A site representative who must be absent from a Representative Council meeting may send an elected alternate. Upon being seated by the Representative Council, the alternate will assume the rights and responsibilities of membership of the Representative Council for the duration of that meeting.

G. Executive Officers. The Executive Officers of the Association shall serve as Executive Officers of the Representative Council.

H. Vacancies

1. Site representatives elected to the Executive Board shall relinquish their duties as site representatives to successors chosen by special elections in their respective faculties.
2. A vacancy in the position of a site representative shall be filled by the faculty concerned.

I. Duties and Responsibilities of site representatives. The duties and responsibilities of site representatives shall be:

1. To organize and oversee elections within their respective faculty;
2. To monitor the enrollment of members within their respective faculty;
3. To ensure communication within their faculty and to ascertain the wishes or desires of the faculty which they represent prior to their official vote on major substantive or policy-making issues which come before the Representative Council;
4. In conjunction with the Executive Board, develop and implement plans for meetings of the full membership when such meetings are deemed necessary;
5. Adopt such Standing Rules as it deems necessary, and to ensure wide distribution of such Standing Rules.
6. Approve by majority vote all reports and recommendations of committees and/or the Executive Board before such reports or recommendations are implemented.;
7. Prepare and submit amendments to the Articles of Incorporation and/or these By-Laws to the membership for ratification vote
8. Powers not herein listed nor specifically delegated to the Executive Board, the Executive Officers, or other agencies of the Association, shall be vested in the Representative Council or shall be retained by the membership of the Association.

ARTICLE ~~VIII~~ IX - Standing Committees

A. General

1. Standing committees are to be designed and constituted to assist the Executive Board in the accomplishment of major continuing objectives or programs of the Association.

2. Standing Committees will include the ~~Negotiating~~ **Bargaining** Team, Organizing Committee, Political Action Committee, Elections Committee, Grievance Committee, Membership Committee, and Budget Committee.

3. With the exception of the ~~Negotiating~~ **Bargaining** Team, the number, composition, qualification for membership, terms of office, specific powers and duties, and specific methods for selection of such standing committees shall be set forth in the Standing Rules.

B. Meetings. Standing committees shall meet at the call of the committee chair.

C. Duties of Chairpersons of Standing Committees

1. Report as necessary to the, Executive Board and to the Representative Council;
2. Cooperate and consult with corresponding CTA and NEA departments;
3. Serve as resource persons in the areas of their respective responsibilities when issues within their committee's purview are being considered by the Team.

ARTICLE IX - ~~Negotiating~~ **Bargaining Team**

A. Membership

1. The chair and members of the ~~Negotiating~~ **Bargaining** Team shall be selected according to §5.3.A.7 of these By-Laws.

2. A representative of the Association on the Sweetwater Education Association ~~Negotiating~~ **Bargaining** Team may be removed from the ~~Negotiating~~ **Bargaining** Team by a two-thirds vote of those present and voting in the Representative Council upon submission of a petition for removal signed by no fewer than ten percent of the members of the Association, or upon formal recommendation for removal submitted by the president of the Association.

B. General. Representatives on the Sweetwater Education Association ~~Negotiating~~ **Bargaining** Team, in performing their duties and administering the powers provided by law, shall be the agents of the members of the Association.

C. Duties and Responsibilities of the ~~Negotiating~~ **Bargaining Team.** Prior to and during a bargaining year, the ~~negotiating~~ **Bargaining** Team shall:

1. Survey unit members and determine needs.
2. Develop an initial proposal to submit to the Executive Board and Representative Council for their consideration.
3. Carry the initial proposal to the school district for "sunshining."
4. Report directly to the Executive Board and Representative Council during the Bargaining process.
5. Distribute information to unit members on an ongoing basis.
6. Upon reaching a tentative agreement, take such agreement to the Executive Board for a recommendation regarding ratification, upon which the Representative Council must act.

D. Term. Members of the ~~Negotiating~~ **Bargaining** Team shall serve until ratification of the Collective Bargaining Agreement.

ARTICLE XI - Parliamentary Procedure

Authority. The latest edition of Robert’s Rules of Order shall be the authority in parliamentary law and procedures at all meetings of the Association, the Representative Council, the Executive Board, and the committees of the Association, and on all matters not otherwise determined by these By-Laws and/or the Standing Rules of the Association.

1. **Parliamentarian.** See Article VII.G.

ARTICLE XII - Initiatives, Referenda and Recalls

~~11.1~~ **A. Initiative.** Upon the presentation to the president of a petition signed by ten percent or more of the members of the Association submitting a proposal, said petition shall be submitted to a vote of the membership of the Association. The Executive Board and the Representative Council shall publicize such proposal, submit it to a vote of the full membership of the Association, and, if such proposal is approved by a majority of the members voting, shall place such proposal into effect.

B.Referendum. Upon the presentation to the president of a petition signed by ten percent or more members of the Association requesting that any action or proposed action of the Executive Board or the Representative Council be referred to a vote of the membership of the Association, the Executive Board and the Representative Council shall publicize the proposal and submit the proposal to a vote of the membership of the Association. If such proposal is approved by a majority of the members voting, the Executive Board the Representative Council shall place such proposal into effect

C.Recall. Any electoral group shall have the right to initiate a recall action of any of its own representatives to the Representative Council. If 10% of voting members of any group sign a petition to initiate a recall action, then an election shall be held. The member of the electoral group will be determined to have been recalled if two-thirds of those voting in the election vote in favor of the recall.

ARTICLE XIII - General Elections

A. General Election. A general election shall be the means by which the unit membership shall elect the principal Executive Officers and directors as well as other representatives to elective positions.

1.Nominations for office shall be made as follows:

- a.All Association members shall be notified of an upcoming election and the existing vacancies at least fifteen (15) working days prior to the date Declaration of Candidacy forms are due.
- b.Any Active member shall have his/her name placed on the ballot by filling out the appropriate form developed by the election committee.
- c.If deemed necessary by the Executive Board, additional nominations may be made by the Representative Council in the regular meeting held at least two weeks prior to the general election to insure that at least one person is nominated for each office.

2.The names of all qualified candidates nominated by any of the foregoing procedures shall appear on the ballots according to the CTA/NEA alphabetizing procedure.

B.Notice and Methods for Conducting General Elections

1.General elections shall be conducted by an election committee that is appointed by the president. The duties of the Elections Committee shall be to:

- a.Establish election timelines

- b.Ensure that all chapter/CTA/NEA election codes and timelines are followed.
- c.Develop and carry out timelines and procedures
- d.Prepare and distribute election materials.
- e.Count the ballots and certify the results.
- f.Handle initial challenges

2.The date for a general election shall be set by the election committee to be held at school sites or by mail in ballots. Ballots for all voting members physically stationed on each school campus or assigned to a special site shall be delivered to the site representative for each faculty unit, one working day before the dates established for the election. The tally sheets, ballots, and signature sheets for each faculty unit must be received at the Association office by 5:00 p.m. on the date designated by the election committee.

3.Reasonable time will be provided for all elections to be conducted and all members to have the opportunity to vote the election committee determines a need to have an election when some sites are off track, with the approval of the Executive Board, it may establish a procedure for mail in ballots and utilize this for said election.

4.No dues assessments or similar levies shall be used to promote any candidate. All candidates will be treated in an equitable manner. Each candidate shall have right of access to a current membership list.

C.Election Controls. Adequate controls over the form, distribution, return counting, and disposition of ballots shall be provided for by the election committee.

- 1.Procedures will be developed to ensure that a record is kept of voters receiving and casting ballots.
- 2.All candidates will be provided the opportunity to have an observer present at the vote count.
- 3.Once the ballots have been counted by the elections committee, the President shall be notified of the results. The President shall be responsible for notifying all candidates of the results. The President shall subsequently notify the membership of the results.
- 4.A candidate or immediate family member must not serve on an election committee in which s/he is a candidate.

D.Requirements for Decision. A plurality of those unit members voting shall be required to decide all issues and elections unless a higher percentage is otherwise specifically provided for in these By-Laws. Where necessary in elections for office, runoff elections shall be held between the two candidates receiving the most votes on the first ballot. Write-in votes are permitted on the first ballot but not in the runoff elections.

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E.Specific guidelines shall be followed for certain elections.

- 1.State Council Representative elections shall be conducted according to CTA guidelines after the chapter or service center council has been notified by the CTA election committee.
- 2.NEA State Delegate elections shall be conducted according to CTA guidelines.
- 3.NEA Local Delegate elections shall be, conducted according to NEA/CTA guidelines.

ARTICLE XIV Ratification Elections

A. **Purpose.** A ratification election shall be the means by which the unit membership shall accept or reject a tentative Collective Bargaining Agreement between the Association and the school district.

B. Process

1. Upon a recommendation of the Representative Council, an election will be scheduled by the Executive Council and ~~Negotiating~~ **Bargaining** Team.
2. The Executive Council and ~~Negotiating~~ **Bargaining** Team will schedule Open Hearings on the proposed contract.
3. Balloting will be held at an equitably accessible location(s) for unit members, within the school district's boundaries. The election will be conducted from 7:00 a.m. to 7:00 p.m. on a date(s) determined by the Executive Board.
4. With the approval of the Executive Board, the election committee may establish a procedure for absentee balloting.
5. Election Controls- Adequate controls over the distribution, tallying and disposition of ballots shall be provided for the Executive Board. Supervision of balloting will be conducted by a neutral third party.

C. Requirements for Decision. A majority of those voting shall determine the outcome.

ARTICLE XV Standing Rules

- A. The Executive Board may propose whatever rules it sees fit for the efficient operation of the Association. Standing Rules must be approved by a majority of members voting in the Representative Council.
 1. A Standing Rule may be repealed by a majority of members voting in the Representative Council.

ARTICLE XVI Ratification and Amendments

- A. **Approval.** These By-Laws shall become effective and supersede all previous constitutions and by-laws when ratified by a two-thirds majority of the Representative Council voting.
 1. **Continuity.** Nothing in these By-Laws shall be construed as interrupting the continuity of this Association during the transition from the former By-Laws to these By-Laws.
 2. **Amendments.** Amendments to the By-Laws of this Association may be proposed by the Executive Board, the Representative Council, or by petition signed by five percent of the members of the Association. **Notice in writing of a proposed By-Laws 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.**
 3. **Notice and Publicity.** Proposed amendments shall be duly publicized in a manner prescribed by the Representative Council.
 4. **Effective Date.** Unless otherwise specified in the amendment, an amendment to these By-Laws becomes effective immediately upon adoption.

APPENDIX 1: Code of Ethics of the Education Profession

Preamble

~~The National Education Association believes that the education profession consists of one education workforce serving the needs of all students and that the term educator' includes education support professionals. The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of the democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.~~

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

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

PRINCIPLE I. Commitment to the Student

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

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

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

PRINCIPLE II. Commitment to the Profession

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

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

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

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.

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

Adopted by the NEA 1975 Representative Assembly

Immediate and Situational Addenda:

Addendum to Article VII:

At the first meeting following the ratification of these By-Laws, the Executive Board shall develop a process for a transition to the Board composition described herein.

~~Addendum to Article VIII:~~

~~At the first Executive Board meeting following the ratification of these By-Laws, the Executive Board shall develop a list of all eligible school sites or equivalents for the purpose of determining Representative Council representation and quorum. Every unit member must belong to a school site or equivalent site. Smaller equivalent sites may be combined if deemed appropriate.~~