

## PROPOSED BYLAWS 2019

### PROPOSED BYLAW AMENDMENT NO. 1

#### ■ **Article I: Membership**

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**SECTION 2.** There shall be eight classes of membership in NSEA: Active Professional, Active Educational Support Professional, Substitute, Reserve, Special Services, Student, Retired, and Staff.

- (a) Active membership shall be of two types, Professional and Educational Support Professional (ESP). Active Professional membership shall be open to any person who is engaged in or who is on a leave of absence from the profession (teaching, administrating or substituting) or is serving as an elected officer of NSEA or a chartered local association, or whose employment status is in dispute and for whom NSEA is providing legal services. Active Professional members shall hold or shall be eligible to hold a baccalaureate or higher degree or the regular teaching, vocational or technical certificate required by their employment. Active Professional members regularly employed 50% or less of the normal schedule for full-time faculty members (as verified by the local association) are eligible to join NSEA as half-time Active members. Active Professional members shall be eligible to be voting delegates to the NSEA Delegate Assembly and the NEA Representative Assembly. Educators employed under contract to an educational employer as a substitute teacher holding at least a baccalaureate degree are eligible for Active substitute membership. The Active substitute receives all the benefits of Active membership. Dues for Active substitutes employed full-time are 100% of Active Professional dues; for substitutes employed less than full-time, the dues are 50% of NSEA Active dues. Where no local association is available, an Active Professional may join NSEA/NEA directly.
- (b) Student membership shall be open to any student enrolled in or preparing for a program of study in an accredited institution of higher learning that qualifies the student for a career in education, or serving as an elected NEA Aspiring Educator officer or an officer of one of its affiliates. A student who is eligible for NSEA membership in both Student and Active membership categories may, with the approval of the NSEA Executive Committee, join NSEA as a Student member.

*All remaining sections of Article I stay the same.*

***Rationale:** The first change is for clarity; the second change reflects the new name of the NEA student program.*

### PROPOSED BYLAW AMENDMENT NO. 2

#### **Article III: Board of Directors**

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**SECTION 1.** The NSEA Board of Directors shall consist of the President; the Vice President; the NEA Directors for Nebraska; the at-large representatives of the Ethnic Minority Affairs Committee (EMAC), the Higher Education Academy, and Education Support Professionals (ESPs); elected representatives of NSEA-Retired and the Student Education Association of Nebraska (SEAN); and representatives of each NSEA district association. The Board shall be apportioned on the basis of one person-one vote. Each NSEA district association shall be entitled to at least one member on the NSEA Board of Directors. Each district association member of the Board must represent the same number of constituents (with variation not to exceed plus or minus 10 percent). The representation ratio of NSEA Board of Directors members to constituents shall be determined by the NSEA Board of Directors.

District associations shall elect representatives to the NSEA Board of Directors. Representatives must be Active members of NSEA in accordance with NSEA policy to insure open nominations, ballots and a system for run-off vote. Representatives may be elected for no more than two consecutive terms of three years and shall assume office on August 1 following their election. No person shall hold simultaneously more than one seat on the NSEA Board of Directors, either as a general officer or as a district association Representative or President.

The President of NSEA shall inform the president of the district when the district qualifies for an additional representative. Insofar as possible, an equal number of members shall be elected each year. The length of the initial term of new members shall be determined by the Board rotation. ~~A vacancy on the NSEA Board of Directors shall be filled by the district affected. Such appointments shall extend to the end of the unexpired term of the position being filled.~~

- ~~(a) A vacancy on the NSEA Board of Directors shall be filled by the district affected. Such appointments shall extend to the end of the unexpired term of the position being filled.~~
- ~~(b) If a vacancy occurs in an at-large representative position on the NSEA Board of Directors during the first or second year of a term, such vacancy shall be filled by the NSEA Board of Directors, which shall elect a successor to serve until the next meeting of the Delegate Assembly. The Delegate Assembly shall then elect a successor for the remainder of the term. In the event a vacancy occurs during the third year of a term, the NSEA Board of Directors shall elect a successor for the remainder of the term.~~

If a county or local association is transferred to another district by action of the NSEA Board of Directors, district association representative(s) who are members ~~of a local~~ in that local association or county will continue to serve on the NSEA Board through the next July 31. Any vacancy created by this action will be filled by election or appointment by the respective district association.

~~**SECTION 5.** The position of any director shall be declared vacant immediately after the second absence, during a term, from any regularly scheduled NSEA Board meeting unless the individual has given prior notice to any member of the NSEA Executive Committee.~~

~~After the second unexcused absence from any regularly-scheduled NSEA Board meeting in an Association year, the position of the director shall be brought before the Board of Directors to determine if the position shall be declared vacant.~~

~~The resignation of any Board member during their term shall be accepted and memorialized through action of the Board at their next meeting or through electronic voting. Vacancies shall be filled as outlined in the Bylaws.~~

**SECTION 8.** The NSEA Board of Directors shall, on its own initiative or as directed by the Delegate Assembly, appoint committees deemed necessary to achieve the purposes of NSEA, and shall perform other duties prescribed or implied by the Bylaws and policies of the Delegate Assembly deemed necessary for the welfare of NSEA. Vacancies shall be filled in the manner of the original appointment.

~~**SECTION 9.** Members may be appointed to committees for a term not to exceed three NSEA years. Absence from two consecutive meetings, except for approved reasons, shall constitute grounds for declaring the position vacant. Vacancies shall be filled in the manner of the original appointment.~~

*All remaining sections of Article III stay the same.*

*Rationale: These changes smooth the process for filling vacancies.*

## **PROPOSED BYLAW AMENDMENT NO. 3**

### **■ Article VII: Local Associations**

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**SECTION 1.** Local association membership groups may, upon application and approval by the NSEA Board of Directors, be chartered as affiliated local education associations. Chartered local associations shall be continuous unless the charter is revoked by the NSEA Board of Directors or the local association terminates its affiliation with the NSEA and the National Education Association as provided by these Bylaws.

Existing chartered local associations may, by a vote of the membership subject to local association Bylaws, determine if the local will include Educational Support Professionals as Active members of the local association.

If there is no chartered local association available for Active Educational Support Professional (ESP) membership, then ESP employees of a single employer or school system may create a separate local association consistent with these Bylaws and seek its own charter from the NSEA. Such association shall have the same rights and privileges as any other local association as provided in these Bylaws.

**SECTION 2.** Active membership in a chartered local association shall be open only to members of the NSEA and the NEA.

**SECTION 3.** Each chartered local association shall adopt Bylaws consistent with the Bylaws of NSEA. A copy of the Bylaws and any changes thereto shall be filed with NSEA.

**SECTION 4.** No person shall be an Active member of more than one local association.

**SECTION 5.** Each local association shall be entitled to a delegate or delegates in the Delegate Assembly as provided by Article V, Section 3, of these Bylaws. All delegates shall be elected by ballot.

**SECTION 6.** Each local association shall file a report of its activities on forms provided by NSEA.

**SECTION 7.** A charter of a local association may be ~~suspended, revoked, or reinstated~~ by the NSEA Board of Directors as provided herein. ~~A local association whose charter has been suspended or revoked may appeal the decision of the NSEA Board of Directors to the Delegate Assembly. Local affiliates that are subjected to such action shall be guaranteed a due process hearing.~~

- (a) The NSEA Board of Directors may revoke the charter of a local association for adequate cause, which includes but is not limited to (i) financial malpractice; (ii) failure to follow democratic procedures; (iii) violation of its charter; (iv) serious dereliction of duties in the performance of union responsibilities; or (v) for any other act or omission that compromises the integrity of the NSEA or the National Education Association, or conflicts with their mission and purpose.
- (b) If the NSEA Legal Review Committee determines, by two-thirds (2/3) vote, that there is adequate cause under section (a) of this Bylaw to revoke a local association's charter, it shall recommend to the NSEA Board of Directors that the charter be revoked. As soon as possible after said vote, the President shall send to the NSEA Board of Directors a copy of the recommendation of the Legal Review Committee, and shall include with said recommendation a written statement setting forth the basis for the Legal Review Committee's determination that there is adequate cause for revocation of the charter. The written statement shall be sufficiently specific so as to enable the local association to prepare a defense.

Any action taken by a local association to disaffiliate from the NSEA or the National Education Association after the Legal Review Committee has made an adequate cause determination pursuant to section (b) of this Bylaw shall be of no effect.

- (1) At least 30 days prior to the meeting of the NSEA Board of Directors at which the recommendation of the Legal Review Committee is to be acted upon, the President shall send to the local association subject to revocation of its charter, a notice advising it that the NSEA Board of Directors will be taking action on the possible revocation of its charter which sets forth the date, time, and place of the meeting of the NSEA Board of Directors at which said action may be taken. The President shall include with said notice a written statement setting forth adequate cause pursuant to section (b) of this Bylaw and a copy of the rules and procedures that shall be followed by the NSEA Board of Directors in acting upon the possible revocation of the local association's charter.

A hearing shall be held before the NSEA Board of Directors, pursuant to the rules and procedures adopted by the NSEA Board of Directors for such purpose, to determine whether to revoke the charter of the local association. On the basis of the evidence and arguments presented at the hearing, the NSEA Board of Directors shall vote on the question of whether the local association's charter shall be revoked. If more than one-third (1/3) of the members of the NSEA Board of Directors who vote on the question vote "no," the charter of the local association shall not be revoked. If two-thirds (2/3) or more of the members of the NSEA Board of Directors who vote on the question vote "yes," the local association's charter with the NSEA shall be revoked as of the announcement of the vote.

- (2) If the NSEA Board of Directors revokes the charter of a local association, the name of the local association, as well as any other assets of the local association provided or funded by the NSEA or the National Education Association, shall revert to and become the property of the NSEA.

(3) No financial obligation or liability of the local association which may exist at the time its charter with the NSEA is revoked shall be assumed by or become an obligation of the NSEA.

(4) If the NSEA Board of Directors revokes the charter of a local association, the local association shall have the right to appeal to the Delegate Assembly, provided that written notice of such appeal is filed with the President by at least ten percent of the active members in good standing of the local association or by three-fourths (3/4) votes of the highest governing body of the local association within 45 days after the decision of the NSEA Board of Directors is made known to the local association. The Delegate Assembly shall rule on the appeal at its first meeting occurring after the President receives the written notice of appeal.

Pending an appeal to the Delegate Assembly, the decision of the NSEA Board of Directors shall remain in full force and effect.

(5) The NSEA Board of Directors shall adopt such rules and procedures as may be necessary to implement this Bylaw.

**SECTION 8. Disaffiliation by a local association from the NSEA or the National Education Association shall be as provided herein.**

(a) A local association may only terminate its affiliation with the NSEA and the National Education Association, if a majority of the members voting in a mail ballot election of the full membership of the local association, conducted by the American Arbitration Association or a comparable independent third-party election services provider approved in advance by the National Education Association, vote in favor of disaffiliation. No such disaffiliation election shall be conducted or effective without first (i) providing at least 60 days' written notice to the membership, the National Education Association, and the NSEA, of the mail ballot election and the basis for the proposed disaffiliation; (ii) providing at least 30 days' written notice to the membership, the National Education Association, and NSEA, of a general membership meeting to be scheduled at an accessible place and time immediately before disaffiliation ballots are mailed out; (iii) holding that membership meeting in a manner that allows ample opportunity for discussion and debate over the affiliation issue; and (iv) allowing at least one representative of the National Education Association and one representative of the NSEA to address the membership at that membership meeting.

(b) If a local association terminates its affiliation with the National Education Association and the NSEA, the name of the local association, as well as any other assets of the local association provided or funded by the NSEA or the National Education Association, shall revert to and become the property of the NSEA.

**SECTION 9. The NSEA may establish a trusteeship over a local affiliate as provided herein.**

(a) The NSEA may establish a trusteeship over a local affiliate for the purpose of (i) correcting corruption or financial malpractice; (ii) restoring democratic procedure; or (iii) correcting a serious dereliction of duties in its performance of union responsibilities.

(b) If the NSEA Legal Review Committee determines that there is adequate cause under section (a) of this Bylaw to establish a trusteeship, as soon as possible after said vote, the President shall send written notice to the local association of the determination and the cause therefore which shall be sufficiently specific so as to enable the local association to prepare a defense.

Any action taken by a local association to disaffiliate from the National Education Association or the NSEA after the NSEA Legal Review Committee has made an adequate cause determination pursuant to section (b) of this Bylaw shall be of no effect.

- (c) At least 30 days prior to the meeting of the Board of Directors at which the trusteeship is to be acted upon, the President shall send to the local association subject to the trusteeship, a notice advising it that the NSEA Board of Directors will be taking action on the possible trusteeship of the local association which sets forth the date, time, and place of the meeting of the NSEA Board of Directors at which said action may be taken. The President shall include with said notice a written statement setting forth adequate cause pursuant to section (b) of this Bylaw and a copy of the rules and procedures that shall be followed by the NSEA Board of Directors in acting upon the possible trusteeship over the local association.

A hearing shall be held before the NSEA Board of Directors, pursuant to rules and procedures adopted by the Board of Directors for such purpose to determine whether to establish a trusteeship. On the basis of evidence and arguments presented at the hearing, the NSEA Board of Directors shall vote on the question of whether a trusteeship should be established. If more than one-third (1/3) of the members of the NSEA Board of Directors who vote on the question vote "no," no trusteeship shall be established. If two-thirds (2/3) or more of the members of the NSEA Board of Directors who vote on the question vote "yes," a trusteeship shall be established over the local association as of the announcement of the vote. As soon as possible after said vote, the NSEA Board of Directors shall appoint a trustee.

- (d) Subject to the control and direction of the NSEA Board of Directors, a trustee shall have the power to:

- (1) Conduct the affairs of the trustee association, including supervisory control over its officers, employees, and other representatives;
- (2) Take possession of the books, records, funds, and other assets of the trustee association, to be held in trust for and used only in the proper conduct of its affairs;
- (3) Remove officers and staff of the trustee association, and replace them if deemed appropriate for the duration of the trusteeship; and
- (4) Take such other actions as in a trustee's judgment are necessary for the preservation of the rights and interests of the NSEA and members of the trustee association.

The NSEA Board of Directors shall have the right, with or without cause, to replace a trustee at any time.

Reasonable expenses incurred by a trustee in the performance of his or her functions shall be paid out of the funds of the trustee association, if available; otherwise, such expenses shall be paid by the NSEA.

- (e) The NSEA Board of Directors shall terminate a trusteeship as soon as the cause for its establishment has been remedied. Prior to the termination of a trusteeship, a trustee shall conduct an election, in accordance with the applicable provisions of the governing documents and policies

of the trustee association and the NSEA to fill, as of the date of such termination, officer positions vacated by removal or departure of former incumbents. As of the date of termination of trusteeship, a trustee shall return control of the books, records, funds, and other assets of the trustee association to its appropriate officers. A trustee shall make a final accounting of a trusteeship, and submit copies to the NSEA Board of Directors and the trustee association.

(f) No financial obligation or liability of the trustee association which may exist at the time a trusteeship established, or which may be incurred during a trusteeship, shall be assumed by or become an obligation of the NSEA.

(g) If the NSEA Board of Directors establishes a trusteeship or refuses to terminate an established trusteeship, the trustee association shall have the right to appeal to the Delegate Assembly, provided that written notice of such appeal is filed with the President by at least ten percent of the active members in good standing of the trustee association or by three-fourths (3/4) votes of the highest governing body of the trustee association within 45 days after the decision of the Board of Directors is made known to the trustee association. The Delegate Assembly shall rule on the appeal at its first meeting occurring after the President receives the written notice of appeal.

Pending an appeal to the Delegate Assembly, the decision of the NSEA Board of Directors shall remain in full force and effect.

(h) The NSEA Board of Directors shall adopt such rules and procedures as may be necessary to implement this Bylaw.

*All remaining sections of Article VII stay the same.*

***Rationale:** Routine language to assist in the event of a local choosing to disaffiliate.*

## **PROPOSED BYLAW AMENDMENT NO. 4**

### **■ Article XII: Amendments**

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**SECTION 1.** Amendments to these Bylaws may be adopted by a two-thirds vote of the Delegate Assembly. Amendments shall be proposed in writing at least ~~30~~ 45 days prior to the Assembly and referred to the Bylaws Committee for study and report.

*All remaining sections of Article XII stay the same.*

***Rationale:** This change assists the Bylaws Committee by allowing more time to review proposed amendments.*