

## MEA Constitution

(As amended by the Representative Assembly, May 2001, May 2003, April 2005, May 2009, October 2013, October 2014, April 2015, April 2018)

### Preamble

We, the professional educators and education support professionals in the state of Michigan, believing that the profession must institute its own self-government, secure proper recognition and responsibility for the professional preparation of its members, admit to our membership only those able to practice according to its highest standards, provide a climate of academic freedom, govern the ethical practice of its membership, be guided in all its actions by the highest sense of social and academic responsibility, demonstrate continued progress in the development and application of its body of knowledge, and perpetuate the membership in numbers adequate to meet the demand for educational services, do ordain and establish this Constitution for the Michigan Education Association/NEA. (May 2009)

### Article I. Name

The name of this nonprofit corporation, organized under the laws of the state of Michigan, shall be the Michigan Education Association/NEA.

### Article II. Purpose

The objectives of this Association shall be the improvement of education, the advancement of the interests of education and of educators, and the promotion of the professional growth of its members.

### Article III. Membership

- Section 1.** *Continuing membership.* Membership in the Michigan Education Association/NEA shall be on a continuing basis according to procedures established by the Board of Directors.
- Section 2.** *Classification.* The membership shall be classified as active and associate according to the Bylaws. Active members in good standing shall have full rights and privileges of membership as indicated in the Bylaws. Associate members shall have such rights and privileges as shall be determined by the Bylaws and the Administrative Policies of the Board of Directors.
- Section 3.**
- a. *Active.* Any person in the state of Michigan regularly employed by, laid off by, or on leave of absence from an educational institution, exclusive of supervisory personnel as defined by the Michigan Employment Relations Commission or who provides educational services, shall become an active member of the Michigan Education Association/NEA when an application for membership has been accepted according to the Bylaws and Administrative Policies as established by the Board of Directors. Membership in the National Education Association and the local association shall be required of active members of the Michigan Education Association.
    1. Active members who have met the requirements established by the Board of Directors in the Dues Transmittal Policy for payment of dues shall be considered *active members in good standing*.

2. Active members who have not met the requirements established by the Board of Directors in the Dues Transmittal Policy for payment of dues shall be considered *active members in arrears* and do not have full rights and privileges of membership.
  3. Failure to maintain status as an active member in good standing does not relieve the member of the obligation of paying dues for all time as an active member.
- b. *Associate.* Any person who is not eligible for active membership may become an associate member when an application has been accepted according to the qualifications as defined in the Bylaws.
  - c. *MEA-Retired.* An active member shall become a pre-retired member of the MEA-Retired/NEA-Retired upon payment in full of dues in an amount set by the MEA Board of Directors, unless the active member notifies the local association in writing that the member chooses not to be a pre-retired member of MEA-Retired/NEA-Retired. These dues shall be in addition to the dues established under Article II, Section C2 of the Bylaws.
  - d. *Categories of membership.* The Representative Assembly may create and define categories of membership within active, associate and MEA-Retired classifications. The Board of Directors shall make such rules as are necessary to maintain such categories.

**Section 4.** *Termination of membership.* Any member of the Association shall remain a member until resignation, expulsion or suspension, or failure to fulfill the conditions of membership other than payment of dues as established in the Bylaws.

#### **Article IV. Officers**

**Section 1.** *Officers.* The officers of the Association shall be the president, the vice president, the secretary-treasurer, the members of the Board of Directors, and regularly elected delegates to the Representative Assembly. Any active member in good standing of the Association may nominate or be nominated for office and the member elected shall remain an active member in good standing throughout the term. The terms of the president, vice president and secretary-treasurer of the state Association shall be for three (3) years beginning September 1. No person may serve more than three (3) consecutive terms as president. Completing an unexpired term shall not constitute a term for the purposes of this section, but in no event may a person serve as president more than ten (10) years.

**Section 2.** *President.* The president of the Association shall be the chief executive and operating officer of the Association and shall be responsible for all functions pertaining to the interpretation and development of Association policy, for directing, administering and coordinating the programs of the Association, and for the implementation of the policies of the Association. The president of the Association shall preside at all official meetings of the Association; shall perform for the Association such duties which are customarily associated with this office; and shall have the power to delegate presidential functions for limited and specific purposes, not otherwise prohibited by the Constitution or Bylaws. The president shall perform as a full-time officer of the Association.

**Section 3.** *Vice president.* Shall serve as ex officio on the Executive Committee and perform duties consistent with the position as may be assigned by the president. The vice president may, upon action of the Board of Directors, perform as a full-time officer of the Association.

**Section 4.** *Secretary-treasurer.* The secretary-treasurer shall serve as ex officio on the Executive Committee, make annual financial reports as required by the Board of Directors, and perform

duties consistent with this position as may be assigned by the president, and shall, in the absence of the president and vice president, preside at official meetings of the Board of Directors.

- Section 5.** *Election of officers.* Election of officers shall be by secret ballot of Representative Assembly delegates.
- Section 6.** *Succession and vacancies.* Vacancies occurring by reason of death, resignation, incapacity, judgment of impeachment or other disqualification shall be filled according to procedures established in the Bylaws of the Association.
- Section 7.** *Recall.* Elected MEA officers (president, vice president, secretary-treasurer, members of the Board) may be recalled for just cause according to procedures established in the Bylaws of the Association or the constitution of the region
- Section 8.** *Honorariums.* The officers and the executive director shall not accept honorariums, fees, etc., for personal use. Such fees may be accepted for the Association and placed in the Association's treasury or they may be directed by the officer to a charity or other educational agency provided a statement of such transaction is filed with the Association.

#### **Article V. The local**

- Section 1.** *Function.* The local shall be the basic organizational unit of the Association. The functions of the local shall be to provide the organization through which:
- a. The members in good standing of the Association may participate in the formulation and evaluation of policies, plans and programs of the Association;
  - b. The adopted program of the Association may be made effective within the boundaries of the local;
  - c. Problems, issues and policies may be initiated for regional and state consideration;
  - d. Referenda may be held on regional and state problems, issues and policies.
- Section 2.** *Powers.* The active members in good standing and life members of the Association within any school district, combination of school districts, educational institutions, agencies or private entities shall have the right to organize as a local; shall elect delegates to the Representative Assembly and the region council; shall establish such agencies and agents as may be required for the effective promotion of Association activities within the local; shall take any steps made necessary by the provisions of the Bylaws of the Association or by the acts of the Representative Assembly or the Board of Directors; shall adopt its own bylaws, appoint its own committees, and undertake any lines of work deemed necessary in the light of needs within the local, provided that such action shall not be in conflict with the provisions of the Constitution, the Bylaws of the Association, or the acts of the Representative Assembly or the Board of Directors; and shall meet the minimum standards of affiliation of the MEA/NEA.\*
- Section 3.** *Organization.* A local shall consist of the active and life members of the Association in a single school district, an intermediate school district, or a combination of school districts, a single educational institution, educational corporation, agency, professional education association, or private entity, and may be established as a unit by the Board of Directors and shall be

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\* Refer to the last page of the MEA Bylaws for minimum standards.

designated as \_\_\_\_\_-MEA/NEA. Education support professionals and professional educators may maintain separate locals within a local. (*May 2009*)

- Section 4.** *Governance body.* Provisions shall be made to include at least one (1) Representative Assembly delegate as a member of the local’s governing board.
- Section 5.** *Representation.* A local shall have representation on the region council and Representative Assembly upon maintenance of the minimum standards for representation as set forth in the Bylaws.
- Section 6.** *Election of delegates.* The procedure to be followed in the election of delegates to the Representative Assembly shall be as outlined in the Bylaws and Administrative Policies.
- Section 7.** *Election and recall of local officers.* All locals shall elect their officers at least once every three (3) years by secret ballot among the active members in good standing. An official report of the local election shall be filed with the MEA following the election. Each local shall establish, in its constitution and bylaws, procedures for election and recall of elected officers, provided such recall procedures meet the requirements as prescribed in the Bylaws of the state Association.
- Section 8.** *Local funds.* Funds shall be made available to locals by the state Association upon fulfillment of conditions as set forth in the policies as adopted by the Representative Assembly and the Board of Directors.

**Article VI. The region**

- Section 1.** *Region.* The *region* shall be the intermediate unit between the state Association and the local associations within the region, and shall be established by the Board of Directors to consist of a local association or a group of local associations depending upon the number of members and the compactness of the area to be served.
- Section 2.** *Region council.* The *region council* shall be the organization of the region and shall meet at least three (3) times during the school year. Composition of the region council shall be as defined in the Region Council Constitution as established by the Board of Directors.
- Section 3.** *Powers.* The region council shall provide for its own organization, elect its own officers, appoint its own committees, levy dues upon its constituent locals, and undertake any lines of work deemed necessary to the needs of the region, and shall have the power to establish such agents and agencies as may be required for the effective promotion of the activities of the Association within the region, and take any action necessary under the provisions of the Constitution and Bylaws of the Association, the acts of the Board of Directors or the Representative Assembly.
- Section 4.** *Funds.* The state Association shall provide the region with funds for the appropriate expense for the activities of the region, as provided in the Bylaws.

**Article VII. The Representative Assembly**

- Section 1.** *Function.* The *Representative Assembly* shall be the legislative body of the Association.
- Section 2.** *Membership.* The *Representative Assembly* shall be constituted as follows:
- a. Regularly elected delegates or their regularly elected alternates from locals or membership units within the Michigan Education Association/NEA;

- b. Members of the Board of Directors, vice president, secretary-treasurer, NEA state directors, and Michigan members who are members of the NEA Executive Committee. These members who are not otherwise members of the Representative Assembly shall be members ex officio without voting power;
- c. Notwithstanding any provision to the contrary, the Board of Directors may adopt such administrative policies as it deems necessary to assure that the voting delegation includes representatives of Minority Persons, 3-1(g) in sufficient numbers so that the percentage of representatives of Minority Persons, 3-1(g) in the delegation equals as nearly as possible the percentage of Minority Persons, 3-1(g) persons in the population of the state of Michigan as reported by the U.S. Census Bureau. Minority Persons, 3-1(g) and representatives of Minority Persons, 3-1(g) shall be defined in the Bylaws.

**Section 3.** *Meeting.* The Representative Assembly shall meet annually. Such meeting shall be held in the months of April or May. The meeting of the Representative Assembly shall be designated as the annual meeting of the Association. Special sessions may be called by the Board of Directors upon a two-thirds (2/3) vote of that body and must be called by the Board of Directors within thirty (30) days after receipt of a petition signed by at least thirty percent (30%) of the voting membership of the Representative Assembly. (*April 2018*)

**Section 4.** *Organization.* The Representative Assembly shall have the power to organize by passing upon the credentials of delegates, to elect every three (3) years a president, vice president and secretary-treasurer of the Association, and to appoint such special committees as are necessary for the efficient conduct of its own affairs. The president of the Association shall preside over all meetings of the Representative Assembly and, in case of a tie vote on any issue before the Representative Assembly other than the election or recall of any officer, shall cast the deciding vote.

**Section 5.** *Powers.* As the legislative body of the Association, the Representative Assembly shall hear and act upon reports from the commissions of the Association, the Board of Directors and the executive director; receive and act upon petitions; pass upon and approve the budget of the Association; formulate policies; project programs of activity; make appropriations; establish special services to be offered by the Association; conduct the business affairs of the Association and have all other powers and duties necessary to the achievement of the objectives of the Association which are not specifically delegated to other agents or agencies by this Constitution and Bylaws.

### **Article VIII. Commissions of the Association**

**Section 1.** *Function.* The *commissions* of the Michigan Education Association shall be the agencies through which the Representative Assembly and the Board of Directors shall direct continuing study of problems related to the purposes of the Association and shall be the agencies through which the Representative Assembly and the Board of Directors may exercise general advisory and supervisory direction of major Association activities.

**Section 2.** *Authorization.* The number of commissions which shall be in existence at any given time shall be at the discretion of the Representative Assembly and shall be sufficient to provide for continuing study of all the major functions and activities of the Association.

**Section 3.** *Membership.* Membership of MEA commissions shall be as defined in the Bylaws.

**Section 4.** *Powers.* Each commission shall conduct studies, make investigations and prepare recommendations for the Board of Directors and Representative Assembly with regard to any problems relating to its own area of responsibility. At the discretion of the Board of Directors, any commission may be given general supervisory responsibility over the administration of any program or activity which falls within its field.

**Article IX. Board of Directors**

**Section 1.** *Function.* The *Board of Directors* shall be the agency through which the general administrative and executive functions of the Association shall be carried out.

**Section 2.** *Membership*

- a. The Board of Directors shall be composed of the president of the Association, the vice president, the secretary-treasurer, and the members to be elected by the membership at large of the region, provided that a sufficient number of representatives of Minority Persons, 3-1(g) shall sit on the Board so that the percentage of representatives of Minority Persons, 3-1(g) on the Board shall be no less than the percentage of Minority Persons, 3-1(g) in the population of the state of Michigan as reported by the U.S. Census Bureau. If no NEA state director is a voting member of the Board of Directors, then the senior NEA state director shall become a voting member. (In the event that there are two (2) senior NEA directors, the voting member shall be chosen by lot.)
- b. Region Board members shall be elected for staggered three (3) year terms beginning September 1 as determined by the Board of Directors. The election shall be by secret ballot. The Bylaws shall designate the number of representatives of Minority Persons, 3-1(g) from the regions. Positions on the Board filled by region elections which become vacant shall be filled as provided in the constitution of the region. At-large Board members shall be nominated and elected at the Representative Assembly for staggered three (3) year terms beginning September 1 as determined by the Board of Directors. In any case where a vacant position must be filled, if that position was designated representative of Minority Persons, 3-1(g), it shall remain so designated. The president, the vice president and the secretary-treasurer shall have voting power on the Board of Directors. (*April 2018*)
- c. Education support professional representation on the Board shall be no less than one (1) director per two thousand (2,000) education support professional members, or major fraction thereof. In the event that an insufficient number of education support professional persons is elected according to the procedures as provided in the constitution of the region, nominations shall be presented according to Administrative Policies established by the Board of Directors to the Representative Assembly, which shall elect the necessary number of Board members to ensure that ratio. In the event that, in subsequent elections within the various regions, education support professional persons are elected to the Board, a corresponding number of those persons elected by the Representative Assembly shall retire from the Board at the expiration of their regular term of office on the Board. (*May 2009, April 2015*)
- d. Higher education representation on the Board shall be no less than two (2) directors (one from a two [2] year institution and one from a four [4] year institution). In the event that an insufficient number of higher education representatives is elected according to the procedures as provided in the constitution of the region, nominations shall be presented according to the Administrative Policies established by the Board of Directors to the Representative Assembly, which shall elect the necessary number of Board members to ensure that ratio. In the event that, in subsequent elections within the various regions, higher

education persons are elected to the Board, the corresponding person elected by the Representative Assembly shall retire from the Board at the expiration of his/her regular term of office on the Board.

- e. In the event that the number of Minority Persons, 3-1(g) elected to the Board according to the procedures as provided in the constitution of the region is not sufficient to equal the percentage of the minority population of the state of Michigan as reported by the U.S. Census Bureau, nominations shall be presented, according to Administrative Policies established by the Board of Directors, to the Representative Assembly, which shall elect the necessary number of representatives of Minority Persons, 3-1(g) at-large Board members to ensure that the ratio of Minority Persons, 3-1(g) to majority group Board members as provided in this section shall be obtained. In the event that, in subsequent elections within the various regions, Minority Persons, 3-1(g) are elected to the Board, a corresponding number of those persons elected by the Representative Assembly shall retire from the Board at the expiration of their regular term of office on the Board. At-large Board members shall be elected for staggered three (3) year terms beginning September 1 as determined by the Board of Directors.
- f. At the Representative Assembly there shall be elected every three (3) years: 1) a slate of a president/vice president and 2) a secretary-treasurer, who shall become voting members of the Board of Directors on September 1, following their election. An elector shall be permitted to choose among individual candidates for president and vice president if not wishing to vote for an entire slate.

In the event no candidates for the offices of president and vice president and secretary-treasurer have been announced sixty (60) days prior to the Representative Assembly, the MEA Board of Directors shall appoint a nominating committee to name two (2) candidates for president, two (2) candidates for vice president and two (2) candidates for secretary-treasurer, not later than thirty (30) days prior to the Assembly at which election is held.

- g. In the event that a member of the Board of Directors is absent from three (3) consecutive meetings or fails to attend at least sixty percent (60%) of the meetings per year, such position shall be declared vacant. Exceptions may be made by a majority vote of the Board of Directors, when circumstances exist that are beyond the control of the individual Board of Directors member.

**Section 3.** *Meetings.* Regular meetings of the Board of Directors shall be held at least five (5) times each year upon call of the Executive Committee. Special meetings of the Board of Directors may be called by the Executive Committee at its own discretion and shall be called upon the written request of five (5) members of the Board representing at least three (3) regions.

**Section 4.** *Organization.* The Board of Directors shall have the right to provide for its own organization and to appoint any necessary committees at a specially called organizational meeting.

**Section 5.** *Powers.* The Board of Directors shall conduct, manage, and control the affairs and business of the Association between meetings of the Representative Assembly, subject to the policies established by the Representative Assembly, shall have the power to review the case of any person applying for membership in the MEA/NEA and to deny or admit such persons to MEA/NEA membership, shall have the power to fill vacancies in office, except that of elected Board members, of vice president, and of secretary-treasurer until the time of the next Representative Assembly, may exercise the power of executive clemency by removing censure and reinstating a member suspended or expelled by the Board of Reference, and shall exercise

such other powers as are delegated to it by the provisions of the Bylaws or by the acts of the Representative Assembly.

#### **Article X. Executive Committee**

The *Executive Committee* shall be the ad interim committee of the Board of Directors and shall be composed of the president, vice president and the secretary-treasurer of the Association and six (6) members elected by the Board of Directors from within its own membership for terms of two (2) years, provided that the terms of not more than three (3) of the elected members shall expire at the same time. The immediate past president of the MEA/NEA shall be a member of the Executive Committee for the first year after completing the term of president. The president shall act as chairperson of the Executive Committee. All members of the Executive Committee, except the immediate past president, shall have voting power. All proceedings of the Executive Committee shall be subject to review by the Board of Directors. The Executive Committee shall have original jurisdiction over all disputes arising under the Crisis Assistance Program and charges or other proceedings relating to the discipline of members who continue in active employment during the course of a labor dispute where the withdrawal of services by other members has occurred. The Executive Committee shall have original and only jurisdiction over all disputes arising under alleged violations of the duty of fair representation. The Executive Committee shall administer such other functions as may be approved by the Board of Directors.

#### **Article XI. The Association staff**

- Section 1.** The *staff* of the Association shall consist of an executive director and such other employees as may be needed to transact the business of the Association.
- Section 2.** The *executive director* of the Association shall be primarily responsible for, at the direction of the president, directing, administering and coordinating the programs of the Association and for implementation of policy made by and in accordance with policies, goals and objectives established by the Representative Assembly and interpreted by the Board of Directors and/or chief executive officer.
- Section 3.** The executive director shall hold the position under a contract of not more than four (4) years' duration subject to annual review by the Board of Directors.

#### **Article XII. Ethics, rights and Board of Reference**

- Section 1.** *Code.* The Code of Ethics for the Education Profession shall be the Code of Ethics for the Michigan Education Association/NEA and all its constituent units. Associated organizations affiliated with the Association may adopt supplementary principles and standards peculiar to the needs of their members.
- Section 2.** *Board of Reference.* The judicial powers of the Association shall be vested in one (1) Board of Reference and such subordinate judicial bodies as may be established by the Representative Assembly in the Bylaws.
- Section 3.** *Jurisdiction.* The jurisdiction of the Board of Reference shall extend to cases arising under this Constitution, the Bylaws, the Administrative Policies of the Association, and the Guidelines for NEA UniServ in Michigan. This jurisdiction will not extend to disputes arising under the Crisis Assistance Program, alleged violations of the duty of fair representation, or matters involving discipline of members who continue in active employment during the course of a labor dispute where the withdrawal of services by other members has occurred, which jurisdiction shall be vested in the Executive Committee of the Board of Directors.



- a. The Board of Reference shall have the original jurisdiction in cases to which the Association, a local association or a region council is a party or in any case where it does not appear that the charges could be tried fairly and impartially on the local level. When the Board of Reference has original jurisdiction, it shall designate one (1) member of the Board to hear and determine the charges. An appeal of that determination may be taken by any aggrieved party to the entire Board of Reference. The member of the Board of Reference who heard the charges in the original proceeding shall not participate as a member of the Appeal Board of Reference.
- b. The Board of Reference shall have appellate jurisdiction in judicial cases appealed from decisions rendered by subordinate judicial bodies.
- c. The Board of Reference shall have the following powers:
  - 1. To censure, to suspend, to fine or to expel any member;
  - 2. To remove censure;
  - 3. To reinstate a suspended or expelled member.

**Section 4.** *Appointment.* The president of the Association, with the advice and consent of the Board of Directors, shall appoint by September 1 of each year one (1) judge for a five (5) year term.

**Section 5.** *Prerogatives.* The Board of Reference shall name its own legal staff, establish its own rules in accordance with this Constitution and the Bylaws, receive adequate funds from the treasury of the Association and guarantee due process in all proceedings before it and such subordinate judicial bodies established by the Representative Assembly in the Bylaws.

**Section 6.** *Impeachment.* Members of the Board of Reference may be impeached for malfeasance, for misfeasance, and for nonfeasance in office. The process for impeachment of Board of Reference members shall be as follows:

- a. Proceedings against the member of the Board of Reference may be initiated by written petition of five (5) members in good standing of the Association under Administrative Policies established by the Board of Directors;
- b. The affirmative vote of at least two-thirds (2/3) of the members of the Board of Directors shall be required to order an impeachment hearing on specified charges;
- c. An affirmative vote of at least two-thirds (2/3) of the members of the Board of Directors shall be required to sustain a charge following a due-process hearing before the Board, and the position shall become vacant.

### **Article XIII. Governance and nongovernance units**

**Section 1.** *Classes.* The two classes of affiliation shall be governance and nongovernance.

- Section 2.**
- a. *Governance.* The governance class shall comprise local associations (including locals, county and institutional).
  - b. *Standards and procedures for affiliation.* Local associations, county locals or institutional locals which fail to comply with standards and procedures set forth in the Bylaws may be subject to censure, suspension or disaffiliation as prescribed in the Bylaws.

**Section 3.** a. *Nongovernance.* The nongovernance class shall comprise associated organizations.

- b. *Affiliation.* Any organization, active in the field of education and statewide in its membership and activities shall be eligible to become an associated organization of the Michigan Education Association/NEA. Any such organization may petition the MEA Board of Directors to be designated as an associated organization of the Association. Petitions accepted by the MEA Board of Directors shall be presented at the Representative Assembly. If the Assembly accepts the petition, the associated organization shall be entitled to the rights and privileges within the Michigan Education Association/NEA, which are enumerated in the Bylaws.
- c. *Relationships.* The Board of Directors of the Association shall be responsible for the establishment of policies and procedures to facilitate cooperative relationships among all associated organizations.
- d. *Disaffiliation.* An associated organization shall have the right to disaffiliate in accordance with provisions of the MEA Bylaws.

#### **Article XIV. MEA/NEA affiliation**

**Section 1.** *Affiliation.* The Michigan Education Association/NEA and its eligible units shall affiliate with the National Education Association.

**Section 2.** *Allocation of delegate.*

- a. Allocation of delegate credentials to state affiliates shall be based on the ratio of 1:1,000 active members within the state.
- b. Allocation of delegate credentials to local affiliates shall be based on the ratio of 1:150 active members or major fraction thereof. Local affiliates within a state may join together to form membership units of one hundred fifty (150) or more for the purpose of representation.
- c. The Bylaws shall define the term *Minority Persons, 3-1(g)*. It is the intent of the MEA to encourage Minority Persons, 3-1(g) participation in the NEA Representative Assembly.

**Section 3.** *Election of Delegates*

- a. The delegates allotted to the MEA/NEA shall be distributed and elected in accordance with the Administrative Policies.
- b. Members of the NEA Representative Assembly shall be elected in accordance with the one-person/one-vote principle. Specific exceptions to the application of this principle may be set forth in this Constitution, Bylaws and Administrative Policies.
- c. Election to executive office or to the Board of Directors shall constitute election to the NEA Representative Assembly.
- d. Election of delegates to the NEA Representative Assembly shall be by secret ballot for each individual office. The NEA members within each region shall be eligible to vote.

**Section 4.** **NEA state directors**

- a. The NEA state directors shall be elected at the MEA Representative Assembly according to procedures prescribed by the Board of Directors and the NEA Bylaws.

- b. Alternates to the NEA state directors shall be elected at the MEA Representative Assembly according to procedures prescribed in the MEA Bylaws, Administrative Policies and NEA Bylaws.
- c. Vacancies in the office of NEA state directors shall be filled by the MEA Board of Directors until the next Representative Assembly, at which time an election shall be held to fill the position for the remainder of the unexpired term.
- d. Elected NEA state directors and alternate NEA state directors may be recalled for just cause according to procedures established in the Bylaws of the Association.

### **Article XV. Direct legislation**

**Section 1.** Active members in good standing of the Association shall have the power to propose and adopt measures, called the initiative, and the power to approve or reject actions of the Representative Assembly or Board of Directors, called the referendum.

**Section 2.** *Initiative.* Procedures under the initiative shall be as set forth in the Bylaws and Administrative Policies of the Association. To invoke the initiative, petitions signed by at least ten percent (10%) of the active members in good standing in at least one-half (1/2) of the total number of regions shall be required, provided that the total number of signatures represents at least ten percent (10%) of the total active membership in good standing. Any measure proposed by initiative petition shall be either adopted or rejected without amendment by the next Representative Assembly following publication of the measure, provided a regular meeting of the Representative Assembly is scheduled within sixty (60) days of such publication. In the event that a regular meeting of the Representative Assembly does not occur within that sixty (60) day period, or in the event that the measure is rejected by the Representative Assembly, the measure proposed by initiative shall be submitted to the active membership in good standing of the Association as provided in the Bylaws.

a. *Popular referendum.* Procedures under the referendum shall be set forth in the Bylaws and Administrative Policies of the Association. The power of referendum shall not extend to actions establishing or related to establishment of membership fees. To invoke the referendum, petitions signed by at least fifteen percent (15%) of the active members in good standing in at least one-half (1/2) of the total number of regions shall be required provided that the total number of signatures represents at least ten percent (10%) of the total active membership in good standing. Referendum petitions containing the required number of signatures shall be filed within sixty (60) days of the date the action being referred to the membership was taken.

b. *Legislative referendum.* The Board of Directors or the Representative Assembly may refer any of their actions to the active membership in good standing of the Association upon resolution by two-thirds (2/3) of the respective body. Voting on legislative referendum shall be as provided in the Bylaws.

**Section 4.** *Amendment or repeal.* Any action adopted through initiative or referendum process by the members of the Association in good standing may be repealed or amended by an affirmative vote of two-thirds (2/3) of those members elected to any subsequent Representative Assembly.

### **Article XVI. Amendments**

- Section 1.** *Amendments.* Amendments to this Constitution and Bylaws shall be presented for action at the annual meeting of the Association as defined herein.
- Section 2.** *Constitution.* Amendments to the Constitution may be proposed by resolution of the Board of Directors, or any region, or of no fewer than five (5) locals of the Association. Proposed amendments shall be filed with the executive director of the Association and shall be sent to members of the Representative Assembly at least sixty (60) days prior to the meeting at which they will be considered and shall be adopted by a two-thirds (2/3) affirmative vote of the Representative Assembly.
- Section 3.** *Bylaws*
- a. *Amendment.* Proposals for repeal, modification or adoption of new bylaws may be made by the Board of Directors or any other constituent unit of the Association, shall be filed with the executive director of the Association and shall be sent to members of the Representative Assembly at least sixty (60) days prior to the meeting at which they will be considered. Repeal, modification or adoption of new bylaws shall be by majority vote of the Representative Assembly.
  - b. *Membership dues.* Proposed modification of membership dues shall be sent to members of the Representative Assembly at least sixty (60) days prior to the annual meeting at which they will be considered. If specific dues amounts have not been proposed, the blank dues amendment will be automatically transmitted to the Representative Assembly.
  - c. *Crisis Assistance Program (CAP) Fund.* The Representative Assembly shall have the authority to assess an additional assessment for the purpose of replenishing the CAP Fund in the event the fund is depleted or in danger of being depleted. This action may be taken without restriction to the annual meeting or sixty (60) day timeline.
- Section 4.** *Effective date.* Amendments to this Constitution and Bylaws shall become effective on September 1 following their adoption. The Representative Assembly may, by a two-thirds (2/3) vote of the delegates, establish an effective date other than September 1. All modification of life membership dues shall take effect immediately upon adoption by the Representative Assembly.