

## **BYLAWS OF THE DAVIS EDUCATION ASSOCIATION**

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by the Representative Council.

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## **ARTICLE I - MEMBERSHIP - DUES**

### **Section 1.1 Term of Membership**

- a. The term of membership of ongoing members shall extend from the first day of school to the first day of school of the following year.
- b. The term of membership of those members joining during the current membership year shall extend from the effective date of membership to the first day of school of the following year.
- c. Assistance will be provided to members in dealing with events or situations arising during the term of membership, but not for events or situations arising prior to membership in the Association.

### **Section 1.2 Membership Dues**

Membership dues in the Association are set by the Representative Council and may be changed from time to time by resolution of the Council. Changes in dues amounts become effective at the beginning of the following school year.

### **Section 1.3 Proration of Dues**

Refunds on a prorated basis may be made to members who leave the employ of the District and terminate membership in the Association prior to April 30th of any year. No refunds shall be made for terminations occurring after that date.

If any person joins the Association at a time other than the beginning of the membership year, he/she may join on a prorated basis established by the Executive Board.

### **Section 1.4 Payroll Deductions**

By individual consent, a member may authorize the Board of Education of the school district to make deductions from his/her salary for the purpose of paying membership dues.

### **Section 1.5 Delinquency**

- a. Dues of ongoing members shall be payable on or before October 15<sup>th</sup>.
- b. Dues of members joining during the current membership year shall be payable on or before October 15<sup>th</sup>, or on the date of joining, which ever is later.
- c. Dues remaining unpaid after the applicable date above shall be deemed delinquent except that, in cases where evidence shall be furnished to the Executive Director that authorization has been made for payroll deduction of membership dues, delinquency shall not be deemed to have occurred.

### **Section 1.6 Associate Members**

Any person falling within the following classes of persons may enroll as an associate member:

- A licensed educator employed in professional education less than half time.
- A person who has been a member of the Association who is currently on leave.

### **Section 1.7 Rights of Associate Members**

Individuals qualifying as associate members shall have all the rights and privileges of full members of the Association except they shall not be entitled to hold an office of the Association.

## Section 1.8 Associate Membership Dues

The dues for each class of associate membership in the Association shall be such amount as may be established by resolution of the Executive Board from time to time, and shall be paid and applied for such terms of membership as may be established by such resolution or resolutions.

## **ARTICLE II – MEETINGS**

### Section 2.1 Meetings of the Executive Board

The Executive Board shall meet with such frequency and at such times and places as may be determined by the Board to be necessary to the proper conduct of the business of the Association. Meetings of the Board shall be called by the President on his/her own initiative or at the request in writing of three of the members of the Executive Board. A simple majority of voting members of the Executive Board will constitute a quorum.

### Section 2.2 Meetings of the Representative Council

The Representative Council shall have at least one regular session during each full month of the traditional school year. Regular sessions shall be held at such times and places as the Executive Board shall determine. The President shall prepare the agenda for each meeting. A simple majority of voting members of the Representative Council will constitute a quorum.

### Section 2.3 Special Meetings of the Representative Council

Special meetings of the Representative Council shall be called by the President upon his/her initiative or upon the written request of five Association Representatives.

### Section 2.4 Notice - Meetings of Representative Council

The President shall give prior notice in writing or by electronic means of the time and place of each regular meeting of the Representative Council together with a copy of the tentative agenda at least five (5) days prior to the meeting so that representatives may have time to discuss the agenda and the meeting with their respective faculty members in advance of the meeting.

The President shall give prior notice of each special meeting to the members of the Representative Council, including the time and location of the meeting, and a statement of the purpose of the meeting.

### Section 2.5 Special Meetings - Membership

Special meetings of the membership shall be called by the President of the Association upon request of the Executive Board or of the Representative Council.

## **ARTICLE III - OFFICERS**

### Section 3.1 President

- a. **Term.** The president shall be elected to office in odd numbered years for a term of two years beginning on the first day following the end of the traditional school year and ending on the last day of school at the end of the term. No President shall be elected to more than two terms consecutively. If negotiations extend past the end of the school year, the outgoing President shall preside over the negotiations and the ratification procedure.
- b. **Duties.** The president is the leader of the Association and shall be responsible for the quality and facilitation of all Association policymaking processes. Specific duties may be assigned to the President as directed by the Executive Board. The president shall:

- Prepare and maintain the Program General Budget and present a report of expenditures to the Board at least semi-annually, and to the Representative Council annually.
- Preside over meetings of the membership of the Association, the Representative Council and the Executive Board or he/she may authorize others to preside.
- Appoint members of Association committees, with approval of the Board, except as otherwise specified in these Bylaws, nominate educators for school district committees, and select members to attend Association workshops and training programs.
- Be a cosigner of checks drawn upon the funds of the Association.
- Perform all other functions usually attributed to the office of President.

### Section 3.2 Vice President

- a. **Term.** The Vice President shall be elected to office in odd numbered years for a term of two years beginning the first day following the end of the traditional school year and ending on the last day of school at the end of the term. No Vice President shall be elected to more than two terms consecutively.
- b. **Duties.** The Vice President shall assist the President in the performance of his/her duties. Specific duties may be assigned to the Vice President as directed by the Executive Board.

## **ARTICLE IV- EXECUTIVE BOARD**

### Section 4.1 Composition

The Executive Board shall consist of the President, the Vice President, the regional member of the UEA Board of Directors, nine Board members elected from geographic areas, and two Board members elected at large:

- a. one to represent ethnic minorities
- b. one to represent Related Servers

Neither the Association President nor Vice President may be a member of the UEA Board of Directors during their term(s) of office.

The Association Executive Board shall constitute the Davis UniServ Board.

### Section 4.2 Terms

The terms of all members of the Executive Board, except the regional member of the UEA Board of Directors, shall be for the two-year period beginning the day following the last day of the traditional school year and ending on the last day of school.

No Board member shall be elected to more than two terms consecutively.

### Section 4.2 Duties

- a. The Executive Board shall manage the affairs and conduct the general business of the Association, subject to such policies and legislative determinations as may be made by the Representative Council.
- b. The Board shall approve Association expenditures over \$1,000.
- c. Minutes of Board meetings shall be made available to members upon request.

- d. The Board shall have the power to suggest policies and other actions for consideration by the Representative Council.
- e. The Board shall have power to approve appointments made by the President.
- f. It shall have power to approve the hiring of Association staff and shall determine the amount of their remuneration for services.
- g. The Board shall approve the Davis UniServ budget.
- h. The Board shall review the Program General budget and shall present it to the Representative Council for approval.

#### **Section 4.4 Delegates**

Election as a member of the Executive Board shall constitute election as a delegate to the House of Delegates of the Utah Education Association and the Representative Assembly of the National Education Association (RA).

As elected delegates to the UEA House of Delegates, Executive Board members are expected to attend the annual meeting of that body. As elected delegates to the NEA RA, Executive Board members are expected to represent the Association at caucuses, hearings, and on the floor of the NEA Representative Assembly.

### ***ARTICLE V - AT-LARGE AND SUCCESSOR NEA-RA DELEGATES***

#### **Section 5.1 At-Large NEA-RA Delegates**

In the event that the NEA allows the Association a delegation to the annual meeting of the Representative Assembly which exceeds the total number of Association officers and Executive Board members, the Executive Board may elect to add At-Large NEA-RA Delegates to the Association's delegation if the budget permits.

#### **Section 5.2 Successor NEA-RA Delegates**

In the event that an officer, Executive Board member, or At-large NEA-RA Delegate is unable to serve as a delegate to the NEA Representative Assembly, a Successor NEA-RA Delegate will be sent instead if travel arrangements can be made in time and at reasonable expense.

#### **Section 5.3 Election**

Positions will be filled starting with the candidate winning the most votes, and proceeding in descending order of vote totals: the positions of At-Large NEA Delegates (if any) will be filled first, followed by the positions of Successor NEA-RA Delegates.

#### **Section 5.4 Terms**

At-Large and Successor NEA-RA Delegates will serve a term of one year beginning the day after the last day of the traditional school year and ending on the last day of school.

#### **Section 5.5 Duties**

At-large and Successor NEA-RA Delegates are expected to represent the Association at caucuses, hearings, and on the floor of the NEA Representative Assembly.

## **ARTICLE VI - ASSOCIATION REPRESENTATIVES**

### **Section 6.1 Election**

Schools and other District sites which are on a traditional and a year-round calendar will conduct the election of the Association Representative(s) by the last school day in May. Members in good standing of this Association in each public school or other educational institution in this school district, shall elect one Association Representative to the Representative Council for up to eighteen of said members. Additional Association Representatives shall be elected for every eighteen additional members or fraction thereof (i.e. 1-18=1 AR, 19-36=2 ARs, 37-54=3 ARs, etc.).

Year-round schools which qualify for two Representatives should elect them from different tracks. Year-round schools that qualify for one Association Representative shall elect an Alternate Association Representative from a different track. The election shall be conducted by secret ballot.

### **Section 6.2 Term**

Association Representatives shall take office the first day following the end of the school year and continue in office until the last day of the school year at the end of two years. Association Representatives may serve multiple terms. If negotiations extend past the end of the school year, the outgoing Representatives shall retain their voting authority in the ratification procedure.

### **Section 6.3 Duties**

The Association Representative shall be a member of the Representative Council. It shall be his/her duty to attend all meetings of the Council as a representative of the Association members that elected him/her. The Association Representative shall promote the goals and programs of the Association among his/her constituents and serve as a primary channel of communication between the members and Association leaders. Any school may choose to elect an Alternate Association Representative to fulfill the duties of the Association Representative in his/her absence.

### **Section 6.4 Delegates**

Election as an Association Representative shall constitute election to the UEA House of Delegates as a regular delegate or alternate delegate.

### **Section 6.5 Transfers**

In the event an elected Association Representative transfers from the school electing him/her, a new Representative shall be elected to fill the unexpired term.

## **ARTICLE VII- REPRESENTATIVE COUNCIL**

### **Section 7.1 Powers**

The Representative Council shall be the legislative and policy-forming body of the Association. All powers not delegated to the Executive Board, the officers or other bodies of the Association, shall be vested in the Representative Council including, but not limited to, the approval of the budget.

### **Section 7.2 Delegates**

Unfilled delegate seats to the House of Delegates of the Utah Education Association may be filled by DEA members elected by the Executive Board and/or the Representative Council.



## **ARTICLE VIII - QUALIFICATIONS - ELECTIVE OFFICE**

### **Section 8.1 Qualification**

In order to qualify for an elective office in the Association, a candidate shall have been a member of the National Education Association, the Utah Education Association and of the Davis Education Association for the period of at least one year preceding the date of assuming office. To retain said elective office, the person must remain a member in good standing for the entire term of his/her office in the above listed organizations.

### **Section 8.2 Alternate Faculty Representatives**

Any person acting as alternate Association Representative must comply with all of the above stated qualifications to elective office.

## **ARTICLE IX - DEA ELECTIONS**

### **Section 9.1 Notification of Members**

The President of the DEA shall, prior to March 1st, advise members and Association Representatives about the election procedures of the DEA and encourage members and Association Representatives to comply with the provisions of this article.

### **Section 9.2 Executive Board Members**

- a. For the purpose of nominating and electing members of the Executive Board, the district shall be divided into three geographically contiguous areas. The three areas shall be established and will be adjusted as needed by the Executive Board, to equalize numbers of members in each area, prior to the election.

Each of the geographic areas shall elect three representatives.

- b. Additional Board members shall be elected at large to represent ethnic minorities and to represent Related Servers who are members. The at large Board members shall be elected every even-numbered calendar year.

### **Section 9.3 Declaration of Candidacy**

The active members of the Association in each school or institution may, prior to 5:00 p.m. of the last school day in February of each election year, sign and file a Declaration of Candidacy for President, Vice President, Executive Board, At-Large/Successor NEA-RA Delegate, or such other office as may have a vacancy required to be filled by election. Further nominations may be made from the floor at the annual nominations meeting in conjunction with the March Representative Council meeting of the Association.

### **Section 9.4 Balloting**

The election of officers of the Association and members of the Executive Board shall occur at an election held in the schools and according to a procedure developed by the Legislative Committee and approved by the Executive Board. Any candidate, or his/her representative, may be present during the ballot counting.

### **Section 9.5 Election Results**

Results of elections shall be announced in the next member newsletter following the election or by notifying the Association Representatives of the election results in writing, or by electronic means, no later than the Tuesday following the election. All candidates will be personally notified of the results as soon as possible by the Election Committee.

## Section 9.6 Run-off Election

In the event that no candidate for President or Vice President receives a majority of the votes cast, a run-off election will be held between the two highest vote-getters during the following week.

For Executive Board seats from geographic areas, the two persons from each area receiving the highest number of votes shall be elected. For the Ethnic Minority and the Related Servers Board seats, the person receiving the highest number of votes for each position shall be elected. In the event of a tie, a run-off election will be held between the tied candidates during the following week.

## **ARTICLE X - VACANCY – IMPEACHMENT**

### Section 10.1 Vacancy

Whenever the office of President shall become vacant during a term, the Vice President shall fill the vacancy for the remainder of the unexpired term.

Whenever the office of Vice President shall become vacant, the Executive Board shall fill the vacancy by appointment.

An appointment by the Executive Board to fill a vacancy for the Vice Presidency or Executive Board constitutes election as a delegate to the House of Delegates of the Utah Education Association and the Representative Assembly of the National Education Association.

Vacancies in the office of Association Representative will be filled by election at the school or site as soon as practicable.

### Section 10.2 Impeachment

Whenever, by a two-thirds vote of its members, the Executive Board shall determine that an elected officer or member of the Board has been grossly negligent in the performance of the duties of his/her office, e.g., continued failure to attend required meetings, or is so incapacitated as to be unable to perform said duties, the Board may take all steps necessary to initiate impeachment proceedings before the Representative Council.

Prior to commencing proceedings, the Board shall inform the officer of the intention of the Executive Board and arrange an informal conference during which the subject officer and the Board may discuss the circumstances which have led to the proposed impeachment action and to inform the officer of such facts and circumstances in order that he/she may prepare himself/herself for possible impeachment proceedings. Throughout the consideration of the matter, including the informal conferences and until actual presentation of the matter to the Representative Council, the Board shall retain the right to reconsider and withdraw or modify the proposed proceedings.

In the event that after notification the officer elects to resign, the Board need not submit the matter to consideration by the Representative Council.

If the Board decides to recommend the impeachment of an officer or Board member to the Representative Council, it shall first conduct an open hearing according to procedures established by the Board. Said procedures shall provide for notice to the officer or Board member involved setting forth the time, place and purpose of the hearing and a summary of the causes for the impeachment proceedings.

## **ARTICLE XI - PARLIAMENTARY AUTHORITY**

### **Section 11.1 Robert's Rules of Order**

The latest edition of Robert's Rules of Order shall be the parliamentary authority for the Association on all questions not governed by the Articles of Incorporation, the Bylaws and such questions as are not covered by rules promulgated by the Executive Board.

## **ARTICLE XII - COMMITTEES**

### **Section 12.1 Standing Committees**

Committees appointed to carry on activities or pursue purposes of a continuing nature shall be called standing committees. The Representative Council may create additional standing committees by adding to the list of committees in Article XIII.

### **Section 12.2 Terms of Committees**

Members of standing committees shall be appointed to office by the President with the approval of the Executive Board for terms of one year except as otherwise expressly provided.

### **Section 12.3 Reports**

All business transacted by committees shall be reported to the Executive Board unless otherwise expressly stipulated by the Executive Board.

Upon completion of a committee assignment, a committee representative shall make a report to the Executive Board relating to the work done by the committee.

### **Section 12.4 Task Forces**

Committees appointed to carry on activities or pursue purposes that are not of a continuous nature shall be called task forces. The Executive Board may authorize task forces and terminate them when the purpose for which they were appointed has been achieved. Members of task forces shall be appointed by the President with the approval of the Executive Board.

## **ARTICLE XIII - STANDING COMMITTEES**

### **Section 13.1 Membership Committee**

The Membership Committee shall promote membership in the Association and shall increase member involvement in, and commitment to, the Association. It shall also promote the positive image of the profession and the organization with Association members, district personnel, community groups, and the public through the promotion of instructional excellence and professional development.

### **Section 13.2 Legislative Committee/PAC**

The Legislative Committee shall organize and mobilize Association members for effective political action and lobbying. It shall also oversee the Association's internal election procedure. The committee shall function as DEA-PAC subject to the Political Action Committee guidelines.

### **Section 13.3 Budget Committee**

The Budget Committee shall consist of the President, the Vice President, and members of the Executive Board as requested by the president. The committee shall review the Program General and UniServ budgets. They shall also oversee an annual audit of Association funds. It shall make regular financial reports to the Executive Board and act as an advisory body to the Board.

## Section 13.4 Additional Committees

Other committees may include, but are not limited to:

- Professional Rights and Responsibilities
- Public Relations
- Professional Development
- Multi-Cultural Awareness
- Teaching and Learning

## Section 13.5 Additional Duties and Responsibilities

The Executive Board may from time to time establish additional duties and responsibilities for each committee whenever it shall determine that it will be to the best interest of the Association and of its individual members.

## **ARTICLE XIV - STAFF**

### Section 14.1 Executive Director

The Executive Director shall be a full-time employee of the Association appointed by the Executive Board and shall bear the title Executive Director or UniServ Director.

- a. **Term.** The Executive Director shall serve until terminated by a majority vote of the Executive Board unless otherwise specified in a contract of employment approved by a majority of the Board. In such case, the contract of employment may specify a term of years or may provide for an undetermined term of service, but shall provide for termination of the services of the Executive Director during the term of the employment contract for cause found to exist by a majority of the Board. In the event that the Executive Director chooses to voluntarily resign, he/she shall provide a 30 day written notice to the Board.
- b. **Compensation.** The Executive Director shall receive compensation, including salary and benefits, for his/her services and shall be paid in such manner as shall be determined by the Association President and Vice President or their appointed designee(s).
- c. **Bond.** The Executive Director may be required to furnish bond in such amount and of such terms as may be determined by the Board.
- d. **Duties.** The Executive Director is responsible for the implementation of policy and programs of the Davis Education Association and is subject to the direction and supervision of the Executive Board. A written evaluation of the performance of the executive director shall be carried out in accordance with the contract. The Executive Director shall:
  - Prepare and maintain the UniServ Budget and present a report of expenditures to the Board at least semi-annually.
  - Carry out the Association program of activities as determined by the Board.
  - Be the manager of the office and staff and conduct yearly performance evaluations.
  - Communicate, along with the president, all Board actions to the membership and the staff.
  - Provide suggestions to the President for the agenda for Executive Board meetings and serve as an advisor to the Board.
  - Participate as a member of the DEA Interest Based Facilitation Team (IBFT) and Negotiations Team.

- Negotiate with the UniServ office staff with assistance from the Associate Director.
- Meet on a regular basis with the president and staff to discuss the current issues in which the DEA is or will be involved, and prepare the necessary recommendations for action by the Board.
- Advocate for quality education by supporting the rights and well-being of members, including contract enforcement.

It is contemplated that from time to time the Executive Board may promulgate guidelines specifying functions of the Executive Director.

### **Section 14.2 Associate Director**

The Associate Director shall be a full-time employee of the Association appointed by the Executive Board and shall bear the title Associate Director or Associate UniServ Director. He/she shall assist the Executive Director under the direction of the Executive Board.

- a. **Term.** The Associate Director shall serve until terminated by a majority vote of the Executive Board unless otherwise specified in a contract of employment approved by a majority of the Board. In such case, the contract of employment may specify a term of years or may provide for an undetermined term of service, but shall provide for termination of the services of the Associate Director during the term of the employment contract for cause found to exist by a majority of the Board.
- b. **Compensation.** He/she shall receive compensation, including salary and benefits, for his/her services and shall be paid in such manner as shall be determined by the Association President and Vice President or their appointed designee(s).
- c. **Bond.** The Associate Director may be required to furnish bond in such amount and of such terms as may be determined by the Board.
- d. **Duties.** The Associate Director shall assist the Executive Director in managing the affairs of the Association and shall perform all of the functions normal to such position subject to the direction and supervision of the Executive Board.

It is contemplated that from time to time the Executive Board may promulgate guidelines specifying functions of the Associate Director.

## **ARTICLE XV - AMENDMENT**

### **Section 15.1 Majority**

These Bylaws may be amended by a majority vote of the members present at a duly constituted meeting of the Representative Council.