

Upper Arlington Education Association Bylaws

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TABLE OF CONTENTS

ARTICLE 1. NAME	2
ARTICLE II. PURPOSE	2
ARTICLE III. MEMBERSHIP	2
ARTICLE IV. OFFICERS	3
ARTICLE V. BOARD OF DIRECTORS / EXECUTIVE COMMITTEE	3
ARTICLE VI. ELECTIONS	4
ARTICLE VII. IMPEACHMENT OF OFFICERS	5
ARTICLE VIII. COMMITTEES	5
ARTICLE IX. DUES	5
ARTICLE X. AMENDMENTS	6
BYLAW 1. MEETINGS	7
BYLAW 2. QUORUM	7
BYLAW 3. DUTIES OF OFFICERS	7
BYLAW 4. COMMITTEES	9
BYLAW 5. BARGAINING AND CONTRACT RATIFICATION	10
BYLAW 6. DUES	11
BYLAW 7. MEMBERSHIP YEAR	11
BYLAW 8. EXPULSION OF MEMBERS	11
BYLAW 9. DUE PROCESS	12
BYLAW 10. AUTHORITY – PARLIAMENTARY PROCEEDURE	12
BYLAW 11. AMENDMENTS	12
BYLAW 12. DISSOLUTION OF ASSOCIATIONS	12
BYLAW 13. ENABLING PROVISION	12
BYLAW 14. GROUNDS FOR CHARGES AGAINST MEMBERS AND OFFICERS	13
BYLAW 15. DISCIPLINARY PROCEEDINGS	14
APPENDIX A	18
CODE OF ETHICS OF THE EDUCATION PROFESSION	18

ARTICLE 1. NAME

- Section A.** The name of this organization shall be the Upper Arlington Education Association
- Section B.** The Upper Arlington Education Association, henceforth referred to as the Association, shall maintain affiliation with the Ohio Education Association, the National Education Association, and the Central OEA/NEA

ARTICLE II. PURPOSE

- Section A.** The purpose of the Association shall be to:
1. Help set and promote the educational objectives of the local school system and of the state and of the nation;
 2. Protect the welfare and advance the professional interests of its members;
 3. Foster professional attitudes;
 4. Establish and maintain helpful, friendly relationships within the membership and school community.

ARTICLE III. MEMBERSHIP

- Section A.** All certified professionals employed by the Upper Arlington City Schools Board of Education, including all regularly employed full-time and all regularly employed part-time certified/licensed employees except educational aides, home instruction tutors, casual day-to-day substitutes, long-term substitutes employed to work fewer than 60 consecutive contractual days in the same assignment and all confidential supervisory and management level employees. "Confidential", "supervisory" and "management-level" employees shall be defined as:

**Superintendent
Treasurer
Chief Academic Officer
Executive Directors
Directors
Non-Teaching Athletic Directors
Principals
Assistant Principals
Administrative Assistants, and
Other confidential, management-level, and supervisory employees as defined in Section 4117.01 of the Ohio Revised Code or as may be contracted for pursuant Section 3313.843 of the Revised Code.**

- Section B.** Active members shall be members of the Upper Arlington Education Association, Central District, the Ohio Education Association, and the National Education Association

Section C. All members shall abide by the Code of Ethics of the Education Profession.

ARTICLE IV. OFFICERS

Section A. The officers of the Association shall be the Co-Presidents, Secretary, and Treasurer. The officers shall constitute the Executive Board.

Section B. All Officers shall hold office for a two-year term, beginning June 1.

The two Co-Presidents will be elected on alternating years. One Co-President and Treasurer will be elected on odd years. One Co-President and Secretary will be elected on even years.

Section C. Whenever the office of one of the Co-Presidents becomes vacant due to death, incapacity, termination, resignation, retirement or recall, the other Co-President shall maintain the office of the presidency on his/her own for the remaining part of the term or until a special election can be organized as determined by a vote of the Executive Committee. A Co-President chosen through a special election to fill a vacancy shall hold the office until the end of the original term for which he/she is elected into.

Whenever the offices of both Co-Presidents become vacant, the remaining members of the Executive Committee shall choose one of their number to serve as President Pro Tempore until a special election by the membership is conducted. In such case the Elections Committee shall provide a slate of candidates for both offices.

A vacancy in the office of Secretary or Treasurer shall be filled for the remainder of the term by majority vote of the Board of Directors/Executive Committee.

ARTICLE V. BOARD OF DIRECTORS / EXECUTIVE COMMITTEE

Section A. The Executive Committee shall be composed of the elected officers of the Association and association building representatives.

Section B. The Executive Committee shall:

1. Act as advisors to the officers, assign duties, be responsible for all committees of the Association, and have such policy-making authority as provided in this C&B.
2. Act as the authoritative voice of the Association on positions affecting the Association during the interim period between regular meetings.
3. Prepare recommendations for the consideration and action of the Association.
4. Carry out policies established at general membership meetings.
5. Report its transactions and those of the general membership to all

members.

6. Direct an independent audit of the Association's financial records at regular intervals not to exceed two (2) years.
7. Ensure the Association acts on an annual financial report presented by the Association Treasurer.
8. Actively engage with members about the Association on a regular basis.

Section C. There shall be one association representative elected for a term of 1 year in each building or unit of representation for every twenty five (25) members or fraction thereof. Each representative has one vote on the Executive Committee.

Section D. It is the policy of this Association, and it shall take all legally permissible steps to achieve governance and delegate representation of ethnic minority at least proportionate to the ethnic minority membership in the Association.

Section E. The Chairpersons of Standing Committees shall attend Executive Council Meetings as non-voting members. They may make motions and voice opinions.

Section F. A vacancy on the Executive Committee due to death, incapacity, termination, resignation, retirement or recall, shall be filled for the remainder of the term by majority vote of the Executive Committee of the local.

Section G. No business or financial transaction involving a member of the Executive Committee or agent of the Association, or their spouse, children, or parents, or otherwise as described in this Section, shall conflict with the fiduciary responsibility of such person to the Association. Such relationships with the members of the Executive Committee include relationships with any person that would reasonably be expected to affect the person's judgment with respect to the transaction or conduct in question in a manner adverse to the Association.

ARTICLE VI. ELECTIONS

Section A. Members who are interested in an Executive Committee position shall forward their name to the Election Chair or forward the name of a nominated party to the Election Chair by the assigned deadline.

Section B. Elections/Voting of/for Co-Presidents, Secretary, and Treasurer shall be held every two years in the spring. Elections/Voting of/for Building Representatives shall be held every year in the spring.

Section C. No member shall be nominated for office without the knowledge and consent of the individual.

Section D. The Co-Presidents shall appoint an Elections Chairperson/Committee whose duty it shall be to conduct elections in accordance with the OEA Elections Manual and to resolve all challenges or protests to an election. No nominee for office shall serve concurrently on the Elections Committee.

- Section E.** Elections of officers and Executive Committee members shall be conducted by secret ballot in each building during one school day designated by the Elections Committee.
- Section F.** The Elections Committee shall report the results of the election to the total membership within five (5) calendar days following the election.
- Section G.** All ballots (marked, unmarked, ad voided) and all other records pertaining to the election of officers of this Association and OEA and NEA delegates and alternates shall be preserved for one year from the date the election was held; and such ballots and other records shall be made available to OEA officers upon request for inspection and examination.
- Section H.** Non-members of the Association shall not have the right to vote, hold office, or otherwise have privilege of Association membership.

ARTICLE VII. IMPEACHMENT OF OFFICERS

- Section A.** Officers of the Association may be impeached for violation of the Code of Ethics of the Education Profession or for misfeasance, malfeasance, or nonfeasance in office.
- Section B.** Impeachment proceedings against an officer may be initiated by written petition submitted to the Executive Committee by at least twenty-five (25) percent of the members.
- Section C.** If, after a due-process hearing, a two-thirds (2/3) vote of the Executive Committee sustains the charge, the office shall become vacant.
- Section D.** The officer may appeal the decision to a special meeting of the general membership.

ARTICLE VIII. COMMITTEES

- Section A.** The Association shall have such standing committees as are necessary to carry out the responsibilities and program of the Association.
- Section B.** Ad hoc (temporary) committees may be formed as necessary to achieve the Association program.
- Section C.** All committees shall be appointed by the Co-Presidents with the approval of the Executive Committee. If Committee Chairs are members of the Executive Committee, they must be elected to have voting rights.

ARTICLE IX. DUES

- Section A.** The local association shall have a dues structure adequate to fund an active program.
- Section B.** The finances of the Association shall be used for the advancement of the

educational, social, and cultural needs of the members as well as the educational interests of the community as determined by the Executive Council.

Section C.

The finances of the Association shall provide for the Co-Presidents, Secretary, and Treasurer. Honorariums and/or travel expenses for the Association representatives shall be provided at the discretion of the Executive Council. A stipend shall be provided for the Chairpersons on the Standing Committees.

ARTICLE X. AMENDMENTS

Section A.

Amendments to this Constitution may be made by a two-thirds (2/3) majority of those voting at any Executive Council Meeting meeting provided that the amendments have been introduced at the preceding regular meeting and that copies of proposed amendments have been distributed to all members for discussion.

BYLAW 1. MEETINGS

- Section 1-1.** The Executive Committee shall meet at a time and place each month designated by the Co-Presidents or at the request of the Executive Council.
- Section 1-2.** The general membership meetings shall be held at least twice per year, e.g. one in the fall and one in the spring. Additional meetings may be called by the Co-Presidents, a majority vote of the Executive Committee, or a petition to the President signed by at least ten (10) percent of the active membership. Such petitions shall state the purpose of the desired meeting and the business of that meeting shall be limited to consideration of the stated purpose.
- Section 1-3.** Additional meetings may be called by the Co-Presidents, a majority vote of the Executive Council, or a petition to the Co-Presidents signed by at least 10% of the membership. Such petitions shall state the purpose of the desired meeting and the business of the meeting shall be limited to the consideration of that stated purpose.

BYLAW 2. QUORUM

- Section 2-1.** The quorum for the Executive Committee meetings shall be one more than fifty (50) percent.
- Section 2-2.** The quorum for a general meeting shall be the membership present.

BYLAW 3. DUTIES OF OFFICERS

- Section 3-1.** Co-Presidents
- A. Preside over all Association meetings and prepare their agendas
 - B. Represent the Association on all matters of Association policy
 - C. Serve as ex-officio member of all Association committees.
 - D. May serve as delegate to the OEA and NEA Representative Assembly by virtue of the office.
 - E. Shall oversee the negotiations process.
- Section 3-2.** Secretary
- A. Keep accurate minutes of all official meetings of the Association.
 - B. Maintain official files of the Association including maintaining electronic copy of Association Constitution and Bylaws, and Executive Council meeting minutes.
 - C. Perform such other duties as delegated by the Co-Presidents.

- (1) Shall be responsible for issuing notices and communications as the Co-Presidents may direct
- (2) Shall be responsible for the planning of the annual "Teachers' Retirement Reception"
- (3) Shall be responsible, in collaboration with the treasurer, for securing the date, location, and provisions for the Back to School meeting held before school starts in August and the end of the school year Retirement Celebration.

Section 3-3.

Treasurer

- A. Hold the funds of the Association and disburse them upon authorization of the Executive Committee.
- B. Maintain records of receipts and disbursements.
- C. Prepare financial reports for meetings of the Executive Committee and an annual financial statement to be distributed to the membership.
- D. Prepare all tax forms required by state and federal government or work with those who assist the association.
- E. Prepare for an independent audit as authorized by the Executive Committee.
- F. Shall be audited every year. This audit is to be conducted by the Audit Committee.
- G. Shall be bonded.
- H. Shall be responsible, in collaboration with the secretary, for securing the date, location, and provisions for the Back to School meeting held before school starts in August and the end of the school year Retirement Celebration.
- I. Shall post the High School Merit award and Summer Academic Award.
 - (1) Payment for all awards will be made from the Association's Scholarship Account
- J. Shall manage the District's Tuition Reimbursement and Licensure Reimbursement funds disbursement and record keeping.

Section 3-4.

Association Representative

- A. Report recommended policies and other actions of the Executive Committee to members in her/his building or unit of representation.

- B. Transmit proposals and recommendations from members in her/his building or unit of representation to the Executive Committee for its consideration.
- C. Assist the elections committee in the collection of ballots.
- D. Make every attempt to attend all official meetings of the Association and Ensure that at least one representative from each building is in attendance.
- E. Act as a consultant to the individual member who has a professional problem and, when necessary, seek needed assistance from the Association.
- F. Be active in regularly connecting with members in the different school buildings. These connections should include regular, brief, monthly meetings as well as regular outreach to new and existing members.

BYLAW 4. COMMITTEES

Section 4-1. There shall be the following committees:

Negotiations - assess membership concerns prior to bargaining, develop initial proposals of the Association, and provide additional advice and input, upon the request of the bargaining team, during active negotiations.

Elections - charged with the responsibility to protect the integrity of an election or vote and ensure that an election is conducted in accordance with the guidelines set forth in the OEA Election Manual and with local, state, and national constitutions.

Professional Rights and Responsibilities - Maintenance of, and membership advocacy in grievance procedures.

Professional Development - charged with the distribution of materials and funds available to active members for the purpose of staff development

Member Engagement - promotion of understanding, unity, and communication among all groups in the school and school district communities.

Webmaster – maintain and update Association website as needed

Membership - charged with distribution of membership materials and maintains current up-to-date records of active members.

Section 4-2. Necessary sub-committees may be appointed, as needed, by the committee chairperson.

BYLAW 5. BARGAINING AND CONTRACT RATIFICATION

- Section 5-1.** The Association shall be represented in collective bargaining by an authorized team of Association Representatives appointed by the Co-Presidents and Executive Committee.
- A. If the Co-Presidents are not an active member of the bargaining team, the Co- Presidents will be an ex-officio member of the Association bargaining team.
 - B. Members of the bargaining team need not necessarily be from the negotiations committee.
 - C. Necessary sub-committees may be appointed, as needed, by the committee chairperson.
 - D. The bargaining team shall have the authority to bargain in good faith; make proposals, counterproposals, and concessions; and make tentative agreement on a contract with representatives of the Board of Education.
 - E. While negotiations are in progress, periodic reports to members may be made by the bargaining team.
- Section 5-2.** In preparation for bargaining, the negotiations committee shall make reports and recommendations to the Executive Committee.
- Section 5-3.** The Ohio Education Association represents the Association on all matters concerning the Association before the State Employment Relations Board (SERB)
- Section 5-4.** The OEA/NEA UniServ Consultant shall be the Association's designated bargaining representative.
- Section 5-5.** Written copies of the tentative agreement summary should be given to the general membership prior to ratification.
- Section 5-6.** Conduct all ratifications of collective bargaining agreements in accordance with the guidelines for ratification of collective bargaining agreements and fact finder reports as set forth in the OEA Elections Manual.
- Section 5-7.** A vote on a tentative agreement to the contract or on a fact-finding report shall be made by written ballot.
- A. No absentee or proxy votes will be allowed on contract ratification votes or fact- finding reports.
 - B. The first vote on contract ratification or a fact-finding report will be to accept or reject the contract/report as presented.
 - C. All ballots used in a vote regarding a contract ratification or fact-finding

report, after tabulation, will be sealed and retained by the Election Committee Chairperson for three (3) years or duration of contract, whichever is greater.

- D. The President will communicate required details of the ratification vote to the employer's designated representative.

Section 5-8. The designated representative for the Association is authorized to give timely notice of intent to strike to the Upper Arlington Board of Education, SERB upon approval of the membership and in keeping with provisions of ORC 4117.14(D)(2).

Section 5-9. Non-members of the Association are not eligible to vote on a fact finder's report or contract ratification

BYLAW 6. DUES

Section 6-1. The dues rate for the succeeding year shall be determined by the August meeting of the Executive Committee.

Section 6-2. Every member shall also pay the dues required by the Association, Central NEA, Inc., Ohio Education Association, and National Education Association

Section 6-3. The association shall annually enter into a Dues Transmittal Agreement with the Ohio Education Association.

Section 6-4. The fiscal year of the Association shall be September 1 through August 31.

BYLAW 7. MEMBERSHIP YEAR

Section 7-1. The membership year and the fiscal year of the Association shall be September 1 to August 31.

BYLAW 8. EXPULSION OF MEMBERS

Section 8-1. According to procedures adopted by the Association, the Executive Committee may censure, suspend from membership, or expel any member for one or more of the following reasons:

- A. Violation of the Code of Ethics of the Education Profession.
- B. Conviction of a felony.
- C. Actively engaging in, or actively supporting activities directed against the constitutional purposes of the Association to bring about changes in the Association by means other than those that are consistent with the Association's Constitution.

Section 8-2. The Executive Committee may reinstate members previously suspended or expelled.

BYLAW 9. DUE PROCESS

Section 9-1. The Association guarantees that no member may be censured, suspended, or expelled without a due process hearing, which shall include an appropriate appellate procedure.

BYLAW 10. AUTHORITY – PARLIAMENTARY PROCEEDURE

Section 10-1. The Association guarantees that no member may be censured, suspended, or expelled without a due process hearing, which shall include an appropriate appellate procedure.

BYLAW 11. AMENDMENTS

Section 11-1. Amendments, alterations, additions, or deletions to these Bylaws shall be made by a majority vote of the total active membership of the Association.

Changes shall be proposed upon the initiative of the Constitution Committee or upon presentation to the Executive Committee of a petition signed by twenty (20) percent of the current active membership. All proposed changes shall be submitted in writing to all active members at least ten (10) days prior to action.

BYLAW 12. DISSOLUTION OF ASSOCIATIONS

Section 12-1. A petition for dissolution of the Association may be presented in writing to a meeting of the general membership by any member in good standing and must contain the signature of three-fourths (3/4) of the total membership of the Association.

Section 12-2. Upon receipt of the petition for dissolution by the total membership, the Association shall act upon the petition at the next general membership meeting.

Section 12-3. The Association shall be considered dissolved if three-fourths (3/4) of the total membership vote by secret ballot in favor of dissolution.

Section 12-4. The effective date of dissolution shall be thirty (30) days from the date of the vote, thus allowing for the disposal of assets and liabilities.

Section 12-5. In the event of dissolution of the Association, all assets of this organization remaining after payment of all obligations shall be distributed to Ohio Education Association provided that it is an entity recognized as exempt from Federal taxation. In the event that the Ohio Education Association is not then recognized as tax exempt, such assets shall then pass to the National Education Association provided that is recognized as exempt from Federal taxation.

BYLAW 13. ENABLING PROVISION

Section 13-1. This Constitution and these Bylaws shall become effective October 30, 2018, following their adoption, and shall remain in effect until amended according to regulations herein provided.

BYLAW 14. GROUNDS FOR CHARGES AGAINST MEMBERS AND OFFICERS

Section 14-1. Every member of the Association, by virtue of such membership, agrees that, in consideration of the rights and benefits conferred upon him or her pursuant to the terms of the Association Constitution, he or she shall be subject to disciplinary action for any conduct which constitutes a violation of his or her duties and obligations as stated in Section 2 below. Every member, by virtue of his or her membership, agrees that termination of membership does not terminate his or her liability for discipline for acts occurring during the period of his or her membership.

Section 14-2. Any member or elected or appointed officer may be charged and disciplined for engaging in conduct which constitutes a violation of his or her duties and obligation to the membership. The basis for such charges shall include, but not be limited to, the following:

- A. Violating any provision of the approved Constitution or established Bylaws of the Association or its affiliates.
- B. Failing to pay dues, fines, assessments, fees, and other financial obligations owed to the Association or its affiliates in a timely manner.
- C. Obtaining membership by misrepresentation or through other fraudulent means.
- D. Working in the interest of, or accepting membership in, any competing organization with interests dual to the Association.
- E. Furnishing a complete or partial list of the membership of the Association to any person other than those whose position entitles them to have a list, without specific authorization in writing from the Association President.
- F. Deliberately engaging in conduct which violates the responsibility of members toward the Association as an institution.
- G. Unreasonably, unlawfully or improperly disturbing the peace or harmony of any meeting of the Association.
- H. Embezzling, misappropriating, fraudulently receiving, wrongfully handling, or failing to account for the funds of the Association, or any employee benefit fund.
- I. Wrongfully taking, retaining, or destroying any money, books, papers or any other property belonging to the Association.
- J. Using the name of the Association for soliciting funds, for advertising, or for any other similar activities.
- K. Crossing or working behind a lawful and properly authorized picket line established by the Association.

- L. Working for lower wages, longer hours, or other conditions inferior to those established by the Association collective bargaining agreement.
- M. Acting in any way to circumvent, defeat or interfere with: (1) the Association's collective bargaining agreement with the employer or (2) the Association's performance of its legal or contractual rights or obligations.
- N. Disclosing any confidential matter of Association or its affiliates to any employer or employer agent.
- O. Acting in collusion with any employer or employer agent to the detriment of the Association.
- P. In the case of any elected or appointed Officer of the Association, failing to faithfully perform the duties of his or her office or position, or accepting dual compensation or expenses for the performance of duties related to his or her office or position.
- Q. Making false and malicious statements which jeopardize the employment or reputation of another Association member.
- R. Filing a malicious and frivolous charge against a member or Officer, as evidenced by the Hearing Board's dismissal of said charge with a finding that the charge was malicious and frivolous.

BYLAW 15. DISCIPLINARY PROCEEDINGS

[The following hearing procedure contemplates a Hearing Board over which the Local Association President (or another Board of Directors/Executive Committee officer) presides, but is otherwise comprised of non-officer members. Basic rules of order and procedure are established. An appeal to the Local Association Board of Directors/Executive Committee is established. A further level of appeal to the OEA Executive Board may also be available, but that would be pursuant to the OEA's C&B.]

Section 15-1. Establishment of the Hearing Board

- A. The Association President shall have the authority to establish and preside as Chairperson over a Hearing Board consisting of three (3) members to hear any disciplinary case. No Association officer or Board of Directors/Executive Committee member may be appointed to the Hearing Board. No charging party or accused member or a witness may serve on the Hearing Board in the conduct of disciplinary proceedings involving said member or witness. Where the Association President is unable to serve for any reason, the Association Vice President shall act as Chairperson. Where the Vice President is unable to serve for any reason, the remaining members of the Association Executive Board shall designate one of their number to act as Chairperson.
- B. On motion filed with the Hearing Board prior to the hearing, either party may ask that a particular Hearing Board member be excused from participating in the proceeding if said party believes and has evidence that he or she cannot receive a fair hearing before that Hearing Board member. The

Hearing Board shall give precedence to consideration of such motion.

- C. For purposes of any Hearing Board Proceedings, a quorum of the Hearing Board shall consist of three of its members, and a quorum shall be required throughout the hearing.
- D. If a Hearing Board member is absent during any portion of the hearing, he or she may not participate further in the proceeding.
- E. All questions of order, procedure, and admissibility of evidence shall be decided by the Chairperson, subject to being overruled by a majority vote of the Hearing Board upon motion by a member of the Board.

Section 15-2.

Procedure for Filing Charges.

- A. An Association member accused of violating Bylaw (“Grounds for Charges against Members and Officers”) shall be charged and tried before the Association Hearing Board. Any person who is no longer a member shall be charged and tried in the Association if the acts giving rise to the charges occurred while said person was a member of the Union.
- B. Charges may be initiated by an active member of the Association.
- C. More than one charging party may join in the same set of charges, but the charges must name one of the charging parties as the representative of the others to be responsible for filing papers, receiving papers, and trying the case. Where the charges fail to designate such representative, then the first charging member named in the charge shall be considered the representative of the others.
- D. All charges and documents related to the charges shall be considered filed as of the postmark date (if sent via United States Mail), or the date of receipt by the Association (if hand delivered). It is the charging party’s responsibility to verify that the filing date is accurately noted on all documents.
- E. Charges shall be filed in writing with the Association within thirty (30) days after the occurrence of the alleged violation, or if applicable, within thirty days after the alleged violation should have been discovered. Notwithstanding the date of discovery, any charge based upon alleged misconduct which occurred more than one (1) year prior to the filing of the charge shall be rejected by the Association Board of Directors/Executive Committee as time-barred, except for charges based upon the non-payment of dues, assessment and other financial obligations.
- F. The charges shall specify the Article or Articles of the Association’s Constitution and/or Bylaws allegedly violated and shall also set forth a short and plain factual statement of the acts considered to be in violation (including available information as to dates and places) in such a manner as to fairly inform the accused of the specific acts which are alleged to constitute violations of the Constitution. By vote of the Association Board of

Directors/Executive Committee, charges failing to comply with this requirement shall be dismissed by the Association Board of Directors/Executive Committee, without prejudice to the re-filing of charges which do comply, provided the refiling occurs within the original thirty (30) day time limit.

- G. A true and correct copy of the charges, a copy of the Association Constitution and a copy of any applicable policies shall be served upon the accused without delay via first class certified U.S. mail with return receipt requested. The accused shall be afforded seven (7) days after receipt to reply in writing to the charges, if he or she so desires.

Section 15-3.

Hearing Procedure.

- A. On motion of the accused before a Hearing Board, or upon its own motion, the Hearing Board may dismiss without a hearing any charges it finds are of such a trivial or frivolous nature that the interest of the Association does not justify the expenditure of time, money and other resources necessary for the conduct of a disciplinary proceeding.
- B. The hearing on the charges shall be held as soon as practicable, but no later than sixty (60) days following the date on which the charges are filed. Upon request of either party, for good cause shown, the Hearing Board may grant an adjournment to a later date, not to exceed 120 days from the date charges were filed. The Hearing Board shall have the power, upon its own motion, to postpone any scheduled hearing, provided such postponement shall not result in a hearing beyond 120 days from the date the charges were filed. Any such Hearing Board decision to postpone the hearing beyond the scheduled date or to set a hearing for 60 days beyond the date that the charge was filed must be served upon all parties immediately. Every effort shall be made to schedule the hearing so that it does not conflict with the working schedule of the parties, and at least 14 days notice of the hearing date shall be given in writing to all parties. Any request for the postponement of the hearing date must be received by the Hearing Board at least three (3) days before the scheduled hearing date unless a satisfactory showing is made of inability to comply with this requirement. In the event the accused fails to appear for a duly noticed hearing, the hearing shall nevertheless proceed.
- C. No member or Officer shall be required to stand before the Hearing Board on charges involving the same set of facts upon which said member or officer is facing criminal or civil trial until his/her final court appeal has been concluded.
- D. The accused and the charging party shall have a fair and impartial hearing and shall have the right to present witnesses and other evidence on their behalf and the right to examine/cross-examine all witnesses. The accused and the charging party shall have the right to refuse to testify. The accused and the charging party may be assisted, advised, or represented by another member of the Association. At the commencement of the hearing, the Chairperson of the Hearing Board shall advise the parties of their rights as

set forth in this section and shall read the charges to the accused. The accused shall then plead guilty or not guilty to each charge. In the event the accused elects not to appear or to respond, he or she shall be deemed to have entered a plea of not guilty, and the hearing shall proceed. Throughout the hearing, there shall be a presumption of innocence in favor of the accused. The charging party shall present his or her case first and shall have the burden of proving the allegations contained in the charge. At the close of the charging party's case, either the accused or a member of the Hearing Board shall have the right to make a motion to dismiss the charges because the charging party has failed to present record evidence that establishes a violation of the Association Constitution or Bylaws.

- E. Upon the completion of the hearing proceedings, the Hearing Board shall, without undue delay, determine the innocence or guilt of the accused, based solely on the record evidence. The parties shall be advised of the decision via first class certified U.S. mail with return receipt requested, and in duplicate by regular U.S. mail. A verdict of guilty shall require a two-thirds majority vote of the Hearing Board. If the decision is that of guilty, the Hearing Board shall affix appropriate penalties. Any member found guilty of any one or more of the charges against him or her may be censured, fined, suspended, and/or expelled, provided that such discipline shall not be imposed without stating with detailed specificity what the discipline is being imposed for. In the event of a finding of guilty on a charge that a member has crossed or worked behind a lawful and properly authorized picket line established by the Association, the penalty imposed shall be the greater of twice the charged party's per diem rate or five hundred dollars (\$500.00) per day. The decision and any penalty imposed on the basis of the decision shall be reported to the Association Board of Directors/Executive Committee within seven (7) calendar days of the date of the decision.
- F. The accused may appeal the decision and/or penalty imposed by the Hearing Board to the Association Board of Directors/Executive Committee. Any such appeal must be filed no later than seven (7) days after the accused's receipt of notification of the Hearing Board's decision/ penalty. The Association officer who presided as Chairperson of the Hearing Board must abstain from voting on the appeal. Any penalty imposed by the Hearing Board shall become immediately operative unless the accused moves the Association Board of Directors/Executive Committee to stay the penalty pending the outcome of the appeal, and the Board of Directors/ Executive Committee grants such motion.

APPENDIX A

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 members 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--
 - a. Exclude any student from participation in any program

- b. Deny benefits to any student
- c. Grant any advantage to any student

7. Shall not use professional relationships with students for private advantage.

8. 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 noneducator 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 2010 Representative Assembly