

**CONSTITUTION**  
**of the**  
**NATIONAL EDUCATION ASSOCIATION OF NEW MEXICO**  
*Effective October 24, 2015*

**Preamble**

We, the members of the National Education Association of New Mexico, in order that the Association may serve as the New Mexico voice for education, advance the cause of education for all individuals, promote professional excellence among educators, gain recognition of the basic importance of the teacher in the learning process, protect the rights of educators and advance their interests and welfare, secure professional autonomy, unite educators for effective citizenship, promote and protect human and civil rights, and obtain for its members the benefits of an independent, united teaching profession, do hereby adopt this Constitution.

**ARTICLE I. Name, Goals, Objectives, Authorities for Governance, and NEA Affiliation.**

**Section 1. Name.**

The name of this organization shall be the National Education Association of New Mexico.

**Section 2. Goals and Objectives.**

The goals of the Association shall be as stated in the Preamble. The Association shall have all power necessary and proper to take action for the attainment of these goals. Nothing in this Constitution or in the Bylaws shall be construed to prevent the Association from pursuing objectives which are consistent with the stated goals of the Association.

**Section 3. Governance.**

The Association shall be governed by its Articles of Incorporation, this Constitution, the Bylaws, the Standing Rules, and such other actions as the membership, the Delegate Council, and the Board of Directors may take consistent therewith.

**Section 4. NEA Affiliation.**

The Association shall be affiliated with the National Education Association of the United States.

**ARTICLE II. Membership.**

**Section 1. Classes of Membership.**

There shall be a class of Active members. Other classes of membership may be provided in the Bylaws.

**Section 2. Membership Eligibility: Provisions and Limitations**

a. Membership in the Association, as provided in the Bylaws shall be open to any person who is actively engaged in, or who is on leave of absence from the profession of teaching or other work in education, or who is serving as an executive officer of the Association or who is employed by the Association.

b. Membership is limited to persons who shall agree to subscribe to the goals and objectives of the Association and to abide by the Governing Documents of the Association.

c. An application for membership shall be subject to review as provided in the Bylaws, 2.2-d.

d. The Association shall not deny membership to individuals on the basis of race, creed, national origin, sex, or physical limitation, nor shall any organization which so denies membership be affiliated with the Association.

**Section 3. Property Interest of Members.**

All right, title, and interest, both legal and equitable, of a member in and to the property of the Association shall end upon the termination of such membership.

**ARTICLE III. Delegate Council.**

**Section 1. Accountability.**

The Delegate Council, consisting of members of the Association, derives its powers from and shall be responsible to the membership.

**Section 2. Allocation of Delegates.**

a. Allocation of delegate credentials to local affiliates and Student NEA shall be based on membership as provided in the Bylaws, which also shall provide for other delegate credentials.

b. The Association shall seek, through available means, proportional ethnic minority representation in the Delegate Council. The Bylaws shall define the term ethnic minority.

**Section 3. Election of Delegates.**

a. Members of the Delegate Council 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 the Constitution and/or Bylaws.

b. Election to executive office or to the Board of Directors shall constitute election to the Delegate Council.

c. Election of delegates to the Delegate Council shall be by secret ballot for each individual position. The NEA-NM members within each membership group entitled to delegate allocations as set forth in the Constitution and the Bylaws shall be eligible to vote.

**Section 4. Seating of Delegates.**

The Delegate Council shall have jurisdiction over the seating of its delegates.

**Section 5. Meetings.**

The Delegate Council shall meet at least once each year. In case of emergency, the Association Board of Directors may call or postpone a Council meeting as provided in the Bylaws.

**Section 6. Committees.**

All appointive bodies of the Association shall be designated by the term committee. A Committee on Constitution, Bylaws, and Rules shall be established by the Delegate Council. All other committees shall be established or discontinued as provided in the Bylaws.

**Section 7. Functions.**

The Delegate Council shall:

a. establish Association policies and objectives;

b. amend the Bylaws in accordance with Article VII, Section 3;

c. adopt the rules governing its meetings;

d. enact such other measures as may be necessary to achieve the goals and objectives of the Association which are not in conflict with the Articles of Incorporation, this Constitution, or the Bylaws.

**Section 8. Objectives.**

The Delegate Council may periodically establish specific objectives in the pursuance of the stated goals of the Association.

**ARTICLE IV. Executive Officers.**

**Section 1. Executive Officers.**

The executive officers of the Association shall be the President and the Vice President.

**Section 2. Qualifications for Executive Officers.**

All candidates for the office of President and Vice President shall be Active members of the Association. All executive officers shall maintain Active membership in the Association.

**Section 3. Elections, Terms and Salaries.**

a. The candidates for the offices of President and Vice President shall be elected in accordance with the Bylaws and Standing Rules.

b. The terms of the President and of the Vice President shall be three (3) years beginning July 15 following their election. Each executive officer shall remain in office through July 14 of the year in which a successor is elected, unless otherwise provided in this Constitution. An executive officer shall serve no more than two (2) full consecutive terms in the office to which elected.

c. The elected President shall serve full time. The salary for the President shall be determined as provided in the Bylaws.

**Section 4. Vacancies and Succession.**

Vacancies occurring by reason of death, resignation, incapacity, recall, or other disqualification shall be filled as follows:

a. A vacancy in the office of President shall be filled by the Vice President.

b. A vacancy in the office of Vice President shall be filled by the Board of Directors, which shall elect a successor to serve until the meeting of the Delegate Council following the effective date of the vacancy.

If, at the time of the Delegate Council, the next general election is six (6) months or less, the Delegate Council will fill the vacancy using the procedures for the election of members-at-large to the Board of Directors, except that elections to fill these vacancies may be held at any Delegate Council. If the next general election is greater than six (6) months, a general election will be called; and nominations will be received on the floor of the Delegate Council.

c. If the offices of President and Vice President become vacant, the Board of Directors shall elect successors to both offices until the meeting of the Delegate Council following the effective date of the vacancy. If, at the time of the Delegate Council, the next general election is six (6) months or less, the Delegate Council will fill the vacancy using the procedures for the election of members-at-large to the Board of Directors, except that elections to fill these vacancies may be held at any Delegate Council. If the next general election is greater than six (6) months, a general election will be called; and nominations will be received on the floor of the Delegate Council.

#### **Section 5. Recall.**

Executive officers of the Association may be recalled for violation of the Code of Ethics of the Education Profession, for misfeasance, for malfeasance, or for nonfeasance in office.

a. Recall proceeding against an officer shall be initiated by written petition submitted to the Board of Directors by at

least (1) fifty (50) percent of the delegates certified for attendance at the most recently held meeting of the NEA-NM Delegate Council; or (2) twenty-five (25) percent of the total Active membership of the Association; or (3) seventy-five (75) percent of the members of the NEA-NM Board of Directors.

b. If, after a due process hearing, a two-thirds (2/3) vote of a review board as provided in the Bylaws shall sustain the charge, a recall vote of the entire Active membership by secret ballot shall be held. If the recall is sustained by two-thirds (2/3) of those voting, the office shall be vacant.

### **ARTICLE V. Board of Directors.**

#### **Section 1. Composition.**

The Board of Directors shall consist of: (a) directors selected from units to be determined in the Bylaws (5.1); (b) directors from the Student NEA, as determined in the Bylaws; and (c) the executive officers, the New Mexico NEA Director, and the alternate New Mexico NEA Director.

a. Teachers shall be represented on the Board at least in proportion to their membership in the Association. If the percentage of teachers elected to the Board of Directors fails to achieve such proportional representation, the Delegate Council shall nominate and elect at-large the number required to assure such representation.

b. Supervisors shall be represented on the Board in the same proportion as the number of their NEA-NM members bears to the total Active membership of NEA-NM. The Delegate Council shall nominate and elect an at-large administrator/supervisor member(s) to the Board. For the purposes of this article, Supervisor shall have the meaning contained in the New Mexico Public Employee Collective Bargaining Act.

c. Ethnic minority membership shall be represented on the Board in the same proportion as the number of their NEA-NM members bears to the total Active

membership of NEA-NM. The Delegate Council shall nominate and elect ethnic minority members to the Board of Directors when necessary to maintain this proportionality.

d. Educational Support Professionals shall be represented on the Board at least in proportion to their membership in the Association. If the percentage of Educational Support Professionals elected to the Board of Directors fails to achieve such proportional representation, the Delegate Council shall nominate and elect at large the number required to assure such representation.

e. Non-supervisory teaching faculty/professional staff in higher education shall be represented on the Board at least in proportion to their membership in the Association. If the percentage of non-supervisory teaching faculty/professional staff in higher education elected to the Board of Directors fails to achieve such proportional representation, the Delegate Council shall nominate and elect at-large the number required to assure such representation.

f. Retired members shall be represented on the Board at least in proportion to their membership in the Association. Retired directors shall be elected by secret ballot for each individual position by the retired members of NEA-New Mexico.

g. Student NEA representation on the Board of Directors shall not be computed in determining the representation entitlements of administrators or non-supervisory teaching faculty/professional staff in higher education.

h. Alternates for positions on the Board of Directors shall be as determined in the Bylaws.

## **Section 2. Election and Terms of Office.**

a. The election of NEA-NM directors shall be provided for in the Association Bylaws.

b. NEA-NM directors shall serve a term of three (3) years and shall serve no more than two (2) full consecutive terms.

c. At-large directors shall serve one-year terms and shall serve no more than six (6) full consecutive terms.

d. Student NEA directors shall serve a term of one (1) year and shall serve no more than two (2) full terms. The directors shall be student members of the Association.

## **Section 3. Functions.**

Consistent with the programs, goals, objectives and the existing policies of the Association, the Board of Directors shall act for the Association between meetings of the Delegate Council and in addition shall have the sole responsibility for any matter expressly delegated to it by the Delegate Council.

## **ARTICLE VI. Affiliates and Special Interest Groups.**

### **Section 1. Affiliation.**

Affiliation shall mean a relationship based on a reciprocal contractual agreement between the Association and an organization involved with or interested in education and shall continue until the affiliate withdraws or becomes disaffiliated.

### **Section 2. Ethnic Minority Representation.**

Affiliates of the Association shall take all reasonable steps to assure that their elective and appointive bodies shall have ethnic-minority representation at least proportionate to the ethnic-minority membership of the affiliate.

### **Section 3. Classes.**

The three (3) classes of affiliates shall be governance, Student NEA, and non-governance.

a. The governance class shall consist of local affiliates exclusively.

b. The Student NEA shall consist solely of the student members of the Association.

c. The non-governance class shall consist of all other affiliated professional and nonprofessional organizations.

**Section 4. Rights of Active Members in Governance Affiliates.**

Each governance affiliate shall guarantee its members an open nomination procedure and a secret ballot. No governance affiliate shall discriminate against its members in their right to vote, seek office, or otherwise participate in the affairs of the affiliate, of other governance affiliates, or of the Association.

**Section 5. Standards and Procedures for Affiliation.**

Affiliates which fail to comply with standards and procedures set forth by the Bylaws shall be subject to censure, suspension, or disaffiliation.

**Section 6. Special Interest Groups.**

Any organized group of Association members having a common interest or purpose may be recognized as a Special Interest Group provided such a group is not eligible for any class of affiliation.

**ARTICLE VII. Amendment of Constitution and Bylaws.**

**Section 1. Proposal of Amendments.**

Amendments to the Constitution or the Bylaws may be proposed by one or more of the following methods:

a. By petition signed by at least fifty (50) Active members from two (2) or more local affiliates and submitted to the Committee on Constitution, Bylaws and Rules for presentation to the Delegate Council;

b. By petition signed by at least twenty-five (25) delegates to the Delegate Council and submitted to the Committee on Constitution, Bylaws and Rules for presentation to the Delegate Council;

c. By majority vote of the Active membership of a local affiliate present and voting at an official meeting of the local;

d. The form of the proposed amendment will be presented in an official Association publication and distributed to all members prior to the Delegate Council at which it will be considered.

e. By majority vote of the NEA-NM Board of Directors and submitted to the

Committee on Constitution, Bylaws and Rules for presentation to the Delegate Council; or

f. by majority vote of the Committee on Constitution, Bylaws and Rules.

**Section 2. Amendment to the Constitution.**

a. A proposed amendment to the Constitution shall be presented in writing to the Committee on Constitution, Bylaws and Rules, postmarked no later than fifty (50) days prior to the Delegate Council meeting at which it is to be considered.

b. The text of the proposed amendment shall be printed in the Delegate Handbook and sent to all delegates no later than thirty (30) days prior to the Council meeting at which it will be considered.

c. Two-thirds (2/3) vote of delegates to the Council shall remove an amendment from the ballot.

d. This Constitution may then be amended by two-thirds (2/3) of the votes cast by the Active members of NEA-NM at a regular or special election.

**Section 3. Amendment of the Bylaws.**

a. A proposed amendment to the Bylaws shall be presented in writing to the Committee on Constitution, Bylaws, and Rules, postmarked no later than fifty (50) days prior to the Delegate Council meeting at which it is to be considered.

b. The text of the proposed amendment shall be printed in the Delegate Handbook and sent to all delegates no later than thirty (30) days prior to the Council meeting at which it will be considered.

c. The text of the proposed amendments will be printed in an official Association publication and distributed to all members.

d. The Bylaws may then be amended by a majority vote of the delegates present and voting except that the Bylaw established dues shall be amended by vote of the NEA-New Mexico Active membership.

**Section 4. Voting on Amendments.**

a. Voting on proposed amendments to the Constitution or to the Bylaws shall be by secret ballot.

b. Unless otherwise provided, all amendments shall take effect at the beginning of the fiscal year following their adoption.

**Section 5. Withdrawal of Proposed Amendments.**

Requests for withdrawal of proposed amendments shall be submitted in writing to the Committee on Constitution, Bylaws and Rules. Such withdrawal shall be effective when approved by the Delegate Council. Requests for withdrawal of proposed amendments to the Constitution or to the Bylaws may be granted by action of the Delegate Council based on requests made in the following manner:

a. If originally proposed by petition of fifty (50) or more Active members from two or more local affiliates, or twenty-five (25) or more delegates, the request shall be signed by at least two-thirds (2/3) of such Active members or delegates;

b. If originally proposed by a majority vote of the Active membership of a local affiliate present and voting at an official meeting of the local affiliate, the request to withdraw shall be made by majority vote of that local affiliate at an official meeting;

c. If originally proposed by the NEA-NM Board of Directors, the request shall be made by a majority of the Board;

d. If originally proposed by the Committee on Constitution, Bylaws and Rules, the request shall be made by a majority of that committee.

**BYLAWS**  
**of the**  
**NATIONAL EDUCATION ASSOCIATION OF NEW MEXICO**  
*Effective October 24, 2015*

**1. OBJECTIVES**

**1.1 Specific Objectives**

The specific objectives directed toward the achievement of the stated goals of the Association shall be:

- a. To improve the structure of the Association in order to insure the full and effective participation of all members, thereby establishing and maintaining an independent, self-governing organization;
- b. to promote continuous improvement of instruction and of curriculum;
- c. to promote and protect the rights and welfare of its members;
- d. to support local affiliates in attaining a bargaining posture for improvement of terms and conditions of employment;
- e. to advance professional rights and to enhance professional responsibilities in order to further the consistent development and improvement of the profession and its practitioners;
- f. to work among the people of New Mexico for broad support of education and for improvement attitudes toward the profession;
- g. to secure adequate financial support for public education;
- h. to promote the rights and welfare of all students;
- i. to assist each student in realizing his or her maximum potential;
- j. to protect and support its members as employees in disputes with employers or with those acting on behalf of employers.

**2. MEMBERSHIP**

**2.1 Classes**

- a. There shall be seven (7) classes of membership: Active, Staff, Student, Retired, Reserve, Substitute, and Associate.
- b. Active membership shall be open to any person (i) who is engaged in or on limited leave of absence from professional educational work; (ii) who is employed in

or who is on a limited leave of absence from an educational support position in a school district, college, university or other institution devoted primarily to educational work; or (iii) who is serving as an executive officer of the Association or of NEA or a local affiliate.

c. Staff membership shall be open to any person employed by NEA-NM or any of its affiliates in a staff position.

d. Student membership shall be open to students who are receiving basic preparation at the undergraduate or graduate level for their initial teaching responsibility and who are members of duly chartered chapters of Student NEA in good standing with the National Education Association and NEA-NM.

e. Retired membership shall be open to any retired employee of a school district, college or university, or other institution devoted to primarily educational work. Retired members shall be eligible to vote and hold elective or appointive positions. Retired members shall be entitled to receive such services as may be approved by the Board of Directors. Retired members must maintain membership in local associations where available, or in special regional associations, and in the NEA.

f. Reserve membership shall be open to any person 1) who is on a leave of absence of at least six (6) months from the employment that qualifies him or her for Active membership or 2) who has held Active or Educational Support membership in the Association but whose employment status no longer qualifies that individual for such membership.

g. Unless these Bylaws provide otherwise, a person who is eligible for more than one (1) membership category shall join the Association in the membership

category that provides the greatest degree of participation in Association governance.

h. Associate membership shall be open to any person who is interested in advancing the cause of public education but is not eligible for any other class of membership in the Association.

i. Substitute membership shall be open to an educational employee employed on a day-to-day basis who is eligible for membership in the Active category and shall have the option of joining the Association as a Substitute member unless said employee is eligible for NEA/NEA-NM Retired membership. Educational employees employed on a day-to-day basis who are included in a bargaining unit with full-time educational employees shall be eligible only for Active membership

j. A member may appeal the assigned class of membership to the Board of Directors which shall have the authority to make the final determination in this regard.

## **2.2 Rights and Limitations**

a. Membership in the Association shall be determined by the local and the Association. Where membership is denied on the local level by virtue of educational position, the Association may provide for such membership by vote of the Delegate Council.

b. The right to vote and to hold elective or appointive position shall be limited to Active members except as otherwise provided.

c. Membership shall be continuous unless terminated for cause. The Board of Directors shall have the authority to develop continuous membership policies.

d. Any application for membership shall be subject to review by the NEA-NM Board of Directors. A majority vote by the Board may deny membership to an individual. The person so denied shall have the right to appeal to the Board of Directors and further to the Review Board.

e. The Board of Directors shall have the authority to censure, suspend, or expel any

member for cause. Every member is guaranteed due process by the Association.

f. Any member of NEA-New Mexico who believes he/she has a grievance against the Association or any of its affiliates shall be entitled to invoke the following procedure:

(1)The member bringing the grievance against the local association shall file the grievance with the local president and executive body in writing. The executive body shall render a decision in writing within ten (10) calendar days.

(2)The decision, or failure to render a decision, by the local executive body may be appealed to the NEA-New Mexico Board of Directors which shall render a written decision within sixty (60) calendar days after receiving the appeal. If the decision is adverse to the member bringing the grievance, he/she shall notify in writing the Executive Director of NEA-New Mexico of the intent to appeal to the Review Board. Such notification must be made within ten (10) calendar days following the decision of the Board of Directors. Decisions involving Legal Services are made by the NEA-New Mexico Board of Directors. An appeal of this decision is made directly to NEA Legal Services. A dispute involving a legal decision cannot be considered as a grievance under Bylaw 2.2.e.

(3)The decision of the NEA-New Mexico Board of Directors may be appealed to the Association Review Board which shall render a written decision within sixty (60) calendar days following receipt of the appeal. The Review Board's decision shall constitute final determination of the issue(s) in dispute.

(4)By mutual agreement of the parties to the dispute(s), binding arbitration may be selected in lieu of the Board of Directors and/or Review Board appeals for final resolution of the dispute(s).

(5)At the request of either party or by majority vote of the Board of Directors,



a hearing will be held in executive session.

### 2.3 Membership Year

The membership year shall be September 1 through August 31.

### 2.4 Membership Dues

a. Dues of Active members shall be .007 of the average returning classroom teachers' salary as computed for the previous year, rounded off to the nearest dollar.

b. Dues of Educational Support members shall be .007 of the average salary of persons in this category of membership as computed for the previous year, rounded off to the nearest dollar. In no case shall the dues of Educational Support members be less than one-half (1/2) of the dues for Active members.

c. Membership dues for persons eligible for Active membership who are regularly employed for fifty (50) percent or less of the normal schedule for a full-time member (as verified by the local association) shall be one-half (1/2) of the Active membership dues of their respective category. A person eligible for Active membership shall pay dues commensurate with the remaining months in the membership year in which the person joins, provided (1) the person is joining for the first time, or (2) the person has not been a member for the previous two (2) membership years.

d. Dues of Staff members shall be one-half (1/2) the dues of Active members.

e. Dues of Associate members shall be set by the NEA-New Mexico Board of Directors.

f. Dues of Student members shall be as set by the NEA-New Mexico Board of Directors.

g. Dues of Reserve members shall be as set by the NEA-New Mexico Board of Directors.

h. Dues of retired members shall be as set by the NEA-New Mexico Board of Directors.

### 2.5 Dues Transmittal and Enforcement Procedures

a. The local affiliate shall enter into contracts with NEA-NM governing the transmittal of dues for NEA, NEA-NM, Regions and caucuses approved by the Board of Directors and for NEA-PAC and NEA-NM EdPAC contributions.

b. A local shall transmit to NEA-New Mexico all dues, fees and other contributions on the following schedule:

| <u>DATE</u> | <u>PERCENTAGE</u> |
|-------------|-------------------|
| October 25  | 10%               |
| November 25 | 20%               |
| December 25 | 30%               |
| January 25  | 40%               |
| February 25 | 50%               |
| March 25    | 60%               |
| April 25    | 70%               |
| May 25      | 80%               |
| June 25     | 90%               |
| July 25     | 100%              |

These percentages shall be based upon the membership counts of the first day of the month containing the scheduled payment date. NEA-New Mexico and individual Local Associations may, on a case-by-case basis, negotiate a different schedule for dues transmittal if the schedule set forth in this section will create an undue hardship because of the manner in which dues deducted by school districts are transmitted to a particular Local Association. Under no circumstances should any local drop any members for the full year after October 6 of the membership year. Should a local become delinquent in the above transmittal schedule, the local affiliate agrees to pay a penalty on the overdue balance, beginning with the first day of the month following the scheduled payment date. The penalty shall be the rate of simple interest charged to NEA-New Mexico by NEA. No penalty will be assessed on the first scheduled date of October 25. Locals may appeal to the Board of Directors. In case of an appeal,

the penalty will be assessed only on any amount found not to be in error.

c. The delegates representing a local which has not transmitted their dues, fees and other contributions according to the payment schedule set forth in Bylaw 2.5b shall not be entitled to recognition or seating at the Delegate Council which follows the payment date preceding the Council .

### **3. DELEGATE COUNCIL**

#### **3.1 Qualification**

Any Active, Student or Retired member in good standing may be elected to the Delegate Council in their respective membership categories.

#### **3.2 Allocation of Delegates**

a. Allocation of delegate credentials to local affiliates shall be on the basis of the Active membership figure of January 15 of the same calendar year in which the Delegate Council convenes.

b. Allocation of delegate credentials to local affiliates shall be based on a ratio of 1:25 Active members or major fraction thereof. An affiliate local association with fewer than twenty-five (25) members shall be entitled to one elected delegate.

c. Allocation of delegate credentials to the Student NEA shall be based on a ratio of 1:25 Student NEA-NM members or major fraction thereof.

d. Allocation of delegates for NEA-NM Retired members shall be based on the ratio of 1:100 NEA-NM Retired members of major fraction thereof

#### **3.3 Elections**

a. The local affiliate president shall be responsible for conducting the election of delegates to represent the affiliate and for reporting the names of the official delegates no later than fifteen (15) days preceding a Council meeting.

b. The local affiliate shall take all reasonable steps to assure proportional ethnic minority representation in its delegation.

c. Delegates shall be elected for a term not to exceed three (3) years.

#### **3.4 Meetings**

a. At least one meeting of the Council shall be held each calendar year. The place and dates shall be determined by the Board of Directors.

b. Additional meetings may be held: (1) upon the call of the President with the approval of a majority of the Board of Directors, (2) by two-thirds (2/3) vote of the Board of Directors, or (3) upon petition to the President by twenty-five (25) percent of the members of the Council.

c. A majority of the elected and certified delegates of the Council shall constitute a quorum. Once a quorum has been established, the business of the Association may be conducted until the agenda has been completed.

#### **3.5 Council Deliberations**

a. The President shall provide for the agenda of the Council meeting; the agenda shall be devoted solely to the business affairs of the Association.

b. Only regularly certified delegates shall be seated on the Council floor; a separate seating section shall be provided for visitors.

c. Except with the consent of the Council, the privileges of debate and vote shall be restricted to Council delegates.

#### **3.6 Powers and Duties**

Delegates to the Council meeting shall:

a. certify amendments to the Constitution, and amendments to the Bylaws establishing dues for the ballot;

b. nominate and elect such at-large members to the Board of Directors as are guaranteed by the Constitution; and

c. elect the NEA-NM representative to the Educational Retirement Board.

c. adopt legislative goals and platform; and

- d. consider and vote on NEA-NM resolutions.
- e. consider and vote on NEA-NM committee recommendations;
- f. give final approval to the Association programs and policies;
- g. establish and amend the Standing Rules.
- h. consider and vote on amendments to the Bylaws, except as restricted in the Constitution.
- i. receive nominations for offices to be elected by the Council;
- j. elect at large members of the board of directors as required by the constitution and elect the NEA-New Mexico member of the Educational Retirement Board.

f. review Association policies and recommend priorities to be considered by the Board of Directors;

g. chair the Board of Directors meetings and assist and advise the Board of Directors;

h. meet with the Vice President of the Association and/or appropriate staff as necessary to make decisions between meetings of the Board of Directors;

i. delegate duties to the officers and through the Executive Director to the staff of the Association;

j. perform the duties as stipulated in the Articles of Incorporation, in the Constitution, and in these Bylaws and such other duties as are customarily assumed by the chief executive officer of an association;

k. serve as a delegate to the NEA Representative Assembly and act as chair of the delegation.

#### **4. EXECUTIVE OFFICERS**

##### **4.1 Powers and Duties of the President**

The President shall be the executive officer of the Association and its policy leader and shall be accountable to the Board of Directors. The President shall:

a. represent the Association as spokesperson on matters of policy or assign, at the President's discretion, responsibility for such representation;

b. provide for the agenda for the governing bodies of the Association and the program for the Delegate Council meetings;

c. appoint, except as provided in these Bylaws, all chairpersons and members of committees, with the advice and consent of the Board of Directors; such chairpersons and members to serve at the discretion of the President, except where a term is fixed by these Bylaws;

d. serve as member ex-officio on all committees authorized by the governing bodies;

e. prepare, with management staff and the Budget Committee, a budget for submission to the appropriate policy-making bodies;

##### **4.2 Powers and Duties of the Vice President**

The Vice President shall:

a. act for the President when the President is unable to perform the duties of the office;

b. perform such other duties as are stipulated by the Constitution, by these Bylaws, and by the President;

c. serve as a delegate to the NEA Representative Assembly and act as vice chair of the delegation; and

d. serve as chair of the Budget Committee and member ex-officio of all other committees authorized by the governing bodies.

##### **4.3 Salaries of Executive Officers**

The salary of the President shall be determined by the Board of Directors.

##### **4.4 Recall**

a. If recall of the President or of both executive officers of the Association has been proposed by the Board of Directors, the Board shall select a temporary chairperson to preside until the proceedings are resolved. If the Vice President alone is

named in the proceeding, the President may continue to preside.

b. The Board of Directors shall certify the validity of recall petitions from Council delegates or from the ACTIVE membership.

c. The Board of Directors shall direct the Executive Director to convene the Review Board within fifteen (15) days of validation.

d. If the Review Board sustains the charge by two-thirds (2/3) vote, the Board of Directors shall arrange for a recall vote by the ACTIVE membership within thirty (30) days of the decision of the Review Board.

1. The ballot shall have printed two choices: "This officer shall be recalled", and, "This officer shall not be recalled".

2. Voting shall be by secret ballot and shall follow regular election procedures as outlined in Standing Rules.

e. The Board of Directors shall certify the election results. Upon the certification that the vote of the membership has sustained the recall, the office immediately becomes vacant.

f. The Board of Directors shall report the results of the election to local presidents not later than twenty (20) days from the time the ballots are sent.

## **5. BOARD OF DIRECTORS**

### **5.1 Composition**

The Board of Directors of the Association shall be constituted on the basis of one-person-one-vote and shall consist of:

a. the President who shall be the chairperson;

b. the Vice President;

c. one member elected by the Active membership of each Board Election District within each Region for each seven hundred (700) Active members or major fraction thereof, within the Board Election District within each Region; such directors

shall, for the purposes of these bylaws be identified as Region or Regional Directors;

d. one member elected by the Student NEA for each seven hundred (700) members or major fraction thereof;

e. such at-large members as may be guaranteed by the Constitution;

f. the NEA Director for New Mexico; and

g. the Alternate NEA Director for New Mexico.

### **5.2 Election of Region Directors**

a. Election of NEA-NM Directors shall be governed by procedures established in the NEA-NM Standing Rules.

b. The number of Directors to which each Board Election District is entitled shall be determined by final membership for the previous membership year. In the event that the number of members mandates a reduction or increase in the number of Board of Directors members for a region, the procedure for such reduction or increase shall be established by the Board of Directors in compliance with the NEA-NM Bylaws. The reduction or increase will become effective July 15 following the next regularly scheduled election.

### **5.3 Alternate NEA-New Mexico Directors**

a. Each Region Council shall appoint Alternate Region Directors for each Board Election District who shall represent the Board Election District on the NEA-New Mexico Board of Directors in the event of a Region Director's inability to execute his/her duties for a temporary period or, in the case of a vacancy, until the next regular NEA-New Mexico election. The vacancy created when the Alternate Region Director serves as a Director may be filled by appointment of the Region Council.

b. In the case of the NEA-New Mexico board member representing retired members, the alternate will be the NM NEA-Retired President or his/her designee.

c. The NEA-New Mexico Board of Directors shall appoint Alternate Directors for At-Large Members who shall represent that membership in the event of an At-Large Director's inability to execute his/her duties for a temporary period or, in the case of a vacancy, until the next Delegate Council Meeting.

#### **5.4 Vacancies**

a. When a vacancy in the office of Regional Director or Retired Director occurs through death, resignation, recall, change in employment, change in region residency, or through other disqualification, the replacement for the unexpired term shall be the Alternate Director until the next regular NEA-New Mexico election. The vacancy created when the Alternate Region Director serves as a Director may be filled by appointment of the Region Council.

b. When a vacancy in the office of an at-large Director occurs through death, resignation, recall, change in employment or through other disqualification, the replacement for the unexpired term shall be appointed by the Board of Directors until the next Delegate Council meeting.

#### **5.5 Membership Restriction**

a. A Director shall immediately relinquish the position held on the Board when such director ceases to be employed in the category represented.

b. When a Director has been absent without presentation of valid reason for two (2) meetings in a year, the Board of Directors may, by majority vote, declare the position vacant.

#### **5.6 Powers and Duties**

The Board of Directors shall:

a. be the body to whom the executive officers and the Executive Director shall be accountable;

b. implement all orders and resolutions of the Council and may devise and put into operation other regulations not inconsistent with the objectives of the Association, or the orders and resolutions of the Council;

c. employ the Executive Director;

d. determine the time and place of the Council meetings and, in the event of an emergency, shall have the power to call or postpone a Council meeting by a two-thirds (2/3) vote;

e. establish procedures and/or requirements for affiliation consistent with the standards as set forth in the Bylaws;

f. receive all reports of the Executive Director and of committees, and shall transmit with its recommendations such reports as may be appropriate to the Delegate Council;

g. act on committee appointments as submitted by the President;

h. keep a full record of its proceedings and make provision for appropriate publication of records;

i. prepare its common policies in written form;

j. approve the auditor for the Association's financial affairs.

k. establish dues for NEA-New Mexico retired, student, and reserve members.

l. adopt and approve changes in the Association Budget. However, any meeting of the Delegate Council may, by a 2/3 vote of the delegates, require the Board to amend the budget in accordance with the directives of the Council.

#### **5.7 Recall**

Directors or Alternate Directors of the Association may be recalled for violation of the Code of Ethics of the Education Profession, for misfeasance, for malfeasance, or for nonfeasance in office.

a. Recall proceeding against a Director or Alternate Director shall be initiated by written petition submitted to the Board of Directors by at least:

(1) twenty-five (25) percent of the Active membership in the Region represented by the Director or Alternate Director in question, or

(2) fifty (50) percent of the local presidents of the Region represented by the Director or Alternate Director in question.

b. The Board of Directors (excluding the Director involved) shall certify the validity of recall petitions from Council Delegates or from the membership.

c. The Board of Directors shall direct the Executive Director to convene the Review Board to hear recall cases within fifteen (15) days of validation of recall procedure used.

d. If the Review Board sustains the charge by two-thirds (2/3) vote, the Board of Directors shall arrange for a recall vote by the ACTIVE membership within thirty (30) days of the decision of the Review Board. Ballots will be sent to ACTIVE members in the affected Region.

(1) The ballot shall have printed two choices: "This Director shall be recalled", and, "This Director shall not be recalled".

(2) Voting shall be by secret ballot and shall follow regular election procedures as outlined by Standing Rule 6.

e. The Board of Directors shall certify the election. The Director involved may not participate in the certification of recall procedures.

f. The Board of Directors shall report the results of the election to local presidents not later than twenty (20) days from the time the ballots are sent.

g. At-large Directors may be recalled by the same method(s) set forth in the Constitution and Bylaws for the recall of executive officers.

### **5.8 Change in Region or Board Election District Composition**

If the Region or Board Election District Configuration of locals changes during the term of office of an elected board member, that board member will continue to serve until the expiration of the term to which elected if the new Region when taken as a whole still qualifies for the board position. The board member will continue to serve even if from a local within the Region but not within the Board Election District; however, upon the expiration of the term or

other relinquishment of the board position by the incumbent, the vacancy must be filled from the appropriate region or Board Election District. If the Region is not entitled by virtue of membership to the Board position it will be vacated and reduced as set forth in Bylaw 5.2

## **6. REVIEW BOARD**

### **6.1 Composition and Selection**

The Review Board shall be composed of ten (10) local affiliate presidents appointed by the President from a list drawn by lot until ten (10) presidents who agree to serve are selected. Members of the Review Board shall serve a one (1) year term beginning September 1. Local presidents who are also officers or members of the Board of Directors of NEA-New Mexico are disqualified.

a. Review Board members excluded from deliberations in a particular case shall be:

1. The president of a local involved in the dispute.
2. An individual involved in the dispute.
3. Local presidents from the Region seeking recall of its Board of Directors member.

b. Five (5) alternates shall be selected by the same procedures as those outlined above for Review Board members.

c. Review Board members who are unable to serve for a particular case will be replaced by alternates when possible.

d. Six (6) members or alternates of the Review Board, qualified to deliberate a particular case, will constitute a quorum of the Board.

e. The Executive Director shall serve as staff consultant to the Review Board. In the event the Executive Director is the subject of the dispute, the President in consultation with the Executive Director shall assign another staff consultant to the Board.

### **6.2 Hearing Procedures**

a. From among its members, the Review Board shall elect a chairperson for the hearing.

b. Both the member/affiliate/group and the Association shall have the right to appear at the hearing, to present witnesses and other evidence, to cross-examine witnesses and to make brief opening and closing arguments.

c. If the member/affiliate/group or the Association does not appear at the hearing, the Review Board may proceed with the hearing and render its decision.

d. A hearing of the Review Board shall be open except that by request of either party or by majority vote of its members, the Review Board may choose to restrict attendance to persons necessary to the hearing.

### **6.3 Deliberations and Decision**

a. Immediately following the close of the hearing, the Review Board will begin its deliberation and continue until a decision is reached.

b. The findings and decision of the Review Board shall be communicated to all parties concerned in the dispute within sixty (60) days of the filing of the appeal with the Executive Director.

c. In lieu of the appeal to the Review Board, the Association or individual or affiliate bringing the appeal shall have the right to request binding arbitration through the American Arbitration Association or another mutually acceptable arbitration procedure. The cost of arbitration shall be paid equally by both parties to the dispute. The Review Board or arbitrator's decision shall be final.

d. If a recall is sustained by a two-thirds (2/3) vote of the Review Board, the appropriate procedure outlined in the Constitution (Article IV., Section 5.b.) or the Bylaws 4.4 or 5.7 shall be followed.

## **7. COMMITTEES**

### **7.1 Standing Committees** of the

Association shall be:

a. Committee on Constitution, Bylaws and Rules

(1) Committee on Constitution, Bylaws and Rules will have six (6) members, one from each Region. Additional members shall be appointed to ensure ethnic-minority representation.

(2) Members may not serve more than two (2) consecutive three-year terms.

b. Resolutions

(1) This committee shall consist of at least one member from each Region and no more than three (3) from any single Region.

(2) Members may not serve more than two (2) consecutive three-year terms.

c. Budget

(1) There shall be a Budget Committee of at least six (6) members, including one from each Region.

(2) The Budget Committee shall serve at the discretion of the President.

d. Elections

An Elections Committee of at least five (5) members shall be appointed by the NEA-New Mexico President with the approval of the Board of Directors for a term of one (1) year.

### **7.2 Program Committees**

The Board of Directors shall establish and discontinue such program committees as it deems necessary. Each program committee shall consist of at least one member from each Region and no more than three (3) from any single Region.

### **7.3 Other Committees and Task Forces**

With the approval of the Board of Directors, the President shall appoint members to necessary task forces and other committees as the need arises.

### **7.4 Membership**

a. Nominations and Appointments

(1) The President of the Association shall make Committee appointments from lists of at least three nominees for each position from each Region Council. Additional minority nominees shall be proposed by the recognized Ethnic Minority special interest groups. Appointments necessary to insure ethnic minority

representation shall be made from these lists. The Board of Directors shall rule on all appointments.

(2) These provisions do not apply to the Budget Committee.

b. SNEA-New Mexico committee members must hold membership in SNEA-New Mexico where applicable.

c. No member shall serve on more than one Association Program Committee. Ex-officio members are excluded from this provision. No member of the Board of Directors shall serve as a member of an Association Standing Committee. This shall not apply to the Budget or Election Committee.

d. Unexcused absence of a program committee member from two (2) consecutive committee meetings and/or two (2) consecutive Region Council meetings shall constitute a resignation.

e. Unexcused absence of a standing committee member from two (2) consecutive committee meetings and/or two (2) consecutive Regional Program Coordinating Council meetings shall constitute a resignation.

f. At least seventy-five (75) percent of the membership of each committee must be non-supervisory members.

g. There shall be a minimum of twenty (20) percent ethnic minority representation on each committee.

### **7.5 Terms**

a. Following the initial necessary provisions for staggered terms of office, each Program Committee member shall serve for a term of three years, unless the Board of Directors discontinues the committee.

b. Members of Association Program Committees are limited to two (2) consecutive terms.

### **7.6 Accountability**

a. Association Committees shall be accountable to the President, the Board of Directors, and the Delegate Council when in session.

b. Each Committee chairperson shall submit periodic reports to the President and to the Board.

### **7.7 Committee Appointments, Qualifications and Vacancies**

a. Appointments shall be made on the basis of individual expertise and ability to make substantial contribution in the specific area of concern. Candidates for committees shall be NEA-NM Active or Retired members and shall be recommended by the Region Council of each Region and by ethnic minority special interest groups. Appointments to all committees shall be as provided in these Bylaws.

b. Vacancies shall be filled from the lists of nominees from each Region.

c. Additional appointments may be made on the basis of individual expertise and/or ability to make substantial contribution to a committee's work. Such additional appointments shall be for a term of one year beginning July 15 of the year of the appointment as approved by the Board of Directors.

d. Emergency appointments may be made that begin immediately upon action by the Board of Directors and end on the next July 14.

### **7.8 Rules**

a. The President of the Association shall appoint the chairperson for each of the committees except the Budget Committee.

b. Each Committee shall establish its own rules and upon their approval by the Board of Directors of the Association, they have the effect of being rules of the Association; provided there is no conflict with the Constitution, Bylaws or Articles of Incorporation of the Association.

## **8. EDUCATION POLITICAL**

### **ACTION COMMITTEE (EdPAC)**

#### **8.1 Composition**

The EdPAC Committee is composed of:

a. The President who shall be the Chair;  
b. The Vice President; and

c. One member for each seven hundred (700) ACTIVE members or major fraction



thereof, within each Board Election District within each Region. Each member shall be elected by the ACTIVE members of the Region for a term of three years. Such member having served two consecutive terms would be ineligible to hold that office until one full term has intervened.

d. One member representing NEA-New Mexico retired members. This member shall be nominated and elected by the unified retired membership of NEA-New Mexico for a term of three years. Such member having served two consecutive terms would be ineligible to hold that office until one full term has intervened.

### **8.2 Powers and Duties**

The EdPAC shall coordinate the political activities of the Association under the direction of the Board of Directors and the Delegate Council and shall receive funds as described in Section 8.4. The EdPAC shall authorize a member of the NEA-New Mexico staff to act as treasurer of EdPAC funds.

### **8.3 Appointment of Alternate EdPAC member**

a. Each Region Council shall appoint an Alternate EdPAC member from each Board Election District within each region who shall represent the Region on the NEA-New Mexico EdPAC Committee in the event of that Board Election District's EdPAC member's inability to execute his/her duties for a temporary period or, in the case of a vacancy, until the next regular NEA-New Mexico election.

b. The Alternate EdPAC member representing retired members shall be appointed by the board of directors of the NEA-NM Retired affiliate.

### **8.4 EdPAC Funds**

a. EdPAC funds shall consist of voluntary contributions from members or other interested parties. No dues collected by any affiliate may be used for these purposes. However, EdPAC funds may be collected by affiliates through the procedures used to collect dues in manners

authorized by NEA-New Mexico or local governing documents.

b. All funds used to address partisan political issues, including contributions to candidates for public office, contributions to political parties and other partisan organizations, and funds expended on behalf of candidates for public office shall be from funds collected as described in Section a.

c. Contributions to EdPAC shall be segregated in an interest-bearing checking account separate from the general funds of NEA-New Mexico. Such account shall be deposited in a bank that does not hold other association accounts.

d. Expenditures from EdPAC funds, consistent with the actions of the EdPAC, shall be authorized by the chair upon consultation with appropriate staff.

e. In addition to any other voluntary contributions authorized, the amount of fifteen dollars (15) per membership year shall be annually collected from each active licensed professional member and ten dollars (10) per year from each active Educational Support Professional member in the same manner as dues are collected. This amount shall be considered a voluntary contribution unless the member specifically requests its refund on a form approved by the Association. Such form shall be made available to the membership at least twice annually in an all member publication. Additionally, information informing the member that this is a voluntary contribution shall be printed on annual membership forms. Should a member request a refund of the amount, the entire amount shall be refunded to the member by check within thirty (30) days from the date the Association receives the request.

### **8.5 Vacancies**

When a vacancy in the office of an EdPAC member occurs through death, resignation, recall, change in employment, change in region residency, or through other disqualification, the replacement for

the unexpired term shall be the Region's Alternate EdPAC member from the Region Board Election District until the next regular NEA-New Mexico election.

## **9. REGIONS**

### **9.1 Organizations**

The Board of Directors of NEA-NM is hereby authorized to create Regions of the Association and Board Election Districts within each Region. The Board of Directors of NEA-NM may revise the boundaries of said Regions and Board Election Districts.

a. A Region shall be defined as the organizational structure within a given geographical region.

b. A Board Election District shall be defined as locals within a region having enough active members for one or more Region Directors as determined by the Board of Directors. Active members residing within the geographical boundaries of such districts who have no available local association shall also be members of the Board Election District and the Region.

c. The membership of said Region shall consist of the Active members of the affiliated local association where applicable within the boundaries of the respective Regions, retired members of NEA-New Mexico who belong to affiliated local associations within the region or who reside within the geographical boundaries of said region, and other NEA-New Mexico members who have no local association available for membership

### **9.2 Region Council Composition**

Each Region Council shall consist of:

a. one representative of each local within the Region;

b. the Region Representatives on the NEA-New Mexico Standing and Program Committees;

c. the NEA-NM Directors for the Region; and

d. such other members as provided in the Region guidelines.

### **9.3 Region Council Functions**

Each Region Council shall:

a. meet and confer on items of mutual concern to local associations within Regions;

b. select educators to receive Hall of Fame awards from the Region and, at the option of the Region, nominate recipients for the NEA-New Mexico Hall of Fame and Special Recognition Awards;

c. have the authority to levy a regional assessment to defray expenses within the Region; the resultant budget shall require approval of the NEA-New Mexico Board of Directors;

d. establish the guidelines under which it will operate; such guidelines shall be subject to the approval of the NEA-New Mexico Board of Directors and shall include the procedures for the selection of its chairperson and a requirement that region meetings not be held on the same date as NEA-New Mexico Board of Directors' meetings.

e. transmit to NEA-New Mexico lists of at least three (3) Region nominees for NEA-New Mexico committee appointments by July 15th of each year. Failure to submit at least three (3) nominees for a committee position will result in a presidential appointment from the Region membership.

## **10. STANDARDS FOR AFFILIATES**

a. The Association shall not affiliate a local association unless it meets the following minimum standards.

1. Each affiliate shall apply the one-person-one-vote principle for representation on its governing bodies except that the affiliate, to the extent permitted by law, shall guarantee ethnic-minority representation at least proportionate to its ethnic-minority membership. Where an all-inclusive affiliate exists, it shall provide proportionate representation between its non-supervisor members and its supervisor members.

2. Each affiliate shall conduct all elections with open nominations and a

secret ballot. The president of the local affiliate shall make available information concerning issues and candidates. Each affiliate president shall be responsible for following election procedures and timelines.

3. Each affiliate shall have the same membership year as that of the Association.

4. Each affiliate has the right to determine whether its Active class includes both persons engaged in professional educational work and educational support positions. All members so enrolled shall be granted full rights of participation and shall be required to be members of the Association and NEA where eligible.

5. Each affiliate shall guarantee that no member of said affiliate may be censured, suspended, or expelled without a due process hearing, which shall include an appropriate appellate procedure.

6. Each affiliate shall participate in Association programs and shall be responsible for the implementation of such programs at the appropriate level.

7. Each affiliate shall establish and maintain a local dues level to ensure adequate local funding to carry out its representation, member services and other local responsibilities. (The recommended level of local dues is at least \$25.00 per Active member.) The affiliate shall file such reports as may be required by the Association or by state and federal regulations.

8. Each affiliate shall file such reports as may be required by the Association or by state and federal regulations.

b. If the Board of Directors of the Association determines that a local affiliate is not in compliance with the standards for affiliation set forth in Section (a) above or otherwise is acting in a manner that is contrary to the goals and objectives of the Association, it may, by a two-thirds (2/3)

vote, adopt an Intervention Program in order to deal with the situation. If the local affiliate fails to cooperate with the Association in implementing the Intervention Program, the Association may implement said Program without the approval of the local affiliate. The Board of Directors of the Association, by a two-thirds (2/3) vote, may take appropriate action against the local affiliate, including, without limitation, censure, suspension, or disaffiliation.

## **11. STAFF**

### **11.1 Staff Employees**

The Board of Directors shall employ a staff who shall be responsible for implementing the policies and goals of the Association. The employed staff shall include a management staff that will be responsible for the supervision and direction of all other employees.

### **11.2 Staff: Principles**

The following principles shall govern employment and functions of staff as agents of the Association:

a. local, state, national, and Student NEA staff shall be eligible only for Staff membership and shall not hold elective or appointive positions at any level;

b. the Association shall be an equal opportunity employer;

c. the Association shall recognize the right of its employees to organize for the purpose of collective bargaining.

## **12. GENERAL FINANCE**

### **12.1 Fiscal Year**

The fiscal year of the Association shall be September 1 through August 31.

### **12.2 Budget**

a. A line-item budget shall be designed to achieve the goals and objectives of the Association.

b. The President, with the Executive Director, and the Committee on Budget, shall prepare the proposed budget for presentation to the Board of Directors at least thirty (30) days prior to the meeting at which it is to be adopted. After reviewing

and approving the budget, the Board shall direct its printing. The budget, including a reconciliation of the previous year's budget with actual expenditures, shall then be transmitted to the presidents of local affiliates. The Board of Directors shall present the adopted budget to the Delegate Council at its meeting following adoption of the budget. Any changes adopted pursuant to Bylaw 5.6 shall be prospective in nature and change the unencumbered portions of the budget remaining in the fiscal year.

### **13. OPEN MEETINGS**

#### **13.1 Open Meetings**

All meetings of all governance bodies of the Association shall be open to members of NEA-New Mexico, within the limitations of the space provided by the facilities in which the meetings are held.

#### **13.2 Exceptions**

Closed executive sessions may be called for the specific exceptions listed in this section when voted upon by a majority vote of the members of a governing body. Closed executive sessions of governing bodies of NEA-New Mexico may be called to discuss:

- a. the evaluation of the job performance of a specific staff member, provided that the staff member does not request an open meeting;
- b. collective bargaining negotiations with staff;
- c. specific legal actions in which the governing body or NEA-New Mexico is a participant;
- d. appeals at the request of either party or the governing body.

**13.3 Executive Sessions** shall be for the purpose of discussion only. Votes taken in executive session may be of a procedural nature only. All decisions made by governing bodies must be affirmed by vote in open session.

#### **13.4 Closed to Non-Members**

Any meeting of NEA-New Mexico governing bodies may be closed to the general public or the press for any reason.

## **14. DEFINITIONS**

### **14.1 Definitions of Terms**

As used in the Articles of Incorporation, the Constitution, these Bylaws, and the Standing Rules, the Association adopts and adheres to the following definitions of terms:

a. Active members: Active shall mean membership with governance rights in the local affiliate, where eligible, National Education Association of New Mexico and National Education Association of the United States.

b. Local Affiliate: local affiliate shall mean the associations within the state which meet at least the minimum standards of affiliation and have been affiliated by action of the Board of Directors.

c. Region: region shall mean Regional Program Delivery Unit.

d. Classroom Teacher: classroom teacher shall mean any person who is certified, where required, and a major part of whose time is spent in direct contact with students or who performs allied work which results in placement of the person on a local salary schedule for teachers.

e. Education Position: education position shall mean the following two categories:

- (1) non-supervisors, which shall include NEA-New Mexico Active and Educational Support members who are not supervisors;
- (2) other, which shall include NEA-New Mexico Active and Educational Support members who are supervisors, and NEA-New Mexico Retired Annual and Life members.

f. Supervisor and Administrator: supervisor and administrator shall mean any person who has continuing authority to hire, transfer, discipline, dismiss, or otherwise direct employees or to effectively recommend any of the aforesaid actions.

g. Ex-Officio: ex-officio shall mean by virtue of office. This designation shall

carry with it the right to vote except as otherwise provided.

h. Ethnic Minority: ethnic minority shall mean those persons designated as ethnic minority by statistics published by the United States Bureau of the Census. This designation shall specifically include Black, Hispanic;, Asian American, and American Indian/Alaska Native.

i. In Proportion to Their Membership: For election of at-large Board of Directors members "in proportion to their membership in the Association" shall mean the same proportion as required for election of Region Board of Directors members.

j. Limited to: When applied to terms of office, shall mean limited to consecutive terms of the specified length and number.

k. Consecutive: When applied to terms of office, shall define the election eligibility of a member who has been elected to the limit of consecutive terms as eligible for election or appointment to that office after a length of time equal to the term of office to which the member's successor was elected or appointed.

## **15. PARLIAMENTARY AUTHORITY**

### **15.1 Robert's Rules of Order Newly Revised**

The most recent edition of ROBERT'S RULES OF ORDER NEWLY REVISED shall be the authority in all matters of procedure at the NEA-New Mexico Delegate Council and in the election of NEA Directors and delegates to the NEA Representative Assembly, except as otherwise specified in the Articles of Incorporation, the Constitution, these Bylaws, or the Standing Rules.

## **16. DISSOLUTION**

Upon dissolution of NEA-New Mexico, all assets of the corporation shall be transferred to the National Education Association having as its principle place of business the City of Washington, DC, provided that said National Education Association also agrees and in fact does assume the outstanding liabilities and obligations of NEA-New Mexico at the time of its dissolution.

**STANDING RULES  
of the  
NATIONAL EDUCATION ASSOCIATION OF NEW MEXICO**

**RULE 1. CREDENTIALS  
COMMITTEE**

**A. Composition**

The President shall appoint a chairperson and five (5) members of the Credentials Committee to serve at the pleasure of the President. The appointments shall be with the advice and consent of the Board of Directors.

**B. Duties**

The Committee shall be responsible for the supervision of the accreditation and registration of delegates to the Delegate Council.

The chairperson of the Credentials Committee shall give a report at the meeting of the Delegate Council. The report shall include information concerning compliance with all requirements required of delegations. Non-compliance by delegations will be specifically noted and reported.

The seating of a delegate, or delegates, may be challenged by means of a motion to amend such report. The action of the Delegate Council, which has jurisdiction over the seating of its delegates, shall be final.

**RULE 2. CERTIFICATION OF  
DELEGATES**

**A. Delegate Allocations**

The Executive Director shall notify local affiliates and other qualified organizations, of the number of delegates to which they are entitled no later than February 1.

**B. Verification of Eligibility**

The president of each local affiliate shall forward to the Association by a certificate of eligibility for each local delegate and alternate and the term for which the delegates were elected on a form provided by the NEA-NM as provided for in the Bylaws.

Upon verification of eligibility, the Executive Director shall forward such material as to allow the delegates participation at the Delegate Council meeting.

**RULE 3. REGISTRATION**

A. Registration materials shall be sent to local affiliates prior to the time of the Delegate Council.

B. Delegates, alternate delegates, non-delegate members, and guests shall be registered at the Delegate Council meeting.

C. Alternate delegates filling vacancies shall present at registration the permanent credential originally sent to the delegate the alternate is replacing and a signed statement from the president of the affiliate.

D. Registration for the Delegate Council shall be under the supervision of the Credentials Committee. Appeals shall be made to the same committee.

**RULE 4. LOCAL AFFILIATES  
DELEGATION**

A. Each affiliate delegation shall have a chairperson.

B. No local affiliate delegation shall vote by unit rule in the Delegate Council. Each individual delegate shall have one (1) vote.

C. If a roll call of local delegations is made in the Delegate Council, the chairperson of each local delegation shall be responsible for taking an accurate poll of delegates present at the time of the vote and for transmitting a report to the chair.

D. The chairperson and members of each delegation shall assume responsibility for permitting only certified delegates and designated staff to sit in the delegate section.

**RULE 5. ORDER OF BUSINESS AND  
DEBATE**

A. The adoption of the order of business of the Delegate Council shall be the first item of business at the first business meeting of the Council.

B. The Council sessions of the Delegate Council shall be conducted in accordance with provisions of the NEA-NM Constitution, Bylaws, and the Standing Rules. Matters not specifically governed in

these documents shall be governed by Robert's Rules of Order Newly Revised.

C. There shall be an official parliamentarian, to whom questions may be directed only through the presiding officer. If deemed advisable by the presiding officer, a question may be referred to the Committee on Constitution, Bylaws, and Rules for an advisory interpretation. The presiding officer rules; the parliamentarian and Committee on Constitution, Bylaws, and Rules may advise.

D. Any delegate who is recognized by the chair shall give her/his name and local affiliate, and shall indicate whether speaking as an individual or as a spokesperson for the local delegation before speaking to a point under discussion. No member shall speak and/or be recognized in debate more than twice to the same question during the same meeting, nor longer than three (3) minutes at one time, unless permission is granted by majority vote of the Delegate Council.

E. A member may yield the microphone or speaking time to another delegate only for the unused portion of her/his allotted time.

F. No member speaking on a question may move the previous question.

G. A motion to move the previous question shall apply to no more than the single question immediately before the Delegate Council.

H. The motion to amend by substitution shall be treated as the motion to amend.

I. A roll call vote (the counting of delegates by local delegations) shall be taken only after approval, by a standing vote, of one-third (1/3) of the delegates present. The doors shall be closed while a count is being taken. Supervision and counting of roll call votes shall be in charge of the Committee on Constitution, Bylaws, and Rules.

J. New business relating to substantive policies or programs for the Association shall be specific in nature and terminal in application. New business items must be submitted in writing by noon of the Delegate Council meeting.

K. A copy of the motion or amendment shall be given in writing to the chair on the form provided.

L. Any person, chairperson, or member who is presenting a committee report shall not speak more than five (5) minutes unless permission is granted by majority vote of the Delegate Council.

#### **RULE 6. PROCEDURES FOR SUBMITTING BUDGET AMENDMENTS**

A. The adoption of the budget shall be by vote of the Delegate Council after consideration of all new business items.

B. The Budget Committee shall hold at least one (1) open hearing on the proposed budget at a time and place to be announced in the printed program.

C. Amendments to the budget shall be submitted in writing with an economic impact statement and reconciliation changes in all areas of the budget. A form for amendments shall be available from the platform at the open hearing. Such forms shall be completed and returned to the chair of the Budget Committee before the close of the open hearing.

#### **RULE 7. RESOLUTIONS COMMITTEE AND PROCEDURE**

##### **A. Duties**

The Resolutions Committee shall prepare and present to the Delegate Council proposed resolutions for adoption. They shall be printed and made available to delegates before action is scheduled thereon by the Delegate Council. The form and text of each resolution shall be approved by the majority vote of the Resolutions Committee, before presentation to the Delegate Council; provided, however, that a minority report may be presented to the Delegate Council upon a one-third (1/3) favorable vote of the total Resolutions Committee's eligible voters.

Such minority report shall be printed with the majority report and shall be presented by the chairperson of the Resolutions Committee concurrently with the majority report. The chairperson of the Resolutions Committee shall present the report of the committee, together with any minority report, to the Delegate Council for consideration at the time and place designated in the agenda.

##### **B. Open Hearing**

The committee shall hold at least one (1) open hearing on proposed resolutions at a time and place to be announced in the printed program.

### **C. Procedure for Submitting Resolutions**

Resolutions from delegates or members designated for consideration by the Resolutions Committee shall be submitted to the Executive Director or the chairperson or members of the Resolutions Committee not later than ninety (90) days prior to the Delegate Council meeting.

After the deadline, all new Resolutions to be submitted from the floor for consideration must have been presented at the open hearings with sufficient copies to be presented to all delegates at the Delegate Council meeting.

All Resolutions adopted by the NEA-NM Delegate Council shall be accepted and publicized as official NEA-NM resolutions.

Resolutions adopted by the Delegate Council shall continue in force without further action in succeeding years. At any council session, at the time of the Resolutions Committee report, a resolution may be designated for action by the Delegate Council or the Resolutions Committee.

Such Resolutions shall be submitted to the Delegate Council by number. If there is no objection, they will be considered for adoption en masse together with all other Resolutions to which there are no specific objections. Resolutions objected to when introduced by number will be set aside to be considered individually.

## **RULE 8. AMENDMENTS**

### **A. Constitution and Bylaws**

1. **Constitution:** Proposed amendments to the Constitution shall be submitted to the Committee on Constitution, Bylaws, and Rules in writing and in accordance with Article VII of the Constitution.
2. **Editing:** Amendments to the Constitution and Bylaws shall be revised and, if necessary, edited by the Committee on Constitution, Bylaws, and Rules.

The editing responsibilities of this committee shall include (a) combining two or more amendments of a similar intent into a single amendment, if the final amendment is agreed to by the contact person for each group making the original amendments involved; (b) printing identical amendments as a single amendment with the contact persons of each listed with the amendments; and (c) dividing an amendment at the discretion of the Committee and with the consent of the contact person to enable the component parts of an amendment to be voted upon independently of each other.

3. **Titles on Ballot:** Titles of amendments to both the Constitution and Bylaws appearing on the printed ballot shall summarize the intent of the amendment, including the significance of the deletions as well as the changes and/or additions. This material shall be composed by the Committee on Constitution, Bylaws, and Rules.

### **B. Standing Rules**

1. **Submission.** Amendments to the Standing Rules may be proposed to the Delegate Council by one or more of the following methods:
  - (a) By petition signed by at least twenty-five (25) certified delegates and submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Delegate Council.
  - (b) By vote of a representative body of a local affiliate. Proposals shall then be submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Delegate Council.
  - (c) By majority vote of the NEA-New Mexico Board of Directors and submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Delegate Council.
  - (d) By a majority vote of the Committee on Constitution, Bylaws, and Rules.



## **2. Time for Submission and Notice**

- (a) A proposed amendment to the Standing Rules shall be presented in writing to the Committee on Constitution, Bylaws, and Rules, postmarked no later than fifty (50) days preceding the Delegate Council.
- (b) The text of the proposed amendment shall be printed in a delegate handbook.
- (c) The Standing Rules may then be amended by the Delegate Council by a majority vote of the delegates present and voting, by voice vote.

## **3. Suspension of a Standing Rule**

By a motion from the floor, a Standing Rule may be suspended or amended without notice by a two-thirds (2/3) vote of those present and voting.

## **RULE 9. ELECTIONS COMMITTEE AND PROCEDURES**

### **A. Composition of Committee**

An Elections Committee of at least five (5) members shall be appointed by the NEA-New Mexico President with the approval of the Board of Directors for a term of one (1) year.

### **B. Duties**

The Committee shall be responsible for conducting elections. The Elections Committee shall develop procedures for the conduct of all elections.

### **C. Candidates**

1. **Declaration of candidacies.** The declaration of candidacy for the offices of NEA-New Mexico President, Vice President, Region Members of the NEA-New Mexico Board of Directors, Region EdPAC Members, EdPAC member representing NEA-NM retired members, Retired Member(s) of the NEA-New Mexico Board of Directors, Student Member of the NEA-New Mexico Board of Directors, NEA Director, Alternate NEA Director, EdPAC and NEA Representative Assembly Delegate must be received in the NEA-New Mexico office no later than the close of business on October 20 of the calendar year

preceding the calendar year of the election; and for the NEA-New Mexico Educational Retirement Board member no later than the close of such nominations at the Delegate Council.

A member may declare candidacy for at-large Board of Directors members as necessary before the close of nominations at the Delegate Council.

2. NEA-New Mexico will provide each candidate with a directory of local presidents, NEA-New Mexico committee members, and Board of Director members from the area to be represented by that position. Individual member information is proprietary and will not be provided to candidates except as provided in #3 below.

3. Candidates for retired positions may receive a contact list of all NEA-New Mexico retired members. Such candidates shall sign an affidavit indicating that the lists will be used only for campaign purposes and no other purpose.

4. Candidates for NEA Director and Alternate NEA Director will be provided NEA election rules and regulations by NEA-New Mexico.

5. Within fifteen days after nomination, NEA-New Mexico will provide each candidate with a copy of this rule and the elections calendar and procedures.

### **D. Elections at Delegate Council**

1. The delegates to the Council shall elect, through secret ballot, at-large Board of Directors members as necessary to comply with the provisions of Article V of the NEA-New Mexico Constitution, the member to the Educational Retirement Board and vote on amendments to the Bylaws of the Association, except as provided by the Constitution. Each certified delegate to the Council shall be eligible to vote.

If the number of candidates nominated equals the number of positions to be filled, the chair shall declare such candidates elected.

2. **Candidate speeches at Delegate Council.** Candidates' speeches are limited

to two minutes each for candidates for office to be elected at Delegate Council.

#### **E. Statewide Elections**

The ballot to be sent to the membership of NEA-New Mexico shall be prepared by the Board of Directors. As necessary, the ballot shall provide for the election of Executive Officers, NEA Director and Alternate, Amendments to the NEA-New Mexico Constitution, and the Bylaws Amendments specified in the governing documents.

The Ballot for the Retired Member of the NEA-New Mexico Board of Directors and for the EdPAC member representing NEA-NM retired members shall be prepared by the Board of Directors. Only retired members of the NEA-New Mexico shall be eligible to vote for these positions.

The Ballot for the Student Member of the NEA-New Mexico Board of Directors shall be prepared by the Board of Directors. Only student members of the NEA-New Mexico shall be eligible to vote for this position.

An announcement of the time and place of the lottery for placement on the ballot will be made by the Elections Committee Chair immediately following the close of deadlines. All ballots for office shall include a space for declared write-in candidates.

The timelines and procedures shall be developed by the Elections Committee to ensure open nominations and a secret ballot.

#### **F. Board of Directors/EdPAC Regional Elections**

Immediately after the approval of the elections calendar, NEA-New Mexico will inform each Region Chair of the positions of NEA-New Mexico Director and/or EdPAC that are open; it is expected that regions will inform members of these openings. A declaration of candidacy shall

be submitted to the NEA-New Mexico President. All ballots for office shall include a space for declared write-in candidates, provided that declarations are in accordance with the deadline set in elections procedures. However, write-in candidates are always allowed for all NEA delegate elections.

The timelines and procedures shall be developed by the Elections Committee, including the deadline for declaration of write-in candidacy.

If the number of candidates nominated, including write-in candidates who have declared their write-in candidacy in accordance with timelines and procedures established by the Elections Committee, equals the number of positions to be filled, the Board of Directors shall declare such candidates elected.

#### **G. Campaigns**

1. No dues money shall be used to promote the candidacy, directly or indirectly, of any individual for an NEA-NM office.
2. All candidates will retain receipts and other records of expenditures for their campaign, as well as records of contributions, in accordance with NEA guidelines. All candidates will file a report of campaign expenditures and contributions upon request by the Board of Directors.
3. Campaign materials may include, but are not limited to, flyers, posters, blogs, websites, or any other electronic/social media.
4. Campaign materials, as described above, may not include pictures, names, images, likenesses, or any other media of any NEA-NM staff member, including NEA-NM attorneys and office/regional staff.
5. Campaign materials, as described above, may not include pictures, names, images, likenesses, or other media of present or past Association logos, the NEA logo, the symbol of the united education profession, or other symbols connected to the NEA-NM, the NEA, or the local affiliates of NEA-NM or NEA.

6. Should a candidate wish to use an individual's photo, image, likeness, or name in his/her campaign materials, he/she must obtain the prior express written consent of that individual.

**7. Endorsements and Promoting of Candidates.**

(a) In its regular course of business, the membership or leadership of a governing body may endorse a candidate for office. The NEA-NM Board of Directors will not, as a body or a group therein, endorse any candidates for internal NEA-NM elections.

(b) A governing body may invite all candidates to a meeting under the guidelines. Adequate advance time will be made for all candidates to prepare a written presentation or designate a representative to speak on their behalf if they cannot attend in person.

(c) If an endorsement has been made, no NEA-NM funds will be used to encourage members to vote for a particular candidate.

(d) NEA-NM membership/leadership publications will not be used to announce an endorsement. A publication may encourage the membership to exercise their right to vote.

(e) NEA-NM staff will have no involvement in promoting the candidacy of any individuals for NEA-NM or NEA office, including but not limited to direct contributions, purchase of raffle tickets, contributions of items for raffles or drawing, in-kind services, or any other economic or financial incentives to candidates.

**8. While NEA-NM funds may not be used to publicize or encourage support, the following is permissible:**

(a) The candidate may use the endorsement in his/her own campaign materials.

(b) An officer of the Association or any other member, or combination of members, may use his/her own money,

or that of the candidate, to encourage support from members. In a personal letter, or any other type of personal communication, an officer may mention his/her prior or current title(s). Such letters may not be written on official stationery of the organization. Candidates may use these endorsements in their campaign materials accordingly. Including candidates and their supporters, as well as NEA-NM Leadership and members of governing bodies, may conduct raffles, lotteries, or drawings, to encourage the membership to exercise their right to vote. However, they may not offer any direct economic or financial incentives in exchange for voting.

9. Regularly published newsletters, electronic media, or any publication at all levels of governance will refrain from negatively reporting and/or sensationalizing candidates, or actively reporting and/or promoting candidates, or themselves, through news articles, announcements, and/or personal columns.

10. Normal publication practices may continue during the election period.

**11. Association Meetings.**

(a) A single candidate or combination of candidates shall not sponsor, nor have sponsored, a social or fundraising event that promotes the candidacy of one or more candidates while any official governance/business meeting of the organization is in session.

(b) Individual campaigning/events may take place before or after a scheduled Association meeting. Campaigning may take place before or after the function and between sessions. Campaign literature shall not be distributed during the meeting.

(c) All staff members shall absent themselves from any part of a session when governance is

considering endorsements. They shall not be present at, or share in, the planning of any social and/or fundraising activity, or individual campaigning, as described in the Guidelines, or any such activities as may reasonably be construed as participating.

## **12. Role of Elected Leaders in Election Campaigns.**

(a) Elected school level, Local, District, and State officers retain their rights as members to participate in the affairs of the organization, including supporting and working on behalf of candidates for office. However, such campaign activities may not occur during official Association functions, while actually performing in the capacity of their office, and may not involve the expenditure of Association funds.

## **13. Candidate Statements**

(a) Except for candidates' statements on the website and in the *Advocate's Voice*, NEA-New Mexico shall not print campaign materials for any candidate for NEA-New Mexico office. All candidates will be afforded the opportunity of placing statements on the NEA-NM website in accordance with election procedures developed by the Elections Committee.

(b) Candidates for President, Vice-president, NEA Director, and Alternate NEA Director may submit Candidate Statements of not more than 200 words in length will be published in the *Advocate's Voice*. The order of statements in the *Advocate's Voice* will appear in the same order as the ballot. Candidates are responsible for their own "portrait" photo. The deadline for the above will be included in the Elections Committee timelines and procedures.

(c) Candidates for President, Vice-president, NEA Director, and

Alternate NEA Director may address the Delegate Council immediately preceding the election (provided that Delegate Council occurs between the close of nominations and the election) for no more than five minutes for candidates for President and Vice-president and three minutes for candidates for NEA Director and Alternate Director.

## **H. Runoff Elections**

Executive Officers, NEA Director and Alternate Director, and members of the NEA-New Mexico Board of Directors must receive a majority of the valid ballots cast in order to be elected.

If no candidate for each listed position receives a majority, runoff elections shall be held within thirty (30) days following the report of the Elections Committee to the Board of Directors. The names of the two persons receiving the most votes in the first election will be placed on the ballot, and election procedures shall parallel those of the first election.

## **I. Complaints**

During the course of the election, candidates may report alleged violations of this standing rule supported with concrete evidence in writing to the executive director. If after investigation, it is determined that a violation has occurred, the executive director shall notify all candidates and the board of directors of the violation and request that the behavior cease, with a notification that continued violations may result in an ultimate challenge as to the validity of the election. If the charge is not substantiated, all candidates and the board of directors will be notified of that outcome.

## **J. Challenge Process**

1. Candidates and members may bring forth a challenge as to the integrity of the outcome of the elections. This challenge is not whether there has been a violation of the election policy or procedure, but a challenge to the validity of the results. For any office election that is the subject of a

challenge, all candidates for that office will be immediately informed of the challenge in writing. In considering a challenge, it is critical that the Board of Directors consider the election results reported to it and whether the challenge, if substantiated, would have produced a contrary result.

2. Any challenge must be filed by a date set by the Board as part of the election procedures for individual elections. Candidates will be informed within a reasonable amount of time the date of the Board meeting and may be present at the Board meeting when the challenge is considered.
3. All challenges should be reviewed by the NEA-NM Executive Director and NEA-NM General Counsel to determine the validity of the challenge.
  - (a) The determination of when the Board of Directors should consider a challenge will be determined by the NEA-NM Executive Director and NEA-NM General Counsel on the basis of the content of the challenge and the complexity of the issues contained therein. Their review will also include what, if any, additional individuals and or information should be requested to appear before the Board of Directors to provide testimony related to the contents of the challenge. Requests for additional individuals and information will be made in a timely manner as to have adequate information for the Board of Directors to consider the challenge.
  - (b) A summary of all challenges presented and their recommended disposition will be shared with the Board of Directors.

#### **RULE 10. DEFINITION OF TERMS**

The following terms from the Constitution and Bylaws, when used in the Standing Rules, shall have these definitions:

- A. Open Nomination Procedure** shall mean a procedure by which every eligible NEA-New Mexico member shall have the opportunity to nominate any NEA-New

Mexico member who meets the qualifications for the elective position; subject, however, to any limitations required in the NEA-New Mexico Constitution and Bylaws and also to any other reasonable restrictions uniformly imposed.

- B. Secret Ballot** shall mean a procedure for voting, whether on a paper ballot or electronically, in which the voter may cast the vote in secrecy.
- C. One-Person-One-Vote Principle** shall mean a voting procedure by which the vote of each member of the constituency has equal weight, so that in the elected governing body, each delegate represents approximately the same number of constituents as each and every other delegate.
- D. Election by Secret Ballot for Each Individual Position** shall mean that slate voting shall not be permitted.
- E. Runoff Elections** shall mean a voting procedure as follows: In an election, if a sufficient number of candidates has not achieved a majority of the valid ballots cast, another election shall be held and the runoff ballot shall list those unsuccessful candidates who, arranged in decreasing order of votes received, obtained a majority of the votes cast in the previous election. In the event that this procedure would not provide at least one more candidate than the number of remaining positions to be filled, then the runoff ballot shall list those candidates who, in descending order, received the highest number of votes on the previous ballot (though not elected), listing one more candidate than the number of positions to be filled.
- F. Valid Ballot.** In the case of elections, a valid ballot shall be a ballot (a) cast by a member for a person nominated for the office; (b) cast for no more than the maximum number of positions to be filled; (c) cast in a manner that clearly indicates the voter's choice. In the case of a vote on any issue placed on a ballot, a valid ballot shall be a ballot clearly cast for or against

the issue; (d) cast in a manner consistent with the elections procedures and calendar for the particular election.

**RULE 11. SMOKING PROHIBITION**

There shall be no smoking in the Delegate Council.