

# **Tucson Education Association Constitution & Bylaws**

**Amended August 22, 2018**

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## **Preamble: Mission Statement**

To secure professional status and respect for public school employees and to promote quality public education.

### **Article I. Name and Affiliation**

Section 1. That the name of the organization shall be Tucson Education Association, hereafter referred to as TEA.

Section 2. The Tucson Education Association shall be affiliated with the Arizona Education Association and the National Education Association.

Section 3. TEA shall meet the standards for affiliation as set forth in the Arizona Education Association and the National Education Association official governance documents.

### **Article II. Membership**

#### Section 1. Classes of Membership

##### A. Active Certified Membership

Active certified membership in TEA shall be open to all certified and licensed and/or endorsed personnel employed by TUSD or by lawfully chartered schools in which TEA and/or TUSD are a party.

##### B. Active Classified Membership

Active classified membership in TEA shall be open to all Education Support Professionals employed by TUSD or by lawfully chartered schools in which TEA and/or TUSD are a party who are not eligible for active certified membership.

##### C. Honorary Memberships

All retirees who were active members of TEA immediately prior to their retirement shall be classified as Honorary Members. Other Honorary Memberships shall be granted anyone upon the approval of the Board of Directors.

#### Section 2. Rights of Membership

##### A. Every active member shall have the equal rights and privileges within the organization to

1. nominate members as candidates for office
2. be nominated
3. hold office
4. vote in elections or on referenda of TEA
5. serve on committees
6. attend deliberative meetings in which voting on the business of TEA takes place

##### B. Every member shall have the right to meet and assemble fully with other members; to express views at meetings upon candidates in an election of TEA or upon any business properly brought before the meeting.

- C. Each member shall be guaranteed "due process." No member shall be fined, suspended, expelled or otherwise disciplined except for non-payment of dues without being served with specific written charges and given full "due process" rights including an administrative hearing before the Board of Directors.

### Section 3. Obligations of Members

- A. Members shall support the purposes and programs of TEA, maintain professional ethics and standards to correspond with [NEA code of ethics](#), conform to the Articles of Incorporation, Bylaws, statements of Policy of TEA, and pay membership dues and assessments.
- B. Members Who Have Engaged in Unethical Behavior(s):
  1. Shall give up voting rights
  2. Shall not be allowed to serve in an elected office
  3. To be reviewed annually upon member request.
  4. Further or continued violations will result in permanent loss of membership.

### Section 4. Membership Year

The membership of TEA shall commence on September 1 of each year.

## Article III. Dues and Assessments

### Section 1. Active Members

- A. The annual dues of full time active certified members shall be determined for the following year by a majority of the AR members in attendance at a regularly scheduled AR meeting. If no change is proposed in a given year, the dues shall remain the same amount as the previous year. Dues shall be paid by payroll deduction, cash, check, credit card, or electronic fund transfer.
- B. The annual classified dues shall be one-half of the certified dues amount. Dues shall be paid by payroll deduction, cash, check, credit card, or electronic fund transfer.
- C. New members joining shall pay dues on a pro-rata basis for the remainder of that school year.
- D. Membership dues paid by cash or check are due in full on or before November 1 of each year, unless a monthly billing agreement has been made.
- E. A member may change their method of payment at any time. It is the member's responsibility to contact TEA requesting this change.
- F. Members failing to make payments in full as specified above shall be notified by the TEA President that their membership has been revoked effective November 1.

### Section 2. Exceptions to the Annual Dues

- A. Certified members on one-half or less contract shall be required to pay only one-half the annual dues with no restrictions on benefits. Classified members on four (4) hours or less contract shall be required to pay only one-half the annual dues of full-time classified members with no restrictions on benefits.

- B. For members on paid or unpaid leave of absence, dues shall be the lowest category in their respective membership classification, with the exception of the president, who shall pay full dues.

Section 3.           Honorary Members

No dues shall be required of Honorary Members.

Section 4.           Dues Change

The dues formula for active membership of TEA shall be changed only by a majority vote of those AR members voting; provided that no more than one election per school year shall be held relative to a dues change.

Section 5.           Continuing Membership

Membership in TEA is on a continuing basis. For persons in units for which TEA bargains, membership is for one full school year and shall be automatically renewed for each succeeding school year unless, by August 1 of each year, the member delivers written notice of revocation to the Tucson Education Association. Membership shall terminate at the end of the membership year in which the written notice is tendered. For persons who are not in a TEA bargaining unit, membership shall be on a continuing basis until the member separates from TUSD employment or submits a letter of resignation.

Section 6.           Special Assessments

Special assessments made by TEA shall be passed by a majority vote of those members voting in the same manner as dues changes, Article V., Section 4. Special assessments shall be made by NEA and AEA according to their Bylaws.

**Article IV.       Officers**

Section 1.           The officers of TEA shall be the President, Vice President, Secretary, and Treasurer starting with the term of office starting in 2013.

Section 2.           President

The President shall preside at meetings of the Board of Directors and at meetings of the Representative Assembly, appoint the chairpersons of all committees, appoint special committees, be an ex-officio member of all committees and be the executive officer of TEA. The President shall appoint the members of the Negotiating Teams with the approval of the Board of Directors. The President shall represent TEA before the public either personally or through designees and shall perform all other functions usually attributed to this office.

Section 3.           Vice President

The Vice President of TEA shall perform the functions usually attributed to the office. In case of the absence or incapacity of the President, the Vice President shall act as the executive officer of TEA.

Section 4. Secretary

The Secretary shall keep minutes of all meetings of the Board of Directors and the Representative Assembly, and shall keep a file of all official actions taken by the Board of Directors. The secretary shall help coordinate communications with members. In the case of the absence or incapacity of the President and the Vice President, the Secretary shall act as the Executive Officer of TEA.

Section 5. Treasurer

The Treasurer shall keep the financial reports and accounting of the association and keep a copy of said documents in the TEA office. They shall preside over the budget committee and shall present that committee's recommendations to the Board of Directors and to the representative assembly.

Section 6. Terms and Succession of Officers

- A. The oath of office shall be administered at the Association Representative meeting in May, or immediately following a special elections should there be a vacancy needing to be filled, of each election year and the Board of Directors shall assume responsibilities the day after the end of the regular school year, or immediately following a special election should there be a vacancy needing to be filled.
- B. The office of President shall be a two year term. No individual shall be permitted to run for not more than two consecutive two year terms.
- C. The office of Vice President shall be a two year term. No individual shall be permitted to run for not more than two consecutive two year terms. The Vice President shall assume the office of President should the President be unable to complete the term.
- D. The office of Secretary shall be a two year term.
- E. The office of the Treasurer shall be a two year term.
- F. The offices of President, Vice President and Secretary, and Treasurer shall be concurrent two-year terms. Terms shall begin in May of odd-numbered years. Refer to Article VII for election procedures.
- G. Whenever the office of Vice President and/or Secretary, and/or Treasurer become vacant between elections, the remaining members of the Board of Directors shall choose from their number a person(s) to serve in the vacant position(s) until the vacancy can be filled by a special election called by the President.

**Article V. TEA Board of Directors**

Section 1. Composition

The Board of Directors shall consist of the officers of TEA, Area Directors, TEA's AEA Regional Directors, TEA Directors At-Large and Ex-Officio Board members.

Section 2. Quorum

A majority of the voting members of the Board of Directors shall constitute a quorum for the Board of Directors meetings.

### Section 3. Fiscal Year

The fiscal year of TEA shall commence on August 1 of each year unless otherwise determined by the Board of Directors.

### Section 4. Board of Directors

- A. The Board of Directors shall meet as designated in TEA Policy and shall have the power to call general membership meetings as designated in TEA Policy.
- B. Association members may attend the Board of Directors meetings without power of voting. Non-members may not attend unless expressly invited by the President.

### Section 5. Powers

The powers and responsibilities of the Board of Directors shall be as follows:

- A. Have complete authority and shall be responsible for the administration and management of TEA.
- B. Carry out policies established by the Association Representatives and suggest policies for consideration by the Association Representatives.
- C. Approve all expenditures, administer the budget, approve the proposed budget and any budget revisions for presentation to the Association Representatives and have the power to delegate authority in the exercise of such functions.
- D. Approve the President's appointments to the Negotiation Teams.
- E. Have authority to employ a staff and delegate authority to them.
- F. Establish and realign governance areas.

### Section 6. Area Directors

- A. Shall represent their respective governance areas at Association meetings and functions including all meetings of the Board of Directors and Association Representatives;
- B. Shall maintain contact with members in their respective areas principally through the Association Representatives to keep them informed of the activities of TEA, and to coordinate their activities, advise and assist Association Representatives in the performance of their duties and communicate to the Board of Directors area concerns;
- C. Shall chair the meetings of the Association Representatives in their respective areas.
- D. Area Directors shall serve for a term of two years and may be re-elected without an intervening term. When elected, area directors must work at a site within their respective areas. However, if an area director should transfer to a worksite in another area during the course of his/her term, he/she shall have the right to complete that term.

- E. In the event of an Area Director vacancy, notices of the vacancy shall be sent to all members in the area at least ten working days prior to the election. The Association Representatives of that area shall nominate and elect a new Area Director at the next regular Association Representative meeting.
- F. In the event no one in the vacated area is interested in the Area Director position, then this position shall be advertised to the general membership at least ten working days prior to that election. The Association Representatives of that area shall then elect an Area Director from the candidates available.
- G. The candidate receiving the greatest number of votes shall be declared the winner. The individual elected shall complete the unexpired term.
- H. Should there be no nominee during a regular or special election for an area director position the president shall submit the name of a tea member to serve a one-year term, subject to approval by the board of directors.
- I. Whenever a new area is established, a special election of all members within the new area shall be called by the Board of Directors for the purpose of electing an Area Director in the new area.

Section 7. AEA Regional Directors

TEA's AEA Regional Directors shall represent TEA on the AEA Board of Directors. They shall be elected according to AEA Bylaws.

Section 8. At-Large Directors

- A. At the conclusion of the AEA Delegate Assembly, the number of At-Large Directors will be determined for the following year. Elections for At-Large Directors will be held according to guidelines stated in TEA Policy.
- B. Education Support Representation  
If the percentage of Education Support Professionals of the Board of Directors shall be less than the percentage of active-education support professionals members of the membership of TEA, the membership shall elect additional members-at-large of the Board as needed to insure that representation. Members so elected shall serve for one (1) year and may be re-elected without an intervening term.
- C. Ethnic Minority Representation  
If the percentage of ethnic minority members of the Board of Directors shall be less than the percentage of active ethnic minority members of the membership of TEA, the membership shall elect additional members-at-large of the Board as needed to insure that representation. Members so elected shall serve for one (1) year and may be re-elected without an intervening term.

Section 9. Ex-Officio Board of Director Members

- A. All TEA members who are elected members of the AEA or NEA Board of Directors, other than AEA Regional Directors, and all dues-paying TEA Past Presidents with continuous membership, who are members for whom TEA bargains, shall sit on the TEA Board of Directors as ex-officio members.
- B. They shall retain all privileges of a Board of Directors member except the right to vote.

## Section 10. Negotiating Teams

- A. The President shall appoint the members of the negotiations teams with approval of the Board of Directors. The negotiations teams shall serve until new teams are approved. Negotiations team members may only be removed, for cause, by the President, with the approval of the Board of Directors.
- B. Any mid-contract bargaining that might result in a change in the contract(s) shall be conducted by the team who negotiated that contract. If vacancies occur, the President shall have the authority, with approval of the Board of Directors, to appoint new members to the team.
- C. Any proposed changes in the contracts may be submitted to the Board of Directors for recommendation to the Association Representatives. The Association Representatives may then make a recommendation to the general membership.
- D. Ratification of tentative agreements shall be by a simple majority of those members voting. Ratification voting procedures are defined in TEA Policy.

## Section 11. Committees/Appointive Units

- A. Standing Committees
  - 1. The Board of Directors shall establish such standing committees as are required to conduct the program of TEA. Standing committees shall include, but not be limited to: Budget/Audit Committee and Scholarship Committee.
  - 2. Budget/Audit Committee shall prepare and recommend a balanced budget to the Board of Directors.
  - 3. Scholarship Committee shall provide financial assistance to worthy candidates wishing to pursue a career in education.
  - 4. Chairpersons shall be appointed by the President.
- B. Task Forces
  - 1. The Board of Directors shall establish such groups as it deems necessary to handle special assignments for TEA.
  - 2. The structure, membership and the length of terms shall be determined by the Board of Directors.
- C. Ad Hoc Committees
  - 1. The President shall appoint Ad Hoc committees and chairpersons as deemed necessary to handle special temporary assignments important to the welfare of TEA. The term of these committees shall not exceed the term of the President.
  - 2. An Ad Hoc committee shall be appointed as necessary, but at least every fourth (4th) year, to review the Bylaws and the Policies of TEA.
  - 3. Such committees shall be responsible to the President.
- D. Reports
 

Chairpersons of appointive groups shall make written reports as stated in TEA Policy.
- E. Appointive Units
  - 1. Each appointive unit will meet according to a calendar developed by that unit.
  - 2. Each appointive unit shall hold special meetings at the call of its chair.
  - 3. The chair of each appointive unit shall notify TEA as to the place, time and date of all meetings.

Article VI. Association Representatives

Section 1. Association Representative meetings

- A. The Association Representatives shall meet monthly during the months of August through May, as designated in TEA Policy. Special meetings of the Association Representatives may be held at the call of the President, with sufficient notification to all Association Representatives and the Board of Directors, or upon written request of fifty (50) Association Representatives.
- B. Votes in the Association Representative meetings shall be based on one vote for each authorized Association Representative. The authorized voting members shall include Association Officers, Area Directors, Association Representatives, AEA Regional Directors, ex-officio members of the TEA Board of Directors and TEA At-Large Directors.
- C. Association members may attend Representative Assembly meetings without power of voting. Non-members may not attend unless expressly invited by the President.

Section 2. Number

- A. Each school and/or other site shall be represented by at least one elected representative. Schools and/or sites with more than twenty members shall be allowed an additional representative for each additional twenty members, or fraction thereof. In schools and/or sites having more than one representative, a building chairperson shall be selected. Should membership change, the number of Association Representatives shall be adjusted.
- B. The representation shall include ethnic minority membership of the local association, at least proportionate to the ethnic minority membership of the local association, whenever possible.
- C. The representation shall include Education Support Professionals membership of the local association at least proportionate to the Education Support Professionals membership of the local association, whenever possible.
- D. By April 30 of each year, the active members of each site shall hold a meeting to elect their respective Association Representatives and alternates to represent that site for the next school year. After holding the meeting, they shall report the results to the TEA office. The newly elected ARs and alternates shall assume the responsibilities of the positions beginning August 1 of each year.
- E. Each Association Representative and Alternate shall be elected to serve for a term of one school year or until transferred from their site or removed from office. If an AR position is left vacant during the term of office for any reason, an alternate will fill the position until a special election is held.
- F. Special Elections for Association Representatives may be held in the event a position is vacated.

Section 3. Qualifications

Association Representatives must be current members of TEA.

Section 4. Duties

- A. The Association Representatives shall attend all meetings of the Association Representatives. If an Association Representative, for due cause, cannot attend a meeting, the alternate shall be sent as the Representative.
- B. The Association Representative shall communicate with members in the respective site concerning activities of TEA.
- C. The Association Representatives shall be responsible for holding elections in each site. Membership campaigns shall be conducted by the Association Representatives and alternates.

Section 5. Quorum

The Association Representatives present at the Association Representative meeting shall constitute a quorum.

**Article VII. Nominations, Elections and Recall**

Section 1. Nominations

- A. Every two years on even numbered years the active members of the TEA during the month of November shall be allowed to nominate a candidate for each of the offices of President, Vice President, Secretary, and Treasurer. Nominations shall be sent to the Elections Committee during the years Elections are called or where vacancies exist. No candidate may self-nominate.
- B. Every two years, on off-setting years, the active members shall be allowed to nominate a candidate for the office of Area Director for the Area in which the nominator holds a membership. Nominations shall be sent to the elections committee during the years elections are called or where vacancies exist. No candidate may self-nominate. Each area director candidate shall be a member of the area of the TEA in which they serve; and shall be elected by the membership of that area. Refer to article v, section 5, for exceptions. The board of directors shall divide the number of area directors as nearly as possible into two equal groups and to provide for election of one group during odd years and the other group during even years. The president shall call for any special elections and the elections committee shall set up timelines for such elections. Members shall have no less that 14 days prior to a representative assembly to consider the pledge to serve forms, all forms will be due at the representative assembly, and nominations from the floor may occur there.
- C. Each nominee shall sign a pledge-to-serve form.
- D. Each nominee shall be a member of the TEA.
- E. The Elections Committee shall announce the names of nominees who have been nominated and have submitted Pledge-to-Serve forms to the Association Representative at its regular December meeting.
- F. Final nominations shall be made from the floor during a regular Association Representative meeting by active members of the TEA. Nominations made from the floor of the meeting shall be accompanied by a Pledge-to-Serve form signed by the member/candidate being nominated.

- G. The Elections Committee shall prepare a brief information document including each candidate for publication and delivery to all members each election year.
- H. No TEA funds shall be used for TEA election campaigns.
- I. All TEA election campaigns shall be conducted according to Association Policy.

Section 2. Election Procedures

- A. Elections shall be conducted in accordance with the following:
  - 1. All elections for single holder offices shall be conducted by secret ballot and the outcome shall be determined by a majority of valid votes cast.
  - 2. Single holder offices refer to the offices of president, vice president, secretary, treasurer, area director and any specific at-large director.
- B. In any event that there is only one candidate for an office at the time that nominations close, that candidate is declared elected to the perspective office.
- C. The elections committee shall be charged with conducting TEA elections including campaign oversight, ballot preparation, election organization and election outcome determination. Any member of the committee that is a candidate in a specific election shall recuse themselves from the conduct of the specific election.

Section 3. Delegates to AEA and NEA Representative Assemblies

The Elections Committee shall be responsible for the nominations and election of delegates to the state assembly and national assembly, according to the Constitution and Bylaws of the Arizona Education Association and the National Education Association.

Section 4. Recall

Any elected official of the TEA is subject to recall under the following guidelines:

- A. A specific written charge or charges of malfeasance, nonfeasance or crimes must be filed with the board of directors along with verifiable signatures of 100 members of TEA. The board of directors must then investigate the charge or charges to fine if a recall election shall not be called. All parties involved shall have an opportunity to address the board of directors during the investigation.
- B. If by determination or by non-determination of the board of directors a recall election shall be commenced, candidates for the office in question, including the recalled office holder, shall be allowed nomination, candidacy and election privileges according to the TEA election guidelines Article VII, Section 2.
- C. A recall election shall proceed in a timely manner according to the following:
  - 1. Nominations shall be closed after the second area representative meeting after a recall election is mandated.
  - 2. Elections shall proceed 30 days after nominations are closed.
  - 3. The election balloting period shall be equal to the period used when the previous election was conducted for the office.

4. During the time between the commencement of the recall election and the determination of the recall election, the elected official shall be considered to be out of office and all office privileges suspended.

### **Article VIII. Auxiliary Organizations**

#### Section 1. TEAPAC

- A. The Tucson Education Association Political Action Committee (TEAPAC) shall be a special standing committee that shall solicit funds separate from Tucson Education Association membership dues to promote the election of pro-education candidates.
- B. Tucson Education Association Political Action Committee contributors shall establish the Bylaws that govern TEAPAC.
- C. The steering committee shall be elected by the contributorship.

### **Article IX. Parliamentary Procedure**

Robert's Rules of Order, newly revised, shall be the parliamentary authority for TEA and all questions not covered by the Constitution and Bylaws.

### **Article X. Amendments to the Constitution/Bylaws**

Section 1. Amendments to the Constitution/Bylaws shall be proposed by: the Board of Directors, or members who submit along with a petition signed by 100 members to the President. The President shall then place the submitted amendment(s) on the agenda of the next Board of Directors meeting.

Section 2. The Board of Directors shall study all proposed Constitution/Bylaw amendment(s). The Board of Directors shall then make a recommendation and forward the proposed amendment(s) to the Association Representatives for ratification. All proposed amendments must be in writing and submitted to the Association Representatives at least fourteen (14) calendar days prior to the meeting at which the Association Representatives will vote on said amendment(s).

#### Section 3. Voting

- A. Association Representatives shall vote on proposed amendment(s) at the Association Representative meeting.
- B. The Constitution/Bylaws shall be amended by a 2/3 majority of Association Representatives voting.