

**COLLEGE OF THE DESERT FACULTY ASSOCIATION/CCA/CTA/NEA BYLAWS  
2011**

**I. NAME AND LOCATION**

The official name of this Association shall be the COLLEGE OF THE DESERT FACULTY Association/CCA/CTA/NEA (The Association) in Riverside County.

**II. PURPOSES**

The primary purpose of this Association shall be:

- A. To represent its members in their relations with their employer, and to seek to be the exclusive representative of appropriate units of school employees in all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment;
- B. To form a representative body capable of developing group opinion on professional matters to speak with authority for members;
- C. To provide an opportunity for continuous study and action on problems of the profession;
- D. To raise the standards for education support professionals;
- E. To provide a means of representation for its ethnic-minority members;
- F. To promote professional attitudes and ethical conduct among members;
- G. To encourage cooperation and communication between the profession and the community; and
- H. To foster good fellowship among members.

**III. AFFILIATION WITH CTA/NEA /CCA**

- A. The College of the Desert Faculty Association shall be an chartered chapter of the Community College Association.
- B. The College of the Desert Faculty Association shall be a chartered chapter of the California Teachers Association (CTA).
- C. The College of the Desert Faculty Association shall be an affiliate local association of the National Education Association (NEA).

#### IV. MEMBERSHIP

- A. Categories of Membership. The primary category of membership shall be Active members.
- B. Active membership shall be open to any person who is engaged in or who is on limited leave of absence from professional educational work, is an employee of Desert Community College district, and whose primary assignment is such as not to hold evaluatory responsibility over other employees to such an extent as not to be represented in the negotiations process by the bargaining unit.
- C. Membership may be granted upon initiation of payroll deduction or upon payment of annual Association/CCA/CTA/NEA dues.
- D. The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.
- E. Active members shall be eligible to vote in all elections, hold elective office or appointive position, receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of the Association.
- F. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association, and is not an Active member.
- G. Active members shall adhere to The Code of Ethics of the Education Profession.
- H. The rights to and privileges of membership shall not be abridged in any way because of age, sex, race, color, ethnic group, marital status, national origin or sexual orientation.
- I. No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure.
- J. The membership year shall be that period of time from September 1 of any given calendar year through August 31 of the following calendar year, inclusive.
- K. Unless otherwise expressly provided by law, persons who tender agency fees shall have no rights or privileges within this Association.

#### V. DUES, FEES, AND ASSESSMENTS

- A. The basic annual dues level for Active members, and representation fee for non-members represented in the bargaining unit, shall be sufficient to cover the operation expenses of the Association, the dues of CTA, and the dues of NEA.
- B. The Association's portion of the basic annual dues, and the representation fee for non-members, shall be established by action of the active membership of the Association at the last regular meeting of the school year.
- C. The Association shall apportion any negotiated representation fee on the same percentage basis as the full Association/CCA/CTA/NEA dues.
- D. Membership shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for membership. If by October 31 of any calendar year a member has neither paid the established annual membership dues for the current membership year, nor made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and the name dropped from the rolls.

## VI. POLICY-MAKING BODY

- A. The policy-making body of this Association shall be the general Active membership.
- B. The Association shall meet a minimum of three (3) times a year; the time and place of such meetings to be decided by the Executive Board.
- C. Special meetings of the Association may be called by the President or by petition containing the signatures of twenty percent (20%) of the Active membership.
- D. Special meetings of the Association shall be called for a specific purpose and no business other than that for which the meeting is called may be transacted.
- E. Notices and agendas for all meetings shall be posted in the building(s) at least two days prior to the date of the meeting.
- F. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify members of the meeting dates, places, and times.
- G. The budget of the Association shall be adopted by the Active membership on or before the first regular meeting of the school year.
- H. Grievance procedures shall be approved by the Active membership.

- I. A quorum for all meetings of the Association shall consist of a majority of all Active members.

## VII. OFFICERS

- A. The officers of the Association shall be a President, a Vice-President/Secretary, and a Treasurer.
- B. These officers shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in their respective positions during their terms of office.
- C. These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nominations and secret ballot.
- D. These officers shall be elected for a term of two (2) year(s), commencing on the last day of the spring semester of any academic year.
- E. A vacancy shall be deemed to exist in the case of death, resignation, or inability to serve in any of the offices of the Association. In the event a vacancy occurs in the office of the President, the Vice-President/Secretary shall assume the office. In the event a vacancy occurs in the other offices, a special meeting of the Association shall be called to elect a successor.
- F. The President shall be the chief executive officer of the Association and its policy leader.

The President shall:

1. Preside at all meetings of the Association and the Executive Board;
2. Prepare the agenda for the meetings of the Association and the Executive Board;
3. Be the official spokesperson for the Association;
4. Be familiar with the governance documents of the Association, CCA, CTA, and NEA.
5. Appoint all chairpersons and members of committees with the approval of the Executive Board by the beginning of each school year;
6. Appoint the chairperson and members of the bargaining team with the approval of the Executive Board by the beginning of each school year;

7. Call meetings of the Association and the Executive Board;
8. Propose the procedures for grievance processing for ratification by the Executive Board and the Active membership of the Association;
9. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
10. Attend meetings of the Service Center Council of which the Association is a part; and
11. Attend other CTA/NEA meetings as directed by the membership.

G. The Vice-President/Secretary shall:

1. Serve as assistant to the President in all duties of the President;
2. Assume the duties of the President in the absence of the President;
3. Be responsible for the formation and distribution of the Association's calendar of activities; and
4. Serve as coordinator of committee activities at the direction of the President.
5. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association and the Executive Board;
6. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to the members;
7. Maintain an accurate roster of the membership of the Association and of all committees; and
8. Carry on the correspondence pertaining to the affairs of the Association as directed by the President;

I. The Treasurer shall:

1. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;
2. Pay out such funds upon orders of the President. The signatures of the President and Treasurer will be required on any Association bank accounts.
3. Provide a written report on the financial status of the Association at each Association and at each Executive Board meeting;
4. Be responsible for an annual audit of the books of the Association and distribute a summary of this audit to the membership; and

5. Be responsible for submitting membership and financial reports to CCA ,CTA, NEA, and other agencies as required by law.
6. The Treasurer shall be elected on the year following the President and Vice-President/Secretary election.

## VIII. EXECUTIVE BOARD

- A. The Executive Board shall be composed of the **elected** officers of the Association, and two (2) members elected at-large from the Active membership.<sup>1</sup>
  1. The at-large members of the Executive Board shall be elected with open nominations and by secret ballot.
  2. The at-large members of the Executive Board shall be elected for a term of two (2) years, commencing on the last day of the semester of any academic year.
  3. Vacancies in the position of at-large members of the Executive Board shall be deemed to exist in the case of death, resignation, or inability to serve in this position. If there is a vacancy occurring in this position, a special election to fill the vacancy shall be held within thirty days.
  4. At-large member elections shall occur on the year following the President and Vice-President/Secretary election.
- B. All members of the Executive Board shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in this position.
- C. The Executive Board shall meet prior to each regular meeting of the Association and at such other times, as the President may deem necessary, or upon written petition of a majority of the members of the Executive Board, to conduct the business of the Association between meetings of the general membership.
- D. The duties and responsibilities of the Executive Board are:
  1. Coordinate the activities of the Association;
  2. Recommend a budget for the Association to the membership;

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<sup>1</sup> Provided the “one-person – one-vote” rule is not violated.

3. Direct the bargaining activities of the Association, subject to the policies established by the Active membership;
  4. Approve by majority vote all appointment and removal of committee, members, including chairpersons;
  5. Approve by majority vote appointment and by 2/3 vote removal of bargaining team members;
  6. Adopt grievance procedure;
  7. Direct the grievance activities of the Association;
  8. Adopt the Standing Rules for the Association; and
  9. Exercise all the business and organizational powers and duties for the Association as prescribed by law and these bylaws, subject to any restrictions that may be imposed by the General Membership.
- E. A quorum for meetings of the Executive Board consists of a majority of the elected members of that body.

#### IX. BARGAINING TEAM

- A. The duties of the Bargaining Team are to represent and to bargain for all bargaining unit members.
- B. The President shall appoint all members, alternates, and the chairperson of the Bargaining Team with the concurrence of the Executive Board.
- C. Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates
- D. The Executive Board, by a two-thirds (2/3) vote, may remove a member of the Bargaining Team.
- E. The Bargaining Team shall be under the direction of the Executive Board, and shall report, its activities to the Executive Board, as the Board requires.
- F. The Bargaining Team is empowered to reach tentative agreements with the district, subject to ratification by the Active membership.
- G. Responsibility and authority for directing the bargaining process on behalf of the Association are vested in the Executive Board subject to policies established by the, active membership.

- H. Employees in each appropriate bargaining unit shall be surveyed to determine contents of the proposed contract demands, and the contract proposal for each appropriate unit shall be approved by Association members in that unit.
- I. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.
- J. Agreements reached between the Bargaining Team and the school board or its representatives shall be considered tentative and not binding upon the Association until such agreements have been ratified by the membership in the appropriate unit (s) unless such ratification shall have been specifically waived or otherwise delegated by that active membership.

#### X. GRIEVANCE PROCESSING

- A. The Executive Board shall adopt with the approval of the General Membership the procedures for grievance processing.
- B. These procedures shall include, but not be limited to, the following:
  - 1. Provide for representation to assist all members of the bargaining unit(s) in processing grievances;
  - 2. Training for handling grievances; and
  - 3. Evaluation of the Association's grievance policies and procedures.

#### XI. NOMINATIONS, ELECTIONS AND RATIFICATION

The chapter president must provide Active members an opportunity to vote in all elections.

Chapter presidents do not have the option of deciding that such elections shall not be held except for NEA-RA Local Delegate elections where, following a period of open nominations, voting may be waived if the number of candidates is equal to or less than the number of positions to be filled and the affiliate has adopted a governing provision or election policy allowing such a practice.

- A. There shall be an appointed Elections Committee.
- B. Elections shall be conducted with:
  - 1. Open nomination procedure;



2. Secret ballot;
  3. All Active member vote;
  4. Record of voters receiving or casting ballots; and
  5. Majority vote, unless otherwise specified.
- C. State Council Representative elections shall be conducted in accordance with CTA guidelines after the chapter or service center council has been notified to do so by the CTA Elections Committee.
- D. NEA State Delegate elections shall be conducted in accordance with CTA guidelines.
- E. NEA Local Delegate elections shall be conducted in accordance with CCA/CTA/NEA guidelines.
- F. The duties of the Elections Committee shall be to:
1. Ensure that all Association/CCA/CTA/NEA election codes and timelines are followed;
  2. Establish election timelines;
  3. Develop and carry out timelines and procedures;
  4. Prepare ballots for election of officers and such other elections as may be necessary;
  5. Count the ballots and certify the results; and
  6. Handle initial challenges.
- G. Tentative agreements reached between the Association bargaining team and the District are subject to ratification by the active membership. Two-thirds of the active membership must cast an affirmative vote to ratify.

## XII. COMMITTEES

- A. Committees, except as otherwise provided in these bylaws, may be established and discontinued by the Executive Board, subject to approval by the general Active membership.
- B. Each committee shall submit periodic reports to the Executive Board and the general Active membership.

### XIII. PARLIAMENTARY AUTHORITY

*Robert's Rules of Order, Newly-revised, latest edition*, shall be followed at all meetings of the Association.

### XIV AMENDMENTS

These Bylaws may be amended by a two-thirds (2/3) vote of the Active members at any regular or special meeting of the Association provided notice in writing of a proposed bylaw amendment shall have been submitted to the Secretary (Secretary - Treasurer) and made available to all Active members at the meeting preceding the one at which it is to be voted upon.

## **ELECTION STANDING RULES**

### **NOMINATIONS AND ELECTIONS**

#### **A. Elections Committee**

1. There shall be an Elections Committee.
2. The Elections Committee and Chairperson shall be appointed by the president and approved by the Executive Board to which it is responsible at the beginning of each school year.
3. The Committee should be composed of at least three members who are not on the Executive Board, who are familiar with the unit operations, and who are not seeking election.
4. The Elections Committee is charged with ensuring that elections are conducted in a fair and impartial manner.
5. Any Association member who is either a candidate on the ballot or whose immediate family member is a candidate shall abstain from all election committee activities on that particular ballot.

#### **B. Election Requirements**

1. The chapter shall ensure that an open nomination procedure is in place (i.e., any member may nominate any member, including himself or herself). The only qualification for office shall be Active membership in the chapter.
2. Every Active member shall be assured of voting by secret ballot.
3. There shall be at least a fifteen (15) calendar day period between notice of election and the actual voting.
4. There shall be an all Active member vote. A member who is off-track or on dues paying leave shall be sent election information by mail to his/her last known residence.
5. A chapter shall provide means for all Active members to vote (including vote by mail), and it shall be the responsibility of the member to notify the chapter if s/he desires a ballot at a site other than the regularly scheduled voting place.

6. An Active member shall acknowledge receipt of a ballot by signature on a registration sheet at the time of issuance of the ballot or on an envelope when returning the voted ballot.

If a roster of Active members is prepared for a school site ahead of time, initials of the member may be accepted.

### **C. Announcement**

1. The announcement of election shall include the offices, length of terms, and the election timeline.
2. The announcement shall be publicized in a manner that ensures every member has an opportunity to file a declaration of candidacy.

### **D. Timeline**

1. Schools/Work sites on alternative calendars shall be considered when setting election timelines.
2. The timeline for the election shall include dates for:
  - a. Announcement of vacancy(ies) and term(s) of office using a method that will ensure each member is aware of the opportunity to file a declaration of candidacy;
  - b. At least fifteen (15) calendar days between the announcement date of the vacancy(ies) and the date of the election;
  - c. Place, time and date of receipt (date received, not post-marked date) for declaration of candidacy forms;
  - d. Final date to acknowledge candidates' declaration of candidacy;
  - e. Date for preparation of ballots;
  - f. Date on which ballots will be distributed;
  - g. Date by which to request a ballot;
  - h. Date(s) when voting will take place;
  - i. Deadline date (date received, not post-marked date), time and place for return of ballots;
  - j. Date, time and place where ballots will be counted, which should be immediately following the deadline for receipt of voted ballots;

- k. Date that announcement of results shall be made to leadership, candidates, members, and posted at each work site, which date shall be not later than five (5) calendar days following the counting of ballots;
- l. Dates and timelines for run-off election, if necessary; and,
- m. Deadline for filing of challenges to initial election and run-off if held (date received, not post-marked date).

#### **E. Finances and Use of Unit Resources**

- 1. Chapter monies received through dues, assessment or similar levy shall not be used to promote any candidate.
- 2. A candidate may not accept direct contributions from a chapter's treasury or indirect contributions in the form of use of a chapter's assets, facilities, staff, equipment, mailings, good will and credit.
- 3. A unit may not state or indicate its preference for a candidate in the unit's publications.
- 4. The use of links to any Association website by a candidate is prohibited.
- 5. Candidates cannot campaign on any chapter, Service Center Council, UniServ or district created social networking site. *(Amended June 2010)*
- 6. District email addresses and/or systems shall not be used for campaigning.
- 7. The official logo of the unit or official Association title may not be used in a way that suggests that the candidate has the support of the unit, CTA, or any of its affiliates. This prohibition includes candidate email addresses.

#### **F. Candidate's Rights**

- 1. Privileges extended to one candidate shall be extended to all candidates.
- 2. Each candidate shall receive a copy of the election timeline, procedures and guidelines.
- 3. Each candidate shall have the right to a list of the name and address of work sites and the number of Active members at each site for the purposes of campaigning.

#### **G. Ballot**

- 1. The names of the candidates shall be printed on the ballot in CTA alphabetical order. The name of each candidate shall be as printed on the declaration of

candidacy. When a candidate's last name is hyphenated, the name before the hyphen shall be used for placement on the ballot.

In the event that the last name of more than one candidate begins with the same letter or more than one candidate has the same last name, the CTA alphabetical order shall continue to be applied throughout the name including the first name.

2. The ballot shall state the name of the office/position, the term, and the names of the candidates.
3. The ballot shall include space for a write-in candidate, except in run-off elections.

#### **H. Distribution of Ballots and Methods of Voting**

1. **Each method of voting must be included in your standing rules in order for your bylaws and standing rules to be in compliance with CTA.**
2. Each member shall receive a ballot. Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity to vote.
3. Voting shall be by one or a combination of the following methods:

- a. At School/Work Site/Specified Voting Site

If a Site Representative is a candidate, refer to *A. Elections Committee, 5.*

- 1) On Site Voting – Using Ballot Box

- a) Each voter must sign or initial a voter roster/sign-up sheet before receiving a ballot.

- (1) Voter Roster – List of eligible voters.

- (2) Voter Sign-up Sheet – List of eligible voters which includes a place for a signature.

- b) The marked ballot must be returned to a designated site representative or ballot box.

- c) Site representatives must return all voter roster/sign-up sheets and ballots to the Elections Committee by the designated date and time. Ballots must be secured and uncounted. Roster/Sign-up sheets and ballots from each site must be kept together until verified by Elections Committee.

- d) Preliminary counts shall not be completed at school/work sites.

e) Refer to Section K for the Counting of Ballots procedures.

## 2) On Site Voting - Using Envelopes

When voting is conducted at school or specified sites using envelopes, the procedure shall be as follows:

- a) A list of current Active members shall be prepared, which includes each member's name and school/work address.
- b) The voter shall be provided with the following:
  - (1) A ballot;
  - (2) Instructions on:
    - (i) Folding and placing of the ballot in the unsigned inner envelope;
    - (ii) Placing of the unsigned inner envelope into the outer envelope;
    - (iii) Signature and school on the outer envelope addressed to the chapter; and
    - (iv) Deadline date for receipt of the voted ballot at the chapter office.
  - (3) A small envelope (inner envelope) in which to place the voted ballot; and,
  - (4) A larger envelope (outer envelope) addressed to the chapter, on which the voter prints and signs his/her name.
- c) At the time of counting of the ballots, the names on the outer envelope shall be checked against the official list of voters. The name on the official list shall be marked to show that the voter has returned a ballot.
- d) The outer envelope shall then be opened and put in a separate stack for safekeeping as a record of voters.
- e) All inner envelopes shall be placed in a separate receptacle.
- f) The inner envelopes shall be slit and the ballots removed from the envelopes, stacked and then counted.
- g) Refer to section K for the "Counting of Ballots" procedure.

## b. Voting By Mail

Special care should be taken in all phases of handling of ballots to ensure the accuracy and the secrecy of voting by mail. The following procedures and guidelines have been developed for this situation:

- 1) A list of current Active members shall be prepared, which includes the following: name, school/work and home address.
- 2) A determination shall be made prior to the election whether the ballots shall be sent to the school/work site or to the home of the member.
- 3) Each voter shall be provided with:
  - a) A ballot;
  - b) Instructions on:
    - (1) Folding and placing of the ballot in the unsigned inner envelope;
    - (2) Placing of the unsigned inner envelope into the outer envelope;
    - (3) Signature and school on the outer envelope addressed to the chapter; and
    - (4) Deadline date for receipt of the voted ballot at the chapter office.
  - c) A small envelope (Inner envelope) in which to place the voted ballot;
  - d) A larger envelope (outer envelope) addressed to the chapter, on which the voter prints and signs his/her name.
- 4) At the time of counting, the names on the outer envelope shall be checked against the official list of eligible voting members.
- 5) The name on the official list should be marked to show that the voter has returned a ballot..
- 6) The outer envelopes shall then be opened and put in a separate stack for safekeeping.
- 7) All inner envelopes shall be placed in a separate container.
- 8) All inner envelopes shall be opened and the ballots removed from the envelopes, stacked, and then counted.
- 9) Refer to section K for the "Counting of Ballots" procedure.

*(Amended June 2010)*

## **I. Electronic Voting**

Electronic voting is only permitted through the CTA Elections and Credentials Committee and CTA Board approval. See *Requirements for Chapter Elections Procedures*, Section VII.4., page 6 for requirements.

*(Added June 2010)*



## J. Vote Requirement

All vote requirements shall be established in accordance with CTA guidelines. Unless otherwise specified, all elections shall be decided by majority vote. Write-in votes are valid and must be counted.

1. A majority vote means more than half of the legal votes cast for each office/position on the ballot.
2. A plurality vote means the largest number of votes to be given any candidate or issue.
3. A two-thirds (2/3) vote means at least two thirds (2/3) of the legal votes cast,
4. For unit officers, the election will be by majority.
5. For State Council: The election will be by majority vote and will follow the requirements set forth in the CTA Elections Manual. *[See the Election Timelines, Procedures, and Guidelines in section IV-9.2 of the CTA Elections Manual.]*

For a multiple unit electoral district results must be sent to the Service Center Council Elections Committee, which counts and reports the results.

6. If no candidate receives a majority vote, a run-off election shall be conducted among the candidates receiving the highest number of votes. The names on the ballot will be one (1) more than the number of vacancies to be filled. **There shall be no provisions for write-in candidates in run-off elections.**
7. For NEA Local Delegates, the election will be by majority or plurality vote with the determination to be made in advance of the announcement of the election by the local. Results must be sent to the CTA Governance Support Department.
8. An election for NEA Delegates may be waived and the candidate(s) declared elected if, following a period of open nominations, the number of candidates is equal to or less than the number of delegate positions to be filled. An affiliate utilizing this provision must have adopted a governing provision or election policy allowing such a practice. This election practice will not generate successor delegates unless the nomination process requires candidates for both regular and successor delegate positions.
9. For NEA State Delegates, the election will be overseen by the Service Center Council. The local Elections Committee shall submit to the Service Center

Council the official CTA/NEA state delegate election Teller's Report, ballots, Tally Sheets and signature sheets/rosters. The Service Center Council will forward the results to CTA.

10. For additional CTA/NEA election guidelines refer to the official CTA Elections Manual.

*(Amended June 2010)*

## **K. Counting of Ballots**

1. The Elections Committee shall verify signature sheets with ballots received, count the ballots, which should be completed immediately following the deadline for receipt of voted ballots.
2. Each office/position on the ballot shall be treated as a separate race.
3. Blank and/or illegal ballots for each office/position shall be set aside. Examples include the following:
  - a. Member not listed on the voter roster;
  - b. Voter's intent unclear;
  - c. Votes cast for more than number allowed;
  - d. Votes cast on unofficial ballot (probably reproduced);
  - e. Candidate is not a member.
4. Ballots set aside and not counted are:
  - a. More ballots than signatures;
  - b. Ballot(s) received after deadline;
  - c. Voting envelopes without a signature; and
  - d. Ballots that are separated from Roster/Sign-up sheet.
5. The Elections Committee should categorize each illegal ballot, make a determination of whether the vote(s) in that category should be counted separately, as listed in 4 above, and make a note of the decision. The ballots should remain separate.
6. The Elections Committee will prepare the Teller's Report, recording information on the total number of votes cast, the number needed to win/pass, the number of votes received by each candidate/issue and the number of blank and illegal

ballots for each office/position with an explanation of illegality, and signed by each Elections Committee member. The Teller's Report shall not contain a school-by-school or site-by-site breakdown report.

7. The Chairperson of the Elections Committee will deliver the report of the election results to the president and interested parties. The election results shall be posted at each work site as soon as possible following the election.
8. The ballots and voter sign-up sheets should be retained by the unit for one year after the election.

*(Amended June 2010)*

#### **L. Observers**

1. Each candidate shall be allowed to have one observer, who may be the candidate, at the vote counting site and shall give the name of the observer to the Elections Committee before counting.
2. An observer shall not interfere with the counting and shall stay in the counting area until the President or designee has been notified of the results and has notified each candidate of the results. The observer must maintain the confidentiality of the election process.

*(Amended June 2010)*

#### **M. Challenge Procedure**

1. A challenge cannot be initiated until after the results of the elections have been posted at each work site.
2. Challenges for election of State Council Representatives, Alternates, State, and Local delegates to NEA RA follow procedures in the *CTA Elections Manual*.
3. The challenging party(ies) must notify the unit president and elections chair of a challenge in writing within ten (10) calendar days after the announcement of the results of the election. If the unit president is a candidate on the ballot, please see item number 5.

The notification must be on the official CTA Challenge Form. (*See Appendix M of CTA Elections Manual – may be accessed on MyCTA*).

4. Upon receipt of the challenge, the Elections Committee will notify all the candidates in the election being challenged that a challenge has been filed.

Within ten (10) calendar days after receipt of the challenge, the unit's Elections Committee shall, in accordance with the unit's bylaws and standing rules, conduct an investigation and determine whether or not the challenge:

- a. Is a violation of the unit's election requirement(s).
  - b. Is supported by the appropriate documentation.
  - c. Requires more information. The information will be obtained via the most feasible method.
  - d. Identified violation(s) that may have affected the outcome of the election.
  - e. Within the same 10 calendar day period, the unit's Elections Committee shall submit a written report including issues and recommendations to the Chapter President and the Executive Board.
5. Any member of the Executive Board who was a candidate in a race that is challenged, or whose immediate family member is such a candidate, shall abstain from voting on the report. If in the case where the majority of the Executive Board is unable to act on the challenge the decision shall move to the next highest decision making body according to the unit's governance documents.
  6. The Executive Board shall act on the report no later than 10 calendar days following receipt of the written report of the elections committee in accordance with CTA Challenge Procedures as described in Appendix O – CTA Challenge Procedures -Local Elections of CTA Elections Manual. The Executive Board must issue its decisions in writing to the challenger and the Elections Committee Chair.
  7. If the Executive Board fails to act within ten (10) calendar days of the initial challenge, the individual may file an appeal as described below by writing to the CTA President.
  8. If the challenging party(ies) wish(es) to appeal the decision of the unit's governance body, he/she may file an appeal in writing within ten (10) calendar days from the date of the decision of the governance body to the CTA President. The appeal shall be the original challenge filed at the unit level, and additionally

shall include the local Elections Committee report and the Executive Board's decision.

9. The challenge procedure for election of State Council Representatives and Alternates, and State or Local Delegates to the NEA Representative Assembly is outlined in the CTA Elections Manual.

*(Amended June 2010)*

## **N. Initiative Procedures**

- 1. The Active membership shall have the authority to make decisions on any matters affecting the Association or its activities through the initiative process.**
2. An Active member shall file a notice of the intent to circulate a petition with the chapter president by including a copy of the petition to be circulated, and the names of at least three persons supporting the proposed measure and responsible for its circulation.
3. The chapter president shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.
4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of fifteen (15) calendar days shall be permitted to obtain the signatures of at least sixty percent (60%) or more of the Active members of the chapter. The petition shall contain the question proposed to be placed on the ballot.
5. The circulators shall present to the chapter president the petition(s) containing original signatures.
6. The chapter president shall have thirty (30) calendar days in which to verify the membership of the signers of the petition.
7. If there are insufficient signatures, the petition circulator will be notified within 3 calendar days that the petition failed for a lack of signatures.
8. The chapter president shall cause a ballot to be furnished to the members no less than 15 calendar days after verification of membership, provided that the period that school is officially not in session shall not be included in this count.

9. Regular election procedures (e.g., election of officers) shall be followed including voting times.
10. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

**O. Referendum Procedures**

1. Any action or proposed action of the Executive Board shall be referred to a vote of the Active membership upon two-thirds vote of the Executive Board at any valid meeting. *(Amended June 2010)*
2. The referendum action shall prescribe the exact wording of the question to be posed to the Active membership on the ballot.
3. The chapter president shall cause a ballot to be furnished to the Active members no less than 15 calendar days after action by the Executive Board, provided that the period that school is officially not in session shall not be included in this count.
4. Regular election procedures (e.g., election of officers) shall be followed including voting times.
5. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

*(Amended June 2010)*

**P. Recall Procedures**

1. The Active membership shall have the authority to recall from office any person or persons having been elected thereto by the chapter's Active members.
2. Any Active member(s) desiring to recall a unit officer or other elected office holder must file a copy of a petition with the chairperson of the Elections Committee before it can be circulated. *[Revised 6/05]*
3. The petition must include the following information:
  - a. Name of individual who is the subject of the recall;
  - b. Office of individual;
  - c. Date of petition;
  - d. Name(s) of person(s) filing petition;
  - e. Notation that "Each signature must be in ink"; and,

- f. Space must be provided for the printed name, signature, work site and date of signing for each name on the petition.
4. Within fourteen (14) working days after receipt, the chairperson of the Elections Committee shall determine whether the petition contains the necessary information.
  - a. If the petition does not contain the necessary information, the Chairperson of the Elections Committee shall so notify the petitioner(s). (See number two (2) above.)
  - b. If the petition contains the necessary information, the Chairperson of the Elections Committee shall inform the petitioner(s) of the rules, procedures and timeline (beginning date and deadline for gathering of signatures), and the need for protection of due process rights of the parties.
  - c. The Chairperson of the Elections Committee shall send written notification to the unit officer whose recall is being proposed and shall also notify the other officers of the unit. A copy of the petition shall be enclosed.
5. Monies from a unit's treasury or indirect contributions in the form of use of a unit's assets, facilities, staff, equipment, mailings, good will and credit, or in-kind services must not be used in the recall process.
6. No unit may state or indicate its preference in the unit's newspaper, newsletter or communications to its members.
7. The timeline for gathering of signatures will commence the day that the notice of intent is registered.
8. A maximum of sixty (60) calendar days shall be permitted to obtain the signatures of at least twenty-five percent (25%) of the Active members of the chapter. If the person subject to the recall was not elected by the general membership, then the signature requirement is twenty-five percent (25%) of the members of the electing constituency.
9. The signed petitions must be received by the chairperson of the Elections Committee by the specified deadline date.
10. The Elections Committee shall have ten (10) calendar days after receipt of the petition to verify signatures.

11. If there are insufficient signatures, the chairperson of the Elections Committee shall notify the petition circulator(s) by mail within five (5) calendar days of verifying the signatures, that the petition failed for a lack of signatures. Immediately upon verification of the signatures, the chairperson of the Elections Committee shall notify the president/designee of the fact that a recall has been initiated.
12. The chapter president, or the chapter vice president if the chapter president is the person being recalled, shall cause a ballot to be furnished to Active members no less than twenty (20) calendar days after verification of signatures. The period that school is officially not in session shall not be included in this count.
13. The election must be concluded within fifteen (15) calendar days of distribution of the ballots.
14. The election must be conducted with provisions for a secret ballot and voter sign-up sheets.
15. The election shall be certified in accordance to the unit's bylaws.
16. The Chairperson of the elections committee will deliver the report to the president of the unit who will immediately notify all interested parties of the election results. The election results shall be posted at each work site as soon as possible following the election.