

Approved May 2013

## By Laws Turlock Teachers Association/CTA/NEA

### I. NAME AND LOCATION

The official chapter name of this Association shall be the Turlock Teachers Association /CTA/NEA in Stanislaus County.

### II. PURPOSES

The primary purposes 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 provide a means of representation for its ethnic-minority members;
- E. To promote professional attitudes and ethical conduct among members;
- F. To encourage cooperation and communication between the profession and the community; and
- G. To foster good fellowship among members.

### III. AFFILIATION WITH THE CTA/NEA

- A. The Turlock Teachers Association shall be a chartered chapter of the California Teachers Association (CTA).
- B. The Turlock Teachers Association shall be an affiliated local association of the National Education Association (NEA).

### IV. MEMBERSHIP

- A. Categories of Membership. There shall be categories of membership in the Association.
- B. Membership may be granted upon initiation of payroll deduction or upon payment of annual Chapter/CTA/NEA dues appropriate to the class of membership.
- C. The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.

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D. 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.

E. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association.

F. Active members shall adhere to The Code of Ethics of the Education Profession.

G. 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.

H. No member of the Association may be disciplined without a due process hearing which shall include the established appellate procedure.

I. 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.

### 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 operating 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 nonmembers, shall be established by action of the Representative Council at the last regular meeting of the school year.

C. The chapter (local) shall apportion any negotiated representation fee or organizational security fee on the same percentage basis as the Chapter/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 the Association shall be a Representative Council. The Representative Council, comprised of Active members of the Association, derives its powers from and shall be responsible to the Active membership.

B. The Representative Council shall be composed of the following Active members:

1. Executive Board, ex-officio;
2. Faculty Representatives elected on the basis of one-person one-vote;
3. The following additional representatives (*at the Association's discretion, which might include*):
  - a. (*Elected Service Center Council Representative(s), when not already serving on the Representative Council in another capacity*);
  - b. (*Committee Chairpersons, ex-officio non-voting*);<sup>2</sup>
  - c. (*CTA State Council Representatives, if any*); and
  - d. (*Any members of the Association who hold CTA/NEA offices or committee appointments, ex-officio non-voting*).<sup>3</sup>

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C. The Representative Council shall:

1. Establish Association policies and objectives;
2. Adopt the annual budget of the Association on or before the first meeting of the school year;
3. Approve the establishment or discontinuance of committees recommended by the Executive Board; and
4. Establish the dues of the Association.

D. The Representative Council shall meet at least once during each school month; the number, place and time of meetings to be decided by the Executive Board.

E. Special meetings of the Representative Council may be called by the President, the Executive Board, or by the petition of twenty percent (20%) of the Active membership.

F. Special meetings of the Representative Council shall be called for a specific purpose and no business other than that for which the meeting is called may be transacted.

G. Notices and agendas for all meetings of the Representative Council shall be sent to all members of the Representative Council at least two days prior to the date of the meeting.

H. For emergency meetings of the Representative Council during crisis situations, the Executive Board shall adopt procedures to notify representatives of meeting dates, places, and times.

I. A quorum for all meetings of the Representative Council shall consist of a majority of all voting members of the Representative Council.

J. Members of the Representative Council shall serve a term of 2 year(s). (EXCEPT FOR THE CTA STATE COUNCIL REPRESENTATIVES WHO'S TERMS ARE SET BY CTA.)

## VII. FACULTY REPRESENTATIVES

A. Faculty representatives shall be elected by and from the Active membership for each faculty group. Such election shall be by open nominations and by secret ballot.

B. Each faculty shall be entitled to at least one representative and shall have one representative for each 20 Active members on the faculty, or major fraction thereof. Sites with 20 Active members or less may elect an alternate to provide representation at Representative Council meetings in-lieu of the elected representative.

C. Active members who are not represented through an individual school faculty group shall be counted as a special faculty group entitled to the same representation on the Representative Council as individual school faculty groups. *(Where school district organizational structure does not make a single grouping convenient, then adapt to two or more groups, as your local situation requires.)*

D. Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly elected replacements.

E. Faculty Representatives shall:

1. Conduct constant and ongoing liaison between the Representative Council and the Active members of the faculty unit;

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2. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the members;
3. Represent the views and input of the Active membership of the faculty in votes taken in the Representative Council, conducting frequent and regular polls of such membership for this purpose; and
4. Perform such additional duties as prescribed by the Executive Board.

F. A Faculty Representative may not conduct an election in which he/she is a candidate.

### VIII. OFFICERS

A. The officers of the Association shall be a President, a Vice- President, a 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. Officers shall be elected for a term of 2 year(s), commencing on August of any calendar 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. If there is a vacancy occurring in the office of the President, the Vice-President shall assume the office. In the event a vacancy occurs in the other offices, a special election shall be held to elect successors to fill the unexpired terms.

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, the Representative Council and Executive Board;
2. Prepare the agenda for the meetings of the Association, the Representative Council and the Executive Board;
3. Be the official spokesperson for the Association;
4. Be familiar with the governance documents of the Association, CTA, and NEA;
5. Appoint all chairpersons and members of committees, and of the bargaining team, with the approval of the Executive Board;
6. Call meetings of the Association, Representative Council and the Executive Board;
7. Propose the procedures for grievance processing for ratification by the Executive Board and the Representative Council;
8. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
9. Attend meetings of the Service Center Council of which the Association is a part; and
10. Attend other CTA/NEA meetings as directed by the Representative Council.

G. The Vice-President 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

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4. Keep an accurate roster of the membership of the Association and of all committees; and
5. Serve as coordinator of committee activities at the direction of the President.

### H. The Secretary shall:

1. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and the Executive Board;
2. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Executive Board; and to the membership when appropriate;
3. Be responsible for the registration of conference attendance of the membership. and
4. Carry on the correspondence pertaining to the affairs of the Association as directed by the President; and

### 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;
3. Provide a written financial report for each regular meeting of the Representative Council and Executive Board;
4. Be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the membership; and
5. Be responsible for submitting membership and financial reports to CTA, NEA, and other agencies as required by law.

## IX. EXECUTIVE BOARD

A. The Executive Board shall be composed of the elected officers President, Vice President, Treasurer, and Secretary.

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 Representative Council 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.

### D. The duties and the responsibilities of the Executive Board are:

1. Coordinate the activities of the Association;
2. Act for the Representative Council when school is not in session;
3. Direct the bargaining activities of the Association, subject to policies established by the Representative Council;
4. Approve appointment and removal of bargaining team members;
5. Recommend a budget for the Association to the Representative Council;
6. Approve all appointments to committees, including chairpersons;
7. Adopt the Standing Rules for the Association; and
8. Adopt grievance procedure
9. Direct the grievance activities of the Association; and
10. Recommend stipend amounts for leadership positions held by members
11. Direct by appointment designees to perform tasks approved by the membership
12. 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 Representative Council.

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E. A quorum for all meetings of the Executive Board shall consist of a majority of the elected members of that body.

## X. MEETINGS OF THE GENERAL MEMBERSHIP:

A. Meetings of the Association may be called by the President, the Executive Board, or by written petition of twenty percent (20%) of the Active membership.

B. Notices of the Association meetings including date, place, time, and purpose of the meeting shall be made available to all members of the Association at least two days before the meeting except during crisis situations.

C. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places and times.

D. A quorum for meetings of the Association shall be a majority of the Active membership.

## XI. BARGAINING TEAM

A. The President shall appoint all members, alternates, and the chairperson of the Bargaining Team with the concurrence of the Executive Board.

B. Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates.

C. The Executive Board, by two-thirds (2/3) majority, may remove a member of the Bargaining Team.

D. 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.

E. The duties of the Bargaining Team are to represent and to bargain for the bargaining unit(s).

F. 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.

G. 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 Active members in that unit.

H. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.

I. 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 Active membership in the appropriate unit(s) as outlined in Standing Rules Section H unless such ratification shall have been specifically waived or otherwise delegated by that active membership.

## XII. GRIEVANCE PROCESSING

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A. The Executive Board shall adopt, with the approval of the Representative Council, 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.

## XIII NOMINATIONS AND ELECTIONS

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;
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 CTA/NEA guidelines.

F. The duties of the Elections Committee shall be to:

1. Ensure that all chapter/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;
6. Handle initial challenges.

## XIV. COMMITTEES

A. Committees, except as otherwise provided in these bylaws, may be established and discontinued by the Executive Board, subject to approval by the Representative Council.

B. Each committee shall submit periodic reports to the Executive Board and Representative Council.

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## XV. PARLIAMENTARY AUTHORITY

*Robert's Rules of Order, Newly Revised*, latest edition, shall be followed at all meetings of the Association, the Representative Council, and the Executive Board.

## XVI. AMENDMENTS/PROCEDURES:

These Bylaws may be amended by a two-thirds (2/3) vote of the representatives at any regular or special meeting of the Representative Council. Notice in writing of a proposed Bylaws amendment shall have been submitted to the Secretary and provided to members of the Representative Council at the meeting preceding the one at which it is to be voted upon.



## NOMINATIONS AND ELECTIONS

(Required Election Standing Rules that must be included in the Bylaws as Standing Rules for the Local.)

*Standing Rules are the day-to-day rules by which the organization runs its meeting and business. They could be easily changed in order to adapt to changing condition and policy (example: simple majority vote of the Executive Board).*

## 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 appropriate governance body to which it is responsible.
3. The Committee shall 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. A member shall abstain from participation in Elections Committee activities during the period in which s/he or her/his immediate family member is a candidate.

#### 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) 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 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.
7. 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 on alternative calendars shall be considered when setting election timelines.
2. The timeline for the election shall include dates for:
  - a. Time, date, and place where declarations of candidacy are to be received. Literature shall include information that date is receipt date and not postmark date.
  - b. Date for acknowledgment of declarations from candidates.
  - c. Date for preparation of ballots.
  - d. Date on which ballots will be distributed.
  - e. Date(s) when voting will take place.
  - f. Deadline date, time and place for return of ballots, (date received, not post-mark date).

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- g. Date, time and place where ballots will be counted.
- h. Date(s) that announcement of results will 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.
- i. Dates and timelines for run-off election, if necessary.
- j. Deadline for filing of challenges (date received, not post-mark 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 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.

## 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 school 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.
- 2. The ballot shall state the name of the office, the term, and the names of the candidates.
- 3. The ballot shall include space for a write-in candidate, except in run-off elections. (Each method of voting must be included in your standing rules in order for your Bylaws/Standing Rules to be in compliance with CTA)

## H. Distribution of Ballots and Method of Voting

- 1. Each member shall receive a ballot.
- 2. Voting shall be by one or a combination of the following methods:
  - a. At School Site/Specified Voting Site  
If a Site Representative is a candidate, refer to *A. Elections Committee, 5.*
    - 1). Voting At School Site(s)/Specified Voting Site
      - 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.
      - d). Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity and right to vote.
    - 2). Voting At School Site(s)/Specified Voting Site Using Envelopes  
When voting is conducted at school or specified sites using envelopes, the procedure shall be as follows:

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- a) A list of current Active members shall be prepared, which includes each member's name and school address.
- b) The voter shall be provided with the following:
  - (1) A ballot;
  - (2) Instructions on folding of the ballot in the inner envelope; placement of the ballot in the unsigned inner envelope; signature on the outer envelope; and 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) 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.

### b. By mail

When the voting is conducted by mail, the procedure shall be as follows:

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.

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 and home address.
- 2). The mailing list shall exactly correspond to the current official roll of voting members.
- 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) Inner envelope;
  - d) Outer return envelope, addressed to the chapter.
- 4). The ballot shall be date stamped when it is received in the chapter office and then put in a safe place until the votes are to be counted.
- 5). At the time of counting, the names on the outer envelope shall be checked against the official list of eligible voting members.
- 6). The outer envelopes shall then be opened and put in a separate stack for safekeeping as a record of voters.
- 7). All inner envelopes shall be placed in a separate receptacle.

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8). The inner envelopes shall be slit and the ballots removed from the envelopes, stacked, and then counted.

## I. Vote Requirement

All vote requirements shall be established in accordance by majority vote. Write-in votes are valid and must be counted.

1. A majority vote means more than half of the legal with CTA guidelines. Unless otherwise specified, all elections shall be decided votes cast.
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: [See the *Election Timelines, Procedures, and Guidelines in section IV-9.2 of the CTA Elections Manual.*]
  - a. If a unit is a single electoral district or a multiple unit electoral district, the election for State Council Representative will be by majority vote.
  - b. If the unit is within a multiple unit electoral district, results must be sent to the Service Center Council Elections Committee to determine if a candidate has received a majority vote. *(It is important that the chapter understands that this election is conducted by the Service Center.)*
6. If a candidate does not receive 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. When there are only two candidates for an office, the candidate receiving the higher number of legal votes cast shall be declared elected. 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, as defined in the unit's governance documents. Results must be sent to the CTA Governance Department and to the Service Center Council.
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 by majority or plurality vote as defined in the unit's governance documents. Successor delegates (alternates) are ranked in the order of votes received. Results must be sent to the Service Center Council, which will forward the results to CTA.
10. For additional CTA/NEA election guidelines refer to the official CTA Elections Manual.

## J. Counting of Ballots

1. Upon receipt of ballots, tally sheets and signature sheets, the Elections Committee shall count the ballots in a secure area with only the Elections Committee members and observers present.
2. The Elections Committee shall count valid ballots and set aside any ballot(s) on which there is a question, such as:
  - a. Blank ballot;
  - b. More ballots than signatures;
  - c. Ballot submitted after deadline;
  - d. Voter not an Active member;
  - e. Voter's intent unclear;
  - f. Votes cast for more than number allowed;
  - g. Vote cast on unofficial ballot;
  - h. Vote cast for ineligible candidate.

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3. The Elections Committee shall make a determination on whether the vote(s) in each category should be counted, and make a note of the decision. Each category of ballot shall be kept separate.
4. The Elections Committee shall prepare the Final Report, recording the following information:
  - a. Total number of ballots cast.
  - b. The number of set aside ballots with an explanation for each category of ballot not counted.
  - c. The number needed to win or pass.
  - d. The number of votes received by each candidate or issue.
  - e. A notation whether the set aside votes would affect the outcome.
  - f. Signature of each Elections Committee member present during the preparation of the report.
5. The Elections Chair shall submit the Final Report to the President or designee who shall inform all candidates of the results.
6. The President shall announce the results as prescribed by the timelines.
7. If the votes set aside could affect the outcome of the election, the President and the appropriate body shall decide:
  - a. to count the votes which have been set aside;
  - b. not to count the votes which have been set aside; or
  - c. if the election should be conducted again.
8. Any candidate who may be affected by the vote shall not be allowed to take part in the decision-making process.
9. The ballots and voter sign-up sheets shall be retained for one year after the election.

### K. Observers

1. Each candidate shall be allowed to have an observer(s) (put appropriate number if more than one) at the vote counting site and shall give the name(s) of the observer(s) 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.

### L. Challenge Procedure

1. A challenge cannot be initiated until after the results of the elections have been posted at each work site.
2. The challenging party(ies) must notify the unit president of a challenge in writing within ten (10) days after the announcement of the results of the election. The notification must:
  - a. Specify which unit bylaw(s) and/or standing rule(s) have been violated.
  - b. Attach evidence of the violations, insofar as possible.
  - c. List names and addresses of parties who can give evidence.
3. 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.
4. The unit's Elections Committee shall submit a written report including issues and recommendations, within the same 10 day period, to the Chapter President and the Governance Board.
5. The Governance Board shall act on the report no later than 10 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

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Elections Manual. The Governance Board must issue its findings in writing to the challenger.

6. Any member of the Governance Board who was a candidate on the ballot, or whose immediate family member is a candidate on the ballot, shall abstain from voting on the report. If in the case where the majority of the Governance 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.

7. If an individual wishes 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 shall include:

- a. Specifically which unit bylaw(s) and/or standing rule(s) have been violated.
- b. Attached evidence of the violations, insofar as possible.
- c. List names and address of parties who can give evidence.
- d. Written response of unit's governance body to original challenge.

8. If the Governance Board fails to act within ten (10) calendar days of the initial challenge, the individual may file an appeal as described in 7 (a-c) above by writing to the CTA President.

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.

### M. 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) 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.

### N. Referendum Procedures

1. Any action or proposed action of the Representative Council or the Executive Board shall be referred to a vote of the Active membership upon two-thirds vote of the Representative Council at any valid meeting.

2. The referendum action shall prescribe the exact wording of the question to be posed to the Active membership on the ballot.

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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 Representative Council, 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.

### O. 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. An Active member shall file a notice of the intent to circulate a petition to recall 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 recall and responsible for its circulation. If the proposed recall is for the person holding the office of president, the request shall be made to the next ranking officer.
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 60 calendar days shall be permitted to obtain the signatures of at least 25 percent 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 or the vice president if the chapter president is the person being recalled.
6. The chapter president shall have 10 calendar days in which to verify the membership of the signers of the petition or the vice president if the chapter president is the person being recalled.
7. If there are insufficient signatures, the petition circulator shall be notified by mail that the petition failed for a lack of signatures.
8. The chapter president shall cause a ballot to be furnished to the Active members no less than 20 calendar days after verification of membership. 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. Any necessary supplementary rules governing recall that are not in conflict with the foregoing may be adopted and published within the same publications and by the same manner as are prescribed for other elections within the Association.

## APPENDIX

### I. PEER ASSISTANCE/REVIEW

If you have bargained PAR language, you should consider appropriate language to reflect you negotiated language. There must be alignment between contract language and leadership responsibility.

### II. POLITICAL ACTION COMMITTEE

In order to participate in local school board elections and/or bond elections, any funds donated for such purposes must be collected separately from association dues and held in a separate account. The Fair Political Practices Commission has strict guidelines regarding campaign donations. Correct procedures for forming and operating political action committees can be found in the CTA Guide to Local Political Action Committees, available through the CTA Governmental Relations Division, Sacramento, Telephone: 916/442-5895

## III. SITE-BASED DECISION MAKING COUNCILS

CTA chapters in districts operating site-based decision making (SBDM) programs should make every effort to ensure adherence, at a minimum, to the following principles and standards:

1. All SBDM council members should be elected from and by a specific constituency. No ad hoc, informal group without a specific constituency should be permitted to exercise any of the rights or prerogatives of an SBDM council.
2. All SBDM council members should be elected to a specific term of office.
3. SBDM council members should have a set of responsibilities and authority that are clearly defined.
4. One of the responsibilities of the Association representative at the site should be to serve as a member of the SBDM council.
5. A majority (fifty percent plus one) of the SBDM council should be composed of classroom teachers.
6. Certificated members of the SBDM council should be provided with training in the responsibilities, authority, and function of the council.
7. Released time or extra pay should be provided to certificated SBDM council members both for training and for council meetings.
8. The integrity of the Association's contract should be guaranteed both at the site level and throughout the district. Authority to waive contractual provisions, at the site or district level, should clearly be vested in the Association.
9. A mechanism should be established for the recall of SBDM members by their constituents.
10. In districts that operate on year-round schedules, a mechanism should be established for enfranchising "off-track" teachers and ensuring their participation in the SBDM Program.