

# Constitution of the National Education Association of the United States

## **Preamble**

*We, the members of the National Education Association of the United States, in order that the Association may serve as the national voice for education, advance the cause of public education for all individuals, promote the health and welfare of children and/or students, promote professional excellence among educators, gain recognition of the basic importance of the educator in the learning process, protect the rights of educational and other public employees and advance their interests and welfare, secure professional autonomy, promote, support and defend public employees' right to collective bargaining, unite educational employees for effective citizenship, promote and protect human and civil rights, and obtain for its members the benefits of an independent, united education profession, do hereby adopt this Constitution.*

## **Article I. Name, Goals, Objectives, and Authorities for Governance**

### **Section 1. Name.**

The name of this organization shall be the National Education Association of the United States.

### **Section 2. Goals and Objectives.**

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

### **Section 3. Governance.**

The Association shall be governed by its Charter, this Constitution, the Bylaws, the Standing Rules, and such other actions as the Representative Assembly, the Board of Directors, and the Executive Committee may take consistent therewith.

## **Article II. Membership**

### **Section 1. Categories of Membership.**

Membership in the Association shall comprise a category of Active members and such other categories as may be provided in the Bylaws.

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

a. Membership, as provided in the Bylaws, shall be open to persons who are: (i) engaged in the profession of teaching or in other educational work; or (ii) members of a state affiliate in the state affiliate's membership category that is equivalent to the Association's Active membership category; or (iii) persons interested in advancing the cause of public education. All members of the Association shall agree to subscribe to the goals and objectives of the Association and to abide by its Constitution and Bylaws.

b. Members engaged in teaching or in other educational work shall adhere to the *Code of Ethics of the Education Profession*.

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

d. The Association shall not deny membership to individuals on the basis of race, color, national origin, creed, gender, sexual orientation, gender identity/expression, age, handicap, marital status, or economic status, nor shall any organization which so denies membership be affiliated with the Association.

e. Persons interested in advancing the cause of public education who are granted membership pursuant to section 2.a(iii) above and who are not eligible for any other category of membership shall not have the right to serve as officers of the Association, as members of the Board of Directors, or as delegates to the Representative Assembly.

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

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

## **Article III. Representative Assembly**

### **Section 1. Accountability.**

The Representative Assembly, comprising members of the Association, derives its powers from and shall be responsible to the membership.

### **Section 2. Allocation of Delegates.**

a. Except as otherwise provided in Subsection (c) below, allocation of delegate credentials to state affiliates shall be based on the ratio of 1:1,000 Active members of the Association within the state. No state shall receive fewer than fifteen (15) delegate credentials. Other delegate credentials shall be allocated as provided in the Bylaws.

b. Except as otherwise provided in Subsection (c) below, allocation of delegate credentials to local affiliates shall be based on the ratio of 1:150 Active members of the Association or major fraction thereof. Local affiliates within a state may similarly join together to form membership units for the purpose of representation. Allocation of delegate credentials for such clustered local affiliates shall be based on the ratio of 1:150 Active members of the Association or major fraction thereof.

c. The ratios to be used for the allocation of delegate credentials to state affiliates, dual-national state affiliates, and dual national local affiliates shall be proportionately adjusted to reflect the reduction in Association dues paid by Active members of such affiliates pursuant to Bylaw 2-7.n., provided that this Article III, Section 2 (c) shall not apply to Active members of a dual national local affiliate (i) in a state that does not have a dual-national state affiliate, and (ii) that became affiliated with the Association as a dual-national local affiliate prior to September 1, 1999.

d. The Bylaws shall define the term ethnic minority and shall seek to achieve ethnic-minority representation in the Representative Assembly.

### **Section 3. Election of Delegates.**

a. Members of the Representative Assembly shall be elected in accordance with the one-person–one-vote principle. Specific exceptions to the application of this principle may be set forth in this Constitution and/or the Bylaws.

b. Election to the Board of Directors by the Active NEA members within the state shall constitute election to the Representative Assembly for all purposes.

Election to the Board of Directors by the Active NEA members elected to serve as delegates to the state representative body shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

Election to the Board of Directors as an at-large director or a retired or aspiring educator director shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

Election to executive office or to the Executive Committee shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

Election to the presidency of a state affiliate by vote of members in the state who are eligible to vote in such election shall constitute election to the Representative Assembly for all purposes.

Election to the presidency of a state affiliate by the state representative body shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

Selection as chairperson of the Advisory Committee of Aspiring Educators shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

Election to the presidency of National Education Association-Retired shall constitute election to the Representative Assembly for all purposes except voting in elections for Association officers.

c. Election of delegates to the Representative Assembly shall be by secret ballot for each individual position. The NEA members within each membership group entitled

to delegate allocations as set forth in the Constitution and the Bylaws shall be eligible to vote.

d. If the number of candidates for delegate positions is equal to or less than the number of positions to be filled, elections may be waived, and the candidates declared elected to the delegate positions in question.

#### **Section 4. Seating of Delegates.**

The Representative Assembly shall have jurisdiction over the seating of its delegates.

#### **Section 5. Meetings.**

The Representative Assembly shall meet at least annually. This stipulation shall apply except in cases of emergency.

#### **Section 6. Committees.**

All appointive bodies of the Association except the Review Board shall be designated by the term committee. A Committee on Constitution, Bylaws, and Rules shall be established by the Representative Assembly. All other committees shall be established or discontinued as provided in the Bylaws. All committees except the Advisory Committee of Aspiring Educators shall be comprised of at least one (1) classroom teacher and one (1) education support professional. There shall be a minimum of twenty (20) percent ethnic minority representation on each committee.

#### **Section 7. Functions.**

The Representative Assembly shall:

- a. Establish Association policies and objectives;
- b. Elect the President, the Vice-President, the Secretary-Treasurer, the at-large members of the Board of Directors, and the members of the Executive Committee as provided in this Constitution and/or the Bylaws;
- c. Adopt the budget;
- d. Establish dues;
- e. Approve or ratify the establishment of subsidiary corporate structures;
- f. Exercise final authority in all matters of the Association;
- g. Amend this Constitution and the Bylaws in accordance with Article IX hereof;
- h. Adopt the rules and agenda governing its meetings; and
- i. Enact such other measures as may be necessary to achieve the goals and objectives of the Association which are not in conflict with the Charter, this Constitution, or the Bylaws.

#### **Section 8. Objectives.**

The Representative Assembly may periodically establish specific objectives in the pursuance of the stated goals of the Association.

## **Section 9. Postponement of Annual Meeting.**

In the event of an emergency, the Board may postpone the Annual Meeting as provided by the Bylaws. In the event of such postponement, all officers and members of boards and committees authorized by this Constitution and by the Bylaws shall remain in office until the Representative Assembly convenes. It shall then provide for their successors.

## **Article IV. Executive Officers**

### **Section 1. Executive Officers.**

The executive officers of the Association shall be the President, the Vice President, and the Secretary-Treasurer.

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

All candidates for the office of President, Vice President, and Secretary-Treasurer shall have been Active members of the Association for at least two (2) years immediately preceding the election. All executive officers shall maintain Active membership in the Association.

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

- a. The President, the Vice President and the Secretary-Treasurer shall be nominated at and elected by the Representative Assembly at the Annual Meeting in accordance with this Constitution, the Bylaws, and the Standing Rules.
- b. In an election for President, Vice President, or Secretary-Treasurer, if there is only one (1) candidate for the position, the Chair shall declare such candidate elected.
- c. The terms of the President, of the Vice President, and of the Secretary-Treasurer shall be three (3) years beginning September 1 following their election. Each executive officer shall remain in office through August 31 of the year in which a successor is elected, unless otherwise provided in this Constitution. An executive officer shall serve no more than two (2) terms in the office to which elected.
- d. The executive officers shall serve full time; their salaries shall be established by the Board of Directors.

### **Section 4. Affirmative Action Procedure.**

By December 1 of each membership year immediately preceding the next membership year in which a presidential election is to be held (i.e., approximately 18 months prior to the date of the election), appropriate information about the office of President and the electoral process, including all relevant timelines, shall be sent to each of the ethnic-minority special interest groups identified in Bylaw 12; and

During the membership year in which the aforesaid presidential election is to be held, a copy of this section of the Constitution, with an appropriate explanation as to its background and intent, shall be included in (a) an Association publication sent to all members by December 1 and (b) the material that is sent to the delegates to that year's Representative Assembly.

If, after any period of eleven (11) consecutive membership years a member of an ethnic-minority group has not served as President, the Association shall take such steps as may be legally permissible to elect a member of an ethnic-minority group.

### **Section 5. Succession and Vacancies.**

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

- a. A vacancy in the office of President shall be filled by the Vice President.
- b. If, during the first or second year of a term a vacancy in either the office of Vice President or the office of Secretary-Treasurer occurs, such vacancy shall be filled by the Board of Directors, which shall elect a successor to serve until the next meeting of the Representative Assembly. The Representative Assembly shall then elect a successor for the remainder of the term. In the event a vacancy occurs during the third year of a term, the Board of Directors shall elect a successor for the remainder of the term.

### **Section 6. Impeachment.**

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

- a. Impeachment proceedings against an executive officer shall be initiated by written petition submitted to the Review Board by at least fifteen (15) percent of the certified delegates to the Representative Assembly.
- b. If, after a due process hearing, a two thirds (2/3) vote of the Review Board shall sustain the charge, the office shall become vacant.
- c. The officer may appeal the decision to the Board of Directors.

## **Article V. Board of Directors**

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

The Board shall consist of (a) at least one (1) director from each association affiliated with the Association as a state affiliate, (b) six (6) directors for the Retired members of the Association, and (c) three (3) directors for the Aspiring Educator members of the Association.

Except as otherwise provided below, each state unit shall be entitled to an additional director for each 20,000 Active members of the Association, provided that if the number of state directors reaches one hundred fifty (150), the number of directors to which the state units are entitled shall be adjusted to prevent the total from exceeding one hundred fifty (150). The Board of Directors shall adopt rules for implementing this

provision. The number of Active members of the Association that shall be required to entitle a state affiliate or a dual-national state affiliate to an additional director shall be proportionately adjusted to reflect the reduction in Association dues paid by such members pursuant to Bylaw 2-7.n, provided that this Article V. Section 1 shall not apply to Active members of a dual-national local affiliate (i) in a state that does not have a dual-national state affiliate, and (ii) that become affiliated with the Association as a dual-national local affiliate prior to September 1, 1999.

The executive officers and other members of the Executive Committee shall be members of the Board of Directors *ex officio*.

a. At least one (1) director elected within each state shall be a nonsupervisor and, if a state is entitled to more than one (1) director, at least one (1) shall be a classroom teacher. The total number of additional directors representing the members in each state affiliate after the first shall be on the basis of proportional representation by educational position of NEA members.

b. In the event that the first three (3) directors from a state or the first three (3) retired directors do not include at least one (1) ethnic-minority person, the state affiliate or the retired delegates to the Representative Assembly, as the case may be, shall take all legally permissible steps to elect a fourth director who is from an ethnic-minority group.

c. Members from ethnic minorities shall comprise at least twenty (20) percent of the Board. The Representative Assembly shall elect additional directors as appropriate to assure such ethnic-minority representation. If, between meetings of the Representative Assembly, ethnic-minority representation on the Board falls below twenty (20) percent, the Board shall elect additional directors as appropriate to assure the necessary ethnic-minority representation, provided that such an election can be held at a Board meeting prior to the meeting that takes place in connection with the Annual Meeting. Candidates for these positions shall be nominated by members of the Board and ethnic-minority caucus chairpersons, and any ethnic-minority person who otherwise is eligible to serve on the Board may be a candidate. The person(s) elected shall serve until an election can be held by the next Representative Assembly in accordance with this section.

d. Administrators shall be represented on the Board in proportion to their membership in the Association. If the percentage of administrators elected to the Board of Directors fails to achieve proportional representation, the Representative Assembly shall elect at large the number required to assure such representation. Candidates for these positions shall be nominated by the delegates at the Representative Assembly who are administrators.

e. Classroom teachers in higher education shall be represented on the Board at least in proportion to their membership in the Association. If the percentage of classroom teachers in higher education elected to the Board of Directors fails to achieve such proportional representation, the Representative Assembly shall elect at large the number required to assure such representation. Candidates for these positions shall be nominated by the delegates at the Representative Assembly who are classroom teachers in higher education.

f. Active members employed in education support professional positions shall be represented on the Board at least in proportion to their membership in the Association. If the percentage of such members elected to the Board fails to achieve such proportional representation, the Representative Assembly shall elect at large the number required to

assure such representation. Candidates for these positions shall be nominated by the delegates at the Representative Assembly who are Active members employed in education support professional positions.

g. In elections for at-large positions on the Board of Directors at the Representative Assembly, if the number of candidates nominated equals the number of positions to be filled, the Chair shall declare such candidates elected.

h. Aspiring Educator and retired representation on the Board of Directors shall not be computed in determining the representation entitlements of administrators, classroom teachers in higher education, or Active members employed in education support professional positions.

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

a. The terms of office of NEA state, at-large, and retired directors shall be three (3) years, except that a state director may be elected for one year or two years to fill a vacancy or achieve a staggering of terms.

b. NEA state and at-large directors shall serve no more than two (2) terms. Prior service as an aspiring educator director shall not be counted toward the two (2) term limit for state and at-large directors.

c. Retired directors shall serve no more than two (2) terms. Prior service on the Board of Directors in a position other than a retired director position shall not be counted toward the two (2) term limit for a retired director.

d. All candidates for NEA state and at-large directors shall have been Active members of the Association for at least two (2) years immediately preceding the election. All state and at-large directors shall maintain throughout their terms of office Active membership in the Association.

e. Retired directors shall maintain Retired membership throughout their terms of office.

f. One (1) aspiring educator director shall serve a term of two (2) years and two (2) aspiring educator directors shall serve terms of one (1) year. No aspiring educator director may serve more than two (2) years. The directors shall be Aspiring Educator members of the Association.

## **Section 3. Functions.**

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

## **Article VI. Executive Committee**

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

The Executive Committee shall consist of the three (3) executive officers and six (6) members who shall be officers of the Association.



a. The executive officers and the six (6) members of the Executive Committee shall be nominated and elected at large by the Representative Assembly by majority vote and by secret ballot for each individual office.

b. If the number of candidates for the Executive Committee equals the number of positions to be filled, the Chair shall declare such candidates elected.

c. Members from ethnic minorities shall comprise at least twenty (20) percent of the Executive Committee. The Representative Assembly shall elect additional Executive Committee members as appropriate to assure such ethnic-minority representation.

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

a. Terms of the Executive Committee members shall be three (3) years beginning September 1 following the election. Such members of the Executive Committee shall not serve more than two (2) terms.

b. All candidates shall have been Active members of the Association for at least two (2) years immediately preceding the election. All Executive Committee members shall maintain throughout their terms of office Active membership in the Association.

## **Section 3. Functions.**

Consistent with the goals and objectives and the existing policies of the Association, the Executive Committee shall act for the Association between meetings of the Board of Directors and in addition shall have the sole responsibility for any matter expressly delegated to it by the Representative Assembly and/or the Board of Directors.

## **Section 4. Impeachment.**

Officers of the Association may be impeached for violation of the *Code of Ethics of the Education Profession*, for misfeasance, for malfeasance, or for nonfeasance in office.

a. Impeachment proceedings against an officer may be initiated by written petition submitted to the Review Board by at least fifteen (15) percent of the certified delegates to the Representative Assembly.

b. If, after a due process hearing, a two thirds (2/3) vote of the Review Board shall sustain the charge, the office shall become vacant.

c. The officer may appeal the decision to the Board of Directors.

## **Article VII. Review Board**

### **Section 1.**

The judicial powers of the Association as described in this Article shall be vested in the Review Board.

## **Section 2. Powers.**

The jurisdiction of the Review Board shall extend to cases as herein defined:

- a. The Review Board shall have original jurisdiction in the following cases:
  1. Impeachment of an officer who is a member of the Executive Committee;
  2. Alleged violations of the *Code of Ethics of the Education Profession*;
  3. The censure, suspension, or expulsion of a member;
  4. Review, upon request, of an action of the Executive Committee, Board of

Directors, or Representative Assembly regarding consistent application of the Constitution or Bylaws of the Association.

b. The Review Board shall have the following powers subject to the conditions as herein outlined:

1. To impeach an officer. The officer shall have the right to appeal to the Board of Directors;

2. To censure, suspend, or expel a member for violation of the *Code of Ethics of the Education Profession* or other sufficient cause. The member shall have the right to appeal to the Executive Committee on procedural grounds only;

3. To vacate censure, lift suspension, or reinstate a member;

4. To review an action of the Executive Committee, Board of Directors, or Representative Assembly for consistency with the Constitution and Bylaws and to recommend to the appropriate governing body remedial action if necessary. Requests for review may be made only by the Executive Committee, Board of Directors, Representative Assembly, a local or state affiliate (by official action), or upon petition of ten (10) percent of the certified delegates of the Representative Assembly.

## **Section 3. Review Board Appointment.**

The Review Board shall be appointed by the President with the advice and consent of the Board of Directors.

## **Section 4. Review Board Prerogatives.**

The Review Board shall establish its rules of procedure with the approval of the Board of Directors. Due process must be guaranteed in all its proceedings.

## **Section 5. Impeachment.**

- a. Members of the Review Board may be impeached for violation of the *Code of Ethics of the Education Profession*, for misfeasance, for malfeasance, or for nonfeasance in office.

- b. The process for impeachment of Review Board members shall be as follows:

1. Proceedings against a member of the Review Board shall be initiated by action of the Representative Assembly, or by official action of a local or state affiliate or upon petition of ten (10) percent of the certified delegates of the Representative Assembly under rules determined by the Board of Directors.

2. An affirmative vote of the Executive Committee shall be required to order an impeachment hearing on specified charges.

3. An affirmative vote of at least two thirds (2/3) of the members of the Executive Committee shall be required to sustain a charge following a due process hearing before the Committee and the position shall become vacant.

4. The member has the right to appeal the Executive Committee decision to the Board of Directors. No member of the Executive Committee shall be a party to the appellate procedure.

## **Article VIII. Affiliates and Special Interest Groups**

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

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

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

Affiliates of the Association shall take all reasonable and legally permissible steps to achieve on their elective and appointive bodies ethnic-minority representation that is at least proportionate to the ethnic-minority membership of the affiliate.

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

The classes of affiliates shall be governance, nongovernance, and such other affiliates as may be provided in the Bylaws.

a. The governance class shall comprise local and state affiliates exclusively.

b. The nongovernance class shall comprise all other affiliated professional and nonprofessional organizations.

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

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

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

Affiliates which fail to comply with standards and procedures set forth in the Bylaws shall be subject to censure, suspension, or disaffiliation as prescribed in this Constitution.

## **Section 6. Special Interest Groups.**

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

## **Article IX. Amendment of Constitution and Bylaws**

### **Section 1. Proposal of Amendments.**

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

a. By petition signed by at least one hundred (100) Active members from two (2) or more states and submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Representative Assembly;

b. By petition signed by at least fifty (50) certified delegates and submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Representative Assembly;

c. By at least two (2) state delegations in the Representative Assembly whose concurrence in the proposed amendment is evidenced either by a majority vote of those delegates present and voting in each delegation at a regularly called meeting of the delegation held in connection with the Annual Meeting or by petition signed by a majority of the members of each delegation. Proposals shall then be submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Representative Assembly.

d. By majority vote of the NEA Board of Directors and submitted to the Committee on Constitution, Bylaws, and Rules for presentation to the Representative Assembly; or

e. By a majority vote of the Committee on Constitution, Bylaws, and Rules.

### **Section 2. Amendment of the Constitution.**

a. A proposed amendment to the Constitution shall be presented in writing to the Committee on Constitution, Bylaws, and Rules postmarked no later than seventy (70) days following the close of the prior year's Representative Assembly. Documentation of timely submission of an amendment shall be the responsibility of the contact person for the amendment, provided that the time of submission of an amendment that is proposed by a majority vote of the NEA Board of Directors shall be when the language of the amendment is approved by the Board of Directors.

b. The text of the proposed amendment shall be provided to all members at least sixty (60) days prior to its consideration through NEA printed or electronic media.

c. This Constitution may then be amended at the Annual Meeting by a two-thirds (2/3) vote of delegates present and voting.

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

a. A proposed amendment to the Bylaws shall be presented in writing to the Committee on Constitution, Bylaws, and Rules, postmarked no later than one hundred twenty (120) days preceding the Annual Meeting. Documentation of timely submission of an amendment shall be the responsibility of the contact person for the amendment, provided that the time of submission of an amendment that is proposed by a majority vote of the NEA Board of Directors shall be when the language of the amendment is approved by the Board of Directors.

b. The text of the proposed amendment shall be provided to all members at least sixty (60) days prior to its consideration through NEA printed or electronic media.

c. The Bylaws may then be amended at the Annual Meeting by a majority vote of the delegates present and voting.

### **Section 4. Voting on Amendments.**

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

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

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

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

a. If originally proposed by petition of one hundred (100) or more members from two (2) states or fifty (50) or more delegates, the request shall be signed by at least two-thirds (2/3) of such members or delegates;

b. If originally proposed by two (2) state delegations, the request shall be signed by at least two-thirds (2/3) of the delegates from each state;

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

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