

**San Diego Education Association, CTA/NEA  
CONSTITUTION**

**Election October 11 – October 15, 2021**

**CERTIFIED BY BOARD OF DIRECTORS – December 1, 2021**

**Article I NAME and PURPOSES**

**Section 1.1: This organization has been established by a written Articles of Incorporation in the County of San Diego, State of California and is hereinafter known as the San Diego Education Association, CTA/NEA.**

**Section 1.2: The purpose of this organization shall be as set forth in the Bylaws.**

**Article II MEMBERSHIP**

**Section 2.1: All members of the SDEA, at the same time be members of the California Teachers Association and the National Education Association.**

**Section 2.2: Categories of membership shall include active certificated members and those classes of membership set forth in the Bylaws.**

**Section 2.3: Rights and Limitations**

**2.3.1 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.**

**2.3.2 No member of the Association may be disciplined without due process as established in the governance documents.**

**2.3.3 Subject to provisions set forth in the Bylaws; all active members shall have the right to vote and hold elective office and/or appointed position. Members shall have the right to attend all meetings of the Board of Directors, the Representative Council and the Association except for those specifically exempted by the Bylaws.**

**2.3.4 The membership, by majority vote, shall have the sole authority to authorize the Board of Directors to call for a withholding of services, which may result in the loss of compensation.**

## **Section 2.4: Membership Dues**

**2.4.1** The Board of Directors shall establish the annual membership dues, which shall be indexed at a maximum of .405 percent of Class C [\(012\)](#) Step 4 of the Teachers' Salary Schedule for the year prior to the year of the budget action.

**2.4.2** Dues for categories of membership other than active shall be as set forth in the Bylaws.

**2.4.3** Dues for members may be prorated, consistent with policies of the California Teachers Association and the National Education Association, for those members who join after the beginning of any membership year.

## **Section 2.5: Revocation of Membership**

**2.5.1** The Board of Directors shall, after due notice and hearing, have the power to censure, suspend or expel any member for violation of the current Code of Ethics of the National Education Association.

**2.5.2** Any member may, within sixty (60) days after a decision by the Board of Directors, file an appeal of the decision with the Representative Council.

**2.5.3** The Representative Council shall have the power to review a hearing conducted by the Board of Directors and to affirm, reject or modify the decision.

**2.5.4** The Representative Council shall have the power to reinstate any suspended or expelled member.

## **Section 2.6: Cessation of Property Interest**

All right, title and interest, both legal and equitable in the property of the Association shall cease and desist in the event of any of the following:

- a) suspension, expulsion or dropping from membership;
- b) death or resignation.

## **Article III**

## **OFFICERS**

**Section 3.1:** There shall be four officers of the Association elected at large: President, Vice President, Secretary and Treasurer.

**Section 3.2:** In the event that the President cannot serve his/her term, the Vice President shall become President and shall complete the balance of the term to which the President had been elected. The bylaws shall set forth further provisions regarding succession to the presidency.

**Section 3.3:** Officers shall be elected for a term of two (2) years commencing on August 1 and terminating on July 31.

## **Article IV**

## **BOARD of DIRECTORS**

**Section 4.1:** The Board of Directors, composed of the four elected officers of the Association and the twelve elected directors, are the executive and administrative body of the Association.

**Section 4.2:** The Board of Directors shall conduct, manage and control the business and affairs of the Association, and shall establish rules and regulations known as Standing Rules, for the guidance of the officers and staff, consistent with the laws of California, the Constitution, the Bylaws and the Articles of Incorporation.

**Section 4.3:** Annually, one-half of the twelve Board of Director members shall be elected by the membership working within geographic areas, for a term of two years, with terms commencing on August 1 and terminating on July 31.

**Section 4.4:** Terms of Officers are considered separate from the Board of Directors and governed by Section 3.3.

**Section 4.5:** Meetings

**4.5.1** The Board of Directors shall meet at least seven times per year.

**4.5.2** Special meetings may be called by the President or by a request of a majority of the members of the Board of Directors.

## **Article V**

## **REPRESENTATIVE COUNCIL**

### **Section 5.1: Authority**

**The Representative Council, composed of members of the Association elected from among the various work locations as set forth in the Bylaws, shall be the policy making body of the Association.**

### **Section 5.2: Duties**

**The Representative Council shall:**

**5.2.1 Establish Association policy.**

**5.2.2 Adopt the annual budget of the Association**

**5.2.3 Amend the Bylaws as provided in Article XII of this Constitution.**

### **Section 5.3: Composition**

**The Representative Council shall be composed of the following:**

**5.3.1 An elected representative, or alternate, from each membership unit with additional representatives apportioned based upon membership in accordance with procedures established in the Bylaws.**

**5.3.2 Members of the Board of Directors and Officers.**

**5.3.3 San Diego Education Association representatives to the California Teachers Association State Council of Education.**

**5.3.4 CTA directors, NEA directors, and Standing committee chairs, who are non-voting.**

## **Article VI**

## **COMMITTEES**

**Section 6.1: Standing Committees and Ad Hoc Committees shall be established in the Bylaws.**

## **Article VII**

## **MEETINGS**

### **Section 7.1: Membership Meetings**

**Membership meetings may be called by the Board of Directors, by the Representative Council, or by a petition submitted to the Board of Directors, which is signed by ten percent (10%) of the members of the Association.**

### **Section 7.2: Council Meetings**

**7.2.1 There shall be at least seven (7) council meetings each fiscal year.**

**7.2.2 Special meetings of the Council shall be held if called by the President upon consent of a majority of the Board of Directors or upon petition of ten (10) percent of the Council Representatives.**

## **Article VIII**

## **ELECTIONS**

### **Section 8.1: General Election**

**There shall be an annual general election held in accordance with provisions set forth in the Bylaws and Standing Rules.**

### **Section 8.2: Election Committee**

**8.2.1 The President shall appoint the Chairperson and members of the Elections Committee, subject to concurrence by the Board of Directors.**

**8.2.2 The Election Committee shall conduct all elections.**

**8.2.3 Subject to appeal provisions set forth in the governance documents, decisions of the elections committee shall be final.**

## **Article IX**

## **INITIATIVE, REFERENDUM, and RECALL**

### **Section 9.1: Initiative & Referendum**

**9.1.1 The membership retains to itself the right of initiative and referendum through the submission of a written petition signed by ten percent (10%) of the membership in accordance with the procedures set forth in the Bylaws.**

**9.1.2 Voting on the initiative or referendum petition shall be conducted within six weeks of the submission of the petition. Passage of the initiative or referendum measure shall require a majority of those members voting unless otherwise set forth in this constitution.**

### **Section 9.2: Recall**

**9.2.1** The members retain to themselves the right to recall any person elected to an Association position through the submission of a recall petition signed by at least twenty-five percent (25%) of the membership making up the constituency of the person subject to the recall election. Recall elections shall be conducted in accordance with provisions set forth in the Bylaws.

**9.2.2** Voting on the recall shall take place in accordance with election procedures as stated in the Standing Rules. The person subject to recall shall be removed from his/her position upon an affirmative vote of a majority of those members voting in the election.

## **Article X**

### **AUDIT**

The Board of Directors shall select an independent auditing firm to conduct an annual audit. A report of the audit shall be published annually in an Association publication. The complete audit shall be available for examination by any Association member.

## **Article XI**

### **AFFILIATIONS**

**Section 11.1:** The Association shall be affiliated with the California Teachers Association, the National Education Association, and the AFL-CIO.

**Section 11.2:** The Association may affiliate with other organizations as set forth in the bylaws.

## **Article XII**

### **AMENDMENTS to the GOVERNANCE DOCUMENTS**

**Section 12.1: Articles of Incorporation and Constitution**

**12.1.1** The Articles of Incorporation shall be amended in accordance with procedures set forth therein.

**12.1.2** The Constitution may be amended in accordance with the following procedures:

- a.** An amendment to the constitution may be initiated by a majority vote of the Council or by submission of a proposal to the Board of Directors, in writing, with the signatures of twenty percent (20%) of the members of the Association.
- b.** Proposed amendments shall be placed on the ballot in the next General or Special Election established in the bylaws.
- c.** The amendment(s) shall be adopted by a two- third (2/3) vote of the members voting in an all member election.

**Section 12.2: Bylaws**

**The Bylaws may be amended by a two-thirds vote of the Representative Council in accordance with procedures established in the Bylaws.**

**ARTICLE XIII QUORUM**

**A quorum of the various governance bodies of the Association shall be defined in the Bylaws.**

**ARTICLE XIV EFFECT OF CONSTITUTION**

**Provided that this Constitution is approved by a vote of the membership as set forth in the 1978-89 Constitution, it shall become effective on July 1, 1990. The most recent amendments to the Constitution shall become effective upon passage by a two-thirds (2/3) vote of the members voting in an all member election, pending certification of the election by the Board of Directors.**