

# Bylaws

## Colorado Springs Education Association

### Adopted April 2020

#### Section I Definitions

- A. Administrator – all such positions that are supervisory or administrative in their function, capacity, role, job description or other such purpose.
- B. Association Representative (AR) – the CSEA building representative(s), elected by plurality vote, who are the initial and primary representative or liaison between CSEA members and building level administrators.
- C. Association Representative (AR) Council – the official legislative body of the corporation, which shall be empowered to take action on all matters affecting Association policy not delegated to the Board of Directors.
- D. Board of Directors – The Board of Directors shall be composed of the President, Vice President, Treasurer, Secretary, four grade division Directors, one region Director from each region, the itinerant Director, and any CSEA member currently serving on the CEA or NEA Board.
- E. Building – A site at which teachers are designated as working, more specific than physical location. A location or physical site can have multiple work sites in it. For purposes of these Bylaws, the term Building is intended to designate specific works sites within a physical location.
- F. Cause – also good cause – the burden to show why a request should be granted, a sanction imposed, or an action excused.
- G. Colorado Education Association (CEA) – the governing body of CSEA at the state level.
- H. Conditions of membership – a person actively paying dues that has signed a membership card, that is an eligible member of the bargaining unit, who has not been censured, suspended or expelled by the CSEA Board of Directors.
- I. Colorado Springs Education Association (CSEA) – the professional association of teachers in School District 11.
- J. Colorado Springs UniServ Unit (CSUU) – the parent organization of CSEA, ESPA and CSEA Retired. Oversees the UniServ program, as well as selection, hiring, firing and evaluation of UniServ Director and bargains with the staff.
- K. Due process hearing – a hearing in which the conduct of a member is evaluated using established rules and principles for the protection and enforcement of Association rights.
- L. Good standing – a member who is not subject to censure, suspension or expulsion by the Association.
- M. Impeachment – a process reserved for the Board of Directors, through the AR Council, for initiating proceedings for censure or punishment of the President of CSEA, due to misfeasance, malfeasance or nonfeasance.
- N. Ineligibility – disqualification from serving in office by not meeting the standards of good standing or the conditions of membership.
- O. Majority – 1. A number that is greater than fifty percent (50%) of those voting in an election. 2. Fifty percent (50%) plus one.

- P. Malfeasance – a wrongful or unlawful act; wrongdoing or misconduct by a member that was intentional.
- Q. Member – a dues payer in good standing that meets the conditions of membership.
- R. Misfeasance – an act committed by a member in a negligent or wrongful manner.
- S. Nonfeasance – the failure to act when a duty to act exists.
- T. National Education Association (NEA) – the national association governing CEA, CSEA and CSUU.
- U. Plurality – 1. A large number or quantity that does not constitute a majority. 2. The highest number of votes when three or more choices are available.
- V. Quorum – the minimum number of members (a majority) who must be present for CSEA to transact business or take a vote.
- W. Itinerant – class of employee, including but not limited to nurse, psychologist, social worker, speech language pathologist, who is assigned to multiple buildings.

## **Section II Association Membership**

- A. Membership: the Association shall not deny membership to individuals on the basis of creed, race, national origin, sex, sexual orientation, physical disability, political or association activities, age, marital status, or family relationship.
- B. Active Membership: membership shall be open to any person who is classified as a teacher as defined in the Master Agreement which includes those in other licensed positions as listed below, and shall include those who have signed a membership card. This shall include, but not be limited to, nurses, counselors, psychologists, media specialists, social workers, transitional retirees, building level administrators, and those who are engaged in or are on a limited leave of absence from professional education work or who are serving as an executive officer of the Association. The Board of Directors may deny membership to persons who have demonstrated behaviors the Board of Directors deems detrimental to the organization.

## **Section III Dues**

- A. Active Member Dues: in addition to CEA and NEA dues, CSEA annual dues shall be .0084 times the lowest salary cell in effect September 1 of the previous year's published schedule. The CSEA dues formula can be changed by a majority vote of the membership.
- B. Every Member Option Dues: CSEA every member option dues (CSEA-EMO) shall be charged to each dues payer at the rate of .00039 times the base salary in effect September 1 of each year. Once approved, this formula can be changed only by a majority vote of the membership. Those who do not wish to participate in the CSEA-EMO deduction plan shall annually request and receive a refund of the CSEA-EMO portion of their dues. The deadline for this annual request shall be September 10 of each school year in question and the refund shall be processed no later than November 1 of each year.

- C. The funds collected through the CSEA-EMO plan shall be used for candidate and issue campaigns.
- D. Transmittal of dues: the Association shall enter into contracts with the Colorado Education Association governing the transmittal of state and national affiliate dues.

#### **Section IV Rights and Responsibilities of Members**

- A. Right to Vote: the right to vote shall be limited to those holding active membership.
- B. Right to Hold Office: the right to hold elected or appointed office on the Board of Directors, as an Association Representative, as a delegate to the CEA Delegate Assembly or as a representative to the NEA Representative Assembly shall be limited to active members who are not administrators as defined in Section I.
- C. Continuing Membership: membership shall be continuous unless terminated for cause according to procedures established by the Board of Directors.
- D. Due Process:
  - 1. Any application for membership shall be subject to review and/or rejection by the Board of Directors. The reasons for rejection must be consistent with the objectives and purposes of the Association. A decision to reject membership application is subject to approval by the Association Representative Council.
  - 2. Members who fail to adhere to any of the conditions of membership or for any good cause shall be subject to censure, suspension, or expulsion by the Board of Directors after a due process hearing.
    - a. The President or any member of the Board of Directors shall present to the Board of Directors all such motions to expel, suspend, or reinstate any member of the Association, whereupon the motion shall be immediately tabled until such time as proper and timely notice has been served upon the member, not to exceed fourteen (14) calendar days, fair opportunity for a hearing has been offered by the Board, and a formal investigation has been held by the member's colleagues seated as the Association Rights Activities Committee, consisting of five ((5) members agreed upon by the member and the CSEA President.
    - b. Any suspension or expulsion by the Board of Directors may be appealed to the Association Representative Council, and when so determined by the council, the decision of the Board of Directors shall be upheld or overturned by majority vote.

## **Section V Meetings of The Association**

- A. Annual meeting: the annual meeting of the Association shall be held in conjunction with the April Association Representative Council meeting for the purpose of voting upon such matters as may be brought before the membership.
1. The meeting shall be held at a place and on a date considered to be convenient to the membership.
  2. A notice of the meeting shall be published at least fourteen (14) calendar days prior to the meeting.
  3. The annual meeting shall be open to all members of the Association.
  4. The agenda may include ratification of the Master Agreement, proposed amendments to the Articles of Incorporation and/or such other matters of business which are pertinent to the Association.
  5. Members present shall constitute a quorum.
- B. Special meetings: special meetings of the membership may be called by the Board of Directors or by a written petition of ten percent (10%) of the membership or by majority vote of the Association Representative Council. Fourteen (14) calendar days advance notice for such a meeting shall be given to the membership. The members present shall constitute a quorum.

## **Section VI Association Representatives**

- A. Responsibilities
1. Attend AR meetings
  2. Hold membership meetings
  3. Act as liaison between CSEA members and CSEA
  4. Act as a liaison between CSEA members and building level administrators
  5. Communicate CSEA election processes
  6. Know the Master Agreement
  7. Advocate on behalf of CSEA members and CSEA interests
  8. Have knowledge of membership benefits
  9. Actively recruit members

## **Section VII Association Representative Council**

- A. Qualifications of representatives: any active member in good standing may be elected to the Association Representative Council.

- B. Allocation of representatives: each school shall be represented by at least one representative. Schools with more than twenty-five (25) members may have an additional representative for each additional twenty-five (25) members or fraction thereof.
- C. Elections of representatives: it shall be the responsibility of the members in each school to conduct the election of representative(s). This election shall be conducted within the guidelines established by the Association. Elected representative(s) shall have obtained a plurality of votes cast. Election shall constitute a minimum of one academic year's representation. No Association Representative may be appointed by an administrator. If no representative is elected, the President may appoint a representative.
- D. Recall of representatives: the members of a school may recall their own representative(s) by a majority vote of all members eligible to vote in that building. Recall election shall be supervised by preferably the respective region or grade Director or a CSEA Board Director.
- E. Rules: the Association Representative Council shall be empowered to make just and necessary rules for the conduct of its own business and the seating of representatives. By majority vote, the Council shall refer major questions to the membership.
- F. Responsibilities of Association Representative Council
  - 1. Meet monthly to discuss and approve the business of the Association.
  - 2. Approve the budget prior to its implementation.
  - 3. Hold annual meeting in accordance with the Bylaws.

### **Section VIII Board of Directors**

- A. Powers: the Board of Directors shall have and exercise all powers set forth in the Articles of Incorporation and as otherwise conferred by law, and:
  - 1. Shall be the policy recommending body of the Association, and;
  - 2. May establish no policy inconsistent with the position or direction of the Association Representative Council, and;
  - 3. Shall annually establish norms for its operation.
- B. Composition: the Board of Directors shall be members of CSEA. Administrators shall not be eligible for election or appointment to the CSEA Board of Directors. The Board of Directors shall be composed of the President, Vice President, Treasurer, Secretary, four (4) grade division Directors, and one (1) region Director from each region, and the itinerant director. Any CSEA member who is currently serving on the CEA or NEA Board shall be a voting member. The UniServ Director shall be a non-voting, ex-officio member.
- C. Term:
  - 1. The President shall serve for three (3) years beginning July 1 following her/his election. The President can be elected to no more than two (2) consecutive terms of office.

2. The Vice President shall serve for three (3) years beginning July 1 following his/her election, the Vice President can be elected to no more than two (2) consecutive terms of office.
3. All other members of the Board of Directors shall serve for two (2) years beginning July 1 following their election. These members cannot be elected to more than three consecutive terms in the same office.

D. Executive officers: President, Vice President, Treasurer, and Secretary.

1. Election of executive officers shall be by open nomination, by a secret written or electronic ballot, and a plurality of the active members voting.

E. Grade division Directors: there shall be one (1) Director from each of the following: primary division (early childhood grade-2), intermediate division (3-5), middle school division (6-8), and senior high division (9-12).

1. Opportunities for nominations shall be provided to all eligible members and nominees must be a member of the appropriate grade division.
2. Election of grade division Directors shall be by open nomination, by a secret written or electronic ballot, and a plurality of the active members voting.
3. Grade division Directors shall act on behalf of the membership of their grade division by:
  - a. Serving as liaisons between the members of their grade divisions and the Board of Directors, and;
  - b. Providing opportunities for communications within their grade division, and;
  - c. Representing the membership of their grade division by speaking and voting at Board of Directors meetings.

F. Region Directors: there shall be one (1) Director from each region (Coronado, Doherty, Mitchell, Palmer) and a Director chosen from the itinerant staff.

1. Balloting shall be by a secret written or electronic ballot, and a plurality of the active members voting.
2. A nominee for region Director must be assigned to a school in the region he/she wishes to represent. A nominee for itinerant Director must be assigned to the active itinerant staff.
3. Region and itinerant Directors shall act on behalf of the membership of their

region by:

- a. Serving as liaisons between the members of their constituencies and the Board of Directors, and;
- b. Providing opportunities for communications within their constituencies, and;
- c. Representing the membership of their constituencies by speaking and voting at Board of Directors meetings.

G. Vacancies:

1. In the event of any vacancy (except the presidency or vice presidency), on the Board of Directors, the remaining members of the Board may, at a meeting called for that purpose, within fourteen (14) calendar days, make an interim appointment to fill such vacancy. Interim appointments shall be valid until the next general election. The elected person for such general election serves for the duration of the original term. If vacancies of President and Vice President occur simultaneously, a special election of the membership shall be called by the Board of Directors within two (2) calendar days of the vacancy. In the event of simultaneous vacancies, the Treasurer and Secretary shall fulfill the responsibilities of the President and Vice President until such time as the special election is held. Elected successors to the President and Vice President shall serve the remainder of the terms.
2. President/Vice President Vacancy
  - a. In the event of a vacancy in the office of the presidency, the Vice President assumes the office of the President. Where the Vice President is unable to assume the office of the President, the remaining members of the Board of Directors may make a temporary appointment by two-thirds (2/3) majority of the entire Board of Directors, which shall remain in effect until the membership elects a successor to the office. Special elections for the office of President shall be held as soon as possible after the office has been declared vacant. The elected successor serves for the duration of the original term.
  - b. In the event of vacancy of the office of Vice President, a two-thirds (2/3) majority of the entire Board of Directors, in consultation with the President, shall make a temporary appointment of Vice President until the membership elects a successor at the next scheduled election.
3. In the event of excessive absence, ineligibility, inability to serve, or for other just cause, a Director fails to perform the duties of his/her office, the Board of Directors shall declare the office vacant by a two-thirds (2/3) majority vote of the

entire Board of Directors and direct the vacancy be filled as follows:

- a. In the event a Director's, a Treasurer's, or a Secretary's office is declared vacant, the membership shall elect a Director, a Treasurer or a Secretary within sixty (60) calendar days of the vacancy according to regular election rules (see section VI.d. & VI.e.).
- b. If the term is within four (4) months of expiration, the Board may select by majority vote a qualified member of the Association to fill the office until the end of the term.

H. Recall: members of the Board of Directors may be recalled for misfeasance, malfeasance, or nonfeasance in office.

1. Recall proceedings against any member of the Board of Directors shall be initiated by written petition submitted to the Board of Directors by at least fifteen percent (15%) of the membership.
2. In any action taken under the provision of this procedure, signatures must be obtained within thirty (30) calendar days of notice of initiation of the recall proceedings with the Board of Directors. No Director shall be denied the right to state his/her position in person or in writing to the membership, at a meeting called specifically for that purpose, within fourteen (14) calendar days of initiation of such proceedings with the Board of Directors.
3. A recall election shall be held within thirty (30) calendar days of receipt and certification by the Board of Directors of a petition requesting recall. A recall election supervisor who is a CSEA member will be appointed by the Executive Committee.
4. Any member of the Board of Directors may be summarily removed from office by a majority vote of the membership voting.

I. Impeachment: an action reserved for the Board of Directors to begin proceedings against the President for misfeasance, malfeasance or nonfeasance.

1. Proceedings:
  - a. Written reasons for impeachment are provided to the Board of Directors through the Vice President within five (5) calendar days of receipt, whereupon a vote shall be taken regarding impeachment proceedings.
  - b. A three-quarters (3/4) vote of the entire Board of Directors shall be required for impeachment proceedings to be initiated.
  - c. The Board of Directors shall choose an Association member to serve as



the chair of the impeachment proceedings within seven (7) calendar days of the vote to initiate impeachment proceedings.

- d. The chair shall, within seven (7) calendar days of being seated, schedule a hearing with the Board of Directors.
- e. The hearing shall be convened no later than fourteen (14) calendar days of the chair being seated.
- f. The chair shall invite, as witnesses, all parties with knowledge of the events giving rise to the complaint.
- g. The Board of Directors, at that hearing, shall address the reasons for the complaint, which were provided in writing, and gather evidence from the testifying witnesses.
- h. The Board of Directors shall be given a reasonable amount of time, not to exceed thirty (30) calendar days after the date of the hearing, to thoroughly investigate the charges made, and determine a recommendation of censure, if any, to the AR Council.
- i. Within twenty (20) calendar days of the determination, the Board of Directors shall report their findings and/or actions to the AR Council.

2. Requires a two-thirds (2/3) vote of entire Association Representative Council for action, sanction or censure to be imposed upon the President.

J. Executive Committee: the Executive Committee shall be composed of the executive officers, the CEA Director, and if applicable, the NEA Director and any CEA Executive Officer(s). The Executive Committee shall meet as needed, or in emergency, with the UniServ Director in order to be current on Association business and to make recommendations to the Board of Directors.

1. The President shall:
  - a. Be the Chairperson of the corporation and its policy leader.
  - b. Represent the corporation as spokesperson on matters of policy or assign, at the President's discretion, responsibilities for such representation.
  - c. Prepare the agenda for the meetings of the Board of Directors, Association Representative Council, and the program for the annual meeting of the corporation.
  - d. Appoint all chairpersons and members of committees and commissions

with the advice and consent of the Board of Directors.

- e. Serve as ex-officio member on all committees and commissions.
- f. Chair the budget committee.
- g. Review Association policy and recommend priorities to be considered by appropriate policy making bodies.
- h. Meet regularly with the other officers of the Association and with the UniServ Director.
- i. Delegate duties to the officers, and through the UniServ Director, to the staff of the Association.
- j. Preside at Board of Directors, general membership, Executive Committee, and Association Representative Council (AR) meetings.
- k. Perform the duties customarily assumed by the chairperson of a corporation as stipulated in the documents of authority.
- l. Call special meetings when requested by at least one-half (1/2) of the membership of the Board of Directors or as requested by the Executive Committee.
- m. Provide internal and external public relations and communications for the Association.
- n. Plan, register, and monitor participation in local, state and national conferences (e.g. Delegate Assembly, Representative Assembly, and summer leadership) and other training conferences as deemed appropriate to CSEA members.
- o. Attend Board of Education meetings.
- p. Participate on Superintendent's Cabinet when invited.
- q. Participate on Joint Council, CSUU Council, state organizations and commissions through CEA and Superintendent's Cabinet.
- r. Supervise Unit evaluations and Association elections.
- s. Assure compliance with CSEA/CEA/NEA Bylaws.
- t. Meet with committee Chairs, grade division Directors, region Directors and itinerant Directors quarterly to enhance communications.

- u. Oversee the administration of funding guidelines and approval of expenses submitted.
2. The Vice President shall:
- a. In case of death, resignation or removal from the office of President, succeed to the office of President, serving the duration of the term.
  - b. Act for the President when the President is unable/unavailable to perform the duties of the office.
  - c. Represent the Association at the discretion of the President on official matters.
  - d. Serve as liaison to committees, commissions and task forces at the direction of the President.
  - e. Participate on Joint Council.
3. The Treasurer shall:
- a. Be responsible for financial records for an annual audit and submit annual recommendations to the Board of Directors for approval.
  - b. Review and make available quarterly financial reports to the Association Representative Council and monthly financial reports to the Board of Directors.
  - c. Perform financial transactions.
  - d. Act as budget manager, monitoring expenditures and line item charges.
  - e. Report concerns to the Board of Directors.
4. The Secretary shall:
- a. Be responsible for the recording and distribution of minutes with attendance before the subsequent meeting.
  - b. Be responsible for maintaining meeting minutes of the Board of Directors, Association Representative Council, general membership, and Executive Committee in the book of documents.
  - c. Be the custodian of the documents of authority.

K. UniServ Director: The UniServ Director shall be selected by the CSUU (Colorado Springs UniServ Unit) Board of Directors. The UniServ Director's written contract shall describe and define his/her responsibilities to the UniServ Unit and CSEA.

L. Meetings

1. Regular meetings: the Board of Directors shall meet within one month following August 1 and at least once a month during the school year.
2. A majority of the Board of Directors shall constitute a quorum.
3. Special meetings: special meetings of the Board of Directors may be called by the President or a majority of the Board of Directors. Special meetings must be announced with fourteen (14) calendar days notice unless waived by a majority vote of the Board of Directors.

**Section IX Committees and Task Forces**

The President shall establish, and chair if necessary, committees and task forces. The committees and/or task forces shall report findings and/or make recommendations to the Board of Directors and Association Representative Council or Executive Committee. The Board of Directors and Association Representative Council will consider for approval the committees' and/or task forces' findings and recommendations.

**Section X Representation at Assemblies**

- A. Election to all CSEA Board positions that are elected at-large shall automatically constitute election as delegates to the CEA Delegate Assembly.
- B. Delegates to the NEA Representative Assembly shall be selected as follows:
  1. Occupancy of the office of President shall automatically constitute selection as a delegate to the NEA Representative Assembly.
  2. In transition years when there is a President-elect, the President-elect shall receive the automatic selection as a delegate to NEA Representative Assembly. The sitting President may run for an at-large delegate position.
  3. All other delegates shall be selected by an election of the membership at-large.
- C. Upon resignation, recall or action (Section VIII.g., Section VIII.h., or Section VIII.i.) regarding a CSEA member or member of the CSEA Board of Directors, he/she automatically resigns the NEA and CEA delegate seats held by virtue of his/her CSEA Board position.

## **Section XI Association Autonomy**

The Bylaws, rules, regulations, policies, procedures and all other directives and/or positions of any organization which may have any relationship to the Colorado Springs Education Association, in so far as they apply to the Colorado Springs Education Association, its members, commissions, officers and other bodies or representatives, shall be advisory only and shall in no way detract from or diminish the autonomy of the Colorado Springs Education Association.

## **Section XII Membership Year**

The official membership year shall be September 1 through August 31.

## **Section XIII Fiscal Year**

The fiscal year of the Association shall be September 1 through August 31.

## **Section XIV Amendments to These Bylaws**

- A. Amendments may be submitted by any member of the Association to the Board of Directors, the Association Representative Council, Executive Committee, or at the annual meeting.
- B. These Bylaws shall be amended by a majority vote of those members voting in an election by a secret written or electronic ballot.
- C. Proposed amendments shall be placed on a ballot for member consideration if:
  - 1. Passed by a majority of Association Representative Council voting, or;
  - 2. Passed by a majority of members voting at the annual meeting, or;
  - 3. Presented by a petition signed by fifty (50) members of the Association.
- D. The Association Representative Council will set the date and time for the election. Material listing the pros and cons of the change will be in the buildings at least seven (7) calendar days prior to the election.
- E. Unless otherwise provided, all amendments shall take effect at the beginning of the fiscal year following their adoption.