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# **CONSTITUTION AND BYLAWS**

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**TENNESSEE EDUCATION ASSOCIATION**

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**Amended 2010**

**CONSTITUTION and BYLAWS**  
**for the**  
**TENNESSEE EDUCATION ASSOCIATION**

**CONSTITUTION**

**CONSTITUTION ARTICLE I—NAME**

This organization shall be known as the Tennessee Education Association. (In this document it is also referred to as the Association or the TEA.)

**CONSTITUTION ARTICLE II—PURPOSE AND GOALS**

*SECTION 1.* The purpose of the Association shall be to develop the human resources in Tennessee through education.

*SECTION 2.* The goals of the Association shall be:

- a. To elevate the professional status and socio-economic welfare of the members of the teaching profession;
- b. To exert greater influence over standards for becoming and remaining a member of the teaching profession;
- c. To set and enforce a Code of Ethics for the profession;
- d. To encourage professional growth of members;
- e. To defend the civil, professional, and human rights of educators;
- f. To obtain and enforce fair and equitable employment, assignment, and dismissal procedures for educators;
- g. To encourage other groups to work for improvement of public education.

**CONSTITUTION ARTICLE III—MEMBERSHIP**

*SECTION 1. Categories:* There shall be six membership categories (See Bylaws Article III):

a. *Active:* Available to anyone actively engaged in a teaching, administrative, or supervisory position in the state in public, private, or parochial institutions. Available to education support members in Section b of this Article if active membership is available in a local association.

b. *Education Support:* Available to any person actively engaged in the field of education as a teacher's aide, clerk, secretary, non-certified cafeteria manager, non-certificated supervisor, substitute teacher, non-teaching school nurse, cafeteria worker, bus driver, maintenance person, and any other non-certificated employee, or as an adult education teacher who has a teaching contract with a local school system or systems to teach no more than 420 hours per school year and is not otherwise eligible for active membership. (Those secretaries who were members on June 30, 1969 and those school nurses who were members on June 30, 1983 shall be eligible to retain active membership provided they maintain continuous payment of annual active membership dues.)

c. *Substitute:* Available to an education employee employed on a day-to-day basis who is eligible for membership unless said employee is included in a bargaining unit with full-time education employees or is eligible for membership in the Tennessee Retired Teachers Association and/or the NEA Retired membership.

d. *Student:* Available to any full-time student actively seeking or possessing teacher certification who holds membership in any college chapter of the Student Tennessee Education Association.

e. *Retired:* Available to any retired educator who was an honorary life member on July 1, 1968, and to any other retired educator who is a member in good standing in the Tennessee Retired Teachers' Association.

f. *Associate:* Available to any person interested in the advancement of the cause of education who is not eligible to join in another category.

g. *Staff:* Available to any staff member of the Association or any of its affiliates. (Those professional staff members who were members on May 1, 1983 shall be eligible to retain active membership provided they maintain continuous payment of annual active membership dues.)

*SECTION 2. Dues:* The annual membership dues of the Association shall be:

a. *Active:* A percentage as stated in the Bylaws based on the minimum mandated state salary for a beginning certificated bachelor's degree teacher for the preceding school year. Dues for active education support members whose salaries are equal to or above the minimum mandated state salary for beginning certificated bachelor degree teachers for the preceding year will be the dues for other active members. Dues for other active education support members will be one-half the dues for other active members.

b. *Education Support:* One-half the annual dues for active membership.

c. *Substitute:* One-fourth the annual dues for active membership.

e. *Retired:* Annual paid membership in the Tennessee Retired Teachers' Association entitles the member to retired membership in the Association.

f. *Associate:* One-half the annual amount for active membership.

g. *Staff:* One-half the annual dues for active membership.

*SECTION 3. Rights and Privileges:* A member is entitled to the full rights and privileges set forth in the Bylaws for the designated membership category.

*SECTION 4. Certificate:* The executive director of the Association shall be the only person authorized to issue a certificate of membership. This certificate shall be proof of membership and shall entitle the member to the rights and privileges for the designated category of membership. This membership cannot be transferred from one individual to another.

*SECTION 5. Obligations:* Members of the Association shall be subject to:

a. Payment of dues;

b. Adherence to the Code of Ethics of the Association;

c. Membership in a local affiliate if available;

d. Membership in the National Education Association, if available.

This shall include active and student members, and retired members who join the Tennessee Retired Teachers' Association after August 31, 1992.

*SECTION 6. Suspension:* A member may be suspended provided that due process (substantive and procedural) is afforded the member and that the suspension is approved by a two-thirds vote of the Board of Directors.

*SECTION 7. Termination:*

a. Membership shall be terminated unless prior to November 1 the member makes full payment of dues or signs an authorization for payment of dues through payroll deduction or an alternate dues payment plan approved by the Board of Directors.

b. A member may be expelled from membership provided that due process (substantive and procedural) is afforded the member and provided that expulsion is approved by a two-thirds vote of the Board of Directors.

*SECTION 8. Reinstatement:* The Board of Directors, by a majority vote of the Board, may reinstate a member who has been suspended or expelled.

**CONSTITUTION ARTICLE IV—AFFILIATES**

The Representative Assembly may grant affiliation status to grand divisions or to departments. The Board of Directors may grant affiliation status to local associations and sections. (See Bylaws, Article IV.)

**CONSTITUTION ARTICLE V—  
NATIONAL EDUCATION ASSOCIATION**

The Tennessee Education Association will accept as active members only those who join the National Education Association if membership is available.

**CONSTITUTION ARTICLE VI—OFFICERS**

*SECTION 1. Elected Officers:* The elected officers of the Association shall be the president and the vice president. (See Bylaws Article VI.)

*SECTION 2. Appointed Officer:* The executive director shall be an appointed ex-officio non-voting officer.

*SECTION 3. Terms of Office:* The term of office of the president and vice president shall be two (2) years and said officers shall serve no more than two (2) consecutive terms in the office to which elected. The elected officers shall assume office on the first day of July following their election and shall hold office until their qualified successors shall have assumed office. The executive director shall be appointed to three-year terms by the Board of Directors.

*SECTION 4. Succession to Office and Filling of Vacancies:*

a. *President:* Should a vacancy occur in the office of president, it shall be filled for the remainder of the term by the vice president.

b. *Vice President:* Should a vacancy occur in the office of vice president in the first year of the term, and more than thirty (30) days preceding the meeting of the Representative Assembly, the vacancy shall be filled by and from the Board of Directors until the next Representative Assembly convenes, at which time the Representative Assembly shall elect a vice president to complete the term. A vacancy occurring in the office of vice president at any other time shall be filled by and from the Board of Directors.

c. *President and Vice President:* In the event the offices of both president and vice president become vacant, the Board of Directors shall appoint from its membership successors who shall fill the offices until the

next Representative Assembly. At that time the Representative Assembly shall elect a president and vice president to take office immediately and serve a full two-year term beginning the July 1 next.

#### **CONSTITUTION ARTICLE VII—BOARD OF DIRECTORS**

The Board of Directors shall be the executive body of the Association. It shall consist of: the president; the vice president; fifteen TEA classroom teacher district board members; three administrators elected at-large; three Black classroom teacher members elected at-large; one new teacher member elected at-large; a higher education classroom teacher member elected at-large; a state special schools classroom teacher member elected at-large; an active education support member elected at-large; the president of STEA; and the state NEA directors. Active education support members shall be eligible to serve in a classroom teacher position unless they meet the requirements for supervisor or administrator; wherein they shall be eligible to serve in an administrator position. The membership of the Board of Directors shall include classroom teachers and administrators in keeping with the requirements of the NEA Constitution and Bylaws. (See Bylaws Article VII.)

#### **CONSTITUTION ARTICLE VIII—EXECUTIVE COMMITTEE**

The Executive Committee of the Board of Directors shall consist of the president, the vice president, and three members elected by and from the Board of Directors annually. (See Bylaws Article VIII.)

#### **CONSTITUTION ARTICLE IX—REPRESENTATIVE ASSEMBLY**

The Representative Assembly shall be the legislative body of the Association. It shall be composed of active member delegates chosen by affiliated associations, student delegates chosen according to a procedure adopted by the Board of Directors, and members of the Association Board of Directors who shall be delegates at-large. The Tennessee Retired Teachers' Association shall elect one voting delegate and two non-voting delegates to the Representative Assembly. The TRTA voting delegate must be a member of NEA-Retired. The Representative Assembly shall have the power to elect officers, adopt a budget, establish general policies of the Association, and transact such business of the Association as may be legally brought before it. (See Bylaws Article IX.)

#### **CONSTITUTION ARTICLE X—ELECTIONS**

The president, vice president, members of the Board of Directors, state NEA directors, teacher members of the Board of Trustees of the Tennessee Consolidated Retirement System and teacher members of the Local Education Insurance Committee shall be elected by the delegates of the Representative Assembly according to the provisions of the Bylaws. (See Bylaws Article X.)

#### **CONSTITUTION ARTICLE XI—MEMBERS OF THE RETIREMENT SYSTEM BOARD OF TRUSTEES**

The three representatives from the teaching profession on the Board of Trustees of the Tennessee Consolidated Retirement System shall be nominated from grand divisions of the state and elected for staggered terms and in accordance with the procedures followed in the election of officers of the Association; however, the position of trustee shall not be considered an office of the Association.

#### **CONSTITUTION ARTICLE XII—MEMBERS OF THE LOCAL EDUCATION INSURANCE COMMITTEE**

The three representatives from the teaching profession on the Local Education Insurance Committee shall be nominated from grand divisions and elected for staggered terms. Beginning July 1, 1986, the length of terms of committee members shall be as follows:

Member representing East Tennessee: 3 years

Member representing Middle Tennessee: 2 years

Member representing West Tennessee: 1 year

Committee members shall be elected in accordance with the procedures followed in the election of officers of the Association; however, the position of committee member shall not be considered an office of the Association.

#### **CONSTITUTION ARTICLE XIII—INITIATIVE, REFERENDUM, AND RECALL**

There shall be procedures for initiative, referendum, and recall as provided in the Bylaws. (See Bylaws Article XIII.)

### **CONSTITUTION ARTICLE XIV—COMMISSIONS AND COMMITTEES**

*SECTION 1. Definition:* All appointed bodies of the Association shall be designated as committees or commissions. A commission shall be a continuing work group established by the Representative Assembly to carry out certain duties and functions of the Association.

*SECTION 2. Establishment and Discontinuance:* Only the Representative Assembly may establish or discontinue a commission. Either the Representative Assembly or the Board of Directors may establish committees, and the body creating a committee may discontinue it. Commission and committee members shall be selected in accordance with the plan provided by the body that creates the committee or commission.

*SECTION 3. Responsibilities:* All committees and commissions shall be accountable to the Board of Directors between sessions of the Representative Assembly. Each committee and commission shall function as charged by the body creating it.

### **CONSTITUTION ARTICLE XV—FISCAL YEAR**

The fiscal and administrative year of the Association shall begin on July 1 and shall end on June 30. The membership year shall begin on September 1 and shall end the following August 31. However, membership shall remain continuous for the current member if prior to November 1 payment of dues has been made or authorized through payroll deduction or an alternate dues payment plan approved by the Board of Directors.

### **CONSTITUTION ARTICLE XVI—AMENDMENTS**

Any portion of this Constitution may be amended by the Representative Assembly by a two-thirds vote of the delegates present and voting or by a majority vote of those voting in a membership referendum upon an amendment referred to the membership by a two-thirds vote of the Representative Assembly provided that the proposed amendment has been submitted in writing to the executive director of the Association by an affiliated local association, or by a petition signed by 100 active members, or by the Board of Directors of the Association not later than sixty days prior to the date set for the convening of the Representative Assembly. The executive director shall cause all proposed amendments to be printed in a publication of the Association at least twenty days prior to the meeting of the Representative Assembly. The voting date and procedure for a membership referendum shall be established by the Board of Directors, if such is not done by the Representative Assembly. An amendment shall become effective on July 1 following its adoption unless the amendment includes a different specified beginning date. An amendment adopted by the Representative Assembly shall not become effective prior to the date following adjournment of the Assembly.

### **CONSTITUTION ARTICLE XVII—EFFECTIVE DATE**

This Constitution shall become effective on July 1, 1973, and upon its becoming effective all provisions of the former Constitution and Bylaws shall be repealed.

### **CONSTITUTION ARTICLE XVIII—DEFINITIONS**

Words or terms which are used that require extra explanation or clarification shall be defined in the Bylaws. (See Bylaws Article XVIII.)

## **BYLAWS**

### **BYLAWS ARTICLE I—NAME**

In these bylaws the Tennessee Education Association may also be referred to as the Association or the TEA.

### **BYLAWS ARTICLE II—PURPOSES AND GOALS**

There are no bylaws relative to the purposes and goals.

### **BYLAWS ARTICLE III—MEMBERSHIP**

*SECTION 1. Rights, Privileges, Services, and Benefits:*

*a. Active:* Active members in good standing shall have full rights and privileges. Persons eligible for active membership before January 1 who join after January 1 on a pro-rated dues basis shall have full rights and privileges except TEA legal assistance for any employment-related matter that occurs within one hundred twenty (120) days after their becoming members.

*b. Education Support:* Education support members shall be eligible to form and participate in an affiliated section or sections, be covered by professional liability insurance, be entitled to general staff assistance,

participate in insurance programs for which they qualify, and receive special services and publications as determined by the Board of Directors. Active Education support members shall be eligible to vote and hold office in the Association.

*c. Substitute:* Substitute members shall be eligible to be covered by professional liability insurance and to receive special services and publications as determined by the Board of Directors.

*d. Student:* Student members shall be eligible to participate in Association activities deemed appropriate by the Board of Directors, be covered by professional liability insurance, be entitled to general staff assistance, and receive special services and publications as determined by the Board of Directors. Student members shall not be eligible to hold office in the Association.

*e. Retired:* Retired members shall be eligible to participate in insurance programs for which they qualify and shall receive special services and publications as determined by the Board of Directors. They shall not be eligible to vote or hold office in the Association with the following exceptions: Voting privileges shall be granted to one delegate to the TEA Representative Assembly elected by the Tennessee Retired Teachers' Association and to retired members appointed by the Board of Directors to any TEA committee.

*f. Associate:* Associate members shall be eligible to participate in insurance programs for which they qualify and shall receive special services and publications as determined by the Board of Directors. They shall not be eligible to vote or hold office in the Association.

*g. Staff:* Staff members shall be eligible to receive publications, participate in insurance programs for which they qualify, and participate in special services and other programs and activities approved by the Board of Directors.

**SECTION 2. Membership Year:** The membership year shall be from September 1 to August 31; however, one who paid dues for the previous year will be considered as non-delinquent and in continuous membership subject to the rights, privileges, benefits, and services provided by their respective category of membership if prior to November 1 dues are paid or authorized through payroll deduction or an alternate dues payment plan approved by the Board of Directors. If by November 1 any person has not made payment of dues or authorized payment through payroll deduction or an alternate dues payment plan approved by the Board of Directors, such person shall be considered a non-member until such time as dues are paid or authorized through payroll deduction or alternate dues payment plan approved by the Board of Directors. An individual who was not a member of the Association the previous year shall be considered as an official member from the day membership dues are paid or payroll deduction or an alternate dues payment plan are authorized. Membership will be available only in the category in which the person most logically fits. In a question of doubt, the Board of Directors is empowered to determine the appropriate category.

**SECTION 3. Dues:** The dues of the Tennessee Education Association shall be .87 percent of the statewide minimum salary for the preceding school year for a beginning certified teacher with a bachelor's degree as determined by law and the State Board of Education (this includes the mandated uniform minimum statewide local supplement for a beginning bachelor's degree teacher). The dues shall be computed annually and rounded to the nearest one-half dollar. The proceeds realized from 0.0382 of the established dues factor shall be segregated and designated in the TEA budget for government relations activities. Persons entering employment after January 1 where active membership is available may join for the remainder of the year for an amount in proportion to the number of months remaining in the membership year. Persons eligible for active membership before January 1 may join after January 1 for the remainder of the membership year for an amount in proportion to the number of months remaining in the membership year provided they join as continuing members on continuing payroll deduction, if such is available. An active member who ceases to be employed by an educational institution prior to January 31 (as verified by the local education association) will have returned that amount in excess of one-half of the annual dues and will cease to be a member as of January 31. The membership fee for persons eligible for Active membership and Education Support membership who are regularly employed for fifty (50) percent or less of the normal schedule for a full-time faculty member (as certified by the local association) shall be one-half (1/2) of the Active or Education Support membership dues, as appropriate.

#### **BYLAWS ARTICLE IV—AFFILIATES**

**SECTION 1. Local Associations:** The Board of Directors may grant affiliation to a local education association and direct the executive director to issue the proper certification subject to the following provisions:

a. Only one local association shall be recognized from each school system, educational institution, educational agency, or higher education campus (TEA will not accept affiliation or membership from institutions that have racial restrictions in their charters or policies);

b. Its membership shall not be restricted because of race, color, or national origin;

c. The employing agency shall not restrict employment, student enrollment, or student participation because of race, color, or national origin;

d. Its TEA membership shall be large enough to qualify the affiliate for a minimum of one delegate to the Representative Assembly;

e. Educators from more than one school system, educational institution, campus, or agency may be granted the authority by the Board of Directors to join together to form a local association provided good reasons exist and such educators are not eligible to be members of any other affiliated local association;

f. It shall file annually a list of its officers with the Tennessee Education Association. These officers must be members of the Tennessee Education Association;

g. It shall keep an up-to-date constitution on file with the Tennessee Education Association;

h. It shall have a signed unification agreement on file with the Association;

i. Its goals and objectives should complement those of the Tennessee Education Association;

j. It shall periodically furnish evidence of an ongoing program;

k. It shall be entitled to the benefits and services provided by the Constitution and Bylaws, policies, and agreements of the Association and shall be autonomous and responsible for its official actions;

l. Its affiliation shall continue automatically from year to year subject to the provisions of this section.

**SECTION 2. Sections:** The Board of Directors may grant affiliation to a subject matter or a job assignment section on a statewide basis and direct the executive director to issue the proper certification subject to the following provisions:

a. Its membership shall not be restricted because of race, color, creed, sex, or national origin;

b. It shall file annually a list of its officers with the Tennessee Education Association. These officers must be members of the Tennessee Education Association;

c. It shall keep an up-to-date constitution on file with the Tennessee Education Association;

d. Its goals and objectives should complement those of the Tennessee Education Association;

e. It shall periodically furnish evidence of an ongoing program;

f. Attendance at its annual meetings shall average at least twenty TEA members for the preceding three-year period;

g. Its affiliation shall continue automatically from year to year subject to the provisions of this section.

**SECTION 3. Departments:** The Association creates the following statewide broad area interest groups to be known as departments: (1) The Department of Administration (The Tennessee Association of School Administrators); (2) The Department of Higher Education; and (3) The Department of Retired Teachers (The Tennessee Retired Teachers' Association). Financing and services of the Association to a department will be subject to the following provisions:

a. Its membership shall not be restricted because of race, color, creed, sex, or national origin;

b. It shall file annually a list of its officers with the Tennessee Education Association. These officers must be members of the Tennessee Education Association;

c. It shall keep an up-to-date constitution on file with the Tennessee Education Association;

d. Its goals and objectives should complement those of the Tennessee Education Association;

e. It shall periodically furnish evidence of an ongoing program.

**SECTION 4. Grand Divisions:** The Representative Assembly may grant affiliation to an association representing a grand division of the state subject to the following provisions:

a. Only one association shall be recognized representing a grand division of the state;

b. Its membership shall not be restricted because of race, color, creed, sex, or national origin;

c. It shall file annually a list of its officers with the Tennessee Education Association. These officers must be members of the Tennessee Education Association;

- d. It shall keep an up-to-date constitution on file with the Tennessee Education Association;
- e. Its goals and objectives should complement those of the Tennessee Education Association;
- f. It shall be entitled to the benefits and services provided by the Constitution and Bylaws, policies, and agreements of the Association;
- g. It shall be autonomous and responsible for its official actions;
- h. Periodically the president, a vice president, and executive secretary of each affiliated association representing a grand division shall meet with the president, vice president, and executive director of the Tennessee Education Association to coordinate programs and services to members;
- i. Its affiliation shall continue automatically from year to year subject to the provisions of this section.

**SECTION 5. TEA Presidents Council:** The Association creates the TEA Presidents Council as an advisory affiliate to represent the broad interests and concerns of presidents of TEA local affiliates subject to the following provisions:

- a. The TEA president, or his or her designee, shall serve as the presiding officer over all meetings of the Presidents Council;
- b. The TEA president, TEA vice president, the president of the Student Tennessee Education Association and the presidents of each TEA local affiliate shall be members of the TEA Presidents Council;
- c. The TEA Executive Director/Secretary-Treasurer shall serve as the non-voting secretary of the Presidents Council;
- d. Its membership shall not be restricted because of race, color, creed, sex or national origin;
- e. It shall meet at least once each fiscal year by grand division and once each year as a statewide Council;
- f. Its goals and objectives should complement those of the Tennessee Education Association;
- g. It shall report to the TEA Board of Directors at least once each year;
- h. Expenses for the two required meetings of the Presidents Council shall be borne by TEA;
- i. Minutes of meetings of the Presidents Council shall be filed with TEA.

**SECTION 6. Censure, Suspension, and Disaffiliation:** The Board of Directors of the Association may censure, suspend, or expel an affiliate provided due process (substantive and procedural) is afforded the affiliate and such action is approved by a two-thirds vote of the Board, except that expulsion of a department or grand division shall be by the Representative Assembly.

**SECTION 7. Reinstatement of Affiliates:** The Board of Directors of the Association, by a majority vote of the Board, may reinstate a local association or section. The Representative Assembly may reinstate a department or grand division.

#### **BYLAWS ARTICLE V NATIONAL EDUCATION ASSOCIATION**

There are no bylaws relative to the National Education Association.

#### **BYLAWS ARTICLE VI—DUTIES OF OFFICERS**

**SECTION 1. President:** The president shall:

- a. Serve as the chief executive officer of the Association;
- b. Serve as first alternate NEA Director;
- c. Preside at the meetings of the Representative Assembly, Board of Directors, Presidents Council, and Executive Committee;
- d. Serve as an ex-officio member of all the commissions and committees of the Association;
- e. Carry out those duties assigned to the president by the Constitution and Bylaws, Representative Assembly, Board of Directors, and Executive Committee;
- f. Perform such other duties as customarily belong to the office.

**SECTION 2. Vice president:** The vice president shall:

- a. Preside in the absence of the president;
- b. Assume the duties of the president in the event the president is unable to perform such duties or vacates the office;
- c. Serve as second alternate NEA Director;
- d. Serve as a member of the Presidents Council;
- e. Carry out those duties assigned to the vice president by the Constitution and Bylaws, Representative Assembly, Board of Directors, and Executive Committee.

**SECTION 3. Executive Director:** The executive director, under the direction of the Board of Directors shall:

- a. Serve as the chief administrative officer;
- b. Supervise and coordinate the administrative, editorial, publicity, financial, and professional activities of the Association;

- c. Direct the employed staff in accordance with policies and procedures;
- d. Recommend the professional staff to be employed by the Board and employ the support staff;
- e. Be responsible for the records and minutes of the Association;
- f. Be responsible for the accurate safekeeping, expending, and accounting of the Association funds;
- g. Submit a report at the annual meeting of the Representative Assembly;
- h. Advise and assist the officers, Executive Committee, Board of Directors, Representative Assembly, and all committees and commissions in carrying out the program of the Association;
- i. Carry out those duties assigned to the executive director by the Constitution and Bylaws, Representative Assembly, Board of Directors, and Executive Committee;
- j. Be responsible for such other duties as are customarily involved in being the chief administrative officer of the Association.

#### **BYLAWS ARTICLE VII—BOARD OF DIRECTORS**

**SECTION 1. Terms of Office:** The regular term of office for a Board member shall be three (3) years and said member shall be ineligible for immediate succession after having served a full three-year term. The term of office for the state NEA directors shall be for the period of time that they serve on the NEA Board of Directors. The term of office for the president of STEA shall be for the period of time that he/she serves as STEA president. Board members shall assume office the first day of July following their election and shall hold office until their successors shall have qualified. Members shall be elected on staggered rotating terms.

**SECTION 2. Vacancies:** The Board of Directors shall fill any vacancy due to death, resignation, or change in employment wherein a member is no longer a full-time employee in a public, private, or parochial institution in the state in the category they were elected to represent. All appointees shall hold office until the Representative Assembly elects a successor who shall take office on the first day of July for the remainder of the unexpired term. Any member whose employment changes from the geographic area in which elected to serve or any classroom teacher member whose duties are no longer those of a classroom teacher shall continue to serve on the Board until a successor is elected by the next Representative Assembly to take office on the first day of July following the election. Any member who misses three meetings in any year without such absences being approved by the Board as justifiable absences shall be declared as having resigned and shall be replaced. Any member of the Board who is elected to another office that would place said member on the Board shall relinquish the original position upon assuming the duties of the second position, and the original position shall be considered vacant. The Board member may return to the original position July 1 next for the remainder of the term if said member does not seek election to the position assumed. If the Board member seeks election to the position assumed, the Representative Assembly shall conduct an election to fill the vacancy in the original position.

**SECTION 3. Meetings, Quorum, and Chairman Pro Tem:** The Board of Directors shall meet in regular and/or called session at least six (6) times per year except in case of emergency. The president may call the Board into session at any time. Upon written petition by five or more members of the Board, the president shall call the Board into session no sooner than three days or no more than thirty days in the future unless an alternate date is acceptable to those petitioning the call. Each member of the Board shall be notified of the time and place of meetings. A majority of the membership of the Board shall constitute a quorum. In the absence of the president and vice president at a meeting of the Board of Directors, the duties of the president shall be performed by a pro tempore chairman elected by the members present at the meeting.

**SECTION 4. Powers and Duties:** The powers and duties of the Board shall be:

- a. To serve as the executive body for the Association;
- b. To carry out the work, between meetings of the Representative Assembly, for which the Association is established;
- c. To fix the time and place of the annual meeting of the Representative Assembly;
- d. To employ for three-year terms and affix the compensation of the executive director, who shall serve as the chief administrative officer of the Association;
- e. To fix bond for the executive director and any other employees vested with handling funds of the Association;
- f. To employ the professional staff upon the recommendations of the executive director;

- g. To establish policies for the operation of the Association headquarters;
- h. To direct the affairs of the Association and to carry out its policies as determined by the Representative Assembly and this Constitution and Bylaws;
- i. To oversee the financial operation of the Association;
- j. To transfer funds from one category to another within the budget;
- k. To meet Association emergencies by expending reserve funds not in excess of ten percent;
- l. To provide for an annual audit of the Association funds by a certified public accountant;
- m. To make appointments to commissions and committees as directed by the Representative Assembly and to committees created by the Board;
- n. To prepare a proposed agenda, proposed rules of order, and proposed budget for Representative Assembly action;
- o. To operate the Association on the most recently approved budget should the Representative Assembly fail, for any reason, to adopt the proposed budget;
- p. To present recommendations to the Representative Assembly on any proposed constitutional amendment, policy, program, or position of the Association;
- q. To develop objectives and programs for the achievement of stated purposes and goals and to provide for continuing evaluation and improvement of programs;
- r. To carry out those duties assigned it by the Constitution and Bylaws and by the Representative Assembly.

**BYLAWS ARTICLE VIII—EXECUTIVE COMMITTEE**

*SECTION 1. Powers and Duties:* The Executive Committee shall have the power to act for the Board of Directors on all matters delegated to it by the Board and on those items of Association business that cannot acceptably await the next Board meeting. The Executive Committee shall be responsible to the Board at all times and shall report any actions to the Board at its next regular meeting; such actions shall be subject to the approval of the Board of Directors.

*SECTION 2. Meetings:* The Executive Committee shall meet upon call of the president or upon written request of a majority of the Executive Committee.

*SECTION 3. Quorum:* A quorum of the Executive Committee shall be three members.

**BYLAWS ARTICLE IX—REPRESENTATIVE ASSEMBLY**

*SECTION 1. Delegates:* Each affiliated local association shall be entitled to one delegate for each twenty-five active members of the Association or major portion thereof. The Student Tennessee Education Association shall be entitled to one delegate for each two hundred fifty (250) student members or major portion thereof. The Tennessee Retired Teachers' Association shall be entitled to one delegate who must be an NEA-Retired member and two non-voting delegates. A non-voting delegate shall be eligible to ask questions and enter into debate but shall not be eligible to make motions or vote. No individual may serve as a delegate or vote for the election of a delegate until membership dues to the Association for the current membership year shall have been paid or authorized through payroll deduction or an alternate dues payment plan approved by the Board of Directors. Affiliates shall insure that ethnic minority delegates are elected at least in proportion to the ethnic minority membership of the affiliate. If an affiliate is unable to elect classroom teacher delegates in sufficient numbers to fill the classroom teacher delegate positions for which it is eligible, the remaining teacher delegate positions may be filled by administrator candidates, on the ballot, who were excluded because the number of administrator candidates exceeded the affiliate's administrator delegate allotment. The executive director of the Association shall issue delegate credentials to any eligible active member of the Association who shall be designated by the president and secretary of the member's affiliated local association as having been elected a delegate by the membership of that local association.

Any active, student, or retired member possessing valid delegate credentials shall be seated as a member of the Representative Assembly unless the seating of such members is challenged at least 24 hours in advance by a delegate from the challenged member's local affiliate, the TEA Board of Directors, or upon signed petition of 50 delegates. The challenge must be filed in writing with the TEA president and/or executive director and accompanied with the detailed allegations and evidence as to why the member should not be seated. There shall be a five-member credentials challenge committee appointed by the president and approved by the Board of Directors which shall review the challenge, provide an opportunity for the challenged member to defend against the allegations,

and make a report with recommendations to the Assembly. The challenged member may defend against the allegations to the Assembly by addressing the Assembly for not more than 5 minutes. The Assembly will decide whether to seat the challenged delegate.

*SECTION 2. Meetings:* The Representative Assembly shall meet annually at a place and time established by the Board of Directors. When the business of the Association requires it, the Representative Assembly may be called into special session by the president of the Association upon approval of the Board.

*SECTION 3. Quorum:* A quorum for the first session of the Representative Assembly shall be a majority of those who have been issued official delegate credentials. A quorum at any time after the first session shall be a majority of those who have been seated as delegates at said Representative Assembly.

*SECTION 4. Voting:* In all voting in the Representative Assembly each certified delegate present shall be entitled to one vote. In case of disputed votes, the Board of Directors shall have the power to act.

*SECTION 5. Governing Rules:* The Representative Assembly shall operate under the provisions of the Association's Constitution and Bylaws and under such rules of order consistent therewith as may be adopted by it. The most recently revised edition of Robert's Rules of Order shall govern the meeting in all particulars not otherwise specified.

*SECTION 6. Committees:* The president shall appoint the committees necessary to assist in conducting the business of the Representative Assembly.

*SECTION 7. Actions:* When action is taken by the Representative Assembly which supersedes previously adopted Assembly action, all previously established policies, positions, and statements shall be considered to have been simultaneously amended to reflect the most recently adopted action. It shall be the responsibility of the President and Executive Director to see that all such policies, positions and statements are in conformity with the most recent Representative Assembly action.

**BYLAWS ARTICLE X—ELECTIONS**

*SECTION 1. Election Districts:* The delegates to the annual Representative Assembly shall elect persons to fill all positions created by the Constitution, with the exception of the STEA president, in the following manner:

- a. The president and vice president shall be elected at-large;
- b. The three administrators shall be elected at-large—one each from the Eastern, Middle, and Western Grand Divisions of the state;
- c. The new classroom teacher member, the higher education classroom teacher member, the state special schools member; and the active ESP member shall be elected at-large;

d. The three representatives of the teaching profession on the Board of Trustees of the Tennessee Consolidated Retirement System and the Local Education Insurance Committee shall be elected at-large—one each from the Eastern, Middle, and Western Grand Divisions of the state;

e. The three Black classroom teacher members shall be elected at-large—one each from the Eastern, Middle, and Western Grand Divisions of the state;

f. The state NEA directors shall be elected at-large according to requirements of the National Education Association; and if Tennessee qualifies for three or more NEA directors, at least one position must be filled by an ethnic minority member beginning with the first opening after August 31, 1976;

g. The fifteen TEA classroom teacher district board members shall be elected by the delegates from the respective districts as defined below:

District 1: The first TEA board district shall include all local associations within the counties of Carter, Hawkins, Johnson, Sullivan, Unicoi, and Washington.

District 2: The second board district shall include all local associations within the counties of Blount, Cocke, Greene, Hamblen, Jefferson, and Sevier.

District 3: The third board district shall include all local associations within the counties of Anderson, Campbell, Claiborne, Cumberland, Fentress, Grainger, Hancock, Morgan, Roane, Scott, and Union.

District 4: The fourth board district shall include all local associations within the counties of Knox, Loudon, and Monroe.

District 5: The fifth board district shall include all local associations within the counties of Bradley, Hamilton, McMinn, Meigs, Polk, and Rhea.

District 6: The sixth board district shall include all local associations within the counties of Bledsoe, Cannon, Clay, Coffee, DeKalb, Grundy, Jackson, Marion, Overton, Pickett, Putnam, Sequatchie, Smith, Van Buren, Warren, and White.

District 7: The seventh board district shall include all local

associations within the counties of Bedford, Franklin, Moore, Rutherford, Trousdale, and Wilson.

District 8: The eighth board district shall include all local associations within the counties of Giles, Lawrence, Lincoln, Marshall, Maury, and Williamson.

District 9: The ninth board district shall be Metropolitan Nashville.

District 10: The tenth board district shall include all local associations within the counties of Clarksville-Montgomery, Macon, Robertson, and Sumner.

District 11: The eleventh board district shall include all local associations within the counties of Benton, Cheatham, Decatur, Dickson, Hardin, Henderson, Hickman, Houston, Humphreys, Lewis, McNairy, Perry, Stewart, and Wayne.

District 12: The twelfth board district shall include all local associations within the counties of Carroll (West Carroll), Chester, Crockett, Fayette, Gibson, Hardeman, Haywood, Henry, Jackson/Madison, Lake, Obion, and Weakley.

District 13: The thirteenth board district shall include all local associations within the counties of Dyer, Lauderdale, Shelby, and Tipton exclusive of the Memphis Education Association.

District 14-15: The fourteenth and fifteenth board district shall be the Memphis Education Association.

h. The Eastern, Middle, and Western Grand Divisions as used by the Association shall conform to the geographic areas of officially designated by the State of Tennessee;

i. The TEA district boundaries shall continue through June 30, 2011. The Board of Directors shall bring a report with recommendations to the 2010 Representative Assembly to cause the districts to be equitably apportioned.

**SECTION 2. State Delegates to the NEA Representative Assembly:** State delegates to the NEA Representative Assembly shall be elected in keeping with the requirements of the NEA Constitution and Bylaws with the procedure to be determined by the TEA Board of Directors.

**SECTION 3. Nominations:** Nominations for the positions listed in Article X of the Constitution shall be made by affiliated local associations or upon petition of 50 active members provided that nominations for positions to serve districts shall be made only by affiliated local associations or upon petition of 50 active members within the district to be represented by said nominee. Nominees for any position on the Board of Directors shall be active members of the Association in good standing and must have held membership for three consecutive years. Each nominee shall be certified by the president and secretary of the affiliated local association making said nomination or by petition signed by 50 active members and sent to the executive director of the Association no later than sixty days prior to the date set for the convening of the Representative Assembly. The executive director shall cause to be printed a picture and biographical sketch of each candidate in a publication of the Association that is mailed to every active member at least twenty days prior to the Representative Assembly. Additional nominations for statewide positions may be made by affiliated local associations from the floor of the Representative Assembly at the session designated for nominations. Additional nominations of candidates for district board positions shall be made by affiliated local associations in meetings of the delegates from the respective districts. The incumbent Board members, or in the absence of the incumbent a Board member named by the president, shall preside at these district meetings.

**SECTION 4. Withdrawals:** An announced candidate or nominee may withdraw at any time prior to the closing of nominations for the respective race by notifying the president or executive director either in writing or personally. Once nominations for a race have been closed, one cannot withdraw from the ballot.

**SECTION 5. Voting:** The positions to be filled pursuant to this article shall be voted upon by secret ballot or voting machine only by official delegates to the Representative Assembly. In the event the name of only one nominee is presented, said nominee shall be elected by voice vote. The district board member will be voted upon by the delegates of the district that said nominee is to serve, but will be voted upon at the same time and manner as the statewide nominees, except that in the event the name of only one nominee is presented, said nominee shall be elected by voice vote at the district meeting. All positions to be filled by election shall be by plurality vote, except state NEA directors shall be according to NEA requirements. In case of tie votes or disputed elections, the Board of Directors shall be empowered to act.

**SECTION 6. Election Committee:** An Election Committee shall be appointed by the president from the delegates to the Representative Assembly and shall be charged with the duties of verifying candidates, conducting the election, counting the votes, and certifying the results.

**SECTION 7. Challenges and Recounts:** A request for a recount can be made verbally by the candidate to the chairman of the Election Committee prior to the adjournment of the assembly. A challenge, or a request for a recount after the assembly has adjourned, must be made in writing by a candidate in the race in question to the president or the executive director within thirty (30) days following adjournment. The president and executive director shall establish a time, place, and procedure for the recount. A challenge must contain the specific provisions of the TEA Constitution and Bylaws, Standing Rules, or Election Committee policy which was allegedly violated. The Executive Committee shall review all challenges and rule upon them. The decision of the Executive Committee shall be provided in writing to each candidate involved in the challenged election. Any candidate in the challenged election may appeal the decision of the Executive Committee to the Board of Directors by filing a written request to the president within thirty (30) days of receipt of the decision of the Executive Committee. The decision of the Board shall be final. For a challenge to merit being sustained, the election being declared void, and a vacancy declared, its validity must be established and clear evidence must show that the outcome of the election could have been significantly altered or reversed. In the event a challenge is sustained and a vacancy is declared such shall be filled according to Article VI of the Constitution or Article VII of the Bylaws. Any Board member whose election is challenged shall not participate in the decision on the challenge.

**SECTION 8. Optional Election Procedure:** A board district comprised of only one local association shall have the option of electing its board member according to the procedure set forth in this Article, or it may establish a plan whereby the board member shall be elected by vote of all members in said district. Such plan shall be submitted for approval by the president and executive director of the Association no later than ninety (90) days prior to the date set for the convening of the Representative Assembly. The president and executive director shall notify the local association in writing of the approval or disapproval of the plan no later than 14 days after its receipt. The plan shall include a procedure for nominations, campaigning, publicity, secret ballot voting, vote tabulation, challenges, and recounts. The board member elected shall be announced at the Representative Assembly and shall take office on July 1 next. Said board member shall be subject to all applicable provisions of the Constitution and Bylaws. This section shall not apply to filling vacancies as defined in Bylaws Article VII, Section 2.

#### **BYLAWS ARTICLE XI—MEMBERS OF THE RETIREMENT SYSTEM BOARD OF TRUSTEES**

There are no bylaws relative to the members of the Retirement System Board of Trustees.

#### **BYLAWS ARTICLE XII—MEMBERS OF THE LOCAL EDUCATION INSURANCE COMMITTEE**

There are no bylaws relative to members of the Local Education Insurance Committee.

#### **BYLAWS ARTICLE XIII—INITIATIVE, REFERENDUM AND RECALL**

**SECTION 1. Initiative:** If a petition bearing signatures of at least ten percent of the total active membership and representing at least ten percent of the active membership in at least fifteen of the affiliated local associations shall be presented to the executive director requesting that a proposal affecting the Association be submitted to a vote of the membership, the Board of Directors shall publicize such proposal in an official publication of the Association and shall submit it to a vote by secret ballot of the membership within ninety days after presentation of the petition; except that the months of June, July, and August shall not be counted within the ninety days until such time as the State of Tennessee shall have a twelve-month school year. If the proposal is approved by a majority of the active members, the Board of Directors shall place it in effect. In determining the ten percent, the active membership totals in the state and in each local association shall be the Association membership at the end of the previous fiscal year.

**SECTION 2. Referendum:** If a petition signed by at least ten percent of the total active membership and representing at least ten percent of the active membership in at least fifteen of the affiliated local associations shall be presented to the executive director requesting that any action or proposed action of the Board of Directors or Representative Assembly be referred to a vote of the membership, the Board of Directors shall publicize such secret ballot request in an official publication of the Association and shall refer such action or proposed action to a vote of the membership within ninety days after the presentation of the petition; except that June, July, and August shall not be counted within the ninety days until such time as

