

# BYLAWS-CUPERTINO EDUCATION ASSOCIATION

Revised-January 2004

---

## 1. Name

---

- 1.1 The name of this association shall be the **Cupertino Education Association CEA** in Santa Clara County, California.
- 

## 2. Purpose

---

- 2.1 The purpose of this association is to represent its members in their relations with their employer, and to seek to be the exclusive representative of appropriate units of school employees in all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment.
- 

## 3. Affiliation with United Teaching Profession (UTP)

---

- 3.1 The Cupertino Education Association shall be affiliated with the **California Teachers Association (CTA)** and the **National Education Association (NEA)**.
- 

## 4. Membership

---

- 4.1 Membership. There shall be five classes of membership in the Association: Active, Associate, Retired, Staff and Student.
- 4.2 Membership is granted upon initiation of payroll deduction or upon payment of Annual UTP dues appropriate to the class of membership.
- 4.3 Active Membership is open to any person who is engaged in or who is on limited leave of absence from professional education work, is an employee of Cupertino Union School District (CUSD), and whose primary assignment is such as not to hold supervisory responsibility over other certificated employees to such an extent as not to be represented in the negotiations process by the teacher bargaining unit. Active membership is also available to district psychologists, nurses, therapists and counselors.
- 4.4 Associate Membership is open to certificated members of the Santa Clara County Substitute Teachers Association serving as substitute teachers in CUSD. Associate membership is also available to instructional aides, student teachers, interns and all classified personnel of CUSD.
- 4.5 Retired Membership is open to retired teachers who have been active members of CEA or others designated by the Executive Board.
- 4.6 Staff Membership is open to any person employed by the association or any of its national or state affiliates in a professional staff position.
- 4.7 Student Membership is open to any person enrolled or preparing to enroll in a teacher training institution in the State of California and eligible to become a member of the Student California Teachers Association.

BYLAWS-CUPERTINO EDUCATION ASSOCIATION  
Revised-January 2004

- 4.8 UTP conflicts: the membership categories of this association shall not compete with those of another UTP chapter within the same employing jurisdiction.
- 4.9 Exclusion: any individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the association.
- 4.10 Local dues for all categories of membership shall be established by the Executive Board and approved by the Representative Assembly.
- 4.10.1 Dues shall be sufficient to cover the operating expenses of the association and to pay the CTA dues and NEA dues.
- 4.10.2 Dues shall be set for the following school year on or before the last meeting of the current school year.
- 4.10.3 UTP Apportionment: the association shall apportion any negotiated representative fee or organizational security fee on the same percentage basis as the full UTP.
- 4.10.4 Continuous membership: membership in a given class shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for that class. If by October 31 of any year a members has not paid the annual dues or made satisfactory arrangement for payment o dues, that person's name shall be dropped from the rolls.
- 4.11 Benefits are available only to those who are active or associate members.
- 4.12 Code of Ethics: CEA recognizes the preeminence of the "Code of Ethics of the Education Profession".
- 4.13 Rights limited to active members in good standing include:
- 4.13.1 The right to vote on all matters submitted to the general membership and the right to hold elective or appointive office.
- 4.14 Rights of all members include:
- 4.14.1 The right to be present at meetings at which business of CEA is to be transacted.
- 4.14.2 The right to representation in all matters of negotiations, grievance, fringe benefits and any other matters handled by CEA.
- 4.15 Nondiscrimination Policy: rights and privileges of membership shall not be abridged in any way because of age, sex, race, color, ethnic group, marital status, national orientation or sexual orientation.
- 4.16 Due process: no member shall be disciplined without a due process hearing which shall include the established appellate procedure of CRA standing rule 4-1.

- 4.17 Meetings of the General Membership:
  - 4.17.1 Meetings of the general membership fo CEA may be called by the President, the Executive Board, or by written petition of twenty percent (20%) of the membership.
  - 4.17.2 Notices of CEA meetings including date, place, time and purpose of the meetings shall be made available to members at least two days before the meetings, except during crisis situations.
- 4.18 For Emergency Meetings during crisis situations, the Executive Board shall adopt procedures to notify the CEA membership of meeting date, place, and time.
  - 4.18.1 A quorum for meetings of CEA shall be a majority of the active membership.
  - 4.18.2 All meetings of the Representative Assembly are open to the general membership.

---

## **5. Representative Assembly**

---

- 5.1 Members: The Executive Board of CEA, the Faculty Representatives and the State Council Representatives shall constituted the Representative Assembly.
  - 5.1.1 The term of service for members of the Representative Assembly shall be from September 1 of any given year through August 31 of the following year, inclusive.
- 5.2 Quorum of the Representative Assembly shall consist of a majority of the Faculty Representatives.
- 5.3 Voting: Each member of the Representative Assembly shall be entitled to one vote. The presiding officer shall vote only in case of a tie.
  - 5.3.1 An alternate representative shall be entitled to one vote when substituting for the regular representative.
- 5.4 Meetings of the Representative Assembly shall be held the last Monday of each month unless otherwise designated by the Executive Board. Special meetings may be called by the President or by the petition of 20% of the Representative Assembly members.
  - 5.4.1 Representative Assembly meetings are open meetings; however, only Representative Assembly members are eligible to vote.
- 5.5 Duties: The Representative Assembly shall be the policy making body of CEA and shall act on all matters affecting needs and general welfare and/or interest of CEA members and on all other matters properly brought before the body.
  - 5.5.1 The Representative Assembly shall submit to the total membership for vote any amendments to the Constitution and Bylaws of CEA.

## BYLAWS-CUPERTINO EDUCATION ASSOCIATION

Revised-January 2004

5.6 Order of Business: The order of business presented to the Representative Assembly shall be as stated in the Standing Rules of CEA.

5.7 Proposals: Any member may initiate a proposal to the Representative Assembly by submitting a petition signed by at least 10% of the CEA membership.

---

### **6. Faculty Representatives**

---

6.1 Elections: Each building level or special service group shall elect at least one representative and one alternate for each 12 members of an elementary school staff and 15 members of a middle school staff, or major fraction thereof, as certified by the CEA office. Election shall be held prior to the first Representation Assembly meeting of the school year.

6.1.1 Special Service Groups: If a special service group comprises fewer than five members, this group will have the option of joining with another special service group for the purpose of electing a Faculty Representative.

6.2 Additional Representation: When a building level or special service group becomes entitled to additional representation, such representatives shall be elected upon membership verification by the CEA office. If the number of CEA members drops during the year, the number of Faculty Representatives shall not be reduced.

6.2.1 Such representatives shall be elected and start their term of office by the next Representative Assembly, such term to continue until the end of the membership year.

6.3 Lead Representative: The representatives from each building or special service group shall designate one representative to serve as Faculty Representative Chairperson for the building or special service group.

6.4 Term: The term for each representative and alternate shall be one school year. Each representative shall take office at the first Representative Assembly meeting.

6.5 Vacancies: A vacancy in the position of Faculty Representatives may be established when any representative is absent for two consecutive Representative Assembly meetings, without his or her alternate present.

6.5.1 Vacancies of Faculty Representatives shall be filled by special election in their respective units within 30 days of notification.

6.6 Duties of each Faculty Representative include:

6.6.1 To attend each meeting of the Representative Assembly or assume the responsibility of an alternate attendance.

6.6.2 To present to the Representative Assembly the ideas and opinions of the members they represent.

6.6.3 To report all actions of CEA to their respective members.

## BYLAWS-CUPERTINO EDUCATION ASSOCIATION

Revised-January 2004

6.6.4 To exercise their considered judgment on matters of immediate action in the Representative Assembly.

6.6.5 To cooperate with the membership committee in conducting the annual membership drive.

6.7 Requirements: Each Faculty Representative must be employed in good standing in CUSD and must be a CEA member.

---

### 7. **Officers, Duties, Terms, Qualifications**

---

7.1 Terms of office: The Executive Board shall be elected by the CEA membership. The President and Secretary and the Vice-President and Treasurer shall be elected on alternate years in two year terms. Starting for the 2004-06 term the Vice-President and Treasurer shall be on the ballot. After the election has been certified the new officers shall take office on the following Monday.

7.2 Qualifications: Officers shall be active members of CEA and shall be and remain UTP members.

7.3 Duties of the President: The President shall:

7.3.1 Preside at all meetings of the Executive Board, the Representative Assembly and General Meetings of the membership.

7.3.2 Call special meetings when necessary.

7.3.3 Familiarize himself/herself with the constitution, bylaws and standing rules of CEA, CTA and NEA.

7.3.4 Sign checks drawn upon the treasury as co-signed with the Treasurer, Vice President, and/or Executive Director.

7.3.5 Be responsible for the progress and work of CEA.

7.3.6 Appoint all chairpersons of standing committees, subject to the approval of the Executive Board.

7.3.7 Have the power to remove from office those chairpersons included in section 7.3.6 with the approval of the Executive Board.

7.3.8 Shall be the official spokesperson for CEA.

7.3.9 Shall attend, or provide alternate attendance for Service Center Council meetings.

7.3.10 Shall attend UTP meetings as appropriate

7.3.11 Shall attend any meetings deemed appropriate by the Executive Board.

7.4 Duties of the Vice President: The Vice President shall:

7.4.1 Coordinate Faculty Representatives serve as liaison between the Faculty Representatives and the Executive Board.

7.4.2 Keep attendance records of the Representative Assembly and declares a quorum.

## BYLAWS-CUPERTINO EDUCATION ASSOCIATION

Revised-January 2004

- 7.4.3 Orient Faculty Representatives to the Representative Assembly duties as appropriate, oversee the local school or service group elections of Faculty Representatives.
- 7.4.4 Act as parliamentarian.
- 7.4.5 Coordinate committee and social activities with the CEA calendar.
- 7.4.6 Assume the duties of the President in his/her absence.
  
- 7.4.7 Become familiar with the constitution, by-laws and standing rules of CEA, CTA and NEA.
- 7.4.8 Shall attend any meetings deemed appropriate by the Executive Board.
- 7.5 Duties of the Secretary: The Secretary shall:
  - 7.5.1 Keep a record of the proceedings of all meetings of CEA, the Executive Board and the Representative Assembly.
  - 7.5.2 Keep all records in proper books or files and turn all records over to any newly elected secretary immediately following installation in June.
  - 7.5.3 Maintain an accurate roster of CEA membership.
  - 7.5.4 Shall attend any meetings deemed appropriate by the Executive Board.
  
- 7.6 Duties of the Treasurer: The Treasurer shall:
  - 7.6.1 Receive all funds belonging to CEA and deposit the same in a reliable financial institution designated by the Representative Assembly and keep an accurate record thereof.
  - 7.6.2 Pay out funds authorized by the approved budget or a 2/3 vote of the Representative assembly.
  - 7.6.3 Pay annual fees as provided in Article III of the NEA constitution.
  - 7.6.4 Keep an itemized account of receipts and expenditures and make a written report of same at least quarterly to the Representative Assembly and annually to the general membership.
  - 7.6.5 Have the financial records audited annually.
    - 7.6.5.1 Auditing shall be done by a public accountant.
  - 7.6.6 Be responsible for submitting a budget to the Representative Assembly for approval in September of each year.
  - 7.6.7 Oversees the state and federal tax reports and tax exempt status.
  - 7.6.8 Submit information and financial reports to the CTA, NEA and other agencies as required by law.
  - 7.6.9 Shall attend any meetings deemed appropriate by the Executive Board.
  
- 7.7 Duties of CTA State Council Representatives shall:
  - 7.7.1 Regularly attend all meetings of the State Council of Education.
  - 7.7.2 Participate actively in the work of committees to which he/she is assigned.
  - 7.7.3 Become informed on professional and educational matters in the

## BYLAWS-CUPERTINO EDUCATION ASSOCIATION

Revised-January 2004

chapter, area or organizations represented, and be prepared to make adequate presentations of proposals or recommendations originating in such chapter area or organization.

7.7.4 Report regularly to his/her chapter, area or organization on the deliberations and actions of the State Council of Education.

7.7.5 Attend and participate in the meetings and activities of the Service Center Council of which this chapter is part of.

7.7.6 Perform such other duties as may be assigned to representatives by action of the State Council of Education.

7.8 Duties of NEA Convention Delegate shall:

7.8.1 NEA delegates shall comply with the duties as outlined by CTA/NEA, in addition, delegates shall report to the membership in a manner and time to be determined by the Executive Board.

---

### **8. Executive Board**

---

8.1 The Executive Board administers the policy of CEA as set by the membership through the Representative Assembly.

8.2 Composition: The Executive Board shall be composed of the Officers of CEA and four Directors (primary, intermediate, middle school and support services) and State Council Representatives.

8.2.1 Each member of the Executive Board is entitled to one vote per motion requiring Executive Board action.

8.3 Qualifications and Elections

8.3.1 All members of the Executive Board shall be active members of CEA and remain members of the UTP.

8.3.2 Directors shall be elected by the members of the Representative Assembly.

8.3.3 Directors on the Executive Board shall be elected for a term of one year.

8.3.4 Members of the Executive Board shall assume office on the last Executive Board meeting of the school year in June.

8.4 Quorum: A Quorum of the Executive Board shall consist of a majority of the members of the Executive Board.

8.5 Meetings

8.5.1 The Executive Board shall hold monthly meetings during the school year.

8.5.2 Special meetings shall be called by the President and/or on request by three Executive Board Members.

8.5.3 All Executive Board meetings, excepting Executive Sessions, are open meetings.

8.5.4 Executive Board may hold Executive Sessions at which discussions shall be exclusively be limited to 1) hiring, firing

## BYLAWS-CUPERTINO EDUCATION ASSOCIATION

Revised-January 2004

and/or evaluation of professional staff, 2) personnel cases involving members and the District, 3) strategy and/or tactics related to negotiations or for presentations to the Board of Education.

- 8.5.5 Minutes of Executive Board meetings shall be circulated to all committee chairpersons, all Representative Assembly members and any other member upon request.
- 8.5.6 The last Executive Board meeting in June will include both outgoing and incoming members.

### 8.6 Vacancies

- 8.6.1 If a member of the Executive Board is unable to continue in that position, the office will be declared vacant by the Executive Board.
- 8.6.2 The Executive Board shall require regular attendance at scheduled Executive Board meetings, and the seat of a member be declared vacant in case of three consecutive absences from such meetings unless such absences are excused by the Executive Board.
- 8.6.3 Vacancies shall be filled by a special election.

### 8.7 Powers and Duties

- 8.7.1 The Executive Board shall supervise the administration of the policies of CEA and exercise such other powers it may be granted by these bylaws or by the Representative Assembly.
- 8.7.2 The Executive Board shall schedule the general meetings of CEA and the Executive board shall give notice of these meetings by official publication.
- 8.7.3 The Executive Board shall approve all appointments of members of joint committees with organizations other than CEA.
- 8.7.4 The Executive Board shall review and recommend the annual budget for adoption to the Representative Assembly.
  - 8.7.4.1 The proposed budget shall be sent to the Representative Assembly at least two weeks prior to its adoption.
- 8.7.5 The Executive Board shall provide direction for committees.
- 8.7.6 The Executive Board shall propose and submit to the Representative Assembly for consideration, rules and regulations for the conduct of the affairs of CEA.
- 8.7.7 Duties of the Directors. Each Director shall:
  - 8.7.7.1 Serve as liaison between members in her/his jurisdiction and the executive board.
  - 8.7.7.2 Recruit members to serve on committees.
  - 8.7.7.3 Perform other duties as specified by the Representative Assembly.
  - 8.7.7.4 Shall attend any meetings deemed appropriate by the Executive Board.

## 9 Committees

---

### 9.1 Establishment

- 9.1.1 Executive Board or Representative Assembly may establish such Standing Committees and *ad hoc* committees as are necessary to facilitate the operation of CEA
- 9.1.2 Standing and *ad hoc* committees shall engage in such activities within their scope as defined by the bylaws or standing rules or designated by the Executive Board or Representative Assembly.
- 9.1.3 Any CEA member may serve on any standing committee or *ad hoc* committee subject to approval by the Executive Board or Representative Assembly.
- 9.1.4 Chairpersons of all committees shall be appointed by the President with the approval of the Executive Board.
- 9.1.5 Terms of office will be for the full term of the President. Officers may continue to serve as long as they keep the support of the CEA Executive Board and wish to continue in their position.

### 9.2 Standing Committees: There shall be the following Standing Committees:

- 9.2.1 Grievance
- 9.2.2 Budget Advisory
- 9.2.3 Political Action
- 9.2.4 Curriculum and Standards
- 9.2.5 Health and Welfare
- 9.2.6 Nomination and Election
- 9.2.7 Joint Leadership
- 9.2.8 Negotiations

### 9.3 Specific Duties of Standing Committees shall be stated in the Standing Rules.

### 9.4 Reports of Standing Committees: Each committee may submit a written report to the Executive Board and the Representative Assembly at the end of the year which shall enumerate accomplishments during the year and include recommendations for the coming year.

### 9.5 *Ad Hoc* committees

- 9.5.1 *Ad hoc* committees shall be authorized by the Executive Board and/or Representative Assembly for a specific purpose and with a specific timeline.
- 9.5.2 The *ad hoc* committee shall report to the Executive Board and the Representative Assembly at the completion of their tasks.

---

## 10 Nomination and Election

---

- 10.1 Nominating Committee: A nominating committee consisting of five members shall be appointed by the President subject to the approval of the Executive Board by the March Representative Assembly meeting.
- 10.2 Nomination and Petition for Officers: A person meeting all the qualifications of the office sought can be nominated. Nominations for office shall be made as follows.
- 10.2.1 Any active member, at his/her request, shall have his/her name placed upon the ballot for and office of the Association.
  - 10.2.2 The name of any active member may be placed in nomination by any other active member, with the consent of the nominee.
    - 10.2.2.1 Election of officers of the Association shall be conducted at the last regular meeting of the Association for the school year.
    - 10.2.2.2 Voting shall be by secret ballot.
    - 10.2.2.3 If only one name has been submitted for an officer of the Association, the Nomination and Election Committee shall seek acceptance of a second nominee, to assure two nominations for each seat. Nominations may be submitted in writing to the Nomination and Elections Committee or made from the floor from the Representative Assembly.
    - 10.2.2.4 All elections, such as, but not limited to, representatives to CTA State Council, NEA Delegates, and contract ratification shall be conducted by the Nomination and Elections Committee.
- 10.3 Prohibition of Discrimination: Elective offices are open to all active members in good standing without regard to age, sex, colour, ethnic group, marital status, national origin or sexual orientation.
- 10.4 Rights of Candidates:
- 10.4.1 Executive Board, Representative Assembly, committees or any group members are prohibited from use of dues, assessments or other CEA funds to promote any candidate.
  - 10.4.2 Each candidate has the right to expect equitable treatment during the election campaign.
  - 10.4.3 Each candidate has the right of access to the membership list.
- 10.5 Elections
- 10.5.1 Elections shall be held under the supervision of the Nomination and Elections Committee.
  - 10.5.2 All members shall be informed of the election timeline in writing through official CEA publication(s).

- 10.5.3 Timeline:
  - 10.5.3.1 Ballots shall be distributed to each school or special service group by their Faculty Representatives. Distribution and election procedures shall be conducted according to CEA Standing Rules E and F.
  - 10.5.3.2 Nomination and Elections Committee shall report the results of the balloting to the Executive Board within one week of the completion of the election.
  - 10.5.3.3 Results of the election shall be published in official CEA publication(s).
  - 10.5.3.4 The candidate receiving the majority of the votes cast for each office shall be declared elected.
  - 10.5.3.5 In the event that no candidate receives a majority of the votes cast, a run-off election shall be held between the two candidates receiving the highest number of votes.
  - 10.5.3.6 In the event a run-off election is necessary, the election shall be held no later than one week following the report of results of the general election.
- 10.5.4 Review of election
  - 10.5.4.1 Ballots will be kept for one year following the report of results of the election as instructed in CEA Standing Rules D.1.
  - 10.5.4.2 Any member wishing to challenge the results of the election shall be placed in contact with the Nominations and Elections committee.
- 10.5.5 Recall Elections
  - 10.5.1 A recall of any person in an elective position may be initiated by a petition signed by one-third (1/3) of the active membership of his/her particular constituency. A state of the reasons for the proposed recall shall be part of the recall petition.
  - 10.5.2 Each person named in the recall petition shall have the right to make a rebuttal statement, which shall be distributed to his/her constituency at least seven days before the recall election.

---

## **11. Political Action Committee**

---

- 11.1 Purposes: The CEA political Action committee is stabled for the following purposes.
  - 11.1.2 To inform members of legislation, voting records, and positions of legislators and candidates that may affect the members' classrooms, working conditions, rights, and benefits.

## BYLAWS-CUPERTINO EDUCATION ASSOCIATION

Revised-January 2004

11.1.3 To serve as a voluntary funding structure through which CEA members may give direct and indirect financial contributions to support or oppose such:

11.1.3.1 State and local candidates for office;

11.1.3.2 State and local issues, including ballot measures (issues) that are deemed worthy of support (or opposition) from the standpoint of educational issues and without regard to partisan consideration.

### 11.2 Officers

11.2.1 Composition. Officers shall be a chairperson, treasurer, and such other officers as are deemed necessary by the CEA PAC.

11.2.2 The President of CEA with the approval of the Executive Board will appoint the chairperson and treasurer. The chairperson of CEA PAC will appoint the remaining officers. Officers generally should reflect the racial, gender, and geographic balance of the local association.

### 11.3 Funding

11.3.1 A voluntary amount of up to \$2 per-member per month will be placed in the account of this committee (CEA PAC) by payroll deduction from each members' local contribution. These monies will remain segregated from the general membership account. The CEA Executive Board, to reflect the need of the CEA PAC and the budget of CEA, will adjust the actual amount per member.

11.3.2 Amounts may be spent for any purpose that is deemed to be consistent with the statement of purpose of the groups as judged by the CEA PAC committee with the approval of the CEA Executive Board and advice from the CEA Representative Assembly. The following guidelines will be used as procedures.

11.3.2.1 Amounts up to \$250 may be used by the chairperson with the approval of the treasurer without previous authorization of the Executive Board. Reports of these expenditures will be made to the Executive Board each regular meeting.

11.3.2.2 Amounts of between \$250 and \$1,000 may be spent with the approval of the Executive Board. Reports of these expenditures will be made to the Executive Board and Representative Assembly at each regularly scheduled meeting.

11.3.2.3 Amounts over \$1,000 may only be spent with prior approval of both the Executive Board and the Representative Assembly.

11.3.3 No amount of funding or support “in-kind” can be given to:

11.3.3.1 Support or oppose any city or county school board candidate, or community college board candidate, unless they are considered supported or recommended by the CEA Representative Assembly.

11.3.3.2 Support or oppose a local educational initiative or ballot measure unless this is consistent with the position (support or oppose) of the CEA Representative Assembly.

---

## 12. Amendments to the Bylaws

---

12.1 Amendments to the bylaws may be proposed by a majority of the Executive Board to the Representative Assembly at any regular meeting or by petition signed by 10% of the general membership.

12.2 Proposed amendments shall be submitted to the general membership at least 15 working days prior to voting on them.

12.3 A ballot of the general membership shall be cast and amendments shall be ratified if approved by **two-thirds** of the votes cast.

12.4 Amendments shall go into effect immediately unless the amendments specify another day.

---

## 13. Standing Rules

---

13.1 Standing Rules of CEA shall provide such additional procedures and information as may be necessary to provide for the interpretation and administration of these bylaws and for efficient administration of the program of CEA.

13.2 The Executive Board or Representative Assembly may propose standing rules.

13.3 The Representative Assembly shall have the power to change, delete, or adopt such standing rules by a majority vote.

---

## 14. Parliamentary Procedure

---

14.1 *Robert's Rules of Order, Revised* shall be the authority of parliamentary procedure in all meetings unless otherwise specifically provided for in the bylaws.