

CONSTITUTION AMENDMENT 1

CONSTITUTION of the NATIONAL EDUCATION ASSOCIATION OF NEW MEXICO

Preamble

We, the members of the National Education Association of New Mexico, in order that the Association may serve as the New Mexico voice for public education, advance the cause of education for all individuals, promote professional excellence among educators, gain recognition of the basic importance of the ~~teacher-education professional~~ in the learning process, protect the rights of educators and advance their interests and ~~welfare~~well-being, secure professional autonomy, unite educators for effective citizenship, promote and protect human and civil rights, and obtain for its members the benefits of an independent, united ~~teaching-education~~ profession, do hereby adopt this Constitution.

ARTICLE I. Name, Goals, Objectives, Authorities for Governance, and NEA Affiliation.

Section 1. Name.

The name of this organization shall be the National Education Association of New Mexico.

Section 2. Goals and Objectives.

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

Section 3. Governance.

The Association shall be governed by its Articles of Incorporation, this Constitution, the Bylaws, the Standing Rules, and such other actions as the membership, the Delegate Council, and the Board of Directors may take consistent therewith.

Section 4. NEA Affiliation.

The Association shall be affiliated with the National Education Association of the United States.

ARTICLE II. Membership.

Section 1. Classes of Membership. There shall be a class of Active members. Other classes of membership may be provided in the Bylaws.

Section 2. Membership Eligibility: Provisions and Limitations

a. ~~Active Membership-membership~~ in the Association, as provided in the Bylaws shall be open to any person who is actively engaged in, or who is on leave of absence from the profession of teaching or other work in education, or who is serving as an executive officer of the Association or who is employed by the Association.

b. ~~Membership is limited to persons who shall agree to subscribe to the goals and objectives of the Association and to abide by the Governing Documents of the Association.~~

c. ~~An application for membership shall be subject to review as provided in the Bylaws, 2.2 d.~~

d. The Association shall not deny membership to individuals on the basis of ~~race, creed, national origin, sex, or physical limitation~~ race, color, national origin, ancestry, sex, age, religion, gender identity, spousal affiliation, pregnancy, childbirth, or related condition, nor shall any organization which so denies membership be affiliated with the Association.

Section 3. Property Interest of Members.

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

ARTICLE III. Delegate Council.

Section 1. Accountability.

The Delegate Council, consisting of members of the Association, derives its powers from and shall be responsible to the membership.

Section 2. Allocation of Delegates.

a. Allocation of delegate credentials to local affiliates, NEA-NM Retired, and Student NEA-NM Aspiring Educators ~~NEA~~ shall be based on membership as provided in the Bylaws, which also shall provide for other delegate credentials.

b. The Association shall seek, through available means, proportional ethnic minority representation in the Delegate Council. The Bylaws shall define the term ethnic minority.

Section 3. Election of Delegates.

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

b. Election to executive office or to the Board of Directors shall constitute election to the Delegate Council.

c. Election of delegates to the Delegate Council shall be by secret ballot for each individual position. The NEA-NM members within each membership group entitled to delegate allocations as set forth in the Constitution and the Bylaws shall be eligible to vote.

Section 4. Seating of Delegates.

The Delegate Council shall have jurisdiction over the seating of its delegates.

Section 5. Meetings.

The Delegate Council shall meet at least once each year. In case of emergency, the Association Board of Directors may call or postpone a Council meeting as provided in the Bylaws.

Section 6. Committees.

All appointive bodies of the Association shall be designated by the term committee. A Committee on Constitution, Bylaws, and Rules shall be established by the Delegate Council. All other committees shall be established or discontinued as provided in the Bylaws.

Section 7. Functions.

The Delegate Council shall:

- a. establish Association policies and objectives;
- b. amend the Bylaws in accordance with Article VII, Section 3;
- c. adopt the rules governing its meetings;
- d. enact such other measures as may be necessary to achieve the goals and objectives of the Association which are not in conflict with the Articles of Incorporation, this Constitution, or the Bylaws.

Section 8. Objectives.

The Delegate Council may periodically establish specific objectives in the pursuance of the stated goals of the Association.

ARTICLE IV. Executive Officers.

Section 1. Executive Officers.

The executive officers of the Association shall be the President and the Vice President.

Section 2. Qualifications for Executive Officers.

All candidates for the office of President and Vice President shall be Active members of the Association. All executive officers shall maintain Active membership in the Association.

Section 3. Elections, Terms and Salaries.

a. The candidates for the offices of President and Vice President shall be elected in accordance with the Bylaws and Standing Rules.

b. The terms of the President and of the Vice President shall be three (3) years beginning July 15 following their election. Each executive officer shall remain in office through July 14 of the year in which a successor is elected, unless otherwise provided in this Constitution. An executive officer shall serve no more than two (2) full ~~consecutive~~ terms in the office to which elected.

c. The elected President shall serve full time. The salary for the President shall be determined as provided in the Bylaws.

Section 4. Vacancies and Succession.

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

a. A vacancy in the office of President shall be filled by the Vice President.

b. A vacancy in the office of Vice President shall be filled by the Board of Directors, which shall elect a successor to serve until the meeting of the Delegate Council following the effective date of the vacancy.

If, at the time of the Delegate Council, the next general election is six (6) months or less, the Delegate Council will fill the vacancy using the procedures for the election of members-at-large to the Board of Directors, except that elections to fill these vacancies may be held at any Delegate Council. If the next general election is greater than six (6) months, a general election will be called; and nominations will be received on the floor of the Delegate Council.

c. If the offices of President and Vice President become vacant, the Board of Directors shall elect successors to both offices until the meeting of the Delegate Council following the effective date of the vacancy. If, at the time of the Delegate Council, the next general election is six (6) months or less, the Delegate Council will fill the vacancy using the procedures for the election of members-at-large to the Board of Directors, except that elections to fill these vacancies may be held at any Delegate Council. If the next general election is greater than six (6) months, a general election will be called; and nominations will be received on the floor of the Delegate Council.

Section 5. Recall.

Executive officers of the Association may be recalled for violation of the Code of Ethics of the Education Profession, as established by the National Education Association for misfeasance, for malfeasance, or for nonfeasance in office.

a. Recall proceeding against an officer shall be initiated by written petition submitted to the Board of Directors by at least (1) fifty (50) percent of the delegates certified for attendance at the most recently held meeting of the NEA-NM Delegate Council; or (2) twenty-five (25) percent of the total Active membership of the Association; ~~or (3) seventy-five (75) percent of the members of the NEA-NM Board of Directors.~~

b. ~~If, after a due process hearing, a two-thirds (2/3) vote of a review board as provided in the Bylaws shall sustain the charge, If the board certifies the validity of the petitions,~~ a recall vote of the entire Active membership by secret ballot shall be held. If the recall is sustained by two-thirds (2/3) of those voting, the office shall be vacant.

ARTICLE V. Board of Directors.

Section 1. Composition.

The Board of Directors shall consist of: (a) directors selected from units to be determined in the Bylaws (5.1); (b) directors from the Student Aspiring educator NEA, as determined in

the Bylaws; and (c) the executive officers, the New Mexico NEA Director, and the alternate New Mexico NEA Director.

a. Teachers shall be represented on the Board at least in proportion to their membership in the Association. If the percentage of teachers elected to the Board of Directors fails to achieve such proportional representation, the Delegate Council shall nominate and elect at-large the number required to assure such representation.

b. Supervisors shall be represented on the Board in the same proportion as the number of their NEA-NM members bears to the total Active membership of NEA-NM. The Delegate Council shall nominate and elect an at-large administrator/ supervisor member(s) to the Board. For the purposes of this article, Supervisor shall have the meaning contained in the New Mexico Public Employee Collective Bargaining Act.

c. Ethnic minority membership shall be represented on the Board in the same proportion as the number of their NEA-NM members bears to the total Active membership of NEA-NM. The Delegate Council shall nominate and elect ethnic minority members to the Board of Directors when necessary to maintain this proportionality.

d. Educational Support Professionals shall be represented on the Board at least in proportion to their membership in the Association. If the percentage of Educational Support Professionals elected to the Board of Directors fails to achieve such proportional representation, the Delegate Council shall nominate and elect at large the number required to assure such representation.

e. Non-supervisory teaching faculty/ professional staff in higher education shall be represented on the Board at least in proportion to their membership in the Association. If the percentage of non-supervisory teaching faculty/professional staff in higher education elected to the Board of Directors fails to achieve such proportional representation, the Delegate Council shall nominate and elect at-large the number required to assure such representation.

f. Retired members shall be represented on the Board at least in proportion to their membership in the Association. Retired directors shall be elected by secret ballot for each individual position by the retired members of NEA-New Mexico.

g. ~~Student NEA~~ NEA-NM Aspiring Educator representation on the Board of Directors shall not be computed in determining the representation entitlements of administrators or non-supervisory teaching faculty/professional staff in higher education.

h. Alternates for positions on the Board of Directors shall be as determined in the Bylaws.

Section 2. Election and Terms of Office.

a. The election of NEA-NM directors shall be provided for in the Association Bylaws.

b. NEA-NM directors shall serve a term of three (3) years and shall serve no more than two (2) full ~~consecutive~~ terms.

c. At-large directors shall serve one-year terms and shall serve no more than six (6) full ~~consecutive~~ terms.

d. ~~Student~~Aspiring educator NEA directors shall serve a term of one (1) year and shall serve no more than two (2) full terms. The directors shall be ~~student~~aspiring educator members of the Association.

Section 3. Functions.

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

ARTICLE VI. Affiliates and Special Interest Groups.

Section 1. Affiliation.

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

Section 2. Ethnic Minority Representation.

Affiliates of the Association shall take all reasonable steps to assure that their elective and appointive bodies shall have ethnic-minority representation at least proportionate to the ethnic-minority membership of the affiliate.

Section 3. Classes.

The three (3) classes of affiliates shall be governance, StudentAspiring educator NEA, and non-governance.

a. The governance class shall consist of local affiliates exclusively.

b. The StudentAspiring educator NEA shall consist solely of the studentaspiring educator members of the Association.

c. The non-governance class shall consist of all other affiliated professional and nonprofessional organizations.

Section 4. Rights of Active Members in Governance Affiliates.

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

Section 5. Standards and Procedures for Affiliation.

Affiliates which fail to comply with standards and procedures set forth by the Bylaws shall be subject to censure, suspension, or disaffiliation.

Section 6. Special Interest Groups.

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

ARTICLE VII. Amendment of Constitution and Bylaws.

Section 1. Proposal of Amendments.

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

a. By petition signed by at least fifty (50) Active members from two (2) or more local affiliates and submitted to the Committee on Constitution, Bylaws and Rules for presentation to the Delegate Council;

b. By petition signed by at least twenty-five (25) delegates to the Delegate Council and submitted to the Committee on Constitution, Bylaws and Rules for presentation to the Delegate Council;

c. By majority vote of the Active membership of a local affiliate present and voting at an official meeting of the local;

d. The form of the proposed amendment will be presented in an official Association publication and distributed to all members prior to the Delegate Council at which it will be considered.

e. By majority vote of the NEA-NM Board of Directors and submitted to the Committee on Constitution, Bylaws and Rules for presentation to the Delegate Council; or

f. by majority vote of the Committee on Constitution, Bylaws and Rules.

Section 2. Amendment to the Constitution.

a. A proposed amendment to the Constitution shall be presented in writing to the Committee on Constitution, Bylaws and Rules, postmarked no later than fifty (50) days prior to the Delegate Council meeting at which it is to be considered.

b. The text of the proposed amendment shall be printed in the Delegate Handbook and sent to all delegates no later than thirty (30) days prior to the Council meeting at which it will be considered.

c. Two-thirds (2/3) vote of delegates to the Council shall remove an amendment from the ballot.

d. This Constitution may then be amended by two-thirds (2/3) of the votes cast by the Active members of NEA-NM at a regular or special election.

Section 3. Amendment of the Bylaws.

a. A proposed amendment to the Bylaws shall be presented in writing to the Committee on Constitution, Bylaws, and Rules, postmarked no later than fifty (50) days prior to the Delegate Council meeting at which it is to be considered.

b. The text of the proposed amendment shall be printed in the Delegate Handbook and sent to all delegates no later than thirty (30) days prior to the Council meeting at which it will be considered.

c. The text of the proposed amendments will be printed in an official Association publication and distributed to all members.

d. The Bylaws may then be amended by a majority vote of the delegates present and voting except that the Bylaw established dues shall be amended by vote of the NEA-New Mexico Active membership.

Section 4. Voting on Amendments.

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

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

Section 5. Withdrawal of Proposed Amendments.

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

a. If originally proposed by petition of fifty (50) or more Active members from two or more local affiliates, or twenty-five (25) or more delegates, the request shall be signed by at least two-thirds (2/3) of such Active members or delegates;

b. If originally proposed by a majority vote of the Active membership of a local affiliate present and voting at an official meeting of the local affiliate, the request to withdraw shall be made by majority vote of that local affiliate at an official meeting;

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

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