

**NCAE Constitution**  
*as of March 2009*

Preamble .....	1
Article I: Name and Objectives .....	1
Article II: Organization.....	2
Article III: Membership and Dues .....	3
Article IV: Officers .....	5
Article V: Board of Directors.....	8
Article VI: Local Affiliates .....	11
Article VII: Representative Assembly.....	13
Article VIII: Nomination and Election of State Officers .....	15
Article IX: Districts .....	17
Article X: Divisions .....	18
Article XI: Commissions and Committees.....	19
Article XII: Judicial Review.....	20
Article XIII: Liaison Committee.....	20
Article XIV: Amendments .....	21

**Preamble**

The NCAE endorses and supports the concept of mutual integration, respect, and dignity of all ethnic groups in the organizational, economic, social, political, and educational activities of all its members.

**Article I**  
**Name and Objectives**

Section 1. The name of this organization shall be the North Carolina Association of Educators, Incorporated.

Section. 2. The objectives of this Association shall be:

- a. the professional improvement of its members,
- b. the promotion and the protection of the welfare of its members, and
- c. the advancement of the cause of education in North Carolina.

## **Article II Organization**

Section 1. The North Carolina Association of Educators, Incorporated, shall be organized as follows:

- a. the local affiliates which shall be the basic organization of the Association and which shall be organized in the cities, counties, federal schools, and educational institutions of the State,
- b. the districts, which shall be geographical areas, shall be apportioned on the one-person-one-vote principle,
- c. the divisions which shall be as follows: Educational Support Personnel, Principals/Administrators, Retired School Personnel, Student Program, and Student Services,
- d. the commissions which shall be as follows: Government Relations, Higher Education, Instruction and Professional Development, Professional Rights and Responsibilities, Human and Civil Rights and such others as the Board of Directors may create, and
- e. the committees which shall be as follows: Advisory Committee to the High School Future Teachers of America, the Advisory Committee to the NCAE Student Program, and Communications.

Section 2. There shall be a State Association whose officers, Board of Directors, and headquarters staff shall coordinate the work of the local affiliates and supervise and direct the affairs of the Association.

Section 3. The State Association shall maintain a state headquarters and shall publish a journal of education as its official organ.

Section 4. Non-Governance Affiliates: Any organization which is state-wide in its membership and activities, which is actively engaged in public education, and whose objectives are in harmony with the stated purposes of the NCAE, Inc., may become a non-governance affiliate on approval by the Board of Directors and on payment of the affiliation fee set by the Board of Directors.

### **Article III Membership and Dues**

Section 1. Qualifications: The qualifications of the respective classes of members of the Association shall be as follows.

- a. Active: Any person who is actively engaged in, or who is on a limited leave of absence from, professional educational employment or educational support employment in North Carolina may become an active member by the payment of local, state, and national membership dues in the Association and in the Principals/Administrators Division, Educational Support Professionals Division and the Student Services Division for those who qualify for membership in those Divisions. Ethnic groups in the Association shall be recognized according to ethnic background and shall have representation based on the number of active members.

A college degree and/or a Class A certificate, or a regular vocational or technical certificate, where such a degree or certificate is required for employment, shall be required for active membership in the North Carolina Association of Educators, Inc. This provision shall not apply to any person who has ever been an active member of the NCEA or NCTA.

Active Life Members at the time of termination of the Life Membership category shall continue to hold active membership for life. A retired Life Member's voting and representational rights shall be limited to the Division of Retired School Personnel.

- b. Associate: Any person not eligible for another class of membership who is interested in advancing the cause of education in North Carolina may become an associate member. The Board of Directors shall have the final authority on questions arising as to the eligibility of associate members. A person may become an associate member on payment of such dues as shall be fixed by the Board of Directors.
- c. Student: Any student regularly enrolled in any North Carolina college or university, public or private, may become a student member of the NCAE, Inc., on payment of such dues as shall be fixed by the Board of Directors.
- d. Retired: Any educator who has held active NCAE or NEA state affiliate membership immediately prior to retirement from active service may become a retired member of the Association on payment of such dues as shall be fixed by the Board of Directors and shall be eligible to be a voting delegate to the Representative Assembly from a local unit of retired school personnel.
- e. Staff: Staff membership shall be open to any person employed by the Association or any of its affiliates in a staff position. Staff members shall not

hold elective or appointive positions at any level or have voting privileges. They shall have all the rights and privileges afforded to associate members. A member of the staff may become a member on payment of such dues as shall be fixed by the Board of Directors.

Section 2. Membership Dues: The Board of Directors shall determine the annual state membership dues, not to exceed .75% of the North Carolina beginning teacher's salary in 2007-2008, .80% of the beginning teacher's salary in 2008-2009, and not to exceed .85% of a beginning teacher's salary in 2009-2010.

For the first four years of continuous NCAE membership, beginning teachers who enroll as members of NCAE will receive a \$10 credit toward their active dues for each year of NCAE Student Program membership with a credit limitation of \$40 for four years of participation providing they were members of the NCAE Student Program during their last academic year in a higher education institution.

Section 3. Payment of Dues: Annual dues shall be collected by the secretary-treasurer of the local affiliate and shall be paid by said secretary-treasurer to the executive director of the Association on the following basis: cash-paid dues, by December 15; payroll-deducted dues, monthly as they are collected.

Section 4. Privileges of members

- a. Active members of local affiliates shall be entitled to the following privileges:
  - (1) the right to vote on all matters submitted to the membership,
  - (2) eligibility to elective and appointive office in the Association, subject to the obligations of membership as stated in Section 5 of this article,
  - (3) admission to and participation in Association meetings,
  - (4) eligibility to appointment on commissions and committees of the Association,
  - (5) receipt of the Association publications, and
  - (6) all Association services available to the membership.
- b. Associate members shall be entitled to the following privileges:
  - (1) admission to Association meetings,
  - (2) receipt of Association publications, and
  - (3) such special services as the Board of Directors may approve.

- c. Retired and student members shall have all of the above privileges except that the right to vote and hold office shall be limited to their respective divisional activities with the exception of holding voting delegate status to the Representative Assembly.

Section 5. Obligations of membership: Members of the Association shall be subject to the following obligations.

- a. Payment of annual membership dues by December 15 or authorizing dues payment by payroll deduction by December 15, or when employment is after November 1, ten days after receiving payment for one full month of employment. Anyone who joins after the times stipulated above shall be classified as an associate member.
- b. Active support and promotion of the stated objectives of the Association,
- c. Cooperation with Association officers, representatives, and committees through personal service in furthering the program of the Association, and
- d. Conformity with the Code of Ethics of the Education Profession.

Section 6. Termination of membership: Membership may be terminated in accordance with rules and regulations of the Board of Directors under the following circumstances:

- a. non-payment of dues, and
- b. flagrant violation of recognized standards including provisions of the Code of Ethics of the Education Profession.

Section 7. Due process and the right to appeal: members subject to censure, suspension, or expulsion shall be guaranteed due process and appeal rights.

#### **Article IV Officers**

Section 1. General: The officers of the Association shall be a president, a vice-president, an executive director, and an associate executive director.

Section 2. Election and term of office

- a. The president shall be elected biennially in the way and manner prescribed in Article VIII, shall enter on those duties on July 1 of the year of the election, and shall serve for a term of two years or until a successor has been elected and installed.

- b. No individual shall serve as president for more than two terms.
- c. If, after three consecutive terms, an ethnic minority has not served as president, then only ethnic minority members shall be eligible to become candidates for president for the next term.
- d. The vice-president shall be elected biennially in the way and manner prescribed in Article VIII, shall enter on those duties on July 1 of the year of the election, and shall serve for a term of two years or until a successor has been elected and installed. If, after three consecutive terms, an ethnic minority has not served as vice-president, then only ethnic minority members shall be eligible to become candidates for vice-president for the next term.
- e. No individual shall serve as vice-president for more than two terms.
- f. No person shall be eligible to run for or to hold the office of NCAE president and NCAE vice-president at the same time.
- g. The executive director and associate executive director shall be elected by the Board of Directors for two or four-year terms. The executive director and associate executive director shall be of different races and shall be ex-officio non-voting members of the Board of Directors.

Section 3. Resignations: Any officer may resign at any time by giving written notice to the Board of Directors, or to the executive director.

Section 4. Duties of officers:

- a. President: The president shall have the following powers and duties:
  - (1) to preside at the meetings of the Association and of the Board of Directors,
  - (2) to call special meetings of the Board of Directors as the need arises, or on the request of a majority of the directors,
  - (3) to appoint, subject to the approval of the Board of Directors, the standing and special commissions and committees immediately on assuming the duties of the office,
  - (4) to serve as an official representative of the Association at meetings of educational bodies and other groups working toward the advancement of education,
  - (5) to be an ex-officio member of all commissions and committees of the Association, and

(6) to perform such other duties as may properly pertain to the office.

b. Vice-President: In the absence or disability of the president, the vice-president shall perform all the duties of the president and when so acting shall have all the powers and responsibilities of the president. The vice-president shall also represent the president, on request, at meetings and conferences sponsored by the Association.

c. Executive Director: The state executive director shall have the following powers and duties:

(1) to serve as general manager and treasurer of the Association, and to direct the activities of all members of the staff subject to the control and direction of the Board of Directors,

(2) to have charge of the Headquarters Office of the Association and to direct the activities and operation of the services of the Association,

(3) to coordinate the activities of the local affiliates in carrying out the program of the Association,

(4) to serve as secretary to the Board of Directors and all committees with authority to designate another staff member to assist when necessary and to attend such other conferences and meetings as may be of assistance in the performance of assigned duties,

(5) to cooperate with and assist the president in arranging for meetings of the Board of Directors and such other conferences or meetings as may be part of the Association activities,

(6) to maintain adequate records and files of all proceedings and publications of the Association,

(7) to suggest to the Board of Directors activities and programs which are pertinent to the objectives of the Association,

(8) to submit to the Board of Directors, at its direction, a report of the receipts and disbursements of all funds of the Association together with vouchers of all monies expended,

(9) to be responsible for the collection of membership dues and the proper maintenance of membership records,

(10) to pay expenses incurred by the members of the Board of Directors and the members of commissions and committees in carrying out their official duties, and

(11) to perform such other duties as may properly pertain to the office, as may be designated by the Board of Directors, and as may be provided elsewhere in this Constitution.

d. Associate Executive Director: The associate executive director shall perform all the duties of the executive director when the latter is unable to perform them because of absence or death or when in the judgment of the Board of Directors the executive director is unable to perform said duties because of illness, and, when so acting, shall have all the powers and responsibilities of the executive director. The Board of Directors shall determine when and under what conditions the office of executive director has been permanently vacated. The associate executive director shall perform those duties designated by the executive director.

## **Article V**

### **Board of Directors**

Section 1. Composition: The Board of Directors of the Association shall be composed of:

- a. voting members: the president, the vice-president, the immediate past president, the National Education Association State Directors, the presidents of the NCAE divisions, and representatives, based on the principle of one-person-one-vote, from each of the regularly constituted districts or clusters of the Association. All members of the Board of Directors shall be considered officers of the Association.
- b. non-voting members: officers of NEA excluding NEA State Directors, and honorary and/or at-large members of the NEA Board of Directors who are NCAE members, and honorary members of the NCAE Board of Directors. The executive director and the associate executive director shall be considered ex officio members of the Board of Directors.

Section 2. Nomination and election

- a. Directors from the districts/clusters of the Association shall be nominated and elected under open nomination and secret ballot provisions every third-year for a term of three years in the manner prescribed in Article IX, Section 4. No elected district director may serve a succeeding term.
- b. Proportional Representation: Representation on the Board of Directors for ethnic minorities, support personnel, and administrators shall be at least in proportion to the respective membership in the Association. If the percentage of ethnic minorities, educational support personnel, and administrators who are elected to the Board fails to achieve representation which is at least

proportional, at-large members of the Board shall be elected immediately following the canvassing of the results of the regular election in a special election following the procedures outlined in Article VIII, Section 2.

Representation on the Board of Directors for the Retirees' Division shall include, in addition to the retirees' division president, one at-large retiree representative elected by the North Carolina Retired School Personnel (NCRSP)

- c. The NEA directors, one of whom must be a classroom teacher and one of whom must be black, shall be nominated and elected by the membership in the same manner as the president and vice president and shall serve a term of three years. NEA directors shall serve no more than two terms. No person shall be eligible to run for or to concurrently hold the office of NEA Director and alternate NEA Director at the same time. All candidates shall have been active members of the Association for at least two years immediately preceding the election. The total number of additional directors representing the members of the State shall be on the basis of proportional representation by educational position.
- d. An alternate NEA Director shall be elected for a three-year term. In the event the office is vacant or the alternate NEA Director cannot be seated for an absent NEA Director, either the President or Vice President of NCAE may be seated for an absent NEA Director at an NEA Board of Directors meeting.

Section 3. Vacancies: When a vacancy shall occur among the officers of the Association, or the members of the Board of Directors, because of death, resignation, inability to serve, or termination of employment in active educational service in the State, the Board of Directors shall elect a person of the same educational classification and the same race to serve until the next NCAE election cycle in the spring at which time an election will be held to fill the remaining year(s) of the term. In the case of a vacancy in the office of president, the vice-president shall succeed.

Section 4. Powers and duties: The Board of Directors shall have the following powers and duties:

- a. to supervise and control the affairs of the Association,
- b. to hold as trustees and directors all real and personal property of the Association, with full power to use, hold, bargain, sell and convey, lease, mortgage, or otherwise deal with, improve, or dispose of said property for the use and benefit of the Association,
- c. to elect an executive director and other members of the professional staff of the Association, fix their compensation, and require such bonding as is deemed necessary,

- d. to authorize the execution of contracts and other agreements necessary to the efficient conduct of the business of the Association,
- e. to approve a balanced budget and the annual auditing of the accounts of the executive director and require the publication of the summary in the official journal of the Association,
- f. to fix the amount of the membership dues as stipulated in Article III, Section 2,
- g. to designate and announce publicly the time and place of the annual meeting of the Association at least three months before the time of the meeting. The Board of Directors shall compose the program committee for the annual meeting,
- h. to determine policies for the governance structure of the Association,
- i. to approve the appointment of chairpersons and other personnel of standing and special commissions and committees,
- j. to determine and assign duties of commissions and committees,
- k. to approve the formation or discontinuance of local affiliates, commissions and committees, districts, and divisions,
- l. to make all necessary rules and regulations concerning affiliated organizations,
- m. to determine the date for holding the election of state officers in the local affiliate after the close of the annual meeting of the NCAE Representative Assembly, to make rules and regulations regarding the election, and to certify the results of the election,
- n. to create new local affiliates and districts/clusters, or authorize changes in boundaries at any time such changes become desirable and/or necessary for the furtherance of the Association,
- o. to call a meeting of the Representative Assembly of the Association when such a meeting seems advisable,
- p. to fill district/cluster office vacancies,
- q. to serve as delegates to the meetings of the Representative Assembly, and
- r. to apportion representatives to district, cluster, state, regional, national and other meetings, conferences, conventions, workshops, etc., in proportion to the ethnic minority-white membership.

Section 5. Meetings: The Board of Directors shall hold not less than four meetings annually to transact the business of the Association. Special meetings may be called at any time by the president, or if the president is absent or unable or refuses to act, by a majority of the directors. A special meeting requested by the president or a majority of the directors shall be held at the time and date requested if said date provides that at least five working days notice of the meeting be sent to every director. Notice of the time and place of the meeting shall be given to the members of the Board by the executive director. A majority of the voting members of the Board shall constitute a quorum.

Section 6.

- a. The district/cluster president shall serve as the alternate director for the district/cluster and shall be seated at Board meetings whenever the director is not present with all rights and privileges of a director.
- b. The district vice president shall serve as the alternate director for the district and shall be seated at Board meetings whenever the director and district/cluster president are not present with all rights and privileges of a director.
- c. The director shall notify the district/cluster president and vice president when the director will not be present.

Section 7. The division president-elect or vice-president shall serve as the alternate for the division president and shall be seated at Board meetings with all rights and privileges of a director.

## **Article VI Local Affiliates**

Section 1. Purposes: The purposes of the local affiliate are as follows:

- a. to promote within the Association the highest professional practices and to encourage active participation of members in the solution of school problems,
- b. to develop solidarity and loyalty in the profession,
- c. to provide a local action body in support of local, state, and national programs the advancement of public education,
- d. to provide opportunities for self-development and the exercise of initiative and leadership, and
- e. to provide opportunities for local affiliate members to discuss and to help formulate Association policies at the local, state, and national levels.

Section 2. The Association shall support its local affiliates in their efforts to negotiate contracts and/or improve personnel policies with their local boards of education, and shall support its locals in their efforts to be recognized as the exclusive agent and initiate the bargaining process.

### Section 3. Organization

- a. A local affiliate may be organized by ten or more persons eligible for active membership within the administrative units, county or city designated by the state, in the federal schools and the educational institutions of the state, and there shall be only one local affiliate in an administrative unit or institution.
- b. In special schools such as those operated under the auspices of the State of Human Resources, or the State Department of Corrections, the State Department of Juvenile Justice and Delinquency Prevention Schools, or a public charter school, a local affiliate may be formed with fewer than ten members.
- c. In counties in which more than one local affiliate exists, the affiliates may, on two-thirds ratification by the membership of each existing affiliate, merge into one local affiliate whether or not the administrative units merge.
- d. The constitutions of all local affiliates in the Association shall contain no provision contrary to the provisions of the Constitution of the State Association. The activities of local affiliates shall not be in conflict with the purposes and policies of the State Association. NCAE shall not affiliate a local association unless it meets the following minimum standards.
  - (1) Each local affiliate shall apply the one-person-one-vote principle for representation on its governing bodies and shall guarantee ethnic minority representation at least proportionate to its ethnic minority membership. Where an all-inclusive affiliate exists, it shall provide proportionate representation between its classroom teacher members and its administrator members.
  - (2) The local affiliate shall conduct all elections with open nominations and secret ballots.
  - (3) The local affiliate shall require membership in NCAE and NEA.
  - (4) The local affiliate shall be reviewed by NCAE to determine compliance with minimum standards for affiliates at least once every five years.
  - (5) The local affiliate shall meet the membership and dues processing schedule of NCAE.

- (6) The local affiliate shall guarantee that no member of said affiliate may be censured, suspended, or expelled without a due process hearing which shall include an appropriate appellate procedure.

Section 4. Membership: Only persons who pay membership dues of the State and National Associations shall be eligible for membership in the local affiliate.

Section 5. Dues: The local affiliate dues shall be determined by appropriate documents of the local affiliate. The affiliate is empowered to collect and expend these dues through its local budget.

Section 6. Local affiliates: All local affiliates shall be guaranteed due process and appeal rights in connection with censure, expulsion, or disaffiliation action.

## **Article VII Representative Assembly**

Section 1. Functions: The Representative Assembly shall be the state-wide representative body of the Association and shall have the following functions:

- a. to serve as a policy-making body on behalf of the membership in carrying out the purposes of the Association,
- b. to review the work of the commissions and committees of the Association, and
- c. to receive, to review, and to take action on proposed amendments to the constitution, according to the procedures set forth in Article XIV.

Section 2. Composition: The Representative Assembly shall be composed of the following:

- a. delegates from the local affiliates on the basis of one for each twenty members or major fraction of twenty. Each local affiliate shall be entitled to at least one delegate. Delegates shall be elected annually by the local affiliates on the principle of one-person-one-vote, open nomination, secret ballot, and at least proportional representation of administrators and at least proportional representation of ethnic minority members,
- b. the members of the Board of Directors of NCAE, Inc.,
- c. the presidents of the divisions of NCAE, Inc.,
- d. the president of each of the regularly constituted districts. In clusters, both the president and the vice president shall be a part of the composition of the Representative Assembly,

- e. two non-voting representatives from each non-governance affiliate.
- f. delegates from each organized affiliate of retired teachers on the basis of one for each twenty members or major fraction of twenty. Each organized affiliate shall be entitled to at least one delegate. Delegates shall be elected annually within their organized affiliate through open nomination, secret ballot, one-person-one-vote, and at least proportional representation of ethnic minority members, and
- g. delegates from the local affiliates of the NCAE Student Program on the basis of one for each one hundred members or major fraction of one hundred. Each local affiliate shall be entitled to at least one delegate. Delegates shall be elected annually within their organized local affiliate through open nomination, secret ballot, one-person-one-vote, and at least proportional representation of ethnic minority members.

Section 3. Meetings: The meetings of the Representative Assembly shall be held each year at the time and place designated by the Board of Directors. The Representative Assembly may express a preference as to the time and place of the meetings, but the final decision shall rest with the Board.

Section 4. Election of delegates: The number of delegates to be elected in the local affiliate shall be based on the number of paid memberships sent to state headquarters as specified in Article III, Section 3. A postmark shall be evidence of compliance with the deadline date for sending dues to headquarters. Only those members whose dues have been paid and sent to headquarters in accordance with Article III, Section 3, shall be eligible to be delegates.

Section 5. Section 2. a., f., and g., and Section 4 of Article VII require that delegates to the NCAE Representative Assembly be elected. However, in cases where the number of candidates is equal to, or less than, the number of delegate positions, an election shall not be required.

Section 6. Alternates: Only those alternates officially certified by the local affiliate secretary and president, prior to the opening of the first session of the Representative Assembly, shall be seated and permitted to vote.

Section 7. Quorum: The presence of a majority of the registered delegates shall constitute a quorum.

Section 8. Voting rights: Each delegate shall be entitled to one vote.

Section 9. Rules of procedure: The rules governing proceedings of the Assembly shall be those set forth by the Rules Committee and adopted by the Assembly. Roberts's Rules of Order Newly Revised shall govern as the accepted parliamentary procedure in all business of the Association.

## **Article VIII Nomination and Election of State Officers**

### Section 1. Nominations

- a. All nominations for president and vice-president shall be made biennially on or before January 14, or when January 14 falls on a weekend on the first Tuesday following January 14, in writing to the executive director of the Association. All nominations shall be sent by registered or certified mail. The postmark of the letter shall be evidence of compliance with the deadline date. An electronic transmission of a nomination is acceptable if such a nomination meets the above deadline and if a hard copy of such a nomination is sent by certified mail no later than the first business day following the deadline.
- b. Nominations or announcements of candidacies must be made by a member of a local affiliate of the Association.
- c. Each nomination must include a written statement by the nominee consenting to the nomination.

### Section 2. Ballots for the officers of the State Association and members of the Board of Directors of NCAE, Inc.

The order of names on ballots for NCAE elections shall be determined by lottery.

### Section 3. Procedure for elections

- a. The executive director, upon receipt of nominations of candidates, shall send written notices of these candidacies to the president of every local affiliate on or before February 5.
- b. The local affiliate president, on receipt of notice of candidacies, shall:
  - (1) make such arrangements as are necessary in order to give every member of the local affiliate an opportunity to vote by secret ballot on the candidate or candidates in keeping with rules and regulations formulated by the Board of Directors, and
  - (2) appoint an Elections Committee to ensure compliance with the election process.

#### Section 4. State Elections Committee

- a. The chairperson and other members of the state Elections Committee shall be appointed by the president of the Association at least thirty days prior to the voting day specified by the Board of Directors.
- b. The duties of the committee shall be determined by the rules and regulations of the Board of Directors.
- c. The report of the Elections Committee shall be unofficial until certified by the Board of Directors.

Section 5. Qualification for voting: Membership in the local affiliate, state, and national Associations State. Association dues must be sent to the NCAE Center as specified in Article III. Section 3.

Section 6. If only one candidate is nominated for the position of president and/or vice president, that name shall appear on the ballot and the votes cast shall be counted.

#### Section 7. Tie Vote

- a. In case of a tie vote in the election of state officers, the delegates to the immediate past Representative Assembly shall cast secret ballots to break the tie.
- b. In case of a tie vote in the elections of district/cluster representatives on the Board of Directors, the delegates to the immediate past Representative Assembly from the district/cluster involved shall cast secret ballots to break the tie.

### **Article IX Districts**

Section 1. Officers: The officers of the district/cluster shall be a president, a vice-president, a secretary, and a district/cluster representative on the Board of Directors. No person shall be eligible to run for concurrently or to hold concurrently the office of district/cluster president, vice-president, secretary and director at the same time.

Section 2. Terms of Office: The president, vice-president, and secretary shall serve for a term of one year. The district/cluster representative on the Board of Directors shall serve for a period of three years. The president, vice-president, secretary, and district/cluster representative on the Board of Directors shall assume duties on July 1 following the election.

Section 3. Nomination and election of officers

- a. All nominations for president, vice-president, and secretary each year; and district/cluster representatives on the Board of Directors every three years, shall be made under open nomination and secret ballot guarantees, in the same manner as that prescribed for state officers in Article VIII, Section 1.
- b. The procedure for elections and the qualifications for voting in the districts/clusters shall be the same as that prescribed for state officers.
- c. In the event there is only one candidate for a district/cluster office, the ballot will contain that name along with the candidates for other district/cluster offices.

Section 4. Meetings: Each district/cluster may hold at least one meeting each year at the time and place designated by the Board of Directors on the advice of the district/cluster president. The district/cluster officers shall compose the planning committee for the district/cluster meetings.

## **Article X Divisions**

Section 1. Purpose: The purpose of the divisions of the Association shall be to provide opportunities for members of each to work together toward the solution of the common problems of the profession.

Section 2. Organization: The divisions shall be organized in the manner determined by the Board of Directors. Presidents of divisions shall be elected through open nomination and secret ballot guarantees.

- a. The constitutions of all divisions in the Association shall contain no provision contrary to the provisions of the Constitution of the State Association. The activities of divisions shall not be in conflict with the purposes and policies of the State Association. NCAE shall not affiliate a division unless it meets the following minimum standards.
  - (1) Each division shall apply the one-person-one-vote principle for representation on its governing bodies and shall guarantee ethnic minority representation at least proportionate to its ethnic minority membership.
  - (2) The division shall conduct all elections with open nominations and secret ballots.
  - (3) The division shall require membership in NCAE and NEA.

- (4) The division shall be reviewed by NCAE to determine compliance with minimum standards for affiliates at least once every five years.
- (5) The division shall guarantee that no member of said division may be censured, suspended, or expelled without a due process hearing which shall include an appropriate appellate procedure.

Section 3. Membership: Only those persons whose membership dues in the State Association have been paid shall be eligible for membership and to hold office in the divisions of the Association.

Section 4. Officers: Each division shall elect a president, a vice-president, and a secretary.

- a. The president shall be responsible for:
  - (1) making arrangements for meetings,
  - (2) sending program plans to the NCAE Center at the proper time, and
  - (3) presiding over the meeting.
- b. The secretary shall keep accurate records of the sessions of the division and shall submit one copy of these records and the names of the newly-elected officers to the executive director of the Association and one copy to the newly-elected secretary immediately following the last meeting of the division each year.

Section 5. Meetings

- a. The divisions of the district/cluster shall meet during the district/cluster meetings unless otherwise provided for by the Board of Directors.
- b. The divisions shall meet during the annual meeting of the Association unless otherwise provided for by the Board of Directors.

## **Article XI**

### **Commissions and Committees**

Section 1. Composition: Commissions and committees shall be representative of the districts/clusters and divisions, of ethnic minorities, and of sexes.

Section 2. Term of Office: Members of standing commissions and committees shall be appointed for three-year terms, and these terms shall be staggered so that only one-third of the members shall be appointed to fill the term of those whom they replace. Division Boards shall have the opportunity to recommend individuals to be appointed as vacancies

occur. Members of special commissions and committees shall serve for such periods as their respective assignments may require.

Section 3. Replacements: When replacements are necessary because of resignation, inability to serve, etc., a person from the same district/cluster and division shall be asked to serve for the remainder of the unexpired term, except that the replacement of the chairperson of the commission or committee may be made from the membership of the commission or committee, or from any district/cluster or division.

Section 4. Meetings: Each commission and committee shall meet at least once each year at such time and place as shall be determined by the president of the Association, the chairperson, and the executive director of the Association.

Section 5. Records: Each commission and committee shall keep accurate reports and records of the meetings, and these shall be kept at the NCAE Center as a part of the permanent record of the Association.

#### Section 6. Special Conditions

- a. The basis for representation on the Professional Rights and Responsibilities Commission shall be an equal number of ethnic minority and white members with the chairperson rotating annually. The Division of Principals/ Administrators shall be guaranteed at least one member. The chairperson shall be a member of the commission with the right to vote. The commission will be autonomous within the funds budgeted for PR&R.
- b. The Finance and Personnel Committee shall be a committee of the Board of Directors and the membership of the committee shall be equally divided between white and ethnic minority.
- c. There shall be a ratio of at least one ethnic minority to three white members on all other commissions and committees. Each commission or committee, except PR&R and Finance and Personnel, shall have an ethnic minority chairperson at least one year in four.
- d. Classroom teachers shall be proportionately represented on all commissions and committees.

### **Article XII Judicial Review**

The judicial powers of the Association shall be carried out by a review board and an appeal body which shall function under policies and procedures adopted by the NCAE Board of Directors.

**Article XIII**  
**Liaison Committee**

Section 1. Function: In keeping with the initial good faith agreement on the merger of the two former state Educational Associations, the NCAE shall continue a permanent Liaison Committee whose purpose shall be to review the Constitution and consider the implementation thereof.

Section 2. Composition: The Committee shall be composed of an equal number of black and white members with appropriate representation of other ethnic minorities as determined by the Board of Directors. In appointing the Committee, the president shall follow the precedent which was established during the years of merger as stated in Board Policies.

Section 3. Meetings: The Committee shall meet as often as deemed advisable by the president or when requested by one-third of the members of the Board of Directors or one-third of the members of the Committee.

**Article XIV**  
**Amendments**

Section 1. Each proposed amendment to this constitution shall be submitted in writing to the Board of Directors on or before 12:00 noon of the first business day of the annual convention. A receipt showing the amendment was received shall be made, and all proposed amendments shall be distributed to the delegates prior to the adjournment of the convention. Amendments submitted prior to convention shall be mailed by certified mail, and must be received prior to the first business day of the annual convention.

- a. An amendment may be submitted by vote of a local affiliate, by the NCAE Board of Directors, and/or by petition of fifty active NCAE members.
- b. The Board of Directors shall make the necessary plans for presenting the amendment to the next annual meeting of the Representative Assembly.
- c. An amendment submitted to the annual meeting of the Representative Assembly must stand for one year's consideration by the entire membership of the Association before coming to a vote at the succeeding annual meeting of the Representative Assembly.
- d. The Representative Assembly may amend the constitution by a two-thirds vote, or if the Assembly so desires, by a two-thirds vote, the amendment may be submitted to the Association for a vote by the membership. If the Representative Assembly decides to submit the amendment to a vote of the membership, the Board of Directors shall set the date and make the necessary arrangements for the vote.

- e. If an amendment is submitted to the membership for a vote, two-thirds of the membership voting shall be required for approval. In such case, the procedure for voting on amendments shall be the same as that set forth in Article VIII, Sections 3, 4, and 5.
- f. The amendment shall be presented to every local affiliate through its president and published in an official Association publication following its introduction.