

# **STANDING RULES**

MAINE EDUCATION ASSOCIATION

# STANDING RULES

## RULE 1. ELECTIONS COMMITTEE

- A. The Elections Committee shall be composed of five (5) members: the Chairperson and four (4) members from the Structure and Bylaws Committee. The Structure and Bylaws Committee shall select the Elections Committee.
- B. The Elections Committee or its designee shall be responsible for:
1. supervising the accreditation and registration of delegates of the Representative Assembly;
  2. conducting elections and any other items on which votes are taken by ballot;
  3. providing a preliminary report at the first meeting of the Representative Assembly. The preliminary report shall include information concerning compliance with all requirements required of delegations. Noncompliance by delegations will be specifically noted and reported;
  4. providing a final report prior to the adjournment of the Representative Assembly;
  5. preparing ballots and setting up a method for counting the ballots; and
  6. announcing the results of the elections as soon as the results are certified.
- C. Enforcement Procedures

In the event that the Elections Committee finds that an alleged violation of a campaign regulation is in fact true, the Committee will direct immediate cessation of the irregular practice. The Committee shall report to the Representative Assembly, prior to any nominations or elections, whether any candidate has violated the election rules and regulations. Disputed elections shall be appealed first to the Maine Education Association Elections Committee. If necessary, the disputed election shall then be appealed to the Structure and Bylaws Committee.

## RULE 2. ELECTIONS PROCEDURES

### Section 1. Elections Conducted at the MEA Representative Assembly

- A. Notices of Intent  
For publication in the *Maine Educator*, Notice of Intent to run for any Association office elected by the Representative Assembly shall be filed with the Executive Director on or

prior to the date set by the Elections Committee which shall be not less than seventy-five (75) days prior to the annual meeting. In order to be considered as a candidate for any Association office elected by the Representative Assembly, Notice of Intent must be filed with the Executive Director no later than thirty (30) calendar days prior to the first day of the Representative Assembly.

B. Elections

1. The following shall be elected by the Representative Assembly, as appropriate in each year.

- a. President, MEA Representative Assembly Delegate, and First Alternate National Education Association Director;
- b. Vice President and Second Alternate National Education Association Director;
- c. Treasurer
- d. National Education Association Director(s) and
- e. Maine Public Employees Retirement System Trustee.

C. Only One Candidate for Any Vacancy

If only one (1) candidate exists for any vacancy, that candidate is to be declared elected.

D. Candidate Speaking Order

If there is more than one (1) candidate for any vacancy elected by the Representative Assembly, each candidate shall be allowed five (5) minutes to speak at the time of official nominations. A question and answer period of not more than ten (10) minutes for each contested office shall be allowed. The time may be extended at the discretion of the Representative Assembly delegates. During the question and answer period, each candidate shall be allowed one (1) minute to answer each question. The candidate speaking order shall be determined by the order of nominations as stated in this Standing Rule. The candidate speaking order within each vacancy shall be determined by the order of names during an election year (alphabetical or reverse alphabetical).

E. Multiple Candidates For Positions

A member may not hold more than one (1) of the offices of (1) President, (2) Vice President, (3) Treasurer, or (4) NEA Director as elected by the MEA Representative Assembly. Any member who is elected to more than one (1) of these positions shall automatically be seated in the highest position to which elected, as delineated above.

F. If and When Campaigns

If and when a currently elected Maine Education Association officer declares his/her intent to run for a different office during the middle of a duly elected term, any candidates interested in conducting an "if and when" campaign for the possibly open officer position should do so by written expression of intent to the Executive Director. The election would occur only if and when the incumbent officer was elected to another officer position. This election would be determined by the Representative Assembly and any candidate seeking to fill the unexpired term would face election at the same Representative Assembly. Election rules for "if and when" campaigns are the same as those governing regular Maine Education Association campaigns.

- G No Nominations  
If there are no candidates for any office listed in this section by the deadline, an additional advertising period of thirty (30) days will take place.

**Section 2. Elections of MEA Representative Assembly Delegates/Alternates Conducted by MEA**

- A. Elections for the following delegates/alternates shall be conducted by the Maine Education Association:
1. Cluster Delegates/Alternates for MEA Representative Assembly
  2. Higher Education Delegates/Alternates for MEA Representative Assembly
  3. Maine Education Association-Retired Delegates/Alternates for MEA Representative Assembly
  4. Student Delegates/Alternates for MEA Representative Assembly
- B. The MEA Representative Assembly delegates and alternates are elected by the active, active education support professionals, retired and student members.
- C. Notice of intent to run for the delegate/alternate categories listed above shall be delivered to the Executive Director on or prior to the date set by the Elections Committee.
- D. The Elections Committee shall inform all candidates of the names of any others who are in the same contest within two (2) days of the deadline for the distribution of ballots or earlier if possible.
- E. In the event that no nominations for an office have been received thirty (30) days after the initial notice, all presidents of governance affiliates affected by the election shall be notified.

**Section 3. Elections of MEA Representative Assembly Delegates/Alternates Conducted by Local Governance Affiliates**

- A. The Executive Director shall notify all local governance affiliates of the number of delegates/alternates to which they are entitled on or prior to the date set by the Elections Committee which shall be not fewer than ninety (90) days prior to the annual meeting of the Representative Assembly. This notification shall include a list of delegates/alternates and the year their terms expire, the clustering of governance affiliates for the purpose of electing Representative Assembly delegates/alternates, other MEA vacancies which exist, information regarding deadlines, and the proper forms for submitting the names of elected delegates/alternates.
- B. Elections for MEA Representative Assembly delegates and alternates shall be conducted by the governance affiliate (local association) following the procedures stated herein, except for cluster delegates/alternates.
- C. Alternate delegates to fill possible vacancies shall be elected at the same time delegates are elected. The filling of vacancies must comply with the requirements set forth in the Constitution, Bylaws, and Standing Rules.

- D. Whenever the number of nominees for delegate or alternate to the Representative Assembly is not greater than the number of vacancies in the delegation from a governance affiliate or cluster election district, nomination shall be considered equivalent to election.
- E. A completed Certificate of Election, indicating the names of the elected delegates/alternates shall be forwarded to the MEA Executive Director no later than the deadline set by the MEA Elections Committee.
- F. A candidate shall not be involved in running an election within the candidate's local governance affiliate.

**Section 4. Election of NEA Representative Assembly Delegates/Alternates**

A. Elections Conducted by the Maine Education Association

- 1. The number of delegates to the National Education Association Representative Assembly shall not exceed the number of delegates allocated by the National Education Association, based on NEA Active membership as of January 15 of the calendar year in which the Representative Assembly convenes.
- 2. The number of student delegates to the NEA Representative Assembly shall be based on NEA Active membership as of March 15 of the calendar year in which the Representative Assembly convenes.
- 3. NEA Representative Assembly at-large delegates/alternates are elected by active and active education support professional members in odd-numbered years for two-year (2) terms. The number of at-large seats shall not exceed the number of district seats.
- 4. NEA Representative Assembly district delegates/alternates are elected by active and active education support professional members in each NEA election district as designated by the Structure and Bylaws Committee in even-numbered years for two-year (2) terms.
- 5. Members of local governance affiliates with less than seventy-six (76) members may be clustered with other governance affiliates with less than seventy-six (76) members into NEA cluster election districts as designed by the Structure and Bylaws Committee for the election of delegates/alternates for two-year (2) terms.
- 6. Alternate delegates for each category shall be ranked according to the highest number of votes received.

B. Elections Conducted by the Local Governance Affiliate

For the election of local governance affiliate delegates/alternates to the NEA Representative Assembly, the NEA allocates the number of delegates to local affiliate presidents whose local associations are officially affiliated with NEA. Local associations are responsible for electing delegates and alternates, completing the report forms and

submitting them to MEA by the set deadline. The candidate with the highest number of votes is to be declared the first delegate to the NEA Representative Assembly and so on until the number of allocated delegate seats are filled. The remaining candidates may be declared alternate delegates, rank ordered according to the number of votes received.

**Section 5. Campaigning**

A. Responsibilities

Candidates have the responsibility to see that all campaign workers are aware of and abide by these rules and regulations.

B. Definitions

1. Campaign year:

- a. for positions elected by the MEA Representative Assembly, the campaign year shall begin at the close of the Representative Assembly in a given year and shall terminate one (1) year later upon the adoption of the final report of the Elections Committee.
- b. for elections conducted by MEA, the campaign year shall begin at the close of the Representative Assembly in a given year and shall terminate on the deadline date set for the return of ballots and upon certification of elections by the Elections Committee.

2. Campaign Revenues and Expenditures: campaign revenues shall mean financial contributions and goods and/or services in kind made available to the candidate by groups or individuals within and outside Maine. Campaign expenditures shall include:

- a. costs connected with printing material that directly advance the position of the candidate on issues pertaining to the office being sought;
- b. mailing of said material;
- c. operation of hospitality suites during the campaign year whether such suites are funded by the candidate or by friends within or outside Maine;
- d. expenditures of the official campaign committee (committee members and candidates), including travel, lodging and meals; and,
- e. giveaways including but not limited to buttons, favors, and so forth.

No resource paid for by dues money and no portion of dues money collected at the local, state, or national level shall be used to promote the candidacy of any individual for a Maine Education Association office. Following elections, each candidate whose election is conducted by the MEA shall receive a Candidate Campaign Affidavit. Candidates shall submit to the Executive Director a signed Candidate Campaign Affidavit, witnessed by an MEA member, stating that no dues money or Association resources were utilized by the candidate.

3. Campaign Activities: campaign activities shall include those activities (i.e. speeches, receptions, exhibit table, personal visits, press interviews, and radio and TV appearances) which contribute to the candidate's attempt to persuade the voting constituencies of their merits in the pursuit of the office in question.
4. Campaign Materials: campaign materials shall include posters, brochures, biographical sketches, position papers, buttons, or any objects or printed material bearing the name of the candidate or promoting the candidacy of an individual for a Maine Education Association office. Newspaper advertisements, radio and/or television interviews, or participation in talk shows, the tapes of which may be disseminated to advance the candidate's campaign, also shall fall into the classification of campaign materials.
5. Written Material  
Distribution by a candidate or designee of written and/or printed materials shall constitute a legitimate campaign activity, and actual expenses thus incurred must be reported. All campaign materials must carry an identification of their source and sponsorship (i.e. paid for by the candidate or their committee).

C. Maine Education Association Resources Available to Candidates:

1. Mailing Labels/Lists/E-mail Lists:
  - a. Upon request of a candidate running for office elected at the Representative Assembly or at-large, the Maine Education Association shall provide at no charge to the candidate either one (1) set of mailing labels, list, or E-mail list of the Maine Education Association governance affiliate presidents and/or Representative Assembly delegates. The mailing labels or list shall contain member names, addresses, name of governance affiliate, and telephone numbers as available to the Association. The mailing labels or lists shall be mailed to the candidate's home address or sent electronically upon receipt of a letter from the candidate guaranteeing the labels'/lists' confidentiality as provided by Maine Education Association policy.
  - b. Upon request of a candidate running for office to be elected in a governance district, cluster election district, or governance affiliate, the Maine Education Association shall provide at no charge to the candidate either one (1) set of mailing labels, list, or E-mail list of the Maine Education Association members eligible to vote for the candidate's office. The mailing labels or list shall contain names, member addresses, name of governance affiliate, and telephone numbers as available to the Association. The mailing labels, or lists shall be mailed to the candidate's home address or sent electronically upon receipt of a letter from the candidate guaranteeing the labels'/lists' confidentiality as provided by Maine Education Association policy.
  - c. A one-week (1) notice is necessary to provide any mailing labels or lists.

- d. Upon request of a candidate, the Maine Education Association shall provide at actual cost including staff time additional sets of the Maine Education Association member mailing labels and/or lists. The cost of these sets of mailing labels or lists must be reported as campaign expense.
2. Announcement in the Maine Education Association's *Maine Educator*: Candidates who have filed a Notice of Intent to run for at-large or governance district office may submit a picture and a biographical sketch with the Notice of Intent. The MEA Executive Director shall publish the submitted pictures and biographical sketches of candidates whose elections are held prior to the MEA Representative Assembly in the February issue of the *Maine Educator*. The length of each biographical sketch submitted shall be two hundred (200) words or fewer and shall be written in paragraph format. The Executive Director shall publish the submitted pictures and biographical sketches of candidates whose elections are held at the MEA Representative Assembly in the April issue of the *Maine Educator*. Paid advertisements for political campaigns shall not be accepted by the Maine Education Association.
  3. Candidate Flyer: The Maine Education Association will include a single sheet flyer 8 ½" x 11" - of any candidate for office to be elected at the Representative Assembly in the advance mailing to delegates. The flyer must be prepared by the candidate at the candidate's expense.
  4. Campaign Statement: Candidates who have filed a Notice of Intent Form for an election held prior to the MEA Representative Assembly may submit a brief campaign statement (thirty (30) words or fewer) to be included with a ballot. This applies to all contested elections where ballots are distributed to local associations or individual members.
- D. Campaigning at Maine Education Association Functions
1. Candidates running for an office to be elected at the MEA Representative Assembly may attend any governance meeting. Any campaign activity must be part of the agenda of the meeting and every candidate for the same office must be given equal access to the meeting. It is the responsibility of the candidate to contact the Chair of the governance meeting to request time on the agenda. Each candidate running for an office that is elected by the Representative Assembly shall be allowed five (5) minutes to speak at Governance meetings. A question and answer period of not more than ten (10) minutes for each contested office shall be allowed. The time may be extended at the discretion of the meeting attendees. During the question and answer period, each candidate shall be allowed one (1) minute to answer each question.
  2. Campaign activities during training sessions are prohibited.



3. Campaign activities at statewide conferences other than the Representative Assembly shall be restricted to posters, leaflets, exhibit table, personal visits, and a hospitality suite.
4. Campaign activities at the Representative Assembly shall not disrupt the business of the Assembly. Campaign activities at the meeting site must cease prior to the opening of the polls on the first day of voting. Candidates must remove their campaign materials from the meeting site no later than two (2) hours after the election results are reported to the Representative Assembly. No campaigning materials or activities will be allowed at the MEA RA Awards Banquet.

**Section 6. Balloting/Voting**

- A. The following requirements shall be observed in the preparation for paper ballots:
  1. the Elections Committee or designee shall prepare ballots containing the names of all certified candidates;
  2. the ballot shall not identify the source of any nominators, indicate endorsing parties, or contain any information that might be construed as prejudicial, such as a candidate's capabilities, prior service, or present or previous office(s) held;
  3. the order of names on the ballot shall be determined in alphabetical order for two (2) consecutive years and in reverse alphabetical order for two (2) consecutive years;
  4. members shall be elected by secret ballot for each individual office;
  5. balloting procedures should be so devised that the person expressing a choice cannot be identified with the choice expressed;
  6. the intent of the voter shall be the governing factor in determining how the vote shall be counted; and
  7. if a paper ballot is used, the voter will be instructed to place the marked ballot in a sealed envelope which is then to be signed. Before tabulation, the ballot will be separated from the envelope identifying the sender. The outside envelope shall clearly indicate that a paper ballot is enclosed. Paper ballots may be returned in a batch as long as each ballot is in a separate envelope.
- B. In elections conducted by MEA prior to the Representative Assembly, ballots shall be distributed to active, active education support, student, and retired members on or prior to a date selected by the Elections Committee at least forty-five (45) days prior to the first day of the Representative Assembly and shall be returned no later than the date established by the Elections Committee.
- C. Contested candidates shall be notified no fewer than two (2) days prior to the distribution of ballots.

- D. If the number of candidates equals the number of vacancies for the same office, the candidates are to be declared elected.
- E. Runoff elections shall be held as necessary until there is an election for each position by a majority vote of those voting. The ballot shall list the candidates in descending order who received the highest number of votes on the previous ballot, listing one (1) more candidate than the number of positions to be filled.
- F. A ballot recount request for elections conducted by MEA must be received by the MEA Elections Committee at an MEA office as stated in the MEA Elections Timeline. The Elections Committee will recount the ballots. The recount will take place on the date stated in the MEA Elections Timeline. All candidates involved will be notified of the date of the ballot recount, will be invited to observe the ballot recount, and will be informed of the results of the ballot recount.
- G. When voting at the MEA Representative Assembly, the delegate shall present appropriate identification to the poll clerk by wearing the badge provided at registration for the MEA Representative Assembly and shall register at the poll site. Materials promoting any candidate must be removed prior to entering the poll site.

## **RULE 3. MEA REPRESENTATIVE ASSEMBLY STANDING RULES**

### **Section 1. Certification of Delegates**

Delegates shall not be entitled to seats in the Representative Assembly until a Certificate of Election has been received and certified by the Elections Committee. An appeal from the decision of the Elections Committee may be taken to the Representative Assembly (but, in case of such appeal, uncontested delegates shall have the role of deciding the appeal).

### **Section 2. Registration of Delegates**

- A. Registration of delegates, alternate delegates, non-delegate members, and guests shall begin on the eve of the first day of the Representative Assembly. Registration shall be open for one (1) hour the eve of the first day of the Assembly, be re-opened at least one (1) hour each day prior to the opening of the Assembly, and closed for recesses of the Assembly and at adjournment.
- B. Delegates, non-delegate members, guests, staff, and press shall be given appropriate badges and ribbons upon proper registration and identification.

### **Section 3. Seating Arrangements**

The Assembly seating plans shall be determined by the President and shall provide sections for delegates and non-delegates.

**Section 4. Order of Business and Debate**

- A. The Representative Assembly shall be conducted in accordance with the provisions of the Maine Education Association Constitution, Bylaws, and these Standing Rules.
- B. There shall be an official Parliamentarian appointed by the President to whom questions may be directed only through the presiding officer. The Parliamentarian shall advise and the presiding officer shall rule.
- C. Meetings of the Representative Assembly shall be open to members of the Association. With majority consent of the Representative Assembly, a member may address the Assembly.
- D. Resolutions must be submitted in writing to the Resolutions Committee in care of the Executive Director of the Association by the close of business at least seventy (70) days prior to the annual meeting. All new business items submitted to the Resolutions Committee by 4:00 PM on Saturday shall be permitted on the floor of the Representative Assembly for discussion and voting.
- E. New business items shall be reviewed by the Resolutions Committee and presented to the Strategic Budget Committee as soon as is practicable following the close of business on the first day of the Assembly. The text of each proposed new business item that is submitted shall be distributed to the Assembly at the beginning of the second day, accompanied by the name of the mover and seconder, a brief written rationale, and budget implication.
- F. A resolution is of undetermined duration and is defined to be a philosophical (belief) and/or position statement of the Maine Education Association.
- G. A new business item is defined to be specific in nature and terminal in application relating to substantive policies or programs of the Association. New business items adopted by the Representative Assembly shall remain in effect:
  - 1. until a specified expiration date or
  - 2. until it is implemented or
  - 3. for one (1) year, whichever occurs first.
- H. No member shall speak and/or be recognized in debate more than twice to the same question during the same meeting or longer than three (3) minutes at one (1) time unless permission is granted by majority vote of the Representative Assembly.
- I. A roll call vote shall be taken only after approval, by a standing vote, of one-third (1/3) of the delegates present and voting. The doors shall be closed while a count is being taken.
- J. Delegates wishing to speak should approach the nearest microphone, hold up the color-coded card indicating their purpose in seeking the floor and wait for recognition. Upon recognition, delegates seeking the floor shall state their name and local and the reason for which they seek recognition.

Color-coded cards:

- Green Card – to speak in favor of a motion on the floor or to make a motion.  
Red Card – to speak against a motion on the floor or to make a motion.  
White Card – to make a request for information or make a motion dealing with the general conduct of the meeting.  
Yellow Card – to raise a point of order.

### **Section 5. Reports**

- A. Any person presenting a report shall not speak more than five (5) minutes unless permission is granted by majority vote of the Representative Assembly.
- B. The receipt of committee reports by the Representative Assembly does not indicate adoption of any recommendations contained in the report.
- C. Whenever practicable, copies of each report by a committee shall be made available to each delegate of the Assembly prior to the first meeting of the Assembly.
- D. Any committee recommendations requiring action by the Representative Assembly shall be presented as a new business item.

### **Section 6. Smoking**

Smoking is prohibited on the floor of the MEA Representative Assembly.

### **Section 7. Collection of Funds**

There shall be no collection of funds on the floor of the MEA Representative Assembly.

### **Section 8. Calling an Extraordinary Session of the Representative Assembly**

An extraordinary session of the Representative Assembly shall be called pursuant to the following criteria:

- A. a petitioner, an active, active education support professional, student, or retired member of the Association, shall submit a petition to the Chair of the Structure and Bylaws Committee;
- B. the petition shall contain:
  - 1. the reason(s) for calling the extraordinary session of the Representative Assembly; and
  - 2. the printed and signed names and local governance affiliates of forty (40) percent of the current Representative Assembly delegates;
- C. the petitioner
  - 1. shall be furnished with a list of names of the current delegates but only after signing a statement of confidentiality; and
  - 2. shall have one (1) month from the date of receipt of the current delegate list in which to submit the petition to the Chair of the Structure and Bylaws Committee;

- D. once the petition has been submitted and the delegate names verified, the Structure and Bylaws Committee shall make a determination as to whether the reason(s) for calling an extraordinary session of the Representative Assembly are valid (legal). The Structure and Bylaws Committee will then immediately communicate its determination to the MEA President and the petitioner;
- E. the President shall have not fewer than thirty (30) nor more than forty-five (45) days in which to convene an extraordinary session and shall notify the delegates within this timeframe; and
- F. delegates shall be provided with the reason(s) for convening an extraordinary session, a list of the delegates calling the session, and the time and place for convening the Representative Assembly.

### **Section 9. Effective Legislative Date**

Legislation passed by the Representative Assembly shall become effective September 1 unless otherwise stipulated in the legislation.

## **RULE 4. PROCEDURES FOR REPRESENTATIVE ASSEMBLY COMMITTEES**

### **Section 1. Resolutions Committee**

The Resolutions Committee shall carry out its charge employing the following guidelines:

- A. the committee, with the approval of the President, shall develop a plan each year that will bring the resolutions/new business items process to the attention of the membership while encouraging the widest participation;
- B. the committee shall receive resolutions/new business items from members, committees, and other groups, and, after editing and reviewing those resolutions/new business items, shall present them to the Representative Assembly;
- C. the committee may judge a proposed resolution/proposed new business item to be in conflict with the governance document and may refer that proposed resolution/new business item to the Structure and Bylaws Committee;
- D. the committee may forward a proposed resolution/proposed new business item to the Maine Education Association Board of Directors which may determine that it is not in the best interest of the Association to have it included with the resolutions/new business items that are published in MEA publications. The author of the proposed resolution/proposed new business item shall be notified of any such action and the proposed resolution/proposed new business item shall be included in the annual Resolutions Committee report to the Representative Assembly;

- E. the committee shall not change the intent of a submitted resolution/submitted new business item;
- F. the committee will publicize resolutions/new business items in MEA publications prior to the Representative Assembly; and
- G. the committee or MEA representative shall hold an open hearing on proposed resolutions/proposed new business items at MEA Pre-RA Overview (PROM) meetings.

## **Section 2. Strategic Budget Committee**

The Strategic Budget Committee shall carry out its charge employing the following guideline:

- A. the Committee or MEA representative shall hold an open hearing on proposed budget items at MEA Pre-RA Overview (PROM) meetings for the purpose of:
  - 1. receiving comments which need not be technical and should relate to desired maintenance of Strategic Plan and Budget elements;
  - 2. decreasing or eliminating Strategic Plan and Budget elements;
  - 3. increasing and adding Strategic Plan and Budget elements from participants for shaping the Maine Education Association Strategic Budget; and
  - 4. responding to questions that require consulting the budget sheets spelling out detailed data either at the hearing or as soon after the hearing as possible.

## **Section 3. Structure and Bylaws Committee**

- A. The Structure and Bylaws Committee shall carry out its charge employing the following guidelines:
  - 1. The committee, with the approval of the President, shall develop a plan each year that will provide members with the opportunity to submit changes to the Constitution, Bylaws, and Standing Rules;
  - 2. any proposed amendment to the Constitution, Bylaws, or Standing Rules submitted to the committee shall be transmitted to the Representative Assembly or referred as appropriate. The proposal may be edited but the intent must remain the same. If a proposed amendment is edited or referred, the author shall be notified and the item shall be included in the committee's annual report to the Representative Assembly;
  - 3. a record will be kept of all submissions to the committee and such record shall be included in the committee's annual report to the Representative Assembly;
  - 4. the committee's annual report shall include a recommendation of ought to pass, ought not to pass, or no position for each proposed amendment;
  - 5. the committee will publicize changes to the Constitution, Bylaws, and Standing Rules in MEA publications prior to the Representative Assembly; and

6. the committee or MEA representative shall hold an open hearing on proposed changes to the Constitution, Bylaws, and Standing Rules at MEA Pre-RA Overview (PROM) meetings.
- B. The Structure and Bylaws Committee shall be responsible for establishing MEA Board Election districts within the state every five (5) years in accordance with the guidelines listed below:
1. the size of the Board of Directors shall be no fewer than twelve (12) nor more than twenty-three (23) members inclusive of the officers; and
  2. the reapportionment shall strive for a balance of representation within each election district and shall be as geographically contiguous as possible. School district or union lines will also be considered.

#### **Section 4. Committee Reports**

All Maine Education Association committee reports shall be subject to Board of Directors review on a regular basis. The receipt of a report shall not constitute adoption of any recommendations contained in the report. Such recommendations shall become action items on the Board of Directors agenda at the same meeting as the report is received.

### **RULE 5. ADMINISTRATIVE FUNCTIONS**

- A. Minutes of the most recent Board of Directors meeting shall be distributed to all governance affiliate presidents and Representative Assembly delegates no later than twenty-five (25) working days following adoption by the Board of Directors.
- B. A dollars and cents breakdown of the Maine Education Association dues shall be mailed to all governance affiliate presidents by August 15 of each year.

### **RULE 6. IMPLEMENTING CENSURE, SUSPENSION, EXPULSION**

#### **Section 1. Definitions**

- A. *Affiliate* means a local affiliate of the Maine Education Association.
- B. *Censure* means an action taken by the Judicial Board which officially condemns the conduct of a member. A copy of this action shall be sent to the member and may be given such other circulation as the MEA deems appropriate.
- C. *Charged member* means a member against whom proceedings are initiated pursuant to Section 3 of these Rules, or for purposes of the procedural rights afforded by these Rules the person designated by such member to act as his or her representative.

- D. *Charging party* means the person selected to act as a representative by the person, persons, or entity who has initiated proceedings pursuant to Section 3 of these Rules.
- E. *Days* mean calendar days.
- F. *Executive Director* means the MEA Executive Director.
- G. *Expel* means terminate the membership of a person in the MEA.
- H. *Lift the Suspension* means restore to a suspended member, upon expiration of a period of suspension or compliance with conditions of suspension fixed by the Judicial Board, all rights and benefits of membership as provided in the Constitution, Bylaws, and policies of the MEA.
- I. *Member* means a member of the MEA.
- J. *Officer* means an Officer of the MEA as defined in the Constitution and Bylaws of the MEA.
- K. *Policy* means a statement of an organizational position adopted by the MEA Representative Assembly or Board of Directors.
- L. *Reinstate* means restore to an expelled member all rights and benefits of membership as provided in the Constitution, Bylaws, and policies of the MEA. Any person reinstated to MEA membership shall acquire only those rights and benefits of a new member and shall not re-acquire any accrued rights and benefits of membership held at the time of expulsion.
- M. *Suspend* means deprive a member, for a period of time and on conditions fixed by the Judicial Board, of any or all rights and benefits of membership as provided in the Constitution, Bylaws, and policies of the MEA.
- N. *Vacate censure* means an action taken by the Judicial Board which officially lifts a prior condemnation of a censured member. A copy of this action shall be sent to the member and given such other circulation by the MEA as was given to the censure itself.

## **Section 2. Censure, Suspension, or Expulsion for Good Cause**

A member may be censured, suspended, or expelled only for good cause. The following shall constitute good cause:

- A. a willful violation of a provision of the MEA Constitution, Bylaws, or other written policy of the MEA;
- B. conduct which is intended to interfere with or prevent the implementation of a provision of the MEA Constitution, Bylaws, or other written policy of the MEA, provided that this



section shall not be construed to prohibit a member from criticizing or, through appropriate means, seeking to change any such provision;

- C. conduct which is inconsistent with the MEA's goals and objectives as set forth in the MEA Constitution; or
- D. breach of a trust placed in the member by MEA or any of its affiliates, including, without limitation, the misappropriation or other misuse of the funds of the MEA or any of its affiliates.

### **Section 3. Initiation of Proceedings**

- A. A written charge against a member may be filed with the Judicial Board by:
  - 1. a governing body of any MEA affiliate of which the person charged is a member;
  - 2. ten (10) or more MEA members; or
  - 3. the Executive Director in his or her discretion at the request of one (1) or more MEA members.

The Executive Director shall file a charge against a member when an Officer of the MEA requests that a charge be filed. In such event, the Executive Director shall be considered the charging party for purposes of these Rules.

- B. When the Executive Director is not the charging party, he or she may participate in the proceedings with all the procedural rights afforded to the parties by these rules, including, without limitation, the right to receive copies of notices and other documents, to present evidence, and to submit written and oral arguments.
- C. The Judicial Board shall prepare and make available a form to be used for initiating proceedings pursuant to this section, and all charges filed hereunder shall be on such form. This form, among other things, shall require the charging party to indicate with specificity the conduct that allegedly constitutes good cause and the nature of the discipline sought.
- D. A copy of the charge shall be sent to the charged member, by certified mail, return receipt requested, within ten (10) days after the date of filing or before it is reviewed by the Judicial Board pursuant to Section 5 below, whichever is sooner.
- E. The Judicial Board shall review each charge filed and shall schedule a hearing under Section 4 of these Rules at the request of three (3) or more of its members. A charge shall be dismissed if:
  - 1. three (3) or more members of the Judicial Board do not request a hearing within thirty (30) days after the date of filing;

2. the charge is filed more than twelve (12) months after the conduct in question occurred or the charging party reasonably should have known of its occurrence, whichever is later; or
  3. a prior charge based on essentially the same conduct was disposed of after a hearing or on the basis of written submissions under Section 4. A. of these rules.
- F. Upon scheduling a hearing, the Judicial Board shall send to the charged member and the charging party, by certified mail, return receipt requested, a copy of the charge, a notice of the date, time, and place of the hearing to be held under Section 4 of these rules, and a copy of these rules. The foregoing material shall be sent to the charged member and the charging party at least forty-five (45) days prior to the hearing, *provided that* this period may be shortened with the written consent of the Judicial Board, the charged member and the charging party.

#### **Section 4. Hearing**

- A. The hearing shall take place before at least four (4) members of the Judicial Board. The hearing shall be conducted in an informal manner, and the formal rules of evidence used in courts of law shall not be controlling. The case against the charged member shall be presented before the charged member presents his or her response, *provided that* the charging party and the charged member shall have opportunity for rebuttal. Witnesses may testify either in narrative form or through questions and answers, and/or through affidavits. All relevant non-repetitious information shall be admissible as evidence and given such weight as the Judicial Board deems appropriate. Upon timely request by the charging party or the charged member, or upon the Judicial Board's own initiative, a stenographic transcript of the hearing shall be prepared. A copy of such transcript shall, upon request, be made available to the charging party and to the charged member at the expense of the MEA.
- B. Evidence in support of the charge shall be presented by the charging party, who shall have all the rights afforded the charged member by Section 4. C. of these rules.
- C. The charged member shall have the right to appear at the hearing, to represent himself or herself or to be represented by an attorney **and** other person of his or her choice, to present witnesses and other evidence on his or her own behalf, to cross-examine witnesses, and to make brief opening and closing arguments.
- D. If, without sufficient reason, the charged member does not appear at the hearing, the Judicial Board may proceed with the hearing and render its decision in his or her absence.
- E. Hearings, insofar as practicable, shall be open to all persons who conduct themselves in an orderly manner, *provided that* on the written request of the charged member, or for sufficient reason on its own initiative, the Judicial Board may limit attendance to persons necessary to the hearing, including those persons identified in paragraph 4. C.

- F. The Judicial Board shall afford the charging party and the charged member a reasonable opportunity to submit post-hearing written arguments. Within thirty (30) days after the date established for the submission of any post-hearing written arguments are to be submitted, the Judicial Board shall render its decision.
- G. The affirmative vote of at least three (3) members of the Judicial Board shall be required to censure or suspend a charged member, and the affirmative vote of at least four (4) members of the Review Board shall be required to expel a charged member. If this required number of votes is not achieved within the thirty (30) day period set forth in Section 4. F. of these rules, the charge shall be dismissed. The decision of the Judicial Board shall be in writing, shall be served by certified mail, return receipt requested, on the charging party and the charged member, and shall be postmarked within five (5) days after the vote of the Judicial Board or the expiration of the aforesaid thirty (30) day period, whichever is sooner.
- H. If the hearing is conducted at a place more than ninety (90) miles from the residence of the charged member, the MEA may, at the discretion of the Judicial Board, pay the cost of travel, room and/or meals of the charged member reasonably necessary to his or her attendance at the hearing.
- I. With the written consent of the charging party and the charged member, the Judicial Board may render its decision on the written submissions of the parties without a hearing.
- J. The Judicial Board may vacate the censure, lift the suspension, or reinstate a member at any time on the affirmative vote of at least four (4) members of the Judicial Board. Before taking such action, the Judicial Board shall provide written notice to the charging party, and afford the charging party an opportunity to present views to the Judicial Board in writing.

**Section 5. Consolidation of Hearings**

The Judicial Board may order the consolidation of two (2) or more proceedings under these rules involving the same member or two (2) or more members if it determines that:

- A. the charges raise one (1) or more common issues;
- B. the interests of efficiency would be served; and
- C. the consolidation would not prejudice the interest of any charged member or charging party.

**Section 6. Appeal to the Board of Directors**

- A. If the Judicial Board votes to censure, suspend, or expel the charged member, he or she may, within forty-five (45) days after the decision of the Judicial Board has been sent to him or her, file a notice of appeal with the Board of Directors, together with any written arguments that he or she may desire to submit. The charging party may file a written response within thirty (30) days of receipt of the notice of appeal and arguments

submitted by the charged member. The charged member may file a reply within ten (10) days of receipt of any response by the charging party. At the same time that they file any material with the Board of Directors, including but not limited to a notice of appeal, the charged member and the charging party shall send a copy of all such material to the other party by certified mail, return receipt requested.

- B. If the charged member files a notice of appeal with the Board of Directors, implementation of the decision of the Judicial Board shall be stayed pending the decision of the Board of Directors.
- C. The Board of Directors may, in its sole discretion, decide the appeal on the written material or may schedule oral argument.
- D. Within thirty (30) days after any date that may be established for the submission of any written material or the conclusion of any oral argument, whichever is later, the Board of Directors shall render its decision.
- E. The Board of Directors may affirm the decision of the Judicial Board, reverse the decision of the Judicial Board, or remand the matter to the Judicial Board for such further proceedings as the Board of Directors deems appropriate, *provided that* the affirmative vote of at least a majority of the full membership of the Board of Directors shall be necessary in order for it to reverse or remand. If the Board of Directors does not take one of the aforesaid actions within the thirty (30) day period set forth in Section 6. D. of these rules, the decision of the Judicial Board shall have been affirmed. The decision of the Board of Directors shall be in writing, shall be served by certified mail, return receipt requested, on the charging party, the charged member, and the chairperson of the Judicial Board, and shall be postmarked within five (5) days of the vote of the Board of Directors or the expiration of the aforesaid thirty (30) day period, whichever is sooner.

**Section 7. Distribution of Decisions**

- A. If the charge against the member is dismissed by the Judicial Board or if the member who has been censured, suspended, or expelled by the Judicial Board does not file a timely appeal under Section 6 of these Rules, the Judicial Board shall determine whether and to what extent its decision or any portion thereof shall be distributed. The authority given to the Judicial Board in this regard shall not prohibit the Board of Directors from giving the decision of the Judicial Board or any portion thereof such distribution as it deems appropriate. In no event shall the decision of the Judicial Board or any portion thereof be distributed until at least five (5) days after it has been served on the charging party and the charged\_member in accordance with Section 4. G. of those rules.
- B. If the member who has been censured, suspended, or expelled by the Judicial Board files a timely appeal under Section 6 of these rules, neither the decision of the Judicial Board nor any portion thereof shall be distributed until disposition of the appeal. If the decision of the Judicial Board is affirmed, the Judicial Board shall determine whether and to what extent its decision or any portion thereof shall be distributed. The authority given to the Judicial Board in this regard shall not prohibit the Board of Directors from giving the decision of the Judicial Board or any portion thereof, and its affirmance, such distribution

as it deems appropriate. In no event shall the decision of the Judicial Board or of the Board of Directors, or any portion thereof, be distributed until at least five (5) days after the decision of the Board of Directors has been served on the charging party, the charged member, and the chairperson of the Judicial Board in accordance with Section 6. D. of these rules. If the matter is remanded to the Judicial Board for further proceedings, neither the decision of the Judicial Board nor of the Board of Directors, nor any portion thereof, shall be distributed, and the decision of the Judicial Board on remand shall be treated as a new decision for purposes of this section.

- C. Other than as provided in Section 7. A. and 6. B. above, neither the MEA nor any officer or employee of the MEA shall distribute the decision of the Judicial Board or the Board of Directors, or any portion thereof.

### **Section 8. Application of Rules**

These rules shall not apply to the termination of membership in the MEA for failure to meet or maintain the requirements for such membership set forth in MEA Bylaw Article I (Membership).

### **Section 9. Miscellaneous**

- A. Nothing contained in these rules shall be construed to prevent the Judicial Board from attempting to dispose informally, with the consent of the charging party and the charged member, of any charge filed.
- B. The MEA shall, upon request, provide the Judicial Board with such secretarial, legal, and/or other assistance as may be necessary and appropriate for the Judicial Board to carry out its responsibilities under these rules.

## **RULE 7. DEFINITIONS**

- A. Forfeiture - a "forfeiture" of an office or position under these laws or rules shall occur when a person in a representative office or position is no longer a member of the represented group or otherwise fails to remain qualified.
- B. Vacancy - Except where otherwise specifically provided, a "vacancy" shall occur upon death, non-acceptance, resignation, abandonment, permanent disability, failure to qualify for the office within ten (10) days after written demand by the Board of Directors, forfeiture or failure to elect a person to the office.

## **RULE 8. PARLIAMENTARY AUTHORITY**

The proceedings of the Association shall be governed by the current edition of Robert's Rules of Order, Newly Revised.

## **RULE 9. AMENDMENTS**

- A. Amendments to the standing rules may be submitted to the Structure and Bylaws Committee in care of the Executive Director of the Association at least seventy (70) calendar days prior to the annual meeting and must be published in official publications of the Maine Education Association prior to the meeting of the Representative Assembly.
- B. A standing rule may be amended by a majority vote of the delegates with the amendment being effective immediately upon adoption by the Assembly.
- C. By a motion from the floor, a standing rule may be suspended or amended without notice by a two-thirds (2/3) vote with the action being effective immediately upon the adoption by the Assembly.