



**UTAH EDUCATION ASSOCIATION
ARTICLES OF INCORPORATION,
CONSTITUTION, and BYLAWS**

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ARTICLES OF INCORPORATION
of the
UTAH EDUCATION ASSOCIATION
A Nonprofit Corporation

We, the undersigned natural persons of the age of 21 years or more, for the purpose of continuing in existence a prior existing nonprofit corporation and acting as incorporators of a corporation under the Utah Nonprofit Corporation and Cooperative Association Act, adopt the following Articles of Incorporation for such corporation:

ARTICLE I--NAME

The name of the corporation is the "Utah Education Association."

ARTICLE II--DURATION

The period of its duration is perpetual.

ARTICLE III--PURPOSES

This corporation shall be a nonprofit corporation. It shall be an association of professional educators having as its general purpose the promotion of public education and the advancement of its members professionally, economically, and socially.

ARTICLE IV--MEMBERSHIP

The corporation shall have the classes of members set forth in the Constitution and Bylaws. The Constitution and Bylaws shall establish terms and conditions for membership.

ARTICLE V--OFFICERS

Section 5.1 Officers. The officers of the Association shall be established in the Constitution.

Section 5.2 Qualifications, Terms and Duties. The officers shall have such qualifications, terms of office, and duties as may be established by the Constitution and Bylaws.

Section 5.3 Selection of Officers. The officers of the Association may be selected or elected in the manner and at the times specified by the Bylaws.

ARTICLE VI--BOARD OF DIRECTORS

Section 6.1 Powers and Duties. The Board of Directors: (1) shall manage the business of the Association so as not to conflict with the directions adopted by the House of Delegates; (2) may employ such persons or contract for services as necessary; (3) is responsible for the financial affairs of the Association, and shall submit a financial report to the membership.

Section 6.2 Composition. The Board of Directors shall be comprised of the persons prescribed in the Constitution.

Section 6.3 Qualifications. The members of the Board of Directors shall have the qualifications as may be prescribed by the Constitution and Bylaws.

ARTICLE VII--HOUSE OF DELEGATES

Section 7.1 Composition. The House of Delegates shall be comprised of the members prescribed in the Constitution and Bylaws.

Section 7.2 Powers. The House of Delegates shall be the legislative body of the Utah Education Association. It shall have the sole power to enact, amend, or rescind the Bylaws of the Association, to determine the policies to be carried out by the Board of Directors, and impeach the officers or members of the Board of Directors.

Section 7.3 Organization and Procedure. Subject to the Constitution, the House of Delegates shall have power to provide for its organization and procedure.

ARTICLE VIII--CONSTITUTION

The Constitution shall be the fundamental document governing the structure and operation of the Association as now enacted and hereafter amended by the members of the Association.

The Constitution may, by vote of the membership, be enacted, amended, or revoked as provided in the Constitution.

ARTICLE IX--BYLAWS

The Bylaws shall be adopted by the House of Delegates and may deal with the matters of the Association not controlled by the Constitution.

Bylaws may, by vote of the House of Delegates, be enacted, amended, or revoked and subject to review or initiation by the Board of Directors as provided in the Bylaws.

ARTICLE X--SUPREMACY CLAUSE

The Constitution shall prevail over conflicting provisions of the Bylaws or any other rule, direction, or guideline of the Association, except the Articles of Incorporation.

ARTICLE XI--INITIATIVE--REFERENDUM--RECALL

The Constitution and Bylaws may provide for initiative, referendum, and the recall of officers.

ARTICLE XII--INITIAL EXECUTIVE BOARD

The number of directors constituting the initial Board of Directors of the Association is 13, inclusive of the president, the president-elect, the immediate past president, the NEA state director for Utah of the National Education Association, and nine directors, and the names and addresses of the persons who are to serve as members of the Board of Directors, until their successors are elected and shall qualify, are:

<u>Names</u>	<u>Addresses</u>
Robert T. Krueger, President	4836 S. 4480 W., Kearns, UT
Richard J. Halterman, 1st Vice President	2747 E. 3220 S., Salt Lake City, UT
Mrs. Louise Bennett, 2nd Vice President	P. O. Box 21, Holden, UT
Lois Bigelow, Director	1075 Denver St., Salt Lake City, UT
James W. Peterson, Director	93 Cyprus Street, Copperton, UT
Mrs. Thelma G. Walton, Director	Monticello, UT
Elizabeth Huish, Director	392 E. 500 S., Payson, UT
Jay L. Nielsen, Director	859 South 800 East, Orem, UT
Clair Erickson, Director	186 South Main, Ephraim, UT
D. Carlyle Baker, Director	604 Wilson Ave., Salt Lake City, UT
Dr. Basil C. Hansen, Director	20 Raymond Court, Logan, UT
Hugh D. Rush, Director	3977 Southbourne, Salt Lake City, UT
Carl J. Mellor, NEA State Director	RFD, P. O. Box 96, Lehi, UT

ARTICLE XIII--INITIAL PRINCIPAL OFFICE

The location and street address of its initial principal office is 312 East South Temple, Salt Lake City, Utah 84111.

ARTICLE XIV--INCORPORATORS

The name and address of each incorporator is:

<u>Names</u>	<u>Addresses</u>
Robert T. Krueger, President	4836 S. 4480 W., Kearns, UT
Richard J. Halterman, 1st Vice Pres.	2747 E. 3220 S., Salt Lake City, UT
John C. Evans, Jr., Executive Secretary	875 E. 5180 S., Salt Lake City, UT

ARTICLE XV--AMENDMENT

Amendment to these Articles of Incorporation shall be made in accordance with the statutory provisions of the state of Utah relating to nonprofit corporations.

FOURTH: A Certificate of Members' and Board of Directors' Meetings Approving Amendments to the Articles of Incorporation of the Utah Education Association was filed with the State of Utah. After publishing notice in newspapers of general circulation to the members of the Utah Education Association as required by law, a meeting of the members of the Utah Education Association was held April 23, 2005. After the meeting was called to order, all of the members present voted in favor and no members voted against adopting an amendment to Article III—Purposes to the Articles of Incorporation of the Utah Education Association. At a duly noticed and called meeting of the Board of Directors of the Utah Education Association held May 14, 2005, the Board of Directors voted to change the term "trustees" in the Articles of Incorporation to "directors." The change does not require the approval of the members as the change is a minor change to conform the language of the Articles of Incorporation to that used in the non profit corporation laws of Utah.

Executed at Murray, Utah, this 13th day of July, 2005.

UTAH EDUCATION ASSOCIATION

s/Pat Rusk
PAT RUSK, President

VERIFICATION

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 13th day of July, 2005, Pat Rusk, personally appeared before me, Kristie Rasmussen, who being first duly sworn by me, did state that she is the president of the Utah Education Association, that she executed the foregoing Certificate of Members' and Board of Directors' Meetings Approving Amendments to the Articles of Incorporation of the Utah Education Association by authority of the members of the Association, the Board of Directors and its Bylaws and that she acknowledged to me that the corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13th day of July, 2005.

/s Kristie Rasmussen
NOTARY PUBLIC
Residing in: Salt Lake City, Utah
My Commission Expires: May 17, 2006

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**CONSTITUTION
of the
UTAH EDUCATION ASSOCIATION**

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ARTICLE I--MEMBERSHIP

Section 1.1 Categories of Membership. Membership in the Association is comprised of active members and other categories of members provided in the Bylaws.

Section 1.2 Membership Eligibility. Membership is open to any person employed as a professional educator or employed by an educational institution who:

- a. Is a member of the local education association affiliated with UEA;
- b. Is a member of the National Education Association;
- c. Pays the dues and other fees required by the House of Delegates; and
- d. Subscribes to the goals and objectives of the Association and abides by its Constitution and Bylaws.

Section 1.3 Rights of Members. Active members have the right to vote and hold office in the Association. Rights of other categories of members are prescribed in the Bylaws.

Section 1.4 Revocation of Membership. The Bylaws of the Association may provide for procedures and causes whereby a person's membership may be denied, suspended, or revoked, and the manner in which a member whose membership has been denied, suspended, or revoked may be reinstated as a member.

Section 1.5 Membership Dues and Fees. The membership dues and fees which must be paid by the various categories of members to qualify for membership or to remain as members shall be established by the House of Delegates.

Section 1.6 Further Qualifications, Rights, and Duties of Members. The Bylaws may establish categories of membership and the qualifications, rights, and duties of the members of each category, provisions for termination or forfeiture of membership, and the dues, assessments, and charges for membership.

ARTICLE II--AFFILIATIONS

Section 2.1 Utah Education Association. To become an affiliate of the Utah Education Association, a local association shall require unified membership in the local education association, the Utah Education Association, and the National Education Association. A local association or several local associations may become affiliate organizations by filing an application to affiliate with the Board of Directors of the Utah Education Association and submitting for review its constitution, articles of incorporation, or articles of association, and such other statements of ethics and policies as the Board of Directors may require. If the Board of Directors finds that the constitution, articles of incorporation, or articles of association, and other statements of policies and ethics do not conflict with the Articles, Bylaws, and policies of the Utah Education Association, it shall recognize the local association or associations as an affiliate and thereby entitle its members to representation in the House of Delegates according to the Articles of Incorporation, the Constitution, and the Bylaws of the Utah Education Association. The Association shall recognize no more than one local affiliate within the same jurisdictional boundaries, but affiliates not competing for the same category of membership may be recognized. Affiliates which are subject to corrective action shall have the right to appeal an adverse ruling to a five-member panel selected by lot from the current House of Delegates, but no delegate who is a party of interest shall be selected to serve on the panel. The decision of the panel shall be final and binding on all parties.

Section 2.2 National Education Association. This Association is affiliated with the National Education Association under rules of affiliation established by the National Education Association and cooperates with the National Education Association in furthering such common or joint purposes of the respective organizations as the Board of Directors shall approve.

1 **ARTICLE III--OFFICERS AND BOARD OF DIRECTORS**

2 **Section 3.1 Officers.** The officers of the Association are the president and vice president.

3 **Section 3.2 Board of Directors.** The Board of Directors is comprised of the president, the vice
4 president, the state directors for Utah of the National Education Association, and elected directors as
5 provided in the Bylaws. Directors are elected for terms of three years, but the Bylaws may provide
6 for shorter terms to fill vacancies on the Board and in cases of dissolution or realignment of
7 UniServs.

8 **Section 3.3 Election.** For the purpose of nominating and electing directors, the state is divided into
9 UniServ units. Those nominated to represent each UniServ unit must be employed within the
10 UniServ unit they represent and elected by the members within the UniServ unit. A director
11 representing ethnic minorities and a director representing UEA-Retired shall be elected.
12 Representative areas and procedures for nomination and election are defined in the Bylaws.

13 **Section 3.4 Qualifications.** The officers and directors shall be and shall have been active members
14 of the Utah Education Association at least three years immediately preceding the date of election.

15 **Section 3.5 Powers and Duties.** The Board of Directors manages the business of the Association so
16 as not to conflict with the policies adopted by the House of Delegates.

17 **ARTICLE IV--HOUSE OF DELEGATES**

18 **Section 4.1 Powers and Duties.** The House of Delegates is the legislative body of the Utah
19 Education Association and may determine the policies to be carried out by the Board of Directors.

20 **Section 4.2 Delegate Apportionment.** The officers and directors are delegates to the House of
21 Delegates. Each local association, educational institution separate from the district in which it is
22 located, UniServ, the UEA-Retired members, and the UEA Aspiring Educator Program are entitled
23 to representation in the House of Delegates.
24

25 There shall be two delegates from each of these groups, or as many as each may be entitled to
26 on the basis of one delegate for every 40 UEA members or every major fraction thereof, whichever
27 is greater. UniServs are limited to two delegates for each NEA recognized unit. Each delegate is
28 entitled to only one vote.

29 The allocation of delegates from the UEA-Retired shall be allocated on the basis of one
30 delegate for every 100 UEA-Retired members or every major fraction thereof. Each delegate is
31 entitled to only one vote

32 **Section 4.3 Delegate Qualifications.** Each delegate must be a member in good standing of the Utah
33 Education Association and of the organization represented.

34 **Section 4.4 Presiding Officer.** The president of the Association or during the president's absence,
35 the vice president or a designee of the president, presides at the House of Delegates.

36 **Section 4.5 Impeachment.** The House of Delegates shall establish in the Bylaws a procedure in
37 which due process is provided for the impeachment and removal of officers and directors.

38 **Section 4.6 Rules and Resolutions Committee.** The House of Delegates shall have a Rules and
39 Resolutions Committee. No legislative amendment, budget amendment, bill, resolution, new
40 business item, or other action of a substantial nature shall be considered by the House of Delegates
41 unless it has been referred to the House by the Rules and Resolutions Committee or approved for
42 consideration by a two-thirds vote of the House. The House may provide for the operation,
43 organization, and duties of the Rules and Resolutions Committee.

44 **Section 4.7 Effective Date.** All bills, resolutions, and other actions of the House of Delegates
45 affecting the Association shall become effective on adjournment of the House unless a later date is
46 provided in the bill, resolution, or action. Nothing in this section precludes the House of Delegates
47 from adopting its own rules of procedure.
48

1 **ARTICLE V--REFERENDUM**

2 **Section 5.1 Referendum.**

3 **a. Popular Referendum.** Procedures to bring any action of the Board of Directors or the
4 House of Delegates to a referendum shall be set forth in the Bylaws, but no action may be
5 brought to referendum unless the executive director receives, within 90 days after the action
6 was approved by the Board of Directors or the House of Delegates, referendum petitions
7 signed by at least 15% of the total active members and by at least 15% of the active members
8 from a majority of the UniServ units. The legislative programs and matters related to the
9 budget and membership dues are not subject to referendum.

10 **b. Board or House Referendum.** The Board of Directors or the House of Delegates may refer
11 any of their actions to the voting members of the Association upon resolution by two-thirds
12 of the respective body. The procedure for Board or House referendum shall be provided in
13 the Bylaws.

14 **ARTICLE VI--ASSOCIATION STAFF**

15 **Section 6.1 Staff.** The staff of the Association consists of the executive director and other employees
16 necessary to transact the business of the Association.

17 **Section 6.2 Executive Director.** The executive director is: (a) a full-time employee of the
18 Association; (b) appointed by the Board of Directors for a term of employment not to exceed two
19 years; (c) bonded and receives the compensation established by the Board of Directors; (d)
20 responsible, under the direction of the president and Board of Directors, for the implementation of
21 the budget, policy, goals, and objectives adopted by the House of Delegates and interpreted by the
22 Board of Directors.

23 **ARTICLE VII--AMENDMENTS**

24 **Section 7.1 Required Vote.** This Constitution may be amended by a majority of the votes cast by
25 ballot at the next regular election of the membership, if the proposed amendment has been
26 previously approved by the House of Delegates.

27 Amended on May 12, 1986.

28 **Record of Amendments**

29 The Constitutional amendments of Article III, Section 3.2 and Article IV, Section 4.2 were approved
30 by a majority of the votes cast by ballot at the regular election of the membership on May 18, 1995.

31 The Constitutional amendments of Article III, Section 3.3 and Article IV, Section 4.6 were approved
32 by a majority of the votes cast by ballot at the regular election of the membership on May 14, 2004.

33 The Constitutional amendments of Article IV, Section 4.2 and 4.6 were approved by a majority of the
34 votes cast by ballot at the regular election of the membership on May 13, 2005.

35 The Constitutional amendment of Article III, Section 3.2 was approved by a majority of the votes cast
36 by ballot at the regular election of the membership on May 19, 2006.

37 The Constitutional amendments of Article III, Section 3.2 and Article IV, Section 4.6 were approved
38 by a majority of the votes cast by ballot at the regular election of the membership on May 16, 2008.

39 The Constitutional amendment of Article IV, Section 4.2 was approved by a majority of the votes cast
40 by ballot at the regular election of the membership on February 24, 2012.

41 The Constitutional amendment of Article I, Section 1.4 was approved by a majority of the votes cast
42 by ballot at the regular election of the membership on February 20, 2015.

43 The Constitutional amendment of Article IV, Section 4.2 was approved by a majority of the votes cast
44 by ballot at the regular election of the membership on April 11, 2018.

45 The Constitutional amendments of Article I, Sections 1.1, 1.2.a, 1.3, 1.5, 1.6; Article II, Section 2.1;
46 Article III, Section 3.3; and Article IV, Section 4.2 was approved by a majority of the votes cast by ballot at
47 the regular election of the membership on April 12, 2023.

**BYLAWS
of the
UTAH EDUCATION ASSOCIATION**

ARTICLE I--MEMBERSHIP

Section 1.1 Categories of Membership.

a. Active Members. Any person may become an active member of the Association if the person meets the criteria of the Constitution, is in a category of membership approved by the UEA Board of Directors, and:

(1) Has a bachelor's or higher degree from an institution of higher education and, if required, holds the certificate or license required by the person's educational work and is employed full time or part time in Utah by or in a public school district, public college or university, or other public institution devoted primarily to education; or

(2) Is employed full time or part time as an education support professional (ESP) in a public school district, public college or university, or other public institution devoted primarily to education; or

(3) Is employed under the appropriate provisions of the Utah State Board of Education and paid on an educator's salary schedule; or

(4) Is serving as an executive officer of the NEA, the UEA or a local affiliate; and

(5) Pays the annual dues and fees established by the House of Delegates.

b. Life Members. Past presidents of the Association are members for life. This section does not preclude a life member from membership in another class of members.

c. Reserve Members. Any person may become a reserve member who:

(1) Is a former member of the Association and is currently on leave or held active membership in the Association but no longer qualifies for active membership; or

(2) Serves as a teaching intern on a partial salary; or

(3) Is a graduate student with a teaching certificate not otherwise qualified for membership; or

(4) Is employed in educational work at a professional level and is not otherwise qualified for membership; and

(5) Pays the annual dues and fees established by the House of Delegates.

Reserve members have all of the privileges of active members, but may not hold an office.

d. Retired Members. Any person may become a Retired member who:

(1) Is at least forty-five years of age,

(2) Was employed at least five years in a position that qualified them for active Association membership,

(3) Supports the purposes and programs of the Association,

(4) Is and remains a NEA-Retired member, and

(5) Pays the annual dues and fees established by the House of Delegates.

UEA-Retired members elect members to the House of Delegates according to the requirements of section 4.2 of the Constitution. The UEA membership department shall advise the president, or other officers of the UEA-Retired association, of the number of delegates the UEA-Retired association is entitled to as of January each year. UEA-Retired members have the same rights and privileges in the House as delegates representing active members.

UEA-Retired members are eligible to vote for all statewide UEA officers except the NEA State Director(s).

1 UEA-Retired members have all of the privileges of active members, but are not
2 eligible to hold a UEA office except in UEA-Retired statewide local association. Unless
3 otherwise provided in these Bylaws, a person eligible for membership in more than one
4 category shall join the Association in the membership category that provides the greatest
5 degree of participation in Association governance.

6 Retired members may establish their own organization subject to section 2.1 of the
7 UEA Constitution, adopt bylaws, elect officers, and set local dues according to their bylaws.

- 8 **e. Staff Members.** Any person employed by the Association or any of its affiliates in a
9 professional staff position may become a staff member. Dues of staff members are one-half
10 the dues of active members. Staff members are eligible to vote for all statewide UEA officers
11 except the NEA State Director(s).
- 12 **f. Aspiring Educator Members.** Any student enrolled in or preparing for a program of study
13 in an accredited institution of higher learning which qualifies the student for a career in
14 education may become an aspiring educator member, but any person eligible for active or
15 reserve membership is not eligible for aspiring educator membership. Aspiring educator
16 members are entitled to representation in the House of Delegates. Aspiring educator
17 members may establish their own organization subject to section 2.1 of the UEA
18 Constitution, adopt bylaws, elect officers, and set local dues according to their bylaws.
- 19 **g. Honorary Members.** Persons other than those named above who have achieved distinction
20 in educational work may become honorary members on recommendation of the Board of
21 Directors and two-thirds vote of the House of Delegates.

22 **Section 1.2 Revocation of Membership.**

- 23 **a.** The Board of Directors may deny, suspend or revoke the membership of any person who
24 engages in conduct substantially injurious to the Association or the profession.
- 25 **b.** No membership shall be denied, suspended or revoked unless the Board of Directors has
26 given written notice to the applicant by mailing to the last-known address or personally
27 delivering a written notice to the person setting forth in reasonable detail the basis on which
28 the matter of denial, suspension, or revocation is to be considered and stating that the person
29 may make a written request for a hearing before the Board of Directors within 20 days after
30 the date written notice is personally delivered or deposited in the mail. If a request for a
31 hearing is made, the person shall be given written notice of the time, place, and purpose of
32 the hearing together with a copy of this section.
- 33 **c.** At the hearing, the applicant or the member may cross-examine witnesses, present evidence,
34 and may be represented by counsel.
- 35 **d.** After the hearing, the Board of Directors shall give the applicant or member its written
36 decision setting forth the factual basis for the decision. A copy of the decision shall be either
37 personally delivered or mailed to the applicant or member. If the Board decides to suspend
38 the member, the decision shall state the terms and conditions of suspension including the
39 duration and the conditions for reinstatement.
- 40 **e.** The member may appeal an adverse ruling to a five-member panel to be selected by lot from
41 the current House of Delegates membership, but no delegate who is a party of interest shall
42 be selected to serve on the panel. The decision of the panel shall be final and binding on all
43 parties.

44 **Section 1.3 Reinstatement of an Expelled or Suspended Member.** The Board of Directors may
45 reinstate any person whose membership has been suspended or revoked.

46 **Section 1.4 Membership Dues.**

- 47 **a. Dues and Contributions of Active Licensed Members.** The dues for membership of active
48 licensed members in the Utah Education Association who are employed full time are .009 of
49 the Bachelor's Lane step 5 average, the benchmark, from the licensed educators' salary
50 schedules one year preceding the current fiscal year, rounded to the nearest dollar. Dues of
51 active licensed members who work half time or less pay one-half of dues of active licensed

1 members employed full time. Dues of active licensed members hired to work an entire year
2 more than half time but less than full time shall be the proportionate percentage of dues of
3 full-time active licensed membership that their contracts bear to full-time employment.

4 **b. Dues and Contributions of Education Support Professional Active Member.** The dues
5 for membership for education support professional (ESP) members are based on a percentage
6 of licensed active members' salaries according to the following:

7 (1) 100% or more than the benchmark in section 1.4.a, then 100% of licensed active
8 members' dues.

9 (2) 75% or more than but less than 100%, the benchmark in section 1.4 a, 75% of licensed active
10 members' dues,

11 (3) 50% or more than but less than 75%, the benchmark in section 1.4 a, 50% of licensed active
12 members' dues,

13 (4) 25% or more than but less than 50%, the benchmark in section 1.4 a, 25% of licensed active
14 members' dues.

15 (5) Less than 25% of the benchmark in section 1.4.a, then 10% of licensed active members' dues.

16 (6) Dues will be set at the beginning of the fiscal year and remain in place until the next fiscal
17 year.

18 **c.** Fifty-three percent (53.00%) of all active member dues is apportioned to the Utah
19 Education Association and 47.00% of all active member dues is apportioned to the
20 UniServ. Changes in dues may be made only by the House of Delegates. The Board of
21 Directors shall adopt a policy providing for voluntary contributions to fund the Utah
22 Education Association Political Action Committee (U-PAC) including levels of U-PAC
23 contributions.

24 **Section 1.5 Other Membership Dues.**

25 **a. Reserve Members.** The dues for reserve members who work half time or less are one-half of
26 dues of active membership. The dues for reserve members hired to work an entire year, more
27 than half time but less than full time, shall be the proportionate percentage of dues of active
28 membership that their contracts bear to full-time employment. The dues for all other
29 categories of reserve membership are one-half of dues of active membership.

30 **b. Retired Members.** The annual dues for members who joined UEA-Retired before April 23,
31 2005 are \$5.00. The annual dues for members who join UEA-Retired after April 22, 2005 are
32 \$15.

33 **c. Aspiring Educator Members.** Annual dues of aspiring educator members are \$10.00. A
34 first-year classroom educator who has been an aspiring educator member of UEA will
35 receive a 20% dues discount in their first year of active membership in the UEA.

36 **Section 1.6 Dues Changes.** The House of Delegates may change the dues for membership in the
37 Association. Any change in dues takes effect the following membership year.

38 No dues change shall be considered by the House of Delegates unless the delegates have
39 received notice of the proposed change or changes at least 15 days prior to the House. When names
40 of delegates are not filed in the UEA office, notice to local presidents is notice to delegates.

41 **Section 1.7 Collection of Dues.** Local associations are responsible for remitting all dues and
42 contributions collected for the Utah Education Association and the National Education Association
43 to UEA on or before the 15th day of the month immediately following the date on which the local
44 association receives the dues and contributions from the member in cash or through payroll
45 deduction. Notwithstanding the foregoing, payroll deductions must be set up to complete payment to
46 the Association by the end of the Association's fiscal year. Contracts consistent with this section will
47 be made between the local association and the Utah Education Association.

48
49 *In the event that legislation passes requiring members to discontinue the use of payroll deduction,*
50 *or by August 2026, the following amendments will be adopted for Section 1.7 of the UEA Bylaws:*
51 *Section 1.7 Collection of Dues. All dues and contributions collected for the Utah Education*
52 *Association and the National Education Association must be paid to UEA on or before the 15th day*

1 of the month. Members may select their preferred method of dues remittance provided on the UEA
2 application for membership. Dues will be collected through Electronic Funds Transfer, credit card,
3 cash or check, depending upon each local. Members may pay annually by credit card, cash, or check
4 in full by October 31st or remit dues according to the UniServ dues collection schedule, by the 10th
5 day of the month.

6 Local associations utilizing their own Electronic Funds Transfer programs are individually
7 liable for remitting all dues and contributions collected for the Utah Education Association and the
8 National Education Association to UEA on or before the 15th day of the month immediately
9 following the date on which the local association receives the dues and contributions from the
10 member.

11
12 **Section 1.8 Distribution of Local Association Dues Collected through Electronic Funds**
13 **Transfer and/or Credit Card.** Local Associations will receive distribution of local Association
14 dues received through electronic funds transfer and credit card on or before the 25th day of the month
15 in which dues are received.

16 **Section 1.9 Proration of Dues.** Applications for membership are requests for membership for the
17 entire membership year. Membership applications, submitted after September 1, because the
18 applicant was not, until the date of application, actively engaged in education as a profession or has
19 never been a member or has not been a member for more than one year or otherwise qualified for
20 membership, are requests for membership from the date of application for membership to the end of
21 the membership year.

22 Any person who joins as an active or reserve member during the year shall be enrolled as a
23 member in full standing for the remainder of the membership year by paying the amount of annual
24 dues which is commensurate with the remaining portion of the membership year. The UEA shall not
25 be obligated to pay the attorney fees or court costs for any educator who joins the Association after
26 an incident which threatens their job.

27 At the discretion of the local, any subsequent rejoining may require the applicant to pay dues
28 for the full membership year.

29 Termination of a member's status does not alter or reduce the dues obligation for the
30 membership year or period, but a member may request termination of membership and may be
31 granted a proration of dues.

32 **Section 1.10 Delinquency.** Annual dues are collected and considered delinquent as follows:

- 33 a. Single payment for the full amount may be made on or before September 1 every year.
- 34 b. Electronic Funds Transfer (EFT)/credit cards due the third day of each month pursuant to the
35 contractual agreement.
- 36 c. Payroll deduction dues are payable on or before August 31 each membership year and are
37 delinquent if unpaid after that date but, if evidence is provided to the executive director that
38 authorization has been made for payroll deduction of membership dues, then the member
39 may commence enjoyment of member benefits before the dues are received.
- 40 d. The failure to pay dues in a timely manner may be considered per se, conduct substantially
41 injurious to the Association.

42
43 ***In the event that legislation passes requiring members to discontinue the use of payroll***
44 ***deduction, or by August 2026, the following amendments will be adopted for Section 1.10 of***
45 ***the UEA Bylaws.***

46 **Section 1.10 Delinquency.** Annual dues are collected and considered delinquent as follows:

- 47 a. Single payment for the full amount after October 31 every year.
- 48 b. Monthly payments submitted after the due date each month pursuant to section 1.7.
- 49 c. The annual dues commitment paid after August 31 each membership year, unless
50 evidence is provided to the executive director that demonstrates an exception.

51 ***The failure to pay dues in a timely manner may be considered, conduct substantially injurious to***
52 ***the Association.***

1
2 **Section 1.11 Membership Year.** The membership year is from September 1 through August 31 the
3 following year.
4 **Section 1.12 Transfer.** Individual membership dues may not be transferred.
5 **Section 1.13 UEA Children at Risk Foundation Contribution.** UEA membership forms and
6 rosters shall include a section for a voluntary annual contribution of \$1.00 or more designated for the
7 UEA Children at Risk Foundation which shall be in addition to membership dues.

8 9 **ARTICLE II--RIGHTS AND PRIVILEGES OF MEMBERS**

10 **Section 2.1 Voting.** The right to vote is vested in the active members of the Association and the
11 other categories of members expressly given the right to vote.

12 Proxy voting is prohibited. This section does not preclude the use of absentee ballots when
13 permitted in these Bylaws.

14 **Section 2.2 General Rights and Privileges.** Subject to the Constitution, all rights and privileges of
15 membership, including the right to hold office, participate in meetings, be members of committees,
16 receive notice of meetings and other business of the Association requiring notice, are vested in the
17 active members unless these Bylaws expressly grant some or all of these privileges to other
18 categories of members.

19 20 **ARTICLE III--MEETINGS**

21 **Section 3.1 The Board of Directors.** The Board of Directors meets at the times and places it
22 determines. A majority of the Board of Directors is a quorum.

23 **Section 3.2 House of Delegates.** The House of Delegates meets annually at the time and place set by
24 the Board of Directors. The House of Delegates shall receive reports on the status of the Association,
25 discuss and adopt the UEA Legislative Program and the UEA Budget, and adopt policies governing
26 the Association.

27 A majority of the registered delegates is a quorum for meetings of the House of Delegates.

28 The Board of Directors shall, after reviewing the recommendations of the Agenda and
29 Reviewing Committee, recommend an agenda for the House of Delegates.

30 **Section 3.3 Special Meetings - House of Delegates.** Special meetings of the House of Delegates are
31 called by the House of Delegates, the president of the Association at the request of the Board of
32 Directors, or by a written request to the president signed by 25 members of the House of Delegates
33 and ten local presidents. A special meeting of the House of Delegates is canceled on the request of at
34 least two-thirds of the members of the Board of Directors, if the special meeting was called by the
35 Board of Directors; or by two-thirds of the members of the House of Delegates and two-thirds of the
36 local presidents who joined in the written request calling for the special meeting. A special meeting
37 called by the House of Delegates may be canceled if requested by a majority of the current members
38 of the House of Delegates. A special meeting is canceled if the foregoing procedures are completed
39 five days prior to the date set for the special House of Delegates.

40 **Section 3.4 Notice - Meetings of House of Delegates.** The executive director shall give prior notice
41 to each delegate of the time, place, and purpose of each regular and special meeting of the House of
42 Delegates and shall furnish to each delegate a copy of the agenda of the meeting.

43 When the names of delegates from a local association are not filed in the office of the Utah
44 Education Association, notice to the local president is notice to the delegates from that association.

45 **Section 3.5 No Proxies.** Members of the House of Delegates or their alternates must be present to
46 vote on any question before the House of Delegates.

47 **Section 3.6 Membership Meetings.** Annual conventions of the membership are held at the time and
48 place determined by the Board of Directors.

49 Notice of the time and place of the annual convention shall be published in a publication of
50 the Association at least ten days before the convention. The members present at the annual
51 membership meeting constitute a quorum.

1 **Section 3.7 Special Meetings - Membership.** Special meetings of the membership are called by the
2 president of the Association at the request of the Board of Directors or of the House of Delegates.
3 Written notice of the time, place, and purpose of special meetings shall be given to each member at
4 least five days before the date of the special meeting.

5 **Section 3.8 Majority Vote Required.** A majority vote of the members present at the House of
6 Delegates or Board of Directors is necessary to adopt any matter, unless a greater number is required
7 by the Constitution, the Bylaws, the Standing Rules, the Articles of Incorporation, or the laws of the
8 state of Utah.

10 **ARTICLE IV--REFERENDUM**

11 **Section 4.1 Referendum.**

12 **a. Petition Form.** Prior to circulation, referendum petitions shall be filed with the executive
13 director who shall have them reviewed by the legal counsel who shall rule only as to the
14 sufficiency and format of the petition.

15 **b. Filing.** Referendum petitions shall be filed with the executive director, who shall canvass the
16 petitions to determine whether the petitions have been signed by the required number of
17 active members as provided in the Constitution.

18 **c. Publication.** On receipt of the required number of signatures, or on action of the House of
19 Delegates, or the Board of Directors, the executive director shall publish the text of the
20 referendum petition or action in the next regular issue of the official publication of the
21 Association.

22 **d. Voting.** Within 20 days after the publication, the executive director shall prepare the ballot
23 for voting on the referendum question and conduct the referendum election substantially in
24 compliance with the procedure for conducting general elections. A referendum, to pass,
25 requires at least two-thirds vote of all of the members. Measures defeated by referendum are
26 void immediately following certification of the vote.

27 **ARTICLE V--OFFICERS**

28 **Section 5.1 President.**

29 **a. Term.** The president holds office for a term of three years beginning July 15 following
30 election. The president shall not be elected to more than two consecutive terms.

31 **b. Duties.** The president: (1) presides over meetings of the membership of the Association, the
32 House of Delegates, and the Board of Directors, or may delegate the duty to the vice president or, in
33 the absence of both officers, a member of the Board of Directors; (2) is the chief executive officer of
34 the Association and the Board of Directors; (3) is responsible, under the direction of the Board of
35 Directors, for developing and implementing the Association's budget, policies, objectives, and
36 activities; (4) serves as alternate NEA director; (5) is ex officio a member of each committee,
37 council, and task force of the Association; (6) performs all functions usually attributed to the office
38 of president and those assigned by the Board of Directors; and (7) works with local associations and
39 their programs to advance the UEA program adopted by the Board of Directors and the House of
40 Delegates.

41 **Section 5.2 Vice President.**

42 **a. Term.** The vice president holds office for a term of three years beginning July 15 following
43 election. The vice-president shall not be elected to more than two consecutive terms.

44 **b. Duties.** The vice president performs the functions usually attributed to the office, including
45 assisting the president and maintaining a knowledge and interest in the business of the Association.

46 **Section 5.3 Vacancy.** If the office of president becomes vacant, the vice president becomes
47 president for the unexpired term.
48
49

1 Vacancies in all other elected offices shall be filled by the Board of Directors until the next
2 general election at which time the offices will be filled by election. The person elected to the office
3 will serve out the remainder of the term. Notice of vacancies shall be sent to all local association
4 presidents at least two weeks prior to the appointments.
5

6 **ARTICLE VI--BOARD OF DIRECTORS**

7 **Section 6.1 Composition of the Board of Directors.** The Board of Directors is comprised of the
8 officers, the NEA state directors, one director representing each UniServ, one director representing
9 UEA-Retired, and one director representing ethnic minority members.

10 **Section 6.2 Election.** One director is elected from each UniServ. One director representing ethnic
11 minorities is elected by the total membership of the Association. One director representing UEA-
12 Retired is elected by UEA-Retired members.

13 **Section 6.3 Qualifications.** Directors shall be active members, except the UEA-Retired director who
14 shall be a UEA-Retired member in good standing. Directors, except the UEA-Retired director, shall
15 immediately vacate their positions on the Board of Directors when they cease to be employed within
16 the category or the UniServ they were elected to represent. An active member on district-approved
17 sabbatical leave, special assignment, or military leave may be a Director, but the UniServ Council
18 whose Board member is on military leave expected to last more than three months, may appoint a
19 temporary acting director during the time of the military leave.

20 **Section 6.4 Terms of Office.** Except as otherwise provided in this section, Directors are elected to
21 three-year terms that begin July 15 following the election and expire July 14 three years later, except
22 the NEA state directors whose term on the UEA Board of Directors corresponds with the term of
23 office as NEA state director.

24 Board members shall not be elected to more than two terms consecutively. If more than four
25 Directors are to be elected in one election, the Elections Committee, in a regularly called meeting in
26 the year prior to that election, shall determine by lot the Directors to be elected for a one or two-year
27 term so that the number of Directors elected in a future election (if a full term is served) will not
28 exceed four. The term of any person elected to a term of less than three years pursuant to this section
29 shall not be counted toward limiting the person's tenure to two consecutive terms. The UniServ
30 Presidents shall receive written notice of and be invited to attend the meeting.

31 **Section 6.5 Weighted Voting.** The procedure for weighted voting by the UEA Board of Directors
32 shall be as follows: The president, vice president, ethnic minority director, UEA-Retired director,
33 and the NEA state directors shall each have one vote. UniServes with fewer than 1,000 members shall
34 have one vote. UniServes with more than 1,000 members shall have one vote for the first 1,000
35 members and .1 vote for each 100 members after the first 1,000. Twice a year, at the March and
36 August Board meetings, the Executive Director shall report to the Board of Directors the number of
37 votes each director shall be entitled to, based on current membership. This shall become the official
38 weighted voting procedure for the UEA Board of Directors and will be used for voting whenever
39 called for by a member of the Board. UEA will provide technology at the Board meeting to facilitate
40 an immediate tally for UEA Board members.
41

42 **ARTICLE VII--REPRESENTATIVES TO NEA**

43 **BOARD OF DIRECTORS AND REPRESENTATIVE ASSEMBLY**

44 **Section 7.1 NEA State Directors.**

- 45 **a. Nomination and Election.** Each NEA state director must be an active member. The NEA
46 state director(s) is/are nominated and elected in the manner provided in the NEA Bylaws.
- 47 **b. Duties.** The state director(s) perform(s) all of the duties usually required of a state director
48 and the other duties prescribed by the UEA Board of Directors which are not in conflict with
49 the NEA Bylaws and guidelines.
50

1 **Section 7.2 Delegates to NEA Representative Assembly.**

2 **a. Delegates.** Except as below provided, election to the Board of Directors or as an officer of
3 the Utah Education Association also constitutes election as a delegate to the Representative
4 Assembly of the National Education Association for the term of office. Despite the election
5 of a successor delegate, certification of election qualifies the director elected to fill the
6 vacancy to serve as a state delegate to the next Representative Assembly.

7 "Ethnic minority" is defined by the NEA.

8 NEA-RA state delegate(s)-at-large shall be elected at large and shall be seated in the
9 order of the number of votes received.

10 Successor delegates for statewide officers and NEA-RA state delegate(s)-at-large
11 shall be elected at large and shall be selected in the order of the number of votes received.
12 Elections will be held for successor delegates for directors of each UniServ, with election
13 and terms of office to run concurrently with the Board seat. Successor delegates shall be
14 seated in the order of the number of votes received.

15 If the proportional representation guidelines are met, a delegate representing retired
16 members shall be elected by retired members. To qualify, a retiree must be a unified
17 UEA/NEA member and an active participant in either the NEA Retired/Life or NEA
18 Retired/Annual programs. If the proportional representation guidelines are met, a delegate
19 representing aspiring educator members shall be elected by aspiring educator members. To
20 qualify, an aspiring educator must be a unified UEA/NEA member and active in the UEA
21 Aspiring Educator Program. State delegate(s)-at-large, successor delegates and retired
22 delegates are elected for three-year terms that correspond with the terms of the president and
23 vice president. Aspiring Educator member delegates are elected for a one-year term.

24 **b. Nomination.** Delegates and successor delegates to the Representative Assembly of the
25 National Education Association are nominated according to these Bylaws.

26
27 **ARTICLE VIII--RECALL AND IMPEACHMENT**

28 **Section 8.1 Commencement of Impeachment Proceedings.** If two-thirds of the Board of Directors
29 determine that an elected officer or member of the Board has been grossly negligent in performing
30 the duties of the office, or is so incapacitated as to be unable to perform their duties, the Board may
31 recommend impeachment proceedings before the House of Delegates. Prior to commencing the
32 proceedings, the Board shall inform the officer or director of the intention of the Board of Directors
33 and arrange an informal conference during which the officer or director and the Board may discuss
34 the circumstances which have led to the proposed action and inform the officer or director of the
35 facts which form the basis for the impeachment proceeding. Until the impeachment question is
36 placed before the House of Delegates, the Board has the right to reconsider and withdraw or modify
37 the proposed proceedings. If after notification the officer or director elects to resign, the Board shall
38 not recommend impeachment to the House of Delegates. If the Board decides to recommend the
39 impeachment of an officer or director to the House of Delegates, it shall first conduct an open
40 hearing according to procedures established by the Board.

41 **Section 8.2 Recall of Officers and Directors.**

42 **a. Officers.**

43 (1) The voting members may recall the president, vice president, NEA state directors, or the
44 ethnic minority director.

45 (2) Recall petitions shall state the name and position of the person to be recalled and the
46 reasons for the recall. The petitions shall be filed with the executive director who is
47 responsible for verifying the signatures contained on the petitions. Signatures of at least 15%
48 of the voting members in at least one-half of the UniServs are required to initiate recall. The
49 total number of signatures must be at least 15% of the total UEA membership.

1 (3) Within 15 days of receipt of the number of signatures required in subsection (2) above,
2 the executive director shall notify all voting members of the Association that a recall petition
3 has been received.

4 (4) Forty-five days after receipt of the number of signatures required in subsection (2) above,
5 ballots shall be prepared and distributed to the voting members of the Association. Except
6 for the dates, a recall election shall be conducted substantially in the same manner as the
7 general election.

8 (5) If a majority of the voting members of the Association vote to recall the officer, that
9 office shall be declared vacant on certification of the election results by the Elections
10 Committee and shall be filled in the manner provided in Article V of these Bylaws.

11 **b. Members of the Board of Directors.**

12 (1) On receipt of a petition for recall of a member of the Board of Directors by the voting
13 members of the UniServ, the executive director shall notify the members in the UniServ that
14 a petition for recall, containing signatures of at least 15% of the voting members of the
15 UniServ, has been received and verified.

16 (2) Not less than 15 days nor more than 30 days after notification, ballots shall be prepared
17 and distributed to all voting members of the UniServ according to procedures provided in
18 these Bylaws.

19 (3) If a majority of the voting members of the UniServ vote to recall the Board member, the
20 position shall be declared vacant on verification of the election results by the Elections
21 Committee and shall be filled in the manner provided in these Bylaws.

22
23 **ARTICLE IX--HOUSE OF DELEGATES**

24 **Section 9.1 Election of Delegates.** Except as provided in these Bylaws, local associations,
25 organizations from educational institutions, and other affiliates entitled to representation in the
26 House of Delegates shall elect from among their members delegates to the House of Delegates for a
27 term of at least one year.

28 **Section 9.2 Ethnic Minority Representation.** Each association, organization from an educational
29 institution, or other affiliate entitled to representation in the House of Delegates is expected to elect
30 delegations which have ethnic minority representation at least proportionate to the ethnic minority
31 membership of the affiliate.

32 **Section 9.3 Standing Rules.** The House of Delegates may adopt rules governing its committees and
33 procedures.

34 **Section 9.4 Codification.** The executive director shall compile and codify all actions passed by the
35 House of Delegates.

36 **Section 9.5 Officers of the House of Delegates.**

37 **a.** The president of the Association, or in the absence of the president, the vice president, or in
38 the absence of both, a member of the Board of Directors designated by the president,
39 presides at the House of Delegates.

40 **b.** The executive director of the Association is the secretary of the House of Delegates.

41
42 **ARTICLE X--COMMITTEES, COUNCILS, AND TASK FORCES**

43 **Section 10.1 Appointments.** Except as otherwise provided by the Standing Rules of the House of
44 Delegates or these Bylaws, members of all committees and task forces shall be appointed by the
45 president, with the advice and consent of the Board of Directors.

46 **Section 10.2 House Committees.** House Committees are appointed to facilitate the operation of the
47 House of Delegates. The composition and duties of the House Committees are specified in the
48 Standing Rules.

49 **Section 10.3 Standing Committees.** Standing committees are appointed to carry on activities or
50 pursue purposes of a continuing nature.

1 **Section 10.4 Terms and Selection of Committees.** Committee members are appointed to a term of
2 three years and shall not serve more than two consecutive terms. Pending dissolution or realignment
3 of UniServ(s), the subsequent term(s) of committee member(s) representing the affected UniServ(s)
4 may be shortened. A shortened term is not considered a full term of office when determining term
5 limitation provisions of the UEA Bylaws.

6 Standing committee members of the Bargaining, Professional Rights and Responsibilities
7 Committee, the Political Action Committee, the Elections Committee, the Organizing and
8 Membership Capacity Building Committee and the Ethnic Minority Affairs Committee are selected
9 from corresponding committee members of the UniServs. Except committees of the House of
10 Delegates, members appointed to committees shall be nominated from recommendations of the
11 UniServ Councils. If a vacancy occurs, a successor shall be appointed in the manner prescribed by
12 these Bylaws.

13 **Section 10.5 Chair.** The president appoints a chair for each committee for a one-year term whose
14 term commences August 1.

15 **Section 10.6 Task Forces.** Committees created for limited purposes are task forces. The Board of
16 Directors may authorize task forces and terminate them when the purposes for which they were
17 created have been achieved. The House of Delegates may authorize task forces but may not appoint
18 the members. The new business item creating a task force shall state the purpose for creating the task
19 force, the work the task force is to accomplish, and the time within which the work is to be
20 performed. No task force shall be extended beyond the time set forth in the new business item,
21 unless deemed necessary by the Board of Directors.

22 **Section 10.7 Joint Committees.** The House of Delegates or Board of Directors may create
23 committees comprised of Association and non-Association members to work on problems related to
24 education. UEA members are appointed by the president, with the advice and consent of the Board
25 of Directors.

26 The duties of joint committees and terms of office of committee members are determined by
27 the Board of Directors in cooperation with the related organizations.

28 **Section 10.8 Councils.** Councils are established by the Board of Directors or the House of Delegates
29 for the purpose of coordinating and implementing statewide activities involving the “common”
30 welfare of the Association.

31 **Section 10.9 Reports and Records.** The official reports and records of all committees, foundations,
32 councils, and task forces are filed with the executive director and are official records of the
33 Association.

34 **Section 10.10 Function.** Unless provided in the Constitution, all committees, councils, and task
35 forces are advisory to the Board of Directors and House of Delegates.

36 **Section 10.11 Staff Services.** The services of the staff of the Association are available to
37 committees.

38 **Section 10.12 Number of Meetings.** The Board of Directors determines the number of meetings
39 held by any committee, council, or task force for which expenses are paid.

40 **Section 10.13 Committee Agenda.** Agendas for meetings are prepared by the executive director, or
41 their designee, after consultation with the chair. The chair, with the assistance of the executive
42 director, or their designee, is responsible for sending notices of the time and place of all meetings to
43 the members. Association members and guests are encouraged to attend meetings and may
44 participate in discussions of the committees with the permission of the chair.

45 **Section 10.14 Quorum Requirements.** The members present at committee, council and task force
46 meetings constitute a quorum.

47 **ARTICLE XI--RESPONSIBILITIES OF COMMITTEES AND COUNCILS**

48 **Section 11.1 Definition of Duties.** Standing committees and councils are responsible for the duties
49 set forth in this article and for such other duties as the Board of Directors may specify.
50
51

1 **Section 11.2 The Council of Local Presidents.** The Council of Local Presidents is comprised of the
2 presidents and presidents-elect or vice presidents of local education associations, the presidents of
3 UniServs affiliated with the Utah Education Association, and the president of the UEA Aspiring
4 Educators Program and UEA-Retired, and such other members as authorized by the Board of
5 Directors. The Council of Local Presidents: (a) serves as liaison between the legislative and
6 executive bodies of the Utah Education Association; (b) appoints from among its members the
7 Agenda and Reviewing Committee which makes recommendations to the Board of Directors relating
8 to an agenda for meetings of the House of Delegates; (c) studies issues which come before it; (d)
9 holds meetings called by the Board of Directors to develop ways of implementing and advancing the
10 program of the Association in each affiliated local education association; and (e) provides training
11 for its members within regularly scheduled meetings.

12 **Section 11.3 Political Action Committee.** Subject to guidelines adopted by the Board of Directors,
13 the Political Action Committee recommends candidates for public office for UEA support and
14 develops political education programs for members.

15 **Section 11.4 Bargaining, Professional Rights and Responsibilities Committee.** The Bargaining,
16 Professional Rights and Responsibilities Committee shall serve as the initial appeal board from
17 actions taken by UEA General Counsel denying, approving, or taking other actions on requests for
18 legal services; and may: (a) train members to protect and promote the employment rights of
19 members through bargaining and professional negotiations; (b) promote and encourages Association
20 members to engage in conduct consistent with the ethical principles set forth in the UEA-NEA Code
21 of Ethics of the Education Profession; (c) direct case studies involving professional conduct and
22 ethical behavior; (d) foster professional attitudes and encourage professional performance on the part
23 of each member; and (e) promote sound personnel policies that will clearly define the civil and
24 human rights of members.

25 **Section 11.5 Elections Committee.** The Elections Committee: (a) issues and validates petitions for
26 elective office; (b) notifies candidates of petition status and campaign procedures; (c) prepares
27 ballots; (d) determines the validity of all ballots; (e) verifies election results and notifies candidates;
28 and (f) hears all election challenges and makes recommendations to the Board of Directors. If a
29 member of the Elections Committee is a candidate at any time during the elections process, the
30 representative body will select an alternate to replace the committee member during the election
31 cycle.

32 **Section 11.6 Organizing and Membership Capacity Building Committee.** The Organizing and
33 Membership Capacity Building Committee will be responsible for helping locals or UniServs: (a)
34 establish and/or continue an active membership committee; (b) create a written local
35 membership/organizing plan that establishes goals, outlines strategies, and builds capacity; (c)
36 establish methods to collect and analyze local membership data reported to the UEA; (d) establish
37 the norm of including a membership and/or organizing goal in every activity of the local or UniServ;
38 and (e) communicate and collaborate membership and organizing best practices. The Organizing and
39 Membership Capacity Building Committee is subject to the guidelines adopted by the Board of
40 Directors for the Committee and makes recommendations to the Board of Directors for the
41 recruitment, retention, reclamation, motivation and engagement of members.

42 **Section 11.7 Ethnic Minority Affairs Committee.** The Ethnic Minority Affairs Committee
43 (EMAC) will be responsible for: (a) encouraging the creation of and continuing the support of active
44 UniServ and local EMAC committees; (b) creating a plan to help the association meet the NEA
45 Bylaw 3-1(g), by using the UEA Minority Involvement Plan (MIP) to establish goals, outline
46 strategies, implement and build leadership capacity for American Native or Alaska Native, Asian,
47 Native Hawaiian or Pacific Islander, Black or African American, Latin(o/a/x/e), Hispanic and
48 Chican(o/a/x/e), Middle Eastern and North African, and Multiracial people; (c) gathering data
49 statewide on a regular basis to inform the work of the UEA; (d) establishing a culture of using an
50 equity lens in all association activities; (e) communicating and collaborating membership best
51 practices for the recruitment, retention, reclamation, motivation and engagement of Native People

1 and People of Color; (f) actively advocating for social and education strategies on equity, justice and
2 inclusion. The Ethnic Minority Affairs Committee will be chaired by the UEA Ethnic Minority
3 Director.

4 5 **ARTICLE XII--NOMINATIONS AND ELECTIONS**

6 **Section 12.1 Method of Election.** The UEA Board of Directors, after having received the
7 recommendation of the Elections Committee, may decide whether the election for UEA officers and
8 directors or a ballot question is conducted by paper ballot and/or electronic voting. The decision
9 shall be made prior to January 1 of any year in which an election is held or voting conducted.

10 **Section 12.2 Electronic Voting.** “Electronic voting” means a method of voting that allows each
11 member to record by electronic means a vote for each candidate for whom the member is entitled to
12 vote or to vote for or against a question. Electronic voting shall only be approved by the Board of
13 Directors if it is satisfied: (1) the election is secure from multiple voting by a member, (2) non
14 members cannot vote, (3) the possibility of fraud or error is minimal, (4) members will have an
15 opportunity to vote at school or at another location easily accessible to members, (5) the member’s
16 vote is secret, and (6) the electronic ballot permits a write-in vote in the general election.

17 **Section 12.3 Time and Method of Nomination.** Candidates for UEA elective office may become
18 candidates either by: (1) a nomination petition signed by any member of UEA, or (2) by signing and
19 filing a declaration of candidacy, and causing the nominating petition or the declaration to be
20 delivered to the executive director before 5:00 p.m., the second Wednesday in January preceding the
21 election. The nominating petition or the declaration of candidacy shall contain (a) the name of the
22 person filing the nominating petition or the declaration, (b) the office or position for which the
23 candidate seeks election, (c) the name of the local association of which the candidate is a member,
24 and (d) other information the Elections Committee, with the concurrence of the Board of Directors,
25 may require.

26 Any member who has become a candidate may, any time 30 days before a mail-in or paper
27 ballot election, withdraw their candidacy. For electronic or online elections, the candidate may
28 withdraw at any time five (5) days before the election. To withdraw, the candidate will notify the
29 executive director in a written statement containing the name of the person, the office or position for
30 which the person had sought election, the date of withdrawal, and the signature of the candidate. Any
31 candidate who has withdrawn may become a candidate for any office, if the subsequent nomination
32 petition or declaration of candidacy is properly filed with the executive director before 5:00 p.m., the
33 second Wednesday in January preceding the election.

34 If a candidate withdraws during the election the Elections Committee shall: (a) notify every
35 opposing candidate that the candidate has withdrawn; (b) send email notification to members
36 affected by this action informing the member that the candidate has withdrawn and votes cast for
37 that candidate will not be counted; (c) post notice of the withdrawal on the Association’s website;
38 and if practicable, remove the candidate from the ballot.

39 The executive director shall notify in writing any member nominated by petition that they
40 have been nominated for a UEA office and provide the member with a copy of the nominating
41 petition together with a statement that the member may withdraw as a candidate by notifying in
42 writing the executive director of their decision to not be a candidate at least 30 days before the
43 election.

44 If, at least 30 days prior to a general election, a candidate withdraws leaving no candidate for
45 the office, the UEA Board of Directors will nominate at least one qualified member to be a candidate
46 for the statewide office to be voted for in the general election. If the office is for the Board of
47 Directors, the UniServ Council for the UniServ shall be requested by the Board of Directors to
48 recommend the names of one or more qualified members to be a candidate for that office.

49 **Section 12.4 Nominations by Board of Directors.** If no member files a declaration of candidacy for
50 an office to be filled in the next general election, the Board of Directors shall nominate two qualified
51 members to be candidates for the office. The Board of Directors shall establish a procedure to

1 determine the best qualified candidates. Unless a special meeting is called, the Board of Directors
2 makes nominations required by this section at the first regular board meeting after the second
3 Thursday in January preceding the election.

4 **Section 12.5 Notification of Local Associations.** The UEA president, prior to February 15, advises
5 local presidents about the election procedures of the UEA and encourages local associations and
6 association representatives to comply with the provisions of this Article.

7 **Section 12.6 When Primary Required-Nomination.** If the number of candidates exceeds twice the
8 number for any office or position to be filled by election, a primary is held for that office or position,
9 except there is no primary for the NEA Representative Assembly Successor Delegates. The
10 Elections Committee places on the general election ballot twice the number of candidates for each
11 office or position as there are positions or offices to be filled in the general election from those
12 candidates receiving the greater number of votes in the primary election.

13 **Section 12.7 Time of Primary.** Each eligible member will receive a primary election ballot 21 days
14 after the declaration of candidacy due date. Voting will be open for 21 days and closes at 5:00 p.m.
15 of the 21st day. If voting is by electronic means, the vote must be recorded in a secure database
16 designated by the Elections Committee.

17 **Section 12.8 Deadline for Returning Primary Ballots.** If voting is by paper ballot, ballots must be:
18 (a) received by the UEA office not later than 5:00 p.m. of the 21st day; or (b) mailed to and received
19 by the UEA office not later than 5:00 p.m. of the 21st day. If voting is by electronic means, the vote
20 must be recorded in a secure database designated by the Elections Committee.

21 **Section 12.9 Method of Election.** Except as above provided, primary elections are conducted in the
22 same manner as are general elections.

23 **Section 12.10 Preparation of Ballots.** The Elections Committee prepares ballots for each member
24 from the official UEA membership list. If voting is by electronic means, the Election Committee
25 prepares and approves the form of electronic ballots.

26 **Section 12.11 Time of General Election.** Each eligible member will receive a general election
27 ballot 28 days after voting in the primary election ends. Voting will be open for 21 days and closes at
28 5:00 p.m. of the 21st day. If a primary election is not necessary, the general election will be held on
29 the primary election dates described in Section 12.7.

30 **Section 12.12 Order of Names on Ballot.** The order of the names of candidates for each office on
31 the ballots is determined by lot under rules established by the Elections Committee and approved by
32 the Board of Directors. The Elections Committee gives all candidates at least 24 hours notice of the
33 time, place, and purpose of the meeting to determine the order of names on the ballot. The meeting is
34 to be scheduled at a reasonable time by the Elections Committee. The failure of a candidate or their
35 representative to attend the meeting does not affect the election or order of names on the ballot.

36 **Section 12.13 Contents of Ballot.**

- 37 **a.** Each ballot contains (1) the names of the candidates under the name of the office for which
38 the person is a candidate, (2) the term of office, (3) write-in spaces for the number of persons
39 for which each voter may vote for each office or position in general elections, and (4)
40 instructions to voters.
- 41 **b.** With the approval of the Board of Directors, the Elections Committee determines the form of
42 balloting.
- 43 **c.** Where a question is presented to the voters, it shall be in a form which can be answered
44 "yes" or "no" or "for" or "against."
- 45 **d.** In elections using paper ballots a substitute ballot may be given to any voter who spoils their
46 ballot. The substitute ballot may be voted in place of the regular ballot. The spoiled ballot
47 must be firmly attached to the substitute ballot and placed with the spoiled ballot in a
48 substitute ballot envelope provided and clearly marked "substitute ballots." During regular
49 business hours, UEA shall provide assistance to members who experience problems voting.
50 UEA may fax or provide an electronic copy of the ballot capable of being printed by a
51 member who requests it, if UEA is satisfied (1) the member did not vote electronically, (2)

1 will be unable to vote electronically, and (3) is otherwise entitled to vote in the election. The
2 ballot must be mailed to and received by UEA by the deadline for mailing and receiving
3 paper ballots.

4 **e.** Write-in candidates are not permitted in the primary election. If the voter desires to write in
5 the name of a candidate in the general election, the name must be written in the space
6 provided on the ballot for write-in votes. In elections using a paper ballot, as an alternate
7 method of write-in voting, pre-printed stickers provided by the candidate may be affixed in
8 the write-in space provided on the ballot.

9 **f.** Local affiliates of the Utah Education Association may conduct their elections in conjunction
10 with UEA primary and general elections, providing the local affiliate's election and voting
11 procedures are consistent with these election bylaws and do not, in the judgment of the UEA
12 Elections Committee, interfere with the Association's election.

13 **Section 12.14 Retired Members and Others Voting by Mail or Electronically.** In elections using
14 paper ballots, the Elections Committee mails ballots to retired members and members who do not
15 have direct access to their building or worksite representative. Ballots will be mailed to the address
16 shown on the UEA membership list the same date the ballots are provided. These ballots contain the
17 names of the candidates from the UniServ of which the person is a member and candidates for
18 statewide office. The ballots must be returned or postmarked within the time set forth in Sections
19 12.7 or 12.8. If the election is by electronic means, retired members, in lieu of voting electronically,
20 may participate in the election by complying with the requirements of section 12.22 for absentee
21 voting.

22 **Section 12.15 Lost Ballots.** If in an election using paper ballots the ballots are not received by the
23 association representative within five days after they were or should have been mailed, the
24 association representative shall contact the Membership Department, which voids the numbers on
25 the ballots issued to the association representative and assigns to the association representative ballot
26 numbers which have not been previously assigned.

27 The association representative prepares substitute ballots by: (a) copying the ballot from
28 another faculty, (b) by designing a substitute ballot from directions from the Membership
29 Department, or (c) securing substitute ballots from the Membership Department. The association
30 representative also prepares a signature list for the signatures of members voting in the elections.
31 The substitute ballots and the signature list shall be returned to the UEA office in the manner
32 required by sections 12.7 or 12.8.

33 **Section 12.16 Early Mailing.** In elections using paper ballots the Elections Committee may mail
34 ballots to association representatives up to 14 days prior to the regular mailing if it determines that a
35 faculty or faculties of a school district would experience extreme difficulty in voting due to a closure
36 of the school or district, spring vacation, or any unforeseen event. The Elections Committee may
37 move the deadline for the return of ballots forward for the faculty or the faculties of the school
38 district up to the same number of days that the ballots are mailed early to the association
39 representatives. Where the deadline for receipt of ballots is moved forward, the Elections Committee
40 provides a letter to each local president and to each association representative affected by the
41 deadline change in each ballot container informing the association representative of the deadline for
42 return of ballots and of the consequences of failing to have the ballots delivered to the UEA office or
43 postmarked by the date of the deadline for delivering or postmarking the container for ballots if
44 mailed to the UEA office.

45 **Section 12.17 Distribution of Ballots.** In elections using paper ballots, on receipt of the ballots, the
46 association representative immediately distributes the ballots to the members whose names appear
47 on the membership list. Each member verifies receipt of a ballot by signing their name on the
48 signature list next to their name. After ballots are marked by the member, the ballots and the
49 signature list are returned to the association representative and placed in the container provided by
50 the Membership Department. Before returning or mailing the ballots, the association representative
51 seals the container.

1 **Section 12.18 Early Receipt of Ballots.** Ballots received prior to the deadline for returning ballots
2 remain sealed until the deadline for returning ballots.

3 **Section 12.19 Deadline for Returning General Election Ballots.** In elections using a paper ballot,
4 ballots must be: (a) received by the UEA office not later than 5:00 p.m. of the last date of voting, as
5 outlined in section 12.11 or (b) mailed to and received by the UEA office not later than 5:00 p.m. of
6 the last date of voting, as outlined in section 12.11. In elections using electronic ballots, the vote
7 must be recorded in a secure database designated by the Elections Committee.

8 **Section 12.20 Extension of Voting Deadlines.** Notwithstanding deadlines for receiving electronic
9 votes, the Elections Committee may extend the deadline for receiving electronic votes by two
10 business days if it determines the system for receiving and recording votes malfunctioned and
11 members have been denied or might be denied their right to vote in the election. If the Elections
12 Committee extends the deadline for receiving electronic votes, the vote shall not be counted,
13 tabulated or compiled until after the extended deadline for receiving votes has passed.

14 **Section 12.21 Right to Vote.** Only those members of the Association authorized by the Constitution
15 and the Bylaws can vote in UEA elections. Any person whose name appears on the UEA
16 membership list has the right to receive a ballot and vote in UEA elections. A person whose name
17 does not appear on the membership list is entitled to vote if a telephone call from the association
18 representative to the Membership Department confirms that the person is a member as of the date of
19 voting.

20 **Section 12.22 Absentee Votes.** Any member may request that an absentee ballot be mailed to them
21 by providing the Elections Committee with a signed affidavit in which the member states their name,
22 that they will be unable to vote in the primary or general election or both, and the address where the
23 absentee ballot is to be mailed. The absentee ballot is accompanied by a letter from the Elections
24 Committee instructing the voter to return the absentee ballot to the UEA office within ten days after
25 the date that the absentee ballot was mailed to the member. Absentee ballots must be received in the
26 UEA office on or before the deadline for receiving the mailed-in election ballots.

27 Absentee ballots are requested at least seven but not more than 14 days prior to the regular
28 deadline for providing ballots.

29 The name of any member who receives an absentee ballot is removed from the membership
30 list for the election(s) for which the member receives an absentee ballot.

31 **Section 12.23 Votes.** The Elections Committee oversees the procedures for tabulating election
32 returns. The candidate receiving the highest number of votes for the office shall be elected to the
33 office. If two or more candidates receive an equal and highest number of votes for the same office,
34 and if the results after a recount remain the same, the candidates with the equal and highest number
35 of votes shall appear before the Board of Directors at a regular or special meeting and draw lots to
36 determine which candidate is elected. Reasonable notice of the time of the meeting at which lots are
37 to be drawn shall be given candidates.

38 **Section 12.24 Report-Election Returns.** The Elections Committee verifies and announces election
39 results, provides certificates of election to the candidates elected according to these Bylaws and
40 notifies the Board of Directors at its meeting following the general election of the results of elections
41 conducted under the committee's responsibility.

42 **Section 12.25 Campaign Funds Disclosure.** Using forms provided by the UEA Elections
43 Committee, each candidate for statewide UEA office shall file a report of campaign revenue and
44 expenses with the Executive Director. Reports will be due 30 days following the certification of the
45 election. Reports of campaign revenues and expenses shall be printed in an appropriate UEA
46 publication.

47 **Section 12.26 Election Challenge.** Any candidate may challenge the vote or the propriety of the
48 election by notifying the Elections Committee in writing within ten days after the official
49 announcement of the election results and shall have the right to appear before the Elections
50 Committee to give reasons for the challenge. No person may challenge the results or propriety of an
51 election unless the challenge is made within ten days after the official announcement of the election

1 results. The Elections Committee, at its discretion, may conduct a recount of the ballots or inquire
2 into the propriety of the election. Any decision of the Elections Committee may be appealed to the
3 Board of Directors whose decision is final. When an election is contested because of an irregularity,
4 improper conduct, or a violation of this Article by any person, the Board of Directors, on clear and
5 convincing proof of the irregularity, improper conduct, or violation, may order a new election if it
6 also finds the irregularity, improper conduct, or violation changed the results of the election.

7 **Section 12.27 Dues and Assets of Associations.** No monies received by the UEA or its local
8 affiliates from dues, assessments, or the proceeds therefrom on any asset may be contributed or
9 applied to promote the candidacy of any candidate in an election for an office in the NEA, UEA, or
10 its local affiliates, except for flyers and/or videos prepared in behalf of candidates in statewide UEA
11 elections which are printed/produced and mailed by UEA in accordance with procedures established
12 by the UEA Board of Directors. Such monies may also be used for notices, factual statements of
13 issues to be voted on not involving candidates, and other expenses necessary for holding an election.
14 If there is an allegation of a violation of this Bylaw, the Board of Directors shall, after a hearing,
15 remove from office any candidate found to have willfully violated this section and may order a new
16 election for any office where the Board determines that monies were used in violation of this section
17 by the prevailing candidate or the candidate's campaign staff or committee.

18 **Section 12.28 Non-Interference by Staff.** No employee of the Utah Education Association or a
19 UniServ shall interfere or participate in a local, state, or national association election campaign.
20 Normal staff duties (e.g., assisting members with voting system access or navigation,
21 communicating with candidates regarding allowable components of candidacy, acting on election
22 committee directives, candidate recruiting, etc.) shall not be considered interference or participation
23 by staff. Additionally, an action by staff that is purposeful in nature and that creates an obstacle for
24 any candidate may be considered interference. Staff participation, with the exception of staff UEA
25 members voting as described in Article I, Section 1.1.e, shall be defined as lending support to or
26 promotion of any candidate beyond normal staff duties.

27 No candidate may suggest or encourage interference or participation by staff. Any member of
28 the Association may file a written complaint with the Elections Committee setting forth the facts
29 which the member believes to constitute a violation of this section. The Elections Committee shall
30 submit the complaint to the UEA Executive Director. The UEA Executive Director and/or their
31 designee(s) shall investigate the complaint and report back to the Elections Committee and the UEA
32 Board of Directors regarding the validity of the complaint and provide a recommendation regarding
33 the impact to the election. If, through an investigation, the complaint is determined to be valid, the
34 Elections Committee may recommend and the Board of Directors may order a new election.

35 **Section 12.29 Compliance and Penalty.** Except where expressly otherwise provided, the provisions
36 of this Article are mandatory. Strict compliance is required. Declarations of candidacy not received
37 or ballots not postmarked or received within the time required for whatever reason, including the
38 failure of the postal service to deliver the mail before the deadline, shall not be counted and shall not
39 affect any election.

40 **Section 12.30 Special Elections.** The Board of Directors may call a special election for the members
41 to vote on any subject appropriate for election not otherwise provided for in this Article. Unless
42 otherwise required by law, the Articles of Incorporation, or the Constitution of the UEA, special
43 elections shall be conducted according to the procedures for general elections, but: (a) written notice
44 of the date, place of voting, and purpose of the special election is distributed to all local presidents
45 and association representatives and distributed in an official UEA publication at least five but not
46 more than 20 days prior to the special election date, (b) the special election question may be
47 contained on the primary election ballot, the general election ballot or may be on a separate ballot,
48 (c) special election ballots are mailed and returned within the same number of days provided for
49 mailing and returning general election ballots, and (d) if the special election is a question for the
50 membership, it shall be concisely stated and contain boxes to answer the question "yes" or "no" (or
51 "for" or "against").

1 **Section 12.31 Proxy Voting.** Proxy voting is prohibited.
2

3 **ARTICLE XIII--FINANCIAL REPORT**

4 **Section 13.1 Annual Report.** A financial report of the revenues and expenditures of the Association
5 shall be published for the House of Delegates. This report shall include the aggregate salaries of the
6 Association staff, along with the salary and fringe benefits of the president.
7

8 **ARTICLE XIV--UNISERV**

9 **Section 14.1 UniServ.** The Utah Education Association may, with the National Education
10 Association and the local associations, provide a UniServ program to members and locals with
11 professional and support staff services and facilities to implement, improve, and coordinate
12 programs of the Association. The UniServ staff are under the control and direction of the elected
13 leaders of the local association(s), but nothing in this section prevents a local UniServ from entering
14 into an agreement with the UEA for the administration of the local UniServ.

15 **Section 14.2 Contract.** A written contract for fund sharing and administration of the UniServ
16 program shall be entered into between the local association(s), the Utah Education Association, and
17 the National Education Association.

18 **Section 14.3 Requirements.** Each UniServ shall meet operating requirements developed
19 cooperatively with the local association(s), the Utah Education Association, and the National
20 Education Association.

21 **Section 14.4 UniServ Funds Distribution.** The UniServ program in Utah includes:

- 22 **a.** A minimum support program available in all areas of the state through a state funding
23 program designed to provide funds (including NEA UniServ funds and local association
24 contributions) required for the program statewide.
- 25 **b.** The UniServ distribution formula is composed of three factors: (1) a professional staff cost
26 factor, (2) a per-member amount based on a minimum of 1,200 members, and (3) a per-
27 member amount based on the actual membership of each unit.
- 28 **c.** The professional staff cost factor is ten percent of the UniServ portion of UEA dues. The
29 amount of money which ten percent of UniServ dues generates is distributed on a point
30 system to all units. The point system provides:
- 31 i. Each UniServ director is given one point for the current year of service and one
32 additional point for each previous year as a Utah UniServ director to a maximum of
33 12 points. UniServ directors with 14 or more prior years of service as a Utah UniServ
34 director has 13 points.
- 35 ii. The revenue generated by ten percent of the UniServ portion of UEA dues shall be
36 divided by the total number of points to establish a dollar value for each point.
- 37 iii. UniServ units receive funding equal to the number of points generated by their
38 director(s) multiplied by the value of each point.
- 39 iv. No additional points are given directors for more than 15 years of UniServ
40 employment.
- 41 **d.** Eighty percent of the funds generated by the UniServ portion of UEA dues is distributed to
42 all units on a per-member basis. Each unit will receive funding for a minimum of 1,200
43 members even if actual membership is less than 1,200.
- 44 **e.** Ten percent of the funds generated by the UniServ portion of UEA dues will be distributed to
45 all units on a per-member basis.
- 46 **f.** To qualify for UEA UniServ funding, each local association shall comply with NEA UniServ
47 guidelines by annually assessing each active member at least \$5.00 for inclusion in its
48 UniServ budget.
- 49 **g.** UEA UniServ dues to which a UniServ unit is entitled under this section may be retained by
50 the local association for direct payment to its UniServ. All other UEA UniServ dues shall be
51 paid to the UEA for distribution to UniServ sparsity units.

1 **h.** All UniServ dues submitted to the UEA by the local association shall be paid to the
2 respective UniServ on or before the 10th day of each month. UniServ dues paid to the UEA
3 shall not be held beyond the 10th of each month following the receipt of dues from the local
4 association.

5 **i.** Notwithstanding anything else contained in this section, no UniServ shall receive less than
6 90% of the average nor more than 130% of the average active member payment to each
7 UniServ determined as calculated for the fiscal year.

8 **Section 14.5 UniServ Budget Report.** UEA shall provide each UniServ written guidelines
9 specifying what is to be included in the UniServ budget report.

10 **Section 14.6 Program Guidelines.** To qualify for funds from the UEA UniServ account, each
11 UniServ must provide:

12 (1) A full-time professional staff member for each funding unit that qualifies under NEA's
13 guidelines.

14 (2) A full-time secretary or a technological link to a secretarial pool for each funding unit
15 that qualifies under NEA's guidelines.

16 (3) All salaries and salary-related expenses (fringes and taxes) for all professional and
17 secretarial staff employed.

18 (4) Adequate office space for carrying out the UniServ's activities.

19 (5) Service, equipment, and maintenance as required for a successful UniServ operation.

20 (6) All office operation costs as required for a successful UniServ operation.

21 (7) Staff travel (out-of-state and in-state) as required for a successful operation.

22 (8) An annual external audit of the operating budget of the UniServ.

23 **Section 14.7 Duty of Executive Director to Enforce.** It is the responsibility of the UEA executive
24 director to enforce these guidelines prior to distributing funds to the UniServ.

25 26 **ARTICLE XV--AMENDMENTS**

27 **Section 15.1 Required Vote.** These Bylaws may be amended by a majority vote of the delegates
28 present at a meeting of the House of Delegates. The president and the executive director sign all
29 bylaws adopted by the House of Delegates. The executive director maintains the originally executed
30 copies of the Articles of Incorporation, the Constitution, the Bylaws, and the Standing Rules of the
31 Association, together with amendments thereto, in a book kept for that purpose.

32 33 **ARTICLE XVI--DEFINITIONS AND CONSTRUCTION**

34 **Section 16.1 Classroom Educator.** Classroom educator means any person who is licensed, where
35 required, and a major part of whose time is spent in direct contact with students or who performs
36 allied work which results in placement of the person on a local salary schedule for classroom
37 educators.

38 **Section 16.2 Ethnic Minority.** Ethnic minority is a socially constructed grouping of people based
39 on culture, tribe, language, national heritage, and/ or religion and includes American Native or
40 Alaska Native, Asian, Native Hawaiian or Pacific Islander, Black or African American,
41 Latin(o/a/x/e), Hispanic and Chican(o/a/x/e), Middle Eastern and North African, and Multiracial
42 people.

43 **Section 16.3 Administrator and Supervisor.** Administrator and supervisor means any person who
44 has continuing authority to hire, transfer, discipline, dismiss, or otherwise direct employees, or to
45 effectively recommend any of the above actions.

46 **Section 16.4 Education Support Professional.** Public school employees who support students in
47 various ways through nine career families: clerical services, custodial and maintenance services,
48 food services, health and student services, paraeducators, security services, skilled trades, technical
49 services, and transportation services.

1 **Section 16.5 Aspiring Educator Member.** Any student enrolled in a program of study in an
2 accredited institution of higher learning which qualifies the student for a career in education may
3 become an aspiring educator member, but any person eligible for active or reserve membership is
4 not eligible for aspiring educator membership.
5 **Section 16.6 Days and Dates.** Whenever these Bylaws require that an act be done within a defined
6 number of days, the days shall be computed using calendar days by excluding the first day and
7 including the last day.
8 **Section 16.7 Holidays.** Whenever the date or last day on which any act is to be performed is a UEA
9 recognized holiday, the date or last day on which the act may be performed is the next succeeding
10 business day.
11 **Section 16.8 Duties.** Whenever these Bylaws require an officer or employee to perform a duty, the
12 duty may be performed by other officers or employees under the direction of the officer or
13 employee.
14 **Section 16.9 Professional Staff Cost Factor.** Professional staff cost factor is the method to provide
15 funds to compensate professional staff members for longevity for Utah UniServ staff experience.
16 **Section 16.10 Sparsity Unit.** A sparsity unit is a unit which has between 800 and 1200 members
17 and meets the NEA geographical requirements. This definition applies to units created after the 1994
18 Fall House of Delegates.
19 **Section 16.11 Substantially Injurious.** For purposes of interpretation of the term as used in the
20 UEA governing documents, substantially injurious conduct is behavior that would cause any injury
21 or harm of a significant nature. It need not be severe, serious or repetitive conduct. Conduct that
22 would bring or would likely bring material, financial or other real harm to the Association; inflict or
23 tend to inflict (whether knowingly, intentionally or recklessly) damage upon the Association or its
24 reputation with other local affiliates, members or the public at large. What is excluded by the word
25 “substantially” is conduct that is wholly insignificant or negligible.

*Last amended by the House of Delegates of the Utah Education Association
this 27th day of April, 2024.*