



# CAPE HENLOPEN EDUCATION ASSOCIATION BY-LAWS

Adopted 5/1996  
Revised 10/2012

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**CAPE HENLOPEN EDUCATION ASSOCIATION, INC.  
BYLAWS**

**ARTICLE I  
NAME, AFFILIATION, PURPOSE**

Section 1- Name and Affiliation

The name of this corporation shall be the Cape Henlopen Education Association (CHEA). The Association shall be affiliated with the Delaware State Education Association (DSEA) and the National Education Association (NEA).

Section 2- Purpose

The purpose of this Association shall be:

- a. to promote an organization of professional employees and to assist those persons in achieving goals that, as individuals, they cannot achieve on their own.
- b. to provide a forum through which its members can maintain a relationship to their chosen profession.
- c. to provide a forum through which its members can coordinate activities in pursuit of their interests with others in the profession.
- d. to involve members in all facets of Association work.
- e. to actively support the public schools of Delaware and the Cape Henlopen School District.
- f. to act as the negotiating body for the membership
- g. to exist as a non-profit corporation

**ARTICLE II  
MEMBERSHIP**

Section 1- Membership Year

The membership year shall be the same as DSEA and NEA, September 1 to August 31.

Section 2- Membership Categories

The categories of membership, qualification requirements, and voting status shall be the same as those stipulated by the DSEA Bylaws.

Section 3- Membership Dues

Annual CHEA dues shall be established by the Representative Assembly together with the next year's annual budget prior to the close of school each year.

Section 4- Membership Discipline and Due Process

No member may be censured, suspended, or expelled without good cause and a due process hearing. The hearing will be conducted before the Representative Assembly, which will vote on

the action. The charged member may appeal this decision to the DSEA Executive Board, which will make the final decision.

### **ARTICLE III OFFICERS/LEADERSHIP TEAM**

#### Section 1- Leadership Team

The elected officers of the CHEA shall constitute the Leadership Team. The Leadership Team will utilize its collective strengths to advance the goals, programs and effectiveness of the Association.

#### Section 2- Officer/Leadership Team Positions

The elected officers of the CHEA shall be the President, Vice President, Treasurer and Secretary. The term of office for each shall be three (3) years, beginning on July 16 following their election. They may stand for reelection. Officers shall be, and shall remain, members of the Association while in office. Procedures for elections are discussed in Article VI- Election Procedures.

#### Section 3- Duties/Responsibilities of the President

The President shall:

- a. serve as a member of the Leadership Team.
- b. meet regularly with the Leadership Team to plan and implement the programs and policies of CHEA.
- c. be the chief officer, representative and spokesperson for CHEA.
- d. have the responsibility of insuring that members are kept informed and involved in the CHEA.
- e. preside at the Representative Assembly, Leadership Team and all general meetings of the CHEA.
- f. appoint all committees and committee chairs, after consultation with the Leadership Team and with the approval of the Representative Assembly.
- g. act as a check co-signer with the Treasurer when appropriate.
- h. serve as the CHEA's Delegate Chairperson to the DSEA Representative Assembly by reason of election as the President.
- i. make certain the CHEA is complying with its bylaws and policies.

#### Section 4- Duties/Responsibilities of the Vice President

The Vice-President shall:

- a. serve as a member of the Leadership Team.
- b. meet regularly with the Leadership Team to plan and implement the programs and policies of the CHEA.
- c. assume the duties of the President when he/she is absent.
- d. act as a check co-signer with the Treasurer when appropriate.
- e. perform other duties as the President directs.

### Section 5- Duties/Responsibilities of the Treasurer

The Treasurer shall:

- a. serve as a member of the Leadership Team.
- b. meet regularly with the Leadership Team to plan and implement the programs and policies of the CHEA.
- c. be responsible to the Leadership Team, Representative Assembly and the membership for an accounting of all funds of the CHEA. This includes regular accounting of all receipts and disbursements to the Representative Assembly.
- d. develop, with the Leadership Team, a proposed operating budget each year.
- e. be a co-signer, with the President, of all checks and cash expenditures of the CHEA.
- f. maintain the official financial and corporate records of the CHEA.
- g. insure that an annual audit of all the CHEA income and expenditures is completed (see Article IX, Section 2- Audit).

### Section 6- Duties/Responsibilities of the Secretary

The Secretary shall:

- a. serve as a member of the Leadership Team.
- b. meet regularly with the Leadership Team to plan and implement the programs and policies of the CHEA.
- c. record, keep, and disseminate the minutes of all Representative Assembly and general membership meetings.
- d. maintain for the CHEA the official records of the incorporated body, including:
  1. minutes;
  2. important correspondences
  3. copy of the current bylaws
  4. previously negotiated agreements
- e. act as a check co-signer with the Treasurer when appropriate.

### Section 7- Vacancies

A vacancy in the office of President shall be filled for the unexpired term by the Vice President. A vacancy in the office of Vice President, Secretary or Treasurer shall be filled for the unexpired term through election by the Representative Assembly.

### Section 8- Delegations and Committees

One seat at the DSEA-RA as well as the NEA-RA will be reserved for a member of the CHEA Leadership Team. If this delegate position is not filled by an officer it will be filled in accordance with Article VI, Section 5 of the bylaws. CHEA Leadership Team members shall serve as ex officio members of all CHEA committees.

**ARTICLE IV  
REPRESENTATIVE ASSEMBLY**

Section 1- Purpose

The Representative Assembly, which is comprised of the Leadership Team and the Association Representatives, shall be the corporate Board of Directors and shall serve as the legislative body of the CHEA.

Section 2- Authority/Responsibility of the Representative Assembly

The Representative Assembly shall:

- a. adopt the annual budget, which shall include the local dues amount for the budget year.
- b. serve as the policy making body of the CHEA and conduct the ongoing business of the organization.
- c. approve committee chairs and committee member appointments.
- d. amend the bylaws of the Association.
- e. approve the minutes from previous meetings

Section 3- Voting Members of the Representative Assembly

The Voting Members of the Representative Assembly shall have:

- a. Elected representative from each building/work site:  
The membership in each building/work site shall elect Association Representatives (ARs) to the Representative Assembly (see Article VI- Election Procedures).
- b. Officers:  
The Officers shall be voting members of the Representative Assembly.
- c. Ethnic Minority Representative:  
The goal of the Representative Assembly is to have representation in composition to the make-up of the membership. Ethnic minority shall mean those person designated as ethnic-minority by the U.S. Bureau of Census. The designation shall include American Indian, Alaska Native, Asian and Pacific Islander, African American and Hispanic.

Section 4- Meetings

- a. The Representative Assembly shall meet during the school year at a regularly scheduled time and place as adopted by the Assembly at its first meeting of the year. The President, with the concurrence of the Leadership Team, shall schedule the first meeting and prepare recommendations for future meetings, dates, and locations which the Assembly will act on at its first meeting.
- b. special meetings may be called by the President or by a majority of the elected members of the Representative Assembly.

**ARTICLE V**  
**ASSOCIATION REPRESENTATIVES (ARs)**

The most important connection between the membership and the association is the Association Representative. The CHEA will place priority on the development and retention of the Association Representatives.

Section 1- Selection of Association Representatives

- a. ARs shall be elected by the members in the building/work site. The process shall include open nomination and secret ballot. They shall be elected on a ratio of one representative for every 15 members or fraction thereof. Every building/work site shall have at least one (1) Association Representative. The number of ARs a building/work site shall have for the upcoming year shall be determined by the number of members as of February 1 of the current year. They shall be, and shall remain, members of the CHEA while serving as AR.
  - i. Off-site Consortium members will be granted one (1) At-Large Association Representative. This position is to be filled by an off-site Consortium Professional Staff member.
- b. ARs shall serve a term of two (2) years and may be reelected. The elections will be conducted by June 1. Their term shall begin on July 16.

Section 2- Responsibilities of Association Representatives

Association Representatives shall:

- a. represent their members by attending meetings of the Representative Assembly, by participating in the decision making, and by implementing the actions and activities of the CHEA.
- b. keep the members informed of Association issues, actions and activities, and keep the Association informed of their members' opinions and ideas.
- c. promote member involvement in the CHEA by recruiting members for the CHEA activities and programs, and to facilitate the recruitment of new members.
- d. assist members with their problems and concerns.
- e. develop and maintain a regular liaison with building administrators in order to effectively represent members.

Section 3- Training and Development of Association Representatives

The CHEA shall implement ongoing training and development programs for the Association Representatives. The training should minimally include how the unified association (the CHEA, DSEA, NEA) functions, how to promote members' involvement, how to assist members with problems and concerns, and how to work with administrators in representing members and the Association.

Section 4- Alternate Association Representatives

One alternate AR may be elected for each Association Representative. Alternates may attend Representative Assembly meetings and be a voting member in the absence of the regular AR.

Section 5- Removal and Due Process

Association Representatives of the CHEA shall serve their terms so long as they satisfactorily perform the duties of their office. Where an Association Representative has been guilty of misconduct or has not completed his/her duties, such AR may be removed from office for cause, following proper notice and a hearing before the Representative Assembly, and then, after proper notice, by a majority vote of the members of the Association.

Section 6- Vacancies

When a vacancy occurs in an Association Representative position, the elected alternate shall assume the vacant position. If no elected alternate exists, then nominations shall be received and an election held in that building/work site.

**ARTICLE VI  
ELECTION PROCEDURES**

Section 1- General Principles

All elections of the Association shall have a member notification and nomination process. Each election involving the membership shall be by secret ballot.

Section 2- Elections Committee

An Elections Committee shall be appointed by the President, with concurrence of the Representative Assembly. Their responsibilities shall be to set up and conduct the all-member elections, insuring compliance with the notification, nomination, time lines, procedures, and the secret ballot requirements.

Section 3- Officer Elections

The member notification and nomination process shall be completed by April 30, and the elections are to be held by June 1.

Procedures for these elections shall be adopted by the Representative Assembly no later than its March meeting and shared with the membership. Minimally the procedure will include specific time lines, how a person may be nominated, and establish a process of distributing and collecting ballots that insures a secret ballot and member's right to vote.

Candidates who receive the most votes shall be declared the winners.



#### Section 4- Association Representatives

The Leadership Team shall adopt a procedure for election of the Association Representatives. The procedure will include time lines and a notification and nomination process to be shared with the membership. The procedure will insure a secret ballot election. The Association Representatives election will be completed by June 1 with the term beginning July 16.

#### Section 5- Election of the DSEA and the NEA Delegates to the Representative Assemblies

The CHEA delegates to the DSEA and to the NEA Representative Assemblies shall be nominated and elected in accordance with the requirements of the two organizations. Open nominations and a secret ballot will be integral to the process.

#### Section 6- Uncontested Elections

In the event that the number of nominated candidates for any elected position is equal to the number required for said position, that election shall be declared uncontested. Those nominees shall be automatically elected.

### **ARTICLE VII COMMITTEES**

#### Section 1- Purpose

The purpose for establishing committees is to involve the membership in the decisions and activities of the Association. The need for certain committees will change from time to time. Accordingly, except for the limited number of standing committees, the President, with the consultation of and approval by the Representative Assembly, will annually create special committees or task forces, with specific charges and responsibilities. These committees shall exist for up to two (2) years. However, all special committees or task forces will cease to exist at the end of a President's term.

Each committee will receive goals and charges each year and shall implement strategies/actions to address them.

#### Section 2- Standing Committees

Permanent committees are ones that function continually and are an integral part of the CHEA's ongoing service and programs for its members.

a. Legislative/Political Action Committee:

This committee's charge shall include the development of the CHEA's Legislative/Political Action Program for each year. A part of that program shall include the education and involvement of the members in local Legislative and Political Action Programs, as well as the DSEA's and the NEA's.

b. Grievance Committee:

This committee shall work to inform the members of the negotiated contract and assist them in the enforcement of its content.

- c. Membership Committee:  
This committee shall insure that an ongoing membership program is implemented. This committee will be responsible for the accuracy of the CHEA's membership records and report this information as requested to the DSEA and to the NEA.
- d. Collective Bargaining Committee:  
This committee shall be charged with negotiating a contract, monitoring and recommending changes connected with such activities as contract waivers relating to shared decision making, and involving the membership in its activities.
- e. Ethnic Minority Affairs Committee:  
This committee will actively seek minority members to serve as representatives and report on issues pertinent to the membership in general and minority members specifically.

Section 3- Committee Charges and Procedures

- a. Each committee's chairperson shall be responsible for providing periodic reports to the Leadership Team and the Representative Assembly at the President's request.
- b. The President, with the assistance of the Leadership Team shall provide each permanent and special committee with their charges for the year. The committee shall review the charges and may, with the approval of the President, modify them. Time lines and specific expectations shall be included.

Section 4- Committee Chairs and Members

The President shall, after consultation with the Leadership Team, and approval by the Representative Assembly, appoint the committee chairpersons and members. The chairperson and members serve at the request of the President and may be removed for good reason.

**ARTICLE VIII  
MEETINGS, QUORUM AND PARLIAMENTARY AUTHORITY**

Section 1- Meetings

- a. Any member of the CHEA in good standing is entitled to attend any Representative Assembly or special general membership meeting of the CHEA, and may be invited by the chairperson to attend any committee meeting. Voting power shall be restricted to the duly elected delegates, members, or appointees of the body.
- b. General membership meetings of the CHEA shall be called at the discretion of the President or by a two-thirds vote of the Representative Assembly.

Section 2- Quorum

A majority vote of the authorized members shall constitute a quorum for the transaction of business for the general membership of the CHEA. A majority vote of the authorized members present shall constitute a quorum for the transaction of business for the Representative Assembly and any committee meetings.

Section 3- Parliamentary Authority

The most recent edition of **Robert's Rules of Order, Newly Revised**, with exceptions as provided for in the Bylaws, shall be the parliamentary authority on procedure in all official meetings of any bodies of the CHEA. These rules of procedure shall not be suspended, added to, or amended except by a two-thirds (2/3) vote of the members in attendance at any of the business sessions of any properly called body.

**ARTICLE IX  
BUDGET, FISCAL YEAR AND AUDIT**

Section 1- Budget

The budget for the next fiscal year, along with the annual local dues amounts, shall be adopted by the Representative Assembly prior to the close of school each year. The Representative Assembly, upon the recommendation of the Leadership Team, may amend the budget in the fall to address planning/goal needs or a change in dues income. A copy of the year-end budget and proposed budget shall be filed with the DSEA to fulfill the incorporation agreement.

Section 2- Audit

An audit shall be completed each year no later than 90 days following the close of the fiscal year. The auditor shall review all expenditures, receipts and incomes and verify their findings in writing to the Representative Assembly. A copy of the audit will also be filed with the DSEA to fulfill the incorporation agreement. The audit shall be completed by a Certified Public Accountant.

**ARTICLE X  
MEMBER'S RIGHT TO FAIR TREATMENT**

Each member of the CHEA shall have the right to fair treatment in the application of the Bylaws, rules, and regulations of the CHEA. In matters relating to discipline of the CHEA members, the essential requirements of due process of law (notice, hearing, and judgment based upon the evidence) shall be observed, without, however, requiring the technical formality followed in courts of law.

**ARTICLE XI  
INITIATING AND TERMINATING A JOB ACTION**

A majority of the Leadership Team and the Representative Assembly must approve any job action (work stoppage) recommendation.

**ARTICLE XII  
DISSOLUTION**

In liquidation, dissolution or receivership or other termination of the existence of this corporation, either voluntary or involuntary, or by operation of law, and making provision for the payment of all of the liabilities of the corporation, dispose of the total net assets of the corporation to any nonprofit entity organized for exempt purposes within the meaning of Section 501 (c) (3) and/or Section 501 (c) (5) of the Internal Revenue Code of the United States of America.

**ARTICLE XIII  
AMENDMENTS**

The Bylaws may be amended by a two-thirds vote of the Representative Assembly. The proposed amendment(s) shall be introduced at a regular meeting of the Representative Assembly and voted upon at the next regular meeting.