

NORTH DAKOTA UNITED Bylaws

Article I Membership

Section 1: Eligibility

In order to be eligible for membership in North Dakota United (NDU), members must also be eligible for membership in the American Federation of Teachers (AFT) and the National Education Association (NEA). Application for membership in all categories, except honorary membership, shall be made in a format approved by the board of directors. All members shall be eligible to receive reports and publications of NDU and to receive services as determined by the board of directors. The rights to nominate for, vote for, and hold elective or appointive office shall be limited to active members, except as otherwise noted.

Section 2: Active Membership

All persons employed by the state of North Dakota or any of its political subdivisions shall be eligible for active membership in NDU. In addition, active members serving as executive officers of NDU, or who have been elected or appointed to a position with the NEA, the AFT, or the state or national AFL-CIO, are eligible to continue their active membership for all the years of eligibility that their office carries with it. Active members have full voting rights and are eligible to serve on the board of directors.

Section 3: Non-Active Membership:

Except as otherwise provided in these bylaws, those in non-active membership categories may not vote or hold elective or appointed positions in NDU. Rights, benefits and dues shall be determined by the board of directors.

A. Associate Membership

All persons who are not eligible for other classes of membership but who are interested in advancing the cause of public employment and education in the state of North Dakota are eligible for associate membership. Application forms for associate membership shall be approved by the board of directors.

B: Retired Membership

All persons who have retired from employment with the state of North Dakota or any of its political subdivisions shall be eligible for retired membership. Retired members may not hold office except for the retiree director position on the board of directors.

C: Student Membership

All persons currently enrolled in an accredited North Dakota institution of higher education in preparation for a career in teaching or public service shall be eligible for student membership. Student members may not hold office, except for the student director position on the board of directors.

D: Honorary Membership

Honorary membership may be conferred on any person by a majority vote of the board of directors. Honorary members shall not be subject to dues, nor shall they be eligible to vote or hold office in NDU.

E: Staff Membership

Staff membership shall be open to any person employed by NDU or any of its affiliates in a staff position. Staff shall have no rights in the governance of NDU. Dues of staff members shall be one-half the dues of active members.

F: Reserve Membership

Reserve membership shall be open to any person who is not an officer and (i) is on a leave of absence of at least six months from the employment that qualifies him or her for active membership, or (ii) has held active membership in NDU or its preceding organizations but whose employment status no longer qualifies that individual for membership. Reserve membership is required for members who expect continued legal representation during their interruption in employment.

G: Substitute Membership

Substitute membership shall be open to any person employed on a day-by-day basis and so is ineligible for active membership as defined in Article I, Section 2, unless said person has a retired membership. Substitute members do not have governance rights. Substitute members who receive a contract must become active members.

Section 4: Termination

Membership in NDU may be terminated if it is determined by the Board to be in the best interests of NDU. The proposed termination of membership shall be brought to the Board upon the recommendation of the Executive Director. The member will be given not less than 15 days written notice of the recommendation to terminate membership. The member will have the opportunity to respond in writing not less than five days before the Board action on the recommendation for termination. The decision of the Board is final. (2018)

Article II Delegate Assembly

Section 1: Representation

Delegates to the Delegate Assembly shall be allocated to each local based on the ratio of one delegate for each 50 active members or major fraction thereof, with a minimum of one delegate for each local. Each year the number of delegates to which a local is entitled will be based on its membership on file with NDU as of: (a) Aug. 31 prior to the Delegate Assembly, or (b) for any local chartered after Aug. 31 but before the Delegate Assembly, the effective date of the local's affiliation. (2020)

Section 2: Delegates from NDU Student Membership and NDU Retired Membership
Delegates to the Delegate Assembly shall be allocated to each of these organizations based on the ratio of one delegate for each 50 members, with a minimum of one

delegate each for the student and retired organizations and a maximum of 10 delegates for each constituent organization.

Section 3: Notice

Written notice of the Delegate Assembly shall be mailed to the president of each local at least 60 days before the assembly.

Section 4: Quorum

A quorum for conducting business at any Delegate Assembly shall be a majority of the delegates who are registered and seated.

Section 5: Committees

To facilitate the work of the Delegate Assembly, there shall be a Credentials Committee, a Rules Committee and an Elections Committee. These committees and their chairs shall be appointed by the president with the approval of the board of directors.

Article III Board of Directors

Section 1: Composition

A. Core Constituency Directors

NDU seeks to have representation from each of its core constituencies. These are identified as the following: K-12 education, public employees, education support personnel, higher education support staff, higher education faculty at two-year schools, higher education faculty at four-year schools, retired members, ethnic minorities, and students. Each of these core constituencies shall elect and be represented by a director on the board of directors, hereinafter called the board. Each core constituency with more than 800 active members shall qualify for an additional director on the board. Beginning with the first day of the merger, the board shall check that each constituency is properly represented on the board at least once every 10 years.

B. Regional Directors

Four additional directors shall be elected, one from each of the designated regions of the state, pursuant to Article VI, Section 2-C, of these bylaws.

C. NEA Director

One director shall be elected as the primary liaison between NDU and the NEA pursuant to NEA guidelines.

D. At-Large Directors

Two at-large directors shall be elected from among the active members of NDU. These positions are unrestricted by geographic location or type of employment of the candidates.

Section 2: Eligibility

All officers and board members, with the exception of the retired director and the student director, shall be active members of NDU. In addition, officers must have been

active members of NDU or of NDEA or NDPEA for at least two consecutive years prior to their election.

Section 3: Terms of Office

The term of office for all officers and board members, except the student director, shall be three years. The student director shall serve a one-year term. The officers and directors of NDU shall be limited to three three-year terms. (2020)

Section 4: Powers and Duties of the Board

The board of directors has the duties assigned to it in the constitution (Article V) and shall implement the actions and commitments of the Delegate Assembly. The board of directors shall have the authority and duty to:

- a. Set its own administrative rules and approve a calendar for meetings.
- b. Prepare a budget for adoption by the Delegate Assembly.
- c. Set the salaries of NDU officers and staff, and approve employment contracts.
- d. Set the membership dues in accordance with Article III, Section 3, of the constitution.
- e. Recognize new locals by a majority vote.
- f. By majority vote, give final approval to NDU-recommended political candidates.

Section 5: Permanent Committees

The NDU board of directors shall have two permanent committees: the Personnel Committee and the Budget and Finance Committee.

A. The Personnel Committee shall make recommendations to the board of directors regarding personnel employed by NDU, including labor-management relations and affirmative action programs.

B. The Budget and Finance Committee shall make recommendations to the board of directors regarding the budget and finances of NDU.

C. The president shall appoint ad hoc committees with the approval of the board of directors, as needed.

Section 6: Temporary Committee on Labor Relations

The NDU board of directors shall have a temporary Committee on Labor Relations. The purpose of this committee shall be to assist NDU in reaching its goal of having all locals of NDU affiliated with Central Labor Councils where they exist. This committee shall provide education and training regarding affiliation with Central Labor Councils. The committee shall report to the board of directors at each meeting, and the board shall make recommendations to the Delegate Assembly on progress being made and actions to be taken to facilitate reaching the goal of have all NDU locals affiliated with a Central Labor Council five years after the first Delegate Assembly of NDU. Upon reaching that goal, the committee shall be disbanded.

Section 7: Special Meetings

Special Meetings of the board of directors shall be called at the request of the president or upon a vote of seven members of the board. Special meetings shall require a minimum of 24 hours' notice.

Section 8: Number of Meetings/Quorum

The board of directors shall meet a minimum of four times per fiscal year. A quorum of the board of directors shall consist of a majority of the board of directors currently serving.

Article IV Officers

Section 1: The three elected officers shall be members of the board of directors and the executive committee, and shall be voting delegates to the Delegate Assembly.

Section 2: President

The president of NDU shall be the presiding officer at all meetings of the Delegate Assembly and the board of directors. The president shall appoint the chairs of all special committees, subject to approval by the board, and perform those duties outlined in the NDU bylaws and normally ascribed to the office, including acting as the official spokesperson for NDU.

Section 3: Vice Presidents

A. The vice president for education-related professionals shall act as the primary liaison between the board of directors and the education-related membership. The vice president for education-related professionals shall perform all duties of the president in the absence of the president and additional duties as outlined in the NDU bylaws.

B. The vice president for public employees shall act as the primary liaison between the board of directors and employees of the state and political subdivisions other than school districts. The vice president for public employees shall also perform additional duties as outlined in the NDU bylaws. In the event that neither the president nor the vice president for education-related professionals is able to perform his or her duties, the vice president for public employees shall assume those duties.

Section 4: Vacancies

If the president is unable to complete his or her term of office, the board shall elect from its members, by a majority vote, an interim president to complete the term of office. In the event that a vice president is unable to complete his or her term of office, the board shall elect from its members, by a majority vote, an interim vice president from the appropriate membership area. The board may, at its discretion, appoint an interim board member for any board vacancy until the next regularly scheduled election. (2020)

Article V Executive Committee

Section 1: The executive committee shall be composed of the three elected officers of NDU, the NEA director and the executive director, who shall be an ex officio, non-voting member of the executive committee. (2020)

Section 2: Between meetings of the board of directors, the executive committee shall have the authority to make decisions consistent with the provisions of the constitution and bylaws, the actions of the Delegate Assembly and the actions of the board of directors.

Article VI Elections

Section 1: Nomination

The right to nominate candidates for all offices, except retired director and student director, is open to all active members. All candidates must file with the Election Committee a completed nomination petition bearing signatures of at least 50 active members no later than February 15 immediately prior to the election. Nominations from the floor or write-in candidates may be accepted for all offices where no candidate has qualified. (2018)

A. The retired director shall be elected by a process determined by the retired chapter governance documents.

B. The student director shall be elected to a one-year term by a process determined by the student chapter governance documents.

Section 2: Eligibility

A. Candidates for president or vice president of NDU must come from the active membership. In addition, a candidate for vice president of education-related professionals must come from the education community. Education Community is defined as a member employed in a pre K-12 public school or in an institution of higher education. Candidates for the vice president for public employees must come from a non-education-related job classification. In the event of a question of eligibility, a majority vote by the board of directors shall determine eligibility. (2020)

B. Candidates for core constituency directors must come from the specified core constituency. In the event of a question of eligibility, a majority vote by the board of directors shall determine eligibility. If the K-12 education membership exceeds 800 members and a second board position is authorized, one candidate must represent a school district of 600 students or more, and the other a school district of fewer than 600 students.

C. For the purposes of electing regional directors, the state is divided into four regions demarcated by the lines 47°30' N, 100° 0' W and designated Northwest, Northeast, Southeast and Southwest. Regional directors must work within the region they seek to represent. Any local that is bisected by the boundary lines must chose the region in which the local will participate. This decision shall be binding until the board of directors conducts the constituency balance check required in Article III, Section 1 of these bylaws.

D. Candidates for the board position for ethnic minorities are self-identified members of an ethnic minority as defined by the most recent U.S. Census.

E. Candidates for the position of student director must be currently enrolled students in a North Dakota two- or four-year institution of higher education.

F. Candidates for the position of retired director must be retired members who were active members of NDU or of the NDEA or NDPEA for at least two years prior to their retirement.

Section 3: Balloting

A. The following positions will be elected by a vote of all registered delegates at the Delegate Assembly: president, vice president for education-related professionals, vice president for public employees, NEA director, director for ethnic minorities, and two at-large directors.

B. The following positions will be elected by a vote of all registered delegates within the specified regions: Northwest director, Northeast director, Southeast director, and Southwest director. Eligibility to cast ballots for regional directors shall be determined by the Elections Committee. Balloting for the preceding positions shall be done at Delegate Assemblies.

C. The following positions will be elected by registered delegates of the specified core constituency: retired director, student director, K-12 education director, public employees director, education support personnel director, higher education support staff director, higher education faculty at two-year schools director, and higher education faculty at four-year schools director. Eligibility to cast ballots for the preceding positions shall be determined by the Elections Committee. Balloting for the preceding positions shall be done at Delegate Assemblies.

D. Elections for candidates in category A cannot be held in the same year as elections for candidates in categories B and C unless the board of directors has authorized an election to fill a position created by a vacancy.

Section 4:

Election to office is determined by a majority of votes cast. In the event that no candidate receives a majority of votes cast, a runoff election shall be conducted between the two candidates receiving the greatest number of votes. Elected officers and board members assume their offices on July 15 following their election.

Article VII Committees

Section 1: The following committees shall be established annually by the Board of Directors. They shall start June 1st and go until May 31st of each year.

- The Council of K-12 Presidents (Regionally)
- The Council of Public Employees

These councils shall meet no less than 2 times per year. Membership on the council may occur by any local president seeking a seat in their specific region.

Section 2: The council(s) shall provide focus on building strong locals in that region and hold professional development for the council members as needed, and may request support from field staff of NDU.

Section 3: The council(s) are responsible for making recommendations to the NDU Director(s), as needed.

Section 4: The Regional Director(s) will chair each council meeting and will establish the needs of each region.

Section 5: No committee will last longer than the year, unless directed by the NDU Board of Directors. A Special Committee may be requested by the President or the NDU Board of Directors. (2020)

Article VIII Political Action Committee

Section 1: The Political Action Committee (PAC) may consist of no more than 20 members appointed by the president, subject to the approval of the board of directors. The PAC shall have at least one representative from each of the following: K-12 education, public employees, ESP (K-12), ESP (higher education), higher education faculty at two-year institutions, higher education faculty at four-year institutions, retired and students. Every effort shall be made to have a balance of political interests on the committee. (2020)

Section 2: The PAC shall recommend to the board of directors the process for recommending candidates for support. The final decision-making authority regarding all recommendations made by the PAC rests with the board of directors.

Article IX
NEA RA Delegate Elections

Elections to the NEA RA as a state-funded delegate shall be governed as follows:

A. Any active NDU member, not serving on the NDU Board of Directors*, shall submit a petition to the NDU president, or the president's designee, with the signatures of at least 50 active members by close of business on February 15. Should February 15 fall on a Saturday, Sunday, or federal holiday, the petitions must be received by the close of business on the first business day following the weekend or holiday.

B. Voting for NEA RA delegates shall occur at the NDU Delegate Assembly prior to that year's NEA RA.

C. If there are not enough candidates for election of state-funded NEA RA Delegates, nominations can be made from the floor of the Delegate Assembly to fill out the delegation. The NDU Elections Committee shall declare the winners based on the vote totals each nominee receives. In the event of a tie vote, the delegate will be determined by a run-off election.

*Members of the NDU Board of Directors, by virtue of their election to the Board, are delegates to the NEA and AFT National Conventions/Business Meetings. (2020)

Article X
Amendments

Amendments to the bylaws may be made at any meeting of the Delegate Assembly by a majority vote of the members present, provided such amendment has been proposed to the delegates of the Delegate Assembly at least 24 hours before the vote is taken.