

# NATIONAL STAFF ORGANIZATION

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## LOCAL AFFILIATE MODEL CONSTITUTION

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### PREAMBLE

We, the members of the (affiliate name), dedicated to the freedom and strength of those who serve the organized education profession, do hereby ordain and establish this Constitution to promote public education and advance collective bargaining and unionism.

### ARTICLE I Name and Purpose

- Section 1.** The business of this (union) shall be conducted under the title of (affiliate name) hereinafter referred to as the "(union)".
- Section 2.** The purpose of the (affiliate name) shall be to represent and advocate the employment concerns of its members and to enhance the effectiveness of its members toward that end.

### ARTICLE II Affiliations/Charter

- Section 1.** The (affiliate name) shall affiliate with and be chartered by the National Staff Organization (NSO) and shall conform to the NSO Constitution and Bylaws, laws, rules and regulations of the NSO, legally authorized decisions of the Executive Committee and policies adopted by the Representative Assembly.
- Section 2.** In default of the rules and regulations of the National Staff Organization, such charter referenced in Section 1 of this Article may be suspended or revoked in accordance with procedures provided by the NSO Constitution. Should the (local affiliate) be suspended, expelled, or otherwise forfeit the NSO charter, then the (local affiliate) and their successors bind themselves to surrender the same. Upon disaffiliation, suspension or revocation of the charter conferred by the National Staff Organization (NSO), the (local affiliate) shall thereupon cease and desist from using such name National Staff Organization for any purpose whatsoever.

**ARTICLE III**  
**Authority and Indemnification**

The (affiliate name) shall indemnify and hold harmless its officers, Executive Committee members, and other agents from and against any and all claims, demands, liabilities, obligations, suits or other form of legal action or litigation arising from or related to any action taken by such officers, Executive Committee members, or other agents in the performance of any duties authorized by the operation of the Constitution and Bylaws or by any action derivative from powers authorized under those documents.

**ARTICLE IV**  
**Dissolution**

The assets of the (affiliate name) will be distributed to the (National Staff Organization Charlie Love Crisis Fund or other designation determined by the local affiliate) upon dissolution.

**ARTICLE V**  
**Membership**

**Section 1.** Membership in the (local affiliate) shall be open to those persons who are employed as full-time regular (and other appropriate employment categories) employees of the (NEA state affiliate education association) who pay dues and assessments as provided in the Bylaws and are Members in Good Standing as provided in the Constitution and Bylaws.

Membership, however, shall not be open through any means any individual who is not eligible for participation in the bargaining unit represented by (local affiliate) by virtue of being ruled a managerial employee or otherwise excluded by the NLRB.

**Section 2.** Membership in the (local affiliate name) shall be open to those retired persons who were eligible for membership at the time of their retirement and who pay dues and assessments as provided in the Bylaws and who are also members in good standing of NSO-Retired. A retired member shall not have the right to vote or hold office except as expressly provided in these Constitution and Bylaws.

**Section 3.** Except for non-payment of dues, no member shall be fined, suspended, expelled or otherwise disciplined pursuant to the provisions of Article XIII, Hearing Procedures, without being served with specific written charges and given a reasonable time in which to prepare a defense which may be asserted at a full and fair hearing.

**Section 4.** Effect of Merger on Bargaining Rights and Representation Rights: In the event of merger and/or melding of (NEA staff affiliate education association) and the consequent administrative and governance procedures, there shall be no essential change in the identity of servicing or bargaining representative which is a party to a contract with the employing entity. Further, the identity of the bargaining agent for purposes of collective bargaining, shall remain unimpaired, so that no question concerning representation may be raised arising from the merger. Thus, an administrative merger of staffs, or consolidation of operations, shall not create a question concerning representation under NLRB law.

## **ARTICLE VI Funds**

**Section 1.** The (local affiliate) General Funds or property of the (local affiliate) shall be used only for such purposes as are specified in the Constitution and Bylaws of the (local affiliate) and as may be required to transact and properly conduct its business. Under no circumstances shall any of the General Funds be used for donations to members, or for political or religious purposes.

**Section 2.** The granting of loans to a member shall be approved by the Executive Committee with a requirement that the member sign a promissory note prior to receiving any funds. Said loans are for a (local affiliate) member where the member is not receiving compensation while a suspension or termination action is pending provided the member continues as a Member in Good Standing. (State Unemployment Compensation is excluded from this prohibition.)

## **ARTICLE VII Officers and Executive Committee**

**Section 1.** The officers of the (local affiliate) shall consist of the President, Vice-President, Secretary, Treasurer elected at large by all members of the (local affiliate). Executive Committee members shall not be elected at large, but rather, be elected by members within representation areas of the state on a basis of one Executive Committee member for each 10 members or major fraction thereof.

**Section 2.** The Executive Committee shall consist of the parties as per Section 1 of this Article, and it shall be the agency through which the general administrative and executive functions of the (local affiliate) shall be carried out.

**Section 3.** The terms of office, specific duties, and election procedures for all members of the Executive Committee shall be provided in the Bylaws and shall be in accordance with the NSO Constitution and Bylaws, this Constitution and Bylaws, and applicable law.

**Section 4.** The Executive Committee shall have the authority to assess all members an amount not to exceed twice (2X) the annual dues during any single membership year in order to meet unusual financial demands placed upon the (local affiliate) or its members. Assessments shall require a two-thirds (2/3) vote of the Executive Committee.

**Section 5.** The Executive Committee shall have the power to establish and implement disciplinary procedures for the members consistent with the (local affiliate) Constitution and Bylaws if not otherwise provided for in the Constitution and Bylaws.

**Section 6.** Members of the Executive Committee of the (local affiliate) shall serve their terms so long as they satisfactorily perform the duties of their office.

Where an officer is guilty of misconduct, such officer may be removed for cause (shown after notice and hearing) and a majority vote of the general membership of the (local affiliate).

- a. Recommendation for recall can be made by the submission of a petition containing the signatures of twenty (20%) percent of members of the (local affiliate) to the Executive Committee.
- b. The Executive Committee shall notify in writing any officer who has been recommended for recall.
- c. Any officer may appeal in writing to the Executive Committee.
- d. The Executive Committee shall schedule hearings, whenever necessary, to review the recommendations of recall of an officer.
- e. The report by the Executive Committee of those hearings shall be made available to the members of the (local affiliate).
- f. A mail ballot of the membership of the (local affiliate) shall be taken two (2) weeks after the issuance of the report by the Executive Committee.
- g. Such recall shall be determined by majority vote of the valid ballots cast by the membership of the (local affiliate).

- Section 7.** Nothing in this Article shall be construed as precluding officers from succeeding themselves in office, if duly elected.
- Section 8.** In the event of a vacancy in the office of President, the Vice President shall succeed to the office of President, and that individual shall serve until the next annual election.
- Section 9.** The President shall have authority to make interpretations of this Constitution, subject to review and approval by the (local affiliate) Executive Committee.
- Section 10.** **(REQUIRED PROVISION)** Except to the extent specified in the NSO Constitution, no officer of the (local affiliate) shall have the power to act as agent for or otherwise bind the NSO in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the (local affiliate) except to the extent specifically authorized by the President of the (local affiliate) or by the Executive Committee of the (local affiliate).

## **ARTICLE VIII**

### **Nomination of Officers**

- Section 1.** The President, with the advice and consent of the Executive Committee, shall appoint an election committee of three (3) members who shall complete a slate of candidates for the May meeting of the (local affiliate) general membership. Other candidates for office shall present petitions signed by at least three (3) members. Each nominee must be a member in good standing of the (local affiliate) and give his/her written consent to appear on the ballot.
- Section 2.** In addition to the provisions of Section 1 hereof, nominations from the floor shall be called for and received at the May general membership meeting, provided the nominees are members in good standing of the (local affiliate).

## **ARTICLE IX**

### **Election of Delegates to the NSO Representative Assembly**

- Section 1.** Delegates to the NSO Representative Assembly shall be elected by secret ballot by the members of the (local affiliate) in accordance with provisions of the NSO Constitution and Bylaws and the Labor-Management Reporting and Disclosure Act (LMRDA).
- Section 2.** Additionally, runners up shall serve as alternates in order of the highest vote-getter to the lowest vote-getter.

**Section 3.** The President of the (local affiliate) shall serve as delegate by virtue of office.

**Section 4** Delegates and alternates shall serve a term of one year. Nothing in this Article shall be construed as precluding delegates and alternates from succeeding themselves in office, if duly elected.

## **ARTICLE XI**

### **Member in Good Standing**

**Section 1.** "Member" or "member in good standing" includes any person who has fulfilled the requirements for membership or affiliation in the (local affiliate), and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the Constitution and Bylaws of the (local affiliate).

**Section 2.** The following shall constitute the basis for the filing of charges that a is not in Good Standing:

- a. Violation of any provision of the (local affiliate) Constitution, Bylaws or duly adopted interpretation of the (local affiliate) Constitution or Bylaws.
- b. Misappropriation, embezzlement, or improper or illegal use of (local affiliate) funds.
- c. Any action by any (local affiliate) officer or authorized representative of (local affiliate) which results in the unauthorized expenditure of funds from the (local affiliate).
- d. Acting in collusion with management to the detriment of the welfare of the (local affiliate) or its membership.
- e. Refusal to carry out legally authorized decisions of the (local affiliate) Executive Committee or general membership.
- f. Instituting or urging others to institute action outside the (local affiliate) , against the (local affiliate), against the National Staff Organization, or against any officer of the (local affiliate) without first exhausting all internal remedies within the (local affiliate), provided that the foregoing shall not apply where the action was instituted in order to prevent the loss of rights under an applicable statute of limitations and the member has diligently pursued available internal remedies.

- g. Using the name of the National Staff Organization or of the (local affiliate) in an unauthorized manner or for an unauthorized purpose.
- h. Obtaining membership through fraud or misrepresentation.
- i. Deliberately interfering with any official of the National Staff Organization or of the (local affiliate) in the discharge of such officials' lawful duties.
  - l. The solicitation or acceptance of a bribe or the acceptance of any gift of more than nominal value from any employer, member, group of members or employee of the (local affiliate), or from any person or firm which has or is seeking to establish a business relationship with the National Staff Organization or the (local affiliate).
- j. Conviction of a crime which, under the Labor Management Reporting and Disclosure Act, would disqualify the person from membership.
- k. Knowingly submitting a false membership dues report or other financial or audit report to the National Staff Organization or the (local affiliate), or knowingly and intentionally making any false financial report or statement to any lawfully constituted body at any level of the (local affiliate).

**Section 3.** Hearing(s) on any charge(s) made against a member or affiliate pursuant to this Article shall be conducted in accordance with the provisions of Article XIII, Hearing Procedures.

## **ARTICLE XII Coordinated Bargaining Council**

**Section 1.** The (local affiliate) shall join and participate in the NSO Coordinated Bargaining Council in accordance with the NSO Constitution and Bylaws

## **ARTICLE XIII Hearing Procedures**

**Section 1.** Any individual member or affiliate of the (local affiliate) may file charges against any individual or the (local affiliate) for actions taken while a member of the (local affiliate) for reasons specified in this Constitution.

**Section 2.** Procedures for conducting a hearing pursuant to this Article shall be established by the (local affiliate) Executive Committee and shall be attached to this Constitution and Bylaws as an Appendix.

**Section 3.** Changes and/or revisions to the Hearing Procedures established separately from the Constitution and Bylaws and shall be the responsibility and authority of the Executive Committee, subject to review and approval of the general membership of the (local affiliate).

#### **ARTICLE XIV Exhaustion of Remedies**

Every member against whom charges have been preferred or disciplinary action taken as a result thereof, or against whom adverse rulings or decisions have been rendered or who claims to be aggrieved, shall be obliged to first exhaust all remedies provided for in the (local affiliate) Constitution and Bylaws and following the NSO Constitution and Bylaws before resorting to any court, tribunal or agency against the (local affiliate), the NSO, or any officer or employee thereof.

#### **ARTICLE XV Rules of Order**

Robert's Rules of Order, Revised, shall be authority on parliamentary procedure at any meeting of the duly constituted bodies of the (local affiliate).

#### **ARTICLE XVI Amendments**

**Section 1.** Amendments to this Constitution may be introduced by the Executive Committee or by petition of not less than ten (10) members to the Executive Committee.

All proposed amendments to the Constitution shall be sent to the general membership at least thirty (30) days prior to mail voting on the proposed amendments.

**Section 2.** The Bylaws may be amended by majority of the general membership voting on the issue.

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## BYLAWS

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### ARTICLE I Terms of Office

**Section 1.** All officers shall be elected for a two (2) year period which shall commence September 1 through August 31.

### ARTICLE II Elections and Vacancies

**Section 1.** Officers and Executive Committee members of the *(local affiliate)* shall be elected by a mail secret ballot in accordance with provisions of the Labor-Management Reporting and Disclosure Act and guidelines recommended by the Department of Labor.

A. Officers shall be elected in even-numbered years.

B. Executive Committee members shall be elected for two year terms in odd-numbered years.

C. Representation on the Executive Committee shall not be less than thirty (30%) percent ethnic minorities and women. In the event that the regular election process does not produce necessary representation on the Committee, it shall be expanded through a special election by the general membership until the required ethnic minorities and women representation percentage is reached.

**Section 2.** Officers and Executive Committee members shall be elected by plurality with an immediate run-off only in the case of a tie for an open position.

**Section 3.** In the event of a vacancy in the office of President, the Vice-President shall assume that office until the next annual election. In the event of a vacancy in any other position, the Executive Committee shall appoint a member to the position to serve until the next annual election.

**Section 4.** Disputes regarding the eligibility of any candidate for elective office, the results, conduct or appropriateness of any election, may be raised by any member. Any question about any election or procedure involving an election shall be in writing to the Executive Committee. The question shall be reviewed and determined by a special Committee consisting of five (5) members elected from the Executive Committee. The special Committee shall review the facts and arrive at a determination which shall be conclusive.

**ARTICLE III**  
**Duties of Officers**

- Section 1.** The President shall preside at all official meetings of the (local affiliate) and shall perform such duties as are customarily associated with the office.
- Section 2.** The President shall prepare and submit an annual report on the (local affiliate) activities to the annual meeting.
- Section 3.** The President shall select and/or discharge all committee members with the approval of the Executive Committee and shall serve as an ex-officio member of all committees other than the elections committee.
- Section 4.** The Vice-President shall act in the absence of the President and shall succeed to the presidency in the event the office becomes vacant in accordance with provisions of these Bylaws.
- Section 5.** The Secretary shall be responsible for records of all correspondence and meetings of the Executive Committee and Representative Assembly. He/she shall gather appropriate annual data and be custodian of all files of the (local affiliate). The Secretary shall annually submit to the NSO Treasurer a complete list of names and addresses of all officers and members and the terms of office for officers. Additionally, the names, addresses and terms of office of newly elected officers shall be reported to the NSO Secretary as soon as officers are elected.
- Section 6.** The Treasurer shall be responsible for the collection of dues and assessments, pay all approved bills as approved in the budget, make a monthly report to the Executive Committee, and make an annual report to the membership. He/she shall operate under rules and policies established by the Executive Committee. The Treasurer shall prepare appropriate information to be filed with the Secretary of Labor and the Internal Revenue Service annually with a copy to be sent to the National Staff Organization. He/she shall prepare an annual financial statement, which shall be distributed to the general membership.
- Section 7.** All officers of the Organization who handle funds or other property of the Organization shall be covered by fidelity bonds having a value of at least ten (10%) percent of the funds handled by each of them during the preceding fiscal year in accordance with applicable law.

**ARTICLE IV**  
**Duties of the Executive Committee**

- Section 1.** The Executive Committee shall conduct, manage, and control the affairs and business of the (local affiliate), including interpretation of this Constitution and Bylaws between general membership meetings except as otherwise provided herein.
- Section 2.** The Executive Committee shall prepare and submit a budget and proposed dues for approval at the annual meeting of the membership of the (local affiliate).
- Section 3.** The Executive Committee shall implement motions and resolutions approved by the general membership and may devise and put into operation other measures not inconsistent with the objectives of the (local affiliate); it shall fix the time and shall make all necessary arrangements for the general membership meeting(s).
- Section 4.** The Executive Committee shall have the power by reason of a national emergency or natural calamity, to suspend or eliminate any meeting of the general membership or Executive Committee.
- Section 5.** The Executive Committee shall establish and/or disband all standing or special committees and review the activities of all such committees.
- Section 6.** The Executive Committee may employ a staff to implement the programs and policies of this (local affiliate). The Executive Committee shall have the power to negotiate and establish the terms and conditions of work for staff hired pursuant to this provision.

**ARTICLE VII**  
**Dues**

The dues for members and retired members of the (local affiliate) shall be established by the general membership.

**ARTICLE VIII**  
**Membership and Fiscal Year**

The membership and fiscal year shall be September 1 through August 31.

**ARTICLE IX**  
**Quorum**

**Section 1.** A quorum for the Executive Committee and all committees shall consist of a majority of those elected and/or appointed to that body.

**Section 2.** A quorum for the general membership meeting shall be a majority of those present and voting.

(local affiliate)

**--Appendix to the Constitution and Bylaws--**

**PROCEDURES FOR CONDUCTING A HEARING  
PURSUANT TO ARTICLE XIII OF THE (local affiliate) CONSTITUTION**

- 1. Filing of Charges:** Charges under Article XIII of the (local affiliate) Constitution shall be in writing and filed in duplicate with the (local affiliate) Executive Committee or President, who shall, by inspection, determine whether they be of a nature to justify trial. The (local affiliate) President may return any charges so filed for amendment or for such additional explanation or specification as the President deems proper. If, in the Executive Committee's or President's opinion, the charges be such as to justify a trial the President shall, without unnecessary delay, arrange for a trial by the Executive Committee to be conducted in one (1) of two (2) forms described in the next succeeding section, the particular form to be determined by the President, provided, however, if it is a (local affiliate) officer against whom charges have been filed, he/she shall be tried by the (local affiliate) Executive Committee
  
- 2. Trial Procedures:** Trials by the Executive Committee under the last preceding section may be (1) upon testimony and evidence heard by the \Executive Committee in formal session, or (2) testimony and evidence taken by a (local affiliate) representative and reported to the members of the Executive Committee. If the method last named be selected, the President shall appoint a Representative, who shall take the testimony of accuser and accused as well as of any other witnesses whose testimony shall be requested by either of the above parties or deemed necessary by the (local affiliate) representative. As soon as practicable after completing the taking of evidence, the Representative shall report the same to the (local affiliate) Secretary with a definite statement of the Representative's conclusions and recommendations thereon. Such report, conclusions and recommendations shall be submitted to each member of the Executive Committee, and said Committee may thereupon either in formal session or by an order signed by a majority of the Executive Committee, though not in session, make its findings upon the case, and in case of conviction, pass sentence.

The accused, if convicted, may appeal within one (1) year after date of such conviction appeal to the Executive Committee, and if the decision of that body be adverse, to the next general membership meeting, but no appeal shall suspend operation of the decision appealed from, and if the convicted shall fail or refuse to comply with such decision, the body to which an appeal has been taken shall require such compliance as a condition precedent to hearing and determination of the appeal.

In any trial before the Executive Committee and upon any appeal the accused, whether or not the accused be present in person, may be represented by counsel; provided that no one shall act as counsel who is not a member in good standing of the (local affiliate).

3. **Written Charges:** Charges shall be in writing and shall be signed by the member or members bringing the charges. The charges shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense and where a violation of a constitutional provision is alleged, the specific section shall be cited, along with the specific act or failure to act which constitutes the alleged violation. The charges shall be filed with the Secretary of the trial body or if the Secretary of such trial body is a directly interested party, with the presiding officer of the trial body.
4. **Recording of Hearings:** The Executive Committee or its designee sub-panel shall fix the date, time and place for the trial, in such manner as to afford the maximum convenience to both the accused and the accuser practical under all the circumstances except as otherwise specifically provided in the Constitution, it shall not be necessary to maintain a verbatim record of the trial unless request for such record is made by a directly interested part to the proceedings. If such request is made, the party making the request shall be responsible for the cost of such record and of three (3) copies of the transcript, one (1) of which shall be furnished to the trial body and one (1) to the opposing party. The reporter shall attach an affidavit to each copy of the transcript stating that it is a true and accurate record of the evidence taken at the trial.
5. **Rights of Accused Person:** The accused person shall be guaranteed the following rights:
  - a. The right to be served personally with, or to have forwarded by certified mail to the accused person's current address, return receipt requested, a full copy of the charges within fifteen (15) days after they are filed and to receive a copy at least thirty (30) days before the trial date.
  - b. The right to file a written answer to the charge.
  - c. The right to be tried within sixty (60) days after having been personally served, or sixty-three (63) calendar days after having been forwarded a copy of the charge(s) as provided in the Constitution,
  - d. The right to have at least fifteen (15) days advance notice of the date, time, and place of the trial.
  - e. The right to confront the accuser.
  - f. The right to cross-examine the accuser and any witnesses.
  - g. The right to present witnesses in the accused person's behalf.
  - h. The right to compel the production of (local affiliate) records pertinent to the case.
  - i. The right to choose a (local affiliate) member to act as the accused person's counsel in the case.

- j. The right to be presumed innocent unless proven guilty.
  - k. The right to refuse to testify: provided, however, that this right shall not include the right to refuse to produce at trial any papers, books, or financial or other records which are the property of the (local affiliate) and which are pertinent to the case.
  - l. The right to appeal, in the manner hereafter provided.
  - m. The right to choose either an open or closed hearing.
- 6. Rights of Charging Person(s):** The person bringing the charges shall be guaranteed the following rights:
- a. The right to receive a copy of any written answer to the charge, which may be filed by the accused at the time such answer, is filed.
  - b. The right to have the initial trial body convened no later than seventy-eight (78) calendar days after the charge(s) have been filed.
  - c. The right to have at least fifteen (15) days advance notice of the date, time, and place of the trial.
  - d. The right to give personal testimony.
  - e. The right to present the testimony of others and to cross-examine witnesses presented by the accused.
  - f. The right to compel the production of (local affiliate) records pertinent to the case.
  - g. The right to choose a person to act as the charging party's counsel in the case.
  - h. The right to appeal, in the manner hereafter provided.
- 7. Obligations of Charging Person(s):** The person bringing the charges shall be under the following obligations:
- a. To file the original charge in sufficient detail as to afford the accused person full opportunity to prepare a defense.
  - b. To appear in person at the trial.
  - c. To assume the burden of proof.

- 8. Penalties:** An Executive Committee trial body may, if it finds the accused person guilty, assess any one (1) or more of the following penalties:
- a. A formal reprimand accompanied by a formal warning against any repetition of the act or acts of which the accused is found guilty.
  - b. A fine in an amount not to exceed one (1) year's dues, to be paid to the (local affiliate) .
  - c. Full or partial restitution, where the consequences of the offense can be measured in material terms.
  - d. Removal from office in the (local affiliate).
  - e. Suspension from the right to hold any elected position for a period not to exceed four (4) years.
  - f. Suspension from the right to hold or seek any elected position at any level office for a period not to exceed four (4) years.
  - g. Suspension from membership for a specified period of time, not to exceed two (2) years.
  - h. Expulsion from membership.

Any individual who has been suspended, expelled or removed as provided in paragraphs (e), (f), (g), or (h) above, may not, during the period of such penalty, be employed in any capacity by the (local affiliate) .

- 9. Penalties Against Charging Party (ies)--Malice:** If the charges are not sustained, and the Executive Committee trial body is convinced that the charges were not brought in good faith or were actuated by malice, the trial body or the appellate body may impose such penalty on the charging party as in its judgment is deemed proper under the circumstances. In any case, the party against whom the penalty is imposed shall have the right to appeal the imposition of the penalty in the manner provided for other appeals, beginning at the level immediately above the trial or appellate level at which the penalty was imposed, and no such penalty shall take effect while an appeal of such penalty is pending.
- 10. Decision:** All decisions must be rendered by the trial body within thirty (30) days following completion of the trial, except by mutual consent of the accuser and the accused. Such decision shall be in writing and shall be transmitted by certified mail, return receipt requested, to the person bringing the charge and to the accused simultaneously.

11. **Appeal to (local affiliate) General Membership:** Where the appeal is made to the (local affiliate) general membership, the general membership shall proceed, in the manner described for the hearing of original charges to hear such appeal; provided, however, that the general membership trial body may, in its discretion, hear the appeal on the record established at the Executive Committee level as a new case at its option.

**As amended at the 2001 Representative Assembly.**

## EXHAUSTION OF REMEDIES

- 1. Exhaustion of Remedies in (local affiliate) Constitution:** Every member, or officer against whom charges have been preferred and disciplinary action taken as a result thereof, or against whom adverse rulings or decisions have been rendered or who claims to be aggrieved, shall be obliged to exhaust all remedies provided for in the (local affiliate) Constitution and in the NSO Constitution before resorting to any court, tribunal or agency against the (local affiliate) or the National Staff Organization, any subordinate body or any officer or employee thereof.
- 2. Appeal to Court of Law:** Where a member resorts to a court of law and loses its cause therein, all costs and expenses incurred by (local affiliate) may be assessed against such member, in the nature of a fine, subject to all penalties applicable where fines remain unpaid.
- 3. Right to Appeals Procedure:** The appeals procedure provided herein is also available to and must be followed by any active or inactive member, who is aggrieved by any decision, ruling, opinion or action of the (local affiliate), membership, officers, or Executive Committee, excluding collective bargaining matters.
- 4. Timely Rendering of Decisions:** Unless otherwise provided herein, such as in emergencies or trusteeships, all decisions following trials or hearing should be made and rendered within sixty (60) days of the date the hearing or trial commenced, unless otherwise ordered by the Executive Committee. This time requirement shall not be mandatory, but is only directory.
- 5. Decisions Full Force and Effect/Appeal:** Decisions of a trial body shall be in full force and effect from the date of the decision until and unless reversed or modified by an appellate body at a higher level; provided, however, that, except in matters subject to trusteeships, any appellate body, upon receiving a notice of appeal, may order a delay in the carrying out of any penalty which has been assessed pending its hearing and disposition of the appeal.