



National Staff Organization

CONSTITUTION

PREAMBLE

We, the members of the National Staff Organization, dedicated to the freedom and strength of those who serve the organized education and labor professions, 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 Organization shall be conducted under the title of the National Staff Organization hereinafter referred to as either "NSO" or the "Organization."
- Section 2.** The purpose of this Organization shall be to represent and advocate the employment concerns of its members and to enhance the effectiveness of its affiliates toward that end.

ARTICLE II

Affiliations

- Section 1.** The Organization may affiliate local, regional, state, and national organizations of staff meeting the requirements of this Constitution and the Bylaws and policies adopted by the Representative Assembly.
- Section 2.** The Organization may affiliate organized national special interest groups meeting the requirements of this Constitution and the Bylaws and policies adopted by the Representative Assembly.

ARTICLE III

Authority and Indemnification

The Organization shall indemnify and hold harmless its 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 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 NSO will be distributed on a pro rata basis to all of its affiliates upon dissolution.

ARTICLE V Membership

Section 1. Membership in this Organization shall be open to those persons who are employed as full-time or part-time regular employees of local, regional, state, or national education associations or organizations that are:

- (1) affiliated with the NEA or one (1) of its subsidiary organizations, or
- (2) merged in accordance with the policies of the NEA, or
- (3) Independent of NEA affiliation and that pay dues and assessments as provided in the Constitution and Bylaws.

Membership, however, shall not be open through any means to any individual who is not eligible for participation in a bargaining unit by virtue of an individual being ruled a managerial employee by the National Labor Relations Board (NLRB).

Section 2. Membership for full- or part-time employees shall be available through an affiliated organization.

Section 3. Membership in this Organization shall be open to those retired persons who were eligible for membership at the time of their retirement. A retired member shall not have the right to vote or hold office.

Section 4. Except for non-payment of dues, no member or affiliate shall be fined, suspended, expelled or otherwise disciplined pursuant to the provisions of Article XIII, NSO Hearing Procedures, without being served with specific written charges and given a reasonable time in which to prepare a defense that may be asserted at a full and fair hearing.

Section 5. In the event of a merger and/or melding of a local organization and the consequent administrative and governance procedures, there shall be no essential change in the identity of the servicing or bargaining representative that 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 the National Labor Relations Act (NLRA).

ARTICLE VI Funds

- Section 1.** The NSO General Funds or property of NSO shall be used only for such purposes as are specified in the Constitution and Bylaws of the NSO 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 an affiliate shall be approved by the Executive Committee. The affiliate shall be required to sign a promissory note prior to receiving any funds. Said loans are for employment-related matters dealing with a pending or actual dismissal (or suspension leading to dismissal) of an NSO member where the member is not receiving compensation. (State Unemployment Compensation is excluded from this prohibition.)

ARTICLE VII Officers and Executive Committee

- Section 1.** The Officers shall consist of the President, Vice-President for Defense, Vice-President for Program, Secretary, and Treasurer. There shall be nine (9) Directors of whom seven (7) shall be Regional Directors and two (2) shall be Directors At-Large, elected by a majority vote of the delegates to the Representative Assembly. All officers and directors shall serve as Trustees of the Organization.
- Section 2.** The Executive Committee shall consist of the parties as per Section 1 of this Article and shall be the agency through which the general administrative and executive functions of the Organization 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.
- 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 Organization or its members and affiliates. 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 NSO Constitution and Bylaws if not otherwise provided for in the Constitution and Bylaws.
- Section 6.** Members of the Executive Committee of the Organization shall serve their terms so long as they satisfactorily perform the duties of their office.

Where a member of the Executive Committee is guilty of misconduct, such member may be removed for cause (shown after notice and hearing) and a majority vote of the delegates voting at the Representative Assembly.

- a. Recommendation for recall can be made by the submission of a petition to the Executive Committee containing the signatures of twenty (20%) percent of the delegates to the Representative Assembly.

- b. The Executive Committee shall notify, in writing, any member of the Executive Committee who has been recommended for recall.
- c. Any such Executive Committee member may appeal in writing to the Executive Committee.
- d. The Executive Committee shall schedule hearings, whenever necessary, to review the recommendations of recall of a member of the Executive Committee.
- e. The report by the Executive Committee of those hearings shall be made available to the delegates of the Representative Assembly.
- f. A mail ballot of the Representative Assembly 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 delegates voting at the Representative Assembly.

Section 7. Nothing in this Article shall be construed as precluding Executive Committee members from succeeding themselves in office, if duly elected.

Section 8. The President shall have authority to make interpretations of the Constitution and Bylaws, subject to review and approval by the NSO Executive Committee.

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 are also delegates to the Representative Assembly.

The Election Committee shall accept nominations for office in accordance with Article II, Section 1 of the Bylaws and conduct the election for these positions at the Representative Assembly.

To be placed on the ballot, a nominee shall be a member in good standing; consent to be on the ballot; and submit a petition to the Election Committee with the signatures of at least three (3) members.

Section 2. The Election Committee shall also receive nominations from the floor of the Representative Assembly prior to the election. To be placed on the ballot, a nominee from the floor shall be a member in good standing; consent to be on the ballot; and submit a petition to the Election Committee with the signatures of at least three (3) members.

ARTICLE IX Representative Assembly

Section 1. The Representative Assembly shall be the legislative body of the Organization.

Section 2. A. **Organizational Delegates:** All affiliates shall be eligible for no less than one (1) Organizational Delegate to the Representative Assembly. Each affiliate with ten (10) or fewer members shall be entitled to have one (1) Organizational Delegate; affiliates with more than ten (10) members shall be entitled to have two (2) Organizational Delegates.

- B. **Membership Delegates:** In addition to Organizational Delegates, each affiliate shall be entitled to have one (1) Membership Delegate for every twenty-five (25) members, or fraction thereof, over twenty-five (25), that is an affiliate with
- twenty-six to fifty (26-50) members qualifies for one (1) Membership Delegate;
 - an affiliate with fifty-one to seventy-five (51-75) members qualifies for two (2) Membership Delegates;
 - an affiliate with seventy-six to one hundred (76–100) members qualifies for three (3) Membership Delegates; etc.
- C. **Wall-to-Wall and/or Multiple Bargaining Unit Adjustment:** In addition to Organizational and Membership Delegates, each Wall-to-Wall and/or Multiple Bargaining Unit affiliate shall be entitled to additional delegates to equal the total number of delegates if each group of employees were independent bargaining units. For purposes of this provision, groups of employees shall be defined as professional staff or associate staff.

- Section 3.** The Representative Assembly shall meet annually at a time and place established by the Executive Committee except when cancelled under the provisions of Article IV, Section 4 of the Bylaws and shall be considered the annual meeting of the Organization. Special Representative Assemblies may be called by the Executive Committee with prior notice to the delegates of at least thirty (30) days.
- Section 4.** Delegates and alternates to the Representative Assembly shall be duly elected by affiliate members with open nominations voting by secret ballot. Delegates and alternates shall be reported to NSO by May 15th.
- Section 5.** A majority vote of the delegates voting at the Representative Assembly shall determine the action of the Organization except as provided otherwise in this Constitution and Bylaws.
- Section 6.** The submission of all dues (General Funds and Charlie Love Crisis Fund Dues), affiliate membership lists, and Department of Labor (LM) Reports shall be received by the NSO by June 1 of each year.

ARTICLE X Affiliates

- Section 1.** The Organization may charter an affiliate as provided for in this Article. The affiliate shall conform to the Constitution and Bylaws, rules and regulations of the Organization, and legally authorized decisions of the Executive Committee. The NSO shall afford such affiliates all their rights and privileges as chartered affiliates of the NSO under the Constitution and Bylaws, rules and regulations of the NSO. Charters shall be signed by Officers of the Organization.

- Section 2.** An application for an affiliate charter shall contain the names and addresses of not fewer than two (2) persons eligible for membership in the affiliate. All affiliates currently affiliated with the Organization as of the date of adoption of this article shall be deemed to be automatically chartered.
- Section 3.** After an affiliate is chartered and annually thereafter, the affiliate shall submit to the NSO Treasurer its members' names and home addresses and its officers' names, home addresses, and terms of office. The affiliate shall also report changes in this information when they occur.
- No membership lists shall be sold, provided, or transferred to any outside organization.
- Section 4.** The Constitution of every affiliate of the NSO shall contain a provision stating the following:
- "Except to the extent specified in the NSO Constitution, no officer of the NSO 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 affiliate except to the extent specifically authorized in writing by the President of the affiliate or by the Executive Committee of the affiliate."
- Section 5.** All elections of officers and delegates in affiliates shall be in accordance with the NSO Constitution and Bylaws, the affiliate Constitution and Bylaws, and applicable law.
- Section 6.** Each elected officer of each affiliate shall, upon assuming office, subscribe to the duties of an officer as established by the NSO Constitution and Bylaws and the affiliate Constitution.
- Section 7.** This Constitution shall constitute a contract between the Organization and each of its affiliates individually. All affiliates shall at all times be subject to the provisions of the NSO Constitution.
- Section 8.** In default of the rules and regulations of the NSO referenced in Section 1, such charter may be suspended or revoked in accordance with procedures provided by this Constitution. It shall further provide that, should such subordinate body be suspended, expelled, or forfeit such charter, the persons to whom such charter was granted and their successors bind themselves to surrender the same. The name National Staff Organization is the property of the NSO. Upon disaffiliation, suspension, or revocation of its charter, the affiliate shall thereupon cease and desist from using the name (National Staff Organization) for any purpose whatsoever.

ARTICLE XI
Affiliate in Good Standing

- Section 1.** "Member" or "member in good standing," or "affiliate" or "affiliate in good standing" includes any person or affiliate that has fulfilled the requirements for membership or affiliation in the Organization and that has neither voluntarily withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of this Constitution and Bylaws.
- Section 2.** The following shall constitute the basis for the filing of charges that a member or affiliate is not in good standing:
- a. Violation of any provision of the NSO Constitution, Bylaws or duly adopted interpretation of the NSO Constitution or Bylaws.
 - b. Misappropriation, embezzlement, or improper or illegal use of Organization or affiliate funds.
 - c. Any action by any NSO officer or authorized representative of NSO that results in the unauthorized expenditure of funds from the Organization.
 - d. Acting in collusion with management to the detriment of the welfare of the Organization or affiliate or its membership.
 - e. Refusal to carry out legally authorized decisions of the Representative Assembly.
 - f. Instituting or urging others to institute action outside the Organization or the affiliate against the NSO, affiliate, or any officer of the Organization or of an affiliate without first exhausting all internal remedies within the Organization, provided that nothing in the foregoing shall diminish a member's rights to seek recourse under protections afforded by the LMRDA.
 - g. Using the name of the NSO or of an 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 NSO or of an affiliate in the discharge of such officials' lawful duties, including but not limited to 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 Organization, or from any person or firm that has or is seeking to establish a business relationship with the NSO or any 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 Organization or any affiliate, or knowingly and intentionally making any false financial report or statement to any lawfully constituted body at any level of the Organization.
- 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, NSO Hearing Procedures.

ARTICLE XII
Coordinated Bargaining Councils

- Section 1.** Affiliates shall join Coordinated Bargaining Councils in areas designated by the Representative Assembly. Any affiliate refusing to affiliate with such Coordinated Bargaining Council may have its charter revoked. All affiliates in such Coordinated Bargaining Councils shall have the right to representation in conducting the business of such Coordinated Bargaining Council in accordance with the policies of the respective Coordinated Bargaining Council.
- Section 2.** All of the provisions of this Constitution relating to, applicable to, and governing the conduct of the affairs of affiliates shall likewise be applicable to and govern the operation of Coordinated Bargaining Councils created hereunder with the same force and effect as though set forth herein at length.
- Section 3.** The Coordinated Bargaining Council shall not exercise any function that would violate the rights, duties, authority, or control otherwise delegated in the NSO Constitution or the Constitution and Bylaws of any of the affiliates affiliated with such a Coordinated Bargaining Council.

ARTICLE XIII
NSO Hearing Procedures

- Section 1.** Any member or affiliate may file charges for any reason specified in this Constitution against any member or affiliate.
- Section 2.** The Executive Committee shall establish procedures for conducting hearings pursuant to this Article and they shall be attached as an Appendix to this Constitution and Bylaws.
- Section 3.** The Executive Committee has the authority and responsibility to propose changes to the procedures for conducting hearings and shall do so independently of proposed changes to the Constitution and Bylaws. Amendments to the procedures for conducting hearings are subject to the review and approval of the Representative Assembly.

ARTICLE XIV
Exhaustion of Remedies

Every member or affiliate 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 affiliate's Constitution and Bylaws and following the NSO Constitution and Bylaws before resorting to any court, tribunal or agency against the NSO, any affiliate, or any officer or employee thereof. The duty to exhaust shall not limit, abrogate, interfere with, or contravene rights guaranteed to seek redress under the LMRDA and/or an administrative agency or court of competent jurisdiction.

ARTICLE XV
Rules of Order

Robert's Rules of Order, Revised, shall be the authority on parliamentary procedure at any meeting of the duly constituted bodies of this Organization.

ARTICLE XVI Amendments

Section 1. Amendments to this Constitution may be introduced by the Executive Committee or by petition of not less than twenty-five (25) members to the Executive Committee.

All proposed amendments to the Constitution shall be sent to the affiliate presidents for distribution to the delegates at least thirty (30) days prior to the annual meeting of the Representative Assembly. A two-thirds (2/3) vote of the Representative Assembly delegates voting on the issue shall be required to adopt proposed amendments.

Section 2. The Bylaws may be amended by majority of the Representative Assembly delegates voting on the issue.

The Constitution as originally stated was adopted in 1973, amended in 1986, amended in 1996, amended in 1998, amended in 1999, amended in 2005, amended in 2007 and most recently amended by the 2008 Representative Assembly.

BYLAWS

ARTICLE I Terms of Office

Section 1. All Officers and Directors shall be elected for a two (2) year period that shall commence immediately upon adjournment of the annual meeting.

ARTICLE II Elections and Vacancies

Section 1. Officers and Directors of the Organization shall be elected by secret ballot at the annual meeting. Regional Directors as well as At-Large Directors shall be elected by all delegates voting at the Representative Assembly.

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

B. There shall be nine (9) Directors.

1. There shall be seven (7) Regional Directors who shall have residence in the following regions:

Region 1: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont

Region 2: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

Region 3: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee

Region 4: Arizona, California, Hawaii, New Mexico, Nevada, Utah

Region 5: Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin

Region 6: Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas

Region 7: Alaska, Colorado, Idaho, Montana, Oregon, Washington, Wyoming

- a. Directors from Regions #2, #4, and #6 shall be elected in even-numbered years.
- b. Directors from Regions #1, #3, #5 and #7 shall be elected in odd-numbered years.
- c. There shall be two (2) Directors At-Large (At-Large Director A and At-Large Director B) to be elected in odd-numbered years in separate elections.

Section 2. The Officers shall be elected by a majority vote of the delegates voting at the annual meeting. If, in any case, no candidate receives a majority vote for a particular office, there shall immediately be a run-off election between the two (2) candidates for that office receiving the highest number of votes on the first ballot. Directors shall be elected by majority with an immediate run-off of the two candidates receiving more votes than other candidate(s) shall be held, if necessary, to determine a majority.

Section 3. In the event of a vacancy in the office of President, at the first Executive Committee meeting after the election, the Executive Committee shall elect one (1) of the two (2) Vice-Presidents to assume that office, or to act in the absence of the President, 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. Any member may question or dispute the eligibility of any candidate for an NSO elective office and the results, conduct, and appropriateness of any NSO election. The member shall submit the question or dispute in writing to the President no later than sixty (60) days following the Representative Assembly. The President, with the approval of the Executive Committee, shall appoint a nine (9)-member Review Committee within thirty (30) days after he/she receives the member's question or dispute.

The Review Committee shall be composed of members who served as delegates at the Representative Assembly at which the question or dispute arose. Following its appointment, the Committee shall review the matter and send a written ruling within sixty (60) days to the President. The Committee's ruling shall be final.

ARTICLE III Duties of The Officers

Section 1. The President shall preside at all official meetings of the Organization 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 Organization's 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 Election Committee.

Section 4. The Vice-President elected by the Executive Committee pursuant to Bylaws Article II, Section 3, shall act in the absence of the President and shall succeed to the presidency in the event the office becomes vacant.

Section 5. The Vice-President for Defense shall be responsible for providing assistance on contractual and legal matters and for the approval of financial assistance in these areas in accordance with NSO guidelines.

- Section 6.** The Vice-President for Program shall be responsible for all NSO training and for on-site bargaining assistance, as well as crisis investigations and internal dispute resolutions, and for approval of financial assistance in these areas in accordance with NSO guidelines.
- Section 7.** 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 Organization. He/she shall be responsible for all logistics of national meetings and conferences.
- Section 8.** The Treasurer shall be responsible for the collection of dues and assessments, pay all approved bills as approved in the budget, submit to an annual financial audit conducted by an independent auditor, and make an annual report to the membership. He/she shall operate under the 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. He/she shall prepare an annual financial statement, which shall be distributed to the Representative Assembly.
- Section 9.** 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.
- Section 10.** In addition to the duties referenced in the Sections of this Article above, the Officers shall perform additional duties as may be necessary to conduct of the affairs of the Organization.

ARTICLE IV

Duties of the Executive Committee

- Section 1.** The Executive Committee shall conduct, manage, and control the affairs and business of the Organization, including interpretation of this Constitution and Bylaws between Representative Assemblies.
- Section 2.** The Executive Committee shall prepare and submit a budget and proposed dues for approval at the annual meeting of the Representative Assembly.
- Section 3.** The Executive Committee shall implement motions and resolutions approved by the Representative Assembly and may devise and put into operation other measures not inconsistent with the objectives of the Organization; it shall fix the time and shall make all necessary arrangements for the annual meeting.
- Section 4.** The Executive Committee shall have the power by reason of a national emergency or natural calamity, to suspend or eliminate the annual meeting of the Representative Assembly.
- 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 Organization. The Executive Committee shall have the power to negotiate and establish the terms and conditions of work for the staff.
- Section 7.** The Executive Committee members shall deliberate and participate in meetings of the Representative Assembly; shall be entitled to vote on all matters before the Representative Assembly; and shall have all of the rights, privileges, powers, and obligations of members of the Representative Assembly.
- Section 8.** In addition to the duties referenced in the Sections of this Article above, the Executive Committee members shall perform additional duties as may be necessary to conduct of the affairs of the Organization.

ARTICLE V

Affiliation

The Executive Committee shall establish NSO standards for affiliation. The Executive Committee shall have the responsibility to receive applications for affiliation; determine that the new affiliates intend to comply with the standards; and authorize affiliations.

ARTICLE VI

Disaffiliation

The Executive Committee shall establish procedures under which affiliation may be terminated for cause following written charges and a hearing. Termination of affiliation shall require a two-thirds ($\frac{2}{3}$) vote by the Representative Assembly.

ARTICLE VII

Dues

The delegates to the Representative Assembly shall establish the dues for members and retired members.

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 Representative Assembly shall be a majority of delegates elected to and seated at that Representative Assembly.

The Bylaws were amended in 2001, 2007 and most recently by the 2008 Representative Assembly.

NATIONAL STAFF ORGANIZATION

--Appendix to the NSO Constitution and Bylaws--

PROCEDURES FOR CONDUCTING A HEARING PURSUANT TO ARTICLE XIII OF THE NSO CONSTITUTION

- 1. Filing of Charges:** Charges under Article XIII of the National Staff Organization Constitution shall be in writing and filed in duplicate with the NSO Executive Committee or President, who shall, by inspection, determine whether they be of a nature to justify trial. The NSO President may return any charges so filed for amendment or for such additional explanation or specification as the NSO President deems proper. If, in the NSO Executive Committee's or President's opinion, the charges be such as to justify a trial the NSO President shall, without unnecessary delay, arrange for a trial by the NSO 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 NSO President, provided, however, if it is an NSO officer against whom charges have been filed, he/she shall be tried by the NSO Executive Committee
- 2. Trial Procedures:** Trials by the NSO Executive Committee under the last preceding section may be (1) upon testimony and evidence heard by the NSO Executive Committee in formal session, or (2) testimony and evidence taken by an NSO Representative and reported to the members of the NSO Executive Committee. If the method last named be selected, the NSO President shall appoint an NSO 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 NSO Representative. As soon as practicable after completing the taking of evidence, the NSO Representative shall report the same to the NSO Secretary with a definite statement of the NSO Representative's conclusions and recommendations thereon. Such report, conclusions and recommendations shall be submitted to each member of the NSO Executive Committee, and said Committee may thereupon either in formal session or by an order signed by a majority of the NSO 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 NSO Executive Committee, and if the decision of that body be adverse, to the next Regular Representative Assembly, 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 NSO 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 NSO.

- 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 NSO 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 NSO 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 or record with the Local Affiliate, 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 NSO 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 NSO and/or Local Affiliate records pertinent to the case.
 - i. The right to choose a NSO 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 NSO and/or 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 NSO and/or 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 NSO 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 NSO and/or Local Affiliate at which the charges originate.
- c. Full or partial restitution, where the consequences of the offense can be measured in material terms.
- d. Removal from office in the National Staff Organization and/or Local Affiliate at the level at which the charges originate.
- e. Suspension from the right to hold any elected position at the level at which the charges originate 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 National Staff Organization and/or Local Affiliate 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.
- i. Suspension from employment by the National Staff Organization or its subordinate bodies.
- j. Removal from employment by the National Staff Organization or its subordinate bodies.

Any individual who has been suspended, expelled or removed as provided in paragraphs (e), (f), (g), (h), (i), or (j), above, may not, during the period of such penalty, be employed in any capacity by the National Staff Organization or any subordinate body.

9. Penalties Against Charging Party (ies)—Malice: If the charges are not sustained, and the NSO 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 NSO RA: Where the appeal is made to the NSO Representative Assembly at the convention, the NSO RA shall proceed, in the manner described for the hearing of original charges to hear such appeal; provided, however, that the RA trial body may, in its discretion, hear the appeal on the record established at the Local Affiliate level as a new case at its option.

EXHAUSTION OF REMEDIES

- 1. Exhaustion of Remedies in NSO Constitution and NSO Local Affiliate:** Every member, officer, Local Affiliate, CBC or other subordinate body 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 NSO Constitution and by the NSO Local Affiliate before resorting to any court, tribunal or agency against the National Staff Organization, any subordinate body or any officer or employee thereof. The duty to exhaust shall not limit, abrogate, interfere with, or contravene rights guaranteed to seek redress under the LMRDA and/or an administrative agency or court of competent jurisdiction.
- 2. Appeal to Court of Law:** Where a Local Affiliate, CBC or other subordinate body, before or following exhaustion of all remedies provided for within the National Staff Organization, resorts to a court of law and loses its cause therein, all costs and expenses incurred by the National Staff Organization may be assessed against such Local Affiliate, CBC or other subordinate body, in the nature of a fine, subject to all penalties applicable where fines remain unpaid.

Where such Court action is by a Local Affiliate, CBC or other subordinate body against a Local Affiliate, CBC or other subordinate body, the foregoing provision in respect to the payment of costs and expenses shall be applicable in favor of the Local Affiliate, CBC or other subordinate body proceeded against in court.
- 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 NSO 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 NSO 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.

The NSO Executive Committee approved the Hearing Procedures presented here in June, 1995. The Constitution and Bylaws amendments authorizing the Hearing Procedures were adopted in 1998. The Hearing Procedures were amended by the 2008 Representative Assembly.