Proposition MD (Member Disqualification) 2017

- 2 Rationale: The delegates to the 2016 Annual Meeting voted to return Proposition MD 2016
- 3 to committee for clarification. However, due to a technicality that was recognized after the
- 4 fact, the presiding officer ruled, in effect, that no actions on bylaws taken at that meeting had
- 5 validity. The Bylaws Committee has taken the point and made appropriate changes to the
- 6 original proposition that will make it clear that Proposition MD 2017 applies to all NYSRTA
- 7 members, whether they be Associate, Educator, Honorary or Spouse
- 8 For information: The problem that originally led to Proposition MD 2016 has been resolved, the
- 9 person in question having resigned. However, NYSRTA needs the statutory authority to deal
- with such situations in the future.
- 11 **Mechanism**: There is a main amendment and one consequential amendment. The
- consequential motion will be considered only if the main motion is adopted.

13 Main amendment

14 Presently

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Article III

In Bylaws booklet pp 1, 2

Membership

- **Section 1.** There are three classes of membership; Annual, Life, and Honorary.
- 17 **Section 2.** There are three types of membership: Educator, Associate, and Spouse.
- 18 Motion
- 19 Amend Article III, Section 2 by adding the following: "A person who has been
- 20 convicted of a crime that would, under New York State Education Law, have
- 21 <u>barred him/her from holding State Education Department Certification as an</u>
- 22 Educator, whether or not he/she actually holds said certification, is not eligible
- to either become a member or to continue to hold any kind of membership in
- 24 NYSRTA."

25 .New.

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Article III
Membership

In Bylaws booklet pp 1, 2

- 27 Section 2. There are three classes of membership: Educator, Associate, and Spouse. A person
- 28 who has been convicted of a crime that would, under New York State Education Law, have
- 29 barred him/her from holding State Education Department Certification as an Educator, whether
- or not he/she actually holds said certification, is not eligible to either become a member or to
- 31 continue to hold any kind of membership in NYSRTA.

32 Consequential Amendment A

- 33 **Rationale:** The Executive Board needs to consider any reported situation which could lead to
- removing or denying membership. If it appears that an allegation of such a conviction is
- 35 accurate and action to disqualify seems appropriate, the advice of legal counsel as to whether
- and how best to proceed should be obtained and followed.
- As most of us are aware, the law is ever changing, and decisions of the courts could change
- earlier understandings as the times and mores change. Liability for defamation of character is
- real and is a potentially costly risk, making involvement of legal counsel at an early stage a very
- 40 wise step.

Chapter XX of the current edition of Robert's Rules of Order, Newly Revised has much to say 41 42 about disciplining members [RONR-11 pp 643-669.] Skimming through that material reveals an overriding understanding that any preliminary steps must be kept confidential. Therefore, any 43 investigations and Executive Board deliberations should take place in executive session. Of 44 course, any actual action to disqualify a person from membership must necessarily be made by 45 a majority of the Executive Board present and voting in open session. 46 Presently Article VI 47 *In red Bylaws booklet pp 8-10* **Executive Board** 48 **Section 3.** The Executive Board shall: 49 **Consequential motion** 50 Amend Article VI, Section 3 by adding a new sub-section (i) "Meet in executive 51 session to consider the matter of membership of a person convicted of a crime 52 that would, under New York State Education Law, have barred him/her from 53 holding State Education Department Certification as an Educator, whether or not 54 55 he/she actually holds said certification. If it seems clear that such a conviction has taken place, the Executive Board shall proceed to take appropriate action 56 upon advice of legal counsel." 57 58 .New. Article VI *In red Bylaws booklet pp 8-10* **Executive Board** 59 Section 3 (i) Meet in executive session to consider the matter of membership of a 60 person convicted of a crime that would, under New York State Education Law, have 61 barred him/her from holding State Education Department Certification as an Educator, 62 whether or not he/she actually holds said certification. If it seems clear that such a 63 64 conviction has taken place, the Executive Board shall proceed to take appropriate action upon advice of legal counsel. 65