



NATIONAL  
INDIAN  
EDUCATION  
ASSOCIATION



# NATIONAL INDIAN EDUCATION ASSOCIATION



## *Constitution and By-Laws*

*Amended October 13, 2018*



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**NIEA CONSTITUTION (Amended October 13, 2018)**

**BY-LAWS OF THE  
NATIONAL INDIAN EDUCATION ASSOCIATION  
(Amended October 13, 2018)**

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# **NIEA CONSTITUTION (Amended October 13, 2018)**

## **CONSTITUTION OF THE NATIONAL INDIAN EDUCATION ASSOCIATION (Amended October 13, 2018)**

### **PREAMBLE**

NIEA advocates and assures optimum educational opportunity that is based on tribal languages and cultures, enhancing tribal sovereignty, and maximizing participation in the education of American Indian, Alaska Native and Native Hawaiian people.

NIEA promotes appropriate educational services to be provided with sensitivity to individual, tribal, and cultural values wherever American Indian, Alaska Native and Native Hawaiian learners reside, utilizing the most effective method including those methods to meet special needs.

NIEA coordinates and cooperates with tribal and other organizations to provide future directions, increased communication, and effective leadership in education, cultural, social, and economic development for American Indians, Alaska Natives and Native Hawaiians.

NIEA advocates communication and effective Indian leadership throughout Indian country for the purpose of promoting Native language revitalization, educational research (i.e. best practices in Native education), educational advancement, educational personnel development, and to implement the ideals of NIEA.

### **ARTICLE I**

The name of the Corporation shall be the National Indian Education Association (NIEA).

### **ARTICLE II - CORPORATE SEAL**

The corporate seal shall be circular in form and shall have inscribed thereon the name of the corporation, and the name of the state of incorporation and the words "Corporate Seal."

# **NIEA CONSTITUTION (Amended October 13, 2018)**

## **ARTICLE III - MEMBERSHIP**

The Corporation shall have two general categories of membership which shall be defined as:

**Voting Membership:** A voting member shall be an individual: 1. who resides in the United States and/or U.S. Territory; 2. is at least 18 years of age; 3. who meets the definition of American Indian and/or Alaska Native and/or Native Hawaiian; and 4. may qualify as one of the following: Lifetime member and/or Organizational member.

**Student Voting Membership:** Student voting membership shall be open to any person who: Meets the definition of American Indian, Alaska Native, or Native Hawaiian, as presented; and Shall be currently enrolled full-time, as defined by their institution, in a post-secondary institution of higher learning and shall be a student for two full semesters or three quarters or trimesters within the NIEA membership year; and Who is at least 18 years of age.

**Lifetime Membership:** Lifetime voting membership shall be granted to: Past Presidents; and NIEA Educators of the Year

**Associate Membership:** Associate membership shall be open to all those persons who do not meet the requirements for student or general voting membership. Associate members shall not have the power to vote on NIEA business.

**International Membership:** Those Indigenous members who choose to be associated with NIEA who reside outside of the United States and Territories.

**Organizational Membership:** Shall be Tribes, Nations, organizations, corporations, federal agencies, and educational institutions who do not meet the requirements of voting membership.

**Definition of American Indian:** For the purposes of the NIEA Constitution, the term “American Indian” shall be any U.S. Citizen who:

## **NIEA CONSTITUTION (Amended October 13, 2018)**

is a member of a tribe, Nation, band, or other organized group of Indians, including those tribes, agency, and/or institution that has been authorized (achieved paid organizational membership status) by NIEA as an organizational member.

**Definition of Alaska Native:** For the purposes of the NIEA Constitution, the term “Alaska Native” shall be any U.S. Citizen who is an Eskimo or Aleut or other Alaska Native as defined by the Alaska Native Claims Settlement Act of 1971.

**Definition of Native Hawaiian:** For the purposes of the NIEA Constitution, the term “Native Hawaiian” shall be any U.S. Citizen who is a descendent of the aboriginal peoples inhabiting the Hawaiian Islands, who exercised sovereignty and subsisted in the Hawaiian Islands in 1778.

**Non-Voting Membership:** A Non-voting member shall be an individual (e.g. non-indigenous, indigenous living outside of the U.S) who does not meet NIEA’s requirements for voting membership.

### **ARTICLE IV - BOARD OF DIRECTORS**

**Qualifications:** Directors shall be voting members of the Association.

**Number:** The number of directors shall be twelve (12). Ten of the directors shall at all times be general voting members and two at all times shall be student voting members. All directors shall be elected by the voting membership (general and student).

- A. Eligibility:** Applicants for NIEA’s Board of Directors shall:
- 1.** Be a verified (by the organization) general voting member at the time of application submission;
  - 2.** Must submit documented proof of Native enrollment, lineage, or descendency;
  - 3.** Present a record of service and good standing (see Board Policies and Procedures) to NIEA;
  - 4.** Be willing to fulfill the required roles and responsibilities of a Board of Directors;
  - 5.** Has not previously served more than three terms on the Board;
  - 6.** Consist of:
    - a.** Two (2) student at-large positions;

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- b. Six (6) regional positions – Alaska, Hawai’i, West, Great Plains, Southeast, Northeast;
  - c. Four (4) at-large positions.
  
- B. **Composition:** The 12 voting Board member seats should be filled by individuals who:
  - 1. Have a record of services to NIEA (see Board of Directors Policies and Procedures);
  - 2. Maintain continuous membership as a voting member of NIEA during the term of services (verified by the organization);
  - 3. Possess expertise/experience that supports Native education (e.g. research, language, policy, curriculum, management & leadership)
  - 4. Represents NIEA’s constituency – American Indian, Alaska Native, and Native Hawaiian.
  
- C. **Term:** Directors elected by the general voting membership:
  - 1. As a General Board of Director (see Membership section) and shall serve for a term of four (4) years;
  - 2. As a Student Board of Director (see Membership section) and shall serve for a term of two (2) years.
  
- D. **Powers:** As a member driven organization, the vision, mission, strategic direction and policy setting functions of the Organization shall be articulated by its Board of Directors. The Board shall establish policies and authorize strategies of the Organization toward the accomplishments of strategic objectives and outcomes in alignment with its mission and vision. The general operations of the organization shall be led and managed (with authorization by the Board of Directors) by the Executive Director. The acts of the Board of Directors shall be effective for all purposes as the act of authorization of the organization, provided however, that the Board of Directors shall have no authority to repeal, rescind, veto, or repudiate any action taken at any general meeting of the organization, or at any special meeting held thereafter. A majority of the vote by the Board membership in attendance shall be necessary for the adoption of any motion.
  
- E. **Elections:** Election of the Board of Directors will be by vote of the eligible voting membership and shall be in accordance with NIEA election procedures as stated in the NIEA By-Laws. Each voting

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member shall be entitled to one vote on each matter submitted to a vote of the membership. Proxy votes shall not be allowed.

- F. **Number of Officers:** The officers of this Association shall consist of a President, 1st Vice President, 2nd Vice President, Secretary, Treasurer, Parliamentarian, and Ombudsman (Ex-Officio, non-voting).
- G. **Election of Officers:** At the initial meeting of the Board of Directors each year, the board shall elect from within their officers (excluding the President and Ombudsman) for those positions that are available. Elections for the President will occur every two years. To be nominated for President, the nominee must have served on the NIEA Board for at least one year. The Ombudsman will be selected by the President and this position must be filled by the start of the initial meeting of the Board of Directors.

### Responsibilities:

(detailed in Board's Policies and Procedures)

1. **The Board** shall carry out the purposes, vision, mission, strategies and policies of the Association.
  - a. **Adherence:** Board members must comply with applicable federal, state, and local laws, adhere to the organization's bylaws, and remain the guardian of NIEA's mission, strategic direction, and resources
  - b. **Loyalty:** Board members must put the interests of the organization before their personal and professional interests. All Board members are liable for their own acts and deeds – particularly if those actions are alleged to be civil or even criminal offenses. This requires Board members to hold each other accountable.
  - c. **Care:** Board members are expected to be reasonably informed about the organization's activities, participate in decisions, and do so in good faith.
  - d. **Fiduciary:** The Board has fiduciary responsibility for the organization. This requires the Board to maintain financial accountability and effective oversight of the organization.
  - e. **Visibility:** to increase visibility in Native communities, **Board members may fundraise, advocate, membership** recruitment, regional convenings, etc.
2. **The President** shall [under normal circumstances]:

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- a. Serve for two (2) years;
  - b. Preside at all meetings of the Board of Directors and of general membership;
  - c. Represent the organization in public presentations or designate an individual to do so;
  - d. Facilitate the Board of Directors' involvement in approving guiding principles, policies, and mission;
  - e. Ensure the Board of Directors' fiduciary responsibilities – approve and oversee the Organization's budget and audit;
  - f. Strengthen the Board of Directors – set goals and expectations, cultivate leadership, provide professional development, support assessment and accountability within the Board of Directors;
  - g. Oversee hiring, supervision and evaluation processes of the Executive Director;
  - h. Authorize with the approval of the Board of Directors any deeds, mortgages, bonds, and other agreements or instruments pertaining to the business of the organization;
  - i. Promote the work of the organization, encouraging and managing positive public relationships and communications;
  - j. Call to order and preside over the Executive Committee; and
  - k. Assume other duties as prescribed in this document, the By-Laws, and the Board policies and procedures.
3. **The 1st Vice-President** shall [under normal circumstances]:
- a. Execute such powers and perform such duties as may be specified in the Board policies and procedures or delegated by the President;
  - b. In the event of absence or disability of the President, the 1<sup>st</sup> Vice President shall succeed to the power and duties of the President;
  - c. Oversee the Organization's continuing implementation of its strategic plan;
  - d. Participate as a member of the Executive Committee;
  - e. Call to order and preside as one of its co-chairs over the work of the Education Committee and its three (3) sub-committees – Native Educator Education and Development, Native Education Systems, and Native Research, Assessment, and Evaluation; and,
  - f. Assume other duties as assigned.
4. **The 2<sup>nd</sup> Vice-President** shall [under normal circumstances]:
- a. Execute such powers and perform such duties as may be specified in the Board policies and procedures or delegated by the President;
  - b. In the event of absence or disability of the 1<sup>st</sup> Vice President, the 2<sup>nd</sup> Vice President shall succeed to the power and duties of the President;
  - c. The Vice President shall have the duty to enable appropriate function of all committees (other than the Governance Committee) along with

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- assigned Co-Chairs;
  - d. Participate as a member of the Executive Committee; and
  - e. Call to order and preside as one of its co-chairs over the work of the Advocacy Committee; and
  - f. Assume other duties as assigned.
5. **The Secretary** shall [under normal circumstances]:
- a. Execute such powers and perform such duties as may be specified in the Board Policies and Procedures or delegated by the President;
  - b. Attend all meetings of the Board of Directors and Executive Committee, overseeing the recording of attendance, maintenance of records, publication, and dissemination of such proceedings;
  - c. Ensure proper recording, storage, and maintenance of committee minutes and communication;
  - d. Disseminate Board of Directors minutes and provide proper notice of upcoming meetings to the NIEA membership;
  - e. Participate as a member of the Executive Committee;
  - f. Call to order and preside as one of its co-chairs the work of the Membership Committee; and,  
Assume other duties as assigned.
6. **The Treasurer** shall [under normal circumstances]:
- a. Execute such powers and preform such duties as may be specified in the Board Policies and Procedures or delegated by the President;
  - b. Ensure the Organization appropriately records, accounts for and reports on its financial conditions, including but not limited to financial reports and statutory requirements (e.g., Form 990);
  - c. Report the organization’s financial condition to its membership twice a year;
  - d. Participate as a member of the Executive Committee;
  - e. Call to order and preside as one of the Co-chairs over the work of the Fiscal Committee; and
  - f. Assume other duties as assigned.
7. **The Parliamentarian** shall [under normal circumstances]:
- a. Serve as a member of the Board;
  - b. Appointed by the Board President;
  - c. Ensure that the organization’s meetings be conducted through Robert’s Rules of Order;
  - d. Participate as a member of the Governance Committee; and
  - e. Participate as a member of the Executive Committee; and
  - f. Assume other duties as assigned.
8. **The Ombudsman** shall [under normal circumstances]:

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- a. Serve as an ex-officio member of the Board for four years;
- b. Appointed by the Board President;
- c. Oversee new Board candidate selection, election, and orientation;
- d. Support Board capacity building; and
- e. Oversee Board assessment and accountability;
- f. Act as liaison between the Board of Directors, Executive Director, and the organization.
- g. Participate as an ex-officio member of the Executive Committee; and
- h. Call to order and preside as one of its co-chairs the work of the Governance Committee;
- i. Oversee the Board complaint and resolutions processes; and
- j. Assume other duties as assigned.

**Removal:** After investigation by the Ombudsman, any Director may be removed from the Board of Directors by a majority vote of the Board (during Executive Session) for not fulfilling responsibilities to the NIEA, failing to meet membership criteria, and/or violating the Board Policies and Procedures, code of ethics and/or conflict of interest policies. Board member(s) removed in such a manner will be deemed to have not left the Board in good standing.

**Resignation:** A director may resign by filing notice (e.g. written, verbal) with the Board President and in accordance with Board policies and procedures; the Board President shall advise the Board accordingly.

**Vacancies:** A vacancy of a Board of Directors shall be filled in accordance with the Board policies and procedures.

**Other Officers:** Additional board position(s) may be approved by the voting NIEA membership and thereafter filled by the Board of Directors from within the existing Board.

**Reimbursement:** No salary or fees shall be paid to the Board of Directors, as such, but the Directors will be reimbursed for expenses as determined in the Board policies and procedures.

**Indemnification:** Each present and past director or officer, whether or not in office, and the executors, administrators, or legal representatives of any such director or officer, shall be indemnified by the organization against all reasonable costs and expenses (including the cost of reasonable settlements made with a view of curtailment of the costs of litigation, but exclusive of any amount paid to this organization in settlement) and counsel fees paid or incurred in connection with, or arising out of, any action, suit,

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or proceeding to which any director or officer or his/her executors, administrators, or other legal representatives may hereafter be made a party by reason of his/her being or having been a director or officer of the corporation; provided:

1. the action, suit, or proceeding, shall be prosecuted to final determination and it shall not be finally adjudged that the Executive Director had been derelict in the performance of his/her duties as such director or officer, or
2. the action, suit, or proceeding, shall be settled or otherwise terminated as against such director or officer or his/her executors, administrators, or other legal representatives without a final determination on the merits and it shall be determined that such director or officer had not in any substantial way been derelict on the performance of the Executive Director's duties as charged in such action, suit, or proceeding, such determination to be made by a majority of the members of the Board of Directors who were not parties to such action, suit, or proceeding although less than a quorum or by any one or more disinterested persons to whom the question may be referred by the Board of Directors, for the purposes of the preceding sentence,
  - a. "action, suit, or proceeding" shall include every action, suit, or proceeding, civil, criminal or other;
  - b. the right of indemnification conferred thereby shall extend to any threatened action, suit, or proceeding, and the failure to institute shall be deemed as final determination.
  - c. a judgment of conviction in any criminal action, suit, or proceeding shall not constitute a determination that the person(s) so convicted has been derelict in the performance of his/her duties if it is determined by a majority of the members of the Board of Directors who are not a party thereto, although less than a quorum, or by one or more disinterested persons to the question may be referred by the Board of Directors, that the person so convicted acted in good faith, for the purpose which he/she reasonably believed to be in the best interest of the corporation; and that he/she had no reasonable cause to believe that his/her conduct was unlawful.

The Association shall also indemnify any employee who is not an officer to the same extent that it does any officer. The foregoing right of indemnification shall not be exclusive of any other rights to which any director or officer or employee may be entitled as a matter of law or which may be lawfully granted to him/her.

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### ARTICLE V - EMPLOYEES

- A. **Executive Director:** The Executive Director is employed by the Board of Directors and shall manage the general operations of the Corporation.
- B. **Corporation Employees, Contractors, and Others:** Qualifications and duties of employees as well as the policies that govern their work shall be determined by the Executive Director in accordance with the organization's personnel policies and procedures.
- C. **Qualifications and Duties:** Qualifications and duties of employees shall be determined by the Board of Directors and included in the personnel policies and procedures. The Executive Director shall develop personnel policies to be approved by the Board for the conduct of employees.
- D. **Conflict of Interest:** Members of the Board of Directors shall follow the conflict of interest policy and may not be employees of NIEA.
- E. **Nepotism:** Persons related to Board members and/or the Executive Director may not be employed by NIEA.

### ARTICLE VI - COMMITTEES

The President, with the approval of the Board of Directors, or the general membership, may cause committees to be formed with guidelines for their operation.

- A. **Standing Committees:** shall submit to the Board of Directors for approval:
  - 1. A rationale and two-year agenda for the Committee;
  - 2. An annual budget, if needed, via the Organization's annual budget cycle;
  - 3. Roles and responsibilities for Committee members; and,
  - 4. Intended outcomes of the Committee's work.
- B. **Ad Hoc Committee(s):** The President, with approval of the Board of Directors, may create Ad Hoc Committee(s) to operate for no more than two years. The President shall submit to the Board of Directors:

## **NIEA CONSTITUTION (Amended October 13, 2018)**

1. A rationale and two-year agenda for the Committee;
  2. A budget (when appropriate), via the Organization's annual budget cycle;
  3. Roles and responsibilities for Committee members; and,
  4. Intended outcomes of the Committee's work.
- C. **Committee Co-Chairs:** The President will appoint a committee Co-chair from within the Board of Directors and allow the Committee to select the other Co-chair from among its members. In special circumstances, the President will appoint the Committee co-chair(s) from the general voting membership. The Committee Co-chair(s) shall:
1. Align work of the committee with the Organization's strategic direction and tactical plans;
  2. Prepare and post with the Secretary a written report no later than 5 business days prior to the next Board of Director's meeting;
  3. Work with the 2<sup>nd</sup> Vice President to notify the President of actionable items needing action by the Board of Directors;
  4. Ensure conducive, positive working environment for Committee; and,
  5. Have at least five (5) members present at each meeting to transact Committee business (e.g. Quorum).

### **ARTICLE VII - RATIFICATION**

Changes or revisions of the Constitution will require two-thirds (2/3) of at least fifty percent (50%) of the voting membership to move for ratification.

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**ARTICLE VIII - AMENDMENTS**

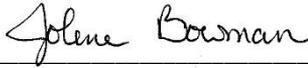
Amendments will require a two-thirds (2/3) vote of thirty-five percent (35%) of the voting membership.

**ARTICLE IX - BY-LAWS**

By-Laws will require for passage two-thirds (2/3) vote of the votes cast by the voting membership. The NIEA Board of Directors will cause By-Laws to be established for the Association which will outline the internal operations of the organization.

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*Amended this 28<sup>th</sup> day of October, 2011 at the annual National Indian Education Association convention in Albuquerque, New Mexico.*



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Dr. Jolene Bowman, President (2017 - 2018)  
National Indian Education Association

# **NIEA BY-LAWS (Amended October 13, 2018)**

## **BY-LAWS OF THE NATIONAL INDIAN EDUCATION ASSOCIATION (Amended October 13, 2018)**

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# **NIEA BY-LAWS (Amended October 13, 2018)**

## **BY-LAWS OF THE NATIONAL INDIAN EDUCATION ASSOCIATION (Amended October 13, 2018)**

### **INTRODUCTION**

These By-Laws are governed by and subject to the provisions contained within the Constitution of the National Indian Education Association. By-Laws are therefore secondary or subordinate to the aforementioned Constitution. By-Laws are made and used for the regulation of the internal affairs of the corporation and its dealings with others and for the government of its members.

### **ARTICLE I – PURPOSES**

The name of the corporation shall be the National Indian Education Association (NIEA). The purposes of the organization are:

#### **A. Advocacy:**

1. To evaluate and improve the delivery of tribal, federal, state, and local educational services.
2. To establish and maintain liaisons with tribal, federal, state, and international agencies.
3. To provide analyses and proactive strategies about issues pertaining to the education of American Indians, Alaska Natives and Native Hawaiians.
4. To define issues in anticipation rather than in reaction.
5. To make recommendations in the area of legislation.
6. To promote human resource development among American Indians, Alaska Natives, and Native Hawaiians by aligning educational and life-long learning experiences with employment opportunities.

#### **B. Technical Assistance Services:**

1. To perform a technical clearinghouse function for education-related issues and developments.
2. To assess and coordinate existing resources and technical assistance services.
3. To identify NIEA membership who can provide technical assistance where needed.

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4. To conduct educational workshops and forums outside the annual convention.
- C. Coordination:**
1. To conduct coordination activities with national Indian organizations, federal, state and international agencies.
  2. To coordinate specific activities with state Indian education associations, state education organizations, and regional American Indian and Alaska Native entities.
  3. To maintain active relationships with tribal governments, tribal education departments, and Alaska Native corporations.
  4. To conduct active relationships with local educational agencies.
- D. Communication:**
1. To conduct an annual convention for assembling the membership of the NIEA to facilitate organizational business.
  2. To coordinate workshops, forums, meetings, and hearings to be held concurrently with the annual convention.
  3. To disseminate specific education issue alerts.
  4. To disseminate a quarterly newsletter during the months of January, April, July, and October.
  5. To promote the development and communication of Indian education research findings.
  6. To develop position papers as may be needed.

## **ARTICLE II – MEMBERSHIP**

As a member-driven organization, NIEA finds its strength in the active, on-going participation of its members. Membership in NIEA is a commitment to advancing Native education across this country, particularly when it is for the benefit of American Indian, Alaska Native, and Native Hawaiian communities and their students. This organization continually seeks the expertise, knowledge, skills, and advocacy found in its members.

- A. Membership:** The annual NIEA membership shall commence confirmation of paid membership. NIEA will compile and report data of the membership annually.

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- B. **Fees:** Organizational membership fees will be determined and set by the NIEA Board of Directors.
- C. **Lifetime Membership:** An NIEA lifetime membership will be provided to the past presidents of NIEA at the conclusion of each presidential term, and to past recipients of the annual NIEA Indian Educator of the Year. In accordance with NIEA's Constitution, lifetime membership can be authorized by NIEA (achieved via paid lifetime membership status).
- D. **Honorary Membership:** An NIEA honorary membership can be conferred only at the direction and approval of the NIEA Board of Directors. The honorary memberships will be awarded from the appropriate category of NIEA membership.
- E. **Approvals:** The NIEA Board of Directors shall be the power to establish procedures and to rule on membership approvals.
- F. **Transfers/Reassignments:** An NIEA membership shall not be transferable or re-assignable.
- G. **Resignations:** Any member may resign by filing a written notice of such intention with the NIEA secretary.
- H. **Termination:** An NIEA membership may be terminated for cause, after an appropriate hearing, by a majority vote of the NIEA Board of Directors. Any membership so terminated will not preclude an application for membership during the next subsequent membership period.

### **ARTICLE III - MEMBERSHIP MEETINGS**

- A. **Annual Membership Meeting:** The annual meeting of the members shall be held during the annual convention.
- B. **Place and Time of Membership Meeting:** The NIEA Board of Directors shall have the authority to specify the day, time, and place of meetings to be held, provided that proper notice of such meeting is given.
- C. **Notice of Membership Meetings:** Notice stating the day, time, and place of any meeting of members shall be communicated by mail or electronic communication to each member entitled to vote

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at such meeting, by or at the direction of the President, or the officers or members calling the meeting. In case of a special meeting or when required by statute or by the By-Laws, the purpose or purposes for which the meeting is called shall be stated in the notice.

- D. **Waiver of Notice:** Whenever any notice is required to be given under provisions of the Non-profit Corporation Act of Minnesota or under provisions of the Articles of Incorporation, a waiver in writing, signed by the member(s) whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.
- E. **Special Membership Meetings:** Special meetings may be called by the majority of the NIEA Board of Directors or by petition signed by not less than ten percent (10%) of the voting membership. The validation of the membership identified on a petition shall be the responsibility of the NIEA Board Secretary.
- F. **Action Without Meetings:** Any action required by law to be taken at a meeting of the NIEA membership, or any organizational business that may be taken at a meeting of the NIEA membership, may be enacted without a meeting if a consent in writing, setting forth that action so taken, shall be signed by twenty percent (20%) of the members entitled to vote with respect to the subject matter whereof. The validation of the membership providing consent shall be the responsibility of the NIEA Board Secretary.
- G. **Order:** All meetings are to be conducted by the latest edition of Robert's Rules of Order, as most recently revised. A process to waive the use of Robert's Rules of Order shall conform to the most recently revised Robert's Rules of Order.
- H. **Parliamentarian:** The President shall annually appoint a parliamentarian to rule on points of order.
- I. **Quorum/Adjourned Meeting:** Thirty-five percent (35%) of the entire NIEA membership of the corporation shall constitute a quorum for the transaction of business at any annual or special meeting. Once a quorum has been established, a meeting may be recessed from time to time without notice other than by an announcement at that meeting. At reconvened meetings, any

## **NIEA BY-LAWS (Amended October 13, 2018)**

business may be transacted that might have been transacted at the meeting as originally noticed.

### **J. Voting Privileges:**

1. Each voting member shall be entitled to one vote on each matter presented to a vote of the membership, except for the election of directors as specified below.
2. Proxy votes shall not be allowed.
3. Once a quorum is established, a majority vote of the voting membership present at the meeting shall be necessary for the adoption of any formal action.

## **ARTICLE IV - BOARD OF DIRECTORS**

A. Eligibility for Board of Directors Selection: The Governance Committee – in accordance with NIEA’s Constitution and Board Policies and Procedures – shall verify eligible candidates for the Board of Directors election slate. As specified in the Constitution, Board of Directors candidates must:

1. Be verified (by the organization) as a general voting member at the time of application submission;
2. Submit documented proof of native enrollment/lineage/descendancy;
3. Present a record of service and good standing (see Board Policies and Procedures) to NIEA;
4. Be willing to fulfill the required roles and responsibilities of a Board of Directors;
5. Not have previously served more than three terms on the Board;
6. Run for one of the following:
  - a) Two (2) student At-Large positions (rotation: 1 annually chosen);
  - b) Six (6) regional positions – Alaska, Hawai’i, West, Great Plains, Southeast, Northeast (rotation: three chosen every two years);
  - c) Four (4) At-Large positions (rotation: two chosen every two years).

\*At-Large positions are filled by a voting member

\*\*No more than 2 can represent a region; both members must represent different tribes; a maximum of 2 members representing a single tribe.

## **NIEA BY-LAWS (Amended October 13, 2018)**

- B. **Nomination Process:** The Governance Committee – in accordance with NIEA’s Constitution and Board Policies and Procedures – shall prepare a slate of Board of Director applicants for member elections. The slate of Board of Director applicants/nominees will be disseminated to the Organization’s membership no later than thirty (30) calendar days before the scheduled opening of the annual voting process. If the deadline dates fall on a weekend or holiday, the deadline date will be the following business day.
- C. **Election Process:** The Governance Committee – in accordance with NIEA’s Constitution and Board Policies and Procedures – shall follow the procedures outlined in the Board Policies and Procedures pertaining to the election NIEA’s Board of Directors. Such procedures will:
1. Be published and disseminated to the NIEA membership each year no later than the first quarter of the organization’s fiscal year;
  2. Election of board members will be held on-site at the NIEA convention. Election procedures will be in accordance with election procedures established and published by the NIEA Board of Directors.
  3. Absentee balloting will be provided for NIEA members not able to attend the NIEA convention. Absentee voting procedures will be in accordance with election procedures established and published by the NIEA Board of Directors.
  4. All official absentee ballots meeting the deadline listed in the Call to Convention will be tallied no later than the day before the close of the voting process. The Governance Committee will ensure confidentiality, accuracy, and validity of the absentee voting process.
  5. Ballots shall be identified as spoiled and not counted if: the ballot indicates votes for more than the number allowed; if the ballot is unclear in any way about the vote(s); and/or if the ballot is marked in any way that indicates an ill-intention or malice toward or disparaging comments about NIEA and its membership (individually or collectively). NIEA’s Ombudsman will preside as the official election judge and the Governance Committee will ensure confidentiality, accuracy, and validity of the election process.

## **NIEA BY-LAWS (Amended October 13, 2018)**

6. A recap of the elections process and the elections results, with appropriate, related details will be announced during the General Assembly of convention and a broadcast communicated to membership.

Board members elected shall be sworn in at the General Assembly and assume official duties at the orientation and NIEA Board of Directors meeting following NIEA convention at which they were elected.

- D. **Re-election:** Board members may not serve consecutive terms; Board members may not serve more than three (3) terms.
- E. **Vacancies:** Any vacancy on the Board shall be filled by candidate with the next highest number of votes from the most recent board election to complete the unexpired term. Should the election list of candidates of the most recent board election be inadequate for any reason to fill a Board of Directors vacancy, the Governance Committee will return to the year prior to the most recent election (and thereafter). Any unexpired term of an officer shall be filled from within the board.
- F. **General Policies and Procedures:** NIEA's Board of Directors will convene (but not limited to) quarterly.
  1. A special meeting of the NIEA Board of Directors may be called by the President and/or by the call of 1/3 of the Board. At least 24-hour electronic notice shall be given for any special meeting. An agenda containing the business and/or purpose of a special meeting, including rationale of the urgency, shall be provided.
  2. A quorum shall be 51% of the number of Board members present at the call to order the meeting. Quorum to be established at the beginning meeting and actions taken will be deemed valid by a simple majority of the remaining Board members. A Board member unable to attend a meeting or remain for its entirety may give their Proxy voting rights to one of the Officers.
  3. Meetings of the NIEA Board of Directors shall be conducted according to Robert's Rules of Order, as most recently revised. All meetings shall be open to the membership and general public.
  4. Executive session(s) may be called by a majority vote of the NIEA Board of Directors in attendance. Any motion to enter

## **NIEA BY-LAWS (Amended October 13, 2018)**

into executive session will require a stated purpose with the time reported for entering and closing such session(s) in the official minutes. A summary of the decision(s) made in Executive Session, if any, should be recorded in official minutes.

- G. Travel **Reimbursement**: The NIEA Board of Directors may receive reimbursement for travel that is pre-approved by the President and with notification to the Organization's Executive Director. Expenses may be incurred with regular, special, or committee meetings. Such compensation shall be provided according to the most current federal rates.

### **ARTICLE V – COMMITTEES**

- A. Committees: The following standing committees shall be in operation –

#### **1. Governance:**

The Governance Committee will support the establishment, implementation, monitoring, and reporting of NIEA's Strategic Plan and tactical plans by:

- a) Strengthening the organization by working alongside the Executive Director to establish, implement, monitor, and report NIEA's governance;
- b) Overseeing the Board of Directors' candidate selection, election, and orientation;
- c) Strengthening the Board of Directors' capacity to operate knowledgably, proficiently, morally, legally, and appropriately;
- d) Reviewing and aligning the activities of the Board of Directors and organization with its policies and procedures;
- e) Periodically reviewing and refining NIEA's Constitution, By-laws, policies, and procedures, and when appropriate, provide a process for revisions that include membership;
- f) Conducting with the President NIEA's annual Board of Directors' and Executive Director's review and provide a general report to the membership;
- g) Overseeing the Board complaint and resolutions processes; and,
- h) Conducting other duties as assigned.

## **NIEA BY-LAWS (Amended October 13, 2018)**

2. **Advocacy:** The Advocacy Committee will support the establishment, implementation, monitoring, and reporting of NIEA’s strategic direction and tactical plans by:
  - i. Strengthening the Organization by working alongside the Executive Director to establish, implement, monitor, and report NIEA’s forward direction through its advocacy;
  - ii. Monitoring, reviewing, and providing commentary to National, State, and Local legislation that impacts Native education across the United States;
  - iii. Activating with the Organization legislative and policy work that supports and advocates for the education of NIEA’s constituency – American Indians, Alaska Natives, and Native Hawaiians;
  - iv. Overseeing the resolutions process at NIEA’s Convention in-line with the Organization’s policies and procedures; and,
  - v. Conducting other duties as assigned.
3. **Native Control of Native Education:** The Education Committee will support the establishment, implementation, monitoring, and reporting of NIEA’s Strategic Plan and tactical plans through its three (3) sub-committees:
  - i. **Native Educator Education and Development**
    1. Strengthening the Organization by working alongside the Executive Director to establish, implement, monitor, and report NIEA’s education strategies;
    2. Working with the Organization to increase the accessibility, quality, and quantity of Native approaches to curriculum, instruction, assessment, and classroom practice;
    3. Enhancing the accessibility, quality, and quantity of Native approaches to teacher preservice/education, educational leadership, and educator professional development;
    4. Increasing viable and sustained ways to ensure the renormalization of Native language education;
    5. Conducting other duties as assigned.
  - ii. **Native Educational Systems**
    1. Strengthening the organization by working alongside the Executive to establish, implement, monitor, and report NIEA’s education strategies;

## **NIEA BY-LAWS (Amended October 13, 2018)**

2. Supporting Native charter schools – networks, creation/development, curriculum, teacher/leadership development, etc;
3. Creating and sustaining native accreditation models that validate native education;
4. Building and expanding capacity, quality, accessibility, and quantity of tribal education – early childhood education, higher education;
5. Improving programs, initiatives, policies, and funding that supports Native approaches to educating NIEA’s constituency in public education systems; and,
6. Conducting other duties as assigned.

### **iii. Native Research, Assessment, and Evaluation**

1. Strengthening the organization by working, alongside the Executive Director to establish, implement, monitor, and report NIEA’s education strategies;
2. Advancing research on Native ways, language, methods, well-being, and other areas that impact the education of NIEA’s constituency;
3. Strengthening assessment of Native students, families, and communities beyond deficit models to strength-based, indigenous epistemological, Native axiological and ontological, and other Native-grounded approaches;
4. Improving systems of evaluation that ensure equity, sovereignty, and respect for Native education; and,
5. Conducting other duties as assigned.

## **4. Membership:**

The Membership Committee will support the establishment, implementation, monitoring, and reporting of NIEA’s Strategic Plan and tactical plans by:

- a) Strengthening the organization’s by working alongside the Executive Director to establish, implement, monitor, and report strategies to increase NIEA’s membership;
- b) Conducting local and regional sessions with NIEA’s constituents to increase their involvement in NIEA’s strategic direction;
- c) Overseeing the creation of new and selection of the annual NIEA awardees (e.g. Educator of the Year, Elder of the

## **NIEA BY-LAWS (Amended October 13, 2018)**

- Year, others) – and providing a slate of award nominees to the Board of Directors for vote;
- d) Engaging and communicating with NIEA’s constituents to generate powerful networks that support native education across the United States and throughout the world;
  - e) Increasing strong relationships between NIEA and partner organizations; and
  - f) Conducting other duties as assigned.
5. **Fiscal:** The Fiscal Committee will support the establishment, implementation, monitoring, and reporting of NIEA’s Strategic Plan and tactical plans by:
- a) Strengthening the organization’s by working alongside the Executive Director to establish, implement, monitor, and report strategies to increase NIEA’s financial sustainability;
  - b) Overseeing the organization’s financial status, reporting, and accountability;
  - c) Ensuring the financial solvency of the organization;
  - d) Expanding funding sources to support the growth of the organization;
  - e) Providing to NIEA’s membership reports (2 annually) on the organization’s fiscal performance;
  - f) Overseeing the organization’s annual financial audit process;
  - g) Monitoring personnel policies and procedures in respect to the well-being of the organization’s staff; and,
  - h) Conducting other duties as assigned.
6. **Executive:** The Executive Committee will be established as consisting of the Officers of the Organization – President, 1<sup>st</sup> Vice-President, 2<sup>nd</sup> Vice-President, Secretary, Treasurer, Parliamentarian, Ombudsman (ex-officio), and the Executive Director (ex-officio). Such committee may meet at stated times or on notice by the NIEA President. During intervals between meetings of the board, such committee shall advise and aid the Officers of the organization in matters concerning the business and affairs of the organization, and generally perform such

## **NIEA BY-LAWS (Amended October 13, 2018)**

duties and exercise such powers as may be directed or delegated from time to time by the Board of Directors.

The NIEA Board of Directors by three-fourths (3/4) affirmative action may authorize the Executive Committee to exercise the powers of the NIEA Board of Directors and the power to fill vacancies on the NIEA Board of Directors.

Other standing (e.g. Audit, Human Resources) or ad hoc committees (e.g. organizational policy, anniversary) may be organized at the discretion of the NIEA Board of Directors. Committees will convene and perform related tasks, as chartered.

- B. Committee Selection:** Committees shall be made up of a mix of Board and general members. The Board of Directors Co-chair will be a Board of Directors officer (see Board of Directors Policies and Procedures: Committee Section); the other Co-chair shall be nominated from the members to the committee subject to the approval of the Board.
- C. Terms:** The terms of the Chairs and committee members shall expire at the conclusion of the Organization's fiscal year.
- D. Number of Individual Chairs for One Board Member:** An NIEA board member may not serve as Co-chairperson for more than two (2) committees.
- E. Committee Expenses:** Any committee-related expenses shall be subject to prior approval of the NIEA Board of Directors.

### **ARTICLE VI - INTERORGANIZATIONAL AFFILIATIONS**

The NIEA Board of Directors may establish formal affiliations with American Indian/Alaska Native/Native Hawaiian organizations such as state Indian education associations, regional corporations, tribal and Indian student organizations, and other entities, as deemed appropriate.

## **NIEA BY-LAWS (Amended October 13, 2018)**

### **ARTICLE VII - ORGANIZATIONAL SPOKESPERSONS**

The NIEA President shall be considered the primary spokesperson for the Association.

However, when specific expertise is required, and/or there is a limited amount of time before a requested event, other Board members or the Executive Director may be tasked with the assignment. The President, in consultation with the Executive Committee, may select a spokesperson(s) to represent the views of the Association for requested topics, issues, availability, and/or proximity to a location of an event or function.

Such a spokesperson, or individual tasked with being the NIEA spokesperson shall report in writing to the NIEA board about the activity.

### **ARTICLE VIII - GENERAL BUSINESS**

- A. Fiscal Year:** The fiscal year of the Association shall commence on January 1<sup>st</sup> and conclude on December 31<sup>st</sup>.
- B. Bonding:** The NIEA Board of Directors shall require any officer or employee handling or having custody of organizational funds to give bond with good sufficient surety in an amount and character to be determined by the Association in compliance with regulations and authorize payment of the premium(s) from the funds of the Association.
- C. Contracts:** NIEA's Executive Director through authorization of the Board of Directors, may enter into any contract, or execute and deliver any instrument in the name of and on behalf of the corporation and such authority may be general or confined to specific instances, in accordance with the Organization's Fiscal and Accounting Policies and Procedures.
- D. Checks:** All checks, drafts, or orders for payment of money, notes, or other evidence of indebtedness issues in the name of the corporation shall be signed by NIEA's Executive Director with authorization by the Board of Directors and in accordance with the Organization's Fiscal and Accounting Policies and Procedures.

## **NIEA BY-LAWS (Amended October 13, 2018)**

- E.** Deposits/Funds: NIEA's Executive Director, with authorization of its Board of Directors, shall have the power to acquire and receive funds and property of every kind and nature whatsoever, whether by purchase, conveyance, lease, gift, bequest, grant, legacy, devise, or otherwise, and to own, hold, invest, spend, make gift, grants and contributions of, and to convey, transfer, and dispose of any funds and property and the income therefrom for the furtherance of the purposes of this corporation or any of them and to lease, mortgage, encumber, invest, and use the same, and such other powers as are consistent with the foregoing purposes and which are afforded to the corporation of the Minnesota Non-profit Corporation Act and in accordance with the Organization's Fiscal and Accounting Policies and Procedures.
- F.** Audit: The NIEA Board of Directors shall cause the records and books of account of the corporation to be audited at least once in each year and at such other times as it may deem necessary or appropriate.
- G.** Examination by Members and Directors: Every member or director of the corporation shall have the right to examine in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, and at the place or places where usually kept, all books and records of the corporation and to make extracts therefrom at the expense of the individual requesting such corporate documentation.
- H.** Information to Members and Directors: Upon request by a member or director of NIEA, the Corporation shall furnish to that individual a statement showing the financial results of all operations and transactions affecting income and surplus during the corporation's last fiscal year, and a balance sheet containing a summary of its assets and liabilities as of the closing date of such fiscal year. The cost of furnishing such information shall be the responsibility of the member or director requesting the information.

## **ARTICLE IX - ANNUAL CONVENTION**

## **NIEA BY-LAWS (Amended October 13, 2018)**

- A. Convention Site:** The site of the annual NIEA convention will be selected in accordance with NIEA's six region rotation: Alaska, Hawai'i, West, Great Plains, Southeast, and Northeast.
- B. Default:** In the event that the NIEA Board of Directors or the host organization(s) for a designated convention declares a default in the fulfillment of a convention proposal, the Board shall be authorized to select an alternative convention site.
- C. Terms, Contracts, and Agreements:** NIEA's Executive Director, with authorization of the Board of Directors, shall have the authority to negotiate and approve all terms, contracts, and agreements related to the annual convention, including but not limited to the following, in accordance with the Organization's Fiscal and Accounting Policies and Procedures:
  - 1. Approving convention dates and program agenda.
  - 2. Executing all convention contracts and agreements.
  - 3. Selecting keynote speakers, honorees, and award recipients.
  - 4. Approving the convention theme, poster, and logo(s).
  - 5. Approving the Call to Convention booklets and promotional flyers.
  - 6. Approving convention fees, expenditures, and revenue-sharing agreements.
  - 7. Approving the final convention program information, including dissemination method (e.g. booklet, application).

## **ARTICLE X - RESOLUTIONS**

- A. Definition:** For Association purposes, a resolution shall be defined as a formal expression, intent, belief, or position to be considered by the Association, adopted by the voting membership, generally at the designated annual convention, and which provides for action or the direction in which the Association shall move toward. All resolutions must express that which is within the scope of the goals and objectives of the organization.
- B. Submissions:** All proposed resolutions shall be submitted by NIEA members in good standing during the year or before the annual convention with a deadline of at least sixty (60) days prior to the beginning of the next annual convention. A proposed resolution with names, addresses, and phone numbers of the

## **NIEA BY-LAWS (Amended October 13, 2018)**

resolution sponsors shall be submitted to the NIEA Resolutions Committee at the designated office of the Association. Emergency resolutions to be considered at the annual convention must be submitted to the NIEA Resolutions Committee no later than twenty-four (24) hours prior to the last NIEA general membership meeting to allow for adequate screening and presentation to the membership for voting.

- C. **Procedures:** The NIEA Board of Directors by recommendation of the NIEA Resolutions Committee shall adopt uniform procedures related to the formal submission and consideration of proposed resolutions. Such procedures shall be made known to the NIEA membership through the Association newsletter and/or Call to Convention booklet.
- D. **Adoption:** All resolutions duly adopted by the NIEA membership shall be signed by the NIEA President and disseminated to the appropriate agencies for action on the issue(s) or concern(s) addressed by the resolution. Any resolution not recommended by the board to the voting membership shall be returned to the sponsor(s) with an explanation of reason or reasons why such action was taken.
- E. **Disposition:** The designated office of the Association shall maintain a record and publish by title all adopted and rejected resolutions for dissemination to the NIEA membership, for appropriate organizational follow-up, and for future reference.

### **ARTICLE XI - AMENDMENTS**

All By-Laws of the Corporation shall be in conformity with the provisions of the NIEA Constitution. If and when the constitution is revised or amended, the NIEA Board of Directors shall cause a concurrent revision or amendment to these By-Laws, as applicable. By-Laws may be revised or amended by a majority vote of the ballots cast at the annual convention.

- A. **Amendment Process:** Revisions or amendments of the NIEA Constitution and By-Laws will be implemented according to the following procedures:

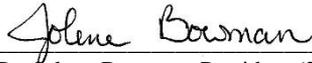
## **NIEA BY-LAWS (Amended October 13, 2018)**

1. Any person proposing to revise or amend the NIEA Constitution and By-Laws shall be an NIEA member in good standing.
  2. The specific wording of a revision or amendment must be submitted in writing to the NIEA Board of Directors. The NIEA Board must by two-thirds (2/3) vote approve of the presentation of the proposed revision or amendment to the NIEA membership for consideration at the annual convention.
  3. NIEA members in good standing have the option of presenting for membership consideration any proposed revision or amendment by a petition signed by NIEA voting members totaling not less than fifty (50) of the NIEA voting membership at least thirty (30) days prior to the annual convention. Such petition shall be filed with the NIEA Secretary after which the NIEA Board shall direct that the proposed revision or amendment be submitted to a vote of the NIEA membership at the annual convention.
  4. An NIEA Constitution Committee will be established to implement the process for presenting a proposed revision or amendment to the NIEA membership. A written notice of the proposed revision or amendment shall be provided.
  5. Voting on a proposed revision or amendment shall take place at the annual convention. An NIEA Constitution Committee will be responsible for tabulating the official votes and for reporting the voting outcome to the NIEA membership.
- B. Effective Date:** Any duly-adopted revision or amendment to the NIEA Constitution and By-Laws shall become effective at the first NIEA Board of Directors meeting held after the conclusion of each annual convention.
- C. Certification of Amendment(s):** All duly amended By-Laws shall be certified upon the signature of the President following the convention during which the By-Laws were revised or amended.

**NIEA BY-LAWS (Amended October 13, 2018)**

\*\*\*\*

*Amended this 28<sup>th</sup> day of October, 2011 by the National Indian  
Education Association board meeting.*

A handwritten signature in cursive script that reads "Jolene Bowman". The signature is written in black ink and is positioned above a horizontal line.

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Dr. Jolene Bowman, President (2017 - 2018)  
National Indian Education Association