



## NESTA Constitution

1. The name of the Association shall be the Native English Speaking Teachers' Association, hereinafter known as NESTA.
2. The objectives of NESTA shall be:
  - 2.1. to provide Native English Speaking Teachers, hereinafter known as NETs, with professional and personal support to help them to effectively fulfil their duties and to enjoy the experience of living and working in Hong Kong
  - 2.2. to offer support and advice to the Education Bureau, hereinafter known as the EDB, and to the schools under the Hong Kong Government NET Scheme to help them to recruit, to provide induction, and to deploy NETs as effectively as possible
  - 2.3. to promote and enhance high standards of English language teaching in Hong Kong.
3. NESTA shall not be affiliated with any other teaching association nor any political party.
4. NESTA shall from time to time enter into agreements with businesses and or service providers to provide benefits, products, and or services to NESTA.
5. NETs employed in either primary or secondary schools under the Hong Kong Government NET Scheme, or DSS schools, and those Advisory Teachers (ATs) and Regional NET Coordinators (RNCs) who were originally employed as NETs under the Hong Kong Government NET Scheme shall be eligible to be members of NESTA.
6. All members have equal voting rights and shall exercise those rights in the manner set out in the Bylaws.
7. The NESTA Bylaws shall not contravene the Constitution.
8. The NESTA Bylaws may be amended by a simple majority vote of the members in a vote conducted as stipulated in the NESTA Bylaws.
9. The NESTA Constitution may be amended by a simple majority vote of the members in a vote conducted as stipulated in the NESTA Bylaws.
10. NESTA shall represent and work in the best interests of all NETs.
11. NESTA does not and shall not discriminate on the basis of race, colour, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, or sexual orientation, in any of its activities or operations. NESTA is committed to providing an inclusive and welcoming environment.



## NESTA Bylaws

### Bylaws and Amendment Procedures

1. The NESTA Bylaws supersede all other verbal or written standing rules, guidelines, policies, procedures and traditions, but are subject to the NESTA Constitution.
2. The NESTA Bylaws may be amended by a vote as prescribed in the NESTA Constitution and conducted by online voting at the June general meeting provided that proposed changes are submitted to the Motions and Elections Officer no later than the 31<sup>st</sup> of May. Ten percent (10%) of the total NESTA membership shall be required to vote on the proposed amendments before they can be accepted as amended.
3. The NESTA Constitution may be amended by a vote as prescribed in the NESTA Constitution and conducted by online voting at the June general meeting provided that proposed changes are submitted to the Motions and Elections Officer no later than the 31<sup>st</sup> of May. Ten percent (10%) of the total NESTA membership shall be required to vote on the proposed amendments before they can be accepted as amended.

### Lifetime Membership

4. NESTA shall also include those members who have been granted lifetime membership by NESTA in recognition of their outstanding and meritorious service as members of NESTA. Outstanding and meritorious service shall be, but not limited to, service of at least two consecutive years on a NESTA Committee.
5. Lifetime memberships shall be granted to NESTA members who have left the NET Scheme. The Executive shall rescind the lifetime membership of any member who re-enters the NET Scheme either as a primary or secondary NET or as an AT or RNC.
6. To be considered for lifetime membership, a member shall make a motion, and another member shall second it, to confer Lifetime Membership on a member who has left the NET Scheme.
  - 6.1. All motions to confer Lifetime Membership shall be submitted to the MEO before the deadline for motions for a General Meeting
  - 6.2. The MEO shall present the motions to the membership for vote
7. Lifetime members shall be exempt from payment of the annual membership fee.
8. Lifetime Members are considered regular members of NESTA with all membership rights; however, they are not eligible to hold Executive office in NESTA.
9. Those members who have already been granted lifetime membership shall be grandfathered.

## Membership Suspension

10. Any suspension of membership privileges of any member must be voted on by the membership. Any executive decision on the above matter may only be temporary for a maximum period of one month, while an investigation takes place.

## NESTA Executive

### Composition

11. The Executive shall consist of a chairperson, a secretary, a treasurer, a secondary liaison officer, a primary liaison officer, a communications officer, a benefits and welfare coordinator, a professional development coordinator and a social coordinator.
12. ATs and RNCs are not eligible to hold Executive office in NESTA.

### Duties of the NESTA Executive Committee

13. The duties of the Executive shall be:
  - 13.1. to ensure that the Constitution and Bylaws are known to members and followed
  - 13.2. to promote an understanding of the objectives of NESTA
  - 13.3. to promote and publicise the activities of NESTA
  - 13.4. attend to matters of importance to NESTA
  - 13.5. to secure funding for the long-term operations of NESTA.
  - 13.6. to hold and attend executive meetings, general meetings, and EDB liaison meetings in accordance with the bylaws
  - 13.7. to make known to members the procedures for general meetings
  - 13.8. to fill vacancies on the Executive in accordance with the bylaws
  - 13.9. to supervise the compilation of the NESTA budget for approval in accordance with the bylaws
  - 13.10. to vote on the treasurer's executive motions regarding a proposed membership fee and NESTA budget
  - 13.11. to vote on the Exec approved membership fee or budget at the relevant AGM or GM together with all the members in attendance
  - 13.12. to authorize and approve NESTA expenses and expenditures of monies
  - 13.13. to send out notices to members requesting volunteers to work on committees, make appointments to committees, and receive committee reports
  - 13.14. to inform and consult the Chairperson between regular meetings on NESTA matters

## **Duties of the Executive Committee Members**

### *Chairperson*

14. It shall be the duty of the Chairperson:

- 14.1. to promote the objectives of NESTA
- 14.2. to call NESTA meetings, preside thereat and plan the agenda thereof
- 14.3. to be responsible for maintaining order at all meetings
- 14.4. to be responsible for the execution of motions that have been carried by the association
- 14.5. to keep the membership informed of NESTA business through the NESTA website and by electronic mailing
- 14.6. to attend to all correspondence as directed by the Executive
- 14.7. to maintain an accurate record of all members
- 14.8. to forward to the general membership the names and electronic mailing addresses of the Executive within a month of their election to office
- 14.9. to attend Executive Committee meetings and general meetings and to give reports to the membership. By virtue of the office, the chairperson shall be an ex-officio member of all committees.

### *Secretary*

15. It shall be the duty of the Secretary:

- 15.1. to record and keep on file the minutes of executive and general meetings, noting especially motions carried, with mover and seconder
- 15.2. to list motions at executive meetings for expenditure approvals in the minutes
- 15.3. to amend any errors in the minutes before presenting them to the membership for adoption at the next general meeting
- 15.4. to post all minutes of the general meetings adopted by the membership, minutes of all Executive meetings, and all motions voted on by the Executive Committee, on the members section of the NESTA website
- 15.5. to inform members of future meetings at least one (1) week before they take place
- 15.6. to be responsible for all correspondence which will be incorporated into the agendas and tabled at the meetings
- 15.7. to prepare the agendas for the Executive Committee meetings and post to Executive Committee members at least one (1) day in advance of the meeting. Executive Committee

members may contact the secretary to add any item to the agenda up to one (1) day prior to the meeting

- 15.8. to prepare the agendas for the general meetings and to post agendas on the NESTA website at least one (1) day in advance of the meeting. Members may contact the secretary to add any item to the agenda up to one (1) day prior to the meeting
- 15.9. to attend Executive Committee meetings and general meetings.

## *Treasurer*

### 16. It shall be the duty of the Treasurer:

- 16.1. to make an executive motion to approve the proposal of a specific membership fee for the upcoming year. This motion and publication of the result must be completed at least 2 weeks prior to the June AGM for membership scrutiny
- 16.2. to present the approved proposed membership fee at the June AGM for vote by all members in attendance as a function of the executive members' constitutional duty.
- 16.3. to make an executive motion to approve the proposal of a specific budget for the upcoming year starting September 1. This motion and publication of the result must be completed at least 2 weeks prior to the September GM for membership scrutiny
- 16.4. to receive and acknowledge all monies from the membership
- 16.5. to deposit all funds in the name of NESTA in a bank account approved by the Executive
- 16.6. to keep an account of all money received, and to provide a half yearly financial report to the membership
- 16.7. to pay all authorized accounts and expenses incurred by NESTA as directed by the Executive
- 16.8. to present a financial report to date to the membership at the final NESTA general meeting of the year
- 16.9. to keep a copy of a separate list of financial motions from executive meetings (for audit)
- 16.10. to have the accounts audited annually and to present the report to the membership
- 16.11. to attend Executive Committee meetings and general meetings and to give reports to the membership.
- 16.12. to assist in maintaining an accurate record of all members

## *Liaison Officers*

17. It shall be the duty of the Liaison Officers:

- 17.1. to consult with the Executive Committee on cases as and when necessary
- 17.2. to liaise with the EDB on behalf of the Executive and the membership of NESTA
- 17.3. to prepare a verbal or written report given at NESTA general meetings
- 17.4. to take up cases on behalf of individual members who have not reached a satisfactory agreement in their dealings with the EDB or their individual schools in an attempt to achieve a positive resolution
- 17.5. to attend Executive Committee meetings and general meetings and to give reports to the membership.

## *Communications Officer*

18. It shall be the duty of the Communications Officer:

- 18.1. to maintain and regularly update the website, blog, and forum, or delegate such duties to a webmaster
- 18.2. to maintain an accurate record of all members
- 18.3. to provide technical assistance to members using the website and forum
- 18.4. to attend Executive Committee meetings and general meetings and to give reports to the membership.

## **Coordinators**

19. It shall be the duty of the Coordinators (Benefits and Welfare, Professional Development, and Social):

- 19.1. to be a member of their respective standing committees and fulfil the duties thereof
- 19.2. to assist the other members of the Executive in their duties as requested
- 19.3. to attend Executive Committee meetings and general meetings.

## **Removal of Executive Committee Members from Office**

20. A member of the Executive Committee who fails to perform the duties inherent to the position may be removed from office by a vote of the NESTA membership.

21. Any member may bring forward such a motion provided they give at least one month's notice of such impending action to the NESTA membership.

22. Members shall vote on such a motion to remove a member from the Executive Committee by electronic voting or at a general meeting. In order for the motion to be passed, ten percent (10%) of the total membership must vote on the motion.

## Grounds for Removal

23. An Executive Officer may be removed from office for any one of the following reasons if the Executive or the membership have or received information which leads them to believe that the Executive Officer:
- 23.1. has neglected his/her duties to the extent that the proper operation of the Association is being negatively affected
  - 23.2. has engaged in misrepresentation of funds
  - 23.3. has undertaken activities inconsistent with the principles and policies of NESTA
  - 23.4. has been absent from Executive Meetings and/or General Meetings for three consecutive meetings without a valid reason.
24. Any Executive Officer removed from his/her position on the Executive Committee shall be banned from holding any executive position on the Executive Committee or from any appointment by the Executive Committee for a period of no less than three (3) years from the date of removal.
25. If an Executive Officer is removed from office, the Executive shall replace that officer by a by-election if there is more than three (3) months left to the term or by appointment only if there is less than three (3) months of the term left.

## Standing and Special Committees

26. A standing committee shall be a committee that serves a permanent and continuing function for NESTA.
27. Standing committees of NESTA shall be:
- 27.1. Professional Development Committee
  - 27.2. Benefits and Welfare Committee
  - 27.3. Social Committee.

## Selection and Composition of Standing Committees

28. To fill positions on standing committees, or if positions become vacant on committees, or if new committees are established, the Executive shall post notices requesting volunteers to serve on these committees, to be appointed by an Executive Committee vote for a one-year term, or until June 30, whichever is shorter
29. Each standing committee shall select a chairperson from the committee members.
30. Each standing committee shall seek Executive Committee approval on all legally binding contracts or agreements that the committee may enter into on behalf of NESTA.

## **Selection and Composition of Special Committees:**

31. A special committee shall be a committee that is established for a specific purpose and ceases to exist after the task assigned to it is completed and the committee makes its final report.
32. A special committee shall be formed by a motion and a vote by the membership in accordance with the bylaws.
33. The Executive Committee shall send out notices requesting volunteers to serve on special committees when the need arises.
34. If positions become vacant on a committee during the year, the Executive Committee will ask for applications and will appoint members to fill the vacancies.
35. Each special committee shall select a chairperson from the committee members.
36. Each special committee shall seek Executive Committee approval on all legally binding contracts or agreements that the committee may enter into on behalf of NESTA.

## **Duties of Standing Committees**

37. The duties of the standing committees shall be:

### *Professional Development Committee*

- 37.1. to provide professional development days and online resources
- 37.2. to make reports to the Executive Committee and the membership at general meetings.

### *Social Committee*

- 37.3. to be responsible for organizing social activities
- 37.4. to make reports to the Executive Committee and the membership at general meetings.

### *Benefits and Welfare Committee*

- 37.5. to monitor the remuneration package in recruiting qualified and experienced NETs to the Scheme by keeping up-to-date information and statistics on the different aspects of the package
- 37.6. to monitor deployment practices to ensure that the deployment of NETs in schools is effective in helping NETs achieve the aims of the Scheme
- 37.7. to request that the EDB review aspects of the remuneration package and/or deployment issues as and when necessary
- 37.8. to make reports to the Executive Committee and the membership at general meetings.



## **Removal of Standing or Special Committee Members from Positions**

38. Members of standing committees and special committees who fail to perform the duties inherent to the position may be removed from that position by a simple majority vote of the Executive Committee provided that at least ten (10) days written notice of such impending action be given to the member. The Executive Committee's decision shall be final.

## **Motions, Nominations, and Election Procedures**

39. The Motions and Elections Officer is responsible for overseeing all motions proposed by the membership and all elections of Executive Committee members.
40. A Motions and Elections Officer shall be appointed by the Executive Committee if motions have been put forward or an election for an officer position is to be held.
- 40.1. The appointment shall expire when the MEO's duties are complete.
- 40.2. The appointee shall not be a current member of the NESTA Executive Committee except when no other candidate can be appointed.
- 40.3. In such circumstances, the Executive Committee may appoint an Executive Committee member as acting Motions and Elections Officer.
- 40.4. For the June elections, the appointee shall not be a current member of the NESTA Executive Committee.

## **Motions**

41. Any member may propose a motion to be voted on.
- 41.1. Motions shall be sent to the Motions and Elections Officer with the motion wording, a rationale and the name of the mover and seconder.
- 41.2. Only motions that have been submitted to the NESTA Motions and Elections Officer no later than the last day of the month preceding a general meeting shall be eligible for voting on by the membership.
- 41.3. Motions may be amended or withdrawn by notifying the MEO up to the end of the general meeting to include changes discussed on the forum or at the general meeting.
- 41.3.1. Motion amendments or withdrawals must be approved by both the mover and seconder.
- 41.3.2. Only minor amendments may be made to a motion and the general intent of the motion shall remain the same.

41.4. No voting will take place in person at a general meeting except for procedural motions or other votes required to carry out the duties of the executive officers under the constitution or bylaws.

41.4.1. These votes shall be a simple majority vote of those members in attendance at the general meeting.

41.5. All other voting will take place online with a running tally of online voting results viewable during the process.

41.6. Online voting on motions shall be from 20<sup>th</sup> to 26<sup>th</sup> (inclusive) of the month in which the general meeting takes place.

41.7. Results of each vote will be posted on the NESTA Forum no later than three (3) days after voting has closed.

#### 42. Procedures for Voting on Motions to amend the Constitution or Bylaws

42.1. All motions to amend the Constitution or Bylaws must be submitted no later than 31<sup>st</sup> May.

42.2. Online voting on motions to amend the Constitution or Bylaws shall be from 20<sup>th</sup> to 26<sup>th</sup> (inclusive) of June.

#### 43. Procedures for Discussion of Motions at a general meeting

43.1. Only motions that have been submitted to the NESTA Motions and Elections Officer no later than the last day of the month preceding the general meeting shall be tabled for discussion at a general meeting.

43.2. There shall only be one (1) motion on the floor for discussion at a time.

43.3. Members shall speak for or against a motion in the following order:

43.3.1. the mover of the motion

43.3.2. the seconder of the motion

43.3.3. a speaker against the motion

43.3.4. a speaker for the motion.

43.4. The discussion on the motion shall continue in this manner until there is no longer a speaker for or a speaker against the motion.

43.5. Members shall speak for or against the motion once only.

43.6. The mover has the right to speak a second time for the motion and, by doing so, ends the discussion.

#### **Duties of the Motions and Elections Officer for Motions**

44. The duties of the Motions and Elections Officer for all motions shall be:

44.1. to ensure all motions are:

- 44.1.1. constitutional
- 44.1.2. proposed and seconded by current or Lifetime Members of NESTA
- 44.2. to post the motion(s) and inform members of the vote on the NESTA forum
- 44.3. to post details of the general meeting where the motion(s) will be discussed
- 44.4. to oversee the discussion on the motion(s) at the general meeting
- 44.5. to oversee any amendments or withdrawal of the motion(s)
- 44.6. to set up and manage the vote online
- 44.7. to post details on the NESTA forum on how to vote online
- 44.8. to liaise with the Communications Officer to send out emails to the membership with voting instructions and reminders to vote
- 44.9. to announce the voting results on the NESTA forum
- 44.10. to inform the Communications Officer of any changes that need to be made to the constitution or website following the vote.

## **Elections**

- 45. Any member may nominate another member as a candidate for a position.
  - 45.1. All nominations will be vetted by the MEO to determine if the nominated member(s) accept(s) the nomination(s).
  - 45.2. The election of the NESTA Executive Committee will be held annually at the June general meeting.
  - 45.3. By-elections may take place at other general meetings to fill vacant posts.
  - 45.4. A by-election will take place the following month after a member submits a valid nomination to the MEO and Chair or posts their nomination on the forum.
  - 45.5. A general meeting will be called for the by-election.
  - 45.6. If a post has been vacated, for whatever reason, with less than three months of the term remaining, no by-election shall be held.
    - 45.6.1. In such a case, the executive may appoint someone to that post until the next election.

## **Duties of the Motions and Elections Officer for Elections**

- 46. The duties of the Motions and Elections Officer for elections of Executive Committee members shall be:
  - 46.1. to post notice to all members on the NESTA forum of the date and time of the upcoming election before 31<sup>st</sup> May (or the last day of the month preceding the election in the case of by-elections)

- 46.2. to invite candidates to stand for the positions of chairperson, secretary, treasurer, primary liaison officer, secondary liaison officer, communications officer, benefits and welfare coordinator, professional development coordinator, and social coordinator
- 46.3. to receive nominations up until the June general meeting (or at a general meeting where a by-election takes place) including from the floor at the meeting
- 46.4. to verify the membership status of the candidates and the nominators
- 46.5. to determine if the nominated member(s) accept(s) the nomination(s)
- 46.6. to prepare and post a list of declared candidates on the NESTA forum no later than 15<sup>th</sup> June (or 15<sup>th</sup> of the month of the election in the case of by-elections)
- 46.7. to set up and manage the vote online
- 46.8. to post details on the NESTA forum on how to vote online
- 46.9. to liaise with the Communications Officer to send out emails to the membership with voting instructions and reminders to vote
- 46.10. to announce the members of the newly elected Executive Committee on the NESTA forum no later than three (3) days after voting has closed.

## **Procedures for Elections of the Executive Committee**

47. The procedures for the elections of the Executive Committee shall be as follows:
  - 47.1. Executive Committee members shall be elected by online voting provided that ten percent (10%) of the members vote
  - 47.2. The candidates shall be nominated by a member up until the June general meeting (or at a general meeting where a by-election takes place) where nominations will also be accepted from the floor
  - 47.3. Nominations at the general meeting for positions on the Executive Committee will be accepted in the following order:
    - 47.3.1. Chairperson
    - 47.3.2. Secretary
    - 47.3.3. Treasurer
    - 47.3.4. Primary liaison officer
    - 47.3.5. Secondary liaison officer
    - 47.3.6. Communications officer
    - 47.3.7. Benefits and welfare coordinator
    - 47.3.8. Professional development coordinator
    - 47.3.9. Social coordinator.

- 47.4. Members can only be nominated for one position on the Executive Committee at any one time. If a member is currently serving on the Executive Committee, he/she must resign from their current position before standing for another position.
  - 47.5. After the Motions and Elections Officer has called for nominations from the floor at a general meeting, if there is only one nomination for a position, he/she will be acclaimed to that position at the general meeting.
  - 47.6. If there is more than one nomination for a position, a vote online shall take place from 20<sup>th</sup> to 26<sup>th</sup> (inclusive) of the month in which the general meeting takes place for those positions.
  - 47.7. Candidates shall be allowed to submit statements of no more than 250 words to the Motions and Elections Officer to be posted on the NESTA forum no later than 15<sup>th</sup> of the month in which the election takes place.
  - 47.8. Candidates may speak for two (2) minutes at the general meeting.
  - 47.9. The term of office for all Executive Committee members shall be for one (1) year (or until 31<sup>st</sup> May in the case of by-elections).
  - 47.10. The newly elected members of the Executive Committee shall assume their positions on 1<sup>st</sup> July.
  - 47.11. To be eligible for service on the executive, the person must remain a member of NESTA throughout the duration of his or her term of office.
  - 47.12. Membership applications received from 1<sup>st</sup> June to 30<sup>th</sup> June (inclusive) each year will not be processed until 1<sup>st</sup> July.
48. In line with the Hong Kong Data Privacy Ordinance, no member shall use member's personal private information including but not restricted to email addresses, telephone numbers, etc. to solicit votes for their personal candidacy or for the candidacy of another member in any NESTA election. For the sake of canvassing support for an election, all discussion, debate, promotion, etc. shall occur only on the NESTA forum. Any candidate in violation shall withdraw from the election and be barred from seeking election for two years. Any executive officer in violation shall resign immediately from office and will be barred from seeking re-election for two years.

## Meetings and Procedures

49. Robert's Rules of Order shall be used at all NESTA meetings where they are not inconsistent with the Constitution or the By-laws or any other special rules of order NESTA may adopt. Robert's Rules of Order may be simplified to meet the needs of the Association.



### **Executive Committee Meetings**

50. Executive Committee meetings shall be chaired by the chairperson or their designated Executive Committee member.

### **General Meetings**

51. NESTA general meetings shall be chaired by the chairperson or his or her designated Executive Committee member.

52. Agendas and notices of meeting dates shall be posted on the NESTA website prior to the general meetings.

53. 53. There shall be 2 in-person general meetings each year in the following months: September and June; as well as general meetings in other months if a by-election is called or an important issue needs to be addressed.

### **Committee Meetings**

54. Committee meetings shall be held at a time and location determined by the committee chairperson.

## **NESTA Website and Forum**

### **Forum Moderators**

55. The Forum Moderator(s) shall be appointed by the NESTA Executive.

### **Duties of the Forum Moderator**

56. The duties of the Forum Moderator(s) shall be:

- 56.1. to monitor all postings on the NESTA website and forum and take action on offensive comments that are in breach of the Code of Conduct
- 56.2. to move posts if they are considered to be unsuited to the particular forum or moving away from the topic begun at the start of the thread
- 56.3. remove, edit, move or close any topic in line with the Code of Conduct
- 56.4. to give warnings to members who have violated the Code of Conduct for the first and second time within a year
- 56.5. to refer members who have violated the Code of Conduct for the third time within a year to the NESTA Executive.



### **Code of Conduct for the NESTA Website and Forum**

57. Users of the NESTA website or forum shall:

- 57.1. not discriminate on the basis of gender, age, ethnicity, religion, or sexual orientation
- 57.2. respect other members' points of view
- 57.3. not use abusive language against other members
- 57.4. follow the rules and regulations of the NESTA constitution
- 57.5. not disclose personal information or correspondence from our forum OR on our forum without the written permission of all parties
- 57.6. not post material that is knowingly false, defamatory, inaccurate or abusive in any way
- 57.7. not post any abusive, obscene, vulgar, slanderous, hateful, threatening, sexually orientated or any other material that may violate any laws be it of your country, the country where the NESTA forum is hosted or International Law.

58. Any member found to have violated the Code of Conduct of the NESTA website or forum shall:

- 58.1. be given a warning by the Forum Moderator, which will remain on the member's record for one (1) year from the time the warning is issued
- 58.2. on the third violation, be suspended from the NESTA website or forum for a period of time determined by the NESTA Executive Committee.