

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

Mission Statement

The mission of the Association for Teachers of English in Korea shall be to:

- establish the Association for Teachers of English in Korea as the voice of English instructors employed in the Republic of Korea;
- advance English education as a science, art, and profession;
- advocate for and represent Members to all levels of stakeholders in English education;
- improve the living and working conditions of Members;
- improve the usefulness of English teachers through high standards of ethics and conduct and provision of advice related to the same;
- increase and spread best practices in education through meetings, professional contacts, reports, papers, discussions, publications, and online forums; and
- provide a community where English teachers can come together in a spirit of mutual collaboration to advance their common goals.

We shall endeavour to achieve this mission in a democratic, transparent and accountable manner.

National Bylaws

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ARTICLE I - MISSION

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- provide a community where English teachers can come together in a spirit of mutual collaboration to advance their common goals.

ARTICLE II - PARLIAMENTARY PROCEDURE

Robert's Rules of Order, 1915 Edition shall be the parliamentary procedure used by this Association, unless procedures are expressed otherwise in these bylaws or are otherwise developed and used in practice by Bodies of the Association.

ARTICLE III - NATURE OF ENTITY

1 The Association is hereby established in the Republic of Korea and all relevant jurisdictions as a non-profit organization.

2 'The Association' means the Association for Teachers of English (ATEK) and encompasses the Membership and Bodies of the Association and shall be referred to as such throughout the rest of this document.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

3 'The Bodies of the Association' means any entity of the Association, including but not limited to, the General Membership, Associate Membership, National Council, National Executive, Commissions, Committees and affiliated Provincial/Metropolitan Associations (PMAs) and shall be referred to as such, unless explicitly stated otherwise, throughout the rest of this document .

ARTICLE IV - MEMBERSHIP

General Membership and Associate Membership

1 The Association shall consist of two classes of members: General Members and Associate Members.

2 General Members of the Association shall be individuals who meet, and can show evidence as deemed necessary by the Association of, the following employment and residential requirements:

(a) Employment Requirement: General Members must be currently legally employed as a teacher of English, this includes teachers who use English as the primary language to teach any subject other than English, or those whom have been employed as such within the last 90 days;

(b) Residency Requirement: General Members must legally reside in Korea.

3 Associate Members of the Association shall be individuals who do not meet the General Membership eligibility requirements herein but whom wish to become Members of the Association.

4 General Members shall enjoy full participation rights in the Association and Associate Members shall enjoy limited participation rights in the Association.

5 Associate Members may upgrade membership to General Member status at any time, provided that they can fulfil and evidence the requirements set forth herein.

Equality and Inclusivity

6 The Association aims to have an inclusive membership based upon the principles of equality; as such all individuals shall have a fair and equal opportunity to apply to join as a Member of the Association, subject to restrictions in these bylaws, and shall not be denied membership or the option to apply for membership or be discriminated against based on race, nationality, ethnic origin, religion, gender, gender identity, sexual orientation, age, mental or physical disability, social background or whether the individual has a temporary, permanent or semi-permanent right to reside and work in the Republic of Korea; as such no individual should be refused membership based on any of these factors.

Affidavit

7 All Associate and General Members must be committed to the mission and objectives of the Association and must act in the best interests of the Association at all times and therefore must agree to be bound by the bylaws and respective duties, obligations or responsibilities specified in or

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

derived from these bylaws herein and must sign an affidavit to such ends when joining the Association.

Verification Process and Procedures

8 A teacher must provide clear evidence of the requirements specified in this Article to the verifying Officer when applying to become a General Member.

9 All Officers and Representatives of the Association are permitted to verify General Members.

9 (a) The verifying Officer must accept and record the evidence in a reasonable time and not cause any unnecessary or unreasonable obstruction or delay to the verification process.

10 An individual who feels their application for membership has been unfairly determined by the verifying Officer shall have the right to recourse to the National Membership Officer or appropriate Body of the Association invested with powers to investigate.

11 Members who are not under investigation or sanction of the Ethics Committee are considered to be in good standing for membership.

12 Resignations of General Members or Associate Members must be made in writing to the Association and communicated to the Local Membership Officer and or the National Membership Officer.

13 The National Membership Officer may refuse resignations if the Member is under investigation of the Ethics Committee as provided for in Article XVI, or any other Body of the Association. In such cases, it is left to the discretion of the National Membership Officer and the investigating body to decide whether or not to accept the resignation or to proceed with the investigation.

Teacher

14 For the purposes of this document a teacher is any teacher, instructor, tutor, teaching assistant, lecturer, professor, or educator at any level who teaches English or primarily through the medium of English.

15 A teacher is not someone who has a management role in the field of education. This is in no way intended to adversely affect professional development or counter the mission of the Association; rather the intention is to protect the Association, Members of the Association and the mission of the Association as an Association for teachers of English.

15 (a) Whether an individual applying to be a member is considered to be a 'manager' or a 'teacher' shall be decided by the appropriate Body or Official of the Association.

ARTICLE V - BILL OF RIGHTS FOR MEMBERS

Voting and Holding Office

1 All General Members shall have the right to vote through free, fair and democratic elections and all General Members can expect their vote to count equally and hold equal weight. Voting in any Association election may be done in-person, by mail, or online poll.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

2 All General Members shall have the right to run for and, if fairly elected or appointed, hold office as an Officer or Representative of the Association at all levels in the Association; and or to secure fair consideration for appointment to office at all levels in the Association.

3 All General Members' interests represented by Officers or Representatives, locally or nationally, or in any way by any other General Member in any Body of the Association shall expect the official to have equal weighted votes; one official has one vote irrespective of the amount of General Members that official represents.

4 Associate Members may not vote or hold office in the Association, but shall be entitled to all rights and privileges of the Association not specifically denied them by these bylaws.

Participation Rights

5 All General Members shall have full participation rights through discussion either directly or through representation by Officers and or Representatives of the Association in the decision-making processes of the Association, through the organizational structures, and or Bodies of the Association; furthermore, General Members shall have the right to necessary information needed for the exercise of this right.

6 All Associate Members shall have limited participation rights through discussion and through participation in Committees and Commissions and other deliberative bodies of the Association, unless expressly prohibited by these bylaws.

Equality

7 All Members shall be treated with respect and without discrimination on the basis of race, national or ethnic origin, religion, gender, gender identity or sexual orientation, age, mental or physical disability, or social background. This does not preclude the Association or its Bodies from fulfilling obligations to carry out activities or programs or to set up deliberative bodies or interest groups that have as their goal the amelioration of conditions that may restrict Members from full participation in the Association, Bodies of the Association or its activities and programs.

Expression of Opinion

8 All Members have the right to contribute and express opinions on any matters relating to the Association and to offer fair criticism of the Association and its bodies which includes, but is not limited to, expressing dissenting opinions and other opinions that do not exceed the duties pertaining to Members set forth in Article VI and any other duties or obligations contained herein.

9 General Members have the right to offer fair criticism of, or demand removal of, any Member, Officer or group of Officers, Representative or group of Representatives of the Association, locally or nationally, subject to the requirements stipulated in these by-laws.

Investigation of Breaches

10 Any Member or group of Members who believe their rights as Members of the Association, as specified in this Article, or any other rights have been abridged by actions taken by any of the Association's Members, Bodies, Officers or Representatives may refer alleged breaches to the

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

appropriate Association Body, including but not limited to the National Council, Ethics Committee or Ombudsperson, to investigate the said breach.

Fair Hearing

11 A Member is entitled to a fair hearing, investigation and or proceedings on any issues brought against them by the Association or any of the Bodies of the Association.

Limitations

12 The rights of Members herein are not necessarily absolute and are to be read in conjunction with and may be limited by any of the duties, obligations or responsibilities of the Members detailed in Article VI or otherwise contained in or derived from these bylaws or any applicable laws of the Republic of Korea.

ARTICLE VI- MEMBERSHIP DUTIES AND OBLIGATIONS

Best Interests of the Association / Good Faith

1 It is the duty of every Member to act in the best interests of the Association and in good faith pertaining to and within the purposes and principles of the Association bylaws herein and the objectives, goals and mission of the Association.

Mutual Collaboration

2 It is the duty of every Member to act in a spirit of mutual collaboration to advance the common goals of the Association.

Ethical Behaviour

3 It is the duty of every Member to refrain from actions that may impair the Association or its Members, including, but not limited to, unauthorized or unethical disclosure of internal communication, defamation of Members, Officers, Representatives and or the Association, and encouragement of unwarranted prosecutions against the Association or its Members. To that end, any Member who acts in a way counter to the Associations interests may be investigated by the Ethics Committee as provided for in Article XVI or any other Body of the Association invested with investigatory powers.

4 All Members are bound to act ethically regardless of whether or not that person signed a membership agreement, affidavit or otherwise strictly complied with all technicalities of Membership.

5 All Members must abide by these bylaws and respective and relevant local PMA bylaws and any resolutions, decisions or legislation passed by the Bodies of the Association as are permitted and provided for within the framework of these bylaws.

Eligibility

6 General Members must maintain and have readily available their records and or proof of residence and employment for evidence of membership eligibility and for renewal of membership on a yearly

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

basis in order to facilitate and maintain General Membership status at all times and for times when specifically requested by the National Membership Officer.

7 All General Members have a duty to report any change in circumstance that may affect their eligibility for General Membership to the Local or National Membership Officer, failure to do so could amount to an unethical action and possible disciplinary action by the Ethics Committee as provided for in Article XVI.

Limitation

8 Nothing in this Article is designed to unnecessarily or unreasonably limit the rights of Members of the Association as provided for in Article V or otherwise in these bylaws, or to unnecessarily or unreasonably prohibit fair criticism, prohibit freedom of speech, discussion, active participation or engagement in the Association.

ARTICLE VII - POWER AND FUNCTIONS OF THE NATIONAL COUNCIL

National Council

1 There shall be a National Council of Representatives, henceforth known as the 'National Council', which shall be the legislative Body of the Association and shall have full power and authority over the affairs and funds of the Association within the limitations set by all applicable laws and these bylaws, including the power to review or investigate, upon its own initiative, the actions of any Body of the Association, Committee, Commission or other deliberative group, or affiliated organization or association.

Business Meeting

2 A business meeting of the National Council shall be held at the time and place of the Annual Convention and at such other times as shall be specified by National Council.

Minutes

3 The National Council shall record and publish minutes from all in-person or other scheduled meetings and allow inspection of its electronic proceedings by any General Member.

4 One-fourth of the National Council Representatives present at an in-person meeting may request the inclusion of a record of those voting for and against a motion and or a brief description of majority and minority positions on any given National Council action.

General Members Participation

5 Meetings and proceedings of National Council, except those specifically designated as closed sessions, shall be open to General Members of the Association, but General Members are required to follow procedures and policies as prescribed and developed by the National Council.

Petitioning the Council

6 Upon petition of 2% of the General Members in good standing at the time of the petition's filing, with the National General Secretary or upon vote of any Provincial/Metropolitan Association,

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

Commission or Committee, any matter of legislation may be brought to the attention of the National Council, which shall vote upon it at its next in-person meeting, or online within two weeks, whichever comes first. Petitions shall be presented to the National Council through its online deliberation system or next in-person meeting and executed through National Council parliamentary procedure.

Voting

7 For all National Council votes, in person or online, a minimum of a simple majority of National Council Representatives participating in the vote is needed to pass a motion unless otherwise stated in these bylaws or other Association rules.

9 A National Council Representative who has not previously announced that they will be absent for a specified period of time is required to vote 'Yes,' 'No,' or 'Abstaining'.

10 A National Council Representative who does not participate in the vote shall be recorded as a 'no vote'.

Rules and Codes

11 The National Council Representatives shall be authorized to present rules, codes and procedures for the transaction of the business of the Association to the National Council for consideration and or adoption, provided the same do not conflict with these bylaws or any applicable laws of the Republic of Korea.

ARTICLE VIII - COMPOSITION AND CONDUCT OF THE NATIONAL COUNCIL

Composition

1 The National Council shall be composed of Chairs of the following three Bodies of the Association only as hereby expressly listed:

- i) Provincial/Metropolitan Associations (PMAs)
- ii) Standing Commissions
- iii) National Permanent Committees, excluding Special Status Committees.

2 The PMAs of the Association shall provide up to 16 Chairs, as provided for in Article XVII (10), to serve on the National Council as National Council Representatives.

3 The Commissions shall provide up to 4 Chairs, as provided for in Article IX (6), to serve on the National Council as National Council Representatives.

4 The National Permanent Committees shall provide up to 12 Chairs, as provided for in Article XV (14) to serve on the National Council as National Council Representatives.

5 A General Member, Officer or Local Representative of the Association may only serve as one Chair in the Bodies of the Association listed in subsection (1) of this Article at any one time, unless serving as an interim PMA chair, with no voting rights, according to Article XVII (14).

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

5 (a) This is not intended to limit the National Council Representative from participating in other Bodies of the Association; nor is it in anyway intended to limit the possible contribution or participation of National Council Representatives in a binding or non-binding or non-voting capacity in Bodies of the Association other than the National Council.

6 A serving Chair of a PMA, Commission or National Permanent Committee must not be a National Officer of the Association (Article X). Therefore, as the National Council must elect a Vice President and National General Secretary from the serving National Council Representatives according to Article X (4) and (5), the successful candidate for the aforementioned roles must resign from their position as Chair of a PMA, Commission or Committee and their Local Officer or Representative role.

7 The Vice President and the National General Secretary shall maintain a seat on the National Council in their own right and shall concurrently serve on the National Executive as a National Officer of the Association (Article X (4) and (5)).

8 The President of the Association may serve on the National Council in a voting and binding capacity at times of a tied vote only. In the event of a tied vote of the National Council the President of the Association shall have the deciding vote. The President may contribute to the National Council at any other time in a non-voting and non-binding capacity.

Elections

9 A Chair of a PMA must be a duly elected General Member of the Association elected from and by the General Members of the electing PMA, set forth in Article XVII (10).

10 A Chair of a Commission must be a duly elected Local Representative elected from and by the Local Representatives serving on the governing body of the Commission, set forth in Article IX (6).

11 A Chair of a National Permanent Committee must be a duly elected Local Officer elected from and by the Officers serving on the governing body of the Committee, set forth in Article XV (14).

Quorum

12 If National Council Representatives are not provided by a PMA, Commission or National Permanent Committee, quorum of the National council shall be determined from the total number of elected National Council Representatives.

Motions

13 Motions brought before the National Council through the National Council Forum or other non-real-time formats must be given a reasonable window of response, so that all National Council Representatives have a chance to deliberate and vote. At least thirty days should be given from the introduction of a motion to National Council, to the start of voting on said motion, unless debate is ended early through legitimate parliamentary procedure.

Voting

14 It is the duty of every National Council Representative to check the National Council Forum or other agreed-upon Association means of electronic voting regularly for the purpose of voting.

15 A National Council Representative must vote 'Yes,' 'No,' or 'Abstaining,' on every motion presented, unless the National Council Representative has notified the National Council that they will be out of contact with the Association for a specific period of time.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

16 A National Council Representative who repeatedly misses votes is derelict in their duties.

17 A National Council Representative may not vote by proxy.

Term of Office

18 The term of office for a Chair of a Commission and National Council Representative shall run concurrently, therefore the term of office for a National Council Representative shall be for a period of one year and must not exceed two successive years in office.

19 A National Council Representative who has served for two consecutive years on the National Council shall not be eligible for election as Chair in any PMA, Commission or National Permanent Committee for a period of one year following the completion of service to the National Council.

20 A National Council Representative shall hold office until their successor is elected, or until they are no longer qualified due to changes in employment, province or other qualifying factors.

21 A National Council Representative must notify the National Council and any other Body affected of any change in employment, province, or other information that may affect their entitlement to hold that position or represent the Members whilst serving as a National Council Representative.

22 If a Chair of one of the Bodies listed in subsection (1) of this Article discontinues, for whatever reason, serving as Chair then the said Chair shall automatically lose their standing to serve as a National Council Representative on the National Council.

22 (a) The Body that the Chair served shall be responsible for finding a replacement Chair as soon as reasonably and practicably possible.

23 General Members of the electing PMA may, at any time, vote to remove a Chair of a PMA (Article XVII (13) and this shall disqualify the Chair from continuing to serve on the National Council (subsection 22).

24 The governing bodies of the Commissions and National Permanent Committees may, at any time, vote to remove a Chair of the Commission or Committee and this shall disqualify the Chair from continuing to serve on the National Council (subsection 22).

25 A General Member referendum provided for in Article XIV may remove any National Council Representative from their role. In this instance, the National Council Representative shall also lose their position as Chair on their respective Body of the Association and that Body shall be responsible for finding a replacement as specified in subsection (22 (a)) of this Article.

26 A National Council Representative serving as Chair in a Commission or National Permanent Committee shall continue to be Chair of the respective Body and National Council Representative after the election of a successor for their respective Local Representative or Officer role, until the expiration of their term as Chair, unless the governing bodies of the Committee or a General Members referendum vote to remove the Chair.

ARTICLE IX - STANDING COMMISSIONS

Purpose

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

1 Standing commissions exist to research and report on particular areas of interest concordant with the Mission of the Association (Article I) and represent major professional interests which are of concern to one of several particular groups that exist within the Association.

2 Standing commissions shall abide by the bylaws and other governing documents established for the administration of the commissions.

Commissions

3 The Association expressly recognizes four professional interest commissions so listed:

- i) Public Schools Commission
- ii) Private Language Institute (*Hagwon*) Commission
- iii) Adult Education Commission
- iv) Private Lessons Commission

Composition

4 The Commissions shall be composed of representatives from each Province (*Do*), Metropolitan City, and Special City in the Republic of Korea and shall be called Local Representatives. A Local Representative from each province, Metropolitan City and Special City shall be employed in one of the four following ways and shall serve on the corresponding Commission listed in subsection (3) of this Article:

- a) One Representative shall be employed at a public institution of primary or secondary education, and represent others so employed,
- b) One Representative shall be employed at a corporation or private language institute (*hagwon*) that primarily educates children and represent others so employed
- c) One Representative shall be employed at an institution, corporation or private language institute (*hagwon*) corporation that primarily educates adults and represent others so employed;
- d) One Representative shall be employed as a licensed or otherwise legally self-employed, private teacher who primarily teaches privately arranged classes or is otherwise a legally self-employed private teacher and represent others so employed.

5 The said Local Representatives shall form the governing body of the Commission.

6 A Chair for the Commission shall be elected from and by the Representatives of the governing body of the Commission by a simple majority vote of all the Representatives of the governing body and shall serve for a term of one year, not exceeding two years and shall concurrently serve on the National Council as a National Council Representative.

7 Any Member of the Association may apply for membership in any Commission under the rules of eligibility established by the Commission.

8 A Commission may determine its own qualifications for its membership. However, in doing so the Commission must adhere to the principles of equality and inclusivity contained in this document.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

Autonomy

9 A Commission remains autonomous in all matters within its professional interests that are not reserved to the Association and the National Council by these bylaws or any other rules of the Association.

10 A Commission may not establish or enforce standards for ethics, accreditation, certification, credentialing or other similar standards.

Voting

11 The Local Representatives as prescribed in subsection (4) of this Article shall vote in a binding capacity on decisions of the Commission.

12 General Members and Associate Members of a Commission may vote in a non-binding advisory capacity only.

13 The National Membership Officer shall provide each Commission an electronic mechanism to poll their Members.

Powers

14 Each Commission may draw up and maintain its own bylaws and rules of procedure within the framework of these bylaws.

15 Each Commission may appoint such committees, develop such local chapters and or sections, and adopt such rules of procedure for the conduct of its business as it may desire, except that its committee and governance structure is subject to review by the National Council of the Association.

16 Commissions shall oversee the activities of their sections and or chapters and monitor for their compliance with the Association bylaws, rules, policies and principles.

Duties

17 Commissions must comply with all Association bylaws, rules and current policies and principles.

18 Each Commission shall file with the National Council a copy of its current governing document(s), rules of procedure, committee and governance structure; and chapter and section information, including their charter and rules of procedure.

19 Annually, each Commission shall submit to the National Council a report which covers the activities of the Commission and its chapters and sections during the preceding year.

Removal of a member of a Commission

20 Local Representatives who change employment during their term in office shall remain in office, even if their new position would qualify them for membership in another Commission, unless the Representative chooses to stand down or the General Members of the electing PMA vote to remove the Representative.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

21 General Members of the electing PMA may vote at any time to remove a Local Representative from the governing body of the Commission by a simple majority vote of General Members of the electing PMA participating in the vote or a General Members referendum (Article XIV).

22 All other members of a Commission may be removed by vote of the governing body of the Commission, National Council (Article VII) or by a General Members general vote (Article XIV).

ARTICLE X – NATIONAL EXECUTIVE COMPOSITION

National Officers

1 The National Executive of the Association shall be comprised of the National Officers of the Association. The National Officers of the Association shall be as follows:

- i) a President,
- ii) a Vice President,
- iii) a National General Secretary,
- iv) a National Membership Officer,
- v) a National Internal Communications Officer,
- vi) a National External Communications Officer,
- vii) a National Intercultural Communications Officer, and
- viii) one or more National Fiduciary Officers.

Election or Appointment

2 All National Officers shall be General Members of the Association and should so far as reasonably possible hold requisite skills or experience to fulfil the duties, obligations and responsibilities of the roles.

3 The President of the Association shall be fairly and duly elected by the General Membership in a General Election.

3 (a) The President may not serve concurrently in any Commission, National Committee or PMA, or hold any other position of office within the Association during a term in office as President of the Association.

4 The Vice President of the Association shall be elected from and by the National Council Representatives serving on the National Council and shall be elected by a two-thirds majority vote of all said Representatives.

5 The National General Secretary of the Association shall be elected from and by the National Council Representatives serving on the National Council and shall be elected by a two-thirds majority vote of all said Representatives.

6 The National Membership Officer, National Internal Communications Officer, National External Communications Officer, National Inter-cultural Communications Officer and Fiduciary Officers shall be General Members of the Association; and shall not be a Chair of any PMA, Commission, National Permanent Committee, the Ethics Committee or any a National Council Representative or any other Officer with conflicting duties in the Association, including but not limited to the Chair of the Ethics Committee.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

7 The National Officers specified in subsection (6) shall be appointed by the President of the Association with the approval of the National Council; approval must be made by the Council within 30 days of the announcement of the appointment.

8 All elections and appointments of National Officers must comply with the standards of elections and appointments set forth by the Association in Article XIII and supervised by the Elections Committee as provided for in Article XVI.

Term of Office

9 National Officers elected and appointed to serve the association on the National Executive shall serve for a term not exceeding one year, beginning on the date specified by the Elections Committee following the member's election or appointment to office, and shall not succeed himself or herself more than once in this office.

10 In the event that the President shall not serve out a term for any reason, the Vice President shall serve until such time that an election can be held to elect a new President from among the General Membership. The Vice President would at such time be responsible for organising as soon as reasonably and practicably possible such a vote.

11 In the event that the Vice President shall not be able to serve out a term, the National General Secretary Officer shall serve until such time that an election can be held to elect a new President from among the General Membership.

12 In the event that both the President and the Vice President shall concurrently be unable to serve out a term in office, the National Council shall be responsible for facilitating free and fair elections among the General Members of the Association to elect a new President and the National Council shall as soon as reasonably and practicably possible elect a Vice President; until such time the National General Secretary will ensure the day to day running of the Association is facilitated.

13 If it appears that the best interests of the Association are not being served, by a National Officer, but for the President, the National Officer may be removed from office before the expiration of the term of office by a two-thirds majority vote of all National Council Representatives of the National Council or a General Members referendum as detailed in Article XIV.

14 The President may only be removed by a General Member referendum (Article XIV).

15 In the case of any of the National Officers not being able to continue to serve in their roles, the President must appoint the duties to the relevant or appropriate remaining Officer or Officers until such time as an election or appointment process establishes a replacement.

ARTICLE XI – DUTIES AND RESPONSIBILITIES OFFICERS AND REPRESENTATIVES OF THE ASSOCIATION

Best Interest and Good Faith

1 All Officers and Representatives of the Association, acting individually or collectively, have a duty to act at all times in the best interest of the Association and its Members and must act in good faith when acting in the name of and for the Association.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

Facilitation of Participation

2 All Officers and Representatives of the Association, acting individually or collectively, shall promote the direct participation of the Association Members, individually and collectively, in decisions which affect them and to facilitate mutual collaboration to advance their common goals; to this end, it is the duty of all Officers and Representatives to support and promote the participation of all Association Members in the all activities of this Association, unless prohibited expressly in or otherwise derived from these bylaws.

3 Active discussions of the Association's affairs shall be encouraged and protected within the organizational structure unless the issue or issues are matters deemed sensitive or against the best interest of the Association by Officers or Representatives acting as a Body of the Association.

Ethical Behavior

4 Issues deemed sensitive or against the best interest of the Association or any other decisions made by Officers and or Representatives of the Association unreasonably, not in good faith, or outside the powers of the Officers or Representatives acting individually or collectively as a Body of the Association, prescribed or derived from these bylaws herein, may be subject to investigation by a Body of the Association invested with investigatory powers.

5 All Officers and Representatives of the Association are the 'faces' of the Association, both internally and externally, as such National Officers especially must act and be seen to act in the best interest of the Association and not for individual or personal gains.

Mutual Collaboration

6 All Officers and Representatives of the Association shall work towards fulfilling the purpose and mission of the Association in a spirit of mutual collaboration to advance the common goals of the Association and Members of the Association.

Responsibilities

7 All Officers and Representatives of the Association shall have generic and specific duties in order to fulfill their responsibilities concordant with their role in the Association expressed herein or otherwise derived from these bylaws.

8 Officers or Representative who neglect their generic or specific duties may risk being derelict in their duties.

9 All Officers or Representatives of the Association must at all times aim to uphold Members rights according to the by-laws Bill of Rights according to the Bill of Rights for Members in Article V and promote the fair application of all decisions, rules, standing orders and Standard Operational Procedures of the Association.

10 All Officers and Representatives agree to be bound and act within the bylaws and framework of the Association.

Deference

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

11 National Officers of the Association must defer decisions of high national importance, at their discretion or if requested by a General Member or Body of the Association, to the General Membership for referendum, detailed in Article XIV or to the National Council to exercise a vote; or issues of ethical importance should be deferred to the Ethics Committee for a determination or recommendation.

Generic Duties

12 All Officers and Representatives of the Association have generic duties including but not limited to the following:

(a) All Officers and Representative must, so far as reasonably possible, make themselves available to the Association, its Members and to the Bodies of the Association to facilitate the business of the Association.

(b) All Officers and Representatives must act professionally and follow best practice when it comes to exercising their power, duties and responsibilities and to this end must employ at all times and so far as is reasonably possible, positive communication methods, constructive feedback and criticism and so far as reasonably possible avoid personal attacks on any Members or Bodies of the Association.

(c) All Officers and Representatives should attend all meetings, either in-person or online or otherwise send apologies for absence.

(d) All Officers and Representatives must actively reply to communications, unless they have a notified absence, including but not limited to responding to e-mails within a reasonable time-frame, unless otherwise prohibited in the by-laws or other rules of the Association or that demand review, permission or compliance with the organizational structure.

(e) All Officers and Representatives must actively participate in voting duties otherwise risk being derelict in their duties.

Dereliction of Duties

13 All Officers and Representatives must comply with any rules, procedures, principles contained in or derived from the bylaws herein and or their responsibilities and duties pertaining to their roles otherwise risk being derelict in their duties.

ARTICLE XII – ROLES AND RESPONSIBILITIES OF NATIONAL OFFICERS OF THE ASSOCIATION

President

1 During the term of office, the President shall serve as presiding officer of the Association and the National Executive. The President shall perform such other duties as are prescribed in the bylaws, as are incident to the office, or as may properly be required of the President by vote of the National Council.

2 The President is the figurehead of the association internally and externally and, as such, is ultimately responsible for the Association's operations. The President must ensure that the details and business of the Association are attended to and that the Association continues to function on a day to day basis.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

3 The President has overall responsibility for external and internal communications and relations, unless the President so directs or appoints a spokesperson for such communications. Nevertheless, the President is ultimately responsible for all communication with the Press and other external contacts.

4 The President is responsible for representing or allocating appropriate representation of the Association at external official functions, negotiations, meetings and event and or liaising or appointing an otherwise appropriate Member or Members to liaise with external stakeholders, associations and service providers, including but not limited to labor lawyers, accountants and advisors.

5 The President is responsible for chairing and facilitating Annual General Meetings of the Association and all National Executive meetings.

6 The President should try and gain consensus and ensure regular National Executive meetings on a regular basis, no less than once every two weeks, either in person, online or by telephone such that is necessary for the smooth running and functioning of the Association.

7 The President must communicate with the other National Officers on all Association matters and communications and actively encourage feedback; and must delegate tasks appropriately and according to the other National Officers individual roles and responsibilities within the Association.

8 The President must liaise with the Chairs of all PMAs, Commissions and National Permanent Committees on a regular basis or as prescribed elsewhere in these bylaws.

Vice President

9 The Vice President shall serve as the presiding Officer of the National Council and oversee the duties of the National Council.

10 The Vice President shall serve on the National Executive of the Association and shall perform such duties as derived from or prescribed by these bylaws or as fairly delegated by the President of the Association.

11 The Vice President shall serve as the President of the Association in the absence of the President.

National General Secretary of the Association

12 The National General Secretary of the Association shall serve as the secretary of the National **Council** and the National Executive and shall perform such other duties as may be prescribed in these bylaws or as fairly delegated by the President or Vice President of the Association.

13 The National General Secretary shall keep the records of all in-person meetings of the National Council and National Executive; to file and hold subject to call and to direct the publication of such records, reports, and proceedings as are authorized by these bylaws and by vote of the National Council at any duly constituted meeting; and to perform all other secretarial duties for the National Council and the National Executive.

14 So far as reasonably possible the National General Secretary should also endeavour to do the same for meetings of the National Council and National Executive not in-person, including but not

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

limited to online or telephone meetings. The National General Secretary should be invited to participate in and take records of any conference call or other forms of meeting of the National Council or National Executive that would otherwise take place as a face-to-face to meeting.

15 The National General Secretary shall serve as the Vice President at such times that the Vice President is absent from their duties. However, this should be for a limited and specified time only and should not in any way intervene with the requirements for the role of Vice President specified elsewhere in these bylaws.

National Membership Officer

16 The National Membership Officer shall oversee volunteer coordination, provision of Association benefits to Members, and coordinate the activities of the Provincial and Metropolitan Associations.

17 The National Membership Officer bears overall responsibility for Membership and verification of Members. The National Membership Officer is the ultimate verifying officer of the Association.

18 The National Membership Officer is responsible for recording all information, keeping Members' information safe and the fair distribution of Members' contact information to relevant Officers and Representatives of the Association.

19 The National Membership Officer can at any time request evidence from a General Member to confirm or ascertain teaching employment or residential status.

National External Communications Officer

20 The National External Communications Officer shall promote the Association aims and objectives to audiences in order to enhance awareness and understanding. This includes planning and conducting media relations, internal communications, and community relations. Media Relations activities are designed to provide information through all mass communication means to media outlets.

National Internal Communications Officer

21 The National Internal Communications Officer shall facilitate communication with and among the Associations governance structure and its Members. The purpose is to facilitate the effective flow of information between the Bodies of the Association and the Officers and Representatives of the Association.

National Inter-Cultural Communications Officer

22 The Inter-Cultural Communications Officer shall be responsible for developing a comprehensive communications policy and presenting it to the National Council for approval. Community Relations efforts are associated with the interaction between the Association and its surrounding communities. These efforts may take the form of addressing issues of interest to and fostering relations with the general public, business, government officials, school officials, and or other non-news media entities.

All National Officers

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

23 All National Officers of the Association shall adhere to all rules, policies, procedures and principles of the Association and their roles and responsibilities stated herein or derived from these bylaws in order to facilitate their role.

24 National Officers shall not exceed their powers derived from these bylaws; otherwise they may be subject to review by the Ethics Committee and or the National Council or referendum by the General Members.

ARTICLE XIII - ELECTIONS AND APPOINTMENTS

Election and Appointments Standards

1 All elections and appointments at any level and for any position in the Association shall be fair. 'Fairness' includes but is not limited to:

(a) Open and transparent processes and procedures, contained in these bylaws, or otherwise developed, to maintain legitimacy.

(b) Due notices of nominations, elections and meetings and an equal opportunity for competing candidates.

2 Due notice of the opening and closing of all nominations and applications for elected and appointed posts shall be given to all General Members, Representatives and Officers of the Association.

3 Any appointments made to the National Council or any other Body of the Association must be selected in an impartial way with the best interests of the Association in mind.

4 Candidates for any appointment or election may so far as reasonably possible be required by the Association to hold requisite skills or experience to fulfil the duties, obligations and responsibilities of roles in the Association.

5 Announcements of all successful candidates and the date they shall take up their role shall be made to the relevant Association Bodies and the Members of those bodies by the body that the candidate will serve on after the Elections Committee has approved the process leading to the filling of that role.

Oversight of Appointments

6 The National Council or General Membership may object to the appointment of Officers within 30 days and on reasonable grounds following the appointment.

Election and Appointments Standards Committee

7 An Election and Appointments Committee, 'the Elections Committee', shall be established by the Association to ensure the fairness of elections and appointments.

Presidential Elections

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

8 The Elections Committee shall issue an annual call to all General Members for nominations for the office of President. Fourteen days after announcing the opening of nominations, the Elections Committee shall close nominations and shall make a preferential count of nominees for President-elect. The Elections Committee shall then prepare for the final election ballot a slate including the names of the five persons who receive the largest numbers of votes.

9 The Elections Committee shall post to the Association Member Forum, by private email to each General Member and by prominent notice on the official ATEK website the following notices and announcements:

- a) a notice of the opening and closing of nominations for President,
- b) a notice of the opening and closing of voting for President,
- c) a notice of the closure of voting five days prior to the last day of voting,
- d) a notice of the closure of voting, and
- e) an announcement of the results of the election.

10 General Members in good standing shall be eligible for nomination, Associate Members and non-members are ineligible for nomination. Nominees must self-nominate and be seconded by at least one other General Member in good standing. General Members may second as many nominees as they wish. Nominations must be made on the Association Member Forum on the official ATEK website and any nominations received in advance of or post closure of a nominations notice shall be ruled invalid. The five nominees with the largest number of seconding votes will be listed on the final election ballot.

11 The Elections Committee shall prepare an electronic ballot listing the names of all eligible candidates individually in alphabetical order. The National Council shall include all voluntarily submitted statements of candidates as an addendum to the ballot. An electronic ballot shall be placed on the official Association website accessible to all General Members and or ballots may be mailed by private email to each General Member. Paper ballots shall be mailed to any General Member on written request to the National Council by said member.

12 All General Members in good standing may vote in the election, each General Member casting a single ballot consisting of votes for one candidate. Voting shall be open for not less than 14 calendar days and not more than 30 calendar days. Ballots cast after the posted close of voting shall be ruled invalid. A tabulation of all votes cast will be sent to the Elections Committee for validation.

13 If two or more candidates receive an equal number of valid votes and this tie affects the outcome of the election, the tie shall be resolved by a new round of voting. The only candidates on the new ballot shall be those tied in the previous round of voting, and voting shall be open not less than seven calendar days. All General Members shall be eligible to vote, irrespective of whether or not they voted in the initial round.

14 The Elections Committee shall include in the announcement of the results of the election as listed in subsection (9) (e) of this Article, at minimum, the winner, final vote tallies by candidate, and number of challenged votes. It shall not include the individual votes cast by the General Members.

15 If no candidate receives more than 50% of eligible votes, a second- election between the two candidates with the highest number of votes shall take place. The second- election shall be open not less than seven days and not more than fourteen days.

Vice President and National General Secretary

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

16 The Vice President and the National General Secretary shall be voted from and by the National Council Representatives of the National Council.

17 The National Council shall invite nominations from the National Council Representatives upon receiving notice that the incumbent office holder shall discontinue service in their role. A National Council Representative must self-nominate and receive a second nomination from within the National Council.

18 The National Council must post the opening and closing of nominations on the National Council Association Forum, by private email to each National Council Representative and by prominent notice on the official ATEK website.

19 The nomination and election period shall be open not less than 7 days and not more than 30 days. The Elections Committee should monitor the process and procedures taken by the National Council during the election process to ensure the election is fair.

20 The two nominees with the largest number of seconding votes will be listed on the final election ballot.

21 The Vice President or the National General Secretary shall be the National Council Representative candidate that receives a simple majority of the votes from a quorum of two-thirds of the total National Council Representative body.

Other National Officers

22 The remaining National Officers other than the ones that are subject to specific election requirements may be elected or appointed at the discretion of the incumbent President of the Association, provided that the processes adhere to the principles in this Article.

23 The National Council may disapprove of an appointed National Officer within 30 days of the announcement by the President.

ARTICLE XIV – GENERAL MEMBERS GENERAL VOTE AND REFERENDUM

1 The General Members of the Association are the supreme decision-making body of the Association.

2 A simple majority vote of all General Members of the General Membership Body shall override any decision of any other decision making body in the Association provided that it complies with these bylaws and rules and principles derived herein.

3 General Members or the National Council may call for a general vote for issues on any topic or a referendum to decide issues of special importance or controversy at any time.

4 Only General Members may vote in a general vote or referendum of the Association.

5 The National Council may vote to schedule a general vote or referendum at any time.

6 General Members may by way of submitting a petition to the National Council call for a referendum or general vote. Petitions must comply with the following requirements:

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

(a) The petition must be supported by a minimum of 4% of the total of all General Members of the Association.

(b) The petition must be an electronic petition in the form of an email.

(c) The email must contain the names and email addresses of the petitioning General Members.

(d) The email must be sent by a General Member to the National Membership Officer. The name and email details of the petitioning General Members must match the details on the National Membership list held by the National Membership Officer.

7 The National Membership Officer shall send the petition to the Vice President who shall present it to the National Council as soon as reasonably possible.

8 The National Council shall report to the official Association Member Forum on the validity of the petition within thirty calendar days of receipt of a General Members petition.

9 The National Council may verify petitions by contacting individual petitioners for confirmation.

10 The petition must clearly and unambiguously state the question to be decided by general vote or referendum. If the petition is for a general vote it must also state whether the vote shall be binding or advisory in nature.

11 General Members shall be notified of a general vote or referendum and the topic of said vote via the official Association Forum, by private email to each General Member, and by prominent notice on the official ATEK website not less than seven calendar days before the start of voting.

12 The Elections Committee shall prepare a ballot stating the issue to be decided in the form of a question to be answered 'yes' or 'no' or an otherwise appropriate response, by the General Members. An electronic ballot shall be placed on the official ATEK website or sent by e-mail vote through secure e-mail voting systems to the e-mail addresses provided in the National Membership List.

13 Voting shall be open for not less than ten calendar days and not more than thirty calendar days.

14 Only General Members may vote in a general vote or referendum, with each General Member casting a single ballot. Tallies of all votes cast will be sent to the Elections Committee for validation.

15 General Members shall be notified of the opening and closing of a general vote or referendum by the National Council or Elections Committee. The notification must be post on the official Association Forum, sent to private email addresses of each General Member, and by prominent notice on the official ATEK website.

16 Ballots shall not be accepted after the posted close of voting any ballots posted after the close of the vote shall be ruled invalid.

17 A simple majority of the participating General Members in favour of a motion shall secure a general vote, provided that it receives support from over 4% of all General Members of the Association.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

18 A simple majority vote of all General Members in favour of the motion shall secure a referendum vote.

19 The National Council shall announce the results of the vote to Members via the official Association Forum, by private email to each General Member, and by prominent notice on the official ATEK website within five calendar days of the conclusion of voting. Such notice shall include, at minimum, the result, final vote tally, and number of challenged votes. It shall not include the individual votes cast by the General Members.

20 Any vote by the General Membership pertaining to this Article should be should be put into effect as soon as reasonably and practicably possible.

ARTICLE XV – NATIONAL COMMITTEES AND DELIBERATIVE GROUPS

Deliberative Groups

1 The Association or Bodies of the Association may set up deliberative groups.

2 The deliberative groups of the Association, whether they be called Boards, Committees, Commissions, Working Groups, or by other names, shall consist of the standing groups provided by these bylaws and such other groups as may be established in accordance with the Association rules.

3 Decisions of any deliberative group of the Association shall be advisory only and shall not bind the Association or other Bodies of the Association. This does not include the Ethics Committee disciplinary decisions that may bind individual General or Associate Members.

4 Deliberative groups shall write an annual report detailing their activities of the preceding year and report annually in writing to the National Council.

Deliberative Groups other than National Committees

5 Deliberative groups other than National Committees prescribed herein, howsoever named, shall determine their own membership or composition subject to the bylaws and rules of the Association or as instructed by a Body of the Association.

6 Members of deliberative groups shall, unless otherwise stated in these bylaws, be composed of self-nominated Associate Members or General Members selected by the Body of the Association to which the deliberative group report; or a group of Members that independently forms to create a collective group of Members to represent interests of Members otherwise not represented by the existing deliberative groups of the Association and that adhere to these bylaws.

7 The Chair or leader of the deliberative group may be appointed by the Association Body that it reports to or elected from the composition of the group in whatsoever way is determined by that group and in compliance with these bylaws.

8 The Chair of a deliberative group other than PMAs, Commissions or National Permanent Committees shall not be entitled to a concurrent seat on the National Council.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

9 The National Executive shall endeavour to form deliberative groups, however so named, temporarily or permanently to address interests or issues facing Members of the Association that are otherwise not covered by any of the other Bodies of the Association specified in these bylaws.

10 Deliberative groups shall have the responsibility for the supervision and coordination of the groups of the Association whose activities fall within their scope unless otherwise provided in these bylaws.

National Committees

11 The Association recognises, whilst not intending to limit the development of other deliberative groups or committees, the following list of National Permanent Committees and two Special Status Committees:

National Permanent Committees

- i) Leadership Development Committee
- ii) Membership Issues Committee
- iii) Employment and Legal Issues Committee
- iv) Professional Development Committee
- v) Secretarial Committee
- vi) Communications Committee
- vii) Social Committee
- viii) Emergency Needs Committee
- ix) Key Issues Committee
- x) Volunteer Committee
- xi) Human Rights Committee
- xii) Inter- Cultural Committee

National Special Status Committees

- i) Ethics Committee
- ii) Elections Committee

Composition

12 The Officers from the local PMAs shall have an automatic seat on governing body of the respective Committee with corresponding titles or interests as listed in Article XVII (15). As such the 'Volunteer Officer' shall have a seat on the 'Volunteer Committee' and so forth.

13 The Officers on the governing body shall have equally weighted votes that create binding decisions for the Committee.

14 A Chair for a Committee shall be elected from and by the Officers of the governing body of the Committee by a simple majority vote of all the Officers of the governing body. The Chair of the Committee shall serve concurrently as a National Council Representative on the National Council for a term of one year and shall not exceed two successive terms in office (Article V III (1) (iii)).

15 Other interested Associate Members and General Members can apply to the governing body to become a member of any Committee other than the Ethics Committee.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

16 In determining qualifications for membership of a Committee the Committee and its governing body must adhere to the principles of equality and inclusivity contained in this document.

17 National Officers of the Association are permitted to join any other National Committee or deliberative group other than the one they serve on as a member of the governing body as Committee members without a binding vote unless prescribed elsewhere in these bylaws; however the Officer may not serve as Chair of any other National Committee.

18 The National Permanent Committee governing body may remove any member of the Committee, who is not a member of the governing body, by a simple majority vote of those participating in the vote, if it determines that there is reasonable cause for removal and that removal is in the best interest of the Association.

19 An Officer serving on the governing body of a Committee may only be removed from the Committee prior to the expiration of the term of Office by the General Members of the electing PMA by a simple majority vote of all General Members of the electing PMA participating in the vote or a General Member referendum (Article XIV).

Autonomy

20 A National Committee remains autonomous in all matters within its interests that are not reserved to the Association and the National Council by these bylaws or any other rules of the Association.

Voting

21 Officers of the Association forming the governing body of the Committee and National Officers sitting on the Committee have the right to vote on a National Committee decision unless otherwise prohibited in these bylaws.

22 Associate Members and General Members of a Committee, not serving as an Officer on the governing body of the Committee, may vote in a non-binding advisory capacity only.

23 The National Membership Officer shall provide each Committee an electronic mechanism to poll their Members.

Powers

24 Each Committee may draw up and maintain its own bylaws and rules of procedure within the framework of these bylaws.

25 Each Committee may adopt such rules of procedure for the conduct of its business as it may desire subject to review by the National Council of the Association.

Duties

26 Committees must comply with all Association bylaws, rules and current policies and principles.

27 Each Committee must file a copy of its current governing documents, rules of procedure and committee and governance structure with the National Council.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

28 Each Committee must submit a report which covers the activities of the Commission during the preceding year to the National Council.

ARTICLE XVI NATIONAL SPECIAL STATUS COMMITTEES

Ethics Committee

1 The Ethics Committee, as established in Article XV, shall be comprised of General Members of the Association elected as Ethics Officers in the PMAs.

2 The Chair of the Committee shall be selected by the President of the Association from the Ethics Officers or if there are no serving Ethics Officers an appropriately qualified or experienced General Member that holds no other position in any of the Bodies of the Association. The National Council may disapprove of the appointment within 30 days.

3 The Chair of the Committee shall stand down from the local PMA Ethics Officer seat when appointed to the position of Ethics Chair and serve nationally only.

4 The Association should aim to have a minimum of three seats on this Committee filled at all times.

5 In light of the need provided for in subsection (4), the Ethics Chair may, in the event of seats not being filled by PMA Officers, invite applications from General Members of the Association to sit on the Committee until such time that the seats are filled by the Ethics Officers of the local PMAs. The National Council may disapprove of any such appointment at any time.

6 Ethics Officers, including the Ethics Chair, shall unless otherwise stated in these bylaws, serve the Committee for a period of one year and shall not exceed more than two terms in office. Ethics Officer shall not simultaneously serve in any other role in the Association at the same time other than as provided for in subsection (29) of this Article.

7 An Ethics Officer must inform the Committee immediately and in writing of any change in circumstance that may affect their entitlement to hold the office of Ethics Officer or if they are resigning from the Committee.

8 Ethics Officers may be removed from the Committee by a vote at local PMA level by a simple majority vote of those participating in the vote of the electing PMA General Members or National Council vote.

9 The Ethics Chair may make a request to a PMA or the National Council to ask for a vote to remove any Ethics Officer for reasons such as unethical conduct or dereliction of duties.

10 The Ethics Chair may be removed from the Committee by a simple majority vote of all National Council Representatives on the National Council or by a General Member referendum (Article XVI) at any time.

11 Associate Members are expressly prohibited from sitting on the Ethics Committee.

Voting

12 All Ethics Officers and the Chair of the Ethics Committee shall have equal weighted votes on any

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

decision made by the Committee.

13 Ethics Officers may remove themselves from a vote of the Committee if they believe there may be a conflict of interest that may unfairly influence their vote, or for other reasons as must be presented to and accepted by the Chair of the Committee.

14 If there is an even number of Ethics Officers serving and voting on the Committee (including the Chair) at any one time, the Chair shall remove themselves from the vote and a simple majority of those participating in the vote shall carry the vote of the Committee. In this situation the Ethics Chair shall present the issues to the Committee and facilitate agreement; the Chair shall vote when there is an odd number of Officers (including the Chair) serving and voting on the Committee.

15 In the event that there is only the Chair of the Committee serving on the Committee at any one time, the Committee will continue to function and retain all invested functions and powers, however, the Chair may:

- i) reasonably refuse to investigate a matter not involving a disciplinary matter of unethical behaviour of an Associate Member or General Member and or;
- ii) refuse to issue disciplinary actions due to unethical actions, if they think that the issue needs to be voted upon and in such cases must refer the issue to the National Council empowered with investigatory powers as provided for in Article VII (1) or if it is of such national importance to the General Membership for a referendum vote by way of Article XIV. In such cases the privacy of the Member must be considered, along with the best interests of the Association and its Members.

Investigation and Discipline of General Members and Associate Members

16 The Ethics Committee shall have the power to receive, initiate, and investigate complaints of unethical conduct of General and Associate Members; to report on types of cases investigated with specific description of difficult or recalcitrant cases; to dismiss or recommend action on ethical cases investigated; to resolve cases by agreement where appropriate; to discipline a General Member or Associate Member for conduct which contravenes the ethical principles of the Association, which tends to injure the Association or to affect adversely its reputation, or which is contrary to or destructive of its mission.

17 The Ethics Committee is hereby empowered to discipline a General Member or Associate Member for unethical conduct following investigation. The member may be removed from membership or otherwise disciplined for conduct which violates the Ethical Principles of the Association, which tends to injure the Association or to affect adversely its reputation, or which is contrary to or destructive of its mission.

Investigation of 'abuse of authority' of the National Council and National Executive

18 The Ethics Committee shall have the power to receive and investigate complaints of unethical conduct of the National Council or the National Executive and their respective National Council Representatives and National Officers, to report on types of cases investigated with specific description of difficult or recalcitrant cases, to dismiss or recommend action on ethical cases investigated or to resolve cases by agreement where appropriate.

19 The Ethics Committee cannot override a decision of the National Council or National Executive. The Ethics Committee can make a recommendation as to whether or not the decision made was ethical; to this end ethical will be defined as within the powers of the bylaws.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

Rules and Principles

20 The Ethics Committee shall have the power to formulate rules or principles of ethics for adoption by the Association, to formulate rules and procedures governing the conduct of the ethics or disciplinary process for approval by the National Council, and to interpret, apply, and otherwise administer those rules and procedures.

21 The Ethics Committee shall formulate rules and procedures governing the conduct of the ethics and disciplinary process. However, such rules and procedures and any changes therein must be approved by the National Council.

22 The Ethics Committee, acting at its own discretion or on direction of the National Council, shall review such rules and procedures periodically and may amend them from time to time, provided, however, that no such amendment shall adversely affect the substantive rights of a General Member, or Associate Member whose conduct is being investigated or against whom formal charges have been filed at the time of amendment.

Disciplinary Actions

23 An individual who has their Membership removed or has been permitted to resign under a stipulated agreement, pursuant to the rules and procedures of the Ethics Committee may reapply for membership after a period to be specified by the Ethics Committee, not exceeding five years, has elapsed from the date of removal from Membership by the Ethics Committee.

24 Individuals subject to removal as set forth in subsection (17) may reapply for membership after the period of time stipulated in the agreement has elapsed, and all other conditions set forth in such agreement have been discharged. In all cases individual must show ethical and technical qualification for membership. Such reapplications shall be considered first by the Ethics Committee, which shall make recommendation to the Membership Issues Committee or the National Membership Officer.

Relationship to other Bodies of the Association

25 The Ethics Committee may upon request of any of the Bodies of the Association assist in the assessment, review or drafting process of any national or local bylaws or any other rules of the Association for compatibility and compliance with ethical standards and principles of the Association prescribed by or derived from these bylaws.

26 Any Body of the Association or any Member may be subject to request for information related to an investigation by the Ethics Committee, including but not limited to the National Executive, National Council, Officers, Representatives and General Members of the Association.

27 Any Member or Body the Association subject to investigation by the Ethics Committee may request that the Ethics Council makes a referral to the Ombudsperson if a decision by the Ethics Committee on an issue of ethical conduct is in dispute. The Ethics Committee cannot refuse the request but this does not mean that the Ombudsperson must accept the referral.

Confidentiality

28 The work of the Ethics Committee, including information and recommendation on all cases before it, shall be kept confidential, except as provided by the Ethics Committee in rules and procedures

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

approved by the National Council or balanced against what is in the best interest of the Association, consistent with the objectives of the Committee and the interest of the Association.

Elections Committee

29 The Elections Committee shall consist of one serving Officer, acting as Chair, and two General Members of the Association who currently neither hold nor are candidates for any office. The Ethics Committee must confirm the appointment of members of the Elections Committee, and such appointment certifies that no apparent conflicts of interest exist. Where there are not two other Officers who meet these requirements, two Ethics Officers from the Ethics Committee may assist the Elections Committee until such time as these requirements can be met.

30 The Elections Committee shall be responsible for the conduct of elections by voting Members of the Association, shall determine the results of all such elections, shall investigate complaints about ATEK elections, and shall certify the outcome of elections to the Council. The Elections Committee shall also oversee the voting for bylaws amendments and shall certify the results.

ARTICLE XVII - PROVINCIAL AND METROPOLITAN ASSOCIATIONS

Affiliation

1 The term (PMA), as used in these bylaws, shall mean a Provincial/Metropolitan Association affiliated with the Association.

2 A Provincial/Metropolitan Association may, upon vote of the National Council, be affiliated with the Association, provided that it has one or General Member and the local bylaws of the PMA are in accordance with these bylaws and other Association standards, as determined by the National Council, and the mission of the PMA falls within the scope specified in Article I of these bylaws.

3 The PMAs which are recognized by the Association as being affiliated with the Association if they meet the requirements of this Article are herein listed:

- i) Busan
- ii) Chungbuk
- iii) Chungnam
- iv) Daejeon
- v) Daegu
- vi) Gangwon
- vii) Gyeonggi
- viii) Gyeongbuk
- ix) Gyeongnam
- x) Gwangju
- xi) Incheon
- xii) Jeju
- xiii) Jeollabuk
- xiv) Jeollanam
- xv) Seoul
- xvi) Ulsan

4 A PMA is presumed to exist and meet affiliation requirements once it is originally founded provided

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

it does not act in any way against the best interest of the Association or attention is drawn to the Association that the PMA is not conforming with the bylaws, other rules, principles, purposes and policies of the Association.

5 Affiliation may be terminated by a two-thirds majority vote of the total membership of the National Council or by way of referendum of the General Members as provided for in Article XIV.

Facilitation of Rights of the General Members

6 A PMA shall be representative of all the interests of English educators within its Province, City or Special City.

7 The membership of a PMA shall comply with the equality principles and requirements of General Membership in Article IV of these bylaws and shall be restricted on the basis of place of work only.

8 Each PMA should aim to facilitate the full enjoyment of General Member's rights, particularly participation rights provided for in Article V, through representation of interests at both local and national level.

9 The PMA should, in light of subsection (8), endeavor to have at all times a minimum of a Chair, one Representative and one other Officer serving the interests of the General Members of the PMA.

10 The PMA Chair shall serve as the lead organiser of the local PMA and contact point for all Officers and Representatives of the PMA at a local level; as the local communication point to the National Executive and National Council. The Chair shall serve concurrently as the Chair of the local PMA and as a National Council Representative (Article VIII (1) (i)).

11 A PMA Chair shall serve for a term of one year and shall be duly elected from and by a simple majority of all General Members of the PMA participating in the vote and shall not serve for more than two successive terms in that office.

12 A PMA Chair must not serve as a Chair on any other PMA, Commission or National Permanent Committee, but for subsection (14) herein.

13 A PMA Chair may be removed from office by a simple majority vote of General Members of the electing PMA participating in the vote or by way of a General Members referendum (Article XIV).

14 If a PMA lacks a Chair, the PMA can elect or select an interim Chair, for a period not exceeding 90 days, in one of two ways:

- i) The PMA may elect an interim Chair from among its current serving Officers to sit as interim Chair. If the vote is tied, the vote must go to the General Members of the PMA. The interim Chair may not be a Chair on any other National Commission or Committee.
- ii) The PMA may request an interim Chair from a geographically adjacent PMA to represent their PMA view at National Level, to either the National Executive or in a non-voting capacity to the National Council and or to sit as interim Chair of PMA in local PMA meetings.

15 The Association recommends that each PMA should further have the following listed Officers to facilitate the participation rights of General Members of a PMA at a local and national level:

- i) Vice Chair
- ii) Membership Officer
- iii) Secretary
- iv) Communications Officer

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

- v) Human Rights Officer
- vi) Volunteer Officer
- vii) Ethics Officer
- viii) Key Issues Officer
- ix) Social Officer
- x) Professional Development Officer
- xi) Employment and Legal Issues Officer
- xii) Emergency Needs Officer
- xiii) Inter-Cultural Communications Officer
- xiv) Webmaster

16 The fact that there are no Officers or Representatives serving General Members on any local PMA at any one time, in no way hinders the realisation of General Members of that PMA to exercise their right to vote as a General Member in general votes or referendums by way of Article XIV, amendments of these bylaws according to Article XXIV or in elections of the President according to Article XIII, or any other vote that the General Member does not need to exercise through a Representative or Officer of the Association.

17 If a PMA does not have a serving Chair, Representatives or Officers this could limit the full participation rights of General Members of the PMA through representation by Officers or Representatives on binding votes at Commission, National Committee or National Council Level. This is in no way intended to limit the rights of General Members to sit on any Commission or Committee as a non-voting member.

Relationship of a PMA to the Association

18 The PMA is a Body of the Association as such the PMA and Officers and Representatives of a PMA are required to act in the best interests of the General Members of the PMA or are subject to review by any of the Bodies of the Association invested with investigatory powers.

19 In matters of mutual concern to the PMA and the Association, it shall be the responsibility of the National Council and the National Executive to encourage and assist the PMA in taking responsible action and, when advisable, to formulate standards of uniform practice that will guide the PMAs.

20 It shall be the responsibility of each PMA to keep the Association and other PMAs adequately informed of actions affecting any Member or Members within or beyond its own provincial or metropolitan boundaries.

21 The Association shall not be responsible for the acts or omissions of its Provincial/Metropolitan Association, except as specifically authorized by these bylaws or other duly promulgated rule of the National Council.

Article XVIII OMBUDSPERSON

Appointment

1 The National Executive, after consultation with the Ethics Committee, shall appoint an Ombudsperson for the Association.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

2 The Ombudsperson ought to be someone of requisite professional or personal skills to serve as an ultimate arbiter or ethical voice of the Association.

3 The Ombudsperson shall not hold any other elected or appointed role within the Association or sit on any of the Committees or Commissions of the Association that may in anyway affect the objectivity of this role or be a conflict of interest.

4 The Ombudsperson should not be actively involved in forums or otherwise state publicly their opinion with regard to ATEK's policies, goals, Members or other actions that may be reasonably deemed by a Member, the Membership or a Body of the Association to affect the objectivity required for the Ombudsperson role.

5 The Ombudsperson shall not be a General Member of the Association; however, they may be an Associate Member.

6 The National Executive shall actively do their best to appoint an Ombudsperson, yet in the event that there is no Ombudsperson serving the Association, this shall in no way affect the legitimacy, operation or efficacy of the Association, its Bodies or its Membership.

Service

7 The Ombudsperson shall serve for a period of one year, or on a rotational basis as agreed by the Association and the Ombudsperson or Ombudspersons; or otherwise by mutual agreement between the Ombudsperson and the National Executive.

8 The Ombudsperson may be removed from service at any time if the Ombudsperson is derelict in their duties or does not act in the best interest of the Association.

9 The Ombudsperson can resign, in writing, at any time. However, a period of notice of one calendar month is desirable for the Association.

Power

10 The Ombudsperson shall have the power to investigate upon referral:

- i) An unfair decision, procedurally or substantively, made by the Ethics Committee, the National Council or the National Executive.
- ii) An allegation that the National Executive, the National Council or the Ethics Committee or their Officers or Representatives has acted outside of their powers or made an interpretation of the bylaws that unreasonably affects a Member, groups of Members or the best interest of the Association.

11 The Ombudsperson shall have the power to make a recommendation to the Association through the referring Body of the Association.

Referrals

12 Referrals for a recommendation from the Ombudsperson may only be made once all avenues within the association have been exhausted. The Ombudsperson is to be seen as an avenue of last resort and so far as is reasonably possible all issues should be decided within the Association by its Members, Representatives, or Bodies.

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

13 All avenues of resort must be faithfully recorded in the application to the Ombudsperson who can reasonably refuse the application for review if this is not evidenced.

14 The Ombudsperson may only accept referrals by the Ethics Committee, the National Executive, and the National Council.

Recommendation

15 The Ombudsperson may make recommendations only and their decisions are not binding on the Association, Bodies of the Association or Members of the Association.

ARTICLE XIX- AFFILIATION OF THE ASSOCIATION WITH OTHER ORGANIZATIONS

The National Council may establish affiliation with national and international professional organizations by a two-thirds majority vote by all the serving National Council Representatives (as long as the affiliation does not require the National Council or National Officers to travel outside the jurisdiction of Korea), may elect such representatives thereto as are necessary and proper, may authorize the payment of appropriate fees for such affiliation, and by a two-thirds majority vote by all the serving National Council Representatives.

ARTICLE XX- CENTRAL OFFICE

The Association shall endeavor to maintain a Central Office for the promotion of the objectives of the Association, its Commissions, and Associations. The Central Office shall be established at such a place and with such facilities and functions as Council may direct.

ARTICLE XXI- PUBLICATIONS

Such records, reports, proceedings, journals, and other documents shall be published as are authorized by these bylaws or by vote of the National Council. The Association may publish an official organ and may maintain information services for Members, including lesson plans, curriculum plans, teaching tips. The publication of all shall be reviewed by and approved by the Press Committee.

ARTICLE XXII - ANNUAL CONVENTION

There shall be an Annual Convention of the Association at a time and place to be determined by the National Council. Joint meetings with related societies shall be subject to the approval of the National Council.

ARTICLE XXIII - SEVERABILITY

In the event that any one or more of the provisions contained herein shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of these bylaws, but these bylaws shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein, unless the deletion of such provision or provisions would result in such a material change so as to cause completion of the transactions contemplated herein to be unreasonable.

ARTICLE XXIV - AMENDMENTS

National Bylaws for the Association for Teachers of English in Korea
Adopted May 6, 2010

1 The Association, by vote of the voting General Members on the official rolls of the Association at the time of sending, may adopt such bylaws or amendments to the bylaws as are deemed necessary for the management of the affairs of the Association.

2 Amendments may be proposed (a) by National Council, or (b) by petition of 4 % or more of the General Members of the Association. A copy of each amendment proposed, with space appropriate for voting and such explanations of the amendments as are deemed necessary, shall be sent to the last recorded email address of each General Member. Pro and con statements shall accompany amendments unless two thirds of the representatives present and voting consider such statements to be unnecessary. Thirty days after the date of sending, the poll shall be closed and the votes counted by the Elections Committee, which shall certify the result to the National Council at its next meeting, at which time the amendment, if passed by two thirds of all the General Members voting, shall take effect.