

## Resource B Non-Compliance Procedures

The following Non-Compliance Procedures have been adopted by National PTA as a guideline to be followed when there is a determination that a state constituent association is not in compliance with the Standards of Affiliation (“SOA” or “Standards”) Policy. While National PTA recognizes its responsibility to preserve the value and goodwill associated with the PTA Trademarks (as defined in the SOA) and brand, it is also committed to supporting and working collaboratively with its local and state constituent associations. For more details, contact the National PTA Field Service Committee or email [soa@pta.org](mailto:soa@pta.org).

### General Communication Provisions

In situations where notification to the state constituent association is regarding the Probation Phase, Oversight Phase, and Revocation, National PTA shall notify via email all members of the board of directors as entered into the National PTA database by the state constituent association. A copy of the notification shall also be sent via U.S. mail to the street address of the state constituent association. Other notifications shall be by email only unless otherwise stated.

If no state constituent association leadership exists to whom notice can be sent, National PTA shall send notification to all local constituent associations within the state constituent association for whom information is available in the National PTA database via email.

### Cooperation by State Constituent Association Representatives

In order to ensure that the joint mission of the National PTA and the state constituent associations is carried out while these procedures are in effect, the cooperation of the state constituent association is required. All officers and board members of the state constituent association must work with, listen to and adhere to directions from the National PTA support team and National PTA representatives during all phases of these Non-Compliance Procedures.

## I. Notification Phase

- A. If it has been determined that a state constituent association has not complied with any portion of the SOA, the National PTA President shall notify the state constituent association of such determination (“Notice of Non-Compliance”).
- B. The Notice of Non-Compliance shall:
  - 1. Be sent to the state constituent association via email;
  - 2. Specify the particular standard or standards with which the state constituent association has not complied;
  - 3. Specify the date by which the state constituent association must comply with each standard with which it has not complied; **and**
  - 4. Inform the state constituent association that if it does not comply with the standard(s) by the date(s) specified in the Notice of Non-Compliance, it will be moved to the Intervention Phase, the Probation Phase, the Oversight Phase, and/or Revocation as determined by National PTA.

- C. If at any point during a period of non-compliance, National PTA becomes aware of additional or different instances of non-compliance with the SOA, notice of such additional or different non-compliance shall be given as specified in Section I.B.
- D. National PTA reserves the right to, at any time, bypass this notification and move directly into the Oversight Phase or Revocation if no state constituent association leadership exists to whom notice can be sent. National PTA shall notify the state constituent association's local constituent associations of the extent to which National PTA will provide services.

During the Notification Phase, the state constituent association and its local constituent associations shall be entitled to all the privileges of affiliation with National PTA.

## II. Failure to Comply with Notice of Non-Compliance

- A. If it has been determined that the state constituent association has not complied with one or more of the identified standards by the date specified in the Notice of Non-Compliance, the National PTA President shall notify the state constituent association of such determination ("Notice of Determination").
- B. The Notice of Determination shall:
  - 1. Be sent to the state constituent association via email;
  - 2. Specify the particular standard or standards with which the state constituent association remains in non-compliance;
  - 3. Inform the state constituent association as to whether it is being placed in the Intervention Phase, the Probation Phase, the Oversight Phase, or Revocation; **and**
  - 4. Include such additional information as specified in Sections III, IV, V, or VI below, as applicable.
- C. National PTA reserves the right to bypass the Intervention Phase and/or the Probation Phase, at any time, and move directly into the Oversight Phase if the National PTA Board of Directors determines that:
  - 1. The state constituent association officers, in accordance with state law, lacks sufficient leadership to meet the applicable requirements for board composition;
  - 2. The state constituent association is unable to fill an officer seat with an eligible leader as defined in its bylaws or other governing documents (such as board-approved policies or procedures);
  - 3. The state constituent association's leadership is no longer functioning and/or is unable to provide effective service to its local constituent associations;
  - 4. The state constituent association is unable to conduct elections or business, as per state law and bylaws, at an annual meeting;
  - 5. The state constituent association has been in the Intervention Phase or Probation Phase at least once in the last five years; **or**
  - 6. The state constituent association is engaging in conduct that National PTA determines may justify skipping a phase after weighing the potential harm to the value and goodwill associated with the PTA Trademarks and brand as compared to the state constituent association's interest in the benefits of affiliation.

- D. National PTA may choose to appoint acting officers or facilitators to govern or operate the state constituent association when no leadership has existed for a period exceeding two months. These officers or facilitators shall serve until an election can be conducted successfully or until another action takes place.

### III. Intervention Phase

- A. If National PTA has issued a Notice of Determination to the state constituent association and has determined that the state constituent association shall be placed in the Intervention Phase, National PTA shall assign either a representative or a support team to offer solutions, guidance, and oversee the state constituent association's activities and progress towards compliance. This representative or support team may include one or more members of the National PTA Board of Directors. The contact information of the representative or the support team's lead, whichever is assigned, shall be provided.
- B. In addition to the information identified in Section II.B. above, the Notice of Determination issued to the state constituent association entering the Intervention Phase also may:
  - 1. Inform the state constituent association that, in consultation with the representative or the support team, whichever is assigned, it is responsible for developing and submitting to the representative or support team lead and to [soa@pta.org](mailto:soa@pta.org) a written action plan ("Action Plan") by the deadline specified in the Notice of Determination; **and**
  - 2. Inform the state constituent association's board of directors that the failure to successfully complete the Intervention Phase may result in further corrective measures and the forfeiture of certain privileges of affiliation.
- C. If an Action Plan is identified in the Notice of Determination, it may include milestones, with dates, or other requirements as detailed in the notice for the state constituent association to come into compliance. The state constituent association shall consult the representative or support team lead as the state constituent association develops their Action Plan.
  - 1. The state constituent association shall submit an Action Plan to the representative or support team lead and to [soa@pta.org](mailto:soa@pta.org) for review by the deadline specified in the Notice of Determination.
  - 2. National PTA may approve the Action Plan as submitted or return it, identifying those items the state constituent association must modify prior to resubmitting for approval, and shall inform the state constituent association of such decision via email.
  - 3. If the state constituent association is unable to meet the deadline(s) specified in the Action Plan, the state constituent association may request an extension of time by submitting a written request for such extension to the representative or support team lead and to [soa@pta.org](mailto:soa@pta.org). Such request must be received by the representative or support team lead and to [soa@pta.org](mailto:soa@pta.org) in advance of the deadline and must include the amount of additional time requested for each milestone in the Action Plan.
  - 4. After deciding whether to approve an extension, National PTA shall inform the state constituent association of such decision via email.
- D. At the conclusion of the Intervention Phase, National PTA shall inform the state constituent association that the Intervention Phase has ended. Such notice shall also inform the state constituent association of its status (e.g. in compliance with SOA or continued non-

compliance with the SOA), shall include such other information as National PTA deems appropriate, and shall be sent to the state constituent association via email.

- E. National PTA reserves the right to end the Intervention Phase, at any time, and move the state constituent association directly to the Probation Phase, the Oversight Phase, or Revocation, if the National PTA Board of Directors determines that the actions of the state constituent association may diminish the value and goodwill associated with the PTA Trademarks and brand.
- F. If National PTA moves state constituent association to the Probation Phase or Oversight Phase after failure to successfully complete the Intervention Phase, the measures identified for completion may continue into the next phase.

During the Intervention Phase, the state constituent association and its local constituent associations shall be entitled to all the privileges of affiliation with National PTA.

#### IV. Probation Phase

- A. The state constituent association shall enter the Probation Phase when National PTA has determined that:
  - 1. The state constituent association has failed to comply with the SOA by the deadline specified in the Action Plan approved by National PTA during the Intervention Phase, including any approved extensions; or
  - 2. The state constituent association has received a Notice of Determination indicating it has been placed in the Probation Phase as a first step.
- B. If it has been determined that the state constituent association is entering the Probation Phase, the National PTA President shall notify the state constituent association of such probation ("Notice of Probation").
- C. The Notice of Probation shall:
  - 1. Be sent to the state constituent association via email and U.S. mail;
  - 2. Stipulate that probation includes the state constituent association's forfeiture of the following privileges and any additional privileges National PTA determines should be forfeited:
    - a. Funding to attend National PTA meetings and events as may be specified in the National PTA bylaws and/or budget;
    - b. Eligibility to receive benefits from sponsored gifts or rewards and to participate in sponsorship/members-only programs;
    - c. Eligibility to receive grants or program participation/incentive funds from National PTA;
    - d. Eligibility to request and receive official representation assigned by National PTA at the state constituent association's annual meeting/convention or other statewide event once every two years; and
    - e. Eligibility to participate in National PTA awards and other programs, including the PTA Reflections program at the national level.

3. If the state constituent association is entering the Probation Phase from the Intervention Phase, the Notice of Probation also may:
    - a. Provide that the representative or support team shall continue to offer solutions, guidance, and oversee the state constituent association's activities and progress towards compliance;
    - b. Provide that the state constituent association continue completion of the corrective measures identified in the previous phase(s); **and**
    - c. Inform the state constituent association that, in consultation with the representative or the support team, whichever is assigned, it is responsible for modifying and submitting to the representative or support team lead and to [soa@pta.org](mailto:soa@pta.org) a revised written Action Plan by the deadline specified in the Notice of Determination.

National PTA may approve the Action Plan as submitted or return it, identifying those items the state constituent association must modify prior to resubmitting for approval, and shall inform the state constituent association of such decision via email and U.S. mail.
  4. If the state constituent association is placed in the Probation Phase as a first step, National PTA shall assign either a representative or a support team to offer solutions, guidance, and oversee the state constituent association's activities and progress towards compliance. This representative or support team may include one or more members of the National PTA Board of Directors. The contact information of the representative or the support team's lead, whichever is assigned, shall be provided. In addition to the information identified in Section IV.C.1 and 2 above, the Notice of Determination issued to the state constituent association entering the Probation Phase as a first step also may:
    - a. Inform the state constituent association that, in consultation with the representative or the support team, whichever is assigned, it is responsible for developing and submitting to the representative or the support team lead and to [soa@pta.org](mailto:soa@pta.org) an Action Plan by the deadline specified in the Notice of Determination; **and**
    - b. Inform the state constituent association's board of directors that the failure to successfully complete the Probation Phase may result in further corrective measures and the forfeiture of certain privileges of affiliation.
  5. Identify probation requirements, including a timeline for completion and potential additional training requirements relevant to the situation for the state constituent's board of directors.
  6. Notify the state constituent association that failure to comply with probation requirements **or** lack of cooperation and communication with the assigned representative or support team **or** causing damage to the value and goodwill associated with the PTA Trademark and brand may result in National PTA terminating the Probation Phase and directing that the state constituent association be moved to the Oversight Phase or Revocation. This notification may be made at any time, regardless of whether any specified time period has passed.
- D. If the state constituent association is placed in the Probation Phase as a first step and if an Action Plan is identified in the Notice of Probation, it may include milestones, with dates, or

other requirements as detailed in the notice for the state constituent association to come into compliance. The state constituent association shall consult the representative or support team lead as they develop their Action Plan.

1. The state constituent association shall submit an Action Plan to the representative or support team lead and to [soa@pta.org](mailto:soa@pta.org) for review by the deadline specified in the Notice of Determination.
  2. National PTA shall approve the Action Plan as submitted or return it, identifying those items the state constituent association must modify prior to resubmitting for approval, and shall inform the state constituent association of such decision via email and U.S. mail.
  3. If the state constituent association is unable to meet the deadline(s) specified in the Action Plan, the state constituent association may request an extension of time by submitting a written request for such extension to the representative or support team lead and to [soa@pta.org](mailto:soa@pta.org). Such request must be received by the representative or support team lead and to [soa@pta.org](mailto:soa@pta.org) in advance of the deadline and must include the amount of additional time requested for each milestone in the Action Plan.
  4. After deciding whether to approve an extension, National PTA shall inform the state constituent association of such decision via email and U.S. mail.
- E. A state constituent association shall remain on probation until National PTA determines that the probation period should end.
- F. While on probation, National PTA may restore the state constituent association's benefits of affiliation, in whole or in part, at its discretion.
- G. The state constituent association may request an extension of the Probation Phase by submitting a written request for such extension to the representative or support team lead and to [soa@pta.org](mailto:soa@pta.org). Such request must be received by the representative or support team lead and to [soa@pta.org](mailto:soa@pta.org) in advance of the deadline, and must include the amount of additional time requested for each milestone in the Action Plan.
- H. After deciding whether to approve an extension, National PTA shall inform the state constituent association of such decision via email and U.S. mail.
- I. National PTA reserves the right to end the Probation Phase, at any time, and move the state constituent association directly to the Oversight Phase or Revocation, if the National PTA Board of Directors determines that the actions of the state constituent association may diminish the value and goodwill associated with the PTA Trademarks and brand.
- J. If National PTA moves state constituent association to the Oversight Phase after failure to successfully complete the Probation Phase, the measures identified for completion may continue into the next phase.
- K. At the conclusion of the Probation Phase, for any reason, National PTA shall inform the state constituent association that the Probation Phase has ended. Such notice shall inform the state constituent association of its status (e.g. in compliance with SOA or continued non-compliance with SOA), shall include such other information as National PTA deems appropriate, and shall be sent to the state constituent association via email and U.S. mail.

During the Probation Phase, the state constituent association's local constituent associations shall be entitled to all benefits of their membership with National PTA.

## V. Oversight Phase

- A. The state constituent association shall enter the Oversight Phase when:
1. The state constituent association has failed to comply with the requirements of the Probation Phase;
  2. The state constituent association has received a Notice of Determination indicating it has been placed in the Oversight Phase as a first step; or
  3. No state constituent association leadership exists or commits to continuing to serve.
- B. If it has been determined that the state constituent association is entering the Oversight Phase and state constituent association leadership exists, the National PTA President shall notify the state constituent association of such oversight (“Notice of Oversight”).
1. Such Notice of Oversight shall be sent to the state constituent association via email and U.S. mail.
  2. During the Oversight Phase, the state constituent association shall not take any of the following actions without prior written approval by National PTA:
    - a. Communicate with the state constituent association’s local constituent associations regarding the Oversight Phase;
    - b. Issue any communications using the PTA Trademarks or brand;
    - c. Issue any other communication that might diminish the value and goodwill associated with the PTA Trademarks or brand; or
    - d. Expend any funds.
  3. During the Oversight Phase, the state constituent associate shall:
    - a. Turn over to National PTA access to the state constituent association’s funds and all current accounts (National PTA shall establish temporary account[s] when it deems necessary);
    - b. Turnover to National PTA all PTA assets and records including but not limited to physical property, contracts, financial records and instruments, historical records, minutes, access to technology accounts (website, Facebook, etc.) when deemed necessary by National PTA; and
    - c. Take such other reasonable actions as directed by National PTA.
- C. If it has been determined that the state constituent association is entering the Oversight Phase and no state constituent association leadership exists or commits to continuing to serve, the National PTA President shall notify via email the local constituent associations within the state constituent association of such oversight (“Notice of Oversight”).

National PTA shall take the appropriate actions to:

1. Establish temporary account(s) and maintain financial reporting;
2. Attempt to obtain and/or gain access to all PTA assets and records including but not limited to physical property, contracts, financial records and instruments, historical records, minutes, access to technology accounts (website, Facebook, etc.);
3. Provide services to the local constituent associations; and



4. Conduct elections according to the existing governance documents.

National PTA may choose to appoint acting officers or facilitators to govern or operate the state constituent association when no leadership has existed for a period exceeding two months. These officers or facilitators shall serve until an election can be conducted successfully or until another action takes place.

- D. National PTA reserves the right to end the Oversight Phase, at any time, and revoke the state constituent association's charter, if the National PTA Board of Directors determines that the actions of the state constituent association may diminish the value and goodwill associated with the PTA Trademarks and brand.
- E. At the conclusion of the Oversight Phase, for any reason, National PTA shall inform the state constituent association that the Oversight Phase has ended. Such notice shall also inform the state constituent association of its status (e.g. in compliance with the SOA or continued non-compliance with the SOA), shall include such other information as National PTA deems appropriate, and shall be sent to the state constituent association via email and U.S. mail.

During the Oversight Phase, National PTA will notify the state constituent association's local constituent associations of the extent to which National PTA will provide services.

## VI. Revocation

- A. The National PTA Board of Directors may, at any time, regardless of other actions taken under these Procedures, revoke a state constituent association's charter if National PTA determines that the state constituent association has:
  1. Been unable to sustain leadership, or
  2. Engaged, or has threatened to engage, in any conduct or activities that may cause harm to the value and goodwill associated with the PTA Trademarks or brand.
- B. Such Notice of Revocation shall be sent to the state constituent association via email and U.S. mail.
- C. Immediately upon receipt of Notice of Revocation from National PTA, the state constituent association shall (1) be deemed to have relinquished its status as a state constituent association; (2) cease to identify itself as affiliated with PTA; (3) cease all use of the PTA Trademarks; (4) distribute all remaining assets to National PTA, which may be used to establish a new entity or governance model to provide service to the constituents and members within the state; and (5) take such other steps as directed by National PTA.

## VII. Termination of Support Team

- A. National PTA may, at any time, terminate the support team. National PTA may or may not assign a new support team.
- B. Upon such termination, National PTA shall notify the state constituent association of such termination (the "Notice of Termination").
- C. The Notice of Termination shall be sent to the state constituent association via email.