

Constitution and Bylaws of Anoka Hennepin Education Minnesota

As Approved and Ratified by the Faculty Representative Assembly May 2016

CONSTITUTION

Article I. Name

The name of this Association shall be Anoka Hennepin Education Minnesota. In this document, we shall be referred to as the Association.

Article II. Objectives

The purpose of this Association shall be:

1. to promote the social and economic welfare of its members,
2. to foster professional zeal,
3. to improve teaching,
4. to promote educational interests and advance standards of education,
5. to enhance and unify the professional spirit among members and persons engaged in the profession of teaching,
6. to create and perpetuate ideals for civic and economic betterment.

Article III.

This Association shall be organized on a membership basis, and shall be affiliated with Education Minnesota, the National Education Association and the American Federation of Teachers in accordance with the provisions of the constitution and bylaws of these bodies. Individuals will be members of Education Minnesota, the American Federation of Teachers and the National Education Association.

Article IV.

The officers of this Association shall be elected by secret ballot, and shall consist of a President, Vice-President, a Secretary and a Treasurer.

Article V.

This Association shall not discriminate because of a person's race, color, religion, sexual orientation, creed, sex, marital status or national origin.

Article VI.

This Association shall hold a minimum of one annual meeting and such other meetings as set forth in the Bylaws.

Article VII.

This Constitution may be amended by previous notice and two-thirds vote as provided in Article IX of the Bylaws.

Article VIII.

If any provisions of this Constitution and Bylaws conflict or violate the constitution and bylaws of Education Minnesota, NEA or AFT, the provisions of the state and national organizations shall supersede those contained herein.

BYLAWS

Article I. Membership

Section 1. Active Local Membership

An active membership shall be available to any non-supervisory, licensed education personnel employed by Anoka-Hennepin Independent School District No. 11 who: 1) holds a Bachelors or higher degree (other than an honorary degree) and holds a current teaching certificate issued by the Minnesota State Board of Teaching, and 2) is employed in a professional, educational capacity. Active membership shall entitle the holder to all the rights, privileges and responsibilities conferred from time to time by the Executive Board, including the right to vote and hold office, except as limited by these Bylaws.

Section 2. Unified Membership

Enrollment of active members in the Association shall be in accordance with the constitution and bylaws of Education Minnesota, and the National Education Association and the American Federation of Teachers. The membership year shall be September 1 through August 31.

Section 3. Annual Dues

Dues for active membership shall be as follows:

1. Local--as set by the Representative Assembly.
2. State--as set by Education Minnesota Representative Convention.
3. National--as set by the National Organizations.

Article II. Officers

Section 1.

There shall be four elected officers of the Association: A President, a Vice-President, a Secretary and a Treasurer.

Section 2. Selection

Officers shall be elected by a majority vote of the membership. In the event that no candidate receives a majority, a run-off election shall be held between the two candidates receiving the most votes.

Section 3. Terms of Office

The term of office for the President, Vice-President, Secretary and Treasurer shall be two years. The President's and Secretary's terms shall commence on the first day of July in even numbered (non-bargaining) years. The Vice-President's and Treasurer's terms shall commence on the first day of July in odd numbered years.

All officers may run for re-election. The President, Vice-President, Secretary and Treasurer may not serve more than four successive, two-year terms. A member who has exhausted their term limits will be eligible to run again for that office after a different member has served any portion of their term in that office.

Section 4. Qualification of Officers

A candidate for office shall have been an active member of the Association for a two-year period preceding his/her election. Any candidate for Anoka Hennepin Education Minnesota office must be a member of the teacher bargaining unit for Anoka-Hennepin District No. 11, Education Minnesota, the NEA and AFT.

Section 5. Powers and Duties of Elected Officers

The President shall be the chief executive of the Association. He/she shall preside in the manner prescribed by Robert's Rules of Order Newly Revised, at all meetings of the Association, the Representative Assembly and the Executive Board, and is entitled to sit ex-officio with any committee of the Association, excluding Nominating Committee. The President will be a delegate to the state and national conventions.

The Vice-President shall perform the duties of, and have the powers of, the President during any absence or inability of the President to act or in the event of a vacancy in the office. In the absence of both President and Vice-President, a chairperson pro tem may be elected by any group in session.

The Vice-President shall also perform other duties as requested by the President.

The Secretary shall keep a record of the proceedings of meetings of the Representative Assembly, the Executive Board, and general meetings of the Association, and serve as directed by the President.

The Treasurer shall keep the financial accounts in a business-like form, submit reports of the finances of Association to the Representative Assembly and to the Executive Board monthly and at such other times as directed. The Faculty Representative Assembly shall decide whether or not to use an outside bookkeeping agency. The Treasurer is responsible for the maintenance and accuracy of the financial accounts for the entire fiscal year. The outgoing Treasurer shall continue to maintain financial accounts for the fiscal year during which he/she held office. The Treasurer's stipend will be paid after the completion of that year's audit.

The Treasurer shall aid council and committee chairs in determining assignment of expenses to accounts, sign checks for association expenditures, supervise the receipt of funds such as dues moneys, work with the Vice-President on the budget committee, and serve as directed by the President.

Section 6. Vacancy in Office

In the event of any vacancy in an elected office with more than six months remaining, the Executive Board shall appoint a temporary officer. An election shall be held by the general membership to fill the vacancy within 45 K-12 school year calendar days of the declared vacancy. For any vacancy of an elected office with less than six months remaining, the Representative Assembly shall appoint a new officer. The term of the office for any of the above shall be for the remainder of the term of the officer he/she replaces.

Section 7. Resignation

Any resignation of an officer, other than the President, or council chairperson must be submitted to the President of the Association in writing, dated and signed. In the case of the resignation of the President of the Association, the resignation must be submitted to the Vice President in writing, dated and signed.

Article III. Representative Assembly

Section 1. Membership

The Representative Assembly shall consist of representatives elected from and by the members of each school in Anoka-Hennepin Independent School District No. 11, officers of AHEM, and Executive Board members.

Schools shall consist of building sites identified in Article XI, Section 1 of these Bylaws.

To be eligible for building representation for the Association, a candidate must be a member of Anoka-Hennepin Education Minnesota in good standing, and also be a member of the Anoka-Hennepin Teacher Bargaining Unit as determined by the State of Minnesota.

Section 2. Authority

The Representative Assembly of the Association shall be the policy-making body for the Association.

All voting powers and functions of members of the Association shall be exercised by the Representative Assembly, except as otherwise provided by the provisions of those Bylaws. The Representative Assembly shall propose adoptions, amendments, and repeals of rules and regulations for its own government and any business for the good of the Association.

Section 3. Election

Each school shall be entitled to elect one representative for each 20 active members or major fraction thereof, with a minimum of one representative for each site. Election shall be by secret ballot and conducted by the Head Faculty Representative at each site.

Two or more clustered sites of insufficient size will be consolidated by the Executive Board, with the approval of the Representative Assembly, to select a Faculty Representative.

Section 4. Term of Office

The terms of office of such representatives shall be August 1 to July 31. Election of such representatives shall normally take place prior to the end of the preceding school year. In the event that additional Faculty Representatives or alternates are required, special elections may be held in the schools affected. Such newly elected representatives shall be seated at the next scheduled assembly.

Section 5. Quorum

A quorum must be present for a meeting of the Representative Assembly. A quorum will be considered to be twenty-five (25) members of the Representative Assembly.

Section 6. Meetings

All meetings of the Representative Assembly are open to the membership of the Association. There shall be at least one meeting of the Representative Assembly during each month of the school year.

Section 7. Grievances

The Representative Assembly shall be apprised of all grievances filed in behalf of groups of teachers at the time said grievances are filed and shall be vested with the authority to terminate the processing of the class grievance at any step of the grievance procedure.

Article IV. Executive Board

There shall be an Executive Board, to consist of the persons set forth in this section. The Executive Board shall have responsibility for fiduciary accountability, policy implementation and management of the activities of Anoka-Hennepin Education Minnesota.

Section 1. Powers and Duties

The Executive Board shall have and exercise general supervision and management over the activities of the Association and make effective the action and commitments of the Representative Assembly. Without limiting the forgoing, the Board shall have the power:

1. to manage the Anoka Hennepin Education Minnesota calendar;
2. to oversee the disbursement of the Anoka Hennepin Education Minnesota budget;
3. to direct the collection, disbursement, accounting and auditing of all funds and property of the Association;
4. to be the final authority for the submission of grievances to arbitration;

5. to implement policy enacted by the Representative Assembly;
6. to advise the Representative Assembly on needed actions;
7. to make the final decision on the authorization of a strike, based on the vote of the bargaining unit; and
8. to act on behalf of the Representative Assembly outside of the contract year.

The Executive Board shall have the power to censure, suspend or expel any member for conduct prejudicial to the purposes of the Association. This is provided the member is given a fair hearing under the provisions of Article IX, Section 2 of these Bylaws. The Executive Board shall have the power to reinstate any suspended or expelled member.

Section 2. Right to appeal decisions of the Teacher Rights Panel

Any grievant who has been denied resolution via arbitration by the Teacher Rights Panel has the right to appeal that decision to the Executive Board. The grievant shall do so in writing within two days of being notified by the Teacher Rights Panel of their decision. The letter shall state the reasons why the Executive Board should overturn the decision of the Teacher Rights Panel. This letter will be sent to the local President. The President will request an extension of the time-lines of the grievance or call an emergency meeting of the Executive Board, whichever is appropriate.

Section 3. Membership

Representation on the Executive Board shall be as follows:

Duly elected officers of Anoka Hennepin Education Minnesota; Representatives to the Education Minnesota Governing Board; and four representatives allocated per cluster in the following manner: one high school representative, one middle school representative, and two elementary representatives.

In the event that a cluster does not have sufficient candidates to fill their allotment, persons from any other cluster may be considered for the position.

In addition to these elected representatives by cluster, one member will be elected at-large from any other site district-wide.

Section 4. Terms of Office

Terms of office on the Executive Board shall be one year, beginning June 1st and ending May 31st. Members may run for re-election within their section.

Section 5. Vacancy

In the event of a vacancy on the Executive Board, the President will notify the membership of the vacancy. After allowing a reasonable time for members to submit their names or nominations for the seat, the President will hold an election for the vacant seat at a regularly scheduled Faculty Representative Assembly. All members of the Representative Assembly may vote in the election.

Section 6. Meetings

There shall be at least one meeting of the Executive Board held during each month of the school year.

Meetings of the Executive Board may be called by petition signed by ten (10) active members of the Association and must be held in a timely manner to address the needs of the petitioners. Petitions may be submitted in written or electronic form. To sign an electronic form of a petition, a member will need to email the Association's email address from their personal home or work email address with the petition included in the body of the email and a statement of their agreement with the petition.

Section 7. Quorum and Chair

Official business of the Executive Board may be conducted if a simple majority of the members are in attendance at a duly called meeting. The President of the Association shall preside at all official meetings of the Executive Board. In the absence of the President, the Vice-President shall preside.

Article V. Leadership Cadre

Section 1. Duties and Appointment

The general role of each cadre member will be as established by the Anoka Hennepin Education Minnesota Representative Assembly. Each cadre member will be appointed by the President and approved by the Representative Assembly of the Association. The term of office of cadre member shall be one year, beginning June 1 and ending May 31. A cadre member may be re-appointed for successive terms. Each cadre member will be responsible to and fulfill all duties established by the Representative Assembly.

Article VI. Standing Committees

Section 1. Teacher Rights Committee

The Teacher Rights Committee shall be composed of members of the negotiations team, up to ten (10) members elected by the Representative Assembly and a chair appointed by the President. The committee shall review requests for and recommend action on grievances and provide direction on the protection of the contract rights of members.

Section 2. Elections Committee

An Elections Committee appointed by the President with approval of the Representative Assembly will supervise all election procedures including but not necessarily limited to setting a timeline for elections, conducting elections, and tallying election results.

Section 3. Budget Committee

The Budget Committee shall be chaired by the Treasurer and members appointed by the President with approval of the Representative Assembly. The Budget Committee will be charged with creating a budget proposal for the following fiscal year.

Section 4. Government Relations Committee

The Government Relations Committee shall be appointed by the President with the approval of the Representative Assembly. The committee will organize efforts to educate members on local political issues, decide on endorsements of candidates for local office, and lobby the Minnesota State Legislature and other elected officials on matters of concern to AHM members.

Article VII. Finances

Section 1.

No net earnings shall inure to the benefit of any member.

Article VIII. Elections

Section 1. Election Procedures

All elections shall be governed by applicable state and federal laws.

1. Each member must receive at least 15 days notice of the procedures and deadlines to file as a
AHM Constitution & Bylaws 2016

- candidate for the election and the date, time and place of the election.
2. Every member must have a fair and equal opportunity to participate in the election without unreasonable impediments.
 3. Voting must be by secret ballot. The specific method of voting (electronic, paper) will be determined by the Faculty Representative Assembly.
 4. In a contested election, candidates must be allowed to station observers at the polling places.
 5. Representatives of the competing candidates should be allowed to observe, but not actually participate in, the counting of ballots.
 6. The used, unused and challenged ballots; the envelopes used to return ballots; and other documents related to the election should be safely stored for one year in case there is a challenge to the election.
 7. No union funds may be used to support any candidate.
 8. The union should comply with reasonable requests to distribute campaign literature at the candidate's expense.
 9. Candidates have the right to inspect the membership list once within 30 days prior to the election.
 10. No candidate can have preferential access to the list.
 11. There shall be an open nomination process for all elections.
 12. If there is only one candidate for a position, the election for the position may be waived and the candidate declared elected. In order to waive such an election a reasonable period of time must have been provided for nominations.
 13. All district-wide election results will be certified by the Representative Assembly.

Section 2. Contract Ratification Vote

1. Upon the recommendation of the Executive Board, a ratification vote on the contract shall be conducted. Unless a strike is in progress, said vote shall take place not less than seven days following a meeting of the Faculty Representative Assembly.
2. Prior to the vote, information meetings shall be held to describe the negotiated agreement and any recommendation(s) to the Association. No voting (absentee or otherwise) will be allowed until *AFTER* the informational meeting(s).
3. The vote may be conducted by a secret ballot within the school buildings, by secret ballot at up to four geographical regions within the district, or by secret ballot at a general meeting of all members of the bargaining unit. The decision as to the method of voting (electronic, paper) will be decided by the Faculty Representative Assembly on the recommendation of the Executive Board.
4. All AHM members and fair share fee payers shall be allowed to vote, unless voting privileges have been revoked or suspended as a result of disciplinary action.
5. If a strike vote has been held and the vote was against a strike, a vote may be held on ratification of the offer of the District, using the above procedures.
6. If, during a strike, a tentative agreement is reached, a ratification vote shall be held at a general meeting of all members of the bargaining unit.
7. If, during a strike, a tentative agreement is reached, the Executive Board may ask members of the bargaining unit to resume work, with a ratification vote to take place once the proposed contract has been presented.
8. Ratification of the bi-annual two year contract that expires on June 30 of the odd-numbered year requires a simple majority of those voting.
9. Ratification of any legislatively approved contract re-opener where the main subject is an alternative teacher performance pay system shall require 75% of those voting.

Section 3. Strike Authorization

In the event a contract agreement cannot be reached between the Association and the School District, the Representative Assembly, or in their absence, the Executive Board, may authorize a strike vote.

1. Such a vote shall take place at a general meeting of the bargaining unit.

2. All AHEM members and fair share fee payers shall be allowed to vote. Different colored ballots may be used for members and non-members to meet requirements of the Education Minnesota Crisis Fund Guidelines.
3. Absentee ballots may be allowed but only for those persons who have the written permission of their head Association Faculty Representative.
4. The Executive Board shall make the final decision on strike authorization, based on the vote of the bargaining unit members.

Section 4. Executive Board Election

The Executive Board of the Association shall be elected by the members of their respective sections as defined in Article XI. Executive Board members shall be elected by secret ballot by each cluster according to the level taught prior to the first Representative Assembly in May (unless otherwise decided by the Faculty Representatives). In the event that a cluster does not have sufficient candidates to fill their allotment, persons from any other cluster may stand for election to the unfilled seat(s). Balloting will be by Faculty Representatives from that cluster. Upon election, these persons must fulfill the responsibilities of the Executive Board members for that cluster.

Article IX. Discipline and Expulsion

Section 1. Termination of Membership

Active membership shall be continuous but may be terminated by:

1. non-payment of unified dues;
2. written resignation from membership to Anoka Hennepin Education Minnesota by the 15th of September;
3. failure to meet active membership requirements;
4. where circumstances indicate that an individual's membership may prejudice the purpose of the Association;
5. substantial violation of the Education Minnesota and NEA Professional Code of Ethics;
6. violation of local policy in crisis situations affecting the entire school district.

Section 2. Disciplinary Action Against a Member

1. Disciplinary action, in the form of censure, suspension for one calendar year, or permanent expulsion, shall not be taken against any member except for cause as stated in Education Minnesota Bylaws. A substantial violation of: any provisions of these Bylaws; any policy of the Association established by Resolution of the Representative Assembly or Board of Directors or the Executive Committee; or, in a crisis situation affecting an entire school district, any policy of a Unified Local Association; or Engaging in any other conduct substantially prejudicial to the purpose of the Association.
2. Such action shall be initiated by a complaint of a majority of the officers, with written notice to the member of the proposed action to be taken and the reasons thereof.
3. Such notice shall also include the statement that the member has ten (10) calendar days in which to request a hearing before a quorum of the Local Association Teacher Rights Committee, serving as the Local Discipline Review Committee, at which the member is entitled to a representative of his/her choice to answer the charges and examine those making them. The hearing will be private or public at the choice of the member and the decision, by a simple majority, shall be communicated, in writing, to the member, accompanied by a memorandum of findings of fact, within ten (10) days of the close of the hearing. A tie vote shall indicate no action will be taken.
4. Any member censured, suspended, expelled or removed shall have the right of appeal to the full membership or local representative assembly, if applicable within ten (10) days of receipt of the decision. The appeal hearing, at which ten (10) shall be a quorum, shall be presided over by the Local Association

President (or Vice-President when the action taken is against the President) who shall grant a procedure which includes witnesses and the right of cross-examination. The decision shall be made by secret ballot, simple majority of the entire membership of those present and voting, or in the representative assembly, where applicable.

5. Appeal beyond this level will follow current adopted procedures established by Education Minnesota.
6. Appeal to the American Federation of Teachers and National Education Association shall be governed by the policies and procedures adopted by the AFT and NEA.
7. Lawsuits. No person shall initiate a civil action suit or proceeding in any court against the local or any of its officers, members, or employees on account of any discipline unless such person has exhausted the remedies of hearing and appeal as provided in this Constitution.

Section 3. Removal From Elected Office or Appointment

Any Executive Board member, officer, cadre leader, or committee chair may be disciplined by censure, suspension from office or removal from office for misfeasance, malfeasance or nonfeasance of office.

Elected and appointed leaders may be disciplined according to the following procedure which shall ensure the individual's right to due process. Discipline shall be commenced by petition of no less than 25% of the members of the Representative Assembly; or by no less than 15% of the general membership. Upon receipt of a petition for discipline, the Representative Assembly will appoint three of its members to a Disciplinary Review committee to investigate the charge. Within thirty (30) days of the formation of the committee, the Disciplinary Review committee will present a report to the Representative Assembly in which it may call for additional investigation, initiate discipline procedure within the guidelines for due process, or dismiss the charges on the basis of unsubstantial evidence to sustain the charges.

If the discipline procedure is initiated, the Representative Assembly will assure the member be granted all elements of due process under Article VII, Section II of these Bylaws. He/she shall immediately be apprised of any of his/her conduct which has been judged to be deficient and be given an opportunity to correct any such deficiencies, be informed in writing of any charges against him/her and the grounds and evidence in support thereof. The member must further be provided full access to all evidence in his/her case as well as all other rights of procedural due process as contained in the bylaws of the national and state organizations.

A special recall election for an officer position may be called by petition or petitions of no less than 35% of the total members of the Representative Assembly; or by no less than 25% of the general membership. When such petitions are received by the Representative Assembly, the Representative Assembly shall immediately schedule an election to be held no less than thirty (30) days from the date of receipt. The officer being challenged by the recall petition may run for the position. In the event that a new member is elected to replace the officer being challenged, the new officer will take office no more than thirty (30) days from the date of the election.

Article X. Parliamentary Authority

Section 1.

The current edition of *Robert's Rules of Order* governs this organization in all parliamentary situations that are not provided for in the law or in its charter, constitution, bylaws, or adopted rules.

Article XI. Clusters

Section 1.

The School District shall be divided into clusters for the purpose of Executive Board elections. The Representative Assembly will periodically review the cluster sites to insure the most reasonable representation for members at all levels and categories.

Teacher Units not clearly defined shall be assigned to a governance cluster by the Executive Board with the concurrence of the Faculty Representative Assembly.

Article XII. Amendment

Section 1. Submission

Proposed Amendments to the Anoka Hennepin Education Minnesota Constitution and Bylaws may be submitted to the Executive Board of the Association by petition of at least 10% of the Association membership, or by a majority vote of the Representative Assembly.

Section 2. Notification

All proposed amendments to the Anoka Hennepin Education-Minnesota Constitution and Bylaws must be published and made available to the general membership at least thirty (30) days prior to a vote on the amendments. At least two (2) general meetings open to all members will be scheduled prior to membership action on amendments, at which meetings the proposed amendments will be explained. These meetings will be scheduled at times and places convenient to District No. 11 staff members.

Section 3. Majority Required for Adoption

An affirmative vote of two-thirds of those members casting ballots shall be required for adoption of any amendment.

Article XIII. Dissolution

Section 1.

Upon dissolution of the organization, the officers and the Executive Board shall, after paying or making provision for payment of all liabilities of the organization, remit all remaining assets to Education Minnesota.