

# Constitution and Bylaws of Anoka Hennepin Education Minnesota

Certified by RA on 3/6/23

## CONSTITUTION



### Article I.

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

### Article II.

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/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 XI of the Bylaws.

## Article VIII.

If any provisions of this Constitution and Bylaws conflict or violate the constitutions 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 follow 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. Elected Officers

There shall be three elected officers of the Association: A President, a Vice-President/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 three years and shall commence on the first day of July. All officers may run for re-election. The President, Vice-President/Secretary, and Treasurer may not serve more than three successive, three-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.

The election occurring in spring 2022, the Vice-President/Secretary will have a three-year term ending June 30, 2025. The term for Treasurer will be a three-year term from July 1, 2024, through June 30, 2027. The election occurring in the spring of 2023, the President will run for a three-year term ending on June 30, 2026.

### Section 4. Qualification of Officers

A candidate for office shall have been an active member of the Association for a two-year period preceding their 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. They 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. The President will be a delegate to the state and national conventions.

**The Vice-President/Secretary** 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/Secretary, a chairperson pro tem may be elected by any group in session. The Vice-President/Secretary shall also perform other duties as requested by the President. The Vice-President/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 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 audit stipend will be paid after the completion of that year's audit. The Treasurer shall aid committee chairs in determining assignment of expenses to accounts, sign checks for association expenditures, supervise the receipt of funds such as dues monies, work with the Vice President/Secretary on the budget committee, assist as fiscal agent for grant receipts and disbursements 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. A special 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 they replaces.

## Section 7. Resignation

Any resignation of an officer, other than the President, 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/Secretary in writing, dated and signed.

## Article III. Representative Assembly Section

### Section 1. Membership

The Representative Assembly shall consist of representatives elected from and by the members of each site or program in Anoka-Hennepin Independent School District No. 11, officers of AHM, and Executive Board members. 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 Representative at each site, or electronically using a secure email platform. 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 Representative.

### Section 4. Term of Office

The terms of office of such representatives shall be July 1 and ending June 30 of the following year. Election of such representatives shall normally take place prior to the end of the preceding school year. In the event that additional 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 half of the number of building sites being represented plus one.

## 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. Class Grievances

The Representative Assembly shall be apprised of all class 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 active members; 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. Executive Board Election

The Executive Board of the Association shall be elected by the members of their respective instructional level as defined in Article IV, Section 4, Membership. In the event that an instructional level does not have sufficient candidates to fill their allotment, persons from any other level may stand for election to the unfilled seat(s). Balloting will be by Representatives. Upon election, these persons must fulfill the responsibilities of the Executive Board.

## Section 3. 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 4. Membership

Representation on the Executive Board shall be as follows: Three duly elected officers of Anoka Hennepin Education Minnesota; eight members from the elementary instructional level; four middle school; four high school; one pre-Kindergarten; two at-large; and one Education Minnesota Governing Board member. In the event that an instructional level does not have sufficient candidates to fill their allotment, persons from any other instructional level may be considered for the position.

## Section 5. Terms of Office

Terms of office on the Executive Board shall be one year, beginning July 1 and ending June 30 the following year. Members may run for re-election within their instructional level.



## Section 6. 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 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. Additional 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/Secretary shall preside.

# Article V. Leadership Committees

## Section 1. Duties and Appointment

The general role of each committee chair member will be as established by the Anoka Hennepin Education Minnesota Representative Assembly. Each committee chair member will be appointed by the President and approved by the Representative Assembly. The term of office of committee chair members shall be one year, beginning July 1 and ending June 30 of the following year. A committee chair may be re-appointed for successive terms. Each committee chair will be responsible to and fulfill all duties established by the Representative Assembly.

## Article VI. Standing Committees

### Section 1. Member Rights Committee

If the Representative Assembly deems it necessary to form a Member Rights Committee, it 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 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 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. No Association funds may be used to support any candidate.
7. The Association should comply with reasonable requests to distribute campaign literature at the candidate's expense.
8. Candidates have the right to inspect the membership list once within 30 days prior to the election.
9. No candidate can have preferential access to the list.
10. There shall be an open nomination process for all elections.
11. 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.
12. All district-wide election results will be certified by the Representative Assembly.
13. 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.

### 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 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 Representative Assembly on the recommendation of the Executive Board.
4. All AHEM members 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 shall be allowed to vote.
3. Absentee ballots may be allowed.
4. The Executive Board shall make the final decision on strike authorization, based on the vote of the members.

## 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 will be honored at the time it is received. Dues authorization can be discontinued during the drop window to which the member agreed to on the signed dues authorization form;
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 the Executive Board or, in a crisis situation affecting an entire school district, any policy of the 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 Member Rights Committee, or if no Member Rights Committee, the Executive Board shall serve as the Discipline Review Committee, at which the member is entitled to a representative of their choice to answer the charges and cross-examine witnesses. 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 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 Association President (or Vice-President/Secretary 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. No person shall initiate a civil action lawsuit 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, or committee chair may be disciplined by censure, suspension from office or removal from office for misfeasance (wrongly using authority), malfeasance (wrongdoing or affirmatively acting badly) or nonfeasance (failure to do required duties). 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 IX, Section 2 of these Bylaws. They shall immediately be apprised of any of their 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 them and the grounds and evidence in support AHEM Constitution & Bylaws Amended February 23, 2023 thereof. The member must further be provided full access to all evidence in their 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

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. 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 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 XII. Memorandum of Understanding Procedures

### Section 1. Memorandum of Understanding Approval

The Anoka Hennepin Education Minnesota President is authorized to sign any Memorandum of Understanding (MOU) or other agreement concerning bargaining unit terms and conditions of employment, but only after approval of the Executive Board and consultation with appropriate committee chair(s), such as negotiations chair, and/or other appropriate committee chair. In addition, a ratification vote by a group of members or the whole membership may be required.

Subd. 1. Agreements requiring confidentiality for individual members may be approved by the President in consultation with officers and/or the appropriate committee

chair and approval of the individual member(s). In such cases, Executive Board approval is not required.

Subd. 2. After consultation with appropriate committees and the approval of the Executive Board, agreements that are consistent with the Master Agreement but clarify practice or language shall not require membership ratification.

Subd. 3. Agreements not consistent with the Master Agreement that impact more than 50 percent of all members must be approved by a ratification vote conducted in the same manner as a contract ratification unless otherwise identified in the Constitution or Bylaws. If it impacts less than 50 percent then it may be signed by the President without a membership ratification vote upon approval of the Executive Board and constitution with appropriate committee chair(s) such as negotiations chair and/or other appropriate committee chair.

Subd. 4. Temporary, time limited agreements needed to address unexpected circumstances and exigencies not consistent with the Master Agreement that impact less than 50 percent of all members may be signed by the President without a membership ratification vote upon approval of the Executive Board and constitution with appropriate committee chair(s) such as negotiations chair and/or other appropriate committee chair. If it impacts more than 50 percent then it must be approved by a ratification vote conducted in the same manner as a contract ratification unless otherwise identified in the Constitution or Bylaws.

## Section 2. MOU Distribution

Any MOU or agreement, except for those requiring confidentiality for individual members as determined by the President, will be distributed to the general membership upon execution.

## Article XIII. Dissolution

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.