

Education Minnesota Constitution & Bylaws

*Effective September 1, 1998 –
Last Amended April 25, 2020*



**THE VOICE FOR PROFESSIONAL
EDUCATORS AND STUDENTS**



CONSTITUTION OF EDUCATION MINNESOTA

ARTICLE I Name

This organization shall be known as Education Minnesota. The principal office shall be located in St. Paul, Minnesota. The organization may have other offices as designated by the Governing Board or the Executive Committee.

ARTICLE II Objectives

Education Minnesota shall provide a united voice for public education, leadership in education innovation, dedication to Minnesota students and families, and an unwavering commitment to the welfare of its members. Education Minnesota shall prepare the education profession to meet future challenges, promote educational interests, advance high standards of education, and promote the professionalization of those who work in education.

Education Minnesota shall be a statewide organization that provides unstinting professional service to its members by building and maintaining strong, effective locals and by promoting instructional advocacy. Education Minnesota shall be committed to democracy in the workplace and within the organization.

ARTICLE III Membership

Section 1. Membership: Members of Education Minnesota shall meet those membership requirements set forth in the Constitution and Bylaws of Education Minnesota, the American Federation of Teachers, and the National Education Association.

Section 2. Categories of Membership: The categories of membership in Education Minnesota are Active and Non-Active.

Section 3. Dues: Members shall pay local, state, and national dues as assessed.

Section 4. Membership and Fiscal Year: The membership and fiscal year shall begin on September 1 and end the next August 31.

ARTICLE IV Officers

Section 1. Officers: The three (3) officers of Education Minnesota shall be a President, Vice President, and Secretary-Treasurer.

Section 2. Terms: The terms of office for these officers shall be three (3) years and shall be concurrent.

Section 3. Authority: All three (3) officers shall have equal authority to access the organization's documents.

ARTICLE V Representative Conventions

Section 1. Representative Conventions: The highest governing body of Education Minnesota shall be the Representative Convention. The Representative Convention shall be held annually.

Section 2. Special Representative Conventions: Special sessions of the Representative Convention may be called by a two-thirds (2/3) affirmative vote of the Governing Board or by a majority vote of a Representative Convention.

Section 3. Special Meeting Limitation: The business of a special meeting shall be limited to that which is included in the notice of the meeting.

ARTICLE VI Governing Board

Section 1. Governing Board: The Governing Board shall be made up of the elected officers, board members, and others as established in the bylaws.

Section 2. Terms of Office: The terms of the Governing Board members shall be as established in the bylaws.

Section 3. Powers and Duties: The Governing Board or its designee, except as established in the Constitution and Bylaws, shall have the authority to exercise general supervision and management over the affairs of Education Minnesota.

Section 4. Ratio of Board Members: The number of Election District Governing Board positions shall be equal to or greater than the number of at-large Governing Board positions; however, this ratio shall not include the three (3) officers and the NEA Directors.

Section 5. Member Defense: The Governing Board, in conformance with the policies of the NEA and the AFT, shall adopt policies to provide for the legal defense of members in job security and other work-related legal actions.

ARTICLE VII Locals

Section 1. Defined: A local is the basic unit of self-governance in Education Minnesota. Locals shall be the primary source for the delivery of services to members of Education Minnesota. It shall be a local decision to form separate locals for each bargaining unit or to include all members in a single, unified local, subject to the approval of the Governing Board. Only those locals that qualify for charters from the NEA and AFT will be recognized by Education Minnesota.

Section 2. Prior Affiliation: Locals of the MFT and MEA, as well as affiliates of the MEA, which held status as exclusive representatives at the time of implementation of this Constitution and Bylaws, shall automatically be recognized as locals and affiliates of Education Minnesota.

Section 3. Affiliate Documents: Each local of Education Minnesota shall provide Education Minnesota with a current copy of the local's constitution and bylaws.

Section 4. Conformity: The provisions of each local's constitution and bylaws shall not be in conflict with the constitutions and bylaws of Education Minnesota, the AFT, and the NEA.

Section 5. AFL-CIO Affiliation: Beginning with the 2013-14 fiscal year, each local of Education Minnesota will be affiliated with an area labor council or regional labor federation of the AFL-CIO. All per caps payments negotiated between Education Minnesota and the area labor council or regional labor federation will be paid by Education Minnesota.

Section 6. Rebates: Any local or state affiliate which employed its own staff, established a publicly accessible office, and received a rebate of dues from either the MEA or MFT prior to the inception of Education Minnesota, shall continue in those arrangements for at least three (3) years after the inception of Education Minnesota. During these three (3) years, these arrangements may only be changed by the mutual agreement of the Education Minnesota Governing Board and the local or affiliate. Any such service agreements in place as of April 1, 2019 shall be reviewed by Education Minnesota and the local or state affiliate at least every three (3) years.

ARTICLE VIII National Affiliation

Section 1. Affiliations: Education Minnesota shall be affiliated with both the NEA and the AFT, and individuals will be members of both organizations.

Section 2. AFL-CIO Affiliation: Education Minnesota shall have an affiliation relationship with the AFL-CIO at both the national and state level.

ARTICLE IX Amendments

Section 1. Amendments: The Education Minnesota Constitution may be amended only at a Representative Convention. Proposed amendments must be submitted to the President 100 days prior to the Representative Convention and shall be included with the official notice of the Representative Convention. Changes shall require a two-thirds (2/3) vote of the delegates present and voting. The amendment shall become effective immediately unless a proviso in the amendment provides for it to take effect at a later time.

BYLAWS OF EDUCATION MINNESOTA

ARTICLE I Membership

Section 1. Membership: There shall be five (5) categories of membership: Active, Reserve, Aspiring Educator, Substitute, and Retired.

- a. **Active Members:** Active membership is available to any person (other than an administrator-supervisor as defined by PELRA) whose position is in a bargaining unit represented by an Education Minnesota affiliate and who is actively working in such position or on a limited leave of six (6) months or less from that position. Active membership is also available to a person on an approved leave from such employment serving as an officer of Education Minnesota, a local affiliate, AFT, NEA, the Minnesota AFL-CIO or, subject to Governing Board approval, to persons serving as officers of other related affiliates.
 1. An active member shall be entitled to all of the rights, responsibilities, and privileges conferred by the Constitution, Bylaws, Governing Board, and the Representative Convention, including the right to vote, hold office, and receive official publications and special services as provided by Education Minnesota.
 2. The responsibilities of an active member shall be to support the principles and goals of Education Minnesota and maintain membership in the national, state, and local organization.
- b. **Reserve Members:** Reserve membership is open to any person who is on a leave of absence of more than six (6) months from the employment that qualified him or her for active membership, or who has held active membership but whose employment status no longer qualifies that individual for such membership.
- c. **Aspiring Educators:** Membership in Education Minnesota Aspiring Educators (EMAE) shall be available to any college student preparing for a career in education, who is enrolled at an accredited institution of higher learning, and who is not eligible for another active membership category. Except as otherwise provided in these bylaws, EMAE members may not vote or hold elective or appointed positions in Education Minnesota. Rights and benefits shall be defined by the Governing Board.

- d. **Substitute Members:** Substitute membership is available to teachers and education support professionals (ESP) employed on a day-to-day basis in a non-continuous position. Long-term substitutes eligible for bargaining unit membership are not eligible for membership in this category. Except as otherwise provided in these bylaws, substitute members may not vote or hold elective or appointed positions in Education Minnesota. Rights and benefits shall be defined by the Governing Board.
- e. **Retired Members:** Eligibility for membership in Education Minnesota Retired and the rights and benefits of membership shall be determined by the Governing Board. Except as otherwise provided in these bylaws, retired members may not vote or hold elective or appointed positions in Education Minnesota. The Governing Board shall develop a policy and criteria under which eligible active members convert to retired membership status upon retirement. Such continuous membership policy shall first be in effect for the 2015-2016 membership year.

Section 2. Denial of Membership: Membership shall not be denied because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age. Membership may be denied if:

- a. The applicant does not meet the eligibility requirements provided in these Bylaws.
- b. The Governing Board determines that refusal is in the best interest of the Education Minnesota based on the criteria of member discipline.

Section 3. Denial Notification: Applicants must be notified of proposed denial of membership ten (10) days prior to denial of membership and be advised of their right to a hearing on the matter.

Section 4. Hearing Request: Applicants denied membership may request a hearing to be conducted in accordance with rules and procedures established by the Governing Board. Such procedures must provide that the applicant be advised of any grounds on which the application might be rejected no less than fourteen (14) days prior to the hearing.

ARTICLE II Dues and Assessments

Section 1. Local Dues: Local dues are determined by the local.

Section 2. State Dues and Assessments: The specific dollar amount of dues established by this section will be confirmed by the Governing Board prior to the start of the membership year. Active members shall pay dues as follows:

- a. Dues for active members shall be seven hundred forty-five thousandths of one percent (.00745) of the average public school teacher's salary in Minnesota during the previous two years, and any special assessments set forth in the Bylaws. Any dues increase from one year to the next year shall not exceed \$10.
- b. Dues for active members who are licensed teachers or higher education faculty shall be determined as follows, in addition to any special assessments set forth in the Bylaws:
 1. A member whose total employment time as a member of the bargaining unit is greater than ninety percent (90%) shall pay one hundred percent (100%) of the amount set forth in Section 2.a of this article.
 2. A member whose total employment time as a member of the bargaining unit is greater than seventy-five percent (75%) but not exceeding ninety percent (90%) shall pay ninety percent (90%) of the amount set forth in Section 2.a of this article.
 3. A member whose total employment time as a member of the bargaining unit is greater than sixty-five percent (65%) but not exceeding seventy-five percent (75%), shall pay fifty percent (75%) of the amount set forth in Section 2.a of this article.
 4. A member whose total employment time as a member of the bargaining unit is greater than fifty percent (50%) but not exceeding sixty-five percent (65%) shall pay sixty-five percent (65%) of the amount set forth in Section 2.a of this article.
 5. A member whose total employment time as a member of the bargaining unit is greater than forty percent (40%) but not exceeding fifty percent (50%) shall pay fifty percent (50%) of the amount set forth in Section 2.a of this article.
 6. A member whose total employment time as a member of the bargaining unit is greater than twenty-five percent (25%) but not exceeding forty percent (40%) shall pay forty percent (40%) of the amount set forth in Section 2.a of this article.
 7. A member whose total employment time as a member of the bargaining unit is twenty-five percent (25%) or less shall pay twenty-five percent (25%) of the amount set forth in Section 2.a of this article.

8. Notwithstanding the provisions in (1) – (7) of this paragraph, the Governing Board may by written policy adjust the dues for active members who are licensed teachers or higher education faculty and whose total annual salary as a member of the bargaining unit is less than ten percent (10%) of the average public school teacher's salary in Minnesota during the previous two years.
- c. Dues for active ESP members shall be determined as follows, in addition to any special assessments set forth in the Bylaws.
 1. A member whose total annual salary as a member of the bargaining unit is equal to or greater than the PTYASTS (Prior Two-Year Average Starting Teacher Salary) shall pay seven hundred forty-five thousandths of one percent (.00745) of the PTYASTS. Any dues increase from one year to the next year shall not exceed \$10.
 2. A member whose total annual salary as a member of the bargaining unit is equal to or greater than 75% of the PTYASTS but less than 100% of the PTYASTS shall pay 75% of the dues set forth in Section 2.c.1.
 3. A member whose total annual salary as a member of the bargaining unit is equal to or greater than 50% of the PTYASTS but less than 75% of the PTYASTS shall pay 50% of the dues set forth in Section 2.c.1.
 4. A member whose total annual salary as a member of the bargaining unit is equal to or greater than 22% of the PTYASTS but less than 50% of the PTYASTS shall pay 22% of the dues set forth in Section 2.c.1.
 5. A member whose total annual salary as a member of the bargaining unit is less than 22% of the PTYASTS shall pay 16% of the dues set forth in Section 2.c.1.
 - d. A member who joins after October 1 of any year will have that year's dues pro-rated from the amounts in Article II, Section 2. b. and c. based on the month in which they join, as follows: October-91.667%; November-83.333%; December-75%; January-66.667%; February-58.333%; March-50%; April-41.667%; May-33.333%; June-25%; July-16.667%; and August-8.333%.

Section 3. Assessments: The Governing Board shall establish, maintain and administer guidelines for each assessment. Such assessments shall not be subject to reduction by any other provision of these Bylaws. The following annual assessments shall be collected from all active members:

- a. Organizing for Settlement Fund. The assessment shall be seven dollars (\$7.00) per member.

- b. Political Action Fund. The assessment shall be twenty-five dollars (\$25.00) per member and shall be subject to refund in accordance with the Governing Board policy.
- c. Education Minnesota Foundation for Excellence in Teaching and Learning. The assessment shall be five dollars (\$5.00) per member and shall be subject to refund in accordance with the Governing Board policy.

Section 4. Collection and Transmittal of Dues: Dues shall be collected in the local or affiliate and transmitted by the twenty-fifth (25th) of each month to the Education Minnesota comptroller. Any variation to this schedule must be approved by the Governing Board.

Section 5. Other Members Dues: State dues for membership categories other than active shall be determined by the Governing Board.

Section 6. National Dues: National dues are determined by the national organizations.

Section 7. Dues Review Committee:

- a. Composition: The President will appoint a Dues Review Committee (DRC) with a minimum of ten (10) members representing a cross-section of active members.
- b. General Duties: The DRC shall review the state dues structure of all membership categories. No later than 2017, and at least every three (3) years thereafter, the DRC shall provide a report along with any recommendation(s) to the Representative Convention held in that fiscal year.

ARTICLE III Election Districts

Section 1. Number of Districts: Twenty-six (26) Election Districts shall be established for the purpose of providing geographic representation on the Governing Board, including one (1) Election District that provides representation on the Governing Board solely from the statewide unit of Minnesota State College Faculty (MSCF). These Election Districts shall be composed of substantially equal numbers of active members subject to the conditions set forth in Section 2, below.

Section 2. Boundaries: Except for the statewide MSCF Election District, the Election Districts shall have contiguous boundaries and shall be composed of one (1) or more complete locals unless they are comprised of employees of the State of Minnesota. Locals of more than 2,400 members shall be one Election District. The Governing Board shall assign locals that do not fit within these conditions to an appropriate Election District.

Section 3. Reevaluation: In 2016, and at least every six (6) years thereafter, the Representative Convention shall consider whether to make any changes to the Election District structure. Such consideration will be based on a reevaluation conducted by the President and recommendations from the Governing Board.

ARTICLE IV Officers

Section 1. Officers: The three elected officers shall be full-time release, shall be members of the Governing Board and of the Executive Committee and shall be voting delegates to the Representative Convention. Such delegates shall not vote in elections covered by Article VII of these Bylaws unless elected as a delegate by their local or affiliate.

Section 2. President: The President shall be the chief executive officer; shall administer all affairs and execute policies as determined by the Representative Convention, the Governing Board, and Executive Committee; shall conduct the meetings of the Executive Committee, Governing Board, and the Representative Convention; shall be an ex officio member on all committees, and shall serve as first alternate NEA Director. The President shall have duties usually assigned to the office of President.

Section 3. Vice President: The Vice President shall perform such duties as assigned by the President; shall preside at all meetings in the absence of the President; shall be an ex officio member of all committees, and shall serve as second alternate NEA Director.

Section 4. Secretary-Treasurer: The Secretary-Treasurer shall be the chair of the Budget and Finance Committee; shall assume the duties, which are usual to the respective offices; shall be an ex officio member of all committees, and shall serve as third alternate NEA Director.

ARTICLE V Representative Convention

Section 1. Representation: Delegates to the Representative Convention shall be allocated to each local and to each statewide affiliate based on the ratio of one (1) delegate for each seventy-five (75) active members or major fraction thereof, with a minimum of one (1) delegate for each local and each statewide affiliate. Each year, the number of Representative Convention delegates to which a local is entitled will be based on its membership numbers on record with Education Minnesota as of: (a) August 31 prior to the Representative Convention, or (b) for any local chartered after August 31 but before the Representative Convention, the effective date of the local's affiliation.

Section 2. Other Voting Delegates: Officers and voting members of the Governing Board shall be delegates to the Representative Convention. At-large Governing Board members and officers serving pursuant to Article VI, Section 1(a)(b)(c)(d) and (f) of these Bylaws shall not vote in elections covered by Article VII of these Bylaws unless elected as a delegate by their local or affiliate.

Section 3. Non-Voting Delegates: Non-voting members of the Governing Board shall be non-voting delegates to the Representative Convention unless elected as a delegate by their local or affiliate.

Section 4. Delegates from EMAE and Education Minnesota Retired: Notwithstanding the limitations set forth in Article I, Section 3 of the Bylaws, delegates to the Representative Convention shall be allocated to EMAE based on the ratio of one (1) delegate for each 2,000 EMAE active members or major fraction thereof, and delegates to the Representative Convention shall be allocated to Education Minnesota Retired based on the ratio of one (1) delegate for each 2,000 Education Minnesota Retired active members or major fraction thereof, with a minimum of one (1) delegate for EMAE and one (1) delegate for Education Minnesota Retired. Such delegates shall not vote in elections governed by Article VII of these Bylaws or on proposed amendments to the Constitution and Bylaws of Education Minnesota.

Section 5. Time and Place: The annual Representative Convention shall be held at a time and place designated by the Governing Board.

Section 6. Notice: Written notice of the Representative Convention shall be mailed to the president of each local and statewide affiliate not less than sixty (60) days before the convention.

Section 7. Special Representative Conventions: A Special Representative Convention may be called pursuant to the Constitution (Article V, Section 2). The notice shall be not less than sixty (60) days before the convention.

Section 8. Quorum: A quorum for conducting business at any Representative Convention shall be a majority of the delegates who are registered and seated.

Section 9. Convention Committees: To facilitate the work of the Representative Convention there shall be a Credentials Committee, a Rules Committee, a Statements of Principle Committee, a Constitution and Bylaws Committee, and an Elections Committee. These committees shall be appointed by the President with the approval of the Governing Board. The chairs shall be appointed by the President.

ARTICLE VI Governing Board

Section 1. Composition: The Governing Board shall consist of the following members:

- a. Three (3) officers, elected at large by the Representative Convention delegates;
- b. One (1) member, elected at large by the Representative Convention delegates from each of the eight (8) at-large zones that are each comprised of two or more Election Districts, as determined by the President with Governing Board approval;
- c. One (1) higher education/statewide affiliate (MSCF, UEA, and SRSEA) member, elected at large by the Representative Convention delegates;
- d. Two (2) ESP members, elected at-large by the Representative Convention delegates;
- e. One (1) member from each Election District, with each such member elected by the active members of that member's Election District;
- f. NEA Directors, elected by the Representative Convention delegates;
- g. The chair of the Ethnic Minority Affairs Committee (EMAC) and members appointed or elected to national governance positions with the AFT or NEA, officer positions with the Minnesota AFL-CIO or, subject to Governing Board approval, officer positions with other related affiliates. Such members are non-voting members of the Governing Board unless they are also elected or appointed to the Governing Board in one of the voting board member categories listed in (a) – (f).
- h. The president of Education Minnesota Retired, who shall be a voting member of the Governing Board notwithstanding his/her status as a non-active member.
- i. The president of EMAE, who shall be a voting member of the Governing Board notwithstanding his/her status as a non-active member.

Section 2. Powers and Duties of the Board: The Governing Board has the duties assigned to it in the Constitution (Article VI, Section 3) and shall implement the actions and commitments of the Representative Convention. The Governing Board shall have the authority and duty to:

- a. Set their own administrative rules and approve a calendar for meetings.
- b. Adopt a budget for Education Minnesota.

- c. Set the salaries of Education Minnesota officers and staff and approve employment contracts.
- d. Annually set membership dues in accordance with the formulas in these bylaws.
- e. Determine the time and place for the Representative Convention.
- f. Conduct a no-confidence vote in the Executive Director and refer the matter to the Executive Committee for investigation. The Governing Board shall then act upon the recommendation of the Executive Committee.
- g. Recognize new locals by a majority vote.

Section 3. Permanent Committees: The Governing Board shall have two (2) permanent committees, which are the Personnel/Employee Committee and the Human Rights Committee.

- a. The Personnel/Employee Committee shall make recommendations to the Governing Board regarding personnel employed by Education Minnesota, including labor-management relations and affirmative action programs.
- b. The Human Rights Committee shall make recommendations to the Governing Board to insure the involvement of ethnic minorities, women, and other traditionally-underrepresented populations in all activities of Education Minnesota.
 - 1. The President shall annually appoint ethnic minority members to EMAC. EMAC will advise the Human Rights Committee on ethnic minority issues in Education Minnesota and in our schools.

Section 4. Special Meetings: The Governing Board shall meet at the call of the President or at the request of ten (10) members of the Governing Board. Special meetings shall require not less than ten (10) days' notice.

Section 5. Board Quorum: A quorum shall consist of a majority of the Governing Board currently serving.

ARTICLE VII Elections

Section 1. Filing: Filing for office for elected positions shall occur as follows:

- a. Candidates for President, Vice President, Secretary-Treasurer, and NEA Director shall file for office by submitting a signed filing form to the Executive Director of Education Minnesota no sooner than June 1 and no later than the second Friday in December of the year preceding the election.

- b. Candidates for other Governing Board positions shall file for office by submitting a signed filing form to the Executive Director of Education Minnesota no sooner than the first Monday in November and no later than the second Friday in December of the year preceding the election.
- c. In any given election year, a member may be a candidate for only one of the following positions: President, Vice President, Secretary-Treasurer, NEA Director. In any given election year, a member may not be a candidate for more than one other Governing Board position. In elections called to fill vacancies in one or more of these positions, a member may be a candidate for only one such position.

Section 2. Eligible Candidates: To be an eligible candidate for the position of Officer, Governing Board-At Large, Governing Board-Election District, NEA Director, or NEA RA State-Credentialed Delegate, an individual must be an active Education Minnesota member at the time of filing and remain an active Education Minnesota member at all times throughout the election process.

Section 3. Terms of Office: The terms of the NEA Director positions shall be as provided by the NEA. The terms of the three (3) officers and other Governing Board members are three (3) years, beginning on July 1 of the year of the member's election and ending on June 30 three (3) years later.

Section 4. Election Cycle: Elections shall occur pursuant to the following schedule:

- Year 1. Three (3) officers, one (1) Governing Board member from each Election District, and any NEA Director position(s) requiring election this year.
- Year 2. Eight (8) at-large Governing Board members, one (1) higher education/statewide affiliate Governing Board member, two (2) ESP Governing Board members, and any NEA Director position(s) requiring election this year.
- Year 3. Any NEA Director position(s) requiring election this year.

Section 5. Balloting: To be elected, a candidate for an elected position governed by these bylaws must receive a majority of the votes cast for that position. Neither proxies nor absentee voting shall be allowed. Elections shall be by secret ballot. However, if the number of candidates on any ballot in any race is equal to or less than the number of positions to be filled, the candidate shall be declared elected.

Section 6. Run-off Elections: In any race where a candidate does not receive a majority vote in the first ballot, the Elections Committee shall conduct a run-off election between or among those candidates who received the most votes. The number of run-off candidates shall be limited to the number of seats to fill plus one. The Elections Committee shall place the run-off candidate names on the ballot in order of a random draw.

Section 7. Elected Position Limit: A member may hold no more than one elected position governed by these bylaws at any given time. An incumbent elected to another position must resign from his/her incumbent position before or at the time the term of his/her newly elected position begins.

Section 8. Vacancies: Vacancies on the Governing Board shall be filled as follows:

- a. The Vice President shall assume the office of President and complete the unexpired term when that office becomes vacant or the President is unable to fulfill those duties.
- b. Vacancies in the office of Vice President or Secretary-Treasurer shall be filled temporarily by the Governing Board by any method that the Governing Board shall determine, until the next Representative Convention, when an election shall be conducted to complete the unexpired term.
- c. Vacancies in any NEA Director or other Governing Board positions elected by the Representative Convention shall be temporarily filled by the Governing Board by any method that the Governing Board shall determine, until the next regularly scheduled Representative Convention when an election shall be conducted to complete the unexpired term.
- d. In the case of a vacancy in a Governing Board position elected by an Election District, the Governing Board shall fill the vacancy by any method that the Governing Board shall determine, including by conducting a special election in that Election District to fill the vacancy until the next regularly scheduled Election District election.

ARTICLE VIII Executive Committee

Section 1. Executive Committee: The Governing Board shall elect an Executive Committee made up of nine (9) members. Members shall include the three (3) officers, three (3) Governing Board members from those elected from Election Districts, and three (3) Governing Board members from those elected at large by the Representative Convention delegates. Beginning July 1, 2019, Executive Committee membership shall consist of three (3) officers, four (4) Governing Board members from those elected from Election Districts, and two (2) Governing Board members from those elected at large by

the Representative Convention delegates.

Section 2. Authority: Between meetings of the Governing Board the Executive Committee shall have the power to make decisions consistent with the provisions of Education Minnesota's Constitution and Bylaws and actions of the Representative Convention. The Executive Committee shall:

- a. Serve as the Budget and Finance Committee of Education Minnesota and direct independent auditing of all funds and property of Education Minnesota.
- b. Have fiduciary responsibility for Education Minnesota's pension plan(s).
- c. Ratify any endorsements by the Political Action Committee prior to public announcement.
- d. Conduct an investigation upon a vote of no-confidence by the Governing Board and make recommendations regarding the continued employment of the Executive Director to the Governing Board.
- e. Act upon recommendation of the President on the termination of the Executive Director.
- f. Have the authority, in the event of an emergency, by a two-thirds (2/3) vote, to postpone the Representative Convention.
- g. Serve as the Officer Compensation Committee (OCC), chaired by the Personnel Committee Chair. The OCC shall annually:
 1. Recommend the officer compensation package to the full Governing Board.
 2. Receive a report of officer duties as assigned by the President.
 3. Conduct an evaluation of the Executive Director.

Section 3. Term: The Executive Committee shall be elected annually for one (1) year terms or until their successors are elected. They shall be elected by and from the Governing Board.

Section 4. Meetings: Meetings shall be called by the President or five (5) members of the Executive Committee. They shall be held at a location decided by the President or may be held by conference telephone call, provided that all members have at least twenty-four (24) hour notice. All agenda items and supporting documents/information shall be provided to committee members twenty-four (24) hours before a meeting, except in the case of an emergency (e.g., cancellation of the Representative Convention).

Section 5. Quorum: A quorum for a meeting (including telephone conference call) shall be a majority of the Executive Committee.

Section 6. Finance Committee: The Executive Committee shall serve as the Budget and Finance Committee, with the Secretary-Treasurer serving as the chair.

ARTICLE IX Executive Director

Section 1. Executive Director's Duties: The Executive Director shall be responsible and accountable to the President, and shall perform the duties and responsibilities as directed by the President. Other duties shall be to:

- a. Supervise, administer, and coordinate the professional, financial, and other activities of Education Minnesota.
- b. Direct Education Minnesota staff in accordance with policies and procedures authorized by the Representative Convention, the Governing Board, Executive Committee, or the President.
- c. Serve as a non-voting participant of the Representative Convention, Governing Board, and Executive Committee.
- d. Attend all meetings except for meetings of the Governing Board or the Executive Committee held in executive session that deal specifically with the Executive Director's employment.
- e. Be the custodial official for all documentary and archival records of Education Minnesota related to all official business of Education Minnesota, including but not limited to affiliation agreements, affirmative action programs, employment contracts and other contracts, charters, trust instruments, legal documents related to ownership and other interest in property both real and personal, local unit's constitutions, current lists of locals and members.
- f. Have ultimate responsibility for the supervision of all staff employees.

ARTICLE X Standing Committees

Section 1. Composition: The following Standing Committees shall be established: Council of Local Presidents (CLP); Legislative Action Committee; and Professional Advocacy Committee.

Section 2. General Duties: Standing Committees shall provide counsel and information to elected leaders in state and local positions.

- a. Committees will focus on building strong local organizations and on providing pertinent information as well as thoughtful advice and recommendations to elected leaders.
- b. Committees are responsible for making recommendations to the President, the Governing Board and/or Representative Convention, but they do not have the authority to make final decisions.
- c. The Legislative Action Committee and the Professional Advocacy Committee shall each have one (1) member representing each Election District, higher education, ESP, State Residential Schools Education Association (SRSEA), Education Minnesota Retired, and EMAE.
- d. The CLP shall have two (2) teacher/faculty presidents and two (2) ESP presidents from each at-large zone and one (1) member from each of these groups: higher education, SRSEA, Education Minnesota Retired and EMAE.
- e. The President shall name the members of the committees subject to the approval of the Governing Board. The President shall chair the CLP. The President shall appoint the chairs of the Legislative Action Committee and the Professional Advocacy Committee.
- f. The committees shall meet at least three (3) times per year.

Section 3. CLP: Members of the CLP must be current local presidents. The CLP shall:

- a. Work directly with the President to communicate local and regional concerns and to provide timely information to other local presidents;
- b. Identify local issues and needs;
- c. Advise the President on local and regional matters;
- d. Serve as a liaison between Education Minnesota and local presidents;
- e. Review organizational policies as they impact locals and members;
- f. Recommend local leadership training needs;
- g. Advise on issues related to collective bargaining, contracts and organizing;
- h. Meet as subcommittees as needed.

Section 4. Legislative Action Committee: The Legislative Action Committee shall consider and recommend legislative positions to the elected officers and leaders in Education Minnesota. The committee shall develop recommendations regarding issues and agencies external to Education Minnesota as well as recommend changes or additions to Education Minnesota's legislative positions. The committee shall work to engage and mobilize members in advocating for Education Minnesota's legislative positions. The committee may recommend task forces and ad hoc committees for additional study.

Section 5. Professional Advocacy Committee: The Professional Advocacy Committee shall consider and recommend policies and programs to the elected officers and other leaders regarding matters pertinent to the professional lives, health and well-being of members. This committee shall:

- a. Identify and recommend policy on new trends in education;
- b. Identify and recommend areas of need for professional growth opportunities for members;
- c. Recommend topics for further study within the organization.

ARTICLE XI Political Action Committee

Section 1. Composition: The Political Action Committee (PAC) will have a board composed of one (1) member from each Election District, plus one (1) higher education/statewide affiliate representative, and one (1) member representing ESP. The PAC Board shall also include one member appointed from EMAE and one from Education Minnesota Retired. These two members will be non-voting members.

The chair shall be appointed by the President and may come from within the PAC Board membership or be appointed in addition to the members of the PAC Board. All PAC Board members shall be appointed by the President and be subjected to approval by the Governing Board.

ARTICLE XII Education Minnesota Foundation for Excellence in Teaching and Learning

Section 1. Member Foundation: Education Minnesota shall sponsor a member-supported foundation for fostering educational innovation.

ARTICLE XIII

Organizing for Settlement Fund Committee

Section 1. Authority. The Organizing for Settlement Fund Committee addresses requests from members and locals/state affiliates for assistance with challenging collective bargaining and settlement expenses. The committee shall review applications for organizing for settlement fund assistance and make policy recommendations to the Governing Board. The Governing Board shall determine eligibility criteria and approval requirements for organizing for settlement funds.

Section 2. Structure. The President shall appoint the members of the committee and the committee chair, subject to the approval of the Governing Board.

ARTICLE XIV

Special Committees

Section 1. Appointing Powers: The Governing Board or the President may establish special committees. The chair and members of such committees shall be named by the President.

Section 2. Term: No special committee shall exist for more than a two (2)-year period without a positive action by the establishing authority.

ARTICLE XV

Member Discipline

Section 1. Cause: Discipline may be imposed on any member for the following:

- a. Failure to pay dues.
- b. A substantial violation of the "Code of Ethics of the Education Profession."
- c. A violation of the Education Minnesota policy in crisis situations affecting any Education Minnesota affiliate's bargaining unit.
- d. Other good and sufficient cause whereby the conduct of the member would be substantially prejudicial to the purposes of Education Minnesota.

Section 2. Authority to Impose: A majority of the governing body of the local or affiliate, or the President when specifically authorized by the Governing Board, shall have the power to impose discipline on any member subject to the provisions of the Member Discipline Policy established and maintained by the Governing Board.

Section 3. Other Authority: When the authority to impose discipline is not exercised pursuant to Section 2, then the President, when specifically authorized by the Governing Board, shall have the power contained in Section 2 of this Article.

Section 4. Lawsuits: No person shall initiate a civil action, suit or proceeding in any court against Education Minnesota or any of its officers, members or employees on account of any discipline unless such person has exhausted the remedies of hearing and appeal provided by the Member Discipline Policy established and maintained by the Governing Board, or at least four (4) months have elapsed from the time the discipline was imposed.

ARTICLE XVI Trusteeship

Section 1. Purpose: Education Minnesota may establish a trusteeship over a local or affiliate organization for the purpose of:

- a. Correcting corruption or financial malpractice.
- b. Assuring administration of a collective bargaining agreement or performance of other duties of a collective bargaining representative.
- c. Restoring democratic procedures.

Section 2. Initiation of Proceedings: If the Executive Committee determines by a two-thirds (2/3) vote that there is adequate cause under Section 1 of this Article to establish a trusteeship, it will recommend to the Governing Board that a trusteeship be established. As soon as possible after said vote, the President will send to the Governing Board, a copy of the recommendation of the Executive Committee and will include with said recommendation a written statement setting forth the basis for the Executive Committee's determination that there is adequate cause for the establishment of a trusteeship. The written statement will be sufficiently specific so as to enable a local or affiliate body to prepare a defense.

Section 3. Recommendation by Executive Committee: A recommendation by the Executive Committee to establish a trusteeship will be acted upon by the Governing Board at its next regularly scheduled meeting or at a special meeting called for that purpose, occurring at least forty (40) days after the Governing Board receives the recommendation.

Section 4. Notice of Hearing: At least thirty (30) days prior to the meeting of the Governing Board at which the recommendation of the Executive Committee is to be acted upon, the President will send to the subordinate body a notice advising it of the recommendation of the Executive Committee and setting forth the date, time, and place of the meeting of the Governing Board at which said recommendation will be acted upon. The President will include with said notice, a copy of the written statement that was submitted to the Governing Board pursuant to Section 2 of this Article, and a copy of the rules and procedures that will be followed by the Governing Board in acting upon the Executive Committee's recommendation.

Section 5. Hearing: A hearing will be held before the Governing Board pursuant to rules and procedures adopted by the Governing Board for such purpose to determine whether to establish a trusteeship. The Governing Board may delegate to a committee consisting of not less than eleven (11) Governing Board members, none of whom may be members of the Executive Committee, the responsibility to receive evidence and hear arguments in the first instance, provided that the final decision regarding the establishment of a trusteeship will be made by the full Governing Board. Further, all interested parties will have an adequate opportunity to present their views on the matter to the full Governing Board before the final decision is made.

Section 6. Vote of Governing Board: On the basis of the evidence and arguments presented at the hearing, the Governing Board will vote on the question of whether a trusteeship should be established. If more than one-third (1/3) of the members of the Governing Board who vote on the question vote "no," the recommendation of the Executive Committee will have been rejected. If two-thirds (2/3) or more of the members of the Governing Board who vote on the question vote "yes", the recommendation of the Executive Committee will have been accepted, in which event a trusteeship will be established over the local or affiliate body as of the announcement of the vote. As soon as possible after said vote, the Executive Committee will appoint a trustee.

Section 7. Power of Trustee: Subject to the control and direction of the Executive Committee, a trustee will have the power to

- a. Conduct the affairs of the local or affiliate body, including supervisory control over its officers, employees and other representatives.
- b. Take possession of the books, records, funds and other assets of the local or affiliate body to be held in trust for and used only in the proper conduct of its affairs.
- c. Remove officers of the local or affiliate body and replace them if deemed appropriate for the duration of the trusteeship.

- d. Take such other actions as in a trustee's judgment are necessary for the preservation of the right and interests of Education Minnesota and the members of the local or affiliate body.

Section 8. Replacing Trustee: The Executive Committee will have the right, with or without cause, to replace a trustee at any time.

Section 9. Expenses Incurred: Reasonable expenses incurred by a trustee in the performance of his or her functions will be paid out of the funds of the local or affiliate body if available; otherwise, such expenses will be paid by Education Minnesota.

Section 10. Termination of Trusteeship: The Executive Committee will terminate a trusteeship as soon as the cause for its establishment has been remedied. If the Executive Committee rejects a request from the local or affiliate body to terminate a trusteeship, the subordinate body will have the right to appeal to the Governing Board, provided that no such appeal may be taken within three (3) months after the decision of the Governing Board on a prior appeal.

- a. Prior to the termination of a trusteeship, the trustee will conduct an election, in accordance with the applicable provisions of the governing documents and policies of the subordinate body and Education Minnesota, to fill, as of the date of such termination, officer positions vacated by removal or departure of former incumbents.
- b. As of the date of termination of a trusteeship, the trustee will return control of the books, records, funds and other assets of the local or affiliate body to its appropriate officers. The trustee will make a final accounting of a trusteeship, and submit copies to the Governing Board and local or affiliate.

Section 11. Financial Responsibility: No financial obligation or liability of the local or affiliate which may exist at the time a trusteeship is established, or which may be incurred during a trusteeship, will be assumed by or become an obligation of Education Minnesota.

Section 12. Emergency Power to Establish Trusteeship: Notwithstanding anything to the contrary in this Article, in case of emergency, where the best interests of the local or affiliate or Education Minnesota require, the Executive Committee may by a two-thirds (2/3) vote, establish an immediate trusteeship over the local or affiliate without action by the Governing Board. In such case, the matter will be submitted to the Governing Board, which may affirm or reverse the action of the Executive Committee pursuant to the procedure set forth in Section 3 of this Article, provided that if the Governing Board does not take action within sixty (60) days following establishment of a trusteeship by the Executive Committee, said trusteeship will automatically terminate.

Section 13. Appeal to the Representative Convention: If the Governing Board establishes a trusteeship or refuses to terminate an established trusteeship, the local or affiliate shall have the right to appeal to the Representative Convention, provided that a written notice of such appeal is filed with the President and signed by at least ten percent (10%) of the active members in good standing of the local or affiliate body within ten (10) days after the decision of the Governing Board is made known to the local or affiliate. The Representative Convention will rule on the appeal at its first annual or special meeting occurring at least thirty (30) days after the President receives the written notice of appeal.

Section 14. Pending an Appeal: Pending an appeal to the Representative Convention, the decision of the Governing Board will remain in full force and effect.

Section 15. Implementation of Article: The Governing Board shall adopt such rules and procedures as may be necessary to implement this Article.

ARTICLE XVII Disaffiliation

Section 1. Voting: A local affiliate may only terminate its affiliation with Education Minnesota if two-thirds (2/3) of the members voting vote in favor of disaffiliation in a mail ballot election conducted by the American Arbitration Association (or a comparable independent third-party election services provider approved in advance by the NEA and the AFT). No such disaffiliation election shall be conducted or effective without first (i) providing at least 60 days' written notice to the membership, to the NEA, the AFT and to Education Minnesota of the mail ballot election and the basis for the proposed disaffiliation; (ii) providing at least 30 days' written notice to the membership, and to the NEA, the AFT, and Education Minnesota of a general membership meeting to be scheduled at an accessible place and time immediately before disaffiliation ballots are mailed out; (iii) holding a membership meeting, before disaffiliation ballots are mailed out, in a manner that allows ample opportunity for discussion and debate over the affiliation issue; and (iv) allowing at least one representative of the NEA, one representative of the AFT, and one representative of Education Minnesota to address the membership at a membership meeting held immediately before disaffiliation ballots are mailed out.

Section 2. Assets: If a local affiliate terminates its affiliation with Education Minnesota, the NEA, or the AFT, the name of the local affiliate, if it includes NEA, AFT, or the phrase "education association," "association of educators," "federation of teachers," "federation of educators," or "Education Minnesota," as well as any other assets of the affiliate provided or funded by Education Minnesota, the NEA, or the AFT shall revert to and become the property of Education Minnesota, the NEA, or the AFT.

ARTICLE XVIII
Parliamentary Authority

Section 1. Rules of Order: The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern Education Minnesota in all cases to which they are applicable, and in which they are not inconsistent with the Constitution, Bylaws, or any Special Rules of Order that Education Minnesota may adopt.

ARTICLE XIX
Amendments

Section 1. Amendments to Bylaws: These bylaws may be amended at a Representative Convention by a majority vote of the delegates present and voting. Proposed amendments must be submitted to the President 100 days prior to the Representative Convention and published with the notice of the Representative Convention.



**THE VOICE FOR PROFESSIONAL
EDUCATORS AND STUDENTS**

41 Sherburne Ave., St. Paul, MN 55103
651-227-9541 800-652-9073 Fax 651-292-4802
www.educationminnesota.org

*Education Minnesota is an affiliate of the American Federation of Teachers,
the National Education Association and AFL-CIO.*

6/2020

