

Constitution of the North Branch Education Association

Updated 5/29/2013

PREAMBLE

We, the members of the North Branch Education Association (NBEA), Education Minnesota (Ed MN), National Education Association (NEA), and American Federation of Teachers (AFT), believing that the active participation of non-supervisory licensed education personnel in the development of educational policy is essential for sound education in a democratic society, have joined together, as herein defined in this Constitution and Bylaws for the purpose of exerting a collective and positive influence on education in Independent School District No. 138.

North Branch Education Association 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 our members.

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

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.

ARTICLE I: Name

The name of this organization shall be the North Branch Education Association. Hereafter, the organization will be referred to as the Association.

ARTICLE II: Purposes

Section 1. To work for the welfare of school children, the advancement of education, and the improvement of instructional opportunities for all.

Section 2. To develop and promote the adoption of such ethical practices, personnel policies, and standards of preparation and participation as mark a profession.

Section 3. To unify and strengthen the teaching profession and to secure and maintain the salaries, retirement, tenure, professional and sick leave, and other working conditions necessary to support teaching as a profession.

Section 4. To enable members to speak with a common voice on matters pertaining to the teaching profession and to present their individual and common interests before the Board of Education and other legal authorities.

ARTICLE III: Affiliations

The North Branch Education Association is affiliated with Education Minnesota, the American Federation of Teachers and the National Education Association 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: Membership

Membership in the North Branch Education Association shall be in accordance with the Constitution and Bylaws of Education Minnesota, AFT, and NEA. The membership year shall be September 1 through August 31. No one shall hold office in the North Branch Education Association who is not an active member of Education Minnesota, AFT, and NEA.

Section 1. Active Membership

- a. All persons who are required to have a teaching license, who are actively engaged in the profession of teaching in the public schools of North Branch, Minnesota, shall be eligible for membership.
- b. Active members shall be continuous until the member leaves the school system, resigns from the Association, or fails to pay membership dues.

Section 2. Other Membership Categories

Other membership categories shall be those determined by Ed MN. Members in these categories shall have all the rights and responsibilities of active members except the right to vote, the right to hold office, and the right to represent the Association.

Section 3. Affirmative Action Statement/Ethnic Minority Guarantees

The Association shall not deny membership to individuals on the basis of race creed national origin or sex. The Association shall be apportioned according to the one person/one vote standard, and ethnic-minority members shall be guaranteed representation at least in proportion to their membership in the Association.

Section 4. Dues and Budget

Members shall pay local, state, and national dues as assessed.

- a. State and national dues will be assessed in accordance with the dues categories and policies of Education Minnesota, AFT and NEA.
- b. Local membership dues shall be determined each spring by the Association in the following manner: See Bylaws Article 1, Section 1. The Executive Board shall arrange one meeting of the members each year for discussion of professional issues. (i.e. local dues)
- c. No net earnings shall inure to the benefit of any member.

ARTICLE V: 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. There shall be an open nomination process for all elections.
3. Every member must have a fair and equal opportunity to participate in the election without unreasonable impediments.
4. The presidents will assign an election chair and tellers to conduct the election at each site.
5. Voting must be by secret ballot.
6. No provision will be made to the ballot for write-in candidates.
7. In a contested election, candidates must be allowed to station observers at the polling places.
8. Representatives of the competing candidates should be allowed to observe, but not actually participate in, the counting of ballots.
9. 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.
10. No union funds may be used to support any candidate.
11. The union should comply with reasonable requests to distribute campaign literature at the candidate's expense.
12. Candidates have the right to inspect the membership list once within 30 days prior to the election. No candidate can have preferential access to the list.
13. 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, and there shall be no provision allowed for write-in votes for any election.

ARTICLE VI: Contract Ratification and Strike Vote:

Section 1. The ratification of the master Contract between the Association and the school district shall take place at a general membership meeting called for that purpose. The vote shall be conducted by secret ballot and all members of the Association shall have the right to vote. A majority of those voting is necessary to approve the contract.

Subdivision 1. If the contract ratification meeting takes place while teachers are involved in a strike, all members of the bargaining unit who participate in the strike shall be eligible to vote on the proposed master contract. A majority of those voting is necessary to approve the contract.

Subdivision 2. If a tentative agreement is reached at a time when school is not in session, the President or an appropriate Association officer available shall be authorized to call a meeting for the purpose of ratifying the proposed agreement. A notice of the meeting shall be mailed to the membership within three days of the tentative agreement. The meeting shall be held no later than five days after the date of notice. Included with the notice will be an outline of the negotiated changes in the Master contract.

A secret ballot vote on the proposed agreement shall be held at this meeting. Members who are unable to attend the meeting may vote by the absentee ballot provided with the meeting notice. All ballots from the meeting and all absentee ballots received by the date of the meeting will be counted at this general meeting. A majority of those voting is necessary for approval of the agreement.

Section 2. In the event that a contract cannot be reached between the Association and the school district, the Association shall conduct a strike vote at its discretion. Such strike vote shall be conducted at a general membership meeting called expressly for that purpose. The vote for a strike shall be by secret ballot. Two thirds of the membership must vote their approval of a strike action.

Section 3. If a general membership meeting has been called for the purpose of ratifying the contract and the contract is rejected as set forth in Section 1, the Association may conduct a strike authorization vote, at this meeting, as set forth in Section 2.

Section 4. During a strike or in the event of an emergency, the Executive Board shall have the authority to establish alternative time lines for notification and balloting. The Executive Board also reserves the right to waive any pre-established waiting periods.

Note: The Education Minnesota Crisis Fund guidelines require that at least two-thirds (2/3) of the membership voting must authorize a strike action.

Section 5. For the purpose of consideration of the proposed Q-Comp plan, ratification of the plan will require two-thirds support of the ballots cast.

Section 6. Absentee ballots will be available to those members who know in advance that they will not be at their work site on the day of the vote. A member requesting an absentee ballot should contact the NBEA secretary for a ballot. The secretary will send it to the member. The member should complete the ballot, place it in an unmarked envelope and then place that envelope in an envelope with the member's name on it. This should then be forwarded to the member's Building Representative by 12:00 noon on the school day prior to the day of the vote. The Building Representative will place the unmarked envelope in the container of cast ballots.

ARTICLE VII: Member Discipline

Section 1. Disciplinary action, in the form of censure, suspension or permanent expulsion, shall not be taken against any member except for cause. Cause shall relate to conduct prejudicial to the purposes of the local which may include any one or more of the following:

1. Failure to remain a member in good standing with Education Minnesota, the American Federation of Teachers and National Education Association.
2. Substantial violation of the Code of Ethics of the Board of Teaching or other licensing agency.
3. Violation of a local policy in crisis situations affecting the entire school district.
4. Other good and sufficient cause whereby the conduct of the member would be

prejudicial to the purposes of the local.

Section 2. Such action shall be initiated by a complaint of a majority of the officers of the local, with written notice to the member of the proposed action to be taken and the reasons thereof such notice shall also include the statement that the member has ten (10) calendar days in which to request a hearing before the local executive board, or a special local discipline committee, at which the member is entitled to a representative of his/her choice to answer the charges and examine those making them.

Section 3. The hearing will be private or public at the choice of the member being disciplined, and the decision, by a simple majority, shall be communicated, in writing to the member, accompanied by a memorandum of findings of fact, with ten (10) days of the close of the hearing. A tie vote shall indicate no action will be taken.

Section 4. Any member censured, suspended, or expelled under these provisions 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 shall be presided over by the local president who shall grant a procedure which includes witnesses and right of cross-examination. A quorum shall be present. The decision shall be made by secret ballot with a simple majority of the membership present and voting. In the case of a tie, with the president voting, no action shall be taken.

Section 5. Action to expel or suspend shall be communicated to the President of Education Minnesota in writing.

Section 6. A member who is expelled or suspended from membership in the local shall have the right of appeal to the Education Minnesota Governing Board in accordance with such policies and procedures as the Board may adopt.

Section 7. 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.

Section 8. 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 9.— Reinstatement

a. The Executive Board shall have the power to reinstate any suspended or expelled member of the Association or admit any applicant so denied under this article.

ARTICLE VIII: Officers

The four officers of North Branch Education Association shall be Co-Presidents, a Secretary and a Treasurer.

ARTICLE IX: Executive Board

Section 1. The Executive Board shall consist of the elected officers of the Association, and lead building representatives, and appointed committee chairpersons. The president shall present a slate of officers at a spring general membership meeting. These individuals shall be voted on by the membership at the meeting. It shall be the executive authority of the Association.

Section 2. The voting members of the Executive Board are the elected officers (spring timeline) and the elected lead building representatives (fall timeline) and the committee chairs (appointed by the Executive Committee).

Section 3. Whenever a majority of the Executive Board shall agree that an officer, lead building representative, or committee chair has been grossly negligent of the duties defined in the bylaws or is incapacitated or is otherwise unable to continue in their role, they shall recommend to the Representative Assembly that the office be declared vacant. If the Assembly so votes by a two-thirds majority, it shall immediately elect a replacement to fill the unexpired term.

ARTICLE X: Association Building Committee

Section 1. The Association Building Committee shall consist of the elected building representatives, building level committee representatives, any association officers within the building and grade level/department representatives as needed.

Section 2. The chair of the Association Building committee shall be the elected building representative.

ARTICLE XI: Representative Assembly

Section 1. The legislative and policy forming body of the Association shall be the Representative Assembly.

Section 2. The Representative Assembly of the Association shall be composed of the Executive Board, and members of the Association Building Committees.

Section 3. Any member of the Association who is not a member of the Representative Assembly may attend its meetings, shall sit apart from the voting body, but may receive permission to speak.

ARTICLE XII: Amendments

Section 1. An amendment to this constitution may be introduced at a meeting of the executive Committee/Board of Directors (or general membership meeting if a local does not have a separate meeting for the executive Committee/Board of Directors) and acted upon at a subsequent membership meeting of the association.

Section 2. A copy of the proposed amendment, together with the recommendations of the Board of Directors/Executive committee, shall be made available to all members of the association two weeks before such action is to be taken.

Section 3. A two-thirds (2/3) vote of those present and voting at a membership meeting is required to

adopt a proposed amendment.

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