

## **CONSTITUTION OF EDUCATION MINNESOTA-LEWISTON-ALTURA**

### **PREAMBLE**

We, the members of Education Minnesota-Lewiston-Altura, Hiawatha Valley Teachers United (HVTU), Education Minnesota, 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 at Lewiston-Altura Public Schools.

Education Minnesota—Lewiston-Altura 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.

Education Minnesota—Lewiston-Altura 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. Education Minnesota—Lewiston-Altura shall be committed to democracy in the workplace and within the organization.

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

### **ARTICLE I. NAME**

The name of this organization shall be Education Minnesota-Lewiston Altura hereafter known as the union.

### **ARTICLE II. PURPOSE**

The purposes of this union shall be to:

1. Serve all teachers of Independent School District #857 as exclusive representative whenever such authority exists in accordance with M.S 179.61-179.76 Public Employee Labor Relations Act;
2. Represent its members in collective bargaining with Independent School District #857 and to process grievances;
3. Improve the professional, economic, social, and civic status of its members;

4. Promote improvement of public education;
5. Encourage teacher involvement in political activity;
6. Secure improvements in the economic status of teachers; and
7. Establish and maintain an ongoing public relations effort within the teachers' ranks and the community.

### **ARTICLE III. AFFILIATION**

Education Minnesota-Lewiston Altura is affiliated with Hiawatha Valley Teachers United, Education Minnesota, the American Federation of Teachers, and the National Education Association in accordance with the provisions of the Bylaws of these bodies. Individuals will be members of Hiawatha Valley Teachers United, Education Minnesota, the American Federation of Teachers, and the National Education Association.

### **ARTICLE IV. MEMBERSHIP**

- Section 1      Membership in the union shall be in accordance with the Constitution and Bylaws of HVTU, Education Minnesota, NEA, and AFT. The membership year shall be September 1 to August 31. No one shall hold office in the union who is not an active member of HVTU, Education Minnesota, NEA, and AFT.
- Section 2      The union shall not deny membership for individuals on the basis of a protected class listed in the Minnesota Human Rights Act. The union 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 union.
- Section 3      Membership in the union shall include full affiliation and shall include all services and responsibilities of the union and its affiliations. Membership shall also be considered continuing, subject only to resignation or termination as stated in this Constitution or as constituted in the Bylaws of the affiliated organizations.

### **ARTICLE V. OFFICERS AND TERMS OF OFFICE**

- Section 1 The officers of this union shall be one President, one Lieutenant President, one Vice President, one Secretary, one Treasurer, and one Member Rights Chair
- Section 2 In the spring of even-numbered years, elections shall be held for office of Lieutenant President, Secretary, and Member Rights Chair. In the spring of odd-numbered years, elections shall be held of office of President, Vice President, and Treasurer.
- Section 3 Each officer shall be elected to a term of two years.
- Section 4 Officers shall serve their terms beginning at the final meeting of the school year as provided in Article VI of this Constitution. Officer vacancies which occur during a term of office shall be filled by appointment of the Executive Committee, except that the office of President shall be filled by a special election. During the term of vacancy of office of President, the Lieutenant President shall fill the vacancy. An officer elected by special election will complete the term of his/her predecessor.
- Section 5 Building Representatives shall serve a term of one year. Elections for Building Representatives shall take place in the spring of each year.

## **ARTICLE VI. ELECTIONS PROCEDURES**

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

- Section 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.
- Section 2 There shall be an open nomination process for all elections.
- Section 3 Every member must have a fair and equal opportunity to participate in the election without unreasonable impediments.
- Section 4 Voting must take place by secret ballot. There shall be no provision allowed for write-in votes for any election.

- Section 5 In a contested election, candidates must be allowed to station observers at the polling places.
- Section 6 Representatives of the competing candidates should be allowed to observe, but not actually participate in, the counting of ballots.
- Section 7 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 8 No union funds may be used to support any candidate.
- Section 9 The union should comply with reasonable requests to distribute campaign literature at the candidate's expense.
- Section 10 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.
- Section 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.

#### **ARTICLE VII: GOVERNANCE STRUCTURE**

- Section 1 The governance of the union shall be vested in the Executive Committee, which shall consist of the officers of the union and the Building Representatives.
- Section 2 A quorum of the Executive Committee shall be a majority of the members.
- Section 3 The Executive Committee shall be responsible for the management of the union, review all expenditures, carry out policies established by the general membership, and report its actions to the members.

#### **ARTICLE VIII. RATIFICATION OF THE CONTRACT**

- Section 1 Ratification of a negotiated contract shall be by a majority vote of all members of the local.

**Subd. 1** If the contract ratification meeting takes place while members are involved in a strike, only members of the local who participate in the strike shall be eligible to vote on the proposed contract. A majority of those voting is necessary to approve the contract.

Section 2 A waiting period of at least two (2) working days is necessary from the day of presentation to the teachers by the teacher negotiators to the day of balloting. This waiting period may be waived in an emergency by a decision of the majority of the unionmembership.

**Subd. 1** If a tentative agreement is reached at a time when school is not in session, the president or an appropriate local officer available shall be authorized to call a meeting for the purpose of ratifying the proposed agreement. A notice of the meeting shall be sent to the membership within 2 days of the tentative agreement. The meeting shall be held no later than 10 days after the date of notice. Included with the notice will be an outline of the negotiated changes in the Master Contract.

Section 3 The ballot date will be set at the presentation meeting.

Section 4 Those members not present for voting will be sent an absentee ballot.

Section 5 All ballots must be cast within two (2) working days of the ballot date in order to be counted.

Section 6 No ballots will be counted until all ballots have been received within the deadline.

Section 7 The ballot will be a secret written ballot.

Section 8 This article cannot be amended or modified except by a two-thirds (2/3) vote of all members of the local following the same procedure as above for balloting.

Section 9 Any reconsideration of a proposal must be treated as a new proposal and must follow the balloting procedure and time lines.

## **ARTICLE IX. STRIKE AUTHORIZATION**

Section 1 The authorization for a strike shall be given by an eighty percent (80%) vote of all union members.

Section 2 **The** strike proposal shall be presented by the Negotiations Committee.

Section 3 The timelines and procedures shall be the same as in Article VIII , Sections 2-9.

## **ARTICLE X. DISCIPLINARY ACTION**

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 of more of the following.

1. Failure to remain a member in good standing with Hiawatha Valley Teachers United, Education Minnesota, National Education Association, and American Federation of Teachers.
2. Substantial violation of the Code of Ethics of the Board of Teaching or other licensing agency.
3. Violation of a local policy in a crisis situation 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 committee, 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 discretion 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 finding of fact, within 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 body, if

applicable, within ten (10) days of receipt of the decision. The appeal hearing shall be presided over by the local president who shall establish 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 Teacher and National Education Association shall be governed by the policies and procedures adopted by the AFT and NEA.
- Section 8      No person shall initiate a civil action suit of 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.

#### **ARTICLE XI. AMENDING PROCEDURES**

- Section 1      This Constitution may be amended at any General Membership meeting at which there is a quorum by a two third (2/3) vote of the members present and voting.
- Section 2      The Executive Committee shall bring to the General Membership meeting any proposed amendment to this Constitution submitted in writing by any member in good standing.
- Section 3      The Constitution shall be reviewed every three years or as needed.