

Constitution and Bylaws of the
N. St. Paul-Maplewood-Oakdale Education Association
July 2014

Preamble

We, the members of the North St. Paul-Maplewood-Oakdale Education Association, Education Minnesota, National Educational Association and American Federation of Teachers, 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. 622.

North St. Paul-Maplewood-Oakdale 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 St. Paul-Maplewood-Oakdale 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 St. Paul-Maplewood-Oakdale Education Association shall be committed to democracy in the workplace and within the organization.

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

ARTICLE I

Name

The name of this organization shall be the North St. Paul-Maplewood-Oakdale Education Association, hereinafter referred to as the Association.

ARTICLE II

Purpose

The purpose of the Association shall be to provide an organizational structure through which the collective voice and power of the Association may effectively bring about and maintain conditions and standards of the educational environment which are compatible with the desires of the membership.

ARTICLE III

Membership

Section 1. All certified/licensed personnel, except the superintendent currently employed in the North St. Paul-Maplewood-Oakdale Public Schools are eligible for membership in the Association, provided they pay unified dues, which shall include membership in the North St. Paul-Maplewood-Oakdale Education Association, Education Minnesota, and the American Federation of Teachers.

Section 2. For the purpose of this constitution the term “school year” shall mean that period of time beginning with the first day, all certified/licensed employees must be present to fulfill their contract obligations as specified by the official school calendar.

Section 3. Membership in the Association shall be continuous. Dues shall be determined annually by the Executive Board of the Association prior to the first meeting of the general membership of the school year. Dues shall be payable not later than 14 days after the beginning of the school year. A payroll deduction agreement for the collection of dues shall be construed as payment. IMPACE and NEAPAC collections will be according to Ed. MN/NEA bylaws. Any assessments authorized by the Executive Board shall be payable within a reasonable period of time. Membership shall cease upon failure to pay dues and/or assessments, or by resignation.

Section 4. All members of the Association shall be represented in all negotiations with the Board of Education by the person or persons officially designated by the Executive Board for that purpose.

Section 5. Membership for teachers who have retired from the North St. Paul-Maplewood-Oakdale School district shall be available at 10% of local dues for non-voting status. Retired members may choose to have unified membership as well. Dues must be paid by September 30.

ARTICLE IV

Officers

The officers of the Association shall be: president, vice-president, secretary, and treasurer.

ARTICLE V

Executive Board

Section 1. The Executive Board shall consist of the officers of the Association and the duly elected faculty representatives from each building.

Section 2. The Executive Board shall have the Executive and Legislative authority of the Association and thereby the power and authority of implementation of policies of

legislation determined by the Board. A minimum of 30% of the members present may call for any motion to be presented to and voted on by the general membership.

Section 3. Faculty representatives of the Executive Board shall be elected as follows: One member per 25 members in a building, or greater fraction thereof. If a building has less than 25 members, it will have one representative on the Executive Board.

BYLAWS

ARTICLE I

Meetings

Section 1. Regular meetings of the Executive Board shall be held at 4:00 p.m. on the first Monday of each month during the school year. The place of such meetings shall be publicized at least one week in advance.

Section 2. Special meetings of the Executive Board shall be held at the call of the president at his/her discretion or upon receipt of a written request signed by one-third of the Executive Board.

Section 3. The president, upon receipt of a written request will call a General Membership Meeting under the following conditions:

- A. When the request is signed by 2/3 of the Executive Board or
- B. When the request is signed by the Chief Negotiator.

Section 4. A quorum of the faculty representatives may, by majority vote, pass all legislation except amendments to the constitution and bylaws (Article VI, Section 1) master contract ratification (Article I, Section 5). Any member of the Executive Board may request a roll call or secret ballot vote subject to approval of one-sixth of the members present.

Section 5. The membership will approve or reject a master contract as follows:

- A. When the membership votes in their buildings, it will be by secret ballot, following the same procedures for Elections (Article IV, Section 10). Approval will be by majority of votes cast. Absentee ballots will be allowed.
- B. When the membership votes at a General Membership Meeting, it will be by secret ballot. The ballots will be counted and the results announced before the meeting is adjourned. Approval will be by 2/3 majority of votes cast. Absentee ballots will not be allowed.

Section 6. Any member of the Association may attend any meeting of the Executive Board.

Section 7. There shall be meetings of the general membership of the Association during the school year for the purpose of discussion of professional issues.

Section 8. A quorum for the Executive Board and each committee shall consist of the majority.

Section 9. When the entire Association is brought together for a meeting where business is to be conducted, a quorum shall be the majority of the membership present.

All other procedural matters shall be governed by Robert's Rules of Order.

ARTICLE II

Terms of Office and Duties of Officers

Section 1. The president shall preside at all meetings of the Executive Board, and shall be an ex-officio member of the Association. The president shall serve as a delegate to the Education assemblies, both the Education Minnesota Representative Assembly and the National Education Association convention. The president will appoint a parliamentarian, with approval of the Executive Board.

Section 2. The vice-president is a member of the Executive Board and may serve in an ex-officio capacity to any part of the association. The vice-president shall perform the duties and have the powers of the president in the absence of the president to act.

Section 3. The secretary shall keep minutes of the meetings of the Association and the Executive Board. The secretary shall be responsible for the reproduction and distribution of the minutes of each Executive Board and Association meeting to the general membership not later than one week following the meeting of the Board. The secretary shall also perform such duties as the president may request.

Section 4. The treasurer shall be responsible for the financial transactions and maintenance of financial records of the Association. A monthly report shall be presented to the Executive Board. The treasurer shall also perform such duties as the president may request.

Section 5. Whenever a two-thirds majority of the Executive Board shall agree that the president has been grossly negligent of the duties and responsibilities as defined in the constitution and bylaws, or is incapacitated, the vice-president shall fill the position. Whenever a two-thirds majority of the Executive Board shall agree that an officer, other than the president, has been grossly negligent of the duties and responsibilities as defined in the constitution and bylaws, or is incapacitated, the Board shall remove said officer and fill the vacancy.

Section 6. Terms and Succession

A. The term of office of the president and vice-president shall be for two years from July 1 to June 30. The president shall be elected during even numbered years. The vice-president shall be elected during odd numbered years.

B. A presidential candidate must have served a minimum of one year on the

Executive Board.

C. The treasurer shall be elected for a two year term in odd numbered years. The treasurer's term shall be September 1 to August 31.

D. The secretary shall be elected for a two year term in even numbered years. The secretary's term shall be July 1 to June 30.

E. Whenever any office, other than the presidency is vacated, the Executive Board shall fill the vacancy.

F. When the office of the presidency is vacated, the vice-president shall assume the office.

G. Whenever the office of president and vice-president are both vacated between elections, the membership shall elect a new president and vice-president for the remainder of the term.

H. If a vacancy of a building representative should occur on the Executive Board, it shall be the duty of the represented school to elect a member from the general membership.

I. Officers may be reelected.

Section 7. Each faculty representative or alternate shall attend all meetings of the Executive Board. After two consecutive absences of either the representative or his alternate, the president may declare a vacancy to be filled through an election in the building where this vacancy occurred.

Section 8. If there is more than one faculty representative in a building, the representative with the most votes will be referred to elsewhere in the bylaws as the senior representative. If there is only one faculty representative in a building, said representative shall be referred to elsewhere in the bylaws as the senior representative. The faculty representatives shall be responsible for conducting building meetings, and distributing or posting all communications from the Executive Board.

Section 9. The faculty representative(s) in each building shall hold elections for new representative(s) prior to May 1.

Section 10. A term of office shall be from May 1 to April 30, one year, inclusive.

Section 11. Whenever a two-thirds majority of those members in a building agree that a faculty representative from their building has been grossly negligent of the duties defined in the constitution and bylaws, or is incapacitated, the Association members in said building may remove the member and elect a replacement.

ARTICLE III

Committees

Section 1. The Executive Board will direct the president to appoint committees. Standing committees of the Board will include Governmental Relations (GRC), Instruction and Program Development (IPD), Communications, Teacher Rights (TR), Membership, Negotiations Advisory, and Election Committee. These committees shall operate as directed by the Executive Board.

Section 2. The president and Executive Board shall at the June meeting, present a slate of nominees for the standing committees named in Section 1, except the Negotiations Advisory Committee.

Section 3. The chairperson of each committee shall be appointed by the president with approval of the Executive Board.

Section 4. The members of the membership committee shall be the chairperson and all faculty representatives.

Section 5. Each committee shall submit an annual written report to the Executive Board by May 1st or upon completion of its duties.

Section 6. Negotiations Advisory Committee

A. There shall be a Negotiations Advisory Committee of members in addition to the Chief Negotiator consisting of Executive Board and members from buildings or groups not represented by the Executive Board.

B. The Negotiations Advisory Committee shall be responsible to the Executive Board and the general membership.

ARTICLE IV

Elections

Section 1. The President shall appoint an election committee each November. The election committee shall consist of four members: two elementary, one middle school and one senior high.

Section 2. All nominations will be open and handled through faculty representatives. The Executive Board will nominate willing candidates from the floor. The Board shall disseminate appropriate information concerning each candidate to the general membership.

Section 3. The election committee shall distribute a ballot to each member through the faculty representatives. The committee shall report the results of the election to the

Executive Board and the Association.

Section 4. The election committee shall present a slate of candidates for election to the following positions as indicated: a) Education Minnesota-NEA Delegates: November nomination, December elections; b) Officers, Executive Board, Relicensure Committee: February nominations, March elections.

Section 5. Voting NEA Constitution Provision for Election.

- A. Shall be according to the principle of one person-one vote.
- B. A person eligible to vote may not do so by proxy.
- C. Absentee ballots will be accepted up to three working days after Election Day. (Senior representatives will be responsible for verification of validity of absentee ballots.) Open nominations are provided.
- D. Election may be by secret ballot.
- E. 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. 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. Terms of office must be printed on the election ballots.

Section 7. Election will be decided by majority vote.

Section 8. NEA and Education Minnesota delegates' term will be one (1) year.

Section 9. Non-classroom teacher members must be proportionately represented at the nomination level.

Section 10. The election committee shall be responsible for the following procedure by working with and through the senior representative in each building:

- A. Polling Place - one location established in each building by the senior representative.
- B. Hours - one hour before students arrive and one hour after students leave on election days (2 hours).
- C. Registration - each senior representative will receive a computerized membership list, each voter must register by signing the membership list before receiving the ballot.

D. Ballot Box - All executed ballots are to be placed in an envelope provided along with the computer list and returned to the NSPMOEA president via school mail.

E. Tabulation - ballots will be counted after the third school day after the election by a committee appointed by the Executive Board. (Article IV, Section 1)

ARTICLE V

Membership Discipline

“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. “Cause” shall relate to conduct prejudicial to the purpose of the Association which may include any one or more of the following:

- A. Failure to remain a member in good standing with Education Minnesota and NEA.
- B. Substantial violation of the Code of Ethics of the Education Profession. (Appendix A.)
- C. Violation of local association policy in crisis situations affecting the entire school district.
- D. Other good and sufficient cause whereby the conduct of the member would be prejudicial to the purpose of the Association.

Such action shall be initiated by a complaint of a majority of the officers of the local Association, 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 Executive Board, at which the member is entitled to a representative of his choice to answer the charges and examine those making them. A quorum shall be present. The hearing will be private or public at the choice of the member and the decision, secret ballot and 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 with the president voting, shall indicate no action will be taken.

Any member censured, suspended or expelled under these provisions shall have the right of appeal to the Executive Board, within ten (10) days of receipt of the decision. The appeal hearing shall be presided over by the local association president who shall grant a procedure, which includes witnesses and the right of cross examination. A quorum shall be present. The decision shall be made by secret ballot and simple majority of the

Executive Board. In the event of a tie, with the president voting, no action shall be taken.

Action to expel or suspend shall be communicated to the Education Minnesota President and Executive Director, the membership division, and the Education Minnesota PR&R Council Chairperson.

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

Appeal to the National Education Association shall be governed by the policies and procedures adopted by the NEA.

ARTICLE VI

Amendments

Section 1. The Executive Board may amend the bylaws and/or the constitution by a two-thirds majority of those voting. However, notice of proposed amendment shall be filed in writing with the secretary and presented to the Executive Board at a regular meeting preceding the meeting at which it is to be voted upon. All members of the Association shall be provided with a copy of the amendment so that they may discuss it with their faculty representative(s).

Appendix A

8700.7500 CODE OF ETHICS FOR MINNESOTA TEACHERS.

Subpart 1. Scope. Each teacher, upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles which defines professional conduct. These principles are reflected in the following code of ethics, which sets forth to the education profession and the public it serves, standards of professional conduct and procedures for implementation.

This code shall apply to all persons licensed according to rules established by the Minnesota Board of Teaching.

Subpart. 2. Standards of professional conduct. The standards of professional conduct are as follows:

A. A teacher shall provide professional education services in a nondiscriminatory manner.

B. A teacher shall make reasonable effort to protect the student from conditions harmful to health and safety.

C. In accordance with state and federal laws, a teacher shall disclose confidential information about individuals only when a compelling professional purpose is served or when required by law.

D. A teacher shall take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning.

E. A teacher shall not use professional relationships with students, parents, and colleagues to private advantage.

F. A teacher shall delegate authority for teaching responsibilities only to licensed personnel.

G. A teacher shall not deliberately suppress or distort subject matter.

H. A teacher shall not knowingly falsify or misrepresent records or facts relating to that teacher's own qualifications or to other teachers' qualifications.

I. A teacher shall not knowingly make false or malicious statements about students or colleagues.

J. A teacher shall accept a contract for a teaching position that requires licensing only if properly or provisionally licensed for that position.

Subpart. 3. Statutory enforcement of code: complaints, investigation, and hearing.

A. The enforcement of the provisions of the code of ethics for Minnesota teachers shall be in accord with Minnesota Statutes, section 214.10:

Minnesota Statutes, section 214.10, complaints; investigation and hearing.

Subd. 1. Receipt of complaint. The executive secretary of a board, a board member or any other person who performs services for the board who receives a complaint or other communication, whether oral or written, which complaint or communication alleges or implies a violation of a statute or rule which the board is empowered to enforce, shall promptly forward the substance of the communication on a form prepared by the attorney general to the designee of the attorney general responsible for providing legal services to the board. Before proceeding further with the communication, the designee of the attorney general may require the complaining party to state his complaint in writing on a form prepared by the attorney general. Complaints, which relate to matters within the jurisdiction of another governmental agency shall be forwarded to that agency by the executive secretary. An officer of that agency shall advise the executive secretary of the disposition of that complaint. A complaint received by another agency which relates to a statute or rule which a licensing board is empowered to enforce shall be forwarded to the

executive secretary of the board to be processed in accordance with this section.

Subd. 2. Investigation and hearing. The designee of the attorney general providing legal services to a board shall evaluate the communications forwarded to him by the board or its members or staff. If the communication alleges, a violation of statute or rule which the board is to enforce, the designee is empowered to investigate the facts alleged in the communication. In the process of evaluation and investigation, he shall consult with or seek the assistance of the executive secretary or, if the board determines, a member of the board who has been designated by the board to assist the designee. He may also consult with or seek the assistance of any other qualified persons who are not members of the board who the designee believes will materially aid in the process of evaluation or investigation. The executive secretary or the consulted board member may attempt to correct improper activities and redress grievances through education, conference, conciliation, and persuasion, and in these attempts he maybe assisted by the designee of the attorney general. If the attempts at correction or redress do not produce satisfactory results in the opinion of the executive secretary or the consulted board member, or if after investigation the designee providing legal services to the board, the executive secretary or the consulted board member believes that the communication and the investigation suggest illegal or unauthorized activities warranting board action, he shall inform the executive secretary of the board who shall schedule a disciplinary hearing in accordance with Minnesota Statutes, chapter 14. Before the designee of the attorney general or the executive secretary may direct the holding of a disciplinary hearing, the executive secretary must have received a verified written complaint from the complaining party. A board member who was consulted during the course of an investigation may participate at the hearing but may not vote on any matter pertaining to the case. The executive secretary of the board shall promptly inform the complaining party of the final disposition of the complaint. Nothing in this section shall preclude the board from scheduling, on its own motion a disciplinary hearing based upon the findings or report of the board's executive secretary, a board member or the designee of the attorney general assigned to the board. Nothing in this section shall preclude a member of the board or its executive secretary from initiating a complaint.

Subd. 3. Discovery; subpoenas. In all matters pending before it relating to its lawful regulation activities, a board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which he may be lawfully questioned or produce any papers, books records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so may, upon application to the district court in any district, be ordered to comply therewith. The chair of the board acting on behalf of the board may issue subpoenas and any board member my administer oaths to witnesses, or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper mat be served upon any person named therein, anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions, with the same fees and mileage and in the same

manner as prescribed by law for service of process issued out of the district court of this state. Fees and mileage and other costs shall be paid as the board directs.

Subpart. 4. Complaints handled by board. When oral complaints alleging violations of the code of ethics are received, the executive secretary of the Minnesota Board of Teaching shall request the complaining party to submit the complaint in writing within ten days.

Upon the receipt of a complaint in writing alleging violations of the code of ethics, the teacher named in the complaint shall be notified in writing within ten days of the receipt of the complaint.

The teacher shall be entitled to be represented by the teacher's own counsel or representative at each stage of the investigation and hearing.

Subpart. 5. Enforcement procedures. The Board of Teaching may impose one or more of the following penalties when it has found a violation of the code of ethics. These actions shall be taken only after all previous efforts at remediation have been exhausted.

A. The Board of Teaching may enter into agreements with teachers accused of violating the code of ethics which would suspend or terminate proceedings against the teacher on conditions agreeable to both parties.

B. A letter of censure from the Board of Teaching may be sent to the person determined to be in violation of the standards of the code of ethics. A copy of the letter shall be filed with the Board of Teaching. Such letters shall be kept on file for a period of time not to exceed one calendar year.

C. A teacher who has been found to have violated the code of ethics may be placed on probationary licensure status for a period of time to be determined by the Board of Teaching. The board may impose conditions on the teacher during the probationary period which are to be directed toward improving the teacher's performance in the area of the violation. During this period, the teacher's performance or conduct will be subject to review by the Board of Teaching or its designee. Such review will be directed toward monitoring the teacher's activities or performance with regard to whatever conditions may be placed on the teacher during the probationary period. Before the end of the probationary period the Board of Teaching shall decide to extend or terminate the probationary licensure status or to take further disciplinary actions as are consistent with this rule.

D. The license to teach of the person determined to be in violation of the standards of the code of ethics may be suspended for a period of time determined by the Board of Teaching.

E. The license to teach of the person determined to be in violation of the standards of the code of ethics may be revoked by the Board of Teaching.

