

Constitution of Education Hutchinson

Preamble

We, the members of Education Hutchinson (EH), Education Minnesota (EM), 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. 423, Hutchinson Public Schools.

Education Hutchinson shall provide a united voice and an unwavering commitment for public education, students and families, and the welfare of its members.

Education Hutchinson shall provide generous service to its members by building and maintaining a strong, effective local organization and promoting instructional advocacy. Education Hutchinson 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 (EM), the American Federation of Teachers (AFT) or the National Education Association (NEA), the provisions of the state and national organizations shall supersede the provisions contained herein.

Article I Name

The name of this association shall be Education Hutchinson.

Article II Objectives

To work for the welfare of public school students, the advancement of education and the improvement of instructional opportunities.

To develop and promote ethical practices, personnel policies, and professional growth standards.

To unify, support and strengthen the teaching profession by securing and maintaining the working conditions including salaries, retirement, continuing contract rights, professional leave and sick leave.

To assist members in grievance and contractual issues.

To enable members to address matters pertaining to the teaching profession, the Board of Education, the community and other legal authorities.

To use EH resources to meet these objectives.

Article III Membership

Section 1: Active Members

a. Active membership in the Association shall be open to all licensed personnel retired from or employed by Hutchinson schools who are eligible for membership in Education Minnesota and who agree to abide by the Code of Ethics of the Educational Profession.

b. Fair share members have the same rights as other active members but cannot vote, hold an office, or participate on a committee.

c. Membership in Education Hutchinson shall be in accordance with the Constitution and Bylaws of Education Minnesota, the NEA, and the AFT. No one shall hold office in Education Hutchinson who is not a member of Education Minnesota, the NEA, and the AFT.

Section 2: Non-Active Members

a. Non-Active membership is open to any person who is on a leave of absence from the employment that qualified him or her for active membership or who has held an active membership but whose employment status no longer qualifies the individual for such membership.

b. Active members who retire may contribute as members for life, paying such annual dues as determined by the Representative Council.

c. Special requests for Non-Active membership may be approved by the Representative Council.

Section 3: Membership Discipline Action Policy

a. Disciplinary action can include suspension or permanent expulsion. This action shall not be taken against any member except for just cause.

b. Just cause may include any one or more of the following:

1. Failure to remain a member in good standing with Education Minnesota, the AFT or the NEA.

2. Violation of the Code of Ethics of the Education Profession.

3. Violation of the local policy in crisis situations. (See Article 8: Section 1 of the Constitution of the Education Hutchinson)

4. Other good and sufficient cause whereby the conduct of the member is deemed detrimental to the objectives of the Education Hutchinson.

c. Such action shall be initiated by a complaint of a majority of the Executive Council of the local Association, with written notice to the member of the proposed action to be taken and reasons thereof at least fourteen (14) calendar days prior to the effective date of any discipline.

Such notice shall also include the statement that the member has ten (10) calendar days in which to request a hearing before the local Representative Council . The member is entitled to a representative of his/her choice to answer the charges and examine those making them. The hearing will be private or public at the choice of the member. The decision based on a simple majority of committee members in attendance, shall be communicated in writing to the member, within ten (10) calendar days of the close of the hearing. A tie vote shall indicate no action will be taken. The effective date of discipline shall be suspended until the decision is delivered to the member or until further appeals have been heard.

d. The member shall have the right of appeal to a quorum of the membership (public) or Representative Council (private), within ten (10) calendar days of receipt of the decision. The effective date of discipline shall be suspended until all appeals have been heard. The appeal hearing shall be presided over by the local EH president who shall grant a procedure which can includes witnesses and the right of cross examination. A quorum shall be present. The decision shall be made by secret ballot, simple majority of the membership present and voting, or in the Representative Council, where applicable. In the event of a tie with the president voting, no action will be taken.

e. If the disciplinary action is expulsion or suspension, this information shall be communicated to the following offices of Education Minnesota: President and Executive Director of the membership division, and Teacher's Rights Chairperson.

f. Any member censured, suspended or expelled under these provisions shall have the right of appeal to the full membership or Representative Council, within ten (10) calendar days of receipt of the decision. The effective date of discipline shall be suspended until all appeals have been heard.

g. A member who is expelled or suspended from membership in the local association shall have the right of appeal within ten (10) calendar days of receipt of the written decision. This appeal should be made to the Education Minnesota Board of Directors in accordance with the policies and procedures of the Board.

h. Appeal to the National Education Association shall be governed by its policies and procedures.

Section 4: The membership year shall begin on September 1st and end August 31st the following year.

Article IV Officers

Section 1: The Executive Council shall consist of the officers of EH and the Executive Secretary, who is an Ex-officio member. It shall be the executive authority of the Association.

Section 2: Under personnel policies adopted by the Representative Council, the Executive Council shall have the power to employ a staff for the efficient management EH in accordance with the annual budget.

Section 3: Whenever a majority of the Executive Council shall agree that an officer has been grossly negligent of the duties as defined in the bylaws or it shall recommend to the Representative Council that the office be declared vacant. If the Representative council so votes by two-thirds majority, it shall elect a replacement to fill the unexpired term.

Section 4: The President(s) of Education Hutchinson will preside over the Executive Council. In the event that the President(s) cannot attend a meeting, he/she/they will appoint a replacement from the Representative Council.

Section 5: Whenever a member of the Representative Council is unable to perform the duties defined in the bylaws, the Representative Council shall declare the office vacant. The council shall elect a replacement to fill the unexpired term.

Article V Representative Council

Section 1: The legislative and policy-forming body of the Association shall be the Representative Council.

Section 2: The Representative Council shall consist of the officers of the Association and representatives from each school. An attempt will be made to keep building representation proportional.

Section 3: Any member of the Association who is not a member of the Representative Council may attend council meetings, and receive permission to speak, but cannot vote.

Section 4: The President(s) of the Association will preside over the Representative Council. In the event that the President(s) cannot attend a meeting, they/he/she will appoint a replacement from the officers of the Association to preside over the meeting.

Article VI Affiliation

Education Hutchinson 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 VII Amendments

The Representative Council may adopt amendments to this Constitution by a two-thirds (2/3) majority of those voting at any regular meeting. Amendments must be introduced at the previous regular meeting of the Representative Council and copies of the proposed amendments must be distributed to members of the Representative Council for membership discussion.

Article VIII 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 this purpose. The vote shall be conducted by secret ballot. All active members of the Association shall have the right to vote. A majority of those voting is necessary to approve the contract.

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.

If a tentative agreement is reached when school is not in session, the President(s) or an appropriate Executive officer shall be authorized to call a meeting for the purpose of ratifying the proposed agreement. A notice of the meeting shall be given to the membership within five (5) working days of the tentative agreement. The meeting shall be held no later than five (5) working days after the date of the notice. An outline of the negotiated changes in the master contract shall be included with the notice. 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 absentee ballot. All ballots from the meeting and all absentee ballots received by the date of the meeting shall 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 settlement cannot be reached between the Association and the school district, the Association shall conduct a strike vote at its discretion. The strike vote shall be conducted at a general membership meeting called expressly for that purpose. The strike vote shall be by secret ballot. Two thirds (2/3) of the active 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 but 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: In the event of an emergency, or during a strike, the Executive Council shall have the authority to establish alternative time lines for meeting notification and balloting.

Bylaws of Education Hutchinson (EH)

Article I Meetings

Section 1: Executive Council: The Executive Council shall meet at the discretion of the president or at the request of three (3) members of the Executive Council.

Section 2: Representative Council: The Representative Council shall meet monthly during the school year. An agenda for each meeting shall be prepared and circulated to all members of the Representative Council. Prior to the Council meeting, Representatives should discuss the agenda with the staff members they represent.

Section 3: Committee Council: The Committee Council consists of chairpersons of standing councils.

Section 4: Special Meetings: Special meetings of the Representative Council may be held at the discretion of the president or upon written request to the Executive Council from five (5) Representative Council members. In the event of a special meeting Representatives will receive agenda information.

Section 5: General Membership Meetings: The Executive Council may arrange meetings for the members to discuss professional issues.

Article II Quorum

A majority of the members shall be a quorum for the Association, the Representative Council, the Executive Council, and Committee Councils.

Article III Powers and Duties of Offices

Section 1: President(s): The president or co-presidents shall preside over meetings of the Representative Council, appoint the Chairperson and members of standing councils, appoint special committees. The president(s) may appoint a Representative Council parliamentarian and chairpersons of standing committees and special committees. The president(s) shall perform all other functions usually attributed to this office. The president(s) should attend the EM Summer Seminar. In addition duties of the President shall include but are not limited to:

1. Serving as the Executive officer(s) of EH and as ex-officio member(s) on all standing committees except the audit committee.
2. Represent EH publicly.
3. Preparing for and conducting local meetings.

4. Working with the Treasurer to prepare and monitor a local budget and completing necessary budget and audit forms for Education Minnesota and governmental agencies.
5. Being familiar with the Master Agreement and the Constitution and ByLaws.
6. Attending appropriate meetings and training conferences at the local intermediate, state or national level.
7. Reviewing, commenting on and representing the Association for any school district requests to the Board of Teaching for variances, waivers or community experts.
8. Serving as chair of the Executive Committee.

Section 2: President(s)-Elect: The president elect or co-president(s) elect shall work with the president(s) to learn the duties and responsibilities of that office. The president elect(s) should be on one or more standing councils as requested by the president. It is recommended that the president elect attend the Education Minnesota Summer Seminar. In addition duties of the President(s)-Elect shall include but are not limited to:

1. Conducting meetings in the absence of the president(s).
2. Attending appropriate meetings and training conferences.
3. Assisting in recruiting, training and orienting members of the Representative Council.
4. Serving as a member of the Executive Committee.
5. Learning the role and duties of the president(s).

Section 3: Vice President(s): The vice president or co-vice presidents is/are the chairperson(s) of the Constitution and By-Laws committee. In addition, the vice president(s) shall perform the functions usually attributed to this office. As requested by the president(s), the vice presidents(s) shall be involved in one or more standing committees. It is recommended that the vice president(s) attend the Education Minnesota Summer Seminar. In addition duties of the Vice President(s) shall include but are not limited to:

1. Conducting meetings in the absence of the president(s).
2. Attending appropriate meetings and training conferences.
3. Chairing the Constitution and ByLaws Committee and becoming familiar with the Master Agreement
4. Assisting in recruiting, training and orienting members of the Representative Council.
5. Serving as a member of the Executive Committee.
6. Learning the role and duties of the president.

Section 4: Immediate Past President(s): The immediate past president(s) is/are an ex-officio member(s) of the Executive Council. The past president(s) serve as an advisor(s) to the Executive Council. At the request of the current president(s), the immediate past presidents(s) provide(s) assistance as needed.

Section 5: Recording Secretary: The recording secretary shall keep and distribute accurate minutes of all general membership meetings, Executive Council meetings, and Representative Council meetings. In addition duties of the Secretary shall include but are not limited to:

1. Serving as a member of the Executive Committee.

2. Attending appropriate meetings and training conferences.
3. Tracking attendance at Representative Council meetings and reporting excess absences at the last Representative Council meeting of the year.

Section 6: Treasurer: The treasurer shall hold the funds of the Association and disburse them upon authorization by the Executive Council. In addition duties of the Treasurer shall include but are not limited to: Working with the president(s) to prepare the necessary paperwork for an annual audit in compliance with Education Minnesota standards.

1. Transmitting amounts due to Education Minnesota and the National Education Association on a timely basis.
2. Maintaining a roll of the members.
3. Keeping accurate accounts of receipts and disbursements.
4. Reporting the basic financial condition at each Representative Council meeting.
5. Preparing an annual financial statement for publication to members.
6. Leading the budget preparation for the Association.
7. Preparing financial records for the Audit Committee.
8. Preparing and reporting necessary audit forms to Education Minnesota.
9. Attending appropriate meetings and training conferences.
10. Serving as a member of the Executive Committee.

Section 7: Executive Secretary: The Executive Secretary is elected by the membership. The Executive Secretary shall be an advisor to the Executive and Representative Councils but shall not have a vote at Representative Council Meetings. In addition duties of the Executive Secretary shall include but are not limited to:

1. Being familiar with the Master Agreement and the Constitution and ByLaws to be able to offer advice on their contents.
2. Keeping the permanent records for the local including membership information, Executive Council and Representative Council minutes, contract information, grievance information, committee memberships and the Constitution and ByLaws.
3. Preparing and recording correspondence with the employer and Education Minnesota.
4. Assisting in the preparation and distribution of teacher information, including new teachers in the fall.
5. Preparing and distributing fair share notices to the employer and individuals.
6. Maintaining the membership roster for the local chapter and Education Minnesota and report additions, deletions and changes on a regular basis.
7. Verifying the accuracy of payroll deduction of dues with the Treasurer.
8. Serving as a member of the Executive Committee.
9. Chairing the ballot committee, preparing ballots and storing all ballots for at least one year.
10. In the absence of the secretary the Executive Secretary will record minutes at the Representative Council meetings.

Article IV Power and Duties of the Executive Council

The Executive Council shall be responsible for the management of the Association, by carrying out existing policies and suggesting policies for consideration by the Representative Council. In addition the Executive Council will approve all expenditures and report these transactions to the Representative Council and the general membership.

Article V Powers and Duties of the Representative Council

The members of the Representative Council have the responsibility of communicating with and representing members in their building. Members of the Representative Council should assist new members in becoming familiar with their school district and the EH. They must assist the Executive Secretary and Treasurer in verifying correct member information and in conducting elections. The Representative Council shall approve the budget, set the dues for the Association, act on committee reports and approve resolutions and other policy statements. The Representative Council shall adopt procedures for implementing the Code of Ethics of the Education Profession. It shall follow the guidelines of the Constitution and By-Laws for the suspension, expulsion or the reinstatement of members. It may adopt such rules governing the employment of staff, the practices of EH, and the conduct of meetings consistent with its Constitution and By-Laws. The Representative Council shall be the final judge of the qualification and election of officers and faculty representatives. Powers not delegated to the Executive Council or other groups in the Association shall be vested in the Representative Council.

Article VI Negotiations Committee

The Negotiations Committee may consist of no more than six members and should include at least one member from each elementary school, middle school, and the senior high. The Negotiations Committee shall be elected by secret ballot. Each member shall serve a two (2) year term. The committee will delegate which members will be responsible for doing statistics, adjusting the Elementary-Secondary Extracurricular schedule, and taking notes during negotiations sessions. The chief negotiator is to be chosen by the Negotiations Committee. The President(s) of the Association shall be (an) ex-officio member(s) of this committee.

Article VII Standing Committees

Section 1: Structure

A. The standing committees are as follows: Teacher's Rights, Communications, Negotiations, Instruction and Professional Development, Public Relations Committee, GrassRoots Advocates, Teacher of the Year Committee, Banquet Committee, Relicensure Committee, Insurance Committee, Meet & Confer Committee, American Education Week Committee, Cards & Memorials Committee and Audit Committee. No officer of the Association shall serve on the Audit Committee.

- B. Each standing committee shall have a chairperson from one building and should have representation from each building. If a representative of a building cannot be found, the committee may function with fewer members.
- C. The incoming president and incoming Executive Council will appoint standing committee chairpersons as needed. Standing committee membership is on a voluntary basis.
- D. Final authority of all committee action shall rest with the general membership.

Section 2: Reports: Each committee chairperson or committee representative should report committee progress on a regular basis. This communication can be in written or oral form.

Section 3: Relation to State and National Associations: The standing committees shall follow state and national association guidelines and counsel with them as needed.

Article VIII Special Committees

Each year the president(s) shall appoint chairperson(s) of the other special committees as needed. Each committee should have a representative from each building. If a representative of a building cannot be found, the committee may function with fewer members.

Article IX Election Procedures

Election Procedures: All Elections shall be governed by applicable state and federal laws.

Section 1: Procedures

1. Each election candidate must receive at least fifteen (15) calendar days' notice of the procedures and filing deadlines as well as the date, time and place of the election.
2. Every voting member must have an equal opportunity to participate in the election.
3. Voting must be done by secret ballot.
4. In a contested election, candidates must be allowed to station up to five (5) observers at the polling place. These observers cannot participate in the counting of ballots.
5. In a contested election there shall be a ballot committee formed to count the ballots. The committee shall consist of the Executive Secretary and four (4) other members who are not officers.
6. Used, unused and challenged ballots, and other documents related to the election shall be stored for one year with the executive secretary.
7. No union funds may be used to support any candidate.

8. The union should comply with reasonable requests to distribute campaign literature at the candidate's expense.
9. Candidates may inspect the membership list prior to the election. No candidate shall have preferential access to the list.
10. There shall be an open nomination process for all elections.
11. If there is only one candidate or candidate pair for a position, the election may be waived. In order to waive such an election twenty (20) days must be provided for nominations. Under these conditions, the candidate(s) are declared elected.

Section 2: Balloting: Officers shall be elected by a written ballot distributed by the representative council and take office at the end of the school year. Incoming officers should work closely with outgoing officers after the election.

Section 3: Education Hutchinson shall be apportioned according to the one person – one vote standard.

Article X Association Business

On all matters of Association business the Superintendent, or other conferrent, shall ask for a meeting of the Representative Council. The Representative Council will be the only legally authorized group to relay any Association business.

Article XI Delegate(s)

The Representative Council may authorize attendance at professional meetings. Unreimbursed expenses for authorized attendance at regional (UniServ) and state meetings shall be paid for by the Association.

Article XII Dues

The cost of local dues for voting members shall be adjusted by the Representative Council in accordance with Education Minnesota and the National Education Association.

State and National dues will be assessed in accordance with the policies of Education Minnesota, AFT and NEA.

Any positive balance shall be carried over to the next year.

Article XIII Authority

All meetings shall comply to Robert's Rules of Order Newly Revised.

Article XIV Amendment

Education Hutchinson ByLaws may be amended at any regular meeting of the Representative Council by a majority vote. Proposed amendments must be introduced at the preceding Representative Council regular meeting. Copies of the proposed amendments shall be distributed to all members of the Representative Council for faculty discussion.

Article XV Honorariums-Fees for EH Positions

Honorariums to Executive Council Members, Faculty Representatives, Council or Committee Chairs, Executive Secretary, and Negotiations Team Members shall be paid at the discretion of the Representative Council within budgetary requirements and as outlined below in this article.

Section 1: Executive Officers:

President	\$1000 + Full EH, UniServ, EM, & NEA Dues
Pres. Elect	Full EH, UniServ, EM, & NEA Dues
Vice Pres.	Full EH, UniServ, EM & NEA Dues
Secretary	Full EH, UniServ, EM & NEA Dues
Treasurer	Full EH, UniServ, EM & NEA Dues
Exec. Sec.	\$1000

In the event of co positions the honorariums shall be evenly divided.

Section 2: Faculty Representatives: Full EH dues reimbursed.

Section 3: Council Chairs: Full EH dues reimbursed.

Section 4: Negotiations Committee: After contract ratification, the negotiations chair and EH President(s) shall meet to determine recommendations for payments based on budget parameters and previous honorariums. These honorarium recommendations must be approved by the Representative Council.

Section 5: Members holding more than one position within EH will be reimbursed for each position.

Section 6: Suspension of payment: Payment of honorariums will be suspended by action of the Representative Council. Suspension of payment may include, but is not limited to the following:

a. Chronic absenteeism occurs when an officer or Representative Council member misses 40% or more of regular Representative Council or Executive Council meetings. If a member

obtains a substitute he/she is not counted as absent. Substitutes must be a voting EH member. Representatives should select a substitute from their member list.

- b. Unethical, disloyal practice as defined in the Code of Ethics, or by the Representative Council.
- c. Membership disciplinary action as defined in Article III of EH Constitution.
- d. Budget cuts.

Article XVI Grievance Procedures:

All members have the right and responsibility to file a grievance according to the procedure outlined in the master agreement when the member has information that the contract has been violated. EH shall support the member(s) filing a grievance. Members filing a grievance have the right to local representation. A majority vote of the Representative Council is required to bring a grievance to arbitration. If a grievance goes to arbitration EH shall be responsible for half the cost of the arbitration.

Code of Ethics

Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of the democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than the one specifically designated by the NEA or its affiliates.

PRINCIPLE I

Commitment to the Student

The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator--

Shall not unreasonably restrain the student from independent action in the pursuit of learning.

Shall not unreasonably deny the student's access to varying points of view.

Shall not deliberately suppress or distort subject matter relevant to the student's progress.

Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.

Shall not intentionally expose the student to embarrassment or disparagement.

Shall not on the basis of race, color, creed, sex, national origin, marital status, political

or religious beliefs, family, social or cultural background, or sexual orientation, unfairly--

- a. Exclude any student from participation in any program
- b. Deny benefits to any student
- c. Grant any advantage to any student

Shall not use professional relationships with students for private advantage.

Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

PRINCIPLE II

Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator--

Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.

Shall not misrepresent his/her professional qualifications.

Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.

Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.

Shall not assist a noneducator in the unauthorized practice of teaching.

Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

Shall not knowingly make false or malicious statements about a colleague.

Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

Adopted by the NEA 1975 Representative Assembly