



MAPE Delegate Assembly 2020 40th Anniversary

Virtual Platform – Zoom Video Conference

Saturday, September 19th

Scheduled 8:30 a.m. – 12:15 p.m.; Actual 8:35 a.m. – 4:52 p.m.

Key: **M** = Motion **S** = Second **P** = Passed **F** = Failed

Delegate Assembly Open:

Megan Dayton, Statewide President

Meeting Called to order at 8:35 a.m.

Introductions:

Megan Dayton, Statewide President

Executive Committee: Thu Phan, Statewide Vice President; Todd Maki, Statewide Treasurer; Lynn Butcher, Statewide Secretary, Sarah Evans, Organizing Council Chair; Cathleen Cotter, Political Council Chair; Whitney Terrill, Speaker of the Meet & Confer Chairs

Delegate Assembly Planning Committee: Joan Treichel, Chair; Darci Wing; Ken Jackson; Jerry Jeffries; Jessica Raptis; Lois Tucke

Parliamentarian: Patricia Reymann

Credentials Committee: Joe Sullivan – Chair, Trustee; Gregory Ellis, Trustee; Cathy Finken, Trustee; Michael Schultz, Trustee; Wendi Einberger-McDonough

Staff Introductions:

Lina Jamoul, Executive Director

Operations: Paul Schweizer, Business Manager; Davia Curran, Membership Database/Information Technology Specialist II; Julie Lee, Financial Specialist; Zen Nguyen, Accounting Specialist; Sierra Plunkett, Administrative Specialist

Communications and Public Affairs: Leah Solo, Public Affairs and Communications Director; Devin Bruce, Public Affairs Coordinator; Ashley Erickson, Public Relations Coordinator; Roberta Heine, Public Relations Coordinator; Cynthia Isaacson, Communications Coordinator

Enforcement Business Agents: Mike Ausmus, Director of Member Engagement, Development and Organizing; Kelly Ahern; Kathy Fodness; David Hearth, Rich Ransom

Organizing Business Agents: Daniel Englehart; Alex Erickson; Nic Frey; Dave Kamper; Pete Marincel; Lyz Martin; Debbie Prokopf; Caitlin Reid



Delegate Assembly Business

Megan Dayton, Statewide President

Webinar Instructions: *Megan Dayton, Statewide President*

Voting Overview and Test Vote: *Davia Curran, Member Database & IT Specialist*

Review of Standing Rules: *Megan Dayton, Statewide President*

Credentials Committee Report

Joe Sullivan, Trustee Committee Chair

109 Delegates; 20 Regional Directors; 7 Statewide Officers, for a total 136 of a possible 158 voting members. A quorum being 80 voting members, a quorum has been established.

M(Credentials Committee)SP (133/1) that the report be accepted.

Adoption of Rules

Megan Dayton, Statewide President

M(Butcher)SP (133/3) to adopt the [2020 Standing Rules](#).

Adoption of Agenda

Megan Dayton, Statewide President

M(Butcher)SP(126/1) to adopt the agenda.

Financial Workgroup 2021 Budget Presentation and Budget Consideration by Delegates

Todd Maki, Statewide Treasurer

M (Wing) S to approve the proposed budget.

M (Blagsvedt) to remove \$150,000 for the IAF contract from the budget line item for professional and legal services and move it to the Organizing Council, with \$50,000 designated for the Diversity and Inclusion subgroup. *Motion ruled out of order due to the contract not existing and not being designated for in the proposed budget, and because the action would violate the established process for budget creation by establishing a new budget line item and allocating funds for a specific purpose within the budget itself rather than following the established process of presenting a funds request to the MAPE Board of Directors for their approval and determination of the appropriate budget item from which to designate funds.*

M (Wilson) to move \$20,000 from the Undesignated fund to create a line item for Chief Steward funds in order to give a stipend of \$540 per year to each chief steward. *Motion ruled out of order because the action would violate the established process for budget creation by establishing a new budget line item and allocating funds for a specific purpose within the budget itself rather than following the established process of*



presenting a funds request to the MAPE Board of Directors for their approval and determination of the appropriate budget item from which to designate funds.

M(Pedretti) S (Kotta) to add a separate line item to the training budget for a Steward Summit, and move \$75,000 from the undesignated funds line item. *Ruled out of order because the action would violate the established process for budget creation by establishing a new budget line item and allocating funds for a specific purpose within the budget itself rather than following the established process of presenting a funds request to the MAPE Board of Directors for their approval and determination of the appropriate budget item from which to designate funds.*

M(Wilson) to move \$1,000,000 from the Crisis Fund to the associate member program. *Ruled out of order because the action would violate the established process for budget creation by establishing a new budget line item and allocating funds for a specific purpose within the budget itself rather than following the established process of presenting a funds request to the MAPE Board of Directors for their approval and determination of the appropriate budget item from which to designate funds.*

M(Jenkins)S to prioritize training funds for diversity, inclusion, respect in the workplace and equity. *Ruled out of order because the motion would be creating policy and MAPE has an established procedure for policy creation; further, there is no way to document such prioritization in the budget itself.*

M (Church) SF (78/42) to appeal the decision of the chair, Statewide President Megan Dayton to rule Kay Pedretti's motion to add a separate line item to the training budget for a Steward Summit, and move \$75,000 from the undesignated funds line item out of order. *Chair, Statewide President Megan Dayton clarified prior to the start of voting that a yea vote was to sustain the decision of the chair, and a nay vote was to overturn the decision of the chair.*

M(Wilson) to move \$400K from the Future Years Operations line item to the salaries line of the budget to create a Diversity and Inclusion director. *Ruled out of order because the action would violate the established process for budget creation by establishing a new budget line item and allocating funds for a specific purpose within the budget itself rather than following the established process of presenting a funds request to the MAPE Board of Directors for their approval and determination of the appropriate budget item from which to designate funds.*

Vote on original motion: M (Wing) SP (106/28) to approve the proposed budget.

Health of the Union

Lina Jamoul, Executive Director

Delegate Assembly Business – Resolutions

M(Morris)SP (111/15) to amend the agenda to move all non-business items (clarified as non-resolution items) to the end of the agenda in order to address the business of the assembly. *2/3 vote required, as it reverses a previous decision of the assembly.*

Credentials Committee Report



Joe Sullivan, Trustee Committee Chair

112 Delegates, 21 Regional Directors, 7 Statewide Officers for a total of 140 of a potential 158 voting members.

M(Credentials Committee)S(129/2) that the report be accepted.

Resolution 1

Updates to Language of the Judicial Committee and Judicial Procedure.

Whereas the language used to describe the parties of a judicial procedure are inconsistent through the article.

The words such as “accused”, “accuser”, “charges”, and “confront” are unnecessarily aggressive, given they are used in legal cases of criminal offenses, and may create shame for any or all parties involved.

The judicial committee and judicial procedure bylaws do not pertain to violations of law.

The words “complainant”, “respondent”, and “complaint” are more appropriate for a non-litigious dispute.

The purpose of the judicial procedure is to maintain order, and to protect members and the organization of MAPE from inappropriate and/or harmful conduct. To that end, civility is important. Aggressive and confrontational language is not conducive to civility, and members do not deserve to be treated as criminals or troublemakers due to participating in a judicial procedure.

Therefore be it resolved that Articles XII and XIII of the MAPE Bylaws be amended, as shown below, to update the language such that it is more appropriate and civil.

Passed by	Date
Tabatha Ries-Miller	6/27/20
Kay Pedretti	6/27/20

Contact Name	Contact E-mail Address	Contact Phone
Tabatha Ries-Miller	triesmiller@mape.org	419-357-0273



(Underscoring denotes wording inserted (inserted wording), and strike-through denotes wording deleted (~~deleted wording~~).

What is being amended?	Resulting Language
<p style="text-align: center;">Article XII - Judicial Committee</p> <p>Section 1. Term of Office.</p> <p>After a charge <u>complaint</u> is properly filed (Article XII, Section 4 Article XIII, Section 4), the Statewide President will chair the committee. If the Statewide President is a participant in the charge <u>complaint</u>, the Vice President will become the Chair. The Chair will appoint 12 additional members to the Committee who are not currently serving on the Board of Directors. Terms will expire following the rendering of the committee's <u>Committee's</u> decision or the Board of Directors' appeal decision, whichever is later.</p> <p>Section 2. <u>Selecting Hearing Body</u> Judicial Committee Selection.</p> <p>In any case coming before the Judicial Committee, the Judicial Committee Chair shall send a list of the names of the members of the Judicial Committee to the accuser <u>complainant</u> and the accused <u>respondent</u>. Within 30 days thereafter, each party shall have the opportunity to delete three names from the list of Judicial Committee members, by written notification to the Judicial Committee Chair. From the names remaining, the Chair shall appoint one member of the Judicial Committee to serve as the hearing officer, who shall conduct the hearing.</p>	<p style="text-align: center;">Article XII - Judicial Committee</p> <p>Section 1. Term of Office.</p> <p>After a complaint is properly filed (Article XIII, Section 4), the Statewide President will chair the committee. If the Statewide President is a participant in the complaint, the Vice President will become the Chair. The Chair will appoint 12 additional members to the Committee who are not currently serving on the Board of Directors. Terms will expire following the rendering of the Committee's decision or the Board of Directors' appeal decision, whichever is later.</p> <p>Section 2. Judicial Committee Selection.</p> <p>In any case coming before the Judicial Committee, the Judicial Committee Chair shall send a list of the names of the members of the Judicial Committee to the complainant and the respondent. Within 30 days thereafter, each party shall have the opportunity to delete three names from the list of Judicial Committee members, by written notification to the Judicial Committee Chair. From the names remaining, the Chair shall appoint one member of the Judicial Committee to serve as the hearing officer, who shall conduct the hearing.</p> <p>Section 3. Documentation of Decisions.</p>

Section 3. Documentation of Decisions.

Decisions of the Judicial Committee shall be in writing, and shall include at least the following separate items:

1. A statement of ~~charges~~ complaint;
2. A summary of the evidence in support of the ~~charges~~ complaint;
3. A summary of the evidence in refutation of the ~~charges~~ complaint;
4. A finding of facts;
5. A conclusion of proceedings;
6. The assessment of a penalty, if any; or an order setting aside or modifying a previously imposed penalty.

Section 4. Communication of Decisions.

A copy of the decision of the Judicial Committee shall be transmitted to the ~~accuser~~ complainant, the ~~accuser's~~ complainant counsel of record, the ~~accused~~ respondent, the ~~accused's~~ respondent's counsel of record, and each member of the Judicial Committee.

Section 5. Notice.

A written communication or required notice to the Judicial Committee or any member thereof shall be sent to the Judicial Committee Chair at the MAPE Central office.

Decisions of the Judicial Committee shall be in writing, and shall include at least the following separate items:

1. A statement of complaint;
2. A summary of the evidence in support of the complaint;
3. A summary of the evidence in refutation of the complaint;
4. A finding of facts;
5. A conclusion of proceedings;
6. The assessment of a penalty, if any; or an order setting aside or modifying a previously imposed penalty.

Section 4. Communication of Decisions.

A copy of the decision of the Judicial Committee shall be transmitted to the complainant, the complainant counsel of record, the respondent, the respondent's counsel of record, and each member of the Judicial Committee.

Section 5. Notice.

A written communication or required notice to the Judicial Committee or any member thereof shall be sent to the Judicial Committee Chair at the MAPE Central office.

Section 6. Reporting.

Section 6. Reporting.

Each Judicial Committee shall submit a written summary of its actions to the next regular Delegate Assembly. All Delegates shall receive a copy of the report. Such a summary shall include a listing of all cases referred to it, a description of the major issues involved, and the judgments of the Committee. The Committee report shall call attention to pertinent omissions or ambiguities in governing documents and policies and may offer recommendations.

Section 7. Staff Assistance.

The Judicial Committee shall be provided with staff assistance and facilities as are necessary and appropriate to the proper functioning of the Judicial Committee in accordance with policies established by the MAPE Board of Directors.

Article XIII - Judicial Procedure

Section 1. Filing ~~Charges-Complaint.~~

Except as hereinafter provided in this Article, any member of MAPE may file ~~charges~~ a complaint against any MAPE member or individual who was a MAPE member at the time of the alleged violation(s) for one or more violations as provided in Section 2 of this Article.

Section 2. Basis for ~~Charges-Complaint.~~

Each Judicial Committee shall submit a written summary of its actions to the next regular Delegate Assembly. All Delegates shall receive a copy of the report. Such a summary shall include a listing of all cases referred to it, a description of the major issues involved, and the judgments of the Committee. The Committee report shall call attention to pertinent omissions or ambiguities in governing documents and policies and may offer recommendations.

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The Judicial Committee shall be provided with staff assistance and facilities as are necessary and appropriate to the proper functioning of the Judicial Committee in accordance with policies established by the MAPE Board of Directors.

Article XIII - Judicial Procedure

Section 1. Filing Complaint.

Except as hereinafter provided in this Article, any member of MAPE may file a complaint against any MAPE member or individual who was a MAPE member at the time of the alleged violation(s) for one or more violations as provided in Section 2 of this Article.

Section 2. Basis for Complaint.

The following and no other shall constitute the basis for the filing of a complaint:



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The following and no other shall constitute the basis for the filing of ~~charges~~ a complaint:

1. Violation of any provision of MAPE's Governing Documents or Policies or of any officially adopted and approved Governing Documents or Policies of a Local to which the ~~member being accused~~ respondent is subject;
2. Misappropriation, embezzlement, or illegal use of union funds;
3. Acting in collusion with management to the detriment of the welfare of MAPE or its membership;
4. Any activity which assists or is intended to assist a competing organization within the jurisdiction of MAPE;
5. Conviction of a crime, the nature of which is such to bring MAPE as an organization into disrepute;
6. Instituting or urging others to institute action outside MAPE against MAPE, a subordinate body, or any position holder of MAPE or of a subordinate body without first exhausting all internal remedies within MAPE, providing that the foregoing shall not apply where the action was instituted in order to prevent the loss of rights under an applicable statute of limitations and the member has diligently pursued available internal remedies;
7. Refusal or deliberate failure to carry out legally authorized decisions of the Delegate Assembly, the Statewide President, the Board of Directors, the Executive Committee, or the

1. Violation of any provision of MAPE's Governing Documents or Policies or of any officially adopted and approved Governing Documents or Policies of a Local to which the respondent is subject;
2. Misappropriation, embezzlement, or illegal use of union funds;
3. Acting in collusion with management to the detriment of the welfare of MAPE or its membership;
4. Any activity which assists or is intended to assist a competing organization within the jurisdiction of MAPE;
5. Conviction of a crime, the nature of which is such to bring MAPE as an organization into disrepute;
6. Instituting or urging others to institute action outside MAPE against MAPE, a subordinate body, or any position holder of MAPE or of a subordinate body without first exhausting all internal remedies within MAPE, providing that the foregoing shall not apply where the action was instituted in order to prevent the loss of rights under an applicable statute of limitations and the member has diligently pursued available internal remedies;
7. Refusal or deliberate failure to carry out legally authorized decisions of the Delegate Assembly, the Statewide President, the Board of Directors, the Executive Committee, or the Judicial Committee of which the accused is a part;

Judicial Committee of which the accused is a part;

8. Using the name MAPE or of any subordinate body in an unauthorized manner or for an unauthorized purpose;
9. Using MAPE membership information in an unauthorized manner or for an unauthorized purpose;
10. Deliberately interfering with any official of MAPE or of a Local or Region in the discharge of the official's lawful duty;
11. The solicitation or acceptance of a bribe or the acceptance of a gift of more than nominal value from any employer, group of members, employee of MAPE or from any person or firm which has or is seeking to establish a business relationship with MAPE or any subordinate body.

Section 3. Filing Charges of Complaint.

~~Charges~~ A complaint against an individual shall be filed with and heard by the Judicial Committee as hereinafter provided.

Section 4. Format of ~~Charges~~ Complaint.

~~Charges~~ Complaints shall be in writing and shall be signed by the member or members bringing the ~~charges~~ complaint. The ~~charges~~ complaint shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense, and, where a violation of a Governing Document or Policy provision is alleged; the specific Section or Policy shall be cited, along with the specific act or failure to

8. Using the name MAPE or of any subordinate body in an unauthorized manner or for an unauthorized purpose;
9. Using MAPE membership information in an unauthorized manner or for an unauthorized purpose;
10. Deliberately interfering with any official of MAPE or of a Local or Region in the discharge of the official's lawful duty;
11. The solicitation or acceptance of a bribe or the acceptance of a gift of more than nominal value from any employer, group of members, employee of MAPE or from any person or firm which has or is seeking to establish a business relationship with MAPE or any subordinate body.

Section 3. Filing of Complaint.

A complaint against an individual shall be filed with and heard by the Judicial Committee as hereinafter provided.

Section 4. Format of Complaint.

Complaints shall be in writing and shall be signed by the member or members bringing the complaint. The complaint shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense, and, where a violation of a Governing Document or Policy provision is alleged; the specific Section or Policy shall be cited, along with the specific act or failure to act, which constitutes the

act, which constitutes the alleged violation. The ~~charges~~ complaint shall be filed with the Chair of the Judicial Committee.

Section 5. Notification of Charges Complaint.

Within 15 days following the receipt of the ~~charges~~ complaint , the Chair of the Judicial Committee shall send by certified mail, return receipt requested, an exact and full copy of the ~~charge~~ complaint to the ~~accused party~~ respondent, together with a copy of this article of the bylaws.

Section 6. Recording Hearing Proceedings.

The ~~hearing body~~ Judicial Committee shall fix the date, time, and place for the hearing, in such manner as to afford the maximum convenience practical under all circumstances to both the ~~accused~~ respondent and the ~~accuser~~ complainant ~~practical under all circumstances~~. The entire proceedings will be recorded. A verbatim written record of the proceedings will be available to the ~~accused~~ respondent or the ~~accuser~~ complainant, without cost, upon request.

Section 7. Rights of the ~~Accused~~ Respondent.

The ~~accused person~~ respondent shall be guaranteed the following rights:

1. The right to receive by certified mail to the ~~accused person's~~ respondent's current address of record with MAPE, return receipt requested, a full copy of the ~~charges~~ complaint within 15 days after they are filed;

alleged violation. The complaint shall be filed with the Chair of the Judicial Committee.

Section 5. Notification of Complaint.

Within 15 days following the receipt of the complaint, the Chair of the Judicial Committee shall send by certified mail, return receipt requested, an exact and full copy of the complaint to the respondent, together with a copy of this article of the bylaws.

Section 6. Recording Hearing Proceedings.

The Judicial Committee shall fix the date, time, and place for the hearing, in such manner as to afford the maximum convenience practical under all circumstances to both the respondent and the complainant. The entire proceedings will be recorded. A verbatim written record of the proceedings will be available to the respondent or the complainant, without cost, upon request.

Section 7. Rights of the Respondent.

The respondent shall be guaranteed the following rights:

1. The right to receive by certified mail to the respondent's current address of record with MAPE, return receipt requested, a full copy of the complaint within 15 days after they are filed;
2. The right to file a written answer to the complaint;



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2. The right to file a written answer to the ~~charges~~ complaint ;
3. The right to a hearing within 120 days after having been ~~after having been~~ notified under provisions in ~~Article XII~~ Article XIII, Section 7-1;
4. The right to have a least 15 days' advance notice of the date, time, and place of the hearing;
5. ~~The right to confront the accuser;~~
6. 5. The right to ~~cross-examine~~ question the ~~accuser~~ complainant and any witnesses;
7. 6. The right to present witnesses ~~in~~ on the ~~accused person~~ respondent's behalf;
8. 7. The right to compel the production of union records pertinent to the case;
9. 8. The right to choose a person to act as the ~~accused person~~ respondent's counsel in the case;
10. 9. The right to be presumed innocent unless proven guilty;
11. 10. The right to refuse to testify, provided, however, that this right shall not include the right to refuse to produce at the hearing any papers, books, or financial or other records which are the property of the union and which are pertinent to the case;
12. 11. The right to appeal, in the manner hereinafter provided;
13. 12. The right to choose either an open or closed hearing.

3. The right to a hearing within 120 days after having been notified under provisions in Article XIII, Section 7-1;
4. The right to have a least 15 days' advance notice of the date, time, and place of the hearing;
5. The right to question the complainant and any witnesses;
6. The right to present witnesses on the respondent's behalf;
7. The right to compel the production of union records pertinent to the case;
8. The right to choose a person to act as the respondent's counsel in the case;
9. The right to be presumed innocent unless proven guilty;
10. The right to refuse to testify, provided, however, that this right shall not include the right to refuse to produce at the hearing any papers, books, or financial or other records which are the property of the union and which are pertinent to the case;
11. The right to appeal, in the manner hereinafter provided;
12. The right to choose either an open or closed hearing.

Section 8. **Rights of the Complainant.**

Complainant shall be guaranteed the following rights:

Section 8. Rights of the Accuser Complainant.

The ~~complainant~~ ~~person bringing the charges~~ shall be guaranteed the following rights:

1. The right to receive a copy of any written answer to the ~~charge~~ complaint that may be filed by the ~~accused~~ respondent at the time such answer is filed;
2. The right to have the initial hearing ~~body convened~~ no later than 90 calendar days after the ~~charge(s) have been~~ complaint was filed;
3. The right to have at least 15 days' advance notice of the date, time, and place of the hearing;
4. The right to give personal testimony;
5. The right to present the testimony of others and cross-examine witnesses presented by the ~~accused~~ respondent;
6. The right to compel the production of union records pertinent to the cases;
7. The right to choose a person to act as the ~~charging party's~~ complainant's counsel in the case;
8. The right to appeal in the manner hereinafter provided.

Section 9. Obligations of the Accuser Complainant.

The ~~person bringing the charges~~ complainant shall be under the following obligations:

1. The right to receive a copy of any written answer to the complaint that may be filed by the respondent at the time such answer is filed;
2. The right to have the initial hearing no later than 90 calendar days after the complaint was filed;
3. The right to have at least 15 days' advance notice of the date, time, and place of the hearing;
4. The right to give personal testimony;
5. The right to present the testimony of others and cross-examine witnesses presented by the respondent;
6. The right to compel the production of union records pertinent to the cases;
7. The right to choose a person to act as the complainant's counsel in the case;
8. The right to appeal in the manner hereinafter provided.

Section 9. Obligations of the Complainant.

The complainant shall be under the following obligations:

1. To file the original complaint in sufficient detail as to afford the respondent full opportunity to prepare a defense;
2. To appear in person at the hearing;
3. To assume the burden of proof.

Section 10. Penalties.

1. To file the original ~~charge~~ complaint in sufficient detail as to afford the ~~accused person~~ respondent full opportunity to prepare a defense;
2. To appear in person at the hearing;
3. To assume the burden of proof.

Section 10. Penalties.

~~A hearing body~~ Judicial Committee may, if it finds the ~~accused party~~ respondent guilty, assess penalties. Any and all penalties shall be appropriate and proportional to the nature of the violation. Assessed penalties may be any one or more of the following penalties:

1. A formal reprimand, accompanied by a formal warning against any repetition of the act or acts of which the ~~accused~~ respondent is found guilty;
2. Full or partial restitution, where the consequences of the offense can be measured in material terms;
3. Removal from positions in the union at the level at which the ~~charges originate~~ complaint originated;
4. Suspension from the right to hold any elected or appointed position at the level at which the ~~charges originate~~ complaint originated for a period not to exceed four years;
5. Suspension from the right to seek or hold any elected or appointed position at any level of MAPE for a period not to exceed four years;

The Judicial Committee may, if it finds the respondent guilty, assess penalties. Any and all penalties shall be appropriate and proportional to the nature of the violation. Assessed penalties may be any one or more of the following:

1. A formal reprimand, accompanied by a formal warning against any repetition of the act or acts of which the respondent is found guilty;
2. Full or partial restitution, where the consequences of the offense can be measured in material terms;
3. Removal from positions in the union at the level at which the complaint originated;
4. Suspension from the right to hold any elected or appointed position at the level at which the complaint originated for a period not to exceed four years;
5. Suspension from the right to seek or hold any elected or appointed position at any level of MAPE for a period not to exceed four years;
6. Suspension from membership for a period not to exceed four years.

MAPE or any Local or Region may not, during the period of such penalty, employ any individual who has been removed or suspended from office as provided above, in any capacity.

Section 11. False Complaint.

If the complaint is not sustained, and the Judicial Committee is convinced that the complaint was not brought in good faith or was actuated by malice, the

6. Suspension from membership for a period not to exceed four years.

MAPE or any Local or Region may not, during the period of such penalty, employ any individual who has been removed or suspended from office as provided above, in any capacity.

Section 11. ~~False Charges~~ Complaint.

If the ~~charges are~~ complaint is not sustained, and the Judicial Committee is convinced that the ~~charges were~~ complaint was not brought in good faith or ~~were~~ was actuated by malice, the Judicial Committee may impose one or more of the penalties as are listed in ~~Article XII~~ Section 10 of this Article on the ~~charging party~~ complainant as in its judgment is deemed proper under the circumstances. In any case, the party against whom the penalty is imposed shall have the right to appeal the imposition of the penalty in the manner provided for other appeals, and no such penalty shall take effect while an appeal of such penalty is pending.

Section 12. ~~Decisions of the Judicial Committee~~.

All decisions of the Judicial Committee ~~against the accused~~ must meet the standard of preponderance of evidence. A finding of guilt can only occur by an affirmative vote of a majority of the Judicial Committee. The Judicial Committee must render all decisions within 60 days following completion of the hearing, except by mutual consent of the ~~accused~~ respondent and the ~~accuser~~ complainant. Such decisions shall be in writing and shall be transmitted by registered mail, return receipt requested, to the

Judicial Committee may impose one or more of the penalties as are listed in Section 10 of this Article on the complainant as in its judgment is deemed proper under the circumstances. In any case, the party against whom the penalty is imposed shall have the right to appeal the imposition of the penalty in the manner provided for other appeals, and no such penalty shall take effect while an appeal of such penalty is pending.

Section 12. ~~Decisions of the Judicial Committee~~.

All decisions of the Judicial Committee must meet the standard of preponderance of evidence. A finding of guilt can only occur by an affirmative vote of a majority of the Judicial Committee. The Judicial Committee must render all decisions within 60 days following completion of the hearing, except by mutual consent of the respondent and the complainant. Such decisions shall be in writing and shall be transmitted by registered mail, return receipt requested, to the complainant and to the respondent simultaneously.

Section 13. ~~Appeal Procedure~~.

Either party may, within 30 days following receipt of the decision, file an appeal to the MAPE Board of Directors in the same manner as is provided for the filing of original complaint. The appeal shall be in writing, and shall be accompanied by a copy of the original complaint and of the decision being appealed. The appeal shall set forth in substance the appellant's reasons for believing the Judicial Committee was in error and the nature of the error.

~~person bringing the charge~~ complainant and to the
~~accused~~ respondent simultaneously.

Section 13. Appeal Procedure.

Either party may, within 30 days following receipt of the decision, file an appeal to the MAPE Board of Directors in the same manner as is provided for the filing of original ~~charges~~ complaint ~~with such hearing body~~. The appeal shall be in writing, and shall be accompanied by a copy of the original ~~charge~~ complaint and of the decision being appealed. The appeal shall set forth in substance the appellant's reasons for believing the ~~hearing body~~ Judicial Committee was in error and the nature of the error.

No amendments

Resolution Passes 125/4

Resolution 2

Establishing the Judicial Procedure as the Sole Procedure for Resolving Complaints by Members

Whereas all members deserve due process.

Order is necessary for MAPE to be a well functioning organization.

Complaints are currently reported and resolved through a number of different avenues, some of which are undocumented. These disparate avenues for filing and resolving complaints not only create confusion, but they also do not ensure a judicious and transparent process that guarantees due process.

The Bylaws have established a judicial procedure to maintain order, and to protect members and the organization of MAPE from harmful conduct.

The Bylaws are the most appropriate place to outline a process for resolving complaints. Members are most likely to consult the Bylaws for guidance pertaining to filing or responding to complaints.



Under Article XII of the Bylaws, the Judicial Committee is required to submit a report of its actions at the Delegate Assembly. There is no accounting or reporting of complaints resolved outside of the Judicial Procedure, preventing accountability, transparency, and course correction of systemic issues.

The structure of the Judicial Committee is meant to serve as a jury and allows the complainant and respondent input into the selection process to ensure the Judicial Committee is comprised of members who are independent and impartial.

Given the timeline, size of the Judicial Committee, and cost of convening a hearing, the Judicial Procedure is not ideal to address violations of MAPE's Governing Documents or Policies.

This resolution is affected by the final language of the resolution titled Updates to Language of the Judicial Committee and Judicial Procedure and should be considered after that resolution.

Therefore be it resolved that Articles XII and Article XIII of the MAPE Bylaws be amended, as shown below, to create a single consistent procedure for resolving complaints by members, except those pertaining to violations of MAPE's Governing Documents or Policies. If this Delegate Assembly does not adopt a procedure for resolving complaints pertaining to violations of MAPE's Governing Documents or Policies, the Board of Directors shall enact a policy to address complaints pertaining to violations of MAPE's Governing Documents or Policies by December 31, 2020.

Passed by	Date
Tabatha Ries-Miller	6/27/20
Kay Pedretti	6/27/20

Contact Name	Contact E-mail Address	Contact Phone
Tabatha Ries-Miller	triesmiller@mape.org	419-357-0273

Proviso: Adoption of this resolution does not affect the current Judicial Complaints, and they shall continue under the process as it was when they were filed.

(Underscoring denotes wording inserted (inserted wording), and strike-through denotes wording deleted (~~deleted wording~~).

What is being amended?	Resulting Language
Article XII - Judicial Committee	Article XII - Judicial Committee



Section 1. Purpose.

The purpose of the Judicial Committee is to consider and respond to complaints filed under Article XIII - Judicial Procedure. All complaints for one or more violations as provided in Article XIII, Section 2 are the sole jurisdiction of the Judicial Committee. Any complaints regarding MAPE's Governing Documents or Policies shall be subject to the Governing Documents or Policies Dispute Procedure pursuant to Article XVIII.

Section 2. Term of Office.

After a complaint is properly filed (Article XIII, Section 4), the Statewide President will chair the committee. If the Statewide President is a participant in the complaint, the Vice President will become the Chair. The Chair will appoint 12 additional members to the Committee who are not currently serving on the Board of Directors. Terms will expire following the rendering of the Committee's decision or the Board of Directors' appeal decision, whichever is later.

Section 3. Judicial Committee Selection.

In any case coming before the Judicial Committee, the Judicial Committee Chair shall send a list of the names of the members of the Judicial Committee to the complainant and the respondent. Within 30 days thereafter, each party shall have the opportunity to delete three names from the list of Judicial Committee members, by written notification to the Judicial Committee Chair. From the names remaining, the Chair shall appoint one member of

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the Judicial Committee to serve as the hearing officer, who shall conduct the hearing.

Section 3 4. Documentation of Decisions.

Decisions of the Judicial Committee shall be in writing, and shall include at least the following separate items:

1. A statement of complaint;
2. A summary of the evidence in support of the complaint;
3. A summary of the evidence in refutation of the complaint;
4. A finding of facts;
5. A conclusion of proceedings;
6. The assessment of a penalty, if any; or an order setting aside or modifying a previously imposed penalty.

Section 4 5. Communication of Decisions.

A copy of the decision of the Judicial Committee shall be transmitted to the complainant, the complainant counsel of record, the respondent, the respondent's counsel of record, and each member of the Judicial Committee.

Section 5 6. Notice.

A written communication or required notice to the Judicial Committee or any member thereof shall be sent to the Judicial Committee Chair at the MAPE Central office.

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Section 6 7. Reporting.

Each Judicial Committee shall submit a written summary of its actions to the next regular Delegate Assembly. All Delegates shall receive a copy of the report. Such a summary shall include a listing of all cases referred to it, a description of the major issues involved, and the judgments of the Committee. The Committee report shall call attention to pertinent omissions or ambiguities in governing documents and policies and may offer recommendations.

Section 7 8. Staff Assistance.

The Judicial Committee shall be provided with staff assistance and facilities as are necessary and appropriate to the proper functioning of the Judicial Committee in accordance with policies established by the MAPE Board of Directors.

Article XIII - Judicial Procedure

Section 1. Filing Complaint.

Except as hereinafter provided in this Article, any member of MAPE may file a complaint against any MAPE member or individual who was a MAPE member at the time of the alleged violation(s) for one or more violations as provided in Section 2 of this Article. All complaints for one or more violations as provided in Section 2 of this Article shall be addressed solely by the procedure described herein. No penalties for any violation as provided in Section 2 of this Article shall be imposed on members, or individuals who were members at the time of the alleged violation, without a finding of guilt by the

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The Judicial Committee shall be provided with staff assistance and facilities as are necessary and appropriate to the proper functioning of the Judicial Committee in accordance with policies established by the MAPE Board of Directors.

Article XIII - Judicial Procedure

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Judicial Committee, or upon appeal, the Board of Directors.

Section 2. Basis for Complaint.

The following and no other shall constitute the basis for the filing of a complaint:

- ~~1. Violation of any provision of MAPE's Governing Documents or Policies or of any officially adopted and approved Governing Documents or Policies of a Local to which the respondent is subject;~~
- ~~2.~~ 1. Misappropriation, embezzlement, or illegal use of union funds;
- ~~3.~~ 2. Acting in collusion with management to the detriment of the welfare of MAPE or its membership;
- ~~4.~~ 3. Any activity which assists or is intended to assist a competing organization within the jurisdiction of MAPE;
- ~~5.~~ 4. Conviction of a crime, the nature of which is such to bring MAPE as an organization into disrepute;
- ~~6.~~ 5. Instituting or urging others to institute action outside MAPE against MAPE, a subordinate body, or any position holder of MAPE or of a subordinate body without first exhausting all internal remedies within MAPE, providing that the foregoing shall not apply where the action was instituted in order to prevent the loss of rights under an

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1. Misappropriation, embezzlement, or illegal use of union funds;
2. Acting in collusion with management to the detriment of the welfare of MAPE or its membership;
3. Any activity which assists or is intended to assist a competing organization within the jurisdiction of MAPE;
4. Conviction of a crime, the nature of which is such to bring MAPE as an organization into disrepute;
5. Instituting or urging others to institute action outside MAPE against MAPE, a subordinate body, or any position holder of MAPE or of a subordinate body without first exhausting all internal remedies within MAPE, providing that the foregoing shall not apply where the action was instituted in order to prevent the loss of rights under an applicable statute of limitations and the member has diligently pursued available internal remedies;
6. Refusal or deliberate failure to carry out legally authorized decisions of the Delegate Assembly, the Statewide President, the Board

applicable statute of limitations and the member has diligently pursued available internal remedies;

- ~~7.~~ 6. Refusal or deliberate failure to carry out legally authorized decisions of the Delegate Assembly, the Statewide President, the Board of Directors, the Executive Committee, or the Judicial Committee of which the accused is a part;
- ~~8.~~ 7. Using the name MAPE or of any subordinate body in an unauthorized manner or for an unauthorized purpose;
- ~~9.~~ 8. Using MAPE membership information in an unauthorized manner or for an unauthorized purpose;
- ~~10.~~ 9. Deliberately interfering with any official of MAPE or of a Local or Region in the discharge of the official's lawful duty;
- ~~11.~~ 10. The solicitation or acceptance of a bribe or the acceptance of a gift of more than nominal value from any employer, group of members, employee of MAPE or from any person or firm which has or is seeking to establish a business relationship with MAPE or any subordinate body.

Section 3. Filing of Complaint.

A complaint against an individual shall be filed with and heard by the Judicial Committee as hereinafter provided.

Section 4. Format of Complaint.

of Directors, the Executive Committee, or the Judicial Committee of which the accused is a part;

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- 8. Using MAPE membership information in an unauthorized manner or for an unauthorized purpose;
- 9. Deliberately interfering with any official of MAPE or of a Local or Region in the discharge of the official's lawful duty;
- 10. The solicitation or acceptance of a bribe or the acceptance of a gift of more than nominal value from any employer, group of members, employee of MAPE or from any person or firm which has or is seeking to establish a business relationship with MAPE or any subordinate body.

Section 3. Filing of Complaint.

A complaint against an individual shall be filed with and heard by the Judicial Committee as hereinafter provided.

Section 4. Format of Complaint.

Complaints shall be in writing and shall be signed by the member or members bringing the complaint. The complaint shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense, along with the specific act or failure to act, which constitutes the alleged violation. The

Complaints shall be in writing and shall be signed by the member or members bringing the complaint. The complaint shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense, ~~and, where a violation of a Governing Document or Policy provision is alleged, the specific Section or Policy shall be cited,~~ along with the specific act or failure to act, which constitutes the alleged violation. The complaint shall be filed with the Chair of the Judicial Committee.

Section 5. Notification of Complaint.

Within 15 days following the receipt of the complaint, the Chair of the Judicial Committee shall send by certified mail or electronic mail, return receipt requested, an exact and full copy of the complaint to the respondent, together with a copy of this article of the bylaws.

Section 6. Recording Hearing Proceedings.

The Judicial Committee shall fix the date, time, and place for the hearing, in such manner as to afford the maximum convenience practical under all circumstances to both the respondent and the complainant. The entire proceedings will be recorded. A verbatim written record of the proceedings will be available to the respondent or the complainant, without cost, upon request.

Section 7. Rights of the Respondent.

The respondent shall be guaranteed the following rights:

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Section 7. Rights of the Respondent.

The respondent shall be guaranteed the following rights:

1. The right to receive by certified mail or electronic mail to the respondent's current address of record with MAPE, return receipt requested, a full copy of the complaint within 15 days after they are filed;
2. The right to file a written answer to the complaint;

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. The right to receive by certified mail <u>or electronic mail</u> to the respondent's current address of record with MAPE, return receipt requested, a full copy of the complaint within 15 days after they are filed; 2. The right to file a written answer to the complaint; 3. The right to a hearing within 120 days after having been notified under provisions in Article XIII, Section 7-1; 4. The right to have a least 15 days' advance notice of the date, time, and place of the hearing; 5. The right to question the complainant and any witnesses; 6. The right to present witnesses on the respondent's behalf; 7. The right to compel the production of union records pertinent to the case; 8. The right to choose a person to act as the respondent's counsel in the case; 9. The right to be presumed innocent unless proven guilty; 10. The right to refuse to testify, provided, however, that this right shall not include the right to refuse to produce at the hearing any papers, books, or financial or other records which are the property of the union and which are pertinent to the case; 11. The right to appeal, in the manner hereinafter provided; | <ol style="list-style-type: none"> 3. The right to a hearing within 120 days after having been notified under provisions in Article XIII, Section 7-1; 4. The right to have a least 15 days' advance notice of the date, time, and place of the hearing; 5. The right to question the complainant and any witnesses; 6. The right to present witnesses on the respondent's behalf; 7. The right to compel the production of union records pertinent to the case; 8. The right to choose a person to act as the respondent's counsel in the case; 9. The right to be presumed innocent unless proven guilty; 10. The right to refuse to testify, provided, however, that this right shall not include the right to refuse to produce at the hearing any papers, books, or financial or other records which are the property of the union and which are pertinent to the case; 11. The right to appeal, in the manner hereinafter provided; 12. The right to choose either an open or closed hearing. <p style="margin-top: 20px;">Section 8. Rights of the Complainant.</p> <p>Complainant shall be guaranteed the following rights:</p> |
|---|--|

12. The right to choose either an open or closed hearing.

Section 8. Rights of the Complainant.

Complainant shall be guaranteed the following rights:

1. The right to receive a copy of any written answer to the complaint that may be filed by the respondent at the time such answer is filed;
2. The right to have the initial hearing no later than 90 calendar days after the complaint was filed;
3. The right to have at least 15 days' advance notice of the date, time, and place of the hearing;
4. The right to give personal testimony;
5. The right to present the testimony of others and cross-examine witnesses presented by the respondent;
6. The right to compel the production of union records pertinent to the cases;
7. The right to choose a person to act as the complainant's counsel in the case;
8. The right to appeal in the manner hereinafter provided.

Section 9. Obligations of the Complainant.

The complainant shall be under the following obligations:

1. The right to receive a copy of any written answer to the complaint that may be filed by the respondent at the time such answer is filed;
2. The right to have the initial hearing no later than 90 calendar days after the complaint was filed;
3. The right to have at least 15 days' advance notice of the date, time, and place of the hearing;
4. The right to give personal testimony;
5. The right to present the testimony of others and cross-examine witnesses presented by the respondent;
6. The right to compel the production of union records pertinent to the cases;
7. The right to choose a person to act as the complainant's counsel in the case;
8. The right to appeal in the manner hereinafter provided.

Section 9. Obligations of the Complainant.

The complainant shall be under the following obligations:

1. To file the original complaint in sufficient detail as to afford the respondent full opportunity to prepare a defense;
2. To appear in person at the hearing;
3. To assume the burden of proof.

Section 10. Penalties.

1. To file the original complaint in sufficient detail as to afford the respondent full opportunity to prepare a defense;
2. To appear in person at the hearing;
3. To assume the burden of proof.

Section 10. Penalties.

The Judicial Committee may, if it finds the respondent guilty, assess penalties. Any and all penalties shall be appropriate and proportional to the nature of the violation. Assessed penalties may be any one or more of the following:

1. A formal reprimand, accompanied by a formal warning against any repetition of the act or acts of which the respondent is found guilty, a copy of which shall remain on file at the MAPE Central office for one year following the date of Committee's decision. The formal reprimand shall be available to any member in good standing upon request to the Statewide President or Executive Director;
2. Full or partial restitution, where the consequences of the offense can be measured in material terms;
3. Removal from positions in the union at the level at which the complaint originated;
4. Suspension from the right to hold any elected or appointed position at the level at which the complaint originated for a period not to exceed four years;

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2. Full or partial restitution, where the consequences of the offense can be measured in material terms;
3. Removal from positions in the union at the level at which the complaint originated;
4. Suspension from the right to hold any elected or appointed position at the level at which the complaint originated for a period not to exceed four years;
5. Suspension from the right to seek or hold any elected or appointed position at any level of MAPE for a period not to exceed four years;
6. Suspension from membership for a period not to exceed four years.

MAPE or any Local or Region may not, during the period of such penalty, employ any individual who

5. Suspension from the right to seek or hold any elected or appointed position at any level of MAPE for a period not to exceed four years;
6. Suspension from membership for a period not to exceed four years.

MAPE or any Local or Region may not, during the period of such penalty, employ any individual who has been removed or suspended from office as provided above, in any capacity.

Section 11. False Complaint.

If the complaint is not sustained, and the Judicial Committee is convinced that the complaint was not brought in good faith or was actuated by malice, the Judicial Committee may impose one or more of the penalties as are listed in Section 10 of this Article on the complainant as in its judgment is deemed proper under the circumstances. In any case, the party against whom the penalty is imposed shall have the right to appeal the imposition of the penalty in the manner provided for other appeals, and no such penalty shall take effect while an appeal of such penalty is pending.

Section 12. Decisions of the Judicial Committee.

All decisions of the Judicial Committee must meet the standard of preponderance of evidence. A finding of guilt can only occur by an affirmative vote of a majority of the Judicial Committee. The Judicial Committee must render all decisions within 60 days following completion of the hearing, except by mutual consent of the respondent and the complainant. Such decisions shall be in writing and

has been removed or suspended from office as provided above, in any capacity.

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If the complaint is not sustained, and the Judicial Committee is convinced that the complaint was not brought in good faith or was actuated by malice, the Judicial Committee may impose one or more of the penalties as are listed in Section 10 of this Article on the complainant as in its judgment is deemed proper under the circumstances. In any case, the party against whom the penalty is imposed shall have the right to appeal the imposition of the penalty in the manner provided for other appeals, and no such penalty shall take effect while an appeal of such penalty is pending.

Section 12. Decisions of the Judicial Committee.

All decisions of the Judicial Committee must meet the standard of preponderance of evidence. A finding of guilt can only occur by an affirmative vote of a majority of the Judicial Committee. The Judicial Committee must render all decisions within 60 days following completion of the hearing, except by mutual consent of the respondent and the complainant. Such decisions shall be in writing and shall be transmitted by registered mail or electronic mail, return receipt requested, to the complainant and to the respondent simultaneously.

Section 13. Appeal Procedure.

Either party may, within 30 days following receipt of the decision, file an appeal to the MAPE Board of

shall be transmitted by registered mail or electronic mail, return receipt requested, to the complainant and to the respondent simultaneously.

Section 13. Appeal Procedure.

Either party may, within 30 days following receipt of the decision, file an appeal to the MAPE Board of Directors in the same manner as is provided for the filing of original complaint. The appeal shall be in writing, and shall be accompanied by a copy of the original complaint and of the decision being appealed. The appeal shall set forth in substance the appellant's reasons for believing the Judicial Committee was in error and the nature of the error.

Appendix A. Timelines

The timeline of events for the Judicial Procedure and Judicial Committee per Article XII and XIII are as follows:

- Within 15 days after the receipt of the complaint, the Chair of the Judicial Committee shall send a copy of the complaint and this Article of the bylaws to the respondent.
- Within 30 days after the Chair sent a list of names of the Judicial Committee members, each party may delete three names from the list.
- No later than 120 days after the respondent was notified of the complaint, and no later than 90 calendar days after the complaint was filed, the initial hearing will be held.

Directors in the same manner as is provided for the filing of original complaint. The appeal shall be in writing, and shall be accompanied by a copy of the original complaint and of the decision being appealed. The appeal shall set forth in substance the appellant's reasons for believing the Judicial Committee was in error and the nature of the error.

Appendix A. Timelines

The timeline of events for the Judicial Procedure and Judicial Committee per Article XII and XIII are as follows:

- Within 15 days after the receipt of the complaint, the Chair of the Judicial Committee shall send a copy of the complaint and this Article of the bylaws to the respondent.
- Within 30 days after the Chair sent a list of names of the Judicial Committee members, each party may delete three names from the list.
- No later than 120 days after the respondent was notified of the complaint, and no later than 90 calendar days after the complaint was filed, the initial hearing will be held.
- At least 15 days prior to the hearing, the complainant and respondent will be notified of the date, time, and place of the hearing.
- Within 60 days of the final hearing the Committee will render a decision and send a copy of their decision to the complainant, respondent, and counselors of record.



<ul style="list-style-type: none"> • <u>At least 15 days prior to the hearing, the complainant and respondent will be notified of the date, time, and place of the hearing.</u> • <u>Within 60 days of the final hearing the Committee will render a decision and send a copy of their decision to the complainant, respondent, and counselors of record.</u> • <u>Within 30 days following receipt of the decision, appeals may be filed with the MAPE Board of Directors.</u> 	<ul style="list-style-type: none"> • Within 30 days following receipt of the decision, appeals may be filed with the MAPE Board of Directors.
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Resolution passes (119/4)

M (Ries-Miller) **SP (97/32)** to add a proviso stating that these changes would not affect the current Judicial Complaints.

M(Kotta)S to lower the vote time to 30 seconds. **2/3 vote required as it would change the adopted Standing Rules.** *Ruled out of order because doing so would not allow enough time for closed captioning.*

M(Hoogendoorn)SF (49/82) to limit only one author of a resolution to speak for a motion and that other speakers for the resolution not be one of the resolution authors. **2/3 required since it limits member rights.**

M (J. Smith) **SP (80/52)** to take a break from 12-12:15.

Credentials Committee Report

Joe Sullivan, Trustee Committee Chair

As of 12:17 p.m., there were 113 Delegates, 21 Regional Directors, 7 Statewide Officers for a total of 141 of 158 Voting Members.

M(Credentials Committee)**SP(116/1)** that the Delegate Assembly accept the report.

M(J. Smith)**SP (88/35)** to extend DA until all business has been completed. *Clarified that business in this motion is to complete all business.* **2/3 required**



Resolution 3

Establishing a Procedure for Resolving Disputes of MAPE's Governing Documents and Policies

Whereas all members deserve due process.

Order is necessary for MAPE to be a well functioning organization.

Complaints are currently reported and resolved through a number of different avenues, some of which are undocumented. These disparate avenues for filing and resolving complaints not only create confusion, but they also do not ensure a judicious and transparent process that guarantees due process.

The Bylaws are the most appropriate place to outline a process for resolving complaints. Members are most likely to consult the Bylaws for guidance pertaining to filing or responding to complaints.

Members should not be deterred, by fear of penalty, from filing complaints related to MAPE's Governing Document and Policy. Instances where a member abuses the complaint process for malicious intentions may be handled through a harassment complaint.

This Article creates a committee that is meant to serve as a jury, allowing the complainant and respondent input into the selection process of the committee members, and promoting an independent and impartial hearing body.

The Constitutional Rules Committee, as subject-matter experts regarding MAPE's Governing Documents and Policies, will help the hearing body interpret the Governing Documents and Policies and create some consistency among decisions.

Because Local Presidents are generally removed from events that occur outside of their local and also are generally informed of MAPE's Governing Documents and Policies, they will generally be an unbiased yet informed pool of members to select from when creating the hearing body.

This resolution is affected by the final language of the resolution titled Establishing the Judicial Procedure as the Sole Procedure for Resolving Complaints by Members and should be considered after that resolution.

Therefore be it resolved that Article XVIII shall be established, as shown below, to create a single consistent procedure for resolving Disputes of MAPE's Governing Documents and Policies.

Therefore be it further resolved that by December 31, 2020, the Board of Directors shall modify the Policy Against Discrimination and Harassment to align it with the Governing Documents or Policies Dispute Procedure.

Passed by	Date
Tabatha Ries-Miller	7/2/20



Kay Pedretti	7/2/20
John Ferrara	7/2/20

Contact Name	Contact E-mail Address	Contact Phone
Tabatha Ries-Miller	triesmiller@mape.org	419-357-0273
Kay Pedretti	kpedretti@mape.org	507-457-5288
John Ferrara	jferrara@mape.org	507-251-6228

(Underscoring denotes wording inserted (inserted wording), and strike-through denotes wording deleted (~~deleted wording~~).

What is being amended?	Resulting Language
<p><u>Article XVIII - Governing Documents or Policies Dispute Procedure</u></p> <p>Section 1. <u>Policy Hearing Committee.</u></p> <p><u>A. Purpose.</u></p> <p><u>The purpose of the Policy Hearing Committee is to consider and respond to complaints filed under this Article. All complaints for one or more violations as provided in Section 2 of this Article are the sole jurisdiction of the Policy Hearing Committee. All timelines stated herein this Article may be adjusted upon mutual agreement of the complainant, respondent, and Policy Hearing Committee Chair. Any complaint not covered by Section 2 of this Article shall be subject to the Judicial Procedure pursuant to Article XIII.</u></p> <p><u>B. Selection of the Chair.</u></p> <p><u>After a complaint is properly filed pursuant to Section 2 of this Article, the Statewide President will notify the Constitutional Rules Committee. One member of the Constitutional Rules Committee, selected by a majority vote of the Committee, will become the Chair of the Policy Hearing Committee. The Chair shall serve as the hearing officer, who shall</u></p>	<p>Article XVIII - Governing Documents or Policies Dispute Procedure</p> <p>Section 1. Policy Hearing Committee.</p> <p>A. Purpose.</p> <p>The purpose of the Policy Hearing Committee is to consider and respond to complaints filed under this Article. All complaints for one or more violations as provided in Section 2 of this Article are the sole jurisdiction of the Policy Hearing Committee. All timelines stated herein this Article may be adjusted upon mutual agreement of the complainant, respondent, and Policy Hearing Committee Chair. Any complaint not covered by Section 2 of this Article shall be subject to the Judicial Procedure pursuant to Article XIII.</p> <p>B. Selection of the Chair.</p> <p>After a complaint is properly filed pursuant to Section 2 of this Article, the Statewide President will notify the Constitutional Rules Committee. One member of the Constitutional Rules Committee, selected by a majority vote of the Committee, will become the Chair of the Policy Hearing Committee. The Chair shall serve as the hearing officer, who shall</p>

conduct the hearing. The Chair shall serve as a consultant on MAPE's Governing Documents or Policies, and shall not be a voting member of the Committee.

C. Policy Hearing Committee Selection.

The Chair of Policy Hearing Committee will appoint 5 additional members to the Committee, selecting among Local Presidents, on a rotating basis. Within 14 days of receipt of the complaint, the Policy Hearing Committee Chair shall send a list of the names of the members of the Policy Hearing Committee to the complainant and the respondent. Within 7 days thereafter, each party shall have the opportunity to delete one name from the list of Policy Hearing Committee members, except for the Chair, by written notification to the Chair. If a Policy Hearing Committee member is unable to participate in the hearing(s) due to extenuating circumstances, the Chair shall appoint a replacement member, selected among the Local Presidents, excluding any members previously deleted by the complainant or respondent.

D. Terms of Office.

Terms of the Policy Hearing Committee will expire following the rendering of the Committee's decision or the Board of Directors' appeal decision, whichever is later.

E. Documentation of Decisions.

conduct the hearing. The Chair shall serve as a consultant on MAPE's Governing Documents or Policies, and shall not be a voting member of the Committee.

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Terms of the Policy Hearing Committee will expire following the rendering of the Committee's decision or the Board of Directors' appeal decision, whichever is later.

E. Documentation of Decisions.

Decisions of the Policy Hearing Committee shall be in writing, and shall include at least the following separate items:

1. A statement of complaint;
2. A summary of the evidence in support of the complaint;
3. A summary of the evidence in refutation of the complaint;
4. A finding of facts;
5. A conclusion of proceedings;
6. The assessment of a penalty, if any; or an order setting aside or modifying a previously imposed penalty.

F. Communication of Decisions.

Within 10 days of the final hearing, a copy of the decision of the Policy Hearing Committee shall be transmitted to the complainant, the complainant counsel of record, the respondent, the respondent's counsel of record, and each member of the Policy Hearing Committee.

G. Notice.

A written communication or required notice to the Policy Hearing Committee or any member thereof shall be sent to the Policy Hearing Committee Chair at the MAPE Central office.

H. Reporting.

Each Policy Hearing Committee shall submit a written summary of its actions to the next regular

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1. A statement of complaint;
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6. The assessment of a penalty, if any; or an order setting aside or modifying a previously imposed penalty.

F. Communication of Decisions.

Within 10 days of the final hearing, a copy of the decision of the Policy Hearing Committee shall be transmitted to the complainant, the complainant counsel of record, the respondent, the respondent's counsel of record, and each member of the Policy Hearing Committee.

G. Notice.

A written communication or required notice to the Policy Hearing Committee or any member thereof shall be sent to the Policy Hearing Committee Chair at the MAPE Central office.

H. Reporting.

Each Policy Hearing Committee shall submit a written summary of its actions to the next regular

Delegate Assembly. All Delegates shall receive a copy of the report. Such a summary shall include a listing of all cases referred to it, a description of the major issues involved, and the judgments of the Committee. The Committee report shall call attention to pertinent omissions or ambiguities in governing documents and policies and may offer recommendations. The report shall not include the names of any parties involved in complaints of discrimination and/or harassment.

I. Staff Assistance.

The Policy Hearing Committee shall be provided with staff assistance and facilities as are necessary and appropriate to the proper functioning of the Policy Hearing Committee in accordance with policies established by the MAPE Board of Directors.

Section 2. Filing Complaint.

Except as hereinafter provided in this Article, any member of MAPE may file a complaint against any MAPE member or individual who was a MAPE member at the time of the alleged violation(s) for one or more violations as provided in Section 2 of this Article. All complaints for one or more violations as provided in Section 2A of this Article shall be addressed solely by the procedure described herein. No penalties for any violation as provided in Section 2A of this Article shall be imposed on members, or individuals who were members at the time of the alleged violation, without a finding of guilt by the Policy Hearing Committee, or upon appeal, the Board of Directors.

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A. Basis for Complaint.

The basis for filing a complaint under this Article shall be a violation of any provision of MAPE's Governing Documents or Policies or of any officially adopted and approved Governing Documents or Policies of a Local to which the member being accused is subject. No other violations shall constitute the basis for the filing of a complaint under this Article.

B. Format of Complaint.

Complaints shall be in writing and shall be signed by the member or members bringing the complaint. The complaint shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense, along with the specific act or failure to act, which constitutes the alleged violation. The complaint shall be filed with the Statewide President, or if the Statewide President is the respondent, the Statewide Vice President.

C. Notification of Complaint.

Within 14 days following the receipt of the complaint, the Chair of the Policy Hearing Committee shall send by electronic mail, return receipt requested, an exact and full copy of the complaint to the respondent, together with a copy of this Article of the bylaws.

Section 3. Recording Hearing Proceedings.

The Policy Hearing Committee shall fix the date, time, and place for the hearing, in such manner as to afford the maximum convenience practical under all

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circumstances to both the respondent and the complainant. The entire proceedings will be recorded. A digital copy of the recorded proceedings will be available to the respondent or the complainant, without cost, upon request.

Section 4. Rights of the Respondent.

The respondent shall be guaranteed the following rights:

1. The right to receive by electronic mail to the respondent's current address of record with MAPE, return receipt requested, a full copy of the complaint within 14 days after they are filed;
2. The right to a hearing within 30 days after having been notified under provisions in Section 2C of this Article;
3. The right to have a least 5 days' advance notice of the date, time, and place of the hearing;
4. The right to question the complainant and any witnesses;
5. The right to present witnesses on the respondent's behalf;
6. The right to compel the production of union records pertinent to the case;
7. The right to choose a person to act as the respondent's counsel in the case;
8. The right to be presumed innocent unless proven guilty;
9. The right to refuse to testify, provided, however, that this right shall not include the

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right to refuse to produce at the hearing any papers, books, or financial or other records which are the property of the union and which are pertinent to the case:

10. The right to appeal, in the manner hereinafter provided;
11. The right to choose either an open or closed hearing, except in complaints of discrimination and/or harrassment. All complaints of discrimination and/or harrassment shall have a closed hearing.

Section 5. Rights of the Complainant.

Complainant shall be guaranteed the following rights:

1. The right to have the initial hearing no later than 45 calendar days after the complaint was filed;
2. The right to have at least 5 days' advance notice of the date, time, and place of the hearing;
3. The right to give personal testimony;
4. The right to present witnesses testimony pertinent to the alleged violation(s) ;
5. The right to question witnesses presented by the respondent;
6. The right to compel the production of union records pertinent to the cases;
7. The right to choose a person to act as the complainant's counsel in the case;

right to refuse to produce at the hearing any papers, books, or financial or other records which are the property of the union and which are pertinent to the case;

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5. The right to question witnesses presented by the respondent;
6. The right to compel the production of union records pertinent to the cases;
7. The right to choose a person to act as the complainant's counsel in the case;

8. The right to appeal in the manner hereinafter provided.

Section 6. Obligations of the Complainant.

The complainant shall be under the following obligations:

1. To file the original complaint in sufficient detail as to afford the respondent full opportunity to prepare a defense;
2. To appear in person at the hearing;
3. To assume the burden of proof.

Section 7. Penalties.

The Policy Hearing Committee may, if it finds the respondent guilty, assess penalties. Any and all penalties shall be appropriate and proportional to the nature of the violation. Assessed penalties shall be limited to those dictated by the provision of MAPE's Governing Documents or Policies that was violated. Where the provision of MAPE's Governing Documents or Policies does not dictate penalties, the penalties may be any one or more of the following:

1. A formal reprimand, accompanied by a formal warning against any repetition of the act or acts of which the respondent is found guilty, a copy of which shall remain on file at the MAPE Central office for one year following the date of Committee's decision. The formal reprimand shall be available to any member in good standing upon request

8. The right to appeal in the manner hereinafter provided.

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to the Statewide President or Executive Director;

2. Full or partial restitution, where the consequences of the offense can be measured in material terms;
3. Removal from positions in the union at the level at which the complaint originated;
4. Suspension from the right to hold any elected or appointed position at the level at which the complaint originated for a period not to exceed two years;
5. Suspension from the right to seek or hold any elected or appointed position at any level of MAPE for a period not to exceed two years;

MAPE or any Local or Region may not, during the period of such penalty, employ any individual who has been removed or suspended from office as provided above, in any capacity.

Section 8. Decisions of the Policy Hearing Committee.

All decisions of the Policy Hearing Committee must meet the standard of preponderance of evidence. A finding of guilt can only occur by an affirmative vote of a majority of the Policy Hearing Committee. The Policy Hearing Committee must render all decisions within 10 days following completion of the hearing, except by mutual consent of the respondent and the complainant. Such decisions shall be in writing and shall be transmitted by electronic mail, return receipt requested, to the complainant and to the respondent simultaneously.

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Section 9. Appeal Procedure.

Either party may, within 14 days following receipt of the decision, file an appeal to the MAPE Board of Directors in the same manner as is provided for the filing of original complaint. The appeal shall be in writing, and shall be accompanied by a copy of the original complaint and of the decision being appealed. The appeal shall set forth in substance the appellant's reasons for believing the Policy Hearing Committee was in error and the nature of the error. The complainant, respondent, and the Policy Hearing Committee shall have the right to present to the Board of Directions at time the appeal is heard by the Board.

Appendix A. Procedure Timeline.

Pursuant to Section 1A of Article XVIII, all timelines may be adjusted upon mutual agreement of the complainant, respondent, and Policy Hearing Committee Chair. Notwithstanding, the timeline of events are as follows:

- Within 14 days after the receipt of the complaint, the Policy Hearing Committee Chair shall:
 - Send a copy of the complaint and this Article of the bylaws to the complainant and respondent.
 - Send a list of names of the Policy Hearing Committee members to the complainant and respondent.
- Within 7 days after the Chair sent a list of names of the Policy Hearing Committee members, each party may delete one name from the list.

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Either party may, within 14 days following receipt of the decision, file an appeal to the MAPE Board of Directors in the same manner as is provided for the filing of original complaint. The appeal shall be in writing, and shall be accompanied by a copy of the original complaint and of the decision being appealed. The appeal shall set forth in substance the appellant's reasons for believing the Policy Hearing Committee was in error and the nature of the error. The complainant, respondent, and the Policy Hearing Committee shall have the right to present to the Board of Directions at time the appeal is heard by the Board.

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<ul style="list-style-type: none"> ● <u>No later than 30 days after the respondent was notified of the complaint, and no later than 45 calendar days after the complaint was filed, the initial hearing will be held.</u> ● <u>At least 5 days prior to the hearing, the complainant and respondent will be notified of the date, time, and place of the hearing.</u> ● <u>Within 10 days of the final hearing the Committee will render a decision and send a copy of their decision to the complainant, respondent, and counselors of record.</u> ● <u>Within 14 days following receipt of the decision, appeals may be filed with the MAPE Board of Directors.</u> <p><u>Nothing in this Appendix shall supersede Article XVIII - Governing Documents or Policies Dispute Procedure.</u></p>	<ul style="list-style-type: none"> ● No later than 30 days after the respondent was notified of the complaint, and no later than 45 calendar days after the complaint was filed, the initial hearing will be held. ● At least 5 days prior to the hearing, the complainant and respondent will be notified of the date, time, and place of the hearing. ● Within 10 days of the final hearing the Committee will render a decision and send a copy of their decision to the complainant, respondent, and counselors of record. ● Within 14 days following receipt of the decision, appeals may be filed with the MAPE Board of Directors. <p>Nothing in this Appendix shall supersede Article XVIII - Governing Documents or Policies Dispute Procedure.</p>
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M(Shimpach)SP (71/65) to amend to the end of Section 2: Filing a Complaint: “No complaint shall be filed until the parties have attempted to resolve the dispute through a mediation process established by the Board of Directors.”

M(Ferrara)SF (34/91) to add a new article to the resolution language:

Article XVIII - Governing Documents or Policies Dispute Procedure

Section 10. False or Malicious Charges.

If the charges are not sustained, and the Policy Hearing Committee is convinced that the charges were not brought in good faith or were actuated by malice, the Policy Hearing Committee may impose one or more of the penalties as are listed in Article XVIII, Section 7 on the charging party as in its judgment is deemed proper under the circumstances. In any case, the party against whom the penalty is imposed shall have the right to appeal the imposition of the penalty in the manner provided for other appeals, and no such penalty shall take effect while an appeal of such penalty is pending.



M(Snavely) to add the language, “All decisions of the Policy Hearing Committee must meet the standard of preponderance of the evidence. A finding of guilt can only occur by an affirmative vote of 2/3 (not majority) of the Policy Hearing Committee”

M(Dayton) P (84/37) to ask the Delegate Assembly to allow members who were not recognized due to technical difficulties be allowed to speak and then revote on the previous amendment.

M(Ferrara)SF (50/74 revote) to add a new article to the resolution language:

Article XVIII - Governing Documents or Policies Dispute Procedure

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M(Snavely)SF (42/74) to add the language, “All decisions of the Policy Hearing Committee must meet the standard of preponderance of the evidence. A finding of guilt can only occur by an affirmative vote of 2/3 (not majority) of the Policy Hearing Committee”

M(Morris) SF (42/83) to adjourn DA effective immediately.

M(MacNamera) SP(98/26) to move all any pre-recorded items off of the agenda so they can be viewed outside of DA. **2/3 due to changing the agenda.**

M(Wilson)S to amend Section 1.C to: The Chair of Policy Hearing Committee will appoint 5 additional members to the Committee, selecting among Local Presidents,/VP/Membership Secretary on a rotating basis; the selection would be diverse and include at least one member of a protected class. Within 14 days of receipt of the complaint, the Policy Hearing Committee Chair shall send a list of the names of the members of the Policy Hearing Committee.

M(Waldron) SP (82/34) to refer Resolution 3 to the Board of Directors for further discussion and resolution.

M(Schmitt) SF(53/57) to adjourn DA.

Debate of Resolutions continued



Resolution 4

Aligning the Election Rules with Governing Documents or Policies Dispute Procedure.

Whereas elections can create division among members, and elections protests that are not handled with care can create lasting damage to MAPE.

All members deserve due process.

Order is necessary for MAPE to be a well functioning organization.

The Bylaws are the most appropriate place to outline a process for resolving complaints. Members are most likely to consult the Bylaws for guidance pertaining to filing or responding to complaints.

A single process for imposing penalties on a member promotes consistency and fairness.

Unlike other types of complaints, any election violation impacts all members equally, not just the whistleblower who brought the protest to the Election’s Committee.

As the steward of the Elections Rules, the Elections Committee should serve as subject-matter experts regarding any protests.

Involving the a hearing body in Election Rules violations will create oversight of the Elections Committee and ensure a thorough investigation has been conducted prior to imposing any penalties, while also freeing the Elections Committee from the responsibility of imposing penalties.

This resolution is affected by the final language of the resolution titled Establishing a Procedure for Resolving Governing Document and Policy Disputes and should be considered after that resolution.

Therefore be it resolved, that the Elections Rules be amended, as shown below, to align the Elections Rules with the Governing Documents or Policies Dispute Procedure.

Passed by	Date
Tabatha Ries-Miller	6/27/20
Kay Pedretti	6/27/20

Contact Name	Contact E-mail Address	Contact Phone
Tabatha Ries-Miller	triesmiller@mape.org	419-357-0273



(Underscoring denotes wording inserted (inserted wording), and strike-through denotes wording deleted (~~deleted wording~~).

What is being amended?	Resulting Language
<p style="text-align: center;">Article X Violations, Protests, and Appeals</p> <ol style="list-style-type: none"> 1. Submitting Protests. Protests concerning campaign support, campaign conduct, or election conduct may be submitted only by members who are eligible to vote in the race being protested. Protests must be in writing, indicate the nature of the violation, and provide supporting information. Protests shall be submitted to the Elections Committee no later than five days after announcement of the results. 2. Hearing of Violations and Protests. Any alleged violation of MAPE Election Rules or other action which may compromise the integrity and validity of an election shall be investigated by the Elections Committee. The committee shall conduct investigations it considers appropriate. The committee shall allow affected parties a reasonable opportunity to be heard. <u>The findings of the Committee shall be provided, in writing, to all affected parties.</u> Protests found to be unsubstantiated by the Committee may be appealed to the Board of Directors. The Elections Committee's findings may be appealed to the Board of Directors. 3. Filing a Judicial Complaint. <u>Following the investigation, the Election Committee shall, by majority vote, determine whether the alleged violation was substantiated. Upon determination an alleged violation was substantiated, the Elections Committee shall file a complaint pursuant to the Judicial Procedure, Article XVIII of the Bylaws. The Elections Committee shall be the complainant of all Elections Rules violations.</u> 	<p style="text-align: center;">Article X Violations, Protests, and Appeals</p> <ol style="list-style-type: none"> 1. Submitting Protests. Protests concerning campaign support, campaign conduct, or election conduct may be submitted only by members who are eligible to vote in the race being protested. Protests must be in writing, indicate the nature of the violation, and provide supporting information. Protests shall be submitted to the Elections Committee no later than five days after announcement of the results. 2. Hearing of Violations and Protests. Any alleged violation of MAPE Election Rules or other action which may compromise the integrity and validity of an election shall be investigated by the Elections Committee. The committee shall allow affected parties a reasonable opportunity to be heard. The findings of the Committee shall be provided, in writing, to all affected parties. Protests found to be unsubstantiated by the Committee may be appealed to the Board of Directors. 3. Filing a Judicial Complaint. Following the investigation, the Election Committee shall, by majority vote, determine whether the alleged violation was substantiated. Upon determination an alleged violation was substantiated, the Elections Committee shall file a Judicial Complaint pursuant to the Judicial Procedure, Article XVIII of the Bylaws. The Elections Committee shall be the complainant of all Elections Rules violations.



M(Snavely) to add language to section 3 that only active, full members are able to vote.
Ruled out of order as not germane.

Resolution passes 78/26

M(Juan)SP (87/22) to bring resolution 7 to the floor.

Resolution 7

Election Updates

- Whereas rank and file members struggle to gain meaningful access to candidates.
 - Whereas restricting candidates from performing their duties within their role in MAPE or the state, for fear of gaining more name recognition, hinders our organization and reduces the effectiveness of state employees.
 - Whereas campaign forums held at the same date and time diminish candidate engagement
 - Whereas there is great confusion among the membership as to communications channels are appropriate for MAPE campaign activity due to inconsistent practices
 - Whereas limiting members access to campaign and candidate information limits members' ability to make informed decisions about candidates.
 - Whereas many members have already voted by the time their local holds a campaign forum.
 - Whereas trying to hold a local meeting and a candidate forum at the same time makes both ineffective.
 - Whereas the window between the final candidate eligibility list being published and the voting window is too small for locals to schedule their own forum without scheduling conflicts with other locals.
 - Whereas most locals do not form local nominations and elections committees.
 - Whereas there is a perception among members that the statewide elections committee is not consistent in enforcing MAPE election rules.
 - Whereas candidates are not given consistent notifications as to the election rules they will be subject to.
 - Whereas MAPE has the resources to expand access to the elections process.
-
- Resolved, Locals must hold forums for statewide offices separate from local meetings.
 - Resolved, upon request, locals shall be authorized to use MAPE central technology and or facilities to hold forums for statewide elections.
 - Resolved, only local elections committees may schedule local candidate forums for statewide elections.



- Resolved, local candidate forums for statewide elections shall not be scheduled to occur at the same time.
- Resolved, candidates shall accept nominations using an electronic form that includes election rules and other relevant policies and bylaws.
- Resolved, the window between the final candidate list and the voting window opening be expanded to 30 days.
- Resolved, members shall be allowed to opt-in to receive campaign materials on their personal e-mail address.
- Resolved, MAPE central shall mail campaign materials to members, if candidates pay the full cost including printing and postage.
- Resolved, candidates' communicating with MAPE members while carrying out their duties either as a state employee or as a sitting MAPE officer shall not be considered campaigning.
- Resolved, the Statewide Elections Committee will submit a detailed enforcement report to the Board of Directors at the first board meeting after the conclusion of the election.
- Resolved, the enforcement report shall contain all complaints made to the statewide elections committee and the elections committees' response to those complaints.

Passed by	Date
Political Council	18 June 2020

Contact Name	Contact E-mail Address	Contact Phone
John Ferrara	Jdferrara60@gmail.com	(507) 251-6228
Jay Smith	Tao2k4@gmail.com	(507) 208-3801



ELECTION RULES Article III	Resulting Language
<p>6. Candidate Compliance. In addition to other requirements of the governing documents, all nominees for an elective position, in accepting the nomination (in writing or electronically) SHALL ACCEPT THE NOMINATION VIA ELECTRONIC FORM, CONTAINING ALL ELECTION RULES, GUIDELINES, AND POLICIES thereby affirm their intent to comply with the requirements of MAPE’s governing documents and procedures.</p> <p>9. Personal Statements. Candidates whose names will be on the ballot must prepare and submit a personal statement to be included with the ballots. Each candidate must submit their personal statement 14 days before voting opens AFTER THE NOMINATIONS CLOSE, otherwise the candidate is disqualified, and their name will not be on the ballot. For candidates who will appear on the ballot, each candidate’s personal statement shall be published on the MAPE website.</p>	<p>6. Candidate Compliance. In addition to other requirements of the governing documents, all nominees for an elective position, shall accept the nomination via electronic form, containing all election rules, guidelines, and policies thereby affirm their intent to comply with the requirements of MAPE’s governing documents and procedures.</p> <p>9. Personal Statements. Candidates whose names will be on the ballot must prepare and submit a personal statement to be included with the ballots. Each candidate must submit their personal statement 14 days after the nominations close, otherwise the candidate is disqualified, and their name will not be on the ballot. For candidates who will appear on the ballot, each candidate’s personal statement shall be published on the MAPE website.</p>



ELECTION RULES Article IV	Resulting Language
<p>2. MAPE Resources. Except as provided in these rules; the funds, staff, materials, equipment, and facilities of MAPE shall not be used with the purpose or clear effect of benefiting or harming any candidate's campaign. Candidates shall not solicit campaign contributions at MAPE's offices or during the official business portions of MAPE sponsored events. MAPE's offices may be used for candidate forums. MAPE shall provide technology to facilitate video conferencing at campaign forums for statewide races. UPON REQUEST, LOCALS SHALL BE ALLOWED TO USE MAPE OFFICES AND/OR TECHNOLOGY TO HOLD LOCAL CANDIDATE FORUMS FOR STATEWIDE RACES. IF CANDIDATES PAY THE ENTIRE COST (INCLUDING STAFF LABOR COSTS), THEY MAY HAVE MAPE MAIL PRINTED CAMPAIGN MATERIALS TO MEMBERS. PRINTED CAMPAIGN MATERIALS SHALL BE MAILED TO MEMBERS 7 DAYS PRIOR TO THE VOTING WINDOW OPENING. IF MULTIPLE CANDIDATES WANT TO MAIL CAMPAIGN MATERIALS TO MEMBERS, THE MATERIALS SHALL BE SENT IN THE SAME PARCEL.</p> <p>3. Campaign Forums. The Elections Committee or local officers may arrange forums to allow candidates to express their views. Any such forums shall be made available on an equal basis to all candidates. ANY SUCH FORUMS SHALL BE HELD SEPARATELY FROM LOCAL MEETINGS. LOCALS SHALL NOT SCHEDULE FORUMS FOR STATEWIDE ELECTIONS AT THE SAME TIME ANOTHER LOCAL IS HOLDING THEIR FORUM. THE STATEWIDE ELECTIONS COMMITTEE WILL PROVIDE AN ONLINE LOCATION FOR LOCALS TO RESERVE THEIR FORUM TIME. LOCALS SHALL RESERVE FORUM TIMES IN THE SAME ORDER LOCALS NOTIFY THE STATEWIDE ELECTIONS</p>	<p>2. MAPE Resources. Except as provided in these rules; the funds, staff, materials, equipment, and facilities of MAPE shall not be used with the purpose or clear effect of benefiting or harming any candidate's campaign. Candidates shall not solicit campaign contributions at MAPE's offices or during the official business portions of MAPE sponsored events. MAPE's offices may be used for candidate forums. MAPE shall provide technology to facilitate video conferencing at campaign forums for statewide races. Upon request, locals shall be allowed to use MAPE offices and/or technology to hold local candidate forums for statewide races. If candidates pay the entire cost (including staff labor costs), they may have MAPE mail printed campaign materials to members. Printed campaign materials shall be mailed to members 7 days prior to the voting window opening. If multiple candidates want to mail campaign materials to members, the materials shall be sent in the same parcel.</p> <p>3. Campaign Forums. The Elections Committee may arrange forums to allow candidates to express their views. Any such forums shall be made available on an equal basis to all candidates. Any such forums shall be held separately from local meetings. Locals shall not schedule forums for statewide elections at the same time another local is holding their forum. The statewide elections committee will provide an online location for locals to reserve their forum time. Locals shall reserve forum times in the same order locals notify the statewide elections committee of the formation of their local elections committee. The statewide elections committee shall hold a candidate forum for each contested statewide election, prior to the voting window opening. These statewide campaign forums sponsored by the</p>



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COMMITTEE OF THE FORMATION OF THEIR LOCAL ELECTIONS COMMITTEE.

The statewide elections committee shall hold a candidate forum for each contested statewide election, prior to the voting window opening. These statewide campaign forums sponsored by the statewide elections committee shall be held in a manner that allows members to interact with the candidates from remote locations. The MAPE portal shall be used to show the schedule of all campaign forums.

4. **Distribution List Security.** MAPE shall maintain control of election lists. No access to MAPE election lists for campaign purposes shall be permitted except for the following: A LIST OF MEMBERS' PERSONAL EMAIL ADDRESSES COMPRISED OF MEMBERS WHO HAVE OPPTED IN TO RECEIVE CAMPAIGN MATERIALS FROM CANDIDATES. A list of statewide candidates and their personal contact information shall be provided to local elections committees for the purpose of facilitating local campaign forums. A list of local elections committees personal contact information shall be provided to statewide candidates to facilitate local campaign forums. The MAPE portal may be used to publish these lists.

statewide elections committee shall be held in a manner that allows members to interact with the candidates from remote locations. The MAPE portal shall be used to show the schedule of all campaign forums.

4. **Distribution List Security.** MAPE shall maintain control of election lists. No access to MAPE election lists for campaign purposes shall be permitted except for the following: a list of members' personal email addresses comprised of members who have opted-in to receive campaign materials from candidates. A list of statewide candidates and their personal contact information shall be provided to local elections committees for the purpose of facilitating local campaign forums. A list of local elections committees personal contact information shall be provided to statewide candidates to facilitate local campaign forums. The MAPE portal may be used to publish these lists.



ELECTION RULES Article V	Resulting Language
9. CANDIDATES COMMUNICATING WITH MAPE MEMBERS WHILE CARRYING OUT THEIR DUTIES EITHER AS A STATE EMPLOYEE OR AS A MAPE OFFICER SHALL NOT BE CONSIDERED CAMPAIGNING AND SHALL NOT BE PROHIBITED.	9. Candidates communicating with MAPE members while carrying out their duties either as a state employee or as a MAPE officer shall not be considered campaigning and shall not be prohibited.
ELECTION RULES Article X	Resulting Language
4. ENFORCEMENT REPORT. THE STATEWIDE ELECTIONS COMMITTEE SHALL SUBMIT AN ENFORCEMENT REPORT TO THE BOARD OF DIRECTORS AT THE FIRST BOARD MEETING AFTER THE ELECTION. THE ENFORCEMENT REPORT SHALL CONTAIN A COMPLETE LIST OF ALL COMPLAINTS SUBMITTED TO THE STATEWIDE ELECTIONS COMMITTEE AND ANY ACTIONS TAKEN BY THE STATEWIDE ELECTIONS COMMITTEE IN RESPONSE TO THOSE COMPLAINTS	4. Enforcement report. The statewide elections committee shall submit an enforcement report to the board of directors at the first board meeting after the election. The enforcement report shall contain a complete list of all complaints submitted to the statewide elections committee and any actions taken by the statewide elections committee in response to those complaints
MAPE ELECTION TIMETABLE Appendix A	Resulting Language
Nominations Close – 33 45 days before the voting window opens	Nominations Close – 45 days before the voting window opens
Personal Statements Due – 14 days before the voting window opens AFTER NOMINATIONS CLOSE	Personal Statements Due – 14 days after nominations close.
CAMPAIGN MATERIALS SENT TO MEMBERS – 7 DAYS BEFORE VOTING WINDOW OPENS	Campaign materials sent to members – 7 days before voting window opens
ENFORCEMENT REPORT – FIRST BOARD OF DIRECTORS MEETING AFTER JUNE 1.	Enforcement report – first board of directors meeting after June 1.

M(Benage) SP (57/39) to strike IF CANDIDATES PAY THE ENTIRE COST (INCLUDING STAFF LABOR COSTS), THEY MAY HAVE MAPE MAIL PRINTED CAMPAIGN MATERIALS TO MEMBERS. PRINTED CAMPAIGN MATERIALS SHALL



BE MAILED TO MEMBERS 7 DAYS PRIOR TO THE VOTING WINDOW OPENING. IF MULTIPLE CANDIDATES WANT TO MAIL CAMPAIGN MATERIALS TO MEMBERS, THE MATERIALS SHALL BE SENT IN THE SAME PARCEL.

M(Church) **SP (64/30)** to remove "ANY SUCH FORUMS SHALL BE HELD SEPARATELY FROM LOCAL MEETINGS." In article IV, 3. 64/30 amendment stands

M(Wilson) **S** to add language to Section IV 2. MAPE Resources: Accepted statewide candidates will be given equal funds to campaign as approved by the Board of the Directors.

M(Snively) **SP (64/31)** to amend the amendment to read statewide and regional candidates wherever statewide candidates are mentioned in the amendment.

M(Perman) **SF (34/59)** to amend the amendment to read "statewide and regional candidates may be given equal funds to campaign as approved by the board of directors."

Amendment as amended:

M(Wilson) **SF (40/51)** to add language to Section IV 2. MAPE Resources: Accepted statewide and regional candidates will be given equal funds to campaign as approved by the Board of Directors.

M(Snively) **SP (82/9)** to stop debate and call the question. **Required a 2/3 majority.**

Resolution as amended passes 74/20

M(Peterson) **SF (45/46)** to adjourn.

M(Feldcamp) **SF (58/32)** to bring resolution 9 to the floor. **2/3 vote required.**

Resolution 5

Create Opportunities for Chief Stewards to Focus on Enforcement

- Whereas enforcement of our contract is essential.
- Whereas we must build our capacity for enforcement.



- Whereas we must expand our pipeline of new leaders.
- Whereas multiple Chief Stewards have pleaded for more resources in enforcing our contract
- Whereas multiple Chief Stewards have resigned because of resource shortages
- Whereas many Chief Stewards serve in multiple roles
- Whereas serving in multiple roles reduces opportunities to build capacity
- Whereas serving in multiple roles reduces opportunities for other members to step up and serve.
- Whereas members serving in multiple roles tends to reduce engagement over time
- Whereas members serving in multiple roles creates a higher likelihood of said member to “burn-out”

- Resolved, Chief Stewards shall not hold other offices while serving as Chief Steward.
- Resolved, Chief Stewards shall not also be Regional Directors
- Resolved, Chief Stewards shall not be elected to the negotiations committee.
- Resolved, Chief Stewards shall not also be Statewide Meet and Confer Chairs.
- Resolved, Chief Stewards shall not also be Statewide Council members
- Resolved, Chief Stewards shall not also be local officers.

• Passed by	Date
Political Council	12 June 2020
Organizing Council	12 June 2020

Contact Name	Contact E-mail Address	Contact Phone
John Ferrara	Jdferrara60@gmail.com	507-251-6228
Kirsten Peterson	kirsten.peterson88@gmail.com	



Bylaws Article VII	Resulting Language
Section 6 A) Members elected to Regional positions and Local Officers and Committee Members must be members of the Region/Local they serve. B) LOCAL OFFICERS AND NEGOTIATIONS REPRESENTATIVES SHALL NOT BE CHIEF STEWARDS	Section 6 A) Members elected to Regional positions and Local Officers and Committee Members must be members of the Region/Local they serve. B) Local Officers and Negotiations Representatives shall not be Chief Stewards.
Bylaws Article VIII	Resulting Language
Sec.1.A.3 – Regional Directors may not be elected as negotiations representative, NOR SHALL THEY BE CHIEF STEWARDS;	Sec.1.A.3 – Regional Directors may not be elected as negotiations representative, nor shall they be chief stewards;
Sec.1.A.10 – STATEWIDE COUNCIL MEMBERS SHALL NOT BE CHIEF STEWARDS	Sec.1.A.10 – Statewide council members shall not be chief stewards
Sec.1.B.2 – Meet and Confer Chairs. Candidates must be employees of the respective agency. MEET AND CONFER CHAIRS SHALL NOT BE CHIEF STEWARDS	Sec.1.B.2 – Meet and Confer Chairs. Candidates must be employees of the respective agency. Meet and confer chairs shall not be chief stewards

M(Benage) **SP (50/32)** to amend section VI part B to strike local officers from the proposed language.

M(Dunaway) **SP (51/32)** to amend section VI part B to strike Negotiations
Clarification – this will strike all of part B, since the passed amendment already struck local officers.

M(Senson) **SP (72/8)** to end debate on all pending motions and call the question. 72/8 motion passes. **2/3 vote required**

Resolution as amended fails 28/58



Resolution 6

Updates to Word Count for Candidate Personal Statements.

Whereas the 2019 Delegate Assembly approved changes to Article V – Campaign Conduct, Section 7 – Personal Statements to limit personal statements of nominees.

Limiting the word count of personal statements to such a degree could be interpreted as limiting a candidate’s ability to speak, and while it is important to be concise, members running for all offices should be given the ability to speak to their experience in similar ways.

In addition, Statewide positions having a higher word count than local, regional, and delegate positions seems inconsistent with the idea that we are all one union and that no position is more important than others. This is why we recommend that all positions have the same cap as the current (as for 2019 Delegate Assembly) Statewide officer positions.

Resolved, that the Election Rules be amended, as shown below, to change the word count for personal statements..

Passed by	Date
Local 401	3/18/2020

Contact Name	Contact E-mail Address	Contact Phone
Chris Smith	Chris.j.smith@state.mn.us	651-556-6051



(Underscoring denotes wording inserted (inserted wording), and strike-through denotes wording deleted (~~deleted wording~~).

What is being amended?	Resulting Language
<p style="text-align: center;">Article V</p> <p style="text-align: center;">Campaign Conduct</p> <p>7. Personal Statements Personal statements may not contain photographs, graphics or artwork. Personal statements shall include the candidate's name and information about the candidate and the ideas relating to the office sought and may not contain references to other candidates. Personal statements may include the candidate's department, work city, years of state service and years as a MAPE member. The word limit for offices are: statewide officer, including trustee or council member, 300 words; regional director 200 words; local president, 150 words; other local officer, negotiation committee member, or delegate, 100 words. <u>Personal statements shall be no longer than 300 words.</u></p> <p>Candidates who submit a personal statement which exceeds the word limit will be given an opportunity to shorten their statement. If a revised statement is not submitted or the revised statement exceeds the word limit, the personal statement will be truncated. The truncated personal statement will be published on the MAPE website and included with the ballot.</p>	<p style="text-align: center;">Article V</p> <p style="text-align: center;">Campaign Conduct</p> <p>7. Personal Statements Personal statements may not contain photographs, graphics or artwork. Personal statements shall include the candidate's name and information about the candidate and the ideas relating to the office sought and may not contain references to other candidates. Personal statements may include the candidate's department, work city, years of state service and years as a MAPE member. Personal statements shall be no longer than 300 words.</p> <p>Candidates who submit a personal statement which exceeds the word limit will be given an opportunity to shorten their statement. If a revised statement is not submitted or the revised statement exceeds the word limit, the personal statement will be truncated. The truncated personal statement will be published on the MAPE website and included with the ballot.</p>

No amendments

Resolution passes 75/2

M(Ferrara) SP (40/38) to adjourn.

At 4:52 p.m. Delegate assembly is adjourned.



2020 Delegate Assembly Standing Rules

Minnesota Association of Professional Employees

September 19, 2020

Registration, Seating and Quorum.

1. The registration procedure shall be under the direction of the Credentials Committee.
2. The Credentials Committee shall entertain challenges to the credentials of any delegate or delegation and shall present its finding to the Assembly, which will render a final decision. (Bylaws, Article X, Section 3) *
3. Delegates and alternates must be members of the local they are elected to represent at the time of the Assembly. (Bylaws, Article X, Section 1) *
4. In these rules, a seated alternate is referred to as a delegate.
5. Only elected Delegates and Delegates appointed in conformance with the Election Rules or Bylaws may sign-in for delegate assembly 2020.
6. The Credentials Committee shall admit registered delegates and members of the Board of Directors as voting delegates, but only if they signed up for the virtual meeting and join no later than 8:30 a.m. on September 19, 2020. The Credentials Committee can make exceptions only if it demonstrated that the member made good-faith, timely attempts to sign in but could not because of technical difficulties.
7. Alternates, authorized guests and non-participating staff may view the delegate assembly live but shall not be admitted as voting delegates, except as provided under Rule A.9. below.
8. Regional directors, or their designees, will serve as chairs for their locals' delegations.
9. Alternates may substitute for Delegates who have notified the local president that they are unable to attend or continue attending Delegate Assembly. Alternates will be seated as ranked; i.e., first alternate is offered seating first, etc.
10. The Credentials Committee report submitted after 8:30 a.m. on September 19 will be the basis for quorum.
11. A quorum is a majority of the delegate positions authorized. (Constitution, Article VI) *
12. Each member is responsible for their connection to the internet and webinar; no action shall be invalidated on the grounds that the loss of, or quality of, a member's individual connection prevented the member from participating in the meeting, provided that at least a quorum of members was connected and adequately able to participate.

Conduct of Business.

1. There shall be an official parliamentarian, to whom questions may be directed, only through the presiding officer (the Chair), while the Assembly is in session.
2. To change the agenda after its adoption requires a 2/3 vote, a vote of a majority of all the delegates approving the revised agenda, or unanimous consent.
3. The report or motion under consideration by the Assembly will be displayed so that it is visible to delegates.



4. Only video of the Chair, Executive Committee member or Executive Director will be broadcast to delegates. Video of individual delegates will not be broadcast when speaking in debate.
5. The Board shall approve the Minutes of DA at their next meeting.

Debate. (These rules require two-thirds vote to pass, modify once passed, or suspend.)

1. While addressing the Assembly, speakers will direct their comments to the Chair.
2. A delegate wishing to speak must use the question box to seek recognition by the chair.
3. The following information must be included in the question box:
 - *Name*
 - *Local*
 - *Purpose for which delegate seeks recognition; will be indicated by typing one of the following numbers:*
 - #1. To make of a point of order or appeal a decision
 - #2. To speak in favor of a motion
 - #3. To speak against a motion
 - #4. To offer other motions or amendments
 - #5. To request to stop debate. (Note C. 10)
 - #6. To request information, raise a point of personal privilege, or similar reason
4. Once a delegate seeks recognition using the question box, the request will be placed in a queue on a first-come, first-served basis.
5. The delegate will be called when it is their turn to speak. The delegate's microphone will be unmuted by staff and the delegate will need to unmute themselves also.
6. The first member to speak in favor of the resolution will be the member submitting the resolution. This is defined as the first "Contact Name" appearing on the resolution. This member may substitute a different member to be the first speaker, but only if this request is electronically submitted to Statewide Secretary Lynn Butcher at lbutcher@mape.org before noon on September 17, 2020.
7. There shall be a maximum of three (3) speakers for and three (3) speakers against each motion or resolution. Speakers on a motion being considered by the Delegate Assembly shall be alternated one (1) in favor and one (1) opposed, as far as possible, beginning with a delegate to speak in favor. The Assembly, by a majority vote, may allow additional speakers on a motion or resolution.
8. Each speaker shall be allowed two (2) minutes per speaking time.
9. A delegate shall speak only once per motion.
10. At least two speakers on each side of a question shall be afforded the opportunity to speak to an issue before a motion to move the previous question (stop debate) shall be in order.
11. After there have been two speakers on one side and the Chair has asked three times for a speaker on the opposing side without response, the debate will be ended.
12. Any person who is not a delegate but wishes to address the Assembly may speak at the discretion of the Chair but may not speak for or against a motion or resolution.
13. Endorsements of political candidates are not proper business to come before the Assembly.



Voting.

1. The Chair may appoint timekeepers and assistants to help administer voting, speaking order, communications and technology.
2. Only delegates who are registered and signed-in are eligible to vote.
3. Voting on motions and amendments will occur using the voting feature on the digital platform.
4. The amount of time for each vote is one (1) minute.
5. Once a vote is called, a poll will be displayed, and delegates may vote.
6. Once a vote is submitted, the vote cannot be changed.
7. When the voting has completed, the results will be displayed. The Chair shall read the number of votes for, the number of votes against and declare whether or not the motion prevailed.
8. Amendments proposed on the day of the Assembly must be entered into the questions box when the motion to amend is made. Amendments to resolutions may be electronically pre-filed before noon on September 17, 2020 by sending the amendment to Statewide Secretary Lynn Butcher at Lbutcher@mape.org. Pre-filed amendments will be considered after the first member speaks on the motion to be amended; if multiple amendments are offered to the same motion, the amendments will be considered in the order they were received by the Statewide Secretary. (Note that, in some cases, adoption of an earlier amendment may render a later amendment out of order.)
9. General consent shall be used where applicable. Request for Division, when called after a call for general consent, will not be recognized.
10. No roll call votes will be taken.
11. The number for and against will be recorded in the minutes.
12. Block (unit) voting is prohibited. Individual delegates decide how they will vote.

Resolutions and Other Motions.

1. The deadline to submit resolutions is July 3, 2020.
2. Resolutions must be submitted to crcommittee@mape.org, or a printed copy received at MAPE Central by the deadline.
3. Resolutions to change a governing document (Constitution, Bylaws, and Election Rules) cannot be initially submitted at the Assembly.
4. A two-thirds vote of the Assembly will be required to consider other resolutions if they are initially submitted at the Assembly.
5. If the marked-up language differs from the resulting language, the vote will be on the resulting language.
6. A motion to postpone indefinitely applies only to a main motion immediately available for debate.

Amendments to the Governing Documents (Constitution, Bylaws, Election Rules).

1. Amendments to the Constitution require a two-thirds vote. (Constitution Article VIII) *
2. Amendments to the Bylaws require a majority vote. (Bylaws Article XVI) *
3. Amendments to the Election Rules require a majority vote. (Election Rules Article XI) *
4. Prior, written notice must have been given at least 30 days in advance of the Assembly. (Constitution Article VIII, Bylaws Article XVI, Election Rules Article XI) *



5. When the Constitution, Bylaws or Election Rules changes are to be considered, the motion or resolution before the Assembly shall be the proposed amendment as presented by the Constitution and Rules Committee.

* Provided here for reference only