

**MINNESOTA CORRECTIONS
ASSOCIATION**

**CONSTITUTION
&
BYLAWS**

October 2007

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**CONSTITUTION AND BY LAWS
OF THE
MINNESOTA CORRECTIONS ASSOCIATION, INCORPORATED**

CONSTITUTION

- 1) The registered office of the Association shall be the City of St. Paul, County of Ramsey, State of Minnesota. The Association may have offices at such other places as the Board of Directors shall from time to time determine.
- 2) The Association shall have no seal.
- 3) The Association is a non-profit corporation as defined in Chapter 317, the non-profit law of the State of Minnesota.
- 4) The Association mission statement and philosophy for the field of corrections is as follows:

MISSION STATEMENT

The mission of the Minnesota Corrections Association is to promote the professional development of individuals working in all aspects of the corrections field and to promote ethical and just correctional practices.

PHILOSOPHY OF CORRECTIONS

It is the responsibility of the field of Corrections to provide services, which will promote the rehabilitation of offenders and provide safety for the public, keeping in mind the principles of Restorative Justice.

Thus, Corrections practitioners subscribe generally to the following beliefs:

SOCIETY HAS A RIGHT TO BE PROTECTED FROM PERSONS WHO CAUSE ITS MEMBERS HARM, REGARDLESS OF THE REASONS FOR SUCH HARM.

It is the right of every citizen to be free from fear of harm to person and property. Belief in the necessity of law to an orderly society demands commitment to support it. All fields of corrections accept this responsibility and view themselves as an instrument for both control and treatment appropriate to all offenders.

VICTIMS OF CRIME HAVE RIGHTS DESERVING OF PROTECTION.

Corrections recognizes that prosecution of the offender is but part of the responsibility of the criminal justice system. The victim of criminal activity may suffer from the loss of property, emotional problems, or physical disability. Corrections thus commits itself to advocacy for the needs and interests of crime victims.

OFFENDERS HAVE RIGHTS DESERVING OF PROTECTION.

Freedom and democracy require fair, individualized, and humane due process of law adjudicating, sentencing, supervising and treating the offender.

HUMAN BEINGS ARE CAPABLE OF CHANGE.

Belief in the individual's capability for behavioral change leads corrections practitioners to a commitment to rehabilitation. This is based on the principle that each offender is responsible for his/her own behavior. Corrections practice focuses on identifying and making available those services and programs that will best afford offenders an opportunity to become responsible, law abiding citizens.

NOT ALL OFFENDERS HAVE THE SAME CAPACITY OR WILLINGNESS TO BENEFIT FROM MEASURES DESIGNED TO PRODUCE LAW ABIDING CITIZENS.

The risk to the community posed by an offender should be assessed on an individual basis and rehabilitative treatment should be individualized.

INTERVENTION IN AN OFFENDER'S LIFE SHOULD BE THE LEAST RESTRICTIVE AMOUNT NECESSARY TO PROTECT SOCIETY AND PROMOTE LAW ABIDING BEHAVIOR.

Corrections subscribes to the principle of intervening in the offenders life only to the extent necessitated by public safety. Where intervention can best be provided by an agency outside the system, the offender should be diverted from the system to that agency.

PUNISHMENT FOR THE SAKE OF PUNISHMENT SHOULD BE AVOIDED.

Corrections philosophy does not accept the concept of retributive punishment as its sole goal. Punishment as a corrective measure is supported and should be used in those instances in which it is determined that an aversive measure may positively alter the offender's behavior when other measures may not. Even corrective punishment, however, should be used cautiously and judiciously in view of its highly unpredictable impact. It is recognized that a conditional sentence in the community is, in and of itself, a punishment. It is less harsh and drastic than a prison term, but more controlling and punitive than release without supervision.

INCARCERATION CAN BE DESTRUCTIVE AND SHOULD BE IMPOSED ONLY WHEN NECESSARY.

Corrections practitioners acknowledge society's right to protect itself. Incarceration can be an appropriate element of a probation/parole program to emphasize the consequences of criminal behavior and thus effect constructive behavioral change. However, institutions should be humane and required to adhere to the highest standards.

CORRECTIONS IS COMMITTED TO ATTRACTING THE MOST CAPABLE INDIVIDUALS AVAILABLE TO CARRY OUT ITS MISSION.

Those who carry out the mission of corrections should be committed to justice and fairness. They should be sensitive to the differences they see in others and themselves. They should be heterogeneous in their racial, cultural and ethnic backgrounds.

WHERE PUBLIC SAFETY IS NOT COMPROMISED, SOCIETY AND MOST OFFENDERS ARE BEST SERVED THROUGH COMMUNITY BASED PROGRAMS.

Most offenders should be provided services within the community in which they are expected to demonstrate acceptable behavior. Community based programs generally are cost effective and they allow offenders to remain with their families while paying taxes and, where applicable, restitution to victims. Examples of community-based programs include probation, parole/supervised release, residential programs, day programs, diversion programs, and local detention facilities.

The purposes and objectives of the Association are as follows:

PURPOSES AND OBJECTIVES

- 1) To provide within the stated philosophy of the Association, as our principal activity, a variety of services to the membership including education, training, conferences, the dissemination of information, and liaisons with other correctional organizations.
- 2) To foster correctional ethics applicable to individuals and to public and private departments, agencies, institutions, programs and services throughout the State of Minnesota.
- 3) To strengthen and increase recognition of corrections as a profession and contribute to the professionalization of correctional personnel.
- 4) To inform the membership of legislation and administrative procedures critical to correctional programs and services, and to influence proposed legislation and administrative policy making to safeguard the constitutional and other rights of personnel, victims and offenders; and to improve the governance of the criminal justice and correctional system.
- 5) To collect data and provide other means of assistance to correctional organizations, departments, institutions and services, within the resources of the Association.
- 6) To sponsor, develop and conduct such other programs, services and activities as in the passage of time are deemed to be within the scope of the Association's responsibilities and capabilities.

ARTICLE I Membership

Section 1. Composition

Membership in the Association shall be open to the following persons:

- A.
 - (1) Persons employed in any correctional agency or institution in Minnesota, public or private, whose primary function is providing services to individuals or groups under the care of their agency or institution. Also, persons who serve on boards of correctional agencies or institutions and citizens who have shown an interest in the advancement and development of the field of corrections.
 - (2) A business or corporation supportive of the Constitution, purpose and goals of the Association and whose products, services, philosophy and comportment in the business community are not in conflict with the Association nor the corrections community which the Association represents.
- B. Application for membership shall be made to the Chairperson of the Membership committee, who shall review and approve applications.
- C. Membership fees shall be paid annually. The amount of the fee will be recommended by the Board of Directors to membership. The membership will determine the fee by majority vote. The membership fee for a business or corporation will be twice that of an individual member.

- D. Persons with paid membership are eligible to vote, hold office and serve on the standing committees.
- E. Honorary memberships may be conferred by a majority vote of the Board of Directors, and those honorary members shall enjoy full membership privileges. Honorary memberships will be granted to the Commissioners of Corrections during their term.
- F. Lifetime memberships will be available upon retirement of active member. The one time fee will be recommended by the Board of Directors to membership. The membership will determine the fee by majority vote. Lifetime members shall enjoy full membership privileges with the following modifications:
 - 1) Lifetime members will be given the same Institute fee arrangements as students. Meals and entertainment will be at an extra cost.
 - 2) Lifetime members who are active committee members will be permitted free conference registration. Meals and entertainment will be at extra cost.

Section 2. Meetings

- A. An annual business meeting of the members of the Association shall be held at a date, time and place to be determined by the Board of Directors. The annual business meeting shall be held in conjunction with the annual training institute of the membership.
- B. The annual training institute shall be sponsored by the Association for the in-service training of its members.
- C. The Association may sponsor a meeting at other professional conventions and encourage attendance of members and all other interested persons.
- D. The Board of Directors may initiate and provide suitable programs for additional regional meetings annually, at dates, times and places to be determined by the Board of Directors, in addition to the annual training institute.
- E. The Board of Directors shall provide notice of the annual meeting to be given to members at least thirty (30) days in advance. Notice of any regional meetings shall be given to members at least fifteen (15) days in advance. This notice may be provided to members electronically.
- F. Special meetings of the members may be held at such time and place as may from time to time be designated by a notice of meeting to the members. Special meetings may be called by the President of the Association, by any five (5) regular members, or by five (5) Directors. Notice of any special meeting shall be given by the Secretary, who shall give at least five (5) days notice to each member. This notice may be provided to members electronically.
- G. Fifty (50) members of the total membership present in person or by proxy at a meeting of members shall constitute a quorum for the transaction of business. If a quorum is present upon commencement of any meeting of members, all business may be acted upon whether or not a quorum is present at the time any vote is taken.
- H. Each member shall be entitled to one (1) vote on matters submitted to the vote of the members. Any action taken by the members shall be by a majority of members present.

- I. Procedure at all meetings shall be governed by Robert's Rules of Order (Revised), except where inconsistent with these by-laws.
- J. The President of the Association shall preside at all meetings of members, or, in his/her absence, the Vice President shall preside. In the absence of the Vice President, the President-Elect shall preside.

Section 3. Withdrawal and Removal

- A. A member may withdraw from the Association by presenting his/her resignation in writing to the Board of Directors. Any member who fails to pay his/her membership dues shall forfeit membership to the Association.
- B. Any member may be removed by a two-thirds vote of the members present at any properly called meeting for conduct deemed detrimental to the Association, provided however, that such member shall first have been given an opportunity to be heard at the meeting at which such vote is taken. These provisions shall apply to the removal of Directors as well as regular members.

ARTICLE II
Officers

Section 1. Number

The officers of the Association shall consist of a President, a President Elect, a Vice-President, a Secretary and a Treasurer. The aforementioned officers plus the Immediate Past-President shall constitute the Executive Committee. One person may not hold two offices.

Section 2. Term of Office

Other than the Treasurer, the officers shall hold office from January 1 of the year immediately following the election through the December of the same year. The Treasurer shall hold office January through December and shall be elected for a term of two years. Officers, other than the President and President Elect, may be re-elected but for not more than three (3) consecutive terms.

Section 3. The President

The President shall be the chief officer of the Association. He/she shall preside at all meetings of the Directors and of the members and shall have other duties as may be prescribed by the Board of Directors. He/she shall be, ex-officio, a member of all standing committees and shall have the general powers and duties usually vested in the office of President. The President Elect shall serve as an aide to the President. He/she may have other duties as the Board of Directors shall prescribe.

Section 4. The Vice President

The Vice President shall assume the duties of the President where the President is unable to act. He/she will also be responsible for maintaining the record of positions and policies adopted by the Board of Directors, ensuring reviews every three years by the Board of Directors. . The Vice-President shall file the Annual Business Renewal for the Association's Non-Profit Corporation status with the office of the Minnesota Secretary of State. The Vice-President may have other duties as the Board of Directors shall prescribe.

Section 5. The Secretary

The Secretary of the Association shall attend the annual meeting of the members and all meetings of the Board of Directors and the Executive Board. He/she shall act as clerk thereof and shall record all proceedings in the minute book of the Association. He/she shall give proper notice of meetings to members and Directors. He/she may have other duties as the Board of Directors shall prescribe.

Section 6. The Treasurer

The Treasurer shall keep accurate account of all monies of the Association, received or disbursed. Specific responsibilities include:

- 1) He/she shall deposit all monies, drafts and checks in the name of and to the credit of the Association in such banks and depositories as a majority of the whole Board of Directors shall from time to time designate.
- 2) He/she shall have power to endorse for deposit all notes, checks, and drafts received by the Association in payment of Association obligations, on approval of the Board of Directors.
- 3) Signature of the Treasurer, or designee approved by the Board of Directors, shall be required on all checks issued by the Association. The President shall have authority to sign checks on behalf of the Association, but only in situations where the Treasurer is unable to act.
- 4) The Office of Treasurer shall be bonded with the Association paying for the bond.
- 5) He/she shall render to the members and Directors, however required, an account of all transactions as Treasurer and an account of the financial condition of the Association in cooperation with the Association accountant. These are to be submitted for audit at the proper time.
- 6) He/she shall perform such duties as may be prescribed by the Board of Directors from time to time.

There shall be an audit conducted by at least two persons who are not members of the Board of Directors at the close of the Treasurer's term of office. A copy of the audit shall be given to the President and the Executive Committee, who may distribute it as they see fit.

ARTICLE III Board of Directors

Section 1. Composition

The Board of Directors shall consist of the elected officers, the Immediate Past President, and the Chairperson of each standing committee.

- A. The Executive Committee shall be composed of the President, President Elect, Immediate Past President, Vice-President, Secretary and the Treasurer. The President shall act as Chairperson. The purpose of this committee shall be to recommend an annual budget, to be approved by a majority of the Board of Directors; and to negotiate the terms of employment, the annual review and the position description(s) of any Association staff; and to approve Presidential appointment of chairs to all standing committees and to review and recommend amendments to the Constitution and By-Laws of the Association to the Board of Directors.
- B. The Executive Committee, when approving other Directors, will ensure representation from all correctional disciplines.

Section 2. Powers

- A. The property, affairs and business of the Association shall be managed by the Executive Committee with final approval by the Board of Directors. The Board shall have general direction of the program of the Association and shall administer its funds.
- B. Policy of the Association may be established by the Executive Committee with final approval by the Board of Directors. Additional responsibilities of the Board of Directors include, but are not limited to:
 - 1. Determination of legislative priorities for the Association.
 - 2. Determination of Training Institute program priorities for the Association.
 - 3. Determination of the Association's position on professional issues.
 - 4. Determination of the standing and special committee priorities.
 - 5. Determination of persons and programs to be honored.
 - 6. Determination of annual budget and expenditures.

Section 3. Term of Office

Directors must, in all cases, be members of the Association. Unless otherwise noted in these by-laws, the term of each office of the Directors shall be for one calendar year beginning January 1.

Section 4. Meetings

- A. The President shall act as Chairperson of the Board of Directors and the Executive Committee. Five (5) persons shall constitute a quorum at a Board of Directors meeting and three (3) persons shall constitute a quorum at Executive Committee meetings for purposes of transacting business, and at the time any vote is taken.
- B. The Board of Directors shall meet at least bi-monthly at a date, time and place to be chosen by the Board of Directors by a majority vote of the Board of Directors present at any Board meeting. The Executive Committee shall meet monthly at a date, time and place to be chosen by a majority vote of the Executive Committee. Notice of meetings shall be given to each Director by the Secretary at least five (5) days in advance of the meeting. Business may be conducted electronically.
- C. Special meetings of the Board of Directors may be called by the President of the Association or by any five (5) Directors for Board of Director meetings or by two (2) members for the Executive Committee. Business may be conducted at a special meeting only if each director was properly notified. Business may be conducted electronically.

Section 5. Removal from Office

With just cause, an elected officer may be removed from office upon the recommendation of the Board of Directors and subsequent majority vote of the full membership.

Section 6. Vacancies

If any vacancy occurs among the Board of Directors of the Association by reason of resignation, or otherwise, such vacancy shall be filled for the unexpired term through appointment by the Board of Directors. Such an unexpired term shall be filled by a person who is an active member of the

Association, but who shall not be a Director. Each person so appointed shall be a Director until the term is completed. The Executive Committee will propose no more than two (2) nominees for each vacancy, to be voted on not later than sixty (60) days following by the Board of Directors.

ARTICLE IV

Elections

Section 1. Ballots

The Nominating Committee shall present at least six (6) candidates for each office to the Executive Committee from which at least three (3) candidates will be nominated for each office. The Nominating Committee shall have ballots prepared for the election. Electronic balloting is permissible. Ballots shall provide for write-in candidates.

Section 2. Electoral Process

The Nominating Committee, with the consent of the Executive Committee, may select either of the following methods of election:

- A. Candidate information and a ballot prepared by the Nominating Committee may be sent to each member of the Association by United States mail at least thirty (30) days in advance of the annual meeting. All ballots shall be returned directed by the Nominating Committee at least five (5) days before the annual meeting. Returned ballots will be opened and counted by at least three (3) members of the Nominating Committee. Election results will be announced at the annual meeting.
- B. The election may take place at the Annual Fall Training Institute providing the Nominating Committee has sent to each member of the Association at least thirty (30) days in advance of the election, candidate information and the time and place of the election. Electronic notification is permissible. Ballots will be distributed in such a way as to ensure that only members will be voting and that a member may vote only once. There shall be a method in place to allow absentee voting. Returned ballots will be opened and counted by at least three (3) members of the Nominating Committee. Election results will be announced at the annual meeting.

ARTICLE V

Committees

Section 1: Committees

The following shall be the standing committees of the Association:

- A. ***Membership Committee.*** The President shall appoint a Chair for this committee, which should consist of at least seven (7) members. The Treasurer shall be a member of this Committee. The Committee shall provide a current directory of members, solicit new memberships and renewals, and keep a record of membership applications and fees. The Committee shall also be responsible for polling Association members, as directed by the Board of Directors, to elicit feedback on the Association's ability to meet the needs of its members.

B. ***Legislative Committee***

The President shall appoint a Chair for this committee, which should consist of at least seven (7) members, including the chairs of the Adult and Juvenile Justice Committees or their designees. This Committee shall concern itself with studying proposed legislation in the fields of criminal law and corrections. These efforts must be based upon nonpartisan analysis, study and research of specific problems within the scope of the correctional field, and all results and findings of Committee analysis, study and research shall be made available to the public. All legislative activity of the Committee shall serve a public rather than a private interest.

The Committee, with the concurrence of the Board of Directors, may support or oppose proposed corrections legislation; positions taken by the Committee must be consistent with our philosophy, mission statement and good correctional practice. Members representing the Association shall not indulge in practices, which could be construed as influence peddling or the placing of undue pressure upon legislators. A quorum of this Committee shall be four (4) members.

- C. ***Forum Committee***. The President shall appoint a Chair for this committee. The Forum Committee goals shall be to inform members of the activities of the Association and encourage public recognition of the corrections profession in the State of Minnesota. The Chairperson of the Forum Committee shall be responsible for preparing a newsletter at least six (6) times each year. The newsletter shall be made available on the Association website. Membership shall be notified when each issue is posted.
- D. ***Annual Training Institute Committee***. The President shall appoint a Chair for this committee, which should consist of at least seven (7) members. The purpose of this Committee shall be to plan a suitable program for the annual training institute.
- E. ***Education and Training Committee***. The President shall appoint a Chair for this committee, which should consist of at least seven (7) members. The Committee should include four regional representatives, one from each quadrant of the state plus a representative from a correctional facility. The committee shall identify training needs across the MCA membership and in each region. In addition, they shall promote education and training resources and opportunities to professionals in the field of corrections.
- F. ***Juvenile Justice Committee***. The President shall appoint a Chair for this committee, which should consist of at least seven (7) members. This Committee shall focus on issues germane to juvenile corrections and shall work closely with the legislative committee/lobbyist including preparing position statements that have Executive Board or Presidential approval. Information shall be freely shared with the legislative committee regarding minutes and topics being discussed with the Board.
- G. ***Adult Justice Committee***. The President shall appoint a Chair for this committee, which should consist of at least seven (7) members. This Committee shall focus on issues germane to adult corrections and shall work closely with the legislative committee/lobbyist including preparing position statements that have Executive Board or Presidential approval. Information shall be freely shared with the legislative committee regarding minutes and topics being discussed with the Board.

- H. ***Student Services Committee.*** The President shall appoint a Chair for this committee, which should consist of at least seven (7) members. The purpose of this Committee shall be to provide outreach to institutions of higher learning. They shall develop student involvement in the Association, inform students and faculty regarding careers in corrections, and work toward establishing and maintaining minimum educational standards in the field of corrections.
- I. ***Technology Committee.*** The President shall appoint a Chair for this committee, which should consist of at least seven (7) members to include the Association web master. The purpose of this Committee shall be to provide information regarding the application of current technology in the field of corrections and to promote ethical standards in the use of technology and data.
- J. ***Nominating Committee.*** This Committee, should consist of at least nine (9) members who shall be selected as follows: Two (2) members, including the Chairperson, shall be selected by the Board of Directors upon recommendation of the President; three (3) members shall be nominated from the floor at the annual business meeting; one (1) member shall be nominated by the new President Elect; and three (3) or more members shall be selected by the Chairperson, subject to approval by a majority vote of the Board of Directors. The purpose of this committee shall be to seek candidates for each office to form the Executive Committee.
- K. ***Awards Committee.*** This Committee should consist of the last five past presidents with the Immediate Past President acting as chair. The purpose of this committee to review and recommend award categories and nominations to the Board of Directors for approval.

Section II: Special Committees

The Executive Committee shall have authority to appoint such additional special committees as may be needed to advance the purposes and goals of the Association.

**ARTICLE VI
Miscellaneous**

Section 1. Contracts

The Board of Directors by a majority vote may authorize any officer or officers, agent or agents, to enter into any contract or execute any contract in the name of and on behalf of the Association, and such authority may be general or confined to specific instances.

Section 2. Loans Prohibited

No funds of the Association shall be loaned to any member or officer of the Association.

Section 3. Disposition of Funds Upon Dissolution of the Association

If for any reason the Minnesota Corrections Association, Inc. is dissolved, all existing funds in the treasury and all monies received from the sale of the Association’s equipment will be donated to a charitable organization as defined by the Internal Revenue Code 501(c)(3).

**ARTICLE VII
Fiscal Year**

The fiscal year shall begin on January 1 and end on December 31 of each year.

**ARTICLE VIII
Amendments to By-Laws**

The Board of Directors of the Association is expressly authorized to propose amendments to the By-Laws of the Association. Advance notice shall be given to the membership of intent to propose amendments to the By-Laws at the annual business meeting. All proposed By-Law amendments shall be voted on by the membership at the annual business meeting.

These revised By-Laws were adopted by the membership of the Minnesota Corrections Association, Incorporated, at its annual meeting(s) as noted below.

Attest:

| Approved By-laws Revisions | |
|---------------------------------|---------------|
| Date | Location |
| October 19 th , 2007 | St. Cloud, MN |
| October 29 th , 2004 | Duluth, MN |
| October 23 rd , 1997 | Rochester, MN |

| Annual By-law Review | | |
|----------------------|----------------|-----------------|
| Date | Past President | President-Elect |
| | | |