

ATPE State-Region Charter Agreement

Approved by the ATPE Board of Directors on May 19, 2018

Article VIII of the ATPE's state bylaws outlines the basic structure and role of ATPE's 20 regions. As an entity of ATPE, ATPE's regions fall under the governance of the ATPE Board of Directors (BOD) and/or the ATPE House of Delegates (HOD). As authorized by the HOD, the BOD has adopted a set of charter standards that define the relationships between the state and its region entities. The charter standards, known as the State-Region Charter Agreement, outline the expectations and requirements for all parties, and specifically address the operational and financial obligations an ATPE region must follow.

Each charter standard listed includes a short explanation of the standard, along with links to documents and/or training that will help all ATPE regions implement the standards.

Questions? Please call 1-800-777-2873.

The state office will:

- a) **Authorize the region to use a derivative of the state's name, logo and related marks, whether registered trademarks or otherwise, and to characterize itself as an affiliate of the state association.**

Explanation: All ATPE regions are authorized to proudly use the ATPE name when promoting the region. The authorization is part of the chartering process, and there's no form to be completed or action to be taken for regions to use the ATPE name. This has been standard practice since ATPE's inception.

- b) **License specific information, materials, and other "content" that is subject to copyright ownership by the state, subject to the terms of licensing.**

Explanation: ATPE regions are authorized to use any content published in printed or online publications and materials. This includes materials printed in ATPE News and other communication vehicles, as well as material included in membership recruitment pieces, legislative updates, etc. This has been standard practice since ATPE's inception.

- c) **Collect state membership dues for the regions and remit the appropriate rebate portion of the state dues collected to the appropriate region. The state will also provide an accounting of its dues billing and collection activities to the region.**

Explanation: The state will continue to collect state membership dues and send the appropriate dues rebate amount, along with an accounting of how the amount of rebate was calculated, to each region. Each region receives up to a three percent annual dues rebate from the state, with the final amount determined each year by the Board of Directors. The rebate amounts are set each year based on the number of region members as of Feb. 1, and the rebates are electronically deposited in region accounts in late February/early March.

- d) **Continue to purchase and maintain association's limited liability insurance policy that extends to approved region activities.**

Explanation: Each year the state funds and maintains a limited liability insurance policy that covers approved region activities undertaken by ATPE's designated volunteers.

Regions need do nothing, as it is the responsibility of the state to purchase and maintain the limited liability insurance on behalf of our region leaders. This has been standard practice since ATPE's inception.

- e) Obtain a federal income tax exemption determination on a group basis for ATPE regions and, optionally, prepare and file the appropriate Form 990 (990, 990-EZ, or 990-N), for all participating regions.**

***Explanation:** The state office prepares and files all necessary tax returns on behalf of all regions. Most region tax filings are simple and are handled electronically, as only regions that receive more than \$50,000 in annual revenue are required to file an extended tax form. The state may contact a region for information related to the annual tax return filing, but again, the actual filing is handled by the state office on behalf of regions. This has been standard practice since ATPE's inception.*

- f) Provide appropriate training for region officers and other region-level volunteers.**

***Explanation:** Region officers and volunteers receive training on these standards, as well as training on recruiting/retaining members and how to run a region. This training is to be provided at the annual summit and at various region-level events, as well as online through video and written content that is housed on the ATPE website.*

- g) Establish and enforce reasonable and necessary charter standards designed to facilitate the proper functioning of the association and to support the association's strategic plan.**

***Explanation:** The charter standards agreement documents may be periodically amended when deemed necessary by the BOD. If, and when the BOD does approve a change to the charter standards, maximum effort will be applied to inform region leaders of the standard changes, providing any necessary training that may be warranted because of the standard change.*

- h) Solicit input from regions regarding charter standards and provide adequate training and resources in support of adopted charter standards.**

***Explanation:** Any region charter standard considered by the BOD will be field-tested with our regions prior to implementation, and any charter standard adopted will be supported with the necessary training.*

- i) Provide for a system of redress that will allow a region deemed to be not in compliance with this charter agreement and adopted standards to present its position and supporting materials for consideration.**

***Explanation:** Any region accused of not following an adopted charter standard will have the opportunity to present its case to the BOD before any action is taken by the BOD.*

The ATPE region will:

- a) Maintain and adhere to adopted region bylaws that shall govern the activities of the region.**

Explanation: Regions must maintain an active set of bylaws that guide the region; and must adhere to the bylaws when conducting region operations. The state office keeps on file a copy of each region's adopted bylaws, and the state will assist a region that wishes to amend its bylaws. Remember that a region's bylaws reflect the will of the region's members, and every effort should be made by the region's leadership to know what is in their bylaws, and to adhere to the bylaws at all times.

- b) Not adopt any amendments to the region bylaws that conflict or are inconsistent with those of the state. If the state and region bylaws are in conflict, the state bylaws will prevail.**

Explanation: Each region must maintain an updated set of bylaws that is not in conflict with the state bylaws.

- c) Agree to follow the terms of the licensing regarding specific uses and forms of the association's trademarks, including the association logo, slogan, and other elements that collectively constitute the ATPE "brand."**

Explanation: ATPE has an interest in protecting its brand and reputation, as well as a legal obligation to do so. ATPE's brand is reflected in various ways, including through its trademarked logo and slogan, as well as the 10 tenets adopted by the HOD. Regions are always free to use ATPE's brand components (logo, tagline, etc.), as long as the use falls within the terms of licensing. This has been standard practice since ATPE's inception.

- d) Represent its region members but shall not adopt, communicate, or advocate any positions or beliefs that conflict or are inconsistent with those of the state.**

Explanation: Regions should represent the voice of their region members, as long as the representation is not in conflict with the expressed will of the state. Any positions or beliefs adopted by the state are done so by the HOD and/or the BOD, both of which are member-governed entities whose role is to define the association's positions and beliefs on a statewide level.

- e) Adhere to all applicable laws and regulations and avoid engaging in specific activities or operations that could incur legal or financial liability.**

Explanation: As a regulated nonprofit, ATPE and its region affiliates have a legal obligation to adhere to all applicable laws and regulations that govern nonprofit associations. Additionally, regions should avoid situations where activity could put the region in legal jeopardy and require the region to expend members' dues dollars due to legal or financial liability. Specifically, regarding laws that govern the financial operations of a nonprofit entity, regions should always be good fiduciaries with their members' dues dollars and should adhere to the financial standards as outlined by the BOD.

- f) Provide budget and financial performance information to the state in a format that the state provides.**

Explanation: The state will provide the necessary forms for regions to use when submitting financial information.

- g) Provide access to region financial records for review to designated ATPE staff.**

***Explanation:** If deemed necessary, regions will make their financial records available to the state office for review. Specific financial standards applied to each region are outlined in the Financial Standards adopted by the BOD.*

- h) Initiate legal action on behalf of the region or its members only with prior approval from the ATPE BOD.**

***Explanation:** A legal action that is unilaterally initiated by a region may have unintended consequences that may negatively impact ATPE and its affiliates. Additionally, legal action can be expensive and could drain a region's resources. From time to time, a region may consider taking legal action against another entity, but a region should not engage in any legal action on behalf of ATPE without first receiving permission to do so from the BOD.*

- i) Adhere to all charter standards duly adopted by the state association and applied to the region.**

***Explanation:** Regions will comply with all region charter standards adopted by the BOD and HOD now and in the future. The state will work with all regions to ensure compliance with any adopted charter standard, including providing all necessary support materials and training that will facilitate the charter standards' implementation.*

- j) Failure to adhere to all charter standards adopted by the state association may result in sanctions as determined by ATPE's Board of Directors.**