

# UNIVERSITY COUNCIL-AMERICAN FEDERATION OF TEACHERS

## LOCAL 1474

# CONSTITUTION

*(Ratified 3/25/72, amended 7/1/87, 12/5/92, 11/20/99, 1/2002, 11/2004, 10/2005, 2/2012, 1/2017, 4/2021)*

## ARTICLE I. NAME, AFFILIATIONS AND ORGANIZATION

### Section 1 - Name

This organization shall be known as the University Council - American Federation of Teachers, hereinafter referred to as UC-AFT.

### Section 2 - Affiliations with Organizations

The UC-AFT shall be an affiliate of the American Federation of Teachers (AFL-CIO) and the CFT. Chapters shall be affiliated with the Central Labor Council representing the area in which the respective University of California campuses are located.

### Section 3 - Council

The highest governing body within UC-AFT shall be the Council of Chapters, hereinafter referred to as the "Council." The Council shall have the authority to make all such rules and regulations, and to adopt such policies and execute such actions as it may deem necessary to fulfill Council objectives, consistent with this Constitution. Any powers held by the Council, may be delegated by the Council as it sees fit.

### Section 4 - Executive Board

The Executive Board shall be composed of the officers of UC-AFT.

### Section 5 - Chapters

There shall be a Chapter of the Union at each campus as well as an emeritus Chapter for retired members. Chapters shall have authority to set policy for the Chapter so long as such policy is consistent with this constitution and by-laws, and the terms of the collective bargaining agreements. The Chapter Chair(s) and elected campus officers from the campus shall be responsible for ensuring that Chapter decision-making processes are open and democratic.

### Section 6 - Powers and Authority of Chapters

Chapter authority over policy includes authority over such matters including but not limited to:

- member communication, outreach, and engagement;
- scheduling, planning, and selection of local events and actions;
- organizing for bargaining campaigns;
- allocating roles and responsibilities among campus and Chapter leaders;
- participation in campus-specific or Chapter-specific coalitions and partnerships;
- representing campus and Chapter members in grievance and other representational matters;
- endorsing candidates for office, and positions as to measures or other electoral issues local to the Chapter or campus location
- selecting representatives for unit bargaining teams

The Chapter's leadership (chair, president, collective, etc.) is responsible for maintaining communications with the President and Council (see below) regarding policy decisions of the Chapter, and to consult with the President as to any anticipated inconsistency or conflicts between Council-wide policy and Chapter policy decisions.

## **ARTICLE II. OBJECTIVES**

### Section 1 - Objectives

The goals of UC-AFT shall be:

- A. To promote and defend the highest standards of education at the University of California and to make that education available to all the people of California without respect to race, sex, gender identity, age, disability status, religion, sexual orientation, ethnicity, nationality, political belief or economic status;
- B. To strive to make the University of California an institution which shall serve the needs of the people of California rather than just the narrow interests of a selfish and privileged minority;
- C. To assure the "fullest participation by employees in the determination of conditions of employment which affect them," (Higher Education Employer-Employee Relations Act, Ca.Gov. Code §3560) through advocacy and fair and enforceable collective bargaining agreements;
- D. To promote and protect the welfare of the faculty, academic and professional employees of the University of California;
- E. To protect the academic freedom of employees at the University of California;
- F. To propose and advocate appropriate legislation;
- G. To encourage true equality of opportunity for all employees of the University, regardless of their race, sex, gender identity, disability status, age, religion, sexual orientation, ethnicity, political beliefs and activities, or national origin;
- H. To facilitate concerted action among the affiliated Chapters;

I. To organize the University faculty, academic and professional employees to achieve the goals of the Council as listed above.

### **ARTICLE III. MEMBERSHIP AND REPRESENTATION**

#### Section 1 - Union Membership

The members of the Union shall be the dues-paying employees in job titles that come under the jurisdiction of the Union's collective bargaining agreements (represented members) and dues-paying employees in job titles that do not come under the jurisdiction of the Union's collective bargaining agreements (non-represented members). The members of the Council shall be the representatives elected according to Article III, Section 3. The members of the Council shall be affiliated Chapters. Council membership shall be limited to Chapters in good standing.

#### Section 2 - Suffrage

Each member of the Union shall be entitled to nominate, vote for, discuss, and debate candidates for elected office. Statewide officers shall be elected by the entire statewide membership. Campus officers shall be elected by members at that campus.

#### Section 3 - Delegations

The dues-paying members of each Chapter shall elect their representatives to the Council. Council representatives shall serve a term of two years. The number of representatives per Chapter shall be the campus chair(s) plus one representative for each 200 dues-paying members (all bargaining units and non-represented members combined) or fraction thereof as of January 1 each year.

A maximum of two chairs from each Chapter shall sit on the Council ex officio with all rights including the right to vote. If there are two chairs from a Chapter, they must be from different bargaining units.

The officers of the Executive Board shall sit on the Council ex officio with all rights except the right to vote. Executive Board members will not be included in the campus's number of Council representatives.

The votes of Chapter chairs shall be in addition to the votes of the elected Council representatives.

#### Section 4 - Convention Delegates

Representatives to the CFT and AFT conventions shall be elected by the membership in a manner consistent with the requirements of CFT and AFT.

### **ARTICLE IV. DUES AND PER CAPITA TAX**

### Section 1 - Dues

Dues for members shall be 1.5% of gross salary plus mandated increases in required affiliation fees for members in units with exclusive representation and .996% percent of gross salary plus mandated increases in required affiliation fees for members in units without exclusive representation. The maximum dues payment for members in units with exclusive representation shall be \$100.00/month. The maximum dues payment for members in units without exclusive representation shall be \$55.00/month.

### Section 2 - Inactive Members

Individuals may be continued as inactive members in affiliated Chapters when not paying dues. Inactive members are those who are on leave without pay who do not choose to pay minimum dues. Such members, however, may not vote in officer elections or be counted for purposes of determining a Chapter's vote in the Council.

### Section 3 - Labor Council Payments

National, state and county labor council per capita payments shall be disbursed through UC-AFT.

### Section 4 - Retired members

Membership in the Retiree Chapter shall be open to all retired personnel of the University of California who have held active membership in UC-AFT for at least one year prior to retirement. All members of the Chapter shall hold simultaneous membership in the state and national affiliate as retirees. Retiree Chapter dues shall be set by the Retiree Chapter. .

## **ARTICLE V. OFFICERS**

### Section 1 - Officers

The officers of UC-AFT shall consist of President, Vice President for Legislation, Vice President for Grievances, Vice President for Organization, and Secretary-Treasurer, Vice President for Unit 18, and Vice President for Unit 17. The Executive Board shall consist of these officers.

### Section 2 - Duplication of Officers

No person shall occupy more than one office in the Council.

### Section 3 - Term of Office

Officers shall assume office on July 1st and serve for two years.

### Section 4 - Nomination of Officers

A. A three-person nominations committee shall be appointed by the President, with the approval of the Council. No more than one person from a member Chapter may be on the nominations committee. Nominations may be made by any person who has been a member of their Chapter for at least one year before making a nomination. Any employee who has been a member of their Chapter for at least a year before the nomination may be nominated. A member who meets the above conditions may nominate themselves for office. If no nominations for an office have been made 45 days before the election, or under exceptional circumstances as determined by the nominations and elections committee, nominations shall be accepted in writing up to 15 calendar days before the election. No member of the nominations and elections committee may be nominated for office unless no other candidate has been nominated 45 days before the election. Any member of the nominations and elections committee who accepts a nomination for office shall, upon such acceptance, withdraw from the nominations committee.

B. Forty-five days before the election, the chair of the nominations committee shall submit to the Chair(s) of each Chapter and to members of the Executive Board a list of current nominees and such list shall immediately be sent to all members and posted on the UC-AFT website. Nominations shall be closed following the posting of this list, except where no nominations have been made for an office, or in other exceptional circumstances as determined by the nominations committee. In cases where no nominations have been made for an office 45 days prior to the election, nominations shall remain open for that office up to 15 calendar days before the election. All persons nominated for office must signify to the chair of the nominations committee in writing their acceptance of the nomination no less than 46 days before the election.

C. Each candidate for office shall submit a statement to be posted on the UC-AFT website at least 30 days before the election and distributed in any other forms as determined by the Council. Statements submitted after that time shall be posted immediately on the UC-AFT website.

#### Section 5 - Election of Officers

A. The Council shall develop procedures for voting for candidates.

B. Balloting shall take place for each office, whether or not contested. Only members in good standing shall be permitted to participate in the balloting. Each member shall be given a ballot that lists the candidates for each office and instructions for voting. The ballot shall nowhere indicate the identity of the member. Votes shall be counted by the nominations committee. The nominations committee shall not disclose any information other than that total number of votes for each candidate for each office.

C. In the event that an office, for any reason, remains unfilled after the completion of the balloting, the Council shall have the authority to provide for interim measures, including, but not limited to, the appointment of an acting officer for any unfilled office. The Council shall determine, by majority vote, the method to be used for filling any vacancies not otherwise covered by this Constitution.

D. No UC-AFT resources may be used for campaign purposes for any candidate unless such resources are provided equally to all candidates. Meetings at chapters may be held where equal access is accorded to all candidates.

E. Only members of Unit 18 may vote for Vice President for Unit 18. Only members of unit 17 may vote for Vice President for Unit 17.

#### Section 6 - Vacancies

A vacancy in the office of President shall be filled by the Vice President for Legislation until a new President can be selected. When the vacancy for any office occurs, the President (or if the vacancy occurred in the office of the President, the Secretary-Treasurer) shall inform each Chapter and request nominations for the position. nominations may be brought by any member and the nominations committee will schedule a special election by the membership. In such case, the Council shall have the power to fill the position on an interim basis until the special election is completed.

#### Section 7 - Removal

An officer may be removed from office by a two-thirds vote of the membership and a majority vote of the total number of Chapters conducted at a Council meeting, or 2/3 of the total number of Chapters and a majority vote of Council representatives, provided that two affiliated Chapters in good standing request such a vote at least 30 days before a Council meeting. Such request shall either be given to each of the other Chapters or to the UC-AFT President. A request to consider removal of the President may instead be given to any other UC-AFT officer. The officer to whom notice was given shall not disclose the identity of the Chapter that gave notice. If notice has been given to an officer other than the President, the officer to whom notice was given shall inform the President in order to insure that the item is placed on the agenda for the next Council meeting. A vote to remove an officer shall be by secret ballot. The ballots shall be counted by two people appointed by the Council.

#### Section 8 - Exceptions

The Council may establish exceptions to this article by a 2/3 vote, except that under no circumstances may the Council waive the provision relating to the secret ballot.

#### Section 9 - Disputes

Any disputes concerning interpretation of this article shall be resolved by a majority vote of the Council or, between meetings of the Council, by the Executive Board. Any decisions made by the Executive Board concerning election matters shall be reviewable by the full Council at the subsequent Council meeting. If the Council overrules the decision of the Executive Board, the Council may determine appropriate remedial measures.

### **ARTICLE VI. DUTIES OF OFFICERS**

#### Section 1 - The President

A. The President is the chief executive officer of UC-AFT and shall have the responsibility to administer all the affairs of UC-AFT, to implement policies of UC-AFT as determined by the Council,

and to direct staff. The President is responsible for maintaining communication with Chapter leaders to apprise them of matters pertaining to UC-AFT policy and to assist Chapter leaders in anticipating, avoiding, or resolving inconsistencies or conflicts between UC-AFT policy as determined by the Council and Chapter policy as determined by the respective Chapters' leadership.

B. The President shall insure that the affairs of the Council are conducted in accord with this Constitution and with the Bylaws, rules, regulations, policies and practices of the Council and, unless otherwise specified in the Constitution or Bylaws, shall have the authority to interpret the provisions of the Constitution and Bylaws, subject to appeal to the Executive Board or the Council.

C. The President shall call special meetings of the Council when deemed necessary or when so requested by the Executive Board.

D. The President shall preside at Council meetings and meetings of the Executive Board.

E. Except where otherwise indicated in this Constitution or UC-AFT Bylaws, the President shall have the power to appoint and remove chairs and members of committees.

F. The President shall publicize meetings, and supervise the distribution of information to member Chapters. The President shall circulate to Chapter leadership the agenda and any associated documents or other materials at least eight working days in advance of all regularly scheduled Council meetings, or may delegate this duty to the Secretary-Treasurer.

G. The President shall approve the disbursement of funds from the UC-AFT's accounts, sign all official documents on behalf of UC-AFT, and, with the approval of the Council or, between Council sessions, the Executive Board, enter into obligations on behalf of UC-AFT.

H. The President shall, in consultation with the Secretary-Treasurer, prepare a budget and submit it to the Council for approval.

I. The President shall have the responsibility to represent UC-AFT within CFT and AFT and to other organizations.

J. The President shall have the authority to delegate any of these responsibilities to an officer of UC-AFT or to the Executive Director, except that appointment of members of a committee shall not be delegated except to the chair of the committee.

K. The President shall furnish bond in such sum as the Council may deem necessary.

It is the responsibility of the President to consult with the Council and the Executive Board on important matters affecting the organization. The President shall not enter into any substantial long-term financial obligations (and in no case financial obligations longer than one year) without the express approval of the Council or, between Council meetings, by the unanimous consent of the Executive Board. Such approval shall only be granted upon examination of written documents specifying the precise nature and extent of these obligations.

## Section 2 - Vice-Presidents

- A. The Vice President for Legislation shall chair the Legislative Committee and work with the President and staff to develop and implement UC-AFT's legislative program. The Vice President for Legislation shall, in the absence of the President, perform the functions and duties of the President.
- B. The Vice President for Grievances shall chair the Grievance Committee and work with the President and staff to coordinate information about grievances, provide for grievance training, and recommend appropriate action to the President, Executive Board, or Council.
- C. The Vice President for Organizing shall chair the Organizing Committee and work with the President and staff to coordinate the organizing activities of the member Chapters.
- D. The Vice President for Unit 18 shall chair the Unit 18 Bargaining Committee, which shall comprise Unit 18 members in good standing and is responsible for bargaining and the collective management and administration of the Unit 18 MOU. The Vice President for Unit 18 may serve as the Lead Negotiator in all bargaining efforts for the Unit 18 MOU or, at their discretion, appoint another Unit 18 member in good standing to serve as Lead Negotiator. The Vice President for Unit 18 can delegate or share negotiation duties with other Unit 18 members.
- E. The Vice President for Unit 17 shall chair the Unit 17 Bargaining Committee, which shall comprise Unit 17 members in good standing and is responsible for bargaining and the collective management and administration of the Unit 17 MOU. The Vice President for Unit 17 may serve as the Lead Negotiator in all bargaining efforts for the Unit 17 MOU or, at their discretion, appoint another Unit 17 member in good standing to serve as Lead Negotiator. The Vice President for Unit 17 can delegate or share negotiation duties with other Unit 17 members.

### Section 3 - Secretary-Treasurer

The Secretary-Treasurer:

- A. Shall record, file and distribute to all affiliated Chapters the minutes of all meetings of the Council.
- B. Shall be responsible for all monies payable to UC-AFT;
- C. Shall keep a proper record of all such monies received and deposited in the name of UC-AFT in such banks or depositories as the Council shall determine;
- D. Shall, at each Council meeting, make a written report to all affiliated Chapters concerning the expenditures and income, assets and liabilities of UC-AFT for the preceding quarter;
- E. Shall submit his/her records and books, at least annually, to a Certified Public Accountant, when UC-AFT has retained such Accountant;
- F. Shall furnish bond in such sum as shall be determined by the Council;
- G. Shall open the books to inspection by duly authorized representatives of affiliated Chapters, within 10 days of such request;



H. Shall be responsible for obtaining and making available to the UC-AFT President, Executive Board, and Council a review of each Chapter's expenditures for the year.

I. Shall chair the Budget Committee and work with the committee, President, and Executive Board to create the budget for Council to vote on.

## **ARTICLE VII. COUNCIL MEETINGS**

### Section 1 - Meeting Times

The Council shall hold at least four (4) meetings during the year, including at least one summer meeting to adopt the next year's budget. These meetings shall convene at times established by the Council, and it shall hold special meetings at the call of the President. All meetings of the Council at which voting on measures will occur shall be made available for virtual participation.

### Section 2 - Quorum

A quorum of the Council shall be the participation (whether in person or virtually) of 50% of the voting Council representatives plus one. Assuming a quorum is present, motions shall be carried by a simple majority of votes by the Council representatives present.

In the absence of a quorum, the Council may make recommendations for approval by the Chapters. Pursuant to a Council meeting where a quorum is not present, the President shall inform the highest officer from each Chapter of the business transacted at the meeting and of any recommendations adopted by the representatives present. Each Chapter, whether present or not at the Council meeting, shall vote on the recommendations, and a recommendation will carry if a majority of Chapters votes in favor of it.

### Section 3 - Attendance

Council meetings shall be open to all dues-paying members, who may bring issues to the Council's attention and observe and comment on any agenda item, unless a 2/3 vote of the Council authorizes an executive session for a stated reason and duration.

## **ARTICLE VIII. GENERAL CONDITIONS**

### Section 1 - Organizational Status

The Council shall be a non-profit organization.

### Section 2 - Liability of Representatives.

No representatives to the Council or officer of UC-AFT shall be personally liable to its creditors or for any indebtedness or liability incurred on behalf of UC-AFT, and any and all creditors shall look only to UC-AFT assets for payment.

### Section 3 - Parliamentary Procedure

Unless otherwise specified by the Constitution and the Bylaws, the Council shall operate under the UC-AFT Rules of Order (see Standing Rule 1). For procedures not covered by the UC-AFT Rules of Order, the Council shall operate under Robert's Rules of Order -Newly Revised.

## **ARTICLE IX. COMMITTEES**

The Council shall establish such standing or ad hoc committees as deemed useful for the work of the Council.

## **ARTICLE X. AMENDMENTS TO THE CONSTITUTION**

Amendments to this Constitution shall be proposed and discussed at regular meetings of the Council and, upon majority vote of the representatives, shall be submitted to the affiliated Chapters for discussion and ratification. Amendments shall be voted upon prior to the next Council meeting and shall take effect when approved by two-thirds of the affiliated Chapters.

## **ARTICLE XI. AMENDMENTS TO BYLAWS**

The Bylaws may be amended at any regular or special meeting of the Council by a two-thirds vote of those Council delegates participating present and voting, providing that a quorum is present, and the text of the proposed change has been placed in the notice of the agenda or by a majority vote of the Council, followed by a majority vote of the Chapters, provided that the text of the proposed change has been placed in the notice of the agenda. Germane amendments to proposed changes may be made at the Council meeting.

## **ARTICLE XII. RATIFICATION OF THE CONSTITUTION AND BYLAWS**

This Constitution and Bylaws shall be submitted to the eligible Chapters for discussion and ratification; it shall take effect when approved by membership vote of each of five (5) eligible Chapters.

(3/25/72, as amended 7/20/86, 12/6/86, 7/12/92, 8/31/93, 11/20/99, 7/01)

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## UNIVERSITY COUNCIL-AMERICAN FEDERATION OF TEACHERS

### BYLAWS

#### ARTICLE I. RECEIPT OF UNION AND UNIT INFORMATION

##### Section 1 - Dues Collection

UC-AFT shall be the authorized recipient of dues, security fees, and any information on union or unit membership that the University has a duty to provide. In the event that the University provides data to UC-AFT that it does not provide concurrently to the Chapters (for example, unit data in digital form), UC-AFT shall make available to each Chapter information on its unit and union membership.

#### ARTICLE II. STANDING

If the Council or Executive Board finds that a Chapter has engaged in a serious violation of the provisions of the Constitution, by-laws or Council policy, or has violated the trust of the Chapter or denied proper representation to members of the Chapter, the Council or Executive Board shall notify the Chapter president of the violation by certified mail. The Chapter shall have two weeks from the receipt of the letter to explain the violation or to request a hearing. The Executive Board shall conduct a hearing if requested, either in person, which should be done whenever feasible, or by videoconference. After the hearing or, if no hearing has been requested, at any time subsequent to the receipt of the response of the Chapter, or if after two weeks no response is forthcoming, the Executive Board shall decide whether to place the Chapter in bad standing. The Board may decide instead to defer the question to the full Council. A decision of the Executive Board placing a Chapter in bad standing may be appealed to the full Council at the next Council meeting. The Council may also review a decision of the Executive Board declining to place a Chapter in bad standing and may overturn the Executive Board's decision.

##### Section 1 - Consequences of Bad Standing

Upon a Chapter's being placed in bad standing, the Council may deprive it of any or all of the following privileges:

- A. vote of representatives at Council meetings;
- B. reimbursement of funds;
- C. Staffing.

A Chapter in bad standing may be placed in receivership. During the time in which a Chapter is in receivership, authority over Chapter decisions shall be made by a person or persons appointed by the Executive Board or Council.

## Section 2 - Notification of Bad Standing

A. When a Chapter is in bad standing, all members of units covered by statewide contracts shall receive a letter from the Council notifying them that their Chapter is in bad standing and informing them from whom they can obtain grievance/arbitration representation, if needed.

B. Both the systemwide and campus labor relations offices of the University of California shall receive a letter from the Council indicating that the Chapter is in bad standing and who the responsible parties are for grievances and other matters.

## **ARTICLE III. EMPLOYEES AND EXPENSES**

### Section 1 - Independent Contractors

The Council may engage employees and/or independent contractors on a full-time or part-time basis. No employee or independent contractor shall receive a contract for more than three years' duration, and no employee or independent contractor shall be a voting member of the Council.

### Section 2 - Reporting

Council employees shall report to the President or the President's designee. The President or the President's designee shall be responsible for consulting with the Chapter leadership concerning the work of field representatives.

### Section 3 - Expenses

No employee, officer, or representative to the Council shall be reimbursed for expenses unless a voucher and, whenever possible, a receipt, is submitted for each expenditure.

## **ARTICLE IV. CHARGES, HEARINGS, AND APPEALS**

### Section 1 - Hearing Board

Any Council representative or officer may prefer charges against another representative or officer by notifying the Executive Board in writing of the charges and of the provisions of the Council's Constitution and Bylaws allegedly violated by the accused. Within three weeks of its notification, the Executive Board shall constitute itself into a Hearing Board, in person, whenever practicable, or by phone or other remote technology, except that neither the charging party nor the accused may sit as a member of the Hearing Board, and substitutes for them may be made by the Executive Board from among the representatives to the Council.

### Section 2 - Hearing Procedures

Hearings shall be conducted in an orderly, fair and impartial manner to assure due process and a full presentation of all the pertinent facts. The Hearing Board shall make a written report to the Council,

including its recommendations, which shall be voted on by the Council, following an opportunity for the accused party to make a statement and to submit any relevant documents to the Council. In the event that the Executive Board determines that the matter must be resolved before the Council meeting, the Executive Board shall have the power to act on its own recommendations, which shall be binding until the next Council meeting. Neither the accused nor the charging party shall be present during the Council debate or vote, and the debate of the Council shall be confidential. In the event that the Council decides to take any action against the accused party, or in the event that the Executive Board decides to implement its recommendation on an urgency basis, the accused party shall be entitled to a written statement of reasons setting forth the basis for the decision and (if different) to a copy of the Executive Board's recommendations. In the event that the Council decides not to take any action, the report of the Executive Board shall remain confidential.

## **ARTICLE V. REFERENDUM**

All formal actions taken by the Council shall be subject to a referendum by the affiliated Chapters in the following manner:

### Section 1 - Reconsideration

Upon presentation to the Council of a petition bearing the signatures of ten percent or more of the members of three or more of the affiliated Chapters, the Council shall, at its next meeting, reconsider its formal action as specified by the petitioner.

### Section 2 - Referendum

If the Council reaffirms its action, that action shall be subject to a vote of approval by the Chapters in a referendum to be held within 60 days. The procedure for holding the referendum shall be determined by each Chapter. Upon rejection by two-thirds of the affiliated Chapters, that Council action shall become null and void.

## **ARTICLE VI. BARGAINING COMMITTEES AND CONTRACT RATIFICATION**

### Section 1 - Constitution of the Bargaining Committees

Each bargaining unit recognized by the Public Employer-Employee Relations Board shall have a bargaining committee to develop bargaining proposals and negotiate with the University of California. Members of the bargaining committee for each unit shall be members of the union and of the unit. The Unit 17 or Unit 18 Vice Presidents shall either chair the bargaining committee, or, after consulting with the members of the appropriate unit, appoint an alternative bargaining committee chair. The chair of the bargaining committee shall consult with union members and/or leadership of the appropriate bargaining unit on each campus and submit to the President a list of names to serve on the bargaining committee. The President shall appoint the committee from the names submitted or shall request that the bargaining committee chair submit additional names for nomination. It shall be the responsibility of the President to ensure that the bargaining committee is, to the extent practicable, representative of the campuses and

departments; and where qualified persons are available from each campus, the President shall appoint at least one representative from each campus.

### Section 2 - Responsibilities

The committee shall be responsible for helping to develop bargaining proposals, shall provide consultation throughout the bargaining process and shall act as liaisons with the Chapters. If there is a bargaining unit that does not have an elected Vice President on the Executive Board, the President shall, after consulting with the members of the bargaining committee, appoint a negotiator for its bargaining committee, who may either be a member of UC-AFT, staff, or a consultant, and who will report to the President. The bargaining committee chair shall, in consultation with the bargaining committee, the President and the Executive Director, have authority to approve contract re-openers and tentative agreements.

### Section 3 - Contract Ratification

When a tentative agreement has been reached following the negotiations, the Council shall review the agreement and recommend ratification or rejection. If ratification is recommended, the ratification vote will be conducted according to Council policy.

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# STANDING RULES

## Standing Rule 1: UC-AFT Rules of Order

(Adopted 11/20/99)

These rules are a modification of *Robert's Rules of Order*. A strict following of *Robert's Rules of Order* is incredibly cumbersome and inefficient for a small group. Council members need to use common sense in the application of these rules. Nothing in our formal rules can substitute for the need to have people stick to the subject at hand, not talk longer than necessary, try to cooperate in moving an agenda forward rather than deliberately use procedural rules to gum things up. But here are the basic rules:

1. Meetings shall have an agenda, so items can be taken one at a time and in some reasonable order. Officers and staff will do their best to have a written agenda sent out before each Council meeting accompanied by any necessary documents we will be discussing so people can prepare for the meeting. The first item of business on each agenda will be an opportunity to accept or change the proposed agenda. The order of items may be changed, items may be deleted for lack of sufficient information to act on them. Usually the President (with staff support) shall establish the order for agenda items and the order should not be changed capriciously. An attempt will be made to distinguish between items which are purely informational and items which will require action by the Council.
2. When the Council moves to an item for discussion, the Chair or staff person usually introduces it, or some other member if that is more appropriate. Items may be introduced with a written recommendation for action, or at any time any member other than the Chair may, after being recognized by the Chair, make a motion for action on the item. In some cases, it really helps to have a recommended motion presented with the written material on an item or for some member of the Council to propose a motion for action to clarify the discussion. But in many cases, some discussion should take place before a motion is made so that the motion adequately addresses the concerns of everyone present, or at least a majority of the Council.
3. It is not helpful to make motions which clearly have little support from the majority of the Council, since they are likely to be defeated and discussion of them is really a diversion. Motions must be seconded for discussion. The lack of a second kills a motion and returns the Council to general discussion or a new motion. The Chair may not make motions but may second them.
4. One of the major responsibilities of the Chair is to move the Council to complete action on an agenda item. If the discussion seems to be going in circles, people are repeating themselves, etc., the Chair may suggest that it is, perhaps, time for a motion to resolve a discussion. Although the Chair may not make motions, he or she may suggest the content of a motion which other members may act on or not as they see fit.
5. The Chair really runs the meetings. Meetings shall be chaired by the President of the UC-AFT Council, or in his or her absence, by one of the Vice-Presidents or another member elected by the Council for that purpose. He or she should generally defer to other members, saving comments (other than a brief

introduction of an item) for last. Good chairs do manage to get input into a discussion, but their major responsibility is making the meeting run efficiently, calling on people in an even-handed fashion, encouraging people to make their comments brief and to the point, cutting people off when they are really going on too long. All of this must be done politely but firmly when necessary. Good chairing requires having a good sense of what the majority of the Council seems to want in terms of knowing when to cut off debate, encourage more debate, ask a person to clarify a comment or a motion. Council members should respect the Chair and generally follow his or her advice. When it is clear that a ruling of the Chair does not reflect the majority of the Council member's feelings, a motion may be made to overturn a Chair's ruling. This should be done infrequently. If it starts to happen frequently, it is time to think about electing a new Chair.

6. Once a motion is made and seconded, it is usually discussed (unless it is so obviously wonderful that everyone is just prepared to vote on it). Motions may be debated and they may be amended. An amendment must be an attempt to improve a motion. The chair may rule an amendment out of order if it completely undoes the intent of the main motion. (for example, a motion to add the word "not" in front of some proposed action is not acceptable.) The Council may only discuss one amendment at a time. If people don't like the amendment, they may speak against it and vote it down, but they may not amend an amendment. The following are additional procedures on amendments and motions:

a) The Chair may allow "friendly amendments" in which if both the maker and seconder of the main motion like an amendment, they may just accept it into the main motion without a separate vote or further discussion. Friendly amendments should not be used as a means of cutting off debate when one or more Council members strongly oppose an amendment. When in doubt, or if the proposed amendment is highly controversial, the Chair should not allow an amendment to be accepted as "friendly," but should allow the members a chance to vote it up or down.

b) If in discussion of an amendment or a motion, it becomes clear that everyone, including the maker and the seconder of the amendment or motion, change their minds and no longer think their amendment or motion makes much sense or believe that a different amendment or motion would be better, they may withdraw the original amendment or motion. Then any member except the chair may be recognized and make a different amendment or motion. A huge amount of time can be saved by having the maker and seconder of an amendment or motion recognize that someone else has a better idea, agreeing to withdraw their amendment or motion and moving the alternative that has been suggested and seems to have general member support.

c) A main motion may be amended as many times as the Council likes but once an amendment is made and seconded, that amendment must be discussed and either passed, rejected, or dropped by the maker and second before moving on to additional amendments.

d) After the Council is done amending a motion, the Council shall return to the main motion for any brief final comments and then act on the main motion. As a courtesy, a main motion may be "divided" into parts if people want to indicate their rejection of parts of the motion. But the Chair must be sure that "dividing the question" does not result in an absurdity, for example, allowing individual members to vote in support of the spending half of a motion without also voting for the part of the action that pays for the



spending (e.g., a member votes that they support bringing a speaker to a function, but vote against appropriating the funds for the speaker).

e) After everyone who wants to speak to an amendment or motion has had their turn, any member who has been recognized may "call the question" which is a request for a vote on the amendment or motion on the floor. Unlike the formal Robert's Rules of Order, the Chair should either call the question or explain that he or she will allow a few more comments. As suggested above, the Council should respect the Chair in this matter. People should avoid calling the question simply in order to silence opposition, and members should seek to avoid being redundant in their comments. As in all procedures, the Council has the right to overturn the Chair on the matter of calling the question, either insisting on more discussion or cutting debate off, but this should be used sparingly. A motion to overturn the Chair on any matter should either be taken without discussion or after only a brief comment from the Chair and the maker of the motion to overturn as to their reasons. Long debates about overturning rulings of the Chair are not productive and should be avoided at all costs. A Chair whose rulings are regularly overturned should seriously consider stepping down.

f) As with amendments, main motions may only be discussed one at a time. If members think they have a better motion than the one on the floor, they may say so, argue to defeat the motion on the floor and then if they succeed, offer their alternative. But action on the motion on the floor must be completed before moving on to another motion. (Unlike Robert's Rules of Order, "substitute motions" should not be accepted until the motion on the floor is defeated.

g) An amendment, a motion, or even a whole discussion item may be "tabled." To table a motion is to cut off debate. Reasons for doing this might include, becoming aware that there is insufficient information for action, that no position seems capable of getting a majority of support, or that the discussion is just bogging down and appears not capable of being rescued at the current meeting. An item may be tabled to a specific time (in which case the time to which is being tabled is debatable, e.g. an argument that a different date would serve the Council better) or an item may be tabled indefinitely. The latter is not debatable. As soon as it is made and seconded it must be voted up or down. An item that is tabled may be re-agendized for a later meeting, but may not be brought up again during the meeting at which it is tabled. Tabling motions should be used sparingly. Confusing and unproductive discussion may be tabled. Bad ideas should generally not be tabled but voted down after a reasonable period of debate.

7. In discussion of an item, a motion, or an amendment there is a hierarchy or priority for recognition of speakers by the Chair. Generally, attempts to be fair, inclusive, and efficient are guiding principles. The Chair may decide on which order to call upon speakers. The following may be helpful hints:

a) Call first on people who have not spoken yet or spoken as much as others (rather than simply who shot their hand in the air first).

b) Generally, the Chair calls upon her or himself last.

c) The highest priority for recognition is called "a point of personal privilege." If a member has been personally insulted or attacked, they should have an immediate opportunity to respond. This should be used very sparingly, and never abused as a cover to make some substantive point, since a person that abuses this right may lose it. If members of the Council are regularly insulting each other, the Chair should try and resolve the issue either immediately or outside of the meeting.

d) The next highest priority for recognition is a process comment or "point of order." Again, this should never be used to slip in a substantive argument, but to clarify a confusing process. For example, if someone starts to make a second amendment to a motion when a prior one is still on the floor, a process comment would be to interrupt the substantive discussion to point the problem out to the Chair. Or an observation that the meeting is running way over time and a solution needs to be found before continuing with substantive discussion of issues would take priority over someone wanting to make another point in the debate.

e) Generally, it's a good idea to start discussion of an item by asking if there are questions before entering into debates, making motions, etc. So a Chair might begin an item by asking if there are any questions and then taking comments and accepting motions. Again, members should refrain from using the question period to slip in substantive comments. Do note, however, that sometimes starting a discussion with a suggested motion clarifies things even better than questions. Members of the Council making motions early in a discussion have a real responsibility to not lead the Council down unproductive paths by making motions that have no hope of passing.

Finally, please remember that no formal rules can substitute for Council members' coming prepared to meetings, having a clear agenda with sufficient information for good decision making, and having members who make their best effort to be cooperative with the Chair and each other, listen to each others' points, be willing to be flexible about positions, attempt to make decisions efficiently, even when they disagree with the outcome. Good participation and full input from members is very important in good decision making, but getting through agendas, getting real things accomplished, making difficult decisions and then moving on is equally important. Democracy suffers when groups are overly closed or dictatorial, but it also suffers when people get the perception that the collective group process is so inefficient that it just doesn't get things done. The UC-AFT and its Chairs should strive for a balance that respects full input from all participants, but also moves to action in a reasonably efficient manner.