

CONSTITUTION
West Valley-Mission Federation of Teachers, AFT Local 6554, AFL-CIO

ARTICLE 1
NAME

This organization shall be known as the West Valley-Mission Federation of Teachers, AFT Local 6554, AFL-CIO; hereafter called the "WVMFT, AFT 6554."

ARTICLE 2
OBJECTIVES

The purpose of WVMFT, AFT 6554 shall be:

- 2.1 To secure full trade union rights, including the rights to exclusive recognition and collective bargaining, for all employees who are eligible for membership.
- 2.2 To advance the economic, social, and political well-being of the membership.
- 2.3 To obtain for members their rightful voice in shaping educational policy and establishing the conditions under which they work.
- 2.4 To encourage communication, mutual understanding, cooperation, transparency and accountability to and among the membership.
- 2.5 To promote the interests of students and communities who are served by the membership.
- 2.6 To promote the advancement of community college education at the local, state and national level.
- 2.7 To promote the effectiveness and quality of the institutions in which our members work.
- 2.8 To promote democracy, equality, social justice and trade unionism in the society at large.

ARTICLE 3
MEMBERSHIP

- 3.1 All faculty of West Valley-Mission Community College District who are not supervisors, directors, managers or administrators are eligible for membership in the WVMFT, AFT 6554.

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- 3.2 No person shall be denied membership, nor shall WVMFT, AFT 6554 ever discriminate against individual members or applicants for membership on the basis of age, gender, race, creed, sex, sexual orientation, disability, social, political, or economic status, or national origin.
- 3.3 A member in good standing is defined as a member who is current in payment of dues to the WVMFT, AFT 6554. A member who is more than 30 days delinquent in dues payment shall be considered to be a member in bad standing, and shall be promptly notified of such status. A member shall be removed from membership in the WVMFT, AFT 6554, with notice, following three months of dues nonpayment, unless a plan to pay back dues is made and approved by both the Executive Board and the member.
- 3.4 The Executive Board and Steward Council shall establish guidelines for retiree membership, dues, and participation in the local in the form of a retiree chapter, in accordance with AFT guidelines.

ARTICLE 4

ELECTION OF OFFICERS

- 4.1 Elections shall be conducted in accordance with the AFT Constitution, this Constitution and the standards set out by the Federal Labor-Management Reporting and Disclosure Act (LMRDA).
- 4.2 Officers shall be elected in April of odd years. Terms of office shall be two years. The WVMFT, AFT 6554 will elect the following officers (either district wide or as indicated, herein referenced as the Executive Board):
 - a. President
 - b. Vice President
 - c. Secretary
 - d. Treasurer
 - e. Representative for West Valley College Full Time Faculty elected from and by same
 - f. Representative for West Valley College Associate (Part Time) Faculty elected from and by same
 - g. Representative for Mission College Full Time Faculty elected from and by same
 - h. Representative for Mission College Associate (Part Time) Faculty elected from and by same

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4.3 Eligibility for Office

- a. To be eligible for office a person must be a member in good standing of the WVMFT, AFT 6554 for a period of six months immediately prior to the date of the election.
- b. To be eligible for office as a Representative, a person must meet all other qualifications for office under this Article and must be employed in the constituency area for which he or she is seeking office as Representative.
- c. A member may hold only one elected office at a time. In any election, a member may run for only one office.

4.4 The Elections Committee shall conduct all general and special elections and referenda of the WVMFT, AFT 6554.

- a. The Elections Committee shall consist of a minimum of two (2) members in good standing from West Valley College and two (2) members in good standing from Mission College who are not Stewards or other officers of the local union, selected by the Steward Council at its first meeting of the year.
- b. Any member of the Elections Committee nominated for or seeking office must vacate their position on the Elections Committee and be replaced by a member nominated and approved by the Steward Council.

4.5 Nominations

- a. No more than sixty-five (65) and no fewer than sixty (60) days prior to the date of the election, the Elections Committee shall notify all members of the opening of nominations for officers, the offices to be filled and of the date of the election by the first class U.S. Mail to the members' last known home address. Alternatively, and as approved by the Executive Board and Steward Council, the Elections Committee may conduct the notification of nominations via electronic mail.
- b. To be nominated for all offices other than Representative, a candidate must submit to the Elections Committee a petition containing the signatures of twenty-five (25) members. Said petitions must be submitted no later than thirty (30) days following the notice of the opening of nominations.
- c. To be nominated as a candidate for the office of Representative, a candidate must submit to the Elections Committee a petition containing the signatures of ten (10) members of the constituency area. Said petitions must be submitted no later than thirty (30) days following the notice of the opening of nominations.
- d. Members nominated to run for office must affirmatively accept their nomination.

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- e. The Elections Committee shall determine whether the nominations were timely and if the nominees are eligible for the office.
- 4.6 At least fifteen (15) days prior to the election, the Elections Committee shall notify all members of the election date and the candidates for offices.
- 4.7 The Elections Committee shall prepare and send ballots by U.S. Mail to all members in good standing, in such manner as to ensure the secrecy of the ballots, no later than ten (10) days following the close of nominations. The period between the mailing and return date for the ballots shall be no fewer than twenty (20) calendar days. Alternatively, and as approved by the Executive Board and Steward Council, the Elections Committee may conduct the election via electronic mail or via on-campus balloting with published procedures.
- 4.8 The ballots shall be tabulated by the Elections Committee, and a majority of the ballots cast shall determine the outcome of the election. In the absence of a majority, the Elections Committee shall conduct a run-off election between the two candidates who have received the most votes for the office in question. The Elections Committee shall prepare and send ballots by first-class U.S. Mail to the last known home address of all members who were eligible to vote in the initial election, in such manner as to ensure the secrecy of the ballot. The period between the mailing and return date for the ballot shall be no less than twenty (20) calendar days. Alternatively, and as approved by the Executive Board and Steward Council, the Elections Committee may conduct the election via electronic mail or via on-campus balloting with published procedures.
- 4.9 Challenges and objections to the election must be submitted in writing, with a statement of supporting reasons that includes specific facts as well as any documentation, to the Elections Committee within ten (10) days of the publication of results. The Elections Committee shall issue its written opinion regarding the objections no later than ten (10) days after receipt of such objections.
- 4.10 The election results will be published and distributed to the membership as soon as possible and in all cases within thirty (30) days of the count. All elections materials, including the ballots, will be kept in a secure location for one (1) year.
- 4.11 Successful candidates shall assume office within thirty (30) days of the publication of election results, or at the second regular Executive Board meeting of May, whichever comes first.

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- 4.12 With the exception of the President, or in the case of a recall, the Executive Board will have the power to fill vacancies in its membership until the next general election of officers.
- 4.13 A petition signed by one hundred (100) members for district wide positions or twenty-five percent (25%) of the constituency for a Representative, and alleging constitutional violations, fiduciary breaches or acts clearly detrimental to the union, shall be sufficient to require the Executive Board to vote on whether to conduct a recall election of the officer identified in the petition. The officer subject to recall and any Executive Board member signing the petition shall not vote on the question of a recall election. If a majority of the Executive Board (provided quorum is met) approves a recall election, the Elections Committee shall supervise the recall election. Any position made vacant as a result of a recall will be filled by special election. Any recall or special election shall take place in a timely manner.

ARTICLE 5 DUTIES OF OFFICERS

- 5.1 The President shall:
- a. be the presiding officer at all meetings of the membership and the Executive Board;
 - b. be an ex-officio member of all standing committees except the Elections Committee;
 - c. appoint, with the approval of the Executive Board, the chairs of all standing and special committees except the Elections Committee;
 - d. be the principal executive officer of the WVMFT, AFT 6554;
 - e. receive reports and respond to correspondence of the WVMFT, AFT 6554;
 - f. supervise all employees of the WVMFT, AFT 6554;
 - g. be one of the responsible financial officers of the WVMFT, AFT 6554 and shall be authorized to co-sign financial instruments and make regular and usual disbursements of funds;
 - h. represent the WVMFT, AFT 6554 before bodies of the employer, executive and legislative officials;
 - i. represent the WVMFT, AFT 6554 before the public, community organizations, and the news media;
 - j. be, by office, a delegate to the Central Labor Council, and the state AFL-CIO body;
 - k. be, by office, a delegate to the convention of the American Federation of Teachers and meetings or conventions of its affiliated bodies;
 - l. make at least bi-annual written reports to the WVMFT, AFT 6554's membership; and

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- m. be able to delegate responsibilities of the office except where otherwise specified by the Constitution.

5.2 The Vice President shall:

- a. assume the duties of the President in the event of the absence, illness, or death of the President;
- b. oversee and assist the Stewards in their duties;
- c. oversee the work of and receive regular reports from the Organizing and Membership committee;
- d. perform other duties as delegated by the President or assigned by the Executive Board; and
- e. co-sign financial instruments in the absence of the President or Treasurer.

5.3 The Secretary shall:

- a. maintain the non-financial files and records of the WVMFT, AFT 6554;
- b. be the custodian of the seal and charter of the WVMFT, AFT 6554;
- c. record and keep accurate minutes of meetings of the membership, the Executive Board and the Steward Council, and disseminate those minutes to all three groups.
- d. assist the President in handling the correspondence of the WVMFT, AFT 6554;
- e. oversee the work of, and receive and certify the reports of, the Elections Committee;
- f. perform other duties as delegated by the President, or assigned by the Executive Board;
- g. perform duties of the office as required by the Federal Labor-Management and Disclosure Act.

5.4 The Treasurer shall:

- a. receive, record and deposit all dues monies and other income in the name of the WVMFT, AFT 6554;
- b. maintain accurate membership records;
- c. issue membership cards and notices of delinquency;
- d. be one of the responsible financial officers of the WVMFT, AFT 6554 and be required to co-sign financial instruments and make regular and usual disbursement of funds;
- e. make regular but not less than quarterly reports, including a budget report (including budget versus actuals, income and expenses, and an accounting of the specific and full compensation paid to any union members or others by name, amount and position) to the Executive Board, the Steward Council and the membership;

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- f. maintain all financial records of the WVMFT, AFT 6554 and ensure compliance with local, state and federal reporting requirements;
- g. arrange for an independent audit by a licensed CPA of the finances of the WVMFT, AFT 6554 annually and provide the audit report to the Executive Board, Steward Council and membership;
- h. transmit per-capita payments on a regular basis to the Secretary-Treasurer of the American Federation of Teachers and similar officers of all other bodies with which the WVMFT, AFT 6554 is affiliated;
- i. perform other duties as delegated by the President or assigned by the Executive Board; and
- j. perform duties of the office as required by the Federal Labor-Management Reporting and Disclosure Act, and the guidelines developed by the AFT.

5.5 Each Representative shall serve their own constituency area and the general interest of the union as follows:

- a. The Representative for Full Time Faculty-Mission College shall represent the full time faculty at Mission College and perform other duties as delegated by the President or assigned by the Executive Board.
- b. The Representative for Associate Faculty-Mission College shall represent the associate faculty at Mission College and perform other duties as delegated by the President or assigned by the Executive Board.
- c. The Representative for Full Time Faculty-West Valley College shall represent the full time faculty at West Valley College and perform other duties as delegated by the President or assigned by the Executive Board.
- d. The Representative for Associate Faculty-West Valley College shall represent the associate faculty at West Valley College and perform other duties as delegated by the President or assigned by the Executive Board.

5.6 All officers shall serve as members of the Executive Board and shall attend meetings of the Steward Council as ex-officio non-voting members and shall not count for quorum.

ARTICLE 6 EXECUTIVE BOARD

6.1 The Executive Board shall meet twice per month during the fall and spring semesters, or at the call of the President, or at the call of two (2) or more of its members, or at the call of the Steward Council, for the purpose of initiating, overseeing or revising the program of the WVMFT, AFT 6554 that is within its authority. A quorum for the Executive Board shall be a simple majority of its voting members.

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- 6.2 The Executive Board shall prepare and present for approval to the Steward Council an annual budget in the month prior to the beginning of the fiscal year, which shall be established by the Executive Board.
- 6.3 The Executive Board shall employ all professional, technical, clerical and support staff of the WVMFT, AFT 6554.
- 6.4 The Executive Board, with the approval of the Steward Council, shall establish the salary, benefits and expense guidelines of any general officer (including but not limited to elected officers, appointed positions, or employees) who is employed by the WVMFT, AFT 6554.
- 6.5 The Executive Board shall be empowered to make contracts and incur liabilities including the purchase of services, equipment and real property, to borrow money, to secure such obligations by mortgage or other instrument, and to otherwise engage in financial transactions to the extent permitted by applicable law or statute. The Executive Board shall have the power to sue, complain and defend on behalf of the membership.
- 6.6 The Executive Board shall approve the chairperson and membership of all standing and special committees of the WVMFT, AFT 6554, except the Elections Committee, and receive regular reports from such committees.
- 6.7 The Executive Board shall be responsible for adherence to and enforcement of the Constitution and By-Laws of the WVMFT, AFT 6554.
- 6.8 The Executive Board shall issue regular reports, including an annual written report, to the Steward Council and the membership.
- 6.9 The Executive Board shall appoint a district wide Chief Negotiator and a Grievance Officer from each College who shall serve as co-chairs of the Grievance Committee. The Chief Negotiator and Grievance Officers shall be ex-officio non-voting members of the Executive Board and shall not count for quorum.
- 6.10 Three unexcused absences from Executive Board meetings during fall and spring semesters, counted from the date of assumption of office, shall be grounds for an Executive Board member's suspension and/or replacement by the Executive Board. Absence from more than three meetings in any semester shall be grounds for suspension by the Executive Board. Pursuant to Article 4, Section 12, the Executive Board shall have the authority to appoint a member to take the seat of an Executive Board member who was suspended or replaced under the terms of this Section. The suspended and/or replaced member may take the opportunity to make his/her case to the Executive

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Board. If the seat of a Representative becomes vacant due to an unexcused absence, he or she must be replaced by a member from the same constituency.

ARTICLE 7 COMMITTEES

- 7.1 The standing committees of the WVMFT, AFT 6554 shall be:
- a. Elections
 - b. Bargaining
 - c. Grievance
 - d. Organizing and Membership
 - e. Communications
 - f. PAC/COPE (Political Action Committee/Committee on Political Education)
 - g. Part Time Issues and Support
 - h. Diversity
- 7.2 The Executive Board, either on its own initiative, or at the direction of the Steward Council, may establish special committees.
- 7.3 The President, with approval by the Executive Board, shall appoint committee chairs. Upon appointment, committee chairs shall select committee members and present their names to the Executive Board for approval.
- 7.4 Each committee shall present its annual action plan and budget to the Executive Board and the Steward Council.
- 7.5 The Elections Committee shall conduct and supervise all elections of the WVMFT, AFT 6554.
- 7.6 The Bargaining Committee shall conduct research, surveys, hearings and other activities that assist the WVMFT, AFT 6554 in its collective bargaining or similar programs.
- 7.7 The Grievance Committee shall work with the officers in the resolution of contractual and non-contractual disputes in the workplace; shall maintain records of grievances and their disposition; and shall be responsible for the processing of grievances and disputes beyond the immediate work location. The grievant may appeal these decisions to the Executive Board. The Executive Board shall develop and adopt a policy that governs how it shall approach such grievances not referred to arbitration, as well as other litigation and/or administrative appeals. The Grievance Committee shall

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follow this policy. The Grievance Committee shall be co-chaired by the Grievance Officer from each college.

- 7.8 The Organizing and Membership Committee shall assist the Steward Council and the Executive Board in developing programs and activities that shall cause all eligible persons to join and participate in the WVMFT, AFT 6554, to build the power of the union.
- 7.9 The Communications Committee shall assist the Steward Council and the Executive Board to ensure the effective internal and external communications of the union.
- 7.10 The PAC/COPE Committee shall secure voluntary contributions to support the political work of the WVMFT, AFT 6554; screen and recommend endorsement of candidates for local, state and federal office to the Steward Council; educate members on the issues of importance to the WVMFT, AFT 6554, its membership, and clients; and develop programs to promote voter registration and to support the election of candidates who support the interests of the WVMFT, AFT 6554, its membership and the people they serve.
- 7.11 The Part Time Issues and Support Committee shall advocate on behalf of and provide support to the interests of associate faculty within the union.
- 7.12 The Diversity Committee will encourage equity and minority participation in the Union, foster leadership in underrepresented minority groups among our members and the educational community at large.
- 7.13 The President, with the approval of the Executive Board, shall appoint members to any "union" position on District or College shared governance, contractually mandated or other committee with "union" representation.

ARTICLE 8 STEWARD COUNCIL

- 8.1 The legislative power of the WVMFT, AFT 6554 shall be vested in the Steward Council, consisting of members of the WVMFT, AFT 6554 in specific constituencies as follows:
 - a. There shall be elected one Steward from each of eight (8) constituencies at each college. The initial determination of constituencies shall be by the Executive Board, and subsequent determinations of constituencies shall be done by the Executive Board with input from the Organizing and Membership Committee. Constituency determination shall use department structure, geography and equal size among its criteria.

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- b. Elections for Stewards shall take place in May of even numbered years, and the term of office shall be two years. Stewards will be seated at the first Steward Council meeting of the Fall Semester following the election. Stewards in place upon the adoption of this amendment will continue in their seats until the first Steward Council meeting of the Fall Semester 2018.
 - c. Supervision of Steward Elections—the Elections Committee shall:
 - i. notify members of vacancies in Steward positions;
 - ii. receive nomination petitions with no less than five (5) signatures of members of the affected constituency; said petitions must be received no later than fifteen (15) days following the opening of nominations;
 - iii. prepare and distribute ballots to all members in good standing and conduct elections so as to ensure the secrecy of the ballot;
 - iv. count the valid ballots; the majority of ballots cast shall determine the outcome of the election; in the absence of a majority for any candidate, the Elections Committee shall conduct a run-off election in accordance with sub-section (iii);
 - v. settle challenges and objections according to the procedures outlined in Article 4, Section 8;
 - vi. direct successful candidates to assume office within thirty (30) days of the conclusion of the election; and
 - vii. conduct recall elections according to the terms of Article 4, Section 13 of this Constitution.
 - d. A member may only hold one office elected by the general membership at a time. In any election, a member may run for only one office at a time.
- 8.2 The Steward Council shall meet monthly during the two primary academic semesters for the purpose of establishing the policies of the WVMFT, AFT 6554; receive and review the reports of the President, Treasurer, Executive Board and Committees; review and approve the budget submitted by the Executive Board, taking appropriate action as specified in the Constitution; appoint members to the Election Committee and initiate and take other such actions as the body deems necessary. A majority of its voting members shall be a quorum for the Steward Council.
- 8.3 The Steward Council may be called into Special Session at the discretion of the Executive Board or upon the presentation of a valid petition of twenty-five (25) percent of the Stewards to the Secretary of this WVMFT, AFT 6554.

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- 8.4 Each College's Stewards shall elect a Chief Steward. One of the Chief Stewards, elected by the Stewards at each College, shall be the presiding officer of the Steward Council. This provision takes effect after the election of the Chief Stewards.
- 8.5 Three unexcused absences from a Steward Council meeting during fall and spring semesters, counted from the date of assumption of office, shall be grounds for a Steward's suspension and/or replacement. The Steward Council shall have the authority to appoint a member from the same constituency to take the seat of Steward who was suspended or replaced under the terms of this Section or to fill any other vacancy on the Steward Council until the next Steward Council election.
- 8.6 A petition signed by twenty-five percent (25%) of the constituency for a Steward, and alleging constitutional violations, fiduciary breaches or acts clearly detrimental to the union, shall be sufficient to require the Steward Council to vote on whether to conduct a recall election of the Steward identified in the petition. The Steward subject to recall and any Steward signing the petition shall not vote on the question of a recall election. If a majority of the Steward Council approves a recall election, the Elections Committee shall supervise the recall election.

ARTICLE 9

DUTIES OF STEWARDS

Stewards shall:

- a. attend all regular and special meetings of the Steward Council and all meetings of the general membership;
- b. hold regular meetings (formal and informal) of the membership at the worksite, or other appropriate place, for the purpose of making reports, disseminating information, discussing work place and local union concerns, soliciting input and direction from the membership, and other activities as may be required;
- c. recruit eligible persons to membership;
- d. process grievances and resolve disputes at the worksite, or other appropriate location, communicate with the Grievance Committee, the Grievance Officer and the Executive Board as necessary; and
- e. consult regularly with the College's management personnel at the worksite regarding matters of interest to the union membership.

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ARTICLE 10
MEMBERSHIP MEETINGS

- 10.1 There shall be at least one membership meeting each semester at West Valley College and one membership meeting each semester at Mission College.
- 10.2 The Executive Board shall determine the time and place and give thirty (30) days notice of any regular general membership meeting.
- 10.3 The Executive Board shall determine the time and place and give as much notice as possible of any general membership meeting to discuss ratification of the Collective Bargaining Agreement.
- 10.4 Special meetings of the membership may be called by:
- a. the Steward Council
 - b. the Executive Board
 - c. the petition of one hundred (100) members.

ARTICLE 11
RATIFICATION OF CONTRACT

Ratification of any Tentative Agreement shall be by a majority of votes cast by the membership. The Elections Committee shall publish procedures for and administer the ratification election. Ratification elections shall occur during the fall or spring academic semester.

ARTICLE 12
REVENUES

- 12.1 The dues of this WVMFT, AFT 6554 shall be 1.2% of all salary.
- 12.2 Special assessments for specific purposes may be levied by the Executive Board and Steward Council provided that the actions required for a referendum have not been initiated within thirty (30) days of the decision of the Executive Board and Steward Council as per Article 15.2.d.
- 12.3 Service/representation fees, when authorized under the California Educational Code (note Educational Employment Relations Act, Government Code, section 3540, et. seq.) shall be equal to the dues for a member of equal workload in the District, except for reductions due to expenses which are non-chargeable under the law.

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- 12.4 Associate Faculty members and Full-time Faculty members on unpaid leave may maintain membership during breaks of their employment during the academic year by submitting dues of two dollars per month for up to one year.
- 12.5 Should the Executive Board and Steward Council vote for a dues increase, that increase will be referred to the membership for a referendum. A majority of votes cast will determine the outcome of the referendum. The Elections Committee will publish procedures and administer the election for this referendum.

ARTICLE 13 AFFILIATIONS

The WVMFT, AFT 6554 shall maintain affiliation with the following organizations:

- a. The American Federation of Teachers, AFL-CIO. Whenever possible, the WVMFT, AFT 6554 will send delegates to the AFT's convention. The delegates will be elected by procedures consistent with Article 4 of this Constitution.
- b. The California Federation of Teachers, AFL-CIO. Whenever possible, the WVMFT, AFT 6554 will send delegates to the CFT's convention. The delegates will be elected by procedures consistent with Article 4 of this Constitution.
- c. The California Labor Federation of the American Federation of Labor-Congress of Industrial Organizations.
- d. The South Bay Labor Council of the AFL-CIO.

ARTICLE 14 RULES OF ORDER

Robert's Rules of Order Newly Revised shall govern this WVMFT, AFT 6554 and all of its subordinate bodies in all matters not expressly covered by this Constitution or the By-Laws of this WVMFT, AFT 6554.

ARTICLE 15 AMENDMENT

- 15.1 One hundred (100) members, or a majority of Stewards, may present, by petition, a proposed amendment to this Constitution or any By-Law to the Secretary, who shall notify the Stewards of the proposed Constitutional amendment or By-Law no later than thirty (30) days prior to the next meeting of the Steward Council. Alternatively, a majority of the Executive Board may vote to present a proposed amendment to the Stewards at the next meeting of

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the Steward Council. A copy of the proposed Constitutional amendment or By-Law (including any language added or deleted) along with an explanation of said amendment or by-law, shall be distributed to all Stewards and the membership no later than seven (7) days prior to the Steward Council at which the Constitutional amendment or By-Law will be introduced and discussed. The exact text of a final proposal will be published in the minutes and sent to the membership no later than ten (10) days prior to the next meeting of the Steward Council.

- 15.2 The Steward Council shall vote on all amendments to the Constitution or By-Laws.
- a. Following the meeting of the Steward Council at which the proposed amendment was introduced, the Steward Council will conduct a roll call vote on the amendment at its next meeting.
 - b. In the alternative, following the meeting of the Steward Council at which the proposed amendment was introduced, a special meeting of the Steward Council for the purpose of voting on the proposed amendment may be called by the Executive Board. The special meeting shall be conducted in accordance with the terms of Article 8, Section 3.
 - c. Two thirds (2/3) of all the sitting Stewards shall be required for passage of the amendment. Stewards may vote in person at the meeting or via video link.
 - d. Following a vote of the Steward Council, the membership may, upon valid petition of seventy-five (75) members, call for a referendum election by the membership on the amendment. This election shall be conducted by the Elections Committee under the procedures of Article 4.
- 15.3 The WVMFT, AFT 6554 shall follow the procedures as outlined in 15.1 and 15.2 to create or amend any By-Laws necessary for the operation of the local union.
- 15.4 Adoption of this Constitution shall be by a majority of votes cast by the membership and shall supersede any previous Constitution or By-Laws. This Constitution shall go into effect immediately upon adoption.

ARTICLE 16

CONFLICT OF INTEREST

16.1 Disclosure of Possible Conflicts

A conflict of interest is a circumstance that diminishes the independence of a responsible person such that discharge of duties will not be in the best interests of the union. All union officers and negotiators ("responsible

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persons') shall by March 15 of each year complete a disclosure form reported to the membership by the Secretary identifying as of that date and for the prior twelve months, a) any relationships, positions or circumstances that each responsible person believes constitutes either an actual or apparent conflict of interest. Although not deemed to be a conflict of interest herein, the disclosure form shall also include release time received for the purpose of conducting union activities; and b) the full dollar value of direct and indirect compensation plus benefits, received from or offered by the District and not directly related to teaching duties or that have not been offered in the same manner to the general membership as a whole. Failure to submit a disclosure form shall be considered as an apparent material conflict of interest.

Each responsible person shall also disclose any potential or actual conflict prior to each Executive Board or Committee action on a contract, agreement or transaction that may affect such responsible person. Such disclosure shall be reflected in the minutes of the meeting made available to the general membership.

16.2 Prescribed Actions

All responsible persons with an actual or apparent conflict of interest shall not participate in or be permitted to hear an executive board's, council's or committee's discussion of the matter pertaining to or potentially affected by the conflict or participate directly or indirectly in negotiations. Such responsible persons shall not be counted in determining the presence of a quorum for purposes of a vote on the matter pertaining to the conflict; the remaining disinterested members of the council or committee, as the case may be, may vote on the matter. Such a person's ineligibility to vote and reason therefore shall be reflected in the minutes of the meeting made available to the general membership.

An apparent conflict of interest resulting from failure to timely submit a disclosure form shall result in immediate suspension of all rights and duties, including those stated herein, for all executive board, negotiations, and committee activities of the responsible party failing to submit the form. If, after 30 days from the due date, the form has not been submitted in the manner set forth in this article, the responsible party not submitting the form shall immediately relinquish his or her position and all union duties, and shall be replaced in the manner prescribed by this Constitution.

16.3 Disclosure Omission

If 30% of the Steward Council or a majority of the Executive Board have reasonable cause to believe a responsible person has failed to disclose actual

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or apparent conflicts as set forth in 16.1, they shall inform the responsible person in writing of the basis for such belief and afford the responsible person an opportunity to explain the alleged failure to disclose.

- a. **Appearance of Conflict:** If, after hearing the responsible person's response and after further investigation as warranted by the circumstances, the Steward Council determines that the responsible person has failed to disclose an apparent conflict of interest, a quorum shall vote to determine if the appearance is material. If affirmed by simple majority and the appearance remains after 30 days, thereupon the prescribed actions of 16.2 shall apply, for all matters, until the Steward Council decides by majority vote that the appearance no longer exists.
- b. **Actual Conflict:** If, after hearing the responsible person's response and after making further investigation as warranted by the circumstances, the Steward Council or Executive Board determine the responsible person has failed to disclose an actual conflict of interest, a quorum shall vote to determine if the conflict is material. If affirmed by a simple majority, thereupon the prescribed actions of section 16.2 above shall apply for all matters, until final outcome of a recall petition. The Executive Board or Steward Council shall immediately initiate a recall petition. If seventy-five (75) members sign the petition within ninety (90) days of the vote by the Steward Council, a general membership recall vote shall occur within one hundred twenty (120) days of the vote by the Executive Board or Steward Council. If the recall is affirmed by simple majority of votes cast, the responsible person shall be immediately removed from his/her position without the necessity for further action.

ARTICLE 17

AVAILABILITY OF THE CONSTITUTION

- 17.1 Three copies of this Constitution and all subsequent amendments shall be submitted to the office of the Secretary-Treasurer of the American Federation of Teachers.
- 17.2 One copy shall be sent to the similar officer of each WVMFT, AFT 6554 with which this WVMFT, AFT 6554 is affiliated.
- 17.3 The Secretary shall make available upon request a copy to any member of the WVMFT, AFT 6554.

CONSTITUTION

West Valley-Mission Federation of Teachers, AFT Local 6554, AFL-CIO

This constitution was adopted by the membership on *April 28, 2015*, and last amended on *April 7, 2017* by the Steward Council.

West Valley-Mission Federation of Teachers, AFT 6554

Signed: _____
(President)

(SEAL)

Attest: _____
(Secretary)