

CONSTITUTION AND BY-LAWS OF THE

BELLEVILLE HIGH SCHOOL

AFT LOCAL NUMBER 434

BELLEVILLE, ILLINOIS

Revised and Updated May 2016

ARTICLE I - NAME

This organization shall be known as the Belleville High School AFT Local 434.

ARTICLE II – OBJECTIVES

The objectives of this organization shall be:

1. To bring teachers into relations of mutual assistance and cooperation.
2. To obtain and preserve for them the rights to which they are entitled as American citizens and leaders in the training of American youth.
3. To raise the standards of the teaching profession by securing conditions essential to the best professional service.
4. To promote such democratization of the schools as will enable them to better equip their pupils to take their places in the industrial, social, and political life of the community.
5. To cooperate in matters of mutual concern with the school officials, Board of Education, and others functioning for the welfare and the interests of the school.
6. To secure full trade union rights for all employees who are eligible for membership.

ARTICLE III – MEMBERSHIP

Section 1. The membership of this organization shall consist of the teachers who have been regularly employed for part-time or full-time duty in District 201.

Section 2. The term "teachers" shall include classroom teachers, heads of departments, librarians, school nurses holding Public Health Certification, counselors, and full-time and part-time certified personnel who are not barred by the constitution of the American Federation of Teachers.

Section 3. Membership shall be accompanied by payment of applicable fees and special assessments for the semester in which application is made.

Section 4. No person shall be denied membership on the basis of sex, race, national origin, religious or political belief, sexual orientation, disability, or economic or social status.

Section 5. Teachers who retire from active school work may become associate members. They shall be ineligible to hold office and ineligible to be Delegates to the national AFT convention.

Section 6. A member on leave of absence shall be placed on the inactive list of the membership roll and does not have to pay any special assessments. If wishing to stay on the active list, he/she may pay the dues and assessments for the semester or year of leave. Members on sabbatical leave pay regular dues and any special assessments rendered during the leave.

Section 7. Members whose conduct is violable to the welfare of the organization and the profession may be expelled

in the following manner:

- (1) A statement of charges, written and signed, must be presented to the Executive Council for investigation.
- (2) The proposition must receive a majority vote in the Executive Council after which it must be presented to the membership.
- (3) There must be a majority vote of the members present and voting for expulsion.

ARTICLE IV – OFFICERS AND DUTIES

Section 1. The officers of this organization shall be a President, a President-Elect, an Immediate Past President, a Vice-President, a Secretary, a Treasurer, a Parliamentarian, and a Building Representative for each campus. The President, the Vice-president, the Secretary, the Treasurer, the Parliamentarian, the East Campus Representative, and the West Campus Representative cannot hold concurrently more than one of these seven, elected positions. A member may be nominated and run for no more than two elected offices at a time.

Section 2. An **annual election** shall be held before the last day of school following the first regular meeting in May. Election of officers shall be conducted in accordance with the standards developed under Title IV of the Landrum-Griffin Act. Those members elected shall take office at the first regular meeting held the following September. Current officers will serve until successors have been installed. Each of the officers in Section 1 shall be elected for a term of one (1) year, except the President-Elect and President shall be elected to terms of two (2) years. The membership shall be notified at least fifteen (15) days before the election of the date, time and location of the election by written notice placed in each member's faculty mailbox. A tentative ballot listing nominated candidates for each office and listing the date, time and location of the elections shall be placed in each member's faculty mailbox at least three (3) days before the first regular May meeting. At the regular May meeting, the tentative ballot shall be read, and the opportunity shall then be given to make nominations from the floor.

Nothing in this Constitution shall operate against the right of any member to make a nomination from the floor, such nominations to be approved by at least one-third of the members present. Immediately following the meeting, a new and final sample ballot shall be drawn up by the Nominating and Elections Committee encompassing all nominations and listing the date, time and location of the election and shall be placed in each member's faculty mailbox as soon as possible. Ballots must be returned to a place and by a time designated by the Nominating and Elections Committee at the first regular May meeting. The candidate receiving the most votes of those cast shall be elected, except for Building Representatives, who shall be elected by the most votes of those cast by members on their respective campuses.

Section 3. **Vacancies** caused by resignation, death, recall, or incapacitation, as determined by the Executive Council or other agencies, shall be filled by appointment of the Executive Council, except for the term of President which shall be served out by the Vice-President.

If the President or President-Elect vacates his/her office prior to the expiration of his/her term, the newly appoint President or President-Elect shall, in addition to assuming all duties of the vacated office, replace the previous office holder on the current Negotiating Committee, being an ex-officio (by right of office) member of that committee. If the appointee(s) chosen to fill either of these two vacated offices is already a member of this committee by virtue of being one of the top five recipients of votes in the most recent Negotiating Committee Election, then the member that received the next highest number of votes in the most recent election that is not on the current committee and still willing to serve shall assume a position on the Negotiating Committee as one of the five (5) members elected at large from the membership.

Section 4. The **President** shall preside at all meetings of the organization and Executive Council; shall be empowered to call special meetings of the Federation and Executive Council; shall be an ex-officio member (having rights as other members) of each committee, except the Nominating and Elections Committee; shall be one of the responsible financial officers of the organization; shall approve

organization bills; shall endorse checks and other financial instruments of the organization should the Treasurer be unavailable; shall receive, report and respond to correspondence of the organization; shall be able to delegate the responsibilities of the office except where otherwise restricted by the Constitution; shall make an annual report to the membership of the organization; shall be, by office, a Delegate to the national convention of the American Federation of Teachers and meetings or conventions of its affiliated subordinate bodies, but shall not be compelled to attend; shall perform such other duties as are ordinarily incumbent upon the office; shall be paid a monthly salary, the amount determined by the Executive Council, for the length of his/her term.

- Section 5. The **Vice-President** shall be responsible for selecting each month which departments are assigned to attend and to pick two members from the Executive Council or Negotiating Committee two members whose duty it shall be to attend that month's regular meeting of the Board of Education as representatives of the organization; shall be one of the responsible financial officers of the organization and be authorized to sign checks and financial instruments of the organization should the Treasurer or President be unavailable; shall organization social activities; shall perform other duties as delegated by the or assigned by the Executive Council; and shall finish the term of the President, should that office become vacant.
- Section 6. The **President-Elect** shall attend all Executive Council meetings and assist the President; and shall be an ex-officio member (having rights as other members) of the Negotiating Committee.
- Section 7. The **Secretary** shall keep and read minutes of all meetings of the organization and the Executive Council; shall oversee the work of, and receive and certify the reports of the Nominating and Elections Committee; shall maintain the non-financial files and records of the organization; shall be the custodian of the seal and charter of the organization; shall assist the President in handling the correspondence of the organization; shall perform other duties as delegated by the President or assigned by the Executive Council; shall perform such other duties as are incumbent to that office; shall perform duties of the office as required by the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
- Section 8. The **Treasurer** shall endorse all checks and other financial documents of the organization in the regular course of business; shall oversee the activities of the Comptroller in all the Comptroller's duties; shall be one of the responsible financial officers of the organization; shall perform such other duties as are incumbent to that office; shall perform duties of the office as required by the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
- Section 9. The **Comptroller**, appointed annually by the Executive Council, shall collect and be custodian of all funds of this organization and shall pay those bills approved by the President; shall make a semi-annual report to the membership; shall maintain all financial records of the organization; shall keep an accurate list of all membership fees, dues and assessments and shall fill out reports required by Article IX of the Constitution of the American Federation of Teachers and forward them, together with all taxes and assessments due the National Federation, to the Secretary-Treasurer of the American Federation of Teachers; shall arrange for an independent audit of the finances of the organization annually and make available same to the Executive Board and membership; shall perform duties of the office as required by the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act); shall be paid a monthly salary, the amount determined by the Executive Council, for as long as he/she is appointed to that position; shall be one of the responsible financial officers of the organization and be authorized to sign checks and other financial documents of the organization, should the Treasurer, President or Vice-President be unable to do so and justify such signing at the next Executive Council meeting.
- Section 10. The **Parliamentarian** shall see that all procedure is in accord with *Robert's Rules of Order, Newly Revised (11th Edition)*, and the Constitution of the organization.
- Section 11. The **Building Representative** shall disseminate all organization information to members of his/her campus; shall act as a liaison between the Executive Council and the membership at his/her campus; shall ensure members on his/her campus are properly notified about elections, meetings of the membership, and other union activities of which members are entitled to be informed; may call a meeting of the

membership at his/her school to discuss organization business and to recommend action on such business to the Executive Council; shall monitor the working conditions on his/her campus and refer matters of merit to the Grievance Committee and Executive Council.

Section 12. The **Immediate Past President** shall be a member of the Executive Council and shall assist and advise.

Section 13. A petition signed by sixty (60) members or thirty per cent (30%) of the membership, whichever is smaller, and stating specific grounds, shall be sufficient to require the Nominating and Elections Committee to conduct a recall election by secret ballot of the membership for any elected officer specified in the petition. If an officer is recalled, the Nominating and Elections Committee shall hold a special election following the procedures outlined for elections in Article IV, Section 2. A majority of votes cast shall affect a recall of the officer.

ARTICLE V – EXECUTIVE COUNCIL

Section 1. The officers listed in Article IV of this Constitution, together with the appointed Comptroller, the chairs of all Standing Committees, the SouthWest Area Council (SWAC) Representative, and the Delegate and Alternate to the SouthWest Illinois Central Labor Council (SWICLC), shall constitute an Executive Council which shall have the power to administer the affairs of the organization. No member of the Executive Council shall have more than one vote.

Section 2. The Executive Council shall have the following duties and powers:

- (1) To obey the instructions of the organization;
- (2) To advise the President;
- (3) To frame policies or programs of action for the organization, subject to adoption by the members;
- (4) To approve the appointments to the Standing Committees for the fiscal year;
- (5) To draw up and submit rules and by-laws of the organization for adoption;
- (6) To appoint one (1) Delegate and one (1) Alternate to the SouthWest Illinois Central Labor Council (SWICLC), both of whom shall be acceptable to this organization, to terms of one year;
- (7) To appoint the SouthWest Area Council (SWAC) Representative to a term of one year;
- (8) To appoint the Comptroller to a term of one year,;
- (9) To inform the membership of Subchapter II (Bill of Rights of Labor Organizations) of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act);
- (10) To employ any professional, technical, clerical, and support staff of the organization;
- (11) To establish the salary, benefits, and expense guidelines of any officer or member it has authorized to work on its behalf; except that no such person shall suffer loss of economic status as a result of such action,
- (12) To be responsible for adherence to and enforcement of the Constitution of the organization and compliance with the Labor-Management Reporting Act(Landrum-Griffin Act) and all other laws having jurisdiction over the organization;
- (13) To be empowered to make contracts and incur liabilities including the purchase of services and equipment, to borrow money, and to otherwise engage in financial transactions to the extent permitted by applicable law or statute;
- (14) To publish a newsletter at least once a semester to keep lines of communication open with the membership;
- (15) To maintain an Internet Web Page providing a list of current officers and committee members, a copy of the current Constitution, and a copy of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act), and other information that would assist the membership. The web page

URL (address) shall be listed at the beginning of each newsletter;

- (16) To maintain a general liability policy for its members and surety bonds per the Landrum-Griffin Act on all key financial officers (President, Vice-President, Treasurer and Comptroller);
- (17) Any other duties not listed but necessary to manage effectively the affairs of the organization as permitted by applicable laws.

Section 3. The Executive Council shall meet regularly as determined by the President, or at the call of the President, or at the call of two (2) or more of its members, or upon receipt by the Secretary of a petition signed by 20 members, for the purpose of initiating, overseeing, or revising the program of the organization and to conduct other business of the organization that is within its authority.

ARTICLE VI – COMMITTEES

Section 1. The following Standing Committees are provided for:

- (1) Nominating, Elections, and Calendar Committee
- (2) Constitution Committee,
- (3) District Budget and Finance Committee,
- (4) Grievance Committee,
- (5) Insurance Committee,
- (6) Legislative and COPE Committee,
- (7) Membership Committee,
- (8) Negotiating Committee,
- (9) Public Relations Committee,
- (10) Professional Issues Committee
- (11) Technology Committee
- (12) Health & Safety Committee

Section 2. The chairperson of each of the above committees, except for the Negotiating Committee or the Nominating and Elections Committee, shall be appointed yearly by the President and approved by the Executive Council. The chairperson of the Nominating and Elections Committee shall be appointed by the Executive Council. Appointments shall be made by September 30 of each year. The once-a-year responsibility of the Calendar Committee will heretofore be performed by the Nominating and Elections Committee, which also performs one function a year. This committee will now be known as the Nominating, Elections, and Calendar Committee.

- Section 3.
- (1) The **Constitution Committee** shall periodically review the Constitution and propose changes to keep it current; shall maintain copies of the Constitution and By-Laws and rules of the organization created by the Executive Council; shall provide a copy of the current Constitution to any member upon request; shall provide each member joining the Executive Council for the first time with a copy of the Constitution and a copy of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
 - (2) The **District Budget and Finance Committee** shall acquire and maintain copies of District 201 budgets, audits, contracts, and other documents necessary for it to analyze on an ongoing basis from year to year all aspects of the financial status of the District; shall monitor the Activity Fund; shall regularly report its findings to the Executive Council; shall provide information and support to the Negotiating Committee upon request.
 - (3) The **Grievance Committee** shall follow the grievance procedures as set forth in the contract with

the Board of Education of District 201; shall maintain records of grievances and their disposition; shall work with the Building Representatives in the resolution of contractual and non-contractual disputes in the workplace; shall be responsible for the processing of grievances and disputes beyond the immediate work location; shall investigate any discrepancies and inconsistencies in the application of the salary schedule and working agreement and report its findings to the Executive Council and chairperson of the Negotiating Committee; shall make decisions regarding disputes to be taken to arbitration or civil remedy. The grievant may appeal these decisions to the Executive Board.

- (4) The **Insurance Committee** shall monitor, inform and report on District 201 and organization provided insurances.
- (5) The **Legislative and COPE Committee** shall collect information regarding legislation and public affairs affecting the interests of the schools and the teachers; shall be responsible for monitoring government actions that may affect the organization and help the Executive Council develop appropriate responses to such action in cooperation with affiliated organizations.
- (6) The **Membership Committee** shall interview prospective members, request completion of a member survey card and investigate and present all applications together with recommendations to the Executive Council; shall also be responsible for identifying programs of insurance, purchase, travel and welfare which are of advantage to the membership offered by the AFT, IFT or other organizations; shall inform the membership of such programs upon receiving approval from the President or Executive Council; shall give each new member a copy of the Local 434 Constitution; shall ensure members have current AFT/IFT membership cards.
- (7) The **Negotiating Committee** shall consist of the President and the President-Elect as ex-officio members (having rights as other committee members) and five (5) elected members, whenever possible no more than three (3) of whom shall not have served on the committee before. Its members shall be elected by secret ballot of the membership. Its members' terms shall last until the next Negotiating Committee is elected for the next contract negotiation. The five (5) nominees receiving the highest number of votes cast by the membership will be elected. Said election must take place prior to the end of the first semester in a school year that is the last year of a contract between the organization and District 201. Written notice to make nominations for candidates for this committee with the date of the election must be placed in all members' faculty mailboxes at least thirty (30) days in advance of the election. The chairperson of this committee will be appointed by its members. This committee shall:
 - a) see that each teacher's annual salary is determined in accordance with the salary schedule adopted by the Board of Education and approved by the organization. It shall also be the duty of this Committee to meet with the Board of Education to discuss salaries or the application of salary schedule and other factors pertaining to working conditions,
 - b) change the salary schedule and/or working agreement only after said change has been passed upon favorably by a simple majority of the votes cast by the membership present and voting by secret ballot at a special meeting having only this purpose,
 - c) give specific details of the negotiating contract to the membership prior to its acceptance.
- (8) The **Nominating, Elections, and Calendar Committee** shall set the date of all elections; shall notify the membership of the date, time and location of election by written notice in each member's faculty mailbox no less than fifteen (15) days in advance shall investigate the qualifications of the members of this organization for candidacy; shall follow Article IV, Section 2 of this Constitution governing the election of officers, Article VIII on the election of Delegates and Article VI, Section 3, Part H governing the election of the Negotiating Committee; shall act as tellers for all elections and publicly count the ballots, subject to the inspection of any member; shall retain ballots for one (1) year after an election; shall conduct and supervise all general and special elections and votes on referenda of the organization; shall have its chairperson decided by the Executive Council; shall hold all elections from 7:30AM to 4:00PM with the public counting of ballots after 4:00PM. In the event of ties, the Nominating and Elections Committee shall conduct a run-off election; shall meet

with the administration to plan the calendar for the succeeding school year and provide the Administration with teacher input.

- (9) The **Public Relations** committee shall assist the Executive Council and the organization in presenting to the public necessary information on organization affairs through the press, civic organizations, bulletins and any other means available. It shall also be the duty of the committee to assist the President in representing the organization before school officials and the Board of Education. It shall also administer organization scholarships and select their recipients.
- (10) The **Professional Issues Committee** shall identify work-related needs of the membership and develop programs and activities which meet those needs; shall monitor and make recommendations to the Executive Council on issues dealing with intellectual property rights and use of copyrighted materials and distance learning issues.
- (11) The **Technology Committee** will monitor and make recommendations regarding technology to the Union and the District.
- (12) The **Health & Safety Committee** will monitor and respond to the health and safety conditions on each campus.

Section 4. Any additional non-standing committees deemed necessary shall be appointed by the President and approved by the Executive Council, the chairperson being appointed by the President and approved by the Executive Council.

Section 5. All committees acting in the name of the organization, excepting emergency committees given such authority by the President, shall report their findings or recommendations to the organization or Executive Council for approval before such findings or recommendations are presented to others outside the organization.

ARTICLE VII – MEMBERSHIP MEETINGS

- Section 1. (1) Regular meetings of this Federation shall be held as often as needed, with at least one each September and one each May, the time and place to be determined by the President. Notice of the regular meetings shall be made at least thirty (30) days in advance.
- (2) Special membership meetings may be called by the President, or a majority of the Executive Council, or upon written request of twenty (20) members of the organization submitted to the Secretary. Notice of such a meeting shall be given by each Building Representative on his or her respective campus: its object shall be stated in the call, and no other business shall be transacted at the meeting.

Section 2. A quorum for the transaction of business at meetings of the organization shall be 5% of the members.

Section 3. Regular meetings of the Executive Council shall be held as deemed necessary by the President and/or the members of the Executive Council, the time and place to be determined by the President. A majority of the Executive Council shall constitute a quorum for the transaction of any business at the meetings of the Council.

ARTICLE VIII – DELEGATES TO NATIONAL CONVENTION

Delegates and/or Alternates to the national convention of the American Federation of Teachers shall be elected by secret ballot no later than the three days before the end of the school year. Their election should be held at the same time as the election of officers of the organization. Members of Local 434 and its Counsels (434 affiliates - i.e. secretaries and aides) may be candidates. The President is automatically a Delegate to the national AFT convention but shall not be compelled to attend. The Executive Council will determine before the election how much to reimburse Delegates and Alternates for their expenses to attend the convention.

Written notice of the right to make nominations, the date, time and location of the election, the number of Delegates and Alternates to be elected as determined by the Executive Council, the city in which the convention will be held, and the amount of expense reimbursement for Delegates and Alternates, shall be placed in each member's faculty mailbox and on bulletin boards at least thirty (30) days before the election. The results of the election must be announced and the ballots kept for a period of one (1) year. A certified list and official credentials of all Delegates and Alternates shall be sent by registered or certified mail to the National Office not later than fifteen (15) days prior to the opening date of the convention. The Nominating and Elections Committee shall have the duty of membership notification, nominations, ballot preparation and acting as tellers in the election of Delegates and Alternates.

ARTICLE IX – REVENUES

- Section 1. (1) Local membership fees and dues shall be determined by the Executive Council and approved by a majority of members present and voting by secret ballot at a membership meeting
- (2) Annual membership dues shall automatically reflect changes in affiliation fees (per capita charges) as mandated by the AFT and the IFT, effective on September 1 following such changes.
- Section 2. Members may have the option of paying dues in one lump sum each semester, or they may pay by payroll deductions. Semester dues which are not paid through payroll deductions must be paid by November 1 and April 1, respectively.
- Section 3. Members not paying dues shall have voting rights suspended until such time as dues are paid in full. Members whose fall semester dues are not paid by November 1 or whose spring semester dues are not paid by April 1 shall be dropped from the membership.
- Section 4. Retired members may pay annual dues through TRS deduction or by check. Annual dues paid by check must be received by November 1.
- Section 5. Special assessments in addition to the dues above may be levied upon each and every member by a simple majority of votes cast by secret ballot by the entire membership or by a simple majority vote by secret ballot of the members casting a vote at a general or special membership meeting, after at least 15 days' notice of the intention to vote upon such a question at the meeting.
- Section 6. (1) The semester dues of the President, Secretary, Comptroller, Treasurer and Building Representatives, shall be waived by Local 434. Said waiver shall be only for the term during which the office is held.
- (2) The President and the Comptroller shall each be paid a monthly salary, determined by the Executive Council, only for the year(s) during which they are holding office.
- (3) Union Dues shall be reimbursed at the end of each semester for ALL elected officers and the comptroller as the method for dues exemptions. The dues exemption will be pro-rated according to attendance of monthly Executive Council meetings, with the pro-rata being determined by the Executive Council. Said waiver shall be only for the months during which the office is held. (Underlined portion added per approved amendment to language, 9/14.)

ARTICLE X – AFFILIATIONS

This organization shall maintain affiliation with the following organizations:

- Section 1. This organization shall continue its affiliation with the American Federation of Teachers, AFL-CIO, and the Illinois Federation of Teachers.
- Section 2. The state American Federation of Labor-Congress of Industrial Organizations.
- Section 3. The appropriate Central Labor Council(s) of the American Federation of Labor-Congress of industrial organizations.

Section 4. This organization shall make or sever its affiliation with any other organization only by a simple majority vote by secret ballot of the entire membership.

ARTICLE XI – ENDORSEMENTS

The organization shall not make any endorsements except on issues or candidates directly affecting its interests in schools or teachers.

ARTICLE XII – RULES OF ORDER

Robert's Rules of Order, Newly Revised (11th Edition) shall govern this organization and all of its subordinate bodies in all not covered by this Constitution.

ARTICLE XIII – AMENDMENT

Section 1. Amendments to this Constitution may be proposed by any of its members. Such amendments must be presented in writing to the Secretary, who shall read them at the first regular organization meeting following their receipt.

Section 2. Amendments cannot be voted upon at the same meeting at which they are first read to the membership.

Section 3. An amendment shall pass if it receives a simple majority of votes cast by secret ballot of the entire membership.

ARTICLE XIV – AVAILABILITY OF CONSTITUTION

Section 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.

Section 2. One copy shall be sent to the similar officer of each organization with which this organization is affiliated.

Section 3. The Constitution Committee or the Secretary shall provide a copy of this Constitution to any member upon request.

ARTICLE XV – ADOPTION

This Constitution shall be adopted when ratified by a majority of the votes cast by secret ballot of organization members and those having made written application for membership to the Federation.

AFT – INSTALLATION OATH

By the authority vested in me as President of AFT Local 434, I now have the high honor and privilege of installing you who have been duly elected to serve the AFT Local 434 Federation of Teachers of High School District 201.

- In so doing, I pledge you to honestly and faithfully fulfill the arduous tasks that will be before you
- to perform those functions within the framework of the constitutions of the AFT and Local 434,
- to be ever mindful of the high precepts and principles of the American labor movement,
- to be at all times militant in the defense of teachers and other workers so that all will always know that the AFT symbolizes the power of strength to give them courage in their jobs and in the performance of their duties,
- most of all, however, to have the courage to stand for that which is right, for high principles in education, for high principles in morality and honesty, so that every child in America will have the opportunity of an adequate education.

US Code Title 29, Chapter 11, Section 411

SUBCHAPTER II - BILL OF RIGHTS OF MEMBERS OF LABOR ORGANIZATIONS

Sec. 411. Bill of rights; constitution and bylaws of labor organizations

(1) Equal rights

Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

(2) Freedom of speech and assembly

Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: provided, that nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

(3) Dues, initiation fees, and assessments

Except in the case of a federation of national or international labor organizations, the rates of dues and initiation fees payable by members of any labor organization in effect on September 14, 1959 shall not be increased, and no general or special assessment shall be levied upon such members, except -

(A) in the case of a local labor organization,

- (i) by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or
- (ii) by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot; or

(B) in the case of a labor organization, other than a local labor organization or a federation of national or international labor organizations,

- (i) by majority vote of the delegates voting at a regular convention, or at a special convention of such labor organization held upon not less than thirty days' written notice to the principal office of each local or constituent labor organization entitled to such notice, or
- (ii) by majority vote of the members in good standing of such labor organization voting in a membership referendum conducted by secret ballot, or
- (iii) by majority vote of the members of the executive board or similar governing body of such labor pursuant to express authority contained in the constitution and bylaws of such labor organization: provided, that such action on the part of the executive board or similar governing body shall be effective only until the next regular convention of such labor organization.

(4) Protection of the right to sue

No labor organization shall limit the right of any member thereof to institute an action in any court, or in a proceeding before any administrative agency, irrespective of whether or not the labor organization or its officers are named as defendants or respondents in such action or proceeding, or the right of any member of a labor organization to appear as a witness in any judicial, administrative, or legislative proceeding, or to petition any legislature or to communicate with any legislator: provided, that any such member may be required to exhaust reasonable hearing procedures (but not to exceed a four-month lapse of time) within such organization, before instituting legal or administrative proceedings against such organizations or any officer thereof: and provided further, that no interested employer or employer association shall directly or indirectly finance, encourage, or participate in, except as a party, any such action, proceeding, appearance, or petition.

(5) **Safeguards against improper disciplinary action**

No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for nonpayment of dues by such organization or by any officer thereof unless such member has been

- (A) served with written specific charges;
- (B) given a reasonable time to prepare his defense;
- (C) afforded a full and fair hearing.

- (b) **Invalidity of constitution and bylaws** - Any provision of the constitution and bylaws of any labor organization which is inconsistent with the provisions of this section shall be of no force or effect.

Sec. 412. - Civil action for infringement of rights; jurisdiction

Any person whose rights secured by the provisions of this subchapter have been infringed by any violation of this subchapter may bring a civil action in a district court of the United States for such relief (including injunctions) as may be appropriate. Any such action against a labor organization shall be brought in the district court of the United States for the district where the alleged violation occurred, or where the principal office of such labor organization is located.

Sec. 413. - Retention of existing rights of members

Nothing contained in this subchapter shall limit the rights and remedies of any member of a labor organization under any State or Federal law or before any court or other tribunal, or under the constitution and bylaws of any labor organization.

Sec. 414. - Right to copies of collective bargaining agreements

It shall be the duty of the secretary or corresponding principal officer of each labor organization, in the case of a local labor organization, to forward a copy of each collective bargaining agreement made by such labor organization with any employer to any employee who requests such a copy and whose rights as such employee are directly affected by such agreement, and in the case of a labor organization other than a local labor organization, to forward a copy of any such agreement to each constituent unit which has members directly affected by such agreement; and such officer shall maintain at the principal office of the labor organization of which he or she is an officer copies of any such agreement made or received by such labor organization, which copies shall be available for inspection by any member or by any employee whose rights are affected by such agreement. The provisions of section 440 of this title shall be applicable in the enforcement of this section.

Sec. 415. - Information to members of provisions of chapter

Every labor organization shall inform its members concerning the provisions of this chapter.