

Pro-Con Statements for House Vote on Revised Constitution

In December, the UTLA House of Representatives will vote on revisions to the UTLA Constitution, which establishes the fundamental principles that govern UTLA operations. As part of the process, UTLA members submitted pro and con statements on the constitutional revision.

PRO STATEMENT

The UTLA Constitution, written in 1970, establishes the fundamental principles which govern UTLA operations and the specific rules of guidance by which we operate. It is a foundational document that must be consistent and reflective of our current practice and state law. While it has been amended many times, it has never gone through a comprehensive revision (rewrite) to bring it to current and best practices in Governing Documents.

The Constitutional revisions that will be presented to the House of Representatives for approval on December 7, 2022, have been worked on by a Presidential-appointed Constitutional Committee since 2017. This committee was established with our legal advisors and parliamentarian to review the entire Constitution and make recommendations to remove archaic language and inconsistencies in the document, add current practices such as functional committees in operation (i.e., Constitution Committee and Negotiations Committee), and to be legally compliant with state law.

The only substantive change made that is recommended is dictated by state law. The change differentiates the legal duties of the Board of Directors as fiduciary, and the House of Representatives as the policy-making body of UTLA. Otherwise, the rights of our Areas, House of Representatives, Board of Directors, and extensive committee structure will remain the same.

Unnecessary and obsolete language and ancillary documents which no longer applied have been removed and this document is now consistent with our current practice.

The Constitution Committee recommends a yes vote on the Constitutional revision.

John Perez and Arlene Inouye, co-chairs

Ingrid Gunnell, Claudia Rodriguez, Matthew Kogan, Mallorie Evans, and Mel House

The 45 members of the UTLA Board of Directors urge the House of Representatives to adopt the revision.

CON STATEMENTS

We applaud the five appointed members of the Constitution Committee for cleaning up the language of the UTLA Constitution and bringing it into the 21st Century. However, we do have concerns about the lack of transparency with the process and some of the proposed revisions that will substantively change the

way that UTLA functions, how the House of Representatives (HOR) makes policy, and would ultimately be harmful to the entire membership.

Thus, we propose modifications which will result in a stronger representative and democratic Union by ensuring a balance of power:

1. *Remove the strike-outs* in Article IV: Board of Directors • Section 8: Powers and Duties: • H. (*Retain* final approval by the HOR of the budget proposed by the Board of Directors (BOD))
2. *Remove the strike-outs* in Article V: House of Representatives • Section 10: Functions and Duties: • A. (*Retain* the authority of the HOR to override actions of the officers and BOD) • H. (*Retain* the voting authority of the HOR to approve the annual UTLA budget)
3. *Remove the additions* in Article VII: Standing Function Committees • Section 2: Negotiations Committee • c. (*Remove* the Committee's full autonomy not bound by the policies of HOR) • Section 5: Rules and Reference Committee • F. (*Remove* the 2/3 vote and make all rulings by majority vote)
4. *Remove the strike-outs* in Article VIII: Standing Policy Committees • Section 3, C (*Retain* list of all Committees)

Respectfully Submitted,

Jennifer Albright, Ginger Rose Fox, and James Rozsa

The premise that our constitution needs to change because it's never been entirely revised is false. Constitutions are supposed to be stable. Apply the same logic to other constitutions you are aware of and you'll see how it fails. These aren't revisions but amendments.

It would be one thing if this had been an open process that had restricted itself to editorial amendments, which is what we were told the Constitution Committee was working on for five years. However, the process has been in secret and just as many functional amendments are being proposed as editorial amendments.

Unfortunately, having many years of experience and intimate knowledge of UTLA's inner workings, I cannot trust that any proposed amendments have been evaluated well.

In September 2015, I exposed our parliamentarian and then-president on their use of non-existent motions (Motion to Reaffirm, and Clarification Motion, respectively.) Since then, I've been a member and leader in local meetings of the National Association of Parliamentarians (NAP.) Most of 2022, I've been subjected to continuous persecution by the House of Representatives (HoR), all without due process and indefensible even by common-sense standards. The HoR has proven itself untrustworthy.

These amendments must be voted on separately and by the General Membership – some amendments deal with powers of the General Membership and therefore cannot be given away by the HoR.

We were only given two weeks to digest these amendments before our pro and con statements were due into our unconstitutionally disappeared newspaper. It's rushed by design.

Gregg Russell

The main reason to vote no on this revision of the UTLA Constitution is that it eliminates the one check on the virtually unlimited power of the President of UTLA who controls the communications, budget, lawyers, appointed positions and the general running of UTLA.

It rewrites the power of the House of Reps as “subject to limitations of the Constitution and applicable law.” However, the UTLA President pays and controls the lawyer and the new limitations added to this Constitutional revision take away any real power of everyone else.

The current Officers are some of the best people we have ever had at UTLA. But, that doesn't guarantee what will happen in the future. President A.J. Duffy did great things for Substitute Teachers in his first term. In his second term he single handedly signed away their right to work after being dues paying members for dozens of years. Many of them lost their cars, homes, marriages, health benefits and their lives. I personally know two Substitutes who died after they lost their health benefits.

The Board of Directors refused to overturn Duffy's give away. It was only when the House of Reps voted to overturn President Duffy's actions that the seniority rights of Substitute Teachers were restored. The seniority rights of Substitute Teachers determine whether they get to work or not. Those rights were voted on by all UTLA members.

There is nothing illegal about the current power of the House of Reps. Vote against losing your rights.

Leonard Segal