

## **Report of the Committee on Mutual Respect**

These amendments were prepared and submitted to the Constitution Committee on behalf of the Committee on Mutual Respect established by Resolution # 79A-23-09 at the 2023 CWA Convention. These two amendments were endorsed by the CWA Executive Board on June 10, 2025.

The amendment to Article XIX permits members to file charges alleging violations of the Policy on Mutual Respect with the National Union in instances where the violation constitutes harassment, discrimination, or retaliation and permits such violations to be punished by suspension, expulsion, fines, and/or training approved by the CWA Executive Board. This amendment benefits members, Local, Districts, Sectors, Divisions, and CWA as a whole by permitting members to file charges outside their Local. One issue that came to light before the committee is that members were reluctant to file charges over Mutual Respect violations within their Locals because such charges are controversial and biases within the Local could lead to inadequate or perfunctory investigations. The ability to file with the National Union would place the issues raised in such complaints before a neutral party who was removed from the situation.

The amendment to Article XX requires trials conducted by the National Union to be held by videoconference. This amendment benefits the members, Locals, Districts, Sectors, Divisions, and CWA as a whole by reducing the costs of National Trials. Travel, lodging, and food would no longer be expenses incurred by the Trial Panel in hearing cases. This will reduce costs for the Union and bring our trial practices in line with the prevailing norms we find in arbitration, before the National Labor Relations Board, and courts.

Attached are the original text of Article XIX, the original text of Article XX, Article XIX with track changes, Article XX with track changes, Article XIX with the proposed amendment, and Article XX with the proposed amendments. A flowchart prepared by the Mutual Respect Committee is submitted with these amendments for the benefit of the Constitutional Committee.

CWA Public, Health and Education Workers Vice President Margaret Cook and AFA-CWA President Sara Nelson served as Co-Chairs of the CWA Committee on Mutual Respect which included:

Co-chairs: Presidents Sara Nelson and Margaret Cook

Members:

D1 - Kevin Sheil

D2-13 - Letha Perry

D3 - Ed Barlow

D4 - Kwami Barnes

D6 - Tanya Holmes

D7 - Jade Kelly

D9 - T. Santora

AFA - Jen Sala

GUILD - Andrew Carillo

NABET - Dorothea Brown-Maxey

T&T - Marlene Jimenez

BEST - Bera Donau

FGR - Carson Brown

Staff Union - Julian Brunner

To the CWA Executive Board:

The Delegates of the 2023 CWA International Convention, ordered under resolution 79A-23-09, to create a temporary committee to review the Union's Policy on Mutual Respect.

Specifically, the committee was instructed to make recommendations to the Executive Board of CWA, to analyze the CWA constitution, internal structures, rules, policies, trainings and practices and make recommendations of any needed changes to the Executive Board, at any point.

The committee divided itself into three sub committees:

1. CWA constitution and internal structures
2. Rules and policies
3. Trainings and practices

We are recommending that the CWA Executive Board take the following actions.

### **CWA Constitution and Internal Structures**

Under Article XIX and Article XX of the Constitution, we believe the Executive Board can and should take the following actions:

- 1.a Update the Union Operating Procedures Manual (UOPM) to make it clear that members can file complaints and charges across Locals (Example, a member from Local 1 could file a charge against a member from Local 2). This would only apply currently to the Policy on Mutual Respect.
- 1.b Make the updated UOPM more visible on our websites (International and Locals)
- 1.c send out annually, the UOPM and the Policy on Mutual Respect (possibly multiple methods)
- 2.a Review the Employment Policy Manual to make sure it is clear how employees, guests, vendors, etc, know their rights and procedures.
- 2.b The Employment Policy Manual should also direct the above mentioned to their respective Collective Bargaining Agreements
- 3.a There should be a flow chart created that clearly shows the steps that a member would take to file a charge (or complaint) under the Policy of Mutual Respect. Including;
  - who to contact
  - timeliness/timelines
  - options of venues
  - where staff, guests, vendors, etc. can go
  - including appeals processes

Basically showing all the steps of filing a charge or charges and the steps through the investigation, trial, and results.

## FURTHER

"With respect to Member to Member issues, the Union's Constitution provides a process for charges AND a process for complaints. Like a Venn diagram, they are separate processes with overlapping areas of concern and similar appeals procedures."

4.a Currently, the Constitution only allows a member to be charged within their own local. We find this problematic due to the burden the current process would place on locals, financially and operationally.

4.b We recommend that the International Executive Board create a charging and appeals process at the International level. Again, this would only apply to charges or complaints under the Policy on Mutual Respect. We believe this is allowable under Article XIX of our Constitution, or amend the Constitution as needed.

To that respect, the committee also offers the following Constitutional Amendments

1. Amend Article XIX, Section 2—Specifications of Offense—Union, to add the following strikethrough and underlined language:

Members may be suspended or expelled by trial courts selected by the Executive Board of the Union in the manner provided in the Constitution for any of the following acts described in Paragraphs (a) and (b) below; and fined, suspended, expelled, and/or required to take training on CWA's Policy on Mutual Respect that is approved by the Executive Board:

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(b) Willfully supporting or assisting any person, group of persons, or organization in any act or activities for the purpose of seeking or obtaining the replacement of the Union as collective bargaining representative.;

(c) Violations of the CWA Policy on Mutual Respect that constitute harassment, discrimination, and/or retaliation.

2. Amend Article XIX, Section 3—Suspension Pending Trial—Union, to add the following strikethrough and underlined language:

An officer of the Union, member of the Executive Board, Local officer or other elected official against whom charges have been filed for conduct set forth in Paragraphs (a), (b), and (c) (b) of Section 2 of this Article may be suspended from office by a two-thirds (2/3) vote of the Executive Board pending final determination of the charges by a trial court or any appeal resulting from such trial, where such suspension is determined by the Executive Board to be in the best interest of the Union.

3. Amend Article XX, Section 3(b)(3) to add the following underlined language:

(3) The trial shall be held speedily, with due notice to the accused, at a time and place determined by the trial court to be fair and reasonable to the accused, and the trial shall be by video conference in cases where travel in excess of 100 miles or overnight accommodations will be required for any member of the trial court;

## IN CONCLUSION

Currently, a Member can only be charged within their own local for a violation of the Union's Constitution. There may need to be an amendment to the Constitution to allow a Member to charge or be charged under the Policy of Mutual Respect at the International level.

## **Rules and policies**

The subcommittee examined rules and policies. What we found is that rules and policies on mutual respect already exist, so our recommendations are focused on communicating those rules/procedures, and making sure people know where to find them. This has been detailed in the Constitution/Internal Structures Section above.

## **Trainings and practices**

To uphold our values and ensure all union siblings, sisters, and brothers are protected from disrespect, we recommend the creation of a comprehensive Mutual Respect Policy, mandatory training at all leadership levels, and increased staff support for training implementation and enforcement. Our recommendations prioritize a developing plain text guide of the committee's detailed Mutual Respect policy and how to seek proper recourse in the case of disrespect while minimizing disruptions to union operations. Additionally, training on this policy must be provided to leadership at all levels, ensuring alignment with CWA's core values. To effectively implement these initiatives, the Education and Human Rights Departments require additional staff and resources. We strongly urge the Executive Board to fund these departments appropriately, reflecting CWA's commitment to Mutual Respect as a core union principle.

## **Recommendations**

### **1) Creation of a Comprehensive Mutual Respect Policy Training**

- Mutual Respect Training: Key Areas of Focus
  - Overview of the Mutual Respect Policy (as outlined in the constitution)
  - Recognizing and Defining Disrespect
  - Building Understanding Through Active Listening

- IDEA Principles: Inclusion, Diversity, Equity, and Access
- Setting Clear Personal and Operational Boundaries
- Identifying and Developing Skills to Address Bias
- Conflict Resolution: Steps for Resolving Issues at the Lowest Level
- Complaint Process: How to File a Complaint and What Happens Next (per constitution and UOPM)
- Training depth should be proportional to leadership level:
  - National Officers receive the most comprehensive training.
  - District Officers and staff receive intermediate training.
  - Local Officers receive fundamental training.

## 2) Training Requirements

- **Training Frequency**
  - Officers, executive board members, and staff must complete training once per term and within six months of their election or appointment.
  - More frequent, shorter training sessions are encouraged.
- **Stewards**
  - Training should be incorporated into steward onboarding and repeated within six months of each election year.
- **Local Accessibility**
  - A training video should be available for local membership and committee meetings.
  - IDEA ambassadors should be present as points of contact during these meetings and routine activities.

## 3) Request for Additional Staff Support

- **Increase Staff Support for Training Implementation and Enforcement**
  - Assign personnel—preferably hiring for new positions or assigning current staff, departmental resources, or external hires—to effectively deliver training programs.
- **Leverage Effective Past Trainings**
  - Incorporate elements of the 2017 Fight Forward training and Human Rights Department's Hidden Bias training into the new Mutual Respect Training Program.
- **Conduct Climate Surveys**
  - Allocate resources for staff to design and implement climate surveys to assess members' experiences with mutual respect at local, district, and national levels.
- **Designate IDEA Ambassadors for Complaints**
  - Appoint IDEA ambassadors to address complaints.
  - Announce their presence at every local, district, and national meeting, conference, or convention.

By implementing these recommendations, CWA can reinforce its commitment to mutual respect, ensuring that all members operate in an environment that aligns with our core values of inclusion, dignity, and solidarity.

## **Original Article XIX**

### **Article XIX—Charges Against Members**

#### *Section 1—Specifications of Offenses—Locals*

Members may be fined, suspended and/or expelled by Locals in the manner provided in the Constitution for any of the following acts:

- (a) Making false material statements or withholding material information when applying for membership;
- (b) Willfully refusing to pay dues or assessments properly established or fines properly imposed or other valid financial obligations to the Union or Local;
- (c) Willfully violating the Constitution of the Union, Local Bylaws or Rules;
- (d) Disobeying or willfully failing to comply with any lawful decision or order of the Union or Local;
- (e) Working without proper Union authorization, during the period of a properly approved strike in or for an establishment which is being struck by the Union or Local;
- (f) Instigating or knowingly participating in an unauthorized strike or slowdown;
- (g) Willfully violating the adopted standards as to wages, hours or working conditions;
- (h) Misappropriating money or property of the Union or Local;
- (i) Violating the CWA Policy on Mutual Respect by acting in a discriminatory or harassing way;
- (j) For such other offenses, equally serious, which tend to bring the Union or Local thereof into disrepute.

#### *Section 2—Specifications of Offenses—Union*

Members may be suspended or expelled by trial courts selected by the Executive Board of the Union in the manner provided in the Constitution for any of the following acts:

- (a) Willfully supporting or assisting any other labor organization in connection with a claim of jurisdiction in conflict with the jurisdiction of the Union;
- (b) Willfully supporting or assisting any person, group of persons, or organization in any act or activities for the purpose of seeking or obtaining the replacement of the Union as collective bargaining representative.

#### *Section 3—Suspension Pending Trial*

An officer of the Union, member of the Executive Board, Local officer or other elected official against whom charges have been filed for conduct set forth in



Paragraphs (a) and (b) of Section 2 of this Article may be suspended from office by a two-thirds (2/3) vote of the Executive Board pending final determination of the charges by a trial court or any appeal resulting from such trial, where such suspension is determined by the Executive Board to be in the best interest of the Union.

*Section 4—Non-Immunity*

No member of the Union shall be immune from penalty for committing any of the offenses set forth in this Article by reason of the position or office the member may hold in the Union or any Local thereof.

## **Track Changes Article XIX**

### **Article XIX—Charges Against Members**

#### *Section 1—Specifications of Offenses—Locals*

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- (c) Willfully violating the Constitution of the Union, Local Bylaws or Rules;
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- (j) For such other offenses, equally serious, which tend to bring the Union or Local thereof into disrepute.

#### *Section 2—Specifications of Offenses—Union*

Members may be suspended or expelled by trial courts selected by the Executive Board of the Union in the manner provided in the Constitution for the any of the following acts described in Paragraphs (a) and (b) below; and Members may be fined, suspended, expelled, and/or required to take training approved by the Executive Board for the acts described in Paragraph (c) below:

- (a) Willfully supporting or assisting any other labor organization in connection with a claim of jurisdiction in conflict with the jurisdiction of the Union;
- (b) Willfully supporting or assisting any person, group of persons, or organization in any act or activities for the purpose of seeking or obtaining the replacement of the Union as collective bargaining representative;

(c) Violations of the CWA Policy on Mutual Respect that constitute harassment, discrimination, and/or retaliation.

*Section 3—Suspension Pending Trial*

An officer of the Union, member of the Executive Board, Local officer or other elected official against whom charges have been filed for conduct set forth in Paragraphs (a), ~~and~~ (b), and (c) of Section 2 of this Article may be suspended from office by a two-thirds (2/3) vote of the Executive Board pending final determination of the charges by a trial court or any appeal resulting from such trial, where such suspension is determined by the Executive Board to be in the best interest of the Union.

*Section 4—Non-Immunity*

No member of the Union shall be immune from penalty for committing any of the offenses set forth in this Article by reason of the position or office the member may hold in the Union or any Local thereof.

## **Proposed Amendments Article XIX**

### **Article XIX—Charges Against Members**

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- (b) Willfully refusing to pay dues or assessments properly established or fines properly imposed or other valid financial obligations to the Union or Local;
- (c) Willfully violating the Constitution of the Union, Local Bylaws or Rules;
- (d) Disobeying or willfully failing to comply with any lawful decision or order of the Union or Local;
- (e) Working without proper Union authorization, during the period of a properly approved strike in or for an establishment which is being struck by the Union or Local;
- (f) Instigating or knowingly participating in an unauthorized strike or slowdown;
- (g) Willfully violating the adopted standards as to wages, hours or working conditions;
- (h) Misappropriating money or property of the Union or Local;
- (i) Violating the CWA Policy on Mutual Respect by acting in a discriminatory or harassing way;
- (j) For such other offenses, equally serious, which tend to bring the Union or Local thereof into disrepute.

#### *Section 2—Specifications of Offenses—Union*

Members may be suspended or expelled by trial courts selected by the Executive Board of the Union in the manner provided in the Constitution for the acts described in Paragraphs (a) and (b) below; and Members may be fined, suspended, expelled, and/or required to take training approved by the Executive Board for the acts described in Paragraph (c) below:

- (a) Willfully supporting or assisting any other labor organization in connection with a claim of jurisdiction in conflict with the jurisdiction of the Union;
- (b) Willfully supporting or assisting any person, group of persons, or organization in any act or activities for the purpose of seeking or obtaining the replacement of the Union as collective bargaining representative;
- (c) Violations of the CWA Policy on Mutual Respect that constitute harassment, discrimination, and/or retaliation.

### *Section 3—Suspension Pending Trial*

An officer of the Union, member of the Executive Board, Local officer or other elected official against whom charges have been filed for conduct set forth in Paragraphs (a), (b), and (c) of Section 2 of this Article may be suspended from office by a two-thirds (2/3) vote of the Executive Board pending final determination of the charges by a trial court or any appeal resulting from such trial, where such suspension is determined by the Executive Board to be in the best interest of the Union.

### *Section 4—Non-Immunity*

No member of the Union shall be immune from penalty for committing any of the offenses set forth in this Article by reason of the position or office the member may hold in the Union or any Local thereof.

## **Article XX Original**

### ***Article XX—Trials and Appeals—General***

#### ***Membership and Officers of Locals***

##### *Section 1—Persons Subject to Trial*

- (a) Members of the Union, including Officers of Locals, shall be tried for any of the offenses listed in Article XIX as provided herein;
- (b) Officers of a Local may be removed or suspended from office pursuant to Article IX, Section 4, Paragraph (b) as herein provided, excepting that the Executive Board of the Union may conduct such trials after notice to the Locals involved, on its own initiative in the event of inaction by the Local. The procedure for such trial shall be in conformity with the standards set forth in Sections 2, 3, and 4 of this Article.

##### *Section 2—Charges*

- (a) Charges made against a member of the Union or an officer of the Local shall be in writing, signed and sworn to by the accuser. Charges of offenses described in Article XIX, Section 1, shall be filed with the recording officer of the Local of which the accused is a member. In the event the accused is such recording officer, the charges shall be filed with the President of the Local. Should both the recording officer and the Local President be involved as a charging party or as a party charged, the charges shall be filed with the Secretary-Treasurer of the Union. All charges of offenses described in Article XIX, Section 2, shall be filed with the Secretary-Treasurer of the Union. In the event the accused is such Secretary-Treasurer, the charges shall be filed with the President of the Union. Trial procedures for all charges filed with the Secretary-Treasurer or the President of the Union shall be in conformance with Section 3(b) of this Article.
- (b) Charges must be submitted within sixty (60) days of the time the accuser becomes aware of the alleged offense. The accuser can be a victim of the offense(s), a witness to the offense(s), or someone who learned of the offense(s) after the alleged occurrence;
- (c) Charges shall contain an allegation of the facts constituting the offense with which the accused is charged and the approximate date or dates said offense is alleged to have occurred.

##### *Section 3—Trials*

- (a) The Bylaws or Rules of a Local shall specify the manner in which an accused person shall be tried and must conform with the following minimum standards:
  - (1) An unbiased court composed of not less than three or more than seven persons, who shall be members of the Local, not parties to the proceeding, shall be selected by the governing body of the Local using a random selection

process. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all the evidence presented;

(2) A prosecutor, who is a member of the Local, but not an accuser, shall be appointed by the governing body of the Local to assist the accuser in the trial and presentation of evidence. If, after investigation, the prosecutor is of the opinion that there is not probable cause to believe that a violation punishable under this Article has been committed, the prosecutor shall report the findings in writing to the governing body of the Local with a recommendation that the charge not be prosecuted. Copies of the findings and recommendations shall be delivered to the accuser and the accused. The recommendation shall become final unless appealed by the accuser within thirty (30) days after receipt of the written notice of the findings, using the procedures established pursuant to Article IX, Section 7, of this Constitution. Such an appeal shall be filed with the Local Secretary or Secretary-Treasurer, and shall be considered pursuant to Section I.B of the CWA Internal Appeals Procedures.

(3) If the prosecutor determines that probable cause does exist, the trial shall be held speedily with due notice to the accused;

(4) The accused shall have the right to select a member of the Local as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. The accused shall have the opportunity to cross-examine witnesses;

(5) All witnesses shall testify under oath;

(6) A decision shall be reached and written notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial. The requirement of such notice shall be satisfied by personal service or certified mail receipt;

(7) A faithful and accurate record of the proceedings shall be made;

(8) The Local may suspend the accused pending the final decision on an appeal.

(b) Trials conducted by courts selected by the Executive Board of the Union must conform with the following minimum standards:

(1) An unbiased court composed of three persons, who shall be members of the Union not employed by the International Union as Staff personnel and not parties to the proceeding, shall be selected by the Executive Board from a Trial Panel composed of one elected member from each of the geographical Districts by secret ballot, after nominations from the floor at the meeting of the delegates from the District in conjunction with the Union Convention. Beginning with the elections held in 2013, members of the Trial Panel shall serve for four years or until their successors are elected and qualified, except that in the election in 2013, the members of the Trial Panel from Districts 1, 3, 4 and 7 will be elected for two-year terms. Thereafter, the elections of Trial Panel Members shall be

staggered. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all of the evidence presented. In the case of trials based on offenses specified in Article XIX, Section 2, a report shall be placed in the Union's official publication with the name of the accused and decision of the court and the names of the Trial Panel;

(2) A prosecutor, who is a member of the Union, but not an accuser, shall be appointed by the Executive Board of the Union to assist the accuser in the trial and presentation of evidence, and such prosecutor shall have the same authority and discretion granted to Local prosecutors under Section 3 (a) (2) of this Article. An appeal by the accuser of a prosecutor's findings of no probable cause shall be filed with the Secretary-Treasurer of the Union within thirty (30) days after the receipt of the written notice of findings and shall be considered pursuant to Section II.C.6 of the CWA Internal Appeals Procedures;

(3) The trial shall be held speedily, with due notice to the accused, at a time and place determined by the trial court to be fair and reasonable to the accused;

(4) The accused shall have the right to select a member of the Union as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. The accused shall have the opportunity to cross-examine witnesses;

(5) All witnesses shall testify under oath;

(6) Notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial;

(7) A faithful and accurate record of the proceedings shall be made;

(8) The Executive Board of the Union may suspend the accused pending the final decision on an appeal.

#### *Section 4—Appeals*

(a) A member or officer of a Local upon being found guilty by a Local court may appeal as provided in this Section:

(1) Have the right to refer the matter to a membership meeting of the Local, within thirty (30) days after being found guilty by a court, which may affirm or reverse the decision or reduce the penalty; provided that where a Local membership meeting is held by sections, units or areas, the appeal shall be to the governing body of the Local;

(2) Have the right to appeal from the final decision of the Local to the Executive Board of the Union within thirty (30) days after such final decision of the Local;

(3) The appeal to the Executive Board of the Union shall be directed, in writing, to the Secretary-Treasurer of the Union, who shall obtain the record of the



case. The Executive Board shall review the case and affirm or reverse the decision or reduce the penalty or return the case for a new trial;

(4) Have the right to appeal from the decision of the Executive Board of the Union to the next Convention by giving a notice of appeal in writing within thirty (30) days after the date of receipt of the decision to the Secretary-Treasurer of the Union. If the Executive Board has failed to render a decision within thirty (30) days preceding the Convention, the accused may appeal directly to the Convention which may affirm or reverse the decision or reduce the penalty. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting.

(b) A member or officer of a Local upon being found guilty by a court selected by the Executive Board of the Union shall have the right to appeal as provided in this Section:

(1) Have the right to appeal from the decision of the trial court to the Executive Board of the Union within thirty (30) days after the date of the trial court's decision.

(2) Have the right to appeal from the decision of the Executive Board of the Union to the next Convention by giving notice of appeal in writing to the Secretary-Treasurer of the Union within thirty (30) days after the decision. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting. If the Executive Board has failed to render a decision within thirty (30) days preceding the Convention, the accused may appeal directly to the Convention which may affirm or reverse the decision or reduce the penalty.

(c) The thirty (30) day time limit provided in this section for filing of appeals from decisions of trial courts may be extended at the discretion of the body to which the appeal is being taken for an additional period not to exceed thirty (30) days, upon showing of justification by the party making the appeal.

#### *Section 5—Determination of Appeal*

Decisions on appeal shall be determined by majority vote.

## **Article XX Track Changes**

### ***Article XX—Trials and Appeals—General***

#### ***Membership and Officers of Locals***

##### *Section 1—Persons Subject to Trial*

- (a) Members of the Union, including Officers of Locals, shall be tried for any of the offenses listed in Article XIX as provided herein;
- (b) Officers of a Local may be removed or suspended from office pursuant to Article IX, Section 4, Paragraph (b) as herein provided, excepting that the Executive Board of the Union may conduct such trials after notice to the Locals involved, on its own initiative in the event of inaction by the Local. The procedure for such trial shall be in conformity with the standards set forth in Sections 2, 3, and 4 of this Article.

##### *Section 2—Charges*

- (a) Charges made against a member of the Union or an officer of the Local shall be in writing, signed and sworn to by the accuser. Charges of offenses described in Article XIX, Section 1, shall be filed with the recording officer of the Local of which the accused is a member. In the event the accused is such recording officer, the charges shall be filed with the President of the Local. Should both the recording officer and the Local President be involved as a charging party or as a party charged, the charges shall be filed with the Secretary-Treasurer of the Union. All charges of offenses described in Article XIX, Section 2, shall be filed with the Secretary-Treasurer of the Union. In the event the accused is such Secretary-Treasurer, the charges shall be filed with the President of the Union. Trial procedures for all charges filed with the Secretary-Treasurer or the President of the Union shall be in conformance with Section 3(b) of this Article.
- (b) Charges must be submitted within sixty (60) days of the time the accuser becomes aware of the alleged offense. The accuser can be a victim of the offense(s), a witness to the offense(s), or someone who learned of the offense(s) after the alleged occurrence;
- (c) Charges shall contain an allegation of the facts constituting the offense with which the accused is charged and the approximate date or dates said offense is alleged to have occurred.

##### *Section 3—Trials*

- (a) The Bylaws or Rules of a Local shall specify the manner in which an accused person shall be tried and must conform with the following minimum standards:
  - (1) An unbiased court composed of not less than three or more than seven persons, who shall be members of the Local, not parties to the proceeding,

shall be selected by the governing body of the Local using a random selection process. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all the evidence presented;

(2) A prosecutor, who is a member of the Local, but not an accuser, shall be appointed by the governing body of the Local to assist the accuser in the trial and presentation of evidence. If, after investigation, the prosecutor is of the opinion that there is not probable cause to believe that a violation punishable under this Article has been committed, the prosecutor shall report the findings in writing to the governing body of the Local with a recommendation that the charge not be prosecuted. Copies of the findings and recommendations shall be delivered to the accuser and the accused. The recommendation shall become final unless appealed by the accuser within thirty (30) days after receipt of the written notice of the findings, using the procedures established pursuant to Article IX, Section 7, of this Constitution. Such an appeal shall be filed with the Local Secretary or Secretary-Treasurer, and shall be considered pursuant to Section I.B of the CWA Internal Appeals Procedures.

(3) If the prosecutor determines that probable cause does exist, the trial shall be held speedily with due notice to the accused;

(4) The accused shall have the right to select a member of the Local as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. The accused shall have the opportunity to cross-examine witnesses;

(5) All witnesses shall testify under oath;

(6) A decision shall be reached and written notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial. The requirement of such notice shall be satisfied by personal service or certified mail receipt;

(7) A faithful and accurate record of the proceedings shall be made;

(8) The Local may suspend the accused pending the final decision on an appeal.

(b) Trials conducted by courts selected by the Executive Board of the Union must conform with the following minimum standards:

(1) An unbiased court composed of three persons, who shall be members of the Union not employed by the International Union as Staff personnel and not parties to the proceeding, shall be selected by the Executive Board from a Trial Panel composed of one elected member from each of the geographical Districts by secret ballot, after nominations from the floor at the meeting of the delegates from the District in conjunction with the Union Convention. Beginning with the elections held in 2013, members of the Trial Panel shall serve for four years or

until their successors are elected and qualified, except that in the election in 2013, the members of the Trial Panel from Districts 1, 3, 4 and 7 will be elected for two-year terms. Thereafter, the elections of Trial Panel Members shall be staggered. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all of the evidence presented. In the case of trials based on offenses specified in Article XIX, Section 2, a report shall be placed in the Union's official publication with the name of the accused and decision of the court and the names of the Trial Panel;

(2) A prosecutor, who is a member of the Union, but not an accuser, shall be appointed by the Executive Board of the Union to assist the accuser in the trial and presentation of evidence, and such prosecutor shall have the same authority and discretion granted to Local prosecutors under Section 3 (a) (2) of this Article. An appeal by the accuser of a prosecutor's findings of no probable cause shall be filed with the Secretary-Treasurer of the Union within thirty (30) days after the receipt of the written notice of findings and shall be considered pursuant to Section II.C.6 of the CWA Internal Appeals Procedures;

(3) The trial shall be held speedily, with due notice to the accused, at a time and place determined by the trial court to be fair and reasonable to the accused, and the trial shall be by video conference in cases where travel in excess of 100 miles or overnight accommodations would be required for any member of the trial court;

(4) The accused shall have the right to select a member of the Union as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. The accused shall have the opportunity to cross-examine witnesses;

(5) All witnesses shall testify under oath;

(6) Notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial;

(7) A faithful and accurate record of the proceedings shall be made;

(8) The Executive Board of the Union may suspend the accused pending the final decision on an appeal.

#### *Section 4—Appeals*

(a) A member or officer of a Local upon being found guilty by a Local court may appeal as provided in this Section:

(1) Have the right to refer the matter to a membership meeting of the Local, within thirty (30) days after being found guilty by a court, which may affirm or reverse the decision or reduce the penalty; provided that where a Local membership meeting is held by sections, units or areas, the appeal shall be to the governing body of the Local;

(2) Have the right to appeal from the final decision of the Local to the Executive Board of the Union within thirty (30) days after such final decision of the Local;

(3) The appeal to the Executive Board of the Union shall be directed, in writing, to the Secretary-Treasurer of the Union, who shall obtain the record of the case. The Executive Board shall review the case and affirm or reverse the decision or reduce the penalty or return the case for a new trial;

(4) Have the right to appeal from the decision of the Executive Board of the Union to the next Convention by giving a notice of appeal in writing within thirty (30) days after the date of receipt of the decision to the Secretary-Treasurer of the Union. If the Executive Board has failed to render a decision within thirty (30) days preceding the Convention, the accused may appeal directly to the Convention which may affirm or reverse the decision or reduce the penalty. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting.

(b) A member or officer of a Local upon being found guilty by a court selected by the Executive Board of the Union shall have the right to appeal as provided in this Section:

(1) Have the right to appeal from the decision of the trial court to the Executive Board of the Union within thirty (30) days after the date of the trial court's decision.

(2) Have the right to appeal from the decision of the Executive Board of the Union to the next Convention by giving notice of appeal in writing to the Secretary-Treasurer of the Union within thirty (30) days after the decision. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting. If the Executive Board has failed to render a decision within thirty (30) days preceding the Convention, the accused may appeal directly to the Convention which may affirm or reverse the decision or reduce the penalty.

(c) The thirty (30) day time limit provided in this section for filing of appeals from decisions of trial courts may be extended at the discretion of the body to which the appeal is being taken for an additional period not to exceed thirty (30) days, upon showing of justification by the party making the appeal.

#### *Section 5—Determination of Appeal*

Decisions on appeal shall be determined by majority vote.

## **Article XX Proposed Amendment**

### **Article XX—Trials and Appeals—General**

#### **Membership and Officers of Locals**

##### *Section 1—Persons Subject to Trial*

- (a) Members of the Union, including Officers of Locals, shall be tried for any of the offenses listed in Article XIX as provided herein;
- (b) Officers of a Local may be removed or suspended from office pursuant to Article IX, Section 4, Paragraph (b) as herein provided, excepting that the Executive Board of the Union may conduct such trials after notice to the Locals involved, on its own initiative in the event of inaction by the Local. The procedure for such trial shall be in conformity with the standards set forth in Sections 2, 3, and 4 of this Article.

##### *Section 2—Charges*

- (a) Charges made against a member of the Union or an officer of the Local shall be in writing, signed and sworn to by the accuser. Charges of offenses described in Article XIX, Section 1, shall be filed with the recording officer of the Local of which the accused is a member. In the event the accused is such recording officer, the charges shall be filed with the President of the Local. Should both the recording officer and the Local President be involved as a charging party or as a party charged, the charges shall be filed with the Secretary-Treasurer of the Union. All charges of offenses described in Article XIX, Section 2, shall be filed with the Secretary-Treasurer of the Union. In the event the accused is such Secretary-Treasurer, the charges shall be filed with the President of the Union. Trial procedures for all charges filed with the Secretary-Treasurer or the President of the Union shall be in conformance with Section 3(b) of this Article.
- (b) Charges must be submitted within sixty (60) days of the time the accuser becomes aware of the alleged offense. The accuser can be a victim of the offense(s), a witness to the offense(s), or someone who learned of the offense(s) after the alleged occurrence;
- (c) Charges shall contain an allegation of the facts constituting the offense with which the accused is charged and the approximate date or dates said offense is alleged to have occurred.

##### *Section 3—Trials*

- (a) The Bylaws or Rules of a Local shall specify the manner in which an accused person shall be tried and must conform with the following minimum standards:
  - (1) An unbiased court composed of not less than three or more than seven persons, who shall be members of the Local, not parties to the proceeding, shall be selected by the governing body of the Local using a random selection

process. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all the evidence presented;

(2) A prosecutor, who is a member of the Local, but not an accuser, shall be appointed by the governing body of the Local to assist the accuser in the trial and presentation of evidence. If, after investigation, the prosecutor is of the opinion that there is not probable cause to believe that a violation punishable under this Article has been committed, the prosecutor shall report the findings in writing to the governing body of the Local with a recommendation that the charge not be prosecuted. Copies of the findings and recommendations shall be delivered to the accuser and the accused. The recommendation shall become final unless appealed by the accuser within thirty (30) days after receipt of the written notice of the findings, using the procedures established pursuant to Article IX, Section 7, of this Constitution. Such an appeal shall be filed with the Local Secretary or Secretary-Treasurer, and shall be considered pursuant to Section I.B of the CWA Internal Appeals Procedures.

(3) If the prosecutor determines that probable cause does exist, the trial shall be held speedily with due notice to the accused;

(4) The accused shall have the right to select a member of the Local as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. The accused shall have the opportunity to cross-examine witnesses;

(5) All witnesses shall testify under oath;

(6) A decision shall be reached and written notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial. The requirement of such notice shall be satisfied by personal service or certified mail receipt;

(7) A faithful and accurate record of the proceedings shall be made;

(8) The Local may suspend the accused pending the final decision on an appeal.

(b) Trials conducted by courts selected by the Executive Board of the Union must conform with the following minimum standards:

(1) An unbiased court composed of three persons, who shall be members of the Union not employed by the International Union as Staff personnel and not parties to the proceeding, shall be selected by the Executive Board from a Trial Panel composed of one elected member from each of the geographical Districts by secret ballot, after nominations from the floor at the meeting of the delegates from the District in conjunction with the Union Convention. Beginning with the elections held in 2013, members of the Trial Panel shall serve for four years or until their successors are elected and qualified, except that in the election in 2013, the members of the Trial Panel from Districts 1, 3, 4 and 7 will be elected for two-year terms. Thereafter, the elections of Trial Panel Members shall be

staggered. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all of the evidence presented. In the case of trials based on offenses specified in Article XIX, Section 2, a report shall be placed in the Union's official publication with the name of the accused and decision of the court and the names of the Trial Panel;

(2) A prosecutor, who is a member of the Union, but not an accuser, shall be appointed by the Executive Board of the Union to assist the accuser in the trial and presentation of evidence, and such prosecutor shall have the same authority and discretion granted to Local prosecutors under Section 3 (a) (2) of this Article. An appeal by the accuser of a prosecutor's findings of no probable cause shall be filed with the Secretary-Treasurer of the Union within thirty (30) days after the receipt of the written notice of findings and shall be considered pursuant to Section II.C.6 of the CWA Internal Appeals Procedures;

(3) The trial shall be held speedily, with due notice to the accused, at a time and place determined by the trial court to be fair and reasonable to the accused, and the trial shall be by video conference in cases where travel in excess of 100 miles or overnight accommodations would be required for any member of the trial court;

(4) The accused shall have the right to select a member of the Union as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. The accused shall have the opportunity to cross-examine witnesses;

(5) All witnesses shall testify under oath;

(6) Notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial;

(7) A faithful and accurate record of the proceedings shall be made;

(8) The Executive Board of the Union may suspend the accused pending the final decision on an appeal.

#### *Section 4—Appeals*

(a) A member or officer of a Local upon being found guilty by a Local court may appeal as provided in this Section:

(1) Have the right to refer the matter to a membership meeting of the Local, within thirty (30) days after being found guilty by a court, which may affirm or reverse the decision or reduce the penalty; provided that where a Local membership meeting is held by sections, units or areas, the appeal shall be to the governing body of the Local;

(2) Have the right to appeal from the final decision of the Local to the Executive Board of the Union within thirty (30) days after such final decision of the Local;



(3) The appeal to the Executive Board of the Union shall be directed, in writing, to the Secretary-Treasurer of the Union, who shall obtain the record of the case. The Executive Board shall review the case and affirm or reverse the decision or reduce the penalty or return the case for a new trial;

(4) Have the right to appeal from the decision of the Executive Board of the Union to the next Convention by giving a notice of appeal in writing within thirty (30) days after the date of receipt of the decision to the Secretary-Treasurer of the Union. If the Executive Board has failed to render a decision within thirty (30) days preceding the Convention, the accused may appeal directly to the Convention which may affirm or reverse the decision or reduce the penalty. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting.

(b) A member or officer of a Local upon being found guilty by a court selected by the Executive Board of the Union shall have the right to appeal as provided in this Section:

(1) Have the right to appeal from the decision of the trial court to the Executive Board of the Union within thirty (30) days after the date of the trial court's decision.

(2) Have the right to appeal from the decision of the Executive Board of the Union to the next Convention by giving notice of appeal in writing to the Secretary-Treasurer of the Union within thirty (30) days after the decision. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting. If the Executive Board has failed to render a decision within thirty (30) days preceding the Convention, the accused may appeal directly to the Convention which may affirm or reverse the decision or reduce the penalty.

(c) The thirty (30) day time limit provided in this section for filing of appeals from decisions of trial courts may be extended at the discretion of the body to which the appeal is being taken for an additional period not to exceed thirty (30) days, upon showing of justification by the party making the appeal.

#### *Section 5—Determination of Appeal*

Decisions on appeal shall be determined by majority vote.



## **CWA Mutual Respect Complaint and Charge Process Guide**

### **I. Overview of CWA's Mutual Respect Policy**

The Communications Workers of America is committed to the dignity and respect of all its members. As adopted by the Executive Board and restated in our Constitution:

- Discrimination in any form will not be tolerated at any level of CWA.
- Freedom from discrimination within our Union is a right and privilege of all members.
- Complaints will be investigated immediately and thoroughly, without fear of reprisal or retaliation.
- Representation at all levels must be evenhanded—without fear, preference, or favoritism.

Our CWA Policy on Discrimination includes, but is not limited to, protections on the basis of race, color, gender, religion, age, marital/parental status, political beliefs, sexual orientation, gender identity or expression, national origin, disability, or veteran status.

### **II. Recognizing and Defining Disrespect**

Disrespect within our Union includes:

- Harassment (verbal, physical, or sexual)
- Discrimination
- Retaliation for reporting a concern
- Bullying or intimidation
- Violations of boundaries or dignity at Union meetings, events, or in digital communications

If you experience or witness behavior that violates CWA's Mutual Respect Policy, you have the right to file a complaint or charge.

### **III. Filing a Complaint or Charge Under our Mutual Respect Policy**

There are two pathways for addressing violations:

- **Complaint:** Seeks education, remediation, or resolution outside of disciplinary channels.
- **Charge:** Formal allegation that could lead to disciplinary actions (training, suspension, expulsion).

#### **IV. Step-by-Step Process to Submit a Complaint or Charge**

##### **1. Identify the Violation**

Ensure the incident falls within the scope of harassment, discrimination, or retaliation under the Mutual Respect Policy.

##### **2. Timeliness**

Submit complaints or charges as soon as possible, ideally within 60 days of the incident. Late filings may still be considered but must include a justification for the delay.

##### **3. Determine Venue**

- If both parties are in the same local: File through your Local Executive Board.
- If the respondent is in a different local or is an International officer/staff: File directly to our CWA International Executive Board.
- If the complainant is not a member (e.g., staff, guest, vendor): File to the CWA District Office or the International Executive Board.
- A charge against a member proceeds under Article XIX of our [CWA Constitution](#). One member files a charge against another member within the accused member's local.
  - Unless the accused member is the recording officer of their local, the charge must be filed with the local's recording officer.
  - If the accused member is the local's recording officer, then the charge must be filed with the local president.
  - If the charge involves both the local recording officer and the local president as parties, then it must be filed with the Secretary-Treasurer of the Union.

##### **4. Who to Contact**

- Local President or Local Mutual Respect Liaison
- CWA Staff Representative
- CWA District Vice President
- International Mutual Respect Coordinator (via CWA headquarters)

##### **5. Submit the Complaint/Charge in Writing Include:**

- Your name and contact information
- Name of the member(s) involved
- Date, time, and location of incident(s)
- Description of what occurred
- Witnesses (if any)

- Any steps taken to resolve the issue informally (if applicable)
- Desired outcome (e.g., training, apology, discipline)

## 6. Initial Review

- The appropriate level of our Union will acknowledge your submission within **10 business days**.
- An initial review will determine if the complaint or charge warrants a formal investigation.

## 7. Investigation

- Investigations will be timely, confidential, and impartial.
- Parties involved will be interviewed and evidence reviewed.
- The process will follow principles of due process and fair notice.

## 8. Resolution or Disciplinary Trial

- **Complaints** may be resolved via mediated conversation, required training, or restorative practices.
- **Charges** will go to a trial court if not resolved informally. For serious violations:
  - Trials will be held promptly, by video if over 100 miles or requiring overnight travel.
  - The trial court will be selected according to Article XIX of our Constitution.
  - Penalties may include training, suspension, or expulsion.

## V. Appeals Process

- Any party may appeal the outcome to the next level:
  - **Local decision** → appeal to **District Vice President**
  - **District decision** → appeal to **International Executive Board**
  - **Trial court decision** → appeal under **Article XX of our Constitution**
- Appeals must be submitted in writing within 30 days of receiving the decision.

## VI. Accessibility and Support

- Interpreters, ADA accommodations, and confidentiality protections are available upon request.
- Members are encouraged to work with Local Equity or Women's Committees for education and support.

## VII. Additional Notes

- All members, regardless of position or title, can be held accountable.
- CWA encourages democratic resolution at the local level but supports escalated processes when needed.

- Members and non-members (guests, staff, vendors) have avenues to report and expect a good faith investigation.