

Election Committee Clarification of Rules on Campaigning and Complaint Procedures

October 28, 2024

The Election Committee thanks all who participated in the recent Special Election. The hard work of the two candidates and their supporters resulted in an increase in turnout of nearly 22% from the 2023 election. As BTU members, we all believe that this type of contested, vigorous campaign is good for the health and the democratic culture of our union.

Purpose

With all the passion that goes along with a competitive campaign, it is not surprising that the Election Committee has seen an increase in complaints alleging violations of campaign rules or laws. The purpose of this document is to explain the committee's understanding of the relevant rules and laws; to ensure that all complaints are treated equally; to describe how we intend to respond to complaints going forward; and hopefully to ensure a more efficient communication process with candidates and members.

For the purpose of this document, the term "BTU member" is inclusive of both active members and retirees. The term "BTU staff" includes anyone whose salary is paid by the BTU.

Caveat

The Election Committee is composed of teachers, paras, ABAs, nurses, service providers, and other members, both active and retired. We are not lawyers, union officers, or experts in election law. This statement represents our best effort to understand the documents that guide us, and we are always open to further information.

Solidarity

As committed BTU members, we hope and expect that all campaigning will be conducted in a spirit of solidarity and mutually respectful disagreement; in this spirit, members will refrain from attacking the ideas, actions, or character of other members, especially publicly. This is not a rule, but it has been a long and fruitful BTU tradition.

Basis of BTU Election Rules

Our elections procedures are governed by the BTU Bylaws, which are published in the [contract book](#). These bylaws grant the Election Committee the power to adopt "reasonable rules and regulations not inconsistent with (the BTU) Bylaws or the [AFT Constitution](#)."

Current rules about campaigning

Our current candidate's guide states:

"The Election Committee expects all candidates to adhere to federal union election law which prohibits the use of any union or employer funds to promote the candidacy of any person. This prohibition applies to cash, facilities, equipment, office supplies, copying, email and mailing lists. This means incumbent union officers campaigning for re-election, and BTU staff, may not campaign on time paid for by the union. Federal law also requires that candidates be treated equally regarding the opportunity to campaign. This means incumbents cannot use BTU

sponsored meetings or events to campaign unless all candidates are allowed the same privileges.

“The prohibition against cash and the use of union facilities, equipment, office supplies, copying and email applies equally to employer funds, facilities, equipment, office supplies, copying and email furnished by an employer. This means candidates cannot campaign during paid work time or use department facilities, equipment or email to campaign.”

Please note that these two passages refer to **candidates and BTU staff**, not BTU members.

It is also worth noting that, according to past advice of BTU counsel, the relevant federal law (Title IV of the [Labor-Management Reporting and Disclosure Act](#) (LMRDA) **does not directly apply to public employee unions**. Rather, we include these passages because the AFT Constitution states that all AFT local elections “shall be consistent with the standards for such elections developed under Title IV.” To our knowledge, no other rules about campaigning are mentioned in either the BTU Bylaws or the AFT Constitution.

What is campaigning?

For the purpose of the rule above, the Election Committee considers that campaigning consists of distributing campaign materials, addressing an assembled group and urging support for a particular candidate, holding a sign, etc. We do not intend to investigate complaints about statements made in casual conversation. Nor does a candidate’s appearance at any event, alone, constitute campaigning.

Candidates or paid BTU paid staff campaigning during work time

Please note that, as of this writing, we have not substantiated any claim that any member of the BTU staff (candidate or otherwise) has used BTU or BPS time or resources to campaign. If a member believes that a candidate has acted in violation of the rules stated above, and they have been unable to resolve the situation amicably by discussing it with the candidate or staff member, they may file a complaint with the Election Committee Ombudsperson. The complaint should describe the violation in detail; should be accompanied by any available evidence; and (if possible) should provide contact information for any witnesses that can substantiate the claim.

Campaigning by BTU Members

The Election Committee does not intend to monitor campaigning by BTU members on school time. We discourage this practice because we fear that it makes the campaigning member vulnerable to discipline. If a member is concerned that another member is putting themselves in jeopardy by campaigning during school time, we recommend they reach out directly with a friendly reminder.

Campaigning during school-based union meetings or committee meetings

We agree that BTU committee meetings and school-based structures (BTU meetings, Faculty Senates, CAT team meetings, etc) are not appropriate venues for election campaigning. If a

member believes that campaigning is happening at these types of meetings, and they have not been able to satisfactorily address it with the parties involved, they may file a complaint with the Election Committee Ombudsperson. The complaint should describe the incident in detail, and any available evidence or witnesses to substantiate the claim. If the claim is substantiated, the committee will ask BTU officers to address the issue with the work site's building reps or the relevant committee chairs.

Campaigning at BTU Events and Facilities

If a member believes that a candidate or staff member has used BTU-sponsored meetings or events to campaign (without all candidates having the same access), they may file a complaint with the Election Committee Ombudsperson. The complaint should describe the violation in detail, the nature of the campaigning, and (if possible) any evidence or witnesses to substantiate the claim.

Actions of members that are not candidates or paid staff are not in the Election Committee's purview. We rely on BTU staff to set and enforce fair rules about campaigning at BTU facilities and sponsored events. Any complaints in this area should be made to the officers of the BTU or the Executive Board.

Receiving unwanted emails

The Election Committee currently has no rule regarding campaigning by email. If you get an email from someone you don't want to hear from, the email will normally contain a link to remove yourself from the list. Otherwise, we advise that you respond to the email and ask to be removed.

Privately compiled email lists

Candidates, singly or in collaboration, often compile email lists for the purpose of campaigning. This is perfectly appropriate as long as this work is privately funded and not performed on paid BTU time, or using BTU resources. Again, any complaint to the Ombudsperson should be accompanied by clear evidence that the work was done on BTU time or with BTU resources.

Use of BPS Email

We are not aware of any policy that forbids the use of BPS email for campaigning. The BTU has always strongly advised against using work email for union matters, because BPS email can be monitored by the district. If you believe a fellow member might unknowingly be in violation of any BPS policy, we suggest that, in the spirit of solidarity, you send them a friendly reminder.

Email lists generated from BTU data

The BTU has a detailed [Information Sharing Policy](#), with a clear complaints procedure and progressive consequences for violations. Please follow those procedures for any concerns in this area. This is outside the purview of the Election Committee.

Complaints procedure

If you wish to make an official complaint to the Election Committee's Ombudsman, please fill

out the [complaint form](#).

The Ombudsman will screen the complaint according to the guidelines detailed above. If it is found not to be in the purview of the Election Committee, or to lack evidence, you will be informed. If the complaint is found to be within our purview, and accompanied by evidence, the Ombudsman will gather information, with the help of other committee officers. In most instances, you should receive some kind of response within 48 hours, but please bear in mind that our officers are working members and volunteers.

In most cases, the complaint will be resolved at the next Election Committee meeting. If the complaint is time-sensitive, the Ombudsperson may decide to accelerate the process. If the committee finds the complaint is substantiated, it will recommend a course of action. In most cases, this would be a verbal warning or written warning (either from the committee or the officers of the BTU, depending on the circumstances.) All involved parties will be informed of the decision.

Consequences

No power is given to the Election Committee to sanction BTU members. In most cases, a polite conversation is enough to resolve the issue. In the rare case of a BTU officer, staff member, or candidate repeatedly and knowingly violating a policy in a way that could influence the outcome of an election, members always have recourse to petition their officers, Executive Board, and General Membership meetings for action.

In the (improbable) event that the Election Committee determined that the outcome of an election was likely changed by an error or a violation of BTU policy, it could theoretically decide to re-run the single election contest that was affected. This is the only substantive power described by Title IV of the LMRDA that is given to union election officials. Outside of that instance, their role is to run elections as fairly as possible, and to help resolve disputes amicably.

Ultimately, as a democratic union, we believe in the collective wisdom of the membership to discern the best path forward, by voting for the candidates of their choice.