

## Trial of Steve Conn on Members' Charges

# Decision

The Bylaws of the Detroit Federation of Teachers provide at Article XV, Section 1(a) that:

The Union shall have the power to suspend or expel any member, or remove from office any officer who violates or fails to comply with any of the provisions of the Constitution of the American Federation of Teachers, or of the Constitution or By-Laws of the local union; or who engages in any activity or course of conduct which is contrary or detrimental to the welfare or best interest of the AFT or the local union.

Article XV, Section 2 provides that charges may be made by members, who submit the charges to the Union President, unless he/she is the person charged, in which case the charges are submitted to the Executive Vice President (EVP). The Executive Vice President is required to notify the President of the charges and arrange for a meeting between the members and the officer, in order to seek an informal resolution of the matter.

Charges against Detroit Federation of Teachers President Steve Conn were submitted by a number of members, including the three elected Union Trustees, Elena Brantley-Phillips, Lisa Card and Rahjina Johnson, by Patti McCoin and Emma Howland-Bolton, and by teachers at Clark School. EVP Ivy Bailey notified President Conn of the charges by letter dated June 23, 2015, and scheduled reconciliation conferences. President Conn refused to attend. If charges are not resolved informally, the Executive Board is required by the Bylaws to decide whether or not to proceed to trial on the charges. The Executive Board considered the unresolved charges against President Conn and decided to proceed to trial on the charges, notifying him of that decision by letter dated July 13, 2015.

The trial was held on August 3 and 4, 2015, in accordance with the requirements set forth in the bylaws at Article XV, Section 3(b), which state that the Executive Board shall sit as the jury and that the ranking officer, in this case the Executive Vice President, shall preside. The bylaws require that the trial be held in Executive Session (closed session). The Charging Parties and President Conn were allowed to be represented by counsel, to call witnesses and present evidence, and to submit written closing arguments.

**The Jury's Conclusions.** We, the jury, reach the following conclusions.

**Unauthorized affiliation with BAMN.** Patti McCoin charged that President Conn violated the bylaws and acted in a manner detrimental to the best interests of the DFT by essentially affiliating the DFT with BAMN (Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary.)

Witnesses credibly testified that BAMN members (sometimes referred to as “BAMN kids,” and sometimes as “BAMN youth”), who are not DFT members, were allowed and encouraged by President Conn to be involved in the affairs of the DFT. There was testimony that they came to DFT meetings. There was testimony that BAMN members attended and participated in the Jan. 25 special membership meeting and were abusive to DFT members. At the February regular membership meeting the members voted to exclude them from the meeting. President Conn then failed and refused to preside over the next three regular membership meetings and instead held three more special membership meetings. There was testimony that the BAMN members attended and participated at the March 29 special membership meeting, referred to by witnesses as the Palm Sunday meeting. There was credible testimony that the BAMN youths solicited signatures on petitions to call these special meetings that they accompanied President Conn to schools and to rallies sometimes identifying themselves as the DFT, and helped in the planning of such rallies.

There was credible testimony that the BAMN members accompanied President Conn to the Executive Board meetings, that the Executive Board voted at several meetings to exclude them, that President Conn resisted excluding them, that they were disruptive in the meetings and abusive to the Executive Board members and other DFT members, and that as a result of their disruptive behavior the Union was advised that it could no longer use the conference room in the building where it is a tenant.

Witnesses testified, and it is undisputed, that the National Director of BAMN, Shanta Driver, sat with President Conn on the dais at the first special meeting following his election, consulting with him on all matters, that she conducted building representative training, that Conn took her, rather than the Union’s counsel, to a meeting with the emergency manager, while denying the Executive Vice President or other officers the opportunity to participate in the meeting, and that Conn sought to have Driver hired as the union’s attorney. President Conn permitted Driver to be represented as the DFT attorney to media outlets and others, necessitating the Executive Board to communicate with her and with media to clarify the misperception, which Conn and Driver had allowed.

We conclude that Patti McCain’s charge regarding the affiliation of the DFT with BAMN has been proven by the evidence and that President Conn has violated Article V, Section 1 of the bylaws by allowing and encouraging this to happen, and Article XV, Section 1(a) of the bylaws by engaging in a course of conduct which is contrary or detrimental to the welfare or best interest of the DFT.

**Membership Meetings.** Patti McCain charged that President Conn had illegally cancelled regular membership meetings, illegally attempted to convene special membership meetings, and failed to preside over meetings in accordance with the bylaws.

**Regular Membership Meetings.** Article IV, Section 1(a) of the bylaws provides that regular meetings open to the entire membership shall be held monthly at a time and place determined by the Executive Board. At the beginning of the school year the

Executive Board scheduled regular meetings for the second Thursday of each month at the IBEW Hall on Porter Street in Detroit.

Article VII, Section 1(a) of the Bylaws says that the President shall act as Chairman of the Executive Board, special and general Membership meetings, and prepare the agenda for the meetings.

The evidence regarding the regular membership meetings is largely undisputed. President Conn was sworn into office on Jan. 20, 2015. He presided as chair of the Feb. 12, 2015 regular membership meeting. Without a motion or a vote, he adjourned the March 16 regular membership meeting five minutes after it was scheduled to begin and left the building. The meeting was called back to order and presided over by the Executive Vice President in President Conn's absence. There was un-rebutted testimony that he said that he had adjourned the meeting because he did not see his supporters there.

President Conn appeared outside of the IBEW hall on the date of the April 16 regular membership meeting, passing out flyers saying that the meeting would be held at a different location. He refused to preside over the meeting because the IBEW had notified the Union that Patrick Burton, who had been videotaped by a surveillance camera assaulting another union member, would not be allowed in the building. The Executive Vice President presided over the meeting in President Conn's absence.

President Conn attempted to cancel the May 14 regular membership meeting, again because Patrick Burton was not permitted in the IBEW hall. The Executive Board refused to permit the cancellation because it was not in compliance with Article IV, Section 1(h) of the bylaws, which allow for cancellation of a meeting only in the event of an emergency and by vote of the Executive Board. The Executive Vice President presided over the meeting in President Conn's absence.

In sum, we conclude that President Conn illegally attempted to cancel meetings in violation of Article IV, Section 1(h), and failed to preside over three of the four regular meetings held during his first four months in office, thus failing to carry out his responsibilities as president, as set forth in Article VII, Section 1 (a).

**Special Membership Meetings.** Article IV, Section 1(c) of the bylaws provides that special meetings may be called by the Executive Board or upon the written request of 500 members in good standing, representing at least 10 percent of the schools and work locations. The subject mentioned in the call is to constitute the agenda for the meeting.

In response to the June 23, 2015 letter notifying him of the members' charges, President Conn posted a letter on the Union's website. In it he stated that all four special meetings, held on four Sundays; Jan. 25, March 29, May 3 and May 31; had been convened in compliance with the bylaws provision. He said he had received more than 500 signatures by members from more than 10 percent of the schools and worksites and that the agenda for those meetings was contained in the language of the

signed petitions. He further stated that he had given those petitions to the election committee for verification.

He also wrote that only the election committee could review and verify the petitions, relying upon Articles V and VI of the bylaws, and that the election committee could certify the legitimacy of the meetings but would not show the petitions to anyone, in order to protect the confidentiality of the petition signers.

Article V, cited by President Conn, identifies the elective offices and is totally unrelated to the election committee or special meetings. Article VI, also cited by President Conn, governs election procedures. It gives the election committee no responsibility with regard to the verification of the petitions calling for a special meeting.

Further, even if the election committee had responsibility for verifying the petitions, the evidence provided by President Conn shows that it did not do so. President Conn called Tracy Arneau, who has been a member of the election committee for several years, as a witness. She testified that the election committee had never had any responsibility with regard to special meetings before this year. She said that at an Executive Board meeting President Conn handed her two packages of petitions for verification but that the election committee could not verify them because only the membership secretary could verify whether petition signers were members in good standing. The bylaws provide that the signatures are needed *to call* for a special meeting. Arneau testified that the petitions were given to her at an Executive Board meeting which was held after the special meetings. She did not say what special meetings, if any, the petitions related to, whether there were petitions calling for one meeting or four. She offered no testimony about the number of petition signatures, the dates of the signatures, or the subject matter, if any, set forth on the petitions. No petitions calling for special meetings were offered into evidence. Furthermore, there was no evidence about when such meetings were scheduled, and when and how members were notified of the meetings. While contradicting President Conn's written assertions about the verification of the petitions, Ms. Arneau reiterated President Conn's position that the petitions are confidential.

We conclude that the DFT bylaws do not give to the election committee the responsibility to review petitions calling for a special meeting, or to verify that they are signed by a sufficient number of members in good standing. We further conclude that there is no evidence that petitions containing a sufficient number of signatures of members in good standing were filed prior to the calling of any of the four special meetings. Finally, we conclude that there is no support in the bylaws or in any practice of the union for President Conn's position that these petitions are confidential. To the contrary, we find President Conn's position to be not just unfounded but ludicrous. He says, in essence, that he has the signed, verified petitions – the evidence of compliance with the bylaws – but that he can't and won't show them to anyone, that the signatures are confidential. Such a position renders the bylaw requirements unenforceable and meaningless.

In sum, we conclude that the special meetings were called in violation of the bylaws and that by calling those meetings President Conn breached his duty to the union.

**Conduct of special meetings.** Patti McCain charged and credibly testified that there were no agendas at the special meetings in January and March, that speaking to motions was limited to members who supported President Conn's resolutions, that he disparaged opponents of his resolutions, that voice votes were taken and calls for standing votes or divisions of the house were ignored. Other witnesses offered corroborative testimony.

Witnesses called by President Conn testified that there were meeting agendas but none were offered into evidence. Further, apart from minutes which recording Secretary Nicole Davis attempted to take at the Jan. 25 meeting, there were no minutes of the special meetings of March 29, May 3 or May 31 offered into evidence and no evidence that minutes were taken at these meetings and approved and adopted at subsequent meetings. Witnesses did identify some resolutions which they testified were passed at the Jan. 25 and March 29 meetings but there was no evidence that they were voted on and passed by a majority of members voting at a meeting where there was a quorum. Further, although President Conn asserted in his website statement that there was a quorum at all meetings, no evidence of this assertion were presented. President Conn was called as a witness by the charging parties, but refused to testify, asserting a privilege against self-incrimination, which is applicable only regarding criminal conduct.

We conclude that the special membership meetings were not conducted in accordance with regular and accepted rules of procedure, as required by Article IV, Section 3, that agendas required to be set forth on petitions calling for the meetings were not followed, and that in failing to conduct orderly meetings President Conn deprived union members of their right to participate in the Union's business and breached his duty to the Union.

**Failure to investigate threats and an assault at meetings.** Emma Howland-Bolton charged in several emails to the Executive Board that she had been physically threatened at the Jan. 25 special membership meeting by persons whom she believed to be BAMN members (stating that they threatened to kick her in the face), and that Patrick Burton threatened to remove her from the meeting on the ground that she was out of order. She asked in these emails for an investigation and for assurance that she and others could be safe at union meetings. In a charge against President Conn she claimed that this investigation and assurance were not forthcoming, a claim, which we conclude, was proven by the evidence.

Ms. Howland-Bolton charged that Patrick Burton assaulted her at the March 29 special membership meeting. Witnesses corroborated this testimony. Most importantly, the assault was caught on two surveillance cameras and the videotapes were shown at the hearing. They showed Patrick Burton grabbing Ms. Howland-Bolton from behind, dragging her across the lobby of the IBEW hall, shaking her, and grabbing her cell phone and throwing it to the ground, where it broke. The evidence was clear not only to those who viewed the videotape but also to the Wayne County Prosecutor's Office, which has brought charges against Mr. Burton for felony assault and malicious destruction of property.

No evidence was provided to dispute the fact of the assault on Ms. Howland-Bolton. To the contrary, a witness called by President Conn refused to answer questions about the

alleged assault even though the witness claimed to have been present when it occurred. The witness asserted that a “gag order” issued by the judge in Burton’s criminal case prevented her from testifying. In fact, no such order was provided, and the witness acknowledged that there was no court order, but still refused to testify about the incident. We can only conclude from the refusal to testify about the alleged assault that the testimony would have been damaging to President Conn and that on this specific matter they preferred to refuse to testify rather than to testify falsely.

Ms. Howland-Bolton charged that President Conn refused to take any action against Patrick Burton and there was no dispute about this fact. President Conn’s response to this incident was to claim that Ms. Howland-Bolton was a saboteur, that she deliberately provoked Burton by interfering with him in the performance of his duties, and by pressing false charges against him. President Conn called witnesses to testify that Ms. Howland-Bolton was a saboteur, a provocateur and a bully. We conclude that their testimony was not credible.

We conclude that Emma Howland-Bolton’s charges have been established by indisputable evidence and that President Conn has engaged in conduct detrimental to the best interest of the union by failing to take action against Mr. Burton, by blaming the victim while defending the perpetrator or violence, and by failing to insure the safety of members who attend and participate in union meetings.

**Trustees’ Charges regarding refusal to pay per capita dues.** The three elected trustees of the Union, Elena Brantley-Phillips, Lisa Card and Rahjina Johnson, brought a charge against President Conn for failing to pay per capita dues to the American Federation of Teachers and Michigan AFT. They testified that at a meeting in February they reviewed the Union’s finances with Mr. Conn, that there was an agreement that he would sign the required check authorization requests, and checks, that the Executive Board at its March meeting ordered him to sign the requests and checks but that he refused to do so, contending that he was not responsible for debts of the union which accrued prior to his taking office. The trustees noted that the debts were not personal debts of the president but debts of the organization and that it was his responsibility as president to insure that the union’s obligations were satisfied. The trustees noted that President Conn delayed signing the required paper work until the week before Aug. 3 when the trial was scheduled to commence.

While President Conn ultimately signed the paperwork necessary to pay the Union’s per capita dues, we conclude that he breached his duty to the Union by delaying these payments without reasonable cause, in violation of Article VII, Sections 1 (b) and (d).

**The Clark School Rally.** A charge was brought against President Conn by teachers at Clark School regarding the holding of a rally against the wishes of the teachers at the school. This charge is not being considered because the teachers were unavailable to testify.

## Verdict

Article XV, Section 3(b) of the Detroit Federation of Teachers Bylaws requires that the Executive Board, sitting as a jury, render judgment on the charges, and further provides that a 2/3 vote of those members present and voting is required to render a verdict of guilty.

We conclude that the charges brought by members, other than the Clark School rally charges, have been established by the evidence, that President Conn is guilty of each of the charges by violating his duties as President, violating the Union's Bylaws as set forth above, and engaging in a course of conduct which is contrary or detrimental to the welfare or best interest of the Union.

The Executive Board, acting as jury in this matter, having concluded that Steve Conn is guilty of the charges brought against him, as more fully described above, concludes that it is necessary and appropriate to remove Steve Conn from the office of President of the Detroit Federation of Teachers and it is so ordered, effective immediately. The Executive Board further orders that Steve Conn be expelled from membership in the Detroit Federation of Teachers, effective immediately.

In rendering this verdict the Executive Board has determined that the course of conduct alleged, while described in the charges of a small number of members, has a serious detrimental effect on the entire membership, whose willingness to participate in the union is discouraged both because of concerns for their safety at meetings, and because of concern that their participation will be neither welcomed nor allowed.

Article XV, Section 4(a) of the bylaws provides that the officer may accept and abide by the Executive Board's decision or have it submitted to the first regular meeting of the Union, where the decision of the Board may be changed by a two-thirds (2/3) majority of the members present and voting at the meeting.

Article XV, Section 4(b) of the bylaws permits an aggrieved member who has exhausted the remedies described above to appeal his case to the American Federation of Teachers Public Review Board, whose decision is final and binding.