

# Constitution of Calgary Public Teachers Local No 38 of the Alberta Teachers' Association

## 1. Name

The name of this local association shall be Calgary Public Teachers Local No 38 of the Alberta Teachers' Association (ATA).

## 2. Objects

- 2.1 To work for the improvement of educational opportunities.
- 2.2 To further the aims and objects of the Alberta Teachers' Association as set out in section 4 of the *Teaching Profession Act* and the General Bylaws of the Alberta Teachers' Association.
  - (a) To advance and promote the cause of education in the province.
  - (b) To improve the teaching profession
    - i. by promoting and supporting recruitment and selection practices that ensure capable candidates for teacher education;
    - ii. by promoting and supporting adequate programs of preservice preparation, internship and certification;
    - iii. by working to achieve salaries and working conditions that reflect the nature of teaching;
    - iv. by organizing and supporting groups that improve the knowledge and skills of teachers;
    - v. by publishing, researching and sponsoring activities designed to maintain and improve the competence of teachers; and
    - vi. by advising, assisting, and protecting members in the discharge of their professional duties and relationships.
  - (c) To arouse and increase public interest in the importance of education and public knowledge of the aims of education, financial support for education and other educational matters.
  - (d) To cooperate with other organizations and bodies in Calgary and elsewhere having the same or similar aims and objects.
- 2.3 To support the policies of the Alberta Teachers' Association as set forth in the policy resolutions passed by the Annual Representative Assembly (ARA).
- 2.4 To operate as a democratic organization and to promote the participation of all members in the work of their organization.
- 2.5 To support the adoption by teachers of the Alberta Teachers' Association Code of Professional Conduct, the promotion of active professional interest among the

members in educational matters and other standards that mark teaching as a profession.

- 2.6 To enable teachers to speak with a common voice on matters of professional interest.

### **3. Membership**

#### 3.1 Active members

Active members of the Alberta Teachers' Association who are employed by the Calgary School Division shall be members of Calgary Public Teachers Local No 38.

#### 3.2 Associate members

Subject to approval by Provincial Executive Council of the Alberta Teachers' Association, associate members of the Alberta Teachers' Association who hold the highest category of membership available to them and who pay the prescribed local association fee may become members of this local association with the rights and privileges of active members.

#### 3.3 Constituent groups

- (a) The Calgary Public Teachers Local No 38 shall be organized into six constituent groups—namely, members assigned to
- i. elementary—includes members whose major assignment is from kindergarten to Grade 6;
  - ii. junior high—includes members whose major assignment is from Grades 7 to 9;
  - iii. senior high—includes members whose major assignment is from Grades 10 to 12;
  - iv. substitute teachers—includes members whose names appear on the substitute teachers' list as compiled by the Calgary School Division for the current school year;
  - v. principals—includes all members who have an administrative designation as a principal; and
  - vi. professional system support—includes all members of Local No 38 not included in other constituent groups.
- (b) Members whose assignments embrace more than one constituent group shall declare in writing to Local No 38 within 30 days of the opening of the school year, with which constituent group they wish to affiliate; otherwise, teachers will be placed in an appropriate group as determined by their school representative(s).

- (c) Any member who is assigned to two or more sites must designate the site with which they wish to identify themselves for a particular year.

#### **4. Duties of officers**

- 4.1 The officers of Local No 38 shall consist of the president, two vice-presidents, past president, treasurer, and the executive staff officers of the local (as nonvoting members).
- 4.2 *President*—The duties of the president shall be
  - (a) to serve as the chief executive officer of Local No 38,
  - (b) to call and preside over meetings,
  - (c) to serve as an ex officio member of standing committees,
  - (d) to serve as the official spokesperson for Local No 38, and
  - (e) to perform all other functions usually attributed to this office as listed in the executive frame of reference.
- 4.3 *Vice-presidents*—The duties of the vice-presidents shall be
  - (a) to determine annually, in consultation with the president, the sharing of responsibilities;
  - (b) willing, upon appointment by the executive committee, to assume the responsibilities of the president in the absence of the president;
  - (c) to assist the president as required; and
  - (d) to perform other duties as listed in the executive committee frame of reference.
- 4.4 *Past president*—The duties of the past president shall be
  - (a) to advise and assist the president and executive committee, as required; and
  - (b) to perform all other functions usually attributed to this office as listed in the executive committee frame of reference.
- 4.5 *Treasurer*—The duties of the treasurer shall be
  - (a) to provide leadership in the development and implementation of financial policy,
  - (b) to work in collaboration with the business manager to administer the funds of Local No 38 in accordance with local policy, the annual budget, or upon authorization of the executive committee or Council of School Representatives (CSR),
  - (c) to oversee the keeping of accurate records of accounts and assets,
  - (d) to present a summarized financial statement to both the executive committee and the CSR,

- (e) to ensure that an audited annual financial statement is presented to the membership of Local No 38 and to Provincial Executive Council,
  - (f) to keep the president, the executive committee and the CSR informed of the financial conditions of Local No 38, and
  - (g) to ensure statements and reports required by Provincial Executive Council are prepared and submitted.
- 4.6 *Executive staff officers*—The duties of the executive staff officers shall be
- (a) to perform all functions usually attributed to this office, as listed in frames of reference, local policy and the executive staff officer position description.
- 4.7 Any two of the president, vice-presidents or treasurer, or an executive staff officer shall be the signing authorities of Local No 38. In the event that a signing authority is not able to carry out this function, the executive committee may appoint a member of the executive committee as a replacement for the period of the absence.

## **5. Member Representatives**

- 5.1 Member representatives of Local No 38 shall consist of
- (a) two elementary school-based representatives,
  - (b) one junior high school-based representative,
  - (c) one senior high school-based representative,
  - (d) one professional system support representative,
  - (e) one principal representative, and
  - (f) one substitute teacher representative.
- 5.2 Member representatives shall provide leadership by representing the interests and concerns of each constituent group on the executive committee.
- 5.3 Member representatives shall be affiliated with the constituent group they represent.
- 5.4 In the event a member representative ceases affiliation with their constituent group through promotion, transfer, resignation, or retirement, they shall be deemed to have resigned their position, and the chair of the election and resource committee shall declare that position vacant.

## **6. Executive Committee**

The executive committee consists of 22 members of which 17 are voting and 5 are nonvoting.

6.1 Voting members

- (a) Four officers elected by the membership at large include the
  - i. president,
  - ii. vice-presidents (two), and
  - iii. treasurer.
- (b) The immediate past president (as a right of office).
- (c) Seven member representatives elected by their constituent groups;
  - i. elementary school-based representatives (two),
  - ii. junior high school-based representative,
  - iii. senior high school-based representative,
  - iv. professional system support representative,
  - v. substitute teacher representative, and
  - vi. principal representative.
- (d) Five committee chairs elected by the membership at large:
  - i. chair of the teacher welfare committee
  - ii. chair of the political action committee
  - iii. chair of the professional development committee
  - iv. chair of the communications committee, and
  - v. chair of the learner diversity and equity committee.

6.2 Nonvoting members include the

- (a) district representatives (three), and
- (b) executive staff officers (two).

6.3 Terms of office and succession:

- (a) Voting members of the executive committee shall be elected for a two-year term beginning the first day of July following their election and may stand for re-election to their incumbent position provided that they have not served two consecutive two-year terms in the same office.
- (b) District representatives sitting on the executive committee shall serve for their respective terms of office,
- (c) the executive staff officers shall serve for the duration of their employment.

6.4 The executive committee shall

- (a) exercise general supervision of the affairs of Local No 38;
- (b) exercise general supervision of the conduct of committees of Local No 38 and issue administrative directives where deemed necessary;
- (c) be responsible for emergency action if it is not possible to call a meeting of the CSR;
- (d) have authority to employ clerical staff for the efficient management of Local No 38, under administrative directives adopted by the CSR and within the annual budget; and

- (e) perform all duties listed under the executive committee frame of reference as approved by CSR.
- 6.5 Meetings shall be held at least once in each school month from September to June or when called by the president.
- 6.6 A quorum shall be a majority of the total voting membership of the executive committee.
- 6.7 When by a majority vote, the executive committee determines that a voting executive committee member is unable to perform duties outlined in articles 4.2 and 5.2 or has been grossly negligent in the conduct of those duties, it shall have the authority to suspend that member. The matter shall then be placed before the CSR within 30 days of the suspension.
  - (a) The CSR shall, after considering the matter, decide by a two-thirds majority vote, whether to uphold the executive committee's action.
  - (b) In the event that the CSR upholds the action of the executive committee it may
    - i. reinstate the executive committee member with a reprimand,
    - ii. suspend the executive committee member for a specific period of time, or
    - iii. declare the position vacant in which case a by-election will be held in accordance with article 11.6.
  - (c) In the event that the CSR rejects the action of the executive committee, it shall reinstate the executive member to the position in question.

## **7. Interest Groups**

At the request of 10 or more teacher members, Local No 38 may organize groups on their behalf, which shall perform duties under a frame of reference as approved by the CSR.

## **8. Council of School Representatives**

- 8.1 The legislative body of Local No 38 shall be the CSR.
- 8.2 Membership on the CSR shall include
  - (a) all members of the executive committee;
  - (b) school representatives;
  - (c) for substitute teachers—one representative for each 50 substitutes on the substitute roster to a maximum of 6;
  - (d) one representative to be elected from the Calgary Retired Teachers' Association who is a former member of Local No 38;

- (e) the chair of each standing committee, if not included in 8.2(a) and 8.2(b) above; and
- (f) one (1) representative from the University of Calgary ESA Student Local No 2, one (1) representative from Mount Royal University EUS Student Local No 10, one (1) representative from Ambrose University EUS Student Local No 12, and one (1) representative from St Mary's University ESA Student Local No 14.

8.3 School representatives shall be elected according to the number of members on staff. The number of representatives to be elected in each school shall be determined according to the following table:

<b>Number of members on staff</b>	<b>School representatives</b>
1 to 35	1
36 to 65	2
66 to 95	3
96 to 125	4
126 or more	5

- 8.4 Substitute teachers—In the event that any of the six representatives of the substitute teachers' group withdraw their name from the Calgary School Division's list of available substitutes, they shall forfeit the right to continue as a CSR member.
- 8.5 Other personnel—For purposes of representation on the CSR, members of Local No 38 working at or from locations not designated as schools shall elect representatives from within their divisions, sections, or departments on the same basis as a school.
- 8.6 Alternates for school representatives
- (a) Each school shall elect one alternate representative per accredited representative.
  - (b) An alternate representative may take the place of an accredited representative during any CSR meeting and shall be accorded all the rights of an accredited representative.
- 8.7 Any member of Local No 38 may attend the CSR meetings provided that they do not vote and do not make presentations to the meeting unless permission is obtained from the CSR.
- 8.8 Duties of the council of school representatives shall be
- (a) to act as the legislative body within Local No 38;
  - (b) to deal with any business referred to it by the executive committee or by a general meeting of Local No 38, or introduced to it on a motion duly made and seconded by accredited school representatives;

- (c) to receive, consider and approve the annual budgets as submitted by the executive committee;
  - (d) to ratify standing committee and interest group frames of reference as authorized in this constitution and audited financial statements;
  - (e) to ratify appointment of auditing services, as recommended by the executive committee;
  - (f) to receive the Calgary City Teachers' Convention Association (CCTCA) budget;
  - (g) to elect standing committee, Calgary Area Field Experiences Committee (CAFEC) and CCTCA member representatives;
  - (h) to approve ARA representatives;
  - (i) to elect or appoint representatives to the Joint Health and Safety Committee;
  - (j) to act upon matters referred to it by an Annual General Meeting as outlined in article 10.6;
  - (k) to deal with other matters not inconsistent with this constitution or the General Bylaws of the Alberta Teachers' Association; and
  - (l) to support and facilitate communication for central and local bargaining by ensuring that they report information, which is specific to local and central bargaining to teachers on staff, and further to report teacher questions and concerns related to bargaining to local council meetings.
- 8.9 Duties of school representatives shall be
- (a) to represent colleagues in determining Local No 38 policy and establishing local programs,
  - (b) to report activities of the local and provincial Association to colleagues they represent,
  - (c) to receive and disseminate newsletters, bulletins, ballots, and magazines to colleagues they represent,
  - (d) to serve as a two-way communications facilitator between colleagues they represent and the local and provincial Association,
  - (e) to welcome teachers new to the profession and/or worksite,
  - (f) to attend CSR meetings,
  - (g) to conduct secret ballot elections at their worksite,
  - (h) to make known at the CSR meeting the requests and interests of the colleagues they represent,
  - (i) to act as liaison between the CSR and the colleagues they represent,
  - (j) to approve matters of local policy including duties of executive officers, and
  - (k) to perform other duties as are requested by the CSR or the provincial Association.
- 8.10 Members of the CSR shall be elected as soon as possible following commencement of the school year.



8.11 Meetings

- (a) The CSR shall meet at least eight times per school year, at a time and place set by the executive committee.
- (b) A meeting of the CSR shall be held within 10 school days of the receipt of a request by petition of 25 or more CSR members or when requested by the district representatives.
- (c) Notice of intent to hold a meeting of the council shall
  - i. be communicated to each school at least seven school days in advance of the date of the council meeting, and
  - ii. include the agenda or items(s) to be discussed at the council meeting.
- (d) A copy of the minutes of the CSR meetings shall be provided for each school representative.

8.12 Quorum

- (a) A quorum shall be 50 per cent plus one of the total membership of the CSR.
- (b) Should a meeting of the CSR be called before the end of the first month of the school year, the quorum for that meeting shall be the same as that of the preceding year.

**9. Committees and Groups**

- 9.1 Standing committees and groups shall be formed or dissolved as authorized by the CSR.
- 9.2 Each standing committee shall operate under a frame of reference approved by the executive committee and ratified by the CSR.
- 9.3 Each standing committee shall ensure that accurate minutes of meetings are kept. Chairs shall report, as necessary, to the CSR and shall prepare an annual written report summarizing the activities of their committee. This report will become part of the continuing committee record in Local No 38 files.
- 9.4 Prior to the end of February of each year, all standing committees shall submit a proposed budget for the next school year to the finance committee of Local No 38.
- 9.5 Ad hoc committees—The president, as directed by the executive committee or the CSR, shall appoint ad hoc committees and shall discharge them upon completion of their duties. These committees shall act under frames of reference approved by the executive committee or the CSR at the time the committees are appointed.
- 9.6 Collective agreement committees operate under the terms of the collective agreement.

- 9.7 Each committee or group may, with the approval of the executive committee or the CSR, organize special subcommittees for specific activities.

## **10. General Meetings and Meetings of the Bargaining Unit**

- 10.1 At least one general meeting shall be called in a school year except when, by two-thirds vote, the CSR agrees that one is not necessary.
- 10.2 General meetings (any meeting where all members of Local No 38 may attend) and meetings of the bargaining unit (any meeting of the members of Local No 38 covered by the collective agreement) shall be called by the president
- (a) on the president's own initiative,
  - (b) on instructions from the executive committee,
  - (c) at the request of the CSR,
  - (d) at the request of an officer of the Alberta Teachers' Association or of a Calgary city district representative,
  - (e) at the request of the chair of the teacher welfare committee,
  - (f) at the request of the representative of the bargaining agent, or
  - (g) as a result of a signed petition of at least 5 per cent of the membership of Local No 38.
- 10.3 The quorum at any meetings of the general membership or the bargaining unit shall be the lesser of 500 members or one-tenth of the membership.
- 10.4 Conduct of meetings
- (a) At a meeting, a majority of those present shall decide any issue unless regulations otherwise decree.
  - (b) Voting shall occur by use of voting cards unless a ballot vote is requested by a majority vote of those present.
  - (c) In the event of a ballot vote, one ballot only will be accepted from each voter.
- 10.5 The general meeting or meeting of the bargaining unit called in accordance with article 10.2 shall consider matters referred to it by the executive committee or the CSR, as required by the law of the province of Alberta or as proposed on the floor under the rules of procedures.
- 10.6 In the event that a quorum is not obtained at a duly called general meeting, the general meeting may be adjourned to a later date or the business of the general meeting shall be conducted at the next CSR meeting.

- 10.7 In the event that the business of the general meeting is referred to the CSR meeting, the CSR meeting shall have the authority to deal with such business as though it were a general meeting.
- 10.8 Meetings of the bargaining unit
- (a) Notice to the membership of a bargaining unit meeting to consider a memorandum of agreement shall be a minimum of seven calendar days.
  - (b) Notwithstanding 10.8(a), the executive committee of Local No 38 will have, in emergent situations, authority to determine the timeline of the meeting and the time and location of the vote.
  - (c) Whenever possible, meetings of the bargaining unit shall be held in a venue large enough to accommodate all attendees in one room.
  - (d) Voting on the main motion will be by secret ballot.

## **11. Elections**

- 11.1 Authority
- (a) The election and resource committee shall carry out Local No 38 nominating and election procedures for all executive committee, school representatives and standing committee elections in accordance with the guidelines stated within this constitution and committee frames of reference.
  - (b) Notwithstanding article 11.1(a), the substitute teachers' group shall hold their elections according to the substitute teachers' group constitution.
  - (c) If a member of the election and resource committee is a candidate for office, the executive committee shall appoint another member of Local No 38 to serve as a replacement.
  - (d) The chair of the election and resource committee shall be the chief returning officer of Local No 38 for all elections. The decisions of the chief returning officer shall be final in all matters related to local elections except where limited by the provisions within this constitution.
  - (e) Election or appointment of committee members and agents other than those listed in article 11.1(a) shall be conducted in the manner prescribed by the executive committee.
- 11.2 All active and associate members of Local No 38 as at November 30 each year shall be entitled to vote or stand for office in Local No 38 elections in that school year.
- 11.3 Election dates
- (a) Election dates shall be set by the election and resource committee and approved by the executive committee.

- (b) A notice calling for nominations for all voting executive committee positions shall be sent out to the members of Local No 38 by the chief returning officer not less than 10 school days before the date set for the close of nominations.
- (c) The date set for the close of nominations for executive committee elections shall be at least 20 school days before the date set for the elections.

#### 11.4 Nominations for executive committee elections

- (a) Any 10 members of Local No 38 may nominate a candidate for the office of president, two vice-presidents, treasurer, teacher welfare committee chair, professional development committee chair, political action committee chair, learner diversity and equity committee chair, or communications committee chair provided that in each case a nomination form prescribed by the election and resource committee is completed accompanied by the nominee's signature of acceptance.
- (b) Any 10 members of a Local No 38 elementary, junior high or senior high constituent group may nominate, from its membership, a candidate for the position of the member representative, provided that in each case a nomination form prescribed by the election and resource committee is completed accompanied by the nominee's signature of acceptance.
- (c) Any five principals who are members of Local No 38 may nominate a principal who is a member of Local No 38 as a candidate for the position of principal representative, provided that in each case a nomination form prescribed by the election and resource committee is completed accompanied by the nominee's signature of acceptance.
- (d) Any five substitute teachers who are listed on the Calgary School Division substitute teachers' roster for the current school year may nominate a substitute who is a member of Local No 38 as a candidate for the position of substitute teacher representative provided that in each case a nomination form prescribed by the election and resource committee is completed accompanied by the nominee's signature of acceptance.
- (e) Any five members of the Local No 38 professional system support constituent group may nominate, from its membership, a candidate for the position of professional system support representative provided that in each case a nomination form prescribed by the election and resource committee is completed accompanied by the nominee's signature of acceptance.

#### 11.5 Voting procedures

- (a) Balloting shall be secret and the conducting of the election in each school or worksite shall be under the supervision of the school representative acting as the school returning officer.
- (b) The chief returning officer shall endeavour to guarantee
  - i. that each member of Local No 38 receives only one ballot for each of the offices of president, vice-presidents, treasurer, teacher welfare committee

chair, professional development committee chair, political action committee chair, learner diversity and equity committee chair, or communications committee chair;

- ii. that each member of the respective constituent group receives only one ballot for each of the member representative positions of that group;
- iii. that each substitute teacher assigned to a school on voting day receives only one ballot for the substitute teacher representative position;
- iv. that a polling station be available at the Local No 38 office where members not assigned to a school on voting day can cast their ballots; and
- v. that each returned ballot shall be one originally mailed by the chief returning officer, provided that there shall be no marking or other evidence on the ballot which may in any way impair the secrecy of the ballot.

#### 11.6 Ballot counting procedures

- (a) All Local No 38 elections shall be decided on the basis that the candidate receiving the greatest number of votes shall be elected, except for elections for the positions of vice-president and elementary member representative which shall be decided on the basis that the two candidates receiving the greatest number of votes shall be elected.
- (b) Each candidate may act as a scrutineer or may select another individual within Local No 38 to act as an authorized agent.
- (c) The election and resource committee shall count the ballots at a time and place set by the chief returning officer and shall have the count completed within five school days after the election day.
- (d) The chief returning officer shall decide whether a ballot is valid or not subject to appeal by any candidate or candidate's agent to the election and resource committee at the time of the ballot count. The election and resource committee shall determine by a majority vote the validity of any ballot. Any subsequent appeal of the validity of a ballot must be made to the executive committee within five school days of the declaration of the results of the election. The decision of the executive committee shall be final and binding.
- (e) The chief returning officer shall accept as valid any ballot on which the intention of the voter is clear or evident.
- (f) In the case of a tie vote, an immediate recount shall be automatic. In the event the recount is also a tie vote and all appeals have been decided, a second election shall be held.
- (g) The chief returning officer shall render to the executive committee a statement signed by members of the election and resources committee showing the number of votes cast for each candidate.
- (h) The results of the voting shall be announced to the candidates by the chief returning officer immediately following the conclusion of the ballot count.
- (i) After the count, all ballots shall be placed by the election and resource committee in a container which shall be sealed. They shall be retained for a

period of not fewer than 10 days following the declaration of the election results whereupon they shall be destroyed unless required by the executive committee for an appeal. At the conclusion of an appeal, they shall be destroyed.

11.7 Appeal and recount

- (a) Any defeated candidate may appeal for a recount of the vote if the number of ballots cast for them is within 25 votes of the total number cast for the successful candidate. Any appeal must be made in writing to the executive committee within five school days after the ballot count. Within five school days of receipt of the appeal for the recount, the executive committee shall appoint a committee of three members of Local No 38 to conduct the recount at a time and place within the next five school days after its appointment. The results of this recount shall be final and binding. Candidates or their agents shall be entitled to be present when the recount takes place.
- (b) In the event that any candidate chooses to appeal the conduct of the election, that appeal must be made in writing to the executive committee within five school days after the ballot count.
- (c) In the event that the candidate requesting the recount is successful, the candidate who had been improperly declared elected shall no longer hold office and the successful candidate shall assume office.

11.8 The newly elected members shall assume office the first day of July following the date of election, except in the case of a by-election in which case the newly elected member shall assume office on conclusion of the previous committee member's term.

11.9 By-elections

- (a) Should a vacancy occur in an elected executive committee position in the first 19 months of the term, a by-election shall be held to fill such vacancy for the unexpired term, and the person elected shall take office on the effective date of the resignation or when declared elected, whichever is later.
- (b) Should a vacancy occur in an elected executive committee position after the first 19 months of the term, this position shall remain vacant until the subsequent election.
- (c) Should a vacancy of an elective nature occur on a standing committee more than three months prior to the expiration of the term of office, a by-election shall be held.
- (d) The following conditions shall apply to a by-election:
  - i. Nominations shall be called within one week of the position being declared vacant by the executive committee.
  - ii. The date set for the close of nominations shall be not less than 10 school days after the call for nominations has been sent to the schools.

- iii. The date set for the close of nominations shall be at least 10 school days before the date set by the election and resource committee and approved by the executive committee for the specific by-election.
- iv. The conducting of the by-election shall be held in accordance with the applicable sections of article 11.

11.10 Vacancies

- (a) Notwithstanding articles 11.9(a) and 11.9(b), in the event that the office of the president becomes vacant, one of the vice-presidents shall be chosen by the executive committee to fill that office until such time as a by-election is held.
- (b) In the event that the immediate past president is not available to fill his/her office, the executive committee shall assign those duties to other members of the committee.

## 12. Fees

Local No 38 shall have the power, subject to approval of the Provincial Executive Council of the Alberta Teachers' Association, to levy fees for membership in Local No 38 such as are determined from time to time either at a general meeting or by ballot of Local No 38. Such fees shall be in addition to and in no way part of the statutory fees for membership in the Alberta Teachers' Association.

## 13. Financial Year

The financial year of Local No 38 shall be July 1 to June 30.

## 14. Rules of Procedure

- 14.1 The proceedings of all meetings—general, bargaining unit, special, CSR and executive committee—shall be regulated by the official rules of order and procedures, as published in the Alberta Teachers' Association's *Members' Handbook*.
- 14.2 *Robert's Rules of Order* newly revised edition shall be the authority for Local No 38 on all questions not covered by the above handbook, the constitution and such standing rules as the CSR may adopt.

## **15. Amendments to the Constitution**

- 15.1 Amendments to the constitution may originate from the executive committee, the constitutional interpretation and review committee, the CSR, or a general meeting.
- 15.2 A motion to amend the constitution shall require 28 days notice, submitted to a regular meeting of the CSR, stating in writing the proposed amendment.
- 15.3 The first presentation of the proposed amendment to the CSR shall be in the form of a notice of motion.
- 15.4 If approved by a majority of the members present at the CSR meeting, the proposed amendment shall be submitted to the next general meeting, provided that 28 days notice is submitted to all schools and departments stating in writing the proposed amendments.
- 15.5 A two-thirds majority of the members present shall be required to pass an amendment.
- 15.6 The president shall keep an official copy of the constitution and shall forward any amendments approved by Local No 38 to the Provincial Executive Council of the Alberta Teachers' Association for ratification.
- 15.7 Notwithstanding anything herein otherwise contained, the executive committee may
  - (a) rearrange the order and numbering of articles in the constitution in the interests of clarity and simplicity;
  - (b) change the name, chapter reference, revision reference or section numbers of articles referred to in the constitution to conform to changes in the constitution, prior to approval of the Provincial Executive Council of the Alberta Teachers' Association; and
  - (c) correct typographical errors in any article of the constitution.

## **16. Human Rights Statement**

- 16.1 The following Human Rights statement is required to be read aloud and/or distributed electronically and/or provided in print at the outset of all Association meetings, events, and activities.

As an organization that promotes and is committed to respecting human rights and ensuring a safe, secure, and healthy environment for



all, the Alberta Teachers' Association (ATA) works to ensure that all present at or participating in ATA programs and events are protected from violence and harassment.

All ATA members are therefore expected to promote and defend the fundamental human rights of everyone engaged in ATA programs, activities, or other ATA work. ATA members are expected to treat one another with fairness, respect, and dignity and to uphold the highest standards of professionalism, accountability, competence and integrity as representatives of the provincial Association as well as their respective locals and subgroups.

Furthermore, ATA members are obliged to act to prevent violence and harassment wherever possible and report to the appropriate person in authority any suspected breaches of this statement that come to their attention.

- 16.2 An appropriate person at each subgroup meeting will be identified as an authority to receive complaints. Typically, this will be a district representative, staff officer or local official.
- 16.3 The Association president and the presidents of locals, specialist councils and convention associations or persons designated by the presidents, are authorized to warn, reprimand and/or remove from a meeting, event, activity or representative role any participant whom they reasonably believe to be in breach of the statement.
- 16.4 Any further investigation or measures would be undertaken in accordance with other existing policies and procedures and processes.

## **17. Provincial Association Intervention**

- 17.1 In this section
  - (a) *investigated local officer* means a local officer whose conduct is under investigation pursuant to article 16.2;
  - (b) *investigator* is the individual appointed by the table officers pursuant to article 16.2;
  - (c) *local officer* means the president, vice-president, past president or secretary-treasurer (or secretary or treasurer) of a local association or any other officer appointed or elected by a local association;
  - (d) *Provincial Executive Council* means the executive council as defined in section 11 of the *Teaching Profession Act*;
  - (e) *table officers* means the Association's officers as defined in Bylaw 37;

- (f) *executive secretary* means the chief executive officer of the Association, or a person designated by the executive secretary; and
- (g) *executive staff officer* means a member of executive staff designated by the executive secretary.

### **Suspension or Removal from Office of Local Officers**

- 17.2 Where the table officers have or receive information that leads them to believe a local officer
- (a) has neglected their duties to the extent that the proper operation of the local association is being negatively affected,
  - (b) is mentally incapacitated,
  - (c) is engaging in corrupt practices,
  - (d) is engaging in financial malpractice, or
  - (e) has undertaken activities inconsistent with the principles and policies of the Alberta Teachers' Association,
- the table officers may initiate an investigation into the conduct of the local officer by appointing an individual to conduct an investigation and to provide a written report to the table officers within a specified time with respect to the results of the investigation.
- 17.3 In the course of the intervention under article 16, an investigated local officer is entitled to have access to an executive staff officer for advice.
- 17.4 The table officers may, taking into account the nature of the alleged conduct, the urgency of the matter in question and any submission from the investigated local officer, suspend an investigated local officer from office pending the completion of the investigation and may terminate the suspension at any time if the table officers conclude that the suspension is no longer warranted.
- 17.5 The table officers may appoint another individual to assume the duties of the investigated local officer during the period of the suspension.
- 17.6 The investigated local officer may appeal a suspension from office under article 17.4 to Provincial Executive Council by filing a notice of appeal with the executive secretary within 30 days of being notified of the suspension.
- 17.7 If an investigated local officer appeals the suspension, Provincial Executive Council shall, as soon as practicable, consider representations of the table officers and the investigated local officer and shall determine if the suspension should be continued pending the conclusion of the investigation or should be set aside.

- 17.8 During the investigation the investigated local officer shall be provided with an opportunity to provide a response to the investigator with respect to the concerns about the investigated local officer's conduct.
- 17.9 An investigated local officer may, in the course of the investigation, submit a resignation to the executive secretary.
- 17.10 Where an investigated local officer resigns in accordance with article 16.9, the investigation shall be continued with the cooperation of the investigated local officer, and the resignation does not extinguish any liability that the investigated local officer may have with respect to acts that occurred during the period the office was held.
- 17.11 The investigated local officer has a duty to cooperate during the investigation, and the investigator may direct the investigated local officer or any other member of the Alberta Teachers' Association to
- (a) answer any inquiries the investigator may have relating to the investigation;
  - (b) produce any records or other property in the investigated local officer's possession or under their control that are or may be related in any way to the investigation;
  - (c) give up possession of any record for the purpose of allowing the investigator to make a copy and return the records within a reasonable time of receiving the records; and
  - (d) attend before the investigator for the purpose of complying with (a), (b) or (c) of this subsection.
- 17.12 In the event that the investigated local officer fails or refuses to cooperate with the investigator, the failure to do so shall be noted by the investigator in the report to the table officers.
- 17.13 Upon completion of the investigation, the investigator shall submit a written report to the table officers and a copy of the written report shall be provided to the investigated local officer.
- 17.14 The table officers, upon consideration of the report of the investigator, may make one or more of the following orders:
- (a) Remove the investigated local officer from office;
  - (b) Restrict the investigated local officer's eligibility for office in the future; and/or
  - (c) If the investigated local officer was suspended during the investigation, reinstate the investigated local officer to office and impose any conditions or restrictions that the table officers consider appropriate in the circumstances; and shall advise the investigated local officer and Provincial Executive Council of their decision.

- 17.15 If the table officers remove the investigated local officer from office, then the table officers may appoint another individual to assume the duties of the investigated local officer until a new local officer is elected or appointed to the position in accordance with this constitution.
- 17.16 The investigated local officer may appeal the decision of the table officers under article 17.14 by filing a notice of appeal with the executive secretary within 30 days after being notified of the decision.
- 17.17 If an investigated local officer appeals the decision of the table officers, Provincial Executive Council shall, as soon as practicable, consider representations of the table officers and the investigated local officer and shall determine if the decision of the table officers shall be confirmed, varied, or set aside.
- 17.18 In an appeal under articles 17.7 or 17.17, the table officers may make submissions to Provincial Executive Council respecting the outcome of the appeal.

### **Official Trustee**

- 17.19 Subject to a two-thirds majority vote, Provincial Executive Council may appoint an official trustee to conduct the affairs of the local, subject to any terms and conditions Provincial Executive Council considers necessary
- (a) when a local council fails to comply with the requirements of article 6.4 or
  - (b) when Provincial Executive Council considers it in the interests of the Association to do so.
- 17.20 The local may appeal the appointment of an official trustee to a representative assembly.
- 17.21 An official trustee appointed under article 17.19 has the powers and duties conferred by the General Bylaws on a local and conferred by this constitution.
- 17.22 On appointment of an official trustee to the local association, the officers of the local cease to hold office as officers of the local.
- 17.23 An official trustee continues in office until Provincial Executive Council or a representative assembly determines that the official trusteeship is no longer necessary.

## **18. Removal or Suspension of Committee Members**

18.1 In this section

- (a) *investigated local member* means a local member whose conduct is under investigation pursuant to article 18.2;
- (b) *investigator* is the individual appointed by the table officers of the local pursuant to article 18.2;
- (c) *local member* means any member appointed or elected by the local association, with the exception of the table officers;
- (e) *table officers* means the local's officers as defined in article 4.1;
- (f) *special subcommittee of CSR* means the three longest-serving members of CSR who have agreed to sit on the special subcommittee.

### **Suspension or Removal from Office of Local Members**

18.2 Where the table officers have or receive information that leads them to believe a local member

- (a) has neglected their duties to the extent that the proper operation of the local association is being negatively affected,
- (b) is mentally incapacitated,
- (c) is engaging in corrupt practices,
- (d) is engaging in financial malpractice, or
- (e) has undertaken activities inconsistent with the principles and policies of the Alberta Teachers' Association,

the table officers may initiate an investigation into the conduct of the local member by appointing an individual to conduct an investigation and to provide a written report to the table officers within a specified time with respect to the results of the investigation.

18.3 The table officers may, taking into account the nature of the alleged conduct, the urgency of the matter in question and any submission from the investigated local member, suspend an investigated local member from office pending the completion of the investigation and may terminate the suspension at any time if the table officers conclude that the suspension is no longer warranted.

18.4 The table officers may appoint another individual to assume the duties of the investigated local member during the period of the suspension.

18.5 The investigated local member may appeal a suspension from office under article 18.3 to the special subcommittee of CSR by filing a notice of appeal with the president within 30 days of being notified of the suspension.

- 18.6 If an investigated local member appeals the suspension, the special subcommittee of CSR shall, as soon as practicable, consider representations of the table officers and the investigated local member and shall determine if the suspension should be continued pending the conclusion of the investigation or should be set aside.
- 18.7 During the investigation the investigated local member shall be provided with an opportunity to provide a response to the investigator with respect to the concerns about the investigated local member's conduct.
- 18.8 An investigated local member may, in the course of the investigation, submit a resignation to the president.
- 18.9 Where an investigated local member resigns in accordance with article 18.8, the investigation shall be continued with the cooperation of the investigated local member, and the resignation does not extinguish any liability that the investigated local member may have with respect to acts that occurred during the period the office was held.
- 18.10 The investigated local member has a duty to cooperate during the investigation, and the investigator may direct the investigated local member or any other member of the Alberta Teachers' Association to
  - (a) answer any inquiries the investigator may have relating to the investigation;
  - (b) produce any records or other property in the investigated local member's possession or under their control that are or may be related in any way to the investigation;
  - (c) give up possession of any record for the purpose of allowing the investigator to make a copy and return the records within a reasonable time of receiving the records; and
  - (d) attend before the investigator for the purpose of complying with (a), (b) or (c) of this subsection.
- 18.11 In the event that the investigated local member fails or refuses to cooperate with the investigator, the failure to do so shall be noted by the investigator in the report to the table officers.
- 18.12 Upon completion of the investigation, the investigator shall submit a written report to the table officers and a copy of the written report shall be provided to the investigated local member.
- 18.13 The table officers, upon consideration of the report of the investigator, may make one or more of the following orders:
  - (a) Remove the investigated local member from office;
  - (b) Restrict the investigated local member's eligibility for local office in the future;and/or

- (c) If the investigated local member was suspended during the investigation, reinstate the investigated local member to office and impose any conditions or restrictions that the table officers consider appropriate in the circumstances; and shall advise the investigated local member and the special subcommittee of CSR of their decision.
- 18.14 If the table officers remove the investigated local member from office, then the table officers may appoint another individual to assume the duties of the investigated local member until a new local member is elected or appointed to the position in accordance with this constitution.
- 18.15 The investigated local member may appeal the decision of the table officers under article 18.13 by filing a notice of appeal with the president within 30 days after being notified of the decision.
- 18.16 If an investigated local member appeals the decision of the table officers, the special subcommittee of CSR shall, as soon as practicable, consider representations of the table officers and the investigated local member and shall determine if the decision of the table officers shall be confirmed, varied, or set aside.
- 18.17 In an appeal under articles 18.5 or 18.15, the table officers may make submissions to the special subcommittee of CSR respecting the outcome of the appeal.

## **19. Governance Emergency**

In the event that Provincial Executive Council declares a governance emergency to be in effect, directives issued by Provincial Executive Council under that declaration shall supersede any other provision in this constitution or any related policy or regulation and shall be binding as if the directives formed part of this constitution or any related policy or regulation.

For the duration of the governance emergency and for a period of 40 operational school days thereafter, Provincial Executive Council directs

- 19.1 that the local may, by a majority vote of its executive committee, extend the terms of office of elected office holders for a duration and subject to conditions acceptable to the table officers committee of the Association;
- 19.2 that the local may, by a majority vote of its executive, extend the terms of appointed office holders, committee members and local delegates to representative assemblies of the Association that would otherwise end during the period of the emergency for

a period of time not to exceed what would have been their normal term had the office been filled conventionally during the period of the emergency;

- 19.3 that, should a vacancy occur in an elected or appointed office or on a committee, the local may, by a majority vote of its executive committee, appoint a member to fill the vacancy to the expiry of its normal term;
- 19.4 that, absent other relevant provisions in the local constitution or policy, the local may, by a majority vote of its executive committee, authorize meetings and votes (including meetings and votes of the executive committee) that would otherwise be conducted by conventional means at meetings with persons in attendance, to be conducted by mailout ballots, online conferencing, telephone or other means;
- 19.5 that, for the period of the emergency, the executive committee of the local may exercise the authority of a general meeting of the local; and
- 19.6 that, without restricting the general application of article 18.5, the executive committee of the local may, by majority vote, set a local budget, allocate funds, authorize expenditures, and make application to Provincial Executive Council for changes in the local levy for the duration of the emergency.

## **20. General**

Effective 2021 09 30 and notwithstanding any other provision in this constitution or in related policies or frames of reference

- 20.1 Local No 38 shall not enter into or renew any contract of employment, collective agreement or contract for the provision of personal services without submitting the proposed terms of the contract or agreement to the executive secretary of the Alberta Teachers' Association or an Association official designated by the executive secretary for review and approval prior to its execution;
- 20.2 the executive secretary or other signing officer of the Alberta Teachers' Association shall be a required signatory to any contract of employment or contract for the provision of personal services entered into by Local No 38; and
- 20.3 the most recent, fully executed copy of a contract of employment or contract for the provision of personal services and/or related collective agreement shall be filed with the Alberta Teachers' Association and shall be deemed to be the authoritative copy of the contract or collective agreement.



Amendments ratified by Table Officers Committee on behalf of Provincial Executive Council  
2008 01 11, 2011 03 21, 2023 09 07.

Revised as per 2005 06 PEC requirements

Revised as per 2007 09 20–21 PEC requirements

Revised as per 2012 06 14–15 PEC requirements

Revised as per 2017 06 08–09 PEC requirements

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Revised as per 2020 05 10 PEC requirements

Revised as per 2021 09 16 PEC requirements

Revised as per 2022 06 09–10 PEC requirements

Revised as per 2023 09 14–15 PEC requirements