

# **C O N S T I T U T I O N**

**CALGARY PUBLIC TEACHERS  
THE ALBERTA TEACHERS' ASSOCIATION LOCAL 38**

**1967**

**WITH REVISIONS TO 2011 FEBRUARY 17**

# CONSTITUTION

## CONTENTS

	Page
ARTICLE 1 — NAME	1
ARTICLE 2 — OBJECTIVES	1
ARTICLE 3 — MEMBERSHIP	1
ARTICLE 4 — OFFICERS	2
ARTICLE 5 — MEMBER REPRESENTATIVES	3
ARTICLE 6 — EXECUTIVE COMMITTEE	4
ARTICLE 7 — INTEREST GROUPS	5
ARTICLE 8 — COUNCIL OF SCHOOL REPRESENTATIVES	5
ARTICLE 9 — COMMITTEES AND GROUPS	7
ARTICLE 10 — GENERAL MEETINGS & MEETINGS OF THE BARGAINING UNIT	8
ARTICLE 11 — ELECTIONS	9
ARTICLE 12 — FEES	12
ARTICLE 13 — FINANCIAL YEAR	13
ARTICLE 14 — AUTHORITY	13
ARTICLE 15 — AMENDMENTS TO THE CONSTITUTION	13
ARTICLE 16 — PROVINCIAL ASSOCIATION INTERVENTION DEFINITION OF TERMS	14

# **Calgary Public Teachers The Alberta Teachers' Association Local 38**

## **Constitution**

### **Article 1—Name**

The name of the local association shall be the Calgary Public Teachers, The Alberta Teachers' Association Local 38.

### **Article 2—Objectives**

- 2.1 To work for the improvement of educational opportunities.
- 2.2 To further the aims and objectives 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:
  - 2.2.1 To advance and promote the cause of education in the province.
  - 2.2.2 To improve the teaching profession
    - 2.2.2.1 by promoting and supporting recruitment and selection practices which ensure capable candidates for teacher education;
    - 2.2.2.2 by promoting and supporting adequate programs of preservice preparation, internship and certification;
    - 2.2.2.3 by working to achieve salaries and working conditions which reflect the nature of teaching;
    - 2.2.2.4 by organizing and supporting groups which tend to improve the knowledge and skill of teachers;
    - 2.2.2.5 by meetings, publications, research and other activities designed to maintain and improve the competence of teachers; and
    - 2.2.2.6 by advising, assisting and protecting members in the discharge of their professional duties and relationships.
  - 2.2.3 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.
  - 2.2.4 To cooperate with other organizations and bodies in Calgary and elsewhere having the same or like aims and objectives.
- 2.3 To support the policies of The Alberta Teachers' Association as set forth in the policy resolutions passed by the Annual Representative Assembly.
- 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.

### **Article 3—Membership**

#### **3.1 Active members**

Active members of The Alberta Teachers' Association who are employed by the Calgary Board of Education shall be members of Local 38.

### 3.2 **Associate members**

Subject to approval by the 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**

- 3.3.1 The Calgary Public Teachers Local 38 shall be organized into six constituent groups, namely members assigned to:
- Elementary—includes members whose major assignment is from kindergarten to Grade 6.
  - Junior high—includes members whose major assignment is from Grades 7 to 9.
  - Senior high—includes members whose major assignment is from Grades 10 to 12.
  - Substitute teachers—includes members whose names appear on the substitute teachers' list as compiled by the Calgary Board of Education for the current school year.
  - Principals—includes all members who have an administrative designation as a principal.
  - Professional System Support—includes all members of Local 38 not included in other constituent groups.
- 3.3.2 Members whose assignments embrace more than one constituent group shall declare in writing to Local 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).
- 3.3.3 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.

## **Article 4—Officers**

4.1 The officers of Local 38 shall consist of the president, two vice-presidents, past president and treasurer.

### 4.2 **Duties**

#### 4.2.1 **President**

- 4.2.1.1 shall be the chief executive officer of Local 38,
- 4.2.1.2 shall call and preside over meetings,
- 4.2.1.3 shall be an ex-officio member of standing committees,
- 4.2.1.4 shall be the official spokesperson for Local 38 and
- 4.2.1.5 shall perform all other functions usually attributed to this office as listed in the executive frame of reference.

#### 4.2.2 **Vice-Presidents**

- 4.2.2.1 shall determine annually, in consultation with the president, the sharing of responsibilities;
- 4.2.2.2 shall be willing, upon appointment by the executive committee, to assume the responsibilities of the president in the absence of the president;

- 4.2.2.3 shall assist the president as required; and
- 4.2.2.4 shall perform other duties as listed in the executive committee frame of reference.

**4.2.3 Past President**

- 4.2.3.1 shall advise and assist the president and executive committee, as required;
- 4.2.3.2 shall perform all other functions usually attributed to this office as listed in the executive committee frame of reference;
- 4.2.3.3 shall serve as chair of the constitutional interpretation committee; and
- 4.2.3.4 shall be a member of the finance committee.

**4.2.4 Treasurer**

- 4.2.4.1 shall provide leadership in the development and implementation of financial policy,
- 4.2.4.2 shall hold the funds of Local 38 and disburse them upon authorization of the executive committee,
- 4.2.4.3 shall oversee the keeping of accurate records of accounts and assets,
- 4.2.4.4 shall present a summarized financial statement to both the executive committee and the council of school representatives (CSR),
- 4.2.4.5 shall present an audited annual financial statement to the membership of Local 38 and to the Provincial Executive Council,
- 4.2.4.6 shall keep the president, the executive committee and the CSR informed of the financial conditions of Local 38,
- 4.2.4.7 shall serve as chair of the finance committee,
- 4.2.4.8 shall ensure the safekeeping of official documents of Local 38 and
- 4.2.4.9 shall prepare and submit to the Provincial Executive Council such statements and reports as may be required from time to time.

**4.3 Signing authority**

Any two of the president, the vice-presidents or treasurer, or the executive assistant shall be the signing authorities of Local 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.

**Article 5—Member representatives**

5.1 The member representatives of Local 38 shall consist of two elementary school based representatives, one junior high school based representative, one senior high school based representative, one professional system support based representative, one principal representative and one substitute representative.

**5.2 Duties**

5.2.1 shall provide leadership by representing the interests and concerns of each constituent group on executive committee.

**5.3 Affiliation**

5.3.1 member representatives shall be affiliated with the constituent group they represent.

- 5.3.2 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.

### **Article 6—Executive committee**

The executive committee consists of 20 members of which 16 are voting and 4 are nonvoting.

#### **6.1 Voting members**

- 6.1.1 Five officers elected by the membership at large;
- 6.1.1.1 president,
  - 6.1.1.2 vice-presidents (two),
  - 6.1.1.3 past president and
  - 6.1.1.4 treasurer.
- 6.1.2 Seven member representatives elected by their constituent groups; and
- 6.1.2.1 elementary school based representatives (two),
  - 6.1.2.2 junior high school based representative,
  - 6.1.2.3 senior high school based representative,
  - 6.1.2.4 professional system support based representative,
  - 6.1.2.5 substitute teacher representative and
  - 6.1.2.6 principal representative.
- 6.1.3 Four committee chairs elected by the membership at large.
- 6.1.3.1 chair of the economic policy committee
  - 6.1.3.2 chair of the political action committee
  - 6.1.3.3 chair of the professional development committee
  - 6.1.3.4 chair of the communications committee

#### **6.2 Nonvoting members**

- 6.2.1 district representatives (three),
- 6.2.2 executive assistant.

#### **6.3 Terms of office and succession**

- 6.3.1 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 and
- 6.3.2 nonvoting members of the executive committee shall serve for their respective terms of office.

#### **6.4 Duties**

The executive committee shall

- 6.4.1 exercise general supervision of the affairs of Local 38,
- 6.4.2 exercise general supervision of the conduct of committees of Local 38 and issue administrative directives where deemed necessary,
- 6.4.3 be responsible for emergency action if it is not possible to call a meeting of the CSR,

- 6.4.4 under personnel policies adopted by the CSR and within the annual budget, the executive committee shall have power to employ clerical staff for the efficient management of Local 38 and
- 6.4.5 perform all duties listed under the executive committee frame of reference as approved by CSR.

**6.5 Meetings**

Meetings shall be held at least once in each school month from September to June or when called by the president.

**6.6 Quorum**

A quorum shall be a majority of the total voting membership of the executive committee.

**6.7 Recall**

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.

- 6.7.1 The CSR shall, after considering the matter, decide by a two-thirds majority vote, whether to uphold the executive committee's action;
- 6.7.2 In the event the CSR upholds the action of the executive committee it may; and
  - 6.7.2.1 reinstate the executive committee member with a reprimand,
  - 6.7.2.2 suspend the executive committee member for a specific period of time or
  - 6.7.2.3 declare the position vacant in which case a by-election will be held in accordance with Article 11.6.
- 6.7.3 In the event the CSR rejects the action of the executive committee, it shall reinstate the executive member to the position in question.

**Article 7—Interest groups**

At the request of 10 or more teacher members, Local 38 may organize groups on their behalf which shall perform duties under a frame of reference as approved by CSR.

**Article 8—Council of school representatives**

- 8.1 The legislative body of Local 38 shall be the CSR.
- 8.2 Membership on the CSR shall be
  - 8.2.1 all members of the executive committee;
  - 8.2.2 school representatives;
  - 8.2.3 for substitute teachers—one representative for each 50 substitutes on the substitute roster to a maximum of six;
  - 8.2.4 one representative to be elected from the Calgary Retired Teachers' Association who is a former member of Local 38;
  - 8.2.5 the chair of each standing committee, if not included in 8.2.1 and 8.2.2 above; and
  - 8.2.6 one (1) representative from the University of Calgary ESA, Student Local No 2.
- 8.3 Any member of Local 38 may attend the CSR meetings provided that they do not vote and do not make presentations to the meeting unless prior permission is obtained from the CSR.

**8.4 School representatives**

8.4.1 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	one
36 to 65	two
66 to 95	three
96 to 125	four
126 or more	five

8.4.2 Substitute teachers—in the event that any of the six representatives of the substitute teachers’ group withdraw their name from the Calgary Board of Education’s list of available substitutes, they shall forfeit the right to continue as a member on the CSR.

8.4.3 Other personnel—for purposes of representation on the CSR, members of Local 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.

**8.4.4 Alternates for school representatives**

8.4.4.1 Each school shall elect one alternate representative per accredited representative.

8.4.4.2 An alternate representative may take the place of an accredited representative during any meeting of the CSR and shall be accorded all the rights of an accredited representative.

8.4.5 Any member of Local 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.

**8.5 Duties of the council of school representatives**

8.5.1 shall act as the legislative body within Local 38;

8.5.2 shall deal with any business referred to it by the executive committee or by a general meeting of Local 38, or introduced to it on a motion duly made and seconded by accredited school representatives;

8.5.3 shall receive, consider and approve the annual budgets as submitted by the executive committee;

8.5.4 shall ratify standing committee and interest group frames of reference as authorized in this constitution and audited financial statements;

8.5.5 shall ratify appointment of auditing services, as recommended by the executive committee;

8.5.6 shall receive the Calgary City Teachers’ Convention Association budget;

8.5.7 shall elect standing committee, CAFEC and CCTCA member representatives; and

8.5.8 shall approve ARA representatives.

**8.6 Duties of school representatives**

8.6.1 shall represent colleagues in determining Local 38 policy and establishing local programs,



- 8.6.2 shall report activities of the local and provincial association to colleagues they represent,
- 8.6.3 shall receive and disseminate newsletters, bulletins, ballots and magazines to colleagues they represent,
- 8.6.4 shall serve as a two-way communications facilitator between colleagues they represent and the local and provincial association,
- 8.6.5 shall welcome teachers new to the profession and/or worksite,
- 8.6.6 shall attend CSR meetings,
- 8.6.7 shall conduct secret ballot elections at their worksite,
- 8.6.8 shall make known at the meeting of the CSR the requests and interests of the colleagues they represent,
- 8.6.9 shall act as liaison between the CSR and the colleagues they represent,
- 8.6.10 shall approve matters of local policy including duties of executive officers,
- 8.6.11 shall include other duties as are requested by the local council or the provincial association.

#### 8.7 **Elections**

Members of the CSR shall be elected as soon as possible following commencement of the school year.

#### 8.8 **Meetings**

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

#### 8.9 **Quorum**

- 8.9.1 A quorum shall be 40 per cent of the total membership of the CSR.
- 8.9.2 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.

### **Article 9—Committees And Groups**

#### 9.1 **Standing committees and groups shall be the following:**

- 9.1.1 Annual Representative Assembly committee
- 9.1.2 Constitutional interpretation committee
- 9.1.3 Economic policy committee
- 9.1.4 Election and resource committee
- 9.1.5 Finance committee
- 9.1.6 Hospitality committee
- 9.1.7 Political action committee
- 9.1.8 Professional development committee

- 9.1.9 Communications committee
  - 9.1.10 Resolutions committee
  - 9.1.11 Scholarship committee
  - 9.1.12 Donations committee
  - 9.1.13 Extended disability group
  - 9.1.14 Substitute teachers' group
- 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 a continuing record of its activities is 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 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 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 committee—committees which operate under the terms of the collective agreement.
- 9.7 Each committee may, with the approval of the executive committee or the CSR, organize special subcommittees for specific activities.

**Article 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 Council of School Representatives agrees that one is not necessary.
- 10.2 General meetings (any meeting where all members of Local 38, ATA may attend) and meetings of the bargaining unit (any meeting of the members of Local 38, ATA covered by the collective agreement) shall be called by the president:
- 10.2.1 On the president's own initiative
  - 10.2.2 On instructions from the executive committee
  - 10.2.3 At the request of the CSR
  - 10.2.4 At the request of an officer of The Alberta Teachers' Association or of a Calgary City district representative
  - 10.2.5 At the request of the chair of the economic policy committee or
  - 10.2.6 At the request of the representative of the bargaining agent or
  - 10.2.7 At a request by signed petition of at least five per cent of the membership of Local 38
- 10.3 **Quorum**  
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**

- 10.4.1 At a meeting a majority of those present shall decide any issue unless regulations otherwise decree.
- 10.4.2 Voting shall occur by use of voting cards unless a ballot vote is requested by a majority vote of those present.
- 10.4.3 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 executive committee, 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 Meetings of the bargaining unit**

- 10.6.1 Notice to the membership of a bargaining unit meeting to consider a memorandum of agreement shall be a minimum of seven calendar days.
- 10.6.2 Notwithstanding 10.6.1, the executive committee of Local 38, ATA will have, in emergent situations, authority to determine the timeline of the meeting and the time and location of the vote.
- 10.6.3 Whenever possible, meetings of the bargaining unit shall be held in a venue large enough to accommodate all attendees in one room.
- 10.6.4 Voting on the main motion will be by secret ballot.

**Article 11—Elections**

**11.1 Authority**

- 11.1.1 The election and resource committee shall carry out Local 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.
- 11.1.2 Notwithstanding article 11.1.1, the substitute teachers' group and the extended disability group shall hold their elections in accordance with the committee frames of reference.
- 11.1.3 If a member of the election and resource committee is a candidate for office, the executive committee shall appoint another member of Local 38 to serve as a replacement.
- 11.1.4 The chair of the election and resource committee shall be the chief returning officer of Local 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.
- 11.1.5 Election or appointment of committee members and agents other than those listed in article 11.1.1 shall be conducted in the manner prescribed by the executive committee.

**11.2 Eligibility**

All active and associate members of Local 38 as at November 30 each year shall be entitled to vote or stand for office in Local 38 elections in that school year.

**11.3 Election dates**

- 11.3.1 Election dates shall be set by the election and resource committee and approved by the executive committee.

- 11.3.2 A notice calling for nominations for all voting executive committee positions shall be sent out to the members of Local 38 by the chief returning officer not less than 10 school days before the date set for the close of nominations.
- 11.3.3 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**

- 11.4.1 Any 10 members of Local 38 may nominate a candidate for the office of president, two vice-presidents, treasurer, economic policy committee chair, professional development committee chair, political action committee chair, or communications committee chair provided that in each case nomination forms prescribed by the election and resource committee are completed together with an acceptance form signed by the candidate.
- 11.4.2 Any 10 members of a constituent group may nominate from its membership a candidate for the position of the member representative, provided that in each case nomination forms prescribed by the election and resource committee are completed together with an acceptance form signed by the candidate.
- 11.4.3 Any five principals who are members of Local 38 may nominate a principal who is a member of Local 38 as a candidate for the position of principal representative, provided that in each case nomination forms prescribed by the election and resource committee are completed together with an acceptance form signed by the candidate.
- 11.4.4 Any five substitute teachers who are listed on the Calgary Board of Education substitute teachers' roster for the current school year may nominate a substitute who is a member of Local 38 as a candidate for the position of substitute teacher representative provided that in each case nomination forms prescribed by the election and resource committee are completed together with an acceptance form signed by the candidate.

#### 11.5 **Voting procedures**

- 11.5.1 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.
- 11.5.2 The chief returning officer shall endeavour to guarantee
  - 11.5.2.1 that each member of Local 38 receive only one ballot for each of the offices of president, vice-presidents, treasurer, economic policy committee chair, professional development committee chair, political action committee chair, or communications committee chair;
  - 11.5.2.2 that each member of the respective constituent group receive only one ballot for each of the member representative positions of that group;
  - 11.5.2.3 that each principal receive only one ballot for the principal representative position;
  - 11.5.2.4 that each substitute teacher assigned to a school on voting day receive only one ballot for the substitute teacher representative position;
  - 11.5.2.5 that a polling station be available at the Local 38 office where members not assigned to a school on voting day can cast their ballots; and
  - 11.5.2.6 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**

- 11.6.1 All Local 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.
- 11.6.2 Each candidate may act as a scrutineer or may select another individual within Local 38 to act as an authorized agent.
- 11.6.3 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.
- 11.6.4 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.
- 11.6.5 The chief returning officer shall accept as valid any ballot on which the intention of the voter is clear or evident.
- 11.6.6 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.
- 11.6.7 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.
- 11.6.8 The results of the voting shall be announced to the candidates by the chief returning officer immediately following the conclusion of the ballot count.
- 11.6.9 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 less 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**

- 11.7.1 Any defeated candidate may appeal for a recount of the vote if the number of ballots cast for him/her 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 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.

11.7.2 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.

11.7.3 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 **Assumption of office**

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**

11.9.1 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.

11.9.2 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.

11.9.3 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.

11.9.4 The following conditions shall apply to a by-election

11.9.4.1 nominations shall be called within one week of the position being declared vacant by the executive committee,

11.9.4.2 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,

11.9.4.3 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,

11.9.4.4 the conducting of the by-election shall be held in accordance with the applicable sections of Article 11.

#### 11.10 **Vacancies**

11.10.1 Notwithstanding article 11.9.1 and article 11.9.2, 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.

11.10.2 In the event that the immediate past president is not available to fill his/her office, the executive committee shall fill that position by appointment in accordance with Local 38 policy.

#### **Article 12—Fees**

Local 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 38 such as are determined from time to time either at a general meeting or by ballot of Local 38. Such fees shall be in

addition to and in no way part of the statutory fees for membership in The Alberta Teachers' Association.

**Article 13—Financial year**

The financial year of Local 38 shall be July 1 to June 30.

**Article 14—Authority**

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 for The Alberta Teachers' Association, as published in The Alberta Teachers' Association *Members' Handbook*.

14.2 Robert's Rules of Order Newly Revised Edition, shall be the authority for Local 38 on all questions not covered by the above handbook, the constitution and such standing rules as the CSR may adopt.

**Article 15—Amendments to the constitution**

15.1 Amendments to the constitution may originate from the executive 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 38 to the Provincial Executive Council of The Alberta Teachers' Association for ratification.

15.7 Notwithstanding anything herein otherwise contained, the executive committee may:

15.7.1 rearrange the order and numbering of articles in the constitution in the interests of clarity and simplicity, and

15.7.2 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 Provincial Executive Council of The Alberta Teachers' Association, and

15.7.3 correct typographical errors in any article of the constitution.

## **Article 16—Provincial Association Intervention**

### **Definition of terms**

- 16.1 In this section
  - 16.1.1 investigated local officer means a local officer whose conduct is under investigation pursuant to subsection (2);
  - 16.1.2 investigator is the individual appointed by the table officers pursuant to subsection (2);
  - 16.1.3 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;
  - 16.1.4 Provincial Executive Council means the executive council as defined in section 11 of the *Teaching Profession Act*;
  - 16.1.5 table officers means the Association's officers as defined in Bylaw 35;
  - 16.1.6 executive secretary means the chief executive officer of the Association or a person designated by the executive secretary; and
  - 16.1.7 staff officer means a member of executive staff designated by the executive secretary.

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

- 16.2 Where the table officers have or receive information which leads them to believe that a local officer
  - 16.2.1 has neglected his or her duties to the extent that the proper operation of the local association is being negatively affected,
  - 16.2.2 is mentally incapacitated,
  - 16.2.3 is engaging in corrupt practices,
  - 16.2.4 is engaging in financial malpractice or
  - 16.2.5 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.
- 16.3 In the course of the intervention under section 16, an investigated local officer is entitled to have access to a staff officer for advice.
- 16.4 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.
- 16.5 The table officers may appoint another individual to assume the duties of the investigated local officer during the period of the suspension.
- 16.6 The investigated local officer may appeal a suspension from office under subsection (4) to the Provincial Executive Council by filing a notice of appeal with the executive secretary within 30 days of being notified of the suspension.
- 16.7 If an investigated local officer appeals his or her 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.
- 16.8 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.
- 16.9 An investigated local officer may, in the course of the investigation, submit his or her resignation to the executive secretary.
- 16.10 Where an investigated local officer resigns in accordance with subsection (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 which occurred during the period the office was held.
- 16.11 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
- 16.11.1 answer any inquiries the investigator may have relating to the investigation;
  - 16.11.2 produce any records or other property in the investigated local officer's possession or under his or her control that are or may be related in any way to the investigation;
  - 16.11.3 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
  - 16.11.4 attend before the investigator for the purpose of complying with (a), (b) or (c) of this subsection.
- 16.12 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 his or her report to the table officers.
- 16.13 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.
- 16.14 The table officers, upon consideration of the report of the investigator, may make one or more of the following orders:
- 16.14.1 remove the investigated local officer from office;
  - 16.14.2 restrict the investigated local officer's eligibility for office in the future;
  - 16.14.3 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.
- 16.15 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.

16.16 The investigated local officer may appeal the decision of the table officers under subsection (14) by filing a notice of appeal with the executive secretary within 30 days after being notified of the decision.

16.17 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.

16.18 In an appeal under subsection (7) or (17), the table officers may make submissions to Provincial Executive Council respecting the outcome of the appeal.

#### **Official Trustee**

16.19 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 the Provincial Executive Council considers necessary:

16.19.1 when a local council fails to comply with the requirements of section 8.5;

16.19.2 when the Provincial Executive Council considers it in the interests of the Association to do so.

16.20 The local may appeal the appointment of an official trustee to a representative assembly.

16.21 An official trustee appointed under subsection (19) has the powers and duties conferred by the General Bylaws on a local and conferred by this constitution.

16.22 On appointment of an official trustee to the local association, the officers of the local cease to hold office as officers of the local.

16.23 An official trustee continues in office until the Provincial Executive Council or a representative assembly determines that the official trusteeship is no longer necessary.

Amendments ratified by Table Officers Committee on behalf of Provincial Executive Council  
2008 01 11.