

**CONSTITUTION**

**OF**

**Edmonton Public Teachers'**

**Local No 37**

**Of**

**The Alberta Teachers' Association**

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**1. Name**

The name of this local association shall be Edmonton Public Teachers Local No 37 of The Alberta Teachers' Association.p

**2. Objectives**

This local association shall have as its aim and objects

- 2.1 to promote and serve the professional interests of its members,
- 2.2 to assist members of the local to enhance their professional practice,
- 2.3 to develop capacity within the local through encouraging participation in the activities and governance of the local,
- 2.4 to further the aims and objectives of The Alberta Teachers' Association and
- 2.5 to foster observance of The Alberta Teachers' Association's Code of Professional Conduct.

**3. Definitions**

- 3.1 Bargaining unit shall mean all members of the local whose terms and conditions of employment are covered by the collective agreement between the Edmonton School Division and The Alberta Teachers' Association.
- 3.2 District representatives shall mean the Edmonton/McMurray district representatives to the Provincial Executive Council of The Alberta Teachers' Association.
- 3.3 Divisions shall mean levels of the school system with which members are principally affiliated, as follows:
  - (a) Division I—primary, including kindergarten and Grades 1, 2 and 3.
  - (b) Division II—upper elementary, including Grades 4, 5 and 6.
  - (c) Division III—junior high, including Grades 7, 8 and 9.
  - (d) Division IV—senior high, including Grades 10, 11 and 12.
- 3.4 Divisional representative shall mean a member of a committee elected to represent a division.
- 3.5 Non-school-based representative shall mean an elected member, not including substitute teachers, who are not in a school-based site.
- 3.6 Ex officio shall mean a position held by virtue of office as set forth in this constitution. A person holding an ex officio position shall have no vote while serving in that capacity.
- 3.7 Frames of reference shall be those statements of duties and responsibilities and those directives under which a committee shall function.

- 3.8 General assembly shall mean any duly called meeting of either
  - (a) all members of the local; or
  - (b) all members of the bargaining unit of the local.
- 3.9 Guest shall mean a person who receives an official invitation from the local, or division, or duly recognized committee to attend a specific meeting or function of the group issuing the invitation.
- 3.10 Local shall mean Edmonton Public Teachers Local No 37 of The Alberta Teachers' Association.
- 3.11 Council of school representatives shall mean a meeting of the school representatives, as herein defined.
- 3.12 School representative shall mean a member of the local elected to represent a staff at the council of school representatives.
- 3.13 School communication representative shall mean a member of the local responsible for the distribution of communication and material from the local and The Alberta Teachers' Association to the members at their site.
- 3.14 Local representative shall mean a member of the local elected to represent the local at the Annual Representative Assembly (ARA) of The Alberta Teachers' Association.
- 3.15 Member at-large shall mean a voting member of the local.
- 3.16 Provincial Executive Council shall mean the Provincial Executive Council of The Alberta Teachers' Association.
- 3.17 Staff shall mean all local members associated with a particular school, administrative unit or work location.
- 3.18 Standing committees shall mean those committees of the local whose frames of reference are contained within the local guidelines and are named in Section 8.8 in this document.
- 3.19 Table officers shall mean those members of the executive committee who hold the positions of president, vice-president (2), past president and one local staff officer (ex officio).
- 3.20 Liaison committee shall consist of the table officers and any other members they may invite from time to time.

#### 4. Membership

##### 4.1 Categories

- (a) Active members of the local shall be all teachers, including substitute teachers employed by the Edmonton School Division, who are active members of The Alberta Teachers' Association.
  - i. 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.
  - ii. Associate membership in the local may be granted to persons or classes of persons which the executive committee may designate from time to time.
  - iii. Associate membership is required by teachers employed by the local.

##### 4.2 Rights and Privileges

- (a) Active members have the right to vote and to hold office in the local and are subject to the Code of Professional Conduct.
- (b) Associate members may have those rights and privileges which are specifically granted to them individually or collectively by the executive committee, but are not subject to the Code of Professional Conduct.
- (c) Retired teachers do not have the right to vote or hold office in the local and are not subject to the Code of Professional Conduct.

#### 5. Fees

The local shall have the power to levy such fees for membership in this local as may be determined from time to time at a meeting of the general assembly, subject to Provincial Executive Council approval. Such fees shall be additional to the fees for Association membership prescribed by the representative assembly.

#### 6. Rules of Procedure

- 6.1 The proceedings of all meetings, general and special, of the council of school representatives, and of the executive committee shall be regulated by the official Rules of Order and Procedure for The Alberta Teachers' Association, as published in the *Members' Handbook*.
- 6.2 Officers of The Alberta Teachers' Association and the district representative(s) of whose geographic district this local association forms a part shall be entitled to attend all meetings of the local association referenced in VI.1 and any other meetings of local committees, including those portions of any meetings declared to be *in camera*.

#### 7. Meetings of the General Assembly

- 7.1 A meeting open to all members of the local or all members of the bargaining unit shall be called a general assembly.

- 7.2 A meeting of the general assembly shall be held at least once in every school year.
- 7.3 Meetings of the general assembly must be held
- (a) on the call of the Provincial Executive Council; or
  - (b) on the call of the president of the local; or
  - (c) on the call of the council of school representatives; or
  - (d) on proposed revisions of, or additions to, the collective agreement both prior to negotiation and before final revisions of, or additions to, the collective agreement are agreed to; or
  - (e) within thirty (30) calendar days of a request by petition of four hundred (400) or more members of the local; or
  - (f) to consider proposed changes in local fees; or
  - (g) to consider proposed amendments to the constitution.
- 7.4 Notice of motion to a general assembly must be given, in writing
- (a) at least three (3) weeks in advance of a general assembly; or
  - (b) at a meeting of the council of school representatives preceding the general assembly; or
  - (c) at a previous general assembly.
- Provided, however, that any meeting of the general assembly at which there is a quorum present may, by a two-thirds (2/3) decision, waive notice of motion.
- 7.5 Notice of intent to hold a general assembly shall
- (a) be transmitted by a local staff officer to each school or worksite and the district representative(s) at least six (6) local operational days in advance of the date of the general assembly;
  - (b) include the agenda or item(s) to be discussed at the general assembly.
- Notwithstanding the above Section 7.5.(a), the Provincial Executive Council, or the representative of the bargaining agent, or the local's executive committee, may call a general assembly of the local by an immediate communication with each local member through the school communications representative, provided the element of time is essential.
- 7.6 Should a general assembly be called under part 3.(e) of Section 7, the petition shall be the first item of business on the agenda, shall appear as such on the notice and shall take precedence over all other business of the assembly.
- 7.7 The quorum of any general assembly shall be two hundred (200) members.
- 7.8 When quorum is called and found not to exist at any general assembly, the unfinished business, excepting matters which relate to revision of or additions to the collective agreement, or to amendments to the constitution, shall thereby be referred automatically to a subsequent meeting of the

council of school representatives which shall have the authority to deal with such business as though it were a general assembly.

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

- 8.1 There shall be constituted a council of school representatives consisting of
- (a) all members of the executive committee;
  - (b) school representatives elected by staffs, with each staff represented by one representative for every fifteen (15) members, or portion thereof;
  - (c) ten (10) members appointed by the substitute teachers' committee.
- 8.2 Questions that arise as to which group may be constituted as a staff for the purpose of representation at the council of school representatives will be decided by the executive committee subject to ratification by the council of school representatives.
- 8.3 Each staff, as well as the substitute teachers' committee, may elect alternate school representatives as needed to meet their entitlement.
- 8.4 In no case shall the number of school representatives and/or alternates from a staff voting at a meeting of the council of school representatives exceed the number of representatives to which that staff is entitled according to Section 8.1.(b).
- 8.5 For purposes of this Section (8) each member who is assigned to more than one (1) school or location shall designate the staff with which the member wishes to identify for a particular year. No member can hold more than one vote at CSR.
- 8.6 The council of school representatives shall meet at least once every two (2) months, except during June, July and August, at a time and place set by the executive committee. It shall deal with any business brought before it by the executive committee, or referred to it by a meeting of the general assembly, or introduced to it on a motion duly made and seconded by accredited school representatives.
- (a) A meeting of the council of school representatives shall be held within ten (10) local operational days of the receipt of a request by petition of twenty-five (25) or more members of the council of school representatives.
- 8.7 A copy of minutes of meetings of the council of school representatives shall be provided for each school communications representative, and a copy shall be provided for filing in each school.
- 8.8 It shall be the duty of the council of school representatives to elect local and alternate representatives to representative assemblies, as set forth in Section 10.1.

- 8.9 The quorum of the council of school representatives shall be one hundred (100) members.
- 8.10 Notice of motion must be given:
- (a) at a previous meeting of the council of school representatives; or
  - (b) in writing, two (2) weeks in advance of meeting of the council of school representatives.
- Provided, however, that any meeting of a council of school representatives, at which a quorum is present, may, by a two-thirds (2/3) decision, waive notice of motion.
- 8.11 Notice of intent to hold a meeting of the council of school representatives shall
- (a) be sent by a local staff officer to each school or worksite and the district representative(s) at least six (6) local operational days in advance of the date of the meeting of the council of school representatives;
  - (b) include the agenda or item(s) to be discussed at the meeting of the council of school representatives; and
  - (c) should a council meeting be called under the petition shall be the first item of business on the agenda, shall appear as such on the notice and shall take precedence over all other business.

## **9. Executive Committee**

- 9.1 The executive committee of this local shall be the administrative body.
- (a) The executive committee of this local shall exercise general supervision of the conduct of all committees of the local and the divisions, and shall issue directives where deemed necessary.
- 9.2 The table officers of this local shall be the president, two (2) vice-presidents, the past president and one local staff officer (ex officio).
- 9.3 The executive committee shall consist of the table officers, a representative of each division, a non-school-based representative, a principal representative, chair of the teacher welfare committee, chair of the social committee, chair of the professional development committee, chair of the substitute teachers' committee, chair of service to members committee and chair of the communications committee.
- (a) The Edmonton/McMurray district representatives of the ATA may attend meetings of the executive committee in an ex officio capacity.
- 9.4 The executive committee, subject to the approval of the council of school representatives, may appoint or second one (1) or more staff officers. These officers shall not be entitled to vote at meetings, but may serve in an ex officio capacity. Local staff officers shall have a permanent teaching certificate valid in the province of Alberta.



- 9.5 Eight (8) voting members of the executive committee shall constitute a quorum.
- 9.6 Notices calling executive committee meetings shall be transmitted to its members by a local staff officer in a manner and at a time in advance of any meeting as decided by the executive and shall include an agenda of the business to be transacted.
- 9.7 The signing authorities of the local shall be either the president or a vice-president and a local staff officer.
- (a) In the event that a cheque cannot be signed by the procedure outlined in then any two (2) of the persons identified above can sign.
- 9.8 The executive committee shall meet on a regular basis on a schedule approved by the executive. The executive committee shall meet in emergent session at the call of the president, or local staff officer (if there is no president), the president or executive secretary of the ATA. Emergent meetings of the executive committee shall also be called within three (3) local operational days of the receipt by a local staff officer of a written request for such emergent meeting signed by four (4) voting members of the executive committee.
- (a) The reason for calling such a meeting shall be the first item of business on the agenda of the meeting, shall appear as such on the notice and shall take precedence over all other business of the meeting.

## 10. Local Representatives

- 10.1 The local representatives to representative assemblies of the ATA shall include
- (a) the executive committee of the local;
- (b) the members of the local's ARA steering committee;
- (c) such active members elected by the council of school representatives as may be required to complete this local's representation in accordance with the bylaws of The Alberta Teachers' Association.

Additionally, the council of school representatives may elect alternate local representatives. These shall be called to serve, when required, in the order of their election.

All active members of the local shall be eligible to stand for election as local representatives to the representative assembly.

The president of the local shall inform an alternate when the alternate's service as a local representative is required.

- 10.2 Duties:
- (a) to represent the membership of the local at all representative assemblies of The Alberta Teachers' Association;

- (b) to report the proceedings of representative assemblies to the membership of the local.

## 11. Resolutions to Representative Assemblies of The Alberta Teachers' Association

Resolutions to the representative assemblies of The Alberta Teachers' Association shall be dealt with in the following manner.

- 11.1 A local staff officer shall serve notice on the membership that proposed Annual Representative Assembly (ARA) resolutions will be considered at a meeting of the council of school representatives to be held prior to the deadline for submitting proposed resolutions to the ATA and shall establish a deadline for the submission of proposed resolutions.
- 11.2 Proposed resolutions received by the deadline shall be reviewed by the ARA steering committee to ensure that they conform with the format prescribed by the bylaws of the ATA. These proposed resolutions, together with any that the ARA committee may initiate, shall be printed and distributed to all schools.
- 11.3 Resolutions may be placed in a block by the executive committee for presentation to council of school representatives provided the council of school representatives is given the opportunity to remove some or all of these items from the block.
- 11.4 Notwithstanding subsection 11.2, where the time factor precludes general printing of resolution(s) for a representative assembly of The Alberta Teachers' Association, the executive committee or the council of school representatives shall deal with proposed resolutions.

## 12. Duties

- 12.1 *Members of the local*—It shall be the duty of members of this local to
  - (a) give general supervision to the business of this local through general assembly;
  - (b) keep informed of the business of the local through their representatives to the council of school representatives;
  - (c) elect from their staff, representatives and alternate representatives to the council of school representatives, as set forth in this constitution;
  - (d) to elect or appoint representatives to the Joint Health and Safety Committee;
  - (e) make known their wishes to the council of school representatives through their representatives or at a general assembly; and
  - (f) participate, wherever possible, in the activities of the local and/or in the activities of the division to which they belong.
- 12.2 *School representatives*—It shall be the duty of the school representatives to
  - (a) bring before the council of school representatives those matters which they have been instructed to bring by the staff which they represent;

- (b) ensure that those whom they represent are informed of the business of the council of school representatives;
- (c) attend all meetings of the council of school representatives, or ensure that a duly elected alternate representative shall be in attendance; and
- (d) serve as the site's returning officer in local elections.

12.3 ***Council of school representatives***—It shall be the duty of the council of school representatives to

- (a) act as the legislative body of the local between general assemblies;
- (b) deal with any business referred to it by the executive committee or by a general assembly;
- (c) receive, consider and determine the disposition of all committee reports brought before it;
- (d) receive, consider and approve the annual budget of the local;
- (e) ratify changes or amendments to convention fees; and
- (f) ratify the audited financial statement of the local.

12.4 ***Executive committee***—It shall be the duty of the executive committee to

- (a) exercise general supervision of the business of the local and the local staff officer(s);
- (b) be responsible for its action to the council of school representatives, subject to an appeal to the general assembly;
- (c) ensure that all Association money is used to further the objects of the Association as set out in the *Teaching Profession Act*;
- (d) ensure that such reports and statements with reference to the business of the local as may be required by the Provincial Executive Council are prepared and transmitted;
- (e) exercise general supervision of the conduct of all committees of the local and divisions and issue directives where deemed necessary, subject to the approval of the council of school representatives;
- (f) act as local representatives to representative assemblies;
- (g) draw up a frame of reference for each committee of this local and report such to the council of school representatives; and
- (h) name an ARA steering committee consisting of the president, the past president and up to five (5) members-at-large who have previously been local representatives to representative assemblies of the ATA. The ARA steering committee shall elect one (1) of its members to chair meetings of the committee.

12.5 ***President***—It shall be the duty of the president, consistent with this constitution and with local policy, to

- (a) serve as the chief executive officer of the local;
- (b) speak for the local and its membership, or designate other officers to speak on particular matters;
- (c) oversee the business of the local;

- (d) preside, or to designate one of the elected table officers to preside at all meetings of general assembly, the council of school representatives and the executive committee;
- (e) represent or designate one of the elected table officers to represent the local at school board meetings (as deemed necessary); and
- (f) serve as a member of the liaison committee.

The president shall have a casting vote at meetings over which the president presides.

12.6. ***Vice-president(s)***

- (a) In the event that the president is unable to fulfill the duties of the office, it shall be the duty of that vice-president designated by the executive to assume the responsibilities of the president.
- (b) It shall also be the duty of the vice-president(s) to preside at meetings and attend functions as delegated by the president.
- (c) It shall be the duty of the vice-president(s) to serve as members of the liaison committee.
- (d) One vice-president shall be elected to serve as the chair of the political engagement committee and one vice-president shall be elected to serve as the chair of the finance committee and the donations committee.

12.7. ***Past president***—It shall be the duty of the past president to

- (a) assume the duties of the president in the absence of the president and the vice-presidents;
- (b) act as a returning officer of the local; and
- (c) serve as a member of the liaison committee.

12.8. ***Local staff officer(s)***—Under the direction of the executive committee and the president under it shall be the duty of the local staff officer(s) to

- (a) manage the business and financial affairs of the local and the operation of the local's office;
- (b) process grievances on behalf of members;
- (c) provide advice and assistance to members, committees and other groups within the local;
- (d) as the secretary of the finance committee, the teacher welfare committee and the negotiating subcommittee;
- (e) serve as ex officio on the table officers committee;
- (f) serve as parliamentarian at local executive, council and general assemblies;
- (g) serve as a member of the liaison committee;
- (h) participate in an annual review of duties with all local staff as related to supporting the work of local committees and report to executive on the arrangement of committee duties no later than the October executive meeting; and
- (i) carry out other duties as assigned by executive or the president.

- 12.9 *Executive members*—The duties of members elected to the executive as chairs of standing committees, representatives of divisions, the nonschool-based representative and principal representative shall be as follows:
- (a) The chairs of standing committees, excepting the teacher welfare committee chair, shall call the first meeting of the standing committee during the month of September each year and meet as often as required thereafter to carry out the business of the committee and the local.
  - (b) The four (4) divisional representatives, the non-school-based representative and the principal representative on the executive shall meet as necessary with the members they represent or when directed to do so by executive, or within 10 local operational days of a petition for a meeting signed by 20 members represented is received by the local office.
  - (c) One (1) divisional representative, the non-school-based representative or the principal representative shall be appointed by the executive to serve as executive liaison to Greater Edmonton Teachers' Convention Association (GETCA).
  - (d) All executive members shall carry out additional responsibilities as assigned by the executive committee.

### 13. Committees of the Local

The executive committee shall exercise general supervision and coordination of all committees of the local and shall issue directives where deemed necessary.

Each committee shall conform to such directives as may be issued by the executive committee of the local, subject, however, to the right of appeal to the council of school representatives. The chair of each committee of the local shall have casting vote (tiebreaking) only.

All members of the committees, with the exception of executive staff or office staff must be active members of the local.

The following rules shall govern the conduct and operations of all committees of the local where such is not specifically set out in this constitution.

- 13.1 Each committee shall operate within a frame of reference as provided by the executive committee and approved by the council of school representatives.
- 13.2 The following shall be the format for all frames of reference for committees of the local.
- (a) Membership—this clause shall define the eligibility, members and tenure of the committee;
  - (b) Officers—this clause shall name the officers of the committee and shall define their eligibility, duties and franchise;
  - (c) Functions—this clause shall outline the specific purposes for which the committee is constituted;

- (d) Meetings—this clause shall prescribe the manner in which, at what times, and by whom meetings of committees shall be convened;
  - (e) Quorum—the quorum of a local committee shall be greater than 50 per cent of the voting members;
  - (f) General—this clause shall state any matters of policy that shall specifically bind the committee procedure.
- 13.3 The executive committee may set up joint meetings of committees of the local to coordinate their efforts for a specific purpose.
- 13.4 All committees of the local shall be responsible to the executive of the local and shall provide reports of all committee proceedings to the president and local staff officer(s).
- 13.5 Each committee of the local shall submit to the finance committee, prior to the drawing up of the budget for the next fiscal year, a complete list of the anticipated expenditures of that committee for the forthcoming year.
- 13.6 Amendments or additions to any frame of reference of a local committee shall be made by the executive committee, subject to approval of the council of school representatives.
- 13.7 Upon failure of a committee of the local to comply with this constitution or to conform to the frames of reference, the executive committee, subject to approval by the council of school representatives, may withdraw all financial or constitutional support.
- 13.8 Standing committees of the local shall include a teacher welfare committee and its subcommittees, finance committee, social committee, communications committee, professional development committee, service to members committee, donations committee, substitute teachers' committee, political engagement committee and any other standing committee established and approved by the executive and the council of school representatives.
- 13.9 Frames of reference for all standing committees of the local shall be included in the local guidelines.
- 13.10 The local shall maintain representation on the general convention committee of Greater Edmonton Teachers' Convention Association (GETCA) in accordance with the terms of the constitution of GETCA.
- 13.11 Ad hoc committees may be established by the executive or council of school representatives on an as-needed basis to complete a specified task.

## 14. Divisions

There shall be constituted four (4) divisions of this local.

14.1 Membership—The membership of each division shall be as defined in this constitution.

Any members whose class(es) or duties embrace more than one (1) division must declare within thirty (30) calendar days of the beginning of the school year with which division they wish to affiliate, otherwise such members (excluding substitute teachers) will be deemed to have chosen the higher of the divisions concerned. In the case of substitute teachers, a declaration of divisional affiliation may be made once each school year at any time prior to the close of nominations for an election involving divisional representatives. A substitute teacher who fails to make such a declaration by the close of nominations shall not be eligible to vote in the ensuing election for divisional representatives. Substitutes, the non-school-based representatives and principals will not vote for divisional representatives to executive as they elect their own executive representatives.

14.2 Officers—Each of the four (4) divisions shall elect a representative to the executive and teacher welfare committees.

14.3 Functions—The division shall meet as necessary to pursue matters which are of interest to the members of the division and to represent these interests to the committees or assemblies of the local.

14.4 Meetings

(a) Meetings may be called

- i.* by the divisional, principal or non-school-based representative on the executive committee;
- ii.* by the divisional representative on the teacher welfare committee;
- iii.* on petition of any twenty (20) members of the division; or
- iv.* as directed by the teacher welfare committee or executive committee.

(b) If a meeting is called, notices of same, together with the agenda, shall be provided to an authorized representative at each school or worksite of the division six (6) full days in advance of the meeting.

14.5 General—Each division shall have the right to formulate recommendations and resolutions to the council of school representatives, and to serve notice of motion to the council of school representatives.

## 15. Elections

15.1 The returning officers of the local shall be the past president, a local staff officer and a third member appointed by the executive committee, with the provision that, if one (1) of the committee members is a candidate of office, the executive committee shall appoint a member of the local to serve as a replacement.

- 15.2 The scrutineers' committee shall consist of the returning officers and the authorized agent of each candidate.
- 15.3 There shall be a nominating committee consisting of the past president and the divisional representatives on the executive, including the chair of the substitute teachers' committee and the principal representative to executive, which shall operate, under a frame of reference approved from time to time by the council of school representatives, to ensure that there are sufficient candidates for committees elected by the council of school representatives.
- 15.4 (a) The president, the two (2) vice-presidents, the four (4) divisional representatives, the non-school-based representative, the principal representative, the chair of the social committee, the chair of the professional development committee, the chair of the service to members committee, the chair of the substitute teachers' committee and the chair of the communications committee shall be elected for a two-year (2) period by ballot of the membership of this local on a date set by the executive committee.
- (b) Elected members of the executive committee shall be limited to serving no more than two (2) complete, consecutive terms in any one executive position.
- (c) Elections for members of the teacher welfare committee shall be held following the conclusion of a settlement, but no sooner than 12 months prior to the expiry date of the current collective agreement, on a date set by the executive committee. Members of the teacher welfare committee shall be elected by ballot vote of the membership of the bargaining unit and, in the case of divisional representatives, the members of the appropriate division. The chair shall be elected by the members of the teacher welfare committee.
- 15.5 (a) Any 10 members of this local may nominate a candidate for the offices of the president, the vice-president, the divisional representatives, the non-school-based representative, the principal representative, the chair of the social committee, the chair of the professional development committee, the chair of the service to members committee, the chair of the substitute teachers' committee and the chair of the communications committee provided that in each case, forms prescribed by the executive committee are completed together with an acceptance form signed by the candidate and, in the case of a divisional representative, the non-school-based representative, the principal representative or the chair of the substitute teachers' committee, the nominators are members of the appropriate division.
- (b) Any 10 members of the bargaining unit may nominate a candidate for the teacher welfare committee provided that in each case, forms prescribed by the executive committee are completed together with an acceptance form signed by the candidate and, in the case of divisional



- representatives, the nominators are all members of the appropriate division.
- (c) Any member of the bargaining unit may become a candidate for office as a representative of a division on the teacher welfare committee by signing a declaration, on a form prescribed by the executive, stating that
- i.* the candidate is a member of the bargaining unit and
  - ii.* in the case of a representative of a division, the candidate is a member of that division on the date set for the close of nominations.
- 15.6 A notice calling for nominations shall be sent out to all eligible voters by the local staff officer in the form and manner prescribed by the executive committee not less than 10 local operational days before nomination day.
- 15.7 Nomination day shall be at least 10 local operational days before the date set for the election.
- 15.8
- (a) Prior to the date set for an election, there shall be prepared and distributed to each school communication representative a list of eligible voters in that school and separate ballots for each position being contested.
  - (b) Under the supervision and scrutiny of the school communication representative, a vote shall be conducted on the date set for the election, using the procedures established by the executive committee.
  - (c) A member of the local whose name does not appear on a voters' list may vote by signing a declaration stating that he or she is a voting member of the local who has not voted at another location.
  - (d) A member who is unable to vote on the date set for the election may cast an advance vote at the office of the local during its operational hours or at another location approved by the returning officers on the five (5) local operational days preceding the date set for the election.
- 15.9 In all elections of this local, ballots shall be marked with an "X" or with a number of "X's" which shall not exceed the number of candidates to be elected.
- 15.10 The site returning officers shall develop a system to ensure that any returned ballots have been originally supplied by the site returning officers; provided that there shall be no marking or other evidence on the ballot which may in any way impair the secrecy of the ballot.
- 15.11 The scrutineers' committee shall count the ballots at the established time and place.
- 15.12 The scrutineers' committee shall decide by a majority vote whether a ballot is valid or not, subject, however, to appeal by any candidate or the

candidate's agent to the executive committee, within 10 local operational days thereafter. The decision of the executive committee shall be final and binding in all cases.

- 15.13 The scrutineers' committee shall accept as valid any ballot on which the intention of the voter is clear and evident.
- 15.14 In the case of a tie vote, the president shall have a second or casting vote.
- 15.15 The returning officers shall render to the executive committee a statement showing the number of votes cast for each candidate.
- 15.16 The term of office of the executive committee shall commence on the first day of July following its election. Notwithstanding, a newly elected executive committee shall hold an organizational meeting in the month of June which shall be called by the newly elected president. At this meeting, the newly elected executive committee shall have the authority:
  - (a) to make appointments to committees and fulfill other organizational responsibilities as required by the constitution;
  - (b) to act on matters pertaining to its term of office;
  - (c) to act on matters referred to it by the outgoing executive committee.
- 15.17 After counting, all ballots shall be placed by the scrutineers' committee in a container which shall be sealed. They shall be retained for a period of not less than 10 local operational days following the election, whereupon they shall be destroyed unless required by the executive committee for a recount on appeal. At the conclusion of the recount on appeal, they shall be destroyed.
- 15.18 Any defeated candidate may appeal for a recount of the vote if the number of ballots cast is within 50 of the number cast for the successful candidate. Any appeal must be made in writing to the local staff officer within five (5) local operational days of the date of the original counting of the ballots. Within five (5) local operational days of receipt of the appeal for the recount, the president shall appoint a committee of three (3) members of the executive committee to conduct the recount at a time and place within the next five (5) local operational days after appointment. This decision shall be final and binding. Each candidate concerned, or the candidate's agent, shall be entitled to be present when the recount takes place. In the event that the president is involved in an appeal, the elected table officers not involved in the appeal shall appoint the committee and exercise a tiebreaking vote if needed. If the table officers are unable to break the tie, they will conduct a draw to choose the winner.
- 15.19 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.

- 15.20 Except as provided for in Section 15.24, if a vacancy occurs on the executive committee after the committee has been in office for a period of twelve (12) months or on the teacher welfare committee after the committee has been in office for a period of six (6) months, the executive committee shall bring the situation to the attention of the council of school representatives which
- (a) may direct that a by-election be held, or
  - (b) may elect a member of the council of school representatives to fill the position, or
  - (c) may decide that the position remain vacant for the balance of the committee's term of office and
  - (d) nomination day shall be not less than 10 local operational days after the call for nominations has been sent to the schools, except when an element of urgency exists.
- 15.21 Should a vacancy occur on the executive committee before the committee has been in office for a period of twelve (12) months or on the teacher welfare committee before the committee has been in office for a period of six (6) months, a by-election shall be held subject to the following conditions:
- (a) Nominations shall be called, within five (5) local operational days of the position being declared vacant, by the table officers or the majority thereof.
  - (b) Nomination day shall be not less than 10 local operational days after the call for nominations has been sent to the schools, except when an element of urgency exists.
- 15.22 In the event of there being no nomination filed for a position on the executive committee or the teacher welfare committee by the deadline, a by-election shall be called. Nominations shall be called as soon as possible and nomination day shall be not less than 10 local operational days after the call for nominations has been sent to the schools.
- In the event of there being no nominations filed in a by-election, the executive shall bring the situation to the attention of the council of school representatives which
- (a) may direct that a further by-election be held, or
  - (b) may elect a member of the council of school representatives to fill the position or
  - (c) may decide that the position remain vacant for the balance of the committee's term of office.
- 15.23 Election or appointment of all members of committees and agents other than officers of this local shall be conducted in the manner prescribed by the executive committee and ratified by the council of school representatives unless specifically set out in this constitution.

- 15.24 In the event that the office of the past president becomes vacant, the executive committee, subject to the approval of the council of school representatives, may appoint a former elected member of the executive, or a member of the local who has been actively involved, to fill the vacancy or they may reassign the duties of the past president to other members of executive and leave the actual position vacant.
- 15.25 In the event of a vacancy occurring on a standing committee, other than the teacher welfare committee, the candidate with the next highest number of votes shall fill the vacancy. Where the vacant position had been filled by acclamation, council shall have the authority to fill the vacancy as it deems best including directing the president or executive or table officers to recruit and fill the vacancy.
- 15.26 The principal representative, the nonschool-based representative, the chair of the substitute teachers' committee or a member elected to represent a division who ceases to be affiliated with that division subsequent to nomination day shall be entitled to retain the position for the balance of the committee's term of office.
- 15.27 A member of the local shall be entitled to hold only one (1) position which is subject to election by the membership of the local or of a division (ie positions on the executive and teacher welfare committees). Any member elected to a second such position, on the date of assuming that office, shall be required to vacate the first position.
- 15.28 A member holding an executive position may not be a voting member on any standing or ad hoc committee other than the one to which they have been elected or appointed.
- 15.29 A table officer of an ATA subgroup (ie, GETCA, specialist councils) may not serve as an executive member of the local.

## **16. Finance**

- 16.1 Expenditures of the local shall be paid on the basis of a budget drawn up by the finance committee and submitted, through the executive committee, for approval by the council of school representatives.
- 16.2 The executive committee shall be empowered to pay, in accordance with the terms of the local's budget, individuals or members for services rendered to the local, or for expenses incurred while on business of the local.
- 16.3 A statement of all expenditures authorized by the executive committee shall be presented to the council of school representatives at each of its regular meetings. An itemized breakdown of an expenditure shall be provided to the council of school representatives on request.

- 16.4 There shall be an annual independent audit of the funds of the local at a time set by the finance committee. The annual audited statement of the local's funds shall be presented to the executive committee and either the council of school representatives or a general assembly at a meeting following the receipt of the audited statements.
- 16.5 Expenditures on items which were not contained in the annual budget shall have prior authorization by the executive committee and the approval of the council of school representatives.

## 17. General

- 17.1 The president and the executive secretary of The Alberta Teachers' Association shall be ex officio members and permitted to attend and participate in any meeting of this local, being restricted in having no vote.
- 17.2 Local staff officer(s) shall be ex officio members and permitted to attend and participate in any regular or committee meetings of the local, being restricted in having no vote. The president is also ex officio to all regular committees of the local.
- 17.3 An Edmonton/McMurray district representative while acting in the capacity of ex officio member shall not be entitled to vote.
- 17.4 Any dispute arising from the interpretation of this constitution shall be referred, in writing, to the executive committee of the local for a ruling, subject to appeal to the council of school representatives. Further appeal may be made to the Provincial Executive Council of The Alberta Teachers' Association, whose ruling shall be final.
- 17.5 On any matter which will affect the welfare of any member or group of members, as interpreted by the Code of Professional Conduct and General Bylaws of The Alberta Teachers' Association, a member or group of members shall not commit the local or any members thereof either financially or in any other way, without previous authorization from the executive committee, subject to the approval of the council of school representatives.
- 17.6 A two-thirds (2/3) majority of any meeting of the council of school representatives shall have the power to reverse a decision of the executive committee.
- 17.7 A two-thirds (2/3) majority of general assembly shall have the power to reverse a decision of the executive committee or the council of school representatives.

## 18. Amendments

- 18.1 Frames of reference of the various committees of the local may be amended, from time to time, by the executive committee, subject to the approval of the council of school representatives.
- 18.2 Amendments to this constitution may be made at a meeting of the general assembly of this local at which a quorum is present, on a two-thirds (2/3) majority vote, provided that
- (a) notice of motion presenting the drafted amendment is presented to the council of school representatives not less than one (1) month prior to the meeting of the general assembly at which it is to be introduced;
  - (b) the council of school representatives approves the amendment in principle; and
  - (c) the amendment is ratified by the Provincial Executive Council of The Alberta Teachers' Association.
  - (d) Steps (a) and (b) can be waived by a two-thirds (2/3) majority vote at a duly called general assembly where quorum is present.

## 19. Provincial Intervention

### Definition of Terms

- 19.1 In this section
- (a) *investigated local officer* means a local officer whose conduct is under investigation pursuant to subsection (2);
  - (b) *investigator* is the individual appointed by the table officers pursuant to subsection (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* mean the Association's officers as defined in Bylaw 35;
  - (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**

- 19.2 Where the table officers have or receive information which leads them to believe that a local officer
- (a) has neglected his or her 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.

- 19.3 In the course of the intervention under Section 20, an investigated local officer is entitled to have access to a staff officer for advice.
- 19.4 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.
- 19.5 The table officers may appoint another individual to assume the duties of the investigated local officer during the period of the suspension.
- 19.6 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.
- 19.7 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.
- 19.8 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.
- 19.9 An investigated local officer may, in the course of the investigation, submit his or her resignation to the executive secretary.
- 19.10 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.
- 19.11 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 his or her 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.
- 19.12 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.
- 19.13 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.
- 19.14 The table officers, upon consideration of the report of the investigator, may make one (1) 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;
  - (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.
- 19.15 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.
- 19.16 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.
- 19.17 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.
- 19.18 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**

- 19.19 Subject to a two-thirds (2/3) 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
- (a) when a local council fails to comply with the requirements of Section 12.3;
  - (b) when the Provincial Executive Council considers it in the interests of the Association to do so.
- 19.20 The local may appeal the appointment of an official trustee to a representative assembly.
- 19.21 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.
- 19.22 On appointment of an official trustee to the local association, the officers of the local cease to hold office as officers of the local.
- 19.23 An official trustee continues in office until the Provincial Executive Council or a representative assembly determines that the official trusteeship is no longer necessary.

**20. 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 forty (40) operational school days thereafter, Provincial Executive Council directs:

- 20.1 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 Table Officers Committee of the Association.
- 20.2 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.
- 20.3 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.

- 20.4 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 mail-out ballots, on-line conferencing, telephone or other means.
- 20.5 That, for the period of the emergency, the executive committee of the local may exercise the authority of a general meeting of the local.
- 20.6 That, without restricting the general application of (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.

Amendments ratified by TOC on behalf of PEC 2007 04 27, 2012 11 26, 2015 02 09,  
2017 01 13; 2017 11 09; 2018 04 07; 2019 01 11–12  
Revised as per PEC requirements; 2009 05 14, 2017 06 09  
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