

## **Constitution of Pembina Hills Local No 22 of the Alberta Teachers' Association**

### **1. Name**

The name of this local shall be Pembina Hills Local Association of the Alberta Teachers' Association (the Association or the ATA).

### **2. Boundaries**

The area served by this local association shall include the Pembina Hills School Division.

### **3. Membership**

3.1 All active members of the Association employed within the boundaries are members of this local.

3.2 Subject to approval by the Provincial Executive Council of the Alberta Teachers' Association, associate members of the 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 all rights and privileges of active members.

### **4. Objects**

The objects of this local association shall be to further the objects of the Association as set out in section 4 of the *Teaching Profession Act* and the General Bylaws of the Association.

### **5. Fees**

This local association shall have the power, subject to approval of the Provincial Executive Council of the Alberta Teachers' Association, to levy fees for membership in this local association such as are determined from time to time in a general meeting of the local association. Such fees shall be additional to the fees prescribed by the Annual Representative Assembly (ARA).

### **6. Rules of Procedure**

The proceedings of all meetings—general, special, local council and executive committee—shall be regulated by the official Rules of Order and Procedure as published in the *Members' Handbook*.

6.1 Officers of the 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 section 6 and any other meetings of local committees, including those portions of any meetings declared to be *in camera*.

### **7. Organization**

The governing body of this local shall be a general meeting of its members, 10 per cent of whom shall constitute a quorum.

- 7.1 An Annual General Meeting (AGM) of this local shall be held once a year. At this meeting elections will be held, the budget will be approved, the audited financial statement will be received, policy will be approved and set, and emergent issues will be dealt with as they arise. In the event that a quorum is not obtained at a duly called general meeting, the general meeting may be adjourned to a later date or the business of the general meeting shall be conducted at the next local council meeting.
- 7.2 In the event that the business of the AGM is referred to a local council meeting, that local council meeting shall have the authority to deal with such business as though it were a general assembly.
- 7.3 A general meeting of this local shall be held at least once a year to hear reports and deal with same, hold elections, approve and set policy, and deal with such other matters as may arise.

## 8. Local Council

- 8.1 There shall be constituted a local council of this local consisting of
- (a) all members of the executive committee;
  - (b) school representatives, other than executive committee members, elected in September by each staff according to the following schedule: 1 for each 20 teachers or ~~major~~ fraction thereof on the staff with each school and ~~Alberta Distance Learning Centre regional office guaranteed a minimum of one representative;~~
  - (c) ~~Annual Representatives Assembly (ARA ) Representatives local representatives;~~ if not members of the executive committee;
  - (d) a representative of the substitute teachers' group;
  - (e) the chairs of standing committees, if not members of the executive committee, local representatives or school representatives; and
  - (f) convention representatives, if not included in (a) to (e).
- 8.2 Members of this local who are not members of the local council may attend council meetings and may speak with approval of the meeting but may not vote.
- 8.3 The duties of the local council shall be
- (a) to administer the affairs of the local association, including adoption of an audited annual financial statement and approval of an annual budget;
  - (b) to elect all ad hoc committees;
  - (c) to approve frames of reference for each of its committees;
  - (d) to hear reports from committees and decide on action to be taken, if any; (e) to elect representatives to the district convention association, the ATA Summer Conference and other events requiring local representation on an ad hoc basis;
  - (f) to elect or appoint representatives to the joint health and safety committee;

**Commented [JS1]:** Removing this allows there to be two reps in a school sooner. This allows them to share the duties over a larger staff.

**Commented [JS2]:** All references to Alberta Distance Learning Centre will be removed.

**Commented [JS3]:** Our local calls our ARA delegates by this same name, we would like to change it to avoid confusion

- (g) to deal with other matters not inconsistent with this constitution or the General Bylaws of the Association; and
- (h) to address, at its next meeting, any issues not resolved at the AGM in the event that a quorum was not met or the agenda was not completed.

8.4 The local council shall meet September to June.

8.5 A majority vote of those present shall govern the decisions of the local council unless rules and regulations otherwise decree.

8.6 Ten local council members are required to constitute a quorum.

## 9. Executive Committee

9.1 The executive committee of this local shall consist of the president, vice-president, past president, secretary, treasurer, local communications officer, local political engagement officer and committee chairs, as required.  
Wherever possible, a member will only hold one position on the executive committee.

9.2 The duties of the executive committee shall be

- (a) to prepare the agenda of business for all meetings;
- (b) to exercise general supervision of the affairs of the local association;
- (c) to prepare and transmit to the head office of the Association such reports and statements with reference to the affairs of the local association as may be required by the Provincial Executive Council of the Alberta Teachers' Association;
- (d) to ensure that all Association monies are used to further the objects of the Association as set out in the *Teaching Profession Act*;
- (e) to ensure that there is liaison between the local and all employing boards within the local; and
- (f) when time is of the essence, to assume the functions of the local council.

9.3 The executive committee shall meet as often as local business requires.

## 10. Notice of Meetings

10.1 Notices of intent to hold a general, special, local council or executive committee meeting shall be provided to an authorized representative at each school or worksite and the district representative(s) by the secretary at least seven days before such meeting is to be held, and such notices shall include an outline or agenda of business to be discussed at the meeting, provided, however, that any meeting may, by a two-thirds vote of the total number of members on the roster, waive notice of a meeting or of any motion brought before the meeting.

**Commented [JS4]:** We are a smallish local and want to ensure we build capacity among our members. There have been instances where our executive have held more than one position for a full term and this can result in a less appropriate work/life balance.

- 10.2 Meetings of this local association or of any bargaining unit(s) within the local shall be called by the president; or on the request of the executive committee or the local council; or on the written request of 10 members of the local, or the chair of the teacher welfare committee, as applicable; or at the request of an ATA officer or the district representative of whose district this local association forms a part.
- 10.3 A record shall be kept of all those attending general, special, local council and executive committee meetings of this local.

### 11. Duties of Officers

- 11.1 An ATA officer shall not vote. A district representative shall not vote except at a general meeting of a local of which the representative is a member.
- 11.2 **President**—The duties of the president shall be
  - (a) to serve as chief executive officer of the local;
  - (b) to call and preside at all general, special, local council and executive committee meetings of this local association;
  - (c) to exercise general supervision over the affairs of this local association; (d) to serve as a local representative to representative assemblies; and
  - (e) to serve as ex officio member of all standing and ad hoc committees.
- 11.3 **Vice-president**—The duties of the vice-president shall be
  - (a) to take charge of the affairs of this local association in the absence of the president,
  - (b) to assist the president in the discharge of duties,
  - (c) ~~to be a member of the teacher board advisory committee, and (d)~~ to act as chair of the nominations committee.
- 11.4 **Secretary**—The duties of the secretary shall be
  - (a) to keep accurate records of all proceedings of this local association;
  - (b) to bring before the executive committee of this local association all communication received by the local;
  - (c) to prepare and send to the head office of the Association such statements and reports as may be required; and
  - (d) to prepare and send notices calling all meetings, whether regular, special, local council or executive committee.
- 11.5 **Treasurer**—The duties of the treasurer shall be
  - (a) to prepare, at the direction of the executive committee, an annual budget for the local;
  - (b) to keep accurate records of all monies received and collected and to take charge of same;
  - (c) to prepare an annual financial statement for audit purposes; and

**Commented [JS5]:** Given the new collective agreement, a new committee is being formed, Teacher Employer Relations Committee. There will be a new frame of reference that outlines membership in this new committee. This specific duty is irrelevant in our onstitution.

- (d) to make the necessary disbursements of the funds of this local association as authorized by the executive committee or local council.
- 11.6 **Local political engagement officer**—The duties of the local political engagement officer shall be
- (a) to generally promote political involvement as a fundamental expectation of the members of a democratic society;
  - (b) to provide information and guidance to local members on political issues that may impact local members;
  - (c) to facilitate communication from provincial bodies (eg, ATA, Public Interest Alberta, etc) to local members on political issues and campaigns; and (d) to organize local political campaigns as identified by local council.
- 11.7 ~~Local representatives (ARA Representatives)~~—The duties of each local ARA representative of this local association shall be
- (a) to represent this local association at all representative assemblies of the Association;
  - (b) to report the proceedings of all representative assemblies to the local council and to such other gatherings as may be decided;
  - (c) to attend meetings of the local council of this local association; and
  - (d) to attend general meetings of this local association and to attend meetings of the ARA committee, including regional conferences.
- 11.8 **Local communications officer (LCO)**—The duties of the local communications officer shall be
- (a) to monitor and maintain the local website;
  - (b) to provide public relations with local media, subject to the approval of local council;
  - (c) to market/organize community events, subject to the approval of local council; and (d) to facilitate communication between the local, its members and the community.
- 11-99 ~~School representatives~~—The duties of the school representatives shall be
- (a) to attend all meetings of the local council of this local association;
  - (b) to represent their staff at these meetings;
  - (c) to report the proceedings of these meetings to their staffs and such other duties as are requested by the local council or the Association;
  - (d) to arrange for an alternate to attend and report in their absence;
  - ~~(e) to assist the LCO in compiling a list of school events;~~
  - ~~(f)~~(e) to report school issues to local council; and
  - ~~(f)~~(b) to support and facilitate communication for central and local bargaining by ensuring that they report information, which is specific to local and central bargaining, to teachers on staff and further, to report teacher questions and concerns related to bargaining to local council meetings.

**Commented [JS6]:** This was NOT in our 2019 Local Constitution and we elected for this to be added at our AGM. Why was this added back in?

**Commented [JS7]:** Correct a lettering error

## 12. Committees

- 12.1 **Teacher welfare committee**—The teacher welfare committee shall operate under a frame of reference approved by the local council and subject to ratification by the Provincial Executive Council of the Alberta Teachers' Association. An amendment procedure shall be specified in the frame of reference.
- 12.2 **Negotiating subcommittee**—The negotiating subcommittee shall be chosen from and by the teacher welfare committee. It shall be the duty of this subcommittee to engage in collective bargaining with the board of trustees as per the teacher welfare committee frame of reference.
- 12.3 **Professional development committee**—The duty of this committee shall be to assume general responsibility for all professional development activities undertaken by this local association.
- 12.4 ~~Teacher-board advisory committee~~ **Teacher Employer Relations Committee**—This committee shall provide a liaison ~~between-among~~ the local, ~~the regional office administration~~ and the board of trustees of the Pembina Hills School Division ~~and whose primary purpose will be to discuss items of mutual interest. The committee will submit a joint report to ATA Local 22 President and the Chair of the Board of Trustees a summary of topics discussed and any recommendations as a result of the meetings of the Teacher Employer Relations Committee (TERC).~~ ~~subject to the approval of local council, provide advice to the Pembina Hills regional division board of trustees on issues outside of the collective agreement and on the creation and amendment of policy.~~
- 12.5 **Social committee**—This committee shall, with the approval of local council, organize social activities.
- 12.6 **Annual Representative Assembly committee**—This committee shall, as needed and subject to the approval of local council, prepare resolutions for consideration at the ARA. The committee shall include all ~~local-ARA~~ representatives and such others as appointed by local council.
- 12.7 **Diversity, equity and human rights committee**—The duties of this committee shall be to organize local activities and act as a liaison for external events and organizations in order to foster the principles of equity, human rights, social responsibility and justice.
- 12.8 Other committees as the local may elect from time to time.
- 12.9 Duties of **committee chair**—The duties of the committee chair shall be
- to report to the membership and/or local council of their meetings;
  - to ensure the secretary has access to legal minutes of all committee meetings;
- and

**Commented [JS8]:** Taken directly from the Memorandum of Agreement.

- (c) to prepare a written annual report and make it available to the membership at the AGM.

### **13. Elections**

- 13.1 Election of officers—The executive of this local association shall be elected annually by vote of the members of this local association no later than the last general meeting of the school year.
- 13.2 Each bargaining unit within the local shall select a teacher welfare committee subject to the terms of the frame of reference of the teacher welfare committee.
- 13.3 All persons elected under subsection 13.1 shall assume office on July 1 following their election.
- 13.4 Convention association representatives shall be elected (or appointed) in the number prescribed by the convention association to assume duties not later than April 1 of each year.
- 13.5 A vacancy on the executive committee occurring between annual elections shall be filled by election of a member of this local association by the remaining members of the executive committee.
- 13.6 Should one or more of the local representatives be unable to fulfill their term of office, or should vacancies otherwise occur during the school year, replacements shall be elected by the local council.

### **14. Substitute Teachers' Group**

- 14.1 At the request of 10 or more substitute teacher members, this local shall organize a substitute teachers' group.
- 14.2 Those eligible for participation in the group shall be members who substituted for one of the employing jurisdictions included in the local for at least one day during the previous 12-month period.
- 14.3 An appropriate budget for the group shall be established.
- 14.4 The frame of reference for the group shall be as follows:
  - (a) Its objects shall be to advance the professional skills and knowledge unique to substitute teaching and to advance within the local the special interests of substitute teachers.
  - (b) It shall have at least one general meeting per year.
  - (c) It shall elect a chair, a vice-chair, a secretary-treasurer and two members at large to an executive, which shall be responsible for organizing activities to promote the objects of the group.
  - (d) Its executive shall present to the local an annual report of its activities and of the disbursement of its funds.

## 15. Human Rights Statement

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

As an organization that promotes and is committed to respecting human rights and ensuring a safe, secure, and healthy environment for all, the Alberta Teachers' Association (ATA) works to ensure that all present at or participating in ATA programs and events are protected from violence and harassment.

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

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

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

## 16. Provincial Association Intervention

- 16.1 In this section
- (a) *investigated local officer* means a local officer whose conduct is under investigation pursuant to subsection 16.2;
  - (b) *investigator* is the individual appointed by the table officers pursuant to subsection 16.2;
  - (c) *local officer* means the president, vice-president, past president or secretary/treasurer (or secretary or treasurer) of a local association or any other officer appointed or elected by a local association;

- (d) *Provincial Executive Council* means the executive council as defined in section 11 of the *Teaching Profession Act*;
- (e) *table officers* means the Association's officers as defined in Bylaw 37;
- (f) *executive secretary* means the chief executive officer of the Association or a person designated by the executive secretary; and
- (g) *executive staff officer* means a member of executive staff designated by the executive secretary.

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

- 16.2 Where the table officers have or receive information that leads them to believe a local officer
- (a) has neglected their duties to the extent that the proper operation of the local association is being negatively affected,
  - (b) is mentally incapacitated,
  - (c) is engaging in corrupt practices,
  - (d) is engaging in financial malpractice, or
  - (e) has undertaken activities inconsistent with the principles and policies of the 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 an executive 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 16.4 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 the suspension, Provincial Executive Council shall, as soon as practicable, consider representations of the table officers and the investigated local officer and shall determine if the suspension should be continued pending the conclusion of the investigation or should be set aside.

- 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 a resignation to the executive secretary.
- 16.10 Where an investigated local officer resigns in accordance with subsection 16.9, the investigation shall be continued with the cooperation of the investigated local officer, and the resignation does not extinguish any liability that the investigated local officer may have with respect to acts that occurred during the period the office was held.
- 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 Association to
  - (a) answer any inquiries the investigator may have relating to the investigation;
  - (b) produce any records or other property in the investigated local officer's possession or under their control that are or may be related in any way to the investigation;
  - (c) give up possession of any record for the purpose of allowing the investigator to make a copy and return the records within a reasonable time of receiving the records; and
  - (d) attend before the investigator for the purpose of complying with (a), (b) or (c) of this subsection.
- 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 the 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:
  - (a) remove the investigated local officer from office;
  - (b) restrict the investigated local officer's eligibility for office in the future; and/or
  - (c) if the investigated local officer was suspended during the investigation, reinstate the investigated local officer to office and impose any conditions or restrictions that the table officers consider appropriate in the circumstances; and shall advise the investigated local officer and Provincial Executive Council of their decision.

- 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 16.14 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 16.7 or 16.17, 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
  - (a) when a local council fails to comply with the requirements of subsection 8.3 or
  - (b) 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 16.19 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.

#### **17. Governance Emergency**

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

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

- 17.1 that the local may, by a majority vote of its executive committee, extend the terms of office of elected office holders for a duration and subject to conditions acceptable to the table officers committee of the Association;
- 17.2 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;
- 17.3 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;
- 17.4 that, absent other relevant provisions in the local constitution or policy, the local may, by a majority vote of its executive committee, authorize meetings and votes (including meetings and votes of the executive committee) that would otherwise be conducted by conventional means at meetings with persons in attendance, to be conducted by mailout ballots, online conferencing, telephone or other means;
- 17.5 that, for the period of the emergency, the executive committee of the local may exercise the authority of a general meeting of the local.
- 17.6 that, without restricting the general application of subsection 17.5, 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.

## **18. General**

- 18.1 The financial year of this local shall be July 1 to June 30.
- 18.2 This local association shall reimburse members acting on its behalf for all necessary out-of-pocket expenses.
- 18.3 This local association shall pay all expenses as determined and authorized by the local council.
- 18.4 Barring technical issues, all meetings of local council and its executive committee will be made available to members through communication technologies such as video conference and internet-based networks. Other local meetings may be made available by similar means.

- 18.5 Amendments to this constitution may be made after a two-month notice of motion by a two-thirds vote at a general meeting of this local association, subject to ratification by the Provincial Executive Council of the Alberta Teachers' Association.
- 18.6 Effective 2021 09 30 and notwithstanding any other provision in this constitution or in related policies or frames of reference,
- (a) the local shall not enter into or renew any contract of employment, collective agreement or contract for the provision of personal services without submitting the proposed terms of the contract or agreement to the executive secretary of the Association or an Association official designated by the executive secretary for review and approval prior to its execution;
  - (b) the executive secretary or other signing officer of the Association shall be a required signatory to any contract of employment or contract for the provision of personal services entered into by the local; and
  - (c) the most recent, fully executed copy of a contract of employment or contract for the provision of personal services and/or related collective agreement shall be filed with the Association and shall be deemed to be the authoritative copy of the contract or collective agreement.

Ratified by Provincial Executive Council 1994 12 03

Amendments ratified by Table Officers Committee on behalf of Provincial Executive Council 1997 01 06; 2003 11 20; 2011 02 09

Revised as per PEC requirements 2009 09 21; 2012 06 14–15; 2012 10 04; 2017 06 08–09; 2018 02 26–27; 2020 05 10; 2021 09 16; 2022 06 09–10; 2023 09 14–15