



HOLY SPIRIT CATHOLIC

Local 5 Constitution



Holy Spirit Catholic Local 5 Constitution

1. Name

- 1.1. The name of this local shall be Holy Spirit Catholic Local 5 association of The Alberta Teachers' Association (the Association or the ATA).

2. Boundaries

- 2.1. The area served by this local association shall be the Holy Spirit Catholic School Division.

3. Membership

- 3.1. All active members of The Alberta Teachers' Association employed within the boundaries listed in section 2 are members of this local.
- 3.2. 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 all rights and privileges of active members.

4. Objects

- 4.1. The objects of this local association shall be to further the objects of The Alberta Teachers' Association as set out in section 4 of the Teaching Profession Act and the General Bylaws of The Alberta Teachers' Association.
- 4.2. A common bond of association as members committed to public education within the Catholic faith may be recognized in a mission statement that may form part of the general bylaws of the local association. Such mission statements shall be
 - a. not inconsistent with the objects and General Bylaws of The Alberta Teachers' Association,
 - b. developed under the direction of the local council,
 - c. approved at a general meeting and
 - d. subject to review from time to time.

5. Fees

- 5.1. This local association shall have the power, subject to the 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.

6. Rules of Procedure

- 6.1. 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.

7. Organization

- 7.1. The governing body of Holy Spirit Catholic Local 5 shall be a general meeting of its members, 10 percent of whom shall constitute a quorum. In the absence of a quorum, business from the general meeting shall be carried over to the next local council meeting.
- 7.2. A general meeting of this local shall be held at least once a year to hear reports and deal with same, and 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, one representative per school, shall be elected by each staff in September;
 - c. three ARA representatives; the president, the economic policy committee chair, and one member elected from and by the local council;
 - d. one representative of the substitute teacher group;
 - e. chairs of standing committees if not members of the executive committee, or school representatives;
 - f. convention representative(s) if not included in (a) to (e);
 - g. representative of Lethbridge Area Field Experiences Committee; and
 - h. one representative of the local principal's group.
- 8.2. Members of this local other than members of the local council may attend council meetings, 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 the presentation of an audited annual financial statement and recommendation of an annual budget to a general meeting for approval;
 - b. to elect/appoint membership to standing and ad hoc committees unless otherwise specified in the constitution or approved committee frames of reference;
 - 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 or appoint representatives to events requiring local representation on an ad hoc basis,
 - f. to deal with other matters not inconsistent with this constitution or the General Bylaws of The Alberta Teachers' Association, and

- g. to elect or appoint representatives to the district convention association no later than March 31.
- 8.4. The local council shall meet once a month, September through 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. Fifty-one per cent of 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, two vice presidents, past president, secretary, treasurer, economic policy committee chair, professional development committee chair and the local communications officer.
- 9.2. It shall be the duty of the executive committee to prepare the agenda of business for all meetings; to exercise general supervision of the affairs of the local association; to review and revise policy as needed; to elect or appoint delegates to the ATA Summer Conference; to prepare and transmit to the head office of The Alberta Teachers' 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; to ensure that all Association monies are used to further the objects of the Association as set out in the Teaching Profession Act; to ensure that there is liaison between the local and the employing boards; and, 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 by the secretary or other officer assigned by the executive committee to schools at least five days before such meeting is to be held, and such notices shall outline the 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.
- 10.2. Meetings of this local association or the bargaining unit shall be called by the president
 - a. or on the request of the executive committee or the local council,
 - b. or on the written request of at least 20 percent of the membership,
 - c. or at the request of the chair of the economic policy committee,
 - d. or at the request of an ATA officer,
 - e. or of the district representative of whose district this local association forms a part.
- 10.3. A record shall be kept for no less than three years of all those attending general, special, local council and executive committee meetings of this local.

- 10.4. An ATA officer or district representative of whose district this local forms a part may attend and participate in any meeting (general, special, local council or executive committee) of this local association.

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 an ARA representative to the Annual Representative Assembly;
 - e. to serve ex-officio on all local committees; and
 - f. to maintain and update an archive of the local (this may be designated to another local officer).
- 11.3. Past-president—The duties of the past president shall be
- a. to act as a resource person to the president and executive committee, and
 - b. to coordinate the local's part of the Holy Spirit Catholic Schools Teacher Mentorship Program.
- 11.4. Vicepresidents—The duties of the vicepresidents 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 have one to serve as the local political engagement officer and
 - d. to have one to chair the social committee.
- 11.5. 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 communications received by the local;
 - c. to prepare and send notices calling all meetings, whether regular, special, local council or executive council;
 - d. to prepare and send to the head office of The Alberta Teachers' Association such statements and reports as may be required from time to time; and
 - e. to chair the policy committee.
- 11.6. 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;
 - d. to make the necessary disbursements of the funds of this local association as authorized by the executive committee or local council; and
 - e. to prepare and send to the head office of The Alberta Teachers' Association such statements and reports as may be required from time to time.
- 11.7. Economic policy committee chair—The duties of the economic policy chair shall be
 - a. to ensure compliance with the frame of reference of the economic policy committee,
 - b. to attend meetings of local council and executive committee and
 - c. to serve as one of the ARA Representatives.
- 11.8. ARA representatives—The duties of each ARA representative of this local association shall be
 - a. to represent this local association at all representative assemblies of The Alberta Teachers' Association,
 - b. to report the proceedings of all representative assemblies to the local council and to such other gatherings as may be decided and
 - c. to attend meetings of the local council of this local association.
- 11.9. School representatives—The duty of the school representatives shall be
 - a. to attend local council meetings and
 - b. facilitate two-way communication between the schools and the local and such other duties as are requested by the local council or The Alberta Teachers' Association.
- 11.10. Local communications officer—It shall be the responsibility of this officer to carry out a communications program with the teachers in the local and between the local and its various publics. All actions of this officer shall be subject to prior approval by the executive of the local involved.

12. Committees

- 12.1. Economic policy committee (EPC)—The duties of this committee shall be
 - a. to prepare for and oversee negotiations and oversee the enforcement of the collective agreement on behalf of the teachers who are employed by Holy Spirit Roman Catholic Separate Regional Division No 4.
 - b. The economic policy 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—as per EPC frame of reference.
- 12.3. Grievance subcommittee—as per EPC frame of reference.
- 12.4. Professional development committee—The duty of this committee shall be to facilitate two-way communication pertaining to professional development between the schools and the committee.
- 12.5. Policy committee—The duties of this committee shall be
 - a. to review and assess the work of the local association and report to the local council,
 - b. study all matters referred to it by the local council or from other committees,
 - c. make recommendations to the proper bodies regarding matters which have been referred to it,
 - d. initiate recommendations for the local council to consider and
 - e. establish and maintain a policy handbook.
- 12.6. Social committee—The duties of this committee shall be to organize activities agreed to by local council or the executive committee.
- 12.7. Scholarship committee—The duties of this committee shall be
 - a. to promote and administer the scholarship program within the policies and guidelines set by local council,
 - b. to make recommendations to council when they think these guidelines should be waived and
 - c. to review policies and guidelines re: scholarships.

13. Elections

- 13.1. The president, two vice-presidents, secretary, treasurer, local communications officer, professional development chair, LAFEC representative and SWATCA representative shall be elected bi-annually by a vote of the members of this local.
- 13.2. The bargaining unit shall elect an economic policy committee as per the procedures outlined in the frame of reference approved by local council.
- 13.3. All persons elected under subsection (1) shall assume office no later than the first day of the next school year (see EPC frame of reference for exceptions).
 - 13.3.1. 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.
- 13.4. A vacancy on the executive committee occurring between bi-annual elections shall be filled by election of a member of this local association by the remaining members of the executive committee.
- 13.5. In addition to the president and EPC chair, all other ARA representatives will be elected annually by local council from local council. Should one or more of the

ARA representatives be unable to fulfill his or her term of office, replacements shall be elected by the local council.

- 13.6. Any individual elected to the position of president of this local is limited to two consecutive two-year terms.

14. Substitute Teacher Group

- 14.1. At the request of 10 or more substitute teacher members, this local shall organize a substitute teacher 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 vicechair, 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, and
 - d. its executive shall present to the local an annual report of its activities and of the disbursement of its funds.

15. Provincial Association Intervention

- 15.1. 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 means 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. staff officer means a member of executive staff designated by the executive secretary.

16. Suspension or Removal from Office of Local Officers

- 16.1. 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.
- 16.2. In the course of the intervention under section 26, an investigated local officer is entitled to have access to a staff officer for advice.
- 16.3. The table officers may, taking into account the nature of the alleged conduct, the urgency of the matter in question and any submission from the investigated local 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.
- 16.4. The table officers may appoint another individual to assume the duties of the investigated local officer during the period of the suspension.
- 16.5. 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.
- 16.6. 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.
- 16.7. 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.
- 16.8. An investigated local officer may, in the course of the investigation, submit his or her resignation to the executive secretary.
- 16.9. 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.
- 16.10. 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.
- 16.11. 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.
- 16.12. Upon completion of the investigation, the investigator shall submit a written report to the table officers and a copy of the written report shall be provided to the investigated local officer.
- 16.13. The table officers, upon consideration of the report of the investigator, may make one or more of the following orders:
 - a. remove the investigated local 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;
 - d. and shall advise the investigated local officer and Provincial Executive Council of their decision.
- 16.14. 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.
- 16.15. 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.
- 16.16. 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.
- 16.17. In an appeal under subsection (7) or (17), the table officers may make submissions to the Provincial Executive Council respecting the outcome of the appeal.

17. Official Trustee

- 17.1. 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 section 11;
 - b. when the Provincial Executive Council considers it in the interests of the Association to do so.
- 17.2. The local may appeal the appointment of an official trustee to a representative assembly.
- 17.3. 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.
- 17.4. On appointment of an official trustee to the local association, the officers of the local cease to hold office as officers of the local.
- 17.5. An official trustee continues in office until the Provincial Executive Council or a representative assembly determines that the official trusteeship is no longer necessary.

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. Amendments to this constitution may be made after a one 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.

Ratified by Provincial Executive Council 1994 12 03. Amendments ratified by TOC on behalf of PEC 2006 09 11, 2008 06 12. Revised as per 2012 06 14–15 PEC requirements; 2012 10 04