

# General Bylaws

## Interpretation

1 In these bylaws unless the context otherwise requires,

- (a) “Association” means The Alberta Teachers’ Association referred to in the Teaching Profession Act,
- (b) “district” means a district of the Association constituted by the Provincial Executive Council as approved by resolution of the Annual Representative Assembly,
- (c) “executive committee” means the executive body of a local,
- (d) “executive secretary” means the executive secretary of the Association,
- (e) “local” means a local association of the Association constituted by the Provincial Executive Council,
- (f) “local representative” means a delegate from a local to a representative assembly,
- (g) “Provincial Executive Council” means the executive body of the Association,
- (h) “representative assembly” means a general meeting composed of representatives of locals, members of the Provincial Executive Council and such other persons as are authorized by the Provincial Executive Council or by the representative assembly to attend, and the “annual representative assembly” means the “annual general meeting” used in the Teaching Profession Act.
- (i) “secretary” means the secretary or secretary-treasurer of a local,
- (j) “sublocal” means a unit of a local association constituted by the local,
- (k) “teacher” means a person holding a certificate of qualification as a teacher issued under the Education Act.

2 These bylaws as presently in force, or as altered, amended or repealed from time to time, shall be taken and be deemed to be the governing bylaws of the Association.

## Membership

3(1) For all teachers employed other than as substitute teachers, active membership in the Association shall be determined by the provisions of the Teaching Profession Act.

(2) Subject to the Teaching Profession Act, substitute teachers shall be considered as active members immediately upon first employment during that year and such status shall continue until the end of that school year or until they are no longer on the approved substitute roster of the school board, whichever occurs first.

4(1) Associate membership or enhanced associate membership in the Association shall be granted to the following persons upon application and payment of the prescribed fees:

- (a) superintendents of schools employed by school boards;
- (b) teachers employed by the Government of Alberta;
- (c) members of the faculties of education of the universities of Alberta;
- (d) teachers employed as faculty members in public colleges;

- (e) teachers engaged in teacher education in private colleges affiliated with any of the universities in Alberta;
  - (f) teachers in private schools or kindergartens;
  - (g) teachers in schools within the province operated by the Government of Canada;
  - (h) teachers employed by the Association or any of its local associations;
  - (i) unemployed teachers;
  - (j) teachers pursuing further studies on a full-time basis;
  - (k) retired teachers;
  - (l) teachers employed in community education programs operated by agencies other than school boards;
  - (m) teachers employed by the Alberta Teachers' Retirement Fund Board;
  - (n) teachers employed by charter schools;
  - (o) Elders, Knowledge Keepers and Cultural Advisors and noncertificated educators employed by First Nations school authorities;
  - (p) persons not eligible for active membership employed by school boards as social workers, psychologists, therapists or clinicians;
  - (q) other persons or classes of persons which the Provincial Executive Council may designate, from time to time, subject to the ratification of the Annual Representative Assembly.
- (2) Associate members will have all of the same rights as those holding enhanced associate membership, except they will not be entitled to representation with respect to complaints made pursuant to Division 3.1 of the *Education Act* or other matters relating to their employment.

5 In the event that an active member elects, pursuant to section 5.1 of the Teaching Profession Act, to be an associate member or not to be a member of the Association, then the Association may publish the teacher's name and election in the ATA News.

6 Student membership in the Association shall be granted to those enrolled in full-time undergraduate programs of study leading to first certification as teachers in the province upon payment of the prescribed fee.

7 Except where a member elects non-membership in the Association under section 5.1(1) of the Teaching Profession Act, a life membership shall be granted to a teacher on retirement from the profession following 20 or more years' membership in the Association.

8 A member of the Association, or other person, who has given meritorious service to the teaching profession or to the advancement of education may, on the resolution of the Provincial Executive Council, passed by at least a two-thirds vote, be declared an honorary member of the Association.

9(1) Members' fees in the Association shall include those recommended by the Provincial Executive Council and prescribed from time to time by a two-thirds vote of a representative assembly.

- (2) Until varied pursuant to Bylaws 9(1) or 11, the fees shall be:
  - (a) for an active member employed full-time, \$1,347 per annum;
  - (b) for an active member on leave of absence, \$96 per annum;
  - (c) for an active member employed part-time, 1.25 per cent of earnings in each month;

- (d) for an active member employed as an intern, 1.25 per cent of earnings in each month;
  - (e) for an active member employed as a substitute, one per cent of earnings in each month;
  - (f) for an associate member, \$202.05 per annum;
  - (g) for an honorary member or life member, no fee.
- (3) In addition to the fees prescribed in subsection (2) hereof, a member shall pay such a fee, if any, as determined by the member's local and approved and fixed by the Provincial Executive Council.
- (4) The provisions of Bylaws 111 to 118 do not apply to any bylaw prescribing fees as aforesaid.

- 10(1) Subject to subsection (2) and Bylaw 22(2), the Association shall remit to locals from the fees received to date, on the last day of February, April, June, August, October and December,
- (a) an amount equal to 20 per cent of the fees collected under Bylaw 9(2) on account of the members of such local, after deducting that portion of those fees which were allocated, if at all
    - (i) to the special emergency fund under any budget approved by a representative assembly, and,
    - (ii) through a budget not subject to any remission of fees to locals, and
  - (b) the amount of fees collected under Bylaw 9(3) on account of the members of such local.
- (2) Fees due to locals shall not be remitted until the annual report required by the Provincial Executive Council has been received.
- (3) Fees remitted to the local shall be expended on such activities as will serve to further the objects of the Association or of the local.

11 Where, in the opinion of the Provincial Executive Council, an emergency exists, it may fix and collect from whatever active members it deems appropriate, except recipients of monies from the special emergency fund, additional fees not exceeding \$20 per week per member. The Provincial Executive Council may fix and collect such additional fees during the continuance of the emergency and for so long thereafter as it deems advisable. The additional fees so collected shall be added to the special emergency fund to be disbursed from time to time in such manner and to such persons as the Provincial Executive Council in its discretion may determine.

## **Bargaining agent**

- 12(1) The Association shall be the bargaining agent for its active members pursuant to the provisions of the Labour Relations Code. Upon written request from a bargaining unit, the Association shall appoint a representative of the bargaining agent.
- (2) The concluding of a collective agreement requires ratification by a vote of the members of the bargaining unit and ratification by the executive secretary or a person named by the executive secretary.
- (3) The concluding by the Association of a pension agreement directly affecting all collective agreements requires ratification by a vote of the members of all bargaining units. Such an agreement is ratified if supported by a majority of those voting calculated on a provincewide basis.
- (4) On the application of a group of associate members employed by one employer, other than the Association, or by members of one employers' association, and on payment of any further per capita fee that the Provincial Executive Council may determine, the Association may act as the bargaining agent for the group of associate members pursuant to the Labour Relations Code.

## **Local associations**

13(1) Subject to subsection (3), any 100 active members of the Association may apply to the Provincial Executive Council to form a local by instructing the provisional secretary-treasurer of the proposed local to submit a copy of its proposed constitution and bylaws to the executive secretary.

(2) On receipt of an application under subsection (1) and on approval of the proposed constitution and bylaws, the Provincial Executive Council may issue a charter under the seal of the Association constituting the applicants as a local of the Association.

(3) No application under subsection (1) shall be considered for approval by the Provincial Executive Council unless all the teachers from one or more school districts will be included as members of the proposed local.

14 Any active member of the Association who teaches within the boundaries of a local as defined by the Provincial Executive Council shall be a member of such local.

15 The administrative body of a local shall be an executive committee composed of a president, vice-president, secretary-treasurer, and such other officers as are included by the constitution of the local.

16 The duties, organization and operation of the local shall be as set out in the standard constitution subject to modifications proposed by the local and approved by the Provincial Executive Council.

17(1) Local representatives shall be selected in the manner prescribed by the local constitution.

(2) Local representatives shall attend all sessions of the representative assemblies of the Association and shall perform any additional duties that are provided for in the constitution of their locals or prescribed by the Provincial Executive Council or the Annual Representative Assembly.

18 The constitution, bylaws, or rules and regulations of any local shall be subject to revision, addition or disallowance by the Provincial Executive Council.

19 Notwithstanding any other bylaw herein contained, each local shall call a general, local council or executive committee meeting of the local on the request of an officer of the Association or of the district representative of whose district such local forms a part.

20 Each local shall make an annual report to the Provincial Executive Council at such time and in such form as Council may require.

21 Sublocals may be formed by local associations under a constitution approved by the local association and ratified by the Provincial Executive Council of the Association.

22(1) If the actions or omissions of a local, its officers or employees cause the Association to incur expenses, financial liability or potential financial liability because of the failure of the local, its officers or employees to:

(a) seek advice from the Association when advice should have been sought,

(b) follow advice received from the Association or its solicitors, or

- (c) cooperate with the Association,  
then the Provincial Executive Council may levy an amount to be paid by the local to the Association.
- (2) Any levy imposed by the Provincial Executive Council under this section is a debt due by the local to the Association and may be recovered by the Association by deducting the amount of the levy from the fees remitted to the local in accordance with Bylaw 10 until the debt is fully paid.
- (3) If a local wishes to contest whether a levy should have been made against it or the amount of a levy against it, then the local shall refer the matter in dispute to arbitration under the Arbitration Act.

23(1) The Provincial Executive Council may enter into an agreement with an organization to recognize it as a special retired teachers' local of the Association.

(2) The agreement shall specify the rights, privileges and obligations of the special retired teachers' local.

(3) The provisions of these bylaws applicable to locals do not apply to a special retired teachers' local of the Association.

(4) The Provincial Executive Council may by resolution terminate its recognition of an organization as a special retired teachers' local of the Association.

## **Representative assemblies**

24 The Association shall be governed by a representative assembly to be arranged not less than once each year by the Provincial Executive Council at such time as it may determine.

25 The Annual Representative Assembly shall:

(a) determine general policy of the Association,

(b) receive reports of the Provincial Executive Council, its officers and committees, and deal with any questions arising therefrom, and

(c) deal with any matter brought before it by a local in the form prescribed by the Provincial Executive Council and received by the executive secretary on or before the fifteenth day of December preceding the Annual Representative Assembly.

26(1) Representative assemblies shall be composed of the members of the Provincial Executive Council and duly accredited local representatives.

(2) Such members, except the executive secretary, and representatives are the only persons entitled to vote at representative assemblies.

27(1) A local shall be entitled to representation at representative assemblies according to the formula, "local membership count divided by Association active membership count and multiplied by 425", with the result rounded to the nearest whole number and with a minimum of two representatives.

(2) In determining the number of members for the purposes of this bylaw, each active member employed part-time shall be counted as one-half and each active member employed as a substitute shall be counted as one-quarter.

(3) For the purposes of this bylaw, the membership count shall be as of November 30 and this count shall apply for a 12-month period commencing the following February 1.

28 The president of the Association or the president's designee shall preside at all representative assemblies.

29(1) Representative assemblies of the Association shall be conducted according to the Rules of Order and Procedure for the Association.

(2) Subject to subsection (3), the Provincial Executive Council shall determine the order paper of representative assemblies of the Association.

(3) The order paper referred to in subsection (2) may be amended by motion at the representative assembly to which it relates.

30 Resolutions involving the expenditure of money of the Association shall be referred to the Provincial Executive Council for recommendation or report before being presented to the Annual Representative Assembly.

31 At least 15 days prior to the opening date of the Annual Representative Assembly the executive secretary shall mail to each local secretary and each local representative a copy of the agenda of business of the meeting.

### **Provincial Executive Council**

32 The Provincial Executive Council shall be the executive and administrative body of the Association.

33 The Provincial Executive Council may, subject to the provisions of the Teaching Profession Act, exercise all powers of the Association as are not expressly directed or required to be exercised in representative assembly, provided however that no bylaw made or action taken by the Association in representative assembly shall invalidate any prior act of the Provincial Executive Council which was valid at its inception.

34 The Provincial Executive Council shall from time to time appoint such staff as is required to carry on the functions of the Association.

35(1) The Provincial Executive Council shall consist of the officers of the Association and at least ten district representatives. The officers of the Association and the district representatives shall hold office from the time of their installation until their successors have been installed in office.

(2) Edmonton McMurray District and Calgary City District shall have three district representatives each and other districts shall have one district representative each.

36(1) Subject to ratification by the Annual Representative Assembly, the boundaries of the districts which elect the district representatives shall be determined by the Provincial Executive Council.

(2) The Provincial Executive Council shall review the geographic boundaries of the districts no later than 2020 and no later than every 10 years thereafter and provide a report to the Annual Representative Assembly following each review.

37 The officers of the Association shall be the president, two vice-presidents, the immediate past president, and the executive secretary.

38 Notwithstanding any other provision in these bylaws, the Provincial Executive Council shall utilize a weighted vote mechanism for decisions relating to General Bylaw 11, the expenditure of money that has not been budgeted and the establishment of interim policy. The weighted vote mechanism shall be as follows:

(1) Each district representative, excepting district representatives from Calgary City and Edmonton McMurray geographic districts, shall be allocated electoral votes calculated on the basis of General Bylaw 115(3), for their geographic district based on the most recent member count.

(2) District representatives from Calgary City and Edmonton McMurray geographic districts shall each be allocated one-third of the electoral votes for their geographic district.

(3) The president, vice-presidents and past president shall each be allocated one-fifteenth of the total electoral votes.

(4) A motion shall be deemed to be adopted when it is approved by a majority of electoral votes calculated on the basis of members of the Provincial Executive Council who vote.

39(1) When the executive secretary, through illness, absence or other cause, is unable to perform the duties of office, the associate executive secretaries, acting jointly or individually, may exercise all the powers and perform all the duties of the executive secretary.

(2) The Provincial Executive Council may, during a period of time when the executive secretary is unable to perform the duties of office, designate one of the associate executive secretaries to be acting executive secretary.

40 The executive secretary shall not be entitled to vote at meetings of the Provincial Executive Council.

41(1) Upon installation in office, the president shall immediately designate one vice-president as the president's chief deputy for the ensuing calendar month, after which each vice-president in turn shall be the president's chief deputy alternately for periods of one calendar month until the expiry of the president's term of office.

(2) In the absence of the president, the president's chief deputy shall assume the duties of the president and in the absence of both the president and the chief deputy, the president's duties shall be assumed by the other vice-president or if also absent, by the immediate past president.

42 Ten members of the Provincial Executive Council shall constitute a quorum.

43 The president and executive secretary shall be ex-officio members of all committees of the Provincial Executive Council.

44 Notwithstanding anything to the contrary in the constitution of a local, a member who holds any elected or appointed office in a local shall cease to hold such office on the date the member's election to the Provincial Executive Council or as an officer of the Association takes effect and shall not hold any

elected or appointed office in a local for the member's tenure on the Provincial Executive Council or as an officer of the Association.

45 If the president, a vice-president, the immediate past president or a district representative ceases to be an active member or is in receipt of an Alberta Teachers' Retirement Fund pension during their term on the Provincial Executive Council, they shall vacate their seat on the Provincial Executive Council unless they become an associate member and maintain that membership until the end of their term. If the president, a vice-president or a district representative ceases to be an active member or is in receipt of an Alberta Teachers' Retirement Fund pension and does not become an associate member and maintain that membership, there shall be a by-election in accordance with Bylaws 73 and 74. If the immediate past president ceases to be an active member or is in receipt of an Alberta Teachers' Retirement Fund pension and does not become an associate member and maintain that membership, the Provincial Executive Council shall be directed by Bylaw 72.

46 Notwithstanding any other provision in these bylaws, an immediate past president who ceases to be an active member or who is in receipt of an Alberta Teachers' Retirement Fund pension and who becomes an associate member: (a) is eligible to be a member of the Provincial Executive Council as the immediate past president, and (b) is eligible to serve additional terms in that capacity on the Provincial Executive Council provided that the immediate past president continues to be the immediate past president.

47 Members of the Provincial Executive Council who absent themselves from two consecutive meetings of the Provincial Executive Council shall vacate their seats on the Council, unless the absences are sanctioned by resolution at the next regularly called meeting of the Council.

### **Terms of office**

48(1) The members of the Provincial Executive Council shall be elected for a two-year term beginning the first day of July following their election.

(2) The day fixed for the election shall be during the 60-day period following February 1.

### **Eligibility for nomination**

49 A notice calling for nominations shall be mailed to the secretary of each local and to schools not later than 85 days before the day fixed for the election.

50(1) Any 25 active and/or associate members may nominate one member as a candidate for election to the office of president.

(2) Any 25 active and/or associate members may nominate one member as a candidate for election to each office of vice-president.



(3) Any 25 active and/or associate members within a geographic district may nominate one member employed within the same geographic district as a candidate for election to the office of district representative for the geographic district in which these members are employed.

(4) Notwithstanding this section, a member in receipt of an Alberta Teachers' Retirement Fund pension is not eligible for election to the offices of president, vice-president, or district representative.

51 Nominations and acceptances must be received by the executive secretary on a day set up to 60 days before the day fixed for the election.

52 Upon receipt of any nomination, a statement of such receipt shall be mailed to the nominee and to the official submitting the nomination.

### **Ballots and voting procedures**

53 The year of a Provincial Executive Council election, all active and associate members as of the first day ballots can be cast shall be entitled to vote in said election.

54 The executive secretary shall cause to be inserted in an issue of an Association publication which is distributed to all members a notice that ballots are to be mailed to all eligible voters, such notice to be published at least 30 days in advance of the mailing of ballots.

55 There shall be two returning officers who shall be appointed by the Provincial Executive Council.

56 The scrutineers committee shall consist of the returning officers and the candidates or their authorized agents.

57(1) No later than 28 days prior to the day fixed for the election the executive secretary shall mail the appropriate ballots to every member entitled to vote.

(2) Notwithstanding subsection (1), if the Provincial Executive Council considers it to be in the best interests of the Association, it may authorize the executive secretary to mail the appropriate ballots to each school representative as a package for distribution to every member entitled to vote and the Provincial Executive Council shall establish a date for members to redeliver ballots to the school representatives for return in accordance with Bylaw 62.

(3) Separate ballots shall be used for the election of the president, the vice-presidents and district representatives.

(4) Ballot forms shall show the names only of candidates.

58 Any member who fails to receive any such ballot may, not less than 14 days prior to the day fixed for the election, apply to the executive secretary for the same. The executive secretary shall issue such ballot upon receipt of an affidavit attesting to non-receipt.

59 The returning officers shall develop a device or system, the key to which shall be unknown to any others, in an endeavour to guarantee that any returned ballot shall have been originally mailed or issued

by the executive secretary, provided that there shall be no marking or other evidence on the ballot which may in any way impair the secrecy of the ballot.

60 The platforms of the candidates shall be published in an issue of an Association publication which is distributed to all members.

61(1) If one member is to be elected to an office or position, voters shall mark their ballots by placing an "X" opposite the name of the candidate of their choice.

(2) If two or more members are to be elected to an office or position, the voters shall mark their ballots by placing an "X" opposite the name of as many candidates as they may choose up to but not to exceed the total number of members to be elected to the office or position.

(3) A ballot containing more "X's" than the number to be elected shall be invalid.

62(1) Ballots shall be returned by the members or by the school representatives pursuant to Bylaw 57(2), as the case may be, to the designated box number at Edmonton so as to be received not later than 9 am on the day fixed for the election.

(2) No ballots shall be accepted by the scrutineers committee from the post office until the morning of the day fixed for the election.

63 The scrutineers committee shall begin counting ballots by 10 am on the day fixed for the election.

64(1) The returning officers shall decide whether or not a ballot is valid.

(2) The returning officers shall accept as valid any ballot on which the intention of the voter is clear and evident.

(3) In the case of disagreement between the returning officers as to the validity of a ballot, the ballot paper shall be rejected.

65 The returning officers shall tender to the president a statement signed by them showing the number of votes cast for each candidate.

66 The candidate or candidates receiving the largest number of votes shall be declared elected.

67 In the case of a tie vote, the returning officers shall, in the presence of the candidates or their designated scrutineers, recount the votes cast for such candidates. If the recount reveals that one candidate received more votes than the other, the returning officers shall declare the candidate who received the most votes the winner. If the vote remains tied after the recount, one of the returning officers shall leave the room while the second returning officer writes the name of the tied candidates separately on blank sheets of paper of the same size, folds the papers so that the names are not visible, and places the two sheets into a box. The second returning officer shall then return to the room and shall blindly draw one of the sheets from the box. The returning officers shall declare as elected the candidate whose name is on the drawn sheet.

68 The results of the voting shall be announced by the president.

69 After the counting, all the 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 30 days following the election, whereupon they shall be destroyed unless required by the Provincial Executive Council for a recount on appeal. At the conclusion of the recount on appeal they shall be destroyed.

70 Notwithstanding any other provisions in these bylaws with respect to ballots and voting procedures for Provincial Executive Council elections and by-elections, voting shall be done by electronic means, in whole or in part, in accordance with procedures in Administrative Guidelines, as approved by the Provincial Executive Council.

## **Appeals**

71(1) Any defeated candidate for office, in favour of whom the number of ballots counted was equal to or greater than 95 per cent of the number counted in favour of the elected candidate for the same office, is entitled to appeal for a recount.

(2) An appeal for a recount shall be initiated not later than 14 days after the day fixed for the election by the appellant filing with the executive secretary:

(a) a notice of appeal for recount, and

(b) a statutory declaration setting forth that, in the opinion of the appellant, the returning officers who counted the ballots:

(i) improperly accepted or rejected ballot papers or

(ii) made an incorrect statement of the number of ballots cast for any candidate for the same office, and further that the error may reasonably have affected the results.

(3) Within 14 days of receipt of the notice and statutory declaration, the executive secretary shall:

(a) appoint a committee consisting of not fewer than three members of the Provincial Executive Council, none of whom were current candidates for election to the office that is the subject of the appeal,

(b) arrange for a time and place for a recount of the vote within a reasonable time, and

(c) notify by registered mail the appellant and all affected candidates of such time and place.

(4) The committee conducting the recount shall satisfy itself that the foregoing procedures have been complied with.

(5) The persons entitled to be present at the recount shall be the members of the Provincial Executive Council, the appellant or the appellant's agent appointed in writing, and all other candidates who may be affected thereby or their agents appointed in writing.

(6) The committee conducting the recount shall examine the ballots to determine whether they should have been accepted or rejected and whether the ballots were counted correctly, and the committee decision with respect to those matters shall be determined by the majority vote of the committee and its decision shall be final and binding.

(7) The result shall be communicated to the executive secretary who shall thereupon announce the result of the recount and shall cause the said announcement to be printed in an issue of an Association publication which is distributed to all members.

(8) An appellant who is successful shall assume the office which was subject to the appeal.

72(1) Should a vacancy occur in the office of immediate past president, the Provincial Executive Council shall appoint a past president of the Association, subject to the requirements of this bylaw, to fill such vacancy. In the event no past president is eligible or willing to assume the office of immediate past president or receives a majority vote of those members of Provincial Executive Council who cast votes, the Provincial Executive Council shall appoint a past vice-president of the Association, subject to the requirements of this bylaw, to fill such vacancy. In the event no past vice-president is eligible or willing to assume the office of immediate past president or receives a majority vote of those members of the Provincial Executive Council who cast votes, the Provincial Executive Council may appoint an eligible past member of Provincial Executive Council, subject to the requirements of this bylaw, to fill such vacancy. In the event no past member of Provincial Executive Council is eligible or willing to assume the office of immediate past president, or receives a majority vote of those members of the Provincial Executive Council who cast votes, the Provincial Executive Council may appoint an eligible member of the Association, subject to the requirements of this bylaw, who is eligible, willing and receives a majority vote of those members of the Provincial Executive Council who cast votes, to fill the position.

(2) Notwithstanding 72(1), should a vacancy occur in the office of immediate past president after the first 19 months of the term, the Provincial Executive Council may decide whether to fill the position.

## **By-elections**

73(1) Should a vacancy occur in the district representation on the Provincial Executive Council or in the office of the president or vice-president as a result of a resignation effective in the first 19 months of the term, a by-election shall be held to fill such vacancy for the unexpired term, and the person so elected shall take office on the effective date of the resignation or when declared elected, whichever is later.

(2) Should a vacancy occur for any other reason in the district representation on the Provincial Executive Council or in the office of the president or vice-president during the first 19 months of the term, a by-election shall be held to fill such vacancy for the unexpired term, and the person so elected shall take office on being declared elected.

(3) Should a vacancy occur in the district representation on the Provincial Executive Council or in the office of the president or vice-president after the first 19 months of the term, a by-election, if required, shall be held for a two-year term and the person so elected shall take office effective on July 1 following or as soon thereafter as the person is declared elected.

(4) District representatives who, in the first year of their terms, file nomination papers for the office of president or vice-president, are deemed, as of the date fixed for the receipt of nominations, to have submitted their resignations, effective June 30 following, and a by-election shall be held pursuant to subsection (1).

74(1) The Provincial Executive Council shall set a date for the by-election which shall be held within 120 days of the vacancy or of the receipt of the resignation, whichever is earlier.

(2) Notices calling for nominations in the by-election shall be mailed to locals and to schools at least 42 days prior to the date of the by-election.

- (3) Nominations and acceptances on the forms prescribed must be received in Barnett House by a date set by the Provincial Executive Council which date shall be at least 21 days prior to the date of the by-election.
- (4) Ballots shall be mailed to those entitled to vote at least 14 days prior to the date of the by-election.
- (5) Members entitled to vote in any by-election shall be those in good standing in the month preceding that in which the notice calling for nominations is mailed. Local secretaries shall on demand submit a certified list of members employed as teachers by the school board or boards within the local as of such date.
- (6) All other bylaws related to the election of a district representative, the president or the vice-president as the case may be, apply in the case of a by-election for such an office.
- (7) In the event that there are no nominations received for election to the office of president, then a by-election shall be held and, notwithstanding Bylaw 74(1), the Provincial Executive Council shall set a date for a by-election to be held at any time the Provincial Executive Council considers appropriate and the by-election may take place before, on or after the first day of July.
- (8) In the event that there are insufficient nominations received for the office of vice-president, then a by-election shall be held and, notwithstanding Bylaw 74(1), the Provincial Executive Council shall set a date for a by-election to be held at any time the Provincial Executive Council considers appropriate and the by-election may take place before, on, or after the first day of July.
- (9) In the event that the number of nominations received for election to the office of district representative is fewer than the number of district representative positions in a geographic district, then a by-election shall be held and, notwithstanding Bylaw 74(1), the Provincial Executive Council shall set a date for a by-election to be held at any time the Provincial Executive Council considers appropriate and the by-election may take place before, on, or after the first day of July.
- (10) In the event that a by-election is held pursuant to Bylaw 74(7), 74(8) or 74(9), then the person declared elected shall take office
  - (a) effective the first day of July, in the event the by-election is held prior to the first day of July, or
  - (b) effective upon being declared elected, in the event the by-election is held on or after the first day of July.

## **Election rules**

- 75(1) The “Election Rules” consist of the provisions concerning elections, by-elections and electioneering in the General Bylaws and the Administrative Guidelines, previous directions by the Provincial Executive Council concerning elections, by-elections and electioneering, and additional rules established by the returning officers for the conduct of the election or by-election and electioneering. Any additional rules established by the returning officers must not be inconsistent with the provisions in the General Bylaws and Administrative Guidelines or with previous directions of the Provincial Executive Council.
- (2) The returning officers shall communicate the Election Rules to the candidates and all candidates are required to comply with the Election Rules.
  - (3) During the course of an election or by-election, either of the returning officers may provide directions to the candidates on any issue not addressed in the Election Rules and all candidates are required to comply with such directions.

76(1) On the request of one of the candidates, any other person, or on his or her own initiative, a returning officer may inquire into whether a candidate has contravened the Election Rules. The inquiry shall be conducted by the returning officer designated by the executive secretary.

(2) The returning officer shall notify the candidate of the inquiry and shall provide the candidate with an opportunity to present a verbal or written response or both to the issues in the inquiry. The returning officer shall set a deadline for receipt of the submissions.

(3) If the returning officer determines that the candidate has breached the Election Rules, then the returning officer may do one or more of the following:

- (a) declare that the candidate has breached the Election Rules;
  - (b) direct the candidate to cease breaching the Election Rules and take specified actions to remedy the consequences of the breach;
  - (c) issue a warning;
  - (d) levy a fine against the candidate up to the maximum amount of \$5,000 and such fine is a debt due to the Association by the candidate;
  - (e) disqualify the candidate and remove his or her name from the ballot;
  - (f) in circumstances where the returning officer concludes that the breach of the Election Rules affected the results of the election or by-election in a material way, declare the election or by-election to be void and direct that another election or by-election be held in accordance with the directions by the returning officer;
  - (g) take such other actions that the returning officer deems to be appropriate;
  - (h) publicize the findings and directions in any manner the returning officer considers appropriate.
- (4) Decisions and directions of the returning officer are binding on the candidate.

77(1) At least 60 days before the deadline for nominations and acceptances, the executive secretary shall submit a list of names of persons with no direct or indirect interest in the election or by-election for potential service on the Appeal Panel and the Provincial Executive Council shall appoint from the list of names three persons to serve on the Appeal Panel and designate one of the persons to serve as chair.

(2) Any candidate who has been found by a returning officer to have breached the Election Rules may appeal to the Appeal Panel.

(3) Any appeal must be in writing, state the reasons for the appeal, and be provided to the executive secretary within 72 hours of the candidate being advised of the findings of the returning officer.

(4) The Appeal Panel shall establish its own procedure but shall allow the candidate to make either verbal or written submissions. The Appeal Panel may allow the returning officer to explain the background for his or her decision and make verbal or written submissions on any issues that the Appeal Panel determines.

(5) The Appeal Panel shall, after the conclusion of the proceedings before it:

- (a) make any findings or order that in its opinion ought to have been made by the returning officer,
- (b) quash, vary or confirm findings and directions of the returning officer, or
- (c) refer the matter back to the returning officer for further consideration in accordance with any direction that the Appeal Panel may wish to make.

(6) A decision of the majority of the members of the Appeal Panel is the decision of the Appeal Panel but, if there is no majority, the decision of the chair governs and the chair's decision is deemed to be the decision of the Appeal Panel.

(7) The decision of the Appeal Panel is final and binding on the candidate.

## Finances

78(1) A fee, fine, levy, expense or other claim by the Association against a member or members constitutes a debt due to the Association and may be pursued or recovered by way of civil action or such other means as the Association deems appropriate.

(2) The Provincial Executive Council may, at its discretion, declare an indebted member to be a member not in good standing.

(3) A member not in good standing, for the purposes of this bylaw only, is a member who is indebted to the Association for a fee, fine, levy, expense or other claim and who has failed to remit such amount following a written request to do so.

(4) The Provincial Executive Council may, at its discretion, withhold services or privileges from a member not in good standing until such time as the act of default is rectified to the Association's satisfaction. Such services and privileges may include but are not limited to:

(a) access to Association-sponsored fellowships, scholarships, bursaries, grants and research awards;

(b) access to Association publications that are available on request;

(c) access to Association consultant corps members for other than school-related activities;

(d) access to Association workshops, presentations and courses not held in conjunction with school functions;

(e) dispute resolution with Association endorsed service providers;

(f) Association library services;

(g) eligibility for appointment to Association committees, consultant corps and staff positions.

(5) A member who has been declared to be a member not in good standing and who subsequently honors the debt shall be declared to be a member in good standing.

79 The Provincial Executive Council shall cause true accounts to be kept of the sums of money received and expended by the Association and of all matters in respect of which receipts and expenditures take place, and of the assets and liabilities of the Association.

80 The Provincial Executive Council shall appoint auditors of the Association who shall make an annual audit of the books and accounts of the Association for each fiscal year and report to the Provincial Executive Council.

81(1) The Association shall maintain a general fund, a special emergency fund, and such other special purpose funds as may be determined from time to time by the Provincial Executive Council or a representative assembly.

(2) The Provincial Executive Council shall be charged with the responsibility to administer the funds subject to the other provisions of these bylaws and such other regulations as it may make from time to time.

(3) Subject to Bylaw 30, a representative assembly may direct disbursement from the funds.

(4) Investments shall be of a kind and in such proportion as the Provincial Executive Council may determine from time to time.

82 The members of the Provincial Executive Council shall receive remuneration as the Association may in representative assembly vote for that purpose, and in addition to such remuneration, if any, the

members of the Provincial Executive Council shall be paid, in keeping with regulations approved by the Provincial Executive Council from time to time, reasonable travelling and other expenses incurred while on business of the Association.

83 A grant-in-aid of transportation and subsistence of local representatives to representative assemblies of the Association shall be paid by the Association to the local according to the formula adopted from time to time by the Annual Representative Assembly.

### **Teacher qualifications**

84 There is hereby established a board to be known as the Teacher Salary Qualifications Board.

85(1) The University of Alberta, the University of Calgary and the University of Lethbridge shall each be entitled to appoint one member to the Board.

(2) The Department of Education shall be entitled to appoint two members to the Board.

(3) The Alberta School Boards Association shall be entitled to appoint two members to the Board.

(4) The Association shall be entitled to appoint three members to the Board.

(5) Each member shall hold office for two years from the effective date of appointment.

(6) If a member of the Board is unwilling or unable to complete a term, the organization that appointed the member is entitled to appoint an alternate member to serve the balance of the term.

(7) The chair of the Board shall be one of the members appointed by the Association.

(8) The chair shall, in addition to duties as chair of the Board meetings, be entitled to express views, make motions, and vote on each and every question coming before the Board at any regular or special meeting.

86 It shall be the duty of the Teacher Salary Qualifications Board:

(a) to develop and establish principles which shall provide the basis for evaluation of years of teacher education for salary purposes and to authorize publication of such principles from time to time,

(b) to advise the qualifications secretary with respect to the principles which have been adopted by the Teacher Salary Qualifications Board,

(c) to serve as a board for final review and appeal in any dispute which may arise concerning a statement of qualifications issued by the qualifications secretary, and

(d) to adopt bylaws for its own operation not inconsistent with other provisions of these bylaws.

87 A statement of qualifications shall be based upon the principles for evaluation of years of teacher education and shall set forth the level of qualifications the person therein named has attained.

88(1) Applications for statements of qualifications shall in the first instance be directed to and dealt with by an employee of the Association to be known as the qualifications secretary.

(2) The qualifications secretary shall as soon as practicable after receipt of an application issue to the applicant a statement of qualifications.



(3) In ruling upon applications, the qualifications secretary shall have regard to the documentary evidence submitted by the applicant and any other evidence submitted in accordance with the procedures established by the Board.

89 An applicant who is dissatisfied with a statement of qualifications issued by the qualifications secretary may request a review of the case by the Teacher Qualifications Committee.

90(1) The Teacher Qualifications Committee shall consist of not more than seven members of whom one shall be the chair.

(2) Each of the following shall be entitled to appoint one member:

- (a) The University of Alberta,
- (b) the University of Calgary,
- (c) the Department of Education,
- (d) the University of Lethbridge.

(3) The Association shall appoint three members, one of whom shall be chair.

(4) Neither the chair nor any other member shall also be a member of the Teacher Salary Qualifications Board.

(5) Each member shall hold office for two years from the effective date of appointment.

(6) If a member of the committee is unwilling or unable to complete a term, the organization that appointed the member is entitled to appoint an alternate member to serve the balance of the term.

(7) The qualifications secretary of the Association shall be the secretary of the Teacher Qualifications Committee and shall attend its meetings for the purpose of explaining and elaborating upon the statement of qualifications which is the subject matter of any review.

(8) The Teacher Qualifications Committee shall promptly deal with and rule upon:

- (a) an application for a statement of qualifications referred to it by the qualifications secretary,
- (b) a request by an applicant for a review of a statement of qualifications issued by the qualifications secretary.

(9) In ruling upon requests for review, the Teacher Qualifications Committee shall have regard to the documentary evidence submitted by the applicant and any other evidence submitted in accordance with the procedures established by the Board.

91 The chair and two other members personally present at any meeting shall constitute a quorum of the committee.

92(1) An applicant who is dissatisfied with a ruling made by the Teacher Qualifications Committee pursuant to Bylaw 90(8) may appeal therefrom to the Board.

(2) The Board shall promptly deal with and determine such appeal and its decision shall be final and binding.

(3) In ruling upon appeals, the Board shall have regard to evidence submitted in accordance with procedures established by the Board and in addition shall afford the appellant an opportunity of making personal representations.

93(1) The fees to be charged to applicants for a statement of qualifications shall be those prescribed from time to time by the Association.

(2) The Association shall provide, as determined from time to time, clerical staff, premises, furniture, supplies, and reimbursement for travel expenses and subsistence, and may pay any honoraria approved from time to time.

## **Membership eligibility**

94 There is hereby established a board to be known as the Membership Eligibility Board.

95(1) The Board shall consist of not more than seven members, one of whom shall be the chair.

(2) The president of the Association shall be the chair.

(3) Each of the following shall be entitled to appoint one member to the Board:

(a) the Faculty of Education of the University of Alberta,

(b) the Faculty of Education of the University of Calgary,

(c) the Faculty of Education of the University of Lethbridge.

(4) The Association shall appoint three members.

(5) Each member other than the chair shall hold office for two years from the effective date of appointment.

(6) If a member of the Board is unwilling or unable to complete a term, the organization that appointed the member is entitled to appoint an alternate member to serve the balance of the term.

(7) The chair of the Membership Eligibility Committee (hereinafter referred to) shall be the Board's secretary and in cases of appeal shall advise the Board of the grounds upon which decisions by the Membership Eligibility Committee were made.

96(1) Three members personally present at any meeting or hearing shall constitute a quorum of the Board.

(2) The chair shall not, except in the case of a tie, be entitled to a vote.

97 It shall be the duty of the Board:

(a) to meet at such times as are necessary to conduct its business,

(b) to prepare principles of eligibility for membership in the Association; the said principles shall be submitted to a vote of local associations and the Annual Representative Assembly in the same manner as an amendment to the Association's general bylaws,

(c) to formulate regulations and to make recommendations to the Association regarding the administration, personnel and facilities required for the determination of eligibility for membership in the Association,

(d) to hear and act upon appeals.

98 A statement of membership eligibility shall be based upon the principles established by the Membership Eligibility Board and shall mean a document which sets forth whether or not the person therein named is eligible for membership in the Association.

99(1) Applications for statements of membership eligibility shall in the first instance be directed to and dealt with by an employee of the Association to be known as the qualifications secretary.

- (2) An application for a statement of teacher qualifications shall be deemed to be an application under these bylaws as well, provided a statement of membership eligibility has not previously been issued.
- (3) The qualifications secretary shall as soon as practicable after receipt of an application issue to the applicant a statement of membership eligibility.
- (4) If the qualifications secretary determines that the applicant is ineligible for membership, the qualifications secretary shall set out the reasons.
- (5) In ruling upon applications, the qualifications secretary shall have regard to the documentary evidence submitted by the applicant and any other evidence submitted in accordance with the procedures established by the Board.

100 An applicant who is dissatisfied with a statement of membership eligibility issued by the qualifications secretary may request a review of the case by the Membership Eligibility Committee.

101(1) The Membership Eligibility Committee shall consist of three members of whom one shall be the chair.

- (2) The teacher education and certification officer of the Association shall be the chair.
- (3) The following shall be entitled to appoint one member for rotating two-year terms:
  - (a) the Faculty of Education of the University of Alberta (which shall be entitled to make the first of such rotating appointments),
  - (b) the Faculty of Education of the University of Calgary,
  - (c) the Faculty of Education of the University of Lethbridge.
- (4) The Association shall appoint one member.
- (5) If a member of the committee is unwilling or unable to complete a term, the organization that appointed the member is entitled to appoint an alternate member to serve the balance of the term.
- (6) Neither the chair nor any other member shall also be a member of the Membership Eligibility Board.
- (7) The qualifications secretary of the Association shall be the secretary of the Membership Eligibility Committee and shall attend its meetings for the purpose of explaining the basis upon which the applicant was found ineligible.
- (8) The Membership Eligibility Committee shall promptly deal with the rule upon:
  - (a) an application for a statement of membership eligibility referred to it by the qualifications secretary,
  - (b) a request by an applicant or by the Provincial Executive Council of the Association for a review of a statement of membership eligibility issued by the qualifications secretary.
- (9) In ruling upon requests for review, the Membership Eligibility Committee shall have regard to the documentary evidence submitted by the applicant and any other evidence submitted in accordance with the procedures established by the Board and in addition shall afford the appellant an opportunity of making personal representations.

102 The chair and one member personally present at any meeting shall constitute a quorum of the committee.

103(1) An applicant or the Provincial Executive Council of the Association, as the case may be, if dissatisfied with a ruling made by the Membership Eligibility Committee pursuant to Bylaw 101(8), may appeal therefrom to the Board.

(2) The Board shall promptly deal with and determine such appeal and its decision shall be final and binding.

(3) In ruling upon appeals, the Board shall have regard to evidence submitted in accordance with procedures established by the Board and in addition shall afford the appellant an opportunity of making personal representations.

104(1) The fees to be charged to applicants for a statement of membership eligibility shall be those prescribed from time to time by the Association.

(2) The Association shall provide, as determined from time to time, clerical staff, premises, furniture, supplies and reimbursement for travel expenses and subsistence, and may pay any honoraria approved from time to time.

### **Teachers' conventions**

105(1) The Association, through its convention associations, may plan, organize or authorize annual teachers' conventions to be held on teaching days.

(2) The object of the teachers' conventions shall be to maintain and improve the knowledge, skill and competence of teachers.

106 Except as otherwise approved by a convention association pursuant to Bylaw 108, all active members under contract to a school jurisdiction shall attend the annual teachers' convention of the local association as planned, organized or authorized by its convention association.

107 The duties, organization and operation of each convention association shall be as set out in the standard constitution for convention associations, which shall be subject to modifications approved by the Provincial Executive Council.

108 The Association may in special circumstances grant permission to active members of the Association who are under contract to a school jurisdiction to attend alternate professional development activities rather than their annual teachers' convention.

### **Specialist councils**

109(1) The Association, through its specialist councils, may plan and organize professional development programs.

(2) The object of specialist councils shall be to maintain and improve the knowledge, skill and competence of teachers.

110 The duties, organization and operation of each specialist council shall be as set out in the standard constitution for specialist councils, which shall be subject to modifications approved by the Provincial Executive Council.

## **Amendments to Bylaws**

111(1) Alterations, additions, repeals, and amendments of and to the bylaws may be proposed by the Provincial Executive Council or the Annual Representative Assembly or any local.

(2) An amendment proposed by a local shall be delivered to the executive secretary not later than the last day of May.

112 Any amendment proposed by the Annual Representative Assembly or a local (which shall be deemed to express the principle in draft form) shall be considered by the Provincial Executive Council at its first meeting following the last day of May. Thereupon, the Provincial Executive Council shall have the right to determine the final draft of such proposed amendment, provided however that the Provincial Executive Council shall not alter the principle or purpose or intention of such proposed amendment. Upon determination of such final draft or of the Provincial Executive Council's own proposed amendment, the Provincial Executive Council shall instruct the executive secretary to prepare copies thereof for submission on an electoral ballot form to the locals.

113 If it is proposed to affect more than one bylaw or clause or part thereof, the executive secretary shall prepare the electoral ballot in such a manner that the members may vote separately for or against each such proposed change.

114 An electoral ballot form embodying the proposed amendment shall be mailed by the executive secretary to the secretary of each local not later than the last day of September.

115(1) The executive committee of each local shall submit the proposed amendment to a general or local council meeting held thereafter.

(2) A majority of the members present at the meeting called for the purpose shall determine the electoral vote of the local, the result of which shall be transmitted to the executive secretary on or before such date as may be specified by the Provincial Executive Council.

(3) The local shall be entitled to one electoral vote for each 50 members or major fraction thereof, provided that a local with fewer than 26 members shall be entitled to one electoral vote.

116 The result of the electoral vote shall be reported by the executive secretary to the next Annual Representative Assembly. If a majority of the electoral vote favours the amendment or any part thereof, the same shall be submitted to the vote of the Annual Representative Assembly not later than the second day thereof.

117 A two-thirds vote at the Annual Representative Assembly shall be required to adopt any proposed amendment of these bylaws.

118 In the case of amendment of these bylaws, the executive secretary shall present the amendment which was adopted by the Annual Representative Assembly to the meeting of the Provincial Executive Council next following the Annual Representative Assembly, and thereupon the Provincial Executive Council shall declare that they be amended accordingly.

119(1) Notwithstanding anything in these bylaws, in the event of an actual or imminent disruption of postal services, the Provincial Executive Council may determine alternative arrangements for the conduct of business pursuant to these bylaws, which would otherwise be governed by specific time requirements.

(2) Arrangements under subsection (1) may affect remission of fees, distribution of agenda for a representative assembly, nominations, ballots, bylaw amendment proposals, electoral ballots and receipt and publication of resolutions.

120 Notwithstanding anything herein otherwise contained, the Provincial Executive Council may

(a) rearrange the order and numbering of bylaws in the interests of clarity and simplicity; and

(b) change the name, chapter reference, revision reference or section number of statutes referred to in these bylaws to conform to changes in those statutes; and

(c) correct statutory or formal names in any bylaws; and

(d) correct typographical errors in any bylaws; and

(e) amend the bylaws, where time is considered by Provincial Executive Council to be of the essence, in accordance with the following procedure:

(i) the proposed bylaw amendment is submitted by Provincial Executive Council;

(ii) notice of such amendment is served to the secretary of each local at least 30 days prior to commencement of a representative assembly;

(iii) the proposed amendment is adopted by at least a three-quarters vote at a representative assembly.