

# Nova Scotia Teachers Union



## ***[Insert Name of Professional Association]*** ***Constitution***

**Note:** *This Model Constitution is provided as a template and should be followed as closely as possible. A Professional Association should modify this model to reflect the unique nature of the individual Association. Once adopted at a Professional Association's General Meeting, they must be ratified by the Provincial Executive before coming into force.*

**Adopted by [insert PA name] Membership – Date?**  
**Ratified by the Provincial Executive – Date?**

**[Insert Name of Professional Association]  
Constitution  
Table of Contents**

<b><u>ARTICLE #</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE #</u></b>
	Preamble	2
I	Name	2
II	Mandate	2
III	Membership	3
IV	Executive	3
V	Committees	4
VI	Meetings	4
VII	Annual Council	5
VIII	Elections/Voting Privileges	5
IX	Finances	6
X	Reprimand, Suspension, or Removal from Executive	7
XI	Rules of Order	9
XII	Operational Procedures	9
XIII	Amendments	10

# [INSERT NAME OF PROFESSIONAL ASSOCIATION] CONSTITUTION

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## **Preamble**

NSTU Professional Associations are committees of the NSTU and as such shall have a Constitution which is not inconsistent with the NSTU's Constitution, Policy, or Operational Procedures. NSTU By-Laws Article VI – Professional Association Governance and NSTU Operational Procedures 13 – Professional Associations defines the Professional Association governance structures and procedures.

## **Article I** ***Name***

- [1] This committee shall be called the [insert name of the Professional Association] of the NSTU, hereinafter may be referred to as the “Professional Association” or the [insert acronym for the Professional Association].

## **Article II** ***Mandate***

- [1] The mandate of the Professional Association shall be to encourage and assist Members in professional development activities in their respective fields.
- [2] The objectives of the Professional Association are to:
- (a) improve professional practice by increasing Members’ knowledge and understanding;
  - (b) disseminate ideas, trends, and new developments;
  - (c) advocate interests of the Professional Association, consistent with NSTU Policy and practice; and,
  - (d) advise the Professional Association Coordination Committee on matters of specific interest to the Professional Association.

## **Article III**

### ***Membership***

- [1] Membership in the Professional Association is open to Active, Reserve, and Associate Members of the NSTU, is voluntary, and is conditional on paying the Professional Association Membership Fee as set by the Membership at the Professional Association's Annual General Meeting.
- [2] Substitute teachers wishing to become a Member of the Professional Association must be a Reserve Member of the NSTU.
- [3] University faculty or full-time education students wishing to become a Member of the Professional Association must be an Associate Member of the NSTU.
- [4] Non-members may attend the Professional Association's events, including October Conference Day, by paying a non-member fee as set by the Professional Association's Executive.

## **Article IV**

### ***Executive***

- [1] Only Members of the Professional Association who are Active NSTU Members may serve as Executive Members of the Professional Association.
- [2] The Professional Association Executive shall include the following:
  - (a) President

**NOTE:**

The Executive must include a President as outlined in NSTU By-Law. The Professional Association has the ability to have other Executive Members, the typical would be such Executive positions as:

- President
- Vice-President
- Treasurer
- Secretary

Depending on the size and complexity of the Professional Association, they may choose to have an extended Executive such as:

- President
- Vice-President – Conference
- Vice-President – Communications
- Treasurer
- Secretary
- Past President (in years where applicable), and
- Member(s)-at-Large.

It is also possible for an Association to combine positions, for example having a Secretary/Treasurer as opposed to having two individuals fulfill the duties of these two positions.

It is up to the Professional Association to decide on the Executive structure of the Association. All Executive positions should be listed in [2] following (a). Once the Professional Association Membership decides on their structure through adoption of a Constitution duly ratified by the Provincial Executive this should be the Executive structure for the Professional Association.

- [3] Executive Members are expected to fully attend as well as actively participate in all meetings of the Professional Association.
- [4] Executive Members are responsible to fairly represent decisions of the Executive when speaking on issues addressed by the Executive.

## **Article V** ***Committees***

- [1] Only Members of the Professional Association who are Active or Reserve NSTU Members may serve on Committees of the Professional Association.
- [2] The Professional Association shall establish the following Standing Committees:
  - (a) Communications
  - (b) Conference
  - (c) Finance
  - (d) Nominating

**Note:**

The Professional Association is expected to have the four Standing Committees listed above. The Professional Association has the ability to have other Standing Committees as they deem appropriate based on their size and structure. If the Association wishes to have fewer than these four Standing Committees, the committees required to run the Association should be listed here. If the Association wishes to have other/more Standing Committees, they should be listed in [2] following (d).

It is important to note, depending on the size and complexity of the Professional Association, a Committee may be a single individual as Chair, for example, the Finance Committee may be just the Treasurer of the Association. It is also understood that some Professional Associations do much of their work at the Executive level, with a blurring of lines between an individual Committee and the Executive. In such instances, it is still important to have an individual Executive Member as chair in name.

- [3] The Executive shall appoint members to each Standing Committee on an annual basis.
- [4] The term of office on a Standing Committee will be for two (2) years from the conclusion of the Professional Association's October Conference to the conclusion of the Conference two (2) years henceforth. There are no term limits for serving on Standing Committees.

- [5] The Executive may appoint ad hoc committees as circumstances dictate.
- [6] Standing Committees of the Professional Association shall be Chaired by an Executive Member of the Professional Association.
- [7] The Treasurer shall chair the Finance Committee.

## **Article VI**

### ***Meetings***

#### **[1] Annual General Meeting**

- (a) There shall be an Annual General Meeting of the Professional Association for:
  - (i) receipt of annual reports;
  - (ii) presentation of the audited financial statement from the previous fiscal year;
  - (iii) approval of the budget for the upcoming fiscal year;
  - (iv) election of officers for the upcoming year; and,
  - (v) consideration of NSTU Annual Council Resolutions.
- (b) Quorum for a general meeting shall be 5% of the Membership excluding the members of the Executive.
- (c) Only Members of the Professional Association who are Active or Reserve NSTU Members have the right to vote and to move or second motions at General Meetings of the Association.

#### **[2] Executive Meetings**

- (a) Executive meetings shall take place a minimum of three (3) times per year at a location and time of the President's choosing.
- (b) Quorum for an Executive Meeting shall be a majority the Executive.

#### **[3] Special Meetings**

- (a) In the event of an emergency or other need, a special meeting shall be called by the Executive.
- (b) A special general meeting shall be called by the Executive upon the written request of five percent (5%) of the Association's Membership. Five (5) working days notice of such a meeting shall be given to the general membership.
- (c) A special meeting shall consider only the business specified in the notice calling such a meeting.

## **Article VII**

### ***Annual Council***

- [1] The Professional Association is entitled to one (1) Voting Delegate at Annual Council.
- [2] The Voting Delegate will be the President of the Professional Association or a designate selected from and by the Executive.

## **Article VII**

### ***Elections/Voting Privileges***

- [1] Only Members of the Professional Association who are Active or Reserve NSTU Members have the right to vote in elections of the Professional Association.
- [2] Only Members of the Professional Association who are Active NSTU Members have the right to hold office on the Executive of the Professional Association.
- [3] The Professional Association Executive shall be elected by secret ballot at the Annual General Meeting.
- [4] The term of office for Professional Association Executive Members shall be two (2) years from the conclusion of the Professional Association's October Conference to the conclusion of the Conference two (2) years henceforth.
- [5] Any Executive position shall be held by the same individual for a maximum of two (2) consecutive terms.
- [6] Notwithstanding [3], [4], and [5], the Past President shall serve a one (1) year, non-renewable term of office immediately following the Presidency.

**Note:**

If the Professional Association chooses not to have a Past President as a member of the Executive than [6] above can be omitted and the rest of this Article renumbered.

- [7] Should any Executive position remain vacant following elections at the Annual General Meeting, the Nominating Committee shall seek nominations for the position and conduct an election.
- [8] In the event that the President cannot complete a term of office, the Vice-President shall assume the duties of the President in the interim. The Nominating Committee shall seek nominations for the position and conduct a by-election. The term of office for this position shall be until the completion of the vacated term of office.

**Note:**

For Associations that have more than one Vice-President based on specific roles the VP to take over in the absence of the President needs to either be specified here or a method to determine which one takes over specified here.

For example one of the following to replace "... the Vice-President shall assume the duties ...":

"... the Vice-President – Conference shall assume the duties ..."

OR

"... the Vice-President – Communications shall assume the duties ..."

OR

"... the Executive shall appoint a member of the Executive to assume the duties ...."

- [9] In the event that an Executive member other than the President cannot complete a term of office, the Nominating Committee shall seek nominations for the position and conduct a by-election. The term of office for this position shall be until the completion of the vacated term of office.

## **Article IX**

### ***Finances***

- [1] The fiscal year shall be from August 1<sup>st</sup> to July 31<sup>st</sup>.
- [2] A minimum of three (3) signing authorizers shall be bonded for the disbursement of Professional Association funds and other banking purposes.
- [3] Only Members of the Executive may be signing authorizers, the Treasurer must be a signing authorizer, plus other Executive Members as chosen by the Executive.
- [4] The Executive may make expenditures up to five percent (5%) of the Professional Association's budget, to a maximum of three thousand dollars (\$3,000), without prior approval of the general membership.
- [5] When attending meetings on Professional Association business, individuals shall be reimbursed according to NSTU expense guidelines.
- [6] The financial records of the Professional Association shall be subjected to an annual internal review by the NSTU in accordance with guidelines provided by the Finance and Property Committee of the NSTU.
- [7] The Professional Association shall not assume any financial liability accounts (e.g. lines of credit, loans, credit cards).



## **Article X**

### ***Reprimand, Suspension, or Removal from Executive***

#### **Preamble**

Removing an Executive Member is a very serious action and should never be approached lightly. Due process and current NSTU policies must always be followed.

#### **[1] Grounds for Reprimand, Suspension, or Removal**

A Member of the Executive may be reprimanded, suspended, or removed from office for reasons such as:

- (a) Disruption of any meeting to the extent that business cannot be conducted in an orderly fashion.  
(This is not to be considered the same as strenuous, spirited debate and such provision should never be used to stifle debate).
- (b) A significant instance of harassment, or continued harassment of another Executive Member.  
(The standard of proof, even to begin such an inquiry, should be very high).
- (c) Failure to attend two (2) consecutive Executive meetings without valid reasons satisfactory to the Executive.
- (d) A significant instance, or continued, gross or willful neglect of the duties of the office.
- (e) Unauthorized expenditures or misuse of organization funds.
- (f) Actions that bring the organization into disrepute.
- (g) Misrepresentation of the organization and its officers to outside persons.
- (h) Incapacity of the Member to continue serving on the Executive.
- (i) Failure to meet eligibility criteria to hold office.
- (j) Significant and/or continued failure to adhere to current NSTU Policies and Operational Procedures.

#### **[2] Procedures**

- (a) A complaint alleging that an Executive Member breached the aforementioned Grounds for Reprimand, Suspension, or Removal may be made by:
  - (i) The President
  - (ii) An Executive Member  
(the "Complainant")

##### **Informal Resolution**

- (b) The Complainant shall, where possible, communicate promptly with the Executive Member complained against (the "Respondent") in order to resolve the complaint.
- (c) If possible, the President or Vice President may attempt to resolve the complaint informally with possible assistance from the NSTU Executive Staff Officer.
- (d) Informal resolution may include, but is not limited to, an official resignation of the Respondent.

##### **Formal Resolution**

- (e) If the complaint cannot be resolved through the informal intervention of the President or Vice President, the Complainant shall make the complaint in writing to the President or Vice President.
- (f) The President or Vice President shall provide a copy of the complaint to the Respondent.
- (g) The Respondent shall be provided the opportunity to respond to the complaint in writing.
- (h) The Executive will investigate the complaint in closed session(s).
- (i) If the complaint is considered to be warranted so that it may result in a reprimand, suspension, or removal from the Executive, the Executive will prepare a recommendation for reprimand, suspension, or removal (the "Recommendation") and will refer the Recommendation to a vote.
- (j) The Recommendation shall include a clear statement of the complaint against the Respondent, the results of the investigation in the closed session(s), and the reasons for the recommendation. The President will provide the Recommendation to the Respondent.

**[3] Special Meeting**

- (a) A Special Meeting to vote on the Recommendation shall be called, and must occur, within thirty (30) days of the Recommendation being provided to the Respondent.
- (b) The Respondent shall be given at least ten (10) days' notice in writing of the date, time, and location of the Special Meeting of the Executive called to consider the Recommendation.

**Special Meeting Vote**

- (c) The Respondent shall be given full opportunity to hear the President present the Recommendation to the Executive, and to be heard by the Executive.
- (d) A vote to reprimand, suspend, or remove an Executive Member from the Executive will be conducted by secret ballot at the Executive Special Meeting.
- (e) The threshold of acceptance for the vote will be a majority of the eligible Members attending the meeting who cast a ballot. Spoiled ballots will not be counted.
- (f) If the motion passes, the Respondent will be informed at the Special Meeting whether they have been reprimanded, suspended, or removed as an Executive Member.
- (g) In the event the vote results in the removal of the Respondent, the Respondent's former position shall be filled according to Article VII.

## **Article XI**

### ***Rules of Order***

- 1] For all parliamentary situations not provided for in legislation, By-Laws and Standing Orders, the Professional Association shall be governed by Parliamentary Procedures as set forth by the Provincial Executive.

## **Article XII**

### ***Operational Procedures***

- [1] The Professional Association shall establish Operational Procedures to address such matters as the following:
  - (a) duties of the Executive;
  - (b) duties of committees; and,
  - (c) other procedures as deemed necessary by the Professional Association.
  
- [2] The Professional Association Operational Procedures shall be adopted, amended, or rescinded by a majority of the votes cast by members present at a General Meeting provided that written notice of motion to adopt, amend, or rescind has been sent to all Members not less than ten (10) days prior to the meeting.
  
- [3] The Professional Association Operational Procedures shall not be inconsistent with NSTU By-Laws, Standing Orders, NSTU Operational Procedures, or the Professional Association Operational Procedures Model approved by the Provincial Executive.
  
- [4] Once approved, the Professional Association Operational Procedures shall be filed with the NSTU.

## **Article XIII**

### ***Amendments***

- [1] This Constitution may be amended by a two-thirds (2/3) majority of votes cast by the Members present at a General Meeting of the Association.
  
- [2] Notice of proposed amendment(s) shall be given to Members at least ten (10) working days prior to the meeting.
  
- [3] Amendments to this Constitution require ratification by the NSTU Provincial Executive at a scheduled meeting following approval by the Members at a General Meeting.