

# **CONSTITUTION**

**of the**

## **Elementary Teachers’ Federation of Ontario**

### ***Niagara Local***

**Spring 2017**

**First Created - Spring 1998**  
**Major Revised - April 2000**  
**Amended - November 2000**  
**Amended - October 2001**  
**Amended - May 2003**  
**Amended - October 2004**  
**Amended - October 2005**  
**Amended – November 2006**  
**Amended – May 2008**  
**Amended – February 2010**  
**Amended – February 2012**  
**Amended – February 2013**  
**Amended – October 2013**  
**Amended – May 2017**

## **Constitution for Elementary Teachers’ Federation of Ontario - Niagara Local**

### **Definitions:**

- \* “Federation” shall mean the Provincial Elementary Teachers’ Federation of Ontario
- \* “Local” shall mean ETFO Niagara Local

### **ARTICLE I - NAME**

- 1.1\_ This organization shall be known as the “Elementary Teachers’ Federation of Ontario - Niagara Local”

### **ARTICLE II - JURISDICTION**

- 2.1 ETFO Niagara Local is a member of the Elementary Teachers’ Federation of Ontario.

- 2.2 The boundary of ETFO Niagara Local is coterminous with those of the District School Board of Niagara.

### **ARTICLE III - OBJECTS**

The objects of the Local shall be:

- 3.1 to represent members of the Local;
- 3.2 to regulate relations between the members of the Local and the District School Board of Niagara, including, but not limited, to securing and maintaining through collective bargaining, the best possible terms and conditions of employment;
- 3.3 to advance the cause of education and the status of teachers in the Local;
- 3.4 to promote a high standard of professional ethics and a high standard of professional competence;
- 3.5 to foster a climate of social justice and provide a leadership role in such areas as anti-poverty, non-violence and equity;
- 3.6 to promote and protect the interests of all members of the local and the students in their care;  
and
- 3.7 to co-operate with other organizations having the same or like objects.

### **ARTICLE IV - MEMBERSHIP**

#### **Section 1 - Active Membership**

- 4.1 Members shall be all public elementary school teachers, who are covered by the collective agreement between the Local and the District School Board of Niagara.

#### **Section 2 - Associate Membership**

- 4.2 Associate members of the Local are those members who application has been approved by the Local Executive, and approved by the Federation Executive, and who have paid the annual fee in accordance with the Federation bylaws.

Associate membership may include:

- a) members of other affiliates of OTF;
- b) teachers employed in private schools, provincial schools, or federal government schools;
- c) individuals employed as supervisory officers;
- d) employees of the Federation;
- e) teachers employed at a college or university;

- f) former members or persons engaged in a professional capacity related to education;
- g) former members, in good standing, who are currently not employed by a school board;
- h) former members, in good standing, who have been declared redundant, and are not yet employed by a school board. This membership shall be held without cost for a period of two years;
- i) former members who were on LTD, and whose contract with an employer has been terminated. This membership shall only be held for two years;
- j) exchange teachers employed as an elementary teacher by a public school board;
- k) retired members who were members of the Federation, or its predecessors; and
- l) students attending a teacher education institution.

## **ARTICLE V - RIGHTS AND PRIVILEGES OF MEMBERSHIP**

### **Section 1 - Rights and Privileges of Active Membership**

- 5.1.1 An active member shall have full rights, privileges, and responsibilities of membership in the Federation, unless limited by disciplinary action taken in accordance with Article VII of the Federation Constitution.
- 5.1.2 The rights of active members shall be:
  - a) to hold office in the Local and in the Federation;
  - b) to attend general meetings of the Local;
  - c) to attend Executive meetings of the Local;
  - d) to participate and vote on the ratification of the collective bargaining preliminary submission;
  - e) to participate and vote on the ratification of the collective agreement;
  - f) to participate in the ratification of an all membership vote on Local Assessments as per Article 3.03 of the Collective Agreement between ETFO Niagara and the District School Board of Niagara;
  - g) to participate and vote in any general membership votes;
  - h) to request Local support through the grievance process;
  - i) to request Local support in any problem directly related to professional duties; and
  - j) to participate in Local committees, or task forces as directed by the Executive.

### **Section 2 - Local Assessments**

- 5.2.1 That in order to adopt, amend or rescind any Local Assessment, as per Article 3.03 of the Collective Agreement between ETFO Niagara and the District School Board of Niagara, an all membership vote shall be conducted either via an online vote or in-school vote.
- 5.2.2 Such an all-membership vote shall be initiated only by a general business motion approved at an ETFO Niagara General Meeting.
- 5.2.3 The ratification of such an all membership vote shall be by a simple majority. which is defined as a majority in which the highest number of votes cast for any one candidate exceeds the

second highest number.

### **Section 3 - Rights and Privileges of Associate Membership**

5.3.1 An associate member may:

- a) attend, by invitation, Local functions in a non-voting capacity;
- b) receive such Local communications, as the Local desires;
- c) serve on Local committees and task forces, as the Local decides.

## **ARTICLE VI - LOCAL ORGANIZATION**

### **Section 1 - Local Executive**

6.1.1 The Local Executive shall include the following positions:

- a) President;
- b) two Vice-Presidents;
- d) Secretary;
- e) Treasurer;
- f) Health and Safety Representative;
- g) Two (2) Status of Women/Equity & Social Justice Co-Chairs, one which will be designated as a female only position;
- h) Two (2) Political Action/Public Relations Co-Chairs;
- i) Two (2) Professional Development/Social Co-Chairs, and;
- j) Four (4) Family of Schools Representatives, to serve a family of schools assigned by the President or designate.

6.1.2 One Vice Presidency will be designated as a female only position.

6.1.3 The Executive of the Local shall be elected every two years, through electronic voting or in-school voting, to be completed prior to June 1<sup>st</sup>, as per Article IX, Section 3 Election Procedures

6.1.4 The term of office for the Executive shall be for two years.

6.1.5 The Executive shall take office on September 1.

### **Section 2 - Committees**

6.2.1 There shall be the following standing committees:

Collective Bargaining  
Status of Women/Equity & Social Justice  
Political Action/Public Relations  
Professional Development/Social

- 6.2.2 There shall be Pro tem committees, i.e. Resolutions, Budget, Elections, and Annual General Meeting, to facilitate the annual resolutions, budget, elections, and general meetings of the Local.
- 6.2.3 Other ad hoc committees / task forces required to carry out the work of the Local may be established by the Executive or by a general meeting as necessary.

### **Section 3 - Programs for Women**

- 6.3.1 There shall be guaranteed programmes for women.
- 6.3.2 Funds shall be allocated for programmes for women.
- 6.3.3 The budget process for programmes for women shall be approved as part of the annual Local budget process.
- 6.3.4 The chair of the Status of Women committee shall be a guaranteed position for women.

## **ARTICLE VII - ORGANIZATIONAL DUTIES**

The Local, its officers, and committees, shall carry out their duties and responsibilities in accordance with both the Local and ETFO policies, procedures, and resolutions passed at the Local General Meeting.

### **Section 1 - Duties of the Executive**

The Executive shall:

- 7.1.1 uphold the constitution, bylaws, and policies of the Elementary Teachers' Federation of Ontario;
- 7.1.2 execute the business of the Local accordance with the constitution and the decisions of general meetings of the Local;
- 7.1.3 be responsible for developing and maintaining the policies and operating procedures of the Local, to be outlined in the Executive Handbook.
- 7.1.4 hold at least six regular Executive meetings;
- 7.1.5 hold an Executive meeting at the call of the President;
- 7.1.6 receive a financial report at each Executive meeting;
- 7.1.7 develop an investment policy;
- 7.1.8 employ staff to carry out the work of the Local, as needed;

- 7.1.9 appoint at least four signing officers of the Local;
- 7.1.10 forward to the provincial office by September 30<sup>th</sup> of each year the annual audited financial statement;
- 7.1.11 forward to the provincial office, each year, the Annual Report of the Local;
- 7.1.12 recommend members for all Local standing and Pro tem committees
- 7.1.13 appoint members, and develop terms of reference for, ad hoc committees;
- 7.1.14 appoint, when necessary, a successor to complete any unexpired term of an elected, or an appointed Local representative;
- 7.1.15 in the event of the absence of an Executive member for three consecutive meetings, declare the member's position vacant and fill the vacancy according to Article 7.1.14;
- 7.1.16 recommend to the Annual General Meeting the appointment of the auditors;
- 7.1.17 appoint a parliamentarian to chair the Annual General Meeting;

## **Section 2 - Duties of Officers**

7.2.1 The duties of the President shall be:

- a) to be the spokesperson of the Federation;
- b) to be the official representative of the Federation and its members;
- c) to be one of the signing officers;
- d) to be an ex-officio member of all committees;
- e) to preside at meetings of the Executive, general membership meetings, and the Annual General Meeting;
- f) to inform and advise members of the Local on issues;
- g) to be a member of the Collective Bargaining Committee;
- h) to call special meetings at the request of the majority of the Executive; and
- i) to be responsible for the Annual Report of Local activities during their term of office.

7.2.2 The duties of the two Vice President(s) shall be determined by the Executive.

- a) In the President's absence, one Vice-President will assume the responsibilities of the President as assigned by the President and/or Executive.
- b) The Executive shall assign one Vice-President responsibility for chairing the Budget Committee.
- c) The Executive shall assign one Vice-President the responsibility of chairing the Resolutions Committee.
- d) In the absence of the President, either of the Vice-Presidents may act as one of the signing

- officers.
- e) Vice-Presidents will be responsible for additional duties as assigned by the President and/or the Executive.
  - f) Make a financial report to each Executive meeting;
  - g) Report on investments with each financial report;
  - h) Forward the Annual Audited Financial Statement of the Local to the provincial office of the Federation by September 30<sup>th</sup>;
  - i) Authorize the deposit of all monies received on behalf of the Local in a chartered bank, in the name of ETFO Niagara;
  - j) Supervise the payment of all accounts and expenses, incurred by the Local;
  - k) Carry out the directives of the Executive and/or members;
  - l) Present the results of the audited report to the membership;
  - m) If the position of president is vacated, one of the two vice-presidents would assume the role of president for the duration of the term. If the vacancy occurs with more than a year left in the term (prior to September 1 of a non-election year), there will be a by-election as per Article 9.3.9.

7.2.3 The duties of the Treasurer shall be:

- a) to ensure that accurate and detailed financial records of the Local are, based on the Local fiscal year, July 1<sup>st</sup> to June 30<sup>th</sup>;
- b) to ensure the annual audit is completed;
- c) to act as one of the signing officers; and
- d) to serve on the Local Budget Committee.

7.2.4 The duties of the Secretary shall be:

- a) to maintain accurate records of all meetings of the Local;
- b) to maintain accurate records of correspondence received by and sent on behalf of the Local;
- c) to prepare and circulate the minutes of Executive and general meetings; and
- d) to forward the Annual Report of the Local to the provincial office of the Federation by June 1.

**Section 3 - Duties of Committees**

7.3.1 Committees / task forces are responsible to the Local Executive, to be defined in the Executive Handbook.

**ARTICLE VIII - MEETINGS**

**Section 1 - Executive Meetings**

8.1.1 There shall be at least six Executive meetings each year.

8.1.2 A quorum for Executive meetings shall be more than half of the Executive.

8.1.3 The official authority for conducting all Local meetings shall be the current edition of Roberts Rules of Order.

## **Section 2 - General Meetings**

8.2.1 There shall be at least three (3) general meetings each year, at the call of the Executive

8.2.2 A general meeting shall:

- a) appoint an auditor for the next year,
- b) receive financial statements,
- c) receive all resolutions for the Federation Annual General Meeting following the process set out in Article XI, and
- d) conduct any other business of the Local

8.2.3 A quorum for general meetings shall be 50 of the voting members, provided the Executive has published the agenda and any notice(s) of motion for the general membership at least seven (7) days prior to the date of that meeting.

## **Section 3 - Local Annual General Meeting**

8.3.1 An Annual General Meeting of the members of Local shall be held before June 15 each year.

8.3.2 In addition to the business conducted at any General Meeting, the Annual General Meeting shall:

- a) receive the annual reports of the officers and committees of the Local;
- b) confirm the election of the officers for the next year;
- c) approve the preliminary budget for the next year; and
- d) receive all amendments to the constitution, following the process set out in Article XII

8.3.3 At least sixty (60) days prior to the scheduled date of the Annual General Meeting, the Executive shall cause to be struck the Budget, Elections, and Annual General Meeting committees.

## **ARTICLE IX - ELECTIONS**

### **Section 1 - Eligibility**

9.1.1 An active member, in good standing, may be nominated to stand for elected office.

### **Section 2 - Nominations**

9.2.1 Members shall be notified of the opening of request for nominations at least 30 days prior to the commencement of electronic/in-school voting.



9.2.2 Nominations shall be electronically sent to all members of the Elections Committee. The deadline for receipt of nominations shall be at least fourteen (14) days prior the commencement of electronic/in-school voting.

### **Section 3 - Electoral Procedures**

9.3.1 The election of the Executive of the Local shall be through electronic or in-school voting by the Local Membership.

9.3.2 Candidates shall have the opportunity to address a General Meeting before election and to distribute campaign materials according to the procedures established by the Elections Committee in the Executive handbook.

9.3.3 The election shall be by secret ballot.

9.3.4 Each candidate may appoint one scrutineer to observe the counting of the ballots for that candidate's election.

9.3.5 The vote count for all elected positions shall be released to the members in the report of the Elections Committee.

9.3.6 The successful candidate will be the one to obtain the greatest number of votes cast.

9.3.7 An unsuccessful candidate may seek another position on the Executive for which the member is eligible.

9.3.8 The ballots will be destroyed, by a motion of the General Meeting, immediately following the elections.

9.3.9 In the event that there is a vacancy on the Executive, if the vacancy occurs with more than one year remaining in the term (prior to September 1 of a non-election year), there shall be a by-election. If the vacancy occurs during an election year, the vacancy will be filled by the Executive, for the duration of the term.

### **ARTICLE X - DELEGATES TO THE FEDERATION ANNUAL MEETING**

10.1 An active member of ETFO Niagara Local may be nominated as a delegate to the Federation Annual Meeting.

10.2 A minimum of one third of the allocated number of delegates to the Federation Annual Meeting shall be male, and a minimum of one third shall be female.

10.3 The President, two Vice-Presidents, and Treasurer, shall be delegates of the Local to the Federation Annual Meeting.

- 10.4 Delegates to fill the complement shall be elected through electronic or in-school voting by the Local Membership.
- 10.5 The Executive shall appoint replacement delegates as needed. The number of alternate delegates shall be determined by the Executive. Alternate delegates shall be runners up from the Local elections. If there are no runners up, alternate delegates may be appointed by the Executive.

#### **ARTICLE XI - RESOLUTIONS OF THE FEDERATION ANNUAL MEETING**

- 11.1 Resolutions to the Federation Annual Meeting shall be passed at a Local general meeting held prior to March 1.
- 11.2 The Executive shall cause the Resolutions Committee to be struck at least sixty (60) days prior to March 1<sup>st</sup>.
- 11.3 The Vice-President in charge of resolutions shall:
- a) appoint and convene a Resolutions Committee;
  - b) request resolutions submissions from the general membership;
  - c) present submitted resolutions to the Executive;
  - d) publish for the members the resolutions received by the Committee at least seven (7) days prior to General Meeting at which they will be debated;
  - e) present the submitted resolutions to the membership at a General Meeting, for purposes of voting, before March 1; and
  - f) submit all the resolutions approved at the general meeting to Federation prior to the deadline.

#### **ARTICLE XII - AMENDMENTS TO THE LOCAL CONSTITUTION**

- 12.1 Proposed amendments to the Local Constitution must be submitted to the Executive at the regularly scheduled Executive meeting that precedes the Annual General Meeting.
- 12.2 The Executive shall publish all proposed amendments to the general membership at least seven (7) days prior to the General Meeting at which they will be debated.
- 12.3 The Constitution shall be amended if two-thirds of the votes cast at the Annual General Meeting are cast in favour of the proposed amendment.

#### **ARTICLE XIII - FINANCES**

- 13.1 The Executive of the Local shall develop a financial policy.
- 13.2 All financial transactions shall be signed by two signing officers.
- 13.3 One Vice-President will chair the Budget Committee and present a budget at the Local Annual

General Meeting.

- 13.4 The fiscal year for the Local shall be the period from July 1<sup>st</sup> of one calendar year, to June 30<sup>th</sup> of the succeeding calendar year.