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1. Authority and Name of the Local

- 1.1. In accordance with the Constitution and Bylaws of the Manitoba Teachers' Society (hereinafter referred to as "the Society"), the Constitution of the Society being *The Manitoba Teachers' Society Act*, and the Bylaws of the Society being the Bylaws authorized thereunder, and pursuant to the Charter granted by the Society to form a local of the Society, the Brandon Teachers' Association of the Manitoba Teachers' Society was formed and has adopted this Local Constitution, which became effective on the date it was approved by the Provincial Executive.
- 1.2. The name of this Local shall be the Brandon Teachers' Association of the Manitoba Teachers' Society (hereinafter referred to as "the Local").
- 1.3. The Local is permitted to: carry on the work of the Society; enact this Constitution and enact Bylaws for the Local subject to the approval of the Provincial Executive; elect an Executive in accordance with the Constitution and Bylaws of the Local; elect or appoint Delegates to the Provincial Council; and adopt Policies for the Local without the approval of the Provincial Executive, where those Policies are of a purely Local nature.

2. Objects of the Local

- 2.1. The objects of the Local are determined by the Constitution and Bylaws of the Society, and the Charter granted by the Society to form the Local, and include the following:
 - (a) carrying out the mission, goals and objects of the Society;
 - (b) bargaining collectively on behalf of Members;
 - (c) ensuring effective communications between the Society and Members;
 - (d) providing mechanisms for Members to be effectively represented by the Society; and
 - (e) supporting professional growth opportunities for Members.
- 2.2. Additional objects of the Local not inconsistent with the Constitution and Bylaws of the Society may be established pursuant to the Bylaws of the Local.

3. Definitions and Interpretation

- 3.1. For the purpose of the Constitution, Bylaws, and Policies of the Local, unless the context requires otherwise, or a separate definition is provided, terms when capitalized shall have the same meanings as in the Constitution, Bylaws and Policies of the Society, and grammatical variations of such terms shall have corresponding meanings. The following terms when capitalized shall have the meanings set out below, and grammatical variations of such terms shall have corresponding meanings:

- (a) "Agreement with the Employer" shall mean a Form of Agreement with the Employer as provided for in *The Public Schools Act* and regulations passed thereunder;
 - (b) "Employer" shall mean the Brandon School Division.
 - (c) "Local" shall mean the Brandon Teachers' Association of the Manitoba Teachers' Society;
 - (d) "Member" shall mean a Member of the Local;
 - (e) "Membership Meetings" shall mean meetings of the Members of the Local duly called in accordance with the Constitution and Bylaws of the Local;
 - (f) "Political Processes" shall mean the process of nominating a Member to run in an election for a position on the Executive, running for a position on the Executive, voting in elections for the Executive, voting on removal of a Member on the Executive from office or signing a related petition, seeking election or appointment to a Standing Committee, or seeking to be a Delegate on Provincial Council for the Local, but does not include participating in a vote to ratify a collective agreement, or voting on any other business affecting the Local;
 - (g) "Provincial Council" shall mean the Provincial Council of the Manitoba Teachers' Society;
 - (h) "Provincial Executive" shall mean the Provincial Executive of the Manitoba Teachers' Society;
 - (i) "Society" shall mean the Manitoba Teachers' Society; and
 - (j) "Standing Committee" shall mean such Standing Committees established by the Local pursuant to the Bylaws of the Local.
- 3.2. Where any provision of the Constitution, Bylaws or Policies of the Local is inconsistent with the Constitution, Bylaws, or Policies of the Society, the provision of the Constitution, Bylaws or Policies of the Local is automatically void and of no force and effect to the extent of the inconsistency.
- 3.3. The article and section headings in the Constitution, Bylaws, and Policies of the Local are for reference purposes only and shall not affect the meaning or interpretation of the Constitution, Bylaws, and Policies.

3.4. Words importing the singular number only shall include the plural as the context may require. Where the feminine or masculine or neutral is used, the word or words shall be interpreted to include the masculine or feminine or neutral as the context may require. Words importing persons shall include firms, governments, and corporations as the context requires. These principles shall apply to the Constitution, Bylaws, and Policies of the Local.

4. Membership, Rights and Obligations of Membership

Membership in the Local

4.1. "Active members in good standing" and "associate members in good standing" with the Society as defined in the Constitution and Bylaws of the Society who are employed by the Employer under an Agreement with the Employer for the School Year or a portion thereof shall be Members of the Local.

Obligations of Membership

4.2. Members shall pay Required Membership Fees to the Society and the Local;

4.3. Members have such other obligations contained in the Constitution and Bylaws of the Society, and any further obligations contained in the Constitution and Bylaws of the Local.

4.4. Where a Member, in addition to being employed by the Employer, is also employed by a school division, school district, First Nation or First Nation Education Authority other than the Employer, and is by virtue of that employment a member of one or more other locals of the Manitoba Teachers' Society, that Member is only entitled to participate in the Political Processes of one local.

(a) Such a Member must declare, in accordance with the procedures set by the Society, the name of all other locals of the Manitoba Teachers' Society to which the Member is also a member, and must declare one local in which the Member chooses to participate in Political Processes. Such a declaration is binding on the Member for the duration of the School Year.

(b) Such a Member who declares the choice to participate in the Political Processes of another local of the Society, or who fails to declare a choice to participate in the Political Processes of this Local in accordance with the procedures set out in the Bylaws of the Local, is not entitled to participate in the Political Processes of this Local, for the duration of the School Year, but such Member maintains other Member rights as provided for in the Constitution and Bylaws of the Local;

Rights of Membership

4.5. Subject to article 4.4, Members, duly assembled in a Membership Meeting properly called in accordance with the Bylaws of the Local, are the highest authority for deciding the policies and affairs of the Local.

- 4.6. Subject to article 4.4, and where it is not feasible to hold a Membership Meeting to conduct a vote, Members may vote on Local business outside of Membership Meetings in accordance with any procedures set out in the Bylaws, provided that adequate information is provided to all Members in advance.
- 4.7. Members enjoy the rights contained in the Constitution and Bylaws of the Society, and the rights contained in the Constitution and Bylaws of the Local.
- 4.8. A Member who does not maintain Membership in good standing by ceasing to pay Required Membership Fees to the Society and the Local at any period of time, including but not limited to a leave of absence, shall cease to enjoy the rights of Membership under the Constitution and Bylaws of the Local during the period of time that Required Membership Fees are not paid. This includes, but is not limited to, cessation of the right to participate in Political Processes of the Local during any period of time where Required Membership Fees are unpaid. A Member has the onus to ensure that Required Membership Fees are paid to the Society and the Local in order to maintain rights of Membership, including, but not limited to making arrangements for payment of Required Membership Fees during a leave of absence.

Cessation of Membership

4.9. Membership in the Local ceases if:

- (a) a Member ceases to be employed by the Employer or does not sign an Agreement with the Employer for the School Year, except that where proceedings are brought to challenge the justness of a Member's termination by the Employer, Membership continues pending the outcome of the proceedings;
- (b) a Member has voluntarily terminated membership in the Society or elected not to be a member of the Society;
- (c) a Member has membership suspended or terminated by the Society in accordance with the Society's Constitution or Bylaws.

5. Relationship between MTS and the Local

- 5.1. The Local was established by Charter granted by the Society, and is bound by the Constitution and Bylaws of the Society.
- 5.2. The Local shall appoint or elect its Delegates to the Provincial Council in accordance with the procedures set out in the Bylaws of the Local.

6. Required Membership Fees

- 6.1. Members must pay Required Membership Fees to the Society as determined by the Society, and must pay Required Membership Fees to the Local as determined by the Local in accordance with the Bylaws of the Local.
- 6.2. Required Membership Fees may be deducted at source in a manner agreed upon by the Local and the Employer, subject to the Constitution and Bylaws of the Society regarding payment of Required Membership Fees directly to the Society.

7. Executive and Officers of the Local**Executive of the Local**

- 7.1. There shall be an Executive of the Local whose Membership shall consist of those positions required by this Constitution, and such other positions as determined in the Bylaws of the Local.
- 7.2. The Executive shall be responsible to direct, supervise and carry out the affairs of the Local between Membership Meetings, subject to direction from Members obtained in accordance with Articles 4.5 and 4.6, and subject to the Constitution and Bylaws of the Local and the Society. Without limiting the generality of the foregoing, the Executive shall have the power to interpret the Constitution and Bylaws of the Local, to adopt a budget for the Local subject to approval by the Members, to appropriate money, and to appoint Standing Committees or *ad hoc* committees of the Local.
- 7.3. Each Member of the Executive shall act in the best interests of the Local, shall declare any actual or possible conflicts of interest, and shall use their best efforts to perform duties assigned under the Constitution, Bylaws and Policies of the Local.
- 7.4. Any Member of the Executive who reasonably believes that business of the Local is being conducted contrary to the Constitution, Bylaws or Policies of the Local, or that another Member of the Local is acting contrary to the Constitution, Bylaws or Policies of the Local, shall disclose the concern to the Executive, which shall conduct such investigation and take such action as appropriate. A Member making such disclosure shall not be subject to repercussions.
- 7.5. The Executive shall conduct its business at meetings of the Executive duly called in accordance with the Bylaws of the Local, or by other means authorized by the Bylaws of the Local.
- 7.6. The Executive is authorized to delegate any of its powers to one or more Members of the Executive, as it sees fit. The Executive is authorized to approve the hiring of staff to assist in carrying out the affairs of the Local and to supervise and direct the work of any such staff.

7.7. The Executive is empowered to act notwithstanding any vacancy on the Executive. Decisions of the Executive are not invalid by virtue of an irregularity in the election or appointment of any Member of the Executive.

Members of the Executive

7.8. Subject to any limitations on Membership rights set out in the Constitution and Bylaws of the Society and the Constitution and Bylaws of the Local, and subject to any limits on consecutive terms contained in the Bylaws of the Local, any Member of the Local is eligible to sit on the Executive.

7.9. With the exception of a Past President, if such a position is provided for in the Bylaws of the Local, Members of the Executive shall be elected by and from Members of the Local who are eligible to participate in the Political Processes of the Local pursuant to article 4.4, for a one year term or such longer term set out in the Bylaws of the Local, in accordance with procedures in the Bylaws of the Local.

7.10. The Members of the Executive must include the following positions:

- (a) A President of the Local, who shall be the representative and official spokesperson for the Local in its affairs, and shall perform such duties as may be assigned by the Executive and the Bylaws and Policies of the Local;
- (b) One or more Local Officers responsible for:
 - a. assuming the duties of the President in the absence of the President, as delegated by the Executive;
 - b. ensuring that minutes are kept of all meetings provided for in the Constitution or Bylaws of the Local, and preservation of records of the Local other than financial records, which minutes and records belong to the Local;
 - c. overseeing the financial affairs of the Local, and the preservation of the financial records of the Local, which financial records belong to the Local; and
- (c) Any such other Members of the Executive as established in the Bylaws of the Local.

7.11. Duties of the Members of the Executive shall be contained in the Bylaws of the Local.

7.12. All Members of the Executive shall serve their terms unless removed from office, or a vacancy otherwise occurs as defined in the Bylaws of the Local.

7.13. Unless an election is called in accordance with the Article 8.3 of this Constitution, vacancies on the Executive may be filled in accordance with the Bylaws of the Local.

8. Elections of Members of the Executive

- 8.1. The General Secretary of the Society, or designate, is the Chief Electoral Officer of the Local and has the authority to oversee the conduct of elections to the Executive, and to resolve disputes about such elections.
- 8.2. There shall be a Local Electoral Officer or Local Elections Committee established in accordance with the Bylaws of the Local which has the authority to conduct the elections to the Executive, in accordance with the Bylaws and Policies of the Local, and subject to the direction of the Chief Electoral Officer. A Member seeking election to the Executive shall not be eligible to be the Local Electoral Officer or a member of the Local Elections Committee.
- 8.3. The Chief Electoral Officer has the discretion to call an election should a vacancy occur in any position on the Executive, at any time during the term of that position, and may determine the rules applicable to such an election.

9. Standing Committees

- 9.1. There shall be such Standing Committees and any other *ad hoc* committees that the Executive determines are required to carry out the work of the Local, in accordance with the Bylaws of the Local.
- 9.2. The Local shall appoint Workplace Safety and Health Representatives and worker members of any and all Workplace Safety and Health Committees required by *The Workplace Safety and Health Act* in accordance with the procedures in the Bylaws of the Local.

10. Removal from Office

- 10.1. A Member of the Executive may be removed from office pursuant to this article on the basis that there are reasonable grounds to believe that the Member is unwilling or unable to act in the best interests of the Local and its Members, and the business interests of the Local would be compromised by the Member continuing to serve the Member's term.
- 10.2. A Meeting to consider a Member of the Executive's removal from office may be called by the General Secretary of the Society upon receipt of a written request signed by either:
 - (a) the number of Members of the Local required for quorum for a Membership Meeting, as set out in the Bylaws of the Local, which must include members who work in more than one school or worksite, or
 - (b) two-thirds (2/3) of Members of the Executive,

which written request must identify the Member whose removal is sought and provide reasons for the requested removal.

- 10.3. Upon receipt of a written request, and being satisfied that the request has the requisite support pursuant to article 10.2, and that the requirement that there are reasonable grounds for removal pursuant to article 10.1 is met on a *prima facie* basis, the General Secretary or designate shall do as follows:
- (a) Where the written request is made pursuant to article 10.2(a), schedule a Membership Meeting, or where the written notice is made pursuant to article 10.2(b), schedule an Executive Meeting, such meeting to be scheduled within five (5) working days;
 - (b) Provide written notice of the meeting to the Member whose removal from office is sought, and ensure that notice of the meeting is provided in accordance with the Bylaws of the Local;
 - (c) Act as chairperson of the meeting where the following process occurs:
 - a. a representative of those seeking the Member's removal presents reasons in support of a motion that the Member ought to be removed from office;
 - b. the Member whose removal is sought is provided an opportunity to fully respond; and
 - c. a vote is conducted by secret ballot.
- 10.4. A vote to remove the Member from the Executive requires the support of either two-thirds (2/3) of the Local's Members present at the Membership Meeting (which requires quorum) or two-thirds (2/3) of the Members of the Executive present at the Executive Meeting (which requires quorum.)
- 10.5. A Member who has been removed from office may appeal the decision to the Provincial Executive, by providing a written request to the General Secretary and the President of the Local, or another Member of the Executive if the President is the Member being removed from office, within five (5) working days from the date of the vote to remove the Member from office.
- 10.6. An appeal to the Provincial Executive will be scheduled to be heard at its next regularly scheduled meeting. Provincial Executive shall determine the procedure for the appeal. The issue on appeal is whether the standard required for removal in article 10.1 has been met. The Provincial Executive shall issue a decision and shall confirm the Member's removal, or confirm the Member's reinstatement to office accordingly. The decision of the Provincial Executive shall be final and binding on the Local and the Member in question.

11. Local Finances

- 11.1. The Fiscal Year of the Local shall be the same as that of the Society.

- 11.2. The Local shall administer and invest the Local's assets and reserve fund in accordance with the objects of the Society and the Local, the Society's financial and operational policy guidelines, and the Bylaws of the Local.
- 11.3. The Executive shall be responsible for the day-to-day administration and investment of the Local's assets and shall ensure that the Local's assets are protected and used to carry out the mission, goals, and objects of the Society.
- 11.4. The Executive shall prepare an annual budget for the Local and shall obtain approval for the annual budget in accordance with the procedure set out in the Bylaws of the Local. The Executive shall be responsible to ensure that the proposed budget complies with the Society's Bylaws and Policies, and the Bylaws and Policies of the Local.
- 11.5. The Executive shall ensure that the Budget, once approved, is followed, in accordance with the Bylaws of the Local.
- 11.6. The Local shall retain a qualified external auditor at the end of each Fiscal Year to annually undertake an independent financial audit or review of the Local's financial records and shall submit a copy of the audit to the Society within thirty (30) days of its receipt from the auditor.

12. **Amendments to the Constitution and Enactment of Bylaws**

- 12.1. Amendments to this Local Constitution or Bylaws may be proposed by any Member of the Local, in accordance with the procedures in the Bylaws of the Local.
- 12.2. Amendments to this Local Constitution or Bylaws must be approved by a vote of two-thirds (2/3) of Members present at a duly convened Membership Meeting, in accordance with the Bylaws of the Local.
- 12.3. Within ten (10) days of approval, a copy of the amended Constitution of the Local must be provided to the General Secretary of the Society.
- 12.4. An amendment to the Constitution or Bylaws of the Local takes effect on the date the Provincial Executive approves the amendment.

13. **Enactment of Local Policies**

- 13.1. The Local is authorized to establish Policies with respect to matters of a purely local nature, which are not subject to approval by the Provincial Executive. A decision of the Provincial Executive as to whether a matter is of a purely local nature is final and binding on the Local and all Members unless altered by Provincial Council.
- 13.2. Policies for the Local may be approved in accordance with the Bylaws of the Local.