



APSSP

CONSTITUTION

2013

Following amendments made at the AGM in May, 2013.

CONSTITUTION OF THE
ASSOCIATION OF PROFESSIONAL STUDENT SERVICES PERSONNEL

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ARTICLE 1 - NAME

The name of this organization shall be the Association of Professional Student Services Personnel, to be known in short as APSSP and herein called the "Association".

ARTICLE 2- ADDRESS

Article 2.01- as amended May, 1991

The business address of the Association shall be such address as the Provincial Executive Committee may, from time to time, designate by resolution.

Article 2.02

The address for service of process and notices to the Association shall be the law firm designated by the Council as solicitors for the Association, from time to time.

ARTICLE 3- PURPOSE - as amended May, 1993

The purpose of this organization shall be to obtain for its members through collective bargaining and other lawful means, the regulation of relations between its members and those who employ their services, to obtain improvements in the terms and conditions of their employment, and matters related thereto, to protect them from arbitrary or unjust treatment in respect to their employment and to promote equality of its members regardless of race, color, national origin, gender, sexual orientation or physical challenges; and to strive to remove any barriers that may exist in the workplace that would prevent equality; to advance the economic and social well-being of its members; to perform and carry out such objectives as may be lawful and in the best interests of its members, and directed by them in accordance with the objective of advancing the interests of the public in securing the highest possible level of professional standards, on the part of the members of the Association.

ARTICLE 4- MEMBERSHIP

Article 4.01- **as amended May, 2012**

The Association may extend membership to any employees of school boards, or organizations that provide professional student support services in the education sector, who are eligible to engage in collective bargaining and approved by Governing Council.

Article 4.02

Persons who are qualified for membership in the Association as provided for herein shall be entitled to apply for membership in the Association, and subject only to Article 4.06 herein, shall be entitled to be accepted by the Association as members.

Article 4.03 - as amended May, 1993

No person who qualified for membership in accordance with the foregoing shall be refused membership in this organization or any of the rights, privileges or benefits of same, by reason of race, colour, creed, national origin, gender, sexual orientation, physical challenges, or political views or affiliation.

Article 4.04 - as amended May, 1994

Upon receipt by the Association of a completed application for membership upon a form similar to or the same as that which is attached hereto, and forms schedule "A" to this constitution, from a person qualified for membership in the association, such person shall become a member of the association.

Article 4.05 - as amended May, 1994

Each member shall advise the Chapter Secretary promptly of any change of address or may advise the Secretary where they wish to receive their mail. Furthermore, any communication to members will not identify marital status or educational status. Any notice or other communication given or sent by mail to any member shall be deemed to have been sufficiently given or sent as mailed to such person at the individual's last known address on file with the Provincial Secretary.

A membership directory shall be maintained by the Association and updated on an annual basis.

Article 4.06 – as amended May, 2002

Any member who shall be in arrears of payment of dues, assessments, or otherwise for a period of two (2) months and having been given one (1) month's written notice of such arrears, shall be automatically suspended from membership in the Association, unless there are compassionate grounds for relieving such member from the payment of such fees, dues or assessments. Upon payment of dues owing to APSSP, the member shall be reinstated to the Association.

Article 4.07

No person who has been suspended from membership in accordance with this Constitution shall be deemed to be a member in good standing, nor shall she/he be entitled to attend meetings, to hold office or to be a candidate for office in this Association.

Article 4.08 - as amended, May 1995, 2009, and **2013**

- (i) A person who retires from active employment may retain status as an associate member and shall pay an annual fee to be determined by Governing Council. The dues will be paid directly to Provincial APSSP.
- (ii) An associate member is entitled to **attend** annual general membership meetings of the Association or Chapter from which they retired, but shall not be entitled to move or second motions, nor vote at any such meeting; nor are they entitled to hold **any executive position**.

Article 4.09 – NEW as of May, 2003

Any member who is laid off, or who obtains a leave of absence authorized by the employer, or who is laid off work due to long term disability, or who is in receipt of WSIB benefits, may remain a member in good standing in the Association and the local chapter to which the member belongs, for the time that the member is laid off work. If the member is not in receipt of any pay from the Employer, he/she shall not be required to pay dues or assessments covering the period of any such layoff or leave of absence upon return to active employment. Dues or assessments shall begin upon return to active employment.

Article 4.10 – NEW as of May, 2003

A member who has been terminated by the Employer shall, if a grievance is submitted challenging the termination, remain a member in good standing until the grievance is settled.

ARTICLE 5- CONSTITUTION and AMENDMENTS

Article 5.01

This Constitution shall represent in printed form the highest expression of the collective will of the membership of the Association, and shall be and remain the basis upon which the Association shall function. Any decision or act taken in the name of this Association which is contrary to any provisions of this Constitution shall be null and void, and without effect.

Article 5.02 - as amended May, 2002

Any part or parts of this Constitution may be amended or repealed, or any additions made thereto at the annual meeting or special meeting of the members of the Association, upon a two-thirds (2/3) majority vote of the members voting, provided that due and proper Notice of Motion is given, and that a quorum (10% as defined in article 11.05) of voting members is present at such meeting, and provided that the following procedure has been complied with:

- (a) A member desiring to propose an amendment to the Constitution of the Association shall present a Notice of Motion in writing setting forth the proposed change in advance of the Association's annual or special meeting. Such Notice of Motion shall be directed to the Provincial Secretary, and must be received no less than thirty (30) calendar days in advance of such annual meeting, or fourteen (14) calendar days in advance of a special meeting. In order to receive consideration, such motion must be supported either by the Constitution Committee, or by a resolution of a local Chapter (as hereinafter defined) passed at a regular meeting of any such local Chapter.
- (b) A Notice of Motion shall be included in the official notice of the annual or special meeting as part of the agenda of the meeting.
- (c) An amendment arrived at in the above manner shall take effect immediately.

Article 5.03

For the purpose of clarity herein, all references to the masculine gender shall be deemed to be references to the feminine gender wherever the context applies.

ARTICLE 6- STRUCTURE OF THE ASSOCIATION

Article 6.01 - Local Chapters - as amended May, 2001 and 2013

The Association shall have a local chapter for employees **in each bargaining unit** to whom membership has been granted. Governing Council must approve all applications for membership to the Association.

Article 6.02 - amended May, 2002 and 2013

A local chapter, as defined above, is created for the purpose of **representing the views and interests of the members in that bargaining unit**, but the bargaining rights granted in respect of such groups of employees shall be held by the Association. The Association is committed to the goal of eliminating barriers which prevent members from full participation in chapter and provincial activities. All members regardless of race, religion, sexual orientation, gender, physical or developmental challenges shall be enabled and encouraged to fully participate. In addition, all meeting places must be physically accessible as defined by the provincial legislation.

Article 6.03 - amended May, 1995

Local chapters shall have an executive and run their affairs pursuant to by-laws as hereinafter set forth in Article 20. For the purposes of clarity herein, membership in the Association also constitutes membership in a local chapter.

Article 6.04 - amended May, 2000

In the event of amalgamation of District School Boards, the present chapter and Governing Council structures will be adjusted to take into account the expanded membership. Any such structural changes must be approved by the membership at an Annual General Meeting or at a special meeting called for such a purpose.

ARTICLE 7- GOVERNING COUNCIL

Article 7.01- as amended May, 2007

The affairs of the Association shall be managed by a Governing Council, hereinafter referred to as the "Council". The Chapters shall be entitled to have representatives on the Council, elected on the following basis:

Two (2) to ten (10) employees in the bargaining unit
One (1) representative;

Eleven (11) to fifty (50) employees in the bargaining unit
Two (2) representatives;

Fifty-one (51) to one hundred (100) employees in the bargaining unit
Three (3) representatives.

One hundred-and-one employees or more in the bargaining unit
Four (4) representatives.

One of the Governing Council representatives from each chapter must be the local chapter President.

Article 7.02

The Council shall meet no less than twice per year.

Article 7.03 - as amended May, 1995

A quorum for meetings of the Council shall be fifty (50) percent, plus one, of the total number of its members, who are representative of no less than forty percent (40%) of the number of Chapters in the Association. Once a meeting has been duly commenced with a proper quorum present, that meeting shall remain validly constituted notwithstanding that the quorum may disappear during the course of the meeting.

Article 7.04 - as added May, 2004

The rules of procedure and order of business covering meetings of Governing Council shall be as defined by Roberts Rules of Order.

Article 7.05 - as amended June, 1999

The Council may, at its discretion, exercise all the rights and powers of the Association, with the exception of those which are by law, or by the Constitution, required to be exercised by the

Association in a general meeting. The Council may from time to time enact such standing rules not inconsistent with the Constitution, as it may deem necessary or advisable for the management of the Association and such standing rules shall be binding upon the members of the Association, provided that the Association membership, in an annual or special meeting, may at anytime, alter, amend, or add to such standing rules.

Article 7.06

Upon assuming office, members of the Council shall be required to accept the duties of their office and conscientiously perform them, including attendance at meetings of both the Council and the local chapter appropriate to them, and to assist to the extent of their abilities in the advancement of the just interests, aims and objectives of the Association, and to observe the Constitution of the Association, and upon conclusion of their term of office, to deliver up to the Association all books, papers, funds or other property of the Association, or its members entrusted to them as members of the Council.

Article 7.07

The Council shall have power to appoint such legal counsel to act as legal advisor to the Association in respect of all matters which it may from time to time direct, as it deems necessary and appropriate.

Article 7.08 – as amended May, 2004

In addition to the foregoing, the Council shall select or otherwise appoint from time to time from among its members an individual or individuals to chair any of the committees of the Association as the need arises.

Article 7.09 - as amended in May, 2007

Members of Council and any member at large engaged in Association business shall be paid a reasonable expense allowance

A committee of Chapter Treasurers, chaired by the Provincial Treasurer shall meet at least once per year to formally review all expense allowances. Any recommendations for changes to expense allowances will be presented at the next meeting of Governing Council. Proposals for changes to expense allowances outside this review, must be provided in writing to the Provincial Treasurer at least fourteen (14) days in advance of the next Governing Council meeting. No changes to expense allowances shall be made without a vote of approval by Governing Council.

All eligible expenses must be itemized using an APSSP expense claim form accompanied with the original receipt or a copy of such receipt. Receipts are not required for mileage claims.

ARTICLE 8- EXECUTIVE COMMITTEE

Article 8.01 - as amended May, 2004 and 2012

The Provincial Executive Committee shall consist of a President, four (4) Vice-Presidents, a Secretary, and a Treasurer. Each of these officers will be elected to a two-year term of office with the option of serving two additional two (2) year terms if duly elected. The past Provincial President shall continue to serve in a non-voting advisory capacity for one year.

As amended May, 2011

The Provincial Executive Committee may be elected from the general membership, or from Governing Council. Nominations for the Provincial Executive Committee shall be submitted in writing

to the Provincial Secretary bearing the consent of the nominee stating the member will accept office if elected. Nominations shall be accepted by the Provincial Secretary until 30 days prior to the Annual Meeting. If no person is willing and able to stand for election, nominations shall be accepted from the floor at the Annual Meeting.

The duties of the members of the Provincial Executive Committee of the Association shall be as follows:

As amended May, 2004

- a) The Provincial President, who shall be deemed to be the Chief Executive Officer of the Association, shall preside over all Annual, Governing Council and Special meetings, and shall perform such other duties as may be deemed necessary from time to time.

As amended May, 2010 and 2011

- b) In any emergency where the President requires or desires the guidance or decision of the Provincial Executive Committee and/or Governing Council, the members may be polled by letter, telephone, or electronic communication and a decision of the majority of the Members shall be taken as a decision of the Executive. At the next meeting of the Executive, the matter shall be reviewed and recorded.

As amended May, 2004

- c) The Provincial Vice-President of Grievance and Constitution shall act as President of the Grievance and Constitution Committee; he/she will attempt to ensure that employers recognize and utilize our members in a fair and proportionate fashion, and that the Constitution of the Association reflects the language and principles of equity of our members, and shall perform such other duties as may be deemed necessary from time to time.

As amended May, 2004

- d) The Provincial Vice-President of Negotiations shall preside over meetings of the Chief Negotiators as Chairperson of this committee, reporting back to Governing Council on the activities of the committee and to provide direction to this committee from Governing Council. The Vice-President for Negotiations and the Chief Negotiators committee shall attempt to ensure that Collective Agreements reflect the language and principles of equity for our members, and shall perform such other duties as may be deemed necessary from time to time.

As amended May, 2012

- e) The Provincial Vice-President of Public Relations shall act as the Provincial Chairperson of the Public Relations and Education Committees, shall act as Editor of the APSSP Newsletter, shall maintain the Provincial APSSP website, and shall perform such other duties as may be deemed necessary from time to time.

As amended May, 2003

- f) The Provincial Secretary of the Association shall record the Minutes of the meetings of the Provincial Executive Committee, the Council, and the Association, and be responsible for the records and communications of the Association, and make arrangements for all necessary meetings. The Provincial Secretary shall also be responsible for maintaining the Association's files, Policy Manuals, Membership Directory, Bring Forward File, shall chair the committee of chapter secretaries and perform such duties as may be deemed necessary from time to time.

As amended May, 2012

- g) The Provincial Treasurer of the Association shall receive all monies payable to the Association, and shall discharge all debts against the Association. The payment of any outstanding debts against the Association shall be by cheque or other electronic banking methods. All cheques shall be signed by the Provincial Treasurer and one (1) other signing officer of the Provincial Executive. These signing officers shall be named by the Provincial Executive from time to time.

At the Annual Meeting in each year, the Provincial Treasurer shall be required to present the financial statement(s) of the Association, showing its income and expenditures for the preceding fiscal year, as well as a statement of the Associations' net worth. The Provincial Treasurer shall also prepare and present such financial statements of the Association as may be called for by the membership of the Association from time to time.

The Provincial Treasurer will prepare and present a proposed budget to Council for ratification at the first meeting of the Council in each calendar year.

The Provincial Treasurer shall also perform such other duties as may be deemed necessary from time to time.

As amended May, 2006 to take effect as of the AGM in May, 2007

- h) The Provincial Vice-President of External Affairs shall act as the Provincial Chairperson of the External Affairs Committee, and of any other committees associated with the portfolio. He/she will develop and maintain communications with other unions and associations, and will monitor developments and communicate with Government as necessary and appropriate. He/she will inform members on any aspects relevant to this portfolio through the executive as necessary and appropriate. He/she shall perform such other duties as may be deemed necessary from time to time.

New article May, 2013

- i) The past Provincial President shall continue to act in a non-voting advisory capacity for a one year period of time to support the newly elected Provincial President and the Executive.**

New article May, 2004

- j) At the first executive meeting following the AGM, the executive committee shall elect from amongst themselves a second in command (vice-president) who shall assist the provincial president in carrying out his or her official duties in the temporary absence or incapacity of the Provincial President, he/she shall assume the duties and powers of the office of the Provincial President.

Article 8.02 - as amended May, 1997 and **2013**

If, for any reason, a vacancy shall occur in the Provincial Executive Committee, the Council shall elect a member to fill the vacancy until the next **Annual General Membership meeting, at which time an election will be held to fill the position for the remainder of the term.**

Article 8.03 - as amended May, 1991

A quorum for meetings of the Provincial Executive Committee shall be fifty (50) percent plus one member of such Provincial Executive Committee.

Article 8.04 - New as of June, 1999

Notwithstanding article 8.01, Governing Council has the option in times of significant change and transition for the association, of recommending an additional two-year term of office for an executive member, if it is viewed to be in the best interests of the Association. The member would serve the additional term if duly elected.

ARTICLE 9- CONDUCT OF ELECTIONS FOR COUNCIL

Article 9.01

Each local chapter shall be entitled to elect from among themselves representatives to the Council

as provided in Article 7. Every candidate for election to the Council shall be a member in good standing of the Association, and shall be nominated by a member in good standing of the local chapter in which the candidate for representative is standing for office.

Article 9.02 - as amended May, 1995

Balloting in the case of the election of representatives shall be conducted as follows:

Governing Council representatives shall be elected by the members of their local chapter at a duly constituted meeting in strict accordance with democratic procedures.

Article 9.03 - as amended May, 1995

That democratic procedures referred to in Article 9.02 are those prescribed by Robert's Rules of Order.

Article 9.04

Where no candidates are nominated in a local chapter, the Council may appoint a representative or representatives as the case may be, for a local chapter.

Article 9.05 - as amended May, 1995

If for any reason a vacancy shall occur in the position of representative to Council, the local chapter Executive shall appoint a new representative as soon as possible to fill the vacancy until the next annual meeting of the chapter, or in the event of their failure to do so, Council may make an appointment pursuant to Article 9.04 herein.

ARTICLE 10- ENTITLEMENT TO VOTE FOR REPRESENTATIVES

Article 10.01

Each member in good standing of the local chapter shall be entitled to vote in the election of representatives to Council of the Association from that chapter.

ARTICLE 11 - ANNUAL MEETING

Article 11.01 - as amended May, 2002

The annual meeting of the Association shall be held in the month of May each year.

Notice of such annual meeting shall be delivered to each member in good standing on the rolls of the Association.

Article 11.02 - as amended June, 1984

The Council, shall, no less than forty-five (45) calendar days in advance, determine the date, time and place of the annual meeting and cause a notice to that effect to be directed to all members in good standing of the Association. Such notice shall be clearly marked as "Annual Meeting Call" and shall set forth the date by which constitutional amendments must be received and the date by which any other Notice of Motion pertaining to the affairs of the Association must be received.

Article 11.03 - as amended June, 1984

No less than fifteen (15) calendar days in advance of such meeting, a final notice of the annual meeting shall be delivered to all members in good standing of the Association. Such final notice shall contain an agenda of all matters to be brought before the meeting, and shall contain full particulars of all notices

of motion relating to the change of this Constitution, or any other motion to be brought before the meeting, together with the names of the proposer and seconder of any such motion.

Article 11.04

All members of the Association shall be entitled to attend the Annual Meeting, and shall be entitled to vote at such meeting.

Article 11.05 - as amended May, 2003

A quorum of members at the annual meeting shall be ten (10) percent of the members of the Association. Once a meeting has been duly commenced with a proper quorum present, that meeting shall remain validly constituted notwithstanding that the quorum may disappear during the course of the meeting.

ARTICLE 12- SPECIAL MEETINGS

Article 12.01 - as amended May, 1991

Special meetings of the Association may be called at any time by the Council or shall be called by the Provincial President (chair of Council) upon the written request often (10%) percent of the membership of the Association. Notice of such meetings shall be given within three (3) weeks of any such written request, and the meeting shall be held within three (3) weeks of the giving of such notice. Fourteen (14) days in advance of such meeting, notice shall be delivered to all members in good standing. Such notice shall contain an agenda of all matters to be brought before the meeting, and shall contain full particulars of all notices of motion to be brought before the meeting, together with the names of the proposer and seconder of any such motion.

ARTICLE 13- RESOLUTIONS

Article 13.01

Resolutions passed at an Annual Meeting or special meeting shall be binding upon the Association until the next annual or special meeting.

ARTICLE 14- RULES OF PROCEDURE AT ANNUAL AND SPECIAL MEETINGS

Article 14.01

The rules of procedure and order of business covering annual meetings and special meetings shall be as defined by Roberts Rules of Order.

ARTICLE 15- VOTING AT ANNUAL OR SPECIAL MEETINGS

Appointment of Scrutineers (title added May, 2010)

Article 15.01 - as amended May, 2002 & May, 2010

The Provincial President shall appoint two (2) or more members of the Association to act as scrutineers of all votes and balloting at any such annual or special meeting.

- i. (deleted May 2010)
- ii. (deleted May 2010)

Article 15.02 - as amended May, 1991

The Provincial Secretary shall furnish each scrutineer with a current list of members entitled to vote

at annual or special meetings.

Article 15.03 - as amended May, 1991

The scrutineers so appointed shall arrange for the holding of any vote, shall distribute, collect and count ballots as used, and shall report the results to the Provincial President of the meeting.

Voting on Issues and Resolutions (title added May, 2010)

Article 15.04 - as amended May, 2010

Unless otherwise provided for in this Constitution, any resolution presented at a meeting of the Association, or any of its committees shall be deemed to have been carried, if a majority of the members present at the meeting, excluding abstentions, vote in favour of it.

Article 15.05 - as amended May, 1991

Voting shall be via a show of hands, unless the Provincial President otherwise directs or unless twenty-five (25) percent of the members present at such meeting shall, by motion made and seconded, call for a secret ballot.

Article 15.06

Unless otherwise provided for herein, any decision taken at a meeting, shall take effect forthwith at the conclusion of the meeting.

Voting for Officers on the Provincial Executive Committee (title added May, 2010)

Article 15.07 - as added May, 2010

All elections for officers on the Provincial Executive Committee shall be by secret ballot.

Article 15.08 - as added May, 2010

The candidate with the greatest number of votes for each position being contested shall be declared to be elected to the position in question.

Article 15.09 - as added May, 2010

If the election of an officer results in a tie, another vote will be taken between the leading tied candidates. Failing a resolution, the winning candidate's name will be drawn from a container.

Article 15.10 - as added May, 2010

Newly elected officers to the Provincial Executive Committee shall assume their responsibilities at the first executive meeting following the Annual Meeting at which they were elected, or by the 30th of the following month whichever occurs first.

ARTICLE 16- RECALL AND CONFIDENCE

Article 16.01 - as amended May, 1991

Any officer or representative, including any member of the Provincial or local chapter executive, may be recalled and shall be removed from office upon a vote of non-confidence. A non- confidence vote shall require a majority vote of the body designated in the Constitution or local by-laws as the

body responsible for the election of the said official or representative. A motion of non-confidence, in order to be considered, shall require a written motion, seconded by ten (10) percent of the membership of the body designated in the Constitution or local by-laws as the body responsible for the election of the said official or representative. Any member of the Executive Committee may also be recalled by a majority non-confidence vote at any annual or special meeting.

Article 16.02

When any officer or representative is removed from office upon a vote of non-confidence, the vacancy created thereby shall be filled according to the procedure established in this Constitution for the filling of a vacancy.

ARTICLE 17- REVENUES

Article 17.01 - as amended May, 2003

The revenue of the Association shall be derived as follows:

- (a) Local Chapters contribute dues to the Provincial Association. Any additional funds will be held in trust by the local chapter to further the aims and goals of APSSP. The Employer or each chapter shall *remit* to the Provincial Association as directed by the Treasurer of the Provincial Association, on a monthly basis, the appropriate portion of annual dues and initiation fees owing the Provincial Association in accordance with the dues structure fixed by Council. The dues structure established by Council shall be reviewed by the membership at a special meeting called for that purpose pursuant to the provisions of this Constitution, or at a subsequent annual meeting of the Association membership and in such event, the membership may confirm the decision of Council in establishing the amount of monthly or annual dues, as aforesaid, or reject such decision, and direct the Council to establish such greater or lesser sum as, in the opinion of the membership of the Association, the circumstances of the Association may dictate.

As amended May, 1994

- (b) Transmission of the appropriate portion of dues by employers or local chapters to the Treasurer of the Provincial Association shall be accompanied by a statement tabulating the total amount which would be due on the basis of the number of members of the Association in each local chapter, and the total amounts to the Provincial Association. The Treasurer of the local chapter shall also receive such a statement.
- (c) The Association may accept any donation, grant, bequest or other form or transfer of funds, or properties, from any charitable, governmental, educational or other source, and may agree with the transferor to devote the funds or properties so transferred to any specific purpose consistent with the objectives of the Association. However, nothing herein shall be deemed to permit the receipt of a donation from an employer of members of the Association.

Article 17.02

The Council may grant dispensations from payment of membership dues, when in its judgment such dispensation will promote growth or interests of the Association.

Article 17.03- as amended June, 1984

The Association shall have a right to levy assessments for special purposes upon and among its members, provided that any such assessment must first be approved at the annual or special meeting of the Association.

Article 17.04

Any funds owed to the Association by a local chapter pursuant to the provisions of this Constitution shall constitute a preferred claim, which must be paid promptly by the local chapter each quarter, prior to the payment of any other obligation of the local chapter.

ARTICLE 18- AUDIT

Article 18.01 - as amended May, 1990

The fiscal year of the Association shall be from January 1st, to December 31st, in any one year, unless otherwise designated by the Council. There shall be an auditor of the Association, and who shall be a chartered accountant.

The auditor shall be appointed by the Annual meeting, or a special meeting of the Association, and may not be dismissed except with the approval of the membership of the Association at an annual meeting, or at a special meeting called for that purpose. In the event that the auditor resigns or is otherwise unable to carry out his/her duties, the Council shall appoint a new auditor until the following annual or special meeting. The auditor shall conduct an audit once a year and this report will be presented to the annual meeting.

ARTICLE 19- LOCAL CHAPTERS

Article 19.01 - as amended June, 1999

Each member of the Association shall be assigned to the local chapter for the District School Boards, or providers of education in which he or she works.

Article 19.02

The by-laws of a local chapter may be amended or altered only with the approval of a two-thirds (2/3) majority vote at a meeting of a local chapter and with the approval of the majority of the Council of the Association.

No such amendment shall take effect until the approval of the Council has been obtained. Such approval shall not be withheld unless there is a conflict with the Constitution. Full details of the proposed amendments must be set out clearly in the notice of meeting called for that purpose, and sent to all members of the local chapter.

ARTICLE 20- BY-LAWS - PROVISIONS OF LOCAL CHAPTERS

Article 20.01

Subject to the provisions of Article 20 herein, every local chapter shall have by-laws with minimum provisions as follows:

By-Law #I - Name

This organization shall be known as the (name of local chapter) hereinafter referred to as the "Local Chapter".

By-Law #II - Executive Committee as amended May, 2004 & May, 2010.

The affairs of the local chapter shall be administered by an executive committee, which shall include at minimum the following:

- (a) President

- (b) One or more Vice-Presidents
- (c) Secretary
- (d) Treasurer

A member of the executive committee may hold more than one of the above positions.

The members of the local chapter executive have responsibility for the functions of Public Relations, Grievance, and Negotiations for the chapter.

If for any reason, a vacancy should occur in the executive committee of the local chapter, the remaining members of the executive committee shall elect or appoint a member of the local chapter to fill the vacancy until the next annual meeting of the local chapter is held.

In addition, all Governing Council representatives to which the local chapter is entitled under Article 7.01, shall sit on the executive committee, and may also hold an additional position on the executive committee.

The rules of procedure and order of business governing matters of a local chapter shall be as follows:

The Executive Committee shall meet at least once (1) every two (2) months during the school year.

By-Law #III

Throughout these by-laws the term "President" shall be deemed to refer to the "President" of the local chapter unless otherwise expressly stated.

By-Law #IV - Local Representatives - as amended May, 2009

An appropriate number of representatives may be elected to the Executive Committee, by and from the members of the local chapter, to represent employees employed in specific areas or functions of their employer's establishment. Representatives may be appointed by the Executive Committee only if a majority of the members of the local chapter, at a meeting called for that purpose, authorize the Executive Committee to do so.

By-Law #V - Committees - as amended May, 2004

Each local chapter shall elect a negotiating committee and a grievance committee, each of which shall consist of at least two (2) members.

- The grievance committee shall be chaired by the elected grievance officer or Vice- President, Grievance and shall include the local President.
- The negotiation committee shall be chaired by the elected chief negotiator or Vice- President, Negotiations. The composition of the committee shall be determined by the Chapter.
- In addition, the local Executive Committee shall have full power and authority to set up ad hoc committees of the local chapter and to appoint the members of each such committee from the members of the local chapter. These committees shall be subject to any restriction or regulation imposed upon them by the Executive Committee.

By-Law #VI - Elections - as amended May, 2003

The manner of election of executive officers shall be defined in the local by-laws. Such elections shall be held at least once every two (2) years.

By-Law #VII - Meetings

- (a) Once in every calendar year, there shall be an annual meeting of the local chapter called by the President. At least two (2) weeks notice of such meeting shall be given. During the annual meeting, reports shall be presented by each member of the Executive Committee, the affairs of the local chapter shall be reviewed and planned and elections should be held.
- (b) A special meeting of the local chapter may be called at any time and place by the President or by the President of the Association or shall be called at the request in writing of at least one-third (1/3) of the members of the local chapter, provided that any meeting requested by no fewer than one-third (1/3) of the members of the local chapter pursuant to the provisions of this by-law shall be held within twenty (20) days of the receipt by the President of any such request. At least one (1) week's notice of such meeting shall be given.

By-Law #VIII - Rules of Procedure - as amended May, 1991

- (a) The President or in her/his absence, or at her/his request, the Vice-President shall take the chair at the time specified at all annual and special meetings. In the absence of the President and the (1st) Vice-President, a Chairperson shall be chosen by the Executive Committee.
- (b) The President shall conduct the business of the meeting according to Roberts Rules of Order.

By-Law #IX - Quorum - as amended May, 2004.

A quorum for the transaction of business at a general or special meeting of a local chapter shall be twenty (20) percent of the membership or thirty (30) members whichever is less of such local chapter. Once a meeting has been duly commenced with a proper quorum present, that meeting shall remain validly constituted notwithstanding that the quorum may disappear during the course of the meeting.

By-Law #X - Duties of Officers - as amended May, 1995

- (a) President - the President shall be the senior Executive officer of the local chapter, and shall chair all meetings of the Executive Committee of the local chapter, and shall be one of the representatives on the Council of the Association. In the case of a tie vote of the Executive Committee of the local chapter, or of any other committee chaired by him/her, the President shall have a casting vote in addition to her/his own vote.
- (b) Vice-President - there shall be at least one (1) Vice-President elected from each of the bargaining units represented by a local Chapter. The Vice-Presidents so elected shall carry out duties as assigned to them by the President, one of who shall act in lieu of the President in her/his absence. Such a Vice-President shall sit, as of right, on the negotiating committee of the bargaining unit which has elected him and shall carry out such additional duties as assigned by the President, and shall have the capacity of acting in lieu of the President in the absence of the President.
- (c) Secretary - the Secretary shall receive applications (schedule "A") for new members. Each new member shall receive a copy of the Chapter's latest collective agreement and be notified that a copy of the Association's Constitution is on the APSSP website or upon request is available through the local executive.

By-Law #XI - Finances - as amended June, 1984 and May, 2008

- (a) Monies of the local chapter shall be kept in an account, bond, debenture, or note of a chartered bank, credit union, trust company or Canadian federal or provincial government.
- (b) Transactions shall be by cheque.

- (c) The Treasurer and the President or a Vice-President shall co-sign cheques.
- (d) The Treasurer shall make the financial records of the Chapter available for review by the Executive Committee of the Chapter on an annual basis.
- (e) At the annual meeting in each year the Treasurer shall present the financial statement of the Chapter and will prepare and present a proposed budget to be voted on by the membership. The Treasurer shall then provide the Provincial Treasurer with a copy of both the financial statement and the approved budget.

By-Law #XII - Dues and Assessments - as amended May, 2004

- (a) The local chapter may establish dues in addition to those set by the Association provided that any such dues must first be approved at a meeting of the local chapter.
- (b) The local chapter may levy assessments for special purposes upon its members, provided that any such assessment must first be approved at a meeting of the local chapter.

By-Law #XIII - Merger - as amended June, 1984

A local Chapter may, by a two-thirds (2/3) majority vote of the membership of the chapter, merge with and transfer its rights, privileges, duties and assets to one or more other local Chapters of the Association.

By-Law XIV - Decertification

All funds, properties, books and records held by or in the possession of a local chapter or its officers or executive committee members are and shall remain the property of the Provincial Association and are held in trust by the local chapter, and its officers or executive committee members, as the property of the Provincial Association. In the event that a local chapter or its members decertify from APSSP or ceased to be represented by APSSP, all funds, properties books and records held in trust shall be returned to the Provincial Association.

ARTICLE 21 - COLLECTIVE AGREEMENTS, NEGOTIATIONS, SIGNING OFFICERS, RATIFICATION

Article 21.01

The Council may from time to time appoint one or more negotiating committees subject to the conditions established hereinafter.

Article 21.02

The bargaining rights granted in respect of employees in local chapters as defined in Article 6.02 shall be held by the Association.

Article 21.03- as amended June, 1999

Local chapters shall have the right to appoint at least one (1) member to the Provincial Association Negotiating Committee. This member may be the local chief negotiator or a current representative of the local negotiating team.

Article 21.04- as amended May, 2005

Any collective agreements with employers of members of local chapters shall be signed and entered into by the Association as the contracting party on behalf of the members affected thereby, and the Association shall authorize a member or members to sign any such agreements on its

behalf. Any such agreements shall also be signed by two (2) or more representatives of the local chapter whose members are affected thereby. One of these members must be the local chapter president. Any disagreement between the Association representative(s) and a majority of the local chapter representatives as to whether any such local collective agreement shall be entered into shall be resolved by the Council.

Article 21.05 - as amended May, 2009

There shall be a local negotiating committee at each chapter which shall be chaired by the chief negotiator or Vice-President Negotiations of the chapter. The composition of the committee shall be determined by the chapter.

Article 21.06

The Association members in a local chapter shall have the right to examine and accept or reject by majority vote in the bargaining unit so affected, any contract recommended by the local negotiating committee. In the event that the membership of a local chapter in a bargaining unit represented by the Association rejects a contract negotiated by the local negotiating committee, a meeting of the Council of the Association shall be called to examine such contract, and confirm or reject the rejection of it by members of the bargaining unit so affected. If Council does not confirm the rejection of the contract, the local chapter shall be required to pay the cost of any arbitration procedures provided for under any statutes or agreements in that behalf, provided for the resolution of interest disputes between an employer and its employees, or to assume the burden of any economic sanctions imposed by such membership against an employer.

Article 21.07- new article May, 2005

Any agreement must be signed by at least two (2) members of the local chapter executive, one of which must be the president.

ARTICLE 22- GRIEVANCE - as amended May, 1981

Article 22.01

Each chapter shall have a grievance committee consisting of two (2) or more members.

Article 22.02

In the case of a resignation from the grievance committee, the local executive shall appoint a replacement.

Article 22.03 - as amended May, 1991

Grievances shall be processed by the local grievance committee acting on behalf of Governing Council, in accordance with the provisions laid down in the local collective agreement. Should dispute arise between a member of the bargaining unit and her/his grievance committee, the member may appeal a decision to Governing Council, and the issue will be resolved by Governing Council.

Article 22.04

A copy of all documentation received by the grievance committee which reflects upon the performance of any member of a bargaining unit, or upon the member's past performance as related to the grievance initiated by that member, shall be given to the member.

Article 22.05

A grievor seeking an appeal under this Article shall be given written notice of the time and place of any meeting between Governing Council and management, and, or any meeting of appeal under the grievance procedure. Such notice shall be delivered to the home address of the grievor at least forty-eight (48) hours before any such meeting.

ARTICLE 23- TRUSTEESHIP

Article 23.01 - as amended May, 1991

In any situation where there is reason to believe that a local chapter has adopted or undertaken policies or activities contrary to the Constitution, a resolution of the Association or of statutory or other law, the Council shall have the power, upon a two thirds (2/3) majority vote of the total membership of Council, to take one or more of the following steps:

- (a) to conduct an investigation into the affairs of the local chapter;
- (b) to require the local chapter to amend and rectify any policies or activities contrary to the Constitution or resolution of the Association, or statutory or other law;
- (c) to suspend the executive of the local chapter on such terms and conditions as the Council may deem fit;
- (d) to appoint a trustee or trustees to assume control of the affairs of the local chapter.

Where the officers of a local chapter are suspended or Trustees are appointed pursuant to the provisions of this Article, the Provincial President of the Association shall call a special meeting of the local chapter to be held within thirty (30) days of the aforementioned suspension or appointment, at which meeting the Council of the Association shall explain, insofar as is possible, the reasons for the aforementioned suspension or appointment. Any action of the Council under this Article may be appealed to the Annual Meeting, or to a special meeting of the Association called for that purpose.

Article 23.02 - as amended May, 1991

Whenever a trustee for a local chapter has been appointed, pursuant to this Article of the Constitution, such trustee shall take over the complete direction, control and supervision of the local chapter. Her/his acts and decisions shall not be subject to review or reversal by the local chapter or by its Executive Committee, but only by the Council or general membership of the Association. Such trustee may, in the performance of her/his duties, and at her/his sole discretion, replace or supplant the elected officers of the local chapter. She/he shall be solely capable of and responsible for acting in the name of such local chapter.

ARTICLE 24- FUNDS AND PROPERTIES

Article 24.01

Where the Council makes any of the orders provided for under Article 23.00 herein, or when a local chapter dissolves itself, the Council may order that all funds and properties of any nature held by such local chapter shall revert to the Association to be held in trust for a period of two (2) years, for the purpose of effecting a reorganization of the said local chapter. If such reorganization is effected, such funds and properties of the local chapter shall be reinvested with the local chapter for its use and benefit. If the local chapter is not reorganized within a period of two (2) years, such funds

and properties shall revert to the general funds of the Association.

Article 24.02 - as amended May, 1991

Where the Council orders that all funds and properties held by a local chapter shall revert to the Association, it shall be the duty of the officers of the local chapter to deliver forthwith all funds and properties of any nature held by the local chapter to the Provincial President or her/his duly authorized agent, who shall be entitled to take immediate possession of all funds, properties, books and records of the local chapter, and shall have authority to bring appropriate legal proceedings to secure such funds, properties, books and records.

ARTICLE 25- MERGER, AMALGAMATION OR FEDERATION Article

Article 25.01 - as amended June, 1984

No amendment authorizing an affiliation, merger or amalgamation which transfers bargaining rights or jurisdiction to any other union or employee association shall be effective unless approved by two-thirds (2/3) of the total membership, in a secret ballot conducted for that purpose in the manner prescribed in Schedule "C attached hereto, and forming part of this Constitution.

Article 25.02

Federation or affiliation with any other union or employee's association which does not transfer bargaining rights or jurisdiction shall require amendment to this Constitution as provided for in Article 5.

ARTICLE 26- DEFINITIONS

Article 26.01 - deleted in full as of May 2008

ARTICLE 27- CODE OF MEMBERSHIP CONDUCT - May, 1993

Preamble as amended May, 2005

In keeping with our objectives as expressed in Article 3 – Purpose, the membership of the Association asserts and subscribes to the following Codes of Membership Conduct which protects the clients, the members and the Association.

Article 27.01

Members shall strive to conduct their responsibilities in a fashion that will not negatively affect their clients or the membership of the Association.

Article 27.02 – as amended May, 2005

All members of the Association shall work towards common goals of unity and professionalism by collectively and cooperatively improving the welfare of the Association and its membership.

Article 27.03

For the purpose of advancing the goals of the Association, all members are equal partners in the Association. Each member shall display respect for the work of all members and disciplines. Members shall refrain from public criticism of their colleagues.

Article 27.04 – as amended May, 2005

With the exception of promotional literature, all Association literature and communications, at any level should be considered private unless otherwise indicated by the Provincial Body. Members shall refrain from sharing information relating to grievances, legal matters or contract negotiations, which may have negative impact on the membership of the Association.

Article 27.05

When holding office within a local Chapter or at the Provincial Level, members shall represent all disciplines and members in a fair and just manner.

Article 27.06

When sitting on Board or Association committees, members shall respect the viewpoints of fellow members who represent the various disciplines within the Association.

Article 27.07 – as amended May, 2005

Officers and Representatives in the Association shall make a reasonable effort to consult with appropriate members of various disciplines prior to representing them or entering into any agreement which may have impact on their work, clients or working conditions.

Article 27.08

Members shall pursue concerns or complaints through the appropriate channels within the association or other lawful means.

ARTICLE 28- COMPLAINTS, MEDIATION & SANCTIONS – May, 1993

The Association and its membership agree to support a unified approach to Negotiations, Grievances, Ethical and Professional issues, which impact both individually and collectively upon its members. Each Chapter and discipline has the right to function without being undermined, controlled or jeopardized by individual members or groups of members who do not duly respect the best interest of the membership as a whole.

Article 28.01

All complaints lodged by APSSP member(s) against APSSP member(s) must have substance within the Code of Membership Conduct or other articles embodied within this constitution. Beyond that, any individual member may elect to pursue other remedies under the Ontario Human Rights Code or the provisions of the Civil or Criminal Law.

Article 28.02

When concerns or complaints arise about a member or when a dispute arises between members within a Chapter, the Chapter Executive shall attempt to secure a suitable mechanism for a mediated resolution. A mediated resolution is one, which meets with the mutual agreement of the disputants, without prejudice to either party.

Article 28.03 – as amended May, 2005

When concerns or complaints arise about an officer or group of officers within a Chapter, the Provincial Executive, through a Vice-President of Grievance and Constitution shall attempt to secure a suitable mechanism for a mediated resolution. A mediated resolution is one, which meets with the mutual agreement of the disputants, without prejudice to either party.

Article 28.04 – as amended May, 2005

When concerns or complaints arise about an officer or group of officers of the Provincial Executive, Governing Council shall attempt to secure a suitable mechanism for a mediated resolution. A mediated resolution is one, which meets with the mutual agreement of the disputants, without prejudice to either party.

Article 28.05

When a mediated resolution is unattainable or inappropriate, the (a) Chapter Executive in article 28.02, (b) Provincial Executive in article 28.03, or (c) Governing Council in article 28.04, shall review the concern and decide, by a simple majority vote, upon an appropriate action or sanction.

Article 28.06 – as amended May, 2005

The individual member(s) may appeal the decision or sanction to the next level of consideration as set out above in this article and may ultimately appeal to the collective membership at a regular or specially convened General Meeting of the Provincial Association. Frivolous or vexatious complaints under the APSSP constitution and/or harassment of any member by any other member will be discouraged and may be subject to sanction.

Article 28.07 - as amended May, 2005

APSSP SANCTIONS may include:

- a) removal of the right to attend Chapter or Provincial Level Meetings
- b) removal of the right to Chapter or Provincial minutes and communications
- c) removal of Association funding for conferences, etc.
- d) removal of the right to attend any Association function.
- e) removal of the right to vote on APSSP matters – except where the right to vote is entitled by law.
- f) removal of the right to serve on Local or Provincial Executive or any other committee or group representing the Association

Article 28.08

The association reserves the right to notify appropriate employers, in writing, that the sanctioned employee does not represent the purpose or viewpoint of the Association.

Article 28.09

The duration of any sanction shall be established by the body that imposes it. All sanctions shall be reviewed, at least annually, and be lifted at any time following a review.

Article 28.10

It is acknowledged that the Ontario Human Rights Code the Federal Charter of Rights and Freedoms the Civil and criminal Law, and/or the Code of Ethics applicable to various disciplines may supersede the provisions of the Articles.

Article 28.11

APSSP will provide an Association representative to advise any member involved in an employment related complaint under the Ontario Human Rights Code, either as a complainant or as a respondent, or both.

SCHEDULE "A"

APSSP MEMBERSHIP REGISTRATION FORM

(as amended May, 2000)

SEND COMPLETED FORM TO ASSOCIATION SECRETARY

DATED: _____ 20____

SURNAME: _____ **GIVEN NAMES** _____
(please print)

ADDRESS: _____

_____ **CITY:** _____ **P.C.** _____

TELEPHONE NUMBERS HOME: _____ WORK: _____

EMAIL: _____ FAX: _____

PROFESSION: _____ **FULL TIME** **PART TIME**
PERMANENT **TEMPORARY**

EMPLOYER: _____

ADDRESS: _____

I hereby make application to become a member of The Association of Professional Student Services Personnel. In doing so, I of my own free will and accord hereby authorize the Association of Professional Student Services Personnel or its representatives, or officers, to act for me as Collective Bargaining Agent in negotiating the relationship in all matters pertaining to rates of wages, hours of work and all other terms and conditions of my employment with my employer.

SIGNATURE: _____ **WITNESSED BY:** _____

***Bolded* items must be completed in order to be able to send out notices to members such as the AGM or other important notices. This information will be included in the APSSP Directory which is distributed only to each member of the local and provincial executive and Governing Council members and not to the general membership.**

The remaining fields are optional although it would be very helpful if you could indicate one method to contact you in addition to your address.

SCHEDULE "C" BALLOTING IN THE CASE OF AFFILIATION, MERGER, ETC.

Balloting in the case of affiliation, merger, amalgamation, or transfer of jurisdiction shall be conducted as follows:

- (a) The question shall be printed on the ballot in a manner so as to clearly place before a person called upon to mark such ballot, the nature of the question asked, and the question put shall be printed on such ballot in such a fashion that a person making such a ballot may indicate in a simple manner a negative or affirmative answer.

Do you wish A.P.S.S.P. to merge with XYZ Union?

Yes: _____

No: _____

- (b) Such ballots may be marked by a person making it with a tick (\ /), or an X (x), or in any other way which indicates a clear choice. Ballots marked in any fashion or in a manner which would reveal the identity of the voter, shall be deemed to be spoiled, and shall not be counted.
- (c) Ballots shall be printed and mailed to all members in good standing of the Association, and shall be returned to the Association sealed in a plain envelope, which in turn is enclosed in an envelope, marked on the outside with the name and address of the person returning it, by a date fixed by the Provincial Executive.
- (d) Envelopes marked with the names of persons not recorded as members in good standing shall be destroyed immediately, together with their contents.
- (e) Envelopes marked with the names of persons who are members in good standing of the Association shall be opened, and the unmarked envelope inside shall be placed in a ballot box, and the said ballot box shall be sealed until midnight of the day for voting fixed by the Board.

Counting of Ballots shall take place in the following manner and sequence:

- (a) The Ballot box shall be opened by an independent person or agency, not in any way affiliated or associated with the professional or employment categories represented by the Association, or the union in respect of which the question is being asked, or with the Association itself, and who has been named at least six (6) weeks in advance if the taking of the vote as chief electoral officer by the Executive Board. Such person shall be charged with the responsibility of counting the ballots, following procedure hereinafter set forth.

- i. removal of ballots from unmarked envelope
- ii. envelopes which have any markings on them shall be immediately destroyed and their contents not counted
- iii. the ballots shall then be counted and at the conclusion of counting, shall be put in a sealed ballot box and preserved for a period of sixty (60) days
- iv. the results of the ballot shall then be released to the Provincial Chairperson of the Association and the representative of the union in respect of which the question is asked, immediately, and for publication.

Challenge to Balloting – as amended May, 1991

At the conclusion of the counting of the ballots as provided in paragraph 2 herein, and following the announcement of the results of the ballot as provided for in paragraph 2 (a) herein, a challenge to the counting of the ballots may be made in the following manner:

- (a) Any challenge to the count must be made within thirty (30) days of the vote as aforesaid by Notice in writing given to the Chairperson of the Association or in his/her absence, or inability to act, to such officer of the Association as may have been named for that purpose by the Provincial Executive Board.
- (b) Any such recount must be made within the sixty (60) day period as provided for in paragraph 2 (c) herein, it being understood that the period as aforesaid commences at midnight of the day which was set by the Provincial Executive Board as the day fixed for balloting. The costs of the recount as aforesaid shall be borne by the party demanding it.
- (c) At the expiration of the sixty (60) day period as aforesaid, and if no challenge to the count has been made by midnight of the sixtieth (60th) day of the period provided for herein, the ballots shall be destroyed.
- (d) At the conclusion of the count as provided for in sub-paragraph (b) herein, the results shall be announced by the chief electoral officer.