



# Constitution

**2023**

*Following amendments made at the AGM in May, 2023*

**CONSTITUTION OF THE ASSOCIATION OF PROFESSIONAL STUDENT SERVICES**  
**PERSONNEL**

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**Preamble:** In 2023, each Article and Sub-Article of the Constitution was amended to simplify the language.

## **ARTICLE 1 – NAME**

### Article 1.01

The name of this organization is the Association of Professional Student Services Personnel (to be known in short as “APSSP”) and is referred to as the “Association” in this document.

## **ARTICLE 2 - ADDRESS**

### Article 2.01

The business address of the Association is designated by the Provincial Executive Committee and may be changed as needed.

### Article 2.02

The address for service of process and notices to the Association is the law firm designated by the Council as solicitors for the Association.

## **ARTICLE 3 - PURPOSE** *Amended May 2022*

### Article 3.01

The purpose of the Association is to obtain the following for its members through collective bargaining and other lawful means:

- a) the regulation of relations between its members and those who employ their services;
- b) improvements in the terms and conditions of their employment, and matters related to their employment;
- c) protection from arbitrary or unjust treatment with respect to their employment; and
- d) promotion of equality of its members based on Protected Grounds as itemised in the [Ontario Human Rights Code](#).

### Article 3.02

The organization strives to:

- a) remove barriers in the workplace that prevent equality;
- b) advance the economic and social well-being of its members; and
- c) carry out objectives that are in the best interests of the membership, as directed by them, to secure the highest possible level of professional standards.

### Article 3.03

APSSP recognizes the value that diversity brings to our work, and is committed to promoting diversity, equity, and inclusion. APSSP practices, including any recruitment for participation on committees on behalf of APSSP, will support diversity, equity, and inclusion principles by aspiring to represent the membership in all ways possible.

## **ARTICLE 4 - MEMBERSHIP**

### Article 4.01

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

### Article 4.02

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

### Article 4.03 *Amended May, 2017; Amended May, 2022*

No person qualifying for membership will be refused membership in this organization, or any of the rights, privileges or benefits of the organization, as per the provisions noted in the [Ontario Human Rights Code](#).

### Article 4.04

Upon receipt by the Association of a completed membership application form (Schedule "A" or similar) from a person qualified for membership, that person will become a member of the Association.

### Article 4.05 *Amended May, 2022*

Each member will advise the Chapter Secretary promptly of any change of address or may advise the Secretary where they wish to receive their mail. The Chapter Secretary will advise the Provincial Secretary of the membership status of all members of the Chapter monthly.

A membership directory will be maintained by the Association and updated on an annual basis, as directed by the Provincial Executive.

Any communication to members will not identify marital status or educational status. Any notice or other communication given or sent by mail to the member's last known address on file with the Provincial Secretary will be deemed to have been sufficiently given or sent.

### Article 4.06

Any member in arrears of payment of dues, assessments, or otherwise for a period of 60 calendar days and who has been given 30 calendar days' written notice of such arrears, will be automatically suspended from membership in the Association. The Association will consider any compassionate grounds for relieving the member from such payment. Upon payment of dues owing to APSSP, the member will be reinstated to the Association.

### Article 4.07

A person who has been suspended from membership in accordance with this Constitution will not be deemed to be a member in good standing. They will not be entitled to attend meetings, to hold office or to be a candidate for office in the Association.

### Article 4.08 *Amended May, 2013*

- I. A person who retires from active employment may retain status as an associate member and will 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 and/or Chapter from which they retired. They will not be entitled to move or second motions, vote at any meeting, or hold any executive position.

## Article 4.09

Any member who:

- a) is laid off;
- b) obtains a leave of absence authorised by the employer;
- c) is off work due to long term disability;
- d) or 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 off work due to any absence as noted above.

If the member is not in receipt of any pay from the Employer, they will not be required to pay dues or assessments covering the period of absence, and will not owe dues retroactively upon return to active employment. Dues or assessments shall begin upon return to active employment.

## Article 4.10

A member who has been terminated by the Employer will, 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 represents the highest expression of the collective will of the membership of the Association. It is the basis upon which the Association functions. Any decision or act taken in the name of this Association that is contrary to any provisions of this Constitution will be null and void, and without effect.

## Article 5.02

Any part of this Constitution may be amended, repealed, or added to at the annual meeting or special meeting of the members of the Association, following this procedure:

- a) A member proposing an amendment to the Constitution will present a Notice of Motion in writing specifying the proposed change in advance of the Association's annual or special meeting.

The Notice of Motion must be directed to the Provincial Secretary and must be received no less than-30 calendar days in advance of the annual meeting, or 14 calendar days in advance of a special meeting.

In order to be considered, the motion must be supported either by the Constitution Committee, or by a resolution of a Local Chapter passed at a regular meeting of that Local Chapter.

- b) A Notice of Motion must be included in the official notice of the meeting as part of the agenda of the meeting.
- c) A quorum of ten percent (10%) as defined in article 11.05 must be present.
- d) A two-thirds (2/3) majority of the members voting is required.

An amendment arrived at in the above manner shall take effect immediately.

## **ARTICLE 6 - STRUCTURE OF THE ASSOCIATION'S LOCAL CHAPTERS**

### Article 6.01 – *Amended May, 2021*

The Association will have a Local Chapter for employees in each bargaining unit to whom membership has been granted.

### Article 6.02 – *Amended May, 2017; Amended May, 2022*

A Local Chapter is created for the purpose of representing the views and interests of the members in that bargaining unit. The bargaining rights granted to Local Chapters are held by the Association. The Association is committed to eliminating barriers which prevent members from full participation in chapter and provincial activities.

All members, as protected under the [Ontario Human Rights Code](#) will 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

Membership in the Association also constitutes membership in a Local Chapter. Local Chapters will have an executive and run their affairs according to by-laws as set out in Article 20.

### Article 6.04

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 meeting or at a special meeting called for that purpose.

## **ARTICLE 7 - STRUCTURE OF THE ASSOCIATION'S GOVERNING COUNCIL**

### Article 7.01 – *Amended May, 2022*

The business of the Association will be managed by a Governing Council. Each chapter is entitled to have representatives on Governing Council, elected on the following basis:

2 - 10 Employees in the bargaining unit	1 Representative
11 - 50 Employees in the bargaining unit	2 Representatives
51 - 100 Employees in the bargaining unit	3 Representatives
101 or more employees in the bargaining unit	4 Representatives

One of the Governing Council representatives from each Local Chapter must be the Local Chapter President unless they do not qualify due to holding a seat on the Provincial Executive. Under these circumstances, an alternate for the Local Chapter President will be appointed or elected by the Local Chapter Executive.

### Article 7.02

The Governing Council will meet no less than twice per year.

### Article 7.03

A quorum for meetings of Governing Council will be fifty percent (50%), plus one, of the total number of its members. It must also represent at least forty percent (40%) of the number of Chapters in the Association. Once achieved, quorum remains even if members leave the meeting.

Article 7.04 – *Amended May, 2021*

The rules of procedure and order of business covering meetings of Governing Council will be as defined by *Robert's Rules of Order*.

Article 7.05

Governing 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.

Governing Council may enact standing rules that are consistent with the Constitution that are deemed necessary for the management of the Association. Standing rules will be binding for members of the Association.

Association membership, in an annual or special meeting, may at any time, alter, amend, or add to such standing rules.

Article 7.06 – *Amended May, 2022*

Upon assuming office, members of Governing Council are required to perform their duties conscientiously, including attendance at all meetings of both Governing Council and the Local Chapter, and to assist in the advancement of the interests, aims, and objectives of the Association, and to observe the Constitution of the Association.

Upon the conclusion of a Governing Council Member's term of office, they must deliver to the Association all books, papers, funds or other property of the Association.

Article 7.07

Governing Council has authority to appoint legal counsel to act as legal advisor(s) to the Association with respect to any matters deemed necessary.

Article 7.08

Governing Council will select or otherwise appoint from among its members an individual or individuals to chair any of the committees of the Association as the need arises.

Article 7.09

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

A committee of Chapter Treasurers chaired by the Provincial Treasurer will meet at least once per year to formally review all expense allowances. The committee will present any recommendations for changes to expense allowances 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 14 calendar days in advance of the next Governing Council meeting

No changes to expense allowances can 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. Receipts are not required for mileage claims.

## **ARTICLE 8 - STRUCTURE OF THE ASSOCIATION'S EXECUTIVE COMMITTEE**

### Article 8.01 – *Amended May, 2019; Amended May, 2022*

The Provincial Executive Committee will consist of a President, three 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-year terms if duly elected. The past Provincial President may continue to serve in a non-voting advisory capacity for one year.

If it is viewed to be in the best interest of the Association, Governing Council can determine that one or more of the positions to be elected at an Annual Meeting will be for a one-year term of office, provided notice is given to the membership prior to that Annual Meeting.

Any member elected to complete a one-year term of office will have the option of serving up to three additional consecutive terms in that position, if duly elected.

The Provincial Executive Committee may be elected from the general membership or from Governing Council.

Nominations for the Provincial Executive Committee must be submitted in writing to the Provincial Secretary and must bear the consent of the nominee and state that the member will accept office if elected.

Nominations will be accepted by the Provincial Secretary until 30 calendar days prior to the Annual Meeting.

If no person is willing and able to stand for election, nominations will be accepted from the floor at the Annual Meeting.

### Article 8.02

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

- a) *Amended May 2021* - The Provincial President, deemed to be the Chief Executive Officer of the Association, will preside over all Annual, Governing Council, and Special meetings. The President will attend any Standing Committee meeting, voting or non-voting, as required. The President will perform other duties as necessary.
- b) In any emergency where the Provincial President requires the guidance or decision of the Provincial Executive Committee and/or Governing Council, the members may be polled by letter, telephone, or electronic communication. A decision of the majority will be taken as a decision of the Executive. At the next meeting of the Executive, the matter will be reviewed and recorded.
- c) The Provincial Vice-President of Grievance and Constitution will:
  - i) act as chairperson of the Grievance and Constitution Committee;
  - ii) attempt to ensure that Employers follow the members' Collective Agreements and ensure that Employers treat members in a fair and equitable fashion;
  - iii) review and propose amendments to the constitution and ensure that the constitution reflects the principles of equity;
  - iv) perform other duties as necessary.



- d) *Amended May 2022* - The Provincial Vice-President of Negotiations will act as Chairperson at meetings of the Chapter Head Negotiators. They will report back to Governing Council on the activities of the Head Negotiators and provide direction to the Head Negotiators from Governing Council. The Provincial Vice-President for Negotiations and the Head Negotiators will attempt to ensure that Collective Agreements reflect the language and principles of equity and will perform other duties as necessary.
- e) *Amended May, 2021* - The Provincial Vice-President of Public Relations will act as the Provincial Chairperson of the Public Relations (PR) and Education Committees. They will support and coordinate all PR activities as deemed necessary.
- f) *Amended May, 2021* - The Provincial Secretary will make arrangements for all Provincial meetings and record the minutes for Provincial Executive Committee, Governing Council, and all Provincial Association meetings.

The Provincial Secretary will be responsible for maintaining the records and sending communications of the Association; for maintaining the Association's files, Policy Manuals and Membership Directory; chairing the committee of Local Chapter secretaries and performing duties as necessary.

- g) *Amended May, 2012* - The Provincial Treasurer of the Association will receive all monies payable to the Association and will discharge all debts against the Association. The payment of any outstanding debts will be by cheque or electronic banking methods. All cheques will be signed by the Provincial Treasurer and one other signing officer of the Provincial Executive. These signing officers will be named by the Provincial Executive.

At each Annual Meeting, the Provincial Treasurer will 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 will also prepare and present financial statements of the Association as may be called for by the membership. The Provincial Treasurer will prepare and present a proposed budget to Governing Council for ratification at the first meeting of the Governing Council in each calendar year.

The Provincial Treasurer will also perform other duties as deemed necessary.

- h) *Amended May, 2019; Amended May, 2022* - The past Provincial President may continue to act in a non-voting advisory capacity for a one-year period to support the newly elected Provincial President and the Executive.
- i) At the first Executive meeting following the Annual Meeting, the Executive Committee will elect from amongst themselves a second-in-command (vice-president) who will assist the Provincial President in carrying out their official duties. In the temporary absence or incapacity of the Provincial President, the second-in-command will assume the duties and powers of the office of the Provincial President.
- j) *Amended May, 2013* - If, for any reason, a vacancy occurs in the Provincial Executive Committee, Governing Council will elect a member to fill the vacancy until the next Annual meeting, at which time an election will be held to fill the position for the remainder of the term.

## Article 8.03

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

## Article 8.04

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 8.05 – *Amended May, 2017*

Notwithstanding article 8.01, Governing Council may add an additional officer to the Provincial Executive Committee or discontinue an existing position if it is viewed to be in the best interests of the Association.

- a) In the case of an addition, Governing Council will elect a member to fill the position until the next Annual Meeting, at which time an election will be held to fill the position for either a one-year or two-year term at the discretion of Governing Council.
- b) In the event a position is discontinued, the incumbent officer will remain on the Provincial Executive Committee until the next Annual Meeting. Notice will be given prior to the next Annual Meeting of the decision of Governing Council to discontinue the position.

If the decision is rejected by the membership, the current incumbent will complete the remainder of their term. However, if their term has expired, and the incumbent declines to remain in the position, or the position is vacant, nominations will be taken from the floor.

Article 8.06 – *Amended May, 2017*

Notwithstanding article 8.02, Governing Council may elect not to fill a vacancy until the next Annual Meeting, if it is viewed to be in the best interests of the Association. In such a case, the position will remain vacant until the next Annual Meeting at which time an election will be held to fill the position for the remainder of the term.

## **ARTICLE 9 - CONDUCT OF ELECTIONS FOR GOVERNING COUNCIL**

Article 9.01 – *Amended May, 2022*

Each Local Chapter is entitled to elect (or appoint if necessary) from among themselves, representatives to Governing Council as provided in Article 7. Every candidate for election to Governing Council must be a member in good standing of the Association and be nominated by a member in good standing from that chapter.

Article 9.02 – *Amended May, 2022*

Balloting in the case of an election of representatives will be conducted as follows: Governing Council representatives may be elected by the members of their Local Chapter at a duly constituted meeting in strict accordance with democratic procedures.

## Article 9.03

The 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, Governing Council may appoint a representative or representatives for that chapter.

## Article 9.05

If for any reason a vacancy occurs in the position of representative to Governing Council, the Local Chapter Executive will appoint a new representative as soon as possible to fill the vacancy until the next Annual Meeting of the Chapter. Should this not be possible, Governing Council may make an appointment according to Article 9.04.

## **ARTICLE 10 - ENTITLEMENT TO VOTE FOR REPRESENTATIVES**

## Article 10.01

Each member in good standing of the Local Chapter is entitled to vote in the election of representatives to Governing Council from that Local Chapter.

## **ARTICLE 11 - ANNUAL MEETING**

## Article 11.01

The Annual Meeting of the Association will be held in the month of May each year. Notice of the Annual Meeting will be delivered to each member in good standing on the rolls of the Association.

## Article 11.02

Governing Council will, no less than 45 calendar days in advance, determine the date, time and place of the Annual Meeting. A notice to that effect will be directed to all members in good standing of the Association. This notice will be clearly marked as an Annual Meeting call and will state the date by which constitutional amendments and any other Notice of Motion pertaining to the affairs of the Association must be received.

## Article 11.03

A final notice of the Annual Meeting will be delivered to all members in good standing of the Association no less than 15 calendar days in advance of the meeting. The final notice will contain:

- a) an agenda of all matters to be brought before the meeting,
- b) full particulars of all Notices of Motion relating to the change of this Constitution
- c) any other motion to be brought before the meeting, including the names of the proposer and seconder.

## Article 11.04

All members in good standing of the Association are entitled to attend and vote at the Annual Meeting.

## Article 11.05

A quorum of members at the Annual Meeting will be 10 percent (10%) of the members of the Association. Once achieved, quorum remains even if members leave the meeting.

## **ARTICLE 12 - SPECIAL MEETING**

Article 12.01 – *Amended May, 2021*

Special meetings of the Association may be called at any time by Governing Council. In addition, the Provincial President will call a special meeting upon the written request of ten percent (10%) of the membership of the Association.

Notice of such meetings will be given within 21 calendar days of any such written request. The meeting will then be held within 21 calendar days of notice.

Notice will be delivered to all members in good standing 14 calendar days in advance of the meeting. The notice will contain:

- a) an agenda of all matters to be brought before the meeting,
- b) full particulars of all notices of motion to be brought before the meeting, including the names of the proposer and seconder.

## **ARTICLE 13 - RESOLUTIONS**

### Article 13.01

Resolutions passed at an Annual Meeting or Special Meeting will 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 will be as defined by *Robert's Rules of Order*.

## **ARTICLE 15 - VOTING AT ANNUAL OR SPECIAL MEETINGS**

### Appointment of Scrutineers:

#### Article 15.01

The Provincial President will appoint two or more members of the Association to act as scrutineers of all votes and balloting at any such Annual or Special Meeting.

#### Article 15.02

The Provincial Secretary will furnish each scrutineer with a current list of members entitled to vote at Annual or Special Meetings.

#### Article 15.03

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

### Voting on Issues and Resolutions:

#### Article 15.04

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

#### Article 15.05

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

## Article 15.06

Unless otherwise provided for within this Constitution, any decision taken at a meeting will take effect upon conclusion of the meeting.

Voting for Officers on the Provincial Committee:

## Article 15.07

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

## Article 15.08

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

## Article 15.09

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

Newly elected officers to the Provincial Executive Committee will 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

Any officer or representative, including any member of the Provincial or Local Chapter Executive, may be recalled and removed from office upon a vote of non-confidence.

A non-confidence vote requires a majority vote by the body responsible for the election of the said official or representative.

A motion of non-confidence, in order to be considered, requires a written motion, seconded by ten percent (10%) of the membership of 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 procedures established in this Constitution will be used for the filling of the vacancy.

**ARTICLE 17 – REVENUES**

## Article 17.01

The revenue of the Association will 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. On a monthly basis, the Employer or Local Chapter will remit to the Provincial Association the appropriate portion of annual dues and initiation fees owing, as directed by the Provincial Treasurer in accordance with the dues structure fixed by Governing Council.

The dues structure established by Governing Council will be reviewed by the membership at a Special Meeting called for that purpose, or at a subsequent Annual Meeting of the Association.

The membership may confirm or reject the decision of Governing Council in establishing the amount of monthly or annual dues, and direct Governing Council to increase or decrease the sum, as the circumstances of the Association may dictate.

- b) A dues statement will be sent to the Provincial Treasurer by the Employer or Local Chapter along with the membership dues that were paid by the employees, as set out in the Local Chapter's Collective Agreement. The Chapter Treasurer will 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.

The Association may agree to devote the transferred funds or properties to any specific purpose that is consistent with the objectives of the Association. The Association will not accept any donation from an employer of members of the Association.

#### Article 17.02

Governing Council may grant exemption from payment of membership dues when, in its judgement, the exemption will promote the growth or interests of the Association.

#### Article 17.03

The Association has the right to levy monetary assessments for special purposes upon and among its members, provided that any monetary assessment is first approved at the Annual or a Special Meeting of the Association.

#### Article 17.04

Any funds owed to the Association by a Local Chapter will constitute a preferred claim and must be paid promptly by the Chapter each quarter prior to the payment of any other obligation of the Chapter.

## **ARTICLE 18 - AUDIT**

#### Article 18.01

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

The auditor will be appointed at the Annual or Special meeting and may not be dismissed except with the approval of the membership at an Annual or Special meeting called for that purpose.

In the event that the auditor resigns or is otherwise unable to carry out their duties, Governing Council will appoint a new auditor until the following Annual or Special meeting. The auditor will conduct an audit once a year and this report will be presented at the Annual Meeting.

## **ARTICLE 19 - LOCAL CHAPTERS**

### Article 19.01

Each member of the Association will be assigned to the Local Chapter for the District School Board or provider of education in which they work.

### Article 19.02 – *Amended May, 2022*

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 that Chapter and with the approval of the majority of Governing Council.

No such amendment will take effect until the approval of Governing Council has been obtained. Such approval will 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 Chapter.

### Article 19.03 – *New May, 2019*

All Local Chapters including their Executives and Committees will fully comply with any policies or procedures adopted by Governing Council.

## **ARTICLE 20 – BY-LAWS – PROVISIONS OF LOCAL CHAPTERS**

### Article 20.01

Every Local Chapter of the Association will have by-laws with minimum provisions as follows:

#### **By-Law #I – Name**

The name of the Local Chapter is (name of the local chapter) and is called the "Local Chapter" throughout these by-laws.

#### **By-Law #II – Executive Committee**

The business of the Local Chapter will be administered by an executive committee, which will include at minimum the following positions:

- 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 are responsible for the functions of Public Relations, Grievance, and Negotiations for the Local Chapter.

If a vacancy occurs in the Executive Committee of the Local Chapter, the remaining members of the Executive Committee will elect or appoint a member of the Local Chapter to fill the vacancy until the next annual meeting of the Local Chapter is held.

All Governing Council representatives to which the Local Chapter is entitled will sit on the Executive Committee and may also hold an additional position on the Executive Committee.

The Executive Committee will meet at least once every 60 calendar days during the school year. Approved minutes of Chapter meetings will be made available to the Provincial Executive upon request.

**By-Law #III**

Throughout these by-laws, the term "President" will refer to the president of the Local Chapter unless otherwise stated.

**By-Law #IV – Local Representatives – Amended May, 2009**

A number of representatives from the Local Chapter may be elected to the Executive Committee to represent employees from specific areas or functions within the Local Chapter. Local representatives may be appointed by the Executive Committee if a majority of the members of the Local Chapter authorise the Executive Committee to do so at a meeting called for that purpose.

**By-Law #V – Committees – Amended May, 2022**

Each Local Chapter will elect a Negotiations Committee and a Grievance Committee, each of which will consist of at least two members.

- The Grievance Committee will be chaired by the elected Grievance Officer or Vice- President, Grievance and will include the Local Chapter President.
- The Negotiations Committee will be chaired by the elected Head Negotiator or Vice- President, Negotiations. The composition of the committee will be determined by Chapter representation needs.
- The Executive Committee may set up ad hoc committees of the Local Chapter and appoint members to such committees from the members of the Local Chapter. The committees will be subject to any restriction or regulation imposed by the Executive Committee.

**By-Law #VI – Elections – Amended May, 2014**

The regulations regarding the election of Executive Officers will be defined in the local by-laws. Elections will be held at least once every two years. All elections will be held by secret ballot.

**By-Law #VII – Meetings – Amended May, 2014**

An Annual Meeting of the Local Chapter will be called by the President once per calendar year. At least 14 calendar days' notice will be given for the Annual Meeting. During the Annual Meeting reports will be presented by each member of the Executive Committee

- the affairs of the Local Chapter will be reviewed
- Local Chapter business will be planned, and
- elections may be held, if appropriate

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. A Special Meeting will also be called at the request (in writing to the President) of at least one-third (1/3) of the members of the Local Chapter, and will be held within 20 calendar days of the receipt of the request. At least 7 calendar days' notice of such a meeting will be given.

Voting at meetings will be by a show of hands unless the Chapter President otherwise directs. A secret ballot may also be held if twenty-five percent (25%) of members present at a meeting call for, and second, a motion for the ballot to be held secretly.

**By-Law #VIII – Rules of Procedure**

The President will chair all Annual and Special meetings. In their absence, or at their request, the Vice-President will take the chair. In the absence of the President and the (1<sup>st</sup>) Vice-President, a Chairperson will be chosen by the Executive Committee.

The President (or designate) will conduct the business of the meeting according to *Robert's Rules of Order*.



**By-Law #IX – Quorum**

A quorum for the transaction of business at a General or Special meeting of a Local Chapter shall be 20 percent (20%) of the membership or 30 members, whichever is less. Once a meeting has begun with proper quorum, that meeting will remain validly constituted and voting may continue to take place even if members leave during the course of the meeting.

**By-Law #X – Duties of Officers** – Amended May, 2021a) **President**

The President is the senior Executive officer of the Local Chapter and will chair all meetings of the Executive Committee.

The President will be one of the representatives on the Governing Council.

The President will attend any Standing Committee meeting, as required.

In the case of a tie vote of the Executive Committee or of any other committee chaired by the President, they will have a casting vote in addition to their own vote.

b) **Vice-President**

There will be at least one Vice-President elected from each of the bargaining units represented by a Local Chapter.

The Vice-President will carry out duties as assigned to them by the President.

In the absence of the President, the Vice-President will act in lieu of the President.

A Vice-President will sit on the negotiating committee of the bargaining unit.

c) **Secretary**

The Secretary will receive applications (schedule “A”) for new members.

The Secretary will provide each new member with access to the latest Collective Agreement.

The Secretary will notify each new member that a copy of the Association’s Constitution is available on the APSSP website, or through the Local Executive upon request.

The Secretary will record and maintain the minutes of Local Chapter meetings and will maintain the Local Chapter membership directory.

**By-Law #XI – Finances**

Monies of the Local Chapter will be kept in an account, bond, debenture, or note of a chartered bank, credit union, trust company or Canadian federal or provincial government.

Transactions will be by cheque.

The Treasurer and the President or a Vice-President will co-sign cheques.

The Treasurer will make the financial records of the Local Chapter available for review by the Executive Committee on an annual basis.

At the Annual Meeting, the Treasurer will present the financial statement of the Local Chapter and will prepare and present a proposed budget to be voted on by the membership. The Treasurer will then provide the Provincial Treasurer with a copy of both the financial statement and the approved budget.

**By-Law #XII – Dues and Assessments**

The Local chapter may establish dues in addition to those set by the Association provided that any such dues are first approved at a meeting of the Local Chapter.

The Local Chapter may levy monetary assessments for special purposes upon its members, provided that any such assessment is first approved at a meeting of the Chapter.

**By-Law #XIII – Merger**

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

**By-Law XIV – Decertification**

All funds, properties, books and records held by a Local Chapter or by Executive Committee members will remain the property of the Provincial Association and are held in trust by the Local Chapter. In the event that a Local Chapter or its members decertify from APSSP or cease to be represented by APSSP, all funds, properties books and records held in trust will be returned to the Provincial Association.

**ARTICLE 21 – COLLECTIVE AGREEMENTS, NEGOTIATIONS, SIGNING OFFICERS, RATIFICATION**

## Article 21.01

Governing Council may appoint one or more negotiating committees according to the conditions of this Article.

## Article 21.02

The Association holds all bargaining rights granted to APSSP members and their respective Local Chapters.

## Article 21.03

Local Chapters have the right to appoint at least one member to the Provincial Association Negotiations Committee. This member may be the local Head Negotiator or a current representative of the Local negotiating team.

## Article 21.04

All Collective Agreements will be signed and entered into by the Association as the contracting party on behalf of Local Chapter members. The Association will authorise a member or members to sign any such agreements on its behalf.

Any such agreements will also be signed by two or more representatives of the Local Chapter, one of whom must be the Chapter President.

Any disagreement between the Association representative(s) and a majority of the Local Chapter representatives as to whether any such Collective Agreement will be entered into will be resolved by Governing Council.

## Article 21.05

There will be a Local Negotiating Committee at each Local Chapter which will be chaired by the Head Negotiator or Vice-President, Negotiations of the Local Chapter. The composition of the committee will be determined by the Local Chapter.

#### Article 21.06

The Association members in a Local Chapter have the right to examine and to accept or reject by majority vote any contract recommended by the Local Negotiating Committee.

In the event the membership of a Local Chapter rejects a contract negotiated by the Local Negotiating Committee, a meeting of Governing Council will be called to examine the contract, and confirm or deny its rejection.

If Governing Council does not confirm the rejection of the contract, the Local Chapter will be required to

- a) Pay for the cost of any interest arbitration, where provided either by statute or agreement;
- b) or assume the cost of any economic sanctions, such as strike pay.

#### Article 21.07 - *Added May, 2014*

In the event that the Association negotiates a contract at the Provincial level, the Provincial Executive will determine the method of ratification.

### **ARTICLE 22 - GRIEVANCE**

#### Article 22.01

Each Local Chapter will assemble a Grievance Committee consisting of two or more members.

#### Article 22.02

In the case of a resignation from the Grievance Committee, the Local Chapter Executive will appoint a replacement.

#### Article 22.03

Grievances will be processed by the Local Chapter Grievance Committee, acting on behalf of Governing Council, in accordance with the provisions in the Local Chapter Collective Agreement.

Should a dispute arise between a member of the bargaining unit and the 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 related to the current or past performance of any member of a bargaining unit who has initiated the grievance, will be given to the member.

#### Article 22.05

A grievor seeking an appeal under this Article will be given written notice of the time and place of any meeting with Governing Council, or any meeting of appeal under the grievance procedure. Such notice will be delivered to the home address of the grievor at least 48 hours before such a meeting.

### **ARTICLE 23 - TRUSTEESHIP**

#### Article 23.01

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, Governing Council will have the power, upon a two thirds (2/3) majority vote of the total membership of Governing 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 Governing 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, the Provincial President will call a Special Meeting of the Local Chapter to be held within 30 calendar days of the suspension or appointment. At this meeting Governing Council will explain, as much as possible, the reasons for the suspension or appointment. Any action of Governing Council under this Article may be appealed to the Annual Meeting, or to a Special Meeting called for that purpose.

#### Article 23.02

When a trustee for a Local Chapter has been appointed, they will take over the complete direction, control and supervision of the Local Chapter. Their acts and decisions will not be subject to review or reversal by the Local Chapter or by its Executive Committee, but only by Governing Council or general membership of the Association.

The trustee may, in the performance of their duties and at their sole discretion, replace the elected Officers of the Local Chapter.

Such trustee will be solely capable of and responsible for acting in the name of such Local Chapter.

## **ARTICLE 24 - FUNDS AND PROPERTIES**

#### Article 24.01

Where Governing Council makes any of the orders provided for under Article 23, or when a Local Chapter dissolves itself, Governing Council may order that all funds and properties held by that Local Chapter will revert to the Association.

Any funds and properties will be held in trust for a period of two years, for the purpose of effecting a reorganization of the Local Chapter.

If such reorganization is effected, the funds and properties will be reinvested with the Local Chapter for its use and benefit.

If the Local Chapter is not re-organized within a period of two years, the funds and properties will revert to the general funds of the Association.

#### Article 24.02

Where Governing Council orders that all funds and properties held by a Local Chapter revert to the Association, it will be the duty of the Local Chapter Officers to deliver them immediately to the Provincial President or their designate.

The Provincial President or designate is entitled to take immediate possession of all funds, properties, books and records of the Local Chapter, and will have authority to bring appropriate legal proceedings to secure such funds, properties, books and records.

## **ARTICLE 25 - MERGER, AMALGAMATION OR FEDERATION**

### Article 25.01 – *Amended May, 2014*

No amendment authorising an affiliation, merger or amalgamation which transfers bargaining rights or jurisdiction to any other union or employee association will be effective unless approved by two-thirds (2/3) of the members who vote.

A minimum quorum of forty percent (40%) of the membership will be required to vote in a secret ballot conducted for that purpose, as outlined in Schedule “B”.

### Article 25.02

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

## **ARTICLE 26 - DEFINITIONS**

### Article 26.01

Any reference to mail will include mail by electronic means, such as email.

### Article 26.02 – *Amended May, 2021*

Any reference to meetings will include meeting in person, by conference call or online, or any combination of the above.

### Article 26.03

Any reference to the “Annual Meeting” is specifically referring to the Annual General Meeting of the Association.

## **ARTICLE 27- CODE OF MEMBERSHIP CONDUCT**

### Preamble

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

### Article 27.01

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

### Article 27.02

Members of the Association will work towards common goals of unity and professionalism by collectively and cooperatively improving the welfare of the Association and its membership.

### Article 27.03 – *Amended May, 2022*

For the purpose of advancing the goals of the Association, all members are equal partners in the Association. Each member will display respect for all members and disciplines.

### Article 27.04

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

## Article 27.05

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

## Article 27.06

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

## Article 27.07

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

## Article 27.08

Members will pursue concerns or complaints through appropriate channels within the Association as outlined in Article 28, or other lawful means.

## **ARTICLE 28 - COMPLAINTS, MEDIATION & SANCTIONS**

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 Local Chapter and discipline has the right to function without being undermined, controlled or jeopardised 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.

In addition, 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 Local Chapter, the Chapter Executive will 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.

When a mediated resolution is unattainable or inappropriate, the Chapter Executive will review the concern and decide on an appropriate action or sanction by a simple majority vote.

## Article 28.03

When concerns or complaints arise about an officer or group of Officers within a Local Chapter, the Provincial Executive, through a Vice-President of Grievance and Constitution, will 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.

When a mediated resolution is unattainable or inappropriate, the Provincial Executive will review the concern and decide on an appropriate action or sanction by a simple majority vote.

## Article 28.04

When concerns or complaints arise about an Officer or group of Officers of the Provincial Executive, Governing Council will 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.

When a mediated resolution is unattainable or inappropriate, Governing Council will review the concern and decide on an appropriate action or sanction by a simple majority vote.

~~Article 28.05-Removed 2023~~

~~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. ( now embedded in 28.02, 28.03 and 28.04)~~

## Article 28.05

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 28.06

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 28.07

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 28.08

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

## Article 28.09

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 this article.

## Article 28.10

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 "B": BALLOTING IN THE CASE OF AFFILIATION, MERGER, ETC.**

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

- a) The question will be clearly stated on the ballot so that the voter understands the nature of the question asked. The question must be asked in a simple manner requiring a Yes or No answer. For example:

Do you wish APSSP to merge with XYZ Union? Yes: \_\_\_\_ No: \_\_\_\_

- b) Ballots must be marked in a way that indicates a clear choice, for example a tick (✓) or an X (x). Ballots that may identify the voter in any way will be considered spoiled and will not be counted.
- c) Ballots will be printed and mailed to all members in good standing of the Association, and must be returned to the Association by a date fixed by the Provincial Executive.

The completed Ballot must be sealed in a plain envelope. That envelope must be enclosed in an envelope, marked on the outside with the name and address of the person returning it.

- d) Envelopes marked with the names of persons not recorded as members in good standing will be destroyed immediately, together with their contents.
- e) Envelopes marked with the names of persons who are members in good standing of the Association will be opened, and the unmarked envelope inside will be placed in a ballot box. This ballot box will be sealed until midnight of the day for voting fixed by the Executive.

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

- a) The Lead Electoral Officer will be named by the Provincial Executive at least six weeks in advance of the taking of the vote. The Lead Electoral Officer must be an independent person or agency, not affiliated or associated with the any of the following:
- i. the professional or employment categories represented by the Association,
  - ii. the union about which the question is being asked,
  - iii. or the Association itself
- b) The Ballot box will be opened by the Lead Electoral Officer who will be charged with the responsibility of counting the ballots, following the procedure below:
- i. removal of ballots from unmarked envelopes
  - ii. envelopes which have any markings on them will be immediately destroyed and their contents not counted
  - iii. the ballots will then be counted and at the conclusion of counting, will be put in a sealed ballot box and preserved for a period of sixty (60) days
  - iv. the results of the ballot will then be released to the Provincial President of the Association and the representative of the union about which the question was asked, immediately, and for publication.

### **Challenge to Balloting**

At the conclusion of the counting of the ballots and following the announcement of the results as outlined above, a challenge to the counting of the ballots may be made in the following manner:

Any challenge to the count must be made within 30 calendar days of the vote. Notice must be given in writing to the Provincial President, or if they are absent or unable to act, to the officer of the Association that has been named for that purpose by the Provincial Executive.

Any recount must be made within the 60 calendar day period as provided for above. This period commences at midnight of the day fixed for balloting by the Provincial Executive. The costs of the recount will be borne by the party demanding it.

At the conclusion of the recount as outlined above, the results will be announced by the Lead Electoral Officer.

### **Destruction of Ballots:**

In the case of a challenge, the ballots shall not be destroyed until the recount has been completed or a period of 60 days has passed since the initial vote, whichever occurs later.