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THE MANITOBA TEACHERS’ SOCIETY HANDBOOK

CONSTITUTION

The Teachers’ Society Act
(C.C.S.M. c.T30)

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The Constitution of The Manitoba Teachers’ Society is an Act of the Manitoba Legislature and contains the consolidation of all amendments up to and including December 5, 2013.

THE TEACHERS’ SOCIETY ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions
1 In this Act,
“board” means the Advisory Board established under The Education Administration Act;
“department” means the department of government over which the minister presides and through which this Act is administered;
“division association” means the organization of the members of the society for a teachers’ electoral division;
“division executive” means the governing body of a division association;
“general secretary” means the general secretary of the society appointed as herein provided;
“insurance” means
(a) life insurance on the lives of the members of the society or their dependents or both, or
(b) accident and sickness insurance or accident insurance or sickness insurance for the members of the society or their dependents or both, or
(c) insurance against the cost of medical, hospital or nursing care incurred by the members of the society or their dependents or both, or
(d) other insurance related to the health of the members of the society or their dependents or both,
or any of those types of insurance;
“local association” means a local organization of the members of the society formed with the consent of the provincial executive;
“local executive” means the governing body of a local association; (« bureau local »)
“minister” means the minister appointed by the Lieutenant Governor in Council to administer this Act;
“provincial council” means the governing body of the society elected or appointed under this Act;
“provincial executive” means the executive committee of the provincial council;
“public school” means any school established or maintained in the province under The Public Schools Act;
“society” means The Manitoba Teachers’ Society;
“teacher” means a person holding a legal certificate of qualification to teach in the province issued under The Education Administration Act.

CONTINUATION

Incorporation continued
2 The Manitoba Teachers’ Society is continued as a body corporate.

Continuity of society
3(1) The society shall for all purposes be deemed to be the same corporation as that
heretofore incorporated under the name "Manitoba Teachers' Federation".

Powers of society
3(2) The society may acquire, take, accept, and receive by purchase, gift, devise, bequest, or otherwise, and hold, sell, mortgage, lease, or dispose of, real and personal property and mortgages and charges thereon for the purposes for which the society is constituted.

OBJECTS

Objects of society
4 The objects of the society are
(a) to promote and advance the cause of education in Manitoba;
(b) to advance and safeguard the welfare of teachers in Manitoba;
(c) to enhance the teaching profession in Manitoba;
(d) to address social issues that affect the teaching profession in Manitoba;
(e) to cooperate with other organizations in Canada or elsewhere having the same or like aims and objects; and
(f) to take measures that are not inconsistent with this Act or any Act of the Legislature which the society considers necessary or advisable to give effect to any policy adopted by it with respect to any question directly or indirectly affecting teaching, teachers or education.

ACTIVE MEMBERSHIP

Active members of society

5(1) Subject to subsections (2) and (3), every person who, on the coming into force of this Act, held or thereafter obtained or obtains a legal certificate of qualification, or a limited teaching permit, to teach in the province, and is employed as a teacher in a public school is, by virtue thereof, an active member of the society.

Notice of exclusion
5(2) Any teacher may, by registered letter addressed and mailed to the general secretary,
(a) within 60 days after he receives his certificate, in the year in which the certificate is issued; and
(b) before July 1 in any other year;
elect to be excluded from membership in the society for the next ensuing school year.

Exclusion of limited permit teachers
5(3) Any teacher who teaches under a limited teaching permit granted by the minister may, by registered letter addressed and mailed to the general secretary within 60 days after he receives his permit, elect to be excluded from membership in the society
(a) for the school year next ensuing after the grant of the permit, if the permit is issued in the month of July or August; or
(b) for the then current school year, if the permit is issued in any other month.

Excluded member may rejoin
5(4) Any teacher who has elected to be excluded from membership, at any time after having so elected, may, if otherwise qualified for membership, change his election and be admitted to membership by giving notice by registered mail to the general secretary.

5(5) [Repealed]
ASSOCIATE MEMBERSHIP

Associate members

6(1) The following persons are eligible to be associate members of the society:
   (a) a teacher who is not employed as a teacher;
   (b) an instructor teaching in a school, other than a public school, that is designated by the provincial council.

Application for membership

6(2) An application for membership as an associate shall be made in accordance with the bylaws of the society.

Rights and services

6(3) The society shall, by bylaw, determine the rights and responsibilities of associate members and the services the society will provide to them.

STUDENT MEMBERSHIP

Student members

6.1(1) A student enrolled in a course of studies that is recognized by the department as leading to qualification as a teacher is eligible to be a student member of the society.

Application for membership

6.1(2) An application for membership as a student shall be made in accordance with the bylaws of the society.

Rights and services

6.1(3) The society shall, by bylaw, determine the rights and responsibilities of student members and the services the society will provide to them.

LIFE MEMBERSHIP

Life members

7 On nomination of the provincial executive, life membership in the society may be conferred upon any member by resolution of the provincial council.

HONORARY MEMBERSHIP

Honorary members

8 Any person may be appointed an honorary member of the society by resolution of the provincial council.

TEACHERS’ ELECTORAL DIVISION

Electoral divisions

9 For the purpose of elections under this Act, the provincial council shall establish teachers’ electoral divisions in the province, and may at any time establish new divisions and alter the boundaries of existing divisions.

PROVINCIAL COUNCIL

Members of provincial council

10(1) The provincial council shall be composed of representatives duly elected by the division associations, remote local associations and Les Éducatrices et Éducateurs Francophones du Manitoba as hereinafter provided, and of the members of the provincial executive.

Powers of provincial council

10(2) The provincial council may, subject to the by-laws of the society,
   (a) exercise all the powers of the society, direct and supervise its business, property and affairs;
(b) exercise such powers as it may deem necessary for the welfare of the society and its members;

(b.1) establish, maintain and enforce standards of professional conduct and a code of conduct for active members of the society;

(c) pass, repeal and amend by-laws, rules and regulations (herein referred to as the by-laws of the society) for the purposes aforesaid, or for the delegation to the provincial executive of all or any of the powers of the provincial council, or for regulating the register to be kept as provided herein;

(d) provide for the enforcement of the by-laws of the society and impose penalties for the infraction thereof.

**OFFICERS**

**Officers**

11(1) The officers of the society are the president, the vice-president, the general secretary and any other officers prescribed in the bylaws of the society. The bylaws may prescribe one or more additional vice-presidents.

**Electoral of officers**

11(2) The officers, other than the general secretary, shall be elected in accordance with the bylaws of the society.

**Appointment of general secretary**

11(3) The general secretary shall be appointed by the provincial executive.

**Duties and powers**

11(4) The officers shall carry out the duties and exercise the powers that are prescribed in the bylaws and Policies of the society.

**Provincial executive**

12(1) The provincial executive shall consist of the president, the vice-president or vice-presidents and any other members prescribed in the bylaws of the society.

**Duties and powers**

12(2) The provincial executive may exercise the powers given to it under this Act and any other powers prescribed in the bylaws of the society.

**Remuneration of staff**

12(3) The provincial executive shall determine the remuneration to be paid to the general secretary and any other staff.

**DIVISION ASSOCIATIONS**

**Organization**
13(1) A division association shall be organized in each teachers' electoral division in the province and, save as hereinafter provided, includes all members of the society in that teachers' electoral division.

Annual general meeting
13(2) Each division association shall hold its annual general meeting at the time of the autumn teachers' convention or at such other time as may be fixed by by-law of the division association.

Powers of district association
13(3) The division association in each teachers' electoral division may formulate a constitution, adopt by-laws and pass resolutions not inconsistent with this Act or the by-laws of the society, and shall carry on the work of the society within the boundaries of the teachers' electoral division in which the division association has been formed.

Constitution, by-laws, etc., to be approved by provincial executive or council
13(4) Copies of the constitution, by-laws, and resolutions of each division association shall forthwith upon the passing thereof be forwarded to the general secretary; but, save in so far as they relate to matters of purely local concern, no such constitution, by-law, or resolution is operative or shall be acted upon until it has been approved by the provincial executive or the provincial council.

Decision of council
13(5) The provincial executive may in every case decide whether or not any such constitution, by-law, or resolution, relates to matters of purely local concern and its decision is final unless altered by the provincial council.

Division executive
13(6) Each division association shall, in accordance with its constitution or by-laws, elect an executive consisting of a president, vice-president, secretary-treasurer, and three committee chairpersons, together with such additional number of members as may be deemed advisable from time to time.

Representation of provincial council
13(7) Each division association shall, elect from its membership one representative for each 50 members of the division association, to be its representatives on the provincial council; but if the number of members of the division association when divided by 50 leaves a remainder of 26 or more, the division association is entitled to, and shall elect, one additional representative; but no division association shall have fewer than two representatives on the provincial council.

Method of election
13(8) The representatives of a division association on the provincial council shall be elected from among the members of the division association in such manner as the by-laws or the constitution of the division association provide.

LOCAL ASSOCIATION

Organization
14(1) Any group of members of the society may, with the consent of the provincial executive, organize and establish a local association for the furtherance of the objects of the society.

Powers of local association
14(2) A local association may formulate a constitution, adopt by-laws and pass resolutions not inconsistent with this Act or the by-laws of the society.

Constitutions, by-laws, etc., to be sent to general secretary, or to district secretary
14(3) Copies of all constitutions, by-laws, and resolutions of each local association shall, forthwith upon the passing thereof, be forwarded to the general secretary, and, where
the membership of the local association is
drawn from one division association, to the
division secretary thereof; but save in so far as
they relate to matters of purely local concern, no
such constitution, by-law, or resolution is
operative or shall be acted upon until it has been
approved by the provincial executive or the
provincial council.

**Decision of council**

14(4) The provincial executive may in every
case decide whether or not any such
constitution, by-law, or resolution, relates to
matters of purely local concern and its decision
is final unless altered by the provincial council.

**Remote local association**

14(5) Members of the society located in areas
of the province that do not form part of or are
not assigned to a division association, may, with
the consent of the provincial executive, form a
remote local association.

**Powers of remote local association**

14(6) A remote local association has all the
powers of a local association.

**Additional representative to
provincial council**

14(7) Every remote local association shall,
from its members, elect one representative for
each 50 members of the remote local
association to the provincial council; but where
the membership of the remote local association
divided by the number 50 leaves a remainder of
26 or more, the association is entitled to, and
shall, elect an additional representative to the
provincial council; but each remote local
association shall have at least two
representatives on the provincial council.

15(1) Les Éducatrices et Éducateurs
Francophones du Manitoba shall act as an
agency of The Manitoba Teachers' Society on
all matters related to education in the French
language.

**Duties and powers**

15(2) The duties and powers of Les
Éducatrices et Éducateurs Francophones du
Manitoba shall be those defined by the by-laws
and policies of the society.

**FEES**

**Membership fees**

16(1) Every member of the society, except
life members and honorary members, shall pay
annually on or before October 1 in each year
(a) such membership fee as may
from time to time be
prescribed by bylaw; and
(b) any premium for insurance
payable by the member,
payment of which has, by bylaw
been made a condition of
membership.

**Scales of fees**

16(2) The scales of fees adopted from time to
time by the by-laws of the society, including any
insurance premiums which, by bylaw, has been
made part of the annual membership fee, is the
scale of fees for the society.

**Collection of fees**

16(3) The annual membership fee payable by
members of the society and any insurance
premium payable by members of the society,
payment of which has, by bylaw, been made a
condition of membership, or made a part of the
annual membership fee, and any membership
fees payable by members to a division
association or a remote local association are
debts due by the members to the society and
may be collected with costs of suit in the name
of the society in any court having jurisdiction at the place where the member resides or teaches.

REGISTRATION

Register of members
17(1) The general secretary shall keep a register of members.

Information on the register
17(2) The following information shall be included in the register:
   (a) each member's name and home address;
   (b) for each member, other than an associate or student member,
      (i) the member's employment status, whether full-time, part-time, casual, and
      (ii) the member's school address; and
   (c) any other information required by the bylaws of the society.

School divisions and districts to provide information
17(3) Not later than 90 days after the first day of every school year, each school division and school district shall provide the information referred to in clauses (2) (a) and (b) with respect to each member it employs to the general secretary for inclusion in the register.

Revised information
17(4) Within 30 days of becoming aware of a change in any of the information referred to in clauses (2) (a) and (b), a school division or school district shall provide the revised information to the general secretary for inclusion in the register.

Access to the register
17(5) The register shall be open for inspection by the minister or a delegate of the minister, the members of the society, any superintendent appointed or employed by a school division or school district or a delegate of the superintendent, and any other person specified in the bylaws of the society.

INVESTIGATION OF COMPLAINTS

Investigation of complaints
18(1) The society may investigate the conduct of any active member of the society in accordance with the bylaws made for that purpose.

Laying of formal charges
18(2) Where a committee of the society appointed for that purpose is of the opinion that a member has engaged in unprofessional conduct or conduct unbecoming a teacher, it may cause a formal charge to be laid against such member; but no formal charge may be laid against a member after the expiration of any period of time that may be prescribed by the bylaws of the society.

Hearing of charge by Review Committee
18(3) Any charge laid under subsection (2) shall be heard and determined by a committee of the society to be known as the "Review Committee".

Action by Review Committee
18(4) The Review Committee shall determine on a balance of probabilities whether the charges against the member charged are proven or not proven and upon making such determination if it finds them not proven, dismiss the charges, or if it finds the charges proven, by order impose any or all of the following sanctions which the Committee deems appropriate upon the member:
   (a) admonishment;
   (b) censure;
(b.1) suspension of membership in the society, with or without conditions;
(b.2) termination of membership in the society;
(b.3) a penalty provided for in the by-laws of the society;
(c) recommend to the minister that the member's certificate be suspended or revoked.

Costs
18(4.1) In addition to a sanction under subsection (4), the Review Committee may order the member to pay to the society, within the time period set in the order, up to $5,000 of the costs of the investigation and hearing.

Composition of Review Committee
18(5) The Review Committee shall consist of at least nine members appointed by the Provincial Executive, none of whom shall be a member of the Provincial Executive or the Certificate Review Committee.

Procedural bylaws
18(6) The society may make such bylaws as it deems fit governing the procedures to be followed and the taking of evidence by the Review Committee; and such bylaws may provide that the Review Committee is not bound by the rules of evidence applicable in a Court of law.

Appeal
18(7) Any member found guilty of unprofessional conduct or conduct unbecoming a teacher and against whom a sanction has been imposed, may appeal the finding and sanction within 30 teaching days of the finding and imposition of sanction of the Review Committee.

Appeal before Queen's Bench
18(8) An appeal shall be made by notice of application to the Court of Queen's Bench, and the record of the appeal shall consist of the complaint filed before the Review Committee, the written decision of the Review Committee and all exhibits filed in the proceedings.

Certified copies of pleadings, etc.
18(9) The Review Committee shall, upon the request of a member desiring to appeal, issue to that member, at the expense of the member, a certified copy of all pleadings, reports, orders and papers upon which the Review Committee acted in making the written decision in respect of which the appeal is taken.

Action of Court of Queen's Bench on appeal
18(10) On the hearing of an appeal, the Court may do any one or more of the following things:
   (a) confirm the findings and sanction of the Review Committee;
   (b) reverse the findings and sanction of the Review Committee;
   (c) modify the sanction of the Review Committee and impose what it deems to be a proper sanction in substitution therefor;
   (d) refer the matter back to the Review Committee for further hearing and determination having regard to the Court's ruling;
   (e) order costs as the Court considers just.

Effect of Court's decision
18(11) For the purpose of this Act, the Court's disposition, should it vary from the Review Committee's disposition, shall be deemed to be the disposition of the Review Committee.
Court's decision final
18(12) The decision of the Court of Queen's Bench shall be final and binding, and there shall be no further appeal.

Exemption from liability
18(13) Notwithstanding any want of form in the proceedings, no action shall be brought against any committee, or any member of the society, or employee thereof, for anything done in good faith under this Act or under a regulation or bylaw.

Reinstatement
18(14) A member whose membership is terminated under clause (4)(b.2) may be reinstated in accordance with the by-laws of the society.

Filing of order
18(15) The society may file an order to pay a monetary penalty or costs in the Court of Queen's Bench and, once filed, the order may be enforced in the same manner as a judgment of the court.

EVIDENCE

Register as prima facie proof
19 The register is admissible in evidence as prima facie proof of the facts therein stated.

INSURANCE

Operation of insurance programs, etc.
20(1) The society may undertake and operate, as an insurer, schemes and programs of insurance for its members or their dependents or both.

Reinsurance
20(2) Where the society undertakes or operates a scheme or program of insurance under subsection (1), it may enter into a contract with an insurer to insure all or part of its liability under the scheme or program.

Insurance Act not to apply
20(3) Where the society undertakes or operates a scheme or program of insurance under subsection (1); it is not, by reason thereof, an insurer under The Insurance Act or subject, in any way, to The Insurance Act.

Definition of "member" for sections 20, 21 and 22
20(4) In this section and in sections 21 and 22 "member" includes

(a) active members, associate members, life members, honorary members, employees of the society or of any division association or local association;

(b) persons employed by the Manitoba Association of School Trustees, persons employed by the board of trustees of a school division or a school district in the province in connection with the operation of a public school, and persons employed as teachers in jurisdictions in the province other than public schools where the employers request that their employees be designated eligible members for purposes of this section and sections 21 and 22.

Group insurance schemes
21 The society may, on such terms and conditions as it deems proper, enter into a group contract of insurance with an insurer to provide insurance to the members of the society or their dependents or both.

Premiums may be charged
22 The society may charge premiums for any insurance under a scheme or program undertaken or operated under subsection 20(1)
or provided under a group contract of insurance under section 21.

**Premium as part of membership fee, etc.**

23 The society may by bylaw, provide that

(a) the payment of the appropriate premium for insurance under a scheme or program undertaken or operated under subsection 20(1), or provided under a group contract of insurance under section 21, is a condition of membership in the society; or

(b) that the appropriate premium for such insurance is a part of the annual membership fee payable for every member of the society.
BYLAW I
GENERAL

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PREAMBLE

The Manitoba Teachers’ Federation was established in 1919 at the time of the Winnipeg General Strike. It was renamed The Manitoba Teachers’ Society in 1942. The Society is a union that is empowered by its Members to make Bylaws and Policies for its general organization and governance. The Society’s goals are pursued through participation in collective bargaining, the establishment of professional standards and advocacy in support of teachers’ rights and public education.

PART I – MISSION, GOALS AND OBJECTIVES

1.1 Mission
The Society, as a union and professional organization, is dedicated to advancing and safeguarding the welfare of teachers, the status of the teaching profession and the cause of public education in Manitoba.

1.2 Society Goals
The goals of the Society are to:
(a) promote the profession of teaching, high ethical standards within the profession, professional competence and the ongoing professional development of teachers;
(b) engage in collective bargaining and other relevant negotiations to improve the economic benefits, professional rights, pension benefits and working conditions of teachers;
(c) advocate for a strong, viable, and effective education system capable of accommodating the needs of Manitoba students;
(d) provide its Members with an organization that will give them an equal, effective and democratic opportunity to pursue their professional aspirations; and
(e) address broad societal issues that promote social justice, cooperation and understanding.

1.3 Bargaining Agency
The Society shall exercise its bargaining agency through the establishment of Locals in accordance with the Constitution and Bylaws.

1.4 Professional Governance
The Society shall establish and maintain professional standards of ethical conduct, opportunities for ongoing professional growth and support for the establishment of minimum standards of education for its Members.

PART II – INTERPRETATION

2.1 Definitions
For purposes of the Society’s Bylaws and Policies, unless the context requires otherwise, or a separate definition is provided, the following terms when capitalized shall have the meanings set out below and grammatical variations of such terms shall have corresponding meanings:

“Active Member in Good Standing” means a person who meets the qualification for active membership set out in the Constitution and these Bylaws;

“Agency” means an agent of the Society as defined in the Constitution or Bylaws;

“Associate Member in Good Standing” means a person who meets the qualification for associate membership set out in the Constitution and these Bylaws;

“Bylaws” means the bylaws of the Society approved by Provincial Council;

“Charter” means a written grant of authority from the Society to a Local to carry out the mission, goals and objects of the Society as outlined in this Bylaw I;
“Code” means the Code of Professional Practice in Bylaw IV;

“Collective Interests of Teachers” includes collective bargaining for teachers, the terms and conditions of employment in collective agreements and the exclusive bargaining agency of the Society and its Locals;

“Constitution” means The Teachers’ Society Act (Manitoba) including amendments thereto or replacements thereof which have been approved by Provincial Council;

“Days” means calendar days but if the date for doing a particular action falls on a weekend or holiday, the next business day of the Society shall be considered the day for purposes of the Society’s Bylaws;

“COSL” means the Council of School Leaders designated by the Society to serve the needs of principals and vice-principals;

“EAP” means employee assistance counselling services that may be provided from time to time for Members;

“EFM” means the Éducatrices et éducateurs francophones du Manitoba designated as an Agency of the Society to serve the needs of teachers teaching Français and French Immersion;

“General Secretary” means the general secretary of the Society appointed in accordance with the Constitution and Bylaws;

“Honorary Member” means a person who is nominated by the Life and Honorary Membership Committee and approved for life membership by Provincial Council;

“In-Camera Meeting” means a meeting of the Provincial Executive to discuss:
(i) labour contract discussions, labour management relations, or personnel issues;
(ii) financial matters where negotiations with a third party are involved; (iii) matters involving building or personal security where disclosure could reasonably be expected to seriously compromise Society personnel or assets; or (iv) matters concerning information that a person has requested be provided to the Provincial Executive in private, such as a situation involving allegations of harassment or whistle blowing;

“Life Member” means a Member who is nominated by the Life and Honorary Membership Committee and approved for life membership by Provincial Council;

“Life and Honorary Membership Committee” means the committee chaired by a former President or Provincial Executive member and comprised of a Local president and four (4) other Members, all of whom must be Regular Teachers, appointed by Provincial Executive to make recommendations to the Provincial Council regarding life and honorary memberships;

“Local” means a local teachers’ association whether a division, local or remote association as defined in the Constitution and includes Local Associations referenced in the Charters;

“Local Constitution” means the constitution of a Local approved by the Provincial Executive;

“Local Table Team” means the representatives of a Local that bargains collectively directly with the employer;

“Member” means an Active Member in Good Standing or an Associate Member in Good Standing who is employed as a teacher or instructor by a school division, school district or other employer;

“Member-at-Large” means the persons elected at Provincial Council to serve on the Provincial Executive;

“Next Business Day” applies if calendar day is weekend for deadline;

“Officers” means the President, Vice-President, and the General Secretary;

“Outside Bodies” means committees, task forces, board of directors or other entities that are not part of the Society, its Locals or Agencies;
“Plan” or “DBP” means the disability benefits plan or any scheme or program of insurance established and maintained by the Society in accordance with the Constitution and Bylaw V;

“Plan Teacher Recipient” means a person who is in receipt of Society disability plan benefits and is unable to work, but has not been determined to be totally and permanently disabled by the Plan;

“Policies” means policies of the Society approved by Provincial Council;

“President” means the person elected as president of the Society in accordance with this Bylaw I;

“Professional Misconduct” means a breach of the Code of Professional Practice, conduct unbecoming a teacher, and any other conduct that is determined by the Review Committee to be detrimental to the best interests of students, the teaching profession or the Collective Interests of Teachers and includes failure by a Member to respond to any requests for information from the General Secretary, the Professional Conduct Committee or anyone appointed to assist it during an investigation;

“Professional Conduct Committee” means the committee of at least twelve (12) Members appointed by the Provincial Executive to investigate complaints of Professional Misconduct and who are not members of the Provincial Executive, the Review Committee, or the certificate review committee established pursuant to The Education Administration Act;

“Provincial Council” means the governing body of the Society elected or appointed in accordance with the Constitution and Bylaws;

“Provincial Council Meeting” means a regular or special meeting of Provincial Council held in accordance with the Bylaws;

“Provincial Executive” means the executive committee elected in accordance with the Constitution and Bylaws;

“Provincial Executive Governance Manual” means policies and procedures that govern the Provincial Executive.

“Regular Teacher” means a teacher or certified clinician who is employed by a school division or district, First Nation, or First Nation Education Authority on a permanent or term contract, whether full-time or part-time, but does not include a Substitute Teacher;

“Retired Teacher” means a teacher who has retired from employment with a school division or other employer and who is in receipt of a pension pursuant to The Teachers’ Retirement Allowances Act (Manitoba) or other pension plan providing pensions for teachers;

“Review Committee” means the committee of at least twelve (12) members and a chairperson appointed by the Provincial Executive to hear complaints of Professional Misconduct and who are not members of the Provincial Executive, the Professional Conduct Committee or the certificate review committee established pursuant to The Education Administration Act;

“SAGE” means the Special Area Group of Educators designated by the Society to serve the professional development needs of Members;

“Society” means The Manitoba Teachers’ Society;

“Society Funds” includes all operational budgets, reserve funds, investments and any other moneys maintained by the Society, COSL, EFM or SAGE to carry out the Society’s mission, goals and objects;

“Student Members in Good Standing” means a student whose membership is approved in accordance with this Bylaw I;

“Substitute Teacher” means a teacher who is employed by one or more school divisions or school districts pursuant to a substitute teachers form of agreement under The Public Schools Act and includes a Retired Teacher who is employed to substitute for a regular teacher;
“Vice-President” means the person elected as the vice-president of the Society in accordance with this Bylaw I; and

“Year” means the Society’s fiscal year from September 1 to August 31, unless the context expressly refers to a calendar year.

2.2 Article and Section Headings
The Article and section headings in the Bylaws are for reference purposes only and shall not affect the meaning or interpretation of the Bylaws.

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

2.4 Conflict with Constitution
The Bylaws are to be interpreted in a manner that is consistent and cohesive with the Constitution but if a provision of the Bylaws conflicts with or is inconsistent with the Constitution, then the relevant provision of the Constitution shall prevail.

2.5 Continuation of Membership
Any person who was a Member when this Bylaw came into effect shall continue to be a Member.

PART III – MEMBERSHIP

3.1 Membership in the Society
Membership in the Society shall be determined according to the Constitution and Bylaws. The Society considers membership in the Society to be a condition of teaching in Manitoba public schools. Members are entitled to the rights, privileges and benefits for their category of membership as set out in this Bylaw unless their membership has been suspended or revoked.

Members’ rights include:
(a) sharing equally in governing the Society in accordance with the Constitution and Bylaws;
(b) fully participating in the democratic debate of the Society;
(c) free speech including the right to criticize the Policies and governance of the Society;
(d) participating in the Society free from harassment and bullying; and
(e) fair and reasonable consideration of individual interests and concerns when collective decisions are made.

Members’ obligations include:
(a) upholding the democratic decisions and rules of the Society, paying fees, complying with the Constitution and Bylaws, Local Constitutions and Bylaws and collective agreements;
(b) supporting the collective actions of the Society and its Locals in collective bargaining and efforts to improve the working conditions and protect the jobs of Members; and
(c) defending the organizational integrity of the Society and its Locals.

3.2 Membership During Leaves of Absences
Members who are on leaves of absence from their employment shall retain the same membership status and be entitled to the services they had prior to going on leave as long as they continue to pay any required membership fees.
3.3 Active Membership
Active Members in Good Standing shall include every person who holds a legal certificate of qualification, or a limited teaching permit to teach in Manitoba, whose membership has not been suspended or revoked by the Society, and who:

(a) is employed as a Regular Teacher or a Substitute Teacher in a public school;
(b) has paid any fees, required to be paid pursuant to the Bylaws or Policies; and
(c) has not voluntarily terminated their membership in the Society.

3.4 Associate Membership
Every person who holds a legal certificate of qualification, or a limited teaching permit to teach in Manitoba, whose membership has not been suspended or revoked by the Society, and who:

(a) is employed by a First Nation or First Nation Education Authority where the Society or its Local is the bargaining agent for the Regular Teachers or Substitute Teachers in a school or education authority that has been designated by the Provincial Executive, which currently designated First Nation Schools or Education Authorities are the Nelson House Education Authority Inc. and the Sandy Bay Education Authority Inc.;
(b) is not employed as a teacher;
(c) is a teacher or an instructor in a private school, or other educational institution that is not a public school, university or community college where the Society or a Local is the bargaining agent for the teachers or instructors in such private school or educational institution that has been designated by the Provincial Executive; and
(d) has not voluntarily terminated their membership in the Society,

shall be eligible to be accepted as an Associate Member in Good Standing.

3.5 Student Membership
Every person who:

(a) is enrolled in a course of studies that is recognized by the Manitoba department of education as leading to qualification as a teacher;
(b) applies annually for student membership in the Society; and
(c) pays any required fees,
shall be accepted as a Student Member in Good Standing.

3.6 Life Membership
Locals or members of the Provincial Executive may nominate Retired Teachers for Life Membership who have promoted the mission, goals and objectives of the Society and who have:

(a) served as President or provided service to the Society, as a Member or an employee, for a minimum of twenty (20) years; and
(b) has made a significant contribution to the Society or given distinguished service to education generally.

3.7 Honorary Membership
Locals or members of the Provincial Executive may nominate persons for Honorary Membership who;

(a) have promoted the mission, goals and objectives of the Society by making an outstanding contribution to public education in Manitoba or have rendered outstanding service to the Society;
(b) are not eligible for Life Membership; and
(c) except in unusual circumstances, have retired.
3.8 Life and Honorary Membership
Nominations Process
Nominations for Life or Honorary Memberships shall be submitted to the General Secretary by no later than 4:00 p.m. on February 1 in any year in which a Provincial Council Meeting is to be held and the General Secretary shall forward the written nominations to the Life and Honorary Membership Committee for consideration. The written nomination must outline how the nominee has promoted the mission, goals or objects of the Society and has met the other criteria set out in this Article. The Life and Honorary Membership Committee shall consider the nominations in accordance with the selection procedures outlined in the Provincial Executive Governance Manual at least forty-five (45) days prior to the Provincial Council Meeting and may recommend that Provincial Council confer up to three (3) Life Memberships and up to two (2) Honorary Memberships in addition to nominations of former Presidents.

3.9 Rights of Membership
Every Regular Teacher, Substitute Teacher, and Plan Teacher Recipient, who is an Active Member in Good Standing or an Associate Member in Good Standing, shall be entitled to:

(a) staff officer or legal services normally provided to Members in accordance with any obligation of the Society or its Locals to represent Members in relation to the administration of any relevant collective agreement, termination of employment or the Plan;

(b) membership in any Special Area Group of Educators;

(c) a copy of Society publications as determined by the Provincial Executive;

(d) coverage by the Society’s liability insurance while carrying out, or participating in, any Society related activities; and

if they teach the equivalent of at least forty (40) Days in the school year, or if they continue to receive remuneration or salary or benefit payments from their employer during all or a portion of an authorized leave of absence, and continue to pay their membership fees, they shall also be entitled to the following while they continue to pay their membership fees:

(i) participate in Society or Local political processes, by nominating other Active or Associate Members in Good Standing to run for, or themselves run for Provincial Executive, Local executives, and vote in Society and Local elections;

(ii) be elected or appointed as a delegate to Provincial Council; and

(iii) access EAP.

3.10 Other Members and Non-Teaching Retired Teachers
Associate Members in Good Standing who do not qualify for the services in Article 3.9, Life, Honorary and Student Members shall be entitled to:

(a) membership in any SAGE; and

(b) a copy of Society publications as determined by the Provincial Executive, but Active or Associate Members in Good Standing who are on a leave of absence shall be entitled to receive copies of The Manitoba Teacher upon request, but those Members shall not be entitled to participate in Society or Local elections, hold office on the Provincial Executive or a Local Executive, be delegates to Provincial Council or be appointed to a Society or Local standing committee, task force or other committee.

3.11 Honorary and Life Members
Honorary and Life Members shall receive publications and other information as determined by the Provincial Executive.

3.12 Insurance
Members shall be subject to all terms and conditions of any plan document or policy of insurance governing any scheme or program of
insurance operated by the Society or its Locals including any scheme or program of insurance the Society or its Locals obtains by entering into a contract with an insurer to limit all or part of their liability under any scheme or program of insurance.

3.13 Withdrawal of Membership
Any Member may withdraw from membership in the Society by sending a registered letter to the General Secretary by July 1 and the person shall not be entitled to the rights and privileges of Members during the Society’s membership Year following which membership in the Society shall be automatically reinstated unless the person again requests exclusion from membership. A person who has withdrawn from membership shall be required to remit membership fees to the Society in accordance with relevant labour legislation.

3.14 Suspension or Termination of Membership
Membership in the Society may be suspended or terminated if a Member, Substitute Teacher or Plan Teacher Recipient:

(a) makes false statements or withholds information when applying for membership;

(b) contravenes the Constitution, Bylaws, Local Constitutions or breaches the Code;

(c) refuses to pay all fees and other valid financial assessments to the Society or its Locals;

(d) misuses or misappropriates money or other property of the Society or a Local;

(e) provides a complete or partial membership list to persons other than those who have official business on behalf of the Society; or

(f) fails to comply with the Code in accordance with Bylaw IV.

(g) fails to exhaust internal remedial procedures before taking any action external to the Society; or

(h) advocates or solicits membership in another union or organization or attempts to secede from or transfer affiliation of any bargaining unit from the Society to another organization or encourages others to do so.

3.15 Consequences of Suspension or Termination of Membership
Members who have been fined or suspended by the Review Committee shall no longer be eligible for membership if that person has not complied with the fine or suspension. Members who have been expelled from membership in the Society shall no longer be eligible for membership unless that person applies for reinstatement and the Review Committee approves reinstatement.

PART IV – PROVINCIAL COUNCIL

4.1 Authority of Provincial Council
The highest authority for conducting the affairs of the Society shall be vested in the Provincial Council in accordance with the Constitution and the Bylaws.

PART V – PROVINCIAL EXECUTIVE

5.1 Relationship between Provincial Council and Provincial Executive
The Provincial Executive shall be responsible for conducting the day-to-day affairs of the Society including implementing decisions of Provincial Council.

5.2 Composition
The Provincial Executive shall be comprised of the President, the Vice-President and eleven (11) Members-at-Large all of whom must be Members.
5.3 Past-President
A President who does not seek re-election or is defeated after one term in office may serve only one additional year on the Provincial Executive as past-president if the person remains an Active or Associate Member in Good Standing at all times during that Year. The Society shall make provision for a person who qualifies to serve as past-president to be released from up to one-fifth (1/5) of their teaching duties.

5.4 Term
Each member of Provincial Executive shall be elected for a two (2) year term in accordance with Bylaw III. The President and Vice-President may not hold office for more than two (2) consecutive two (2) year terms. Members-at-Large may not hold office for more than three (3) consecutive two (2) year terms.

5.5 Executive Release Time
The Society shall make provision for the President and Vice-President to be released full-time from their teaching duties in accordance with Article 7.5 and for all other members of the Provincial Executive to be released from up to one-fifth of their teaching duties.

5.6 Assumption of Office
All Members elected to the Provincial Executive shall take office at the end of the Provincial Council Meeting held in the year in which they are elected.

5.7 Meetings
Provincial Executive shall hold at least four (4) regular meetings during the Year at such times and places as it determines, with a meeting to be held within sixty (60) Days of a Provincial Council Meeting. At its first meeting, the Provincial Executive shall establish a calendar of its meeting dates for the Year. Members of the Provincial Executive may participate in meetings by teleconference. Subject to Article 5.10, meetings of the Provincial Executive shall be open to Members.

5.8 Meeting Notices
(a) The General Secretary shall provide each member of the Provincial Executive with at least ten (10) days written notice of any changes to the established calendar.
(b) Special meetings of the Provincial Executive may be called by the President, the General Secretary or at least three (3) members of the Provincial Executive to respond to emergent issues as long as at least forty-eight (48) hours’ notice of such special meeting is given to each member of the Provincial Executive by the most expedient method possible.

5.9 Quorum and Votes
Nine (9) members of the Provincial Executive shall constitute a quorum. Unless otherwise indicated in the Constitution or these Bylaws, to the maximum extent possible the Provincial Executive shall try to make decisions by consensus but where consensus cannot be reached, decisions shall be made by majority vote of those in attendance at the meeting of Provincial Executive where the matter is under consideration. The General Secretary shall not be entitled to vote at meetings of the Provincial Executive.

5.10 In-Camera Meetings
The Provincial Executive may hold In-Camera Meetings and if an In-Camera Meeting is required, the Provincial Executive shall follow the procedures in the Provincial Executive Governance Manual.

5.11 Conflict of Interest
A member of the Provincial Executive with a direct or indirect pecuniary or other interest in a matter under consideration by the Provincial Executive shall immediately disclose the interest, withdraw from the meeting and shall not attempt to influence other members of the Provincial Executive with respect to the matter. The disclosure of the conflict and the member’s withdrawal from the meeting shall be recorded in the minutes.
5.12 Agenda for Provincial Executive Meetings
The President shall prepare a draft agenda and circulate it to the members of the Provincial Executive at least seven (7) Days before the meeting but an item may be placed on the agenda if a majority of the members of the Provincial Executive agree an emergent issue affecting the financial affairs or strategic direction of the Society must be considered.

5.13 Minutes
Provincial Executive minutes shall not be circulated until approved at a subsequent meeting but the General Secretary shall prepare “notes” on the meeting for distribution to the Provincial Executive, staff and Local presidents within six (6) Days of the Provincial Executive meeting.

5.14 Rules of Order
The Provincial Executive shall follow the rules of order used for Provincial Council Meetings.

5.15 Vacancy
If a member of the Provincial Executive is absent from two (2) consecutive regular Provincial Executive meetings without reasons satisfactory to the Provincial Executive that member’s position shall automatically become vacant. In the event of a vacancy for non-attendance or any other reason, the Provincial Executive shall within thirty (30) Days of the vacancy appoint a Member to serve on Provincial Executive until the next Provincial Council Meeting unless the vacancy occurs within three (3) months prior to the next scheduled Provincial Council Meeting in which case the position shall remain vacant.

5.16 Duties
Subject to the rights of appeal in the Bylaws, the Provincial Executive shall be responsible for carrying out its fiduciary obligations and overseeing the affairs of the Society between Provincial Council Meetings by:
(a) carrying out ongoing strategic planning, and ensuring implementation of such plans, including political action and reviewing such plans and actions on a regular basis to determine their effectiveness;
(b) implementing decisions of Provincial Council, including applicable Policies;
(c) developing interim Policies between Provincial Council Meetings and reporting the development of same to Presidents’ Council and Provincial Council;
(d) ensuring Policy interpretation or application is communicated to Locals and advise Presidents’ Council about any changes in the way Policies are being interpreted or applied;
(e) making appointments to the Life and Honorary Membership Committee, Professional Conduct Committee; Review Committee, standing committees, task forces, and external organizations, including the Canadian Teachers’ Federation board and other labour organizations, and other committees as required, including appointing the chairperson of the committee or task force;
(f) appointing a member of the Provincial Executive as the chairperson of each standing committee, ad-hoc committee or task force;
(g) appointing the General Secretary and other staff on personal services contracts, determining their remuneration, benefits and how they will be evaluated and their performance reported upon; negotiating with unionized and non-unionized staff regarding their remuneration and benefits and providing Members with access to information about the duties and responsibilities of all officers and staff, as well as their remuneration and benefits;
(h) assigning duties to officers of the Society and mechanisms for ensuring such duties are being carried out as directed;
(i) approving, issuing, suspending or revoking Local Charters, Local Constitutions, Bylaws, Policies and Resolutions;

(j) investigating alleged breaches of the Society’s Constitution or Bylaws, or Local Charters, Local Constitutions, Bylaws, Policies and Resolutions and declaring unconstitutional actions and resolutions void;

(k) holding, or directing the General Secretary to hold, membership meetings with Local members to discuss strategic plans or issues of concern;

(l) in the event a Local’s election is declared void, directing the General Secretary to supervise the holding of new elections within sixty (60) Days of the decision being made by the Provincial Executive;

(m) suspending the Local, the Local executive or Members, if there is prima facie evidence that a Local Executive or Members have violated the Constitution or Bylaws, or have engaged in actions that are detrimental to the Collective Interests of Teachers, the Society, its Locals or Members;

(n) appointing an administrator, trustee or provisional executive to exercise the authority of the Local until the investigation is completed and the matter determined or new Local elections are held;

(o) reporting actions taken to the next Provincial Council Meeting;

(p) responding to concerns raised by Members, Locals or other groups within the Society;

(q) liaising with relevant Outside Bodies;

(r) deciding whether to allow a Local or Member to withdraw from or opt out of any scheme or program of insurance undertaken or operated by the Society as an insurer or where the Society enters into a contract of insurance with an insurer, and the terms or conditions upon which such opting out will be allowed;

(s) ensuring Locals comply with the Society’s financial and operational policy guidelines;

(t) appointing signing authorities for all Society accounts and funds; and

(u) approving any budget expenditures it is anticipated will be over those approved by Provincial Council prior to the expenditure being incurred.

(v) conducting appeals of decisions of the General Secretary not to provide or continue providing services to Members; and

(w) approving premiums for schemes or programs of insurance maintained by the Society.

5.17 Suspension or Revocation of a Local
A unanimous vote of the Provincial Executive shall be required to suspend or revoke a Local Charter or a Local constitution, suspend a Local or a Local Executive and any such action taken by the Provincial Executive may be appealed to the next Provincial Council Meeting.

5.18 Appeals Regarding Service to Members
Where a decision of the General Secretary not to provide or continue to provide service to Members is appealed to Provincial Executive pursuant to Bylaw I, Part V, 5.16 (v), the Provincial Executive shall decide the matter by a two-thirds (2/3) vote.
PART VI – COMMITTEES AND TASK FORCES

6.1 Authority to Establish
The Provincial Executive shall establish standing committees, task forces or other committees that Provincial Council or the Provincial Executive determine are required to carry out the work of the Society. The terms of reference and budget for each such committee or task force must be approved by Provincial Council prior to appointments taking place. The terms of reference shall set out the responsibilities, composition and term of the committee or task force as well as the frequency with which it is to report to the Provincial Executive.

6.2 Special Committees of Provincial Executive
The Provincial Executive may establish committees comprised of any number of its own members or other Members, to assist it in overseeing the affairs of the Society.

6.3 Audit Committee
The primary function of the Audit Committee is to assist the Provincial Executive in fulfilling its oversight responsibilities related to the quality and integrity of the financial affairs of the Society, in accordance with the International Financial Reporting Standards and ensures that appropriate systems and controls are maintained for the proper recording of transactions and protection of assets. The membership of the Audit Committee will include the Vice President, two (2) members of the Provincial Executive and an external financial appointment. The responsibilities of the Audit Committee shall include:

(a) reviewing the annual financial statements of the Society, and any significant related entities, and assessing the quality and appropriateness of the generally accepted accounting principles used in preparing the statements;

(b) reviewing significant estimates used in preparing the financial statements and significant variances from plans or comparable results of prior periods;

(c) reviewing the external auditor report, and discussing the financial statements with management and the external auditor;

(d) reviewing the auditor management letter as well as the status of any significant issues reported previously;

(e) recommending the annual financial statements to the Provincial Executive for its approval;

(f) reviewing the appropriateness of the financial policies and procedures;

(g) reviewing, at least annually, the significant risks and uncertainties that may affect the Society in determining, together with the Provincial Executive, the risk tolerance;

(h) reviewing the appropriateness of insurance coverage maintained by the Society;

(i) reviewing and considering any matters relating to the adequacy of internal controls to minimize risk and any reports from management or others on significant control deviations or indication of fraud and the corrective action undertaken with regard thereto;

(j) reviewing, as required, reports from management and others relating to the Society’s compliance with laws and regulations that apply to the Society;

(k) recommending the appointment of the Society’s auditor, and reviewing and approving the associated remuneration;

(l) reviewing and approving the overall scope and approach for the annual/audit plan; and

(m) reviewing and making recommendations, as appropriate on any matter relating to the external audit of the review of all relationships and engagements between the auditor and the Society for non-audit
services that may reasonably be thought to bear on the independence of the auditor.

6.4 Standing Committees
The following standing committees of the Provincial Executive shall be established:
(a) Aboriginal Voice and Action Committee;
(b) Collective Bargaining Committee;
(c) Curriculum and Teaching Committee;
(d) Education Finance Committee;
(e) Equity and Social Justice Committee;
(f) Group Benefits Committee;
(g) Professional Development Committee;
(h) Teacher Education and Certification Committee; and
(i) Workplace Safety and Health Committee.

6.5 Role of Standing Committees
The Standing Committees shall:
(a) monitor and assess trends and developments within their areas of responsibility and co-ordinate with other Standing Committees as required to avoid duplication;
(b) recommend any required Policy changes to the Provincial Executive;
(c) if required to carry out its mandate, establish sub-committees from within its members;
(d) provide input into planning and delivery of workshops, seminars and other training opportunities for Members; and
(e) report to Provincial Council through the Provincial Executive on its activities between Provincial Council Meetings.

6.6 Service on Standing Committees
The maximum time that any Member other than Officers may serve on a standing committee shall be five (5) consecutive years. Under exceptional circumstances, an additional year may be granted upon approval of the Provincial Executive. Members-at-Large shall chair no more than one (1) Standing Committee. Members may be appointed to no more than two (2) committees or task forces in total. A Member may be appointed to the same Standing Committee for no more than five (5) consecutive years, but no Member may be appointed to more than one Standing Committee, unless approved by Provincial Executive. A Member may be appointed to either the Professional Conduct Committee or the Review Committee for no more than seven (7) consecutive years. The General Secretary shall notify Local presidents which Members of their Local have been appointed to Provincial committees, task forces and Outside Bodies.

6.7 Aboriginal Voice and Action Committee
The Aboriginal Voice and Action Committee shall monitor and assess trends and developments in Aboriginal education, including preservation of Aboriginal languages, culture, history, perspectives and customary laws and recommend changes to the Provincial Executive related to such issues.

6.8 Collective Bargaining Committee
The Collective Bargaining Committee shall address issues related to collective bargaining and other working conditions.

6.9 Curriculum and Teaching Committee
The Curriculum and Teaching Committee shall address issues related to curriculum, teaching, student assessment, evaluation and reporting.

6.10 Education Finance Committee
The Education Finance Committee shall address issues related to education funding and public school finance.

6.11 Equity and Social Justice Committee
The Equity and Social Justice Committee shall address issues related to safe, respectful and inclusive teaching environments, discrimination, and equality.
6.12 Group Benefits Committee
The Group Benefits Committee shall address issues related to pensions, including reviewing Society policy and the dissemination of retirement information; group benefits, including responsibility for administering Society policyholder benefit plans, except for the Disability Benefits Plan.

6.13 Professional Development Committee
The Professional Development Committee shall address issues related to professional development and the Special Area Groups of Educators.

6.14 Teacher Education and Certification Committee
The Teacher Education and Certification Committee shall address issues related to teacher certification; education and evaluation of teachers.

6.15 Workplace Safety and Health Committee
The Workplace Safety and Health Committee shall address issues related to Member safety and health, WSH member education, WSH Committees, and WSH emergent issues.

6.16 Liaison with Membership
The President in consultation with the Provincial Executive shall appoint two (2) liaison persons from Provincial Executive for each region to:
(a) facilitate communication between the Provincial Executive and Locals;
(b) enhance the quality of the working relationship between the Provincial Executive and Locals; and
(c) report to the Provincial Executive about issues of concern to Members.

6.17 Increasing Membership Involvement
In situations where the Provincial Executive seeks guidance and advice from Members on policy matters between Provincial Council Meetings, the Provincial Executive shall:
(a) refer the matter to Presidents’ Council; or
(b) forward the matter to Local executives and request that they obtain feedback from Members.

6.18 Committee Membership
The Society shall regularly solicit Members as volunteers for committees, task forces and representatives to Outside Bodies and maintain a list of such Members. The Society and its Locals shall attempt to appoint Members to committees and task forces that are representative of the demographics of the Society’s membership.

PART VII – OFFICERS

7.1 Composition
The officers of the Society shall be the President, the Vice-President and the General Secretary.

7.2 President’s Duties
The President shall:
(a) be the official spokesperson for the Society in a manner that is consistent with positions or statements approved by the Provincial Executive unless the Provincial Executive delegates such authority to another member of the Provincial Executive;
(b) preside over all meetings of Provincial Executive and Presidents’ Council;
(c) be an ex-officio non-voting member of all committees and task forces established by the Provincial Executive;
(d) act as a voting director on the Canadian Teachers’ Federation board;
(e) submit a report to Provincial Council about all activities undertaken during the preceding year;
(f) consult with Members on a regular basis to assist the Provincial Executive to
determine their needs and priorities and timely strategies to meet those needs and priorities;

(g) regularly visit schools, and attend Local meetings, including Local council and Local executive meeting; and

(h) carry out other duties assigned by the Provincial Executive.

7.3 Vice-President’s Duties
The Vice-President shall:
(a) act in the absence or incapacity of the President or if the President is unable or unwilling to so, and in these circumstances, the Vice-President shall have the full powers to do so;

(b) prepare the budget for presentation to Provincial Council;

(c) submit a report to Provincial Council about all activities undertaken during the preceding year;

(d) act as liaison to COSL and EFM;

(e) maintain the Provincial Executive’s Governance Manual;

(f) ensure that all Provincial Council action resolutions and Officers’ motions directed to Provincial Executive are carried out or responded to appropriately in a timely manner;

(g) consult with Members on a regular basis to determine their needs and priorities, and strategies to meet those needs and priorities in a timely manner;

(h) regularly visit schools and attend Local meetings, including Local council and executive meetings;

(i) have the power to represent the Society at meetings with Locals in the absence of the President;

(j) be permitted to be a non-voting member of as many Society committees and Outside Bodies as time permits; and

(k) carry out other duties assigned by the Provincial Executive.

7.4 General Secretary’s Duties
The General Secretary shall, under the general guidance of Provincial Council and the Provincial Executive, be responsible for the day-to-day operations of the Society, supervision of all services to Members and the supervision and co-ordination of the work of all staff and external service providers, and in particular, shall:
(a) attend all meetings of Provincial Council, Provincial Executive and Presidents’ Council and record or cause to be recorded minutes for each such meeting;

(b) maintain custody of the corporate seal and records, including all books, correspondence and accounts of the Society whether in paper or digital format;

(c) cause to be maintained full and accurate financial records for the Society including procedures for reporting upon revenue and its deposit in bank accounts or investments authorized by the Provincial Executive, the authorization and approval of all expenditures; arranging for an annual audit to be carried out; providing the President and Vice-President with access to the financial records, providing financial reports to the Provincial Executive and Provincial Council;

(d) maintain and conduct correspondence on behalf of the Society;

(e) hire and dismiss all staff of the Society with the exception of staff hired by the Provincial Executive on personal services contracts;

(f) assign work to and evaluate all staff of the Society, including those hired by the Provincial Executive on personal services contracts;
(g) have the power to represent the Society at meetings with Locals in the absence of the President or the President’s duly authorized representative;

(h) ensure all orders and resolutions of the Provincial Council and Provincial Executive are implemented;

(i) act as the Society’s advisor to the Provincial Executive on Canadian Teachers’ Federation issues;

(j) provide the necessary support for the Professional Conduct Committee and Review Committee to carry out their obligations; take all necessary action pursuant to Bylaw IV (Professional Practice);

(k) participate on Society committees and Outside Bodies as time permits;

(l) provide a report to the Provincial Executive about any Professional Misconduct charges and the decisions of the Review Committee in relation to them; and

(m) perform such other duties assigned by Provincial Executive.

7.5 President and Vice-President Release

Time and Benefits

The Society shall:

(a) assist the President and Vice-President negotiate a leave of absence without pay with their employer providing for a guaranteed return to the same or a comparable position mutually agreed upon;

(b) in the event negotiations with the employer of the President or Vice-President are not satisfactorily concluded, take appropriate action to protect the rights of the President and Vice-President;

(c) in the event the President and Vice-President subsequently elect not to return to the employ of their employers, provide assistance to the President and Vice-President in seeking alternate employment;

(d) provide for the President and Vice-President to be remunerated at the rate of:

(i) a salary of one hundred fifty percent (150%) of the average maximum teacher salary on the metro grids or his/her actual salary whichever is greater for the President; and

(ii) a salary of one hundred twenty-five percent (125%) of the average maximum teacher salary on the metro grids or his/her actual salary whichever is greater for the Vice-President;

(e) provide the President and Vice-President with a benefit package that includes:

(i) reimbursement of auto expenses at the Society’s approved kilometerage rate;

(ii) sick leave equivalent to an average of the maximum sick leave entitlement for teachers on the metro grids;

(f) provide leaves such as compassionate leave, leave for jury duty, maternity or parental leave, without loss of salary as may be reasonable under the circumstances as determined by the Provincial Executive in its sole discretion;

(g) provide professional development funds as set out in the Provincial Executive Governance Manual;

(h) provide coverage by the group life, the Disability Benefits Plan, short term disability plan, extended health plan and dental benefit plan operated by the Society;

(i) provide EAP counselling as provided under the Society’s insurance plans;

(j) provide the same vacations as those authorized by the Minister of Education for regular teachers and where there are circumstances requiring their attendance.
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PART VIII – LOCAL ASSOCIATIONS

8.1 Purpose of Locals
Locals may be established by the Society for the following purposes:
(a) carrying out the mission, goals, and objects of the Society as outlined in the Constitution, Bylaws and Policies;
(b) bargaining collectively on behalf of Members where authorized by the Society;
(c) ensuring there are effective communications between the Society as the parent union and Members;
(d) providing mechanisms for Members to be effectively represented by the Society; and
(e) supporting professional growth opportunities for Members.

8.2 Establishment of Locals
Locals shall consist of Members who wish to bargain collectively on a local or regional basis subject to the approval of the Provincial Executive. Any group of Members wishing to be organized as a Local shall forward a Constitution, Bylaws, Policies, and any Resolutions to the General Secretary for review and approval by the Provincial Executive.

8.3 Constitution and Bylaws
The Constitution, Bylaws, Policies and Resolutions of a Local including any amendments thereto shall be subject to revision, approval or disallowance by the Provincial Executive unless the matter is of a purely local nature and a decision of the Provincial Executive as to whether a matter is of a purely local nature is final and binding on the Local and all Members unless altered by Provincial Council.

8.4 Charter
Upon approval of a new Local by the Provincial Executive, the General Secretary shall within thirty (30) Days issue a Charter to the Local in the following form empowering it to carry on the work of the Society and to elect or appoint an executive in accordance with its constitution: (See form in Appendix 1).

8.5 Duties
Locals are responsible to the Society, as the parent union, and to Members, and shall:
(a) abide by the Society’s Constitution, Bylaws and Policies in carrying out the terms of the Local’s Charter;
(b) adopt Constitutions, Bylaws, Policies and resolutions that are consistent with the Constitution and Bylaws and repeal, amend or modify any inconsistent Constitution, Bylaws, Policies or Resolutions that are inconsistent with the Constitution, Bylaws, Policies or Resolutions voluntarily or upon direction of the Provincial Executive;
(c) provide copies of the Local Constitutions, Bylaws, Policies, and Resolutions and any proposed amendments thereto to the General Secretary within ten (10) days of
approval by Local Members or the Local Executive;

(d) upon request by the General Secretary provide copies of minutes of any duly convened meetings of the Local, its council or executive and any other requested documentation;

(e) ensure the Local’s assets are protected and used to carry out the mission, goals and objects of the Society;

(f) prior to making expenditures, ensure that such expenditures will comply with the Society’s Bylaws, Policies and financial and operational policies and obtain approval from the Local’s council or Members at a general membership meeting but a Local shall not enter into contracts to purchase real estate without the prior written approval of the General Secretary;

(g) ensure employers remit Society fees directly to the Society;

(h) provide the General Secretary with a list of its officers and executive within ten (10) Days of their election or appointment;

(i) ensure a staff officer employed by the Society is a member of the Local Table Team and is able to participate in all collective bargaining meetings of the Local;

(j) prior to referring a matter to interest arbitration or conducting a ratification vote on a proposed collective agreement or any amendments to a collective agreement, provide the Society with the opportunity to discuss its views about the advisability of referring the matter to interest arbitration or accepting any agreement reached in committee, and no ratification vote shall be held by a Local until after the Society has been provided with the opportunity to present its views to Members; and

(k) prior to applying for interest arbitration hold a secret ballot vote of the Local’s council or membership to determine whether Members support the referral to interest arbitration.

8.6 Limitation Regarding Society Fees
No Local shall be entitled to bargain collectively, to adopt a bylaw or resolution, or amend its constitution to allow the Local or any Member to withdraw from or opt out of any scheme or program of insurance undertaken or operated by the Society including any scheme or program of insurance the Society provides by entering into a contract with an insurer to insure all or part of its liability under a scheme or program of insurance without written consent from the Society.

PART IX – PRESIDENTS’ COUNCIL

9.1 Role of Presidents’ Council
Presidents’ Council is a forum for discussion about issues raised by the Provincial Executive and Members, through their Locals. It allows for the exchange of ideas and discussion regarding the progress of the Society’s mission, goals and objects between Provincial Council Meetings and provides an opportunity for professional development on governance issues within the Society to take place on a regular basis. More particularly, the role of the Presidents’ Council shall be to:

(a) advise the Provincial Executive;

(b) assist the Provincial Executive in determining interim policy; and

(c) assist the Provincial Executive in carrying out strategies.

9.2 Composition
The Presidents’ Council shall be comprised of:

(a) Local presidents, EFM president, COSL chairperson or their designates as voting members;
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(b) Provincial Executive members as non-voting members; and
(c) and shall hold a minimum of three (3) meetings between Provincial Council Meetings.

9.3 Agenda
Local presidents shall forward agenda items to the President at least thirty (30) Days prior to the meeting of Presidents’ Council. The General Secretary shall ensure that copies of the agenda, supporting documentation or research and all reports for Presidents’ Council are forwarded to Local presidents and other participants at least seven (7) Days prior to Presidents’ Council. Additions to the agenda may be approved at Presidents’ Council by majority vote.

9.4 Aboriginal
Aboriginal Awareness Training
The Society shall provide annual Aboriginal Awareness training for Local Presidents commencing in the 2015-2016 school year.

PART X – COSL, EFM AND SAGE

10.1 Rights of COSL, EFM and SAGE Members
Members who also have membership in COSL, EFM or SAGE retain all the rights and benefits enjoyed by other Members in addition to any other benefits outlined in Bylaw VI.

10.2 Joint Meetings
The Officers and the officers of COSL or EFM shall hold at least one joint meeting a year.

PART XI – FINANCIAL MATTERS

11.1 Audits
Audited financial statements for all Society operations shall be provided to Provincial Council after acceptance by Provincial Executive.

11.2 Membership Year
The membership year shall be from September 1st to the next following August 31.

11.3 Establishment of Society Fees
The scale of fees for each category of membership, including any required insurance premiums, shall be approved at a Provincial Council Meeting. It shall be a condition of membership in the Society that every Member pay all required Society fees, Local fees and any premiums of insurance for any insurance scheme or program the Society operates as an insurer in accordance with Bylaw V, including any insurance the Society provides by entering into a contract with an insurer to insure all or part of its liability under the scheme or program of insurance.

11.4 Members’ Payment of Fees
Each Member shall pay the required fees monthly or more frequently as may be determined by collective bargaining, and fees approved by COSL or EFM shall be payable by their members as part of their membership fees payable to the Society.

11.5 Special Rules Related to Fees
The following special rules shall apply in relation to Society fees:
(a) teachers accepting teaching positions after commencement of the school year and part-time teachers shall have their membership fees pro-rated; and
(b) Substitute Teachers shall pay a daily fee calculated by dividing the Society fee approved by Provincial Council by two hundred (200) Days for each year during which the approved fee is in effect.

11.6 Administration of Society Funds
The Provincial Executive shall ensure all Society Funds are:
(a) funded from budget allocations approved by Provincial Council and ensure the
income from each fund is used as general revenue in the Society’s operating budget if the income is not required to maintain the approved threshold amount for the fund;

(b) administered and invested in a responsible and prudent manner having regard to the purpose of the fund, investment risks, rate of return, and preservation of capital requirements;

(c) audited annually;

(d) reported upon at Provincial Council Meetings;

(e) only accessed if approved by a two-thirds majority vote of the Provincial Executive; and

(f) ensure that the signing officers of the Society are the signing officers of each fund.

11.7 Operations Stabilization Fund
The Society shall maintain an Operations Stabilization Fund not exceeding an amount equal to ten percent (10%) of the total revenues of the Society exclusive of Plan premiums and capital expenditures for the immediately preceding year to cover deficits in the operational budget and to allow for normal fluctuations in cash flow. If the amounts credited to the Operations Stabilization Fund exceed the authorized limit, the Provincial Executive shall allocate the excess to long term debt, the Capital Assets Replacement Fund, the operations budget or the Society Reserve Fund.

11.8 Capital Assets Replacement Fund
The Society shall maintain a Capital Assets Replacement Fund to provide for the replacement or enhancement of the capital assets of the Society, which fund shall be funded by the annual allocation of amortization and the income from any investment of this fund or transfers from the Operations Stabilization Fund.

11.9 Society Reserve Fund
The Society shall maintain a Reserve Fund not exceeding one million dollars ($1,000,000) to ensure the Society has the ability to address events that even with normal due diligence could not have been foreseen.

11.10 COSL and EFM Reserve Fund
The Society shall maintain Reserve Funds for COSL and EFM not exceeding one hundred thousand dollars ($100,000) each to cover deficits from their operations and related professional development activities.

11.11 Bursaries and Sporting Events
The Society shall make provision for bursaries and support for sporting events in its budgets in accordance with the Provincial Executive Governance Manual.

11.12 International Development Assistance
The budget for the international assistance program shall be equal to one-point-one percent (1.1%) of the Society budget for the previous Year exclusive of allocations for capital expenditures and Plan expenses.

PART XII – POLICIES

Provincial Council may establish Policies for governance of the Society and its Locals, collective bargaining, and the development and implementation of professional standards. Resolutions regarding changes to such Policies shall be provided to the General Secretary in writing no later than March 1 in any Year a Provincial Council Meeting is to be held.

PART XIII – AMENDMENTS

13.1 Constitutional Amendments
Members, Locals or members of the Provincial Executive may propose amendments to the Constitution by submitting them in writing to
the General Secretary by March 1 in any year a Provincial Council Meeting is to be held. The General Secretary shall review each proposed amendment to ensure it is not contrary to any public law and shall on or before April 1 of that same year, publish the proposed amendments in Society publications and on the Society’s website with the meeting notice. A resolution to change the Constitution shall require a two-thirds \((2/3)\) majority vote of those Delegates present at the time the vote is held.

13.2 Bylaw Amendments
Members, Locals or members of the Provincial Executive may propose amendments to the Bylaws by submitting them in writing to the General Secretary by March 1 in any year a Provincial Council Meeting is to be held. The General Secretary shall review each proposed amendment to confirm it complies with the Constitution and shall on or before April 1 of that same year, publish the proposed amendments in Society publications and on the Society’s website with the meeting notice. A resolution to change the Bylaws shall require a two-thirds \((2/3)\) majority vote of those Delegates present at the time the vote is held.
BYLAW II
PROVINCIAL COUNCIL

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PART I – GOVERNING BODY

1.1 Application
The provisions of this Bylaw shall govern the procedures at all Provincial Council Meetings. If the Bylaw is silent, then the most current edition of Bourinot’s Rules of Order shall apply. All matters before Provincial Council shall be decided by majority vote unless otherwise indicated in the Bylaws.

1.2 Interpretation
In this Bylaw each term that is capitalized shall have the meaning set out in Bylaw I and for purposes of this Bylaw the following terms shall have the following meanings:

“Delegate” means a member of the Provincial Executive or a duly elected representative to Provincial Council;

“Dilatory Motion” means any motion that is intended to postpone consideration of a question;

“Incidental Main Motion” means a motion which relates to the business of Provincial Council;

“Incidental Motion” means a motion that arises out of another motion that is pending;

“Main Motion” means a motion made to bring any particular subject before Provincial Council for its consideration;

“Majority Vote” means fifty percent (50%) plus one (1) or more of the votes cast;

“Meeting” means the interval of time between the convening of Provincial Council and the close of its proceedings by final adjournment;

“Nominee” means a person who has been officially nominated for a position on the Provincial Executive;

“Original Main Motion” means a motion which brings before Provincial Council some new subject, usually in the form of a resolution;

“Presiding Officer” means the chair of a Provincial Council Meeting who shall be the President of the Society, or designates;

“Privileged Motion” means a motion which, because of its great importance, takes precedence over all other questions;

“Question of Personal Privilege” means any question relating to the privileges of a Delegate;

“Question of Privilege Affecting Provincial Council” means any question relating to the privileges of Provincial Council, such as the organization of the meeting, the comfort of the members, the conduct of the presiding officer, members, and employees, and the accuracy of published reports of proceedings;

“Quorum” means the number of Delegates required to be present to conduct the business of Provincial Council;

“Resolutions” means the resolutions submitted by the Provincial Executive, Locals or Members which have been determined by the General Secretary to be constitutionally valid and which Delegates will consider at the next Provincial Council Meeting;

“Rules of Procedure” means the provisions of this Bylaw;

“Sitting” means any morning, afternoon, or evening during which the business of Provincial Council is conducted;

“Subsidiary Motion” means the motion that is applied to another motion for the purpose of most appropriately disposing of it;

“Two-thirds Vote” means two-thirds (2/3) or more of the votes cast.

1.3 Role of the General Secretary
In addition to the duties in Bylaw I, the General Secretary shall:
(a) ensure each Delegate receives a copy of the Bylaws and Resolutions at least thirty (30) days in advance of the Provincial Council Meeting;
(b) be present or delegate someone to be present at all times during each Provincial Council Meetings;

(c) cause to be kept accurate records of all Provincial Council Meetings;

(d) compile and publish the minutes of Provincial Council Meetings; and

(e) do or cause to be done all such things related to the Provincial Council Meeting as are directed by Provincial Council or the Provincial Executive or which are by custom the responsibility of the General Secretary.

1.4 Provincial Council Meetings
Provincial Council Meetings shall be held in Winnipeg for three (3) consecutive days in the month of May beginning on a Thursday on such date, time and place as the Provincial Executive shall determine, unless an alternate date is chosen by Provincial Council for the next Provincial Council Meeting. The Thursday shall not immediately precede the Victoria Day Holiday. Provincial Council meeting dates shall be determined at least four (4) years in advance.

1.5 Notice
The General Secretary shall ensure the membership receives written notice of the time, date and place of a Provincial Council Meeting by no later than March 1 in any year in which a Provincial Council Meeting is to be held by posting such notice in Society publications and on the Society’s website, or by some other reasonable means that will ensure Members receive notice of the time, date and place of the Provincial Council Meeting.

1.6 Delegates
The General Secretary shall notify each Local by March 1 in any year in which a Provincial Council Meeting is to be held, regarding the total number of delegates the Local is entitled to send to the Provincial Council Meeting in accordance with the formula in the Constitution and this Bylaw. The decision of the General Secretary regarding the number of Delegates each Local is entitled to send to a Provincial Council Meeting shall be final and binding on each Local.

1.7 Delegate Qualification Rules
In determining the number of Delegates each Local is entitled to send to a Provincial Council Meeting, the General Secretary shall apply the following rules in addition to those in the Constitution which provides for each Local to have one Delegate for every fifty (50) Members and that no Local shall have fewer than two (2) Delegates:

(a) membership dues from the previous membership year, exclusive of membership dues received from Substitute Teachers and Plan Teacher Recipients shall be used in the formula;

(b) only those Members, Substitute Teachers or Plan Teacher Recipients who teach the equivalent of at least forty (40) Days in the school year will be eligible to be Delegates;

(c) EFM shall be entitled to elect two (2) Delegates to Provincial Council; and

(d) COSL and SAGE shall each be entitled to elect two (2) of their members to attend Provincial Council Meetings as observers.

1.8 Expenses
The Society will pay the expenses of members of committees and task forces to attend Provincial Council Meetings as non-voting observers to report to Provincial Council and respond to any questions raised where prior authorization has been granted by Provincial Council or the Provincial Executive.

1.9 Special Provincial Council Meetings
A special Provincial Council Meeting shall be convened if requested by a unanimous vote of the Provincial Executive or by membership votes of at least thirty per cent (30%) of Locals representing at least thirty percent (30%) of the Society’s membership and if the request is supported by resolutions from at least five (5)
Locals from at least four (4) of the Society’s six (6) regions.

1.10 Special Meeting Proposal
A proposal for a special Provincial Council Meeting must be in writing and outline the time sensitive emergent business that needs to be addressed by calling a special Provincial Council Meeting. Any supporting documents must be provided with the proposal.

1.11 General Secretary to Call Special Meeting
The General Secretary shall issue a call to a special Provincial Council Meeting no later than thirty (30) Days after receiving the written proposal and verifying that all conditions in Article 1.9 have been met.

1.12 No Other Business Allowed at Special Meeting
No other business shall be allowed at the special Provincial Council Meeting other than the business set out in the proposal received pursuant to Article 1.10.

1.13 Funding of Special Provincial Council Meetings
Any Special Meeting of Provincial Council shall be funded from the Society Reserve Fund.

PART II – RESOLUTION PROCEDURES

2.1 Origins of Resolutions
Resolutions to a Provincial Council Meeting will be accepted from:
(a) the Provincial Executive;
(b) a Local, COSL, EFM or SAGE provided that all resolutions so submitted are accompanied by a declaration from the president or chairperson of the body submitting the resolution that the resolution is bona fide;
(c) individual Members provided that each resolution is accompanied by documentation verifying that the resolution was rejected or tabled by a Local or the Provincial Executive and such resolutions shall be dealt with in the Private Member’s section of the agenda of the Provincial Council Meeting; and
(d) a task force or committee struck by Provincial Council required to report to a subsequent Provincial Council Meeting.

2.2 Categories of Resolutions
Subject to this Bylaw all resolutions to a Provincial Council Meeting shall be in the form of:
(a) policy resolutions, which amend, add to, or delete Policies;
(b) action resolutions, based on current Bylaws or Policies or dealing with internal administrative matters, and such action resolutions shall remain current for one year only;
(c) action-and-policy resolutions, which direct the Society to undertake specific action while at the same time amending, adding to or deleting Policies;
(d) constitution resolutions which propose amendments to the Constitution; or
(e) bylaw resolutions which propose amendments to the Bylaws;
(f) resolutions appealing a decision of Provincial Executive to revoke a Charter, suspend a Local executive or place a Local into trusteeship; and each resolution shall be accompanied by a written rationale for the resolution.

2.3 Action Resolutions Related to Outside Bodies
All resolutions presented at Provincial Council Meetings directing the Society to undertake
specific actions or activities shall be consistent with the mission, goals and objectives of the Society but shall not attempt to direct the activities of Outside Bodies.

2.4 Deadlines for Resolutions
All resolutions must be received by the General Secretary no later than March 1 in any year in which a Provincial Council Meeting is to be held and all resolutions which are constitutional shall be processed by the General Secretary. Any resolutions received after the deadline shall be referred to the Provincial Executive, and if the Provincial Executive considers that the resolution deals with a matter of sufficient urgency, then the resolution shall be circulated on the first day of the Provincial Council Meeting.

2.5 Resolutions Arising from the Business of Provincial Council Meetings
A business arising resolution must be accompanied by a reference to the specific business of the Provincial Council Meeting from which the resolution arises and a written rationale for the resolution to be discussed at the Provincial Council Meeting.

2.6 Resolution Formation and Processing
The General Secretary shall:
(a) make available to Locals, COSL, EFM, SAGE Council and members of the Provincial Executive copies of the Constitution and Bylaws;
(b) process resolutions to a Provincial Council Meeting by returning to the sponsor for clarification of any resolution which:
   (i) does not follow the format prescribed in this Bylaw;
   (ii) is not clear in intent; or
   (iii) contradicts, without proposing relevant amendments to the Constitution, Bylaws or Policies;
(c) make minor changes in form or wording in any resolution without changing intent;
(d) make major changes in form or wording in any resolution, subject to the approval of the original sponsors;
(e) assign joint sponsorship to resolutions that are substantially the same;
(f) dispose of resolutions by forwarding:
   (i) those dealing with Policies to the next Provincial Council Meeting; and
   (ii) those dealing with course content or detail to the professional issues department of the Society which shall report to the sponsoring Local or organization on action taken on such resolutions;
(g) arrange for SAGE Council to be provided all resolutions and budget information pertinent to them if the resolution is to be dealt with at a Provincial Council Meeting; and
(h) provide supplementary Provincial Council Meeting materials at cost to Locals who request them prior to March 1 in any year.

2.7 Budget
The following rules shall apply to budget discussions at the Provincial Council Meeting:
(a) budget allocations for committees will be reviewed at the time committee reports are given;
(b) once provincial budgets are approved by Provincial Council any expenditure over that amount must be approved by the Provincial Executive before being spent in accordance with Bylaw I, Article 5.16 (u);
(c) minutes of the Provincial Council Meeting shall include details of the budget items approved;
(d) resolutions with cost implications to the Society shall be costed and an explanation of such costs shall be provided to Delegates;
(e) discrepancies between a committee’s reported budget and the budget line amounts contained in the actual budget be explained in the comments found opposite the actual budget line item;

(f) new line items or items which have been changed to a new category be highlighted or indicated with an asterisk accompanied by an explanation;

(g) committee reports refer the reader to the actual line item of the budget;

(h) the accounts that have been allocated to accounts payable and the rationale for such allocation;

(i) three (3) time frames be used in the presentation of the budget documentation; and

(j) a five-year (5) capital plan be presented for review and approval by Provincial Council.

PART III – GENERAL RULES

3.1 Suspension of the Operation of this Bylaw
Any Delegate may move the temporary suspension of any specific provision of the Bylaws, except as noted hereunder, by rising and saying, “I move that (Section/sub-section) of Bylaw No. be suspended to enable (here state the purpose of the suspension)”. A motion to suspend any provision of the Bylaws is debatable. Such a motion requires, for passage, unanimous consent of the Delegates present and voting.

3.2 Suspension Invalid
The following provisions of this Bylaw shall not be suspended under any circumstances:

(a) any provision stipulating a two-thirds vote;

(b) any provision stipulating unanimous consent; and

(c) any provision relating to a ballot.

3.3 Motions to Adjourn Sittings of Provincial Council
Any Delegate may move that the current sitting adjourn by rising and saying, “I move that this sitting do now adjourn”. If made during debate, such a motion shall not be debated and the question shall immediately be put. If no business is pending, such a motion shall be debatable. Such a motion shall not be amended. If a motion to adjourn a sitting is carried, the Provincial Council shall be adjourned to the next sitting. If a question is under debate when a motion to adjourn a sitting is carried the mover of the motion to adjourn shall be entitled to the floor on the resumption of business. A motion to adjourn a sitting shall not be made during the last sitting scheduled on the agenda.

3.4 Motion to Adjourn Provincial Council
Any Delegate may move the adjournment of Provincial Council by rising and saying, “I move that this Provincial Council do now adjourn”. If made during debate, such a motion shall not be debated and the question shall immediately be put. If no business is pending, such a motion shall be debatable. Such a motion shall not be amended. If a motion to adjourn Provincial Council is carried the meeting is terminated.

3.5 Adjournment by the Presiding Officer
Where it appears that the business of the meeting or a sitting has been completed, the Presiding Officer shall ask, “Shall this meeting/sitting now adjourn?” If there is no negative response, the Presiding Officer shall ask for a motion to adjourn or shall declare the meeting or sitting adjourned. If there is any negative response, the meeting or sitting shall be adjourned only by motion.

3.6 Agenda (Order of Business)
The agenda for a Provincial Council Meeting shall be prepared by the Provincial Executive and shall be submitted, as the first item of business, to the first sitting of Provincial
Council for its approval. The agenda shall outline the order of business for the meeting and the dates and times of the sitting.

3.7 Amendments to Agenda
Any Delegate may move an amendment to the agenda at the time the resolution to adopt the agenda is presented.

3.8 Unanimous Consent Required to Amend Approved Agenda
The agenda, once approved, shall not be departed from except by unanimous consent of the Delegates present and voting, save that Provincial Council may establish sittings additional to those outlined in the agenda.

3.9 Amendments to Motions
The following rules shall apply to amendments to motions:
(a) any Delegate may move or second an amendment to a motion save:
   (i) the mover and seconder of the main motion;
   (ii) any member who has spoken to the main motion;
(b) a Delegate may move only one amendment but that Delegate may speak on an amendment to the same question moved by another person;
(c) a motion to amend shall be relevant to the motion;
(d) a motion to amend shall not negate the original motion;
(e) motions to amend shall propose:
   (i) to leave out words; or
   (ii) to leave out words, in order to insert or add others; or
   (iii) to insert or add words,
(f) a motion to amend once negative, shall not be proposed a second time; and
(g) the mover of a motion to amend shall speak only once to the motion.

3.10 Amendments to Motion Amendments
When a motion to amend has been proposed, any Delegate may move a motion to amend the amendment. A motion to amend the amendment shall deal only with the wording of the amendment.

3.11 Appeal from Decisions of the Chair
Any Delegate may object to a decision of the Presiding Officer by rising and saying, “I appeal from the decision of the chair” and stating the point of appeal. The Presiding Officer shall then put the question, which is debatable, by giving the terms of the decision, the point of appeal, and asking, “The question is now, shall the decision of the chair stand as the judgment of the Council?”

3.12 Expulsion for Breaches of Decorum
The Presiding Officer may propose that a Delegate be expelled for the remainder of the Provincial Council Meeting for persistently disruptive conduct or for a flagrant breach of decorum. The question of whether a Delegate shall be expelled shall immediately be put to Provincial Council in the words, “Shall (name of member) be expelled from this Provincial Council?” A question of expulsion shall require for passage a two-thirds vote. An expelled Delegate may be re-admitted at any time upon majority vote.

3.13 Classification of Motions
Motions before Provincial Council shall be classified as follows:
(a) Incidental Main Motions are motions which:
   (i) accept or adopt a report upon a subject referred to the Provincial Executive;
   (ii) adjourn Provincial Council;
   (iii) ratify action taken;
   (iv) rescind action taken.
(b) Subsidiary Motions are motions which:
   (i) table;
(ii) postpone a motion to a specified time;
(iii) refer or refer back a motion;
(iv) amend a motion.

(c) Incidental Motions are motions which:
(i) question the order of motions;
(ii) appeal from the decision of the Chair;
(iii) object to the consideration of a question;
(iv) request information;
(v) request for leave to withdraw a motion; and

(d) Privileged Motions are motions which:
(i) adjourn the sitting, if made when another question is pending;
(ii) recess, if made when another question is pending;
(iii) raise a question of privilege.

3.14 Committee of the Whole
Any Delegate may move that Provincial Council go into Committee of the Whole to discuss a specific subject or subjects by rising and saying, “I move that we go into Committee of the Whole to consider (state specifically the subject or subjects to be considered”). If such a motion is passed by a majority of those representatives voting, the following rules shall apply:
(a) the Presiding Officer shall appoint a Delegate to take the chair and shall sit as a member of the Committee of the Whole;
(b) the Committee of the Whole may discuss only the subject or subjects referred to it;
(c) any Delegate of the Committee of the Whole may speak as often as the Delegate can get the floor;
(d) a motion or amendment made in Committee of the Whole needs no seconder;
(e) the proceedings of the Committee of the Whole shall not be recorded;
(f) any Delegate of the Committee of the Whole may move, at any time except during a vote or while another Delegate is speaking that the Committee of the Whole rise and report;
(g) the motion to rise and report shall not be debated or amended;
(h) if the motion to rise and report is carried, the Presiding Officer shall resume the chair;
(i) the Chairperson of the Committee of the Whole shall report the decision of the Committee of the Whole to the Presiding Officer;
(j) the report of the Chairperson of the Committee of the Whole shall be entered in the minutes; and
(k) if necessary, any Delegate may make a motion to concur with the report of the Committee of the Whole.

3.15 Debate
The following procedures shall apply during debate:
(a) a Delegate desiring to speak shall rise and address the Presiding Officer;
(b) when two (2) or more Delegates rise, the Presiding Officer shall call upon the Delegate who rose first;
(c) before addressing Provincial Council, a Delegate shall be identified by name and Local;
(d) a Delegate addressing Provincial Council shall closely confine discussion to the question under consideration;
(e) a Delegate shall not speak twice to a motion except, at the discretion of the Presiding Officer, in explanation of a
material part of the speech which may have been misunderstood; a Delegate who moves a main motion may respond to questions during debate with permission of the chair and responses to such questions shall not close debate but if the Delegate speaks a second time to that motion by way of reply such reply shall close the debate; and

(f) a spokesperson for Retired Teachers shall be permitted to speak to resolutions pertaining to pensions.

3.16 Motions to Table
The following rules apply to motions to table a resolution:
(a) any Delegate may move a motion to table the question under consideration by rising and saying “I move that this motion / resolution be tabled.”
(b) a motion to table shall not be amended or debated and shall immediately be put to the vote;
(c) if carried by a majority of those Delegates voting, a motion to table has the effect of placing the pending question, and everything adhering to it, in the charge of the General Secretary until the close of the Provincial Council Meeting;
(d) a tabled question may, by motion, be taken from the table, that is, brought again before Provincial Council for consideration;
(e) when a motion is lifted from the table, debate shall be resumed at the point at which it was interrupted; and
(f) a tabled question that is not taken from the table before the close of the Provincial Council Meeting shall be dead.

3.17 Motions to Refer
The following rules apply to motions to refer:
(a) any Delegate may move a motion to refer or refer back a question to the Provincial Executive;
(b) the motion shall be debatable as to the advisability of referring or referring back;
(c) the motion may be amended;
(d) a motion to refer shall not be tabled or postponed, except in connection with the main question;
(e) the motion shall be approved by a majority of representatives voting in favour; and
(f) any question referred back shall be placed on the agenda of the next Provincial Council Meeting as an item of unfinished business.

3.18 Motions to Postpone to a Definite Time
The following rules apply to motions to postpone to a definite time:
(a) any Delegate may move that a question be postponed to a definite time (“time” shall include position in the order of business) by rising and saying, “I move that further consideration of this question be postponed until (state the time)”;
(b) this motion shall be debatable and amendable in respect to time;
(c) if this motion is approved by a majority of those Delegates voting, further consideration of the question shall be postponed until the specified time;
(d) when the specified time is reached the postponed question shall have priority; and
(e) A question postponed to a specified time shall not be considered before that time is reached except by two-thirds (2/3) vote.

3.19 Standing Vote
The following rules apply to requests for standing votes:
(a) any Delegate may call for a standing vote on a question at any time after the question has been put and before another
motion has been stated, by calling out
“standing vote”;

(b) except as provided in clause (d), as soon
as standing vote is called for the
Presiding Officer shall again take the vote
by having the affirmative and negative
rise in turn;

(c) the Presiding Officer may ask Delegates
to assist in counting the vote;

(d) after the count has been completed, the
Presiding Officer shall announce the
result of the vote by declaring the
question carried or lost;

(e) any Delegate may request that the
number voting in the affirmative and
negative on decisions be announced, whereupon the Presiding Officer shall
announce the count; and

(f) the Presiding Officer shall refuse a
standing vote where the Presiding Officer
is of the opinion that the call for a
standing vote is frivolous and there is no
question as to which side is the majority.

3.20 Ending Debate
The following rules apply to end debate:

(a) except as provided hereafter, any
Delegate may move to end debate by
rising and saying, “I move that this
question be now put”;

(b) a Delegate who has spoken on the main
question shall not move or second a
motion to put the question;

(c) a motion to put the question may be made
to any debatable motion or to any
amendment;

(d) a motion to put the question requires for
passage a two-thirds (2/3) vote;

(e) a motion to put the question shall not be
debatable;

(f) if the motion is carried, the question shall
immediately be put; and

(g) if the motion is lost, debate shall be
resumed at the point at which it was
interrupted.

3.21 Objection to the Consideration of a
Question
The following rules apply to objections:

(a) any Delegate may object to the
consideration of any original main motion
by rising and saying, “I move that the
question not be considered”;

(b) a seconder shall not be required;

(c) such an objection shall be made before
the question has been discussed and may
interrupt a speaker;

(d) this motion shall not be debated, or
amended, or have any other subsidiary
motion applied to it;

(e) this motion shall require for passage a
two-thirds (2/3) vote; and

(f) Such a motion may be reconsidered only
if negative.

3.22 Points of Order
The following rules apply to points of order:

(a) any Delegate may point out a breach of
these rules of procedure by rising and saying, “I rise to a point of order”;

(b) a Delegate rising to a point of order may
interrupt a speaker;

(c) when a Delegate rises to a point of order the Presiding Officer shall ask the
member to state the point of order by
saying, “Please state your point of order”
and the Delegate shall do so succinctly
and shall not discuss the subject matter
under debate; and

(d) The Presiding Officer shall rule on the
point of order.

3.23 Parliamentarian
The General Secretary shall be the
Parliamentarian unless the General Secretary is
not available in which case the Presiding
Officer may appoint any person who is not a Delegate to be Parliamentarian and the Parliamentarian shall advise the Presiding Officer when requested to do so by the Presiding Officer.

3.24 Precedence of Motions
The following shall be the order to precedence of motions during debate on a question. Each motion on the list has precedence over those below and is superseded by those above:
(a) making of a motion to reconsider;
(b) adjourn;
(c) recess;
(d) question or privilege;
(e) table;
(f) previous question;
(g) postpone to a specified time;
(h) main motion.

3.25 Role of Presiding Officer
The Presiding Officer shall:
(a) call the meeting to order at the time appointed;
(b) announce each item of business as it arises and call upon the appropriate person to speak;
(c) cause a motion to be stated clearly before allowing discussion;
(d) refuse to recognize any motion which is evidently frivolous or otherwise out of order;
(e) authorize Delegates to speak in discussion;
(f) enforce on all occasions the observance of decorum and of the rules of procedure;
(g) submit motions for the final decision of Provincial Council by show of hands, standing vote or ballot;
(h) give a clear ruling when a point of order is raised, stating the rule or procedure which is being applied;
(i) adjourn the meeting or a sitting in the absence of a motion to adjourn when it is clear that the business of the Provincial Council Meeting or sitting is concluded and there is no objection;
(j) do or cause to be done all such things which are by custom the responsibility of a Presiding Officer;
(k) not take part in discussion.
(l) if necessary inform Provincial Council of matters of material facts within the Presiding Officer’s personal knowledge, explain the effect of proposed measures, and draw attention to departure from established policy or normal procedure; and
(m) relinquish the chair if the Presiding Officer wishes to take part in debate.

3.26 Privilege
The following rules apply to questions of privilege:
(a) any Delegate may raise a question of privilege by rising and stating, "I rise to a question of privilege affecting Provincial Council", or "I rise to a question of personal privilege";
(b) the raising of a question of privilege takes precedence over all other matters except the making of a motion to reconsider and motions to adjourn or recess and may interrupt a speaker, save that it cannot interrupt the taking of a vote;
(c) the Presiding Officer shall direct the Delegate raising a question of privilege to state the question and shall rule whether it is one of privilege or not. If it is decided it is, the floor shall immediately be yielded to the Delegate raising the question of privilege, save that, if the Presiding Officer decides that the question of privilege is not of sufficient
urgency to justify interrupting a speaker, the speaker shall continue and the floor be yielded when the speaker has finished; any motion arising from the question of privilege shall become the immediately pending question and is subject to all conditions of any main motion; and as soon as the question of privilege is disposed of the business of Provincial Council shall resume exactly where it was interrupted by the raising of the question of privilege.

3.27 Quorum
The quorum for Provincial Council shall be fifty percent (50%) of the Delegates registered for Provincial Council.

3.28 Recess
The following rules apply to recess:
(a) any Delegate may move that Provincial Council recess until a specified time within the same sitting by rising and saying, “I move that this Provincial Council do now recess until (give time)”;
(b) such a motion shall not be debated or amended and the question shall immediately be put;
(c) if a motion to recess is carried, Provincial Council shall recess until the specified time; and
(d) if a question is under debate when the motion to recess is carried, business shall resume after the recess at the point at which it was interrupted and the mover of the motion to recess shall be entitled to the floor.

3.29 Reconsideration
The following rules apply to motions to reconsider:
(a) the vote on any question, except motions to adjourn, recess, table, suspend any provision of this Bylaw, and reconsider, may be reconsidered;
(b) any Delegate may move a motion to reconsider by rising and saying, “I move that the vote on (state the resolution or matter) be reconsidered”;
(c) the making of a motion to reconsider shall take precedence over all other business;
(d) a motion to reconsider shall require for passage a two-thirds vote;
(e) a motion to reconsider shall be made during the same, or next ensuing sitting of Provincial Council as the vote of the motion it is proposed to reconsider;
(f) a motion to reconsider shall not be considered until called up and any Delegate may call up a motion to reconsider by rising and saying, “I call up the motion to reconsider the vote on (state the resolution or matter)”;
(g) a motion to reconsider shall not be called up until at least one full sitting has intervened since the making of the motion to reconsider; and
(h) if a motion to reconsider is passed, the original motion shall be open to free debate regardless of speeches made during its original consideration.

3.30 Rescinding a Motion
The following rules apply to rescinding motions:
(a) any motion may be rescinded;
(b) any Delegate may move that a motion be rescinded by rising and saying, “I move that Resolution No. or the motion that (state the motion) be rescinded”;
(c) such a motion shall be debatable; and
(d) a motion to rescind shall require two-thirds vote in favour to be passed.

3.31 Voting Procedures on Motions Before the Council
The following rules apply to votes on motions before Provincial Council:
(a) when debate appears to have closed, the Presiding Officer shall ask, “Are you ready for the question?” If no Delegate rises, the question shall be put by first calling for the affirmative vote and then calling for the negative vote;

(b) if the question is on a resolution, the resolution shall be read again immediately before the vote unless it has been read very recently or it is the sense of the Council that the reading shall be dispensed with;

(c) Delegates shall vote by raising their hands;

(d) Delegates may abstain from voting and such abstentions shall not be considered for purposes of determining the outcome of the vote;

(e) when the Presiding Officer is not certain of the result of a vote, a standing vote shall be called for by asking the affirmative and negative to rise in turn. Delegates may be asked to assist in counting the vote. After the count has been completed, the result shall be announced by declaring the question carried or lost;

(f) any Delegate may request that the number voting in the affirmative and negative be announced, whereupon the presiding Officer shall announce the count;

(g) in the case of a tie vote, the Presiding Officer shall declare the question lost;

(h) Provincial Council may, by resolution, direct that the vote on any question be by ballot. The Presiding Officer shall appoint five (5) Delegates as returning officers. The returning officers shall collect and count the ballots. A Delegate voting shall mark the ballot, fold it, and submit the folded ballot to the returning officers. After the ballots have been counted, the returning officers shall report the count to the Presiding Officer.

The Presiding Officer shall then announce the result of the vote. While the votes are being counted, Provincial Council shall proceed with its business;

(i) appointment as a returning officer shall not deprive a Delegate of the right to vote;

(j) any late resolution involving an expenditure of more than one thousand dollars ($1,000) shall require a two-thirds vote; and

(k) any resolution appealing a decision of Provincial Executive to revoke a Local Charter, suspend a Local Executive, or place a Local into trusteeship shall require a two-thirds vote.

3.32 Withdrawing a Motion
The following rules apply to withdrawing a motion:

(a) a mover of a motion may request leave to withdraw that motion at any time before voting on the motion has begun by rising and saying, “I request permission to withdraw (state motion/resolution)”;

(b) the Presiding Officer shall ask Provincial Council if there are any objections to the withdrawal;

(c) if no objection is made, the motion shall be withdrawn; and

(d) if any Delegate objects, the motion shall be withdrawn only upon a motion passed by majority vote.
BYLAW III
ELECTIONS OF THE PROVINCIAL EXECUTIVE

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PART I – APPLICATION AND VOTING CONSTITUENCY

1.1 Election of the Provincial Executive
The Provincial Executive shall be elected in accordance with this Bylaw. In this Bylaw each term that is capitalized shall have the meaning set out in Bylaw I.

1.2 Members’ Entitlement to Vote
Subject to Articles 1.3 and 1.4, Members, Substitute Teachers and Plan Teacher Recipients shall be entitled to:
(a) run for office;
(b) nominate other Members, qualifying Substitute Teachers or Plan Teacher Recipients for President, Vice-President and Members-at-Large; and
(c) if elected as a Delegate in accordance with the Constitution and Bylaw II attend Provincial Council Meetings and vote for President, Vice-President and Members-at-Large.

1.3 Substitute Teachers’ and Plan Teacher Recipients’ Entitlement to Vote
If elected as a Delegate in accordance with Bylaw II, Substitute Teachers and Plan Teacher Recipients shall only be entitled to run for office, nominate other Members and vote for President, Vice-President and Members-at-Large if they teach the equivalent of at least forty (40) Days during the school year in which the Provincial Council Meeting is held.

1.4 Retired Teachers’ Entitlement to Vote
If elected as a Delegate in accordance with Bylaw II, a Retired Teacher shall not be entitled to run for office, nominate others to run or vote for Provincial Executive unless the Retired Teacher is a Regular or Substitute Teacher who teaches the equivalent of at least forty (40) Days during the school year in which the Provincial Council Meeting is held.

1.5 Voting Constituency
Only those Delegates to the Provincial Council actually present at the time the vote is called shall be entitled to cast a ballot for President, Vice-President and Members-at-Large.

PART II – CHIEF RETURNING OFFICER

2.1 Chief Returning Officer
The General Secretary shall act as the Chief Returning Officer.

2.2 General Rules
The following general rules shall apply to Provincial Executive elections:
(a) ballot forms shall identify candidates only by name;
(b) any ballot on which the intention of the voter is clear and evident shall be counted;
(c) the validity of all questionable ballots shall be determined by the Chief Returning Officer and the deputy returning officers; and
(d) each candidate may appoint a scrutineer to observe the counting of the ballots.

2.3 Duties of the Chief Returning Officer
The Chief Returning Officer shall:
(a) immediately following the close of nominations, report who has been nominated for the positions of President, Vice-President and Members-at-Large and the validity of the nomination;
(b) report on any other matters concerning the application and operation of this Bylaw;
(c) arrange for each candidate’s name to be placed in alphabetical order on a ballot for the relevant position;
(d) conduct a secret ballot vote for the election of President, followed by Vice-President, and then followed by the election of Members-at-Large and any other positions;
(e) with the assistance of the deputy returning officers count the votes;
(f) after the counting of the ballots announce the results including the number of votes received by each candidate;
(g) conduct any required recount;
(h) destroy the ballots upon motion of Provincial Council; and
(i) report the election results at the Provincial Council Meeting and on the Society website or in other Society publications.

2.4 Run-off Elections
The Chief Returning Officer shall conduct a run-off vote at the Provincial Council Meeting if there is a tie for any position on Provincial Executive, with the candidates who are tied being the only candidates in the run-off vote.

PART III – TERMS OF OFFICE

3.1 President
In accordance with Bylaw I, the President shall be elected for a two-year (2) term and shall be eligible for re-election for one additional term.

3.2 Vice-President
In accordance with Bylaw I, the Vice-President shall be elected for a two-year (2) term and shall also be eligible for re-election for one additional term.

3.3 Members-at-Large
In accordance with Bylaw I, Members-at-Large shall be elected for two-year (2) terms and shall be eligible for a maximum of three (3) consecutive terms.

PART IV- NOMINATION PROCEDURES

4.1 Notice of Nominations
The Chief Returning Officer shall cause a notice to be sent to all Locals and schools within the first two weeks of January in any year an election is to be held at a Provincial Council Meeting, which notice shall call for nominations and establish the date and time nominations must be received in writing by the Chief Returning Officer in accordance with the procedures in this Bylaw.

4.2 Candidate Information
The following rules shall apply to the provision of candidate information:
(a) candidates for the Provincial Executive may submit a photograph, biography and election statement (both of which shall not exceed two hundred fifty (250) words in total) to the Chief Returning Officer no later than April 1;
(b) candidates nominated as provided for in this Bylaw after March 1 may submit a biography and election statement (both of which shall not exceed two hundred fifty (250) words in total) to the Chief Returning Officer no later than 4:00 p.m. on the day nominations close at the Provincial Council Meeting; and
(c) the General Secretary shall arrange for the printing and circulation of the submitted material to all Delegates prior to the Provincial Council Meeting or in the case of the material submitted at the Provincial Council Meeting, to Delegates prior to the election.

4.3 Nominations
Subject to Bylaw I and Articles 1.3 and 1.4 of this Bylaw, a Member, qualifying Substitute Teacher or Plan Teacher Recipient may be nominated for President, Vice-President or Member-at-Large as long as the nomination is supported by the signatures of at least twenty-five (25) other Members, qualifying Substitute Teachers or Plan Teacher Recipients and the nominee accepts the nomination in writing.

4.4 Nomination Process
The following nomination procedures shall apply to all elections to be conducted at a Provincial Council Meeting:
BYLAW III

PART V – ELECTION PROCEDURES

5.1 Election Procedures
The following election procedures shall apply to all elections held at Provincial Council Meetings:

(a) Delegates eligible to vote shall mark their ballots, fold them, and submit the folded ballots to the deputy returning officers who shall collect the ballots;

(b) regular business shall proceed while the votes are being counted;

(c) each Delegate voting may vote for the number of candidates the Delegate supports but any ballot cast for more than the total number of candidates to be elected shall be considered spoiled;

(d) if the number of candidates nominated is the same as the number of positions to be filled, no vote shall be conducted and the Chief Returning Officer shall declare the candidates elected; and

(e) appointment as a deputy returning officer shall not deprive a Delegate of the right to vote, but that Delegate may not actively campaign for any of the candidates in order to maintain the impartiality of the vote.

5.2 Election Forum
An election forum including a question and answer period shall be held at a convenient time after all nominations have been accepted by the Chief Returning Officer. Delegates shall submit questions to the Chief Returning Officer to be asked of candidates for President, Vice-President or Member-at-Large as the case may be.

5.3 Recounts
Where the margin between the elected candidate and the defeated candidate is not more than five percent (5%) of the total ballots cast, the Chief Returning Officer shall conduct a recount.
PART VI – VACANCIES

6.1 Appointments Upon Vacancy
Vacancies on Provincial Executive shall be filled as follows:
(a) if the office of President becomes vacant, the Vice-President shall assume the office of President but if the Vice-President is unable or unwilling to assume the presidency, the Provincial Executive shall appoint one of its members to be the President until the next Provincial Council Meeting;
(b) if the office of the Vice-President position becomes vacant, the Provincial Executive shall appoint one of its members to be the Vice-President until the next Provincial Council Meeting; and
(c) if a Member-at-Large position becomes vacant, the Provincial Executive shall, in accordance with Bylaw I, 5.15 Vacancy, appoint a Member to fill the vacancy until the next Provincial Council Meeting.

PART VII – ELECTORAL DIVISIONS

7.1 Continuation Electoral Divisions
The teachers’ electoral divisions established by Provincial Council prior to the coming into force of this Bylaw, are hereby continued as set out in this Bylaw as follows:
- Association des éducatrices et des éducateurs franco manitobains (AEFM)
- Beautiful Plains Teachers’ Association
- Border Land Teachers’ Association
- Brandon Teachers’ Association
- Evergreen Teachers’ Association
- Flin Flon Teachers’ Association
- Fort La Bosse Teachers’ Association
- Frontier Teachers’ Association
- Garden Valley Teachers’ Association
- Hanover Teachers’ Association
- Interlake Teachers’ Association
- Kelsey Teachers’ Association
- Lakeshore Teachers’ Association
- Lord Selkirk Teachers’ Association
- Louis Riel Teachers’ Association
- Manitoba Institute of Trades and Technology Teachers’ Association
- Mountain View Teachers’ Association
- Nelson House Teachers’ Association
- Park West Teachers’ Association
- Pembina Trails Teachers’ Association
- Pine Creek Teachers’ Association
- Portage La Prairie Teachers’ Association
- Prairie Rose Teachers’ Association
- Prairie Spirit Teachers’ Association
- Red River Valley Teachers’ Association
- River East Transcona Teachers’ Association
- Rolling River Teachers’ Association
- Sandy Bay Teachers’ Association
- Seine River Teachers’ Association
- Seven Oaks Teachers’ Association
- Southwest Horizon Teachers’ Association
- St. James-Assiniboia Teachers’ Association
- Sunrise Teachers’ Association
- Swan Valley Teachers’ Association
- Thompson Teachers’ Association
- Turtle Mountain Teachers’ Association
- Turtle River Teachers’ Association
- Western Teachers’ Association
- Whiteshell Teachers’ Association
- Winnipeg Teachers’ Association
BYLAW IV
PROFESSIONAL PRACTICE

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PART I – THE TEACHING PROFESSION IN MANITOBA

1.1 Application
In accordance with the Society’s goal of promoting ethical standards and professional competence within the profession of teaching, the Society has established the Code of Professional Practice set out in Part II of this Bylaw. The Code must be adhered to by those who have membership in the Society, whether they are acting in an employed position under a collective agreement, or an appointed or elected position within the Society or its Locals, or in an external position due to secondment.

1.2 Interpretation
In this Bylaw each term that is capitalized shall have the meaning set out in Bylaw I with the exception of the term “Members” which for purposes of this Bylaw includes Member, Substitute Teacher, Plan Teacher Recipient and Student Members in Good Standing as defined in Bylaw I.

1.3 Philosophy of Teaching as a Profession
Teaching is a profession governed by the Code in PART II of this Bylaw. The Code governs the relationships of teachers with their colleagues, their students, and the communities in which they work. Teachers are trusted by the public and others in the teaching profession to act ethically, responsibly and to adhere to high standards of professional practice. As a result, Members have an obligation to support and enhance the professional standing and reputation of all teachers and the status of the profession of teaching through academic and professional preparation and by engaging in ongoing professional development.

PART II – CODE OF PROFESSIONAL PRACTICE

2.1 The Code
Members are bound by the following principles and each Member’s professional behaviour must reflect the spirit as well as the letter of these principles:

1. A Member’s first professional responsibility is to the Member’s students;
2. A Member acts with integrity and diligence in carrying out professional responsibilities;
3. A Member avoids involvement in a conflict of interest, recognizes that a privileged relationship with students exists and refrains from exploiting that relationship for material, ideological or other advantage;
4. A Member’s conduct is characterized by consideration and good faith. The Member speaks and acts with respect and dignity, and deals judiciously with others, always mindful of their rights;
5. A Member respects the confidential nature of information concerning students and may give the information only to authorized personnel or agencies directly concerned with the individual student’s welfare;
6. A Member first directs any criticism of the professional activity and related work of a colleague to that colleague in private. Only after informing the colleague of the intent to do so, the complainant may direct in confidence the criticism to appropriate officials through the proper channels of communication. A Member shall not be considered in contravention of this Article in the following circumstances:
   (i) consulting with the Society or the Member’s Local president;
   (ii) taking any action that is allowed or mandated by legislation; and
   (iii) where the Member is acting in good faith and without malice in the discharge of the legitimate duties of the Member’s appointed or elected position.
7. A Member does not bypass immediate authority to reach higher authority without first exhausting the proper channels of communication;
8. A Member makes an ongoing effort to improve professionally;

9. A Member adheres to collective agreements negotiated by the Society and its Locals; and

10. A Member or group of Members makes only authorized representations to Outside Bodies on behalf of the Society or its Locals. Without the express permission of the Society, no Members conferring with Outside Bodies may explicitly or implicitly claim that they represent the Society or its Locals.

2.2 Violations of the Code
Violations of the Code shall be dealt with in accordance with the procedures in this Bylaw IV.

PART III – PROFESSIONAL MISCONDUCT

3.1 Professional Misconduct Complaints
A complaint about Professional Misconduct of a Member must be filed with the General Secretary in writing within twelve (12) months of the incident giving rise to the complaint unless there are exceptional circumstances explaining the failure to comply with the time limits that are sufficiently compelling to the General Secretary, and shall include:
(a) the name of the Member who is the subject of the complaint;
(b) the name, address, telephone number and email address of the person making the complaint; and
(c) a detailed description of the conduct or actions of the Member about whom the complaint is being filed.

3.2 Processing of Complaint
The General Secretary shall:
(a) provide a copy of the complaint to the Member within thirty (30) Days of receiving the complaint by mailing a copy to the last address known to the Society by double registered mail, postage prepaid and advise the Member that a response is required within thirty (30) Days from the date the letter was mailed;
(b) attempt to resolve a complaint at any time by appointing a mediator;
(c) within ninety (90) Days of receiving the complaint review the complaint and any response and take no further action if the General Secretary is satisfied that the complaint:
(i) is not within the jurisdiction of the Society;
(ii) is without substance or its substance cannot be proved;
(iii) the Member has provided a satisfactory explanation;
(iv) has been resolved through alternate means; and
(v) is untimely and there are no exceptional circumstances explaining the failure to comply with the time limits;
(d) send a letter to the Member reminding the Member of the Member’s obligations under the Constitution, Bylaws or Policies;
(e) send a letter to the Member recommending certain action be taken by the person within a timeframe established by the General Secretary;
(f) refer the complaint to the Professional Conduct Committee for its consideration;
(g) upon receipt of a charge from the Professional Conduct Committee, take the following action:
(i) within ten (10) Days, serve the Member and the complainant by personal service, sending it by registered mail to the Member’s last known home address, or by serving it personally on the Member’s counsel or delivering a copy to the Member’s counsel, if any, by electronic or other means;
(ii) provide copies of the charge to the chairperson of the Review Committee; and

(iii) inform the Provincial Executive that a Member has been charged but not identify the Member.

(h) notify the Member and the complainant in writing regarding the disposition of the complaint;

(i) refer the matter to the Professional Conduct Committee where a Member fails to follow the recommendations of the General Secretary in accordance with clause (e); and

(j) send decisions of the Professional Conduct Committee and the Review Committee to the Member, the Member’s legal counsel, if any, and the complainant within fourteen (14) Days of the date of the decision.

3.3 Appeals of General Secretary Decisions
The complainant may appeal decisions of the General Secretary under Article 3.2 (c), (d) or (e) and the respondent may appeal decisions of the General Secretary under Article 3.2 (e) by filing a written complaint which outlines in detail the basis for the appeal, to the chairperson of the Professional Conduct Committee, with a copy to the General Secretary, within fourteen (14) Days of receipt of the letter from the General Secretary.

3.4 Professional Conduct Proceedings
The Professional Conduct Committee appointed by the Provincial Executive shall:

(a) conduct investigations into complaints referred to it by the General Secretary or appeals of decisions made by the General Secretary;

(b) make recommendations to the Provincial Executive about standards of professional conduct;

(c) establish procedures to maintain confidentiality with respect to all matters before the committee, including information received during its investigations and the drafting, review and approval of any report regarding a complaint investigation or appeal;

(d) within ninety (90) Days of receipt of a complaint, or any extension granted by the General Secretary:

(i) dismiss the complaint or appeal;

(ii) direct that a charge of Professional Misconduct be laid against the Member;

(iii) send a registered letter to the Member reminding the Member of the Member's obligations under the Constitution, Bylaws or Policies; or

(iv) send a registered letter to the Member recommending that certain action be taken by the Member within a timeframe to be established by the General Secretary.

(e) where the General Secretary has determined that there are verified medical reasons for delaying the investigation, related civil or criminal proceedings or the parties have agreed to mediation, adjourn the investigation for such period of time the Professional Conduct Committee considers reasonable in the circumstances;

(f) rescind or stay a charge of Professional Misconduct before a hearing commences if seventy-five percent (75%) of the members of the Committee present at a meeting held to discuss the matter agree to rescind or stay the charge; and

(g) resume its investigation of a stayed charge if new information comes to the attention of the Professional Conduct Committee within six (6) months of the charge being stayed.

3.5 Quorum
A quorum shall be a majority of the members of the Professional Conduct Committee.

3.6 Duties of Professional Conduct Committee Chairperson
The Provincial Executive shall appoint a chairperson and vice-chairperson for the Professional Conduct Committee and the vice-
chairperson shall have the full powers to act in the absence or incapacity of the chairperson, who shall:

(a) preside at all meetings of the Professional Conduct Committee;

(b) review all complaints and appeals from decisions of the General Secretary and do any of the following:

(i) appoint an investigation committee of three (3) members of the Professional Conduct Committee to investigate the complaints and report to the Professional Conduct Committee after ensuring the members would not be in a conflict if they were appointed to the investigation committee;

(ii) appoint a new member to sit on an investigation committee where a member has been recused pursuant to Article 5.1;

(iii) request the Member to provide a written response to the complaint signed by the Member, the Member’s staff officer or legal counsel;

(iv) request additional information from the Member during the investigation; and

(v) appoint counsel or such other experts the committee considers necessary to assist it in carrying out its investigation of the complaint.

(c) when the Professional Conduct Committee determines a charge is to be laid, prepare the charge by:

(i) ensuring each allegation is sufficiently detailed to give the respondent Member notice of the alleged Professional Misconduct;

(ii) including a notice that a hearing date will be set by the Review Committee to determine the disposition of the charge;

(iii) signing the charge on behalf of the Professional Conduct Committee; and

(iv) forwarding a copy of the charge to the General Secretary with a report on the investigation proceedings carried out by the Professional Conduct Committee.

PART IV – REVIEW COMMITTEE

4.1 Responsibilities
The Review Committee shall adjudicate Professional Misconduct charges in a fair and efficient manner.

4.2 Practice and Procedure
The Review Committee may establish its own practice and procedures consistent with the following principles:

(a) proceedings before the Review Committee shall be confidential and in camera;

(b) the Member charged shall have the right to attend the hearing, present evidence and make representations directly or with the assistance of legal counsel or a staff officer;

(c) no more than two (2) members of the Professional Conduct Committee or its legal counsel shall act as prosecutor of the charge unless a member of the Professional Conduct Committee is the complainant or the Member charged in which case legal counsel for the Professional Conduct Committee alone shall act as prosecutor;

(d) the complainant, legal counsel for the Review Committee and such other persons as the Review Committee determines are necessary for the proper conduct of the hearing shall be entitled to attend any proceedings of the Review Committee;

(e) legal counsel may assist the Review Committee during all stages of the proceedings and in formulating its decision but shall not be present or participate in any Review Committee deliberations; and

(f) a hearing into a charge of Professional Misconduct may proceed in the absence of the Member charged without further notice, upon proof of service to the Member, if the Review Committee has not been provided
with a bona fide reason for the absence prior to the date of the hearing.

4.3 Powers
The Review Committee has in relation to any charge before it, the power to:

(a) hold hearings into charges laid by the Professional Conduct Committee against Members and to determine any matter that may arise in such proceedings;

(b) set hearing dates after consultation with the chairperson of the Professional Conduct Committee, which dates must not be sooner than sixty (60) Days from the date of the charge, and request the General Secretary to, within five (5) Days from receipt of the Review Committee’s request, issue a formal notice of the hearing dates to the Professional Conduct Committee, the Member charged, the complainant and any affected Member to their last known address or other contact information;

(c) determine preliminary motions, including adjournments, with and without conditions;

(d) hold any necessary pre-hearing conferences;

(e) summon witnesses, by sending the summons to the person’s last known address;

(f) enforce the attendance of witnesses and compel them to give oral or written evidence on oath or affirmation and to produce such documents and things as the Review Committee considers appropriate to the full investigation and consideration of any matter which is before the Review Committee in any hearing;

(g) adjourn or postpone the hearing from time to time;

(h) administer oaths and affirmations;

(i) receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion the Review Committee sees fit whether admissible in a court of law or not; and

(j) exercise such powers and perform such duties and functions of the committee that are incidental to the powers, duties and functions of the Review Committee.

4.4 Panels and Quorum
The chairperson or vice-chairperson of the Review Committee may conduct a hearing as a panel of one to set hearing dates or determine pre-hearing procedural issues, but all other matters must be heard by at least six (6) members of the Review Committee and the chairperson or vice-chairperson. Decisions shall be made by majority vote of those members of the Review Committee present at a hearing or other proceeding and if the votes are equal, the chairperson, or in the chairperson’s absence, the vice-chairperson shall cast the deciding vote.

4.5 Review Committee Decisions
A copy of the decision shall be provided to the General Secretary, who shall within fourteen (14) Days notify the parties and their legal counsel, if any, of the disposition of the matter, and if directed by the Review Committee, shall publish a brief summary of the nature of the offence and the penalties imposed, with or without the name of the Member found guilty of Professional Misconduct.

4.6 Decisions and Remedial Authority
The Review Committee shall issue a written decision setting out its reasons for either dismissing the complaint or finding the Member guilty of Professional Misconduct. If the Member is found guilty of Professional Misconduct, the Review Committee shall impose one or more of the following penalties permitted by the Constitution:

(a) admonishment;

(b) censure;

(c) suspend the person’s membership in the Society with or without conditions;

(d) terminate the person’s membership in the Society;

(e) order the Member to pay a fine in an amount not exceeding two thousand dollars ($2,000) to the Society;
(f) order the Member to pay all or part of the costs incurred by the Society in connection with any investigation or proceedings relating to the matter in respect of which the Member was found guilty, up to a maximum of five thousand dollars ($5,000) for costs incurred in investigating and proceeding to the hearing; and

(g) recommend to the minister responsible for education that the Member’s certificate be suspended or revoked.

4.7 Appeals of Review Committee Decisions
A Member may appeal a decision of the Review Committee in accordance with the provisions of the Constitution.

PART V – MISCELLANEOUS COMMITTEE RULES

5.1 Recusal of Committee Members
Members of the Professional Conduct Committee and Review Committee shall not participate in an investigation or hearing if:

(a) the committee member is the complainant or may be a witness, or the complainant or other witnesses are employed at the same school as the committee member;

(b) the committee member has a pecuniary or other interest in the subject matter of the complaint; and

(c) following representations of the parties to a complaint, a committee member determines that there may be a reasonable apprehension of bias concerning the Member.

5.2 Conclusion of Proceedings Prior to Expiry Appointment
A member of the Professional Conduct Committee or Review Committee shall have the power to complete any investigation or hearing started prior to the end of their term of appointment and that committee member’s term shall be automatically extended by the Provincial Executive until the matter is completed.

PART VI- MEMBER'S OBLIGATIONS AND REINSTATMENT OF MEMBERSHIP

6.1 Member’s Obligations
A Member who receives notification from the General Secretary that a complaint has been filed against the Member shall:

(a) provide the General Secretary with a written response to the complaint within fourteen (14) Days;

(b) take such action as recommended by the General Secretary; and

(c) notify the General Secretary in writing within fourteen (14) Days of receipt of a charge whether the Member intends to be represented by legal counsel before the Review Committee and the name and contact information of the Member’s legal counsel.

6.2 Timeliness Reinstatement Application
Where a person’s membership in the Society has been revoked by the Review Committee, the Member may apply to the Society for reinstatement no earlier than six (6) months after membership has been revoked.

6.3 Written Application Required
A person may seek to be reinstated by making written application to the Society and paying a fee of five hundred dollars ($500.00) to the Society.

6.4 Contents Statutory Declaration
The applicant must submit a statutory declaration to the Review Committee providing:

(a) a detailed explanation as to why the applicant’s membership should be reinstated;

(b) verification payment of all moneys owing by the applicant to the Society has been made or a proposal for repayment acceptable to the General Secretary has been agreed upon; and

(c) such other material as the Society may require.
6.5 Review Committee Hearing
The chairperson of the Review Committee must establish a panel to hear an application under this Article and to make a determination regarding reinstatement of membership. A hearing date must be set and notice provided to the applicant by mailing by registered mail the notice of hearing to the last known address of the applicant.

6.6 Member Representation
The Member may attend the hearing with counsel, at the Member’s cost.

6.7 Review Committee Decision
After hearing and considering the evidence and representations made, the Review Committee shall:
(a) reinstate the applicant’s membership; or
(b) refuse to reinstate the applicant as a member of the Society; and
(c) provide the General Secretary with a copy of the Review Committee’s written reasons for decision.

6.8 Notice to Members
Within fourteen (14) Days of receipt of the written reasons for decision, the General Secretary shall forward by registered mail a copy to the Member or the Member’s counsel, if any, and give notice of the decision to Members.

6.9 Disability Plan Requirements and Reinstatement
Notwithstanding that a person has been reinstated in accordance with this Bylaw, the person must still comply with any requirements of the Plan before being eligible for Plan coverage, including providing medical evidence of insurability satisfactory to the Plan.
BYLAW V
DISABILITY AND BENEFIT PLANS

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1.2 Definitions

PART II – SHORT TERM DISABILITY
2.1 Objective
2.2 Cost Recovery

PART III – LONG TERM DISABILITY
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3.2 Cost Recovery
3.3 Funding Policy
3.4 Funding Targets

PART IV – GOVERNANCE
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4.2 Composition
4.3 Term
4.4 Vacancies
4.5 Vacancy if Appointment Criteria No Longer Met
4.6 Terms of Reference
4.7 Conflict of Interest
4.8 DBP Investment Committee
4.9 Term

PART V – CLAIMS ADJUDICATION AND MANAGEMENT
5.1 Authority Case Management Committee
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5.5 Deemed Resignation if Appointment Criteria Not Met
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PART VI – TRUSTS
6.1 Group Life Trust
6.2 Appointment Group Life Trustees
6.3 Dental and Extended Health Trust
6.4 Appointment Dental and Extended Health Trustees
PART I – INTERPRETATION

PRINCIPLES

1.1 Application
The provisions of this Bylaw and the Plan Documents shall govern the operation of the Plans. In the event of a conflict between this Bylaw and the Plan Documents, this Bylaw shall prevail. The Plan Documents shall be revised by the Plan Administrator to be consistent with any amendments to this Bylaw. If this Bylaw is silent about a matter, the Plan Documents shall prevail.

1.2 Definitions
In this Bylaw each term that is capitalized shall have the meaning set out in Bylaw I and for purposes of this Bylaw the following terms shall have the following meanings:

“Case Manager” means the person assigned by the Plan Administrator to manage a claim;

“Case Management Committee” means the committee appointed by the Provincial Executive to carry out the responsibilities set out in Part V of this Bylaw;

“Claimant” means a Plan Member who has initiated a claim for DBP Benefits;

“Cost Recovery Basis” means that all premiums collected and assets held by the Plans shall be used exclusively for the purposes of providing DBP Benefits, and funding the cost of managing disabilities and administering the Plans;

“DBP Benefits” means disability benefits paid or payable to a Claimant under the Plans;

“DBP Committee” means the disability benefits committee appointed by the Provincial Executive to carry out the responsibilities set out in Part IV of this Bylaw;

“Dental and Health Trust” means the Manitoba Public School Employees Dental and Extended Health Trust;

“Dental and Health Trust Agreement” means the agreement establishing the trust” dated October 19, 1984 and any amendments thereto;

“Group Life Trust” means the Manitoba Public School Employees Group Life Trust;

“Group Life Trust Agreement” means the agreement establishing the trust” dated May 27, 2002 and any amendments thereto;

“Long Term Disability Plan” means the plan established by the Society to provide DBP Benefits for long term disabilities;

“Plans” or “DBP” means the disability benefit plans established and maintained by the Society in accordance with the Constitution and this Bylaw and includes the Short Term Disability Plan and the Long Term Disability Plan;

“Plan Administrator” means the person responsible for the overall day-to-day operations of the Plans;

“Plan Document” means the document that governs the operation of a Plan and which constitutes the legal contract of insurance between the Society and each Plan Member;

“Plan Members” means Members, Society staff and all other employee groups who are insured by the Plans;

“Short Term Disability Plan” means the plan established by the Society to provide DBP Benefits for short term disabilities;

“Trusts” means the Dental and Health Trust and the Group Life Trust;

“Trustees” means the persons appointed by the Society and others to administer the Trusts.
PART II – SHORT TERM DISABILITY PLAN

2.1 Objective
The objective of the Short Term Disability Plan is to assist Plan Members through periods of disability in a consultative manner to:
(a) maximize when possible, return to work; and
(b) provide Plan Members with financial security at a reasonable cost.

2.2 Cost Recovery
The Short Term Disability Plan shall operate on a Cost Recovery Basis.

PART III – LONG TERM DISABILITY PLAN

3.1 Objective
The objective of the Long Term Disability Plan is to assist Plan Members through periods of disability in a consultative manner to:
(a) maximize rehabilitation medically and vocationally;
(b) maximize when possible, return to work; and
(c) provide Plan Members with financial security at a reasonable cost.

3.2 Cost Recovery
The Long Term Disability Plan shall operate on a Cost Recovery Basis in accordance with the funding policies in Articles 3.3 and 3.4 of this Bylaw for prudent management of that Plan.

3.3 Long Term Disability Plan Funding Policy
The assets shall exceed the liabilities and expenses of the Long Term Disability Plan by the amount outlined in Article 3.4 of this Bylaw.

3.4 Long Term Disability Plan Funding Targets
The Plan shall have a funding target of one hundred forty percent (140%) of Plan liabilities, but the Plan funding principles shall be the following if the Plan is funded:
(a) between one hundred thirty percent (130%) and one hundred fifty percent (150%) of Plan liabilities, a premium change may occur;
(b) between one hundred twenty percent (120%) and one hundred thirty percent (130%) of Plan liabilities, the premium will be increased within the next five (5) years by an amount sufficient to bring the funded level to be within the range of one hundred thirty percent (130%) and one hundred fifty percent (150%);
(c) between one hundred fifty percent (150%) and one hundred sixty percent (160%) of Plan liabilities, the premium will be decreased within the next five (5) years by an amount sufficient to bring the funded level to be within the range of one hundred thirty percent (130%) and one hundred fifty percent (150%); and
(d) below one hundred twenty percent (120%) or above one hundred sixty percent (160%) of Plan liabilities, the premium will change for a period not to exceed three (3) years by an amount sufficient to bring the funded level to one hundred twenty percent (120%) when below one hundred twenty percent (120%) or to one hundred sixty percent (160%) when above one hundred sixty percent (160%).

PART IV – GOVERNANCE

4.1 DBP Committee
The DBP Committee shall oversee the operation of the Plans in accordance with this Bylaw and the Plan Documents which shall be amended as required to ensure consistency with this Bylaw.

4.2 Composition
The Provincial Executive shall appoint seven (7) Members, who are Long Term Disability Plan participants, at least one of whom shall be a member of the Provincial Executive, and who are not members of the Case Management Committee or in receipt of DBP Benefits, to the DBP Committee. A member of the Provincial Executive shall act as Chair.
4.3 Term
Members shall be appointed to the DBP Committee for a two (2) year term and they may be reappointed for two (2) additional terms as long as their total length of service does not exceed six (6) consecutive years. The Provincial Executive may appoint a Member to the DBP Committee for a term of less than two (2) years to provide for reasonable continuity of membership on the DBP Committee.

4.4 Vacancies
Should a vacancy occur the Provincial Executive shall fill the vacancy as soon as reasonably practicable.

4.5 Vacancy if Appointment Criteria No Longer Met
Any member of the DBP Committee who does not continue to meet the criteria set out in Article 4.2 shall be considered to have resigned from the DBP Committee and the Provincial Executive shall fill the vacancy in accordance with Article 4.4.

4.6 Terms of Reference
Subject to Bylaw I, the DBP Committee shall:
(a) establish and monitor the effectiveness of policies and regulations for the Plans;
(b) monitor claims experience and service delivery quality;
(c) report to the Provincial Executive at least three (3) times each year;
(d) develop operational budgets, with the exception of the training and meeting budget of the Case Management Committee, for presentation to the Provincial Executive;
(e) report through the Provincial Executive to Provincial Council and to Presidents’ Council;
(f) make recommendations to Provincial Executive concerning changes to this Bylaw and the Plan Documents and upon approval by the Provincial Executive amend the Plan Documents and have them executed by the President and General Secretary;
(g) make recommendations to Provincial Executive concerning premium levels, subject to:
(i) the premium rates being established and maintained at a level which in the opinion of a consulting actuary will be reasonably sufficient to fully fund the Plans over a reasonable period of time;
(ii) premiums being payable on all salary, including retroactive salary adjustments actually received, and on the monthly salary rate to which Plan Members would have been entitled during the elimination period;
(iii) Provincial Executive having the discretion to establish appropriate rate differentials for some or all classes of Plan Members; and
(iv) premiums not being collected from those persons who are ineligible for coverage;
(h) engage consultants as required for the operation of programs operated as part of the Plans;
(i) liaise with the Case Management Committee through its chairperson regarding claims management and rehabilitation and other matters of common interest with respect to the overall operation of the Plans;
(j) have sole jurisdiction to approve requests for extra-contractual benefits;
(k) incorporate the terms and conditions of this Bylaw into the Plan Document; and
(l) consider applications for late enrolment.

4.7 Conflict of Interest
A member of the DBP Committee with a direct or indirect pecuniary or other interest in a matter under consideration by the DBP Committee shall immediately disclose the interest, withdraw from the meeting and shall not attempt to
influence other members of the DBP Committee with respect to the matter. The disclosure of the conflict and the member’s withdrawal from the meeting shall be recorded in the minutes.

4.8 DBP Investment Committee
The Provincial Executive shall establish a DBP Investment Committee which is responsible for the investment of the insurance funds, assisted by professional investment advisors, as determined necessary.

4.9 Term
Members shall be appointed to the DBP Investment Committee for a two (2) year term and they may be reappointed for two (2) additional terms as long as their total length of service does not exceed six (6) consecutive years. The Provincial Executive may appoint a Member to the DBP Investment Committee for a term of less than two (2) years to provide for reasonable continuity of membership on the DBP Investment Committee.

PART V – CLAIMS MANAGEMENT

5.1 Authority Case Management Committee
The Case Management Committee shall be responsible for the disposition of claims not approved by a Case Manager.

5.2 Composition
The Provincial Executive shall appoint seven (7) Members who are participants in the Plans, who are not members of the Provincial Executive or the DBP Committee, and who are not in receipt of DBP Benefits, to be members of the Case Management Committee.

5.3 Term
Members shall be appointed to the Case Management Committee for a two (2) year term and may be reappointed for two (2) additional terms of two (2) years as long as their total length of service does not exceed six (6) consecutive years. The Provincial Executive may appoint a member for a term of less than two (2) years to provide for reasonable continuity of membership on the Case Management Committee.

5.4 Vacancies
Should a vacancy occur on the Case Management Committee, the Provincial Executive shall fill the vacancy as soon as is reasonably practicable.

5.5 Deemed Resignation if Appointment Criteria Not Met
Any member who does not continue to meet the criteria set out in Article 5.2 shall be considered to have resigned from the Case Management Committee.

5.6 Terms of Reference
The Case Management Committee shall:
(a) appoint a representative to each mediation proceeding;
(b) propose a committee budget to the Provincial Executive;
(c) liaise with the DBP Committee, through the chairpersons, regarding all areas of claims management and rehabilitation, and other matters of common interest with respect to the overall operation of the Plans;
(d) report through Provincial Executive to Provincial Council.

5.7 Claims Review Responsibilities
A claims review committee consisting of three (3) members selected from the Case Management Committee shall attend each claims review meeting. Claims review committee meetings shall be conducted as follows:
(a) two (2) claims review committee Members must be present to make a decision;
(b) the Claimant and a representative of the Claimant, if any, shall have the right to attend the meeting during presentation of
any information related to the claim and shall have the right to make representations in relation to the claim; and

(c) only claims review committee members shall be present at the time decisions are made.

5.8 Conflict of Interest
A member of the Case Management Committee with a direct or indirect pecuniary or other interest in a matter under consideration by the Case Management Committee shall immediately disclose the interest, withdraw from the meeting and shall not attempt to influence other members of the Case Management Committee with respect to the matter. The disclosure of the conflict and the member’s withdrawal from the meeting shall be recorded in the minutes.

5.9 Administrative Decisions
The Plan Administrator may approve administrative payments.

6.3 Dental and Extended Health Trust
The Dental and Health Trustees are responsible for administering the Manitoba Public School Employees Dental and Extended Health Insurance Plans in accordance with the Dental and Health Trust Agreement and their fiduciary obligations as trustees.

6.4 Appointment of Dental and Extended Health Trustees
The Provincial Executive shall appoint four (4) Trustees annually, three (3) of whom shall be members of the Group Benefits Committee established in accordance with Bylaw I and the fourth of whom shall be a Society staff person.

PART VI – TRUSTS

6.1 Group Life Trust
The Group Life Trustees are responsible for administering the Manitoba Public School Employees Group Life Insurance Plan in accordance with the Group Life Trust Agreement and their fiduciary obligations as trustees.

6.2 Appointment of Group Life Trustees
The Provincial Executive shall appoint three (3) Trustees annually, two (2) of whom shall be members of the Group Benefits Committee established in accordance with Bylaw I and the third of whom shall be a Society staff person.
## BYLAW VI
COSL, EFM AND SAGE

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PART I – GENERAL

1.1 Application
The provisions of this Bylaw shall govern the operation of COSL, EFM and SAGE. In this Bylaw each term that is capitalized shall have the meaning set out in Bylaw I.

1.2 Interpretation
Disputes concerning the interpretation of this Bylaw shall be referred to the Officers of the Society for decision. Decisions of the Officers can be appealed to the Provincial Executive whose decision shall be final and binding on COSL, EFM and SAGE.

PART II – COUNCIL OF SCHOOL LEADERS

2.1 Purpose
The Society shall establish COSL so COSL and its members can work in a manner that is consistent with the Constitution and the Bylaws to represent, develop and promote the interests of all Members by:

(a) promoting and advancing public school education in Manitoba;
(b) promoting educators as leaders within public schools in Manitoba;
(c) working in conjunction with Locals, to represent, develop and promote the interests of COSL members;
(d) promoting excellence in human resource practices; and
(e) co-operating with other organizations in Canada or elsewhere having the same or like aims and objects.

2.2 COSL’s Relationship with the Society
COSL will carry out its activities in a manner that is consistent with the Constitution, Bylaws and Policies. COSL’s mandate will be to:

(a) advocate on educational issues, educational administration issues and all other issues of concern to principals and vice-principals;
(b) promote principals and vice-principals as educational leaders;
(c) work in conjunction with Locals, to promote and monitor the interests of COSL members;
(d) promote professional development for all principals and vice-principals;
(e) promote human resource strategies that encourage growth and development;
(f) encourage and promote the administrative development of teachers aspiring to become principals and vice-principals;
(g) foster communications between COSL and teachers, other educational staff, parents and the public;
(h) advise the Society on matters relating to the administration of schools;
(i) maintain liaison with educational stakeholders in coordination with the Society; and
(j) promote the objects of COSL through local chapters and regional organizations.

2.3 Membership in COSL
All Members who are school principals and vice-principals shall be members of COSL and shall pay COSL fees approved or authorized by Provincial Council.

2.4 Exclusions from Membership
Notwithstanding Article 2.2, a principal or vice-principal may by registered letter addressed and mailed to the General Secretary before July 1, elect to be excluded from membership in COSL for the next ensuing school year, following which membership in COSL shall be automatically reinstated unless the person again requests exclusion from COSL membership. Any principal or vice-principal who has excluded themselves from membership may be readmitted to membership in COSL by giving notice by registered letter addressed and mailed to the General Secretary and including payment of any required membership fee.
2.5 Membership Fees
Members of COSL will be assessed a membership fee established at a COSL general meeting to provide a base operating budget for COSL. COSL membership fees shall be payable by COSL members as part of their membership fee payable to the Society.

2.6 Provincial Executive Liaison with COSL
The Vice President of the Society will serve as liaison to COSL.

2.7 COSL Budget Allocation
The Society will provide an annual budget appropriation to COSL in the amount of sixty thousand dollars ($60,000.00) to allow for regional participation in the meetings and decision-making of COSL. COSL may in the case of emergencies request the Provincial Executive approve the release of moneys from the COSL reserve fund.

2.8 COSL Reports
COSL will provide a report outlining its activities, budget expenditures, and an audited financial statement to Provincial Council through the Provincial Executive.

2.9 COSL Resolutions to Provincial Council
The Council of School Leaders may submit resolutions affecting COSL to Provincial Council.

2.10 Provincial Council Representation
Two (2) representatives from COSL may attend Provincial Council Meetings as observers and speak to any resolutions affecting COSL affiliation, COSL Directors, the COSL general meeting, or COSL Conferences.

PART III – THE ÉDUCATRICES ET ÉDUCATEURS FRANCOPHONES DU MANITOBA

3.1 EFM Services
EFM shall act as an Agency by:

(a) assisting the Society in reviewing and evaluating the effectiveness of the teacher education program offered at the Université de Saint-Boniface;

(b) initiating and conducting professional development activities for teachers who use French as a language of instruction;

(c) acting as the Society’s liaison with le Bureau de l’éducation française and its committees, other organizations of the Franco-Manitoban community, and provincial and national associations primarily interested in education in the French language;

(d) reviewing curricula to be taught in French;

(e) publishing newsletters and/or journals containing information and relevant materials about education in the French language; and

(f) carrying out other responsibilities the Provincial Executive refers to EFM.

3.2 Relationship with the Society
The EFM will carry out its activities in a manner that is consistent with the Constitution, Bylaws and Policies.

3.3 Requests of Provincial Executive
EFM shall make reports to and attend meetings of the Provincial Executive to respond to questions upon request of the President at the direction of the Provincial Executive.

3.4 Access to EFM Minutes
Within seven (7) days of an EFM executive, council or general meeting, the EFM President shall provide copies of the minutes to the General Secretary for distribution to the Provincial Executive and staff officers of the Society.

3.5 EFM Membership
Only Members, Substitute Teachers and Plan Teacher Recipients who teach in Français or French Immersion programs may be members of EFM.
3.6 Financial Obligations of the Society
EFM shall present a budget to the Provincial Executive for the expenditure of the funds the Society provides to EFM calculated by multiplying the number of EFM full-time equivalent members for the previous fiscal year by .001635% of the Society’s budget for the previous fiscal year exclusive of allocations for capital expenditures and Plan expenses plus any other funds EFM is requesting be approved by Provincial Council. The EFM budget shall be included in the Society’s budget presented for approval at a Provincial Council Meeting. At the end of each fiscal year, EFM shall submit a report of its budget expenditures and its financial statements to Provincial Council through the Provincial Executive. EFM may in case of emergencies request the Provincial Executive approve the release of moneys from the EFM reserve fund.

3.7 Services Provided by the Society to EFM
The Society shall provide the following services to EFM in addition to the funds provided in any budget approved for EFM:
(a) Society consultative and administrative services as the General Secretary determines is appropriate considering the Society’s overall staffing complement;
(b) space in Society publications as approved by the editor;
(c) use of mailing lists subject to any conditions imposed by the General Secretary; and
(d) use of McMaster House for meetings.

3.8 EFM President
The Society shall assist the EFM President to negotiate release time from the EFM President’s employing school board where the EFM President will remain a salaried employee. Upon the request of the EFM President, the General Secretary shall arrange for a written agreement to be concluded to include:
(a) provisions for the EFM President’s return to duties to at least an equivalent position, assignment and timing of decisions related to such matters; and
(b) the Society’s agreement to reimburse the school board for the salary and benefits of the teacher while serving as EFM President.

3.9 EFM Resolutions to Provincial Council
EFM may submit resolutions affecting EFM to Provincial Council.

3.10 EFM Provincial Council Representation
Two (2) representatives from EFM may attend Provincial Council Meetings.

PART IV – SPECIAL AREA GROUPS OF EDUCATORS

4.1. SAGE Affiliation
Any group of at least twenty (20) Members, Substitute Teachers or Plan Teacher Recipients organized on the basis of interest in a particular aspect of education and committed to the continuing improvement of professional teaching practice may be established as a SAGE group upon approval of the Provincial Executive. The Provincial Executive shall regularly review the ongoing purpose of each SAGE. Any violation by a SAGE of the approval by the Provincial Executive may result in suspension of services or termination of SAGE upon motion of the Provincial Executive.

4.2 Constitutional Requirements
The Provincial Executive shall approve each SAGE constitution which shall state:
(a) the SAGE is affiliated with the Society;
(b) the SAGE is a Manitoba chapter;
(c) the SAGE will comply with the Constitution, Bylaws and Policies;
(d) membership is open to any Member, Substitute Teacher, Plan Teacher Recipient and Student Members in Good Standing and that membership is voluntary;
(e) Sixty percent (60%) of members of the SAGE must be Members;

(f) how the SAGE will determine its membership fee and the amount to be charged for each membership category;

(g) how SAGE will dispose of its funds in the event that it ceases to be active;

(h) the procedures to be followed for electing the executive and officers of the SAGE on the express understanding that:
   (i) any member of the SAGE shall have the right to hold elected office; and
   (ii) all members of the SAGE shall have the opportunity to participate in the election of officers and executive.

(i) the procedures for amending the SAGE’s constitution;

(j) the quorum for general and executive meetings;

(k) the procedures to be followed with respect to the formation of chapters of SAGE and the membership, powers and responsibilities of chapters, including provisions confirming each chapter of SAGE shall be subject to:
   (i) approval of the chapter’s establishment and continued affiliation by SAGE;
   (ii) approval of the chapter’s constitution by SAGE and the Provincial Executive;
   (iii) a SAGE chapter being considered defunct if it has not formed an executive for two (2) successive years;
   (iv) if the SAGE is itself a chapter of a national or international association which determines the constitution of its chapters, the SAGE’s acceptance for Society affiliation and continued affiliation, shall be contingent upon the SAGE’s adhering to the requirements outlined in this Article; and

(l) the SAGE will adopt a membership year consistent with the Society’s fiscal year.

4.3 Terms of Continuing Affiliation

The following rules shall apply to maintain the continuing affiliation between the Society and SAGE:

(a) the SAGE shall submit a report of its activities to Provincial Council. Receipt of the report shall be in accordance with the deadlines determined by the Provincial Executive;

(b) the SAGE shall submit its membership lists to the General Secretary annually or upon request. The membership list shall include, but not be limited to, names, addresses, Society membership category and if applicable, school division employers. Receipt of the membership lists shall be in accordance with deadlines determined by the Provincial Executive;

(c) within four (4) weeks of its elections the SAGE shall submit a list of its officers and executive to the General Secretary;

(d) the SAGE shall submit a copy of its independent financial audit or review to the General Secretary by November 30 each year;

(e) the SAGE shall formally review its constitution at least every fifth (5th) year and changes to the SAGE constitution shall be operative only after approval by the Provincial Executive;

(f) the SAGE shall not make membership of the Group a prerequisite for attendance at its major conferences; and

(g) the SAGE shall maintain a membership of at least twenty (20) Members and if this number is not be maintained for a period of two years, the SAGE shall be considered defunct.

4.4 Limitations on SAGE Representations

Prior to making representations to Outside Bodies, SAGE or any SAGE member acting on behalf of a SAGE shall seek the approval of their Provincial Executive liaison, the Provincial Executive or the President.
Provided that the submission or presentation does not contradict the Constitution, Bylaws or Policies or adversely affect the welfare of the Society, the group may then, in cooperation with the Society, make the submission or presentation to Outside Bodies. A submission or presentation is considered to be a formal communication purporting to represent teachers’ views with respect to educational issues.

4.5 Responsibilities of SAGE to the Society
Each SAGE shall:
(a) assist the Society when requested by the Provincial Executive or any committee of the Society, in the study of problems peculiar to the SAGE’s special area of interest;
(b) recommend Members, Substitute Teachers or Plan Teacher Recipients to Provincial Executive for consideration when the Society establishes a committee or is asked to name a representative to an Outside Body where issues affect a specific SAGE;
(c) provide professional development opportunities for their members;
(d) advocate the interests of their members with the Society;
(e) have SAGE executives become familiar with Policies that may affect their particular SAGE; and
(f) keep the Society informed, through their SAGE liaisons, about the activities and events in their areas so that the Society can maintain a broad view of educational trends and activities in the province.

4.6 Society Services to SAGE
Services provided by the Society to SAGE shall be provided to SAGE subject to staff workload, Society priorities and equipment limitations.

4.7 Cost Recovery Services
The following services shall be available on a cost recovery basis to each SAGE:
(a) consultative services from all departments of the Society excluding legal opinions except in situations where in the opinion of the General Secretary, the issue is of such widespread applicability that provision of such service directly to a SAGE is appropriate;
(b) use of rooms in McMaster House for meetings, subject to the availability of space;
(c) support staff services including coordination of regular mailing services, preparation and distribution of a SAGE brochure, formatting of constitutional amendments, archiving of publications, and preparation of materials for SAGE Council;
(d) printing and distribution of information brochures about SAGE and its professional development activities;
(e) maintenance of membership records;
(f) assistance collecting membership fees which the Society shall deposit monthly in each of the SAGE accounts, with statements to each SAGE treasurer; and
(g) materials and postage to provide services will be provided at cost by the Society.

4.8 Financial Arrangements Between the Society and SAGE
The following financial arrangements shall apply between the Society and SAGE:
(a) all SAGE shall adopt the same fiscal year as the Society;
(b) any membership fee received by the Society prior to December 31 will entitle the individual to SAGE membership for that membership year;
(c) in each fiscal year, the Society will provide Special Area Groups of Educators with a financial allocation of fifty dollars ($50) for each Member who belongs to SAGE, up to a maximum of two thousand dollars ($2,000) in accordance with the Society’s financial policies. This allocation will be reduced by the amount a SAGE group’s surplus or reserve exceeds seventy-five
percent (75%) of the previous year’s SAGE operating budget;

(d) special projects may be co-sponsored and cost-shared between the Society and the SAGE provided that:

(i) SAGE submits its plans and budget estimates to the Professional Development Standing Committee for approval prior to undertaking the initiative;

(ii) the Professional Development Standing Committee recommendation for support is approved by the Provincial Executive; and

(iii) the funding of the special projects is reviewed each year;

(e) the allocation available to the SAGE for the Society’s fiscal year shall be based on:

(i) the SAGE’s membership fee in effect on March 31 preceding the Society’s fiscal year; and

(ii) the highest level of Society membership in the SAGE in the period from September 1 to March 31 preceding the Society’s fiscal year;

(f) the Society shall allocate a sum to be distributed annually among SAGEs who apply for funds to gather data to support their endeavours.

4.9 Responsibilities of the Society and SAGE

The Society and SAGE shall be jointly responsible for:

(a) promoting innovative activities which provide for improved professional development and promote high standards of professional practice; and

(b) increasing the overall participation in SAGE activities by all Members, Substitute Teachers and Plan Teacher Recipients, and that the Society and SAGE schedule activities throughout the year.

4.10 SAGE Council

The SAGE shall form a council consisting of one official representative from each SAGE and the following rules shall apply to SAGE Council activities:

(a) the Society shall defray the expenses of one official representative from each SAGE to attend up to five (5) meetings of the Council in each fiscal year;

(b) the Provincial Executive shall appoint one of its members to act as chairperson of the council and as liaison with the Professional Development Standing Committee;

(c) the chairperson shall be responsible to the Provincial Executive and not be considered a SAGE representative;

(d) attendance at SAGE council meetings shall be open to members of any SAGE;

(e) only official representatives may vote;

(f) a quorum of official representatives of at least fifty percent (50%) of the SAGE groups shall be required for the Council to conduct business;

(g) in the event of a tied vote, the Chairperson shall have a casting vote;

(h) the SAGE Council shall meet at the call of the chair or on written request of two (2) or more SAGE and its terms of reference are to:

(i) share information on SAGE activities;

(ii) discuss matters of common concern;

(iii) coordinate planning of SAGE conferences and workshops;

(iv) make recommendations to the Provincial Executive or to SAGE; and

(v) study and report on matters referred to it by the Professional Development Standing Committee.

(i) minutes of the SAGE Council shall be distributed to the all SAGEs, the Provincial Executive and to the Professional Development Standing Committee;
(j) a Society staff officer shall act in an advisory capacity to the SAGE Council; and

(k) the SAGE Council shall in cooperation with the Society promote membership in SAGE.

4.11 SAGE Resolutions to Provincial Council
SAGE Council may submit resolutions affecting SAGE to Provincial Council.

4.12 Representatives to Provincial Council
Two (2) representatives from SAGE Council may attend Provincial Council Meetings as observers and speak to any resolutions affecting SAGE affiliation, SAGE general meetings, or SAGE conferences. Information relevant to SAGE will be sent to the two (2) representatives.

4.13 General Rules Applicable to SAGE
The following general rules shall apply to SAGE:
(a) when SAGE sponsors a conference or other type of event where a fee is charged, such fee shall be collected independently of the membership fee and shall be the direct responsibility of SAGE;

(b) SAGE will actively recruit members from outside the Metro Winnipeg area and from across the province;

(c) the school year shall include a teacher conference day whereon all public schools in the province close so that individual teachers are free to direct their own professional growth by selecting those activities which will enhance their professional practice; and

(d) The Manitoba Teachers’ Society Professional Development Day will be held on the third Friday of October commencing in 2009 unless this date falls in the same week as Thanksgiving in which case it would be held on the fourth Friday of October in that year only.

4.14 SAGE Conferences
The following rules shall apply to SAGE conferences:
(a) teachers wishing to attend The Manitoba Teachers’ Society Professional Development Day be allowed partial registration for each conference attended; and

(b) a teacher registering for a limited enrolment SAGE conference, which has reached maximum enrolment, not be penalized for late registration when re-registering for another SAGE conference provided the original registration form was submitted prior to the registration deadline.
APPENDIX

LOCAL CHARTER

THE MANITOBA TEACHERS’ SOCIETY

KNOW ALL PERSONS BY THESE PRESENTS:

That pursuant to the authority vested in the Society by *The Teachers’ Society Act* (Manitoba), we the undersigned officers, do grant this

CHARTER

To Members of The Manitoba Teachers’ Society practicing the profession of teaching in the Province of Manitoba, to organize themselves as a Local of The Manitoba Teachers’ Society, to be known as ________NAME________, which Charter shall be held by them and their successors as provided in this Charter.

The ________NAME________ Local of The Manitoba Teachers’ Society is hereby empowered to carry on the work of the Society, elect an executive and representatives to the Provincial Council in accordance with its duly approved Constitution, the Constitution and Bylaws of the Society, and to enact bylaws for the governance of its Local, subject to the approval of the Provincial Executive of The Manitoba Teachers’ Society;

And should the said Local fail to abide by the Constitution or Bylaws of The Manitoba Teachers’ Society or the policies duly approved by any or all general meetings of the Provincial Council this Charter may be revoked or suspended by the Provincial Executive; and thereupon or upon the dissolution of the Local all properties, moneys, books, records, including electronic or digital records, and papers belonging or appertaining thereto shall become the property of The Manitoba Teachers’ Society.

And this Charter shall entitle ________NAME________ to all rights, privileges and benefits of a Local under the jurisdiction of The Manitoba Teachers’ Society;

This Charter shall replace any other Charters previously granted by the Society to the ________NAME________.

In witness whereof we have subscribed our names and affixed the seal of The Manitoba Teachers’ Society this _____ day of _____, ________.

____________________________________
President

____________________________________
General Secretary
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POLICIES AND PROCEDURES

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PART I – INTERPRETATION

1.1 Definitions
For purposes of this Policy, each term that is capitalized shall have the meanings set out in the Bylaws.

1.2 Article and Section Headings
The Article and section headings in this Policy are for reference purposes only and shall not affect the meaning or interpretation of this Policy.

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

1.4 Conflict with Constitution and Bylaws
This Policy is to be interpreted in a manner that is consistent and cohesive with the Constitution and Bylaws but if a provision of this Policy conflicts with or is inconsistent with the Constitution or Bylaws, then the relevant provision of the Constitution or Bylaws shall prevail.

PART II – AFFILIATIONS

2.1 General
The Society is affiliated with the Canadian Teachers’ Federation and may, with the approval of Provincial Council, affiliate with other labour organizations.

2.2 Canadian Teachers’ Federation
The Society shall belong to the Canadian Teachers’ Federation (hereinafter referred to as “CTF”) which was established to provide a national voice for teachers, to have a leadership role in the public discussion of national education issues and to provide opportunities for provincial organizations to co-ordinate approaches to collective bargaining and education issues. The Society will support action initiated by the Canadian Teachers’ Federation when such action is compatible with the positions of the Society.

In accordance with its membership obligations to CTF, the Society shall pay the required membership fees, participate on the CTF board of directors and send delegates to CTF meetings including the annual meeting. The voting delegates to the CTF annual general meeting shall be the President, the Vice-President, EFM President or designate and the remainder of the delegates shall be selected from the members-at-large of the Provincial Executive. The costs of participating in CTF shall be included in the Society’s budget which is subject to approval by Provincial Council.

PART III – INDIVIDUAL POLITICAL RIGHTS & SOCIETY POLITICAL ACTION

3.1 Civic Rights of Members
The Society opposes any infringement of the civic rights of its Members including the right to hold public office as school board members in the school division in which they reside even if they are employed by the school division. Civic rights of Members includes the right to be heard as citizens and parents in their home school divisions or school districts.

3.2 Political Affiliation of Individual Members
The Society acknowledges the right and duty of Members to participate in the democratic process, to be active in the political party of their choice and to seek and hold public office. A Member’s promotion or transfer shall not be affected by the political affiliation of the Member.
3.3 Election Leave
A Member shall be entitled to leave for the purpose of being a candidate in a federal or provincial election during the period of time between the date the election writ is issued and the election day.

3.4 No Political Affiliation by the Society
The Society shall maintain its independence of any political party.

3.5 Provincial Election Campaigns
Prior to any provincial election, the Society shall make its Members aware of the education policies of the political parties in Manitoba.

PART IV – INTERNATIONAL ASSISTANCE

4.1 Purposes
The purposes of the Society's International Development Assistance Program are to:
(a) assist teacher organizations to improve and strengthen their structures, activities and status;
(b) assist teachers through their teacher organizations to improve their professional skills and competencies;
(c) assist schools in developing countries through special projects;
(d) promote and support programs of international development assistance operated by the Canadian Teachers' Federation and the Education International;
(e) work and cooperate with existing international development assistance agencies as feasible and appropriate in pursuit of teacher and teacher organization objectives;
(f) promote awareness and understanding among Manitoba teachers of global interdependence;
(g) promote goodwill among teachers on an international level;
(h) respond, through the Canadian Teachers' Federation and the Education International, to appeals for aid resulting from violations of human rights defined in the United Nations Declaration of Human Rights; and
(i) protest, through Society affiliates, the use of repression against teachers, other workers and their organizations in the practice of their profession and in the exercise of their collective and individual rights.

4.2 International Assistance Program
The Society's International Development Assistance Program is based on the following beliefs:
(a) education, as an organized activity, is essential for and instrumental in the improvement of the human condition;
(b) the quality of teaching is critical to education because teacher/learner interaction is the key to learning;
(c) the teaching profession is responsible for trying to continuously improve the quality of education as such improvement is inseparably linked to the improvement of the status of the teacher for which an effective professional organization is a prerequisite; and
(d) the long-term goal of international development assistance is to help teachers and teacher organizations develop their own competencies.

PART V – RIGHTS AND SERVICES OF LOCALS

5.1 Rights of Local Presidents
Local Presidents are entitled to:
(a) be the spokesperson for the Local in a manner that is consistent with the Constitution, Bylaws and Policies;

(b) request the support of all Local Members once democratic decisions have been made;

(c) have release time to pursue Local’s business;

(d) be kept regularly informed by the Local executive on matters affecting the Society or the Local;

(e) be an ex-officio member of every Local committee;

(f) receive support and assistance from the Local President’s teaching colleagues;

(g) be kept informed, consistent with Society Policies, whenever a member of the Provincial Executive or Society staff members are involved in any matters affecting the Local President’s school division or school district;

(h) receive regular information from the Provincial Executive on matters affecting the Society or the Local;

(i) view a legal opinion that is referenced an open MTS meeting;

(j) have access to Society staff officers for advice, information and support;

(k) attend to Local business without fear of intimidation or hindrance by the Local President’s employer;

(l) be free to speak out on behalf of Members without fear of reprisals; and

(m) be protected against discrimination in the Local President’s career because of Local activities.

5.2 Local President Release Time

(a) Beginning in the 2015-2016 school year, every Local President shall have available the following minimum of release time to conduct Local and/or Society business:

(i) all Locals with fewer than one hundred fifty (150) Members shall have available a minimum of one-third presidential release time;

(ii) all Locals with one hundred fifty (150) Members or more shall have available a minimum of one-half presidential release time;

When there has been a change in membership that reduces the subsidy from (ii) to (i) above, the Local shall continue to receive the subsidy in (ii) for one additional year.

b) The Society shall subsidize the cost of the above presidents’ release time over seventy-five dollars ($75) per Member of the respective Local subject to the Local fee being a minimum of ten percent (10%) of the provincial MTS fee. The per Member rate shall be as follows:

- $45 2014-2015
- $75 2015-2016 and after

c) The Presidents’ Release time subsidy be reduced by the amount the Local reserve exceeds seventy-five percent (75%) of the operating budget based on the previous year’s financial audit or review.

5.3 Subsidies and Grants to Locals

Grants and subsidies provided by the Society to Locals shall be reduced by the amount the Local reserve exceeds seventy-five percent (75%) of the operating budget based on the previous year’s financial audit or review.

5.4 Information on Personnel Cases

The Local President shall, with the consent of the Member concerned and in a manner that is consistent with privacy and health information disclosure legislation, be informed of the existence of any personnel case in which the Society intends, on behalf of that Member to take action involving a breach of the collective
agreement, termination of employment, professional certification or an investigation for Professional Misconduct.

5.5 Funding for Society Seminars
The Society shall provide funding for all seminars organized or sponsored by the Society on the basis of one representative for every eight hundred (800) Members, or part thereof.

5.6 Child Care
The Society encourages Locals to reimburse Members for the cost of child care expenses incurred as a result of attendance at Local meetings.

5.7 Liaison with Principals/Vice-Principals
The Society encourages Locals to ensure that there is a means of liaison between the Local executive and Members who are principals and vice-principals in the Local.

5.8 Local Affirmative Action Policy Implementation
Each Local shall establish a process to monitor, on a yearly basis, the progress of the Local toward the development and implementation of affirmative action policies designed to encourage greater participation of under-represented groups in administrative positions.

5.9 Audit
Every Local shall retain a qualified auditor to annually undertake an independent financial audit or review of the Local’s financial records and shall submit a copy of the audit or the review to the Society within thirty (30) days of its receipt from the auditor.

5.10 Society Reimbursement
(a) To be eligible for reimbursement of expenses from the Society a Member must teach for at least forty (40) Days in the school year or if the Member continues to receive remuneration or salary or benefit payments from the Member’s employer during all or a portion of an authorized leave of absence, and the Member continues to pay all required membership fees, including Local fees the member shall be permitted to serve on Society committees or a Local Executive or Committee and seek reimbursement from the Society or a Local.

(b) If Local elections are held in the Spring, a Member who has taught for forty (40) Days prior to election shall be eligible to serve on Society committees or a Local Executive or committee in the upcoming school year provided that the full Local fees of the upcoming year are paid at the start of that upcoming year and the Member meets the forty (40) Day threshold before the end of that year.

PART VI – MEMBER SERVICES

6.1 Principals and Vice-Principals Membership in the Society
The Society shall oppose any attempt to separate principals and vice-principals from the general body of the teaching profession or to deny principals and vice-principals the full rights of membership in the Society including the right to be a member of a Local bargaining unit.

6.2 Frontier Teachers’ Association Grant
An annual budget appropriation of thirty-five thousand dollars ($35,000) be granted to the Frontier Teachers’ Association to defray operating expenses, subject to Policy I, Part V, 5.3, Subsidies and Grants to Locals.

6.3 AEFM Grant
An annual budget appropriation of fifteen thousand dollars ($15,000) be granted to the Association des éducatrices et des éducateurs franco-manitobains to defray operating expenses, subject to Policy I, Part V, 5.3, Subsidies and Grants to Locals.

6.4 SAGE Northern Travel Allowance
The Society shall provide a subsidy to assist Members living in northern Manitoba with the cost of travel to attend SAGE conferences.
6.5 Services in the French Language
The Society shall attempt to provide the following services in the French language:
(a) the activities of EFM as outlined in Bylaw VI;
(b) consultative, advisory services and advocacy in the areas of professional development and personnel services; and
(c) the translation of documents and materials necessary for the provision of the above services in accordance with the following principles:
   (i) any memo, letter, communiqué, pamphlet for distribution to schools or the general membership which is less than one thousand (1,000) words in English will be routinely translated;
   (ii) longer time-sensitive pieces, publicity releases or public relations campaign material will be translated at the discretion of the available Officers in consultation with staff;
   (iii) as necessary, at the discretion of the Officers, time-sensitive material may be sent initially in English pending translation;
   (iv) items to be translated will be submitted for translation as soon as the copy content has been approved;
   (v) consideration of translation will take place in the planning stage of any item/campaign;
   (vi) Society major publications will be translated as authorized by Provincial Council;
   (vii) translation will be contracted out on an as needed basis; and
   (viii) staff who have the capability of corresponding in both official languages will generally answer correspondence in the appropriate language unless the technical language involved requires an official translation.

6.6 Outside Companies
Where possible, the Society shall conduct business only with companies who are not obstructing their employees’ attempt to negotiate a collective agreement.

6.7 Legal Services
The Society will provide its Members with legal services chosen by the Society in the following circumstances:
(a) a child abuse complaint has been filed against the Member, including civil action, if evidence exists that the child abuse complaint was made maliciously;
(b) defamatory statements have been made about a Member;
(c) the collective agreement applicable to the Member has been breached;
(d) there has been, or may have been, a violation of relevant labour, employment, human rights or workplace health and safety legislation;
(e) a Member’s employment has been or may be terminated;
(f) a Member has been charged with offences under federal or provincial legislation when those offences are directly related to the Member’s professional duties; and
(g) assistance with matters related to teacher certification and classification.

PART VII – SUPPORTING PUBLIC EDUCATION

7.1 Promotion of Public Education
The Society has a professional and social responsibility to initiate and promote political activity in support of public education policies and practices. Locals have the responsibility to promote educational issues consistent with the Constitution, Bylaws and Policies.

7.2 School Attendance
The Society supports compulsory attendance for all students of legal school age from ages six (6) to eighteen (18) and that any person who has attained the age of five (5) years at the beginning of the fall term or will attain the age of five (5) years within twelve (12) weeks after that time or within twelve (12) weeks after any date fixed by the school board for admission to enrolment have the right to attend school.

7.3 Authority for Organizing the School Year and the School Day
The Society believes that the implementation of changes in the organization of the school year and the school day, within limits prescribed by Manitoba Education is not a management right and should be the subject of negotiations between the Society, its Locals and school divisions.

7.4 Length of School Year
The Society supports the school year commencing on the Tuesday following Labour Day in September, and ending on the last day in June unless June 30 is a Monday, in which case the school year should end on Friday, June 27.

7.5 Use of Excess or Vacant School Space
The Society supports the use of excess space in public schools being used to enrich the educational program of public schools and if alternate uses are sought, first priority be given to student-related programs including nursery schools, day care centres, adult EAL programs and medical clinics. Other alternate uses should be community based including adult day classes, senior citizen recreational and study groups, libraries and community health services.
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PART I – INTERPRETATION

1.1 Definitions
For purposes of this Policy, each term that is capitalized shall have the meanings set out in the Bylaws and for purposes of this Policy the following terms shall have the following meaning:

“Aboriginal Peoples” means the original peoples of North America and their descendants, which are also referred to as First Nations (Status and Non-Status), Métis, Inuit, Native or Indigenous peoples, who have unique heritage, languages, cultural practices and spiritual beliefs.

“Assessment” means gathering reliable information pertaining to students’ knowledge and understanding;

“Curriculum” means the learning outcomes, mandated by the Province of Manitoba, for a particular subject, course, or grade level;

“Curriculum Development” means the ongoing process of planning and evaluating goals, programs, instructional strategies and learning outcomes;

“Distance Education” means the provision of learning experiences where students and teachers are separated by time or location;

“Evaluation” means the process of making professional judgments, based in part on assessment data;

“FRAME” means Financial Reporting and Accounting in Manitoba Education;

“MPSEGLIP” means Manitoba Public School Employees Group Life Insurance Plan;

“Pension Plan” means the pension provided pursuant to The Teachers’ Pension Act;

“Reporting” includes both informal and formal methods of communicating student learning

1.2 Article and Section Headings
The Article and section headings in this Policy are for reference purposes only and shall not affect the meaning or interpretation of this Policy.

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

1.4 Conflict with Constitution and Bylaws
This Policy is to be interpreted in a manner that is consistent and cohesive with the Constitution and Bylaws but if a provision of this Policy conflicts with or is inconsistent with the Constitution or Bylaws, then the relevant provision of the Constitution or Bylaws shall prevail.

PART II – ABORIGINAL VOICE AND ACTION COMMITTEE

2.1 Statement of Beliefs
The Society believes that:

(a) both Aboriginal and non-Aboriginal educators have a responsibility to work together to resolve existing inequalities and to heal the legacy of the past for the benefit of all Manitobans;

(b) Aboriginal education has benefits for all teachers and all students;

(c) engaging Aboriginal and non-Aboriginal educators to work collaboratively on Aboriginal education issues will promote greater understanding and empathy; and
(d) professional development opportunities in the area of Aboriginal content, perspectives, racism and inclusive instructional practices should be readily available to teachers.

(b) Members must be able to negotiate all issues affecting their professional and working lives within an open scope system of bargaining;

(c) a balance between local and provincial interests must be achieved during bargaining;

(d) Members’ responsible for bargaining will be elected;

(e) every Member can contribute to the establishment of the Local’s bargaining package;

(f) every Member impacted by the collective agreement is entitled to participate in a ratification vote;

(g) the Society supports Provincial bargaining; and

(h) Members should have the ability to choose their dispute resolution mechanism – binding arbitration or strike.

3.3 Collective Agreements
In addition to what already exists in collective agreements the Society believes each of its collective agreements should contain articles that:

(a) establish an instructional day as being no greater than five and one-half hours;

(b) confirm every Member is entitled to a duty-free lunch of at least one hour between 11:00 am and 2:00 pm daily;

(c) provide for preparation time within the Member’s instructional day;

(d) provide for staff meetings, meetings regarding students and communications with parents including parent-teacher conferences and report card preparations, to be scheduled within the instructional day or that compensatory time be provided to the Member;

(e) confirm Members are not be required to cover absent teachers’ classes;
(f) pro-rate workload for part-time teachers;
(g) establish appropriate class size and composition, including the provision of multi-grade groupings; workload or caseload of the professional support personnel; and provision for students with special needs;
(h) establish fair and reasonable evaluation procedures to reflect principles of fundamental justice;
(i) confirm extra-curricular activities conducted outside the Member’s instructional day are voluntary and at the sole discretion of the Member;
(j) confirm there will be no reduction in pay or loss of benefits when weather conditions make it hazardous or inordinately difficult for Members to reach their workplace;
(k) confirm implementation of any new practice shall not increase a Member’s workload; and
(l) confirm any training required by the employer will be conducted during the instructional day.

PART IV – CURRICULUM AND TEACHING COMMITTEE

4.1 Philosophy of Education Beliefs
The Society believes that:
(a) education is a lifelong pursuit;
(b) the fundamental aim of education is the physical, intellectual, emotional, social, aesthetic and moral development of individuals into people who realize self-respect, self-fulfillment and their relevance in society;
(c) all students have the right to an education which is appropriate to their specific needs offered in an environment free from physical and emotional abuse;
(d) all students have the right to teachers whose education, training and experience have prepared them to understand how children learn and develop and to plan programs to nurture further growth and development;
(e) all students have the right to adequate health care, nutrition, adult support and protection;
(f) all students have the right to the support of role models in that reflect the diversity of the student population in appropriate facilities and in a stimulating environment; and
(g) educators have a responsibility to establish mutually-supportive relationships with parents and the community to promote the education of students.

4.2 Teaching as a Profession
The Society believes that:
(a) teaching is a profession that is subject to the Code of Professional Practice that governs Members in their relationships with their colleagues, with their students, and with their communities;
(b) teachers are trusted by the public and by members of the teaching profession to act ethically and responsibly and to adhere to high standards of professional practice;
(c) Members have an obligation to support and enhance the professional standing and reputation of all teachers and the status of the profession of teaching;
(d) teaching is a profession that is supported by academic and professional preparation and ongoing professional development;
(e) effective teaching and learning take place in an environment conducive to learning and teaching;
(f) the prime function of the school is to give students the tools for learning so that they will be able to solve problems, think creatively and critically and make judgments about what they have learned;

(g) the school provides for personal and social development in addition to essential skills development; and

(h) in using skills for personal and social development students should relate their studies to various aspects of community life.

4.3 Role of the Teacher
The Society believes that:
(a) the primary role of the teacher is to teach;
(b) teachers need the authority to organize learning activities without unwarranted interference and to maintain a reasonable standard of discipline;
(c) teachers have the right to communicate with parents, colleagues and the general community, and to advocate on behalf of students and public education without fear of reprisal; and
(d) teachers have the right to be directly involved in all professional decisions affecting them.

4.4 Students with Exceptional Needs
The Society believes that:
(a) inclusion is a way of thinking and acting so that all students will receive equitable and supported access to learning, achievement, and the pursuit of excellence in all aspects of their education; and
(b) a comprehensive plan for the education of students with exceptional needs should be developed to include the following components:
(i) definitions for categories of exceptional needs that recognizes exceptionality ranges from gifted to severely disabled and includes those students who are physically challenged, academically gifted or challenged and/or emotionally or behaviourally disordered;
(ii) appropriate assessments, placements, programs, support personnel, adequate funding for instructional materials and suitable facilities and other supports as determined by the school team;
(iii) the most enabling environment to meet the needs of all students so that they can each experience individual success academically, physically, emotionally, and socially, and a regular classroom setting, an alternative setting within, or exterior, to the school;
(iv) supporting the involvement of parents or guardians in decisions about their child’s programming;
(v) ensuring school divisions and school districts provide the required supports and resources in a timely manner; and
(vi) an appeal process for Members to challenge inappropriate placement and programming decisions.

4.5 Program Service Levels
The Society believes that:
(a) the maximum class size should be eight (8) students in special education classes, twelve (12) students in nursery classes and full day kindergarten, fifteen (15) students in early years classes and vocational education and practical arts classes and twenty (20) students in all other classes;
(b) formulae should be applied to provide reduced class size to those divisions having a greater than average proportion of students with special needs related to such socio-economic factors as income level, rate of unemployment, percentage of single parent families, percentage of public housing and supplementary rental units and degree of student mobility;
(c) the class size in a one-room, multi-graded school should be in ratios of: one teacher for up to twenty (20) students; one and half (1.5) teachers for twenty (20) to thirty-three (33) students and two (2) teachers for thirty-four (34) students;

(d) the ratio of resource teachers to students be a minimum of one full-time resource teacher to every one hundred sixty-five (165) students or portion thereof, but increased by student weighting according to need based on the number of L2 and L3 students and those with exceptional behavioural needs above the basic count of one hundred sixty-five (165);

(e) school counsellors who hold a Manitoba teaching certificate should be deployed in all schools on the basis of one school counsellor for every two hundred fifty (250) students and further, that this ratio shall not negatively affect present student-teacher ratios and be decreased according to the needs of that school; and

(f) the ratio of teacher-librarians to students be a minimum of one full-time teacher-librarian to every two hundred fifty (250) students and further that this ratio shall not negatively affect present student-teacher ratios.

4.6 Standardized Testing
The Society opposes mandated standardized testing.

4.7 Student Assessment, Evaluation and Reporting
The Society believes that:

(a) the primary purpose of effective student assessment, evaluation and reporting is to support student learning;

(b) the primary responsibility for an individual student’s assessment, evaluation and reporting resides with the teacher;

(c) teachers have the right and responsibility to have major roles in the determination of student assessment, evaluation and reporting goals, policies, and procedures at all levels of the school system;

(d) effective assessment and evaluation:

(i) supports multiple and varied opportunities for students to demonstrate the learning outcomes being assessed with no single form, method, or approach to assessment in isolation is an adequate measure of student learning;

(ii) involves students in the assessment process in order to facilitate student self-assessment;

(iii) recognizes students’ rights to privacy and confidentiality when reporting assessment and evaluation results;

(iv) provides appropriate, timely, and meaningful feedback to students about their learning;

(v) is planned in relation to its purpose and is in alignment with the curriculum and instruction;

(vi) is based on the most recent demonstration of achievement towards the learning outcomes; and

(vii) takes into account factors such as learning style, age, gender, culture, language, socio-economic status and other forms of diversity;

(e) effective assessment, evaluation and reporting programs make students aware of:

(i) the methods and purposes of student assessment, evaluation and reporting;

(ii) the manner in which the results will be communicated and used; and

(iii) a process for appealing evaluative decisions.
(f) effective assessment, evaluation and reporting involves ongoing communication with parents or guardians in a clear, timely and meaningful manner regarding student performance and progress.

4.8 Educational Indicators
The Society believes that:
(a) educational indicators are measures such as school readiness, class size and graduation rates, that are chosen to show the progress of an educational system towards its stated objectives;
(b) reporting contextually on educational indicators will provide information to the public on the challenges, progress and achievements of public education;
(c) measures should be chosen to show progress towards the provincial goals: sustainable life; inclusive society; increased achievement for historically less successful students; and an increase in the overall provincial graduation rate;
(d) progress should be seen in the priority action areas: education for sustainable development; education in low-income communities; Aboriginal education; education in rural Manitoba; and education in northern communities;
(e) a number of measures should be chosen to make the reporting of the indicators easily managed and understood;
(f) all measures should be aggregate or group data at a Provincial or regional level;
(g) Provincial educational indicators program should be designed to coordinate with the national Pan-Canadian Educational Indicators Program (PCEIP);
(h) measures should be chosen from information already collected by Manitoba Education; and
(i) educational indicators should be reported annually.

4.9 Curriculum Principles
The Society believes that:
(a) its Members must have the autonomy to design learning experiences that support achievement of the learning outcomes as they have primary responsibility for reviewing, developing, implementing and assessing curriculum and identifying and acquiring resources;
(b) its Members have the right to draw on a wide variety of resources in promoting and facilitating student learning while safeguarding the legitimate interests of the creators of the artistic and intellectual works used by ensuring copyright laws are adhered to;
(c) curriculum must be supported by appropriate resource and support documents and that curriculum documentation should be provided to its Members, schools and school divisions in a form that Members can access and use;
(d) curriculum development teams for the department of Education should be comprised of a majority of Active or Associate Members in Good Standing;
(e) curriculum advisory committees with Society representation should be formed to oversee and facilitate the development, implementation and ongoing monitoring and evaluation of curricula;
(f) its Members should be responsible for determining the technologies they will use in their teaching and how these technologies will be incorporated into their practices;
(g) distance education is a valid model for teaching and learning depending upon the context and as long as the distance education programs are administered by a
school division and taught by certified teachers under a collective agreement; (ii) equitable delivery of required programs; and (iii) program funding throughout the province take into account cost variations due to factors such as those of scale, geography and demography. 

(h) the employer should be responsible for students’ experimentation and experiences on the world wide web and the internet through the school’s service; and 

(i) technology should be not be used by the employer to conduct covert, electronic surveillance of Members.

PART V – EDUCATION FINANCE COMMITTEE

5.1 Statement of Beliefs
The Society believes that:

(a) every child in Manitoba is entitled to an education that meets the child’s needs;

(b) when funders are seeking economies to be implemented, those which might adversely affect the quality of education in the public school, particularly students and teachers, should be considered as a last resort;

(c) the provision of a quality, equitable education, including adequate funding to support the necessary programs is the responsibility of the provincial government;

(d) the Society should be consulted prior to the initiation or discontinuation of any specially funded program;

(e) Locals should participate in preliminary budget discussions and share in local decision-making with their respective school boards;

(f) block funding should be opposed and program-based funding should be promoted;

(g) guidelines should be established for:

(i) program requirements for the education of Manitoba students;

(ii) equitable delivery of required programs; and

(iii) program funding throughout the province take into account cost variations due to factors such as those of scale, geography and demography.

(h) educational funding should be based on guaranteeing universal accessibility to quality educational programming; and

(i) the Society should be represented on all educational financing committees including the Advisory Committee on Educational Finance and the FRAME Committee.

5.2 Criteria for School Closure or Consolidation
The Society believes that the criteria for the closure or consolidation of schools should:

(a) be based upon the welfare of the students involved;

(b) establish a time-structure procedure for consideration, consultation, decision and action if appropriate;

(c) include consultation with parents and other community residents;

(d) consider time and cost of pupil transportation;

(e) consider potential changes in staff and operational costs;

(f) consider probable changes in school programs;

(g) consider probable changes in school resources including libraries, laboratories and shops;

(h) consider the importance of the school to community life;

(i) consider the physical and social character of the school’s enrolment area;

(j) consider alternative uses for the school; and
(k) retain ownership of the property in the public domain.

**PART VI– EQUITY AND SOCIAL JUSTICE COMMITTEE**

**6.1 Statement of Beliefs**

The Society believes that:

(a) all forms of discrimination, harassment and stereotyping in teaching and within Manitoba schools and communities, should be eliminated in accordance with federal, provincial and international human rights legislation and declarations;

(b) all curricula and programs should be reviewed and monitored for any type of bias, stereotypes and/or generalizations that could promote or induce discriminatory behaviour and attitudes;

(c) advertising, distribution and promotion of materials and programs which undermine an equitable and just society should be opposed;

(d) parents or guardians have the right to have their children educated in the official language of their choice;

(e) supports should be provided for all Members so that they can practice the profession of teaching in a safe and inclusive learning environment that respects human diversity and prevents the expression of negative judgments based on gender bias, sexual stereotyping, sexual orientation including Members who identify themselves as GLBTQIA (Gay, Lesbian, Bisexual, Transgender, Questioning, Intersex, Allied);

(f) all Members should have equal access to employment and educational opportunities regardless of race, nationality, religion, colour, sex, age, marital status, pregnancy, physical or mental handicap, ethnic or national origin, political beliefs, family status or sexual orientation;

(g) staff selection committees should publicize the criteria to be used for assessing candidates;

(h) affirmative action programs should be established for groups that are under-represented in educational leadership positions; and

(i) Members should not lose their positions as a consequence of the implementation of any affirmative action initiative or employment equity program.

**PART VII – GROUP BENEFITS COMMITTEE**

**7.1 Pension Statement of Beliefs**

The Society believes that:

(a) the Pension Plan should be a partnership between the Province of Manitoba, on behalf of the employer, and the Society, as the statutory representative of Pension Plan members;

(b) at least one half of the representatives on the Teachers’ Retirement Allowances Fund Board and the Investment Committee should be named directly by the Society;

(c) eligible Pension Plan members must be defined by the Pension Plan.

(d) the objective of the Pension Plan is to maintain a level of funding so that the assets of the Pension Plan will be one hundred percent (100%) of the actuarial liabilities of the Pension Plan;

(e) if the Pension Plan is not funded at a level of one hundred percent (100%) of the actuarial liabilities, the contribution rate must be increased to a level that will restore the Pension Plan to its objective of one hundred percent (100%) funding;
(f) the Pension Plan should provide an adjustment annually to offset in whole or in part changes in the cost of living;

(g) if the Pension Plan is in a surplus position, the following criteria should apply to any distribution of surplus:

(i) there shall be no distribution of surplus through either benefit improvements and/or contribution reductions unless the surplus is in excess of ten percent (10%) of the assets of the Pension Plan;

(ii) the required surplus of ten percent (10%) of the assets of the Pension Plan has been in place for three (3) consecutive three (3) year actuarial valuation cycles; and

(iii) any benefit improvements have been determined by the Pension Plan actuary to be funded and affordable for a twenty (20) year period;

(h) the contribution rate for the Pension Plan should be matched equally between the Province of Manitoba and Pension Plan members;

(i) benefit improvements, as determined between the Province of Manitoba and the Society, should be funded within the existing contribution rate or, if the cost of improvements exceeds the existing contribution rate, the benefit improvement should not be implemented until an adequate contribution rate is established;

(j) a Pension Plan member should be entitled to purchase periods of absence from teaching as defined by the Pension Plan as pensionable service;

(k) provisions for working while in receipt of benefits from the Pension Plan should be covered under the provisions of the Pension Plan;

(l) if a Pension Plan member has eligible service and leaves teaching prior to pensionable age, the Pension Plan member should be entitled to receive a pension upon reaching pensionable age and have the pension adjusted annually during the period of deferment in the same manner as pensions may be adjusted to offset in whole or in part increases in the cost of living after retirement;

(m) reciprocal transfer agreements should permit a Pension Plan member to transfer pensionable service between eligible jurisdictions;

(n) mandatory credit splitting should not apply where the parties to a marital or common-law relationship can demonstrate that they have met the conditions established by the Pension Plan; and

(o) the pension task force, with representatives of the Province of Manitoba and the Society, are responsible for making recommendations regarding pension issues and legislative changes.

7.2 Group Benefits Statement of Beliefs
The Society believes that:

(a) the employer should continue all payments of insurance premiums with the exception of Disability Benefit Plan premiums;

(b) when a Member transfers to a new participating MPSEGLIP employer, the Member will have the right to maintain the Member’s selected life insurance coverage options under the conditions of the former employment to the new employer;

(c) all employment earnings should be subject to employment insurance contributions and all employment insurance benefits should be administered in a non-discriminatory manner; and

(d) a province-wide dental benefit plan should be promoted and that such a plan should be established on the basis of a master plan common underwriter
approach for dental benefit plans for division and Locals with a multiple rate structure based on the composition of Members employed by each division being incorporated into the plan design.

PART VIII – PROFESSIONAL DEVELOPMENT COMMITTEE

8.1 Evaluation
The Society believes that:

(a) policies and procedures governing professional growth models must be kept clearly separate and distinct from evaluation policies and procedures and that the following definitions should be used consistently:

(i) evaluation means a formal process in which a teacher’s performance is assessed against a set of performance standards;

(ii) performance standards means a set of pre-determined and clearly defined expectations; and

(iii) professional growth means a process designed to facilitate the ongoing, self-directed learning of teachers as professionals.

(b) the primary purpose of evaluation is to promote the best possible learning for students, by assessing teaching performance against a set of clearly defined performance standards;

(c) all evaluation procedures shall be fair, reasonable and reflect the principles of fundamental justice;

(d) the process of evaluation provides for active involvement of Members in all phases of evaluation including the identification of objectives, the determination of the extent and manner of data collection, the selection of data collecting instruments, the analysis of data, reporting results and making recommendations;

(e) evaluators shall have appropriate training in evaluation and be given time and resources for preparing and conducting evaluations;

(f) evaluations should be based on objective measurable data and stated in those terms;

(g) all teachers shall be evaluated every four (4) years and provided with a written report;

(h) all teachers shall be afforded the opportunity to respond in writing to their written evaluation and this response be appended to the written report;

(i) evaluation shall take into account the teacher’s teaching profile, the teaching-learning conditions, and be conducted in the language of instruction;

(j) evaluation shall respect the teacher’s professional autonomy;

(k) any form of numerical merit shall be opposed;

(l) all substitute teachers shall be entitled to an evaluation process;

(m) student tests shall not be used to evaluate teachers;

(n) anonymous surveys shall not be used to evaluate teachers;

(o) evaluation shall not be used as a disciplinary measure; and

(p) elements of class composition shall be included in written evaluations.

8.2 Professional Growth Models
The Society believes professional growth models are designed to facilitate the on-going, self-directed learning and professional growth of its Members and that:

(a) all Members have the right to pursue professional growth;
(b) professional growth should not be mandated;
(c) teachers, as professionals, will self-direct their professional development opportunities;
(d) professional growth should not be part of evaluation processes;
(e) school plans not drive professional growth;
(f) Locals have a right and responsibility to review growth models adopted by the school board;
(g) adequate resources and time be provided to understand and to implement the professional growth model;
(h) the goals and objectives of a growth plan should be determined solely by the teacher; and
(i) all documentation should be the property of the teacher and will be included in the personnel file only at the request of the teacher.

8.3 Professional Development
The Society believes that:
(a) professional development encompasses formal and informal activities which Members undertake to direct their own learning and to enhance their professional practice;
(b) all Members are responsible for their own ongoing professional development which should be equitable, interactive, self-directed, and related to the Member’s career and profession;
(c) all Members have the right to professional development;
(e) the responsibility for providing time, funding and resources for professional development requires a joint commitment of the division and the government in consultation with Members;
(f) professional development must be conducted in a supportive climate of trust, peer support, open communications, collegiality and collaboration; and
(g) professional development plans must be purposeful and flexible to promote ongoing professional growth.

8.4 Local Responsibility for Professional Development
Each Local shall establish and maintain a professional development committee whose responsibilities include:
(a) having the committee chair also be a table officer of the Local executive;
(b) promoting the importance of professional development within the Local;
(c) ensuring that authorized days are available and used for professional development; and
(d) being involved in the management of professional development funds received from the province.

8.5 Professional Development Days in the School Year
The Society believes that:
(a) there should be a minimum of fifteen (15) professional development/administration days with pay in any school year;
(b) days authorized by the Minister of Education should be recognized as falling into three distinct categories: professional development, administrative activities and report card preparation;
(c) a majority of days authorized by the Minister of Education should be made available for professional development;
(d) there should be a balance in the use of professional development days between the individual Member’s choice and the school division or school district’s priorities;
(e) days authorized by the Minister of Education should occur within the school year; and

(f) the number of days authorized by the Minister of Education for Professional Development, should be permitted to exceed the limits contained in the regulations with no loss of grant, provided that such additional days are approved by the superintendent, the school board and the Local.

PART IX – TEACHER EDUCATION AND CERTIFICATION COMMITTEE

9.1 Statement of Beliefs
The Society believes that:
(a) teacher education programs should be relevant to the demands placed on its Members;
(b) Society representatives should be involved in the development, review, planning, and evaluation of teacher education programs;
(c) certification should be carried out through a Board with representation from the Society, other education partners and the public with the majority of the Board being Members of and appointed by the Society;
(d) there should be one general teaching certificate, recognized nationally, which confers eligibility to teach without restrictions as to grade level and subject area;
(e) only certified teachers should be employed to perform teaching duties in Manitoba schools;
(f) recruitment of candidates for teacher education programs should consider the gender balance and cultural diversity of the province;
(g) initial teacher education programs should include:
(i) ethical standards for teaching professionals;
(ii) the application of skills and learning theories through practical experience;
(iii) the implementation and assessment of Manitoba curricula into coursework and student teaching;
(iv) teachable subjects in Aboriginal studies and languages;
(v) at least one cultural awareness course;
(vi) coursework on working with educational assistants;
(vii) effective application of information technology;
(h) all professional credits should be awarded for courses taken as part of an accredited Bachelor of Education program and prior learning assessment recognition schemes should not be applied to award credits for professional courses;
(i) as student teachers must work in positions with active supervision, schools must ensure that a co-operating teacher is provided for each student teacher for continued feedback on their school experience;
(j) co-operating teachers should be teachers whose professional education, experience and willingness ensures that they will be exemplary models of a professional teacher;
(k) co-operating teachers and those appointed as lead teachers should be provided with professional development opportunities and time to enable them to facilitate student teachers' self-discovery and transformation to becoming professional teachers;
(l) re-orientation of a teacher after a prolonged absence from teaching is a shared responsibility of the teacher, the employer and the Society;

(m) post-graduate programs in education be accessible for all teachers throughout Manitoba;

(n) post-baccalaureate certificate programs should be developed at the teacher education institutions for the professional advancement of to meet the needs of practicing teachers; and

(o) beginning teacher should be assisted by providing them with orientation to the profession, professional development activities, information on the professional organization, counselling, moral support and protection of legal rights.

(e) Locals must review any variance agreement every three (3) years;

(f) the Local Workplace Safety and Health chair shall be a member of the division Workplace Safety and Health Committee and attend all division Workplace Safety and Health meetings;

(g) a Member shall be a co-chair of each division or school Workplace Safety and Health committee;

(h) all cases of workplace violence, harassment, injury, accidents or verbal abuse as defined by The Workplace Safety and Health Act and regulations should be reported by the Member to the Member’s Local and to the employer and should be pursued by the Society, where necessary, subject to the approval of the Members involved;

(i) any Member who incurs an on the job injury or infectious disease should not suffer any loss of benefit or salary; and

(j) Members should not drive either their own vehicles or divisionally owned or leased vehicles to transport students for school-related activities.

PART X – WORKPLACE SAFETY AND HEALTH COMMITTEE

10.1 Statement of Beliefs
The Society believes that:

(a) the employer is responsible for providing a safe and healthy work environment for its Members in accordance with The Workplace Safety and Health Act and other relevant legislation and awards;

(b) all Local executives should appoint a representative whose responsibilities include workplace safety and health;

(c) each school should have a Workplace Safety and Health committee as defined by The Workplace Safety and Health Act and where a workplace has less than twenty (20) workers, the representatives should include a Member;

(d) any variances applied for by a division must first be approved by the Local before being submitted;

(e) Locals must review any variance agreement every three (3) years;

(f) the Local Workplace Safety and Health chair shall be a member of the division Workplace Safety and Health Committee and attend all division Workplace Safety and Health meetings;

(g) a Member shall be a co-chair of each division or school Workplace Safety and Health committee;

(h) all cases of workplace violence, harassment, injury, accidents or verbal abuse as defined by The Workplace Safety and Health Act and regulations should be reported by the Member to the Member’s Local and to the employer and should be pursued by the Society, where necessary, subject to the approval of the Members involved;

(i) any Member who incurs an on the job injury or infectious disease should not suffer any loss of benefit or salary; and

(j) Members should not drive either their own vehicles or divisionally owned or leased vehicles to transport students for school-related activities.

10.2 Workplace Safety and Health Training
The Society shall plan and organize Workplace Safety and Health training and education that meets the needs of local Workplace Safety and Health representatives, that complies with the rights provided under The Workplace Safety Health Act, and such training and education will be delivered in locations throughout Manitoba as training and education needs warrant, and that all training be conducted during the school day.