



CONSTITUTION  
BYLAWS  
POLICIES



THE MANITOBA TEACHERS' SOCIETY

# HANDBOOK 2023-2024

# TABLE OF CONTENTS

<b>CONSTITUTION</b>	1
<b>BYLAW I</b>	15
<b>PREAMBLE</b>	15
<b>PART I – MISSION, OBJECTS AND GOALS</b>	15
1.1 Mission	15
1.2 Society Objects	15
1.3 Society Goals	16
1.4 Bargaining Agency	16
1.5 Professional Governance	16
<b>PART II – INTERPRETATION</b>	16
2.1 Definitions	16
2.2 Article and Section Headings	20
2.3 Plural, Gender, etc.	20
2.4 Conflict with Constitution	21
2.5 Continuation of Membership	21
<b>PART III – MEMBERSHIP</b>	21
3.1 Membership in the Society	21
3.2 Active Member in Good Standing	21
3.3 Associate Member in Good Standing	22
3.4 General Rights and Obligations of Members	22
3.5 Rights of Active Members in Good Standing	23
3.6 Rights of Associate Members in Good Standing	23
3.7 Participation in Political Processes	23
3.8 Leaves of Absence	24
3.9 Insurance	25
3.10 Withdrawal of Membership	25
3.11 Suspension or Termination of Membership	25
3.12 Consequences of Suspension or Termination of Membership	26
3.13 Student Membership	26
3.14 Rights of Student Members	26
3.15 Register	26
3.16 Member's Right to Review Register	27

3.17	Process to Correct Register .....	27
3.18	Whistleblower Protection .....	28
<b>PART IV – PROVINCIAL COUNCIL.....</b>		<b>29</b>
4.1	Authority of Provincial Council.....	29
<b>PART V – PROVINCIAL EXECUTIVE .....</b>		<b>29</b>
5.1	Relationship between Provincial Council and Provincial Executive.....	29
5.2	Composition .....	29
5.3	Past President.....	29
5.4	Term .....	30
5.5	Executive Release Time .....	30
5.6	Assumption of Office .....	30
5.7	Meetings.....	30
5.8	Meeting Notices .....	30
5.9	Quorum and Votes .....	30
5.10	In Camera Meetings .....	31
5.11	Conflict of Interest.....	31
5.12	Agenda for Provincial Executive Meetings.....	31
5.13	Minutes.....	31
5.14	Rules of Order.....	31
5.15	Vacancy.....	32
5.16	Duties.....	32
5.17	Suspension or Revocation of a Local.....	34
5.18	Appeals Regarding Service to Members .....	34
5.19	Emergency Powers .....	34
<b>PART VI – COMMITTEES AND TASK FORCES.....</b>		<b>35</b>
6.1	Authority to Establish .....	35
6.2	Special Committees of Provincial Executive.....	35
6.3	Audit Committee .....	35
6.4	CTF-EI Committee.....	36
6.5	Human Resources Committee.....	36
6.6	Human Resources Committee –Director (s) .....	37
6.7	Political Action Committee.....	37
6.8	MTS Awards Committee.....	38
6.9	Standing Committees .....	38
6.10	Role of Standing Committees.....	39

6.11	Service on Standing Committees, Review Committee and Professional Conduct Committee.....	39
6.12	Collective Bargaining Committee .....	40
6.13	Curriculum and Teaching Committee .....	40
6.14	Education Finance Committee .....	40
6.15	Equity and Social Justice Committee.....	40
6.16	Group Benefits Committee .....	40
6.17	Indigenous Voice and Action Committee.....	40
6.18	Professional Development Committee .....	40
6.19	Teacher Education and Certification Committee.....	40
6.20	Workplace Safety and Health Committee.....	41
6.21	Liaison with Membership .....	41
6.22	Increasing Membership Involvement .....	41
6.23	Committee Membership .....	41
6.24	Conflict of Interest.....	41
	<b>PART VII – OFFICERS .....</b>	<b>42</b>
7.1	Composition .....	42
7.2	Officers’ Responsibilities for Society Funds .....	42
7.3	President’s Role and Responsibilities.....	42
7.4	Vice President’s Role and Responsibilities .....	43
7.5	Executive Director’s Role and Responsibilities .....	43
7.6	Director’s (s’) Role and Responsibilities .....	44
7.7	President and Vice President Release Time and Benefits.....	45
7.8	President and Vice President Agreement .....	46
	<b>PART VIII – LOCAL ASSOCIATIONS .....</b>	<b>47</b>
8.1	Purpose of Locals.....	47
8.2	Establishment of Locals .....	47
8.3	Constitution and Bylaws.....	47
8.4	Charter.....	47
8.5	Duties.....	48
8.6	Limitation Regarding Society Fees .....	49
8.7	Local Elections .....	49
8.8	Conflict of Interest.....	49
	<b>PART IX – PRESIDENTS’ COUNCIL.....</b>	<b>49</b>
9.1	Role of Presidents’ Council.....	49

9.2	Composition .....	50
9.3	Agenda.....	50
9.4	Indigenous Learning, Truth and Reconciliation, 2SLGBTQI+, Equity, Diversity, and Inclusion (EDI) Training .....	50
<b>PART X – COSL, EFM AND SAGE .....</b>		<b>50</b>
10.1	Rights of COSL, EFM and SAGE Members .....	50
10.2	Joint Meetings .....	50
10.3	Conflict of Interest.....	51
<b>PART XI – FINANCIAL MATTERS .....</b>		<b>51</b>
11.1	Audits.....	51
11.2	Membership Year .....	51
11.3	Establishment of Society Fees.....	51
11.4	Members’ Payment of Fees .....	51
11.5	Special Rules Related to Fees .....	51
11.6	Administration of Society Funds .....	52
11.7	Operations Stabilization Fund .....	52
11.8	Capital Assets Replacement Fund .....	53
11.9	Society Reserve Fund .....	53
11.10	Provincial Bargaining Fund .....	53
11.11	COSL and EFM Reserve Funds .....	53
11.12	Bursaries and Sporting Events.....	53
11.13	International Development Assistance .....	54
<b>PART XII – POLICIES .....</b>		<b>54</b>
12.1	Policies.....	54
<b>PART XIII – AMENDMENTS .....</b>		<b>54</b>
13.1	Constitutional Amendments .....	54
13.2	Bylaw Amendments .....	54
<b>BYLAW II.....</b>		<b>55</b>
<b>PART I – GOVERNING BODY .....</b>		<b>55</b>
1.1	Application.....	55
1.2	Interpretation .....	55
1.3	Role of the Executive Director.....	56
1.4	Provincial Council Meetings .....	57
1.5	Notice .....	57
1.6	Delegates.....	57

1.7	Delegate Qualification Rules .....	57
1.8	Expenses .....	58
1.9	Special Meeting Proposal .....	58
1.10	Special Provincial Council Meetings .....	58
1.11	Executive Director to Call Special Meeting .....	59
1.12	No Other Business Allowed at Special Meeting .....	59
1.13	Funding of Special Provincial Council Meetings .....	59
<b>PART II – RESOLUTION PROCEDURES .....</b>		<b>59</b>
2.1	Origins of Resolutions .....	59
2.2	Categories of Resolutions .....	59
2.3	Action Resolutions Related to Outside Bodies .....	60
2.4	Deadlines for Resolutions .....	60
2.5	Resolutions Arising from the Business of Provincial Council Meetings .....	60
2.6	Resolution Formation and Processing .....	60
2.7	Budget .....	61
<b>PART III – GENERAL RULES .....</b>		<b>62</b>
3.1	Suspension of the Operation of this Bylaw .....	62
3.2	Suspension Invalid .....	62
3.3	Motions to Adjourn Sitzings of Provincial Council .....	63
3.4	Motion to Adjourn Provincial Council .....	63
3.5	Adjournment by the Presiding Officer .....	63
3.6	Agenda (Order of Business) .....	63
3.7	Amendments to Agenda .....	63
3.8	Unanimous Consent Required to Amend Approved Agenda .....	63
3.9	Amendments to Motions .....	64
3.10	Amendments to Motion Amendments .....	64
3.11	Appeal from Decisions of the Chair .....	64
3.12	Expulsion for Breaches of Decorum .....	65
3.13	Classification of Motions .....	65
3.14	Committee of the Whole .....	66
3.15	Debate .....	67
3.16	Motions to Table .....	67
3.17	Motions to Refer .....	68
3.18	Motions to Postpone to a Definite Time .....	68
3.19	Standing Vote .....	69

3.20	Ending Debate .....	69
3.21	Objection to the Consideration of a Question .....	70
3.22	Points of Order .....	70
3.23	Parliamentarian .....	70
3.24	Precedence of Motions .....	71
3.25	Role of Presiding Officer .....	71
3.26	Privilege .....	72
3.27	Quorum .....	73
3.28	Recess .....	73
3.29	Reconsideration.....	73
3.30	Rescinding a Motion .....	74
3.31	Voting Procedures on Motions Before the Council .....	74
3.32	Withdrawing a Motion .....	75
<b>BYLAW III .....</b>		<b>76</b>
<b>PART I – APPLICATION AND VOTING CONSTITUENCY.....</b>		<b>76</b>
1.1	Election of the Provincial Executive .....	76
1.2	Members’ Entitlement to Vote .....	76
1.3	Retired Teachers’ Entitlement to Vote .....	76
1.4	Voting Constituency .....	76
<b>PART II – CHIEF RETURNING OFFICER .....</b>		<b>76</b>
2.1	Chief Returning Officer.....	76
2.2	General Rules .....	77
2.3	Duties of the Chief Returning Officer .....	77
2.4	Run-off Elections .....	78
<b>PART III – TERMS OF OFFICE.....</b>		<b>78</b>
3.1	President .....	78
3.2	Vice President.....	78
3.3	Members-at-Large.....	78
<b>PART IV – NOMINATION.....</b>		<b>78</b>
4.1	Nominations .....	78
4.2	Notice of Nominations .....	78
4.3	Nomination Process .....	79
4.4	Campaign Period .....	79
4.5	Candidate Information .....	79

<b>PART V – ELECTION PROCEDURES</b> .....	80
5.1 Election Procedures.....	80
5.2 Election Forum .....	80
5.3 Election Timing .....	80
5.4 Recounts.....	80
<b>PART VI – VACANCIES</b> .....	81
6.1 Appointments Upon Vacancy.....	81
<b>PART VII – ELECTORAL DIVISIONS</b> .....	81
7.1 Continuation of Electoral Divisions .....	81
<b>BYLAW IV</b> .....	83
<b>PART I – THE TEACHING PROFESSION IN MANITOBA</b> .....	83
1.1 Application.....	83
1.2 Interpretation .....	83
1.3 Philosophy of Teaching as a Profession .....	83
<b>PART II – CODE OF PROFESSIONAL PRACTICE</b> .....	83
2.1 The Code.....	83
2.2 Violations of the Code .....	84
<b>PART III – PROFESSIONAL MISCONDUCT</b> .....	85
3.1 Definitions .....	85
3.2 Professional Misconduct Complaints.....	85
3.3 Processing of Complaint.....	85
3.4 Appeals of Executive Director Decisions .....	87
3.5 Professional Conduct Proceedings.....	87
3.6 Quorum .....	88
3.7 Duties of Professional Conduct Committee Chairperson .....	88
3.8 Conflict of Interest.....	89
3.9 Duties of the Executive Director Upon Receipt of a Charge from the Professional Conduct Committee .....	89
3.10 Member’s Obligations Upon Receipt of a Charge.....	90
<b>PART IV – REVIEW COMMITTEE</b> .....	90
4.1 Responsibilities.....	90
4.2 Practice and Procedure .....	90
4.3 Powers .....	91
4.4 Panels and Quorum.....	91
4.5 Decisions and Remedial Authority .....	92

4.6	Review Committee Decisions .....	92
4.7	Appeals of Review Committee Decisions .....	92
4.8	Conflict of Interest.....	92
<b>PART V – MISCELLANEOUS COMMITTEE RULES .....</b>		<b>93</b>
5.1	Recusal of Committee Members.....	93
5.2	Conclusion of Proceedings Prior to Expiry Appointment .....	93
<b>PART VI - MEMBER’S OBLIGATIONS AND REINSTATEMENT OF MEMBERSHIP .....</b>		<b>93</b>
6.1	Timeliness Reinstatement Application.....	93
6.2	Written Application Required .....	93
6.3	Contents Statutory Declaration.....	93
6.4	Review Committee Hearing .....	94
6.5	Member Representation .....	94
6.6	Review Committee Decision .....	94
6.7	Notice to Members .....	94
6.8	Disability Plan Requirements and Reinstatement.....	94
<b>BYLAW V .....</b>		<b>95</b>
<b>PART I – INTERPRETATION PRINCIPLES .....</b>		<b>95</b>
1.1	Application.....	95
1.2	Definitions .....	95
<b>PART II – SHORT TERM DISABILITY PLAN.....</b>		<b>96</b>
2.1	Objective.....	96
2.2	Cost Recovery .....	96
<b>PART III – LONG TERM DISABILITY PLAN .....</b>		<b>96</b>
3.1	Objective.....	96
3.2	Cost Recovery .....	97
3.3	Long Term Disability Plan Funding Policy.....	97
3.4	Long Term Disability Plan Funding Targets .....	97
<b>PART IV – GOVERNANCE .....</b>		<b>97</b>
4.1	DBP Committee .....	97
4.2	Composition .....	98
4.3	Term .....	98
4.4	Vacancies .....	98
4.5	Vacancy if Appointment Criteria No Longer Met.....	98
4.6	Terms of Reference .....	98
4.7	Conflict of Interest.....	99

4.8	DBP Investment Committee .....	99
4.9	Term .....	100
<b>PART V – CLAIMS MANAGEMENT .....</b>		<b>100</b>
5.1	Authority Case Management Committee .....	100
5.2	Composition .....	100
5.3	Term .....	100
5.4	Vacancies .....	100
5.5	Deemed Resignation if Appointment Criteria Not Met .....	100
5.6	Terms of Reference .....	100
5.7	Claims Review Responsibilities.....	101
5.8	Conflict of Interest.....	101
5.9	Administrative Decisions.....	101
<b>PART VI – TRUSTS .....</b>		<b>101</b>
6.1	Manitoba Public School Employees Benefits Trust.....	101
6.2	Appointment of Manitoba Public School Employees Benefits Trustees .....	102
<b>BYLAW VI .....</b>		<b>103</b>
<b>PART I – GENERAL.....</b>		<b>103</b>
1.1	Application.....	103
1.2	Interpretation .....	103
<b>PART II – COUNCIL OF SCHOOL LEADERS.....</b>		<b>103</b>
2.1	Purpose.....	103
2.2	COSL’s Relationship with the Society .....	104
2.3	Membership in COSL .....	104
2.4	Exclusions from Membership.....	104
2.5	Membership Fees .....	105
2.6	Provincial Executive Liaison with COSL .....	105
2.7	COSL Budget Allocation .....	105
2.8	COSL Reports .....	105
2.9	COSL Resolutions to Provincial Council.....	105
2.10	Provincial Council Representation .....	105
<b>PART III – ÉDUCATRICES ET ÉDUCATEURS FRANCOPHONES DU MANITOBA.....</b>		<b>105</b>
3.1	EFM Services.....	105
3.2	Relationship with the Society.....	106
3.3	Requests of Provincial Executive.....	106
3.4	Access to EFM Minutes .....	106

3.5	EFM Membership .....	106
3.6	Financial Obligations of the Society .....	106
3.7	Services Provided by the Society to EFM .....	107
3.8	EFM President .....	107
3.9	EFM Resolutions to Provincial Council .....	107
3.10	EFM Provincial Council Representation .....	107
	<b>PART IV – SPECIAL AREA GROUPS OF EDUCATORS .....</b>	<b>107</b>
4.1.	SAGE Affiliation.....	107
4.2	Constitutional Requirements .....	108
4.3	Terms of Continuing Affiliation .....	109
4.4	Limitations on SAGE Representations.....	110
4.5	Responsibilities of SAGE to the Society.....	110
4.6	Society Services to SAGE .....	110
4.7	Cost Recovery Services.....	110
4.8	Financial Arrangements Between the Society and SAGE.....	111
4.9	Responsibilities of the Society and SAGE .....	112
4.10	SAGE Council .....	112
4.11	SAGE Resolutions to Provincial Council.....	113
4.12	Representatives to Provincial Council.....	113
4.13	General Rules Applicable to SAGE.....	113
4.14	SAGE Conferences .....	114
	<b>APPENDIX .....</b>	<b>115</b>
	<b>POLICY I .....</b>	<b>116</b>
	<b>PART I – INTERPRETATION .....</b>	<b>116</b>
1.1	Definitions .....	116
1.2	Article and Section Headings.....	116
1.3	Plural, Gender, etc.....	116
1.4	Conflict with Constitution and Bylaws .....	116
	<b>PART II – AFFILIATIONS.....</b>	<b>116</b>
2.1	General .....	116
2.2	Canadian Teachers’ Federation.....	116
	<b>PART III – INDIVIDUAL POLITICAL RIGHTS &amp; SOCIETY POLITICAL ACTION .....</b>	<b>117</b>
3.1	Civic Rights of Members.....	117
3.2	Political Affiliation of Individual Members.....	117

3.3	Election Leave.....	117
3.4	No Political Affiliation by the Society .....	117
3.5	Provincial Election Campaigns.....	117
	<b>PART IV – INTERNATIONAL ASSISTANCE .....</b>	<b>118</b>
4.1	Purposes .....	118
4.2	International Assistance Program .....	118
	<b>PART V – RIGHTS AND SERVICES OF LOCALS .....</b>	<b>119</b>
5.1	Rights of Local Presidents.....	119
5.2	Regional Meetings.....	120
5.3	Local President Release Time .....	120
5.4	Subsidies to Locals.....	121
5.5	Information on Personnel Cases .....	121
5.6	Funding for Society Seminars .....	121
5.7	Dependent Care .....	121
5.8	Liaison with Principals/Vice Principals .....	121
5.9	Local Affirmative Action Policy Implementation.....	121
5.10	Audit .....	122
5.11	Society Reimbursement .....	122
5.12	Funding for Binder Meeting .....	122
	<b>PART VI – MEMBER SERVICES .....</b>	<b>122</b>
6.1	Principals and Vice Principals Membership in the Society.....	122
6.2	Frontier Teachers’ Association Grant.....	122
6.3	AEFM Grant .....	122
6.4	The Manitoba Teachers’ Society Professional Development Day Northern Travel Allowance .....	122
6.5	Services in the French Language .....	123
6.6	Outside Companies .....	123
6.7	Legal Services .....	123
	<b>PART VII – SUPPORTING PUBLIC EDUCATION .....</b>	<b>124</b>
7.1	Promotion of Public Education.....	124
7.2	School Attendance .....	124
7.3	Authority for Organizing the School Year and the School Day .....	124
7.4	Length of School Year .....	124
7.5	Use of Excess or Vacant School Space.....	125
	<b>PART VIII – PRESIDENT AND VICE PRESIDENT RELOCATION COSTS .....</b>	<b>125</b>

8.1	President and Vice President Relocation Costs Policy .....	125
<b>PART IX – MTS AWARDS</b> .....		128
9.1	Promotion, Nomination, Selection, and Presentation Procedures.....	128
9.2	Life Membership Award .....	129
9.3	Honorary Membership .....	129
9.4	1922 Award for Service to the Teaching Profession .....	129
<b>POLICY II</b> .....		130
<b>PART I – INTERPRETATION</b> .....		130
1.1	Definitions .....	130
1.2	Article and Section Headings.....	130
1.3	Plural, Gender, etc.....	131
1.4	Conflict with Constitution and Bylaws .....	131
<b>PART II – INDIGENOUS VOICE AND ACTION COMMITTEE</b> .....		131
2.1	Statement of Beliefs .....	131
<b>PART III – COLLECTIVE BARGAINING COMMITTEE</b> .....		131
3.1	Statement of Beliefs .....	131
3.2	Collective Bargaining Principles .....	132
3.3	Collective Agreements .....	133
<b>PART IV – CURRICULUM AND TEACHING COMMITTEE</b> .....		134
4.1	Philosophy of Education Beliefs .....	134
4.2	Teaching as a Profession .....	134
4.3	Role of the Teacher .....	135
4.4	Students with Exceptional Needs.....	135
4.5	Program Service Levels.....	136
4.6	Standardized Testing .....	137
4.7	Student Assessment, Evaluation and Reporting .....	137
4.8	Educational Indicators.....	138
4.9	Curriculum and Instruction Principles.....	139
<b>PART V – EDUCATION FINANCE COMMITTEE</b> .....		140
5.1	Statement of Beliefs .....	140
5.2	Criteria for School Closure or Consolidation .....	141
<b>PART VI – EQUITY AND SOCIAL JUSTICE COMMITTEE</b> .....		141
6.1	Statement of Beliefs .....	141
<b>PART VII – GROUP BENEFITS COMMITTEE</b> .....		142
7.1	Pension Statement of Beliefs .....	142

7.2	Group Benefits Statement of Beliefs.....	144
<b>PART VIII – PROFESSIONAL DEVELOPMENT COMMITTEE.....</b>		<b>145</b>
8.1	Evaluation.....	145
8.2	Professional Growth Models.....	146
8.3	Professional Development .....	147
8.4	Local Responsibility for Professional Development .....	147
8.5	Professional Development Days in the School Year .....	147
<b>PART IX – TEACHER EDUCATION AND CERTIFICATION COMMITTEE.....</b>		<b>148</b>
9.1	Statement of Beliefs.....	148
<b>PART X – WORKPLACE SAFETY AND HEALTH COMMITTEE .....</b>		<b>150</b>
10.1	Statement of Beliefs .....	150
10.2	Workplace Safety and Health Training.....	151
11.1	Statement of Beliefs.....	152

## CONSTITUTION

### CHAPTER T30

#### THE MANITOBA TEACHERS' SOCIETY ACT

Section	TABLE OF CONTENTS
1	Definitions
2	Society continued
3	Objects
4	Powers of society
5	Leadership of the society
6	Membership
7	By-laws re membership
8	Unpaid fees are debts owing
9	Éducatrices et éducateurs francophones du Manitoba
10	Register
11	Employers to provide information
12	Code of conduct
13	Conduct committee and review committee
14	Disciplinary process
15	Recommendation to minister
16	Appeal
17	Insurance and related benefits
18	Premiums
19	By-laws
20	Collection and disclosure of information on register
21	Confidentiality of information
22	Effect of vacancy
23	Liability protection
24	Transitional provisions
25	Education Administration Act amended
26	Repeal
27	C.C.S.M. reference
28	Coming into force

(Assented to March 15, 2016)

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

## DEFINITIONS

### Definitions

1 The following definitions apply in this Act.

"**by-law**" means a by-law of the society.

"**code of conduct**" means the code of conduct adopted under subsection 12(1).

"**conduct committee**" means the conduct committee established under clause 13(1)(a).

"**department**" means the department as defined in *The Education Administration Act*.

"**former Act**" means *The Teachers' Society Act*, R.S.M. 1987, c. T30.

"**general secretary**" means the person appointed as the general secretary of the society under subsection 5(3).

"**local**" means a local of the society that is formed in accordance with the by-laws.

"**member**" means a member of the society.

"**provincial council**" means the provincial council continued under subsection 5(1).

"**provincial executive**" means the provincial executive continued under subsection 5(2).

"**public school**", "**school district**" and "**school division**" have the same meaning as in *The Public Schools Act*.

"**register**" means the register of members established and maintained under section 10.

"**review committee**" means the review committee established under clause 13(1)(b).

"**school year**" means the 12-month period from July 1 to June 30.

"**society**" means The Manitoba Teachers' Society continued under section 2.

"**teacher**" means a teacher as defined in subsection 1(1) of *The Public Schools Act* and includes a person certified as a clinician as provided for in section 4 of *The Education Administration Act*.

## THE SOCIETY

- 2 The Manitoba Teachers' Society continued under the former Act is continued as a corporation without share capital.

### **Objects**

- 3 The objects of the society are
- (a) to advance and safeguard the interests of its members;
  - (b) to advocate for a strong, viable and effective education system that is capable of meeting the needs of students and teachers;
  - (c) to address social issues affecting the teaching profession;
  - (d) to promote and ensure high standards of professional conduct by its members;
  - (e) to establish and administer insurance and benefit schemes and programs as provided for in this Act; and
  - (f) to cooperate with other organizations in Canada and elsewhere having the same or similar objects.

### **Powers of society**

- 4(1) In pursuing its objects and carrying out its duties, the society has the capacity and the rights, powers and privileges of a natural person.

### **Corporations Act not to apply**

- 4(2) *The Corporations Act* does not apply to the society.

## LEADERSHIP OF THE SOCIETY

### **Continuation of provincial council**

- 5(1) The provincial council established under the former Act is continued as the governing body of the society.

## **Continuation of provincial executive**

5(2) The provincial executive established under the former Act is continued as the executive of the provincial council and continues to exercise the powers and carry out the duties provided for in the by-laws and assigned to it by the provincial council.

## **General Secretary**

5(3) The provincial council must appoint a general secretary of the society in the manner and on the terms specified in the by-laws and, acting under the direction of the provincial council and the provincial executive, the general secretary is to be responsible for the day-to-day operations of the society.

## **MEMBERSHIP**

### **Who is a member**

6(1) The membership of the society consists of the individuals whose names are on the register and who are required to pay the fees provided for in the by-laws.

### **Entry of names on the register**

6(2) The names of the following are to be entered on the register by the general secretary:

- (a) each teacher employed in a public school or a school designated by the provincial council;
- (b) each other person who meets the requirements for membership established in the by-laws.

### **Teachers may choose to be excluded**

6(3) Despite clause (2)(a), a teacher may, in accordance with the by-laws, elect not to be a member for a school year if the teacher provides the society with written notice of the teacher's election before the school year begins. To elect not to be a member during the school year in which a person first becomes a teacher, the person must provide the society with written notice within 60 days after becoming a teacher.

### **By-laws re membership**

7 The provincial council may make by-laws:

- (a) respecting membership in the society, including eligibility for membership and the process for becoming a member, electing not to be a member, having a member's name removed from the register and reinstating a member;

- (b) establishing different membership classes and determining the rights, privileges and obligations associated with each class and the services to be provided to a class; and
- (c) setting, or providing a method for setting, the annual membership fees and the fees for membership in a local, which may be different for different membership classes or different locals, and requiring that membership fees be paid.

## **Unpaid fees are debts owing**

8 Any unpaid fee that is required to be paid as a condition of membership in the society is a debt recoverable by the society by a civil action for debt in a court of competent jurisdiction .

## **Éducatrices et éducateurs francophones du Manitoba**

9 Éducatrices et éducateurs francophones du Manitoba is to continue to provide services in relation to members who use French as a language of instruction, in accordance with the powers and duties set out in the by-laws.

## **REGISTER**

### **Register established by provincial council**

10(1) The provincial council must establish and maintain, in accordance with the by-laws, a register of members for one or more membership classes.

### **Contents of register**

10(2) The register must contain the following information for each member:

- (a) the member's full name and residential address;
- (b) the name of the school or schools at which the member is employed;
- (c) the member's salary classification as determined by the department;
- (d) the member's employment status specified in the member's teacher contract as provided for under *The Public Schools Act*;
- (e) any other information specified in the by-laws.

## **By-laws re register**

10(3) The provincial council may make by-laws:

- (a) establishing and maintaining the form and content of the register, which may include the information that must be kept on or removed from the register and the manner in which members are able to correct information about themselves that is included in the register; and
- (b) requiring members to provide the society with information necessary for establishing and maintaining the register.

## **Employers to provide information**

11 A school division, school district or other employer of a teacher must provide the information described in clauses 10(2)(a) to (d) to the society on or before December 1 of each school year. If the information changes after that date, the employer must provide that information within 30 days of becoming aware of the change.

## **CODE OF CONDUCT**

### **Code of conduct adopted**

12(1) The society must, in accordance with the procedures set out in the by-laws, adopt a code of conduct for its members, which must include standards of professional conduct and a code of ethics.

### **Code of conduct made available**

12(2) The society must make the code of conduct available to its members.

### **Compliance**

12(3) A member must comply with the code of conduct.

### **Conduct committee and review committee**

13(1) The society must establish:

- (a) a conduct committee, which is to be responsible for receiving, reviewing and resolving complaints about the conduct of a member or former member; and
- (b) a review committee, which is to be responsible for hearing and determining matters referred to it by the conduct committee.

## **By-laws re conduct and review committees**

13(2) The provincial council must, by by-law, provide for:

- (a) the composition of each committee and the manner in which members of each committee are to be appointed;
- (b) the designation of a chair of each committee;
- (c) the process by which each committee is to carry out its responsibilities; and
- (d) the circumstances in which each committee may conduct its affairs in camera.

## **Disciplinary process to be set out in by-laws**

14(1) The provincial council must, by by-law, provide for a process for dealing with breaches of the code of conduct for members or former members, which must include procedures for:

- (a) receiving, reviewing and resolving complaints;
- (b) setting time periods for dealing with complaints;
- (c) investigating and hearing complaints in accordance with the principles of procedural fairness and natural justice;
- (d) giving notice of decisions to the parties; and
- (e) publishing committee decisions, including the circumstances in which publication is not to occur or may be delayed.

## **Actions of conduct committee**

14(2) The provincial council must, by by-law, provide for the actions that the conduct committee may take in respect of a complaint, which may include investigating the matter, censuring a member, referring a matter for hearing by the review committee or directing that no further action be taken.

## **Rules of evidence do not apply to review committee**

14(3) The review committee is not bound by the rules of evidence that apply to judicial proceedings.

## **Power to administer oaths**

14(4) For the purpose of a hearing, the members of the review committee have the power to administer oaths and affirmations.

## **Orders of review committee**

14(5) If, after following the procedures set out in the by-laws, the review committee finds that a member has breached the code of conduct, the committee may make an order:

- (a) reprimanding the member;
- (b) suspending the member, with or without conditions;
- (c) terminating the member's membership;
- (d) imposing on the member any other penalty, including a fine, provided for in the by-laws;
- (e) requiring the member to pay all or part of the costs incurred by the society in the investigation and hearing of the complaint as those costs are determined by the review committee, to a maximum of \$5,000.

## **Filing of order**

14(6) The society may file an order under clause (5)(d) or (e) in the Court of Queen's Bench, which may then be enforced in the same manner as a judgment of the court.

## **Recommendation to the Minister of Education and Training**

15 If the review committee orders the member's membership be suspended or terminated, the committee may recommend to the minister that the conduct of a member be referred to the Certificate Review Committee established under *The Education Administration Act*.

## **Appeal**

16(1) A member in respect of whom an order is made by the review committee may appeal the order to the Court of Appeal.

## **Commencing an appeal**

16(2) An appeal must be commenced by:

- (a) filing a notice of appeal; and

- (b) giving a copy of the notice of appeal to the person designated in the by-laws;
- (c) within 30 days after the date on which the decision of the committee is given to the member.

## **Society is a party**

16(3) The society is a party to the appeal.

## **Appeal on the record**

16(4) An appeal must be based on the record of the hearing before the review committee and the decision of the review committee.

## **Powers of the Court on appeal**

16(5) Upon hearing the appeal, the Court of Appeal may

- (a) make any finding or order that in its opinion ought to have been made;
- (b) dismiss the appeal; or
- (c) refer the matter back to the review committee for further consideration in accordance with any direction of the Court.

## **Stay pending appeal**

16(6) The order of the review committee remains in effect pending an appeal unless the Court of Appeal, on application, stays the order.

## **INSURANCE AND RELATED BENEFITS**

### **Society may provide insurance and related benefits**

17(1) The society may establish and operate one or more schemes or programs to provide any of the following to its members and their dependents:

- (a) life insurance;
- (b) accident and sickness insurance, or accident or sickness insurance;
- (c) insurance to cover the costs of medical, dental, hospital or nursing care;
- (d) disability insurance and related benefits;

- (e) any other health-related insurance or benefits.

## **Society may enter into group contract**

17(2) The society may, instead of operating a scheme or program referred to in subsection (1), enter into a group contract to provide the insurance or other benefits under that scheme or program.

## **Reinsurance**

17(3) The society may enter into a contract with an insurer to insure all or part of its liability under a scheme or program established and operated by the society under this section.

## **Insurance Act does not apply**

17(4) The operation of an insurance scheme or program under this section does not make the society an insurer under *The Insurance Act*, and that Act does not apply to the society in respect of any such insurance scheme or program.

## **Application to certain groups of non-members**

17(5) The society may extend the application of a scheme or program authorized by this section to the following persons and their dependents:

- (a) employees of the society;
- (b) employees of a local;
- (c) employees of the Manitoba School Boards Association;
- (d) persons who are employed by a school division or school district in connection with the operation of a public school in Manitoba and are not eligible for membership in the society;
- (e) at the request of an employer, the persons employed by that employer as teachers in an institution other than a public school.

## **Society may charge premiums**

18 The society may charge premiums for participation in any insurance scheme or benefit program provided under section 17 and may, as a condition of that participation, require the applicable premium to be paid in instalments by source deductions to be made and remitted by the employer.

## BY-LAWS

### By-laws

19(1) The provincial council may make by-laws

#### *Governance*

- (a) providing for the governance of the society and the administration of its affairs;
- (b) respecting the composition of the provincial executive and providing for its powers and duties;
- (c) governing the nomination, election, appointment and number of members of the provincial council, the provincial executive and officers, the filling of vacancies on the council or executive, and establishing the term of office and the duties and functions of those members and the officers;
- (d) respecting the delegation of any duty or function of the provincial council to the provincial executive, officers, locals, committees and employees, and authorizing the sub-delegation of any of them, with or without conditions;
- (e) fixing and regulating quorum, time, place, calling, giving of notice, conduct and business of general and special meetings of the society and regular or special meetings of the provincial council, the provincial executive and any committee or body of the society;
- (f) establishing the qualifications of voters and the method or methods to be used for voting in respect of the society's affairs, and establishing electoral divisions on the basis of region, occupation or other criteria;
- (g) concerning the formation and governance of locals, the granting of charters to locals and the role, duties and responsibilities of locals;
- (h) establishing and governing the operation of committees and other bodies for administering the society's affairs or for dealing with matters of interest to its members or particular groups of members;

#### *Operations*

- (i) authorizing the hiring of employees and providing for their remuneration;
- (j) respecting collective bargaining or other negotiation processes related to the pursuit of the society's objects;

- (k) providing for the management of the society's property and financial affairs;
- (l) setting remuneration, fees and expenses payable to members of the provincial council, provincial executive, officers and the committees or bodies established under this Act or the by-laws or the method for determining the amounts;
- (m) setting other fees payable by members or the method for setting those fees, which may be different for different classes of membership;
- (n) establishing premiums for participation in any insurance scheme or benefit program provided under section 17;

## *Other Matters*

- (o) respecting anything to deal with the transition from the former Act to this Act;
- (p) respecting matters referred to in this Act as being provided for or specified in the by-laws;
- (q) respecting any other matter the provincial council considers necessary or advisable for administering the society's affairs.

## **Scope of by-laws**

19(2) A by-law must not be inconsistent with this Act.

## **By-laws to be public**

19(3) The society must ensure that copies of its by-laws are publicly available and that printed copies are available on request and at a reasonable cost.

## GENERAL

## **Collection and disclosure of information on register**

20 The society is authorized to:

- (a) collect the information necessary for the register from employers, the department or any other body or person provided for in the by-laws; and
- (b) disclose
  - (i) the information on the register to the department or any other body or person provided for in the by-laws, and

(ii) the information described in clauses 10(2)(a) to (d) to an employer.

### **Confidentiality of information**

21 Every person employed, appointed or retained for the purpose of administering the society's affairs, and every member of the provincial council, provincial executive or a committee or body of the society, must preserve confidentiality about all information that comes to the person's knowledge in the course of the person's duties and must not communicate or disclose any of the information to another person except

- (a) to the extent the information is available to the public or is required to be disclosed under this Act or the by-laws or any other Act;
- (b) in connection with the administration of the society's affairs, including but not limited to the registration of members and complaints about members or former members;
- (c) to a body that governs the certification of teachers under an Act of the Legislature to the extent that the information is required for that body to carry out its mandate under that Act.

### **Effect of vacancy**

22 As long as a quorum is present, a vacancy on the provincial council, provincial executive or a committee or other body established under this Act or the by-laws does not affect the body's power or jurisdiction or impair the right of the members remaining in office to act or make a decision.

### **Liability protection re investigations and hearings**

23 No action or proceeding may be brought against the society, a member of the conduct committee or the review committee, a person conducting an investigation, or any employee, officer or other person acting under the authority of this Act or the by-laws for anything done or omitted to be done, in good faith, in the exercise or intended exercise of a power or duty under sections 13 to 16 or the by-laws relating to breaches of the code of conduct.

### **TRANSITIONAL, CONSEQUENTIAL, REPEAL AND COMING INTO FORCE**

#### *Transitional re holding office*

24(1) *Every person who holds office as a member of the provincial council or the provincial executive, the general secretary, or an officer or a member of a committee immediately before the coming into force of this Act continues to hold that office on the coming into force of this Act until the person's term of office expires, the person resigns or the person's appointment is revoked.*

*Transitional re complaints*

24(2) Any complaints, investigations or proceedings commenced under the former Act with respect to the conduct of a member are continued under this Act. This Act and the by-laws apply, with necessary changes, to those complaints, investigations or proceedings as if they had been commenced under this Act.

*Transitional re locals*

24(3) A local association established or continued under the former Act is continued as a local under this Act.

*Transitional re members*

24(4) A member whose name is on the register kept under the former Act immediately before the coming into force of this Act is deemed to be a member whose name is on the register established under this Act.

*By-laws continued*

24(5) The by-laws under the former Act are, insofar as they are not inconsistent with this Act, continued in force until amended or repealed under this Act.

25 NOTE: This section contained an amendment to *The Education Administration Act* that is now included in **that Act**.

**Repeal**

26 *The Teachers' Society Act*, R.S.M. 1987, c. T30, is repealed.

**C.C.S.M. reference**

27 This Act may be referred to as chapter T30 of the *Continuing Consolidation of the Statutes of Manitoba*.

**Coming into force**

28 This Act comes into force on the day it receives royal assent.

## **BYLAW I**

### **THE MANITOBA TEACHERS' SOCIETY**

#### **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, OBJECTS AND GOALS**

##### **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 Objects**

The objects of the Society, as stated in the Constitution, are as follows:

- (a) to advance and safeguard the interests of its Members;
- (b) to advocate for a strong, viable and effective education system that is capable of meeting the needs of students and teachers;
- (c) to address social issues affecting the teaching profession;
- (d) to promote and ensure high standards of professional conduct by its Members;
- (e) to establish and administer insurance and benefit schemes and programs as provided for in this Act; and
- (f) to cooperate with other organizations in Canada and elsewhere having the same or similar objects.

### 1.3 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 and teachers;
- (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.

### 1.4 Bargaining Agency

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

### 1.5 Professional Governance

The Society shall establish and maintain a code of conduct for its Members which will include professional standards and ethical conduct. The Society shall also provide 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 qualifications for active membership set out in the Constitution and these Bylaws;

**“Associate Member in Good Standing”** means a person who meets the qualifications 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;

**“Chief Electoral Officer”** means the Executive Director or designate who has the authority and oversight over Local elections in accordance with 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 Manitoba Teachers’ Society Act* including any subsequent amendments thereto or replacements thereof which have been approved by Provincial Council;

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

**“CTF”** means the Canadian Teachers’ Federation;

**“Days”** means calendar days but if the date falls on a weekend or holiday or when the Society is closed for regular business, the next business day of the Society shall be considered the day for purposes of the Society’s Bylaws;

**“Director”** means the Assistant General Secretary of the Society and shall be the default title of this position.

**“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;

**“EI”** means Education International;

**“Executive Director”** means the General Secretary of the Society and shall be the default title of this position;

**“First Nation or First Nation Education Authority”** means a First Nation or First Nation Education Authority where the Society or its Local is the bargaining agent for 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 Nisichawayasi Nehetho Culture and Education Authority and the Sandy Bay Education Authority Inc.;

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

**“In Camera Meeting”** means a meeting of the Provincial Executive to discuss:

- (a) labour contract discussions, labour management relations, or personnel issues;
- (b) financial matters where negotiations with a third party are involved;
- (c) matters involving building or personal security where disclosure could reasonably be expected to seriously compromise Society personnel or assets; or
- (d) 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;

**“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 and whose name is on the Register;

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

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

**“Officers”** means the President, Vice President, and the Executive Director;

**“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 Executive Director, 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;

**“Register”** means the register maintained by the Executive Director in accordance with the Constitution and Bylaws;

**“Regular Teacher”** means a teacher or certified clinician who is employed by a school division or district, or First Nation or First Nation Education Authority where the Society or its Local is the bargaining agent as recognized in these Bylaws, on a permanent or term contract, whether full-time or part-time, but does not include a Substitute Teacher;

**“Required Membership Fees”** means the fees required to be paid by Members to the Society as established by Provincial Council and to their Local as established by the Local, pursuant to the Local’s Bylaws and Policies;

**“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’ Pensions 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 Groups 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 monies 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 teacher form of agreement under *The Public Schools Act*, or who is employed by a First Nation or First Nation Education Authority where the Society or its Local is the bargaining agent as recognized in these Bylaws, to substitute for a Regular Teacher and includes a Retired Teacher who is employed to substitute for a Regular Teacher;

**“Teaching Days”** means the days in the school year as defined in the *School Days, Hours and Vacations Regulation to The Public Schools Act*.

**“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 in accordance with the Constitution and Bylaws. The Society considers membership in the Society to be a condition of teaching in Manitoba public schools.

# **ACTIVE AND ASSOCIATE MEMBERSHIP CLASSES**

## **3.2 Active Member in Good Standing**

An Active Member 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, who has not voluntarily terminated their membership in the Society, and who:

- (a) is employed as a Regular Teacher or a Substitute Teacher and has paid the Required Membership Fees;
- (b) is a Plan Teacher Recipient who continues to pay Required Membership Fees; or
- (c) is a Regular Teacher or Substitute Teacher on an authorized leave of absence, who continues to receive remuneration or salary or benefit payments from their employer during all or a portion of the leave of absence, and who continues to pay Required Membership Fees.

### 3.3 Associate Member in Good Standing

Every person shall be eligible to be accepted as an Associate Member in Good Standing 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, who has paid the Required Membership Fees, who has not voluntarily terminated their membership in the Society, and who:

- (a) is not employed as a teacher; or
- (b) 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;

## MEMBERS' RIGHTS AND OBLIGATIONS

### 3.4 General Rights and Obligations of Members

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 activities of the Society or a Local free from harassment, discrimination 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 Required Membership 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;

- (c) defending the organizational integrity of the Society and its Locals; and
- (d) providing the Society with the information required to maintain the Register.

### **3.5 Rights of Active Members in Good Standing**

Active Members 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 Groups of Educators;
- (c) a copy of Society publications as determined by the Provincial Executive; and
- (d) coverage by the Society's liability insurance while carrying out, or participating in, any Society related activities.

### **3.6 Rights of Associate Members in Good Standing**

Associate Members in Good Standing shall be entitled to:

- (a) membership in any SAGE; and
- (b) a copy of Society publications as determined by the Provincial Executive.

### **3.7 Participation in Political Processes**

1. Subject to articles 2, 3 and 4 herein, every Active Member in Good Standing shall be entitled to participate in Society or Local political processes by:
  - (a) nominating other Active Members in Good Standing to run for Provincial Executive;
  - (b) running for or seeking appointment as a delegate to Provincial Council;
  - (c) running for a position on their Local executive or council;
  - (d) voting in Society elections as a delegate;
  - (e) voting in their Local elections; and

- (f) being elected or appointed as a delegate to Provincial Council, to a position on Provincial Executive, to a position on committees of the Society, to a position on the COSL executive, to a position on the EFM executive, and to a position on their Local executive or council.
2. A Plan Teacher Recipient retains the rights in article 1 herein for the first 24 months of being in receipt of DBP Benefits. After 24 months of being in receipt of DBP Benefits, a Plan Teacher Recipient shall no longer be entitled to the rights under article 1 herein unless the Plan Teacher Recipient is able to satisfy the Executive Director that there is a reasonable probability of the Plan Teacher Recipient returning to employment as a Regular Teacher or Substitute Teacher in the foreseeable future. In the event that the Plan Teacher Recipient is unable to satisfy the Executive Director of such reasonable probability, any position held pursuant to article 1(f) herein shall be deemed to be vacant and shall be filled in accordance with the Bylaws of the Society or COSL, EFM, or the Local Constitution and Bylaws as applicable.
  3. Where a Member is a member of more than one Local during the school year, the Member is only entitled to exercise the rights as a member of a Local in article 1 herein in one Local, and must:
    - (a) declare to each Local to which the Member belongs the Member's membership in all other Locals to which the Member belongs during that school year; and
    - (b) declare to each Local to which the Member belongs the choice of Local in which the Member wishes to exercise the rights in article 1 herein during that school year;
    - (c) make a declaration in accordance with the rules set out by The Manitoba Teachers' Society

The Member's choice of Local in which to exercise the rights in article 1 herein is binding on the Member for the duration of the school year, and that Member is not entitled to exercise those rights in any other Local during that school year. If a Member fails to make the declaration required by this article the Member is not entitled to exercise the rights in article 1 herein in any Local during that school year.

4. To be eligible to exercise the rights under article 1 herein, a Substitute Teacher must have worked as a teacher during the school year or in the prior 12 months.

### **3.8 Leaves of Absence**

With the exception of a Regular Teacher or Substitute Teacher on a leave of absence while serving on Provincial Executive, a Regular Teacher or Substitute Teacher on a leave of absence who does not receive any remuneration or salary or benefit payments from their employer during the leave shall not enjoy the rights under articles 3.5 and 3.7 during the leave of absence. Such a Member is

entitled to the following rights during the period of such leave provided that Required Membership Fees are paid during the leave of absence:

- (a) membership in any SAGE; and
- (b) a copy of Society publications as determined by the Provincial Executive.

### **3.9 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.

### **3.10 Withdrawal of Membership**

Any Member may withdraw from membership in the Society by sending a registered letter to the Executive Director by July 1. A person who has withdrawn from membership shall not be entitled to the rights under article 3.7 during the 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.

### **3.11 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;
- (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.

### **3.12 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.

### **OTHER CLASSES OF MEMBERSHIP**

In addition to Active and Associate Membership, the following classes of membership are established.

### **3.13 Student Membership**

Every person who:

- (a) is enrolled in a course of studies that is recognized by the Province of Manitoba 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.

### **3.14 Rights of Student Members**

Student Members shall be entitled to:

- (a) membership in any SAGE; and
- (b) a copy of Society publications as determined by the Provincial Executive.

### **REGISTER OF MEMBERS**

### **3.15 Register**

The Executive Director shall maintain a Register in accordance with the Constitution and these Bylaws. The Register shall contain the following information for each Member:

- (a) the Member's full name and residential address, personal email address and telephone number;
- (b) the Member's birth date;
- (c) the Member's gender identity;
- (d) the name of the school(s) or work site(s) at which the Member is employed and the Member's assigned role in each school(s) or work site(s);
- (e) the Member's salary classification as determined by the department responsible for certification of teachers, certificate number, and gross salary;
- (f) the Member's employment status specified in the Member's individual teacher contract, and full time equivalent;
- (g) the granting of any authorized leave of absence, including the type of leave and its duration;
- (h) Required Membership Fees, long term disability premiums, and short term disability premiums payable by the Member;
- (i) any conditions imposed on a Member by the review committee including termination of membership;
- (j) any request to be excluded from membership, the date the request was made and the date membership was reinstated by the Executive Director or the Review Committee in accordance with the Constitution and Bylaws;
- (k) requests to review the Register, determinations by the Executive Director whether the request is an authorized or unauthorized request and information released.

### **3.16 Member's Right to Review Register**

Each Member shall have the right during Society regular business hours and after providing reasonable written notice to the Executive Director or designate to review the information the Society maintains about the Member in the Register.

### **3.17 Process to Correct Register**

If the Member believes any of the information is incorrect, the Member shall provide written notice of the proposed correction to the Executive Director within seven (7) Days of the date the Member reviews the Register.

The Executive Director shall:

- (a) consider the Member's request;
- (b) determine if the information should be corrected;
- (c) correct the Register if required;
- (d) notify the Member regarding the outcome of the request within thirty (30) Days of receipt of the written request; and
- (e) if the Executive Director determines the Register is accurate, notify the Member that an appeal can be filed with the Provincial Executive, whose decision shall be final.

## **PROTECTION OF MEMBERS**

### **3.18 Whistleblower Protection**

- (a) the Society is committed to the highest standards of transparency, responsibility, openness, accountability and sound ethical operating practices. As part of that commitment, the Society encourages Members, including Members of the Provincial Executive, Members of standing committees, commissions, task forces and other committees of the Society, Members of the Professional Conduct Committee and Review Committee, Elected Representatives of COSL, EFM and SAGEs, and Members of Local Executives and Councils ("related entities"), who reasonably and in good faith believe that wrongdoing (as defined herein) may be occurring in or relating to the business of the Society or its related entities to report the alleged wrongdoing.
- (b) "wrongdoing" is defined as conduct which is unlawful, dangerous, involves gross mismanagement of funds or assets, or is contrary to the Constitution, Bylaws, or Policies of the Society or its related entities.
- (c) a Member wishing to report alleged wrongdoing against another Member who is not an Officer of the Society shall provide a written report of the alleged wrongdoing to the Executive Director and any additional person or body identified in the constitutions of the Society's related entities.
- (d) a Member wishing to report alleged wrongdoing against one or more Officers of the Society shall report the alleged wrongdoing to a person who is not alleged to be involved in the wrongdoing, in the following order:
  - (i) the Executive Director;
  - (ii) the President;

- (iii) the Vice President;
- (iv) a member of the Provincial Executive, in which case that member shall bring the matter to the attention of the Provincial Executive as soon as is reasonably practicable.
- (e) the person, or the Provincial Executive, as applicable, receiving the report of alleged wrongdoing shall conduct such investigation and take such action as appropriate in the circumstances
- (f) Members reporting reasonably held concerns in good faith shall not be subject to repercussions or reprisal by the Society or its related entities.
- (g) insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, or to provide accused individuals their legal rights of defense.

#### **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**

Subject to article 5.15 of Bylaw I, 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 7.6 and for all other members of the Provincial Executive to be released from up to one-fifth of their teaching duties but the Provincial Executive may approve additional release time in accordance with Article 5.16 (y).

#### **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 Executive Director 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 Executive Director 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, or participating as authorized in the Bylaws, at the

meeting of Provincial Executive where the matter is under consideration. The Executive Director shall not be entitled to vote at meetings of the Provincial Executive. All decisions at Provincial Executive meetings shall be recorded as tally votes in the minutes.

#### **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 conflict of interest is any situation where a member of the Provincial Executive has, or could reasonably be perceived as having, a personal financial interest or gain in a matter, or duties or obligations apart from those connected with their duties or obligations for the Society and that could reasonably compromise or be seen to compromise their ability to impartially and effectively carry out their duties or obligations for the Society.

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 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 Executive Director 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. All approved Provincial Executive minutes shall be posted to the secure member portal.

#### **5.14 Rules of Order**

The Provincial Executive shall follow the rules of order used for Provincial Council Meetings, unless modified through consensus or by motion.

### 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. The appointment of the Member shall be a candidate from the most recent Provincial Executive election who received the next highest number of votes of those elected. If there is no such candidate, the Provincial Executive shall appoint another Member to fill the vacancy. A member of the Provincial Executive that has served their full-term limit under Article 5.4 is ineligible to be appointed to fill a vacant position but is eligible to run for the position at the next Provincial Council Meeting. Whether appointed or elected in accordance with the Bylaws, the term of the position shall end on the same date as the vacated position would have ended.

### 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) developing and implementing 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 MTS Awards Committee, Professional Conduct Committee, Review Committee, standing committees, commissions, 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, commission 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 Executive Director 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; approving all personal services agreements, staff collective agreements, and memorandums of agreement or letters of understanding or any other such amendments negotiated during the term of an agreement, with all in scope and out of scope staff; 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) subject to article 8.3 of Bylaw I, approving, issuing, suspending or revoking Local Charters, Local Constitutions, Bylaws and Policies;
- (j) approving mergers or amalgamations of Locals;
- (k) approving, issuing, suspending or revoking COSL, EFM and SAGE Constitutions, Bylaws and Policies;
- (l) holding, or directing the Executive Director to hold, membership meetings with Local members to discuss strategic plans or issues of concern;
- (m) in the event a Local's election is declared void, directing the Executive Director to supervise the holding of new elections within sixty (60) Days of the decision being made by the Provincial Executive;
- (n) 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;
- (o) 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;
- (p) reporting actions taken to the next Provincial Council Meeting;
- (q) responding to concerns raised by Members, Locals or other groups within the Society;
- (r) liaising with relevant Outside Bodies;

- (s) 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;
- (t) ensuring Locals comply with the Society's financial and operational policy guidelines;
- (u) appointing signing authorities for all Society accounts and funds; and
- (v) approving any budget expenditures it is anticipated will be over those approved by Provincial Council prior to the expenditure being incurred;
- (w) conducting appeals of decisions of the Executive Director about the information maintained in the Register or not to provide or continue providing services to Members;
- (x) approving premiums for schemes or programs of insurance maintained by the Society;
- (y) approving additional release time for a member of the Provincial Executive for exceptional circumstances or travel time; and
- (z) approving or rescinding awards conferred 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. This section does not apply to decisions to revoke a Local Charter or Local Constitution in the context of approving a merged or amalgamated Local which shall require a majority vote of the Provincial Executive.

#### **5.18 Appeals Regarding Service to Members**

Where a decision of the Executive Director 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.

#### **5.19 Emergency Powers**

The Provincial Executive may temporarily suspend the operation of any Bylaw or Policy by a two-thirds (2/3) vote where, as a result of urgent and unforeseen circumstances, compliance with the Bylaw or Policy would be unlawful, unfeasible, and/or reasonably have the potential to harm the health and safety of Members, so that the business of the Society can continue.

## **PART VI – COMMITTEES AND TASK FORCES**

### **6.1 Authority to Establish**

The Provincial Executive shall establish standing committees, commissions, 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, commission 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, commission 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 CTF-EI Committee**

The CTF-EI Committee shall review and make recommendations to the Provincial Executive about the Society's participation in CTF and EI, including, without limitation:

- (a) resolutions to be considered at the CTF AGM;
- (b) nominations for the CTF executive;
- (c) appointments to CTF committees; and
- (d) actions to support and promote CTF and EI activities.

#### **6.5 Human Resources Committee**

The primary function of the Human Resources Committee is to assist the Provincial Executive in fulfilling its oversight responsibilities related to employees of the Society who are employed under personal services agreements. The membership of the Human Resources Committee will include the Vice President, two (2) members-at-large of the Provincial Executive and an independent legal consultant. The responsibilities of the Human Resources Committee shall include:

- (a) conducting the biennial performance review of the Executive Director;
- (b) receiving and reviewing the performance reviews of all employees who are employed under personal services agreements whose performance reviews are conducted by the Executive Director;
- (c) receiving a response, in person or in writing, from any employee who is employed under a personal services agreement whose performance review is conducted by the Executive Director, to any matter raised during the employee's performance review;
- (d) liaising annually with each employee who is employed under a personal services agreement;
- (e) reporting annually to the Provincial Executive on matters concerning employees who are employed under personal services agreements, including succession planning, performance reviews and matters arising out of liaison meetings with those employees;
- (f) acting as liaison for bargaining units of employees of the Society, as defined in their respective collective agreements, including reporting to the Provincial Executive on those liaison meetings as required;
- (g) acting as the selection committee and negotiating a contract with employees who are employed under personal services agreements with the exception of the Executive Director; and
- (h) advising the Provincial Executive on the wording of personal services agreements.

#### **6.6 Human Resources Committee –Director (s)**

The Human Resources Committee shall participate in the selection process for the Director (s). The Committee and the Executive Director shall try to make selection decisions by consensus, but where consensus cannot be reached, final responsibility for the hiring decisions rests with the Executive Director.

#### **6.7 Political Action Committee**

The primary function of the Political Action Committee (PAC) is to assist the Provincial Executive in determining the political priorities for the Society and to prepare for provincial and federal elections. The membership of the PAC will include the President, Vice President and up to three (3) other members of the Provincial Executive. The responsibilities of the PAC shall include:

- (a) reviewing and making recommendations regarding the political messaging of the Society on an ongoing basis;

- (b) reviewing current provincial government policy on public education;
- (c) reviewing and making recommendations on the Society's provincial election preparedness and planning;
- (d) reviewing and making recommendations on the Society's federal election preparedness and planning;
- (e) reviewing and making recommendations on affiliations to support the Society's political endeavors; and,
- (f) fulfilling other duties as mandated by the Provincial Executive.

## **6.8 MTS Awards Committee**

The MTS Awards Committee shall oversee any awards conferred by the Society in accordance with the Policies of the Society. The membership of the MTS Awards Committee will include one (1) Member-at-Large of the Provincial Executive (chair) and six (6) Members. The responsibilities of the MTS Awards Committee shall include:

- (a) reviewing all MTS award nominations;
- (b) recommending award recipient(s) to the Provincial Executive for final selection; and
- (c) reviewing and making recommendations to the Provincial Executive, as appropriate, about MTS award promotion, nomination, selection, and presentation procedures.

## **6.9 Standing Committees**

The following standing committees of the Provincial Executive shall be established:

- (a) Collective Bargaining Committee;
- (b) Curriculum and Teaching Committee;
- (c) Education Finance Committee;
- (d) Equity and Social Justice Committee;
- (e) Group Benefits Committee;
- (f) Indigenous Voice and Action Committee;

- (g) Professional Development Committee;
- (h) Teacher Education and Certification Committee; and
- (i) Workplace Safety and Health Committee.

#### **6.10 Role of Standing Committees**

The Standing Committees shall:

- (a) monitor and assess trends and developments within their areas of responsibility and coordinate 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 subcommittees 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.

#### **6.11 Service on Standing Committees, Review Committee and Professional Conduct Committee**

- (a) members of the Professional Conduct Committee, the Review Committee, and the Standing Committees shall be appointed for two-year (2) terms. Members may be reappointed for up to two (2) additional two-year (2) terms as long as their service on a committee does not exceed three (3) consecutive two-year (2) terms.
- (b) if a position on the Professional Conduct Committee, the Review Committee, or a Standing Committee becomes vacant, the Provincial Executive shall appoint another Member to fill the vacancy. The term of the position shall end on the same date as the vacated position would have ended.
- (c) Members may be appointed to no more than two (2) committees or task forces in total. No Member may be appointed to more than one Standing Committee unless approved by the Provincial Executive. Provincial Executive Members-at-Large shall chair no more than one (1) Standing Committee.
- (d) the Executive Director shall notify Local presidents which members of their Local have been appointed to Provincial committees, task forces and Outside Bodies.

**6.12 Collective Bargaining Committee**

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

**6.13 Curriculum and Teaching Committee**

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

**6.14 Education Finance Committee**

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

**6.15 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.

**6.16 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.

**6.17 Indigenous Voice and Action Committee**

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

**6.18 Professional Development Committee**

The Professional Development Committee shall address issues related to professional development and to the SAGE.

**6.19 Teacher Education and Certification Committee**

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

## **6.20 Workplace Safety and Health Committee**

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

## **6.21 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.

## **6.22 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.

## **6.23 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 strive to appoint Members from equity seeking groups to committees and task forces with consideration given to gender equity, geographical representation, new Member engagement, and inclusion of Members with five (5) years or fewer of teaching experience.

## **6.24 Conflict of Interest**

Members of standing committees, commissions, task forces and other committees of the Society shall have the same obligations respecting conflict of interest as the members of the Provincial Executive, in accordance with Bylaw I, Part V.

## **PART VII – OFFICERS**

### **7.1 Composition**

The Officers of the Society shall be the President, the Vice President, the Director(s) and the Executive Director.

### **7.2 Officers’ Responsibilities for Society Funds**

The Officers shall be responsible for the day-to-day administration and investment of the Operations Stabilization Fund in Article 11.7, the Capital Assets Replacement Society Fund in Article 11.8 and the Reserve Fund in Article 11.9 in a prudent manner having regard to the purpose of the fund, investment risks, rate of return, and preservation of capital requirements and shall report regularly to the Provincial Executive regarding these funds.

### **7.3 President’s Role and Responsibilities**

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 meetings;
- (h) be available to the Society for consultative support for a transition period of thirty (30) days upon leaving office; and
- (i) carry out other duties assigned by the Provincial Executive or these Bylaws;

#### **7.4 Vice President's Role and Responsibilities**

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) carry out other duties assigned by the Provincial Executive or these Bylaws;
- (i) have the power to represent the Society at meetings with Locals in the absence of the President; and
- (j) be permitted to be a non-voting member of as many Society committees and Outside Bodies as time permits.

#### **7.5 Executive Director's Role and Responsibilities**

The Executive Director 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 coordination 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;
- (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;
- (m) maintain a Register as required by the Constitution and Bylaws and make relevant decisions related to the correction of, and access to the information contained in the Register;
- (n) act as the Chief Returning Officer in accordance with Bylaw III;
- (o) act as the Chief Electoral Officer of Local elections in accordance with this Bylaw I; and
- (p) perform such other duties assigned by Provincial Executive or these Bylaws.

## **7.6 Director's (s') Role and Responsibilities**

The Director (s) shall:

- (a) have the full powers to act in the absence of the Executive Director;

- (b) attend all meetings of the Provincial Council, Provincial Executive and Presidents Council and record or cause to be recorded minutes for each such meeting;
- (c) have the power to represent the Society at meetings with Locals in the absence of the President or the President's duly authorized representative or the Executive Director;
- (d) be available to support and to act as a consult for the Executive Director with regards to duties and responsibilities of the Executive Director;
- (e) liaise, consult and support with Society groups and departments as assigned by the Executive Director;
- (f) authorize expenses as assigned by the Executive Director;
- (g) perform such other duties assigned by the Executive Director or by these Bylaws.

#### **7.7 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 kilometrage 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 under the Long Term Disability Benefits Plan and the Short Term Disability Benefits Plan operated by the Society and provide coverage under the Manitoba Public School Employees Benefits Plans inclusive of the Extended Health Plan, the Dental Plan and Group Life.
- (i) provide the same vacations as those authorized by the Minister of Education for regular teachers and where there are circumstances requiring their attendance during normal school closures at events such as media interviews or before legislative committees, they shall be provided with the option of days in lieu of such days during the regular school year;
- (j) provide tax advice by a professional tax consultant;
- (k) provide accommodation and public relation expenditures in accordance with Society Policies;
- (l) provide reasonable administrative and office assistance;
- (m) provide reasonable accommodation expenses and related relocation expenses where the President and/or Vice President is required to relocate to Winnipeg, in accordance with Society Policies; and
- (n) provide any other benefit, leave or arrangement resolved between the President or Vice President and the Provincial Executive.

## **7.8 President and Vice President Agreement**

The rights and obligations of the President and Vice President shall be contained in a written agreement with the Society, the terms of which shall include the release time and benefits set out in Article 7.7 and such other terms and conditions approved by the Provincial Executive.

## **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 Executive Director for review and approval by the Provincial Executive.

### **8.3 Constitution and Bylaws**

The Constitution, Bylaws, Policies and resolutions of a Local shall be consistent with the Society's Constitution, Bylaws and Policies, and are automatically void and of no force and effect to the extent of any inconsistency. 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, including a new Local which results from the merger or amalgamation of one or more Locals, the Executive Director 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 Local Constitutions, Bylaws and Policies that are consistent with the Society's Constitution, Bylaws and Policies; and
- (c) repeal, amend or modify any Local Constitution, Bylaws and Policies that are inconsistent with the Society's Constitution, Bylaws and Policies voluntarily or upon direction of the Provincial Executive; and
- (d) provide copies of the Local Constitutions, Bylaws, Policies, and Resolutions and any proposed amendments thereto to the Executive Director within ten (10) Days of approval by Local Members or the Local executive;
- (e) upon request by the Executive Director provide copies of minutes of any duly convened meetings of the Local, its council or executive and any other requested documentation;
- (f) ensure the Local's assets are protected and used to carry out the mission, goals and objects of the Society;
- (g) 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 Executive Director;
- (h) ensure employers remit Society fees directly to the Society;
- (i) provide the Executive Director with a list of its officers and executive within ten (10) Days of their election or appointment;
- (j) 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;
- (k) 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

- (l) 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.

## **8.7 Local Elections**

The Executive Director or designate is hereby appointed as the Chief Electoral Officer and as such shall have full authority to oversee the conduct of Local elections and resolve all disputes in the Local election process in accordance with the Constitution, Bylaws and Policies of the Society, and the Constitution, Bylaws and Policies of the Local. Decisions of the Executive Director or designate in accordance herewith shall be final and binding on the Local and all persons affected by the decision. The Chief Electoral Officer is authorized to delegate duties to a Local Electoral Officer, Elections Committee, or other person or body designated in the Local Constitution and Bylaws to oversee the conduct of a Local election, but retains final decision making power in respect of such duties.

## **8.8 Conflict of Interest**

Members of Local executives and Councils shall have the same obligations respecting conflict of interest as the members of the Provincial Executive, in accordance with Bylaw I, Part V.

# **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:

- (a) be comprised of Local presidents, EFM president, COSL chairperson or their designates as voting members;
- (b) will include Provincial Executive members as non-voting members;
- (c) shall hold a minimum of four (4) meetings between Provincial Council Meetings; and
- (d) hold one of the four (4) Presidents' Council meetings immediately prior to a Provincial Executive meeting.

## **9.3 Agenda**

The meeting agenda, planned by Local presidents, shall reflect the role of Presidents' Council (Bylaw I, Part IX, 9.1), the ongoing and emergent needs of presidents, and the priorities of the organization. The Executive Director shall ensure that the agenda and supporting materials are provided to Local presidents and other participants at least seven (7) Days prior to the meeting. Additions to the agenda may be approved at Presidents' Council by majority vote.

## **9.4 Indigenous Learning, Truth and Reconciliation, 2SLGBTQI+, Equity, Diversity, and Inclusion (EDI) Training**

The Society shall provide training in Indigenous learning, Truth and Reconciliation, 2SLGBTQI+, and EDI for Local presidents in two (2) Presidents' Council meetings for a minimum of two (2) hours per session, per topic.

## **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.

### **10.3 Conflict of Interest**

The Elected Representatives of COSL, EFM and SAGE shall have the same obligations respecting conflict of interest as the members of the Provincial Executive, in accordance with Bylaw I, Part V.

## **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;
- (c) notwithstanding the Required Membership Fees provision in Article 3.2 (b), Plan Teacher Recipients may maintain their status as Active Members in Good Standing for

the sole purpose of participation in political processes under Article 3.7 (1) by applying to the Executive Director to pay a nominal monthly fee of \$10 directly to the Society in lieu of Required Membership Fees, which may be paid monthly or as a lump sum. If the nominal monthly fee has not been paid as of the first month of the Plan Teacher Recipient being in receipt of DBP benefits, all outstanding fees must be paid prior to commencement of participation in said political processes; and

- (d) notwithstanding the Required Membership Fees provision in Article 3.2 (c), Regular Teachers on an authorized leave of absence for reason of maternity or parental leave may maintain their status as Active Members in Good Standing for the sole purpose of participation in political processes under Article 3.7(1) by applying to the Executive Director to pay a nominal monthly fee of \$10 directly to the Society in lieu of Required Membership Fees, which may be paid monthly or as a lump sum. If the nominal monthly fee has not been paid as of the first month of the leave, all outstanding fees must be paid prior to commencement of participation in said political processes.

### **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 by the Officers 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 and reviewed annually;
- (d) reported upon at Provincial Council Meetings;
- (e) accessed only if approved by a two-thirds (2/3) majority vote of the Provincial Executive;
- (f) authorized by the signing officers of the Society; and
- (g) replenished where a fund has fallen below its specified minimum amount such that the fund in question is returned to at least its minimum amount within three (3) years.

### **11.7 Operations Stabilization Fund**

The Society shall maintain an Operations Stabilization Fund not less than ten percent (10%) and not greater than an amount equal to twenty-five percent (25%) of the Society's operating expenses less benefits paid and program expenses pursuant to the Plan of the immediately preceding Year as set

out in the audited financial statements 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. If the amounts credited to the Capital Assets Replacement Fund exceed the cost of capital assets of the immediately preceding Year, the Provincial Executive shall allocate the excess to long term debt, the Operations Stabilization Fund, the operations budget or the Society Reserve Fund.

#### **11.9 Society Reserve Fund**

The Society shall maintain a Reserve Fund not less than one million dollars (\$1,000,000) and not exceeding two million dollars (\$2,000,000) to ensure the Society has the ability to address extraordinary demands for major political action campaigns and other emergent situations. If the amounts credited to the Society Reserve Fund exceed the authorized limit, the Provincial Executive shall allocate the excess to long term debt, the Operations Stabilization Fund, the operations budget or the Capital Assets Replacement Fund.

#### **11.10 Provincial Bargaining Fund**

The Society shall maintain a Provincial Bargaining Fund to cover the expenses of Provincial Bargaining. The Provincial Bargaining Fund shall be funded by an annual budget allocation for Provincial Bargaining, from any investment of this fund or transfers from the Operations Stabilization Fund.

#### **11.11 COSL and EFM Reserve Funds**

The Society shall maintain a Reserve Fund for COSL and for EFM not exceeding one hundred and fifty thousand dollars (\$150,000) each, to cover deficits from their operations and related professional development activities. Should either Fund be reduced to less than thirty thousand dollars (\$30,000), the approved COSL or EFM budget for the following year shall reflect a sufficient surplus so that the associated Reserve Fund be in excess of thirty thousand dollars (\$30,000).

#### **11.12 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.

### **11.13 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**

### **12.1 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 Executive Director 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 Executive Director by March 15 in any year a Provincial Council Meeting is to be held. The Executive Director shall review each proposed amendment to ensure it is not contrary to any public law. 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 Executive Director by March 15 in any year a Provincial Council Meeting is to be held. The Executive Director shall review each proposed amendment to confirm it complies with the Constitution. 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

#### 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 Executive Director 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 Executive Director

In addition to the duties in Bylaw I, the Executive Director 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 Meeting;
- (c) cause to be kept accurate records of all Provincial Council Meetings;
- (d) compile and publish the minutes of Provincial Council Meetings;
- (e) post or cause to be posted all approved Provincial Council Meeting minutes on the secure member portal; and

- (f) 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 Executive Director.

#### **1.4 Provincial Council Meetings**

The regular Provincial Council Meetings shall be held in Winnipeg for up to three (3) consecutive days in the month of May 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 chosen dates shall not immediately precede the Victoria Day Holiday weekend.

#### **1.5 Notice**

The Executive Director 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 Executive Director 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 Executive Director 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**

The Executive Director shall apply the following rules to determine the number of Delegates entitled to attend Provincial Council:

- (a) membership dues from the previous membership year shall be used in the formula;
- (b) subject to Bylaw I, Part III, Article 3.12(3), each Local shall be entitled to elect or appoint from its membership one Delegate for each fifty (50) Local full time equivalent Members;
- (c) if the number of full time equivalent Members in a Local when divided by fifty (50) leaves a remainder of twenty-six (26) or more, the Local shall be entitled to elect or appoint one (1) additional Delegate;
- (d) no Local shall be entitled to less than two (2) Delegates. If a Local is entitled to only two (2) Delegates, one (1) alternate Delegate may be permitted to attend Provincial Council

at the Society's expense, subject to the Local fee being a minimum of ten per cent (10%) of the provincial fee of the Society and reduced by the amount the Local reserve exceeds seventy-five per cent (75%) of the operating expenditures based on the previous year's financial audit or reserve;

- (e) EFM shall be entitled to elect or appoint from its membership two (2) Delegates to Provincial Council;
- (f) COSL shall be entitled to elect or appoint from its membership two (2) Delegates to Provincial Council; and
- (g) SAGE shall be entitled to elect or appoint from its membership two (2) representatives 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 Meeting Proposal**

A proposal for a special Provincial Council Meeting must be submitted to the Executive Director in writing which outlines 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.

### **1.10 Special Provincial Council Meetings**

A special Provincial Council Meeting shall be convened if the proposal for a special Provincial Council Meeting referenced in Article 1.9 is supported by one of the following:

- (a) a unanimous vote of the Provincial Executive; or
- (b) carried by majority vote of the membership or councils or executives of at least two-thirds (2/3) of Locals representing at least two-thirds (2/3) of the Society's Membership;  
or
- (c) carried by two-thirds (2/3) vote of delegates of the Provincial Council.

### **1.11 Executive Director to Call Special Meeting**

The Executive Director 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;
- (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
- (g) 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**

Resolutions from the Provincial Executive must be submitted no later than the report submission deadline date for the Provincial Executive meeting held in March in any year in which a Provincial Council Meeting is to be held.

All other resolutions must be received by the Executive Director no later than March 15 in any year in which a Provincial Council Meeting is to be held. All resolutions which are constitutional shall be processed by the Executive Director. 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 Executive Director 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" (state the purpose of the suspension here). 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 (2/3) vote;
- (b) any provision stipulating unanimous consent; and
- (c) any provision relating to a ballot.

### **3.3 Motions to Adjourn Sitzings 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 now is, 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 (2/3) 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;

- (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 Executive Director 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 Executive Director shall be the Parliamentarian unless the Executive Director 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) refer or refer back;
- (i) amend; and
- (j) 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;
- (d) 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
- (e) 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 (2/3) 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 (2/3) 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 (2/3) 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 (2/3) 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**

#### **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 Bylaw I, Part III Articles 3.13 Regular Teachers, 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 Retired Teachers' Entitlement to Vote**

If elected as a Delegate in accordance with Bylaw II, a Retired Teacher employed as a Regular Teacher or Substitute Teacher shall be entitled to run for office, nominate other members and vote for President, Vice President and Members-at-large, as provided for under Bylaw I, Part III, 3.13.

##### **1.4 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 Executive Director 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****4.1 Nominations**

Subject to a Member's eligibility pursuant to the Bylaws and subject to Articles 1.3 and 1.4 of this Bylaw, a Member may be nominated for President, Vice President or Member-at-Large.

**4.2 Notice of Nominations**

The Chief Returning Officer shall cause a notice to be sent to all Locals and schools by January 15 in any year an election is to be held at a Provincial Council Meeting. The notice shall:

- a) call for nominations;
- b) state the date and time nominations must be received in writing by the Chief Returning Officer in accordance with the procedures in this Bylaw; and
- c) indicate that once the nomination is verified as bona fide in accordance with the procedures in this Bylaw the nominee's campaign period may commence.

### **4.3 Nomination Process**

- (a) the Chief Returning Officer shall accept nominations up to 4:00 p.m. on March 1 in the year which a Provincial Council Meeting is to be held if the nomination is supported by the signatures of at least twenty-five (25) other Members;
- (b) the Chief Returning Officer shall also accept nominations from Delegates up to 2:00 p.m. of the first day of the Provincial Council Meeting if the nomination is supported by the signatures of at least twenty-five (25) other registered Delegates;
- (c) the Chief Returning Officer shall verify that all signatures on nomination forms submitted by candidates are eligible Members pursuant to Article 4.1, and that the candidate accepts the nomination in writing;
- (d) any listing of candidates for election at the Provincial Council Meeting shall include the nominee's Local membership ;
- (e) if following the vote for President a defeated nominee is re-nominated for Vice President or Member-at-Large no further endorsation is required; and
- (f) if following the vote for Vice President, a defeated nominee is re-nominated for Member-at-Large no further endorsation is required.

### **4.4 Campaign Period**

Upon completion of the verification process outlined in Article 4.3 (Nomination Process) the Chief Returning Officer shall notify the candidate, Local presidents and the Provincial Executive that the nomination is bona fide and campaigning may now commence.

### **4.5 Candidate Information**

The following rules shall apply to the provision of candidate information:

- (a) candidates for the Provincial Executive nominated as provided for in Article 4.3 (a) 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 Article 4.3 (b) 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. of the first day of the Provincial Council Meeting; and

- (c) the Chief Returning Officer 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.

## **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 Election Timing**

The election shall be conducted at a Provincial Council Meeting, the day after the election forum is held in accordance with article 5.2

### **5.4 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.
- (d) should a member of the Provincial Executive take an authorized leave where they continue to receive a salary payment from their employer during all or a portion of the leave, they will be entitled to return to their position upon return or at any time upon receipt of the required membership fees. Upon return, the member would complete the remainder of their term on Provincial Executive.

## **PART VII – ELECTORAL DIVISIONS**

### **7.1 Continuation of 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 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**

#### **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:
  - (a) consulting with the Society or the Member's Local president;
  - (b) taking any action that is allowed or mandated by legislation; and
  - (c) 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 Definitions

**“Complainant”** shall mean a person who has filed a Professional Misconduct complaint against a Member;

**“Respondent”** shall mean a Member about whom a Professional Misconduct complaint has been filed.

### 3.2 Professional Misconduct Complaints

A complaint about Professional Misconduct of a Member must be filed with the Executive Director 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 Executive Director, and shall include:

- (a) the name of the Respondent;
- (b) the name, address, telephone number and email address of the Complainant;
- (c) a detailed description of the conduct or actions of the Respondent; and
- (d) the section(s) of the Code of Professional Practice that the Respondent is alleged to have breached, if applicable.

### 3.3 Processing of Complaint

1. Upon receipt of a complaint about a Member, the Executive Director shall:
  - (a) confirm receipt of the complaint in writing to the Complainant;
  - (b) provide a copy of the complaint to the Respondent within thirty (30) Teaching Days of receiving the complaint; and
  - (c) advise the Respondent in writing that a response is required within thirty (30) Teaching Days from the date the copy was provided.
2. The Executive Director shall review the complaint and response from the Respondent, and respond in one of the following ways:
  - (a) dispose of the complaint if:
    - (i) it is not within the jurisdiction of the Society;

- (ii) it is without substance or its substance cannot be proved;
    - (iii) the Member has provided a satisfactory explanation;
    - (iv) the complaint has been resolved through alternate means; or
    - (v) the complaint is untimely and there are no exceptional circumstances explaining the failure to comply with the time limits.
  - (b) resolve the complaint by:
    - (i) sending a letter to the Respondent reminding the Respondent of the Respondent's obligations under the Constitution, Bylaws or Policies; or
    - (ii) sending a letter to the Respondent recommending certain action be taken by the Respondent within a timeframe established by the Executive Director, in which case the Respondent shall be obliged to take such action within the timeline.
  - (c) attempt to resolve the complaint at any time by appointing a mediator or through such other alternative means as deemed appropriate in all of the circumstances.
  - (d) refer the complaint to the Professional Conduct Committee for its consideration if:
    - (i) the complaint is not disposed of under article 2(a);
    - (ii) the complaint is not resolved under articles 2(b) or (c); or
    - (iii) the Respondent fails to follow the recommendations of the Executive Director in accordance with article 2(b)(i) or (ii).
- 3.
- (a) the timeline for the Executive Director to make a decision under article 2 is within ninety (90) Teaching Days from receiving the complaint.
  - (b) notwithstanding article 3(a), the Executive Director shall have discretion to extend the timeline by up to thirty (30) Teaching Days where the Executive Director has attempted to resolve a complaint under article 2(b) or (c) and is of the opinion that a timeline extension will facilitate resolution.
4. The Executive Director shall notify the Complainant and Respondent in writing of the final disposition of the complaint under Article 3.3.

### 3.4 Appeals of Executive Director Decisions

- (a) the Complainant may appeal a decision of the Executive Director under Article 3.3(2)(a) or (b)(i) or (ii).
- (b) the Respondent may appeal decisions of the Executive Director under Article 3.3(2)(b)(i) or (ii).
- (c) an appeal of a decision of the Executive Director under this article shall be made by filing a written statement which outlines in detail the basis for the appeal, to the chairperson of the Professional Conduct Committee, with a copy to the Executive Director, within fourteen (14) Teaching Days of receipt of the written decision from the Executive Director in accordance with Article 3.3(4).
- (d) all other decisions of the Executive Director under Article 3.3 are not subject to appeal.

### 3.5 Professional Conduct Proceedings

The Professional Conduct Committee appointed by the Provincial Executive shall:

- (a) conduct investigations into complaints referred to it by the Executive Director or appeals of decisions made by the Executive Director;
- (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) Teaching Days of receipt of a complaint, or any extension granted by the Executive Director:
  - (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, and, upon request by the Member, deliver a copy by electronic means or other reasonable method of delivery, reminding the Member of the Member's obligations under the Constitution, Bylaws or Policies; or
  - (iv) send a registered letter to the Member and, upon request by the Member, deliver a copy by electronic means or other reasonable method of delivery,

recommending that certain action be taken by the Member within a timeframe to be established by the Executive Director.

- (e) where the Executive Director 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.

### **3.6 Quorum**

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

### **3.7 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) notify the Complainant and Respondent in writing upon receipt of an appeal from a decision of the Executive Director;
- (c) review all complaints and appeals from decisions of the Executive Director 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 Respondent to provide a written response to the complaint signed by the Respondent, the Respondent's staff officer or legal counsel;

- (iv) request additional information from the Respondent 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.
- (d) 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 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 Executive Director with a report on the investigation proceedings carried out by the Professional Conduct Committee.
- (e) notify the Complainant and Respondent in writing of the Professional Conduct Committee's disposition of all complaints and appeals from decisions of the Executive Director.

### **3.8 Conflict of Interest**

Members of the Professional Conduct Committee shall have the same obligations respecting conflict of interest as the members of the Provincial Executive, in accordance with Bylaw I, Part V.

### **3.9 Duties of the Executive Director Upon Receipt of a Charge from the Professional Conduct Committee**

- (a) upon receipt of a charge from the Professional Conduct Committee, the Executive Director shall take the following action:
  - (i) within ten (10) Teaching Days, provide a copy of the charge to the Respondent or to the Respondent's counsel, if any;
  - (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.

- (b) the Executive Director shall send decisions of the Professional Conduct Committee to the Respondent, the Respondent's legal counsel, if any, and the Complainant within fourteen (14) Teaching Days of the date of the decision.

### **3.10 Member's Obligations Upon Receipt of a Charge**

A Respondent shall notify the Executive Director in writing within fourteen (14) Teaching Days of receipt of a charge whether the Respondent intends to be represented by legal counsel before the Review Committee and the name and contact information of the Respondent's legal counsel.

## **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) Teaching Days from the date of the charge, and request the Executive Director to, within five (5) Teaching 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 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) reprimand;
- (b) suspend the person's membership in the Society with or without conditions;
- (c) terminate the person's membership in the Society;
- (d) order the Member to pay a fine in an amount not exceeding two thousand dollars (\$2,000) to the Society;
- (e) order the Member to pay all or part of the costs incurred by the Society in connection with any investigation or hearing of the complaint as those costs are determined by the Review Committee up to a maximum of five thousand dollars (\$5,000); and
- (f) recommend to the minister responsible for education that the Member's certificate be suspended or revoked.

#### **4.6 Review Committee Decisions**

A copy of the decision shall be provided to the Executive Director who shall, within fourteen (14) Teaching 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.

#### **4.7 Appeals of Review Committee Decisions**

A Member may appeal a decision of the Review Committee in accordance with the provisions of the Constitution. The persons designated to receive a copy of the notice of appeal on behalf of the Society shall be the Executive Director and the chairperson of the Review Committee.

#### **4.8 Conflict of Interest**

Members of the Review Committee shall have the same obligations respecting conflict of interest as the members of the Provincial Executive, in accordance with Bylaw I, Part V.

## **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**

Notwithstanding Bylaw I, Article 6.9(a), 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 REINSTATEMENT OF MEMBERSHIP**

### **6.1 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.

### **6.2 Written Application Required**

A person may seek to be reinstated by making written application to the Executive Director and paying a fee of five hundred dollars (\$500.00) to the Society.

### **6.3 Contents Statutory Declaration**

The written application will be submitted to the Review Committee and must be supported by a statutory declaration providing:

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

- (b) verification payment of all monies owing by the applicant to the Society has been made or a proposal for repayment acceptable to the Executive Director has been agreed upon; and
- (c) such other material as the Society may require.

#### **6.4 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.

#### **6.5 Member Representation**

The Member may attend the hearing with counsel, at the Member's cost.

#### **6.6 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 Executive Director with a copy of the Review Committee's written reasons for decision.

#### **6.7 Notice to Members**

Within fourteen (14) Teaching Days of receipt of the written reasons for decision, the Executive Director shall forward by registered mail and, upon request by the Member, deliver a copy by electronic means or other reasonable method of delivery, to the Member and the Member's counsel, if any, and give notice of the decision to Members.

#### **6.8 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 BENEFITS PLANS

#### 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;

**“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;

**“Trust”** means the Manitoba Public School Employees Benefits Trust;

**“Trustees”** means the persons appointed by the Society and others to administer the Trust.

## **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**

- (a) 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:
  - (i) between one hundred thirty percent (130%) and one hundred fifty percent (150%) of Plan liabilities, a premium change may occur;
  - (ii) 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%);
  - (iii) 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
  - (iv) 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 Executive Director;

- (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.

# **PART VI – TRUSTS**

## **6.1 Manitoba Public School Employees Benefits Trust**

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

**6.2 Appointment of Manitoba Public School Employees Benefits Trustees**

The Provincial Executive shall appoint four (4) Trustees annually, three (3) of whom shall be members of the Group Benefits Standing Committee and the fourth of whom shall be a Society staff person.

## BYLAW VI

### COSL, EFM AND SAGE

#### 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 and for purposes of this Bylaw the following terms shall have the following meanings:

**“Elected Representatives”** means the officials charged with conducting the business of COSL, EFM and SAGE, elected in accordance with the constitutions of COSL, EFM and SAGE, including but not limited to members of an Executive, Council, Leadership Team, and Board of Directors.

##### 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) cooperating 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 Executive Director 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 Executive Director 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 monies 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 Delegates.

# **PART III – ÉDUCATRICES ET ÉDUCATEURS FRANCOPHONES DU MANITOBA**

## **3.1 EFM Services**

EFM shall:

- (a) assist the Society in reviewing and evaluating the effectiveness of the teacher education program offered at the Université de Saint-Boniface;
- (b) initiate and conduct professional development activities for teachers who use French as a language of instruction;

- (c) act 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) review curricula to be taught in French;
- (e) publish newsletters and/or journals containing information and relevant materials about education in the French language; and
- (f) carry 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, schools' council or general meeting, the EFM President shall provide copies of the minutes to the Executive Director 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 monies 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 Executive Director 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 Executive Director; 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 Executive Director 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 Executive Director 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 Executive Director;
- (d) the SAGE shall submit a copy of its independent financial audit or review to the Executive Director 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 Executive Director, 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; and
- (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 SAGEs 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 all the 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 Manitoba Teachers' Society Act*, 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, monies, 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

\_\_\_\_\_  
Executive Director

## **POLICY I**

### **POLICIES AND PROCEDURES**

#### **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 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 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 in an open meeting of the Society;
- (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 Regional Meetings**

The Society will provide budgetary support for up to six (6) regional presidents' meetings per year for each region. Such meetings are to be held at a location and time selected by the presidents of a given region. Expenses for such meetings will be paid according to the reimbursement policy of the Society and will include the cost of meeting rental space.

To facilitate the planning, organizing and approval for these regional meetings the following steps and processes shall be completed and forwarded to the Executive Director fourteen (14) Days prior to the date of the proposed regional meeting date:

1. Establish and confirm the following:
  - (a) request of regional meeting is by the Society or a majority of the regions' presidents;
  - (b) date of proposed regional meeting;
  - (c) location of proposed regional meeting; and
  - (d) time frame of proposed regional meeting and
2. Develop a financial budget to identify all expected expenses to be incurred for the proposed regional meeting (i.e. meeting space, meals and travel).
3. Prepare the draft agenda for items of business for the proposed regional meeting.
4. Identify and list any personnel resources (staff) requested from the Society to support the proposed regional meeting.
5. Identify and list any other governance support from the Society that may be required to support the proposed regional meeting.

Upon conclusion of the regional meeting, draft minutes of the meeting are to be submitted to the Executive Director within fourteen (14) Days.

## **5.3 Local President Release Time**

- (a) every Local president shall have available a minimum of one-half presidential release time to conduct Local and/or Society business;

- (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 fee of the Society; and
- (c) the Presidents' Release time subsidy will be reduced by the amount the Local reserve exceeds seventy-five percent (75%) of the operating expenditures based on the previous year's financial audit or review.

#### **5.4 Subsidies to Locals**

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

#### **5.5 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.

#### **5.6 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.

#### **5.7 Dependent Care**

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

#### **5.8 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.

#### **5.9 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.

### **5.10 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.

### **5.11 Society Reimbursement**

To be eligible for reimbursement of expenses from the Society a Member must be an Active Member in Good Standing or an Associate Member in Good Standing.

### **5.12 Funding for Binder Meeting**

The Society shall provide funding for the equivalent of two (2) days substitute cost per Local for attendance to an official binder meeting presented by the Society.

## **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 éducateurs franco-manitobains to defray operating expenses, subject to Policy I, Part V, 5.3, Subsidies and Grants to Locals.

### **6.4 The Manitoba Teachers' Society Professional Development Day Northern Travel Allowance**

The Society shall provide a subsidy to assist Members living in northern Manitoba with the cost of travel to attend The Manitoba Teachers' Society's sanctioned professional development conferences on The Manitoba Teachers' Society Professional Development Day in Winnipeg and Brandon.

## 6.5 Services in the French Language

The Society shall 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 its services in accordance with the following principles:
  - (i) consideration of translation will take place in the planning stage of any item/campaign including:
    - 1) communication for member distribution;
    - 2) communication that requests action from members; and
    - 3) educational resources created by the Society.
  - (ii) as necessary, at the discretion of the Officers, time-sensitive material may be sent initially in English pending translation within a week;
  - (iii) items to be translated will be submitted for translation as soon as the copy content has been approved;
  - (iv) translation will be contracted out on an as needed basis; and
  - (v) 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 safety and health 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 has 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.

## **PART VIII – PRESIDENT AND VICE PRESIDENT RELOCATION COSTS**

### **8.1 President and Vice President Relocation Costs Policy**

- (a) the President and Vice President of the Society are expected to work out of the Society offices in Winnipeg;
- (b) in the event that the President and/or Vice President's principal place of residence is more than one (1) hour away by car from Winnipeg, they shall be expected to take up residence in Winnipeg during their term, and reasonable accommodation arrangements may be made between them and the Society in accordance with this Policy;
- (c) it is the intention of this Policy to ensure that a President and/or Vice President who relocates to Winnipeg during their term does not suffer financial loss as a result of the relocation, nor make a financial gain as a result of the relocation;
- (d) the Society shall reimburse the President or Vice President for the following reasonable expenses, or reasonable portion of actually incurred expenses:
  - (i) rental costs for reasonably sized accommodations in Winnipeg, which costs should be approved prior to the President or Vice President signing a lease by the Executive Director;
  - (ii) expenses for furnishings, if the rental accommodations are not furnished;
  - (iii) basic amenities relating to the rental accommodations, including parking, utilities, basic cable TV, and internet where not included in the rent;
  - (iv) relocation costs for the move from the principal residence to the residence in Winnipeg;
  - (v) expenses for up to two (2) house hunting trips to Winnipeg in order to find the accommodations;

- (vi) travel costs of a reasonable number of trips to the principal residence, not exceeding two (2) per month, as approved by the Executive Director;
  - (vii) relocation costs for the move from Winnipeg back to the principal residence at the end of the President or Vice President's term, or in the event that the outgoing President or Vice President does not return to their principal residence, costs for their moving expenses up to a maximum of the costs which would have been incurred in moving back to the principal residence; and
  - (viii) other reasonable expenses necessarily related to the relocation, as approved by the Executive Director.
- (e) reimbursement of expenses is subject to the following conditions:
- (i) receipts and documentation to verify expenses (such as a copy of the lease) must be provided for all expenses and costs claimed pursuant to this Policy;
  - (ii) the President and/or Vice President must maintain their principal residence outside of Winnipeg and provide proof thereof by completing Form TD4: Declaration of Exemption – Employment at a Special Work Site;
  - (iii) the principal residence must remain available for immediate occupancy of the President and/or Vice President and not be rented to any other person;
  - (iv) the President and/or Vice President must notify the Society immediately if their principal residence changes during their term of office; and
  - (v) the Executive Director shall determine whether an expense, or portion of an expense, is reasonable and subject to reimbursement pursuant to this Policy.
- (f) for further clarity, if the President and/or Vice President buy a house, or their principal residence is not available for immediate occupancy during their term, or they rent their principal residence, they are not eligible for the expenses under this Policy, subject to the discretionary decision of the Executive Director that it would be fair and reasonable for the Society to pay for an expense(s);
- (g) if the President and/or Vice President does not complete their term, they are no longer eligible for expenses pursuant to this Policy, subject to the discretionary decision of the Executive Director that it would be fair and reasonable for the Society to pay for an expense(s);
- (h) if the President and/or Vice President decide to sell their principal residence and relocate their household to Winnipeg, the Society shall pay reasonable relocation costs for the move from the former principal residence to Winnipeg, but no other

expenses pursuant to this Policy, subject to the discretionary decision of the Executive Director that it would be fair and reasonable of the Society to pay for an additional expense(s). The following expenses may be considered reasonable relocation costs:

- (i) the cost of two (2) house hunting trips to the new location;
  - (ii) travelling costs (including a reasonable amount spent for meals and lodging);
  - (iii) the cost of transporting or storing household effects while moving from the old residence to the new residence;
  - (iv) costs to move personal items;
  - (v) charges and fees to disconnect telephones, television or aerials, water, space heaters, air conditioners, gas barbecues, automatic garage doors, and water heaters;
  - (vi) fees to cancel leases;
  - (vii) the cost of selling the old residence (including advertising, notarial or legal fees, real estate commission, and mortgage discharge penalties);
  - (viii) charges to connect and install utilities, appliances, and fixtures that existed at the old residence;
  - (ix) automobile licenses, inspections, and drivers' permit fees, if these items are assigned to the former location;
  - (x) legal fees and land transfer tax to buy the new residence;
  - (xi) the cost to revise legal documents to reflect the new address;
  - (xii) reasonable temporary living expenses while waiting to occupy the new, permanent accommodation;
  - (xiii) long distance telephone charges that relate to selling the old residence; and
  - (xiv) amounts paid or reimbursed for property taxes, heat, hydro, insurance, and grounds maintenance costs to keep up the old residence after the move, when all reasonable efforts to sell it have not been successful.
- (i) in any relocation, the aim shall be to relocate the President and/or Vice President in the most efficient and expedient manner and at the most reasonable cost; and

- (j) approval of relocation arrangements, costs and expenses in accordance with this Policy shall be made in advance by the Executive Director, however such decisions may be appealed by the President and/or Vice President to the Provincial Executive whose decision is final and binding.

## **PART IX – MTS AWARDS**

### **9.1 Promotion, Nomination, Selection, and Presentation Procedures**

- (a) promotion procedures;

For each award conferred by The Manitoba Teachers' Society, the Society's website shall include the fillable nominations form and details related to:

- (i) nomination procedures;
  - (ii) eligible nominators and nominees;
  - (iii) nominator and nominee declaration requirements;
  - (iv) nomination limits and timelines;
  - (v) criteria parameters; and
  - (vi) selection and notification procedures.
- (b) nominations procedures;
  - (i) nominators must be Active or Associate Members in Good Standing;
  - (ii) the complete nominations package must be completed online and submitted by February 1 at 4:00 p.m. in any year in which a regular Provincial Council Meeting is to be held; and
  - (iii) completed nominations packages that are received by the deadline will be forwarded to the MTS Awards Committee.
- (c) selection procedures; and
  - (i) the MTS Awards Committee is responsible for reviewing all nominations and forwarding up to two (2) final recipient recommendations for Life Membership, up to one (1) final recipient recommendation for Honorary Membership, up to

one (1) final recipient recommendation for the 1922 Award, and up to one (1) alternate recipient recommendation for each award to the March meeting of Provincial Executive;

- (ii) unsuccessful candidates in any year will be automatically re-nominated for one (1) year following the original nomination if they continue to meet the eligibility criteria; and
  - (iii) successful candidates will be notified by the Executive Director immediately following the March meeting of Provincial Executive.
- (d) presentation of awards procedures;
- (i) annual awards will be presented to recipients as a timed item of the regular Provincial Council Meeting. All expenses related to bringing award recipients and a guest to the meeting will be at the expense of the Society.
  - (ii) award recipients shall receive a commemorative gift, a standing invitation to a social event at the regular meeting of the Provincial Council, entitlement to any SAGE membership, and an annual subscription to The Manitoba Teacher publication (in their choice of digital or paper copy).

## **9.2 Life Membership Award**

The Life Membership Award, when awarded, shall be presented at the regular Provincial Council Meeting to recognize a retired Member who has promoted the mission, goals, and objects of the Society. Award recipients have made a significant contribution to the Society or provided distinguished service to public education in Manitoba. The Provincial Council can confer up to two (2) Life Membership Awards annually.

## **9.3 Honorary Membership**

The Honorary Membership Award, when awarded, shall be presented at the regular Provincial Council meeting to recognize a retired staff person of the Society, a person who rendered outstanding service to the Society or a community member; all who of which promoted the mission, goals, and objects of the Society. Award recipients have made a significant contribution to the Society or provided distinguished service to public education in Manitoba.

## **9.4 1922 Award for Service to the Teaching Profession**

The 1922 Award for Service to the Teaching Profession, when awarded, shall be presented at the regular Provincial Council Meeting to recognize a Member who has demonstrated leadership, commitment, and fortitude in service of union values and priorities to achieve positive and sustained change for current and future union members.

## POLICY II

### SOCIETY BELIEF STATEMENTS

#### 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:

**“Indigenous 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 – INDIGENOUS VOICE AND ACTION COMMITTEE**

### **2.1 Statement of Beliefs**

The Society believes that:

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

## **PART III – COLLECTIVE BARGAINING COMMITTEE**

### **3.1 Statement of Beliefs**

The Society believes that:

- (a) all Members should be protected against discrimination in their career because of Local activities;
- (b) all Members have an equal opportunity to develop their abilities and to achieve their aspirations without discrimination;

- (c) affirmative action can be used to address identified inequities in the composition of the teaching and administrative populations;
- (d) a Member on Society business should be entitled to leave from teaching duties;
- (e) anyone hired to perform the normal work of a teacher, principal or vice principal in the public school system should be a certified teacher and a member of the bargaining unit;
- (f) all Members are entitled to due process; and
- (g) term contracts should be used only to replace teachers on leaves of absence.

### **3.2 Collective Bargaining Principles**

The Society believes that collective bargaining should be undertaken by the Society and its Locals in accordance with the following principles:

- (a) the purpose of bargaining is to achieve equity, improve Members' salaries, benefits and working conditions and defend Members' rights;
- (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, with the aim that students become contributing members of their communities, able to think critically about society and participate in the democratic process;
- (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 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, in a regular classroom setting or an appropriate 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 and equitable 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 one-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) assessment and evaluation:
  - (i) supports opportunities for students to demonstrate the learning outcomes being assessed through multiple and varied approaches to assessment, both formative and summative;
  - (ii) engages students in the assessment process;
  - (iii) facilitates student self-assessment, and its relevance to their own learning;
  - (iv) recognizes students' rights to privacy and confidentiality when reporting assessment and evaluation results;

- (v) provides appropriate, timely, and meaningful feedback to students about their learning;
  - (vi) is planned in relation to its purpose and is in alignment with the curriculum and instruction;
  - (vii) is based on the most recent demonstration of achievement towards the learning outcomes; and
  - (viii) accounts for factors such as 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 students, 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; Indigenous 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 Education 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 and Instruction 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 Manitoba Education and Training 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) curriculum should meaningfully reflect the diverse identities of students and centre the experiences of marginalized students;
- (g) 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;

- (h) 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;
- (i) the employer should be responsible for students' experimentation and experiences on the world wide web and the Internet through the school's service; and
- (j) technology should 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 education funding should be determined by programs and policies that adequately, equitably, and sustainably meet the needs of public education.

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

- (iv) program sustainability and reliability.
- (h) educational funding should be based on guaranteeing universal accessibility to quality educational programming; and
- (i) the Society should be represented on all committees related to education finance.

## **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;
- (i) Members should not lose their positions as a consequence of the implementation of any affirmative action initiative or employment equity program; and
- (j) the Equity and Social Justice Standing Committee shall continue work to ensure implementation of recommendations from ad hoc committees that have an ESJ focus.

## **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, inter-active, self-directed, and related to the Member's career and profession;
- (c) all Members have the right to professional development;
- (d) 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;
- (e) professional development must be conducted in a supportive climate of trust, peer support, open communications, collegiality and collaboration; and
- (f) 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:
  - (i) that resources for members who identify as racialized people and/or newcomers be provided by the Society to support equitable representation within its membership; and
  - (ii) that systematic changes to address barriers to meaningful employment faced by internationally educated teachers be advocated for by the Society.
- (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 Indigenous studies and languages;
  - (v) at least one cultural awareness course;
  - (vi) coursework on working with educational assistants; and
  - (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 cooperating teacher is provided for each student teacher for continued feedback on their school experience;
- (j) cooperating teachers should be teachers whose professional education, experience and willingness ensure 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 to meet the needs of practicing teachers; and
- (o) beginning teachers 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.

## **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, whether that condition is physical or psychological in nature, or contracts an infectious disease should not suffer any loss of benefit or salary;
- (j) Members should not drive either their own vehicles or divisionally owned or leased vehicles to transport students for school-related activities; and
- (k) each Member should expect that their employer shall:
  - (i) have a process for reporting incidents, accidents, and dangerous occurrences that Members have been trained in;
  - (ii) ensure that all reports of incidents, accidents, and dangerous occurrences are investigated to determine the causes and identify corrective actions; and
  - (iii) ensure that the Member affected by the incident, accident or dangerous occurrence receives a copy of the completed investigation report.

## 10.2 Workplace Safety and Health Training

- (a) 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 and 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; and
- (b) the Society shall plan and organize a minimum of one (1) full day of Workplace Safety and Health training and education that meets the needs of principals, vice principals and other members who are 'supervisors' as defined by *The Workplace Safety and Health Act*. Such training – be conducted during the school day – will be delivered in locations throughout Manitoba as training and education needs warrant.

## PART XI – TEACHER CONDUCT

### 11.1 Statement of Beliefs

The Manitoba Teachers' Society is a strong advocate for the safety of students and recognizes that teachers occupy a position of trust, confidence, and considerable influence with children. These foundational beliefs anchor the Society positions related to management and regulation of teacher conduct.

The Society believes that:

- (a) teachers are trusted by the public and others in the profession to act ethically and responsibly;
- (b) teachers have an obligation to uphold, support, and enhance high standards of teacher conduct to protect the integrity and the status of the profession;
- (c) teachers bear ethical responsibilities to the profession;
- (d) the profession possesses the knowledge, experience, and expertise to assess and adjudicate the conduct of its members;
- (e) public participation in regulation of teacher misconduct is important to protecting public interest in education, promoting transparency, and enhancing credibility;
- (f) collaboration with the Society is expected for any changes related to legislation, regulations, processes, and structures intended to regulate and uphold high standards of teacher conduct;
- (g) teachers are entitled to constitutional, economic, welfare, and professional rights; and
- (h) teachers must be protected from biases and discrimination that conflate safety with their identity (gender, sexual identity and orientation, race, ethnicity, age, spirituality, and/or physical abilities and qualities).

The Manitoba Teachers' Society is committed to protecting due process, natural justice, and fairness for members. The provision of representation by the Society does not constitute an endorsement of a member's conduct or practice.

