

Constitution of the English as a Second Language Council

1. **NAME:** The name of this organization shall be the English as a Second Language Council of the Alberta Teachers' Association.

2. **OBJECTS:** To improve the practice of teaching English as a second language by increasing members' knowledge and understanding of English as a second language education.

3. **MEMBERSHIP:**
 - (a) **Regular Membership**–Active members of the Alberta Teachers' Association and associate members who are ineligible for active membership as specified in ATA bylaws are eligible for regular membership in this council. All such members shall be entitled to full privileges of Council membership including the rights to vote and hold office.

 - (b) **Life Membership**–Life members of the ATA, as specified in ATA bylaws, are eligible for life membership in the Council and are entitled to all the benefits and services of council membership except the right to vote and hold office.

 - (c) **Student Membership**–Student members of the ATA may join this council and shall be entitled to all benefits and services of council membership except the right to vote and hold office. There is no fee for student members of the Association to become student members of a specialist council.

 - (d) **Honorary or Complimentary Membership**–The council may bestow upon any individual a membership on an honorary or complimentary basis. Honorary members of the ATA, as specified in ATA bylaws, shall be entitled to all benefits and services of Council membership except the right to vote and hold office.

 - (e) Membership in specialist councils is not available to those individuals who, under the *Teaching Profession Act* and the Teacher Membership Status Election Regulation, are eligible to make an election of membership and elect associate membership or non-membership in the Alberta Teachers' Association.

4. **SUBSCRIPTION SERVICE:** Persons who are ineligible for active or associate membership in the ATA, such as school support staff, parents and libraries, as well as retired teachers and nonactive teachers, may be connected with the Council by paying a

subscription fee. Payment of the subscription fee includes entitlement to the council's publications as well as other services determined by the Council, but does not provide membership in the council. Businesses and corporations may reserve space at the annual conference, workshops or similar activities. The council may arrange the distribution of selected materials to the membership; the costs of such mailing are not the responsibility of the council. There may be an additional charge for these services.

5. **FEES**: Membership and subscription fees shall be established and may be changed by resolution at an annual general meeting of this council provided notice has been given 45 days in advance.
6. **OFFICERS**: The officers of this council shall consist of a president, a vice-president (or president-elect), a past president, a secretary and a treasurer (or secretary treasurer) to be elected for a term of one year at the Annual General Meeting of the council. A PEC liaison shall be appointed by the Provincial Executive Council of the Alberta Teachers' Association and be a voting member of all council committees. A staff advisor shall be appointed by the Executive Secretary of the Alberta Teachers' Association and be a voting member of all council committees. To be eligible to become an officer of the English as a Second Language Council, a candidate must be regular a member of the council.
7. **SUSPENSION OR REMOVAL FROM OFFICE OF SPECIALIST COUNCIL OFFICERS**: The following mechanism will be used by the Provincial Association to deal with the suspension or removal from office of a specialist council officer or to assume responsibility of the operation of a specialist council under certain circumstances.
 - 7.1 **Provincial Association Intervention**—In this section,
 - (a) *investigated officer* means an officer of the specialist council whose conduct is under investigation pursuant to subsection 7.2;
 - (b) *investigator* is the individual appointed by the table officers pursuant to subsection 7.2;
 - (c) *specialist council officer* means the president, vice-president (president-elect), past president or secretary-treasurer (or secretary or treasurer) of a specialist council or any other officer appointed or elected by a specialist council;
 - (d) *Provincial Executive Council* means the executive council as defined in section 11 of the *Teaching Profession Act*;
 - (e) *table officers* means the Association's officers as defined in Bylaw 37;

- (f) *executive secretary* means the chief executive officer of the Association or a person designated by the executive secretary; and
- (g) *staff officer* means a member of executive staff designated by the executive secretary.

7.2 Where the table officers have or receive information which leads them to believe that a specialist council officer

- (a) has neglected his or her duties to the extent that the proper operation of the specialist council is being negatively affected,
- (b) is mentally incapacitated,
- (c) is engaging in corrupt practices,
- (d) is engaging in financial malpractice or
- (e) has undertaken activities inconsistent with the principles and policies of the Alberta Teachers' Association,

the table officers may initiate an investigation into the conduct of a specialist council officer by appointing an individual to conduct an investigation and to provide a written report to the table officers within a specified time with respect to the results of the investigation.

7.3 In the course of the intervention under subsection 7.1, an investigated officer is entitled to have access to a staff officer for advice.

7.4 The table officers may, taking into account the nature of the alleged conduct and the urgency of the matter in question and any submission from the investigated officer, suspend an investigated officer from office pending the completion of the investigation and may terminate the suspension at any time if the table officers conclude that the suspension is no longer warranted.

7.5 The table officers may appoint another individual to assume the duties of the investigated officer during the period of the suspension.

7.6 The investigated officer may appeal a suspension from office under subsection 7.4 to the Provincial Executive Council by filing a notice of appeal with the executive secretary within 30 days of being notified of the suspension.

7.7 If an investigated officer appeals his or her suspension, Provincial Executive Council shall, as soon as practicable, consider representations of the table officers and the investigated officer and shall determine if the suspension should be continued pending the conclusion of the investigation or should be set aside.

- 7.8 During the investigation the investigated officer shall be provided with an opportunity to provide a response to the investigator with respect to the concerns about the investigated officer's conduct.
- 7.9 An investigated officer may, in the course of the investigation, submit his or her resignation to the executive secretary.
- 7.10 Where an investigated officer resigns in accordance with subsection 7.9, the investigation shall be continued with the cooperation of the investigated local officer and the resignation does not extinguish any liability that the investigated local officer may have with respect to acts which occurred during the period the office was held.
- 7.11 The investigated officer has a duty to cooperate during the investigation and the investigator may direct the investigated officer or any other member of the Alberta Teachers' Association to
- (a) answer any inquiries the investigator may have relating to the investigation;
 - (b) produce any records or other property in the investigated officer's possession or under his or her control that are or may be related in any way to the investigation;
 - (c) give up possession of any record for the purpose of allowing the investigator to make a copy and return the records within a reasonable time of receiving the records; and
 - (d) attend before the investigator for the purpose of complying with (a), (b) or (c) of this subsection.
- 7.12 In the event that the investigated officer fails or refuses to cooperate with the investigator, the failure to do so shall be noted by the investigator in his or her report to the table officers.
- 7.13 Upon completion of the investigation, the investigator shall submit a written report to the table officers and a copy of the written report shall be provided to the investigated officer.
- 7.14 The table officers, upon consideration of the report of the investigator, may make one or more of the following orders:
- (a) remove the investigated officer from office;
 - (b) restrict the investigated officer's eligibility for office in the future;
 - (c) if the investigated officer was suspended during the investigation, reinstate the investigated officer to office and impose any conditions or restrictions

that the table officers consider appropriate in the circumstances; and shall advise the investigated local officer and Provincial Executive Council of their decision.

- 7.15 If the table officers remove the investigated officer from office, then the table officers may appoint another individual to assume the duties of the investigated officer until a new officer is elected or appointed to the position in accordance with this constitution.
- 7.16 The investigated officer may appeal the decision of the table officers under subsection 7.14 by filing a notice of appeal with the executive secretary within 30 days after being notified of the decision.
- 7.17 If an investigated officer appeals the decision of the table officers, Provincial Executive Council shall, as soon as practicable, consider representations of the table officers and the investigated officer and shall determine if the decision if the decision of the table officers shall be confirmed, varied or set aside.
- 7.18 In an appeal under subsection 7.7 or 7.17, the table officers may make submissions to Provincial Executive Council respecting the outcome of the appeal.
- 7.19 Official Trustee—Subject to a two-thirds majority vote, Provincial Executive Council may appoint an official trustee to conduct the affairs of the specialist council, subject to any terms and conditions the Provincial Executive Council considers necessary:
- (a) when the specialist council fails to comply with the requirements of section 6;
 - (b) when the specialist council fails to comply with the requirements of section 13;
 - (c) when the Provincial Executive Council considers it in the interests of the Association to do so.
- 7.20 The specialist council may appeal the appointment of an official trustee to a representative assembly.
- 7.21 An official trustee appointed under subsection 7.19 has the powers and duties conferred by the General Bylaws on a specialist council and conferred by this constitution.
- 7.22 On appointment of an official trustee to the specialist council, the officers of the specialist council cease to hold office as officers of the specialist council.

- 7.23 An official trustee continues in office until the Provincial Executive Council or a representative assembly determines that the official trusteeship is no longer necessary.

8. **MATERNITY, PARENTAL AND ADOPTION LEAVE:**

- 8.1 Executive and committee members who request a leave of absence for maternity, parental and/or adoption leave shall be granted this leave by the executive for up to one year or the end of their term, whichever occurs first.
- 8.2 The executive may opt to fill the role in an acting capacity in accordance with the established procedures for that role.
- 8.3 Any benefit, access or privilege associated with the position is suspended during the period of leave and shall be reinstated once the member resumes their position, except for contractual obligations with respect to a seconded position.
- 8.4 This leave is not contingent on any decisions made with respect to a leave of absence from employment.

9. **COMMITTEES:**

- (a) The Executive Committee shall consist of: (i) the officers as outlined in Clause 6 of this constitution, (ii) a publications director, (iii) a conference director, (iv) a professional development director, (v) a member of Provincial Executive Council and (vi) other members appointed annually by the executive from time to time.
- (b) The council shall appoint from time to time such committees as are necessary to carry out the work of the council.

10. **ADVOCACY:** Any representation, action or communication which this council wishes to make to any organization, government department, other agency or official shall be conducted through the Provincial Executive Council of the Alberta Teachers' Association.

11. **REGIONAL COUNCILS:** The executive committee of this specialist council may encourage the formation of regionals and shall have authority to grant recognition to, establish boundaries of, and develop regulations which are not inconsistent with this

constitution or the policies of the Alberta Teachers' Association for governing the organization and operation of such regional councils.

12. **PROVINCIAL/NATIONAL/INTERNATIONAL ORGANIZATIONS:** After the same notice of motion that is required for amendments to this constitution, the English as a Second Language Council, by a majority vote of those present at a regular session of an annual general meeting, may: (a) subject to approval by Provincial Executive Council, join or affiliate with a provincial, national or international organization representing the same special interest; or, (b) cancel its membership or affiliation with a provincial, national or international organization.

13. **REPORTING ACTIVITIES:** This council shall submit annually, not later than August 31: an audited financial statement, a statement of assets and liabilities, an annual report of program and activities and a copy of the council's current constitution.

14. **MEETINGS:**
 - (a) **Executive**—The executive committee shall be the executive and administrative body of this council. It shall meet at least two times per year and shall conduct the affairs of the council between annual general meetings.
 - (b) **Annual General Meeting**—This council shall hold an annual general meeting for which a 45 day notice will be provided and the agenda shall provide for the topics listed below:
 - (i) Adoption of minutes from the preceding annual general meeting and any special general meetings held in the interim.
 - (ii) The annual reports from its council's president and treasurer.
 - (iii) Receiving of reports of committees.
 - (iv) An audited financial statement for the preceding fiscal year.
 - (v) An annual budget.
 - (vi) Revisions to the fees for membership in this council for which the required notice of motion has been given.
 - (vii) Amendments of this constitution for which the required notice of motion has been served.
 - (viii) Election of officers.
 - (ix) Other business.

15. **QUORUM:** (a) Annual General Meeting: The quorum for the annual general meeting shall be the members in attendance. (b) All Other Meetings: Quorum shall consist of a majority of voting members of executive or committee.

16. **AMENDMENTS:** After a 45 day notice of motion to amend the constitution has been provided, this constitution may be amended by a two-thirds vote of the members present at the annual general meeting of the council, subject to ratification by the Provincial Executive Council of the Alberta Teachers' Association.

Adopted at the November, 1992 Inaugural Annual General Meeting

Ratified by ATA Table Officers 1992 11 23

Amended at Annual General Meeting 1993 10 02

Approved by ATA Table Officers 1994 02 04

Amended by Provincial Executive Council 2005 04 07/08 (legislated membership change)

Amended by Provincial Executive Council 2006 06 15–16 (membership changes)

Amended by Provincial Executive Council 2007 09 20–21 (suspension or removal of officers)

Amended by Provincial Executive Council 2007 10 25–26 (PEC liaison voting changing)

Amended by Provincial Executive Council 2011 06 16–17

Amended by ATA Table Officers, 2014 09 09

Amended by ATA Table Officers, 2015 05 25 (student membership fee change)

Amended by Provincial Executive Council 2017 04 07 (maternity, parental and adoption leave)

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