



CONSTITUTION OF THE EASTERN SHORES TEACHERS ASSOCIATION (ESTA)

01. NAME

The Association shall be called the Eastern Shores Teachers Association (Association des Enseignants et Enseignantes Eastern Shores) and shall be abbreviated as ESTA.

02. DEFINITIONS

Teacher: Every person employed by the board whose occupation is to teach students in accordance with the provisions of the Education Act.

School: Building or part of a building whose object is to provide instruction to students (in the youth sector) other than those enrolled in adult education services or in the vocational education sector.

Center: Building or part of a building whose object is to provide instruction to students enrolled in adult education services or in the vocational education sector.

03. MEMBERSHIP ELIGIBILITY

- A) All teachers in the employ of the English-Language School Board (known as the Eastern Shores School Board) within the area that includes all English-Language schools and centers on the Gaspé Peninsula (specifically in the towns of Gaspé, Belle Anse, Chandler, Port Daniel, New Carlisle, Bonaventure, New Richmond, Maria, Restigouche, Escuminac, and Metis Beach), on the Magdalen Islands (specifically in the towns of Grosse Ile and Entry Island), and on the North Shore (specifically in the towns of Sept Iles, Fermont, Port Cartier, and Baie Comeau).
- B) Non-reengaged teachers, who are rehired within a year from the date of their departure, retain their membership status. Re-engagements occurring after one year from the date of their departure shall be obliged to re-apply for status.
- C) Teachers who are on a parental related leave retain their membership status during such a leave.
- D) The ESTA Board of Directors may, by majority decision, confer full membership status upon any teacher or group of teachers within, or outside, the geographical area mentioned in 03. A).

04. FEES

The levy and manner of collection of fees shall be determined by the Executive, subject to ratification by the membership, either at a General Meeting, or by a ballot distributed to all schools in the area. No fee change shall be made without written notification to each school representative three weeks prior to the vote on the said fee change.

The current fee structure policy, as of June 30, 1998 is set at a maximum of .008 of the average teacher's salary according to the scale for the preceding year.

Part-time, Adult Education teachers and substitute teachers shall pay ESTA dues on a pro-rated basis.

05. AIMS OF THE ASSOCIATION

- A) To provide the membership with the facilities to promote and safeguard their professional status, working conditions, and salaries.
- B) To provide the membership with a means for communication, cooperation, and consultation with other teacher organizations in the province of Quebec.

06. EXECUTIVE

The Executive of ESTA shall be the:

- A) President
- B) 1st Vice-President
- C) 2nd Vice-President
- D) Two Members-at-Large
- E) Secretary-Treasurer
- F) Past President (ex-officio, non-voting, maximum two year term)

07. BOARD OF DIRECTORS

The ESTA Board of Directors shall be composed of the Executive and School Representatives from each school and center in its territory as referred to in 03. A). However, because of the financial constraints of the Association, the ESTA Board of Directors shall determine the manner and means in which schools are entitled to send representation to meetings of the Board of Directors. If possible, members of the standing committees (PIC and EPC) shall also be members of the ESTA Board of Directors.

08. STANDING COMMITTEES

- A) **Negotiations:** The Chairman of the committee shall be the ESTA President. Other members of the committee shall be appointed by the ESTA Board of Directors and the Chairman shall have the power to add, subject to the approval of the Board of Directors.
- B) **Nominating Committee:** The ESTA Board of Directors acts as the Nominating Committee for the purposes of Executive election. It shall meet by no later than April 1st of each school year in order to prepare a slate of officers. The Board of Directors shall elect a Chairperson for the Nominating Committee from among the Board members who is not running for Executive election. It shall be the responsibility of the Chairperson to publicize this slate of Executive officers in all schools and centers at least one month prior to the election date. Candidates can choose to include an election statement which would be distributed at the same time as the publicity of the slate.

The committee may receive nominations from ESTA members in good standing. Each nomination paper, in order to be valid, shall have a minimum of three signatures from ESTA members in good standing, and in addition shall be signed by the nominee indicating his/her acceptance of the nomination.

It shall be the responsibility of the Chairperson of the Nominating Committee to establish the appropriate deadlines for submission of names and documents.

- C) **Discipline:** A committee of five members of whom the Vice-President or a deputy named by him/her shall be one, shall be appointed by the ESTA Board of Directors, as the need arises, to investigate charges against a member of the Association for a breach of the Constitution, by-laws, and/or policies of the Association, as determined by the Board of Directors, General Meetings, and/or referendums. The committee shall operate and function in accordance with section 19: SPECIAL PROCEDURES - DISCIPLINE.
- D) Any General Meeting or meetings of the Executive or Board of Directors may establish other committees as the need arises. Committees may only act in an advisory capacity

09. RESPONSIBILITIES OF EXECUTIVE OFFICERS AND DELEGATES

A) The President shall:

- serve for a two year term of office;
- preside at all Executive, Board of Directors, and General Meetings which he/she attends OR a General Chairperson, nominated by the President at his/her discretion, approved by the Executive, shall assume these duties;
- sign and execute all contracts and agreements in the name of the ESTA;
- call all necessary meetings;
- prepare the agenda for all meetings which he/she chairs;
- represent the Association in all matters regarding negotiations;
- supervise the enforcement of a collective agreement between the ESTA and the employer of its members;
- be an ex-officio non-voting member of all other committees of the ESTA
- ensure the syndical training of the school representatives;
- serve as a delegate of ESTA at Annual General Meetings and Provincial Councils of the Quebec Provincial Association of Teachers (QPAT)

B) The 1st Vice-President shall:

- serve for a two year term;
 - act on behalf of the President in his/her absence and at such times, perform the duties outlined in 09. A);
- assist the President at all times in conducting the business of the Association;
- act as a delegate of ESTA at the Provincial Councils of the Quebec Provincial Association of Teachers (QPAT)
- act also as staff rep for his/her respective school

C) The 2nd Vice-President shall:

- serve for a two year term;
- act on behalf of the President and/or the 1st Vice-President in his/her absence and at such times, perform the duties outlined in 09. A) or B);
- assist the President and/or the 1st Vice-President at all times in conducting the business of the Association;
- act also as staff rep for his/her respective school.

D) The Members-at-Large shall:

- serve for a two year term;
- act on behalf of the Vice-President in his/her absence and at such times, perform the duties outlined in 09. B);
- assist the President and Vice-President at all times in conducting the business of the Association;
- act also as staff reps for their respective schools;

E) The Secretary-Treasurer shall:

- be a position of remuneration, accompanied by a minimum honorarium of one thousand dollars (\$1,000.00) per year. Prior to the election of officers, any additional amounts accorded to this position would require the recommendation of the Board of Directors, subject to the approval of the Annual General Meeting(s) of the ESTA;
- serve for a two year term, to coincide with the two year term election of the President, with the corresponding honorarium as decided by the AGM;
- keep minutes of any and all meetings of the Association;
- administer the Association's funds and be the co-signing authority of all cheques/monies issued on behalf of the Association;
- make a complete financial report at all meetings of the Executive whereby all cheques/monies issued on behalf of the Association are itemized and reviewed;
- make a financial report and summary statement of expenditures at all other meetings of the Association (Board of Directors and General Meetings);

- with the assistance of the Executive, prepare a budget for the year following, to be presented for recommendation at the Board of Directors, and approval at the Annual General Meeting(s) of the ESTA;
- act as a delegate of ESTA at ESTA's Annual General Meetings;
- act also as staff rep for his/her respective school

F) The Past President shall:

- serve a maximum two year term of office;
- assist the President, Executive and Board of Directors through advice and consultation in an ex-officio, non-voting capacity.

G) School Representatives (Board Members) shall:

- be elected for one year terms of office by the staff of each school and/or center before September 5th of each school year;
- chair meetings of their school staff for all business concerning ESTA;
- represent the views of their staff to the Board of Directors;
- communicate the business of the Association and its Committees to their staff;
- supervise the enforcement of a collective agreement between the Association and the Employer in his/her school, under the direction of the ESTA President.

H) The Official Delegates of ESTA shall:

- be appointed annually by the ESTA Board of Directors;
- in addition to the President and Vice-President, represent the ESTA at the Annual General Meetings and Provincial Councils of the Quebec Provincial Association of Teachers (QPAT);
- deliberate upon such matters as are presented to them at such Provincial meetings, and duly considering the interests of ESTA, shall vote accordingly;
- report on the activities of the Provincial body at which they represented the Association, at the following meeting of the Association. A copy of such report shall be given to the Secretary-Treasurer. Normally, the Vice-President shall be responsible for this report.

10. THE BOARD OF DIRECTORS SHALL:

- A) Administer the assets of the Association;
- B) Dispatch all business of the Association.

11. THE EXECUTIVE SHALL:

- A) Conduct the daily and routine business of the Association, and supervise all services, as well as implement all resolutions and decisions adopted by the Board of Directors or the General Meetings of the Association.
- B) At least one member of the Executive shall be appointed to the position of PIC representative and at least one member of the Executive shall be appointed as EPC representative to ensure the legitimacy and effectiveness of said committees

12. MEETINGS OF THE ASSOCIATION

- A) Executive Meetings shall be called at the discretion of the President, or on the written petition of any three members of the Executive body. A quorum shall consist of four members.
- B) Board of Directors' Meetings shall be called at the discretion of the President, or on the written petition of any six members of the Board of Directors. In order to ensure fair representation, voting at meetings shall be weighted as follows: each Executive member (one vote), each school or center representative (one vote plus one additional vote if the school staff is greater than 09 but less than 20, or two additional votes if the school staff is equal to or greater than 20). A quorum shall consist of twelve votes. Executive members (other than the President) have the privilege of differentiating their vote as Executive member from that of their vote as staff representative.

- C) General Meetings shall be called at the discretion of the President, or on the written petition of any 10 members. A quorum shall consist of 25 teachers, representing seven schools and/or centers. General Meetings may be split between geographic regions such as Gaspé county, the Islands, Bonaventure county, and the North Shore. In such circumstances, quorum requirements shall be combined and shall consist of 50 teachers representing ten schools and/or centers.

The Annual General Meeting(s) of the Association (AGM) shall be held for the purpose of reviewing the year's activities and, if necessary, the electing of any Executive officers to vacant posts unfilled during the normal election period. This AGM is to be held after the Easter Recess and before the end of the school year. The date of said meeting shall be set by the Executive in consultation with the Board of Directors.

13. NOTIFICATION OF MEETINGS AND DISTRIBUTION OF MINUTES

- A) Notification of any meeting of the Executive, Board of Directors, or General Membership shall be posted by each school representative at least five school days prior to such a meeting. Directors and Executive members shall be given a tentative agenda of all meetings either in writing, or by telephone, normally to accompany the notice of meeting, but at least two days prior to the meeting.
- B) Minutes of all General meetings and meetings of the Board of Directors shall be distributed to all members of the Board of Directors, and copies shall be deposited in the ESTA files, within two weeks of such meetings.
- C) Emergency meetings shall be considered exempt from the above regulations 13. A) and B), except that all quorum requirements shall stand.

14. PLACE OF BUSINESS

The place of business of the Association shall be established by the President, in consultation with the Executive.

15. FISCAL YEAR

The fiscal year of the Association shall be from August 1st to July 31st.

16. RULES OF ORDER

All meetings of the Association, its Executive, Board of Directors, and all Committees thereof, shall be conducted in accordance with accepted Parliamentary procedures (reference: Robert's Rules of Order).

17. AMENDMENTS TO THE CONSTITUTION

Any member of the Association may propose an amendment to the Constitution. Notice of the motion proposing an amendment shall be given at a General Meeting or at a Board of Directors' Meeting. One month's notice of such a proposed change must be given to the membership. Voting on such a proposed change shall be by secret ballot at a General Meeting(s), or at the school/centre level via referendum, administered by the staff reps under the guidance of the Vice-President. A two-thirds majority of the members casting their votes is required.

18. QUEBEC PROVINCIAL ASSOCIATION OF TEACHERS (QPAT)

For the purposes of provincial level bargaining and representation and assistance with the Quebec Ministry of Education, the ESTA shall be affiliated with and shall be a member local of the Quebec Provincial Association of Teachers (QPAT). ESTA, however, retains its legal right to the bargaining certificate that is issued in its name by the Quebec Provincial Labour Board.

19. SPECIAL PROCEDURES - DISCIPLINE

- A) To initiate a charge regarding discipline, an active member of the Association must file and sign a written charge with the Board of Directors against another active member, alleging a breach of the Constitution, by-laws, and/or policies of the Association as determined by the Board of Directors, General Meetings, and/or referendums.
- B) The Board of Directors shall instruct the Discipline Committee to investigate the charge at a time and place most convenient to its purpose, and to decide whether a hearing is warranted.
- C) If the Discipline Committee decides that the charge warrants a hearing, a copy of the charge and a notice of the place, the date, and the time fixed for the hearing shall be sent by registered mail fifteen (15) days in advance to the person whose conduct is the subject of inquiry. The accused member, in attending the hearing, may be accompanied by a friend, who must be a member of the Association.
- D) If the person whose conduct is subject to inquiry has failed to seek a postponement or, if having obtained a postponement, fails to show up at the second scheduled hearing, the Committee upon proof of service of the notice referred to in subsection C) above, may proceed with the inquiry and, without further notice to such person, make a report of its findings to the Board of Directors.
- E) There shall be full right to examine and cross-examine all witnesses called, and to adduce evidence in defense and reply.
- F) The Committee shall, after investigation, report its findings to the Board of Directors in a written report signed by the members of the Committee, and make such recommendations as it may deem advisable.
- G) The Board of Directors shall receive the report of the Discipline Committee with its recommendations, reach its findings, and notify the person accused of these findings. The Board of Directors may assess fines upon such members found guilty, and/or may suspend the membership rights, or may expel members found guilty. The Board of Directors may also establish the terms under which a member may be re-admitted to the Association. The decision of the Board of Directors shall be binding and final.

20. ELECTION OF OFFICERS

- A) Teachers who are members in good standing and who possess either a full-time or part-time contract shall be entitled to vote. In addition, non- contract teachers who are members in good standing shall be entitled to vote. However, it is suggested that non-contract teachers be governed by a minimum standard of approximately 240 working hours over the course of a school year as a guideline for their voting eligibility.
- B) The election shall take place in the regular schools and centers, and shall be held at least one week before the ESTA Annual General Meeting(s). Staff Reps shall be responsible for distribution, collection, and tabulation of the secret ballots. A replacement for the staff rep shall be designated by the staff should the rep be one of the candidates for an elected Executive position. School by school, and center by center results shall be mailed in to the Chairperson of the Nominating Committee, who will act as the official returning officer. Each candidate may designate an official representative in each school or center who would supervise the ballots upon receipt by the rep prior to the sealing of the envelope used in the mailing of the ballots to the Chairperson of the Nominating Committee. The Chairperson of the Nominating Committee shall convene a special meeting of the Board of Directors, where prior to the AGM(s), the ballots shall be counted and the results of the election announced.
- C) The positions of President, Secretary-Treasurer, 1st Member-at-Large shall stand for election on odd calendar years. The positions of 1st Vice-President, 2nd Vice-President, 2nd Member-at-Large, and 3rd Member-at-Large shall stand for election on even calendar years.