

MONTREAL TEACHERS ASSOCIATION CONSTITUTION

1. AIMS

- 1.1 The Association shall at all times endeavour to achieve unity within diversity; to conduct its operations with efficiency and dispatch in order to realize the following aims:
- (a) The professional development of its members so that the Association may be a constructive force and may be recognized as an initiator of improvements in education, both in the City of Montreal and in the Province of Quebec, always subject to its functions as a local of QPAT (Quebec Provincial Association of Teachers).
 - (b) The protection of the professional, the economic and the social welfare of its members.

2. ELIGIBILITY

- 2.1 Any employee who is a member of a group for which the Montreal Teachers Association holds a bargaining certificate by virtue of the Quebec Labour Code shall be eligible for membership in the Montreal Teachers Association, provided that:
- (a) s/he shall pay an initiation fee as stipulated in Article 3.00 Dues;
 - (b) s/he shall pay regularly the annual fee required by this Constitution as determined by the AGM, or by a referendum of the membership;
 - (c) s/he shall agree to abide by the Constitution of the Association, and the resolutions adopted by a General Meeting or referendum.
- 2.2 For the purposes of the above article "agreement" shall be construed to have been given by the act of signing his/her membership application form.
- 2.3 Furthermore, any other person who is a member of a group which the Representatives Assembly may choose to accept as an eligible group, even in the absence of the MTA holding a bargaining certificate for that group, shall be eligible for membership in the Montreal Teachers Association, under conditions to be determined at that time.
- 2.4 Each year the Secretary shall prepare a list of new members of the Association for approval by the AGM. This list shall be published in the schools and centres with the agenda for the AGM.

3. DUES

- 3.1 The initiation fee for any new member shall be \$1.00.
- 3.2 The membership fee for members employed full-time or part-time or on leave of absence shall be set from time to time as circumstances warrant either by the AGM or by a referendum of the membership.
- 3.3 The membership fee for those who do not have contractual employment status shall be set from time to time as circumstances warrant either by the AGM or by a referendum of the membership.

4. EXECUTIVE

- 4.1 The Executive members shall be the President, the MTA General Chairperson, the High School Vice-President, the Elementary School Vice-President, the Adult Ed./Voc. Ed. Vice-President, the Secretary, the Treasurer and two (2) Members at Large, together with additional Members at Large, depending on the number of additional QPAT Directors which the MTA may be entitled to elect.
- 4.2 The Executive members shall be elected to a two-year term according to the procedure outlined in Section 5.
- 4.3 The Executive members shall attend all meetings of the Representatives Assembly and shall have the right to vote, the vote of the MTA General Chairperson being confined to a deciding vote in the event of a tie.
- 4.4 The Executive members shall be directors of the QPAT. Should the MTA be entitled to fewer than nine directors of the QPAT, then these directors shall be appointed by the Executive from among its members.
- 4.5 Should the MTA be entitled to more than nine directors of the QPAT then these additional directors shall be elected annually according to the procedure outlined in Section 5. This shall also apply should there be a need for additional directors because some members of the MTA Executive are also members of the QPAT Executive.

5. ELECTION OF THE EXECUTIVE

- 5.1 No later than May 1st of each election year, the Chairperson of the Nominations Committee shall send to all Representatives in all schools and centres:
- (a) notices calling for nominations for all Executive positions;
 - (b) copies of articles 5.1.; 5.2.; 5.3.;
 - (c) copies of Appendix I – Election Procedures.

Should a school/Centre not have an MTA Representative, the MTA Nominations Committee will designate a member at that school/centre to receive such notices.

- 5.2 A nominee must submit:
- (a) an **MTA Official Nominations e-Form**. The **MTA Official Nominations e-Form** requires the written consent of the nominee as well as twenty (20) signatures from members of the Association who shall be drawn from at least two (2) different schools or centres. **The MTA Official Nominations e-Form** must also include the year that qualifies the nominee to run. These procedures are approved by the Representatives Assembly and subject to amendment by that body;
 - (b) the curriculum vitae, which includes the specific year(s) and name(s) of school(s) or centre(s) in which they served as a union representative;

and must be filed with the Chairperson of the Nominations Committee within five (5) workdays following the close of nominations.

- 5.3 A nominee must be an MTA member in good standing, and must, before assuming office, have served:
- (a) as a union representative in the MTA for one full year within the last ten (10); or
 - (b) as a member of the Executive, Board of Directors or Professional Staff of the MTA or QPAT for one full year within the last ten (10).

- 5.4 The Nominations Committee shall determine that the nominations are in good order as per 5.1, 5.2 and 5.3. The Committee shall publish a list of all such nominations stating the Executive position for which each nomination was made and detailing the curriculum vitae of each nominee, and the names and schools or centres of the nominators, this list to be sent to all members within five (5) workdays of the close of nominations.
- 5.5 All nominees shall be presented at the Annual General Meeting by the Chairperson of the Nominations Committee and shall each be permitted to address the meeting. Each nominee shall be entitled to speak for two (2) minutes, with the exception of presidential nominees, who shall be entitled to speak for five (5) minutes, with a question period to follow.
- 5.6 Within five (5) workdays following the Annual General Meeting, the election shall be conducted by secret ballot in conformity with Appendix I – Election Procedures. The Executive members so elected shall take office on 1 July.
- 5.7 Any executive vacancy or vacancy on the QPAT Board of Directors shall be filled by an ad hoc election according to the general provisions for elections insofar as they apply but with due regard to the deadline of fifteen (15) workdays and seven (7) workdays as specified in articles 5.2 and 5.4.

6. MEETINGS OF THE EXECUTIVE

- 6.1 The Executive of the MTA shall hold regular meetings at least once a month. At each meeting the date and time of the subsequent regular meeting shall be set. Any emergency meeting of the Executive may be convened with the consent of the Executive.
- 6.2 The quorum for Executive meetings shall be 50% of its members.
- 6.3 The President shall preside at Executive meetings; the General Chairperson or other Executive member empowered by the President shall preside should the President be absent.

7. DUTIES OF EXECUTIVE MEMBERS

- 7.1 The President shall:
- (a) preside at meetings of the Executive;
 - (b) at the invitation of any individual school or centre, attend its meetings;
 - (c) sign and execute all contracts or agreements in the name of the MTA;
 - (d) ensure on behalf of the Executive that all employees of MTA are efficiently discharging their duties;
 - (e) be ex officio member of all committees of the Association;
 - (f) be the Chairperson of the Negotiating Committee in which capacity they shall act as Chief Negotiator unless they choose to delegate this responsibility;
 - (g) ensure that all members are fully informed of the affairs of the Association;
 - (h) act as the signing officer with the Treasurer;
 - (i) be responsible for the day-to-day operations of the Association.
- 7.2 The General Chairperson shall be:
- (a) Chairperson of the Nominations Committee;
 - (b) Chairperson of General Meetings of the Association and at meetings of the Representatives Assembly.

7.3 The High School Vice-President, the Elementary School Vice-President and the Adult Ed./Voc. Ed. Vice-President shall:

- (a) be a member of the sector they represent;
- (b) be empowered to convene ad-hoc meetings of the Representatives from the high schools, elementary schools or centres respectively for purposes which are of exclusive interest to them. The agenda for such meetings shall be subject to approval by the Executive (see 9.7.);
- (c) act as members of the Negotiating Committee unless the Executive chooses to otherwise organize the composition of the Negotiation Committee;
- (d) at the invitation of a school or centre, attend its meetings.

7.4 The Secretary shall:

- (a) be responsible for recording the minutes of the Representatives Assembly, Annual General Meeting or any Special General Meeting and forward these minutes to the MTA Office staff within five (5) workdays; Such minutes will be circulated by the office staff to the Representatives of the Representatives Assembly at least five (5) days prior to the subsequent meeting;
- (b) ensure that representation on the Representatives Assembly is assessed in conformity with 10.1;
- (c) ensure that the MTA Office staff publish on the Association website and circulate to each school and centre a list of duly-elected Representatives of the Association;
- (d) ensure maintenance of accurate membership lists and distribution of membership cards;
- (e) refer any proposed amendment(s) to the Constitution to the next meeting of the Representatives Assembly following receipt of the proposed amendment(s) and shall send the text of the proposed amendment(s) to each school and centre at least ten (10) workdays before the General Meeting or referendum.

7.5 The Treasurer shall:

- (a) be Chairperson of the Finance and Budget Committee in which capacity they shall ensure that the Financial Review and budget are presented at the Executive Committee, Representative's Assembly and Annual General Meeting;
- (b) have the care and custody of all the funds and securities of the Association and oversee the deposit of same in such bank or banks or with such depository or depositories as the Executive may direct;
- (c) be required at all reasonable times to exhibit the books and accounts to any member of the Association;
- (d) be authorized to spend up to, but no more than, \$250.00 from petty cash for contingencies;
- (e) have a supervisory function over all Executive expenditures;
- (f) act as the signing officer with the President.

8. DUTIES AND POWERS OF THE EXECUTIVE
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8.1 The Executive shall administer the assets of the MTA.

8.2 The Executive shall conduct routine business, supervise all the services of the Association, attend all meetings of the Representatives Assembly and execute decisions and special requests of that Assembly.

- 8.3 The Executive shall have the right to engage and discharge all employees of the MTA in accordance with the policies of the Association.
- 8.4 The Executive shall have the right to initiate proposed amendments of the Constitution as per 15.1.

9. THE REPRESENTATIVES ASSEMBLY

- 9.1 The Representatives Assembly, composed of the Executive and of Representatives duly elected in accordance with the provisions of Article 10 MTA Representatives, shall:
- (a) be a consultative body in which the Executive and membership may inform each other concerning all aspects of Association activities;
 - (b) be a policy-making body.
- 9.2 The Representatives Assembly shall:
- (a) determine the policy of the Association in any given year subject to such directions as the membership may give either at a general meeting or by referendum or ballot in the schools and centres;
 - (b) supervise the application of the Constitution of the Association;
 - (c) receive as notices of motion resolutions from any meeting of the MTA members in a school or centre;
 - (d) decide on group membership applications and individual suspensions and expulsions;
 - (e) approve the proposed list of delegates to the Provincial Council of the QPAT. At that time, the Assembly may amend the proposed list or replace it by an entirely different list;
 - (f) approve or amend the MTA Official Nominations Form;
 - (g) approve or amend the MTA Rules of Order;
 - (h) approve or amend the MTA Election and/or Referendum Procedures.
- 9.3 The Representatives Assembly shall hold eight (8) regular meetings during the school year. Special meetings may be summoned by the President on his/her initiative, or by him/her when petitioned by at least ten (10) Representatives from at least five (5) schools or centres.
- 9.4 Notice of regular meetings shall be sent together with the agenda to all Representatives in each school or centre, five (5) workdays before the date of the meeting.
- 9.5 The quorum of the Representatives Assembly shall be half of the total number of schools and centres.
- 9.6 Decisions shall normally be by simple majority of those voting "yea" or "nay".
- 9.7 Ad-hoc meetings of either the High School, the Elementary School or the Adult Ed./Voc. Ed. Section of the Representatives Assembly under the chairpersonship of the respective Vice-President may be convened by the appropriate Vice-President (see 7.3 [a]), or on petition by at least fifteen (15) Representatives in the appropriate Section. The provisions of 9.4., 9.5. and 9.6. shall apply to such meetings. Recommendations of such sectional meetings shall be submitted within two (2) workdays to the Executive to be placed on the agenda of the next meeting of the Representatives Assembly for ratification, rejection, or return for further study.

10. MTA REPRESENTATIVES

- 10.1 Each school and centre shall elect from among the members of the Association on its staff, Representatives as follows:
- (a) one (1) for the first twenty (20), or any fraction of twenty (20), Association members in active service at the school or centre, who shall be designated Senior Representative in which capacity s/he shall be a member of the School Council;
 - (b) one (1) for every additional twenty (20), or major fraction of twenty (20), Association members in active service at the school or centre.

11. DUTIES OF REPRESENTATIVES

- 11.1 All Representatives shall be responsible for attending all Representatives Assembly meetings.
- 11.2 Representatives shall be responsible for communicating with their MTA colleagues in their schools or centres as soon as possible within five (5) working days following a meeting of the Representatives Assembly.
- 11.3 The Senior Representative shall be responsible for forwarding to the MTA office, in writing, the name(s) of the duly elected Representative(s) of his/her school or centre, within one month of their election.
- 11.4 The Senior Representative, assisted by the other Representative(s), shall be responsible for posting information, and, in all necessary ways, of assuring that all members are fully informed of the affairs of the Association.
- 11.5 The Senior Representative, assisted by the other Representative(s), shall be responsible for the conduct of all ballots which are requested by the Representatives Assembly, or which are in accordance with the election procedures outlined in this Constitution.

12. THE GENERAL MEETING

- 12.1 All members in good standing are eligible to attend General Meetings.
- 12.2 Notice and agenda of General Meetings shall be received in schools and centres five (5) days before the date of the meeting. A General Meeting may be organized in two parts, where judged by the Executive Committee to be warranted, in order to permit adult education teachers and vocational education teachers to attend the General Meeting separately and prior to other members. In such a case, adult education and vocational education teachers may attend only the part of the meeting organized specifically for them.
- 12.3 A quorum for a General Meeting shall be one hundred (100).
- 12.4 A General Meeting shall adopt or modify the Constitution.
- 12.5 The agenda for General Meetings shall be prepared and circulated by the Executive.
- 12.6 Without prior notice a motion may be made from the floor at a General Meeting to place any item at any place on the agenda for discussion. The Chairperson's ruling on the admissibility of the item, based on its urgency and importance, may, on appeal, be set aside, without debate, by a two thirds (2/3) vote of those present at the General Meeting.

- 12.7 Special General Meetings may be convened at the discretion of the Executive, or by resolution of the Representatives Assembly, or by petition of sixty (60) or more members from at least three (3) schools or centres.
- 12.8 The Annual General Meeting shall be convened by the President no later than 15 June.
- 12.9 The Annual General Meeting shall receive written reports from committees of the Association and shall act as it deems fit on any recommendations contained in such reports.
- 12.10 The Annual General Meeting shall study and adopt the annual financial review and the budget.

13. REFERENDA

- 13.1 Referenda shall be held in conformity with Appendix II - Referenda Procedures as approved by the Representatives Assembly and subject to amendment by that body.

14. RULES OF ORDER

- 14.1 The MTA's Rules of Order as approved by the Representatives Assembly and thereafter subject to amendment by that body, shall be followed at all meetings of the Association.

15. AMENDMENTS

- 15.1 An amendment of the Constitution may be proposed as follows:
- The Executive, or any ten (10) members of the Association drawn from at least two (2) schools or centres, may file the text of a proposed amendment with the Secretary who shall forward it to the next meeting of the Representatives Assembly.
- 15.2 The Representatives Assembly shall decide by simple majority whether to proceed with the amendment or not.
- 15.3 In the case of an affirmative vote the Representatives Assembly shall decide by simple majority vote whether to present the proposed amendment to the membership at a General Meeting, or to proceed by referendum, at the same time fixing the date for the General Meeting or referendum, as the case may be.
- 15.4 The Secretary shall then send the text of the proposed amendment to each school or centre at least ten (10) days before the General Meeting or referendum.
- 15.5 The amendment will be adopted if approved by a two thirds (2/3) majority of active members present and voting "yea" or "nay" at the General Meeting, or of those voting "yea" or "nay" in the referendum.

16. COMMITTEES

- 16.1 The Standing Committees of the Association shall be:
- (a) Discipline Committee
 - (b) Finance and Budget Committee
 - (c) Nominations Committee
 - (d) Negotiating Committee
 - (e) Adult Education Committee
 - (f) Vocational Education Committee

- 16.2 Ad hoc committees may be created by the Representatives Assembly either on its own initiative, or on the instructions of a General Meeting.
- 16.3 Unless otherwise stipulated elsewhere in the Constitution, all committees shall be subject to the following provisions:
- (a) The Chairperson of each ad hoc committee shall be chosen by the committee from among its own ranks.
 - (b) The membership of:
 - (i) all standing committees shall be selected by the respective committee chairperson who shall give due attention to names suggested by the Executive, by the Representatives Assembly or by the membership at large;
 - (ii) all committees, standing and ad hoc, shall be submitted to the Representatives Assembly for ratification.
 - (c) All committees
 - (i) shall report to the Representatives Assembly;
 - (ii) shall submit written reports to the Executive to be circulated prior to the AGM.

17. SPECIAL PROVISIONS FOR CERTAIN COMMITTEES

17.1 Discipline Committee

- (a) The General Chairperson shall be the Chairperson of the Discipline Committee.
- (b) Four (4) other members shall be appointed to this committee by the Representatives Assembly when called on by the President to do so either at a regular meeting of the Representatives Assembly or at a special meeting thereof called at the President's discretion for that purpose.

17.2 Finance and Budget Committee

The Treasurer of the Association shall be the Chairperson of the Finance and Budget Committee; his/her duties as such are set out in 7.5.

17.3 Nominations Committee

- (a) The Nominations Committee shall consist of the General Chairperson as Chairperson, and of four (4) additional members to be elected by the Representatives Assembly at its first meeting in each school year to act for one (1) year. Should any member of the Committee be a candidate in any given election, s/he shall be replaced immediately for the duration of that election by a member of the Representatives Assembly appointed by the Executive.
- (b) The duties of the Committee are set forth in Section 5 (Election of the Executive) and in **Appendix I Election Procedures** and **Appendix II Referenda Procedures**.

17.4 Negotiating Committee

- (a) The President of the Association shall be Chairperson of the Negotiating Committee in which capacity s/he shall act as Chief Negotiator unless s/he chooses to delegate this responsibility.
- (b) The High School Vice-President, the Elementary School Vice-President and the Adult Ed./Voc. Ed. Vice-President shall be members of the Negotiating Committee.

17.5 Adult Education Committee

- (a) The Adult Ed./Voc. Ed. Vice-President shall be the Chairperson of the Adult Education Committee.
- (b) The mandate of the Adult Education Committee is to consider and make recommendations concerning issues of special concern to adult education teachers.

17.6 Vocational Education Committee

- (a) The Adult Ed./Voc. Ed. Vice-President shall be Chairperson of the Vocational Education Committee.
- (b) The mandate of the Vocational Education Committee is to consider and make recommendations concerning issues of special concern to vocational education teachers.

18. SPECIAL PROCEDURES

18.1 Discipline

- (a) A charge of a breach of the provisions of the Constitution or of the resolutions adopted by a General Meeting or referendum made by a member of the Association against another member must be in writing and signed by the complainant.
- (b) Such charge must be filed with the Secretary of the Association who shall immediately acquaint the President of the Association with the nature of the allegation giving all relevant details.
- (c) The President shall then convene the Discipline Committee in accordance with the provisions of 17.1.
- (d) The Committee shall in the first instance examine the written allegations; if it is the opinion of the Committee that a hearing is warranted, a copy of the charges and a notice of the place, the day, and a time fixed for a hearing shall then be sent ten (10) days in advance by registered mail to the accused member who, in attending the hearing, may be accompanied by a person of his/her choice, who must be a member of the Association.
- (e) Should the accused be unable to attend because of circumstances beyond his/her control, s/he should notify the Discipline Committee within the ten (10) days, whereupon a new date for the hearing will be fixed; should the accused then fail to attend, the hearing will proceed in his/her absence.
- (f) Accused and complainant shall have the right to be heard and to call witnesses.
- (g) The Committee shall at its earliest convenience after the hearing, make to the Representatives Assembly a written report signed by all the members of the Committee containing such recommendations as they deem advisable.
- (h) Subsequent action will be determined by the Executive. In the event of a decision to suspend or expel, the accused will have the right of a personal appeal to the Representatives Assembly, or a committee appointed by the Representatives Assembly for that purpose.

19. FISCAL YEAR AND EXTERNAL ACCOUNTANTS

- 19.1 The fiscal year of the Association shall begin on the first day of September and shall end on the thirty-first day of August.
- 19.2 The external accountant or accountants shall be appointed at the Annual General Meeting to do a financial review of the account books of the Association for the ensuing year. If the external accountant or accountants, chosen at the Annual General Meeting, refuse to act or are unable to do so, others may be chosen in their stead by the Representatives Assembly.

20. GENERAL BANKING PRACTICES

- 20.1 A bank account or bank accounts shall be kept in the name of the Association in such chartered bank or banks as may from time to time be selected by the Executive. All monies belonging to the Association shall be paid into such bank or banks or with such depository or depositories as the Representatives Assembly direct, and all cheques payable upon the Association bank account or bank accounts shall be signed by any two (2) members of the Executive as may from time to time be authorized by resolution of the AGM or the Representatives Assembly.
- 20.2 All bills of exchange, promissory notes, and other negotiable instruments shall be accepted, made, drawn or endorsed for or on behalf of the Association by such officers as may from time to time be authorized by resolution of the Executive. Cheques and other negotiable instruments paid to the Association's bankers for collection and requiring the endorsement of the Association may be endorsed on its behalf by such solicitors or officers as may from time to time be authorized by resolution of the Executive.
- 20.3 All records of money paid to the Association shall be signed by the Treasurer or anyone whom he or she or the President may appoint, and such receipts shall be an effectual discharge for the monies therein stated to be received.

21. INDEMNIFICATION

- 21.1 Provisions shall be made in the budget for the indemnification of any member of the Association who shall incur verifiable expenses for the benefit of the Association while executing authorized functions.

22. CONTINGENCY FUND

- 22.1 A per capita amount to be determined at the AGM shall be transferred annually to the Contingency Fund.
- 22.2 The Contingency fund shall be administered and used in conformity with the policy of the Association already determined or to be determined by resolutions of a General Meeting of the Association, or by a referendum of the membership.

N.B. Current policy is as follows:

- (a) THAT the Contingency Fund be employed for the following purposes:
- (i) to aid members in particularly distressing financial circumstances as a result of following the policies of the Association;
 - (ii) to aid a member who has suffered a loss of salary as a result of a dispute with his/her employer which is the subject of an ongoing arbitration under the auspices of the Association;
 - (iii) to aid any representative or delegate of MTA who, by reason of his/her service to the Association, loses recourse to financial aid from some other source;
 - (iv) to take legal action on behalf of an MTA member in a criminal or civil case related to the performance of employment duties, where other union or School Board sources of revenue do not apply, and where there is a perceived union interest;
 - (v) to provide interest-free emergency loans to MEPAF members and MEPAF alumni using the same guidelines and criteria used by the MEPAF Board of Directors, with the total amount used never to exceed the amount of assets transferred to the MTA Contingency Fund from the MEPAF.
- (b) THAT these general guidelines for the use of the Contingency Fund be determined as the situation warrants, by the Executive.

- (c) THAT the Contingency Fund Application Committee shall consist of the President, the Treasurer, and one other member of the Executive named by the Executive.
- (d) THAT this resolution replace all others pertaining to the Contingency Fund heretofore passed by the General Meeting.

APPENDIX 1

ELECTION PROCEDURES

1. The MTA Representative in each school or centre shall act as the Returning Officer in that school or centre, unless they are a candidate in the election or are otherwise unable to act. In such a case, they shall appoint a deputy who should, if possible, be another MTA Representative. Failing this, the Nominations Committee shall designate a representative for the school or centre.
2. Prior to the Annual General Meeting, the MTA office shall submit to the Returning Officer in each school or centre an up-to-date list of all MTA members teaching in the school or centre. The Returning Officer in each school or centre shall update the voting list of MTA members in the school or centre and return this list to the MTA Office no later than ten (10) workdays prior to the election or by-election.
3. Each candidate must submit via e-mail to the MTA Office, no later than 5:00p.m. on the fourth (4th) workday following the close of nominations, a page no larger than 8 ½ X 14 which must include their name, the position for which they are a candidate and their curriculum vitae. It may include a statement and picture.

The candidate shall be responsible for layout and translation.

Within the four (4) workdays which follow, the MTA Office shall transmit to all members the C.V. submitted by each candidate in conformity with the preceding paragraph.

4. In a by-election all candidates for office shall be presented to and permitted to address a meeting of the Representatives Assembly prior to the by-election and in a contested by-election the same procedures apply as in #3 mutatis mutandis.
5. An independent organization shall be hired by the Association to run the election or by-election. This organization shall share with the Chairperson of the Nominations Committee both the results and any associated documentation.
6. Once the results have been received from the independent organization hired to oversee the election or by-election, the Nominations Committee shall meet to validate the results. The Chairperson of the Nominations Committee shall ensure the transmission of the results to all members within the next five (5) workdays.
7. Any MTA member who has cause to believe that there has been an irregularity in the election procedure shall submit a statement in writing to the Chairperson of the Nominations Committee within ten (10) workdays of the date of the transmission of election or by-election results to all members, giving the particulars of the alleged irregularity and furnishing such reasonable proof of same as they may possess.

The Chairperson of the Nominations Committee shall without delay convene a meeting of the Nominations Committee to which they shall invite the complainant and any interested parties. If, after hearing the evidence, the Nominations Committee is of the opinion that the charge is substantiated, in part or in whole, it shall then decide whether to order a new election.

The findings of the Nominations Committee shall be published in all schools and centres within seven (7) workdays of the hearing.

8. Any information or documentation related to the election or by-election shall be kept in the MTA office for two (2) months following the election, at which point the information will be destroyed.

APPENDIX II

REFERENDA PROCEDURES

1. The MTA Representative in each school or centre shall act as the Returning Officer in that school or centre, unless they are unable to act. In such a case, they shall appoint a deputy who should, if possible, be another MTA Representative. Failing this, the Nominations Committee shall designate a representative for the school or centre.
2. Prior to the Referendum, the MTA office shall submit to the Returning Officer in each school or centre an up-to-date list of all MTA members teaching in the school or centre. The Returning Officer in each school or centre shall update the voting list of MTA members in the school or centre and return this list to the MTA Office no later than ten (10) workdays prior to the referendum.
3. An independent organization shall be hired by the Association to run the referendum. This organization shall share with the Chairperson of the Nominations Committee both the results and any associated documentation.
4. Once the results have been received from the independent organization hired by to oversee the referendum, the Nominations Committee shall meet to validate the results. The Chairperson of the Nominations Committee shall ensure the transmission of the results to all members within the next five (5) workdays.
5. Any MTA member who has cause to believe that there has been an irregularity in the referendum procedure shall submit a statement in writing to the Chairperson of the Nominations Committee within ten (10) workdays of the date of the transmission of referendum results to all members, giving the particulars of the alleged irregularity and furnishing such reasonable proof of same as they may possess.

The Chairperson of the Nominations Committee shall without delay convene a meeting of the Nominations Committee to which they shall invite the complainant and any interested parties. If, after hearing the evidence, the Nominations Committee is of the opinion that the charge is substantiated, in part or in whole, it shall then decide whether to order a new referendum.

The findings of the Nominations Committee shall be published in all schools and centres within seven (7) workdays of the hearing.

6. Any information or documentation related to the referendum shall be kept in the MTA office for two (2) months following the referendum, at which point the information will be destroyed.

APPENDIX III

RULES OF ORDER

1. **WHAT IS A MOTION?**

A motion is a statement of a proposed action. The main body of the motion should begin with the words "Be it resolved that". A motion may be preceded by the reasons for the proposed action. These normally begin with the word "whereas".

e.g. Whereas the winters are cold
 Be it resolved
 That everyone buy warm coats

The two major failings are

- (a) motions which fail of intent, that is, they don't say what they mean, e.g., Be it resolved that the MTA do something about class size;
- (b) motions which propose action which cannot be taken by the Association, e.g., Be it resolved that the School Board reduce class size.

2. **WHEN CAN I PROPOSE A MOTION?**

- (a) Most motions originate in a school or centre and should be sent to the MTA office at least one (1) week before a Representatives Assembly, to be typed up and distributed to all schools and centres.
- (b) A written motion may be submitted to the Chairperson immediately prior to a meeting.
- (c) A motion which grows out of business on the floor may be proposed as long as there is no other motion under consideration at the time.
- (d) A motion may be proposed under New Business.

3. **WHO CAN MOVE AND SECOND A MOTION?**

The mover and seconder of a motion must be present at the assembly to which it is being proposed.

Those who may move and second motions are:

- (a) Any member in good standing at a General Meeting.
- (b) Any elected Representative or Executive member present at a Representatives Assembly.
- (c) Any person substituting for the elected Representatives at a Representatives Assembly.

4. **WHO MAY WITHDRAW A MOTION?**

Only the mover and seconder of a motion may withdraw it, and only before the vote has been taken.

5. **WHAT DOES "SPEAKING TO THE MOTION" MEAN?**

You may speak for or against any motion but your comments must be relevant to the topic. "Speaking to the motion" means sticking to the point.

6. WHY AM I OUT OF ORDER?

You are out of order when you are not speaking to the motion, or when you attempt to introduce an item of business out of its proper order on the agenda.

7. WHEN CAN I SPEAK TO A MOTION?

After it has been moved and seconded but before it has been voted on. You must first be recognized by the Chair.

8. WHAT DOES IT MEAN WHEN THE CHAIR RECOGNIZES YOU?

It means you have the right to speak.

9. HOW MANY TIMES MAY I SPEAK TO A MOTION?

In a Representatives Assembly you may speak to a motion as many times as you wish. However, anyone who has not yet spoken must be given the chance to do so before you may speak again. In a General Meeting you may speak only once to any motion.

10. IS THERE AN APPEAL TO THE CHAIR AS TO WHO SHALL SPEAK FIRST?

No.

11. WHY DO WE TABLE MOTIONS?

Because we are not yet ready to make a decision.

12. HOW DO WE DEBATE A TABLED MOTION?

First it must be moved to take it from the table. If that motion is passed the original motion is then open for discussion. A tabled motion takes precedence over new motions.

13. WHAT IS AN AMENDMENT?

An amendment is a proposed change to the original motion. It may not contradict the spirit of the original motion. A common form of amendment is to divide into parts so that the Assembly may vote on each part separately.

14. WHEN DO WE VOTE ON AN AMENDMENT?

An amendment is voted on before the original motion. However, if the mover and seconder of the original motion accept the amendment, then it becomes part of the original motion and need not be voted on.

15. WHAT HAPPENS WHEN THE SECONDER OF THE ORIGINAL MOTION DOES NOT CONCUR WITH AN AMENDMENT?

- (a) The mover of the original motion may ask for another seconder who will accept the amendment, or
- (b) The amendment may be moved, seconded, and voted on.

16. CAN WE DEBATE THE MAIN MOTION AFTER VOTING ON AN AMENDMENT?

Yes.

17. CAN I VOTE FOR AN AMENDMENT AND AGAINST THE MOTION?

No, a motion should continue to be amended until it can be passed, if the previous amendments have been adopted.

18. HOW MAY WE HAVE A MOTION RECONSIDERED?

A motion to reconsider a previous motion is in order at any subsequent meeting of the Representatives Assembly. Only a person who voted with the prevailing side on the original motion may move to reconsider. If the motion to reconsider is passed, the original motion is treated as if the vote had never been taken and is open to debate.

19. WHEN CAN A MOTION BE RESCINDED?

A motion to rescind may be passed at any time but it requires a two thirds (2/3) majority.

20. WHO CAN VOTE?

At a Representatives Assembly:

- (a) The Executive (not the Professional Staff);
- (b) The elected Representatives;
- (c) Persons substituting for Representatives.

At a General Meeting:

All members in good standing.

The Chairperson is never allowed to vote unless there is a tie, at which time s/he casts the deciding vote.

21. WHEN MAY I ASK TO HAVE THE VOTE RECORDED?

You may ask to have the vote recorded before it is taken if you feel that the actual numerical results are important. If there is a close vote, the Chairperson will ask for the vote to be taken again so that a count may be done.

22. WHAT PERCENTAGE IS NECESSARY TO CARRY A MOTION?

Fifty percent plus one. There are some exceptions. See attached table.

23. WHAT IS AN ABSTENTION?

It is a refusal to vote for or against a motion. Abstentions are not considered votes and the motion is passed or defeated on the basis of yeas and nays only. For example, 6 for, 2 against and 83 abstentions would mean that the motion is carried.

24. WHAT IS A QUORUM?

A quorum is an agreed upon number of members at a meeting necessary to conduct business. The MTA Constitution establishes quorums for Representatives Assemblies and General Meetings.

25. WHAT IS AN EMERGENCY MEASURE?

An emergency measure is an action decided upon when there is less than a quorum present. It permits the meeting to conduct essential business without a quorum. Any decisions so taken may be overturned immediately there is a quorum.

26. WHY DO WE "MOVE TO PUT THE QUESTION"?

We "move to put the question" to cut off debate. It means that the main motion is to be voted upon without further discussion. The motion "to put the question" is not debatable.

27. WHEN CAN I "MOVE TO PUT THE QUESTION"?

At any time because it is a point of order and takes precedence over the debate. The Chairperson may use his/her discretion and refuse to entertain such a motion. The motion is not carried unless it has a two thirds (2/3) majority.

28. WHAT DOES "MOVING THAT THE QUESTION BE NOT PUT" MEAN?

It means that a decision should not be taken. It suspends the vote. As it is very confusing it should be used sparingly.

29. WHAT IS A PROCEDURAL MOTION?

A procedural motion deals with the actual conducting of the meeting, e.g. Be it resolved that we move from item 2 to item 4 on the agenda.

30. CAN WE DEBATE A PROCEDURAL MOTION?

No.

31. WHAT ARE HOUSEKEEPING MOTIONS?

Motions which deal with the regular business of the Association, e.g. monthly expenditures, electing committees, etc.

32. CAN A MOTION TO ADJOURN BE DEBATED?

No.

33. CAN A POINT OF ORDER BE ENTERTAINED AFTER A MOTION FOR ADJOURNMENT HAS BEEN MADE?

No.

34. WHAT IS THE DIFFERENCE BETWEEN ADJOURNING AND RECESSING A MEETING?

An adjournment marks the end of the meeting. A recess is a break of any duration within a meeting. A set of minutes and a new agenda do not have to be produced prior to the second part of a recessed meeting.

35. WHAT HAPPENS IF THE CHAIRPERSON IS OUT OF ORDER?

His/her ruling should be challenged.

36. WHEN AND HOW MAY WE CHALLENGE THE RULING OF THE CHAIR?

A challenge of the ruling of the Chair is a point of order and therefore may be made at any time. You simply advise the chairperson that you wish to challenge his/her ruling and explain your reasons for doing so. The Assembly will then vote to uphold or overturn the ruling of the Chair.

37. WHAT IS A POINT OF PRIVILEGE?

Questions relating to the rights and privileges of the assembly or any of its members. They take precedence over all other questions except a motion to adjourn.

38. WHAT IS A POINT OF ORDER?

Questions relating to the running of the meeting. (See numbers 27 and 36.)

39. WHEN CAN I ASK FOR CLARIFICATION?

Before the vote is taken on a motion. A point of clarification may be raised to ask for information.

40. HOW DO I GET AN ITEM ON THE AGENDA?

- (a) By submitting it to the MTA office at least one 24 hours before a Representatives Assembly.
- (b) By submitting it in writing to the Chairperson before the meeting is called to order.

41. CAN I CHANGE THE ORDER OF THE AGENDA?

Yes. You must make a motion to that effect. Normally, it should be done at the beginning of a meeting.

42. WHY DO WE ADOPT THE MINUTES?

Adoption of the minutes signifies that it is a true record of the preceding meeting.

43. WHAT IS THE DIFFERENCE BETWEEN RECEIVING AND ADOPTING A REPORT?

When a report is received we are simply acknowledging its existence. If we adopt a report we are ratifying its recommendations.

44. WHAT IS A "COMMITTEE OF THE WHOLE"?

It is when the whole assembly forms itself into a private committee. No minutes are taken, and no vote may be taken while in the committee of the whole. It is a procedure used to conduct confidential business.

1. An affirmative vote on this motion cannot be reconsidered because one may move “to take the question from the table” at any time.
2. The objection can only be made when the question is introduced.
3. The chairperson has some discretion on this question; if s/he believes that both sides have not been fully heard, s/he may refuse to entertain the motion “to put the question”. Furthermore, the person who has just spoken to a motion may not then move to put the question.

	Undebatable	Opens main question to debate	Cannot be amended	Cannot be reconsidered	Requires a 2/3 vote	Does not need to be seconded	In order when another has the floor
1. Adjourn	X		X			X	
2. Fix the time to adjourn							
3. Amend							
4. Amend an amendment			X				
5. Amend the rules					X		
6. Appeal relating to indecorum	X		X				X
7. Appeal, all other cases			X				X
8. Commit or refer		X					
9. Lay on the table	X		X ⁽¹⁾				
10. Objection to consideration of a question ⁽²⁾	X		X		X	X	X
11. Put the question ⁽³⁾	X		X		X		
12. Questions of privileges							
13. Reconsider a debatable question		X	X	X			
14. Reconsider an undebatable question	X		X	X			
15. Rescind		X			X		
16. Suspend the rules	X		X	X	X		
17. Take from the table	X		X				
18. Take up a question out of its proper order	X		X		X		
19. Withdraw a motion	X		X				