

2008-2009



**CONSTITUTION AND BYLAWS
2008-2009**

Ontario Secondary School Teachers' Federation

District 11

Thames Valley

**PROFESSIONAL STUDENT SERVICES
PERSONNEL BARGAINING UNIT**

(Amended May 13, 2008)

CONSTITUTION

as amended May 13, 2008

Definitions:

In this Constitution

1. "OSSTF" shall mean the Ontario Secondary School Teachers' Federation.
2. "Bargaining Unit" shall be the Professional Student Services Personnel (PSSP) which is the OSSTF organization of those members for whom OSSTF hold bargaining rights under the appropriate legislation.
3. "District" shall mean District 11, Thames Valley, OSSTF.
4. "Member" shall mean an active member (in good standing) of the PSSP Bargaining Unit who is a member of OSSTF.
5. "Constitution" shall mean a system of fundamental principals by which the Bargaining Unit is governed, and includes a basic organization of the Bargaining Unit.
6. "Bylaws" shall mean the standing rules governing the membership of the Bargaining Unit on matters which are entirely within the control of the Bargaining Unit.
7. "Policy" shall mean a stand or a position taken by the Bargaining Unit in accordance with its Bylaws on matters whose resolution is beyond the internal legislative power of the Bargaining Unit.
8. "Job Class Representative" shall mean the Member of the Bargaining Unit who has been elected to coordinate OSSTF activities within a given job classification.
9. "General Meeting" shall mean a meeting of the Bargaining Unit Membership to conduct the business of the unit.
10. "Procedures" shall mean the detailed rules established by the Bargaining Unit Executive to govern the "day-to-day" operation of the Bargaining Unit which are consistent with the constitution, Bylaws, and policy.
11. "Immediate Past President" for the purposes of the Constitution and Bylaws, the "Immediate Past President" shall be the person who held the position of President in "the year immediately prior to the year in which the person became the "Immediate Past President".

ARTICLE 1 - Name and Authority

- 1.1 This Bargaining Unit shall be known as the Ontario Secondary School Teachers' Federation District 11, Professional Student Services Personnel.
- 1.2 Any part of the Bargaining Unit Constitution, Bylaws, Policy, and/or Procedures which are in contravention to the OSSTF and/or District Constitution, Bylaws, Policy and/or Procedures are null and void.

ARTICLE 2 - Objectives

- 2.1 The objectives of the PSSP Bargaining Unit shall be to:
 - 2.1.1 uphold and maintain the Constitution, Bylaws and established practices of OSSTF and those of District 11, Thames Valley, as described in their respective constitutions.
 - 2.1.2 represent fairly the interests and concerns of its members with respect to the terms and conditions of employment by means of consultation and/or collective bargaining with the Thames Valley District School Board.
 - 2.1.3 establish reasonable Bylaws and Policies governing its members which shall not contravene those established by OSSTF or District 11, Thames Valley.
 - 2.1.4 uphold and maintain the code of Ethics and Standards of Practices of the respective professions of the membership.

ARTICLE 3 - Membership

- 3.1 Members shall include employees employed by the Thames Valley District School Board as Professional Student Services Personnel who are Members of OSSTF .

ARTICLE 4 - Dues and Levies

- 4.1 Members shall pay annual dues as prescribed in the Bylaws of OSSTF.
- 4.2 In addition to the dues prescribed by OSSTF, a levy may be required by this Bargaining Unit. The amount of the levy shall be approved by a majority vote of those Members present, qualified to vote and voting at the Annual General Meeting of the " Bargaining Unit.

ARTICLE 5 - Organization

- 5.1 Bargaining Unit Executive
- 5.1.2 There shall be an Executive consisting of the following voting members:
 - 5.1.2.1 President
 - 5.1.2.2 Vice President
 - 5.1.2.3 Secretary-Treasurer
 - 5.1.2.4 Chief Negotiator (elected by CBC)
 - 5.1.2.5 One Job Class Representative from each occupational job class. The Job classes shall be as defined in the Bylaws.
 - 5.1.2.6 Grievance Officer
 - 5.1.2.7 Immediate Past President
 - 5.1.2.8 Provincial Councillor (if applicable - see Bylaw 17)
- 5.1.3 The PSSP Sector Counsellor shall be a non-voting member of the Executive. (AGM 2007)

ARTICLE 6 - Meetings

- 6.1 Frequency of Executive Meetings shall be established in the Bylaws.
- 6.2 There shall be an Annual General Meeting as defined in the Bylaws.
- 6.3 Special General Meetings may be convened in accordance with the Bylaws.

ARTICLE 7 - Collective Bargaining

- 7.1 There shall be a Collective Bargaining Committee for the Bargaining Unit elected in accordance with the Bylaws.
 - 7.1.1 The Collective Bargaining Committee shall be responsible to the Bargaining Unit Executive through the Chief Negotiator.

ARTICLE 8 - Standing Committees

8.1 There shall be Bargaining Unit Standing Committees as designated in the Bylaws.

8.1.1 The chairperson of any Bargaining Unit Standing Committee shall attend a Bargaining Unit Executive Meeting at the request of the President.

ARTICLE 9 - Amendments

9.1 Amendments to the Constitution may be made at a General Meeting as provided in the Bylaws.

BYLAWS

BYLAW 1 - General Meetings

- 1.1 Notice of the date of the Annual General Meeting shall be given to Members by the Bargaining Unit President or designate in writing at least thirty (30) calendar days prior to the date of the meeting.
- 1.2 Notice of other General Meetings shall be given in writing at least three (3) working days in advance of the meeting.
- 1.3 The Bargaining Unit President shall call a General Meeting where twenty (20) percent or more of the Members make such a request in writing to the President.

BYLAW 2 - Executive Meetings

- 2.1 The Bargaining Unit Executive shall meet at the call of the President but not less than five (5) times per school year.
- 2.2 The Bargaining Unit President shall call a meeting of the Executive when at least three (3) members of the Executive make such a request in writing to the President.

BYLAW 3 - Quorum

- 3.1 A quorum for meetings of the Executive shall be a simple majority of the voting members of the Executive.
- 3.2 A quorum for the Annual General Meeting shall consist of those members qualified to vote, present and voting.
- 3.3 A quorum for a General Meeting shall be those members present, qualified to vote and voting.

BYLAW 4 - Voting

- 4.1 Any OSSTF Member of the Bargaining Unit may attend, speak, and vote at any duly convened General Meeting.
 - 4.1.1 Where a vote is held, any employee in the Bargaining Unit may vote by secret ballot on the ratification of a proposed collective agreement or a sanction against the employer.

BYLAW 5 - Elections

- 5.1 Only Members of OSSTF may be candidates for office.
- 5.2 Elections for the Executive shall be by secret ballot at the Annual General Meeting.
- 5.3 Written nominations for Executive Offices shall be submitted to the Secretary-Treasurer at least fifteen (15) days prior to the Annual General Meeting.
- 5.4 Any Member of the Bargaining Unit may be nominated "from the floor" supported by two (2) other Members as the mover and the seconder of the motion to nominate.
- 5.5 Elections for the Executive shall be in the order listed in Article 5 of the Constitution.
- 5.6 Everyone on the Bargaining Unit Executive shall be elected by the majority vote of those present, qualified to vote and voting.
- 5.7 Defeated candidates shall be considered for other offices if they choose.
- 5.8 The term of office for the Bargaining Unit Executive shall be for two (2) years, from July 1 to June 30.
 - 5.8.1 Elections for the positions of President, Vice-President, Secretary-Treasurer, Chief Negotiator (elected by CBC), Educational Services Officer and Grievance Officer shall be held even-numbered years.
 - 5.8.2 Elections for the positions of Provincial Councillor and Job Class Representatives: Psychologists, Psychological Associates, Psychometrists, Attendance Counsellors, School Support Counsellors, Speech-Language/Audiology Services, Research and Assessment Associates, Counselling and Support Workers and Environmental Educators and First Nations Counsellors shall be held odd-numbered years. (AGM 2007)
- 5.9 Job Class Representatives shall be elected by members of that particular job class only and shall be elected prior to the Annual General Meeting with the elected member's name to be reported at the Annual General Meeting.

BYLAW 6 - Duties of Members

- 6.1 It shall be the duty of every Member to comply with the duties of members of the "Ontario Secondary School Teachers' Federation" as defined in the OSSTF Provincial Bylaw 5- Rights, Privileges and Duties, Section 2-Duties of Members.

BYLAW 7 - Duties of the Bargaining Unit Executive

- 7.1 It is the duty of the Executive to:
- 7.1.1 manage the affairs of the Bargaining Unit between General Meetings.
 - 7.1.2 propose a bargaining unit budget for the presentation at the Annual General Meeting.
 - 7.1.3 establish procedures and policies in order to facilitate the business of the Bargaining Unit and to present those procedures and policies to the Membership for ratification at i the Annual General Meeting.
 - 7.1.4 communicate regularly with the OSSTF Members of the Bargaining Unit regarding the management of the PSSP Bargaining Unit Business.
 - 7.1.5 establish a Grievance Committee which shall investigate and determine the manner in which grievances are conducted.
 - 7.1.6 establish procedures for the ratification of the Collective Agreement.
 - 7.1.7 fill any vacant position on the Executive, with the exception of the position of President which shall be filled in accordance with the Bylaws.
 - 7.1.8 attend workshops, conferences and meetings at the request of District 11 or Provincial Office.
 - 7.1.9 appoint, by motion, a designate to replace the Bargaining Unit President at PSSP Sector Council Meetings if the President is unable or unwilling to attend the meetings. (AGM2005)

BYLAW 8 - Duties of the Executive Members

- 8.1 The duties of the **President** shall be to:
- 8.1.1 assume the role of Chief Executive Officer for the Collective Agreement.
 - 8.1.2 call and preside over all Executive and General Meetings.
 - 8.1.3 fulfill the duties of the Bargaining Unit President as outlined in the OSSTF Handbook.
 - 8.1.4 be an ex-officio member of all Bargaining Unit committees.
 - 8.1.5 report to the Bargaining Unit Executive and Members the activities and concerns of the District.
 - 8.1.6 report to the Members at the Annual General Meeting.
 - 8.1.7 be a member of the District Executive.

- 8.1.8 represent the Bargaining Unit at PSSP Mutual Concerns Committee meetings. (AGM 2007)
- 8.1.9 represent all members of the Bargaining Unit fairly whether they are OSSTF members or not.
- 8.1.10 ensure that all vital functions of an office which has been vacated be carried out on an interim basis until the vacancy is filled.
- 8.1.11 represent the Bargaining Unit at PSSP Sector Council Meetings or appoint a designate, duly approved by motion of the Bargaining Unit Executive, to represent the Bargaining Unit at PSSP Sector Council Meetings and to provide written reports of PSSP Sector Council Meetings to the Bargaining Unit Executive.
- 8.1.12 represent the Bargaining Unit at AMPA in years when the Provincial Councillor is not part of the PSSP Executive. (AGM2006)
- 8.1.13 fulfill the role of AMPA delegate should the Provincial Councillor be unable to fulfill that role in years when the Provincial Councillor is part of the PSSP Executive. (AGM2006)

- 8.2 The duties of the **Vice-President** shall be to:
 - 8.2.1 perform the duties of the President in the Presidents absence.
 - 8.2.2 carry out the duties as may be assigned by the President.

- 8.3 The duties of the **Secretary-Treasurer** shall be to:
 - 8.3.1 keep a record of the minutes of all Executive and General Meetings.
 - 8.3.2 send a copy of the minutes to each member of the Executive, the District Secretary and to each Job Class Representative.
 - 8.3.3 carry out the duties as may be assigned by the President.
 - 8.3.4 carry out the duties as may be assigned by the District Treasurer.
 - 8.3.5 carry out the duties as outlined in the Bylaws.

- 8.4 The duties of the **Chief Negotiator** shall be to:
 - 8.4.1 Chair the Bargaining Unit Collective Bargaining Committee.
 - 8.4.2 be a member of the Negotiations Table Team. (AGM 2007)
 - 8.4.3 represent the Bargaining Unit at PSSP Mutual Concerns Committee meetings. (AGM 2007)
 - 8.4.4 report on a timely and regular basis to the Executive and the Members.
 - 8.4.5 carry out the duties as determined by the President.

- 8.5 The duties of the **Grievance Officer** shall be to:
 - 8.5.1 act as the Chair of the PSSP Mutual Concerns Committee. (AGM 2007)
 - 8.5.2 act as chair of the grievance committee
 - 8.5.3 inform the President and Executive of all requests for assistance and potential grievances.
 - 8.5.4 develop arguments and policies in pursuing the grievance procedure.

- 8.5.5 consult with any Member who feels he/she has a grievance and collect relevant information.

- 8.6 The duties of the **Immediate Past President** shall be to:
 - 8.6.1 carry out the duties as determined by the President.

- 8.7 The duties of the **Job Class Representative** shall be to:
 - 8.7.1 carry out the duties as determined by the President.
 - 8.7.2 carry out the duties as outlined in the Bylaws.

- 8.8 The duties of the **Provincial Councillor** shall be to:
 - 8.8.1 to be a member of Provincial Council.
 - 8.8.2 to provide liaison between the PSSP Executive and the Provincial Council.
 - 8.8.3 to provide regular written reports to the PSSP Executive.
 - 8.8.4 represent the Bargaining Unit at AMPA in years when the Provincial Councillor is part of the PSSP Executive. (AGM 2006)

BYLAW 9 - Duties of the General Meeting

- 9.1 A General Meeting of the Bargaining Unit may adopt or rescind Bylaws not inconsistent with the Constitution and Bylaws of OSSTF concerning:
 - 9.1.1 election procedures for Bargaining Unit Officers and delegates to Sector.
 - 9.1.2 the time and place and conduct of the Annual General Meeting and other special General meetings of the Bargaining Unit.
 - 9.1.3 the formation of internal organizations and procedures.
 - 9.1.4 the establishment, amendment or rescision of Bargaining Unit policy.
 - 9.1.5 all other matters as deemed necessary or convenient for the promotion of the welfare and interests of Members or the conduct of the business of the Bargaining Unit.

BYLAW 10 - Amendments

- 10.1 Amendments to the Constitution and Bylaws may be made at a General Meeting of the Bargaining Unit.

- 10.2 Amendments to the Constitution may be made by a majority vote of the members present, qualified to vote and voting provided that notice of the proposed amendments has been given to the membership in writing not less than twenty-one (21) calendar days prior to the date of the General Meeting. (AMPA 2007)
 - 10.2.1 Where such notice has not been given, amendments may be made by a nine-tenths majority of the Members present, qualified to vote and voting.

- 10.3 Amendments to the Bylaw may be made by a simple majority vote of the Members present, qualified to vote and voting provided that notice of the proposed amendment has been given to the membership in writing not less than twenty-one (21) calendar days prior to the date of the General Meeting. (AMPA 2007)
- 10.3.1 Where such notice has not been given, amendments may be made by a three-quarters majority vote of the Members present, qualified to vote and voting.
- 10.4 Any amendments to Procedures or Policy shall be ratified, rescinded or amended at the next General Meeting by a simple majority vote of the Members present, qualified to vote and voting.

BYLAW 11 - Vacancy

- 11.1 If a vacancy occurs in any Bargaining Unit Executive position, except the position of the President, the Bargaining Unit Executive shall solicit nominations and appoint a Member to fill the vacancy until the end of the term of office.
- 11.2 Where no nominations are forthcoming, the Executive shall appoint a Member to fill the vacancy.
- 11.3 Where the vacancy occurs in the position of President, the Vice-President shall assume the position for the remainder of the term of office.
- 11.4 The position of Immediate Past President shall remain vacant unless the immediate previous President assumes the position.

BYLAW 12 - Job Class Representatives

- 12.1 The Bargaining Unit shall be divided into the following Job Classes: Psychologists, Psychological Associates, Psychometrists, Speech-Language/Audiology Services, Attendance Counsellors, School Support Counsellors, Counselling and Support Workers, Environmental Educators, Research and Assessment Associates and First Nations Counsellors. (AGM 2007)
- 12.2 Job Class Representatives shall:
- a) communicate regularly with the Members within their job class;
 - b) communicate problems to the Executive;
 - c) report possible violations of the Collective Agreement to the Executive.

BYLAW 13 - Finances

- 13.1 The fiscal year of the Bargaining Unit shall be from July 1 to June 30.
- 13.2 The Treasurer shall be the administrator of the Bargaining Unit funds and shall disburse those funds in accordance with an approved budget.
- 13.2.1 The Treasurer shall prepare an up-to-date financial report of the Bargaining Unit for presentation at the January Executive Meeting and the Annual General Meeting. (AGM 2007)
- 13.3 Expenses incurred on behalf of the Bargaining Unit shall be paid only if they are submitted on the OSSTF Bargaining Unit or District expense voucher forms with the appropriate receipts, within spending guidelines and with appropriate approval.
- 13.3.1 Vouchers drawn on the Bargaining Unit account shall require one (1) of two (2) signatures being either the Treasurer or the Bargaining Unit President. (AGM 2007)

BYLAW 14- Collective Bargaining

- 14.1 The Collective Bargaining Committee shall consist of at least six members including: One CBC Job Class Representative from each job class.
- 14.2 The CBC Job Class representatives shall be elected by members of that particular job class only. (AGM 2007)
- 14.3 The CBC shall elect a Chief Negotiator.
- 14.4 The CBC shall elect a Negotiating Table Team. (AGM 2007)
- 14.5 The Bargaining Unit Executive shall appoint members to fill any vacancies.

BYLAW 15 - Duties of the Collective Bargaining Committee.

- 15.1 It shall be the duty of the Collective Bargaining Committee to:
 - a) survey the membership
 - b) prepare a negotiating brief

- 15.2 It shall be the duty of the Negotiating Table Team to:
- a) seek approval for the brief from the Bargaining Unit Executive and Provincial Office of OSSTF .
 - b) communicate regularly with the Members on the progress of negotiations.
 - c) seek the ratification of the collective agreement from bargaining unit members.
 - d) provide Members with a written copy of the Tentative Agreement at least twenty-four (24) hours before a ratification vote.
 - e) seek assistance from Provincial OSSTF Negotiators. (AGM 2007)
- 15.3 The Negotiating Table Team shall remain in place for the duration of the negotiating process. (AGM 2007)

BYLAW 16 - Duties of the Grievance Committee

- 16.1 It shall be the duty of the Grievance Committee to:
- 16.1.1 consider complaints from Members who may have a grievance against the employer.
 - 16.1.2 advise the Executive about potential grievances.
 - 16.1.3 assist Members who have legitimate grievances.

BYLAW 17 - Provincial Councillor

- 17.1 The selection of Provincial Councillor(s) shall be in accordance with the District and Provincial Constitution and Bylaws.
- 17.2 Assuming that neither PSSP nor Continuing Education Instructors Bargaining Units have a total F . T .E. membership of at least 150 that the duties of Provincial Councillor shall be shared between the two bargaining units.
- 17.3 Beginning with the Provincial Council term 2001-2003, the PSSP and Continuing Education Instructors will alternate providing the representation to the Provincial Council for two year terms beginning with the PSSP Bargaining Unit.

BYLAW 18 - Delegate(s) to AMP A

- 18.1 The delegate to AMPA shall be the Provincial Councillor in years when the Provincial Councillor is on the PSSP Executive. In years when the Provincial Councillor is not on the PSSP Executive, the President shall fulfil that role. (AGM2006)
- 18.2 The number of delegates shall be determined by the General Secretary of OSSTF in accordance with the OSSTF Constitution and Bylaws.

- 18.3 Should additional delegates be needed or if neither the Provincial Councillor nor the President be able to attend AMPA, delegate(s) shall be appointed by the PSSP Executive. (AGM2006)

BYLAW 19 - Delegate to Sector Council Meetings

- 19.1 providing that the PSSP Unit, District 11, OSSTF has a representative at Sector, then the President or designate from the Executive shall represent District 11, PSSP at regular Sector Council meetings.

BYLAW 20 - Appeals Procedure

- 20.1 Members of the Bargaining Unit affected by the Grievance Officer's decision to deny a grievance may appeal this decision using the following procedure. The Grievance Officer shall not allow an appeal to stale date a grievance.
- 20.1.1 Within three days of the decision, the affected member (herein called the Appellant) shall request in writing from the PSSP President an Appeal Hearing.
- 20.1.2 Within two days of receiving the request, the PSSP President shall appoint three voting members of the Executive to an Appeal Committee.
- 20.1.2.1 Notwithstanding 20.1.2, neither the PSSP President nor the Grievance Officer shall be appointed to the Appeal Committee.
- 20.1.3 Within three days, the Appeal Committee shall meet to hear the appeal.
- 20.1.4 The PSSP President shall notify the Appellant, the Grievance Officer and the Appeal Committee of the date and time of the Appeal Hearing.
- 20.1.5 The Appellant may bring one other OSSTF member for support.
- 20.1.6 The Appeal Hearing shall be conducted as follows:
- 20.1.6.1 The Grievance Officer shall give his/her reasons for denying the grievance.
- 20.1.6.2 The Appellant shall give his/her reasons why the grievance should not be denied.
- 20.1.6.3 Each side shall have one opportunity for rebuttal and summation.
- 20.1.7 Within two days, the Appeal Committee shall render its judgment, with reasons, either in support of the grievance or against it.

- 20.1.8 Within two days, the PSSP President shall communicate in writing the decision of the Appeal Committee to the Appellant.
- 20.1.8.1 The judgment shall be considered final and not subject to appeal.
- 20.1.9 In the case where the Appeal Committee finds for the Appellant, the Grievance Officer shall proceed with the grievance forthwith in the manner outlined in the Collective Agreement.

Bylaw 21 – Anti Harassment Policy

- 21.1 All members of the District 11 PSSP shall respect and adhere to the District 11 Anti Harassment Policy and Procedures contained in Bylaw 10 of the District 11 Constitution.