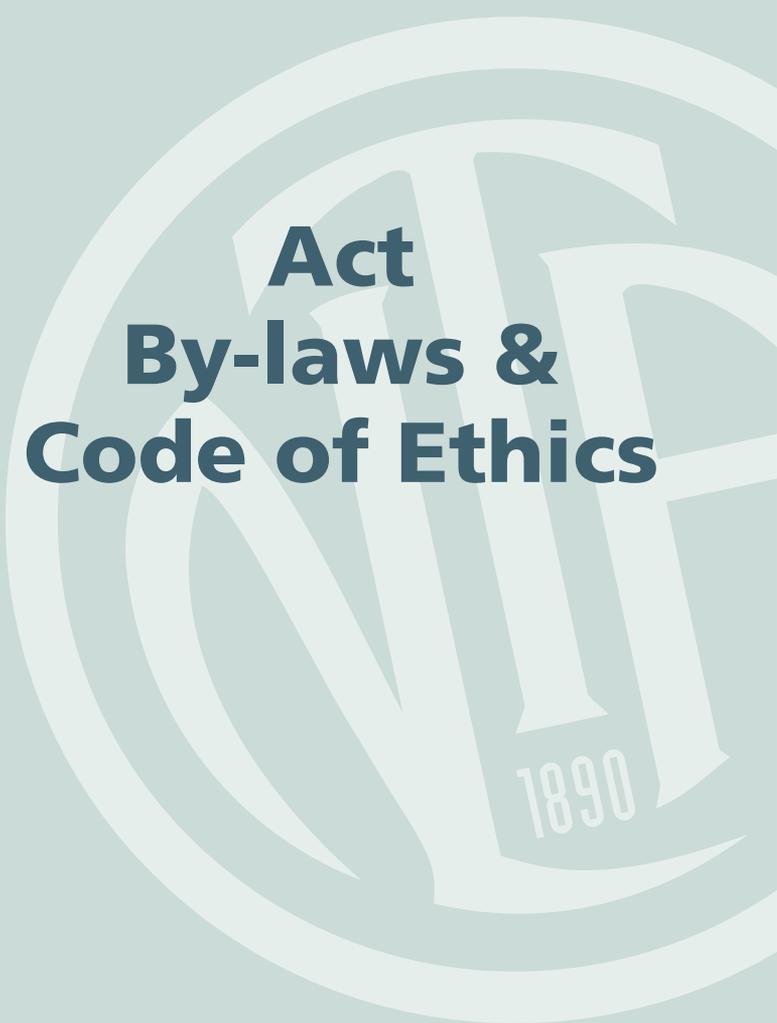


Newfoundland and Labrador Teachers' Association



Act By-laws & Code of Ethics

The ABC Booklet
(Revised October 2019)

Proposed changes to the Act, By-Laws or Code of Ethics may be brought to the Convention of the Newfoundland and Labrador Teachers' Association (NLTA). NLTA members are encouraged to use this democratic process through their local Branch. Decisions on proposed changes to the Act which are accepted by the Convention delegates would then have to be passed on to the House of Assembly for its consideration. Changes to the By-Laws or to the Code of Ethics are made directly at the Convention by NLTA delegates.

A handbook containing the Newfoundland and Labrador Teachers' Association Act, 1974, the Association's By-Laws and Code of Ethics for use by Newfoundland and Labrador teachers.

This information is also available on the NLTA website (www.nlta.nl.ca) under publications.



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Act By-laws & Code of Ethics

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The Newfoundland and Labrador Teachers' Association Act

The following is the complete text of the Act governing the establishment of the NLTA as a corporation.

Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

SHORT TITLE

1. This Act may be cited as the *Teachers' Association Act*.

DEFINITIONS

2. In this Act
 - (a) "association" means the Newfoundland and Labrador Teachers' Association referred to in section 3;
 - (b) "disciplinary committee" means the disciplinary committee referred to in subsection 16(1);
 - (c) "executive" means the executive referred to in section 13;
 - (d) "minister" means the Minister of Education;
 - (e) "salary regulations" means regulations
 - (i) made under paragraph 98(a) of the *Schools Act* or the equivalent provision of a predecessor or successor Act to that Act, and
 - (ii) in force;
 - (f) "school board" means board as defined by the *Schools Act, 1997*; and
 - (g) "teachers" means persons engaged in a teaching capacity or other professional capacity relating to education but does not include a director or an assistant director as defined in the *Schools Act, 1997*.

ASSOCIATION TO CONTINUE

3. The Newfoundland and Labrador Teachers' Association is continued as a corporation.

OBJECTIVES

4. The objectives of the association are
 - (a) to promote the cause of education in the province by
 - (i) affording to educational authorities, teachers and the public in general the benefits of the collective experience and advice of teachers on practical educational matters,
 - (ii) circulating information regarding educational methods and movements in the province and elsewhere,

- (iii) stimulating through the media of communication an interest in education among the people generally, and
 - (iv) organizing and supporting groups for improving the knowledge and skill of teachers;
- (b) to elevate and unify the teaching profession by
- (i) promoting the welfare of teachers in the province by setting up and administering those subsidiary services that the biennial meeting or convention may decide,
 - (ii) giving advice, assistance and legal protection to members in their professional duties and relationships, and
 - (iii) subject to applicable laws of the province, negotiating and entering into on behalf of the teachers, collective agreements including the regulation of salaries, working conditions and grievance procedures; and
- (c) to cooperate with other teachers' organizations having similar objects.

POWERS

5. (1) The association may
- (a) make, amend and repeal by-laws necessary or useful for the purpose of carrying out the objects and exercising the powers of the association;
 - (b) provide for the management of its property and effects and of its affairs and business, including the suspension and expulsion of members from the association, the calling of meetings and the determination of quorums for meetings;
 - (c) borrow money for the purpose of carrying out the objects of the association and give security for money so borrowed on the real, personal or mixed property of the association by way of mortgage, pledge, charge or otherwise;
 - (d) establish local and regional branches;
 - (e) establish special interest councils and prescribe the functions and duties of those councils;
 - (f) fix and collect the annual fee payable by members of the association;
 - (g) on behalf of the association, enter into those agreements that may be necessary for or incidental or conducive to the carrying out of the matters referred to in this section;
- (g.1) in the by-laws establish the number of persons who shall constitute the executive of the association; and

- (h) do all other matters and things that may be necessary for exercising the powers referred to in this section or powers incidental to those powers.
- (2) By-laws made under paragraph (1)(a) shall
 - (a) be consistent with this Act; and
 - (b) be by the vote of at least $\frac{2}{3}$ of the registered delegates present at a biennial general meeting, extraordinary general meeting or convention of the association in accordance with subsection (3) and sections 9 and 10.
- (3) A proposed by-law or amendment or intention to repeal a by-law shall be presented, in writing
 - (a) by the executive;
 - (b) by a branch established under subsection (1); or
 - (c) by a group of not less than 10 members, where a branch referred to in paragraph (b) does not exist with respect to those members to the association at its head office at least three months before the holding of a biennial meeting or convention of the association.
- (4) Written copies of all proposed new by-laws, amendments and repeals presented to the association under subsection (3) shall be sent to all branches two months before the biennial meeting or convention referred to in subsection (3), and if approved by a $\frac{2}{3}$ vote of the qualified and registered delegates at the biennial meeting or convention the proposed by-law, amendment or repeal shall come into operation immediately.

MEMBERSHIP

- 6. (1) Every teacher employed by a school board or in a private school to which sections 43-49 of the *Schools Act, 1997* apply, shall be an active member of the association.
- (2) A teacher referred to in subsection (1) may elect to be excluded from membership in the association for the year in which the notice is given, by written notice to the association to be given
 - (a) in a year when he or she begins or resumes employment as a teacher, within two months after the beginning or resumption of the employment; and
 - (b) in a year of his or her employment as a teacher other than a year referred to in paragraph (a), before September 1,

and, for the purposes of this subsection, a person shall be considered to have begun employment as a teacher when he or she entered the employment for the first time and to have resumed employment as a teacher when he or she resumed the employment after an interruption for a period not less than 12 months, and

- (c) a notice given under this subsection to the association shall be addressed to the association at its head office; and
 - (d) upon receipt of a notice from a teacher under this subsection, the association shall, within 15 days of the receipt of the notice, notify the minister in writing of the exclusion from membership of that teacher.
- (3) Teachers other than those who are active members by virtue of subsection (1) may become active members of the association.
 - (4) The association may establish other categories of membership in accordance with its by-laws.

ANNUAL FEE

- 7. (1) The minister shall deduct, from money payable by the Crown to or in respect of a member of the association, the annual fee payable by that member to the association and shall pay the amount so deducted to the association.
- (2) An employer of a teacher who is a member of the association and whose salary is not payable in whole or in part from money provided by the Crown shall deduct from the salary of the teacher the annual fee payable by that member to the association and shall pay the amount so deducted to the association.
- (3) The employer of a teacher who is a member of the association and whose salary is paid in part from money provided by the Crown and in part from money provided by the employer shall deduct from the total salary the annual fee payable by that member of the association and pay the amount so deducted to the association.
- (4) The association shall, in respect of persons who have stopped being members and are not covered in a collective agreement as regards deductions of an amount equal to regular dues, immediately refund all money received by it representing fees for a period after the effective date of termination of membership.

ADMINISTRATIVE OFFICERS

- 8. A person who is an administrative officer of the association and who was before his or her appointment to the post a teacher to whom

- (a) the *Teachers' Pensions Act* applied; or
- (b) the definition of "teacher" in the *Schools Act, 1997* applies shall during his or her term of office as an administrative officer be considered to be a teacher for all of the purposes of the *Teachers' Pensions Act*.

MEETINGS

- 9. (1) The association shall, in the manner provided by the by-laws, hold a biennial meeting or convention, and other meetings that are required shall be called by the executive.
- (2) The executive may call an extraordinary general meeting of the association to be convened not earlier than one month after the notice calling the meeting has been mailed, and a proposed new by-law, amendment or repeal, if approved at the meeting by the vote of at least $\frac{2}{3}$ of the delegates referred to in section 10, shall come into operation immediately.

VOTING

- 10. (1) Only delegates shall have a vote at a meeting or convention referred to in subsection 5(2) or in section 9.
- (2) For the purposes of subsection (1), the word "delegates" means delegates chosen in accordance with the by-laws and is considered to include members of the executive.

OFFICERS

- 11. The officers of the association shall be the president and the vice-president.

PRESIDENT

- 12. (1) The president shall
 - (a) be elected in accordance with the by-laws; and
 - (b) act on and with the advice of the executive unless provided to the contrary by the by-laws.
- (2) The vice-president shall
 - (a) be elected in accordance with the by-laws;
 - (b) in the temporary absence or disability of the president perform the duties of the president; and
 - (c) on the death, disqualification, removal from office, resignation or permanent disability of the president automatically assume the office of president for the duration of the term of the president whom he or she replaces.
- (3) Immediately after the assumption by the vice-president of the office of president under paragraph (2)(c) the executive shall elect from its

members an interim vice-president who shall fulfill the responsibilities of that office for the applicable term.

EXECUTIVE

13. (1) There shall be an executive of the association consisting of the number of members provided for in the by-laws of the association, inclusive of the president and vice-president, and, in addition, the immediate past president shall be, by virtue of the position, an executive member for the year immediately following his or her term of office as president.
- (2) The elected members of the executive shall hold office from the last election until the next elected members of the executive have been elected in accordance with this Act and the by-laws.
14. The executive shall meet for the dispatch of business and otherwise regulate their meetings and proceedings as they consider appropriate.

GENERAL MANAGEMENT

15. The executive shall provide for the general management of the affairs and business of the association and shall carry on and transact the affairs and business in accordance with this Act and the by-laws of the association.

DISCIPLINARY COMMITTEE

16. (1) There shall be a committee to be called the Newfoundland and Labrador Teachers' Association Disciplinary Committee, consisting of five members.
- (2) The members of the disciplinary committee shall be appointed by the executive and shall comprise a chairperson designated by the executive and four other members.
- (3) All members of the disciplinary committee shall be appointed from the ordinary membership of the association.
- (4) The disciplinary committee shall be appointed for a two-year term.
- (5) Where the disciplinary committee is actively involved in a case near the end of its two-year term, the executive shall extend the term of the disciplinary committee for the purposes of that case only until the case is concluded.
- (6) Where
 - (a) the office of chairperson of the disciplinary committee becomes vacant; or
 - (b) a member of the disciplinary committee stops being a member, the executive shall immediately fill that vacancy.

- (7) Three members of the disciplinary committee shall be a quorum for the transaction of business.
- (8) The chairperson of the disciplinary committee shall preside at all meetings of the disciplinary committee.
- (9) The executive shall, subject to the by-laws, make rules and regulations not contrary to this Act that it may consider necessary for the calling of meetings of the disciplinary committee and the order and conduct of business at the meetings.

PROCEDURE ON COMPLAINT

17. (1) Upon receiving a written complaint that an active or other member of the association is guilty of unprofessional conduct, negligence or misconduct or has been convicted of a criminal offence by a court, the executive shall designate one of the administrative officers of the association to inquire into the complaint.
- (2) Where the officer inquires into the complaint referred to in subsection (1) and considers it not to be frivolous or vexatious the executive may fix a time and place for the hearing of the complaint by the disciplinary committee.
- (3) Notice of the time and place of the hearing referred to in subsection (2), together with a statement of the matter which is to form the subject of the inquiry, shall be communicated by the executive or the disciplinary committee to the member of the association in respect of whom the complaint is made at least 30 clear days before the date set for the hearing.
- (4) The disciplinary committee shall meet at the time and place fixed for the hearing of the complaint referred to in subsection (2) and shall hear the testimony of the witnesses, which shall be given under oath or affirmation to be administered by a member of the disciplinary committee.
- (5) For the purposes of the hearing, the disciplinary committee, and each member, is vested with all the powers that are or may be conferred on a commissioner by the *Public Inquiries Act*, and the disciplinary committee is considered to be an “investigating body” for the purposes of the *Public Investigations Evidence Act*, and there shall be full right to examine and cross-examine all witnesses called and to bring forward evidence in defence and reply, and section 3 of the *Public Inquiries Act* apply to all those witnesses.

- (6) Where the disciplinary committee considers it necessary, the association shall pay the expenses of a witness or member called before the disciplinary committee under subsection (4).
- (7) The disciplinary committee and the member of the association against whom the complaint referred to in subsection (1) is made shall be entitled to be assisted or represented by legal counsel.
- (8) The association shall pay the legal counsel for the disciplinary committee and the member of the association.
- (9) Where the member of the association against whom the complaint referred to in subsection (1) is made does not attend the hearing after being notified in accordance with the subsection, unless the failure to attend is due to circumstances beyond his or her control and the member has advised the disciplinary committee, the disciplinary committee may proceed in his or her absence to hear the witnesses and adjudicate upon the complaint.

RECOMMENDATION OF DISCIPLINARY COMMITTEE

18. (1) Where a complaint referred to in subsection 17(1) against a member of the association is proved to its satisfaction, the disciplinary committee may, subject to the by-laws of the association, recommend in writing to the executive that the member be
 - (a) reprimanded;
 - (b) censured;
 - (c) suspended from membership; or
 - (d) expelled from membership,and the executive may take one or more of the actions recommended by the disciplinary committee.
- (2) The action of the executive taken under subsection (1) shall be communicated by written notice immediately to the member against whom the complaint was made, and if the member is dissatisfied with the action of the executive the member may, in writing, request the executive to reconsider its action, and the executive shall after the investigation affirm the action or, if satisfied that it is appropriate to do so, vary or cancel the action upon the terms that the executive may decide.

APPEAL TO TRIAL DIVISION

19. (1) The decision of the executive taken under subsection 18(2) shall be communicated by written notice immediately to the member against whom the complaint was made, and if the member is dissatisfied

- with the decision of the executive he or she may, within 60 days after receiving the decision, serve on the secretary of the association at its head office a written notice of an intention to appeal the decision of the executive to a judge of the Trial Division, and service on the secretary shall be considered to be service on the executive.
- (2) The notice of appeal served under subsection (1) shall be signed by the member concerned or by his or her solicitor or agent and in the notice the grounds of the appeal shall be set out and the member shall file a copy of the notice in the Trial Division.
 - (3) The member shall, within 14 days after filing the copy of the notice of appeal under subsection (2), apply to the judge for the appointment of a day for the hearing of the appeal and shall, not less than 14 days before the hearing, serve upon the secretary of the association at its head office a written notice of the day appointed for the hearing and service on the secretary shall be considered to be service on the executive.
 - (4) The judge shall hear the appeal and the evidence brought forward by the member and the executive in a summary manner and shall decide the matter of the appeal.
 - (5) The secretary of the association shall produce before the judge on the hearing of the appeal all papers and documents in the secretary's possession and in the possession of the association, the executive and the disciplinary committee affecting the matter of the appeal.
 - (6) The costs of the appeal are at the discretion of the judge.
 - (7) An appeal may be taken from the decision of the judge to the Court of Appeal upon a point of law raised upon the hearing of the appeal referred to in subsection (4).
 - (8) A copy of the decision of the court on an appeal referred to in subsection (4) or (7) shall immediately be filed by the member of the association concerned with the secretary of the association at its head office and, after the time limited for further appeals has expired, the executive shall give effect to the decision.

EFFECT OF SUSPENSION

20. (1) A reprimand, censure, suspension or expulsion made under section 18 does not, of itself, affect the competency of the person affected by the reprimand, censure, suspension or expulsion to continue or resume his or her employment as a teacher.
- (2) The executive shall, on behalf of the association, authorize and pay a sum not exceeding the amount of \$1,000 for payment of or towards

the amount of legal fees and costs incurred by a member appealing, under this section, to a judge of the Trial Division from a decision of the executive.

NO LIABILITY

21. An action does not lie against the association or the executive or the disciplinary committee or against an officer of the association or a member of the executive or disciplinary committee for proceedings taken in good faith or orders made or enforced under the disciplinary provisions of this Act or under the by-laws of the association.

SERVICE OF NOTICES

22. (1) All notices served under this Act may be served by mail and shall be considered to have been served at the time when the letter containing the notice would be delivered in the ordinary course of mail, and the service of the notice may be proved by proving that the letter containing the notice was prepaid and properly addressed and posted.
- (2) With respect to a notice referred to in paragraph 6(2)(c), subsection 17(3), or subsection 19(1) or (3), the notice shall be properly addressed and sent by registered mail.

The Newfoundland and Labrador Teachers' Association By-Laws

This section contains the complete by-laws of the Newfoundland and Labrador Teachers' Association. Some of the topics covered include: definition and rights of membership, dues, formation of branches and special interest councils, procedures governing the convention, procedures for nomination and election of officers, duties of the President and of Executive, appointment and duties of administrative staff, Finance Committee, controls on funds and assets of the Association, financial arrangement of branches and special interest councils, proper standards of professional conduct, discipline and exemption from by-laws.

I. INTERPRETATION

“Act” means the Newfoundland and Labrador Teachers' Association Act. Words or terms appearing herein shall, unless the context otherwise requires, have the same meaning as given by the Act; and words importing the singular shall include the plural, and the converse shall also apply; words importing males shall include females.

II. NOTICES

Notices calling Conventions of the Association shall be given in accordance with Section 19 of the Act, and shall be mailed to the members of the Association by the Executive Director at least 30 days before the calling of such meeting. Notice carried in *The Bulletin* shall be deemed to satisfy the intent of this by-law.

III. ACTIVE MEMBERSHIP

A. Classification

- (1) The President of the Association.
- (2) Every teacher who satisfies the requirements of Section 6(1) of the Constitution and every teacher employed by the Department of Children, Seniors and Social Development to teach at the Youth Correctional Centres shall be an Active Member of the Association.
- (3) Every person engaged in teaching or administration on a regular part-time basis, who holds a valid teaching certificate or licence granted by a Board of Examiners, or awarded by the Registrar of the Department of Education and Early Childhood Development under the Education (Teacher Training) Act, 1968, and the Teacher (Certification) Regulations, 1979, thereunder and is paid in accordance with current Education (Salary Grants to Boards) Regulations, 1969 (as amended).
- (4) Teachers on Leave of Absence or Pursuing Studies – Persons who hold a permanent or interim certificate, who have been active

members and who do not qualify for Active Membership under another section of this By-Law III, are eligible for membership on payment of the specified dues provided they satisfy one of the following categories:

- (a) Teachers on sabbatical/educational leave;
 - (b) Teachers on leave without salary who are pursuing studies;
 - (c) Teachers on leave for any reason deemed valid by Executive;
 - (d) Teachers who have resigned, were terminated, or laid-off and who, in the opinion of Executive, are actively involved in some work (studies) connected with improving their qualifications as teachers;
 - (e) Teachers on Sick Leave; or
 - (f) Teachers on Parenthood Leave.
- (5) Substitute Teachers: Every person engaged in teaching or administration on a casual part-time basis, who holds a valid teaching certificate or licence granted by a Board of Examiners, or awarded by the Registrar of the Department of Education and Early Childhood Development under the Education (Teacher Training) Act, 1968, and the Teacher (Certification) Regulations, 1979, thereunder, and is paid in accordance with current Education (Salary Grants to Boards) Regulations, 1969 (as amended).
- (6) Teachers who are employed by the Miawpukek First Nation Council to teach at Conne River.
- (7) Teachers who are suspended or terminated by their employer, until such time as same has been confirmed by a final quasi-judicial or judicial process or by the failure of the teacher to proceed with the applicable legal proceedings.

B. Privileges

Subject to By-Law XI.G. and By-Law XIV.G.(6):

- (1) Teachers who hold Active Membership under Category III.A.(1), (2), (3), (4), (6) and (7) shall enjoy all rights and privileges of the Association, except in the case of Category III.A.(4)(e), where the illness prevents a teacher from fulfilling the mandate of an elected position, such teacher shall resign such position.
- (2) Substitute teachers shall enjoy all rights and privileges of the Association; except in the case of participation in Group Insurance, which participation shall be governed by decision of the Group Insurance Managers; and except where such teachers hold membership under another category of this By-Law III, in which case rights and privileges shall be governed accordingly.

C. Dues

- (1) For teachers who hold active membership under By-Law III.A.(1), (2), (3), (6) and (7), the annual dues for each member shall be 1.25 percent of his/her salary including bonuses, with 0.1 percent placed directly into the emergency fund.
- (2) Teachers on Leave of Absence or Pursuing Studies as per By-Law III.A.(4) shall pay the following dues:
 - (a) Teachers on sabbatical/educational leave and receiving salary shall pay the regular NLTA dues on the proportional part of salary received.
 - (b) Teachers on leave for study purposes, and not receiving salary, the dues shall be \$5.00 per semester and the deadline for receipt of such dues shall be two months after the commencement for either of the semesters.
 - (c) Teachers on leave as per By-Law III.A.(4)(c) shall pay \$5.00 per month for each completed month of leave.
 - (d) Teachers who have resigned, were terminated or laid off, and pursuing studies shall pay dues of \$5.00 per semester and the deadline for receipt of such dues shall be two months after the commencement for either of the semesters.
 - (e) Teachers on Sick Leave and receiving regular sick leave benefits from the Department shall pay the regular NLTA dues on the proportional part of salary received.
 - (f) Teachers on Parenthood Leave shall pay \$5.00 per month for each complete month of such leave.
- (3) Substitute teachers shall pay 1.25 percent on annual salary earned, with 0.1 percent placed directly into the emergency fund.

IV. ASSOCIATE MEMBERSHIP

A. Classification

- (1) General – A person who is engaged in a professional capacity relating to education in the Province, other than those who qualify for Active Membership, and who holds a valid teaching certificate, may, upon application to Executive and at its discretion, become an Associate member.
- (2) Retired Teachers – Retired teachers, including those out-of-Province presently domicile in the Province, who are not eligible for Life Membership shall be eligible for Associate Membership.
- (3) Teachers on Long Term Disability shall be eligible for Associate Membership.

- (4) Student Teachers – Student teachers are persons who are enrolled in full-time courses of study, beyond first year, either leading to or coming after first certification as teachers but who have less than one year’s teaching experience. Such persons may become Associate Members.
- (5) Unemployed Teachers – A teacher who is unemployed may become an Associate Member of the Association:
 - (a) If s/he resigned: for the balance of the school year in which s/he became unemployed and for the next school year if s/he is actively seeking employment as a teacher.
 - (b) If s/he was laid off or terminated: for the remainder of that school year plus two school years following, if s/he is actively seeking employment as a teacher.

B. Privileges

- (1) General – Associate Members in this category may attend and speak at meetings of the Association, but not at meetings or portions of meetings relative to collective bargaining. They shall not be entitled to hold office in the Association, nor vote, nor be members of the Executive.
- (2) Retired Teachers – Retired teachers in this category may attend and speak at meetings of the Association, but not at meetings or portions of meetings relative to collective bargaining. They shall not be entitled to hold office in the Association, nor vote, nor be members of the Executive. Other privileges may be granted as per Association Policy.
- (3) Teachers on Long Term Disability shall enjoy all rights and privileges afforded retired teachers as per By-Law IV.B.(2).
- (4) Student Teachers – Those beyond first year shall be given the rights and privileges of Associate Members in IV.B.(1). For persons under this category who are members in the MUN Branch of NLTA the following additional privileges shall apply:
 - (a) They shall have voting power in the Branch; and
 - (b) They shall be eligible for office within the Branch.
- (5) Unemployed Teachers –
 - (a) Those in IV.A.5.(a) may attend and speak at meetings but not vote, nor hold office, nor be members of Executive.
 - (b) Those in IV.A.5.(b) may attend, speak and vote at meetings but not hold office and enjoy other privileges granted as per Association Policy.

C. Dues

- (1) General – The annual dues shall be \$25.00.
- (2) Retired Teachers – Dues of \$10.00 per year shall be charged. For those with extenuating circumstances, the fee may be waived upon application to the Executive. Retired teachers who substitute shall, however, on days substituting, pay an amount equivalent to the dues required for substitute teachers.
- (3) Teachers on Long Term Disability shall pay \$10.00 per year. For those with extenuating circumstances, the fee may be waived upon application to Executive.
- (4) Student Teachers – The dues shall be \$2.00 per semester and the deadline for receipt of such dues shall be two months after the commencement of each of the semesters.
- (5) Unemployed Teachers –
 - (a) Dues shall be \$2.00 per month for each and every month of eligibility.
 - (b) No dues shall be charged except those collected under By-Law III. C.

V. LIFE MEMBERSHIP

A. Classification

Life Membership shall be granted to every retired teacher:

- (1) who has taught in the Province of Newfoundland and Labrador for not less than 20 years;
- (2) who, at the time of retirement or of electing to go on deferred pension, was:
 - (a) a member of this Association and whose membership in this Association is not less than 20 years in the aggregate; or
 - (b) actively employed with a school board in the field of primary, elementary, and secondary education and had been a member of this Association for not less than 20 years in the aggregate.
- (3) who has not been found guilty of unprofessional conduct as outlined in Article 16 of the Constitution of the NLTA or a breach of the proper standards of professional conduct in accordance with By-Laws VII and XXII of these By-Laws, for actions which occurred during the period specified in (1) and (2) above.
- (4) Life Membership certificates shall supplant Honorable Retirement Scrolls only when conditions (1), (2) and (3) of this subsection A are met.

- (5) This certificate shall be presented at the Branch level.
- (6) Members retired prior to the coming into effect of this By-Law may be reconsidered in the light of it.

B. Privileges

Life Members may attend and speak at meetings of the Association, but not at meetings or portions of meetings relative to collective bargaining. They shall not be entitled to hold office in the Association, nor vote, nor be members of the Executive. Other privileges may be granted as per Association policy.

C. Dues

No dues shall be charged. Life members who substitute shall, however, on days substituting, pay an amount equivalent to the dues required for substitute teachers.

VI. HONORARY MEMBERSHIP

A. Classification

- (1) Honorary Membership may be bestowed on any person who, in the opinion of the Executive, has made a significant contribution to the cause of education.
- (2) A committee appointed by Executive shall recommend in time for presentation at Convention, if possible, persons for Honorary Membership.

B. Privileges

Honorary Members shall be given all rights and privileges of Associate Members under IV.B.(1) unless they qualify for membership under another category in which case they shall enjoy the privileges of that category.

C. Dues

No dues shall be charged.

VII. PROPER STANDARDS OF PROFESSIONAL CONDUCT

The following acts by members of the Association referred to in Section 6 of the NLTA Act shall constitute a breach of the standards of professional conduct for membership in the Association.

- (1) Failure to follow Association directions during a legitimate job action initiated under the Newfoundland and Labrador Teacher (Collective Bargaining) Act, and pursuant to the policy of the Association.
- (2) Acting in contravention of the objectives, the policies, or the Code of Ethics of the Association.

- (3) Performing work for the employer(s) while the Association is involved in a job action against such employer(s) and/or refuses to honor a picket line mounted by the Association.

VIII. FEDERATION

The Association shall consist of a Federation of Regional Branches and/or Local Branches, and of members generally.

IX. LOCAL OR REGIONAL BRANCHES AND SPECIAL INTEREST COUNCILS

A. Formation of a Branch

- (1) Teachers contemplating forming a branch shall apply in writing to the Executive.
- (2) A local branch may be set up in any locality where there is an effective membership of at least 10 teachers and where communication prevents the functioning of a larger branch within that area. In any area where a local or regional branch is functioning, no other branch may be formed unless approval is given by the Executive. Such approval may be given only after the Executive has consulted with the local or regional branch already functioning in that area.

B. Regional Branch

Members of local branches may combine to form a regional branch provided it is possible for such branches to meet as a regional branch at least twice a year. Meetings may be a combination of local branch members or delegates from local branches. Where a regional branch has been set up it shall be responsible for conducting business on behalf of the teachers within its boundaries.

C. Officers and Executive

Regional and local branches shall appoint their own officers and executive, manage their own affairs and frame their own rules and by-laws, provided they do not contravene the laws of the Association. All rules and by-laws shall be submitted for approval to the Executive of the Association and changes in the same shall not be effective unless endorsed by the Executive of the Association.

D. Business to be Conducted at a General Branch Meeting Only

- (1) Resolutions for Convention;
- (2) Selection of delegates to Convention (other than the Branch President);
- (3) Nominations to Provincial Executive; and

- (4) Any proposed changes in the NLTA Act, Association By-Laws, or Association Policy.

E. Special Interest Councils

- (1) Special interest councils may be established by the Provincial Executive Council in accordance with NLTA policy.
- (2) Each council may send one delegate to the Provincial Association's Convention, the cost of which to be covered by the Association's Convention Budget.

F. Disbandment of a Branch or Special Interest Council

- (1) Should any regional or local branch disband or cease to exist because of drop in membership below the required minimum, the remaining members of such branch shall become unattached members of the Association or, where geography permits, be attached to another branch or branches operating in the area. Any assets of a branch at time of disbandment shall forthwith become the property of the Association.
- (2) Should a regional council disband or cease to exist, the assets of such regional shall become the property of the provincial council in that category. If regional councils in either category fail to remain a provincial council, such council or councils shall be declared dormant and all assets revert to the Association.

X. CONVENTION

There shall be a biennial meeting or Convention of delegates of the Association. Delegates and members of the Executive only have the right to vote. All other members may sit in at a Convention meeting and speak but not to vote on any matter. The Convention shall be held at such time as may be determined by the Convention. The Executive shall determine where the Convention shall be held. It may consider and accept invitations extended by the branches. Delegates shall be elected from the legally constituted local and regional branches in the ratio of one to every 100 members, or fraction thereof, in the branch. (Branches shall base the number of delegates on the maximum number of teachers employed in the schools and board offices existing within the branch boundaries at any point in time during a school year, provided that such teachers are Active Members of the Association. In no case shall teachers on leave and their substitutes or replacements both count.) In addition, each special interest council shall be permitted to be represented at the Convention by one delegate, as per By-Law IX.E. A delegate to Convention shall use his/her discretionary powers as per the best interests of his/her branch or

special interest council but must speak as his/her branch or special interest council wishes if s/he is so directed.

XI. NOMINATIONS AND ELECTION FOR EXECUTIVE

- A.** Any member of the NLTA in good standing* is eligible for nomination and election to the Executive, providing:
- (1) Nomination papers are signed by at least 10 members in good standing*, each signature being witnessed by
 - (a) an officer of a branch; or
 - (b) a member of the NLTA Executive; or
 - (c) a Commissioner for Oaths,and submitted to the Electoral Committee, appointed by the NLTA Executive.
 - (2) The President shall, provided s/he so desires, be an ex officio** Executive member for the year following the completion of the President's term of office.
 - (3) The Electoral Committee shall receive nominations for the Executive up to the commencement of the second day of Convention sessions in accordance with By-Law XI.A.(1). Such nominations must be accompanied by a short biographical sketch and a signed statement by the candidate of willingness to serve under conditions from time to time established by the Convention and applicable during the term sought.
 - (4) Subject to XI.A.(1), for publication in the Convention *Bulletin* nominations must be postmarked or hand delivered to the NLTA Head Office not later than the date which is two months prior to the opening date of Convention.
- B.** Photographs and information on candidates referred to in XI.A.(4) must be published in the Convention *Bulletin* at least one month prior to the Convention.
- C.** Nominees are free to contact branches and special interest councils in any way they see fit keeping in mind the professional Code of Ethics. Branches and special interest councils may or may not instruct delegates to the Convention as they see fit, with the understanding that after the first ballot is cast at the Convention, delegates are released from their instructions and may vote at their discretion.
- D.** Seventeen Executive members shall be elected biennially, and the 10 who have the greatest number of votes shall, with the President, the Vice-

* A member who has the proper proportion of his/her dues paid.

** By right of position of office.

President and a person holding office under XI.A.(2), where applicable, form the Executive Council. The remaining Executive members shall be classified as alternate members.

- E. When a tied ballot result prevents the Electoral Committee from naming the members to the Executive Council and/or from ranking the alternate positions, a further ballot shall be taken to resolve the tie. Only tied candidates shall appear on such a ballot.
- F. Anyone alleging irregularities in nomination or election procedures must make such allegations known in writing to the Chairperson of the Electoral Committee at the Convention not later than 30 minutes after the announcement of the results of the election. Upon receiving such allegation, the Chairperson of the Electoral Committee must appoint a committee of three registered delegates, excluding nominees, who will investigate the allegation and report their findings and recommendations to the Chairperson of the Electoral Committee before 10:00 a.m. of the session of the following day of the Convention. In the event that the allegation of irregularities is accepted as proved, by a majority of the committee appointed to investigate the matter, the matter and conclusions must be reported to the Convention by the Chairperson of the Electoral Committee. After receiving the report of the Electoral Committee the Convention shall, by a $\frac{2}{3}$ vote of registered delegates, allow the election to stand or otherwise a new election shall be held in respect of the Executive positions affected by the irregularity.
- G. No member shall be eligible to be a member of the Executive unless such person is residing in, or actively teaching in, the province of Newfoundland Labrador during the term of office.
- H. The maximum number of Executive members who can sit on the negotiating team, at any one time, shall be two.

XII. NOMINATING AND ELECTION PROCEDURES FOR OFFICERS

- A. Any member of the NLTA in good standing*, is eligible for nominations and election to the office of President or Vice-President providing:
 - (1) Nomination papers are signed by at least 10 members in good standing, each signature being witnessed by
 - (a) an officer of a branch, or
 - (b) a member of the NLTA Executive, or
 - (c) a Commissioner for Oaths,and submitted to the Electoral Committee appointed by the NLTA Executive under By-law XV.B.

* A member who has the proper proportion of his/her dues paid.

- (2) The member shall not have been found by the Electoral Committee to have failed to comply with the financial guidelines contained in the Association's election procedures established by the NLTA for the election of officers in a prior election.
- (3) That the Electoral Committee, as appointed under By-law XV.B., receive nominations for the office of President and Vice-President up to thirty (30) days before the date of the election. Such nominations must be accompanied by a signed statement by the candidate of willingness to serve under conditions from time to time established by the Convention and applicable during the term sought.
- (4) Subject to XII.A.(1), the name of each nominee shall be released by the Electoral Committee, as appointed under By-law XV.B., within two weeks of receipt of each nomination. For publication in *The Bulletin*, a nomination, a short biographical sketch and an election statement must be postmarked not later than the date which is two months prior to the date of the election.

B. Photographs and information on candidates referred to in XII.A.(4) must be published in *The Bulletin* at least one month prior to the date of the Presidential election period.

C. Nominees are free to contact teachers in any way they see fit, keeping in mind the professional Code of Ethics.

D. Balloting

The President and Vice-President shall be elected by ballot at the conclusion of the prescribed election periods as per the following:

- (1) Voting shall be by secret ranked ballots issued to active members as defined by By-law III.
- (2) The results of each ballot shall be announced by the Chairperson of the Electoral Committee, as appointed under By-law XV.B.
- (3) In order to be elected, a candidate must receive a majority of votes of the active members voting.
- (4) If no majority of votes of the active members voting is registered on the initial ballot, where more than two candidates are involved, all but the two candidates receiving the highest number of votes shall be dropped and the alternative choices selected on ballots for unsuccessful candidates will be redistributed to the remaining candidates. In instances where no alternative candidate has been identified, the ballot will not be considered in the final count. The recalculation using the ranked ballot will constitute the run-off election.

(5) In the event of a tie on a ballot with only two candidates, a vote of the Executive Council will decide the issue.

E. Anyone alleging irregularities in nomination or election procedures must make such allegations known in writing to the Chairperson of the Electoral Committee within seven (7) days of the event on which the allegation is based. Upon receiving such allegation, the Electoral Committee shall investigate the allegations and report its findings and recommendations to the Executive Council within a further seven (7) days. In the event the allegation of irregularity is accepted as proved by a majority of the Electoral Committee, the Committee shall, by majority vote of its members, recommend to the Executive Council appropriate actions, including but not limited to setting aside the nomination or election providing for new or further nominations or elections or any other act which will give effect to the by-laws, and the Executive Council shall act in accordance with that recommendation.

F. Election of President and Vice-President shall be held biennially.

XIII. DUTIES OF OFFICERS

A. Office of the President

- (1) The term of office shall be for a two-year period from August 1 in the year following the year the President was elected to July 31 of the second year following.
- (2) Remuneration and benefits shall be paid as per policies and principles laid down by Convention.
- (3) The office shall not be held for more than two successive terms by the same person. A portion of a term shall be considered as a full term.
- (4) Upon election to the office, the following oath shall be sworn to or affirmed: "Upon my honor, I declare that I will faithfully and to the best of my ability, carry out the duties prescribed for the position of President of the Newfoundland and Labrador Teachers' Association; that I will defend, and act within its Constitution and By-Laws, upholding its policies with integrity; that I will not knowingly seek personal gain from this office."

B. Duties of the President

- (1) Shall be the official spokesperson for NLTA policy;
- (2) Shall be an ex-officio member of all committees;
- (3) Shall have general supervision of the affairs of the NLTA;
- (4) Shall be the official representative of the NLTA in all relations involving NLTA policy unless otherwise designated at his/her request by the Executive;

- (5) Shall be the official representative of the NLTA at all formal functions unless someone is otherwise designated by the President; and
- (6) (a) Notwithstanding all other by-laws herein contained, shall refrain from official political activity that might be interpreted as committing the NLTA to the support of any political party, faction, group or candidate for any political office. The Executive will be the body designated to interpret this section subject to review by the Convention.
- (b) Notwithstanding all other by-laws herein contained, with the exception of XIII.B.(6)(a), shall not seek political office at either the federal or provincial level. In the event that such office is sought, the President shall be required to notify the Executive of the Association and to resign his/her position immediately. The Executive will be the body designated to interpret this section subject to review by the Convention, and not so as to limit the interpretative powers of the Executive, “seek political office” shall be deemed to include seeking the nomination of a political party, and all activities leading up thereto and undertaken or performed with a view to obtaining political office.

C. Office of the Vice-President

- (1) The term of office shall be the same as the President.
- (2) In the absence or incapacity of the President s/he shall act in the place of the President.
- (3) S/He shall succeed to the office of President in accordance with the provisions of the Constitution. That portion of the term filled upon succession shall not be considered as a term under the provisions of By-Law XIII.A.(3).
- (4) In the event that a Vice-President is not able to assume the Presidency full time, s/he shall finish out the term of his/her predecessor as a part-time President.
- (5) (a) Notwithstanding all other by-laws herein contained, s/he shall refrain from official political activity that might be interpreted as committing the NLTA to the support of any political party, faction, group or candidate for any political office. The Executive will be the body designated to interpret this section subject to review by the Convention.
- (b) Notwithstanding all other by-laws herein contained, with the exception of XIII.C.(5)(a), s/he shall not seek political office at either the federal or provincial level. In the event that such office is

sought, the Vice-President shall be required to notify the Executive of the Association and to resign his/her position immediately. The Executive will be the body designated to interpret this section subject to review by the Convention, and not so as to limit the interpretative powers of the Executive, "seek political office" shall be deemed to include seeking the nomination of a political party, and all activities leading up thereto and undertaken or performed with a view to obtaining political office.

XIV. DUTIES OF EXECUTIVE COUNCIL

- A.** The term of office of the Executive Council shall be for a two-year period from August 1 in the year the Council is elected to July 31 of the second year following.
- B.** The Executive shall have the power when occasion arises to employ administrative personnel and other office staff; to set the conditions and terms of employment of personnel, etc., and to terminate services of same if thought desirable. Such terms of employment shall include but shall not be limited to provision to travelling allowances, sick leave benefits, leave of absence, accident insurance, and pension on retirement.
- C.** The Executive shall meet as often as necessary during the teaching year. Standing committees for carrying out projects of the Association shall be appointed by the Executive at its first meeting.
- D.** The duties of the Executive shall be to act as a representative of the teachers in promoting the welfare of the members of the Association and the advancement of education in the province, using to this end all legal means at its disposal. A quorum shall be seven members.
- E.** The Executive shall be responsible for establishing, setting forth the Terms of Reference and approving the Constitution and By-Laws of committees and special interest councils which may be formed to improve specific areas in education of the Province; provided that such Terms of Reference, Constitution and By-Laws are not inconsistent with the letter and spirit of the Constitution and Policies of the Newfoundland and Labrador Teachers' Association.
- F. Vacancies**

Any vacancy occurring among the members of the Executive of the Association by death, resignation or otherwise shall be filled by the Executive from the alternates provided by By-Law XI.D. in order of the number of votes received.
- G.** The duties of an Executive member shall include but are not limited to the following:

- (1) Serving when appointed on ad hoc and standing committees of the Executive Council;
- (2) Acting as liaison person between the Executive Council and NLTA Branches;
- (3) Representing the Association on advisory and/or liaison committees, as assigned;
- (4) Representing the Association at conferences, seminars, meetings, etc., as assigned;
- (5) Attending all meetings of the Executive Council. A member of the Executive absenting him/herself from two consecutive meetings without showing good cause shall be deemed to have resigned; and
- (6) A member of the Executive who ceases to reside in, or actively teach in, the province of Newfoundland and Labrador during the term of office shall be deemed to have resigned.

- H.** The Provincial Executive will action, as directed, resolutions which are carried at the Convention except when new circumstances that have arisen since the Convention clearly indicate that the actioning of a particular resolution would not be in the best interests of the Association.
- I.** Notwithstanding all other by-laws herein contained, in the event that an Executive member should seek political office at either the federal or provincial level, that member would be required to notify the Executive of the Association immediately and to take a leave of absence from his/her position on the Provincial Executive, which leave would be granted. Should the member thereby not attain political office, either at the nomination or election stage, that person would be permitted to return to the Executive and resume his/her duties thereunder; should the member attain political office by becoming elected, that person would be required to immediately resign from the Provincial Executive. While any member is on leave from the Executive, his/her position may be filled on a temporary basis as the Executive may deem necessary or fit. Upon a member being required to resign, that person's position shall be filled by that procedure herein above set out in By-Law XIV.F.
- J.** The Executive and the Presidents of Branches, established pursuant to Section 5.(1)(d) of the NLTA Act, shall have the power, by majority vote, in the event that the Association incurs any indebtedness as a result of a job action, to impose upon the membership a special levy to be paid in such amount or amounts for such period and on such terms as the Executive and the Presidents of Branches deem necessary to pay some or all of such indebtedness, such a levy not to be used for any other purpose than repayment of job action indebtedness.

XV. ELECTIONS

- A.** Elections for President shall be held during the last five school day week of November, with the election concluding on the fifth day. Elections for Vice-President shall be held during the second five school day week of December, with the election concluding on the fifth day. The election periods will be selected by the Electoral Committee, as appointed under section B. of this By-Law. Election information shall be published in a *Bulletin* at least one month prior to the date of the Presidential election period.
- B.** There will be appointed by the Executive an Electoral Committee who shall conduct the election of President and Vice-President and recommend policies governing the conduct of elections to the Executive. Such policies shall include all matters relative to the holding of elections. The rules for the conduct of elections shall be published not later than thirty (30) days prior to the date of the elections.
- C.** Notwithstanding any other provisions in these by-laws with respect to ballots and voting procedures for President and Vice-President elections, the Provincial Executive Council may determine that voting may be done by electronic means, in whole or in part, in accordance with procedures in NLTA policy approved by the Provincial Executive Council.

XVI. EXPENSES AND INSURANCE COVERAGE

A. Expenses

Members of the Association on authorized business shall be paid out-of-pocket expenses, at rates established by Executive or Convention, incurred in attendance at meetings or conferences. Vouchers, where possible, must be submitted.

B. Insurance Policy

The Executive shall keep in force insurance policy or policies to protect the Association from financial liability resulting from unauthorized Association business.

XVII. APPOINTMENT AND DUTIES OF ADMINISTRATIVE STAFF

- (1) The Administrative Staff shall be appointed by the Executive and shall hold office until services are terminated as per the Collective Agreement.
- (2) The Executive Director shall be responsible for all office work in connection with the normal business of the Association and shall supervise all Administrative and Office Staff. S/He may be delegated to act for the Executive if and when such action is necessary. S/He may, with the consent of the Chairperson, speak at any meeting called by the Association but s/he may not vote on any question submitted.

XVIII. FINANCE AND PROPERTY COMMITTEE

There shall be a committee of four members of the Executive known as the Finance and Property Committee. This committee shall control, under the direction of the Executive, the spending of all funds of the Association. The committee shall meet regularly and make decisions as to the best way to use the various amounts budgeted at the Convention. Regular reports of the state of the finances shall be made to the Executive by the Finance and Property Committee, and a report shall be submitted to the Convention. At the same time, the Finance and Property Committee shall present to the Convention for approval a budget for the next two succeeding years.

XIX. FUNDS AND ASSETS OF THE ASSOCIATION

- A.** All funds of the Association shall be paid into a bank account and no disbursement (except petty cash) shall be paid except by cheque which must be signed by the Treasurer or designate and one other signing officer. The Treasurer must be adequately bonded.
- B.** Funds of the Association may be invested by the Executive in the Newfoundland and Labrador Credit Union and in accordance with *The Trustees Act* (No. 166, Chapter 380, Revised Statutes of Newfoundland, 1970, and amendments thereto). Such securities shall be registered in the name of the Association. The Executive may dispose of any and all securities.
- C.** Real property held by the Association shall be registered in the name of the Association in the Registry of Deeds for Newfoundland. In the event of a sale of the said property or any part thereof, a conveyance signed by the President and the Treasurer or other persons authorized in writing by the Executive, to which the seal of the Association is fixed, shall be a good and valid conveyance on behalf of the Association.
- D.** The income from real estate shall be deemed funds of the Association and dealt with in accordance with paragraph A of this article.

XX. BRANCH AND SPECIAL INTEREST COUNCIL FUNDS

The financial arrangements for NLTA branches and special interest councils shall be determined by the Executive and approved by the Convention in its budget. Such arrangements will not be altered to a greater amount during the period for which such arrangements have been made and approved. Other resources may be sought and expended without reference to the Executive, except that no branch or special interest council may incur any indebtedness through such things as borrowing or use of credit cards without prior approval of Executive.

XXI. FINANCIAL YEAR

The financial year of the Association shall be from the first day of September to the 31st day of August in the succeeding year.

XXII. MEMBERSHIP STANDARDS

- (1) The Executive shall be empowered to investigate and rule upon a written complaint or breach of the standards of membership in the Association as are received by it.
- (2) The Executive shall establish its rules of procedures and its decision on matters of procedure shall be final and not subject to appeal or review by a Court of Law.
- (3) The Executive shall, before finding upon any complaint, and after receiving all other evidence, afford any member, whose act is complained of, the opportunity of being heard and presenting evidence in respect of the complaint. A member shall be deemed to have had the opportunity of being heard and presenting evidence in respect of the complaint if s/he is given not less than seven days notice, in writing, of the time and place at which s/he may be heard, and present evidence together with a description of the complaint and evidence against him/her. A member may be represented by Counsel at such time.
- (4) The Executive may reprimand, fine, suspend, remove from office, or expel any member who it rules has committed a breach of the standards of conduct for membership in the Association. These penalties may be assessed in any combination.
- (5) The Executive shall deliver to the member its findings in writing but shall, in no event, be required to supply reasons for its findings.
- (6) A member shall have the right to a review of the decision of the Executive by the Disciplinary Review Board by giving written notice of application for review to the Executive not more than 30 days after receiving the written finding of the Executive.
- (7) There shall be a Disciplinary Review Board consisting of five members of the Association in good standing appointed for a term of two years by the Executive. The Executive shall be empowered to appoint such alternate or substitute members of the Disciplinary Review Board as may be required from time to time, when for any reason a member of the Disciplinary Review Board cannot act.
- (8) The Disciplinary Review Board shall have full power to amend, alter or vacate the decision of the Executive.
- (9) The Disciplinary Review Board shall conduct its review of the Executive's findings at such time, in such places and such manner as it shall in its absolute discretion deem just, including the requirement of a report from the Executive.

- (10) The Disciplinary Review Board will afford the member the opportunity of presenting argument in support of his/her application for review.
- (11) A member shall be deemed to have had the opportunity of presenting argument in support of his/her application for review if s/he is given not less than seven days' notice of the time and place at which s/he may be heard.
- (12) Any notice required to be given to any person shall be valid if given by registered mail: in the case of a member to the last known address of the member; in the case of the Executive or the Disciplinary Review Board to the offices of the Newfoundland and Labrador Teachers' Association, 3 Kenmount Road, St. John's, NL, A1B 1W1.
- (13) Any fine imposed shall constitute a debt to the NLTA enforceable by Civil Suit.

XXIII. DISCIPLINE

- (1) Where Executive has designated an administrative officer to inquire into a complaint pursuant to Section 17(1) of the Act, the person complaining and the member complained of shall be so advised and the member complained of shall at the same time be provided with a copy of the written complaint.
- (2) Where, prior to inquiring into the complaint, the administrative officer designated by the Executive believes that the complaint is susceptible to mediation, he/she may offer the services of another administrative officer to mediate the complaint between the member complained of and the person complaining.
- (3) With the agreement of both persons, the other administrative officer may attempt to mediate a resolution of the complaint between the person complaining and the member complained of for a period of 45 days or such longer period as the administrative officer considers beneficial and both the person complaining and the member complained of agree.
- (4) An administrative officer mediating a complaint shall keep confidential all discussions among himself/herself, the person complaining and the member complained of other than the fact of a resolution being reached or not reached and shall not provide to an administrative officer inquiring into the complaint pursuant to Section 17(1) of the Act any information whatsoever pertaining to the complaint.

- (5) If the other administrative officer is successful in mediating a resolution to the complaint, the person complaining and the member complained of shall notify the Executive in writing that the complaint is withdrawn.
- (6) If a resolution to the complaint has not been achieved by the mediating administrative officer within the time provided, then he/she shall so advise the administrative officer designated by the Executive to inquire into the complaint, who shall thereupon do all such things as may be required of him/her under Section 17 of the Act.

XXIV. EXEMPTION FROM BY-LAWS

- A.** Any member, who by reason of the religious or moral tenets of a bonafide religious faith held by him/her as a member of such faith, is unable to abide by any or all of the By-Laws of the Association, may apply to the Executive of the Association in such form as is prescribed by the Executive, for exemption from any or all of such By-Laws, provided that such application shall be made by the member:
 - (i) in any year when s/he commences or resumes employment as a teacher, within two months after commencement or resumption of such employment, and
 - (ii) in any year of his/her employment as a teacher other than a year referred to in paragraph A before the first day of September.
- B.** Where such application is accepted, the exemption shall be in effect for the duration of the existing Collective Agreement. Within 30 days of the expiry date of a Collective Agreement an exemption may be renewed upon the filing of a further application in accordance with paragraph A.
- C.** Where such application is accepted, it shall be a condition of the exemption that the member exempted shall not receive any greater financial benefit than any other member by virtue of his/her not being required to abide by such By-Laws, including, but not limited to, By-Laws relating to the payment of membership fees and the failure to participate in a legitimate job action. The member so exempted shall pay to the NLTA any salary income in excess of moneys paid to members participating in a legitimate action.
- D.** Where such application is denied, the Executive of the Association may permit representation to be made by the teacher in support of his/her application for exemption.
- E.** Any notice required to be given under this By-Law shall be valid if given by registered mail:

- (i) in the case of a member to the last known address of the member;
- (ii) in the case of the Association or its Executive, to the offices of the Newfoundland and Labrador Teachers' Association.

XXV. RULES OF ORDER

All meetings of the Executive and Convention shall be governed by *Advice on the Conduct of Meetings*, published by the Canadian Teachers' Federation, supplemented by Robert's Rules of Order.

The Newfoundland and Labrador Teachers' Association Code of Ethics

The Code of Professional Practice shall apply to all members and the term “teacher” as used in this code includes all members of the Newfoundland and Labrador Teachers’ Association. This statement, arrived at by consensus of the Association, does not attempt to define all items of acceptable practice but rather to serve as a guide. Both individual and collective actions taken by members of any professional group may enhance or detract from the status of that profession; NLTA members are expected to be aware of this and to observe general principles of professional practice. (Note: The Code of Professional Practice shall not apply in the case of a teacher who, in good faith, provides statements or evidence to a Court of Law, an Arbitration Board, the NLTA Professional Relations Commission, the NLTA Disciplinary Committee, or any body or official duly authorized by the NLTA.)

TEACHER-PUPILS

- (i) A teacher’s first professional responsibility is to the enhancement of the quality of education provided to the pupils in his/her charge.
- (ii) A teacher regards as confidential, and does not divulge, other than to appropriate persons, any information of a personal or domestic nature concerning either pupils or their homes.
- (iii) A teacher keeps teaching as objective as possible in discussing with the class the controversial matters whether political, religious or racial.
- (iv) A teacher does not knowingly misuse professional position for personal profit in the offering of goods or services to pupils or to their parents.
- (v) A teacher does not accept pay for tutoring his/her own pupils in the subject in which that teacher gives classroom instruction.
- (vi) A teacher accepts that the intellectual, moral, physical and social welfare of his/her pupils is the chief aim and end of education.
- (vii) A teacher recognizes that a privileged relationship exists between the teacher and his/her pupils and shall never exploit this relationship.
- (viii) A teacher who has reason to suspect that a child has suffered, or is suffering, from abuse that may have been caused or permitted by any person shall forthright report the suspected abuse to the appropriate authorities. [This section applies notwithstanding section (ii) under Teacher-Colleagues.]

TEACHER-EMPLOYER

- (i) A teacher does not disregard a contract, written or verbal, with a school board.
- (ii) A teacher does not apply for a specific teacher's position that is not yet vacant.
- (iii) A teacher does not accept a position with an employer whose relations with the Professional Organization have been declared in dispute.

TEACHER-COLLEAGUES

- (i) A teacher reports through proper channels all matters harmful to the welfare of the school. S/He does not bypass immediate authority to reach higher authority without first exhausting the proper channels of communication.
- (ii) A teacher does not criticize the professional competence or professional reputation of a colleague, except to proper officials and then only in confidence and after the colleague has been informed of the criticism.
- (iii) A teacher notifies any other teacher whose pupils s/he proposes to tutor on a regular basis.
- (iv) Teachers do not take any individual or collective action which is prejudicial to the Association, to other members of the Association, or to the profession generally.
- (v) A teacher does not knowingly undermine the confidence of pupils in other teachers.
- (vi) A teacher submits to the Association disputes arising from professional relationships with colleagues which cannot be resolved by personal discussion.
- (vii) A teacher, before making any report on the professional competence of a colleague, provides that colleague with a copy of the report and forwards with it any written comment that the colleague chooses to make.
- (viii) A teacher who is in an administrative or supervisory position makes an honest and determined effort to help and counsel another teacher before subscribing to the dismissal of that teacher.
- (ix) A teacher does not actively oppose the presentation to higher authority of matters duly agreed upon by fellow teachers, except by formal minority report.

TEACHER-PROFESSIONAL GROWTH

- (i) A teacher acts in a manner which maintains the honor and dignity of the profession.
- (ii) A teacher assists in the professional growth of colleagues through the sharing of ideas and information.
- (iii) A teacher makes a constant and consistent effort to improve professionally.

TEACHER-PROFESSIONAL ORGANIZATION

- (i) A teacher, or group of teachers, does not make unauthorized representation to outside bodies on behalf of the Association or its local branches.
- (ii) A teacher does not refuse to follow Association directions under a legitimate job action.
- (iii) A teacher adheres to collective agreements negotiated by his/her professional organization.
- (iv) A teacher recognizes, as a professional responsibility, service to the Association at the local and provincial levels.
- (v) A teacher who has requested representation by the Association honors commitments made on his/her behalf.
- (vi) A teacher recognizes the Newfoundland and Labrador Teachers' Association as the official voice of teachers on all matters of a professional nature.

TEACHER-PARENTS

- (i) A teacher seeks to establish friendly and cooperative relationships with the home and to provide parents with information that will serve the best interests of their children.

