



HEALTH SCIENCES ASSOCIATION
OF ALBERTA

CONSTITUTION

June 2, 2017

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PREAMBLE

- 1.01 The Constitution as set forth in this document shall represent the highest expression of the collective will of the membership of the Union and shall be and remain the basis upon which the Union shall function.

NAME

- 2.01 The name of the union is the "HEALTH SCIENCES ASSOCIATION OF ALBERTA" (hereinafter referred to as the "Union" or "HSAA").

OBJECTIVES

Article 3 – Function

- 3.01 To secure for members, fair terms and conditions of employment.
- 3.02 To apply for certification as a bargaining agent on behalf of employees or groups of employees pursuant to the provisions of the *Labour Relations Code*, *Public Service Employee Relations Act*, or the *Canada Labour Code* and to enter into collective agreements with employers on behalf of employees.
- 3.03 To regulate relations between members and their employers.
- 3.04 To cooperate and deal fairly with employers in adjusting difficulties which may arise between employers and employees.
- 3.05 To promote the continuation of high standards of patient care.
- 3.06 To promote progressive and oppose regressive legislation, particularly in the areas of labour relations, labour standards, health care and human rights.
- 3.07 To cooperate with professional associations on matters of common interest and concern.
- 3.08 To cooperate with unions and organizations of unions in order to promote the above objects 3.06 and 3.07.

Article 4 – Membership Benefits

- 4.01 Subject to its policies and financial capabilities, the Union will:
- (a) Support labour education for its members;
 - (b) Support educational programs to enhance the health-care employment skills of its members;
 - (c) Provide bursaries to members, spouses and children/dependents of members enrolled in programs of studies in pursuit of a recognized diploma, degree or certificate at any post-secondary educational institution;
 - (d) Grant financial assistance to members of the Union and their immediate relatives who are, or were, dependent on the member.

Article 5 – Administration

- 5.01 (a) To acquire lands, by purchase, lease, or otherwise, and erect, lease, or otherwise provide a building(s) for Union purposes; and
- (b) To sell, manage, lease, mortgage, dispose of, or otherwise deal with property of the Union.

Article 6 – Other

- 6.01 To do all other things as are incidental or conducive to the attainment of the above Objects.

LOCATION

- 7.01 The operations of the Union are to be carried on in the Province of Alberta.

INTERPRETATION

- 8.01 In this Constitution, all references to days shall mean calendar days unless expressly stated otherwise.

MEMBERSHIP

Article 9 – Eligibility

- 9.01 Any person who is employed in a profession or occupation providing services of a health or social sciences nature is eligible for membership in the Union.
- 9.02 Any person who is employed in an occupation in support of services of a health or social sciences nature is eligible for membership in the Union.
- 9.03 Any person or group of employees deemed by the Board of the Union to share a community of interest with the membership of HSAA is eligible for the class of membership it designates.
- 9.04 The members of the Union shall be the subscribers to the Constitution and such other persons as are admitted as members of the Union.

Article 10 – Classification

- 10.01 Membership in the Union shall consist of the following classes:
- (a) Active members;
 - (b) Inactive members;
 - (c) Retired members;
 - (d) Associate members;
 - (e) Honorary members;
 - (f) Student members.
- 10.02 A member in good standing is one who complies with provisions contained in the Constitution of the Union.
- 10.03 A person who obtains membership through fraudulent means is not a member.

Article 11 – Out of Scope

- 11.01 Any person who is permanently employed in an out-of-scope (management exempt)¹ capacity with an employer signatory to a collective agreement with the Health Sciences Association of Alberta is ineligible for membership.
- 11.02 An individual rendered ineligible for membership through the operation of the Constitution may be reinstated to the appropriate membership class when they cease to be employed in an out-of-scope (management exempt) capacity.

¹ A person who performs managerial functions or is employed in a confidential capacity in matters relating to labour relations.

- 11.03 Any member who is in a temporary out-of-scope position (management exempt), which is expected to, or actually, exceed three months shall not be eligible to hold office or attend membership meetings.

Article 12 – Active Members

- 12.01 Active membership is open to any person employed in a bargaining unit represented by the Union, whether through certification, voluntary recognition, or who may be included in an application for certification on behalf of the Union.
- 12.02 An active member is subject to the provisions of the Constitution with respect to:
- (a) Applications for membership;
 - (b) Obligations for payment of fees and assessments; and
 - (c) The provisions for suspension, fines and other discipline.
- 12.03 An active member is entitled to hold office and vote on all matters in accordance with the Constitution.
- 12.04 Active members will include:
- (a) Those on an approved leave of absence;
 - (b) Those on lay-off/recall from their employer for the longest period of recall rights provided by any HSAA collective agreement;
 - (c) Those who have been dismissed and are represented by the Union through the grievance/arbitration procedure, until the dispute has been resolved;
 - (d) Casual employees who have contributed dues in the previous twelve (12) months; and
 - (e) Those who are serving in an elected position of the union, or its affiliates, where the operation of the applicable collective agreement would lead to a termination of their employment as a result of the leave requirements to fulfill their initial and/or subsequent terms of office.
- 12.05 An active member 30 years of age and younger will be considered a young worker.

Article 13 – Inactive Members

- 13.01 Any member from whom dues are no longer deducted, except one who is an active member as provided in Article 12.04, shall be an inactive member and is not eligible to vote or hold office.
- 13.02 Subject to the above, the Board may, at its discretion, designate the rights, duties and obligations of inactive members.

Article 14 – Retired Members

- 14.01 Any member 55 years of age or older and who ceases employment in a bargaining unit covered by an HSAA collective agreement, is a retired member.
- 14.02 Retired members may, at their own expense, attend general meetings of the Union but are not eligible to vote or hold office.
- 14.03 Retired members may pay an annual membership fee as determined by the Board.
- 14.04 The Board may, at its discretion, designate the rights, duties and obligations of retired members.

Article 15 – Associate Members

- 15.01 Associate membership is open to:
- (a) Any employee who would be eligible for active membership if HSAA were the certified bargaining agent; and
 - (b) Any person who would, if employed, be eligible for active membership and does not meet the eligibility criteria for any other class of member.
- 15.02 Application for associate membership shall be made to the Board. The decision of the Board to grant or deny such membership shall be final.
- 15.03 The Board may, at its discretion, designate the rights, duties and obligations of associate members including:
- (a) The right to vote at any meeting(s); and
 - (b) The payment of fees.
- 15.04 Associate members are not eligible to:

- (a) Hold office; or
- (b) Vote on any matter relating to a collective agreement or ratification thereof.

Article 16 – Honorary Members

- 16.01 The Board may award honorary membership to a person who has rendered outstanding service to the Union and is not eligible for active membership.
- 16.02 Honorary members shall be entitled, at their own expense, to attend any general meeting of the Union.
- 16.03 Honorary members shall not:
- (a) Vote;
 - (b) Hold office; or
 - (c) Participate in any dissolution of the Union.
- 16.04 Honorary members will not be required to pay any fees or assessments.
- 16.05 Subject to the above, the Board may, at its discretion, designate the rights, duties and obligations of honorary members.

Article 17 – Student Membership

- 17.01 Student membership is open to any student engaged in a course of studies leading to certification for a discipline for which HSAA is the certified bargaining agent.
- 17.02 Student members are not eligible to:
- (a) Hold office; or
 - (b) Vote on any matter relating to collective agreements or ratification thereof.
- 17.03 Subject to the above, the Board may, at its discretion, designate the rights, duties and obligations of student members.

Article 18 – Obligations of Members

- 18.01 All members of the Union will:
- (a) Recognize and observe the Constitution of the Union;

- (b) Recognize and respect the right of the Union to adopt and enforce reasonable rules as to the responsibility of every member toward the Union; and
- (c) Pay to the Union such lawful fees and assessments as established pursuant to the Constitution.

Article 19 – Application for Membership

- 19.01 Applications for membership are submitted to the Union. The Board can refuse any application for membership. A membership card will be issued.
- 19.02 The Board of Directors may refuse membership for reasonable cause. Reasonable cause shall include, but not limited to, the fact that an applicant for membership has:
 - i) crossed a lawful picket line of this or another union without permission.
 - ii) accepted employment as a replacement for an employee not at work due to a strike or lockout.
 - iii) acted to prevent a union from obtaining or maintaining a certification for any unit of employees.
- 19.03 Every applicant for membership shall have a right to appeal and shall not be denied membership on a discriminatory basis.

Article 20 – Fees

- 20.01 Anyone applying for membership will pay fees and/or assessments as determined by the Board or the membership.
- 20.02 The dues of the Health Sciences Association of Alberta shall be 1.4% percent of gross earnings.
- 20.03 Any change to annual dues for the following fiscal year shall be voted upon by the members at convention.
- 20.04 Any proposal to decrease annual dues can only be brought to a convention on recommendation of the Board of Directors.
- 20.05 HSAA may, on approval of the Board and subject to a majority vote at a convention, levy special assessments on its dues payers.

Article 21 – Strike and Defense Funds

- 21.01 The Union shall maintain a Strike Fund, whose assets shall be used only for the following purposes:
- a) For strike pay and expenses related to strikes, lockouts and other work stoppage situations involving HSAA members' and
 - b) Upon a two-thirds majority vote of the Board of Directors, to make interest-free loans to other striking unions where the Board deems such loans to be in the interests of HSAA members.
- 21.02 The Union shall maintain a Defense Fund, whose assets shall be used only to defend HSAA members in situations that raise fundamental challenges to union principles, standards and practices, and that require the development of legal and/or lobbying and political campaigns.

Article 22 – Withdrawal of Membership

- 22.01 An individual may withdraw from membership by notifying the Board, in writing, and returning their membership card. Anyone who withdraws forfeits all rights and benefits of membership.
- 22.02 An individual shall not resign membership in the Union during a strike or lockout if the resignation has or may have the purpose or effect of avoiding obligations under this Constitution with respect to strikes or lockouts.

Article 23 – Reinstatement of Membership

- 23.01 In cases of new bargaining certificates organized using membership cards an initiation fee must be paid, even if the applicant has previously been a member of the Union.
- 23.02 Except for an individual who has withdrawn from membership, or as provided in Article 22.01, anyone who:
- (a) Has previously been an active member in good standing; and/or
 - (b) Returns to employment in a bargaining unit represented by the Union is automatically reinstated to active membership.

MANAGEMENT OF THE UNION

Article 24 – Board of Directors

24.01 There shall be a Board of Directors (referred to in the Constitution as the “Board”) which shall be composed of:

- (a) President*
- (b) Vice-President*
- (c) Three District Advisors:
 - (i) District Advisor - Edmonton;
 - (ii) District Advisor - Calgary; and
 - (iii) District Advisor - North, Central and South.
- (d) Board members elected to represent their respective districts as provided in Article 25 - Representation.

** Executive Officers*

Article 25 – Representation

25.01 Board Members will be elected to represent the following HSAA districts:

- (a) North;
- (b) Central;
- (c) Edmonton;
- (d) Calgary; and
- (e) South.

25.02 Districts shall elect Board Members as follows:

- (a) Edmonton and Calgary shall each be entitled to five (5) District Board representatives; and
- (b) North, Central and South shall each be entitled to two (2) District Board representatives.

Article 26 – Local Unit

26.01 Each group of HSAA members may define itself as a “local unit” of HSAA, with consideration to the following principles:

- (a) Members covered under the same bargaining certificate existing at the same site are encouraged to amalgamate into one local unit, unless there are historical and/or functional reasons not to do so.

- (b) Members covered by separate bargaining certificates existing at the same site may opt to amalgamate, but may be better served with coexistence as two local units, and are encouraged to work jointly on issues not related to their specific bargaining certificate.
 - (c) Members covered by the same bargaining certificate with small numbers at multiple sites may wish to act as one local unit.
- 26.02 Local units must notify HSAA of changes to configuration of their local unit (i.e., amalgamation) and are encouraged to do so in a timely fashion.
- 26.03 Local unit reconfigurations and the structure of newly organized units shall be subject to approval by the HSAA Board to meet operational requirements.
- 26.04 Local unit representatives include local unit chairs, vice-chairs, secretaries, group representatives and/or other positions as determined by the local unit. These local unit representatives shall form the local unit executive.
- 26.05 The role of the local unit representative is to serve as key communication link between members and the HSAA office.
- 26.06 Local unit representatives are not authorized to bind the organization contractually, except as expressly delegated by a duly authorized officer of HSAA.
- 26.07 Local unit representatives are elected by members of the local unit for a term of up to three years, and may be re-elected for successive terms.

ELECTIONS / REPRESENTATIVE POSITIONS

Article 27 – Eligibility for Election or to Serve as an HSAA Representative

27.01 Only active members in good standing are eligible for nomination and election.

27.02 *President or Vice-President*

Any active member in good standing of the Union is eligible for nomination for the position of President or Vice-President.

27.03 *District Board Members*

(a) To be eligible for election in a district, a member must be employed in a bargaining unit in that district.

- (b) In situations where a member works in more than one district, that member must choose which district to run for in any given year and they cannot represent more than one district at any given time.
 - (c) A member of the Board whose term does not expire at the next convention may only run for a vacant district board position if they resign their current district board position prior to the call for nominations.
- 27.04 Any member who occupies a representative position with HSAA shall automatically vacate the office if they accept an out-of-scope position (management exempt) which places them in a conflict of interest with their union duties.
- 27.05 A member may only accept a nomination for one position in each election (i.e., President or Vice-President).
- 27.06 *Local Unit Executive*
- To be eligible for election to the local unit executive, a member must be employed in that local unit.

Article 28 – Nominations and Elections

- 28.01 All elections shall be determined by a single ballot; the member(s) with the largest number of votes will be declared elected. Where two Board positions are vacant, the member with the second largest number of votes will also be elected.
- 28.02 All elections shall be held by secret ballot, which may include electronic methods.
- 28.03 *President and Vice-President*

Subject to Article 32, election for the office of President and Vice-President shall occur in odd numbered years.

(a) **Nomination:**

- (i) Any ten (10) members in good standing may nominate an eligible member for the position of President or Vice-President.
- (ii) The nomination must be signed by the nominators and by the nominee to indicate their willingness to stand for election.

- (iii) Nominations will begin after January 1, as determined by the Elections/Credentials Committee. Nominations must be received by the prescribed deadline.
- (iv) Where there are no nominations for President or Vice-President, the Board will determine the process of issuing a further call for nominations and elections.

(b) **Election:**

- (i) Each active member in good standing of the Union will receive one ballot for each position.
- (ii) Ballots will be processed in accordance with the procedure determined by the Elections/Credentials Committee. Except for Vacancies in Mid-Term, or where no candidate is nominated after the first call for nominations, elections for Executive Officers will be completed no later than February 28.
- (iii) In the event that there is only one candidate, that candidate will be acclaimed.
- (iv) The President and Vice-President are sworn in and take office at the conclusion of the convention, or June 15, whichever occurs first.
- (v) Subject to the above, the election procedure shall be determined by the Elections/Credentials Committee and approved by the Board.
- (vi) The elections of the President and Vice-President will be on separate ballots.

28.04 *District Board Members*

(a) **Nomination:**

- (i) Any five (5) members in good standing in a district in which an election is to be held may nominate an eligible member to the Board.
- (ii) The nomination must be signed by the five (5) nominators and by the nominee to indicate their willingness to stand for election.

- (iii) Nominations will begin after March 1, as determined by the Elections/Credentials Committee. Nominations must be received by the prescribed deadline.

(b) **Election:**

- (i) Each active member in a district in which an election is held will receive an electronic ballot.
- (ii) Ballots will be processed in accordance with the procedure determined by the Elections/Credentials Committee. Except for Vacancies in Mid-Term, or where no candidate is nominated after the first call for nominations, elections will be completed no later than April 30.
- (iii) In the event that there is only one candidate in a district, that candidate will be acclaimed.
- (iv) The Board Members so elected are sworn in and take office at the conclusion of the convention, or at the first Board meeting after June 15.
- (v) Subject to the above, the election procedure shall be determined by the Elections/Credentials Committee and approved by the Board.

28.05 *District Advisors*

- (a) The Board shall elect three (3) District Advisors from among the elected District Board Representatives as follows:
 - (i) One (1) from the Edmonton District;
 - (ii) One (1) from the Calgary District; and
 - (iii) One (1) from the North, South and Central Districts combined.
- (b) The election shall be by secret ballot.
- (c) Subject to the above, the Board determines the election process.
- (d) District Advisors will be elected in even numbered years.

Article 29 – Term of Office

- 29.01 The President and Vice-President shall each serve a term of two (2) years.

- 29.02 The District Advisors shall each serve a term of two (2) years.
- 29.03 The District Board Members shall each serve a term of three (3) years.
- 29.04 The District Board Members take office at the conclusion of the convention, or the first Board meeting after June 15.
- 29.05 If elected mid-term the newly elected Executive Officer or Board Member is sworn in and takes office at the next Board meeting.

Article 30 – Election of District Board Members

- 30.01 Elections for District Board Members will be held in rotation so that not all positions are vacant in any year. The rotation will be determined by the Elections/Credentials Committee.

Article 31 – Oath of Office

- 31.01 The following Oath of Office shall be administered to newly elected/or re-elected Board Members and Executive Officers at the convention or at their first meeting of the Board, as appropriate:

I, _____, promise that I will truly and faithfully carry out my duties as a member of the Board of Directors to the best of my abilities.

I promise that I will uphold the Constitution and principles of the Union.

I commit that in good faith I will support and promote the policies of the Union.

I will endeavour to build harmony and solidarity in the Union and the labour movement.

I will promote a harassment-free and discrimination-free environment and work to ensure the human rights of all members are respected.

I pledge that I will support other affiliates of the Canadian Labour Congress in their struggles and will not attempt to recruit their members.

VACANCIES IN MID-TERM

Article 32 – President and Vice-President

- 32.01 Should the President vacate the position in mid-term, the Vice-President will assume the office of President, and:
- (a) If the vacancy occurs within the first year of the term, the new President shall complete the term; and
 - (b) If the vacancy occurs after the first year of the term, but before the final six months of the term, the new President shall complete the term and serve for an additional two-year (2) term.
- 32.02 Should the Vice-President vacate the position within the first 18 months of the term, a by-election will be called by the Elections/Credentials Committee within 90 days of the vacancy in order to fill the position.
- (a) If the by-election occurs within the first year of the term, the new Vice-President shall complete the term.
 - (b) If the by-election occurs after the first year of the term, but before the final six months of the term, the new Vice-President shall complete the term and serve for an additional two-year (2) term.
- 32.03 Should the Vice-President vacate the position within the final six months of the term, the Board shall elect a replacement from among its membership who will complete the term.
- 32.04 In the event that both Executive Officer positions become vacant simultaneously, within the first 18 months of the term, a by-election will be called by the Elections/Credentials Committee within 90 days of the vacancy in order to fill the positions.
- (a) If the by-election occurs within the first year of the term, the new Executive Officers shall complete the term.
 - (b) If the by-election occurs after the first year of the term, but before the final six months of the term, the new Executive Officers shall complete the term and serve for an additional two-year (2) term.
- 32.05 In the event that both executive officer positions become vacant within the final six months of the term, the Board shall elect an acting President only, from

among its membership, who will complete the term, and a by-election will be called as necessary.

Article 33 – District Board Members

- 33.01 If a member of the Board is unable to complete their three-year (3) term, the Elections/Credentials Committee shall arrange for the election of a replacement from that district. If only one member is nominated, the Board shall appoint that person to fill the vacancy.
- 33.02 Should the term remaining for the newly elected/appointed Board Member be six (6) months or less they shall serve the balance of the term and, in addition, the following three-year (3) term of office.

Article 34 – Vacancy (Automatic)

- 34.01 The President or Vice-President shall automatically vacate their office if:
- (a) They resign in writing under their hand or has been deemed to resign under this article;
 - (b) They are removed from office by a vote of two-thirds (2/3) majority of a duly convened general meeting of the Union;
 - (c) They are found to be of unsound mind;
 - (d) They become ineligible for active membership in the Union;
 - (e) They are no longer employed in an HSAA bargaining unit and the provision of Article 12.04 (e) do not apply; and
 - (f) They miss more than one-third (1/3) of the regularly scheduled Board meetings during any year of their term without valid reason acceptable to the Board.
- 34.02 Any member of the Board shall automatically vacate their office if:
- (a) They resign in writing under their hand or has been deemed to resign under this article;
 - (b) They are removed from office by a vote of two-thirds (2/3) majority of a duly convened general meeting of the Union;
 - (c) They are found to be of unsound mind;

- (d) They become ineligible for active membership in the Union;
- (e) They are no longer employed in a bargaining unit in the district in which they were elected; and
- (f) They miss more than one-third (1/3) of the regularly scheduled Board meetings during any year of their term without valid reason acceptable to the Board.

34.03 A member of the Advisory Committee shall automatically vacate their office if, without valid reason acceptable to the Board, they miss one quarter (1/4) of the total number of regularly scheduled meetings of the Board and the Advisory Committee in any year of their term.

In the event that a member of the Board vacates their office before the annual convention, the vacancy will be filled pursuant to provisions contained in the Constitution.

Article 35 – Removal from Office

35.01 The President, Vice-President or any other member of the Board may be suspended from office by a seventy-five percent (75%) majority vote of members of the Board, where allegations of a breach of the Code of Ethics contained in the Constitution have been made in accordance with Article 54.01.

35.02 If the President, Vice-President or any other member of the Board is suspended under this section, a Discipline Committee shall be formed to investigate and dispose of the complaint, as required by Article 54.10(c) and notice shall be provided as per Article 56.

35.03 (a) A Special General Meeting to ratify or reverse the decision of the Discipline Committee will be called to convene within thirty (30) days of the decision of the Discipline Committee.

(b) A vote to remove the President, Vice-President or any other member of the Board must carry by a sixty-six and two thirds percent (66 2/3%) majority of those members voting at the Special General Meeting.

35.04 If a quorum of delegates at a Special General Meeting cannot be achieved, the Board will make a final decision.

Article 36 – Leave of Absence

36.01 The Board of Directors shall grant a leave of absence to any of its members in accordance with any applicable legislation.

- 36.02 The Board may grant any other leave of absence at its discretion.
- 36.03 If the Board approves a leave of absence request from a Board Member of longer than six months, it will arrange for an election of a temporary replacement as per Article 33.01 and 33.02, Vacancies in Mid-term/District Board Members. The term of office of the temporary Board Member so elected shall terminate when the Board Member on leave returns to their position or the term expires.

DUTIES AND POWERS OF THE BOARD

Article 37 – Duties of the Board

- 37.01 The duties of the Board shall be, in addition to any duties described elsewhere in the Constitution or otherwise implied by the Constitution:
- (a) To formulate policy on issues affecting the Union and manage its affairs between general meetings;
 - (b) To meet to conduct its business as often as required;
 - (c) To consider all matters placed on the agenda by the District Board Members for such meetings and to take such action on each item as the Board may consider wise;
 - (d) To appoint such committees as are necessary for the functioning of the Union and to further its objectives;
 - (e) To appoint a Discipline Committee in the manner provided for in Article 54.10(c) and 54.11;
 - (f) To appoint representatives to affiliated labour organizations and advocacy bodies;
 - (g) To have in charge the general interests of the Union and its members in the intervals between general meetings;
 - (h) To ratify the appointment of the Executive Director;
 - (i) To establish the policy governing all Union publications;
 - (j) To appoint the auditors of the Union and ensure that the books of the Union are audited each year, or as often as required during the year;

- (k) To report on its activities to the membership at its general meetings; and
- (l) To determine, from time to time, the location of any office of the Union.

37.02 **Board of Directors Authority During Job Action**

In case of any job action involving HSAA and its members, the Board of Directors will have the authority and responsibility, subject to express provisions of this Constitution, to determine appropriate policies and procedures. Without limiting the generality of the foregoing, and regardless whether the job action is initiated by HSAA, by another Union, or by the employer, the Board of Directors has the authority:

- a) To set and revise job action pay.
- b) To establish conditions for receiving job action pay, which may include a requirement to perform an amount of picket or alternate duty.
- c) To determine which members are assigned to perform essential services.
- d) In the case of a job action initiated by HSAA, to determine the timing and duration of strike at any facility.

Article 38 – Financial Powers

38.01 The Board shall have the right:

- (a) To borrow money in the name of the Union and to limit the amount to be borrowed;
- (b) To issue bonds, debenture stock, debentures, notes and other negotiable securities in the name of the Union;
- (c) To sell, pledge, exchange or dispose of such bonds, debentures, debenture stock, notes and other negotiable securities at such prices, and under such conditions, as may be deemed the most expedient;
- (d) To grant, bargain, sell, alienate, convey, confirm, assign, hypothecate, mortgage, pledge or charge, and cede and transfer all or any of the real and movable, freehold and leasehold, undertaking and business and other property, assets and rights of the Union, including uncalled capital, both present and future of whatsoever kind and wherever situate, to secure any such bonds, debentures, debenture stock, notes and other negotiable securities of any money borrowed or any other liability of the Union;

- (e) To purchase, lease or otherwise acquire, alienate, sell, exchange or otherwise dispose of shares, stocks, rights, warrants, options and other securities, lands, buildings and other property, moveable or immovable, real or personal, or for any right or interest therein owned by the Union for such consideration and upon such terms and conditions as it deems advisable;
- (f) For further clarity, the Board shall not authorize the use of HSAA funds or assets, including a loan or other financial support, to a third party in any manner that could reasonably be expected to:
 - (i) Cause HSAA's tax exempt/not-for-profit status to be challenged; or
 - (ii) Otherwise place HSAA's tax exempt/not-for-profit status at risk.
- (g) The Board shall exercise the right to issue debentures only under the authority of a Special Resolution which requires twenty-one (21) days' notice and is adopted at a general meeting by a seventy-five percent (75%) vote of those members present and voting.

38.02 The Board shall not exercise any of its powers in such a manner as to violate any provisions of this Constitution.

Article 39 – Signing Officers

39.01 Signing Officers for any financial transactions are:

- (a) President;
- (b) Vice-President;
- (c) Executive Director; and
- (d) Executive Assistant to the President/Board.

39.02 Any financial transaction will require the signatures of two (2) signing officers, at least one of whom shall be an Executive Officer.

ADVISORY COMMITTEE

Article 40 - Composition

40.01 The Advisory Committee consists of:

- (a) President;
- (b) Vice-President; and
- (c) District Advisors.

Article 41 – Duties of the Advisory Committee

41.01 The Advisory Committee shall:

- (a) Meet as required in order to carry on the business of the Union between meetings of the Board; and
- (b) Recommend policy initiatives to the Board.

41.02 Each member of the Advisory Committee shall:

- (a) Discharge the duties associated with their office; and
- (b) Subject to Articles 34.02 and 34.03, attend meetings of the Board, the Advisory Committee, and general meetings of the Union.

Article 42 – Duties of Advisory Committee Members

42.01 The President of the Union shall:

- (a) Preside at general meetings of the Advisory Committee and of the Board;
- (b) Act as spokesperson of the Union;
- (c) Be the chief executive responsible for implementing the policy of the Union;
- (d) Be the general coordinator of the Union;
- (e) Be an ex-officio member of each standing committee named in this Constitution or discretionary or other committee established by the HSAA Board, with the exception of the Elections/Credentials and Discipline Committees;
- (f) Ensure that the Board conducts itself in accordance with its own policies; and
- (g) The President may delegate some of their duties.

42.02 The Vice-President of the Union shall:

- (a) Assume the duties of the President in their absence;
- (b) Act as Chair of the Finance Committee;
- (c) Act as custodian of the funds and books of the Union;

- (d) Oversee the expenditures in accordance with the votes of a general meeting, or of the Board;
- (e) Ensure that all funds of the Union are deposited in the name of the Union, in a financial institution approved by the Board;
- (f) Ensure that all payments by cheque are signed by two signing officers designated in Article 39.01;
- (g) Ensure that a financial report is prepared annually, or as often as may be required by the Board;
- (h) Ensure that the books of the Union are audited annually;
- (i) Present the financial statement at the convention of the Union;
- (j) Make such reports, relating to the office as shall be required by a general meeting, the Board, or Advisory Committee;
- (k) Oversee committee(s) relating to the finances of the Union;
- (l) Ensure that an accurate and true record of the membership is kept;
- (m) Ensure that a full and accurate record of the proceedings of general meetings of the Union, the Board and the Advisory Committee is kept;
- (n) Deal with disciplinary matters as per Article 37;
- (o) Chair hiring committees for the Executive Director and Executive Liaison positions;
- (p) Chair the bargaining committee for in-scope employees;
- (q) Be an ex-officio member of each standing committee named in this constitution, discretionary or other committees established by the HSAA Board with the exception of the Elections/Credentials and Finance Committees; and
- (r) The Vice-President may delegate some of their duties.

42.03 District Advisors shall:

- (a) Temporarily assume the duties of the Executive Officers should their positions become vacant mid-term;

- (b) Perform delegated duties as assigned;
- (c) Coordinate the District Board Members' responsibility within their district(s) (e.g., local unit meetings);
- (d) Act in an advisory role to the Executive Officers; and
- (e) Represent HSAA to external bodies as delegated or assigned.

DELEGATION OF DUTIES AND AUTHORITY

- 43.01 The Board, Advisory Committee and Executive Officers may delegate to the Executive Director full authority:
- (a) To manage and direct the business affairs of the Union, except such matters and duties as by law or the Constitution may only be transacted or performed by the Board or by the members in a general meeting; and
 - (b) To employ and discharge agents and employees of the Union.
- 43.02 The Executive Director shall conform to all lawful directives of the Board, and shall at all reasonable times give to the Board, or any of its members, all information they may require regarding the affairs of the Union.

REMUNERATION

- 44.01 Members of the Board and Executive Officers will be remunerated for their expenses as per applicable policy.

ACCOUNTING AND AUDIT

- 45.01 The books, accounts, and records of the Union shall be audited at least once a year by an auditor appointed by the Board and the audit report shall be made available to the membership prior to the convention.
- 45.02 The books and records of the Union may be inspected by any member of the Union upon request to the Board after giving reasonable notice.

SAVE HARMLESS

- 46.01 The Union shall indemnify and save harmless any member of the Board, or any person appointed or employed by the Board, from personal liability incurred by such person in the administration of the affairs of the Union, provided that such protection shall extend only to persons properly authorized and acting bona fide in the interest of the Union.

COMMITTEES

Article 47 – Standing Committees

47.01 The Board shall establish the following standing committees:

- (a) Finance Committee;
- (b) Elections/Credentials Committee;
- (c) Constitution, Bylaws, Resolutions and Policy Committee;
- (d) Members' Benefits Committee; and
- (e) Workplace Health, Safety and Wellness Committee.

Article 48 – Other Committees

48.01 The Board shall establish such other committees as the Board, in its absolute discretion, shall deem necessary.

MEETINGS

Article 49 – Rules of Order

49.01 The parliamentary authority for all meetings of the Union shall be the current edition of Robert's Rules of Order. A simplified form of these rules may be adopted by a majority vote of the members present. Where such simplified rules do not sufficiently deal with an issue, the main text will apply.

Article 50 – Meetings of the Board

50.01 Members of the Board will have twenty-one (21) days' notice of regular meetings of the Board. Such notice may be verbal or written.

50.02 Special meetings of the board may be called by the President, the Advisory Committee or any three (3) members of the Board. Members of the Board shall be given seven (7) days' notice (verbal or written). In urgent situations, this notice requirement may be waived by two-thirds (2/3) of the members of the Board.

50.03 Quorum of the Board shall be fifty percent plus one (50% +1) of the Board, including the President and Vice-President.

50.04 All votes shall be by a show of hands, unless a secret ballot is demanded by any District Board Member:

- (a) The results of votes will be recorded in the minutes.
- (b) In case of a tie vote, the resolution is defeated.

Article 51 – General/Special Meetings

51.01 A general/special meeting is the highest level of authority for any deliberative assembly. At such meetings, members have the opportunity to make, ratify or reverse any decisions to the extent that such action would not violate the Constitution or any collective agreement in force between HSAA and any employer.

51.02 General/special meetings of the Union may be called in accordance with this Constitution by the Board, or upon written request of twenty-five percent (25%) of the membership of the Union, provided that the nature of the business is stated in the request.

51.03 Delegate Status at Convention

Credentials shall be granted to local units based on one (1) delegate per fifty (50) members, or portion thereof, in good standing as of December 1st of each given year.

Local Units will distribute credentials to its members as per policy.

Members who are not selected to receive credentials from their Local Unit but wish to attend may enter their names on a waiting list within their district.

Should a local unit not use all of their allotted credentials, the unused credentials will be offered by random draw to those on the waiting list from within their district.

51.04 Delegate credentials shall be granted to active local units only, meaning that they have held at least one (1) general meeting of the local unit members in the calendar year prior to December 1st of each given year and a local unit executive was duly elected.

51.05 Only delegated members may have voice and vote at general/special meetings.

51.06 Current members of the HSAA Board of Directors will automatically be granted delegate status separate from Local Unit or District distributions.

51.07 Board members-elect are entitled to attend and participate however, they do not have voting rights unless they are otherwise attending as a delegate within their local unit.

51.08 **Notice**

- (a) All members shall be given at least seven (7) days' notice of a general/special meeting. This may be done electronically.
- (b) The notice shall state the date, hour and place of the meeting, and the nature of the business to be transacted.
- (c) The accidental omission to give notice of any meeting or the non-receipt thereof by any member(s) shall not invalidate any resolution or constitutional amendment passed or proceedings taken at the meeting.
- (d) Service of any notice shall be deemed sufficient service upon the member if addressed to their last known address (including electronic mail address) within Alberta at least ten (10) days before the date appointed for the meeting. Such notice will be deemed to have been received by the addressee on the date following the day of such posting.

51.09 **Quorum**

Quorum at any general/special meeting shall be seventy-five (75) members in good standing and in attendance.

51.10 **Voting**

- (a) Each member is entitled to one (1) vote, and all resolutions, except amendments of the Constitution, shall be decided by a simple majority.
- (b) In case of a tie vote, the resolution is defeated.
- (c) Voting shall be by a show of hands, and the Chair will declare whether the resolution has been passed or defeated.
- (d) Any member may demand a poll, in which case the votes for and against a resolution will be counted and recorded in the minutes.
- (e) If no poll is demanded, an entry in the minutes as to the disposition of the resolution shall be sufficient evidence of the fact without proof of the number of votes for and against the resolution.
- (f) Amendments of the Constitution shall be passed with by a two-thirds (2/3) majority.

51.11 **Annual Convention**

The Union shall hold an annual Convention.

51.12 **Labour Relations Conference**

- (a) A Labour Relations Conference will be held annually.
- (b) The Labour Relations Conference may be held on a regional basis as deemed appropriate by the Board.
- (c) The Labour Relations Conference may deal with, but not be limited to,
 - (i) Labour and workplace issues;
 - (ii) Collective bargaining proposals; and
 - (iii) Membership education.

51.13 **Reimbursement of Expenses**

The Board:

- (a) May determine the number of members whose expenses for general meetings and other union-related functions will be paid by HSAA and which expenses will be reimbursed; and
- (b) Will set policies to ensure that each bargaining unit has the opportunity to be represented at any general meeting.

NEGOTIATIONS

52.01 The Board or its delegate may sign memoranda of agreement, subject to ratification by the members affected by the relevant collective agreement.

52.02 Ratification votes may be taken at a duly convened meeting of the membership, by secret ballot, which may include electronic methods, or as directed by the Alberta Labour Relations Board or equivalent authority.

CODE OF ETHICS

53.01 One or more of the following acts shall constitute conduct unbecoming a member of the Union:

- (a) Crossing a picket line established by the Union;

- (b) Obtaining or soliciting membership by misrepresentation;
- (c) Knowingly failing to comply with the Constitution;
- (d) Attempting to bring about the withdrawal of any member or group of members from the Union;
- (e) Knowingly publishing or circulating false reports or misrepresentations among the members of the Union;
- (f) Working in the interests of another union to the detriment of the Union;
- (g) Without proper authority using the name of the Union to solicit funds or to advertise;
- (h) Misappropriating assets belonging to the Union;
- (i) Furnishing to anyone, without proper authority or for any purpose not in the best interest of the Union, a list or a portion of a list of members of the Union;
- (j) Failing, without reasonable excuse, to pay membership dues, assessments or other fees of the Union;
- (k) Slandering or libeling, that is, spreading defamatory comments, either verbally or in writing, which would tend to injure the reputation of a member or an officer of the Union or any of the component parts of the Union;
- (l) Failing to follow the lawful order of the chair of any meeting of the Union or its component parts to the point where business of the meeting may not be fairly and reasonably conducted;
- (m) Interfering with the performance of the duties of any officer of the Union or its component parts;
- (n) Engaging in conduct detrimental or prejudicial to the best interest of the Union;
- (o) Willfully neglecting the duties of an elected Union position;
- (p) Failing to follow the lawful directions and ruling of the Board and/or an Executive Officer;
- (q) Filing frivolous, unnecessary or vindictive charges against a member of the Union;

- (r) Harassing any member or staff member of HSAA;
- (s) Actively interfering with contractual or other rights of members;
- (t) Violating the published policies of the Union;
- (u) Knowingly failing to declare a conflict of interest, and/or participating in decisions where a conflict of interest exists; or
- (v) Knowingly breaching the Oath of Office.

DISCIPLINE

Article 54 – Charges

- 54.01 Any member(s) who has (have) reasonable grounds to believe that another member has been guilty of a breach of the Code of Ethics, or a breach of any of the Constitution of the Union may make a complaint thereof in writing to the Vice-President of the Union within twenty-one (21) days of becoming aware of the circumstances which are the basis of the complaint and in no case more than six (6) months from the date of the alleged breach.
- a) An elected Local Unit executive member may be suspended from office by a seventy-five percent (75%) majority vote of members of the board for the duration of the disciplinary process.
 - b) If a Local Unit executive member is suspended under this clause a discipline committee shall be formed to investigate and dispose of the complaint, as required by Article 54.10 and notice shall be provided as per Article 56.
- 54.02 Upon receipt of a complaint, the Advisory Committee shall determine if the identity of the complainant(s) will be kept confidential at the investigation stage. The Advisory Committee shall consider the best interests of the Union, the interests of the complainant(s), the interests of the respondent(s) and any other relevant factors.
- 54.03 Within fifteen (15) days of receipt of the complaint, the Advisory Committee shall assign an investigator who shall be supplied with:
- (a) A copy of the complaint;
 - (b) A copy of the relevant sections of the Constitution;

- (c) Contact information for the complainant(s) and respondent(s) and known witnesses; and
 - (d) Any other relevant information or documentary evidence.
- 54.04 If the Advisory Committee has determined that the identity of the complainant(s) will remain confidential at the investigation stage, it will direct the investigator to conduct the investigation in a manner that makes every effort to maintain that confidentiality.
- 54.05 Within fifteen (15) days of receipt of the complaint, the Advisory Committee shall provide the respondent(s) with a copy of the complaint or, in the event that the identity of the complainant(s) is to be kept confidential at the investigation stage, a summary of the complaint, edited to maintain the confidentiality. The Advisory Committee will also provide the respondent(s) with the name and contact information of the investigator.
- 54.06 The investigator shall inquire into the complaint by contacting the complainant(s), respondent(s), and witnesses to determine if there is sufficient evidence to support the establishment of a discipline committee.
- 54.07 The investigator may, at their discretion, determine the scope of the investigation and may, where there are multiple complainants, respondents or witnesses, determine that it is not necessary to interview each complainant, respondent or witness.
- 54.08 The investigator shall make every effort to conduct interviews outside the member's workplace and hours of work.
- 54.09 The investigator shall report to the Advisory Committee in writing, within forty-five (45) days of the appointment, summarizing their findings and providing any documentary evidence gathered during the investigation and may recommend that:
- (a) A discipline committee be struck;
 - (b) The complaint be dismissed; or
 - (c) That an alternative dispute resolution mechanism be utilized.
- 54.10 The Advisory Committee shall, within fifteen (15) days of receipt of the investigator's report:
- (a) Direct that no further action be taken;
 - (b) Direct that a recommended, or other, alternative dispute resolution mechanism be utilized including a proposal of a remedy to the parties;

- (c) Appoint a discipline committee pursuant to Article 55.01 (Committee Structure); or
 - (d) Refer the complaint to the Board.
- 54.11 The complainant(s) and the respondent(s) shall be notified of the decision of the Advisory Committee and the rationale by registered mail, email, or courier, requiring a signature or electronic acknowledgement upon receipt.
- 54.12 If the Advisory Committee has referred the complaint to the Board, the Board shall, within thirty (30) days of receipt of the referral from the Advisory Committee:
- (a) Direct that no further action be taken;
 - (b) Direct that a recommended, or other, alternative dispute resolution mechanism be utilized including a proposal of a remedy to the parties;
 - (c) Appoint a discipline committee pursuant to Article 55.01.
- 54.13 The complainant(s) and respondent(s) shall be notified of the decision of the Board and the rationale therefore by registered mail, email or courier, requiring a signature, or electronic acknowledgement, upon receipt.

Article 55 – Committee Structure

- 55.01 The Discipline Committee shall consist of the Vice-President, who shall be its chair, and two (2) other members in good standing appointed by the Advisory Committee for each hearing. The appointments shall be made so as to avoid conflicts of interest. If the Vice-President is in a conflict of interest, the Advisory Committee shall appoint the chair from the Board of Directors. If the entire Board is in a conflict of interest, the Advisory Committee shall appoint a chair from the membership.

Article 56 – Notices

- 56.01 The Vice-President shall give notice in writing to the respondent(s) and to the complainant(s) specifying the date and place of the hearing, with particulars of the charge.
- 56.02 Notice by registered mail, email or courier, requiring a signature or electronic acknowledgement, upon receipt, shall be given to the respondent(s) and the complainant(s) not less than thirty (30) days prior to the hearing. Such notice shall be sent to the last address listed with the Union.

56.03 Should the respondent(s) or complainant(s) be unable to attend because of circumstances beyond their control, they should notify the Discipline Committee within ten (10) days of receipt of the notice provided for in Article 56.02, whereupon a new date for the hearing will be fixed by the Discipline Committee. Should the respondent(s) or complainant(s) then fail to attend:

- (a) In the case of the respondent(s), the hearing may proceed in their absence, upon proof of service of the notice upon them.
- (b) In the case of the complainant(s), the complaint may be dismissed, upon proof of service of the notice upon them.
- (c) In exceptional circumstances satisfactory to the Discipline Committee, a further adjournment may be granted.

Article 57 – Hearing

57.01 The Discipline Committee shall hear and determine the disposition of the complaint.

57.02 The Discipline Committee shall determine its own procedures and,

- (a) May accept oral or written evidence that it considers proper, whether admissible in a court of law or not;
- (b) Is not bound by the law of evidence applicable to judicial proceedings;
- (c) Shall follow the rules of natural justice in the conduct of its hearing;
- (d) Shall allow witnesses to be called and cross-examined;
- (e) Shall deliberate upon its decision in private, considering only the evidence and submissions raised during the hearing, to reach its decision; and
- (f) May retain legal counsel to advise it regarding its procedures and practices before and during the hearing.

57.03 The Executive Director, or designate, shall represent the interests of the Union in the disciplinary hearing. They shall present the evidence of the complaint at the hearing on behalf of the Union and shall make submissions at the hearing.

They shall be guided by the principle of making every effort to ensure that the whole truth, whether in support or against the complaint, is presented to the

Discipline Committee. At the discretion of the Executive Director, or their delegate, legal counsel may be hired to assist.

- 57.04 The Executive Director shall make every effort to provide pre-hearing disclosure of the case that will be presented on behalf of the Union to the respondent(s) and complainant(s) prior to the hearing.
- 57.05 The decision of the Discipline Committee shall be by majority vote. If the Discipline Committee finds the charge proved it may, in its absolute discretion, reprimand, censure, remove from office, suspend or expel the member charged as the circumstances of the case may require.

Article 58 – Rights of the Respondent

- 58.01 If a Discipline Committee is formed, the respondent(s) charged shall have the right, subject to the provisions of the *Labour Relations Code* and applicable privacy legislation:
- (a) To be informed of the charges and provided a full and complete copy of the complaint and any amendments or additions thereto;
 - (b) To know the identity of the complainant(s);
 - (c) To be provided with a copy of the investigator's report;
 - (d) To be provided with any additional documentary evidence gathered by the investigator;
 - (e) To call and cross-examine witnesses;
 - (f) To be heard; and
 - (g) To be represented by legal counsel.

Article 59 - Decision

- 59.01 The Discipline Committee shall render a decision, in writing, explaining the rationale for its decision and for any penalty assessed, and will submit it to:
- (a) The Advisory Committee and the Board;
 - (b) The respondent(s);
 - (c) The complainant(s); and

(d) The Executive Director, designate or legal counsel, within forty-five (45) days after conclusion of the hearing.

59.02 The decision shall be sent to the respondent(s) and the complainant(s) by registered mail, email or courier, requiring a signature, or electronic acknowledgement, upon receipt.

Article 60 - Appeal

60.01 Within thirty (30) days of receipt of the decision, the respondent(s) or complainant(s) may give notice of their intention to appeal the decision of the Discipline Committee to a general meeting of the Union.

60.02 Such an appeal will be heard at the next general meeting of the Union.

60.03 If written notification of the decision of the Discipline Committee is given to such appealing member within thirty (30) days of the date of the next general meeting the appellant may request that their appeal be heard at the next following general meeting of the Union.

60.04 The Vice-President shall provide a copy of the appeal to the complainant(s) and other respondent(s) who attended the Discipline Committee and the Executive Director or designate.

60.05 At the appeal, the appellant(s), other parties to the complaint and the Executive Director, or designate on behalf of the Union, may make a statement and/or be represented by counsel.

60.06 The decision of the Discipline Committee will be read to the assembly.

60.07 Members will confirm, modify or reverse the decision of the Discipline Committee.

60.08 A vote under this section will be by secret ballot and will be final.

60.09 The decision of the Discipline Committee shall only be changed by a two-thirds (2/3) majority of the members present and voting.

60.10 The complainant(s), respondent(s), members of the Discipline Committee, and members of the Board shall not be entitled to vote on the appeal.

Article 61 - Expulsion

- 61.01 Any person who has been expelled from the Union shall forfeit all rights and benefits of membership.
- 61.02 Any member who has been expelled from the Union for a period greater than 5 years shall not be reinstated for membership until the Board, by a majority vote of two-thirds (2/3) of its members, makes this determination.

Article 62 – Costs

- 62.01 HSAA will cover reasonable and substantiated expenses and other costs judged to be reasonable by the Advisory Committee in the circumstances of the case. Legal costs of the respondent(s) and the complainant(s) at any stage of the process will be considered for reimbursement only in those exceptional cases deemed by the Advisory Committee, in its sole discretion, to warrant reimbursement.

LIABILITY OF MEMBERS

- 63.01 No member of the Union, in his or her individual capacity, shall be liable for any debt or liability of the Union.

SEAL

- 64.01 The Union shall have a common seal which shall be under the control of the Board and the responsibility for its use and the procedures to be followed in its use shall be as determined by the Board. The seal shall be in safe custody within the central office of the Union.

MEMBERSHIP BENEFITS FUNDS

Article 65 – Members' Benefits Committee

- 65.01 The Members' Benefits Committee ("the MB Committee") shall be appointed by the Board to administer the following funds:
- (a) Labour Relations Fund;
 - (b) Bursary Funds;
 - (c) Dell Taylor Memorial Education Fund; and
 - (d) Emergency Financial Assistance Fund,

as well as any other funds of a similar nature which may be instituted by the Union.

The policies and procedures of the MB Committee are subject to ratification by the Board. The granting or refusal of any assistance from these funds shall remain solely within the discretion of the MB Committee. The decision of the committee may be appealed to the Board.

Article 66 – Labour Relations Fund

66.01 The purpose of the Labour Relations Fund is for the registration, tuition fees and other related expenses, up to the maximum allowed, for labour relations courses, conferences, and workshops and must be directly related to labour relations, unionism or social justice.

Article 67 – Bursary Funds

67.01 The purpose of the Bursary Funds is to provide financial assistance to members, spouses, and children/dependents of members pursuing a recognized degree, diploma or certificate at a post-secondary educational institution.

Article 68 – Dell Taylor Memorial Education Fund

68.01 The purpose of the Dell Taylor Memorial Education Fund is to provide assistance to members enrolling in a course of studies related to that member's discipline.

Such monies are to be used for the payment of registration, examination and/or tuition fees exclusively.

Article 69 – Emergency Financial Assistance Fund

69.01 The purpose of the Emergency Financial Assistance Fund is to provide members with financial aid in emergency situations.

69.02 Financial assistance under the Emergency Financial Assistance Fund shall be available to each member to the maximum lifetime benefit.

AMENDMENTS TO THE CONSTITUTION

70.01 The Constitution of the Union may be rescinded, altered or added to by a resolution properly presented to the convention of the Union.

70.02 Proposed amendments to the Constitution shall be:

- (a) Submitted to the Board;
- (b) By two (2) or more members in good standing;
- (c) Accompanied by supporting documentation; and
- (d) Not less than one hundred and twenty (120) days prior to the date of the general/special meeting during which the amendments will be presented and discussed.

70.03 The Board may propose amendments to the Constitution to the membership by giving notice thereof not less than twenty-one (21) days prior to a general meeting.

70.04 Amendments to the Constitution must be presented to the membership as a resolution and must be passed by two-thirds (2/3%) percent majority of those members present and voting.