



MOUNT ROYAL 
STAFF ASSOCIATION

Constitution and Bylaws
of the
Mount Royal Staff Association
(MRSA)

CONSTITUTION

ARTICLE 1 - NAME

The name of the organization shall be Mount Royal Staff Association, (hereinafter referred to as the “MRSA” or the “Union”).

ARTICLE 2 - PURPOSE

The MRSA is a certified bargaining agent and non-profit entity organized with the aim to represent, organize and promote the economic and workplace well-being of the Employees of the Bargaining Unit, and shall include more specifically, the following objectives:

- 2.1 Represent the collective interests of the Employees of the Bargaining Unit;
- 2.2 Advocate for fair and equitable working conditions, compensation, benefits and job security;
- 2.3 Promote and protect the rights and welfare of Employees through collective bargaining and grievance support;
- 2.4 Empower Employees to educate, engage and understand their own role in self advocacy;
- 2.5 Encourage the participation of all Employees in the democratic governance of the MRSA;
- 2.6 Support equity, diversity, inclusion and accessibility in the workplace;
- 2.7 Uphold and promote the principles of social justice, human rights and workplace safety for the protection of Employees’ common and individual welfare;
- 2.8 Regulate the relations between Employees and the Employer Board of Governors of Mount Royal; and
- 2.9 Strengthen union solidarity and collaboration internally, and externally among other unions and allied organizations.

ARTICLE 3 - DEFINITIONS

Annual General Meeting (AGM): The yearly meeting at which the audited financial report is presented to Employees, and any other business as deemed necessary occurs. There shall be no more than fifteen (15) months between AGMs.

Bargaining Unit: Employees in positions as described in the Certificate(s) issued by the Alberta Labour Relations Board and consistent with any changes thereto.

Board: the Board of Directors of the MRSA.

Candidate: A nominee whose eligibility has been confirmed by the Elections & Voting Chair (EVC) to run for election. Confirmation of candidacy includes submission of the Campaign Statement form.

Certificate: Certificate C2190-2023 as issued by the Alberta Labour Relations Board as may be amended from time to time.

Collective Agreement: The legally binding contract negotiated between the MRSA and the Employer that governs terms and conditions of employment.

Dues: Fees, assessments or initiation fee payments made by Employees to the Union, and may include payments for both core and non-core activities of the Union.

Elections & Voting Chair (EVC): Supports the operational procedures of elections and voting. This role is designated by the Board.

Employee: A dues paying individual who belongs to the bargaining unit as per the Alberta Labour Relations Board Certificate.

Employer: the Board of Governors of Mount Royal University.

Executive Officers: President, Vice-President(s) and Treasurer of the MRSA.

General Meeting: A meeting open to all Members to conduct Union business.

Good Standing: Refers to member's adherence to the Constitution and Bylaws.

Member: An Employee who participates in the governance of the MRSA and the privileges of membership.

Nominee: Any Member who has submitted a nomination form but has not yet been declared a Candidate.

Plurality: the person or proposition with the most votes, regardless of the number of choices on the ballot.

Quorum: the minimum number of voting Members who must be present (in person or virtually), at properly called meetings to conduct business, including motions to vote.

Returning Officer - Provides oversight to the electoral process to ensure it is fair, unbiased and according to requirements of the Constitution and Bylaws.

University: Mount Royal University (also referred to as “MRU”).

Workdays: Week days considered to be Monday through Friday, excluding paid holidays and University closures.

ARTICLE 4 – MEMBERSHIP

4.1 Eligibility for Membership

Membership is automatically granted to Employees as a condition of employment with the Employer.

4.2 Members Rights

i) Employee (automatic/mandatory)

Employees are automatically included in the Bargaining Unit as per the Certificate and are required to pay mandatorily deducted union dues. Dues fund union administration, collective bargaining, and Employee representation.

According to the *Labour Relations Code* and the Rand Formula, all Employees have access to the rights and entitlements outlined in the Collective Agreement, including representation and the process to negotiate the Collective Agreement. This includes the right to vote in ratification and strike processes.

ii) Member (voluntary)

Members have the right to fully participate in MRSA governance activities, or choose not to participate. Members of the MRSA have the same rights as an Employee, and have further rights to:

- stand for elected positions and serve on committees and sub-committees;

- vote in the democratic processes of the Union, including elections and motions;
- other services and benefits as offered by the Union.

4.3 Responsibility of Members

It shall be the responsibility of Members to uphold the provisions of the Constitution and Bylaws and to participate in Union meetings/activities.

4.4 Suspension of Membership

A Member may have their membership suspended if, after following due process, they are found to have deliberately contravened the Constitution and/or Bylaws, as set out in the Code of Conduct outlined in Bylaw 10.

ARTICLE 5 - GOVERNANCE STRUCTURE

The Board is responsible for the governance and policy-level oversight of the Union. The Board delegates the operational and day-to-day management of the Union to the Executive Director.

ARTICLE 6 - AMENDMENTS

Amendments to the Constitution may be made by a two-thirds vote of Members present at a General Meeting, provided that notice of the proposed amendment has been circulated at least twenty (20) workdays in advance, in accordance with Bylaw 4.

BYLAWS

BYLAW 1 - BOARD OF DIRECTORS

1.1 Composition

The Board of Directors shall consist of the following elected officers:

- President
- Vice-Presidents (1 or 2)
- Treasurer/Secretary
- Directors at Large (8)

The President, Vice-President(s) and Treasurer/Secretary shall constitute the Executive Officers.

The Executive Director is a non-voting employee who supports the work of the Board but is not considered a Board Member.

1.2 Term of Office

Each Board Member shall serve a two (2) year term and may be re-elected. The term of office generally commences July 1 of the first year and ends June 30 of the second year.

1.3 Obligations and Duties

- 1.3.1 Board Members are obliged to set aside any personal allegiances and maintain the credibility and integrity of the Union at all times. In addition, Board Members are expected to fully participate in all meetings and activities of the Board, including attendance at General Meetings, as well as of their individual committees.
- 1.3.2 Failure by a Member of the Board to meet these obligations without legitimate reasons may result in removal from office in accordance with Bylaw 11.
- 1.3.3 The Office of a Board Member may be declared vacant by a vote of the Board should any Board Member fails to be present for three (3) consecutive Board meetings without having good and sufficient cause for their absence.

1.3.4 The duties of the Board will be:

- to govern the Union as per the Constitution, Bylaws and Policies, and to manage the general interests of the Union and its Members;
- to direct the affairs of the Union at the policy-making level;
- to hire, oversee and assess the performance of the Executive Director;
- to set the mandate for negotiation of the Collective Agreement;
- to meet as often as required, but no less than once per month from September to June;
- to prepare for, and actively discuss all matters on the Board Meeting agenda;
- to participate in and vote on motions at Board meetings;
- to appoint Members to any other committees, sub-committees or joint committees as required;
- to review and support programs and operating procedures of the Union;
- to consider and approve the annual operating budget of the Union;
- to oversee adherence to the budget and ensure effective resource management;
- to ensure that the books of the Union are audited each year, or as often as required, during the year;
- to safeguard the assets of the Union and the availability of resources as needed;
- to submit the audited financial statements to the membership at the Annual General Meeting for approval.

1.3.5 The duties of the President will be:

- to provide leadership to the Board, and serve as Chair of the Board;
- to act as the primary liaison between the Executive Director and the Board;
- to evaluate the effectiveness of the Board by encouraging participation, engagement and ongoing improvement;
- to advocate for the membership;
- to act as one of the signatories for payments and other documents;
- to prepare reports for all General Meetings;
- to establish committees as deemed necessary for MRSA operations
- to initiate committee chairperson appointments, or support the process otherwise;
- to sit on the General Faculties Council, the MRU Coalition Committee, and other committees as required;
- to liaise externally with appropriate organizations;

- to act as the official spokesperson for the MRSA in the community and to the media.

1.3.6 The duties of the Vice-President(s) will be:

- to act in the absence of the President;
- to assist the President in the execution of their duties;
- to work closely as a consultant and advisor to the President;
- to assume assigned duties from the President where required, which may include assistance with chairing Board meetings, General Meetings, sitting on committees, and other duties as assigned;
- to act as one of the signatories for payments and other documents;

1.3.7 The duties of the Treasurer/Secretary will be:

- to chair the Audit Committee;
- to act as one of the signatories for payments and other documents;
- to oversee adherence to MRSA policies, including financial and risk management policies;
- to monitor the MRSA's financial resources and assets, including consultation with the Executive Director regarding planning, reporting and budgeting;
- to oversee all records of minutes, motions and decisions taken, including financial and accounting documents;
- to confer with the Executive Director and the auditor about the financial audit;
- to present the financial audit to the Board and Employees for the AGM;
- to lead the Board discussion on the recommendation of a change of auditor and conduct a market search for auditor services when necessary;

1.3.8 The duties of the Director(s)-at-Large will be:

- to assume assigned duties from the President where required;
- to sit on various committees and report back to the Board regularly;

1.3.9 The duties of the Executive Officers will be:

- to make decisions on urgent matters requiring immediate action;
- to provide consultation to the Executive Director for operational matters.

1.4 Board Meetings

- 1.4.1 The Board shall hold regular meetings throughout the year.
- 1.4.2 Voting on motions in Board meetings shall require a quorum of five (5) Board Members, and shall pass with a simple majority (50% +1).
- 1.4.3 All Board Members have one (1) vote. In the event of a tie, the President shall cast the deciding vote.
- 1.4.4 If any Board Member engages in disorderly conduct during a meeting, the President or Vice-President may expel them from the meeting. The remaining Members shall constitute quorum, provided at least five (5) Board Members remain in the meeting. The decision of the President or Vice-President shall be final.

1.5 Conflict of Interest of Board Members

When a Board Member has a conflict of interest (including but not limited to any financial interest) in a matter before the Board, the Board Member shall:

- 1.5.1 disclose the general nature of the conflict of interest prior to any discussion on the matter;
- 1.5.2 recuse themselves from the discussion until the matter is closed; and
- 1.5.3 abstain from voting on any motion relating to the matter.

BYLAW 2 - DELEGATION OF DUTIES AND AUTHORITY

- 2.1 The Board delegates full authority to the Executive Director to handle the day-to-day operations of the Union. This includes managing all business matters, except for those that the law or the Constitution and/or Bylaws specifically reserves for the Board or the Members to decide.

The Executive Director has the authority to hire and dismiss employees and contractors as required to carry out the Union's work.

At the same time, the Executive Director must follow all lawful directions from the Board and keep the Board informed about the Union's activities and operations.

BYLAW 3 - BOARD VACANCIES & ELECTIONS

3.1 Calling an Election for Board Positions

Under the direction of the Board, an election for upcoming open Board Positions or a by-election for vacant Board positions may be called.

3.2 The Elections and Voting Chair (EVC) supports the operational procedures of elections and voting and is typically a MRSA staff employee.

3.2.1 The Elections & Voting Chair (EVC) will be charged with:

- announcing position vacancies and election timelines;
- overseeing the call for nominations from the membership;
- providing Nomination Forms to potential nominees and Members nominating potential candidates;
- notifying the nominees;
- receiving nominees' Nomination Forms and campaign statements;
- organizing a Candidates' forum;
- forwarding ballots to the membership;
- ensuring that electronic votes are securely recorded, preserved, and filed
- reporting the results of the vote to the MRSA membership; and
- fulfilling any other requirements of the Collective Agreement.

3.3 Returning Officer

3.3.1 A Returning Officer will be appointed by the Board from among the Board Members who are not up for election. The Returning Officer shall be appointed upon the calling of an Election or By-election.

The Returning Officer's term of service shall be for the duration of the campaign period and election.

3.3.2 The responsibilities of the Returning Officer shall be:

- To provide oversight to the electoral process to ensure it is fair, unbiased and according to requirements of the Constitution and Bylaws.
- To complete a paper ballot for the current election on the first day of the vote, which shall be sealed and held by the EVC, only to be opened in the event of a tie.

3.4 Eligibility for Board Positions

3.4.1 No Member may hold more than one (1) elected position on the Board.

3.4.2 Candidates for all Board positions must be Full-Time Regular Employees and commit to a twelve (12) month serving capacity for the entirety of the expected term, regardless of their employment hours.

3.4.3 The following specific Board roles require:

- That the President must have served a minimum of one (1) year on the MRSA Board.
- That the Vice-President(s) is recommended to have served a minimum of one (1) year on the MRSA Board or have relevant experience.
- That the Treasurer is recommended to have served a minimum of one (1) year on the MRSA Board or have relevant experience.

3.5 Nominations Process

3.5.1 Following the declaration of a position(s) vacancy, the EVC shall provide notice to the Members of the vacant positions that are eligible for nomination and the date/timeline of the election, as determined by the Board.

3.5.2 Directly following notification of a position(s) vacancy, nominations will be accepted from the membership for the duration of ten (10) Workdays. Members must complete the Nomination Form provided by the EVC and return it to the EVC by the nomination deadline.

3.5.3 Members may be nominated by another Member, or they may self-nominate.

3.5.4 If eligible as outlined in Article 3.4, nominees will be notified of their nomination by the EVC. To accept the nomination, nominees must submit a completed Campaign Statement Form as provided to them by the EVC.

3.5.5 The completed Campaign Statement Form must be submitted by the deadline to confirm acceptance of the nomination before nominees can be declared Candidates.

3.5.6 Members will be notified of the Candidates within two (2) Workdays after the nomination period closes.

3.6 Campaigning

3.6.1 Campaign Period

Upon the announcement of Candidate(s) for election, the campaign period shall commence for a duration of ten (10) Workdays before voting opens.

3.6.2 Campaign Rules:

- i. Any information about an election distributed through the MRSA shall include all eligible Candidates. MRSA communications will not advocate for any one Candidate over another.
- ii. Campaign statements shall be available for all Members to access during the election period and shall serve as the basis for the Candidate's campaign.
- iii. Campaigning activities by a Candidate(s) or a representative of the Candidate(s) must adhere to the MRSA Code of Conduct.
- iv. The MRSA may conduct a forum for all Candidates running for the Board.
 - This forum may be scheduled during the campaigning period.
 - Only Candidates are permitted to present in the forum.
 - Members shall be invited to attend the forum and provided with adequate notice in writing.

3.6.3 Prohibitions during campaigning:

- i. The Union will not contribute resources directly or indirectly to an individual Candidate's campaign.

- ii. Incumbents who are running for re-election may not campaign as part of the exercise of their Board position.
- iii. Candidates are prohibited from using the official logos of the MRSA, MRU or other organizations in campaign materials.
- iv. No Candidate(s) or representative of a Candidate(s) may verbally or physically threaten, intimidate or coerce another Candidate(s) or Member with the intent of influencing any Member.
- iv. No Candidate(s) or representative of a Candidate(s) shall accept or promise a gift or other advantage (e.g. bribery) for the purpose of influencing a Member.

3.7 Electronic Voting Process

3.7.1 Requirements of the Electronic Voting System

Voting is conducted via an electronic voting system. The system must ensure the integrity of the vote through encryption, secure authentication, and maintenance of records.

3.7.2 The EVC will input the MRSA member list into the approved electronic voting system prior to the elections.

3.7.3 Voting instructions and a link to an electronic ballot, will be emailed to all Members on the first day of the vote, including the following information:

- Candidates' names;
- the Board position each Candidate is running for, including the term of the position;
- links to all campaign statements.

3.7.4 Voting will be open and available for Members to cast ballots for two (2) Workdays after the campaign period has closed.

- i. All ballots cast are final.
- ii. All elections will be determined by plurality vote.
- iii. In the event of a tie for a position, the Returning Officer's vote shall determine the deciding vote. The Returning Officer's paper ballot will be kept on file for twelve (12) workdays after the results have been announced.
- iv. If there is only one Candidate nominated for a Board position, they shall be acclaimed to that position.

3.8 Notice of Results

3.8.1 The voting program will electronically generate the results of the vote.

3.8.2 The Returning Officer will confirm the election results.

3.8.3 The EVC will email the election results to the Members on the first Workday following the ballot count. The certified results will include:

- total number of voters;
- total number of ballots received; and
- total number of votes for each Candidate.

3.8.4 Notification of results shall include the following:

- i. a direct email to all members;
- ii. posting on the MRSA website; and
- iii. any other legislative or Collective Agreement requirements.

3.9 Board Vacancies (Appointments and By-Election)

3.9.1 More than 120 days before a General Election:

If a Board Member leaves their position more than 120 days before the next General Election, the Board will declare the position vacant. The Board may then hold a By-election to fill the role.

3.9.2 Within 120 days of a General Election:

If a Board Member leaves their position within 120 days of the next General Election, the Board may appoint a Member to take on the role until the General Election or until the end of the term.

3.9.3 Continuing Vacancies:

If a Board position remains vacant after a General Election or By-election, the Board may appoint a Member to fill the position until the next General Election or the end of the term.

BYLAW 4 – MEETINGS

4.1 Annual General Meeting

4.1.1 The Board shall call an AGM on a yearly basis for the primary purpose of presenting the audited financial report to Employees.

4.1.2 There shall be no more than fifteen (15) months between AGMs.

4.2 General Meetings

4.2.1 Aside from the AGM, the MRSA shall call General Meetings when the Board deems necessary.

4.2.2 A Meeting shall be called by the President or the Treasurer/Secretary upon receipt of a petition signed by one-third of the Members in Good Standing, setting the reasons for calling such a meeting.

4.3 Notice of Meetings

4.3.1 If a change to any amount or percentage of union dues, assessments or initiations fees to be charged by the MRSA is anticipated to the percentage of those dues, fees or assessments that are to be allocated for the activities set out in the *Labour Relations Code* s.26.1(1)(a) and (b) is to be presented to Employees at a General Meeting, then notice of such a meeting shall be given in writing at least twenty (20) Workdays delivered to the last known email address of each Employee.

4.3.2 Notice of General Meetings shall be given in writing at least twenty (20) Workdays delivered to the last known email address of each Member.

4.4 Voting at Meetings

4.4.2 At the AGM or any General Meetings where motions are made a quorum of not less than fifty (50) Members, in addition to Board Members, is required.

4.4.3 Robert's Rules of Order shall be used as a general guideline for meeting procedures, and motions shall pass with a simple majority (50% +1).

4.5 General Meeting Procedure

4.5.1 Motions may be made at Meetings.

4.5.2 Motions may be included in the meeting package if they are submitted in writing to the President twenty-five (25) Workdays in advance of a Meeting.

4.5.3 The results of all votes conducted at such a Meeting shall be formally recorded in the meeting's minutes and maintained by the Board in accordance with these Bylaws and legal requirements as applicable.

BYLAW 5 - COMMITTEES

5.1 Standing committees that carry out the essential work of the Union include the:

- Audit Committee
- Collective Bargaining Committee
- Governance Committee
- Labour Relations Committee

5.2 The President may establish additional committees. The committees' terms of reference will determine eligibility, appointment process and responsibilities of the committees.

BYLAW 6 - COLLECTIVE BARGAINING

6.1 Collective bargaining will be carried out in accordance with the provisions of the *Labour Relations Code* and the Collective Agreement.

6.2 In preparation for negotiations, the Union shall consult Employees to establish the bargaining mandate.

6.3 Prior to the bargaining mandate being established, a call-out for Collective Bargaining Committee members shall be made by the Board.

6.4 The Board shall establish the number of members required for the Collective Bargaining Committee, and set the process for application to the Committee. Members of the Collective Bargaining Committee shall be appointed by the Board.

6.5 No collective agreement will be entered into by the Union unless it has been ratified by a

majority of Employees casting ballots in an electronic vote, unless an alternative legal remedy (such as interest arbitration) is applied to reach a collective agreement.

BYLAW 7 - JOB ACTION

7.1 Definitions applicable to Bylaw 6 - Job Action:

Essential Services – Has the same meaning as found within Alberta’s *Labour Relations Code*.

Job Action - An organized action of the Union and its Employees. Job action may include a legal Strike or other actions such as lawful information picketing.

Strike - A lawful, collective withdrawal from work responsibilities by Employees after a duly authorized strike vote and proper legal notice to the Employer. Strikes may be total, rotating, or targeted.

7.2 Board Authority to Initiate and Conclude Job Action

The Board has the authority to:

- 7.2.1 Determine that collective bargaining is at an impasse;
- 7.2.2 Authorize the performance of the legal preconditions for a lawful Strike, including the process for holding a Strike vote;
- 7.2.3 Issue Strike related statutory notices, including 72-hour strike notice;
- 7.2.4 Job Action may be concluded by Board resolution or by achievement of a tentative successor collective agreement.

7.3 Financial Support (“Strike Pay”) and Job Action Reserve

- 7.3.1 The Union may provide financial support to Employees during a Strike through its Job Action Reserve, subject to available funds and Board approval.
- 7.3.2 The Board shall ensure transparent reporting of Job Action expenditures to Employees.

7.4 Employee Obligations during Job Action related to Strike Pay

- 7.4.1 Eligibility for Strike Pay will require Employee participation in duties as assigned,

such as picket line shift attendance, Employee outreach, and logistical support.

- 7.4.2 Prior to an impending Job Action, Employees must provide accurate personal information to the MRSA to ensure receipt of required notices and Strike Pay.
- 7.4.3 During a Job Action, Employees must comply with lawful Union directives and conduct themselves in accordance with the Union's Code of Conduct and all applicable laws regarding picketing and public demonstrations.

BYLAW 8 - FINANCIAL MANAGEMENT

8.1 Dues

The MRSA shall set the union dues to be deducted by the Employer from the pay of each Employee.

The Board shall recommend any changes to dues, which must be approved by a simple majority vote of the Members at a General Meeting prior to any such change being affected. A General Meeting will be scheduled to discuss and vote on the proposed change.

In accordance with the *Labour Relations Code s.26.1(1)*, all Employees will be notified of any changes to dues and when the changes will apply, and provided with the opportunity to make a selection in accordance with the *Election of Union Dues Regulation, Alberta Regulation 260/2021* if there are any non-core dues proposed.

8.2 Budget and Reports

The Treasurer/Secretary shall present an annual financial report at the AGM. Financial reports will be made available to any Employee upon request.

8.3 Fiscal Year

The fiscal year of the MRSA shall run from July 1 - June 30 of each year.

8.4 Signing Authority

All financial payments must be authorized by at least two designated signing officers, including the Executive Officers and the Executive Director. When a change occurs with the authorized

signatories, the Treasurer (or designate) shall have the authority to name, in writing, a signing authority alternate.

8.5 Annual Audit

The financial records of the Union will be audited once per year by a qualified external auditor as selected by the Treasurer. A complete and proper statement of the financial records for the previous year will be submitted by the auditor to the Board and presented at the Annual General Meeting of the Union for information purposes.

BYLAW 9 – LIABILITY PROTECTION AND INDEMNIFICATION

9.1 The Union is committed to protecting its Board of Directors, Committee Members, employees, and authorized volunteers from financial loss arising from claims related to the performance of their authorized duties. The Union shall obtain and maintain comprehensive liability insurance.

BYLAW 10 - CODE OF CONDUCT

10.1 Each Member will do their best to represent the MRSA to the highest possible standard, and conduct themselves respectfully and professionally.

10.2 A Member of the MRSA is guilty of an offence against the Constitution and/or Bylaws when they are proven to:

- violate any provision of the Constitution and/or Bylaws;
- advocate or attempt to bring about the withdrawal from the MRSA of any Members or Employees, except as permitted by Division 8 of Alberta's *Labour Relations Code*;
- publish or circulate, any false reports or misrepresentations, whether written or oral, concerning the MRSA, any individuals related to the MRSA, or any matter connected with the affairs of the MRSA;
- fraudulently receive or misappropriate any property or funds of the MRSA;
- use, without proper authority, the name of the MRSA;
- disclose confidential information of the MRSA to any person or persons without proper authority; or
- interfere with any representative of the MRSA in the discharge of their duties.

- 10.3 Members shall be entitled to a fair and impartial hearing as provided for by this Constitution and Bylaws.
- 10.4 The Complainant Member is responsible for establishing evidence of wrongdoing of the Respondent Member.

BYLAW 11 - VIOLATIONS OF THE CONSTITUTION AND BYLAWS

11.1 Filing an Allegation

If a Member or Board Member is alleged to have violated the Constitution and/or Bylaws, the allegations must be made in writing and submitted to the President. If the allegations are against the President, they must be submitted to a Vice-President.

The President or Vice-President must bring the allegations to the Board within ten (10) workdays of being received, and provide written confirmation of receipt to the Member who filed the complaint ("the Complainant"). The allegations are considered formally brought forward on the date the Board confirms receipt in writing.

If the Board finds the allegations too vague, they may ask the Complainant to provide more detail in writing within ten (10) Workdays. If the Complainant does not respond within that time, the Board may dismiss the matter by majority vote.

11.2 Setting a Hearing

The President or a Vice-President will convene and chair a hearing panel of five (5) of the longest-serving available Board Members, including themselves.

A hearing date must be set within thirty (30) Workdays after the allegations are filed. The first day of the hearing must take place no earlier than one hundred and twenty (120) days and no later than one hundred and fifty (150) days after that date.

These timelines may be changed with the mutual consent of both the Complainant and the Member responding to the allegations ("the Respondent"). Consent must not be unreasonably withheld.

If the Complainant and the Respondent do not agree, then the President or Vice-President serving as chair of the hearing panel may extend the timelines, if extenuating circumstances warrant. Extenuating circumstances include difficulty securing legal counsel that is available within the time frame, should the Respondent desire such representation.

Neither the Complainant nor the Respondent may serve on the hearing panel.

11.3 Serving Notice of Hearing and Exchange of Information

Notice of the hearing must be personally served on the Respondent or sent to them by double-registered mail within twenty (20) Workdays after the hearing date is set. The notice must include:

- A summary of the allegations and the relevant Constitutional and/or Bylaw provisions;
- The hearing's location, date, and time; and
- Notice that they have the right to be represented by legal counsel at their own expense.

The Complainant must share with the Respondent (or their representative/counsel) any documents and witness names they intend to rely on at least thirty (30) days before the hearing starts.

The Respondent must share any documents and witness names they intend to rely on at least ten (10) Workdays before the hearing starts.

These timelines may also be changed by mutual written consent of the Complainant and Respondent, which must not be unreasonably withheld.

11.4 Hearing Conduct

At the hearing, the allegations will be presented to the Respondent, who will have the opportunity to respond and present their own evidence either through self-representation, their chosen representative, or their own legal counsel (at their own expense).

11.5 Hearing Panel Decision

At the conclusion of the hearing, the hearing panel will caucus and decide, by majority vote, whether the allegations are proven. If a panel member becomes ill or unable to participate, the remaining members may continue, and the decision will be made by majority vote. In the event of a tie, the Chair will make the final decision. The panel's deliberations will remain confidential.

11.6 Issuing Written Reasons and Recommendations

The panel must issue brief written reasons for its decision (as to whether the Respondent member has violated the Constitution and/or Bylaws) within thirty (30) days after the last day of the hearing. The decision must be provided to the Board, the

Complainant, and the Respondent and the Respondent's legal counsel, if applicable. The written decision must also include any recommendations for sanctions.

11.7 Finality of the Panel Decision

The panel's determination about whether the allegations are proven is final and binding, subject only to an application to the Alberta Labour Relations Board to review the MRSA's compliance with section 26 (or its successor) of the *Labour Relations Code*, RSA 2000, c.L-1.

11.8 Board Decision on Sanction

If the panel finds that the allegations are proven, the Board must meet within twenty (20) days of receiving the panel's decision and recommendation to decide on an appropriate sanction.

The Board's deliberations are confidential.

The Board must personally serve or send its written sanction decision to the Respondent by double-registered mail within ten (10) workdays after its meeting.

The Complainant may receive a copy of the Board's sanction decision if they agree in writing to keep it confidential.

11.9 Available Sanctions

Sanctions for violations of the Constitution or Bylaws may include one or more of the following:

- Reprimand
- Suspension from membership
- Removal from office
- Exclusion from other MRSA rights or benefits

However, sanctions cannot include denial of rights under the Collective Agreement or the right to fair representation.

11.10 Finality of the Board's Sanction Decision

The Board's sanction decision is final and binding, subject only to review by the Alberta Labour Relations Board regarding compliance with section 26 (or its successor) of the *Labour Relations Code*, RSA 2000, c.L-1.

The Board may seek legal advice during any part of the process.

BYLAW 12 – RIGHT OF APPEAL

- 12.1 Except as related to Bylaw 9, a Member or group of Members whose rights under this Constitution and/or Bylaws have been denied or substantially prejudiced may appeal to the Board.
- 12.2 The Board shall investigate the facts surrounding the matter appealed and, after investigation and discussion with the parties involved, may order such corrective action as the Board deems appropriate. The Board shall advise the parties of their ruling within ninety (90) days of receipt of the appeal.
- 12.3 If a Board Member is named in the appeal and was involved in the original decision or action related to the issue of concern within the appeal, they shall recuse themselves from the investigation and decision making.

BYLAW 13 - AMENDMENTS TO THE BYLAWS

- 13.1 In accordance with Bylaw 4, notice of motions relating to amendments to the Bylaws must be provided to the membership twenty (20) Workdays in advance of an AGM or General Meeting. The notice must contain the motion(s), the proposed amendment(s) and a rationale for the proposed amendment(s).
- 13.2 Presentation of the proposed amendments to the Bylaws will be provided at the General Meeting. A reasonable time period will be allowed for discussion and debate on the motion(s) to make the amendments.
- 13.3 Decisions to pass motions of amendments to the Bylaws shall be consistent with Meeting Procedures as per Bylaw 4.

BYLAW 14 - AFFILIATION, MERGER, AMALGAMATION, TRANSFER OF JURISDICTION AND DISSOLUTION

- 14.1 The MRSA may merge, amalgamate or transfer its jurisdiction to another organization for the fulfilment of its objectives upon such terms as may be acceptable to its Members.
- 14.2 The MRSA may affiliate with other recognized labour organizations, federations, or coalitions as approved by the membership.

- 14.3 Written Notice of a General Meeting, for voting on a resolution(s) to affiliate, merge, amalgamate or transfer its jurisdiction to another organization shall be provided to the membership no less than sixty (60) calendar days before such a meeting. Such notice must contain the proposed resolution(s) and a brief rationale for the proposal(s).
- 14.4 Presentation of the proposed resolution(s) will be provided at the General Meeting by the Board. A reasonable time period will be allowed for discussion and debate on the resolution(s). The resolution vote shall be consistent with Meeting Procedures as per Bylaw 4. The result of the vote shall be formally recorded and maintained by the Board in accordance with all legal requirements.
- 14.5 In the event of the Union's anticipated wind-up or dissolution as a result of legislative, regulatory, ministerial policy directives or other circumstances, a meeting of the membership shall be called in accordance with this Bylaw to determine the distribution of Union assets and final dissolution of the Union. In the event of dissolution, the Union's remaining assets shall be transferred to a like-minded organization or union, as determined by a simple majority vote of the membership, and in accordance with applicable law. The result of such vote(s) shall be formally recorded and maintained by the Board in accordance with all legal requirements.

BYLAW 15 - NON-PARTISANSHIP

- 15.1 The MRSA is a non-partisan Union, meaning the Union does not:
- endorse any political party or candidate;
 - make financial contributions to any political party or candidate;
 - affiliate with any political party;
 - solicit funds or contributions from Members to any political party or candidate.
- 15.2 Notwithstanding the foregoing, the MRSA understands that political decisions can have significant impacts on Members and their work, and that it is their responsibility to work within the political system to influence decisions affecting the MRSA and its Members.

The MRSA will:

- provide analysis and commentary about public policy;
- participate in, or coordinate campaigns to advocate and educate in the best interests of the MRSA and its Members;
- share information with Members about upcoming elections and the policy stands

of various political parties and candidates, especially as it relates to the post-secondary sector; and

- encourage its Members to participate in the political process, including contacting their elected representatives on specific issues, voting, volunteering, or running for elected office.

BYLAW 16 - GENERAL

- 16.1 The operational documents, policies and practices of the Union shall not violate the Constitution and Bylaws. In the event of inconsistency, the Constitution and Bylaws shall prevail.
- 16.2 The MRSA's Constitution and Bylaws shall be governed by the laws of the Province of Alberta, Canada. If any provision of the Constitution and Bylaws is determined to be unlawful or unenforceable, that provision or part thereof shall be deemed severed from the Constitution and Bylaws without affecting the validity of the remaining provisions of the same.
- 16.3 The Union maintains an office at Mount Royal University in Calgary, Alberta.

Ratification Clause

These Constitution and Bylaws shall take effect upon ratification of the Members present at a duly called General Meeting.