

Association of Yukon School Councils, Boards and Committees

Constitution and Bylaws

(Originally adopted November 18, 2000 at the Fall School Councils' Conference
and including

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& April 16, 2005

Certified true copy (*original signed*)

Chris Bookless
Executive Member

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CONSTITUTION

1. Name

The name of the Association is the:

Association of Yukon School Councils, Boards and Committees (AYSCBC)

hereinafter referred to as the "Association."

The Association of Yukon School Councils, Boards and Committees (AYSCBC) was officially formed in November 2000 during the Fall School Councils' Conference.

2. Guiding Principles

2.1 Education must focus on what is best for student learning.

2.2 The Yukon education system belongs to and is accountable to all members of the community.

Parents and community members have a right to know how well their school is doing and what actions will be taken to improve student performance, to contribute to the school's development and improvement, and to be consulted about and receive feedback on decisions that affect their children and their school.

2.3 Parents are a valuable resource.

Parents know their children best. They are their children's first and most important teachers. They are also excellent sources of information about the local community, its resources, priorities, and needs.

2.4 Education in the Yukon is the joint responsibility of governments, educators, school councils / boards, parents, students and communities.

This relationship is essential given the need for consistent territory-wide standards and the diversity of Yukon's communities.

2.5 First Nation, Catholic and Francophone Yukon people have additional constitutional, legislated and Charter rights that must be honoured.

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3. Mission

The purpose of the Association is to assist and provide support to school councils and school boards in fulfilling their mission which is to enhance student learning through the cooperative efforts of parents, students, educators, government and other members of the community. The Association will support its members in fulfilling their mandate in accordance with the applicable requirements of the Education Act.

4. Objectives

4.1 To undertake and / or coordinate project initiatives identified as being of a common priority by its membership and disseminate any resulting information.

4.2 To ensure access to training programs on behalf of its members.

4.3 To ensure effective communication between the Association, its members and external contacts.

4.4 To provide expert advice to its members.

5. Address

The head office of the Association will be located in the Yukon.

BYLAWS

PART 1 - DEFINITIONS

1.1 In these bylaws:

(a) *Accountability* means “*Accountability is a means by which individuals or organizations take responsibility for their actions so that those who depend on them can be assured that there are some safeguards in place to encourage good practices and to prevent bad practices or abuses, to have some course of redress for problems that arise, and to have some assurance of equitable and fair treatment.*”

From: *Developing A Professional Model Of Accountability For Our Schools*, by Linda Darling-Hammond. Presented at the BC Teachers’ Federation Annual General Meeting, March 1999.

(b) *Association* means the Association of Yukon School Councils, Boards and Committees (AYSCBC)

(c) *Council* means a school council established under the Yukon Education Act.

(d) *Board* means a school board established under the Yukon Education Act.

(e) *Committee* means a school committee established under the Yukon Education Act.

(f) *Association Members* means those school councils, school boards and school committees who have applied for and been granted membership in the Association.

(g) *Executive* means the body of duly elected individuals chosen to represent the Association.

(h) *Executive Members* are the individuals who are elected to the Executive.

(i) *Whitehorse Member* means those school councils, school boards and school committees, within the City of Whitehorse or the City of Whitehorse periphery, who are Association Members.

(j) *Rural Member* means those school councils, school boards and school committees, outside the City or periphery of Whitehorse, who are Association Members.

PART 2 - MEMBERSHIP

2.1 No Council or Board shall be unreasonably denied membership to the Association. Upon payment of any prescribed dues, the Council, Board or Committee shall receive a copy of the Constitution and Bylaws and be enrolled as an Association Member.

2.2 Every Association Member shall uphold the Association constitution and comply with the bylaws of the Association.

2.3 The amount of the annual membership dues shall be determined at the annual general meeting of the Association.

2.4 Membership dues shall be paid in full by January 31st each year.

2.5 An Association Member shall cease to be a member of the Association:

(a) by delivering notice of withdrawal of membership in writing to the Chair or Executive Director of the Association or by mailing it to the address of the Association. A calculation of dues will be pro-rated up to the date of the notice of withdrawal. A refund shall be issued for any balance above this amount if greater than ten (\$ 10) dollars;

(b) on dissolution of the Council, Board or Committee;

(c) on being expelled; or

(d) on having been an Association Member not in good standing for six (6) consecutive months.

2.6 An Association Member shall discharge any lawful liabilities upon the books of the Association prior to leaving the Association.

2.7 An Association Member may be expelled for a violation of the constitution or bylaws of the Association at a special general meeting. A motion to expel an Association Member is made under special business.

2.8 The notice of the motion for expulsion shall be accompanied by a brief statement of the reason for the proposed expulsion.

2.9 The Association Member who is the subject of the motion for expulsion shall be given an opportunity to be heard at a special general meeting before the motion is put to a vote.

2.10 All Association Members are in good standing except those Association Members who have failed to pay a current membership fee or any other subscription or debt due to the Association. An Association Member is not in good standing for as long as the debt remains unpaid.

PART 3 - EXECUTIVE

3.1 The Executive of the Association shall include up to the following seven (7) positions:

(a) Chairperson;

(b) Vice-Chairperson;

- (c) Secretary;
- (d) Treasurer and;
- (e) three (3) members at large.

3.2 The Executive shall determine the positions to be held by each Executive Member, at any time, as deemed necessary by the Executive.

3.3 Executive Members shall be elected or appointed as follows:

- (a) Three Executive Members shall, where possible, be elected by all Association Members from among those candidates nominated by Rural Members of the Association.
- (b) Three Executive Members shall, where possible, be elected by all Association Members from among those candidates nominated by Whitehorse Association Members.
- (c) One additional Executive Member shall be elected by all Association Members from among the remaining candidates.
- (d) Notwithstanding (a) and (b) above, in the event that fewer than three (3) candidates are nominated by either Rural Members or Whitehorse Members, while every effort shall be taken to ensure adherence to the principles of (a) and (b) – every effort shall also be taken to ensure all Executive positions are filled.

3.4 Candidates for the Executive shall be nominated by no less than two (2) members of any Association Member. Nominees need not be a member of a School Council, Board or Committee.

3.5 An election shall be by secret ballot.

3.6 The term of office of Executive Members shall be for three (3) years.

3.7 Executive Members may be re-elected to more than one term.

3.8 Executive Members shall cease to hold office when:

- (a) Their successors are elected at the annual general meeting of the Association;
- (b) They are expelled from office.

3.9 Vacancies on the Executive between elections may be filled through a by-election or by appointment of the Executive. Any appointment decision made by the Executive shall be ratified at the next general meeting.

3.10 In consultation with Association Members, the Executive shall develop a policy for filling vacant seats on the Executive.

3.11 The authority of the Association is subject to:

- a) all laws affecting the Association;
- b) the bylaws of the Association;
- c) rules, not inconsistent with these bylaws, which are made from time to time by the Association at an annual general meeting or a special general meeting.

- 3.12 Executive Members shall represent the position of the Association on issues. Such position may be expressed by policy, resolution or as agreed to following full consultation with Association Members.
- 3.13 An Executive Member may be expelled for a violation of the constitution or bylaws of the Association. Complaints and concerns will be referred to the Discipline Committee as per Non-Compliance Policy.
- 3.14 Executive Members shall be reimbursed for all reasonable and necessary expenses incurred by them for attendance at Association meetings or for conducting pre-approved Association business.

PART 4 - DUTIES OF THE EXECUTIVE MEMBERS

- 4.1 The chair shall, except where otherwise provided for in these bylaws, preside over all meetings of the Association and of the Executive.
- 4.2 The chair is the chief executive officer of the Association. He or she shall sign all instruments that require an Association signature, shall perform all duties incidental to the chair position and shall have such other powers and duties as may from time to time be assigned to him or her by the Association.
- 4.3 The vice-chair shall carry out the duties of the chair during the chair's absence.
- 4.4 The secretary shall:
- (a) issue notices of meetings of the Association and the Executive;
 - (b) ensure all meetings of the Association and Executive are minuted and that minutes are distributed to Association Members;
 - (c) ensure the proper care and custody of records and documents of the Association;
 - (d) have custody of the seal of the Association;
 - (e) ensure a membership register is maintained.
- 4.5 The treasurer shall:
- (a) keep financial records and books of account for all Association business;
 - (b) ensure appropriate financial controls are in place and exercised in the handling of the financial affairs of the Association;
 - (c) render financial statements to the Executive, Association Members and others as may be required from time to time.
- 4.6 The Executive Members at large may have duties and powers assigned to them by the Executive from time to time.
- 4.7 The Executive and Association Members will adhere to the Association's Code of Conduct Policy. Executive Members will sign the Association's Code of Conduct Declaration.

PART 5 CONFLICT OF INTEREST

5.1 Executive Members will adhere to the Association's 'Conflict of Interest' policy.

PART 6 - SEAL

6.1 The Executive may adopt a seal for the association or substitute a new seal. The seal shall be affixed only when authorized by resolution of the Executive and then only in the presence of the person prescribed in the resolution, or if no other persons are prescribed, in the presence of the chair and the secretary.

PART 7 - BORROWING

7.1 The Executive shall not borrow money on behalf of the Association unless empowered by special resolution under special business at an annual general meeting of the Association.

PART 8 – ANNUAL GENERAL MEETINGS

8.1 The first annual general meeting of the Association shall be held not more than fifteen (15) months after the date of establishment of the Association.

8.2 An annual general meeting shall be held once each calendar year.

8.3 Each Association Member shall be entitled to one vote.

8.4 Councils, Boards or Committees that are not Association Members may attend annual general meetings and may address matters under discussion, but shall not have a vote.

8.5 Motions that have been submitted to the secretary at least 30 calendar days prior to the date of the annual general meeting shall be discussed at the meeting.

8.6 Motions submitted less than 30 calendar days prior to the annual general meeting or at the annual general meeting may be considered at the will of the Association Members in attendance.

8.7 Motions that relate to the Constitution of the Association, or which involve the borrowing of money on behalf of the Association, require a special resolution and must be submitted to the secretary at least 60 calendar days prior to the annual general meeting.

8.8 Motions that require a special resolution must be voted on at a general meeting of which not less than 21 days notice has been given.

8.9 Motions requiring a special resolution must be passed by the vote of not less than

75% of the members voting at a general meeting at which at least 50% of Association members are in attendance.

8.10 Motions other than motions requiring a special resolution must receive the support of at least 50% plus one vote of the voting Association Members in good standing in order to be adopted.

8.11 At each annual general meeting, there may be an evaluation of the Association Executive by the Members. The process of such an evaluation will be determined in consultation with Association Members consistent with the Evaluation Policy.

8.12 Special business shall not be conducted at the annual general meeting unless notice has been given of the proposal to conduct that business at that annual general meeting.

8.13 Special business is:

(a) at a special general meeting; all business other than the adoption of rules of order.

(b) at an annual general meeting; all business other than:

(i) the adoption of rules of order;

(ii) consideration of the financial statements;

(iii) the report of the Executive;

(iv) the report of the professional accountant, if any;

(v) election of Executive Members;

(vi) appointment of the professional accountant, if any;

(vii) other business which under these bylaws ought to be conducted at an annual general meeting; or

(viii) business that is announced in the report of the Executive with the notice that convenes the annual general meeting.

8.14 Where a quorum is not present at an annual general meeting, no business other than the election of a chairperson for the annual general meeting and the adjournment of the annual general meeting shall be conducted.

8.15 If at any time during an annual general meeting there ceases to be a quorum present, business then in progress shall be suspended until there is a quorum present or until the meeting is adjourned or terminated.

8.16 A quorum is 25% of Association Members in good standing.

8.17 The chair of the Association, the vice chair or in absence of both, an Executive Member shall preside as chairperson of an annual general meeting or special general meeting.

8.18 In the absence of any Executive Member, within 30 minutes of the scheduled time of the annual general meeting or special general meeting, Association Members shall appoint an individual to be chairperson.

8.19 The chairperson may move or second a motion.

8.20 The chairperson may vote on motions.

8.21 An Association Member in good standing is entitled to one vote.

8.22 Special general meetings may be called by the Executive, as required, with twenty-one (21) days notice or at any time, with the agreement of the majority of Association Members. Due diligence of notice to each Association Member shall be undertaken. Non-response within 14 days will be deemed agreement.

PART 9 - EXECUTIVE MEETINGS

9.1 The Executive shall meet at least quarterly at a time, place and by whatever method it sees fit.

9.2 The Executive may conduct business, adjourn and otherwise regulate its meetings as it sees fit within the terms of these bylaws.

9.3 A quorum for Executive meetings shall be the majority of Executive Members then in office.

9.4 The chair of the Association, the vice chair, or in the absence of both, an Executive Member shall preside as chairperson of a meeting of the Executive.

9.5 Motions proposed at an Executive meeting need not be seconded.

9.6 The chairperson may make a motion.

9.7 Executive Members shall make all reasonable efforts to reach consensus on business arising at Executive meetings.

9.8 Where consensus is not possible, a majority of votes of those executive members attending the meeting shall decide the outcome.

9.9 Any official of an Association Member in good standing may attend Executive meetings.

9.10 The time, location and agenda of Executive meetings shall be forwarded to Association Members in good standing with enough advance notice to permit officials of the Association Members in good standing to attend these Executive meetings.

PART 10 - STAFF

10.1 The Executive may establish staff positions for the Association to carry out the work of the Association.

- (a) The Executive may hire an executive director who shall hold office at the pleasure of the Executive. The executive director may, under the direction of the Chair, administer the affairs of the Association, prepare annual estimates of income and expenditures, be accountable for general financial control, attend all meetings of the

Association, and, without limiting the foregoing, perform such duties and exercise those powers that may from time to time be assigned or vested in him or her by the Executive through the chair.

(b) The Executive may hire additional support staff as deemed necessary.

10.2 The duties of the staff positions shall be approved by the Executive and be compliant with the constitution and bylaws of the Association.

10.3 The salaries and benefits paid to staff shall be approved by the Executive and will be subject to securing adequate funding.

10.4 The Executive Director and any other staff will:

- (a) support the Mission and Objectives of the Association;
- (b) adhere to the Code of Conduct Policy and Conflict of Interest policy as well as any other policies established in accordance with the Association Constitution and Bylaws.

PART 11 - COMMITTEES

11.1 The Executive may delegate power to committees as required to assist in carrying out the initiatives of the Association. Committees will be chaired by an Executive Member.

11.2 Committees shall conform to any rules imposed upon them by the Executive. The rules must conform with the constitution and bylaws of the Association.

11.3 Committees shall report on activities to the Executive.

11.4 The members of a committee may meet at a time, place and by whatever means they see fit, within the rules imposed on them by the Executive.

11.5 Committee members may conduct business, adjourn and otherwise regulate their meetings as they see fit, providing the committee does not contravene the constitution or bylaws of the Association nor any rules imposed on them by the Executive.

11.6 Committee members shall be reimbursed for all reasonable and necessary expenses incurred by them for attendance at Committee meetings or for conducting pre-approved Committee business.

PART 12 - NOTICE TO MEMBERS

12.1 A notice may be delivered to an Association Member by personal delivery, by regular mail to the registered address or by fax / email - as long as delivery has been confirmed, of the Association Member.

A notice sent by mail shall be deemed to have been delivered on the fifth (5th) day following that on which the notice is mailed.

Association Members shall be responsible for providing up-to-date information on contact names and addresses.

Notice of an annual general meeting or special general meeting shall be sent to every registered representative of every Association Member.

Notice of an annual general meeting shall be given no less than 60 calendar days before the date of the annual general meeting.

PART 13 - DISSOLUTION

13.1 In the event the Association is dissolved, the assets remaining, after all debts have been paid or provisions for payment have been made, shall, subject to existing legislation or agreements to the contrary, be transferred to, one or more incorporated Yukon societies as determined by the special resolution.

PART 14 - CHANGING THE BYLAWS

14.1 The Association may amend these bylaws, as necessary from time to time, at an annual general or special general meeting. These amendments are effective immediately, or as soon as possible or practicable, subject to legislated requirements.

14.2 The notice of the meeting at which a motion under special business, to change bylaws of the Association shall:

- (a) identify the article(s) to be amended; and
- (b) state the entire text of the article(s) to be substituted or added.

PART 15 - OTHER

15.1 An Association Member may examine the records of the Association fifteen minutes before or fifteen minutes after the meeting as agreed upon by the person having custody of the records. Such agreement shall not be unreasonably withheld.

15.2 Any unresolved dispute concerning the interpretation or application of the bylaws, and any unresolved dispute concerning the rights of an Association Member or the powers of an Executive Member, shall be submitted to and decided by arbitration under the Arbitration Act of the Yukon.

15.3 The fiscal year end for the Association is January 31st.

15.4 The Association will appoint an auditor unless otherwise waived by the membership.