

## **CONSTITUTION**

### **1. NAME**

The name of the Association shall be the "SCOTTISH SECONDARY TEACHERS' ASSOCIATION" with registered offices at West End House, 14 West End Place, Edinburgh, EH11 2ED.

### **2. OBJECTS**

The Objects of the Association shall be:

- (i) to advance education in Scotland with particular regard to secondary education;
- (ii) to safeguard and promote the interests of Scottish secondary teachers in all matters, especially in such as affect remuneration and other conditions of service.

### **3. MEMBERSHIP**

- (i) Membership of the Association shall be open to all registered teachers engaged in post-primary work in schools in Scotland. Members who retire from teaching on pension may retain membership at half the normal subscription; such members shall be ineligible for the offices detailed in section 6(i) of the Constitution. Retired members shall belong to the District of their choice.
- (ii) Members who transfer to educational posts in Scotland other than in a secondary school may continue their membership.
- (iii) Members who leave teaching but who intend to return to teaching in Scotland may continue their membership.
- (iv) Membership of the Association shall be incompatible with membership of any other organisation having negotiating rights on the same national negotiating body as the Association.
- (v) The power to suspend any member from the privilege of membership or to expel any member from membership shall be vested in the General Secretary.

There shall be a right of appeal against any decision to suspend or expel a member. Any such appeal shall be heard by a Disciplinary Committee consisting of the President, Immediate Past President, Vice-President and two elected members of the Executive Committee. The two elected members of the Executive Committee shall be chosen by the Executive Committee at its first meeting after the election of Council. Three members of the Disciplinary Committee shall form a quorum.

- (vi) Students in training whose course leads to a qualification to teach in secondary schools may become associate members and may retain such associate membership until such times as taking up a post in a post-primary school in Scotland. Associate members shall pay no subscription and the Association shall have no financial responsibility for them.
- (vii) Life Membership, an Association National Award entitling the holder to enjoy for life the rights and privileges of an ordinary member, may be conferred on a member of the Association or any other person who has given distinguished service to the Association and/or education. Life Membership, except in exceptional circumstances, may be awarded to a member of the Association only on retiral. A nomination for an Association National Award may be made by any two members of the Association. A nomination signed by the proposer and the seconder, together with a testimonial in favour of the nominee, shall be sent to the General Secretary. Nominations shall be considered by a Committee of Past Presidents and the President, the General Secretary and the General Treasurer, of whom seven shall form a quorum. The Committee shall determine the Association National Award to be made and shall not be required to give reasons for its decision or for refusal to make any award. The Association National Awards conferred by the Committee shall be intimated to Council. Life Members shall belong to the District of their choice. Nominations for Association National Awards should normally be received by the General Secretary by 1<sup>st</sup> December (for presentation in the following year). Life Membership will normally be presented at Congress.

- (viii) An annual subscription, the amount of which shall be determined annually in December by Council on the recommendation of the Finance Committee shall be due and payable by each ordinary member (but not by a life member). The timing and method of payment of the subscription shall be determined by Council on the advice of the Finance Committee. Any member who fails to renew the annual subscription for any year before 1 March in that year, shall be deemed to have forfeited the rights and privileges of membership until such time as payment is made. Any member who has elected to pay the annual subscription by a monthly Direct Debit and who fails to make a monthly payment shall be deemed to have forfeited the rights and privileges of membership until such time as all arrears of payment have been made
- (ix) The Association shall not accept liability for events or actions relating to an individual which have had their inception prior to his/her admission to membership or during a period when membership had lapsed.

#### 4. **CONGRESS**

- (i) The supreme authority of the Association shall reside in Congress, which shall be a meeting consisting of the office-bearers of the Association, the members of Council and representatives from each District or Area as listed in Appendix 1. One-third of those entitled to be present and vote shall form a quorum. The President shall convene all meetings of Congress.
- (ii) The supreme authority of Congress shall not be used to remove from office an auditor, a trustee, an office-bearer or a member of the Executive Committee, unless the resolution to this effect is approved by two-thirds of those entitled to vote.

- (iii) Congress shall meet annually on a date or dates to be determined by Executive but not later than the last Saturday in May. A special meeting of Congress may be called (a) by a majority decision of Council, or (b) on a requisition to the General Secretary, signed by 5% of the total membership, such requisition to incorporate all business which is to be the subject of the meeting so called. Such special meeting of Congress shall be held within one calendar month of the decision of Council or receipt of the requisition. At least ten days' notice of the business of a meeting of Congress shall be given to members of Congress by the General Secretary.

## 5. **ADMINISTRATION**

- (i) The affairs of the Association shall be administered by Council which is hereby deemed to be the principal committee of the Association exercising executive powers. The Association's administrative year shall extend from 1 May to 30 April. Council shall be elected for a period of two years and shall take office at the close of the Annual Congress following election. At its first meeting thereafter Council shall elect from its own number four members to serve on the Finance Committee and also six members to serve on the Executive Committee until the first statutory meeting of the next Council.
- (ii) Council shall have power also to appoint such other committees as it may from time to time consider necessary; but the continuance of such a committee shall be subject in each case to confirmation by the Annual Congress. The office-bearers shall be members of all committees appointed by Council.
- (iii) On the invitation of the President, a convener who is not a member of Council or a congressional representative may attend a meeting of Council or Congress as an assessor for purposes associated with the work of that committee; in this capacity the convener will have all the formal rights of debate (i.e power to move adoption of a report or any part of it, to accept or resist amendments, to reply to the debate,) but will have no vote.

6. **OFFICE-BEARERS**

- i) The office-Bearers of the Association shall be a) the President, b) the Vice-President, c) the General Secretary, d) the Minutes Secretary, e) the General Treasurer and f) the Immediate Past President. The President and Vice-President shall hold office for two years. The Minutes Secretary and General Treasurer shall hold office for four years. The office of Immediate Past President shall be held by the President for two years on demitting office. The President, Vice-President, Immediate Past President, Minutes Secretary and General Treasurer shall take office on the same date as a new Council. The General Secretary who need not be eligible for ordinary membership of the Association, shall be a permanent salaried employee appointed and re-appointed in compliance with prevailing statutory requirements and the appointment shall be confirmed by Council.
- ii) Each District or Area of the Association shall have power to nominate one candidate for election to the offices of President, Vice-President, Minutes Secretary and General Treasurer. Nominations shall be intimated to the General Secretary by the last Wednesday of November in the year prior to an election. In the absence of any nomination for one or more of these offices Council shall be empowered to nominate at its December meeting. Contested elections shall be conducted by secret ballot to be completed by 31 January. The method of balloting shall be in accordance with Rules for Ballots and Elections to be adopted by Council.
- iii) The methods of balloting for all offices shall be in accordance with Rules for Ballots and Elections as adopted by Council.
- iv) If the office of Vice-President, Minutes Secretary or General Treasurer falls vacant Council shall be empowered to appoint an acting office-bearer from within its number or to authorise a by-election at its discretion. If the office of President falls vacant the Vice-President shall immediately assume the office of Acting President until the next meeting of Council. If the office of General Secretary falls vacant, the Depute General Secretary shall immediately assume the office of Acting General Secretary until a successor is appointed.

## **7. EXECUTIVE**

The Executive Committee shall consist of the office-bearers and the six representatives elected by Council. The Executive Committee shall be responsible for the implementation of all decisions of Congress and of Council. The Executive Committee shall be empowered to take such action as it sees fit on all matters arising between stated meetings of Council where it considers that action is warranted by the circumstances and shall perform such other duties and exercise such other powers as may be determined from time to time by Council. A stated meeting of the Executive Committee shall take place within the period of eight days prior to each stated meeting of Council. Five members shall form a quorum. The President shall convene all meetings of Executive.

## **8. TRUSTEES**

The trustees of the Association shall be the President and the General Secretary. The trustees shall have powers to borrow money on behalf of the Association. Such powers shall not be exercised until the matter has been referred to the Finance Committee, until the report of the Finance Committee has been considered by the Executive Committee, and until Council has given its approval of the exercise of the powers and the extent of the borrowing.

## **9. LOCAL ORGANISATION AND ADMINISTRATION**

- (i) The Association shall be divided into Districts which shall correspond with the local government districts listed in Appendix 1. Two or more Districts may decide to operate as an Area for the purposes of Association organisation and administration. Such a decision must be made at a District meeting called for that purpose and be approved by Council, as must any request by an Area or District that an Area be dissolved.
- (ii) Each District or Area shall hold an Annual General Meeting in the month of February at which, *inter alia*, a Secretary and such other office-bearers as are deemed necessary shall be elected.

- (iii) Not more than three weeks prior to each stated meeting of Council, meetings of members shall be held within each District or Area.
- (iv) Where Areas are established, one of the constituent District Secretaries shall be appointed to act as Area Secretary and other office-bearers may be appointed as deemed necessary. Area appointments should be made not later than the May Area meeting of members.

## 10. **COUNCIL**

- (i) Council shall consist of the office-bearers and members elected by each District or Area to serve for two years. Each District or Area shall elect a member or members in accordance with the provisions of Appendix 1 of this Constitution. For this purpose, the District or Area membership shall be the number of members in the District or Area on the preceding 31 December as certified by the General Secretary. The President shall convene all meetings of Council.
- (ii) Candidates for Council membership shall be nominated by a proposer and seconder at the District's or Area's annual general meeting and elected by secret ballot of the District or Area membership.
- (iii) District or Area Secretaries shall intimate nominations to the General Secretary by 1 March. Ballots for contested elections shall be arranged by the General Secretary and conducted in accordance with the afore-mentioned rules for Ballots and Elections and shall be completed by 31 March.
- (iv) In the event of a vacancy in District or Area representation on Council arising between elections the first runner-up in the previous election shall be appointed. If there was no election the District or Area shall be invited to put forward a new nomination, or nominations for by-election.

- (v) There shall be three stated meetings of Council, one in each of the months March, October and December. On the instruction of Council (at one of its stated meetings) or the Executive Committee, the General Secretary may convene special meetings of Council as occasion demands.
- (vi) One-third of the members of Council shall form a quorum.

## 11. **FINANCE**

- (i) The Finance Committee shall consist of the office-bearers and four other members of Council. The General Treasurer shall be the convener of the Finance Committee. Five members shall form a quorum.
- (ii) Subject to the approval of Council the Finance Committee shall have full power to administer the finances of the Association, to invest the funds of the Association and to implement its financial policy through the General Treasurer. It shall perform such other duties and exercise such other powers as may be determined from time to time by Council. The General Treasurer shall make a financial report to each stated meeting of Council. The annual accounts of the Association shall be submitted for approval to Congress, and any paid-up member shall be entitled to inspect a copy of the approved annual accounts at the offices of the Association during normal office hours.
- (iii) It shall be the duty of the General Treasurer to supply District or Area Secretaries (or Treasurers) with funds for normal District or Area expenditure, and they shall be accountable annually to the General Treasurer for these funds. Applications by Districts or Areas for permission to incur expenditure of an extraordinary nature shall be made to the Finance Committee through the General Treasurer.
- (iv) The Association's financial year shall extend from 1 January to 31 December.
- (v) An auditor or auditors shall be appointed by Congress on the recommendation of Finance Committee.



## **12. COMMITTEES AND PANELS**

- i) Each Committee or Panel shall elect from within its number a Convener and Secretary.
- ii) Each Committee or Panel shall have a written statement of purpose which shall be subject to approval by Council, and which shall be appended to the Constitution.
- iii) Each Committee or Panel shall comprise the Office-Bearers and between 4 and 10 members elected by Council.
- iv) Committees and Panels shall assume and demit office on dates to be decided by Council.
- v) Any ordinary member of the Association shall be eligible to be elected as a member of a Committee or Panel.
- vi) A quorum shall be one third of the number of members of the Committee or Panel rounded up to the next whole number.
- vii) Each Committee or Panel shall have the power to co-opt an ordinary member to the Committee or Panel. Any co-opted member shall hold office until the next meeting of Council or Congress at which meeting their co-opted membership shall lapse and they shall be eligible to be appointed as a full member of the Committee or Panel by Council or Congress. No Committee or Panel shall have more than 4 co-opted members at any one time.

13. ***ACTION IN BREACH OF CONTRACT***

- (i) Action in breach of contract may be called if a majority of those voting in secret ballot of the membership, conducted in accordance with the rules for ballot, is in favour. Retired members shall not be included in the membership for the purposes of this section. Authority for holding a ballot may be given only by Congress, Council or Executive.
- (ii) Congress, Council or Executive shall determine the area, school or group of schools in which a ballot of members is to be held and action in breach of contract by members in that area, school or group of schools may be called if a majority of those voting is in favour.
- (iii) Only Executive may call or terminate action in breach of contract.

14. **CONGRESSIONAL REPRESENTATIVES**

Each District or Area shall elect to Congress a representative or representatives in accordance with Appendix 1 of this Constitution. For this purpose, District or Area membership shall be the number of members in each District or Area on the preceding 31 December as certified by the General Secretary.

15. **SCHOOL REPRESENTATIVES**

- (i) There shall be elected in every establishment where there are members of the Association an official to be known as the school representative. School representatives shall be elected annually at a meeting of members held within three weeks of the end of the session of the establishment. They shall be eligible for re-election. Vacancies shall be filled by election within three weeks of the vacancy occurring.
- (ii) The duties and powers of school representatives shall be such as are determined from time to time by Council.

16. **SAFETY REPRESENTATIVES**

There shall be elected in every establishment where there are members of the Association a safety representative whose functions shall be those prescribed in current legislation relating to health and safety at work.

17. **THE CONSTITUTION**

- (i) The Constitution can be amended only by Congress. No such amendments shall be made unless approved by two-thirds of those present and voting.
- (ii) The Association may be dissolved only if two-thirds of the paid-up membership, as evidenced by a postal ballot, is in favour of such dissolution.