

Attention: 2023 – 2024 Students' Association Council
From: Bylaw Amendment Review Committee
Re: Proposed Changes Rational
Date: November 29, 2023

Article 7 Bylaw Change - Rationale:

As per the existing Bylaw, Executive Council members are limited to serving two terms in office. A full term in office is from May 1 to April 30. For those who are elected through a by-election, the current bylaw allows them to serve one full term, and one partial term (by-election date to April 30). This proposed change would allow sitting Executives to serve a maximum of **2 full** terms in office and **1 partial** if their initial election was through a by-election (2 full terms and one partial).

BARC Terms of Reference Change - Rationale:

The **name** - Bylaw Amendment Review Committee, indicates the Association should be reviewing our Bylaws on an annual basis. Bylaws should actually be in place for longer periods of time and stand the test of time. The name change to **Governance Review Committee** is a more accurate reflection of the intended work of the committee, which is to review all Association governance documents (Bylaws, policies, Committee Terms of Reference, etc.) on an ongoing basis.

Councillor Vacancies Policy Change - Rationale:

Current policy states vacant positions on the Students' Association Council are filled through an election process at the Executive Council level. The proposed change would have these vacant positions elected by Council instead.

~~BYLAW AMENDMENT REVIEW~~ ~~COMMITTEE~~ GOVERNANCE REVIEW COMMITTEE

Terms of Reference

Last amended: January 30, 2023
Motion # 22-23-101-C

As per Association Bylaws, the ~~Bylaw Amendment Review~~ Governance Review Committee (~~BARC~~GRC) is a standing Committee of Council.

Mandate and Purpose

1. The purpose of ~~BARC~~GRC is to review the relevance and application of Association Bylaws and Policies and to forward recommendations to Council and/or the Membership for final approval.

Definitions

1. *The Committee* means ~~BARC~~GRC

Membership

1. The Committee membership shall consist of:
 - a. President who shall be the Chairperson;
 - b. All other voting members of Executive Council;
 - c. At least two (2) voting members of Council other than Executive Council members;
 - d. Executive Director as an ex-officio member;
 - e. ~~Other~~ Members of the Association;
 - f. A staff member in a non-voting capacity to serve as a resource if deemed necessary; and
 - g. Any other individual(s) deemed necessary by the Chairperson.
2. The Executive Director shall participate in the review and development of Association Bylaws and Policies.
3. If a member resigns, every attempt shall be made to fill the vacancy in an efficient manner.
4. All Committee members shall abide by the Association's Code of Conduct Policy.

Duties and Responsibilities

1. The Committee shall review the Bylaws on an annual basis to ensure the document is:
 - a. in accordance with the Post-Secondary Learning Act or other statutes set by the government;
 - b. in alignment with the priorities of the Association; and
 - c. achieving its intents and purposes.
2. The Committee shall review Association Bylaws and forward recommendations to Council for final approval.
3. The Committee shall be responsible for developing and maintaining a review schedule of Association Policies.

4. The Committee shall review new and existing Council policies and procedures and make recommendations to Council for final approval.
5. It is the responsibility of the Committee to give sufficient notice for Policy and/or Bylaw changes as per Association Bylaws.
6. It is the responsibility of the Chair to present ongoing reports and submit an end-of-term report to Council.
7. If necessary, the Committee shall assist the President in interpreting any governance documents of the Association.

Meetings

1. The Committee shall meet at least once per month.
2. The Committee may invite guests to meetings to provide context or support to any Policies and/or Bylaws brought forward for changes.
3. It is the responsibility of the Chair to ensure that all members of the Committee receive an agenda package outlining proposed Policy and/or Bylaw changes.
4. Meeting proceedings shall be properly documented and archived in the form of minutes and attendance by the Executive Director or designate.

Amendments

1. Any changes or amendments to the ~~Bylaw Amendment Review~~ Governance Review Committee Terms of Reference shall be submitted to ~~BARCGRC~~ for review and forwarded to Council for final approval.
2. Notification of Terms of Reference changes must be submitted to Council in writing at least 14 days prior to presentation.

POLICY

COUNCILLOR VACANCIES

Amended ~~March 8, 2021~~
Council
Motion #: ~~20-21-149-C~~

Policy:

The Association shall make all possible attempts to fill any Councillor vacancies in a timely and efficient manner.

Procedure

1. Notice of all vacancies shall be published for at least one week.

Regarding Insufficient Nominations during the General Election:

2. A General Election shall be held for twelve (12) Councillor positions no later than March 30.
3. In the event there are less than four (4) Councillors elected through the General Elections: No later than April 30, the ~~Executive~~ Council shall elect enough Councillors to meet quorum requirements between May 1 and September 30.

Regarding Vacancies:

4. In the event that Councillor positions become vacant after the General Election but before August 31, nominations shall open and remain open until such time quorum requirements are met. Once eligibility has been confirmed, ~~Executive~~ Council shall interview and elect enough Councillors to meet quorum requirements between May 1 and September 30.
5. In the event that Councillor positions become vacant after August 31, nominations shall open and remain open until such time quorum requirements are met. Once eligibility has been confirmed, ~~Executive~~ Council shall interview and elect enough Councillors to meet quorum requirements between October 1 and April 30.

Article 7: Executive Council

7.1 Executive Council Composition

Executive Council shall consist of:
President (Voting)
Vice President Academic (Voting)
Vice President External (Voting)
Executive Director (Ex-Officio)

7.2 Term of Office

7.2.1 The President, Vice President Academic and Vice President External are elected for a one-year (full) term beginning May 1 of each year, through the General Election or a spring By-election.

7.2.2 The Vice President Academic and Vice President External may be elected for a partial term through a fall By-election.

~~7.2.2 The Executive Director is a full time employee of the Association and shall remain an officer of the Association for the duration of their employment.~~

7.3 Executive Term Limits:

Members of Executive Council may sit for a maximum of 2 full terms if they were initially elected through the General Election or a spring By-election.

Members of Executive Council may sit for a maximum of 2 full terms and 1 partial term if they were initially elected through a fall By-election.

If four years have elapsed since serving their last elected term, any eligible Member may let their name stand as a candidate for the office of President, Vice President Academic, or Vice President External.

7.3 Executive Transfer of Power

7.3.1 At the last Executive meeting of the fiscal year, Executive Council shall appoint the incoming Executives as the Officers of the Association effective May 1, by virtue of the Executive election results.

7.3.2 The Executive Director shall remain an ex-officio member of Executive Council and an Officer of the Association for the term of their employment.

7.4 Eligibility

7.4.1 General Election & spring By-Election (President, the Vice President Academic, and Vice President External)

Any member of the Association may let their name stand as a candidate for these positions if:

1. They have not exceeded Executive Term Limits

1. They have achieved a GPA of at least 2.0 during the most previous Fall term or most recent Winter term (if not enrolled during the most recent Fall term).
2. ~~They have not previously served two (2) elected terms as an Association Executive. However, one may let their name stand as a candidate if four years have elapsed since serving their second elected term.~~
3. They are not current full time or salaried employees of the Association

7.4.2 **Fall** By-election (Vice President Academic and Vice President External)

Any member of the Association may let their name stand as a candidate for these positions if:

1. They have not exceeded Executive Term Limits

1. They have achieved a GPA of at least 2.0 during the most previous Winter term or most recent Fall term (if not enrolled during the most recent Winter term).
2. ~~They have not previously served two (2) elected terms as an Association Executive. However, one may let their name stand as a candidate if four years have elapsed since serving their second elected term.~~
3. They are not current full time or salaried employees of the Association

7.4.3 The Executive Director is **an ex-officio member of** eligible for membership on Executive Council ~~by virtue of their employment with the Association as ex-officio.~~