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# CONSTITUTION, BYLAWS and POLICY DOCUMENTS

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As Compiled on April 16, 2018

By the Deputy Speaker

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With the assistance of the Speaker

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THE SOCIETY OF GRADUATE STUDENTS

*The University Western Ontario*

LONDON ONTARIO CANADA

2018

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# Chapter 1

## Constitution

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## **1.1 Name**

The name of this organization is "The Society of Graduate Students of the University of Western Ontario," hereinafter referred to as the "Society."

## **1.2 Purposes**

The purposes of the Society are:

- 1.2.1. to give graduate students at The University of Western Ontario a recognized organization through which they may express their needs and their opinions;
- 1.2.2. to be an advocate for graduate students on issues and concerns affecting graduate student life at The University of Western Ontario;
- 1.2.3. to provide programs and services for graduate students at The University of Western Ontario;
- 1.2.4. to represent graduate student issues and concerns with The University of Western Ontario administration and other organizations.



## **1.3 Corporate Seal**

The corporate seal of the Society will be prominently displayed on official copies of the Society's Constitution and Bylaws.

## **1.4 Powers and Jurisdictions**

### **1.4.1 Authority**

The jurisdiction and powers assumed by the Society in this Society's Constitution and any amendments thereto arise from autonomous self-governing authority and do not require the approval of any authority other than that of the Society itself.

### **1.4.2 Government**

The governing body of the Society is the Council which is responsible for all matters of policy and for government and regulation of the Society.

### **1.4.3 Bylaws**

Bylaws attached to this Constitution arise from self-governing authority from within the Constitution.

## **1.5 Membership**

### **1.5.1 Full Membership**

1.5.1.1. The requirements for full membership of the Society shall be:

1.5.1.1.1. registration in the School of Graduate and Postdoctoral Studies of The University of Western Ontario as a full-time graduate student (excluding those registered in the MBA program in the Richard Ivey School of Business).

1.5.1.2. Full members of the Society in good standing have the following rights and privileges, subject to such limitations as may be specified elsewhere in this Constitution or in the Bylaws:

1.5.1.2.1. the right to attend and speak, at the discretion of the Chair, at General meetings, Council meetings and Society Executive meetings;

1.5.1.2.2. access to all minutes of Society, Council, and Executive minutes;

1.5.1.2.3. the right to run for the office of President and any other Non-Executive Officer, Council, or committee position;

1.5.1.2.4. the right to vote in the Society's Presidential elections;

1.5.1.2.5. the right to vote in the Society's referenda;

1.5.1.2.6. the right to obtain support from the Society's Executive with problems stemming from their academic program;

1.5.1.2.7. access to other Society-sponsored insurance programs within the provisions of the programs;

1.5.1.2.8. the right to enter and make use of the Grad Club facilities;

1.5.1.2.9. the right to participate in academic, social, and recreational programs sponsored by the Society.

1.5.1.2.10. the reception of Society publications.

1.5.1.2.11. access to financial programs of the Society subject to the provisions of the program.

1.5.1.3. The requirements for full membership in good standing in the Society shall be:

1.5.1.3.1. satisfying the requirements for full membership from Section 5.1.1, and

1.5.1.3.2. payment of the designated membership fee.

### **1.5.2 Associate Membership**

1.5.2.1. The requirements for associate membership of the Society shall be:

1.5.2.1.1. registration in the School of Graduate and Postdoctoral Studies of The University of Western Ontario as a part-time graduate student (excluding those registered in the MBA program in the Richard Ivey School of Business)

- 1.5.2.1.2. a Leave of Absence granted by the School of Graduate and Postdoctoral Studies from a graduate program (excluding those in the MBA program in the Richard Ivey School of Business) on pregnancy/parental, medical, or compassionate grounds.
- 1.5.2.2. Associate members of the Society in good standing have the same rights and privileges as full members, with the following exception:
  - 1.5.2.2.1. participation in Society programs which prohibit the participation of associate members.
- 1.5.2.3. The requirements for associate membership in good standing in the Society shall be:
  - 1.5.2.3.1. satisfying the requirements for associate membership from Section 1.5.2.1, and
  - 1.5.2.3.2. payment of the designated membership fee.
- 1.5.2.4. The requirements for associate membership in good standing in the Society for graduate students granted a Leave of Absence shall be:
  - 1.5.2.4.1. satisfying the requirements for associate membership from Section 1.5.2.1, and
  - 1.5.2.4.2. payment of the designated membership fee.

### **1.5.3 Honorary Membership**

- 1.5.31. Honorary membership of the Society may be offered at the discretion of the Council.
- 1.5.32. Honorary members of the Society shall not be entitled to vote or to hold office.
- 1.5.33. Honorary members of the Society have the following rights and privileges:
  - 1.5.33.1. the right to attend and speak, at the discretion of the chair Council meetings and Society Executive meetings.
  - 1.5.33.2. the right to enter and make use of the Grad Club facilities.

### **1.5.4 Membership Granted by Council**

- 1.5.41. Distinct academic units of students at The University of Western Ontario (or affiliated colleges) that do not otherwise meet the Society's membership criteria as laid out in the Constitution may be granted membership in the Society, on the terms of and at the discretion of Council. In cases where such membership is granted:
  - 1.5.41.1. Membership shall be contingent upon registration as either a full- or part-time student at The University of Western Ontario (or an affiliated college) and payment of the Society's designated membership fees. Full-time students shall pay the same membership fees accepted as full members of the Society. Part-time students shall pay the same membership fees accepted as associate members of the Society.

1.5.41.2. Unless otherwise specified by Council, full-time students shall have the same rights and privileges as full members of the Society. Likewise, unless otherwise specified by Council, part-time students shall have the same rights and privileges as associate members of the Society.

## **1.6 Government**

### **1.6.1 The Council**

- 1.6.1.1. The governing body of the Society shall be the Society of Graduate Students' Council, also referred to as "Council."
- 1.6.1.2. Council shall be responsible for determining matters of policy and supervising the administration of these policies according to the principles laid down in the Society's Constitution.
- 1.6.1.3. Council shall consist of representatives of each department (or program) referred to as "Councillors", Executive Officers of the Society, Non-Executive Officers of the Society, and ex-officio members of Council as defined in 6.1.8, and ex-officio members as defined by relevant by-laws.
- 1.6.1.4. Enrolment for the fall term shall determine the number of representatives each department (or program) shall have on Council for the academic year. The specific number of representatives to be elected by each department (or program) shall be determined as follows: The number of Councillor positions at Council will be set at a base number of 120. The number of full members of the Society in a particular department (or program) will then be divided by the total number of full members of the Society. This number will be multiplied by 120. The resultant figure shall then be rounded up to the nearest whole number, which will be the number of Councillors that department will elect to Council. Each Councillor must be a full or associate member of the Society. A Councillor may not hold another position on Council.
- 1.6.1.5. Each Councillor shall have one vote unless specified otherwise in the Constitution.
- 1.6.1.6. Current Vice-Presidents of the Society shall be non-voting members of Council.
- 1.6.1.7. Non-executive officers of the Society shall be non-voting members of Council.
  - 1.6.1.7.1. Notwithstanding the above, the Speaker is permitted to cast a tie-breaking vote at Council meetings and Annual General Meetings.
- 1.6.1.8. Members of the Society who serve as graduate student representatives to The University of Western Ontario Senate, Board of Governors, committee chairs or PSAC 610 shall be non-voting, ex-officio members of Council.
- 1.6.1.9. Observerships may be established by Council. Observers so appointed may participate in discussion but shall neither move/second motions nor vote. An Observer may designate a person to act on their behalf.

### **1.6.2 The Executive**

- 1.6.2.1. The Executive shall consist of the President, Vice-President Advocacy, Vice-President Academic, Vice-President Student Services, and Vice-President Finance.

- 1.6.2.2. The Executive shall be responsible for the administration of the day-to-day affairs of the Society in accordance with policy and direction dictated by Council.
- 1.6.2.3. During the period between meetings, the Executive is empowered to act for Council, except in circumstances which, in the opinion of the President, warrant the calling of a special meeting of Council. All actions taken during this period shall be reported at the next meeting of Council.
- 1.6.2.4. The Executive shall accompany all financial transactions and offers of compensation with written documentation.
- 1.6.2.5. The Executive shall, at its discretion, call a meeting of all Executive Officers, Commissioners and Committee Chairs to discuss issues with the Society, which shall be reported to Council.
- 1.6.2.6. Term Limits
  - 1.6.2.6.1. No individual shall serve as a president for more than two (2) consecutive terms even if one of the terms is a partial term
  - 1.6.2.6.2. No individual shall serve more than twenty-four (24) months as a president in their lifetime
  - 1.6.2.6.3. No individual who has already served as a president for two consecutive terms or a total of twenty-four (24) months, whichever is earlier, shall be eligible to stand for election as a president

### **1.6.3 Non-Executive Officers**

- 1.6.3.1. The Non-Executive shall consist of the Speaker, the Commissioners, the Chief Returning Officer, and the Deputy Chief Returning Officer.
- 1.6.3.2. The Non-Executive shall be responsible for specific duties within the society as directed by council as reflected in the bylaws and appropriate policy documents.

### **1.6.4 Committees**

- 1.6.4.1. Council may establish standing committees and ad hoc committees.
- 1.6.4.2. Only full and associate members of the Society may vote on committees established by the Society. Only voting members shall count for quorum on such committees.

### **1.6.5 Term Limites for Committees**

- 1.6.5.1. No member of a committee may serve more than 12 consecutive months without being ratified for a new year by Council.

## **1.7 Finance and banking**

- 1.7.1. The administration of the Society's funds shall be in the best interests of the Society and shall be the responsibility of Council.
- 1.7.2. The banking affairs of the Society shall be transacted with such banks, or other corporation carrying on a banking business, as Council may, from time to time, designate by resolution, and all such banking affairs shall be transacted on behalf of the Society by such persons as the Society may designate by resolution.
- 1.7.3. The Society year shall begin on May 1 and end on April 30 of the following year.



## **1.8 Amendments to the Constitution and Bylaws**

### **1.8.1 Amendments to the Constitution**

1. Proposals for amendment to this Constitution shall be received by the Speaker as motions to Council, unless it is explicitly referred to the Bylaws and Constitution Committee by the draftee.
2. The Bylaws and Constitution Committee shall publish its recommendations in the Council mail-out prior to the Council meeting at which they will be discussed.
3. Discussion of the proposals shall take place at the next meeting of Council. Council shall vote to accept or reject the proposals, such a motion requiring a simple majority for approval. Only amendments which do not materially change the intent of the proposal shall be acceptable; other amendments to the proposal shall require a new submission to Council.
4. Following the passage through Council or a motion to amend this Constitution, such a motion shall be put before the next General meeting of the Society.
5. Notwithstanding the above, constitutional amendments may be put on the agenda for a General meeting by petition (presented to the Speaker) of ten per cent (10%) of the members of the Society. Such a petition must contain the exact wording of each proposed amendment.

### **1.8.2 Amendments to the Bylaws**

1. The Bylaws are complementary to, and not a part of, this Constitution. Amendments to the Bylaws shall be dealt with in the same manner as amendments to the Constitution, except that they need not be approved by a General Meeting before coming into effect.

### **1.8.3 Dissemination of Amendments**

1. Amendments to the Constitution that have been ratified at a General Meeting or updates to the Bylaws or Policy Documents that have been ratified at Council shall be both published in the complete form of their respective document and announced to the membership within two (2) months of ratification.

# Chapter 2

## Bylaws

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## **2.1 Duties of the Executive**

### **2.1.1 All Executive Members:**

- 2.1.1. shall be a member of the Society throughout their term and upon ceasing to be a member of the Society shall cease to hold their office
- 2.1.2. shall be primarily concerned to foster, organize and mobilize the participation of the membership by dedicating themselves to ensuring that those committees, whether standing or ad hoc, for which they are Official Liaisons:
  - 2.1.2.1. have members;
  - 2.1.2.2. meet on a regular basis;
  - 2.1.2.3. regularly communicate their activities to Council; and
  - 2.1.2.4. recommend, in consultation with the corresponding committee, the awarding of an honoraria to the chairs(s) of the committee, by the April council meeting.
- 2.1.3. shall maintain a file specifically relating to their portfolios that will be useful for their successors to the position.
- 2.1.4. shall not serve concurrently as a non-executive officer of the Society.
- 2.1.5. shall not occupy a voting position on any committee, excepting ex-officio voting permissions explicitly granted in the Society's bylaws.
  - 2.1.5.1. shall not serve as chair of any committee, except when electing a interim chairperson or permanent chairperson, or in the absence of any committee members putting themselves forward as chairperson.
- 2.1.6. shall have a working knowledge of the Constitution, Bylaws, and Policies of the Society, and of Robert's Rules of Order.
- 2.1.7. shall write and submit a report for inclusion in the monthly Council mailout.
- 2.1.8. shall disseminate information relating to their portfolios, including news releases about the Society's activities and events, in consultation with the Vice-President Advocacy.
- 2.1.9. shall co-sign cheques as necessary.
- 2.1.10. shall be responsible for informing the members of the committees of the Society in their portfolios that remuneration is available for a committee chair, but is dependent upon the recommendation of the committee to Council.
- 2.1.11. shall, upon election, provide the office of the Society with up-to-date contact information.
- 2.1.12. shall be present in the office for no less than one hour per week during normal business hours.

- 2.1.13. shall further the long-term interests of the Society.
- 2.1.14. shall perform such other duties as Council may from time to time provide.
- 2.1.15. Any Executive member other than the President is to be in dereliction of duty if they fail to submit a written or oral report to Council for two consecutive regular council meetings.

## **2.1.2 The President**

- 2.1.2.1. shall be responsible for the overall operation of the affairs of the Society.
- 2.1.2.2. shall oversee the bookkeeping and administrative functions of the Society.
- 2.1.2.3. shall be responsible for ensuring the Vice–Presidents execute their duties.
- 2.1.2.4. shall be a non–voting member, ex-officio, of all standing committees of the Society.
- 2.1.2.5. shall be responsible for calling a meeting of the Executive prior to any General or Council meeting.
- 2.1.2.6. shall chair Executive meetings and prepare an agenda.
- 2.1.2.7. shall be responsible for the minutes of Executive meetings.
- 2.1.2.8. shall, with the Vice–President Finance, and only with Council’s approval, enter into loan agreements on behalf of the Society.
- 2.1.2.9. shall, with the Vice–President Finance, be responsible for the administration of the Society’s emergency loan system, travel grants fund, and child care fund.
- 2.1.2.10. shall, with the Vice–President Finance, and with Council’s approval, be responsible for the administration of the Society’s long–term investments.
- 2.1.2.11. shall ensure the names of the winners of Society’s non–confidential sponsored programs are published.
- 2.1.2.12. shall co–ordinate the contract renewal process for the Society’s office staff.
- 2.1.2.13. shall maintain organizational charts that reflect the mandate, operations, and needs of the Society, and shall update them annually.
- 2.1.2.14. The President shall, as appropriate, call a meeting of all Executive Officers, Commissioners and Committee Chairs to discuss issues with the Society, which shall be reported to Council.
- 2.1.2.15. shall represent the Society as necessary at meetings of campus associations, including, but not limited to, the University Students’ Council, the MBA Association, the PSAC 610, the UWO Faculty and Staff Associations, and departmental graduate student associations.

### **2.1.3 The Vice-President Advocacy**

- 2.1.3.1. shall regularly update Council on external issues affecting the Society's members.
- 2.1.3.2. shall coordinate and promote activities that raise awareness of external issues affecting the Society's members.
- 2.1.3.3. shall liaise with community, provincial, and national bodies on issues of interest to the Society's membership, and shall represent the Society at meetings of such organizations on an ad hoc basis as council may from time to time provide.
- 2.1.3.4. Shall serve as liaison to the Commissioners and assist them in the performance of their duties

### **2.1.4 The Vice-President Academic**

- 2.1.4.1. shall ensure representation of graduate student interests and concerns with academic-related bodies.
- 2.1.4.2. shall co-ordinate the academic programs of the Society, including, but not limited to, the GradCast, the Graduate Student Teaching Awards, and the Western Research Forum.
- 2.1.4.3. shall meet regularly with the School of Graduate and Postdoctoral Studies to discuss academic issues.
- 2.1.4.4. shall act as an academic peer advisor for graduate students as outlined in the policy manual

### **2.1.5 The Vice-President Student Services**

- 2.1.5.1. shall ensure representation of graduate student interests and concerns with University bodies governing student services, including, but not limited to, student ancillary fees student mental health and wellness, graduate student orientation, graduate student sport and recreation.
- 2.1.5.2. shall ensure representation of graduate student interests and concerns with University student service and sport programming bodies.
- 2.1.5.3. shall oversee the promotion of the Society-sponsored social and athletic events for graduate students.
- 2.1.5.4. shall attend Western's Mental Health and Wellness Committee, or send a Society representation in their place, to the best of their ability.
- 2.1.5.5. shall work in partnership with the School of Graduate and Postdoctoral Studies (SGPS) and the Office of Student Experience's Wellness Coordinator to promote and enhance graduate-specific Mental Health and Wellness Initiatives to the best of their ability.

- 2.1.5.6. shall help plan, organize, and oversee the running of Graduate Wellness Week (October) in partnership with the School of Graduate and Postdoctoral Studies (SGPS), Student Experience, and all relevant Society committees to the best of their ability.
- 2.1.5.7. shall work in partnership with Graduate-relevant services (e.g. SGPS Orientation, Graduate Orientation Committee, Graduate Student Life Advisory Group, etc) for the successful running of Graduate Orientation and Graduate Student Life at Western to the best of their ability.
- 2.1.5.8. shall consult with the Society Communications Administrator on the Graduate Orientation Handbook production and advertising sales.
- 2.1.5.9. shall oversee, in consultation with the Orientation and Social Committee, the running of the OSC Sponsorship Fund.
- 2.1.5.10. shall work in consultation with Graduate Peer Support to ensure the sustainability and visibility of the Wellness Joint Fund.

## **2.1.6 The Vice-President Finance**

- 2.1.6.1. shall serve as the Chief Financial Officer of the Society.
- 2.1.6.2. shall consult regularly with the Accounts Manager and the Chartered Accountant of the Society.
- 2.1.6.3. shall be responsible, with the accounting manager, for ensuring that all moneys received by the Society be safely deposited with the financial institution named by Council for this purpose.
- 2.1.6.4. shall administer the payment of all debts incurred by the Society during the course of the Society's fiscal year.
- 2.1.6.5. shall, with the President, and only with Council's approval, be authorized to enter into loan agreements on behalf of the Society.
- 2.1.6.6. shall prepare a yearly budget for the Society to be presented to and approved at a General Meeting of the Society.
- 2.1.6.7. shall, with the President, and with Council's approval, be responsible for the administration of the Society's long-term investments.
- 2.1.6.8. shall assist the Grad Club Manager in the preparation of a yearly budget for the Grad Club to be presented to Council at its March meeting.
- 2.1.6.9. shall present the year-end financial statements of the Society to Council at its July meeting and to the Annual General Meeting of the Society.
- 2.1.6.10. shall inspect monthly cash reconciliation for the Grad Club and review financial reports from the manager.

- 2.1.6.11. shall conduct inventory checks of the Grad Club once per year, to coincide with the inventory completed as part of the annual audit.
- 2.1.6.12. shall communicate to the management of the Grad Club the decisions of Council concerning the operations of the Grad Club.
- 2.1.6.13. shall represent the Society in its official relations with Hospitality and Food Services.
- 2.1.6.14. shall be responsible for submitting changes to the Society's fees to the University's administration, in accordance with the relevant University policies.
- 2.1.6.15. shall oversee the preparation of an annual review of engagement or audit of the finances of the Society, in accordance with the requirement set by the Campus and Community Affairs Committee of the Board of Governors.
- 2.1.6.16. shall present the year-end financial statements of the Grad Club to Council at its July meeting.
- 2.1.6.17. shall liaise with the SOGS/PSAC 610 Joint Thesis Completion Fund Committee.
- 2.1.6.18. Shall, with the Bursary and Subsidy Committee and President, be responsible for the administration of the Society's bursary, scholarship, subsidy and similar or equivalent financial program for graduate students.
- 2.1.6.19. Shall, with the Finance Committee and President, be responsible for the administration of the Society's emergency loan program and similar or equivalent programs for graduate students.
- 2.1.6.20. Shall, in conjunction with the Grad Club Manager, be responsible for ensuring that employees of the Grad Club have completed health and safety training as mandated by the Ministry of Labour.
- 2.1.6.21. Shall be responsible for ensuring the Grad Club Health and Safety Policy conforms to the regulations stipulated by the Ministry of Labour.
- 2.1.6.22. Shall be responsible for updating the Grad Club Health and Safety Policy annually, to coincide with the submission of the Grad Club financial statements to July council.
- 2.1.6.23. Shall be responsible for ensuring that the Grad Club and the Society have appointed health and safety representatives that conform to the regulations set out by the Ministry of Labour.

## **2.2 Duties of the Non–Executive Officers**

### **2.2.1 Non–executive Officers**

- 2.2.1.1. shall be a member of the Society throughout their term and upon ceasing to be a member of the Society shall cease to hold their office.
- 2.2.1.2. shall further the long–term interests of the Society.
- 2.2.1.3. shall not serve concurrently as an executive member.

### **2.2.2 The Speaker**

- 2.2.2.1. shall be familiar with Robert’s Rules of Order and shall inform members of appropriate procedures when necessary.
- 2.2.2.2. shall advise the Society on matters of procedure and shall be the final authority in the event of a dispute over the interpretation of the Constitution and Bylaws.
- 2.2.2.3. shall present a written ruling to Council at its next meeting in the event of a dispute over interpretation of the Constitution, Bylaws, Policy, or Robert’s Rules of Order,
- 2.2.2.4. shall co–ordinate those committees for which they are the Official Liaison.
- 2.2.2.5. shall chair both General and Council meetings.
- 2.2.2.6. shall prepare the Agenda for General Meetings and meetings of Council.
- 2.2.2.7. shall determine the number of departmental and part–time representatives and co–ordinate the election of these representatives in advance of the October meeting of Council.
- 2.2.2.8. shall be responsible for calculating quorum and shall inform Council of this at the beginning of each term.
- 2.2.2.9. shall, in consultation with office staff, prepare the Council mail–out.
- 2.2.2.10. shall prepare a list of motions for the Council mail-out.
- 2.2.2.11. shall determine whether quorum exists at each Council meeting.
- 2.2.2.12. shall advise members charged with disciplinary action of their rights according to the Constitution and Bylaws.
- 2.2.2.13. shall oversee the preparation, maintenance, and distribution of a package for new Councillors which will include the Constitution and Bylaws of the Society, the Society’s official summary of Robert’s Rules, descriptions of the committees of the Society, descriptions of University committees on which the Society has representation, and descriptions of external organizations of which the Society in a member.
- 2.2.2.14. shall be responsible for the minutes of Council meetings.



- 2.2.2.15. shall be responsible for communicating motions passed at council to affected parties within three (3) business days.
- 2.2.2.16. shall sign one copy of the minutes of Council or General meetings after such minutes have been accepted by Council.
- 2.2.2.17. shall be responsible for the ongoing maintenance of Councillor and committee lists.
- 2.2.2.18. must vacate the position of Speaker for the duration of a vote to recall the Speaker, as per Bylaw 7.2.
- 2.2.2.19. In the event of a conflict of interest, shall form and chair an Ad Hoc Committee for the purpose of sanctioning disciplinary measures as per Bylaw 11.
- 2.2.2.20. shall not occupy a voting position on any committee, excepting ex-officio voting permissions explicitly granted in the Society's bylaws;
- 2.2.2.21. shall not serve as chair of any committee, except when electing a interim chairperson or permanent chairperson, or in the absence of any committee members putting themselves forward as chairperson;

### **2.2.3 The Chief Returning Officer (CRO)**

- 2.2.3.1. The position of Chief Returning Officer (henceforth known as the CRO) is open to all members of the Society and is elected by council as per the election table in Bylaw 8.
- 2.2.3.2. The CRO shall:
  - 2.2.3.2.1. be responsible for the conduct of elections and referenda, in accordance with the provisions of Bylaws 4, 5, 6.1, and 7;
  - 2.2.3.2.2. shall maintain a file specifically relating to their portfolios that will be useful for their successors to the position;
  - 2.2.3.2.3. be ineligible for the post if the person is, at the time of assumption of office, an Executive or Non-Executive Officer of the Society;
  - 2.2.3.2.4. be ineligible for the post if the person has a conflict of interest, as specified by Bylaw 11, with one of the candidates, or in any referendum in which they are a member of any referendum group;
  - 2.2.3.2.5. not be the same person as the Deputy CRO;
  - 2.2.3.2.6. be remunerated at the rate of a Vice-President in every month where an election or referenda takes place.

### **2.2.4 The Deputy Chief Returning Officer (DCRO)**

- 2.2.4.1. The DCRO shall:
  - 2.2.4.1.1. be responsible for overseeing investigations of campaign improprieties and charges of appeal during elections and referenda, in accordance with Bylaw 4;

2.2.4.1.2. vacate the position of Deputy CRO in any presidential election or presidential by-election in which they are a candidate or intends to be a candidate or has a conflict of interest, as specified by Bylaw 11, with one of the candidates, or in any referendum in which they are a member of any referendum group;

2.2.4.1.3. be remunerated at the rate of a Commissioner in every month where an election or referenda takes place.

## **2.2.5 Commissioners and Coordinators**

2.2.5.1. The Executive and Council shall have the authority to create, dissolve, or amend commissioner and coordinator positions and to create or amend the terms of reference for each position by resolution.

2.2.5.2. Commissioner and Coordinators shall be elected by Council and serve a one year term from date of election.

2.2.5.3. No person shall hold more than one (1) commissioner or coordinator position at any time.

2.2.5.4. A commissioner or a coordinator may be removed from the position for unsatisfactory performance of their responsibilities by resolution of the Executive or Council. The vacancy shall be filled in accordance with this by-law.

2.2.5.5. Commissioners shall sit on Council as ex-officio non-voting members.

2.2.5.6. A commissioner or coordinator may be awarded an honoraria consistent with the Society's operating policy.

## **2.2.6 Duties of Commissioners**

2.2.6.1. The Commissioner's constituency membership is defined as individuals who self-identify as members of the group (i.e. a meeting called by the Pride Commissioner has the purpose of addressing LGBTQIA+ community member concerns);

2.2.6.2. The Society's Commissioners shall seek opportunities to expand the relationships between constituency group members and allies to the constituency group when possible and appropriate within the Society and the Western community in general.

2.2.6.3. Commissioners shall:

2.2.6.3.1. advocate on concerns on issues affecting graduate students constituency group members at Western;

2.2.6.3.2. represent and promote constituency group world-views, in research and policy relevant to the constituency that benefit graduate students on campus;

2.2.6.3.3. foster a sense of community and build relations within at the constituency group and in the campus community;

- 2.2.6.3.4. facilitate a smoother transition into graduate studies and improve the overall education experience for constituency member graduate students;
- 2.2.6.3.5. report on relevant Society activities to constituency member graduate students;
- 2.2.6.3.6. provide a voice for emerging developments in the constituency community on campus;
- 2.2.6.4. Commissioners shall call meetings with their constituents at a minimum of once per semester (Fall, Winter and Summer);  
These meetings shall:
  - 2.2.6.4.1. be announced in the Society Newsletter and at Council with at least seven (7) days notice;
  - 2.2.6.4.2. be open to members of the constituency;
  - 2.2.6.4.3. have the purpose of addressing concerns within the Commissioner's constituent membership;
  - 2.2.6.4.4. allow the attendance of allies (non-members) to the constituency group meeting via unanimous consent or a majority vote of the constituency at the meeting;
  - 2.2.6.4.5. allow the Commissioner to invite an ally (non-member) of the constituency to a meeting, the attendance of guests is subject to unanimous consent or a majority vote of the constituency at the meeting;
  - 2.2.6.4.6. be chaired by the appropriate Society Commissioner;
  - 2.2.6.4.7. determine procedure according to the particular needs of the constituency and its members;
- 2.2.6.5. Commissioners shall report on the meetings to Council and bring forward issues from the constituency to Council and the Executive as appropriate for action;
- 2.2.6.6. Commissioner who fails to call (to try to hold) these meetings at least once per term are subject to recall procedures.

## **2.2.7 Ombudsperson**

The Ombudsperson shall:

- 2.2.7.1. execute the duties of the Ombudsperson as detailed in the Society's Disciplinary Manual;
- 2.2.7.2. Perform the duties of external investigator under Bylaw 18.4
- 2.2.7.3. actively search for best practices from comparable organizations and, when appropriate, make recommendations to Council;
- 2.2.7.4. maintain and periodically suggest updates the Society's Disciplinary Manual for Council's approval as necessary to integrate best practices.

2.2.7.5. have ex-officio membership on the Policy Committee.

2.2.7.6. shall not occupy a voting position on any committee, excepting ex-officio voting permissions explicitly granted in the Society's bylaws;

## **2.2.8 Deputy Speaker**

The Deputy Speaker shall

2.2.8.1. maintain the Society's Constitution, Bylaws, Policy and Speaker's Rulings as a single, unified document;

2.2.8.2. update the Society's Constitution, Bylaws, Policy and Speaker's Rulings document when Council approves changes or additions;

2.2.8.3. perform research and proofreading as directed by the Speaker;

2.2.8.4. at their discretion, write a non-binding dissenting opinion to a speaker's ruling, should the Deputy Speaker judge it appropriate;

2.2.8.5. serve concurrently as ex-officio member of the BCC;

2.2.8.6. serve concurrently as chairperson of the BCC, subject to reception by Council;

2.2.8.7. Advise the Speaker during Council Meetings and AGMs on best practises about Roberts Rules of Order and how they relate to the Society's Constitution, Bylaws and Policy.

## 2.3 Councillors

- 2.3.1. shall, if representing a graduate department or graduate program where a duly constituted graduate student organization exists, be selected by that organization, which shall communicate in writing the names of Councillors it has selected to the Speaker in advance of the October meeting of Council.
- 2.3.2. shall, if representing a graduate department or graduate program where no duly constituted graduate student organization exists, present a nomination form signed by four (4) full or associate members registered in that department in advance of the October meeting of Council.
- 2.3.3. shall serve a one-year term, beginning with the October meeting of Council.
- 2.3.4. shall attend all meetings of Council.
- 2.3.5. shall regularly communicate with their constituents concerning the activities, programs, and decisions of the Society.
- 2.3.6. shall report to Council on matters of concern to their constituents, provided these matters fall within the purview of the Constitution of the Society.
- 2.3.7. shall, in the event that they are unable to attend a meeting of Council, convey their regrets to the speaker and, designate an alternate from their department, using the form provided in the monthly Council package.
- 2.3.8. Councillors shall be deemed to be in dereliction of their duties if they fail to attend two (2) meetings during their term and fail to designate an alternate without written explanation to the Speaker by the adjournment of the meeting.

## **2.4 Referenda and the Presidential Election**

### **2.4.1 Responsibility**

2.4.1.1. The Chief Returning Officer (CRO) in conjunction with the Deputy Chief Returning officer, as per bylaw 2.3, shall be responsible for all aspects of an election or referendum, including but not limited to:

2.4.1.1.1. call for nominations;

2.4.1.1.2. announcement of candidates;

2.4.1.1.3. establishment of an on-line balloting system and the proper functioning of that system;

2.4.1.1.4. announcement of the dates of balloting;

2.4.1.1.5. ruling on the validity of any election or referendum;

2.4.1.1.6. and announcement of official results to candidates, referenda groups, Council, and the media.

### **2.4.2 Appeals Review Commission**

2.4.2.1. The Appeals Review Commission shall rule on appeals relating to presidential elections and referenda.

2.4.2.2. The Election Appeal Board must abide by the following when making rulings:

2.4.2.2.1. The onus is on the appellant to demonstrate the charge of impropriety was not correct;

2.4.2.2.2. The appellant has the right, but not the obligation, to appear before the Appeals Review Commission at a hearing to present argument or evidence;

2.4.2.2.3. The Appeals Review Commission has the right to initiate and hold an Appeals Review Commission Hearing for an appeal under consideration;

2.4.2.2.4. An Appeals Review Commission Hearing shall request the appearance of individuals relevant to matters of an appeal:

2.4.2.2.4.1. The Appeals Review Commission has the right to demand the presence of the Chief Returning Officer and/or the Deputy Chief Returning Officer at an Election Appeal Hearing;

2.4.2.2.4.2. The Appeals Review Commission may request, but not demand, the presence of any person not mentioned in Bylaw 4.2.2.4.1 at an Election Appeal Board Hearing;

2.4.2.2.4.3. The procedure and handling of evidence at an Appeals Review Commission Hearing is governed by these bylaws and policies as well as Roberts Rules of Order.

2.4.2.3. Members shall be elected to the Appeals Review Commission at the first Council meeting held in January.

2.4.2.4. Quorum for a meeting of the Appeals Review Commission shall be four (4).

### **2.4.3 Referendum Specific Rules**

- 2.4.3.1. Need for a referendum, as well as the wording of the referendum statement, shall be determined and approved by either a General Meeting of the Society or Council.
- 2.4.3.2. A campaign spending limit shall be established by Council for each referendum group.
- 2.4.3.3. The Chief Returning Officer shall present the decision regarding validity of the referendum to Council for procedural ratification:
  - 2.4.3.3.1. if valid, the results of the voting shall be binding on the Society;
  - 2.4.3.3.2. if invalid, the referendum will be re-run at a date determined by Council.

### **2.4.4 Graduate Student Representative to the Board of Governor and Graduate Student Representative to the Senate Election Rules**

- 2.4.4.1. Timeline for the elections relating to the Board of Governor and University Senate shall be set by the University Secretariat
- 2.4.4.2. All Graduate Students (as defined by the School of Graduate and Postdoctoral Studies) are eligible to vote in this election

### **2.4.5 Presidential Election-specific Rules**

- 2.4.5.1. A Presidential election shall be held once each year as per the Election Table
- 2.4.5.2. All full and associate members shall be eligible to vote.

### **2.4.6 Campaigning**

- 2.4.6.1. The campaign period shall begin two business days after nominations close and shall continue up to and including the day preceding the balloting. No campaigning may be undertaken other than during the designated campaign period.
- 2.4.6.2. Prior to the beginning of the campaign period, all parties and their campaign managers shall attend a mandatory all candidates meeting wherein they will be briefed on the terms of the election by the CRO and DCRO.
- 2.4.6.3. Campaigning must cease by midnight (11:59 pm local time) before the day of balloting. All advertising must be removed by this deadline.
- 2.4.6.4. No candidate may address either Council or any other Society-organized meeting of members without the same opportunity being provided to all candidates.

## **2.4.7 Voting**

- 2.4.7.1. A secret ballot shall be held following the close of the campaign period, for the Presidential election, or during a period determined by Council, for a referendum.
- 2.4.7.2. The regular polling period shall consist of three (3) consecutive business days at the end of the campaign period, to be determined by the CRO, in accordance with the Society elections policy. The regular polling period shall take place no later than the third full week of March.
  - 2.4.7.2.1. There shall be an advanced poll starting on the Monday of the week prior to the commencement of the regular polling period. This advanced polling period shall run concurrent to the campaign period and shall end when regular polling period begins.
- 2.4.7.3. No access shall be granted to the results of on-line polling during the election, by any member or employee of the Society, with the exception of the CRO and the DCRO. The CRO and the DCRO must verify daily that the on-line polling station remains operational, with the CRO taking ultimate responsibility for ensuring that the process is functioning.

## **2.4.8 Counting Ballots**

- 2.4.8.1. The Presidential election and all referenda shall have no quorum unless otherwise mandated by council.
- 2.4.8.2. A plurality of ballots cast will determine the result of any referendum or election.
- 2.4.8.3. In the event of a tie, the tie shall be broken by a vote by Council.

## **2.4.9 Transition**

- 2.4.9.1. For the month prior to taking office, the President-Elect shall:
  - 2.4.9.1.2.4.9.1. Be expected to work with the outgoing President, the Executive, and the Office Staff to learn the role of President;
  - 2.4.9.1.2.4.9.2. be considered an ex-officio non-voting member of Council, the Executive, and all of the committees of the Society
  - 2.4.9.1.2.4.9.3. be compensated at the rate of a Vice-President

## **2.4.10 Campaign Impropriety and Appeals**

- 2.4.10.1. All members of the Society have the right to submit a charge of campaign impropriety.
- 2.4.10.2. Except in those instances outlined in the Society Elections Policy (under Campaign Impropriety and Appeals), where the CRO has determined that an act of campaign impropriety has occurred, the CRO has the discretion to take the following actions:



- 2.4.10.2.1. Reduce or eliminate a candidate's/referendum group's subsidy;
  - 2.4.10.2.2. Disqualify the candidate;
  - 2.4.10.2.3. Declare the election to be void.
- 2.4.10.3. In the event a winning candidate is disqualified, the runner-up will take the place of the disqualified winner.
- 2.4.10.3.1. In the event that the election is declared void, the election process proceeds as if there were no candidates during the initial candidate nomination period under the Society Elections Policy 4.2.5.
- 2.4.10.4. Appeals regarding sanctions or disqualifications levied by the Chief Returning Officer shall be made in writing to the Appeals Review Commission, care of the Society's office, within forty-eight (48) hours of the announcement. The Appeals Review Commission shall render a decision and make such decision public within two (2) days following their meeting.
- 2.4.10.5. The results of the Society's elections/referenda, as accumulated by the on-line polling station shall not be deleted until the deadline for election appeals has passed.

## **2.4.11 Validity**

- 2.4.11.1. Any full or associate member of the Society may challenge the validity of an election/referendum in a written submission to the CRO within three (3) business days after the announcement of results. Such submission shall contain the appellant's name, student number, telephone number and UWO email address, as well as a detailed account of the alleged reasons for invalidating the election/referendum.

## **2.4.12 Campaign Expenses and Subsidy**

- 2.4.12.1. The Society shall provide reimbursement for campaign expenses incurred by presidential and referendum campaigns up to 50% of the maximum spending limit, and 100% of expenses incurred by Graduate Student Representative to the Board of Governor and Graduate Student Representative to the Senate campaigns.
- 2.4.12.2. The CRO shall have the authority to disallow any campaign expenditure.

## **2.5 Other Elections**

2.5.0.1. Nominations for the positions of elected officers, with the exception of the President and the Speaker/CRO, shall be received by the Speaker.

2.5.0.2. The Speaker shall serve as CRO for all elections at Council.

### **2.5.1 Vice–Presidents**

2.5.1.1. Elections for all Vice-Presidential positions shall be held at the Council meeting specified in the Elections Table. The date of the election, eligibility requirements, and duties of the Executive position shall be advertised in the month before the election in appropriate campus media. The term shall be one year commencing on the first day of the month following the election.

2.5.1.2. Elections for all Vice-Presidential positions shall be conducted by secret ballot. The votes shall be tallied by the Speaker. In the event that the Executive nominate a single candidate that candidate is acclaimed.

2.5.1.3. In the event that the elected Vice President is a departmental representative, or the Speaker, that person shall not hold the position of departmental representative, or Speaker while being Vice-President.

2.5.1.4. Nominations for all Vice-Presidential positions shall close at the Council package deadline. In the event there are no candidates for a position, a candidate may run from the floor.

### **2.5.2 Speaker**

2.5.2.1. Candidate(s) for the position of Speaker shall be nominated by the Executive. If a candidate's name is withheld, the Executive must explain why they have refused a nomination at the next Council meeting. The Speaker position must be advertised one month prior to the Council meeting at which a Speaker is to be elected. In the event that the Executive nominate a single candidate, this nomination must be ratified by a majority of Councillors at the Council meeting prior to the beginning of a new Speaker's term. Where there be more than one candidate, an election by secret ballot shall be held at the Council meeting prior to the beginning of a new Speaker's term.

2.5.2.2. In the event that the elected Speaker be a departmental representative, member of the Executive, or Non-Executive, that person shall not hold the position of departmental representative, member of the Executive and Non-Executive while Speaker.

### **2.5.3 Commissioners**

2.5.3.1. Elections for Commissioners shall be held at the Council meeting specified in the Elections Table. The date of the election, eligibility requirements, and duties of the Commissioner shall be advertised in the month before the election in appropriate campus media. The term shall be one year commencing the first day on the month following the election.

2.5.3.2. Elections for Commissioners shall be conducted by secret ballot. The votes shall be tallied by the Speaker. If only a single candidate stands for an office, then that person shall gain the position by acclamation.

## **2.6 Exceptional Circumstances**

In the event that an officer, non-executive officer, or councillor resigns or is otherwise required to vacate the position prior to the completion of their term, a temporary replacement will be assigned as designated by the Bylaws and a by-election will be held. In order to maintain continuity at the committee level, the temporary replacement shall be able to assume both offices simultaneously and is exempted from the prohibition of holding an Executive position and holding voting powers on a committee as well as holding a chairpersonship simultaneously (Bylaws 1.1.5 and 1.1.5.1).

### **2.6.1 By-Election**

2.6.1.1. In the event of a vacancy in the position of president, the Vice-President Academic shall assume the responsibilities of president until a by-election can be held.

2.6.1.2. The presidential by-election shall be held in a General Meeting called for that purpose.

2.6.1.3. A General meeting shall be called scheduled for no less than five (5) business days and no more than fourteen (14) business days from the date the presidential position was vacated.

2.6.1.4. Notice for the General meeting shall include notification of the by-election and shall be communicated to the membership as required by the bylaws concerning notice for a General meeting.

2.6.1.5. The nomination period shall be five (5) business days prior to the general meeting.

2.6.1.6. All nominations must be submitted to the CRO or Office manager by midnight prior to the meeting.

2.6.1.7. Campaigning may be conducted during the nomination period by candidates who have submitted a completed nomination and been briefed by the CRO.

2.6.1.8. All forms of media may be used during the campaign. No media coverage is allowed the day of the General Meeting.

2.6.1.9. Society space, resources or materials may not be used in the preparation or dissemination of campaign material, except with permission of the CRO.

2.6.1.10. Candidates may address the General meeting and participate in a question and answer session prior to the election at the General Meeting.

2.6.1.11. Voting at the meeting will be conducted by secret ballot.

2.6.1.12. Each candidate shall be allowed one scrutineer to be present while votes are being tabulated.

2.6.1.13. In the event of a tie, the tie shall be broken by the Speaker.

- 2.6.1.14. The maximum spending limit for a by-election presidential campaign is \$50.
- 2.6.1.15. The society shall provide subsidies for 50% of campaign expenses incurred by candidates the maximum spending limit
- 2.6.1.16. In the event no nomination is received in time for the General Meeting, the meeting shall be cancelled and rescheduled for five (5) business days later, the nomination period shall be similarly extended.
- 2.6.1.17. The term of the president elected in a by-election shall extend only until the next regularly scheduled election, and notification shall be sent to the membership.

## **2.6.2 Executive and Non-Executive Officers**

### **2.6.2.1. Chain of Command**

- 2.6.2.1.1. In the event of a vacancy in the position of Vice-President Advocacy the duties shall be assumed in order of preference:
  - 2.6.2.1.1.1. by the chair of the GSIC committee;
  - 2.6.2.1.1.2. by the chair of the Equity committee;
  - 2.6.2.1.1.3. by the chair of the Sustainability committee;
  - 2.6.2.1.1.4. by a member appointed by the remaining executive, until a by-election can be held.
- 2.6.2.1.2. In the event of a vacancy in the position of Vice-President Academic the duties shall be assumed in order of preference:
  - 2.6.2.1.2.1. by the chair of the Academic committee;
  - 2.6.2.1.2.2. by the chair of the GSTA Awards committee;
  - 2.6.2.1.2.3. by the chair of the Gradcast committee;
  - 2.6.2.1.2.4. by a member appointed by the remaining executive until a by-election can be held.
- 2.6.2.1.3. In the event of a vacancy in the position of Vice-President Student Services the duties shall be assumed in order of preference:
  - 2.6.2.1.3.1. by the chair of the Orientation and Social committee;
  - 2.6.2.1.3.2. by the chair of the Health Plan committee;
  - 2.6.2.1.3.3. by the chair of the IGSIC committee;
  - 2.6.2.1.3.4. by a member appointed by the remaining executive until a by-election can be held.
- 2.6.2.1.4. In the event of a vacancy in the position of Vice-President Finance the duties shall be assumed in order of preference:
  - 2.6.2.1.4.1. by the chair of the Finance committee;
  - 2.6.2.1.4.2. by the chair of the GC committee;

- 2.6.2.1.4.3. by a member appointed by the remaining executive until a by–election can be held.
- 2.6.2.1.5. In the event of a vacancy in the position of Speaker the duties shall be assumed in order of preference
  - 2.6.2.1.5.1. by the chair of the Bylaws and Constitution Committee;
  - 2.6.2.1.5.2. by a member elected Speaker pro tem at a Council meeting. The President or, in the absence of the President, any member of the Executive, shall serve as Speaker to oversee the election of a Speaker pro tem.
- 2.6.2.1.6. In the event of a vacancy in the position of Chief Returning Officer the duties shall be assumed in order of preference:
  - 2.6.2.1.6.1. by the chair of the Bylaws and Constitution Committee;
  - 2.6.2.1.6.2. by the Deputy Chairperson of the Bylaws and Constitution Committee;
  - 2.6.2.1.6.3. by a member elected Chief Returning Officer by Council or by the general membership at a General Meeting.
- 2.6.2.1.7. In the event of a vacancy in the position of Deputy Chief Returning Officer the duties shall be assumed in order of preference:
  - 2.6.2.1.7.1. by the Deputy Chairperson of the Bylaws and Constitution Committee;
  - 2.6.2.1.7.2. by the President
  - 2.6.2.1.7.3. by the Speaker
  - 2.6.2.1.7.4. by an elected member of the Bylaws and Constitutions Committee;
  - 2.6.2.1.7.5. by a member elected Deputy Chief Returning Officer by Council or by the general membership at a General Meeting.
- 2.6.2.1.8. In the event of a vacancy in the position of any other non–executive position, the duties shall be assumed by a member appointed by the executive until a by–election can be held.
- 2.6.2.1.9. In the event of a vacancy in position of chair, the committee shall select a new chair in an election facilitated by the Liaison.

## **2.6.3 Non–Presidential By–Elections**

### **2.6.3.1. By–elections**

- 2.6.3.1.1. The Speaker shall open nominations for any executive position immediately upon the Speaker being notified that the position will become or has become vacant before the natural retirement of the position.
- 2.6.3.1.2. Nominations shall remain open until the next scheduled council meeting
- 2.6.3.1.3. The position shall be filled by a vote of Council.
- 2.6.3.1.4. In the event no nomination is received, the nomination period shall be extended until the next regularly scheduled council meeting, and notification shall be sent to the membership.

## **2.6.4 Councillor By-elections**

2.6.4.1. Councillor by elections shall be run through the constituency, facilitated by the Speaker as requested.

## **2.7 Recall**

### **2.7.1 General**

- 2.7.1.1. All motions for recall must have an accompanying petition. The requirements for the minimum number of signatures are set out in Bylaw 2.7.2.
  - 2.7.1.1.1. Each individual petition sheet must contain text under the heading of “Rationale”. This section will contain a list of points where the person initiating the recall believes that the individual subject to recall strayed from the policy, bylaws and/or constitution during the course of their work.
  - 2.7.1.1.2. Each member’s signature on a petition for recall must contain the following: Printed name, signature and student number for verification purposes.
  - 2.7.1.1.3. The Speaker shall verify the validity of each signature.
  - 2.7.1.1.4. The names on the petition are confidential and may not be disclosed by the Speaker to any party.
- 2.7.1.2. A motion for recall must be distributed in the council package with the exception of councillors (see Bylaw 7.5)
- 2.7.1.3. In order to give the members being recalled a chance to respond in time for the council package, the petition with the sufficient number of signatures shall be filed with the Speaker one week prior to the council package reporting deadline
- 2.7.1.4. Upon receipt of a valid petition, the Speaker must provide the text of the “Rationale” to the parties facing recall within two (2) business days of being received. The individuals to a recall motion have a further three (3) business days to provide to the Speaker a response to the text included under “Rationale” that shall be included with the motion in the council package.
- 2.7.1.5. The speaker shall verify to their satisfaction that the text is not libellous prior to publication.
- 2.7.1.6. A motion for recall must be seconded
- 2.7.1.7. A motion for recall may not be introduced in new business
- 2.7.1.8. All votes for recall at Council will be done by roll-call.
- 2.7.1.9. All members who have been recalled have the inherent right to run in the by-election following a recall vote notwithstanding any discipline set out in Bylaw 19.

### **2.7.2 Jurisdiction**

To maintain the democratic nature of the society whilst protecting it from deleterious motions, petitions for recall must contain no less than the minimum number of the appropriate signatures, according to the position(s) in question



#### 2.7.2.1. President

2.7.2.1.1. A successful petition shall require at a minimum signatures from 1% of the total society membership.

2.7.2.1.1.1. The number needed for a successful petition shall be available upon request at the Society's office.

#### 2.7.2.2. Executive and non-Executive not including the President

2.7.2.2.1. A successful petition shall require at a minimum signatures from 10% of the councillors representing non-vacant council seats.

#### 2.7.2.3. Councillor

2.7.2.3.1. Departments or Programs with a duly constituted Graduate Student Association shall initiate a recall by submission of a legal petition of under section 7.1 exceeding the following formula:

(Number of Members in program or department/Number of Councillors in program or department)/2

2.7.2.3.2. Departments or Programs without a duly constituted Graduate Student Association shall initiate a recall by submission of a legal petition under section 7.1 exceeding 10% of the program or department's membership.

#### 2.7.2.4. Appeals Review Committee

2.7.2.4.1. A successful petition shall require at a minimum signatures from 10% of the councillors representing non-vacant council seats.

#### 2.7.2.5. Committee Membership

1. Committee Member recall shall not have a petition threshold for recall.

### **2.7.3 Recall of the President**

2.7.3.1. A Successful petition for recall, duly approved by 2/3 vote of those present at council, shall trigger a by-election at a General Meeting. The recalled president is automatically a candidate unless they withdraw.

2.7.3.1.1. The by-election election must be the first item on the agenda at the General Meeting and normal business may proceed afterwards.

2.7.3.2. The president facing recall is still the president of the Society for the duration of the by-election.

2.7.3.3. The CRO shall hold the by-election ten (10) business days after the approval by council of the recall petition.

2.7.3.4. The CRO shall announce the recall vote to all members of the Society at least four (4) business days before the vote is to be held. The announcement shall include the text of the rationale and the text of the President's response, provided such text is not libellous. The CRO has the right to consult the Society's legal counsel to verify that text is not libellous.

2.7.3.5. In addition to the rights afforded to Presidential Candidates in bylaw 6.1.12, the member who submits the petition to the speaker has the right to designate an additional scrutineer for the recall vote while maintaining the right to remain anonymous.

## **2.7.4 Recall of executive, non-executive officers and committee chairpersons**

2.7.4.1. Executive and non-executive officers may be recalled by a 2/3 majority motion of those present at a council meeting

2.7.4.2. A motion for recall is automatically included in the following regular council meeting agenda for any Executive Officer in dereliction of duty as defined in Bylaw 1.1.15.

2.7.4.3. Nominations for the position vacated by recall will open immediately after a successful recall vote

2.7.4.4. The position vacated by recall shall be filled according to the appropriate by-election procedures.

## **2.7.5 Recall of Councillors**

2.7.5.1. In addition to the provisions set out by Bylaw 7.2, a councillor may be recalled:

2.7.5.1.1. by a motion of the duly-constituted graduate student association responsible for the councillor's nomination; or

2.7.5.1.2. upon receipt and verification by the Speaker of a written formal complaint of dereliction of their duties under section 3.8

2.7.5.2. Recall will not be initiated until the submissions of 7.2 or 7.3.1 are verified by the Speaker.

2.7.5.3. The councillor shall be informed of the recall by the Speaker within three (3) business days of the formal receipt of the recall submission.

2.7.5.4. A seat vacated through a motion submitted the duly-constituted graduation student association will be filled by the association's nominee.

2.7.5.5. A seat vacated in a program or department without a Graduate Student Association must require a nominee to fill the vacant seat to be valid.

2.7.5.6. A Councillor elected to fill a seat vacated through recall shall serve until the September meeting of Council following their election.

## **2.7.6 Recall of Members of the Appeals Review Commission**

- 2.7.6.1. Whereas the members of the Appeals Review Commission are recalled by a 2/3 majority motion of those present at a council meeting;
- 2.7.6.2. Nominations for the position vacated by recall will open immediately after a successful recall vote;
- 2.7.6.3. The position vacated by recall shall be filled according to the appropriate by-election procedures.

## **2.7.7 Recall of Committee Membership**

- 2.7.1. The members of the all Society committees (with the exception of the BCC Chair) are recalled by a 2/3 majority motion of those present at a council meeting.
- 2.7.2. Nominations for the position vacated by recall will open immediately after a successful recall vote
- 2.7.3. The position vacated by recall shall be filled according to the appropriate by-election procedures.

## 2.8 Elections Table

Position	Month of election	Day of taking office
Appeals Review Commission	January	February 1
President	March	May 1
Vice-President Finance	April	May 1
Vice-President Student Services	September	October 1
Speaker	June	July 1
Ombudsperson	July	August 1
Vice-President Academic	June	July 1
Vice-President Advocacy	September	October 1
Commissioners	October	November 1
Chief Returning Officer	November	January 1
Graduate Representative to the Senate	As established by the University Secretariat	
Graduate Representative to the Board of Governors	As established by the University Secretariat	

## **2.9 Committees of the Society**

### **2.9.1 Creating and Disbanding**

- 2.9.1.1. Any motion to strike a new committee (whether standing or ad hoc) shall be accompanied by an outline of the type, membership, goals and duties, Official Liaison, and, when appropriate, a title for the Chairperson of the committee. In the case of ad hoc committees, this outline need neither be in writing or made known in advance.
- 2.9.1.2. Proposals to create, modify, or disband standing committees are normal amendments to the Bylaws.
- 2.9.1.3. Ad hoc committees shall be created, modified, or disbanded by Council. Each ad hoc committee, when its final report is accepted, shall be considered disbanded.
- 2.9.1.4. Once a proposal for a new committee has been accepted by Council, the Official Liaison shall be responsible for arranging an organizational meeting.

### **2.9.2 Duties of the Chairperson**

The Chairperson shall:

- 2.9.2.1. be chosen by the committee from amongst its members. If a committee has no chair, the Official Liaison to that committee shall become the interim chair until a chair is elected.
- 2.9.2.2. have the authority to appoint members to the committee, for a non-renewable term extending to the next Council meeting.
- 2.9.2.3. submit to Council a list of members appointed to the committee and removed from the committee since the previous Council meeting.
- 2.9.2.4. shall notify the Speaker immediately of any vacancies on the committee with the intent of advising the Speaker to advertise said vacancy in relevant Society media (e.g. Society newsletter, Council package, etc). Please refer to the Speaker's responsibilities, Bylaw 2.17.
- 2.9.2.5. have meetings called and notices (oral or written) distributed
- 2.9.2.6. prepare a meeting agenda
- 2.9.2.7. chair meetings
- 2.9.2.8. have brief minutes of each meeting taken and prepared in writing
  - 2.9.2.8.1. The Chairperson shall submit committee minutes to the Speaker for inclusion into the Council package each month; committee chairpersons shall follow Robert Rules of Order guidelines on the composition of proper minutes (11th edition, section 48, pp. 468-476).

- 2.9.2.9. maintain a committee file to be kept in the Society's office
- 2.9.2.10. maintain a Committee Policy document and make it available in the Society's office.
- 2.9.2.11. present a written report at least once a year at the Annual General Meeting. Motions pertaining to the committee shall be submitted separately from the report, and shall be accompanied by a statement including names of proposer and seconder.
- 2.9.2.12. co-ordinate with Executive members when necessary.
- 2.9.2.13. be responsible for ensuring that committee members execute their duties.
- 2.9.2.14. assume other duties within the mandate of the committee in consultation with the Official Liaison.

### **2.9.3 General**

- 2.9.3.1. Each committee shall obtain, as necessary, input on projects within its mandate from members of the Society and, where appropriate, from outside sources.
- 2.9.3.2. Each Committee shall have an Official Liaison, who shall be either an Executive member or the Speaker of the Society.
- 2.9.3.3. The Official Liaison shall be considered an ex-officio, non-voting member of the committee.
- 2.9.3.4. In any committee of the Society with a composition not exceeding three (3) members, all voting members must be present in person for business to be transacted.
- 2.9.3.5. In any committee of the Society with a composition exceeding 3 members, a majority of one-half plus one must be present in person or by proxy for business to be transacted.
- 2.9.3.6. All business transacted in the absence of quorum is null and void.
- 2.9.3.7. For the purposes of determining quorum, membership of any committee of the Society shall constitute only those members who are currently present or who have attended at least one meeting of the same committee in the past.
- 2.9.3.8. Members of a committee appointed by the Chairperson shall be permanent members of the committee after their names have been submitted to Council, as per Bylaw 9.2.3, unless a motion to object to a member appointed to a committee via Bylaw 9.2.2 is passed by Council.
- 2.9.3.9. In the event of the failure of a voting member of a committee to attend two meetings during their term either in person or by proxy, the chair of the committee shall remind the member in writing of their duty to attend committee meetings. If, after notice has been given, a subsequent meeting be missed by the member, the chair may, at the discretion of the other members of the committee, remove the member from the committee.

## **2.9.4 Committee Policies**

- 2.9.4.1. Each committee shall have a Committee Policy document, distinct from other committees' policy documents or any other policy document.
- 2.9.4.2. A Committee Policy document describes any policies used to conduct business in the committee or membership in the committee. Notwithstanding guidelines or restrictions mentioned in Robert's Rules of Order, each committee has the power, via its Committee policy document, to:
  - 2.9.4.2.1. Allow email voting, mail voting and/or fax voting and to specify the conditions under which these voting methods are permissible for conducting official business.
  - 2.9.4.2.2. Limit membership to a specific number.
  - 2.9.4.2.3. Establish a Steering Committee, where the Steering Committee has its own policies, as per 9.2, distinct from those of the committee as a whole. Official business done by the Steering Committee shall be automatically ratified and taken to be official business done by the committee as a whole. Motions and reports from the Steering Committee shall be considered official business of the committee under Bylaw 15.3.7.
- 2.9.4.3. All amendments to a Committee Policy document must be approved by the committee as official committee business. Amendments to a Committee Policy document come into effect immediately. Notice of any amendment to the Committee Policy document must be given to the Official Liaison of the committee within two (2) business days of being approved.

## **2.9.5 Standing Committees**

### **2.9.5.1 The Academic Committee**

- 2.9.5.1.1. shall have a Chair;
- 2.9.5.1.2. shall support academic events of interest to graduate students
- 2.9.5.1.3. shall be responsible for the Western Research Forum and other awards programs that the Society may wish to administer.
- 2.9.5.1.4. shall advertise organized and supported activities.

### **2.9.5.2 The Graduate Student Teaching Awards Committee**

- 2.9.5.2.1. shall have a Chair who shall be known as the Graduate Student Teaching Awards Coordinator;
- 2.9.5.2.2. shall have at least one member from each of the divisions of the School of Graduate and Postdoctoral Studies;
- 2.9.5.2.3. shall have one member appointed by PSAC 610;

- 2.9.5.2.4. shall administer the Graduate Student Teaching Awards in conjunction with the School of Graduate and Postdoctoral Studies and PSAC 610.
- 2.9.5.2.5. shall award an equal number of Teaching Assistants teaching in each of the following areas: Arts, Biosciences, Physical Sciences, and Social Sciences.
- 2.9.5.2.6. shall provide all nominees for TA awards with a certificate that can be added to a teaching dossier.
- 2.9.5.2.7. shall provide all nominees for TA Awards with a copy of anonymized comments pending release by their authors.

### **2.9.5.3 The Bylaws and Constitution Committee (BCC)**

- 2.9.5.3.1. shall devise new and review old Bylaws to reflect the current needs and wishes of the Society and to allow the specific elaboration, interpretation, and application of the Society's Constitution
- 2.9.5.3.2. shall ensure that the Bylaws be kept updated
- 2.9.5.3.3. shall react to motions of Council that may impact on the Bylaws and Constitution
- 2.9.5.3.4. shall review the Bylaws and Constitution at least once per year
- 2.9.5.3.5. shall have a chair who
  - 2.9.5.3.5.1. shall be the Speaker's first choice to serve as Speaker pro tem
  - 2.9.5.3.5.2. shall be familiar with Robert's Rules of Order
  - 2.9.5.3.5.3. as requested, shall advise Councillors on the wording of motions and on proper procedure
  - 2.9.5.3.5.4. shall assist the Speaker in the performance of the Speaker's duties.
  - 2.9.5.3.5.5. serves, ex-officio, as the Deputy Chief Returning Officer of the Society.
- 2.9.5.3.6. shall, at all times, maintain a Deputy Chairperson.
- 2.9.5.3.7. shall have the chairperson of the Policy Committee as voting ex-officio member.

### **2.9.5.4 The Finance Committee (FC)**

- 2.9.5.4.1. shall have a Chair;
  - 2.9.5.4.1.1. who shall also sit on the SOGS/PSAC 610 Joint Thesis Completion Fund Committee, or send a designate.
- 2.9.5.4.2. shall monitor spending and consider amendments to the budget for submission to Council for approval
- 2.9.5.4.3. shall, whenever possible, assist in collecting and organizing data on overall student support



- 2.9.5.4.4. shall assist the Vice-President Finance to draft a budget, subject to approval by Council, while considering information such as previous budgets, previous actual spending, and the stated priorities of Council
- 2.9.5.4.5. shall recommend the fee(s) to be levied on full and associate members of the Society to support the operation of the Society at the Annual General Meeting
- 2.9.5.4.6. shall monitor the long-term investments of the Society and make recommendations on their management to the Vice-President Finance.
- 2.9.5.4.7. Shall, with the Vice-President Finance, be responsible for overseeing the Societys' emergency loan program and similar or equivalent programs for graduate students.

#### **2.9.5.5 The Bursary and Subsidy Committee (BSC)**

- 2.9.5.5.1. shall have a Chair;
  - 2.9.5.5.1.1. who shall also chair the SOGS/PSAC 610 Joint Thesis Completion Fund Committee, or send a designate.
- 2.9.5.5.2. shall, whenever possible, assist in collecting and organizing data on overall student support;
- 2.9.5.5.3. shall assist the Vice-President Finance in administering the Society, Grad Club and external bursaries and subsidies;
- 2.9.5.5.4. shall make reasonable attempts to have representatives of at least one member from each Category of students (Cat I and Cat II);
- 2.9.5.5.5. shall make reasonable attempts to have representatives of at least one student in each of the following divisions: Arts/Humanities, Sciences, and Social Sciences.

#### **2.9.5.6 The Graduate Club Committee (GCC)**

- 2.9.5.6.1. the Grad Club Committee shall monitor spending and consider amendments to the Grad Club budget for submission to Council for approval, excluding necessary operation costs.
- 2.9.5.6.2. shall review financial statements and revised budgets of the Grad Club
- 2.9.5.6.3. shall review prices of products and services in the Grad Club
- 2.9.5.6.4. shall recommend new policies to Council
- 2.9.5.6.5. shall review old policies and forward revisions for approval by Council
- 2.9.5.6.6. shall approve Grad Club entertainment policy
- 2.9.5.6.7. shall review suggestions received shall recommend honorary and associate Grad Club memberships to Council

2.9.5.6.8. shall assist the Grad Club Manager to draft a budget, subject to approval by Council, while considering information such as previous budgets, previous actual spending, and the stated priorities of Council.

### **2.9.5.7 The International Graduate Students' Issues Committee (IGSIC)**

2.9.5.7.1. shall have a Chair;

2.9.5.7.2. shall assess the particular needs of international students and disseminate relevant information through the Society International Graduate Student Listserv and the Society International Graduate Student Facebook Group;

2.9.5.7.3. shall oversee and update, in consultation with the Society Communications Administrator and the Vice-President Student Services, the Society International Graduate Student Issues Committee (IGSIC) Facebook group;

2.9.5.7.4. shall advocate on behalf of such students with the administration, specifically Western International, the IESC, and the School of Graduate and Post-Doctoral Studies, as necessary.

### **2.9.5.8 The Orientation and Social Committee (OSC)**

2.9.5.8.1. shall have a Chair;

2.9.5.8.2. shall organize and host the Society's Orientation (third week of September) and social events throughout the year for all Society members

2.9.5.8.3. shall endeavour to coordinate with representations from each Graduate Association/Department for Orientation and social events throughout the year;

2.9.5.8.4. shall endeavour to offer, organize and run athletic and/or non-alcohol focused events in an effort to better reflect the ever changing needs/interests/demographics of graduate students;

2.9.5.8.5. shall work in conjunction with the Grad Club manager and the Grad Club Committee to host events at the Grad Club whenever possible.

2.9.5.8.6. shall oversee, in consultation with the Vice-President Student Services, the Orientation and Social Committee Social Sponsorship Fund.

### **2.9.5.9 GradCast Editorial Board**

2.9.5.9.1. shall have a Chairperson who shall be known as the Managing Editor;

2.9.5.9.2. shall aim to have at least one member from each of the four divisions: Arts, Biosciences, Physical Sciences and Social Sciences;

2.9.5.9.3. shall advertise for submissions;

2.9.5.9.4. shall maintain instructions for contributors.

### **2.9.5.10 The Graduate Student Issues Committee**

- 2.9.5.10.1. shall have a Chair;
- 2.9.5.10.2. shall monitor, assess, and respond to issues pertaining to the quality and accessibility of graduate education;
- 2.9.5.10.3. shall work to keep graduate students informed of these issues;
- 2.9.5.10.4. shall select non-executive members of the Society to be dispatched as delegates to general meetings of the Canadian Federation of Students.

### **2.9.5.11 The Policy Committee**

- 2.9.5.11.1. shall have a Chair who:
  - 2.9.5.11.1.1. shall maintain the motions database;
  - 2.9.5.11.1.2. shall maintain the policy database;
  - 2.9.5.11.1.3. shall sit as voting, ex-officio member of the BCC.
- 2.9.5.11.2. shall have one voting ex-officio member: the Deputy Speaker;
- 2.9.5.11.3. shall review the motions database in order to discern and/or devise policy from it for systematic inclusion in a distinct Policy Manual which will be publicly available in the same manner as other documents of the Society;
- 2.9.5.11.4. shall develop a system for cross-referencing the motions database from within the Policy Manual;
- 2.9.5.11.5. shall draft motion-based policies so that the original intent of the motion is not substantially altered;
- 2.9.5.11.6. shall react to motions of Council that affect the Policy Manual;
- 2.9.5.11.7. shall meet at least once between meetings of Council.

### **2.9.5.12 Equity Issues Committee**

- 2.9.5.12.1. shall discuss and make recommendations to Council on equity issues affecting graduate students.
- 2.9.5.12.2. shall serve as a liaison between the Society and other groups and programs concerned with equity issues on campus and in the community.
- 2.9.5.12.3. shall work to increase awareness of equity issues on campus, particularly within the graduate student community, through events and publicity campaigns.
- 2.9.5.12.4. shall have all Commissioners sit as non-voting, ex-officio members of the committee.

### **2.9.5.13 Health Plan Committee (HPC)**

- 2.9.5.13.1. shall have a Chair;
- 2.9.5.13.2. shall review and recommend changes to the society's health plan and health plan policies;
- 2.9.5.13.3. shall review health plan contracts and make recommendations to council ;
- 2.9.5.13.4. shall include the accounts manager as a non-voting member;
- 2.9.5.13.5. shall work in consultation with the Vice-President Student Services to help run and promote mental health and wellness initiatives for graduate students.

### **2.9.5.14 Sustainability Committee (SC)**

- 2.9.5.14.1. shall have a Chair who:
  - 2.9.5.14.1.1. shall represent the Society on the University Sustainability Committee;
  - 2.9.5.14.1.2. shall report to Council once a term.
- 2.9.5.14.2. shall assess the sustainability practices of the Society, including activities of the executive, the Society's office, and council;
- 2.9.5.14.3. shall assess the sustainability practices of the Grad Club, and work to make viable recommendations for improvement, so that it may be a progressive leader for sustainable development on the campus.
- 2.9.5.14.4. shall co-ordinate campus advocacy for sustainable policies and practices on behalf of the Society.

### **2.9.5.15 Graduate Peer Support Committee (GPS)**

- 2.9.5.15.1. GPS committee will have a chair who shall be known as the coordinator of the committee.
- 2.9.5.15.2. GPS is focused on graduate student wellness through providing community space, events and funding opportunities.
  - 2.9.5.15.2.1. shall coordinate the Graduate Peer Support program,
  - 2.9.5.15.2.2. shall coordinate the Wellness Joint fund
  - 2.9.5.15.2.3. shall coordinate the Society's Food Bank
  - 2.9.5.15.2.4. shall liaise with Wellness Ambassadors

## **2.9.6 Commissions**

### **2.9.6.1 General**

2.9.6.1.1. Commissions are committees with the following exceptions:

2.9.6.1.1.1. The chairperson is the Official Liaison to Council, unless otherwise specified in this (9.6) section.

### **2.9.6.2 Women's Concern Commission**

2.9.6.2.1. shall discuss and make recommendations to Council on issues affecting graduate students who are constituency members.

2.9.6.2.2. shall serve as a liaison between the Society and other groups and programs concerned with issues of concern to women on campus and in the community.

2.9.6.2.3. shall work to increase awareness of issues affecting women and transgendered people on campus, particularly within the graduate student community, through events and publicity campaigns.

2.9.6.2.4. members of the Commission must be graduate students who are women and/or individuals who identify as transgender.

## 2.9.7 Official Liaison Table

Committee	Official Liaison
Academic	VP Academic
BCC	Speaker
Equity Issues	VP Advocacy
Finance	VP Finance
Grad Club	VP Finance
Graduate Student Issues	VP Advocacy
Graduate Student Teaching Awards	VP Academic
Health Plan	VP Student Services
International Student Issues	VP Student Services
Orientation and Social	VP Student Services
Policy	President
Sustainability	VP Advocacy
Gradcast	VP Academic

## **2.10 Personnel**

- 2.10.1. All employment positions created by the Society must be approved by Council.
- 2.10.2. Each employment position created by the Society must have an explicit job description prepared by the Executive or by an appropriate officer of the Society and shall be approved by Council.
- 2.10.3. Council shall establish a Personnel manual pertaining to all aspects of employment by the Society and shall be responsible for approving changes to the manual.
- 2.10.4. The President shall coordinate the contract renewal process for the employees at the Society. Contract negotiations shall be conducted in consultation with the Executive.
- 2.10.5. The President and VP Finance, with at least one additional executive member, shall strike a subcommittee of at least three executive members to convene and conduct performance reviews of all Society salaried employees, in addition to the Grad Club Manager, excluding the Society's Grad Club employees. This subcommittee shall conduct this review annually by the end of March and prior to a contract renewal discussion.

## 2.11 Conflict of Interest

2.11.1. A conflict of interest arises when any current member of Council, the Society's Executive or Non-Executive officers, committee member, or other elected or appointed position of the Society has or could be seen to have the opportunity to use the authority, knowledge or influence derived from one's position in order to provide personal or financial gain to the individual in question, or a member of the individual's family, or else an agency with which the individual is employed. The following instances could be considered conflicts of interest, though conflicts are not limited to these instances:

- One is involved in both the solicitation of, and rendering of services or products to the Society, and for which discretionary authority may be exercised at any stage of the commissioning of said services or products.
- One is involved in either the solicitation or rendering of services or products to the Society wherein one stands to make personal financial gains, for instance as a shareholder, contract employee, or investor.
- One is participating in the hiring, contract review, or investigation of an immediate relative, spouse, in-law, step-child, or third-party business partner for the Society.
- One places or has placed the needs or demands of a third party or agency above the stated or acknowledged needs of the Society.
- One is involved as an adjudicator in any of the Society's adjudication processes wherein one is also an appellant, complainant or defendant, or in which one has provided material evidence.
- An Executive or Non-Executive Officer (excluding Commissioners, Deputy Speaker, CRO, and DCRO) participates outside of an administrative role in a draw, lottery or similar event organized by the Society or its affiliated businesses (ex. the Grad Club). The same applies to TA Awards, Western Research Forum, all bursary or grant programmes, and similar matters run by the Society. Other instances of Conflict of Interest not listed above, but which are consistent with the spirit of the law, may be considered on an ad hoc basis provided they meet the minimum standard of demonstrable personal or financial benefit to the individual or a member of the individual's family, or else an agency with which the individual is employed.

2.11.1.1. Matters of common interest, referring to instances in which any member of the Society may have equal opportunity to benefit from an arrangement of any type, are as a general rule not considered a Conflict of Interest. That is to say, the interest must be specific to an identifiable individual or exclusive small group (business partnership, family, and the like).

2.11.2. In all instances above, a member of the Society who perceives oneself to be in a Conflict of Interest, may do the following to extricate themselves from the conflict:

2.11.2.1. Declare one's conflict, and



- 2.11.2.1.1. Recuse oneself from all participation, including administrative, in the activity in which one deems oneself to be in conflict, or
    - 2.11.2.1.2. If the conflict of interest is such that one can no longer discharge their duties to the Society, one may resign from one's position of authority or influence, provided doing so resolves the conflict in question.
  - 2.11.2.2. Pursuant to adopting any of the actions therein but only after the fact does not resolve the conflict, and may still result in sanctions or censure (see Bylaw 11.3 below).
- 2.11.3. The procedure for resolving any perceived and either undeclared or unresolved Conflict of Interest is governed by the Conflict of Interest Resolution Policy Document, located in the Society's office and on the Society's website.

## 2.12 Finances

- 2.12.1. An individual executive member can only authorize the spending of \$100 via a UWO or U.S.C. account number for budgeted line items. Amounts in excess of \$100 are subject to normal signing authority, immediately below.
- 2.12.2. Any withdrawal of funds from the Society's or Grad Club's bank accounts requires two signatures, one of which must be the President or Vice President Finance.
  - 2.12.2.1. In the case of a withdrawal from the Society's accounts, the second signature may be any member of the executive that did not provide the first signature, or the Society's Accounts Manager.
  - 2.12.2.2. In the case of a withdrawal from the Grad Club's accounts, the second signature may be any member of the executive that did not provide the first signature, or the Grad Club Manager.
- 2.12.3. Notwithstanding the above, the Grad Club Goods account requires only one signature, which must be the President's, Vice President Finance's, or the Grad Club Manager's. Similarly, use of the Grad Club Credit Card shall require only one signature, which must be the Grad Club Manager's.
- 2.12.4. Two executive members, one of whom must be the President or Vice-President Finance, are required to sign any loan agreements.
- 2.12.5. The President and one other member of the Executive shall sign all agreements on behalf of the Society, unless otherwise determined by Council. The President and the Vice-President Finance shall sign all agreements relating to the long-term investments of the Society and to all agreements requiring the withdrawal of funds from the Society's bank accounts, unless otherwise determined by Council.
- 2.12.6. Proposals for amendments to the budget shall be received by the Vice-President Finance and shall be referred to the Finance Committee. The Finance Committee shall present the proposals with the Finance Committee's recommendations to Council within eight weeks of the Vice-President Finance's receipt of the proposals.
- 2.12.7. The Society's budget shall be approved at a General Meeting
- 2.12.8. Fees
  - 2.12.8.1. The administrative and membership fees to be levied on full and associate members of the society shall be adjusted annually to a maximum of the Ontario Consumer Price Index
  - 2.12.8.2. All dues, fees and levies shall be deliberated by the finance committee during the annual budget preparation and approved at the Annual General Meeting of the Society.
  - 2.12.8.3. Any increase over and above the maximum increases listed above shall be introduced as a separate levy at the Annual General Meeting of the Society.

- 2.12.9. The Society will issue grant cheques to departmental graduate student organizations only upon receipt of confirmation that these organizations are duly constituted entities. A duly constituted entity shall be defined as an organization with a bank account in the name of the organization. Cheques will be made out to these organizations, not to individuals. Organizations are responsible for confirming their status with the Society. For those departments that do not fulfil this criteria, the Society will hold the funds in trust payable upon application to the Society by a duly elected Councillor.
- 2.12.10. An independent external agent shall prepare a statement of the Society's financial position for the preceding year. This report shall be presented to Council in the fall term.

## **2.13 Graduate Support Programs**

- 2.13.1. Emergency Loans, travel grants, and child care grants administered to Society members shall be the joint responsibility of the President and Vice-President Finance.
- 2.13.2. The total amount of money available for these programs and the maximum amount an individual receives shall be determined annually at budget time by recommendation of the Vice-President Finance for approval by Council.
- 2.13.3. An administrative charge may be levied on overdue loans.
- 2.13.4. The names of students receiving emergency loans and child care grants are confidential.
- 2.13.5. The names of persons receiving travel grants will be published in the Society's newsletter.

## **2.14 Disclosure of Information**

The Society of Graduate Students espouses an open information policy. In accordance with this policy:

- 2.14.1. All minutes of Council or the Executive, and, where compiled, of committees shall be available to all interested parties, with the exceptions noted below.
- 2.14.2. Upon request of a full or associate member of the Society, the President must confidentially reveal all details of employee salaries. This may be done in person or at a meeting of Council or the Executive.
- 2.14.3. For the purposes of these Bylaws, confidential minutes means non-public records taken during a meeting of Council, the Executive, or any committee of the Society.
- 2.14.4. Confidential minutes may be viewed only by full and associate members of the Society.
- 2.14.5. Confidential minutes must be viewed in the presence of an Executive member or the Speaker or the Administrative Assistant. No notes may be taken or copies made of these minutes. In addition, the contents of confidential minutes must not be discussed with any person who is not eligible to view the confidential minutes. Confidential minutes must only be discussed in non public environments.
- 2.14.6. Notwithstanding the above, all details of personnel matters are subject to the Society's Personnel Manual guidelines.
- 2.14.7. Employees of the Society are entitled, in the presence of an Executive member, to examine their own personnel files.
- 2.14.8. Matters pertaining to the sensitive academic and administrative problems of individuals shall be considered the private property of the individuals.

## **2.15 Meetings**

### **2.15.1 Reports**

2.15.1.1. Any written report or oral report presented at a General Meeting or Council Meeting must abide, as if it were debate, by the following sections of Decorum in Debate given in Robert's Rules of Order: Refraining from attacking a member's motives; Avoiding the use of members' names.

2.15.1.1.1. For the purposes of decorum in reports, a member is taken to be any Member of the Society.

### **2.15.2 General Meetings**

2.15.2.1. General meetings may be called by Council or by a signed petition of one hundred members of the Society.

2.15.2.2. All members of the Society shall be entitled to attend General meetings. Only full and associate members shall be entitled to:

2.15.2.2.1. move, second, and vote on motions

2.15.2.3. Quorum in the case of General meetings shall be equal to the number of Councillors constituting quorum for a Council meeting. Only full and associate members shall be counted in determining if quorum be present.

2.15.2.4. Notice of a General meeting, including an agenda showing business to be transacted, shall be advertised in university publications and on campus bulletin boards at least one week in advance of the meeting. Business which has not been included in the advertised agenda requires a two-thirds majority in order for this business item to be added to the agenda. Motions arising from new business require a two-thirds majority to pass.

2.15.2.5. Business for a General Meeting must be submitted 7 business days prior to the meeting by a Society Member

2.15.2.5.1. electronically, from a UWO e-mail address, or;

2.15.2.5.2. by a written, signed submission to the Society Office.

2.15.2.6. The Society is not bound to circulate any material in a meeting agenda deemed by the Speaker to be:

2.15.2.6.1. false; or

2.15.2.6.2. pertaining to sensitive legal or fiscal negotiations currently in progress.

2.15.2.7. Minutes will be taken and will be available in the Society office after ratification at the subsequent Council meeting.

- 2.15.2.8. Every meeting shall be chaired by the Speaker, or in their absence, by a Speaker *pro-tem* elected by the members present.
- 2.15.2.9. Decisions of a General meeting which are not contrary to the Society's Constitution and Bylaws shall be binding on Council.
- 2.15.2.10. There shall be an Annual General Meeting of the Society, to be held every February. This shall be a General meeting' as defined above. This meeting shall not be held the same night as a Council meeting.

### **2.15.3 Council Meetings**

- 2.15.3.1. The Executive shall call a meeting of Council at least monthly, with the exception of the month of December (in which a Council meeting shall not normally be held unless called by the President). Meetings of Council may also be called by the President, by a majority of Councillors, or by a signed petition of one hundred (100) members of the Society.
- 2.15.3.2. Written notice of the time and place of a meeting of Council shall be circulated to Council members at least one week prior to the meeting. This circulation shall be done via a package, called the Council mail-out, which shall also contain the agenda for the meeting, reports from every Executive member, Speaker's Rulings, a list of positions for election, and motions to be debated at the meeting.
- 2.15.3.3. All Councillors and Executive members are expected to attend the Council meetings.
- 2.15.3.4. All non-executive Officers, ex-officio members of Council and any other person may attend and may speak at Council if recognized by the chair, but may not move, second, or vote. Non-members of the Society may be excluded at Council's discretion.
- 2.15.3.5. Business for a Council Meeting must be submitted seven (7) business days prior to the meeting by a Department Councillor or Executive of the Society.
- 2.15.3.5.1. electronically, from a UWO e-mail address, or;
- 2.15.3.5.2. by a written, signed submission to the Society Office prior to the submission deadline.
- 2.15.3.6. Members of the Society wishing to submit business for consideration at council must do so through their department representative or the Society Executive.
- 2.15.3.7. Committees of the Society wishing to submit business for consideration at Council must approve the business in question as a committee and must have it submitted by the chair of the committee.
- 2.15.3.7.1. Committees of the Society wishing to submit a report to Council must approve the report as a committee, clearly marked as a majority report of the committee', and must have it submitted by the chair of the committee.

- 2.15.3.7.2. Members of a committee of the Society wishing to submit a report to Council dissenting the opinion or business of that committee must submit the report, clearly marked as a minority report of the committee, endorsed by at least one named member of the committee.
- 2.15.3.8. The Society is not bound to circulate any material in a Council Mailout deemed by the Speaker to be:
- 2.15.3.8.1. false; or
- 2.15.3.8.2. pertaining to sensitive legal or fiscal negotiations currently in progress.
- 2.15.3.9. Every meeting shall be chaired by the Speaker, or in their absence the Deputy Speaker, or in their absence, by a Speaker *pro-tem* elected by Council.
- 2.15.3.10. A quorum in the case of Council shall constitute twenty (20) percent of the number of filled council seats, or twenty-four (24), whichever is greater. During the Summer Term (May through August) the quorum shall be set at fifteen (15) percent of filled council seats or 18, whichever is greater. All business transacted in the absence of quorum is null and void.
- 2.15.3.11. Non-voting ex-officio members of Council shall not be counted for the purposes of determining quorum
- 2.15.3.12. Alternate Councillors
- 2.15.3.12.1. An alternate Councillor is a member of the Society that has been appointed by their department/ unit/constituency to serve as a
- Filled-seat alternate Councillor, who replaces a Councillor from their department/unit/constituency that intends to miss one or more consecutive meetings of Council, or
  - Vacant-seat alternate Councillor, who serves as an interim representative for their department/unit/constituency in the event that there is a vacant Council seat.
- An alternate Councillor will assume all the responsibilities of the regular Councillor for the duration of the regular Councillor's absence.
- 2.15.3.12.2. A filled-seat alternate Councillor will be recognized by Council only if they present a completed copy of the official Society "Filled-Seat Alternate Councillor Form" to the Speaker prior to the Council meeting at which their temporary tenure is to begin.
- 2.15.3.12.3. A vacant-seat alternate Councillor will be recognized by Council only if they present a completed copy of the official Society "Vacant-Seat Councillor Alternate Form" to the Speaker prior to the Council meeting for which their temporary tenure is to apply.
- 2.15.3.12.4. An alternate Councillor shall count for quorum, and toward attendance for the purpose of their departmental grant.
- 2.15.3.13. Business arising at a meeting of Council which is not placed in the Council mailout requires a two-thirds affirmative vote to pass.



- 2.15.3.14. All original main motions and amendments must be in writing.
- 2.15.3.15. Minutes shall be taken and shall be distributed to all Councillors before the next Council meeting.
- 2.15.3.16. Each department shall receive a grant from the Society every term, based on its size in terms of students and the number of council meetings at which it was represented.
- 2.15.3.17. The number of students in a department for the purposes of determining councillor representation is the number of Associate Members divided by 3 (rounded up to the nearest whole number) added to the number of Full Members.
- 2.15.3.18. The degree to which a department is said to be "represented" at a council meeting is based on the number of councillors recognized as having been in attendance within the ratified Society Council minutes of that meeting, divided by the total number of councillor positions that department has been allocated.
- 2.15.3.19. A councillor will be recognized as having been in attendance at a Council meeting for the purposes of the departmental grant if only the Councillor was present for one and a half hours, or two thirds of said meeting, whichever period of time is shorter.
- 2.15.3.20. Departments have up to two months of Council counted as full attendance regardless of actual attendance so long as their department has sent at least one Councillor to one full meeting over the course of the year.
- 2.15.3.21. The formula by which the specific amount of a departmental grant will be determined as follows:
- 2.15.3.21.1. The number of students in a department will be multiplied by \$3.00.
  - 2.15.3.21.2. The result of the calculation in 2.15.3.19.1 will then be multiplied by that department's total percentage of representation at the term's Council meetings. This will be the dollar amount of the rebate earned that month.
  - 2.15.3.21.3. Summing over the rebate earned for each meeting in a given term yields the precise dollar value of the departmental grant cheque that is issued by the Society to that department that term.
  - 2.15.3.21.4. Departmental grant calculations be based on the highest attendance count values over the course of the year.
- 2.15.3.22. A minimum amount of \$20.00 will be issued to departments that have fewer than 10 graduate students and a 100% attendance rate at council meetings.
- 2.15.3.23. This policy on departmental grant cheques is only to be applied to the eleven (11) regularly scheduled Society Council meetings held during one calendar year.

## **2.15.4 Executive Meeting**

- 2.15.4.1. Executive members shall meet at least once a month and may request the attendance of any other person in a non-voting capacity.
- 2.15.4.2. Notice of the time and place of an Executive meeting must be circulated to all Executive members by the President.
- 2.15.4.3. A quorum shall be greater than fifty per cent (50%) of the Executive positions.
- 2.15.4.4. Written minutes must be recorded by an office staff member. The minutes shall be presented at the next Council meeting.

## **2.16 The Policy Manual**

- 2.16.1. Policies arising from resolutions of Council or a general meeting that are not included in the Constitution of Bylaws shall be included in the Policy Manual.
- 2.16.2. Any amendments to the Policy Manual shall be accompanied by the date and origin of the amendment.
- 2.16.3. The Policy Manual shall be publicly available in the same manner as other documents of the Society.

## **2.17 Communications**

### **2.17.1 Communications**

- 2.17.1. The Executive will present all proposed statements of endorsement to Council for approval in principle. If Council grants approval, the Vice-President Advocacy, in consultation with the Executive, will draft and issue the statement on behalf of the Society.
- 2.17.2. In time-sensitive situations where Council approval is not possible, the Executive shall be empowered to issue statements of endorsement on behalf of the Executive only; such statements must include a disclaimer clearly stating that they come from the Executive and not from the Society as a whole.

## **2.18 Non-Discrimination and Harassment**

- 2.18.1. Members of the Society and its employees are entitled to be free from discrimination and harassment. This may include but is not limited to discrimination or harassment on the basis of age, sex, gender, class, colour, national or ethnic origin, race, religion, creed, marital status, ability, sexual orientation, language, political belief medical condition(s), and criminal record or charges for which a pardon has been granted.
- 2.18.2. Activities considered to be harassment or discrimination may include, but are not limited to, adverse treatment, inappropriate gestures, remarks intended to intimidate or degrade, and exclusion based on discriminatory grounds.
- 2.18.3. The preference of the Society is to seek an informal resolution where ever possible. This may consist in direct discussion between the parties or, failing this, the parties may request the Ombudsperson to act as an informal mediator. (If the Ombudsperson cannot act as the mediator, a request may be made to the Speaker to act in their stead.)
- 2.18.4. If an informal resolution is not successful or possible, a formal complaint may be filed with the Ombudsperson for investigation and resolution as described in the Society's disciplinary manual.

## **2.19 Disciplinary Measures**

### **2.19.1 General**

2.19.1.1. For all disciplinary matters which do not fall under Bylaw 11 (Conflict of Interest) the process shall be guided by the Society's Disciplinary Manual.

### **2.19.2 Disciplinary Measures on an Employee**

2.19.2.1. Employees of the Society may face disciplinary measures described in the Personnel Manual, as described in Bylaw 10.

### **2.19.3 List of Sanctions**

As per section 5 of the Society's Constitution these are the totality of applicable sanctions that shall be given under the discipline manual in order of severity:

#### **2.19.3.1. Warnings**

2.19.3.1.1. Verbal Warning from the President or other person in authority.

2.19.3.1.2. Formal Censure.

#### **2.19.3.2. Curtailment of rights and privileges:**

2.19.3.2.1. A member may have their right to attend a Society sponsored or sanctioned event revoked, notwithstanding that granted by the Constitution of the Society.

2.19.3.2.2. A member may have their right to enter the Grad Club revoked, notwithstanding that granted by the Constitution of the Society.

2.19.3.2.3. A member may be prohibited from attending one or more Council meetings, notwithstanding the right granted by the Constitution of the Society and notwithstanding any ex-officio right to attend Council meetings.

#### **2.19.3.3. Recall**

2.19.3.3.1. A member holding the position of Executive or non-executive Officer may have a recall vote automatically initiated, without petition or motion of Council.

2.19.3.3.2. In the case of an Executive who is not the President or in the case of a non-executive Officer, the Speaker shall place the recall vote on the agenda of the next scheduled Council meeting.

2.19.3.3.3. In the case of the President, the Chief Returning Officer shall schedule a recall vote as if a valid petition had been received, as per Bylaw 7.1.1. In lieu of any "Rationale" text, the announcement of the recall vote shall include the text "The recall of the President of the Society has been initiated by disciplinary measure and not by any petition" followed by the full text of the written determination prompting the disciplinary measure. The announcement shall include the President's response

to the written determination, if the President makes such a response. As there is no petitioner, the Chief Returning Officer shall assume the right to designate the petitioner's scrutineer, where appropriate.

- 2.19.3.3.4. A Councillor may be automatically recalled, as if a petition had been submitted under Bylaw 7.1.1. The Speaker shall send a letter or email to the Councillor's duly constituted graduate student organization, or graduate secretary if such an organization does not exist, within three (3) business days informing them that the recall was due to disciplinary measures.

#### 2.19.3.4. Limitations of prerogatives

- 2.19.3.4.1. A member may be prohibited from maintaining a particular ex-officio position, as described in Bylaws 1.2.4, 2.2.12, 2.5.5, 9.5.1.2, 9.5.1.3, 9.5.
- 2.19.3.4.2. A member of the Executive may be prohibited from signing or endorsing contracts or cheques, as described in Bylaws 12.4.

#### 2.19.3.5. Proscriptions

- 2.19.3.5.1. A member may be prohibited from holding any position on Society committees, Council, non-Executive and the Executive for a duration not exceeding twelve (12) months from the date the sanction is issued.

## **2.20 Rules of Order**

- 2.20.1. The rules contained in Robert's Rules of Order shall govern the Society in all cases to which they are applicable, and in which they are not inconsistent with the Constitution, Bylaws, and the Policies of the Society.



## **2.21 Dissemination of Amendments to the Society's Governing Documents**

- 2.21.1. For the purpose of this section, the Governing Documents consist of the Constitution, Bylaws and Policy Documents.
- 2.21.2. Amendments shall enter Implementation Phase immediately upon ratification.
- 2.21.3. Enforcement of amendments during the Implementation Phase shall be limited to corrections and warnings.
- 2.21.4. Implementation Phase shall terminate in three (3) business days after the completion of both publication and notification of the membership. Amendments shall be considered fully actualized once the Implementation Phase has terminated.
- 2.21.5. Council may choose to extend but not shorten the Implementation Phase.
- 2.21.6. The Speaker shall supervise the publication and notification of the amendments.

## **Chapter 3**

# **Operations Policies**

## **3.1 Conflict of Interest**

### **3.1.1 Governing Bylaws**

- 3.1.1.1. The Society of Graduate Students bylaws section 2.11 (Conflict of Interest) shall be used to determine whether or not a Conflict of Interest exists.

### **3.1.2 Procedure for Resolution**

- 3.1.2.1. An individual may recognize one's own conflict and follow the procedure outlined in Bylaw 2.11.2 to resolve a conflict. At any point in the following procedural outlines and policies, a person may acknowledge their own conflict and seek steps to resolve it privately, in accordance with the Bylaws. This should always be encouraged in the interests of saving the Society unnecessary time and energy expended resolving its internal difficulties.
- 3.1.2.2. An individual must first inform the person perceived to be in a Conflict of Interest of their conflict, and must do so clearly, substantively and in writing (electronic media are acceptable). Vague allegations, generalized concerns and innuendo are not substantive claims.
- 3.1.2.3. Failing to resolve the matter privately and discretely may result in an escalation to the conflicted person's supervisor, in whatever capacity they may be supervised: a committee chairperson, a committee's official liaison, the Society's President, or the Society's Speaker (in order of preference, where applicable). Third parties external to the Society are not considered part of any supervisory chain, and may not be employed.
- 3.1.2.4. Failing resolution through a supervisory intervention, the concerned party may do one of two things, depending upon the time sensitivity of the issue (to be determined by the Speaker):
  - 3.1.2.4.1. If the issue is not time-sensitive, the individual may draft a motion for Council and seek resolution in that forum.
  - 3.1.2.4.2. If the issue is of a time-sensitive nature, the individual may seek an ad-hoc tribunal proceeding through the Society's Speaker (see 3.1.3.3, Tribunal Proceedings).
  - 3.1.2.4.3. The only bodies capable of imposing a decision on a person perceived to be in a Conflict of Interest are the Society's Council (2.2.3.1) and the ad-hoc tribunal formed by the Speaker. All other methods of resolution must come in the form of recommendations to the allegedly conflicted individual, and to which, all parties involved must agree.
  - 3.1.2.4.4. At each stage of attempted resolution, five (5) business days must be allowed to respond.

### **3.1.3 Tribunal Proceedings**

- 3.1.3.1. In the event a perceived Conflict of Interest remains unresolved and is of a time-sensitive nature that cannot wait until a Council meeting, the Speaker may call an ad-hoc tribunal to impose a judgement upon the conflict situation in question.
- 3.1.3.2. The ad-hoc tribunal shall be called if the complaint is received in writing (electronic media are acceptable) to the Society's office and addressed to the Speaker.
- 3.1.3.3. A tribunal shall consist of five (5) Society members in good standing: the Speaker (non-voting), the Ombudsperson (non-voting), and three other Society members representing three different faculties. These members shall be selected by the Speaker, and should themselves be free of any reasonable apprehension of bias toward both the complainant and defendant.
- 3.1.3.4. The tribunal shall assemble within seven (7) business days, barring unforeseen circumstances, and shall offer a ruling based on the most complete testimony of the individuals involved. Follow up queries are permitted for clarification, and at all points the Speaker shall provide guidance on the interpretation of the Society's Bylaws to assure that the minimum standards for a Conflict of Interest are met.
- 3.1.3.5. Tribunal decisions must be passed by a majority vote.

### **3.1.4 Possible Resolutions**

- 3.1.4.1. Any person, supervisor, Council, or ad-hoc tribunal may determine that no conflict exists, and thus dismiss the charge. Reasons should be documented as best as possible, with resolutions ready to be provided in the event the matter is escalated.
- 3.1.4.2. Any person or supervisor (as described in 3.1.2.2 and 3.1.2.3) may determine that a conflict does exist, and thus may recommend the following, in order of desirability:
  - 3.1.4.2.1. The conflicted individual be asked to cease participating in the situation generating the conflict, either by noted abstention during voting, by leaving the room during a committee meeting in which the issue arises, or some other similarly appropriate and generally benign measure of resolution.
  - 3.1.4.2.2. The conflicted individual may be asked to step down from their position of authority or influence in the Society, and from which the conflict is derived.
  - 3.1.4.2.3. The conflicted individual may bring the matter forward to the Speaker to be resolved by Council or an ad-hoc tribunal (as described in 3.1.2.4).
- 3.1.4.3. Council or an ad-hoc tribunal may determine that a conflict does exist, and thus may recommend or impose the following sanctions, in order of desirability:
  - 3.1.4.3.1. The conflicted individual be asked to cease participating in the situation generating the conflict, either by noted abstention during voting, by leaving the room during a committee meeting in which the issue arises, or some other similarly appropriate measure.

- 3.1.4.3.2. The conflicted individual may be asked to step down from their position of authority or influence in the Society, and from which the conflict is derived.
- 3.1.4.3.3. The conflicted individual may be censured and face no further disciplinary actions.
- 3.1.4.3.4. The conflicted individual may be censured and face additional disciplinary measures as outlined in Bylaw 2.19 (Disciplinary Measures), or more severe measures such as:
  - 3.1.4.3.4.1. A ban from committee proceedings, or other specific activities, or
  - 3.1.4.3.4.2. A ban from the Society not exceeding twelve (12) months.
- 3.1.4.3.5. In all instances where a judgement is being proffered, rather than a mere recommendation, the matter shall be presented to Council for formalization and documentation.
  - 3.1.4.3.5.1. Recommendations, provided they achieve a resolution, need not be formalized in any capacity as these should be interpreted as successful private mediation. Such resolutions (3.1.4.2.1 or 3.1.4.2.2) should never be brought to the formal attention of Council or recorded in its minutes.
- 3.1.4.3.6. In all instances where measures are taken against a conflicted individual, said measures shall be rationalized in writing that the measure does not exceed the charge against the conflicted person.

## **3.2 Discipline Code**

### **3.2.1 Introduction and Purpose**

- 3.2.1.1. The purpose of the Society's Discipline Code is to define the general standard of conduct expected of members of the Society of Graduate Students (henceforth known as the Society), provide examples of behaviour that constitutes a breach of this standard of conduct and set out the disciplinary procedures that the Society will follow.
- 3.2.1.2. The Society is a community of graduate students involved in learning, teaching, research, and other activities. The Society provides an environment of free and creative inquiry within which critical thinking, mutual respect, and practical skills are cultivated and sustained. It is committed to a mission and to principles that will foster excellence and create an environment where its students and staff can grow and flourish.
- 3.2.1.3. As members, students assume the rights and responsibilities associated with membership in the Society's academic and social community. The privileges granted to each member are conditional upon the fulfilment of this responsibility and members must familiarize themselves with Society regulations and the conduct expected of them while studying at Western University.
- 3.2.1.4. Members are reminded that they are equally responsible for observing the standard of conduct set out in this Code when using any electronic devices to send or post messages or material.
- 3.2.1.5. The Society encourages informal resolution of minor incidents.
- 3.2.1.6. Nothing in this Discipline Code shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit free speech as guaranteed by law.
- 3.2.1.7. Any member found responsible for misconduct is subject to the Society's disciplinary sanctions, regardless of the action or inaction of civil authorities. Nothing in this Code precludes the Society from referring an individual matter to Western University or an appropriate law enforcement agency either before, during, or after disciplinary action is taken by the Society under this Code. A member may be subject to criminal prosecution and/or civil proceedings notwithstanding, and in addition to, disciplinary action taken by the Society against the member under this Code.

### **3.2.2 Definitions**

In this code

- 3.2.2.1. "Member" is an individual that fulfils any one of the requirements of Section 1.5 of the Society's Constitution.
- 3.2.2.2. "Ombudsperson" is the Society's Ombudsperson (Bylaw 2.2.7).

3.2.2.3. "Appeals Review Commission (ARC)" is the Commission that is defined under the Society's Bylaw 2.4.2.

3.2.2.4. "Premises of the University or its Affiliated University Colleges" shall include lands, buildings, and grounds of the University and its Affiliated University Colleges and other places or facilities used for the provision of the University's courses, programs, or services.

3.2.2.5. "A Society sponsored program, event, or activity" shall be interpreted as a program, event, or activity that is hosted, sponsored, or organized by the Society and includes, but is not limited to organized trips, the Grad-Club, Council and Committee Meetings, and the Western Research Forum.

### **3.2.3 Relationship to Other University Policies and Codes**

3.2.3.1. If a member's conduct could be considered a breach of this Code and also a breach of its Conflict of Interest Bylaw and Policy, the Society may proceed under the Code or under the Conflict of Interest Bylaws and Policies. A member may not be penalized under both the Code and these Policies for the same conduct.

### **3.2.4 Jurisdiction**

3.2.4.1. This Code applies to

3.2.4.1.1. Conduct that occurs on the premises of the University or its Affiliated University Colleges;

3.2.4.1.2. Conduct that occurs at a Society sponsored or sanctioned program, event, or activity, whether the program, event, or activity is on campus or off-campus; and

3.2.4.1.3. Other off-campus conduct, for example,

3.2.4.1.3.1. When the individual is acting as a representative of the Society.

3.2.4.1.3.2. That has, or might reasonably be seen to have an adverse effect on, interfere with, or threaten the proper functioning of the Society, its mission, the rights of a member of the Society community to use and enjoy the University's learning and working environments, or that raises concerns for the safety or security of an individual or individuals while on campus or while participating in Society programs, events or activities.

3.2.4.2. Graduate students are subject to the provisions of this Code except when acting in their capacity as Graduate Teaching Assistants or Research Assistants.

### **3.2.5 Misconduct and Prohibited Conduct**

The following list sets out specific examples of prohibited conduct. This list is illustrative only and is not intended to define misconduct in exhaustive or exclusive terms.

- 3.2.5.1. Disruption: By action, threat, written material, or by any means whatsoever, disrupting or obstructing any Society activities, including a Society sponsored or sanctioned program, event, or activity, or other authorized activities on premises of the University or its Affiliated University Colleges, or the right of another person to carry on his/her legitimate activities, or to speak or to associate with others. The Society activities include, but are not limited to, research, studying, sports and recreation, administration, and meetings.
  - 3.2.5.1.1. Misconduct against persons and dangerous activity, such as:
  - 3.2.5.1.2. Any assault, harassment, intimidation, threats or coercion.
  - 3.2.5.1.3. Conduct that threatens or endangers the health or safety of any person.
  - 3.2.5.1.4. Contravention of the University's Non-Discrimination/Harassment Policy.
  - 3.2.5.1.5. Knowingly (which includes when one should reasonably have known) creating a condition that endangers the health, safety, or well-being of any person.
  - 3.2.5.1.6. Engaging in conduct that is, or is reasonably seen to be, humiliating or demeaning to another person or coercing, enticing or inciting a person to commit an act that is, or is reasonably seen to be, humiliating or demeaning to that person or to others.
- 3.2.5.2. Misconduct involving property, such as:
  - 3.2.5.2.1. Unauthorized entry and/or presence on any premises of the Society or any premises used for Society sponsored or sanctioned programs, events or activities.
  - 3.2.5.2.2. Misappropriation, damage, unauthorized possession, defacement and/or destruction of premises or property of the Society, or the property of others.
  - 3.2.5.2.3. Use of the Society facilities, equipment or services contrary to express instruction or without proper authority.
- 3.2.5.3. False Information, such as:
  - 3.2.5.3.1. Furnishing false information.
  - 3.2.5.3.2. Forging, altering or misusing any document, record, card or instrument of identification.
- 3.2.5.4. Violation or contravention of the Society's written Policies, Regulations, or Rules
- 3.2.5.5. Contravention of other laws, such as:
- 3.2.5.6. Contravention of any provision of the Criminal Code or any other Federal or Provincial statute or Municipal by-law.
- 3.2.5.7. Aiding or encouraging others in the commission of an act prohibited under this Code or attempting to commit an act prohibited under this Code.
- 3.2.5.8. Failure to comply with any sanction imposed by the Society for misconduct under this Code.



### **3.2.6 Interim Measures**

- 3.2.6.1. Temporary Exclusions. The Official Liaison to a committee may exclude a member from said committee if the Official Liaison believes on reasonable grounds that the member's continued presence is detrimental to good order or constitutes a threat to the safety of others. Such initial exclusion shall last for the duration of the meeting. The Official Liaison shall report the exclusion immediately to the Ombudsperson.
- 3.2.6.2. Interim Prohibition. The Ombudsperson may impose an interim prohibition pending an investigation and disposition of a complaint of misconduct. Interim prohibition may be imposed only:
- 3.2.6.2.1. If needed to ensure the safety and well-being of members of the Society's community or preservation of the Society's property;
  - 3.2.6.2.2. If needed to ensure the Member's own physical or emotional safety and well-being;  
or
  - 3.2.6.2.3. If there is a reasonable apprehension that the member poses a threat of disruption or of interference with the normal operations of the Society.
- 3.2.6.3. During a period of interim prohibition, a member may be denied access to specified Society facilities (including the Grad Club) and/or any other Society sponsored and/or sanctioned activities or privileges for which the member might otherwise be eligible, as the Ombudsperson may determine to be appropriate. Within two (2) working days following the imposition of interim prohibition, the student shall be informed in writing of the reasons for the prohibition. The student shall be afforded the opportunity to respond to the allegations being made against them. If the student responds, the Ombudsperson will reassess the prohibition and either revoke or continue the prohibition pending formal disposition of the matter.

### **3.2.7 Complaint Procedures**

- 3.2.7.1. Any member(s) may submit a complaint of misconduct against any member(s). A complaint should be submitted to the Society's Ombudsperson.
- 3.2.7.2. The Ombudsperson shall not make a finding of misconduct nor impose a sanction or sanctions against a member unless the member has been informed, in writing, of the nature of the complaint, the facts alleged against them, and has been given a reasonable opportunity to respond and to submit relevant information. The member shall also be given a reasonable opportunity to meet personally with the Ombudsperson to discuss the matter. It is the responsibility of both parties to provide all materials and information that will support their positions. Furthermore, the Ombudsperson will make reasonable attempts to ascertain the truth to the best of their ability.
- 3.2.7.2.1. If the Ombudsperson feels that they are not in a position to fairly rule on a complaint due to conflict of interest or must recuse themselves for any reason, they can forward the complaint to a member of the Appeals Review Commission (ARC), chosen at random, by the Speaker, to act as the Ombudsperson for this matter only.

- 3.2.7.3. If the Ombudsperson concludes that there has been misconduct, the Ombudsperson may impose an appropriate sanction or sanctions.
- 3.2.7.4. If the member does not respond to the allegation or does not meet with the Ombudsperson after having been given a reasonable opportunity to do so, the Ombudsperson may proceed to dispose of the complaint without such a response or meeting.
- 3.2.7.5. At all meetings with the Ombudsperson, both parties may be accompanied by a colleague of their choosing. Legal representation is not permitted at this stage; it is only permitted at the appeal stage.
- 3.2.7.6. In determining an appropriate sanction or sanctions, the Ombudsperson may take into account any previous findings of misconduct. The Ombudsperson may direct that a sanction be held in abeyance if a member's registration at the University is interrupted for any reason.
- 3.2.7.7. The decision of the Ombudsperson, with reasons, shall be communicated in writing (electronic media are acceptable) to the member. If there is a finding of misconduct, a copy of the decision will be retained in the Society's Administrative Office. A copy of the decision shall be provided on a need-to-know basis to administrative units (e.g. Executive Officers and Non-Executive Officers). The Speaker and the relevant Executive is responsible for the implementation of any decision made under the Code.
- 3.2.7.8. All notices and other communications from the Ombudsperson to the student or any other member of the University community, shall be by personal delivery, campus mail, e-mail, priority post, courier, or registered mail.
- 3.2.7.9. Complaints of misconduct shall be reported, investigated, and decided in a timely manner.
- 3.2.7.10. The Ombudsperson shall report annually at the Annual General Meeting (AGM), summarizing the number of complaints received, number of complaints investigated, and the general nature of the matters investigated.
- 3.2.7.11. After five (5) year the files will be expunged.

## **3.2.8 Appeals**

- 3.2.8.1. A student may appeal an Ombudsperson's finding of misconduct to the Appeals Review Commission (ARC) on one or more of the following grounds:
- 3.2.8.1.1. There was a serious procedural error in the hearing of the complaint by the Ombudsperson which was prejudicial to the appellant;
  - 3.2.8.1.2. New evidence, not available at the time of the earlier decision, has been discovered, which casts doubt on the decision;
  - 3.2.8.1.3. The Ombudsperson did not have the authority under this Code to reach the decision or impose the sanctions.
- 3.2.8.2. Filing an Appeal Application will not stay the implementation of any sanctions imposed.

3.2.8.3. The Appeals Review Commission (ARC) may:

3.2.8.3.1. Deny the appeal;

3.2.8.3.2. In the case of an appeal under 3.2.8.9.1 or 3.2.8.1.2, grant the appeal and direct the Ombudsperson to re-hear the matter or reconsider some pertinent aspect of their decision, and may include recommendations relating to the conduct of any rehearing, or repeal the original decision;

3.2.8.3.3. In the case of an appeal under 3.2.8.1.3, grant the appeal and repeal the original decision.

3.2.8.4. The right to be represented by legal counsel will be accorded to the principal parties to the appeal at this level.

3.2.8.5. The parties must bear all their own legal expenses, if any.

3.2.8.6. Appeals Review Commission Panel composition

3.2.8.6.1. Membership for the ARC Panel will be drawn from the Appeals Review Commission.

3.2.8.7. **Appeal Procedures**

3.2.8.7.1. An Appeal Application must be filed with the Society's Office Manager in a sealed envelope addressed to the ARC Chair within two weeks after a decision has been issued by the Ombudsperson.

3.2.8.7.2. An Appeal Application will include the following items:

3.2.8.7.2.1. Name, student number, email address, current phone number, and current mailing address of the Appellant.

3.2.8.7.2.2. Date of the Original Notice of Decision.

3.2.8.7.2.3. Reason/Grounds for Appeal (new evidence, for example).

3.2.8.7.2.4. Explanation of Disagreement with the original decision with reasoning, including any relevant documentation and outcome(s) sought.

3.2.8.7.2.4.1. Where the basis of the appeal is new evidence, such new evidence shall be described comprehensively and the names of any witnesses shall be provided.

3.2.8.7.2.5. Name of legal counsel or agent (if any).

3.2.8.7.2.6. Are there any accessibility issues to participate in the Appeals Review Panel Hearing? Please specify.

3.2.8.7.2.7. In signing the Appeal Application, the Appellant acknowledges that they must to appear before an Appeals Review Panel, understands the policies of the Appeal process (as described below), and is beholden to the verdict of the Appeals Review Panel.

3.2.8.7.3. The ARC Chair must inform the other members of the Commission and the Ombudsperson that an Appeal Application has been received.

- 3.2.8.7.4. An Appeal Application will not be accepted by the ARC Chair if incomplete or not filed within the time period specified in 3.2.8.7.1. Exceptions to the time limit for filing an Appeal Application are at the discretion of the ARC upon written application of the member.
- 3.2.8.7.5. Parties in attendance at to an appeal are the ARC Panel and Chair, the member against whom the decision has been made (Appellant) and the Ombudsperson (Respondent).
- 3.2.8.7.6. The Respondent (Ombudsperson) shall file a concise written reply to the appeal with the Speaker within five (5) business days of receiving the documents. A copy of the reply shall be provided to the Appellant.
- 3.2.8.7.7. Upon receipt of an Appeal Application, the ARC Chair shall:
- 3.2.8.7.7.1. Constitute a Panel of at least three (3) members including the chairperson. If the chairperson recuses themselves from the proceedings, the panel must elect an interim chairperson from within their ranks.
  - 3.2.8.7.7.2. Member(s) from the same department as either of the parties shall recuse themselves from the panel.
  - 3.2.8.7.7.3. Facilitate the scheduling of the initial meeting of the Panel.
- 3.2.8.7.8. The Panel is bound by neither strict legal procedures nor strict rules of evidence. It shall proceed fairly in its disposition of the appeal, ensuring that both parties are aware of the evidence to be considered, are given copies of all documents considered by the Panel, and are given an opportunity to be heard during the process.
- 3.2.8.7.9. The Panel may summarily dismiss an Appeal Application if it does not, in the judgement of the Panel, raise a valid ground of appeal or does not assert evidence capable of supporting a valid ground.
- 3.2.8.7.10. The Panel shall hold an oral hearing if any party involved and/or member(s) of the ARC Panel requests one.
- 3.2.8.7.10.1. . Both parties may petition the ARC Panel to make the oral hearing open to the Society or in-camera.
  - 3.2.8.7.10.2. The decision to make an oral hearing open to the Society rests with the ARC Panel.
  - 3.2.8.7.10.3. While an attempt shall be made to schedule an oral hearing at a time convenient to the Panel and the parties, a request by a party for a lengthy delay in the scheduling of the hearing, or a postponement of a scheduled hearing, will be granted by the Chair only in exceptional circumstances. Oral hearings will ordinarily be held within six (6) weeks of filing of the appeal. In the case of an oral hearing, if the ARC Chair is unable to contact the Appellant within a reasonable time (i.e., ten [10] business days) to schedule a hearing, the Appellant will be notified by registered mail at the address on the Appeal Application of the deadline by which they must contact the ARC Chair to arrange a hearing. If the Appellant has not contacted the ARC Chair by the specified deadline, the appeal will be considered to be abandoned.

- 3.2.8.7.10.4. Each party to an oral hearing shall be sent a Notice of Hearing, setting out the time, place, and purpose of the hearing. If a party does not attend, the Panel may proceed in the party's absence.
- 3.2.8.7.11. Each member of a Panel, including the Chair, shall vote. There shall be no abstentions. A majority of positive votes is required to grant an appeal.
- 3.2.8.7.12. The decision, with reasons, shall be filed with the Speaker and copies shall be sent to the parties present at the proceedings as well as to others with a legitimate need to know (e.g. Relevant Executive)

### **3.2.9 Review of Code**

The Policy Committee shall complete a review of the Code at the start of the Ombudsperson's term.

## **3.3 Elections Policy**

### **3.3.1. Appeals Review Commission**

- 3.3.1.1. Appeals Review Commission (ARC) Board shall have a ranked waiting list
- 3.3.1.2. During the January council meeting, a waiting list of no less than one member for each of the chairs on the ARC shall be created.
- 3.3.1.3. Should a member of the Election Appeal Board no longer be able to fulfil their duty, the highest ranked member of the same division from the waiting list shall take their place.
- 3.3.1.4. Any member who joins the Election Appeal Board or Election Appeal Board waiting list must state their intention to not graduate within four (4) months.

### **3.3.2. Presidential Nominations**

- 3.3.2.1. Nominations for the position of President shall be open from the first Monday of February for fifteen (15) consecutive business days, closing on the fifteenth day at the close business hours.
- 3.3.2.2. Nomination forms must be obtained from the Society office during the Society's business hours. Nominations shall bear the signatures of two full or associate members of the Society as well as that of the nominee, and shall be submitted to the Chief Returning Officer during the Society's business hours.
- 3.3.2.3. Appeals regarding a decision on the validity of a nomination shall be made in writing to the Chief Returning Officer no later than one business day after the announcement nomination. The Chief Returning Officer shall render a decision before the beginning of the campaign period.
- 3.3.2.4. The call for nominations shall be advertised by the CRO one week prior to the opening of nominations.
- 3.3.2.5. In the event that no nominations for the position of President be received by the Chief Returning Officer by the close of nominations, nominations shall be reopened the first Monday in March and close after ten (10) consecutive business days, at 4:00 p.m.
- 3.3.2.6. In the event that no nominations be received by the end of the second nomination period, the Council shall nominate an eligible member of the Society at the Council meeting following the close of nominations. If Council fails to do so, then the Executive shall nominate an eligible member of the Society as President, subject to ratification at the next Council meeting. If ratification is not forthcoming, Council must appoint a President at that meeting. If Council fails to do so, then the new President shall be selected by the Executive from the Vice-Presidents.
- 3.3.2.7. The new President shall take the following Oath at the Council meeting following their election: "I,[name], do hereby swear to faithfully fulfill my duties as President and to uphold the Constitution and Bylaws of the Society of Graduate Students of the University of Western Ontario." The Oath shall be administered by the Speaker.

3.3.2.8. In the event that the elected President is a departmental or part-time representative, Speaker, or another member of the Executive, that person shall not hold the position of departmental representative, Speaker or other Executive member while being President.

3.3.2.9. Actual transfer of signing authority and responsibilities of the Office of the President shall take place on the first of May, at which time the retiring President shall formally hand over office to the incoming president. In the event that there is a president to take the office, otherwise it will happen as soon as practicable

### **3.3.3. Campaigning**

3.3.3.1. Campaigning is defined as any action by a candidate or campaign manager, or any action undertaken at the behest of the candidate or campaign manager, that is intended to influence any voter to cast their ballot on behalf of the candidate in question.

3.3.3.2. Prior to the beginning of the campaign period, all parties and their campaign managers shall attend a meeting wherein they will be briefed on the terms of the election by the Chief Returning Officer and Deputy Chief Returning Officer.

3.3.3.3. At that meeting an agreement will be signed by all parties wherein they acknowledge being bound to conduct their campaign in accordance with the Society's Constitution and Bylaws, and define any terms of the election not covered by these Bylaws.

3.3.3.4. All forms of media may be used during the campaign period. No media coverage is allowed on the day of balloting.

3.3.3.5. Society resources or materials may not be used in the preparation of campaign material, except with the agreement of all candidates and the Chief Returning Officer.

3.3.3.6. Society space may not be used in the dissemination of campaign material, except with the agreement of all candidates and the Chief Returning Officer.

### **3.3.4. Advertisements of a Presidential Election or Referendum by the Society**

3.3.4.1. Advertisements shall be placed:

3.3.4.1.1. on campus bulletin boards one month prior to the final voting date;

3.3.4.1.2. on the Society's Web page and in the monthly newsletter;

3.3.4.1.3. Any other place as the CRO considers appropriate and effective within budgetary constraints.

3.3.4.2. Advertisements shall consist of date(s) and place(s) of voting, the candidates' names or referendum statement(s) and the name of the Society.

### **3.3.5. Scrutineer**

3.3.5.1. Each candidate/referendum group shall be allowed one scrutineer to be present when the final results of the election/referendum, as recorded by the on-line polling station, are revealed.

### **3.3.6. Campaign Impropriety and Appeals Policy**

- 3.3.6.1. No candidate/referendum group or individual member may, using their own initiative and discretion, attempt to enforce the rules for elections.
- 3.3.6.2. Campaign Impropriety is defined as any action undertaken by a candidate or their representative during the campaign and polling period that can be shown to be violations of any part of the Society's Constitution, Bylaws, or the agreement between the parties reached at the All Candidates Meeting.
- 3.3.6.3. To find that an act of campaign impropriety has occurred, the CRO must be satisfied that the result of the Deputy CRO's investigation shows, on the balance of probabilities, the indicted party did commit the offence with which they have been charged.
- 3.3.6.4. The investigation
  - 3.3.6.4.1. All charges of campaign impropriety shall be submitted in writing to the Deputy Chief Returning Officer, (Deputy CRO) at the Society office or by email to the official CRO/DCRO email address;
  - 3.3.6.4.2. Within one business day of the charge having been submitted the Deputy CRO will begin an impartial investigation and will also notify the CRO of the pending investigation;
  - 3.3.6.4.3. Barring exceptional circumstances, the Deputy CRO shall submit the result of their investigation to the CRO no more than one business day after the start of investigation.
- 3.3.6.5. Should a candidate/referendum group receive a request from the Deputy CRO to provide factual information which wholly pertains to an investigation of campaign impropriety, the candidate/ referendum group must respond within one half of the investigation time or twenty-four (24) hours, whichever is greater. Failure to respond within the time frame will result in a report of nonresponse in the Deputy CRO's written report.
- 3.3.6.6. The Chief Returning Officer shall decide on any charge or campaign impropriety, no more than four (4) business days following the complaint.
- 3.3.6.7. Sanctions
  - 3.3.6.7.1. Major Sanctions - Violations of the following nature will result in automatic disqualification of the candidate:
    - 3.3.6.7.1.1. Failure of the candidate and their campaign manager to attend the All Candidates' Meeting with the Chief Returning Officer and Deputy Chief Returning Officer;
    - 3.3.6.7.1.2. Tampering with other candidates' signs so as to cause their being defaced or removed;
    - 3.3.6.7.1.3. Spending 125% or more of the maximum spending limit;
    - 3.3.6.7.1.4. Violations of Canadian and Ontario law may result in disqualification at the CRO's discretion.
  - 3.3.6.7.2. Minor Sanctions - The CRO may use the office's authority under Bylaw 4.8.2 in order to rectify the situation in the event of a minor sanction.



### **3.3.7. Appeals**

- 3.3.7.1. The Deputy CRO shall investigate the appeal and present the results of that investigation to the CRO within two (2) business days. The CRO will take appropriate action in response to the investigation results within two (2) business days.
- 3.3.7.2. When the Chief Returning Officer has rendered a decision on the submission, a further written appeal may be taken to the Elections Appeal Board within two (2) business days of the announcement of the decision.
- 3.3.7.3. The onus is on the appellant to appeal the decision of the CRO in writing to necessitate the activation of the EAB.

### **3.3.8. Campaign Expenses and Subsidy Policy**

- 3.3.8.1. The spending limit will be \$150 unless changed at the February Council meeting by a motion which requires a simple majority to pass.
- 3.3.8.2. The Society shall provide full subsidies for campaign expenses incurred by each referendum group or presidential candidate that receive at least 10% of the total unspoiled votes cast in the election.
  - 3.3.8.2.1. Acclaimed presidential candidates are assumed to have passed the 10% threshold in section 3.3.8.2..
- 3.3.8.3. All candidates shall submit to the Chief Returning Officer documentation of all expenditures by the election day.

## **3.4 Minutes Writing Policy**

### **3.4.1 Purpose**

3.4.1.1. The purpose of this policy is to guide the writing of committee meeting minutes for the Society.

### **3.4.2 General Guidelines**

3.4.2.1. Society Committee minutes shall contain the following:

3.4.2.1.1. The name of the Society, the name of the committee, the date, time, and location of the meeting;

3.4.2.1.2. A record of attendees, including proxies, the recording secretary, the name of guests as applicable, agenda items, the fact of quorum and the time at which the meeting is called to order;

3.4.2.1.3. All motions formulated during the committee meeting, the mover and seconder, and their exact wording, the number of votes in favour, votes against, and abstentions;

3.4.2.1.4. Points of order and appeals, whether sustained or lost, and the reasons given by the chairperson for their ruling;

3.4.2.1.5. The fact of recesses, if any and the length of the recess including the times it began and ended;

3.4.2.1.6. The fact of entering an in-camera session, including its length, the start and end times.

3.4.2.2. The minutes shall not be a verbatim transcript of the committee meeting. A member who requests to be quoted in the minutes shall be recorded verbatim.

3.4.2.3. Minutes of Society Committee meetings shall be kept on file and made accessible to the membership.

## 3.5 Procurement

### 3.5.1. Purpose

The purpose of this policy is:

- 3.5.1.1. To ensure that the Society of Graduate Students' process in determining the use of funds for the purchase of goods and services is conducted in a publicly accountable manner to the benefit of the membership;
- 3.5.1.2. To outline the role and responsibilities in facilitating the expedient purchase of goods and services necessary to support the goals and objectives of the Society; and
- 3.5.1.3. To provide the framework to seek competitive prices in a manner that is in accordance with the resolutions from council, reflect the values of the Society as a not-for-profit organization and promotes a fair and appropriate tendering process for all interested suppliers.

### 3.5.2. Definitions

- 3.5.2.1. **Requisitioner:** The Society of Graduate Students.
- 3.5.2.2. **Requisitioning Committee:** The committee which prepares a procurement process and reviews bidder submissions as appropriate. Certain contracts (outlined below) require a particular Society Committee to serve as the requisitioning committee.

### 3.5.3. Scope

This policy applies to the purchase of:

- 3.5.3.1. Goods and services estimated in excess of \$5,000 excluding taxes and/or shipping costs;
- 3.5.3.2. Goods and services of any price as determined at the discretion of council;
- 3.5.3.3. Goods and services identified in a competitive complaint from a supplier;
- 3.5.3.4. Goods and services requiring a "request for quotation" or "tender" as deemed necessary by government, university or contractual obligation.
- 3.5.3.5. The extension or renewal of any existing contracts for goods as described above unless explicitly excluded in this policy.
- 3.5.3.6. Existing Contracts:  
New bids are not required for the acquisition of goods and services covered by an existing Society contract. Should a Requisitioner choose not to use a supplier already under contract, the appropriate bid process must be followed.
- 3.5.3.7. Exclusions:  
Goods purchased for external resale; and Goods and services valued up to and including \$5,000 not addressed by the inclusion rules above.

### 3.5.4. Competitive Bid Requirements

3.5.4.1. It is the responsibility of the Requisitioner to ensure all purchases requiring competitive bids are compliant with the following:

3.5.4.1.1. Prices must be sought from at least three sources;

3.5.4.1.2. Wherever possible efforts should be made to seek at least one bid from a non-profit, not-for-profit or cooperative vendor;

3.5.4.1.3. Price quotations must be obtained using the method appropriate to the complexity and estimated cost of the good or service under consideration as described below.

### **3.5.5. Sole Source**

3.5.5.1. The supplier bidding requirement (as described below - Competitive Bid Requirements) is waived for the purchase of those goods and services only available from one lone supplier. An example of a sole source contract is the London Transit Commission Student Bus Pass agreement.

### **3.5.6. Price Quotation**

3.5.6.1. For purchases of \$5,001-\$50,000, price quotations must be solicited by the Requisitioner by phone, fax or E-mail. Price quotations must be documented (including award justification) by the Requisitioning Committee or the Executive, as appropriate. The Requisitioner may contact the suppliers directly or enlist the assistance of the University of Western Ontario's Purchasing unit.

### **3.5.7. Request for Quotation (RFQ)**

3.5.7.1. The Requisitioner is responsible for providing formal RFQ documents to all suppliers bidding on purchases as part of the procurement process. A list of suppliers invited to participate in a particular bid shall be maintained by the Chairperson and Official Liaison of the Requisitioning committee responsible for the request. Public calls must be advertised using the Society website as well as one or more standard advertising mediums as appropriate. Suppliers' responses must be sealed and forwarded through the Society office to the Requisitioner, with attention to the Society President and Official Liaison to the requisitioning committee.

3.5.7.2. Stamped with the date and time of receipt at the Society office, bid documents are opened only after the deadline has expired (according to the process outlined in Opening of Bids). The Requisitioning committee evaluates the tenders and selects the bid for recommendation/approval that best meets the selection criteria. Once a final decision is reached, the award committee forwards a formal award notice to all bidding suppliers.

3.5.7.3. Please refer to instructions in the Requirement for Particular Tenders section for award regulations for certain contracts.

### **3.5.8. Request for Proposal (RFP)**

3.5.8.1. All RFQ and RFP documents must include a detailed description of:

3.5.8.1.1. Goods or services to be purchased;

3.5.8.1.2. Deadline date and time;

3.5.8.1.3. E-mail, address and phone number of the Society;

3.5.8.1.4. Terms and conditions of the bid; and

3.5.8.1.5. Terms and conditions of subsequent purchase and payment.

3.5.8.1.6. A template for RFQ and RFP documents can be found in appendix.

3.5.8.1.7. In any situations where the requisitioning committee has agreed to mandatory or rated criteria that will be used to evaluate submissions, these criteria must be clearly outlined including weight of each criterion. Mandatory criteria should be kept to a minimum in order to ensure that no bid is unnecessarily disqualified.

### **3.5.9. Documents**

3.5.9.1. Only the Society President and the Official Liaison to the requisitioning committee have the authority to place advertisements for public calls for pricing requests.

3.5.9.2. All communications with vendors/suppliers must be conducted by the Society President and Official Liaison of the requisitioning committee unless otherwise stated in this policy.

### **3.5.10. Advertising of Pricing Requests**

3.5.10.1. Upon receipt by the Society office, bids are stamped with the date and time. Responses received after the deadline are documented as "late" and either refused or returned to the bidder.

3.5.10.2. In the case where a bid is received before the closing date, the bid shall be stored securely until such time as the bids are to be opened. Under no circumstance shall a tender be opened before the closing date.

### **3.5.11. Receipt of Bids**

3.5.11.1. Any bids are opened in the presence of at least the committee chair or a designate, the Society President, the Official Liaison to the requisitioning committee, the Speaker and one member of the full-time office staff. At this meeting, the contents of each bid are presented. No further changes to the bids shall be entertained, unless specifically requested by the requisitioning committee.

3.5.11.2. All tenders shall be photocopied, and the originals shall remain under lock in the tender box. The President and Official Liaison for the requisitioning committee shall summarize bid information and submit it to the requisitioning committee. A member of the Requisitioning committee may elect to request consulting the complete bids by the full committee.

- 3.5.11.3. Any information on a bid or procurement process is considered privileged and confidential from when the bids are opened until the contract is awarded to one of the bidders. Any Society Executive, staffperson or committee member who is privy to bid information during procurement process shall sign a non-disclosure agreement for duration of the process until the contract is executed and signed.

### **3.5.12. Opening of Bids**

- 3.5.12.1. The award of a requested bid must offer the membership of the Society the best mix of price, quality, specification compliance, terms, conditions, experience and reputation. The award is granted according to the discretion of the requisitioning committee, unless otherwise specified in this policy.
- 3.5.12.2. The Society is not obligated to accept the lowest price bid - in some cases the quality of the product/goods or the reputation of the vendor are more important than the lowest price. At all times, the requisitioning committee should keep in mind the priorities of the Society as non-profit/not-for-profit organization.
- 3.5.12.3. All qualifying bids shall be evaluated. All bids and the rationale of the requisitioning committee for accepting a bid is documented and retained in the Society office.

### **3.5.13. Evaluation and Award**

- 3.5.13.1. All quotations and requests are created and reviewed by a committee consisting of at least one (1) representative from the Executive, members of the requisitioning committee, as well as one (1) Society office staff member retained to advise on historical precedents as a non-voting member. The requisitioning committee reviews all responses and files its evaluation and final recommendation with the Executive and Speaker.
- 3.5.13.2. Members of the requisitioning committee are strongly encouraged to familiarize themselves with the Society Constitution, Bylaws and Policies, with special attention to the relevant sections on Conflict of Interest.

### **3.5.14. Requisitioning Committee**

- 3.5.14.1. No person involved in the tendering process shall solicit or accept gratuities, favours or anything of non-informational value from bidders or potential bidders during the tendering process.
- 3.5.14.2. Any person involved in the tendering process who knowingly and deliberately "violates" or who reasonably ought to have known "violates" the above shall be removed from the tendering process.
- 3.5.14.3. Any bidder or potential bidder who knowingly and deliberately offers gratuities, favours or anything of non-informational value to those involved in the tendering process shall be subject to having their bid disqualified at the discretion of the requisitioning committee. This restriction must be communicated to all potential bidders as part of the RFQ/RFP process.

### **3.5.15. Acceptance of Gratuities**

- 3.5.15.1. The Society is responsible for maintaining a bidding process that is fair and equitable to all interested parties. If a supplier believes the bidding process has been comprised, the bidder is invited to contact the Society for possible investigation according to the parameters outlined below:
- 3.5.15.2. Suppliers must submit a written protest within five (5) days of learning information applicable to the protest.
- 3.5.15.3. Once the grievance is filed, the Requisitioner, the Executive and Ombudsperson shall be notified. Collectively, these parties decide if the procurement should continue.
- 3.5.15.4. If the contract is not yet awarded, it may be held until the review is complete, except in circumstances in which delaying awarding the contract would substantially damage the Society and/or its membership.
- 3.5.15.5. For contracts already awarded, the Requisitioner notifies the supplier awarded the bid and if deemed possible and necessary, may be asked to stop or hold the purchase until the review is complete. When appropriate or necessary, legal counsel is consulted.
- 3.5.15.6. Before making a determination on a vendor protest, the Executive, the Speaker, the Ombudsperson and the chair of the requisitioning committee, and if necessary legal counsel, shall engage in a consultative process to review the available information and evidence. After reviewing the information gathered, the President shall issue a written determination to all involved parties.

### **3.5.16. Vendor Protests**

- 3.5.16.1. The Society is responsible for maintaining a bidding process that is fair and equitable to all interested parties. If a supplier believes the bidding process has been comprised, the bidder is invited to contact the Society for possible investigation according to the parameters outlined below:
- 3.5.16.2. Suppliers must submit a written protest within 5 days of learning information applicable to the protest.
- 3.5.16.3. Once the grievance is filed, the Requisitioner, the Executive and Ombudsperson shall be notified. Collectively, these parties decide if the procurement should continue.
- 3.5.16.4. If the contract is not yet awarded, it may be held until the review is complete, except in circumstances in which delaying awarding the contract would substantially damage the Society and/or its membership.
- 3.5.16.5. For contracts already awarded, the Requisitioner notifies the supplier awarded the bid and if deemed possible and necessary, may be asked to stop or hold the purchase until the review is complete. When appropriate or necessary, legal counsel is consulted.
- 3.5.16.6. Before making a determination on a vendor protest, the Executive, the Speaker, the Ombudsperson and the chair of the requisitioning committee, and if necessary legal counsel, shall engage in a consultative process to review the available information and evidence. After reviewing the information gathered, the President shall issue a written determination to all involved parties.

### **3.5.17. Requirements for Particular Tenders**

#### **3.5.17.1. Accountant/Auditor**

- 3.5.17.1.1. The Finance Committee shall be the requisitioning committee for the Accountant/Auditor contract. The Accountant/Auditor tender must always be conducted through an RFP process. The length of term for the contract shall be for four (4) years with the possibility of an extension for one additional year.
- 3.5.17.1.2. Upon evaluation of the bids, the Finance Committee shall compile a report, recommendation and attendant motion to be submitted to Council for approval.
- 3.5.17.1.3. The report shall include: the recommendation and rationale of the committee, as well as the comparisons between the recommended bids and at least two other bids. The recommendation of the committee is not final, and Council may amend the motion to select one of the other bidders.
- 3.5.17.1.4. When considering the quotation from accountants, the incumbent has an advantage on price, the first audit requires more time than subsequent audits. When selecting the accountant, it is important to consider experience with organizations similar to the Society: non-profit/not-for-profit organizations, memberships of several thousand, a budget in excess of one million dollars.
- 3.5.17.1.5. During the final calendar year of the Accountant/Auditor contract, the committee shall begin preparations for a tendering process for the next contract.
- 3.5.17.1.6. The bid requests shall be send out no later than the first week of October, with a deadline of November 14th, or the business day immediately preceding.
- 3.5.17.1.7. The requisitioning committee shall present its recommendation to Council at the March meeting.

#### **3.5.17.2. Health Plan**

- 3.5.17.2.1. The Health Plan Committee shall be the requisitioning committee for the health plan contract. The health plan tender must always be conducted through an RFP process.
- 3.5.17.2.2. The Society shall not enter into a health plan contract longer than three years, including any options.
- 3.5.17.2.3. At least one bid must be sought from a non-profit/not-for-profit or cooperative provider.
- 3.5.17.2.4. Upon evaluation of the bids, the Health Plan Committee shall compile a report to be presented to Council.
- 3.5.17.2.5. The report shall include an anonymized shortlist of bids and a comparison of the merits and drawbacks of each bid on the shortlist. The shortlist must include bids from at least two (2) vendors and be comprised of 40% of the total number of bids to a maximum of five (5).
- 3.5.17.2.6. Council shall vote to select a bid from the shortlist by instant runoff voting.
- 3.5.17.2.7. During the final calendar year of the health plan contract, the committee shall begin preparations for a tendering process for the next health plan contract.



3.5.17.2.8. The bid requests shall be send out no later than the first week of January, with a deadline the last business day of February.

3.5.17.2.9. The requisitioning committee shall present its recommendation to Council at the March meeting.

**3.5.17.3. Grad Club**

3.5.17.3.1. Procurement for the Grad Club shall follow directives from the Grad Club Committee Policy.

**3.5.17.4. Hand Book**

3.5.17.4.1. The Orientation and Social Committee shall be the requisitioning committee for the handbook printing contract.

3.5.17.4.2. The handbook procurement must always be conducted through an RFQ process.

3.5.17.4.3. At least one (1) bid must be sought from a non-profit/not-for-profit or cooperative source.

3.5.17.4.4. The bid requests shall be sent out no later than the third week of January, with a deadline of February 8th, or the business day immediately preceding.

3.5.17.4.5. The bid should take into consideration time for the handbook editor to access the printer's in-house graphic designer, to allow formatting work on the handbook.

## **Chapter 4**

# **Committee Policies**

Work in progress. More policy documents will appear as they are approved.

## **4.1 Graduate Student Teaching Awards (GTSA) Committee**

**Mandate:** A Standing Committee (Bylaws 9.5) of the Society, the mandate of the Graduate Student Teaching Awards (GSTA) is to advertise the Graduate Student Teaching Awards in the fall and winter academic terms, proceeded by a fair evaluation of nominees and administering of awards.

The Chairperson of the GSTA Committee shall, in collaboration with the Vice President Academic, assemble a document of recommendations for the succeeding Committee to review and consider in tandem with this policy document.

### **4.1.1 Article I: Membership**

The GSTA Committee, in compliance with Bylaws 9.5.3,

- 4.1.1.1. shall have an Official Liaison, who shall be the Vice President Academic, a Chair who shall be known as the Graduate Student Teaching Awards Coordinator and who shall act in compliance with the Duties of the Chairperson (Bylaws 9.2), at least one member from each of the divisions of the School of Graduate and Postdoctoral Studies, and one member appointed by the Graduate Teaching Assistants' Union (GTA Union).

## 4.2 GradCast Editorial Board

**Mandate:** A Standing Committee (Bylaws 2.9.5.9) of the Society, the mandate of the GradCast Editorial Board is to highlight graduate students at the University of Western Ontario in a media context.

This policy is a mandatory list of initiatives that the GradCast Editorial Board must undertake in any given year. Here, the aim is to ensure a successful organization of student guests on the CHRW radio talk show and podcast formally known as GradCast.

### 4.2.1 Article 1: Membership

1. The Gradcast Editorial Board shall:
  - (a) have an Official Liaison, who shall be the Vice-President Academic, in compliance with the Society's bylaw 2.9.3.2
  - (b) have a Chairperson who shall:
    - i. be known as the Managing Editor who shall act in compliance with the Duties of the Chairperson as outlined in the Society's bylaws 2.9.2, and
    - ii. send out reminders to guest one month and one week prior to recording.
  - (c) aim to include at least one member of the Society from each of the four divisions: Arts, Biosciences, Physical Sciences, and Social Sciences.
2. Membership shall be limited to fifteen (15) members, including the Official Liaison and Chair.
3. Positions within the GradCast Editorial Board shall include:
  - (a) A Promotions, Advertisement and Social Media Manager, who will be responsible for actively maintaining a social media presence for GradCast
  - (b) A Recruitment Officer, who will be responsible for actively recruiting students to the show.
  - (c) A Recording Secretary, who will be responsible for keeping and disseminating committee meeting minutes.
4. The Chair position will be reviewed and voted upon each April, with a transition after a second vote in September
5. Meetings are comprised of members of the Editorial Board and, by invitation by the Chair or request by a Committee member only, non-committee members may attend as non-voting guests.
6. Voting can be conducted by email, telephone, or text.
7. Respectful Abandonment: In the case a member of the editorial board does not attend meetings or shows for two (2) consecutive weeks without explanation, an email will be sent

to the member asking for a follow-up. If they do not respond with a reason within another two (2) weeks, the the chair may, at the discretion of the other members of the committee, remove the member from the committee.

#### **4.2.2 GradCast Radio Show and Podcast**

1. The GradCast Editorial Board shall:
  - (a) Advertise for submissions in compliance with bylaw 2.9.5.9.3
  - (b) Provide instructions for contributorsâ€™ episode producer(s), guest(s), and host(s)â€™ compliance with bylaw 2.9.5.9
  - (c) Maintain a schedule of guests on a shared online document
  - (d) Once a term, or as needed, host a recruitment event
  - (e) Endeavor to promote GradCast episodes through all available channels
  - (f) Ensure the quality of each GradCast episode
  - (g) Display the official logo for GradCast on all websites and social media platforms
  - (h) Designate at least one (1) member to complete all mandatory CHRW training
  - (i) Designate a producer for each episode, who shall:
    - i. Be present at the recording session and set up recording equipment
    - ii. Instruct the host(s) and guest(s) on proper recording etiquette
    - iii. Within one week from recording, edit the podcast and include the GradCast jingle to the beginning and end of the episode
    - iv. Upload each episode to Podbean with title, summary, and photo
    - v. Upload each episode to CHRWâ€™s shared folder for the station to air
2. The GradCast radio show and podcast shall aim to:
  - (a) highlight and showcase student research
  - (b) appeal to various audiences including other graduate students, the Western University campus, the general community
  - (c) maintain episodes at approximately 30 minutes in length on a weekly basis or as designated by CHRW
  - (d) maintain at least one (1) pre-recorded podcast episode to maintain a weekly schedule as needed should circumstance arise.
  - (e) be comprised of at least one (1) student guest per episode.
3. The GradCast website shall:
  - (a) be updated on a regular basis to keep up to date with guest appearances,
  - (b) bear the official GradCast logo,
  - (c) aim to include a picture of guests and hosts, along with a brief caption summarizing the topic of the episode.

## **4.3 Orientation and Social Committee**

### **4.3.1 Ratified**

January 14, 2016

### **4.3.2 About**

The Orientation and Social Committee (OSC) is a standing committee of the Society. As per the Society's bylaws, the OSC must: organize and facilitate the Society Fall Orientation, assist the Vice-President Student Services in the creation of content for the Society Graduate Orientation Handbook, host social events, and work in conjunction with the School of Graduate and Postdoctoral Studies and the Grad Club when necessary.

### **4.3.3 Article 1: Membership**

- 4.3.3.1. Members of the Orientation Committee are made up of the Official Liaison (Vice-President Student Services), the Society president, OSC Chair, and members of the Society that are elected to the Committee by the OSC and then ratified by Society council.
- 4.3.3.2. Meetings are comprised of Committee members and, by invitation or request only, non-committee members may attend.
- 4.3.3.3. The OSC Chair is responsible for updating the OSC Chair Transitional Manual at the end of their term, and must submit it for review to the Vice-President Student Services.

### **4.3.4 Article 2: Fall Orientation**

- 4.3.4.1. Members of the committee, in partnership with the Vice-President Student Services, will organize and facilitate the Society Fall Orientation, which usually runs during the third week of September. This will also include partnering with the School of Graduate and Postdoctoral Studies for Graduate Fall Orientation, which usually occurs during the first week of September.
- 4.3.4.2. Members of the committee will assist the VP Student Services in the creation of content for the Society Graduate Orientation Handbook, which will be designed by the Office of Student Experience, and distributed by the School of Graduate and Postdoctoral Studies during their Graduate Fall Orientation.

### **4.3.5 Article 3: Socials and Sports**

- 4.3.5.1. Members of the committee will coordinate social events and may organize sports events, depending on demand, or appoint a volunteer from the membership to oversee specific events.

## 4.4 Health Plan Committee

**Ratified:** March 13, 2018

**Mandate:** As per Bylaw 2.9.4.1, the Health Plan Committee (HPC) is a standing committee of the Society of Graduate Students (SOGS). As per the Society's Bylaws (2.9.5.13), the HPC must: review and recommend changes to the Society's health plan and health plan policies, review health plan bids and contracts, provide shortlists to Council, and work in consultation with the Vice-President Services to help run and promote mental health and wellness initiatives (e.g. Graduate Wellness Week) for graduate students.

## **Chapter 5**

### **Speaker's Rulings**



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# Speaker's Ruling

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## Access to Investigation Minutes

Dear SOGS Council, I have received a multi-part question from a member, but as the questions relate to a single issue, I have addressed them with one ruling. I have divided my ruling into five parts:

- The Question
- Preamble
- Ruling (parts 1-4)
- Recommendations
- Relevant Bylaws

### 1. The Question

- A) Does Bylaw 14 — specifically sections 14.1 and 14.4 (see below) — give a member of the Society to view the minutes of the recent Ad Hoc Investigative Committee (within the restrictions set out in 14.5)?
- B) Were the Non-Disclosure Agreements (NDA) signed by the members of the Investigative Committee and complainants out of order?

### 2. The Bylaws in Question

14.1 All minutes of Council or the Executive, and, where compiled, of committees shall be available to all interested parties, with the exceptions noted below. 14.4 Confidential minutes may be viewed only by full and associate members of the Society.

### 3. Preamble

In November 2012, the SOGS Executive received a complaint about the conduct of a member of the Society. In response, an ad hoc committee was struck — under the guidance of the Speaker — to investigate the complaint, determine its validity, and recommend discipline, if appropriate. As SOGS has no procedures in place to deal with such complaints of discipline, the process was guided by the process laid out in Robert's Rules of Order Newly Revised, 11th Edition (RONR), which stresses confidentiality at all points in the

process. To this end, the members of the committee and the individuals who brought forward complaints all signed NDAs.

As the preamble to Bylaw 14 indicates, the Society is committed to allowing open access to information. As such, even confidential minutes of the Society are made available to members to review. In this case, however, we have minutes which are rendered confidential by a legal document. This tension between the principles of Bylaw 14 and the NDAs signed by those involved in the investigation is the core issue here.

#### 4. **The Ruling**

##### 1. *Summary*

Because the NDAs signed by those involved in the investigation are legal documents, and because the authority of the law exceeds that of the governing documents of SOGS in any situation in which they conflict (#2 below), I rule that members of the Society do not have a right to view the minutes of the investigative committee, as the NDAs in place create a legal requirement that they not be disseminated. I am not, however, able to say for certain that the NDAs are absolutely binding or advise on their legal status. An answer to the question of the exact legal scope of the NDAs, and conditions under which the information protected by these agreements<sup>1</sup> is a matter of legal opinion which is beyond both the authority and capabilities of the Speaker (#3). As such, I recommend that the President seek advice from SOGS legal counsel on this matter. Further, as I can find no language in the Bylaws which would serve to prohibit the use of a Non-Disclosure Agreement to protect certain sensitive information, and due to the importance of being able to protect the rights of both the accused and complainants during any investigation, I rule that the NDAs signed in this case were not out of order (#4). Finally, as the Bylaws are currently silent on the question of how the Society is to determine the truth of any allegations against its members, or how disciplinary actions are to be determined if required, it is my recommendation that an ad hoc committee be struck to review bylaw 19 and draft a policy for investigations and discipline within SOGS, so that we have a clear guide for how to proceed in the future, should any additional complaints of misconduct arise.

##### 2. *Law and Bylaws*

Bylaw 14 makes it clear that all members have a prima facie right to view all minutes from Society meetings, including minutes otherwise considered confidential, but it does not follow from this prima facie right that there are no circumstances under which minutes may be off-limits to a member. While our Bylaws are one of the governing documents of the Society which, along with the Constitution and Policy Document, provide the general structure for the operation of the Society, their authority is not absolute. While the Constitution is the highest authority among the Society's governing documents, any legal requirements ? whether federal, provincial, or municipal ? always take precedence over the Society's rules<sup>2</sup>. Thus, if the

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<sup>1</sup>i.e., the minutes of the committee and details of the investigation

<sup>2</sup>Cf. RONR (11th ed.), p. 3-4: "[T]he actions of any deliberative body are also subject to applicable procedural rules prescribed by local, state, or national law and would be null and void if in violation of such law."

Constitution/Bylaws make one demand while the law makes another, the Society must always take the course of action prescribed by law. The current case is one in which exactly such a tension appears. The bylaws require that Society members be given access to the minutes, but the NDAs require that they be kept confidential, and not subject to such broad access.

3. *Legal Status of the NDAs*

The above is written on the assumption that the NDAs create a legal obligation for the Society which prohibits dissemination of the details of the investigation. Should the NDAs create no such obligation, but rather, for example, only an obligation that the minutes not be posted publicly, then there is no tension between the legal requirement created by the NDAs and the rights granted to members under bylaw 14, and all members of the Society would have the right to view these minutes<sup>3</sup>. Advising on whether or not this is the case is outside the purview of the Speaker, and would require an opinion from legal counsel.

4. *Appropriateness of NDAs*

While Bylaw 14 allows all members of the Society to view even confidential minutes of meetings, this does not mean that an NDA which has the effect of making minutes inaccessible would thereby be out of order. There currently exists no language in the Bylaws or Constitution which prohibits the use of NDAs to protect sensitive information.<sup>4</sup> Further, there exist other methods of keeping sensitive proceedings confidential which are used frequently by the Society and are not considered to be out of order or a violation of Bylaw 14, including moving a session in camera. Thus, due to the combination of the lack of language prohibiting their use, and the permissibility of functionally similar mechanisms in Society proceedings leads me to conclude that the use of NDAs in this case was not impermissible. Separate from this question is the question of whether or not having those involved in the investigation sign NDAs was wise, or the best course of action. Certainly there is good reason to protect the identities and reputations of the accused, the complainants and even the committee members in any such investigation and to have a degree of confidentiality in such cases. NDAs are only one method of doing this, however, and the need for privacy must also be balanced against the Society's general commitment to open access to information. How this balance is to be struck, however, is a foundational question, not an interpretive one, and thus beyond the scope of a Speaker's ruling. How to proceed in such situations in the future must be left to Council.

5. **Recommendations** As mentioned in section III, part 3, the Speaker is unable to comment on the full legal scope of the NDAs. As a result, I recommend that the President discuss these NDAs with legal counsel to determine exactly how they bind the actions of the Society. Further, as mentioned in section II and Section III, part 4, the Society's governing documents do not currently lay out any clear procedures for dealing with complaints of misconduct by a member, or determining appropriate discipline. Bylaw 19 discusses what

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<sup>3</sup>Under the conditions listed in Bylaw 14.5

<sup>4</sup>It is important to note that this does not constitute proof that the NDAs are not out of order, but merely evidence in favour of their not being out of order.

sorts of discipline may be meted out, but not how to go about determining if discipline is warranted in the first place. To resolve this issue I suggest that an ad hoc committee be struck to develop more thorough procedures for the Society to investigate and address member misconduct, and deliver a report containing their recommendations to the Bylaws and Constitution Committee and the Policy committee for vetting and recommendation to Council. During this process, particular attention should be paid to the importance of maintaining confidentiality through the process ? a principle highlighted in the recent changes to the Society's Conflict of Interest policies ? and to balancing this against the Society's commitments to openness.

6. **Relevant Bylaws**

Bylaw 14: Disclosure of Information 14.1 All minutes of Council or the Executive, and, where compiled, of committees shall be available to all interested parties, with the exceptions noted below. 14.4 Confidential minutes may be viewed only by full and associate members of the Society.

Respectfully yours,  
Christopher Shirreff  
Speaker,  
Society of Graduate Students  
sogs.speaker@uwo.ca

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# Speaker's Ruling

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## Alternate Councillors for Unassigned Council Seats

Dear Councillors, A member of the Society has asked me the following question: we allow Alternate Councillors to attend meetings when their regular department representative is unavailable. Do the Bylaws allow for an individual to serve as an Alternate for a vacant department seat? My ruling follows.

The Bylaws do not clearly either allow or prohibit this practice. However, it is not practically possible to abstain from a decision on this matter, as an abstention would practically amount to banning the practice. In absence of clear guidance from the bylaws, I must turn to other principles to decide the matter. In particular, the Society and its policies are structured around encouraging participation and representation wherever possible. In light of this, I have determined that prohibiting interested individuals from filling in for a vacant Council seat ? absent a policy explicitly banning it ? runs contrary to the foundational principles of SOGS. As such, it is my ruling that Councillors may serve as Alternate Councillors for a seat that is currently vacant. The typical rules that apply to ordinary Alternate

Councillors apply in this case as well (i.e., they must be a member of the department they are alternating into, and must submit an alternate form bearing their name/student number/departmental affiliation at the start of the meeting), and count as present for the purposes of quorum and departmental grants. Finally, as I have stressed, this ruling is not based on an interpretation of any particular bylaw since, as stated above, there is nothing in the bylaws which settles this matter either way, but is rather based on my interpretation of the broader principles which govern the Society. As such, I recommend that the BCC consider this issue and draft a proposed amendment to the Bylaws which will either explicitly allow or prohibit this practice.

Respectfully yours,  
Christopher Shirreff

Speaker,  
Society of Graduate Students  
sogs.speaker@uwo.ca

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# Speaker's Ruling

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## Removing Absentee Committee Members from Committees

Dear Councillors,

The President our Society has asked me the following questions and asked for a ruling on them:

1. A committee chair wanted to know what to do in the situation where the committee can't meet quorum, and therefore can't vote on the removal of members who have missed two meetings without assigning a proxy, received a warning, and missed a third meeting.
2. A conversation surrounding the issue of committee members who graduate or move away led those present to wonder if the following course of action would be acceptable:
  - 2.1. An email asking the member if they wish to continue on the committee.
  - 2.2. If no response is received, a second email asking if the member wishes to continue, with something to the effect of "no response will be understood as your resignation from the committee."
  - 2.3. Removal of the member from the committee list following their understood resignation.

### First Question:

The first question has a straight-forward answer. The bylaws as they currently exist do provide 3 non-mutually exclusive remedies for Committee chairs for dealing with absentee committee members in the absence of quorum being established or possible at the committee level: Bylaw 2.9.3.9, Bylaw 2.7 and expiration of 1 year term on the committee.

An option at the disposal of the committee chair is to recruit new members to the committee to such a number that they can

forgo a new quorum and remove the absentee committee members under 2.9.3.9. The speaker interprets the current text of 2.9.3.9 as a simple majority vote once the threshold of absenteeism is achieved.

The other option would be to use the recall provisions under bylaw 2.7. For sake of clarity, the process unfolds as follows:

1. A committee member <sup>5</sup> writes to the Speaker with a recall petition<sup>6</sup> and rational for why a member should be removed from a committee (In this case

<sup>5</sup>most likely the Committee Chair since they are the person most knowledgeable on the attendance record of committee members

<sup>6</sup>For committee members, the petition has no length requirement, and as such is effectively a petition with one name- that of the complainant

<sup>7</sup>Due to timeline requirements in Section 2.7.1.3, the deadline for addressing this in the next council meeting

absenteeism without providing a proxy)<sup>7</sup>

2. Within 2 business days of receiving the petition, the Speaker forwards the rational to the committee member facing recall. The member has 3 business days to respond and have that response included as part of the recall motion in the council mailout<sup>8</sup>.
3. The motion is addresses as part of regular business, and as such must be seconded.<sup>9</sup>
4. Assuming the motion is seconded, the complainant and the seconder motivate the motion, and debate follows.
5. The vote is conducted by roll-call.
6. Provided that the motion takes place before elections, the removed member may re-apply to sit on the committee.

Lastly, a rational behind the introduction of 1 year mandates for committee members a few years ago was to create a passive mechanism for removing absentee committee members from committees.

## Second Question

The second question is subdivided into 3 parts and this speaker's ruling will deal with the question as such.

### Part 1

With regards to the first act, emailing the committee member and asking if they wish to

is the third to last Tuesday of the month.

<sup>8</sup>N.B. The Speaker must under 2.7.1.5. remove any libellous material that goes in the council mail out

<sup>9</sup>While not an explicit requirement, the speaker feels that should the committee member being recalled is not a regular member of council, the Speaker should grant them an invitation to council in order to argue their case.

<sup>10</sup>Alternate Councillors for Unassigned Council Seats, November 2014, Speaker Chris Shirreff

stay on the committee, the speaker sees nothing wrong with this course of action.

### Part 2

With regards to the second the Speaker finds this very problematic, since the end result of this course of action actively assumes that a non-response to a question of continued participation in a committee is equivalent to consenting to resign. Furthermore, as detailed in the first question, there exists alternative mechanisms for removing a member of a committee who commits chronic absenteeism, and does so in a way that does not infringe on their right to consent or not with regards to resigning.

Whilst the Bylaws or Robert's Rules of Order Newly Revised, 11th Edition (RONR) do not clearly either allow or prohibit this practice, I will continue the precedent of my predecessor in their November 2014<sup>10</sup> ruling of using principles to decide the matter.

When faced with two courses of action in which one infringes on a member's right to consent or to refuse consent, the Speaker must side on the course of action that protects member's rights to consent to a course of action. As such, the Speaker rules that the assumption that non-response is equivalent to consenting to resign is not in keeping with SOGS values, and thus should not be allowed to take place in our Society.

### Part 3

This sub-question becomes moot in light of the ruling on previous sub-question.

Respectfully yours,  
Martin R. Lefebvre  
Speaker,  
Society of Graduate Students  
sogs.speaker@uwo.ca  
November 2017



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