

Brock University Students' Union

Constitution

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Article I **Brock University Students' Union, Inc.**

1. The Brock University Students' Union, Inc. shall be an organization composed of full and part time undergraduate students of Brock University.
2. For the purposes of this Constitution and any enactments hereunder, a member of the Corporation shall be any registered undergraduate student who is paying such amounts during the current academic year as are designated to entitle membership according to the *Fees Agreement* between the Brock University Students' Union, Inc. and Brock University.
3. The Business Manager shall be considered a member of the Corporation during the term of his/her appointment as Business manager by the Board or BUSAC (if the Board so designates), without the payment of any fees dues or other assessments.
4. The President, Vice President University Affairs, Vice President Finance and Administration, and Vice President Student Services shall be considered members of the Corporation during their term of office without the payment of any fees dues or other assessments.

Article II **Objects of the Corporation**

1. The objects of the Brock University Students' Union, Inc. are:
 - a) to promote artistic, literary, educational and charitable activities for the advancement of the interests of its members and others;
 - b) to act as a representative of the members of the Corporation in their dealings with Brock University;
 - c) to develop and maintain unity and to encourage cooperation among the said students at the said University;
 - d) to develop and maintain responsible student government which will promote the interests of the said students of the said University as well as serve as a medium of communication between the said students and the representatives of the said University;
 - e) to act as a liaison between the said students and other universities, educational institutions and society as a whole;
 - f) to promote and assist in maintaining good conduct and proper discipline of the said students of the said University in all activities of such students; and

- g) to invest the moneys of the Corporation not immediately required for its objects in any securities in which, under the Trustee Act or any other Act, trustees may invest trust funds.

Article III Interpretation

1. In this Constitution and By-laws and resolutions of the Corporation unless the context otherwise requires:
 - a) the singular includes the plural;
 - b) “Corporation” means the Brock University Students’ Union, Inc.
 - c) “Board” means the Board of Directors of the Corporation;
 - d) “BUSU, Inc.” means the Brock University Students’ Union, Incorporated;
 - e) “BUSAC” means the Brock University Students’ Administrative Council pursuant to article VII of the Constitution;
 - f) “Corporations Act” means the Corporation Act, R.S.O. 1980, Chapter 89, and any statute amending or enacting in substitution therefore, from time to time;
 - g) “Councilor” means a member of the Brock University Students’ Administrative Council;
 - h) “Executive” means the persons who hold the offices enumerated in article VI of the Constitution;
 - i) “Business Manager” means the person hired by the Corporation to manage the business affairs of the Corporation;
 - j) “Referendum” means the submission of a question to the direct vote of the members of the Brock University Students’ Union, Inc.;
 - k) “Student-at-Large” means a member of the Corporation who does not hold an elected or ex-officio position on the BUSAC, Senate or the Board of Trustees of Brock University and does not have a conflict of interest as in accordance with article XIII of the Constitution and as determined by BUSAC;

- l) “B.S.F.” means the Brock Student Foundation; incorporated in December of 1994, this body will serve to oversee the spending and operations of the Capital Fund;
- m) “F.T.E.” means Full Time Equivalent, when referring to undergraduate students, (F.T.E.) is defined as the most current number of total cumulative student credits which are offered in a given year, as can be confirmed by the Brock University Office of the Registrar, divided by five (e.g. If 40,000 credits were offered in a given year, then the F.T.E. for that year would be 8000 students);
- n) “Recall” refers to the process of having a petition presented by a minimum number of members, to call for the removal of an individual from a position;
- o) “Registered student” refers to a student who is registered in, is taking, or has taken at least one ½ credit course in the current academic year (May 1 through to the following April 30).

Article IV Corporate Seal

- 1. The seal which is impressed hereon shall be the corporate seal of the Corporation.

Article V Board of Directors

- 1) As deemed by the Corporations Act, R.S.O., 1980, Chapter 89, the affairs of the Corporation shall be managed by a Board of Directors.
 - a) i) The President, duly elected pursuant to the Bylaws of the Corporation, shall be an ex-officio member of the Board;
 - ii) One of the Vice Presidents shall be a member of the Board upon election by BUSAC;
 - b) Three other Directors of the Corporation shall be elected by and from among the voting members of Brock University Students’ Administrative Council at the said body’s first meeting following the annual election of the members to the Brock University Students’ Administrative Council;
 - c) The two remaining members of the Board shall be comprised of students-at-large, to be elected by the student body, and approved by the Brock University Students’ Administrative Council.

Article VI Officers of the Corporation

1. Officers of the Corporation shall comprise:
 - a) the President;
 - b) the Vice President, University Affairs;
 - c) the Vice President, Finance and Administration;
 - d) the Vice President, Student Services;

which together shall form the “Executive” of the Corporation.

2. Officers of the Corporation shall supervise the Brock University Students’ Union, Inc. by providing direction and leadership pursuant to the Constitution and Bylaws.

Article VII Brock University Students’ Administrative Council

1. There shall exist an Executive Advisory Council to be known and the Brock University Students’ Administrative Council, which shall have such responsibility for the conduct of the work of the Corporation as may be delegated to it by the Board in pursuit of the objects of the Corporation, including authorization of new projects for the Corporation; the preparation of revenue, operating and capital expenditure budgets of the Corporation for approval by the Board; search for evaluation and selection of and appointment of the staff of the Board other than officers; recommendations in respect of appropriate rates of remuneration for the staff; preparation or direction of preparation by the staff of financial, technical project progress and other reports of the operations of the Corporation for review by Councilors and transmission for review and approval by the Board; and authorization of such expenditures as the Board may delegate to the Councilors.
2. The Speaker or his or her designate shall preside over all meetings of the Brock University Students’ Administrative Council.

Article VIII General Meeting

1. A General Meeting of the members of the Corporation shall be held each year after the 1st day of May and before the 15th of October of that same year. A second meeting is to be held after October 15th and before February 15th.
2. Special general meetings may be called by the Board, the President or by the Brock University Students’ Administrative Council through the Speaker, or on the

initiative of two percent (2%) of the members of the Corporation upon the presentation to the Speaker of a petition calling such a meeting. The Speaker must call for a meeting, to be held in accordance with Article VIII sub-section 4 and 5, of receiving such a petition from the members of the Corporation or of receiving such a request from the President or the Brock University Students' Administrative Council.

3. Such a meeting may, upon approval by a majority of the Brock University Students' Union, Inc. members present, make recommendations to the Brock University Administrative Council. Such recommendations shall be binding on the Brock University Students' Administrative Council.
4. Notice of all general and or special general meetings shall be given at least two full weeks (14 days) prior to the date of the meeting. The 14 days shall be calculated by excluding the day on which the notice is given and by including the day of the meeting.
5. Notice shall be given by posting notices, which clearly state the time, place and purpose of the meeting in prominent places throughout the Brock University buildings and grounds, including any student residences. Notice shall also be given in the Brock University Student Newspaper whenever possible.

Article IX Quorum

1. No action taken at a meeting of the Brock University Students' Administrative Council shall be effective unless a quorum consisting of a majority of the voting members of council are present.
2. No action taken at a General Meeting of the Brock University Students' Union, Inc. shall be effective unless a quorum of two percent (2%) of the F.T.E. of the eligible voting members of the Corporation are present.
3. No referendum held by the Brock University Students' Union, Inc. shall be effective unless a quorum of ten percent (10%) of the F.T.E. of the eligible voting members of the Corporation vote.

Article X Elections

1. The Brock University Students' Union, Inc. shall elect each Executive individually, the Student-at-Large members of the Board of Directors, and the members of the Brock University Students' Administrative Council and such others as may be specified by enactments under the authority granted by this Constitution.

2. All members of the Brock University Students' Administrative Council, the Board of Directors and Officers of the Corporation shall hold office for a term of one (1) year with the exception of the Business Manager.
3. The right to vote in the elections and or referenda enacted under the authority granted by this Constitution shall be extended to all members of the Brock University Students' Union, Inc. as defined by Article I sub-sections 2 and 4.

Article XI Recall and Resignation

1. Any member of the Executive is subject to recall by a petition signed by two percent (2%) of the F.T.E. of the current membership of the Corporation.
2. A member of the Brock University Students' Administrative Council but not including the Business Manager, is subject to recall by a petition signed by two percent (2%) of the elected Councilor's constituency as determined in accordance with the Brock University Office of the Registrar.
3. Upon presentation of a petition to the Brock University Students' Administrative Council in compliance with this article, the said body shall call and hold a recall referendum for the President, and/or the Vice President University Affairs, and/or Vice President Finance and Administration, and/or Vice President Student Services and/or Student-at-Large member of the Board of Directors with notice to be given in accordance with Article VIII sub-section 4 and 5.
4. The voting members of BUSAC may, by resolution passed by at least two-thirds (2/3) of the votes cast at a meeting of BUSAC of which notice specifying the intention to pass the resolution has been given, remove any BUSAC Board of Director before the expiration of his or her term of office.
5. A Brock University Student Administration Councilor may be removed by a two thirds (2/3) vote from the Brock University Students' Administrative Council upon presentation of a petition.
6. A member of the Brock University Administrative Council may resign the position of Councilor at any time. The resignation of a Councilor shall be in writing, failing which the Councilor shall be deemed to have resigned on the fifteenth day following the mailing of a notice of resignation from the said body by registered mail from the Brock University Students' Administrative Council to the Councilor.
7. An officer of the Brock University Students' Union, Inc. may resign his or her position at any time. The resignation of an officer shall be in writing, failing which the Officer shall be deemed to have resigned on the fifteenth day following

the mailing of a notice of resignation by registered mail from the Brock University Students' Administrative Council to the Officer.

8. A Councilor or Officer, to whom a notice of resignation has been sent pursuant of Article XII sub-section 5 and 6, may challenge such deemed resignation, by delivering notice of such challenge to the Speaker before the expiry of the fifteen (15) days, after which time the resignation is deemed effective.

Article XII **Vacancies**

1. Upon the recall or resignation of Student-at-Large Board of Director, and/or an Officer of the Corporation, an election shall be held within two weeks of the successful recall or resignation of the position. An election must only be held to fill the vacancy or vacancies if an election can be held before the 1st day of December preceding the next annual election for the said position or positions.
2. A Councilor, Student-at-Large member of the Board of Directors, Vice President University Affairs, Vice President Finance and Administration, and Vice President Student Services elected to fill vacancies due to recall or resignation shall hold office until midnight of the following 30th day of April, or until such person or persons are otherwise disqualified. If the position or positions in question cannot be filled, they shall remain vacant until the next election.
3. By a majority of the votes cast at a meeting, BUSAC may elect another member of the said body to a vacant BUSAC position on the Board of Directors until midnight of the following 30th day of April.
4. So long as quorum of the Board of Directors remains in office, a vacancy on the Board may be filled by the Directors from among the qualified members of BUSAC. This selection must then be ratified by a two-thirds (2/3) affirmative vote by BUSAC. If no quorum of Directors exists, the remaining Directors shall forthwith call a special order meeting of BUSAC to fill the BUSAC vacancies on the Board.
5. Upon the recall or resignation of the President after December 1, one of the Vice Presidents shall, upon recommendation from the Board of Directors and ratification of BUSAC, assume the duties of President until midnight of the following 30th day of April. The vacancy thus created in one of the Vice Presidential positions shall be filled pursuant sub-section one (1) of this article, the position shall be left vacant until the next election.
6. A by-election for vacant seats must be held within one (1) month if quorum for the Brock University Students' Administrative Council meetings is less than ten (10) eligible voting members at any time during the fall and winter terms.

7. If the President, Vice President University Affairs, Vice President Finance and Administration, and Vice President Student Services are all recalled or resign at the same time, the Board of Directors shall assume the duties of the said offices until such time as an election can be held to fill the said positions.

Article XIII Conflict of Interest

1. It is by no means sufficient for those persons holding student office in Canada to act within criminal and corporate laws. There is a further obligation to act in a manner that will bear the closest public scrutiny.
2. Students should resolve any conflict between their official duties and their private interest in favour of the student interest.
3. No member of the Brock University Students' Administrative Council shall vote on motions relating to a club or organization of which they are a member, excluding their faculty association.
4. Brock University Students' Union employees should strive to serve the student interest by upholding both the letter and the spirit of the law. When the law is unclear or permits the exercise of discretion, employees should serve the student interest over any narrow, private, personal or selfish interest.
5. Brock University Students' Union, Inc. employees and office holders shall not, without prior approval of their superior, step out of their official roles to assist private entities or persons in their dealings with the Brock University Students' Union, Inc. where this would result in preferential treatment.
6. Student office holders shall not knowingly take personal advantage of or private benefit from information obtained in the course of their official duties which is not generally available to the general student body.
7. Student office holders may not directly or indirectly use, or allow the use of, Brock University Students' Union, Inc. property of any kind, including property leased to the said body for anything other than normal Brock University Students' Union, Inc. activities.
8. Student office holders should hold no outside office or employment that could place on them demands inconsistent with their official duties or call into question their capacity to perform those duties in an objective manner.
9. Brock University Students' Union, Inc. Executive and Business Manager must report directly to the Brock University Students' Administrative Council any serious actions taken that are not in the best interest of the student body.

10. In the matters relating to personnel issues and or Conflict of Interest, no member of the Board of Directors shall cast a vote which will give or be perceived to give them any personal advantage.
11. Conflicts of Interest shall be decided by the Board of Directors and or the Brock University Students' Administrative Council in accordance with this Article.
12. If a Conflict of Interest has occurred, the Board of Directors and or the Brock University Students' Administrative Council shall decide the appropriate measures that must be taken in order to best remedy the situation.

Article XIV Power to Amend the Constitution

1. Only a referendum shall unconditionally have the power to amend this Constitution, providing that the proposed action does not apply retroactively, and that the proposed amendment is explicitly referred to within the referendum question and that the referendum motion states that such a referendum would be binding.

Article XV Powers Regarding Bylaws

1. The term "Bylaw" shall include all legislation not included in the Constitution.
2. Subject to the provisions of this constitution, the Brock University Students' Administrative Council has the power to enact, amend or rescind Bylaws which:
 - a) establish and administer such clubs, organizations and committees as it may deem necessary from time to time for the effective organization and functioning of student activities and student government.
 - b) establish and administer student publications.
 - c) legislate as to the conduct of nominations and elections for positions on the Brock University Students' Union, Inc. members in violation thereof.
 - d) legislate as to the conduct of nominations and elections for positions on the Brock University Students' Administrative Council and on the executives of clubs established pursuant to this Constitution subject to Article X.
 - e) the Brock University Students' Administrative Council shall have the power to enact, amend or rescind any other Bylaw that it deems necessary to accomplish the objects of the Brock University Students' Union, Inc.

3. A proposed Bylaw change must be presented to the Brock University Students' Administrative Council in the following format:
 - a) the Bylaw as it exists (if any);
 - b) the Bylaw as it will read if passed or amended.
4. The exercise of the powers stated in this Article shall be effective only upon passage by a two thirds (2/3) majority of the voting members present at two consecutive regularly scheduled meetings of the Brock University Students' Administrative Council.

Date

President
Brock University Students' Union, Inc.

Speaker
Brock University Students' Union, Inc.

Witness
Brock University Students' Union, Inc.

Witness
Brock University Students' Union, Inc.