

NOTICE OF MOTIONS TO AMEND THE AUSA CONSTITUTION

JANUARY - APRIL 1996

Revision made by the AUSA Constitution Committee:

Chair: Matthew Jackson

Members: Stuart McKay - AUSA President
Wayne Billson
Cale Laver
Evelyn Stortini
Chuck Nicholson

MOTIONS:

96.02.01.01

WHEREAS there are, at the present time, no policies stated in the AUSA policy manual and,

WHEREAS the introduction states that the policies are "clearly stated" in this manual which can be confusing on interpretation of the policy manual,

BE IT RESOLVED THAT part three of the introduction be amended to read "3) the various policies which may be stated in the Algoma University Student's Association's A.U.S.A. Inc. Policy Manual."

96.02.01.02

WHEREAS By-Law 1 S. 6.2 (filling of vacancies) seems to be unclear in its direction due to the format of the section, and

WHEREAS there exists no provision to remedy vacancies in both the position of President and Vice President at the same time,

BIRT a new section, Section 6.2 (a) be created and read "In the case of a vacancy in the position of President, the Vice-President shall take over the position of President, and position of Vice President shall then be filled as according to Bylaw 1, S. 6.2 (i and ii)."

BIFRT a new section, S. 6.2 (b) be created and read "in the case of vacancies in both the positions of President and Vice-President, an election must be held to elect new representatives to fill the vacancies."

BIFRT the paragraph that reads "In the case of a vacancy in the position of President, the Vice-President shall take over the position of President, and the position of Vice-President shall then be filled as above" be stricken from By-Law 1 S. 6.2.

96.02.01.03

WHEREAS By-Law 1, S. 8.1 (i) is unclear as to the number of meetings a director may miss in order for removal to be motioned or petitioned, and

WHEREAS By-Law 1, S. 8.2 states the specifics for dismissal and qualification for such an action,

BIRT By-Law 1, S. 8.1 (i) be amended to read "if she/he misses three (3) unexcused meetings during one (1) term of office, subject to a decision by the Board".

BIFRT By-Law 1, S. 8.2 be stricken from By-Law 1, S. 8 and all other parts in section 8 be renumbered accordingly.

96.02.01.04

WHEREAS By-Law 1, S. 10.3 is not consistent to the requirements of operation of the Algoma University Student's Association stated in the Introduction of the A.U.S.A. Constitution, by solely stating that it is the duty of the AUSA to "follow the Constitution and By-Laws."

WHEREAS this commitment to regulations should include more than the Constitution and By-Laws, and

WHEREAS the rights and duties of the AUSA Board of Directors should be consistent to the requirements of operation of the Association,

BIRT By-Law 1, S. 10.3 be amended to read "It shall be the duty of the Board to abide by the Constitution, By-Laws, and the policies and motions which are properly approved by the A.U.S.A. Board of Directors.

96.03.03.05

WHEREAS section 9.1 (ii) states that "a petition signed by at least twenty percent (20%) of the student body" may initiate impeachment procedures by means of a general meeting or a referendum of recall and,

WHEREAS enrollment in the spring session courses is less than the fall or winter terms, and

WHEREAS twenty percent of a diminished student population during the spring session would be unjust to the full and part time students who will be attending fall and winter terms the following year and,

WHEREAS spring session students may not be AUC students during the next fall or winter terms,

BE IT RESOLVED THAT section 9.1 (ii) be amended to read "a petition signed by at least twenty percent (20%) of the student body during the period commencing on the first day of the fall term and ending on the last day of the winter term.

BE IT FURTHER RESOLVED THAT a section 9.1 (iii) be added stating that "No such petition (as stated in 9.1 (ii)) will be recognized by the Algoma University Student's Association if initiated after the last day of the winter term and the first day of the fall term.

96.03.03.06

WHEREAS section 9.2 regarding the impeachment process is unclear and leaves much to be misinterpreted,

BIRT the entire section 9.2 be amended to read the following:

9.2 Following the call for a general meeting or referendum of recall as above, the following procedures shall be carried out for a successful impeachment to occur:

i) Official notice of an intended impeachment including specific charges against a director, must be presented to the board in written form, at a meeting of the Board of Directors.

ii) At this meeting of the Board, where official notice of intended impeachment is presented, a date and time must be set for an impeachment hearing to take place. This impeachment hearing must take place within twenty-one (21) days after official notice has been approved by the Board of Directors.

iii) This impeachment hearing shall be open to all members of the Association, unless a majority of the Board and the parties involved in the impeachment agree to hold the impeachment hearing on an in-camera basis. It is at this time that the director, whose impeachment is being sought, is relieved of her/his rights and duties until a decision is reached. If the decision is in the director's favour, her/his rights and duties are then returned immediately following the decision either in S. 9.2 (ix) or S. 9.2 (x).

iv) Notice of the impeachment hearing must be given to the director whose impeachment is being sought 10 days prior to this such hearing.

v) The Ombudsperson must appoint impartial members of the Association to form a committee to preside over and adjudicate the impeachment hearing. The composition and size of this committee shall be no less than (4) members and no more than 8) members not including the Ombudsperson. In the case of a split vote between the members of this committee the Ombudsperson will cast the deciding vote, otherwise he/she shall remain an ex-officio member of the committee. This committee shall be formed no later than three (3) days after the notice in 9.2 (i) has been received by the Board.

vi) This impeachment committee, as well as the director whose impeachment is being sought, are entitled to examine all evidence to be used during the impeachment procedure.

vii) The Director whose impeachment is being sought has the right to be represented at the impeachment hearing.

viii) The Director has the right to give a full answer in defence of herself or himself at the impeachment hearing.

ix) After the hearing has taken place according to Section 9.2 (iv) through 9.2 (viii) the impeachment committee enters into deliberation to decide whether or not to proceed to a referendum of recall or to a general meeting. If the committee decides that there is not a valid reason that the director should be removed or if the committee decides that the impeachment process was not followed correctly according to Section 9.2 , the impeachment process is terminated.

x) If the opinion of the committee is to proceed to a referendum of recall or a general meeting, the Board with the advice of the committee shall set a date for the referendum of recall or general meeting. The date must be no earlier than five (5) days and no later than ten (10) days after the impeachment hearing has ended and shall be advertised accordingly to the members of the Association commencing the day after the hearing.

xi) If an impeachment is successful, written notification of the decision and reasons for impeachment must be delivered to the impeached member within forty-eight (48) hours of the decision.

xii) In the case that it is the Ombudsperson whose impeachment is being sought, she or he shall be relieved of her or his rights and duties as Ombudsperson for the duration of the impeachment proceedings. It is then at the Board's discretion, to appoint an impartial member of the Association to act as chair of the impeachment committee.

96.03.03.07

WHEREAS it should be the responsibility of all directors on the Board to complete year end reports to inform the Association of their accomplishments including, but not limited to, issues they have addressed, conferences they have attended, and the direction the AUSA is headed, and

WHEREAS it is not in the AUSA Constitution that they do this,

BIRT the following clause be added onto the end of each of the director's duties "to complete for the first week in April, a thorough report underlining most, if not all, accomplishments expected in this position."

BIFRT the clauses be numbered accordingly to the directors position.

96.03.03.08

WHEREAS number eleven (xi) of the Vice-President's rights and duties states the old name of the University's student newspaper, and does not give the Editor the power to recruit it's volunteers,

BIRT number eleven be amended to read "to appoint an editor of the Sentinel newspaper and to work with her or him to ensure the aims and objectives are attained in a timely manner."

96.03.03.09

WHEREAS positions where only one person is running for election states that " this person's name shall still be put on the ballot ratification (that is, a Yes or No vote) by the members of the Association." and,

WHEREAS acclamations are often the case when there is an uncontested position,

BIRT By -Law Three (3) S. 1 (xi) be amended to read "If no eligible candidates have come forward to run for a position by the close of nominations, that position shall remain open until a by-election is called or the newly elected Board of Directors appoints a person from the student body. If only one eligible candidate for a position is nominated she/he is acclaimed to the position subject to ratification at the spring General Meeting under By-Law 1 S. 14.2 (i) .

96.03.03.10

WHEREAS By-Law 3 S. 2.1 (ii) regarding petitions for referenda from the Association is similar to By-Law 1 S. (ii) with regards to its inequity towards the students during the fall and winter terms, and

WHEREAS referenda cost a significant amount of time and money to run, and should be done so when the University has the most students enrolled,

BIRT By-Law 3, S. 2.1 (ii) be amended to read "the Board is presented with a petition signed by at least twenty percent (20%) of the active members of the Association requesting that one be held. Petitions must be signed during the period commencing on the first day of the fall term and ending the last day of the winter term.

BIFRT a part (iii) be added to By-Law 3, S. 2.1 stating "No such petition for a referendum (as stated in By-Law 3, S.2.1 (ii)) will be recognized if initiated between the last day of the winter term and the first day of the fall term."