



# the Constitution

of the Students' Society of McGill University

Adopted May 1<sup>st</sup>, 1999  
Amended April 7, 2000  
Amended May 1<sup>st</sup>, 2005  
Amended October 29<sup>th</sup>, 2006  
Amended March 21<sup>st</sup>, 2007  
Amended March 23<sup>rd</sup>, 2010  
Amended April 17<sup>th</sup>, 2012

## Table of Contents

<b>Preamble</b> .....	2
<b>Title I – The Society</b> .....	3
Article 1 – Membership and Fees.....	3
Article 2 – Finances.....	3
<b>Title II – Organization</b> .....	4
<i>Section I – The Society’s Legislative Council</i> .....	4
Article 3 – Functions of Council.....	4
Article 4 – Composition of Council.....	4
Article 5 – Meetings of Council.....	4
<i>Section II – The Executive Committee</i> .....	5
Article 6 – The Committee.....	5
Article 7 – Powers and Duties of Executive Officers.....	6
Article 8 – The General Manager.....	8
<i>Section III – Affiliation Status</i> .....	9
Article 14 – General.....	9
Article 15 – Eligibility.....	9
Article 16 – Services.....	9
Article 17 – Obligations.....	9
Article 18 – Termination.....	9
<i>Section V – Elections</i> .....	10
Article 19 – General.....	10
Article 20 – Electoral Officers.....	10
Article 22 – Eligibility.....	10
Article 23 – Procedures.....	10
Article 24 – Terms of Office.....	11
<i>Section VI – Referenda</i> .....	12
Article 25 – General.....	12
Article 26 – Council-Initiated Referenda.....	12
Article 27 – Student-Initiated Referenda.....	13
<i>Section VII – General Assemblies</i> .....	14
Article 28 – General.....	14
Article 29 – Procedures.....	14
<i>Section VIII – The Judicial Board</i> .....	16
Article 30 – Jurisdiction.....	16
Article 31 – Composition.....	16
Article 32 – Removal.....	17
Article 33 – Standing.....	17
<i>Section IX – Removal from Office</i> .....	18
Article 34 – Procedures.....	18
<i>Section X – Additional Provisions</i> .....	19
Article 35 – Language of the Society.....	19
Article 36 – Freedom of Information.....	19
<b>Title III – The Constitution</b> .....	20
Article 37 – Preamble to the Constitution.....	20
Article 38 – Superseding Clause.....	20
Article 39 – Languages of the Constitution.....	20
Article 40 – Gender.....	20
Article 41 – Amendments to the Constitution and Bylaws.....	20
Article 42 – Coming into Force.....	21

# The Constitution of the Students' Society of McGill University

*In the interest of promoting and protecting the welfare of our peers, we the members of the Students' Society of McGill University, the accredited association of undergraduate students at the downtown campus of McGill University, reaffirm in this Constitution our commitment to service, representation, and leadership.*

## Service

- I The Students' Society shall serve as an umbrella organization to coordinate and support the student groups that make up civic life in the McGill community, while providing services to strengthen the educational, cultural, environmental, political and social conditions of our membership.
- II Made up of all of the undergraduate and professional students of McGill University, the Students' Society shall endeavour to facilitate communication and interaction between all students from all McGill communities.
- III The Students' Society is a central focal point for McGill students and shall provide a wide variety of services to its different constituencies. The Society shall strive to provide excellence and quality of service at all times, and shall continue to enhance the quality and scope of these services.

## Representation

- IV The Students' Society shall act as the official voice of the undergraduate and professional students of McGill and as a liaison between them and the university.
- V The Students' Society shall act in the best interests of its membership as a whole. This does not preclude a Faculty or School Society from acting in the best interests of its members.

## Leadership

- VI All Students' Society endeavours shall be undertaken with full respect for human dignity and bodily sovereignty and without discrimination on the basis of irrelevant personal characteristics that include but are not limited to race, national or ethnic origin, colour, religion, sex, gender identification, age, mental or physical disability, language, sexual orientation or social class.
- VII The Students' Society commits to demonstrating leadership in matters of human rights, social justice and environmental protection. The Society shall be mindful of the direct and indirect effects corporations, businesses and organizations have on their social, political, economic, and environmental surroundings.
- VIII The Students' Society commits itself to groups, programs and activities that are devoted to the well-being of a group disadvantaged because of irrelevant personal characteristics that include but are not limited to race, national or ethnic origin, colour, religion, sex, gender identification, age, mental or physical disability, sexual orientation or social class

## TITLE I – THE SOCIETY

### Article 1 – Membership and Fees

- 1.1 All students registered at McGill University shall be members of the Society except:
- students registered in the Faculty of Agricultural and Environmental Sciences;
  - students registered at the Centre for Continuing Education;
  - students registered in graduate programs;
  - students who are also full-time members of the teaching staff.
- 1.2 All members shall pay the full Society fee, except:
- full-time students registered in “B” faculties, who shall be defined as students registered in the Faculties of Religious Studies, Law, Dentistry, students registered in the School of Architecture pursuing a B. Arch. degree and Medicine (except those students registered in the School of Nursing and Physical and Occupational Therapy), who shall pay seventy-two percent (72%) of the Society fee;
  - part-time students registered in the Faculties of Arts, Music, Management, Engineering, Education, Science, the Schools of Social Work, Physical and Occupational Therapy and Nursing, who shall pay fifty percent (50%) of the Society fee;
  - part-time students registered in “B” faculties, who shall pay thirty-six percent (36%) of the Society fee.
- 1.3 Non-resident students shall not pay the Society fee.
- 1.4 The base Society fee may only be modified through referendum. Once modified, the base Society fee cannot be modified for a period of twelve calendar months.
- 1.5 Ancillary fees may only be modified through referendum. Each ancillary fee may be raised only once every three (3) years.

### Article 2 – Finances

- 2.1 The financial year of the Society shall be from the first (1st) of June to the thirty-first (31st) of May of the following year.
- 2.2 The financial statements of the Society shall be published annually, no later than the fifteenth (15th) of November of each year, in a Society publication, or any other campus newspaper, and shall be made available at the main office of the Society.
- 2.3 The Society shall not operate at a deficit.

## TITLE II – ORGANIZATION

### *Section I – The Society's Legislative Council*

#### Article 3 – Functions of Council

- 3.1 The governing body of the Society shall be known as the Legislative Council (hereinafter, Council) and shall be empowered to make all decisions and take all actions on behalf of the Society.

#### Article 4 – Composition of Council

- 4.1 Council shall be composed of the following:
- the executive officers as described in Section II of this Title elected in accordance with this Constitution and Bylaws;
  - one (1) councillor elected by and from each Faculty or School, if that School is not already represented by a faculty-level student association, for every two thousand students (2,000) or part thereof to a maximum of four (4) councillors in accordance with the procedures set out by that constituency;
  - one (1) councilor elected by and from students in the Interfaculty of Arts and Science;
  - three (3) councillors elected by and from the Society's activities, clubs and functional groups in accordance with this Constitution and Bylaws;
  - three (3) councillors elected by and from the undergraduate student members of the Senate, excluding the President and Vice-President (University Affairs), in accordance with this Constitution and Bylaws;
  - one (1) councillor elected by and from students living in McGill residences in accordance with the procedures set out by that constituency;
  - one (1) councillor elected by and from the Students' Athletics Council in accordance with the procedures set out by that constituency;
  - one (1) councilor from the SSMU First Year Council in accordance with the procedures set out by that constituency;
  - the Speakers (non-voting) chosen in accordance with this Constitution and Bylaws;
  - the General Manager of the Society (ex-officio, non-voting);
  - the Recording Secretary of the Society (non-voting).
- 4.2 No member of the Society may hold more than one position on Council.

#### Article 5 – Meetings of Council

- 5.1 Meetings of Council shall be conducted according to the most recently published official version of Robert's Rules of Order as at the first (1<sup>st</sup>) of September of the academic year.

- 5.2 Meetings of Council shall be held at the call of the President, or at the call of the Speaker upon receipt of a petition with the signatures of at least eight (8) councillors presented to the Speaker of Council at least seven (7) days in advance of the meeting date.
- 5.3 The Quorum for Council shall be one member more than fifty per cent (50%) of Council's members.

## *Section II – The Executive Committee*

### **Article 6 – The Committee**

- 6.1 There shall be a body of the Society called the Executive Committee, which shall govern the Society between meetings of Council, in a manner not inconsistent with policies set out by Council.
- 6.2 The Executive Committee shall be composed of the following Executive Officers:
- President;
  - Vice-President (Clubs and Services);
  - Vice-President (Internal);
  - Vice-President (External Affairs);
  - Vice-President (Finance and Operations);
  - Vice-President (University Affairs).
- 6.3 The General Manager of the Society shall be a non-voting member of the Executive Committee.
- 6.4 The Executive Committee shall be chaired by the President of the Society, or his or her delegate on the Executive Committee.
- 6.5 Quorum for a meeting of the Executive Committee shall be four (4) Executive Officers. Only voting members of the Executive Committee shall be counted for purposes of quorum.
- 6.6 The Executive Committee shall have all the powers of Council between meetings of Council except that it shall not:
- amend this Constitution;
  - select or remove the General Manager of the Society;
  - enter the Society into any financial arrangement with an organization autonomous of the Society which binds the Society for a period of greater than twelve (12) months prior to receiving the approval of Council;
  - amend any Bylaws relating to Council voting procedures.

- 6.7 The Executive Committee shall submit for ratification to each regular meeting of Council a report of all matters upon which it has acted since the previous meeting of Council.
- 6.8 For the period of the first (1<sup>st</sup>) of May to the thirty-first (31<sup>st</sup>) of May, the executive officers-elect shall be non-voting members of the Executive Committee.
- 6.9 All members of the Executive Committee, once elected, shall undertake to acquire a functional knowledge of both official languages.

## Article 7 – Powers and Duties of Executive Officers

- 7.1 Executive officers must remain members of the Society throughout their term of office.
- 7.2 The duties of the **President** shall be:
- to be the chief officer of the Society;
  - to ensure the long term integrity of the Society;
  - to be the spokesperson for the Society in a manner not inconsistent with policies set out by Council;
  - to enforce the Constitution and Bylaws of the Society;
  - to chair and coordinate the activities of the Executive Committee;
  - to call meetings of and set the agenda for Council;
  - to coordinate relations between the Society and the administration of McGill University;
  - to represent the members of the Society on the University Senate and Board of Governors;
  - to develop external policies in cooperation with the Vice-President (External Affairs);
  - to manage the Society's human resources in cooperation with the General Manager;
  - to coordinate the Society's relations with Faculty and School student associations;
  - to reside in the Montreal area throughout the term of office.
- 7.3 The duties of the **Vice-President (Clubs and Services)** shall be:
- to manage relations between the Society and its clubs, services, and publications;
  - to communicate the policies and procedures of the Society, financial and otherwise, to the clubs, services, and publications;
  - to meet with the officers of the Society's clubs, services, and publications to discuss their budget submissions;
  - to provide activities, events, and support services to enhance the well-being of the Society's clubs, services, and publications;
  - to maintain relations between the Society and independent student groups (not including faculty associations);

- to manage the use of the William Shatner University Centre in cooperation with the General Manager;
- to coordinate the physical development of the William Shatner University Centre;
- to reside in the Montreal area throughout the term of office.

- 7.4 The duties of the **Vice-President (Internal)** shall be:
- to ensure a good rapport between the Society and its membership;
  - to coordinate the Society's relations with Faculty, School and other student associations, and to facilitate communication amongst these groups;
  - to coordinate and oversee the programming of activities and events of the Society in a manner not inconsistent with policies set out from time to time by Council;
  - to reside in the Montreal area throughout the term of office.
- 7.5 The duties of the **Vice-President (External Affairs)** shall be:
- to represent the Society and communicate positions and policies taken by the Society to external bodies and agencies;
  - to lobby federal, provincial, and municipal governments to further the objectives, goals and policies of the Society;
  - to develop policies and initiatives in the off-campus McGill community;
  - to communicate to Council relevant external issues which may significantly affect McGill University or its students;
  - to attend meetings of relevant local, provincial, national or international student groups;
  - to develop external policies in cooperation with the President;
  - to reside in the Montreal area throughout the term of office.
- 7.6 The duties of the **Vice-President (Finance and Operations)** shall be:
- to ensure the long-term financial stability of the Society in cooperation with the General Manager;
  - to provide the Executive Committee and Council with regular reports on the financial status of the Society;
  - to develop the annual budget of the Society in a manner not inconsistent with policies and priorities set out by the Executive Committee and Council;
  - to ensure that no individual or group disburses Society funds without authorization;
  - to oversee the management of the Society's business operations;
  - to manage any Society group assurance plan duly approved by the membership, in a manner not inconsistent with the policies set out by Council;
  - to reside in the Montreal area throughout the term of office.
- 7.7 The duties of the **Vice-President (University Affairs)** shall be:
- to coordinate the activities of the Senate Caucus;
  - to ensure communication between Council, student Senators, and all student members of University committees;



- to maintain relations between the Society and all levels of government at McGill University;
  - to represent the members of the Society on the University Senate;
  - to attend, or to appoint and advise student representatives to, committees and subcommittees of Senate;
  - to coordinate Society representation on University selection committees for Deans and Directors of Faculties and Schools, senior administrators and University representatives;
  - to reside in the Montreal area throughout the term of office.
- 7.8 In the event of resignation, removal, or extended inability to act of the President of the Society, the Vice-President (University Affairs) shall assume the duties of the President until a by-election, if necessary, can be held in accordance with this Constitution and Bylaws, or until the President regains the ability to act.
- 7.9 In the event of resignation, removal, or permanent inability to act of the President of the Society occurring in the first half of her mandate, a by-election shall be held at the earliest possible occasion in accordance with this Constitution and Bylaws. If occurring in the second half of her mandate, Council shall determine whether a by-election is necessary.
- 7.10 In the event of resignation, removal, or extended inability to act of any Vice-President of the Society, Council shall elect a replacement from amongst its members to serve out the remainder of the term, or until the Vice-President regains the ability to act.

## Article 8 – The General Manager

- 8.1 The duties of the General Manager shall be:
- to be a non-voting member of the Executive Committee;
  - to assist the Executive Committee and Council in the implementation of their decisions;
  - to assist the Executives, where possible, in the performance of their duties;
  - to provide input on long-term planning and administrative continuity;
  - to ensure the long-term financial stability of the Society in cooperation with the Vice-President (Finance and Operations);
  - to manage the Society's human resources in cooperation with the President;
  - to manage the University Centre in cooperation with the Vice-President (Clubs and Services);
  - to oversee the management of technology within the Society;
  - to make emergency decisions when necessary, to be ratified at the next meeting of the Executive Committee;
  - to act in accordance with this Constitution and Bylaws.

## Section IV – Affiliation Status

### Article 15 – General

- 15.1 The Society shall make available certain administrative services for student associations at McGill, such as faculty and departmental associations, that meet the conditions set out forthwith.
- 15.2 Those associations receiving said services shall be said to have Affiliation Status. An association with Affiliation Status shall be termed an Affiliated Association.

### Article 16 – Eligibility

- 16.1 Only those student associations which are defined by academic units of McGill and whose members are members of the Society are eligible for Affiliation Status.
- 16.2 An association shall be considered to be seeking Affiliation Status upon having made a decision to do so at the appropriate decision-making body of that association.
- 16.3 Legislative Council shall have final approval of an application for Affiliation Status.

### Article 17 – Services

- 17.1 Affiliated Associations shall have insurance, accounting, and administrative services made available to them by the Society. The Society shall also undertake agreements with the Royal Institute for the Advancement of Learning (RIAL) on behalf of Affiliated Associations. The Society may choose to offer other services as it sees fit.
- 17.2 The nature and terms of these services shall be defined as per a contract between the association and the Society.

### Article 18 – Obligations

- 18.1 All Affiliated Association activities that are conducted through Society services shall be considered endeavors of the Society and shall be subject to this constitution, notably the preamble.
- 18.2 Affiliated Associations shall follow relevant procedures as set out by the Society from time to time. Society-association contracts shall take precedence over Society procedures.

### Article 19 – Termination

- 19.1 An association shall no longer be considered to have Affiliation Status when either the Legislative Council of the Society, or the relevant body of the association so decides. The Society-association contract shall take precedence over such a decision.

## ***Section V – Elections***

### **Article 20 – General**

- 20.1 Elections and referenda shall be conducted in accordance with this Constitution and Bylaws.
- 20.2 Elections are passed by plurality and referenda shall be passed by simple majority.

### **Article 21 – Electoral Officers**

- 21.1 The Chief Electoral Officer (hereinafter referred to as the CEO), appointed by the Society, shall be responsible for the general conduct and execution of elections and referenda and shall fulfill these duties with all due diligence and impartiality.
- 21.2 A decision by the CEO concerning the interpretation of articles in this Constitution and Bylaws regarding elections and referenda shall be considered binding, subject only to appeal to the Judicial Board.
- 21.3 The CEO shall appoint, subject to Council's approval, a Deputy Chief Electoral Officer (hereinafter referred to as the DCEO).

### **Article 22 – Eligibility**

- 22.1 All members of the Society in satisfactory standing, as determined by McGill University, shall be eligible to stand for election to Council and the Senate of McGill University.
- 22.2 All elected individuals must remain members of the Society throughout their mandate.
- 22.3 All individuals wishing to stand for election shall provide reasonable assurance to the CEO of their ability to remain members of the Society throughout the term of the office for which they wish to stand.

### **Article 23 – Procedures**

- 23.1 The executive officers of the Society shall be elected by and from amongst the membership of the Society in a general election normally held by the fifteenth (15th) of March of each year.
- 23.2 The election of councillors enumerated in Article 4.1 shall be held in accordance with the procedures outlined by their respective constituencies.

## Article 24 – Terms of Office

- 24.1 All elected officers, councillors, and student representatives hold office from the first (1st) of May of the year in which they are elected, to the thirty-first (31<sup>st</sup>) of May of the following year, or until their successors are elected (whichever comes later), with the exception of Undergraduate Student Senators, who shall hold office from the first (1st) of September in the year in which they were elected, to the thirty-first (31st) of August of the following year, or until their successors are elected (whichever comes later).
- 24.2 The Executive Officers shall undergo a one (1) month (May 1<sup>st</sup> to May 31<sup>st</sup>) period of training, during which time they shall be entitled to sit, with voice but no vote, on all Society committees on which their incumbents sit.

## *Section VI – Referenda*

### **Article 25 – General**

- 25.1 Referenda may be initiated by Council or by students.
- 25.2 Each referendum question shall deal with one, and only one, issue.
- 25.3 The CEO shall ensure that referendum questions are clear, concise and do not violate this Constitution and Bylaws (unless they are proposed amendments to this Constitution or Bylaws).
- 25.4 Referenda are regularly held during the periods from the fifteenth (15th) of February to the fifteenth (15th) of March and from the fifteenth (15th) of October to the fifteenth (15th) of November. Council may define exceptional referendum periods by a two-thirds (2/3) majority vote.
- 25.5 Referenda to raise ancillary fees or create new ancillary fees shall be held in the Fall referendum period except in the case of council-initiated exceptional referendum periods as per article 25.4.
- 25.6 Any dispute or uncertainty arising from the CEO's interpretation of a referendum question shall be referred to Judicial Board for resolution.
- 25.7 Quorum for all referenda shall be fifteen percent (15%) of the membership of the Society.

### **Article 26 – Council-Initiated Referenda**

- 26.1 Any motion to place a question before the Society through a referendum question must be presented as a written motion and signed by at least four (4) councillors and distributed to all councillors at a meeting of Council. The motion shall then be inscribed on the agenda of the next meeting of Council at which time it will be discussed and voted upon. If passed, it will be put to the Society during the following referendum period.
- 26.2 The wording of a referendum question must be approved by Council twenty-one (21) days prior to the opening of polls.

### **Article 27 – Student-Initiated Referenda**

- 27.1 Any member of the Society may initiate a referendum by presenting a question to the CRO who shall indicate to the member within twenty-four (24) hours whether the proposed question respects the requirements of Article 25.3. The member must then

collect on a petition, clearly stating the referendum question at the top of each page, the signatures of five hundred (500) society members from at least seven (7) different Faculties or Schools, with not more than thirty percent (30%) from any one Faculty or School. All signatures shall be collected in the academic year in which the referendum is to be held.

- 27.2 The member shall submit the completed petition of signatures to the CEO at least twenty-one (21) days prior to the opening of advanced polls.
- 27.3 Student-initiated referenda may not alter the composition of the Society's staff or the membership fees or other financial matters of the Society.

## Section VII – General Assemblies

### Article 28 – General

28.1 A general assembly may establish, amend or rescind any policy of the society except:

- This constitution;
- Membership fees or other financial matters of the society;
- The composition of the society's staff
- Policies on matters external to the Society's regular activities.

28.2 Exceptionally, a policy on a matter external to the Society's regular activities may be adopted at a General Assembly if the following conditions are met:

- Quorum for these resolutions shall be five hundred (500)
- 2/3 of the General Assembly votes to debate the resolution
- The resolution passes with a simple majority

### Article 29 – Procedures

29.1 The speaker of council shall call a general assembly if requested to do so in writing by no fewer than four (4) councilors or one hundred (100) members of the society from at least four (4) different faculties or schools with no more than fifty percent (50%) being from any one faculty or school.

29.2 The Speaker of Council shall call a Regular General Assembly to be held once per each fall and winter semester: Items on the agenda shall be submitted in writing to the Speaker of Council two weeks before the date of the Regular General Assembly, either by no fewer than four (4) councilors or one hundred (100) members of the Society from at least four (4) different Faculties or Schools without more than fifty percent (50%) being from any one Faculty or School.

29.3 The office of the President in conjunction with the executive and the speaker shall be responsible for the wide scale promotion of the General Assembly, including but not exclusive to: emails, website promotions, publicity in the campus press as well as posting. The SSMU executive will use all means at their disposal to meet quorum for this body. The executive shall make every effort to actively advertise the assembly in the campus media.

29.4 Quorum for a regular general assembly shall be one hundred members of the society from at least four (4) different faculties or schools. A maximum of fifty (50) members from a particular faculty or school are counted for purposes of quorum.

29.5 Quorum for a strike general assembly shall be five hundred (500) members of the society from at least four (4) different faculties or schools. A maximum of two hundred and fifty (250) members from a particular faculty or school shall be counted for purposes of quorum.

29.6 General Assemblies shall be chaired by the speaker of council and governed by Roberts Rules of Order and any special rules of procedure established by council.

29.7 All resolutions passed at the General Assembly must be submitted to an online vote for ratification overseen by the Chief Electoral Officer.

29.8 Quorum for all General Assembly ratifications shall be ten percent (10%) of the membership of the Society.



## *Section VIII – Judicial Board*

### **Article 30 – Jurisdiction**

- 30.1 There shall be a body entitled the Judicial Board which shall have authority to adjudicate on matters of:
- the interpretation of the Constitution and Bylaws of the Society;
  - the interpretation and legality of all motions passed by Council;
  - the interpretation and legality of all procedures, questions and results of all referenda and elections;
  - the interpretation and legality of the constitutions of all Society activities, clubs and functional groups;
  - the interpretation and legality of any other groups as requested.
- 30.2 The Judicial Board shall follow principles of natural justice, including equity and good conscience. The Judicial Board may establish its own rules of practice, subject to ratification by the Legislative Council, and must file such rules with the General Manager and make such rules publicly available to all members of the Society.
- 30.3 The Judicial Board may recommend rulings to the Legislative Council with respect to the following matters:
- to declare invalid any act of Council, the Executive Committee or the General Manager which violates this Constitution and Bylaws;
  - to declare invalid any act of a Society activity, club or functional group which violates this Constitution and Bylaws or its own constitution;
  - to declare invalid any referendum or election that violates this Constitution and Bylaws;
  - to order the placing of a referendum question on a ballot in cases of undue procedural delay.
- 30.4 Rulings of the Judicial Board do not have the effect of binding judgment until ratified by the Board of Directors. Every final written decision of the Judicial Board must be presented to the Board of Directors by the Judicial Board within two (2) weeks of said decision, accompanied by any preliminary decisions rendered, at the request of either party to the proceedings or as the result of a motion that the Judicial Board heard. As a general rule, decisions of the Judicial Board shall be considered final and shall be ratified by the Board of Directors. Notwithstanding the above, the Board of Directors remains the final authority of the Society and may, at its discretion or at the request of a party to the proceedings:
- receive a written appeal of the final decision if the appeal, complete with all relevant documentation, is filed with the Chair of the Board of Directors no more than seven (7) days after the final written reasons are released by the Judicial Board. Preliminary decisions may be considered in the context of an appeal of the final decision, but may not be appealed independently or before the final decision has been released by the Judicial Board;

- After reviewing the decision in its entirety and considering such an appeal, the Board of Directors may either 1) ratify the original Judicial Board decision by a simple majority vote; or 2) send the decision back to the Judicial Board, along with the appeal and the Board of Directors' written rationale, for further consideration by a simple majority vote, to which the Judicial Board must issue a response either upholding their original decision or presenting a new decision for consideration by the Board of Directors within twenty-one (21) days; or 3) overturn the decision of the Judicial Board by a 4/5 majority vote, if it concludes, that the decision of the Judicial Board was manifestly unreasonable or was motivated by discrimination as understood under Section 10 of the Quebec Charter of Human Rights and Freedoms. Where the Board of Directors overturns the Judicial Board's decision, such decision will be considered of no further effect and will not be subject to further appeal.
- 30.5 The Judicial Board shall provide written reasons for its decisions within thirty (30) days of the hearing in question.

## Article 31 – Composition

- 31.1 The Judicial Board shall consist of five (5) members of the Society who have completed at least four (4) full-time semesters in the Faculty of Law, or equivalent, and two (2) other members of the Society, appointed by the Nominating Committee, who shall serve a term of one (1) year, or until their successors are appointed (whichever is later).
- 31.2 No member of Council, or of any faculty-level student association council, past or present, may sit as a member of the Judicial Board.
- 31.3 The Judicial Board shall not sit with fewer than three (3) members, of whom the majority must be members who have completed four (4) full-time semesters in the Faculty of Law, or equivalent.

## Article 32 – Removal

- 32.1 A member of the Judicial Board may be removed only for non-performance of functions. A motion for removal from Judicial Board must obtain a two-thirds (2/3) majority vote of Council.

## Article 33 – Standing

- 33.1 Every member of the Society shall have the right to petition the Judicial Board on matters falling within its authority.

## *Section VIII – Removal from Office*

### **Article 34 – Procedures**

- 34.1 Any Executive Officer of the Society, the General Manager, councillors, the representative to the Board of Governors, and the Undergraduate Student Senators may be removed from office for impropriety, violation of the provisions of this Constitution or its Bylaws, delinquency of duties or misappropriation of Society funds. Councillors may also be removed from office according to the procedures enunciated by their constituencies. A person against whom a motion to remove is directed shall be afforded the opportunity to respond to the allegations made.
- 34.2 A motion to remove an Executive Officer or the General Manager must be signed by at least eight (8) councilors or two hundred (200) members of the Society, and distributed to all members of Council. The motion shall then be inscribed on the agenda of the next regular meeting of Council.
- 34.3 A motion to remove an Undergraduate Student Senator or a councillor (except the Speaker) must be constituted by a petition signed by at least eight (8) councilors or two hundred (200) members or fifty percent (50%) of the relevant constituency (whichever is less), and distributed to all members of Council. The motion shall then be inscribed on the agenda of the next regular meeting of Council.
- 34.4 Quorum for a motion to remove shall be two-thirds (2/3) of the members of Council.
- 34.5 Passage of a motion to remove shall require a two-thirds (2/3) majority vote of Council.
- 34.6 Anyone removed from office shall have the right to appeal to the Judicial Board.

## *Section IX – Additional Provisions*

### **Article 35 – Language of the Society**

- 35.1 English and French are the official languages of the Society.
- 35.2 Members of the Society may use either official language at all meetings and in all documentation of the Society.

### **Article 36 – Freedom of Information**

- 36.1 All minutes and documents of Council shall be public documents, except for minutes and documents of confidential sessions.
- 36.2 Minutes and documents of the Executive Committee shall remain confidential until the end of that Committee's mandate unless otherwise released.
- 36.3 The President shall not be obliged to release to the public information, documents or minutes concerning ideas, actions or motions which were not acted upon.
- 36.4 Any member of the Society who feels unjustly treated with respect to this policy may appeal to the Judicial Board.

## TITLE III – THE CONSTITUTION

### Article 37 – Preamble to the Constitution

37.1 The Preamble shall form an integral part of this Constitution.

### Article 38 – Superseding Clause

38.1 This Constitution supersedes and repeals all previous Constitutions of the Society.

### Article 39 – Languages of the Constitution

39.1 The Constitution and Bylaws of the Society shall be made available in English and French.

39.2 Both texts are equally authoritative.

### Article 40 – Gender

40.1 Without discrimination, for the sole purpose of simplifying the text of this Constitution and its Bylaws, feminine forms are employed in the French version.

### Article 41 – Amendments to the Constitution and Bylaws

41.1 This Constitution may only be amended by referendum in accordance with Section V.

41.2 Motions from Council initiating a referendum for a constitutional amendment must be passed by a two-thirds (2/3) majority vote. Quorum for these motions shall be two-thirds (2/3) of the eligible voting members of Council.

41.3 The Bylaws of this Constitution may be amended by referendum or by a majority vote of Council. Quorum for such amendments shall be two-thirds (2/3) of the eligible voting members of Council.

41.4 The existing wording as well as the proposed constitutional or bylaw amendment shall be provided at every polling station.

41.5 All amendments to this Constitution shall be adopted in both official languages.

41.6 All amendments to the Bylaws shall be adopted in either official language of the Society, and subsequently translated within ten (10) working days under the direction

of the General Manager. Any amendment shall only take effect once it has been made available to the public in both official languages of the Society.

## Article 42 – Coming into Force

- 42.1 This Constitution and Bylaws shall come into force the first (1<sup>st</sup>) of May, 1999.
- 42.2 All such steps as may be necessary to effectuate this Constitution on the first (1<sup>st</sup>) of May, 1999 shall be taken upon approval by referendum, including but not limited to elections, referenda, and nomination procedures.
- 42.3 This Constitution shall come into force subject to the adoption by Council of the Bylaws with the view to satisfying the requirements of this Constitution.