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# **Constitution**

## **Preamble**

New College, established as the ninth college on July 1, 2009; it is an integral part of the York University College system. New College seeks to offer opportunities for all of its members to develop through active participation. The students of New College formed the New College Council; this Constitution has been documented to demonstrate the commitment to a democratic and responsible student government.

This Student Council commits to providing opportunities for all of its members to participate in organizing and implementing clubs, athletics, social events, political and governing activities, and other events in keeping with the educational and socialization purpose of New College. To promote a united front to advance interests of students, share information, develop a student community; while respecting York University's multicultural identity; and facilitate an active role for its members; the students of New College do hereby establish this constitution to govern the affairs of the New College Council. To these ends, the members of New College, which include the students, faculty, fellows, alumni, and staff, may participate. New College Council is responsible and accountable to all New College members and shall provide a forum for each member of the New Community to have an equal opportunity to express her/his views.

## **Article 1: Name, Head Office**

### **Name**

The official name of this organization shall be "New College Council," hereinafter referred to as the "Council" or the acronym "NCC."

### **Head Office**

The head office of the Council will be located within the Atkinson building and at such locations, the Executives may determine as from time to time.

## **Article 2: Mission Statement**

The Council exists for performing the following:

1. To effectively represent our members and their interest by advocating and liaising both with New College and York University administration in all matters affecting students;
2. To enrich the lives and educational experience of the students affiliated with New College through academic, cultural, recreational, social, and artistic programming;
3. To ensure the effective use and distribution of resources of the New College Council;
4. To promote and safeguard the right of all the individual students regardless of age, gender, race, nationality, ancestry, citizenship, marital status, illness or results from medical tests, sexual orientation or preference, place of residence, school of thought, beliefs, religious affiliations or activities, criminal record, any physical/mental handicap or invalidity, while further promoting and encouraging social consciousness;
5. To encourage and advocate for academic and intellectual pursuits within the New College community;
6. To organize students on a democratic and cooperative basis with the framework in which students can communicate and exchange information;
7. To assist the university in organizing its resources in support of student learning;
8. To hold the university accountable to its obligations and responsibilities as outlined in the York University Act, 1965, and its various public statements of purpose, goals, and objectives.

## **Article 3: Definitions**

In this Constitution, its Bylaws, and any and all other official documents of the Council;

“AD HOC Committee” shall mean a temporary sub-committee of the Council, and

“Council” shall mean the members of the Council who are elected or hired to run everyday operations; and

“By-Law” shall mean any By-law of the Council; and

“Club(s)” shall mean any student organization or association recognized by the Council, and

“Council” shall mean the New College Council; and

“CRO” shall mean the Chief Returning Officer of the Council; and

“Executive Member” shall mean a member of the Executive Committee of the Council; and “Executives” shall mean the Executive Committee of the Council, as set out in by-law 2.2; and

“Ex-Officio member” shall mean a non-voting member of the Council; and

“Honoraria” shall mean the financial remuneration as recognition of dedication toward Council activities; and

“Impeachment” shall mean the removal of an individual from office and the complete forfeit of their possible honoraria; and

“Member(s)” or “Constituency” shall mean a member of the New College Community; and “Officer” shall mean any person appointed by the Council, and “Properties” shall mean all properties and business of the Council; and

“Quorum” shall mean a minimum number of Council members who are elected that must be present, as set out in **Article 12 c**; and

“Speaker” shall mean the person appointed to Speaker; and

“Standing Committee” shall mean a permanent sub-committee of the Council, as set out in by-law 2.1; and

“Student” shall mean those who are registered as either full-time or part-time undergraduates at the University; and

“Term” shall mean the period of time that a Council member is appointed or elected to their position; and

“University” shall mean York University, otherwise specified.

“Valid Excuse” shall, for the purpose of **Article 9.6** and otherwise, be determined by the Council as deemed appropriate.

#### **Article 4: Interpretation**

The Council shall be the sole authority for the interpretation of the Constitution and all By-Laws. The Speaker of the Council shall be the final say for the interpretation of the

constitution and by-laws. The Council shall, however, make all determinations of construction and interpretation with due regard to the following, whichever is directly applicable in given circumstances:

1. Interpretations, if any, set out in the most current edition of Robert's Rules of Order (Newly Revised);
2. Accepted rules of grammatical and lexical construction in Canadian English.

### **Article 5: Official Languages**

The Council shall be a bilingual organization, recognizing English and French as official working languages.

### **Article 6: Powers and Authorities**

#### **Authority**

The jurisdiction and power assumed by the Council in this 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 Council itself.

The Constitution shall be the highest governing document of the Council.

#### **Powers**

The governing body and legislative authority of the Council shall be responsible for all matters of policy and for government and regulation of the Council. The financial authority of the Council and its properties is the voting members of the Council, which shall be responsible for rights and obligations.

The administrative authority of the Council is the Council, which shall be responsible for implementing any decisions of the Council.

### **Article 7: Amendatory Procedure**

#### **Constitutional Amendments**

1. Any member or constituent may propose an amendment to this Constitution;
2. Proposals for amendments to this Constitution shall be received by the Chair of the Ad hoc

Committee and shall be referred to the Amendments Committee and reviewed, once reviewed, the Amendments Committee shall present the proposal(s) to the Council for further review;

3. Following the passage through Council, a motion to amend the Constitution shall be put before the next Annual General Meeting of the Council;

4. Notwithstanding the above, constitution amendments may be put on the agenda of the General Meeting by petition (presented to the Speaker) of 25 members of the constituency, such petition must contain the exact wording of each proposed amendment.

5. The Constitutional amendments are not effective until they have been confirmed by at least two-thirds (2/3) of the votes cast at a General Meeting duly called for that purpose.

### **By-Law Amendments**

1. The By-Laws are complementary to, and not part of, this Constitution.
2. Providing quorum exists, a two-thirds majority of all voting members of the New College Council present at the meeting shall be required to adopt, rescind, or amend the by-laws of New College Council.

### **Article 8: Membership**

#### **8.1. Membership**

a. Membership of New College shall be all registered undergraduate students enrolled in at least 3.0 credits per fall and winter semester at York University during the current academic year and all members shall have submitted college levy fees with their tuition;

i. Declared affiliation with New College (the Registrar's or College of the Head shall rule in cases where questions are raised) or ex-official status granted by NCC;

b. No person shall be excluded from the Council for reasons related to age, gender, race, nationality, ancestry, citizenship, marital status, illness or results from medical tests, sexual orientation or preference, place of residence, school of thought, beliefs, religious affiliations or activities, criminal record, any physical handicap or invalidity, or participation or non-

participation within the Council.

### 8.2. Expiration of Membership

a. Individuals shall cease to be members of the College when they cease to meet the requirements of Article 8.1.b. Individuals shall cease to be members of the College that are prohibited from all New College related matters, unless otherwise voted for approval by NCC.

### 8.3. Rights, Freedoms, and Responsibilities of Membership

Members of the College shall have the following rights and freedoms:

- a. Every member is equal under and before the constitution of New College Council and has equal rights to benefits under this constitution without discrimination, based on sex, gender, race, colour, creed, nationality, ancestry, place of origin, sexual orientation or ability; and
- b. To have their interests represented collectively in the Council through their constituency representatives, but will not themselves have voting rights at Council Meetings, or Executive Meeting; and
- c. To attend meetings of all decision-making bodies of the Council, with the exception of in-camera sessions and other situations in which confidentiality is required; and
- d. To speak and vote at Annual General Meetings; and
- e. To speak, at the discretion of the Chair at Council Meetings; and
- f. To run an office where deemed eligible by the Elections Committee; and
- g. To vote in Council elections, by-elections, recalls and referenda; and
- h. To access all minutes of the Council's meetings, and Executive Committee, subject to restrictions in NCC's By-Laws; and
- i. To access the services, research, information, materials, and other resources of the Council, unless said information is deemed confidential by a majority vote of the Council;
- j. Any member whose rights or freedoms as guaranteed by these Bylaws and Constitution have been infringed or denied may apply to the Executive Committee of



the Council who shall then consult the Council in order to obtain such remedy, as the Council considers appropriate and just in the circumstances.

Members of the College shall have the following responsibilities:

- a. Payment of the designated Council membership fees; and
- b. The membership fee shall consist of \$0.95 per enrolled credit for the current academic year; and
- c. To respect the goals and objectives as they are specified in the Preamble of the Constitution, the rules of the present Constitution and By-Laws, as well as any legal agreement adopted by the Council in their name.

## **Article 9: Members of Council**

### **9.1. The Composition of Members of Council**

The Members of Council of no more than persons shall manage the affairs of the Council, and one of that person will be appointed to act as a Speaker. The composition of the Council will be:

President

Vice President Operations

Vice President Finance

Vice President Athletics

Vice President Social

Vice President Promotions

Vice President Academics

Director Athletics

Director Social

Director Promotions

Director Finance

Director Outreach

Commuter Representative

First Year Representative

## Pond Road Residence Representative

### Ex-Officio Officers

Social Representatives (2)

Athletic Representatives (2)

Finance Representative (1)

YFS Representative

Speaker

Secretary

Chief Returning Officer

Head of New College or representative of College Head office in absence of the college head

Orientation Chair (/s)

RLC

Any other person appointed by the Council with Ex-Officio officer status.

### 9.2. Term of Office

- a. Each Member of Council, except that declared ex-officio, shall hold office from the<sup>st</sup> first(1 day of May of current year until such time as they are rightfully elected<sup>st</sup> successor takes office on the first(1 day of May of the following year or until her/his duly appointed replacement has been selected in accordance with the by-laws of the Council.
- b. Each Member of Council shall be active throughout her/his term of office, which includes but is not limited to, summer session.

### 9.3. Executive Qualifications

At all times, every Member of Council shall;

- a. Be a registered student at York University at the time of election;

- b. Be affiliated with New College;
- c. Be nominated by no less than twenty-five (25) members of the College;
- d. Must be in good academic standing;
- e. The President must have previously served a full term from May 1 to April 30 on Council as any VP position of any previous year prior to the term of President.
- f. Every executive member of the Council must have previous Council experience, to be approved by The Election Committee.

#### 9.4. Member of Council Qualifications

At all times, every Member of Council shall;

- a. Be a registered student at York University at the time of election;
- b. Be affiliated with New College;
- c. Be nominated by no less than twenty-five (25) members of the College;
- d. Must be in good academic standing.

#### 9.5. General Duties of Members of Council

Each Council Member (Excluding the College Head of New College) shall:

- a. Attend all meetings of the Council, and Committees to which they are elected, and of their respective Constituency Council, unless other arrangements approved by a majority of that Council have been made; and
- b. Act in the best interests of the Council in respect of matters for which The Council has the authority to act; and
- c. Maintain regularly scheduled and publicized office hours weekly, which are to be set and decided upon at the start of each term by the Vice President Operations; and
- d. Participate actively in New College's Orientation week as a leader; and
- e. Attend a minimum of one (1) Large and three (3) Small social events; and
- f. Shall participate in at least four (4) athletic events per year; and
- g. Assist with all social media for New College Events when necessary; and
- h. Shall send a report to the speaker and VP Operations if they cannot attend a meeting. The deadline for this report will be decided on by the speaker on a meeting by meeting basis; and
- i. Shall ensure the NCC Office is tidy at the end of their scheduled office hours; and

- j. Shall participate in at least four (4) New College affiliated club events per year; and
- k. Each council member shall submit their action plans in summer, fall and winter sessions if requested
- l. Attend the AGM unless a valid excuse is presented
- m. Be dismissed from duties during the official examination period, which is set out annually by York University
- n. Be dismissed from duties during Reading Weeks, and Winter Holidays unless put in charge of an event during the specified period or assigned tasks by the President or Vice President Operations.
- o. Must attend council retreat both in summer and fall or winter term.
- p. Shall participate in at least two (2) outreach events per year.

#### 9.6. Reprimanding Council Members

The Council shall have the right to reprimand its Council Members. Grounds for disciplinary action include, but are not limited to the following:

- a. Poor attendance at Council Meeting;
- b. Theft, fraud, or embezzlement of funds;
- c. Failure to disclose a significant or obvious conflict of interest;
- d. Breach of confidentiality;
- e. Failure to attend New College Council Retreat without a valid reason;
- f. Misuse of Council property;

- g. Poor attendance of office hours;
- h. Willful violation of the spirit of the Constitution or By-Laws; or
- i. Failure to perform their duties as specified by the Constitution or By-Laws or poor performance without a valid reason.

The disciplinary action may be taken against any Council member. Such action(s) shall be decided on a case-by-case basis in an in-camera session of the Council. A two-thirds majority of the Council present must approve any disciplinary action. Disciplinary action can include but is not necessarily limited to, verbal reprimand, letter of censure, revoked honorarium, and impeachment or removal from the Council.

#### 9.7. The Resignation of a Council Member

A Council Member shall be considered resigned by informing at least one of the executive members of the Council in writing of their decision ten (10) days before their last day.

#### 9.8. Appointment of a Council Member

For the purpose of Article 9.6 and 9.7, the following shall be considered:

- a. In the event that a position becomes vacant for any reason, a person who meets the qualifications as set forth in Articles 9.3 and 9.4 and who is approved by a simple majority vote of The Council may fill that position.
- b. Should the President resign, the Executives are required to appoint an interim President no later than ten (10) business days following the resignation. VP Operations covers the President's position for no more than 10 business days (requires no motion from Council) until appointment.
- c. Should a Vice President resign, the Executives are required to appoint an interim Vice President no later than fifteen (15) business days following the resignation.

#### 9.9 Appointment of Speaker

At the first meeting of The Council within the elected term, The Council shall appoint a Speaker who is fluent in Robert's Rules of Order. The incoming President and Vice President Operations shall hire this Speaker.

#### 9.10 Appointment of President

In the case that the position of President is vacant for any reason, the following shall be considered:

- a. Executive's must find a suitable replacement that meets the requirements found in 9.3. During the following council meetings, appointment must take place with  $\frac{2}{3}$  votes to pass.
- b. If a current Council member wants to take the position as President, they must resign from their current position before getting appointed which corresponds to 10.1.F.
- c. If Executives are unable to fill the positions, VP Operations will hold the position until Fall by Elections and/or until the end of the term.

## **Article 10: Powers of the Council**

### **10.1 Powers**

- a. The Council Members shall administer the affairs of the Council in all things and may make or cause to be made for the Council, in its name, any kind of contract, which the Council may lawfully enter into.
- b. The Council shall have the power to authorize expenditures on behalf of the Council and may delegate, by resolution, to the Executive Committee the right to make such expenditures on such terms and conditions, as it deems appropriate.
- c. The Council may appoint such agents and engage the Council shall prescribe such employees as it may deem necessary and such persons shall have such authority and shall perform such duties as at the time of such appointment.
- d. The Council is expressly empowered, to purchase, lease or otherwise acquire, sell, exchange or otherwise dispose of shares, stocks, rights, warrants, options, and other securities, lands, buildings and other property, movable or immovable, real or personal, or Any right or interest therein owned, for such consideration and upon such terms and conditions, as The Council may deem advisable.
- e. The Council shall have the authority to establish committees to exercise any function of the Council.
- f. All members of the council shall not hold more than one position related to council.
- g. The Constitution and all subsidiary regulations shall be interpreted, in the first instance by the Speaker, subject to an appeal to the Council
- h. The Executive Committee shall have the power to inspect and audit any activity sponsored by the Council.
- i. The Executive Committee shall set down and implement any financial programs and procedures, including the method of requisition of funds, which shall govern the operations

of the Council and its committees.

- j. The Council needs to appoint a speaker in the absence of the speaker.

## **Article 11: Responsibilities of the Council**

### **11.1. Executive Officers**

The Executive Committee shall be comprised of:

- a) The President, the Vice President Operations and the Vice President Finance shall be the sole signing authorities unless an extenuating circumstance occurs in which case any other Council member may be approved by a majority vote of Council; and
- b) Executives shall receive an annual honorarium of up to the specified amount as set out in Article 11.6 for compensation upon successfully fulfilling their duties and roles.
- c) The Executive Committee shall exercise general supervision over all the disbursements of the members' money to all members' clubs and generally exercise supervision over financial operations.
- d) The Executive Committee shall consider the budgets of all committees, operations, and services, and approve the annual operating budget for the Council no later than June 30 of the current fiscal year.
- e) Shall Maintain and budget a carryover Bank Balance of at least \$15,000.00.

### **11.2. Responsibilities of Executive Officers**

#### **A. President**

- i. Shall be available on a daily basis and active during the Summer session; and
- ii. Shall be the chief spokesperson for the Council and represent the Council to College Communities, York University meetings and functions, and the general public; and
- iii. Shall be responsible, along with the Vice President Operations, for ensuring that all contracts entered into by the Council are with due authority and in the best interests of the Council; and
- iv. Shall coordinate and implement the objectives and/or campaigns of the Council; and
- v. Shall report to the Council and the Membership; and
- vi. Shall be a signing authority of the Council and be responsible for the financial well-being of the organization; and
- vii. Shall draft the Council's Annual Budget in conjunction with the Vice-President,

- Finance; and
- viii. Shall Chair the Executive Committee and the By-Laws Committee; and
- ix. Shall be responsible for maintaining the council website (newcollegeeagles.com); and
- x. Shall oversee the operation of the Council's services in conjunction with the Vice President Operations; and
- xi. Shall determine if Council will produce Merchandise for the year along with who designs it; and
- xii. Shall ensure that the Vice Presidents carry out their assigned duties in accordance with their constitutional duties, the by-laws and as directed by Council; and
- xiii. Shall act as the Council's liaison to the College Presidents' Association (CPA) and the New College Office of the Head bi-weekly meetings and be a representative for LA&PS President's Association; and
- xiv. Shall act as the Council's representative to the Student Representative Roundtable (SRR) and
- xv. Shall be responsible for their respected Council e-mail account, and ensuring that it is regularly checked and that and questions or concerns arising from it are responded to, in a timely fashion; and
- xvi. Shall be a YU Start leader during the summer term, attend all YU Start leader meetings, and play an active role on the YU Start platform chat.
- xvii. Shall work with the Orientation Chair(s) over the summer to assist in the planning of Orientation Week and attend the York Orientation Directors Association (YODA)
- xviii. Shall take a proactive role in all NCC matters; and
- xix. Shall attend all meetings of the Council and Executive Committee unless a valid excuse is presented; and
- xx. Shall create a transition binder for the incoming President; and
- xxi. Shall train and advise the incoming President.

**B. Vice President Operations**

- i. Shall be available on a daily basis and active during the Summer session;
- ii. Shall be a signing officer of the Council; and
- iii. Shall be responsible, along with the President, for ensuring that all contracts entered into by the Council are with due authority and in the best interest of the Council; and
- iv. Shall be responsible for setting up office hours, sending notice for meetings to The Council, coordinating the creation of Council meeting agendas, keeping a record of attendance at Council meetings, arranging proxies for General meeting when necessary, and in all other ways acting as the secretary of the Council; and
- v. Shall create and monitor a weekly office cleaning schedule for Council office and ensure the schedule is followed; and
- vi. Shall be responsible for maintaining the Council's Operational Policy in accordance with the motions passed, amended or repealed by the Council or



- General Membership; and
- vii. Shall create and maintain a binder designated for complaints, which will include all valid complaints in text. Each complaint must be followed up by the Vice-President Operations in a timely fashion, and inform the Executive Committee and Council when necessary; and
  - viii. Shall be responsible for the development, hiring and coordination of any volunteer/paid positions for the Council; and
  - ix. Shall keep a full set of books and records in proper order, including records of all business contacts in the NCC Business Contact Log-Book; and
  - x. Shall be responsible for ensuring that the Council uphold all responsibilities in relation to the operation and delivery of any business initiatives; and
  - xi. Shall be responsible for carrying out the duties of the President in the absence of the President; and
  - xii. Shall be responsible for ordering office supplies as needed and maintain the general upkeep of the Council Office; and
  - xiii. Shall be responsible for their respected Council e-mail account, and ensuring that it is regularly checked and that and questions or concerns arising from it are responded to, in a timely fashion; and
  - xiv. Shall be responsible for the distribution of emails and communication to the members of the Council; and
  - xv. Shall assist in creating one (1) action plan during the first session (summer, fall, winter) of all members of Council; and
  - xvi. Shall conduct performance appraisals at the end of the fall and summer sessions alongside the president; and
  - xvii. Shall plan a Council Retreat during the Summer term; and
  - xviii. Shall hold an up to date list of inventory; and
  - xix. Shall be responsible for meeting with each Council member at the end of each session for a performance appraisal, outlining current performance and ways to improve for each Council member during each session; and
  - xx. Shall be responsible for planning the Annual General Meeting; and
  - xxi. Shall take a proactive role in all NCC matters; and
  - xxii. Shall attend all meetings of The Council and Executive Committee unless a valid excuse is presented; and
  - xxiii. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the Community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
  - xxiv. Shall create a transition binder for the incoming Vice President Operations; and
  - xxv. Shall train and advise the incoming Vice President Operations.

**C. Vice President Finance**

- i. Shall be available on a daily basis and active during the Summer session; and
- ii. Shall be a signing officer of the council; and
- iii. Shall develop, recommend and present the annual budget to The Council in

- consultation with the Executive Committee; and
- iv. Shall liaise regularly with the Executive Committee during the yearly audit of the Council and the preparation of the Council's audited financial statements; and
- v. Shall prepare and present monthly financial reports to The Council; and
- vi. Shall present financial reports and audited statements to the membership at a duly called membership meeting; and
- vii. Shall monitor the financial status of New College Council including budget variances and make recommendations to Council regarding major expenditures; and
- viii. Shall update all members of Council on their budget and financial position monthly; and
- ix. Shall assist with the coordination of fundraising endeavors; and
- x. Shall be responsible for processing of all club funding requests received by the Council and co-ordinate with the Vice President Operations and the Vice President Academics; and
- xi. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the Community, and shall engage in other duties as assigned to them by the NCC; and
- xii. Shall take a proactive role in all NCC matters; and
- xiii. Shall be responsible for their respected Council e-mail account, and ensuring that it is regularly checked and that and questions or concerns arising from it are responded to, in a timely fashion; and
- xiv. Shall attend all meetings of The Council and Executive Committee unless a valid excuse is presented; and
- xv. Shall create a transition binder for the incoming Vice President Finance; and
- xvi. Shall train and advise the incoming Vice President Finance; and
- xvii. Shall overlook the duties of the Director Finance

#### **D. Vice President Promotions**

- i. Shall be available on a daily basis and active over the Summer Session; and
- ii. Shall coordinate advertising for all Council operations and events; and
- iii. Shall overlook all duties of the Director Promotions; and
- iv. Shall overlook the promotional duties of the First Year, Commuter and Residence Representatives; and
- v. Shall be responsible for the maintenance and appearance of all Council social media channels; and
- vi. Shall be familiar with Adobe Photoshop, After Effects or any other image editing tools required, must be able to create vector files and create and maintain websites; and
- vii. Shall be responsible in obtaining and uploading pictures after each event held by Council; and
- viii. Shall be responsible for their respected Council e-mail account, and ensuring that it is regularly checked and that and questions or concerns arising from it are responded to, in a timely fashion; and

- ix. Shall delegate duties, to other Members, where expedient, and where the delegation of such duties is allowed by the Constitution, and any other subsidiary regulation; and
- x. Shall be responsible to work with the Vice President Social and other members of the Council to ensure that programming information is posted at least two weeks prior to the program(s) or event(s) in the absence of time constraints; and
- xi. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the Community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- xii. Shall take a proactive role in all NCC matters; and
- xiii. Shall create a transition binder for the incoming Vice President Promotions; and
- xiv. Shall train and advise the incoming Vice President Promotions; and

**E. Vice President Social**

- i. Shall be available on a daily basis and active over the Summer Session in the planning, coordinating and overseeing of NCC events; and
- ii. Shall present to Council a portfolio of events and records with respect to Welcome Week; and
- iii. Shall overlook the duties of the Director Social and Social Representatives (2); and
- iv. Shall respond to requests for and promote all activities and events deemed cultural and socially enriching to members of New College; and
- v. Shall ensure monthly events are being organized and executed; and
- vi. Shall create an action plan along with the Executive Team outlining events taking place throughout the year; and
- vii. Shall produce and maintain a budget with the assistance of the Vice President Finance; and
- viii. Shall communicate with the Vice President Promotions in order to successfully promote events throughout the college; and
- ix. Shall submit an event budget at least one month prior to each event to the Vice President Finance; and
- x. Shall oversee, investigate and report to Council on all aspects of events including but not limited to, finances, event reconciliations, ticket prices and delegated Member's responsibilities; and
- xi. Shall ensure the major events for the fall term are planned and booked by September 1st; and
- xii. Shall ensure events for the winter term are planned and booked by December 1st; and
- xiii. Shall be responsible for their respected Council e-mail account, and ensuring that it is regularly checked and that and questions or concerns arising from it are responded to, in a timely fashion; and
- xiv. Shall take a proactive role in all NCC matters; and

- xv. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the Community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- xvi. Shall submit a written report to the Council, prior to the completion of his/her period of tenure, outlining the events along with recommendations for the consideration of the succeeding Council to be passed at the last Council Meeting in April; and
- xvii. Shall train and advise the incoming Vice President Social; and
- xviii. Shall attend all meetings of the Social Association of York University (SAYU); and
- xix. Shall strive for at least one collaborative event with at least one other college per semester; and

**F. Vice President Athletics**

- i. Shall be available on a daily basis including during the Summer session; and
- ii. Shall be the individual responsible for the promotion and administration of intramural and recreation programs within New College; and
- iii. Shall communicate with the Vice President Promotions in order to successfully promote athletics throughout the college; and
- iv. Shall produce and maintain a budget with the assistance of the Vice President finance; and
- v. Shall ensure each team has the appropriate attire as mandate by the Intramural Program before their game; and
- vi. Shall maintain any NCC sports equipment; and
- vii. Shall serve as the official representative and/or liaison for New College at all Student Intramural Recreation Council (SIRC) meetings; and
- viii. Shall ensure that the timely completion of all team rosters, bond forms, team forms, but not limited to those mentioned; and
- ix. Shall coordinate intramural athletic activities on behalf of the NCC, including any necessary policies and procedures; and
- x. Shall spectate New College games in which they are not participating in on a daily basis
- xi. Shall inform the Residence Representative of all sports that can create house teams; and
- xii. Shall be responsible for their respected Council e-mail account, and ensuring that it is regularly checked and that and questions or concerns arising from it are responded to, in a timely fashion; and
- xiii. Shall work with Director Promotions to promote upcoming athletic events on New College's social media platforms; and
- xiv. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the Community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- xv. Shall take a proactive role in all NCC matters; and

- xvi. Shall create a transition binder for the incoming Vice President Athletics; and
- xvii. Shall train and advise the incoming Vice President Athletics; and
- xviii. Shall overlook the duties of the director of athletics and the athletic representatives (2); and
- xix. Shall ensure that monthly challenges are coordinated and posted on the athletics page.

G. Vice President Academics

- i. Shall be available on a daily basis including during the Summer session; and
- ii. Shall report to the Vice President Operations; and
- iii. Shall represent Council in any matter of Academic importance, and keep Council Informed of any pertinent Academic information or decisions; and
- iv. Shall work with the representative of the Head of the College's Office in the implementation of Academic Orientation, Reorientation, any other Academic workshops, and lecture series; and
- v. Shall ensure that NCC is properly represented and in attendance of any club fairs that York University holds; and
- vi. Shall organize and chair a committee for all student clubs affiliated with New College Council, and maintain a network of communication between such clubs and Council and the College in general; and
- vii. Shall act as a liaison between the College Clubs, other campus groups and the Council; and
- viii. Shall organize a Clubs Fair during orientation week; and
- ix. Shall be responsible for keeping an accurate account of all club funding requests received and granted by the Council; and
- x. Shall ensure that Members are familiar with the various Academic resources available on the campus, and the pertinent contact information, such as names, office locations, e-mail, and phone numbers; and
- xi. Shall maintain a network of communication with faculty student governments, and inform Council of all pertinent information from that correspondence; and
- xii. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the Community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- xiii. Shall be responsible for their respected Council e-mail account, and ensuring that it is regularly checked and that and questions or concerns arising from it are responded to, in a timely fashion; and
- xiv. Shall take a proactive role in all NCC matters; and
- xv. Shall create a transition binder for the incoming Vice President Academics; and
- xvi. Shall train and advise the incoming Vice President Academics; and

H. Director Social

- i. Shall be available on a daily basis including during the

- Summer Session; and
- ii. Shall report to the Vice President Social; and
- iii. Shall ensure that New College has at least one (1) small (free) event per Semester; and
- iv. Shall plan one (1) small event on campus and one (1) small event off campus per semester; and
- v. Shall represent the Vice President Social at the Vice President Social Roundtable in case they cannot attend; and
- vi. Shall assist in planning one (1) night of Welcome Week; and
- vii. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- viii. Shall take a proactive role in all NCC matters; and

#### I. Director Athletics

- i. Shall be available on a daily basis including during the Summer session; and
- ii. Shall report to the Vice President Athletics; and
- iii. Shall present to Council an athletic event during orientation week to ensure the First Years are aware of the intramural program; and
- iv. Shall ensure that New College has clean jerseys; and
- v. Shall be the second voting member on the Student Intramural Recreational Council (S.I.R.C); and
- vi. Shall create and distribute a monthly calendar of all sports taking place throughout the year; and
- vii. Shall assist the VP Athletics in updating New College Students on upcoming sports and intramural events; and
- viii. Shall assist the Vice President Athletics in ensuring the timely completion of all team rosters, bond forms, team forms, but not limited to those mentioned; and
- ix. Shall make an appearance to at least one game per sport; and
- x. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- xi. Shall take a proactive role in all NCC matters; and

#### I. Director Promotions

- i. Shall be available on a daily basis during the summer session; and
- ii. Shall report to and assist the Vice President Promotions; and
- iii. Shall be responsible for taking and uploading pictures at all New College Council sports and must cover one game per sport (also includes rage events); and
- iv. Shall assist the Vice President Promotions in obtaining pictures of events they are unable to attend; and
- v. Shall assist the Vice President Promotions and Vice President Athletics in the appearance and maintenance of all Council social media; and

- vi. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- vii. Shall take a proactive role in all NCC matters; and

**K. Commuter Representative**

- i. Shall be available on a daily basis during the summer session; and
- ii. Shall ensure that Council matters are representing the best interests of commuting students and promoting the involvement of all off campus constituents; and
- iii. Shall be responsible for the uphold and tidiness of The Lounge; and
- iv. Shall be responsible with the assistance of the President and VP Operations for the recruitment and scheduling of Lounge Monitors; and
- v. Shall organize an event or series of events in conjunction with the VP Social, such as but not limited to an open forum, which are designed to bring commuting students to New College, and promote their involvement in College events and facilities; and
- vi. Shall ensure that the lounge bulletin board is up to date on council matters; and
- vii. Shall, prior to the completion of his/her period of tenure, submit a written report to the Vice President Operations outlining the events along with recommendations for the consideration of the succeeding Council to be passed at the last Council Meeting in April; and
- viii. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the Community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- ix. Shall take a proactive role in all NCC matters; and

**L. First Year Representative**

- i. Shall be available on a daily basis as soon as they are ratified after the by-elections; and
- ii. Shall be a student enrolled in their first year at York University and be affiliated with New College; and
- iii. Shall promote the involvement of First Year students in New College events, activities, and facilities; and
- iv. Shall represent the best interests of First Year students to Council, and ensure that any events and activities of the Council are sensitive to these interests; and
- v. Shall put on an event, such as an open forum, which is intended to increase the participation of First Year students in College events, and garner opinions and concerns about Orientation Week, such that it can be improved in the future; and
- vi. Shall liaise with the Vice President Social when necessary, and will report directly to the NCC on the status of any projects; and

- vii. Shall assist the NCC with promotions and awareness; and
- viii. Shall, prior to the completion of his/her period of tenure, submit a written report to the Vice President Operations outlining the events along with recommendations for the consideration of the succeeding Council to be passed at the last Council Meeting in April; and
- ix. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the Community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- x. Shall take a proactive role in all NCC matters; and

**M. Pond Road Residence Representative**

- i. Shall be available on a daily basis as soon as they are ratified after the by-elections;
- ii. Shall live in Pond Residence; and
- iii. Shall meet with the Pond Residence Life Coordinator at least once a semester to discuss upcoming New College Council events; and
- iv. Shall ensure that Council events and activities are held in such a manner as to promote the involvement of New College students who live on campus, and as such to represent the best interests of residence students in general; and
- v. Shall work with the Pond Residence Don of Learning and Leadership Opportunities and Residence Council to encourage joint residence and commuter events; and
- vi. Shall work work with Pond Residence Life Coordinator and Vice President Social to plan one joint event; and
- vii. Shall, prior to the completion of his/her period of tenure, submit a written report to the Vice President Operations outlining the events along with recommendations for the consideration of the succeeding Council to be passed at the last Council Meeting in April; and
- viii. Shall be responsible for planning an NCC information session at the beginning of each semester minimum; and
- ix. Shall be responsible for updating the NCC bulletin Council and maintain a monthly calendar on the bulletin in Pond Road Residence; and
- x. Shall assist the NCC in the defining and an achievement of its goals, in the best interests of the Community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- xi. Shall take a proactive role in all NCC matters; and

**N. Director Outreach**

- i. Shall be available on a daily basis including during the Summer session; and
- ii. Shall report to the President; and
- iii. Shall ensure that New College has at least one (1) outreach event per semester; and



- iv. Shall ensure that at least one (1) outreach event is in collaboration with another college; and
- v. On top of the outreach events, shall ensure that at least one (1) fundraiser is planned with proceeds going towards an agreed upon charity, foundation, or organization; and
- vi. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- vii. Shall take a proactive role in all NCC matters

#### Q. Director Finance

- i. Shall be available on a daily basis including during the Summer session; and
- ii. Shall report to the Vice President Finance; and
- iii. Shall assist the Vice President Finance with the development of the annual budget; and
- iv. Shall assist the Vice President Finance in ensuring that all financial matters of the college are properly up kept; and
- v. Shall assist the Vice President Finance with the completion of the interim audit; and
- vi. Shall attend all meetings pertaining to audits as well as attend all meetings with the auditors; and
- vii. Shall assist the NCC in the defining and achievement of its goals, in the best interests of the community, and shall engage in other such duties as may from to time be assigned to them by the NCC; and
- viii. Shall take a proactive role in all NCC matters

#### 11.3. Disciplining Executive Officers

The Council shall have the right to discipline its Executive Officers. Grounds for disciplinary action include, but are not limited to, the following:

- a. Poor attendance at Council Meetings;
- b. Theft, fraud, mismanagement or embezzlement of funds and property;
- c. Failure to disclose a significant or obvious conflict of interest;
- d. Breach of confidentiality;
- e. Failure to perform constitutionally mandated responsibilities;
- f. Willful violation of the spirit of the Constitution and By-Laws.

#### 11.4. Removal of Office

A motion of impeachment may be applied against any member of the Council and must be given at least ten (10) days written notice.

- i. Motions of impeachment must be passed by a two-thirds (2/3) of the Council;
- ii. The written notice of the motion shall be presented to the President and the Speaker of the Council.
- iii. In the event that the motion concerns the President, the motion shall be presented to the Speaker of the Council;
- iv. The mover of the motion shall present a list of offences to the Speaker who will state the offences to the Council;
- v. The member of the Council to which a motion applies may make a statement and thereafter shall withdraw during the time the matter is in debate;
- vi. The vote to impeach shall be conducted by secret ballot, the member of the Council to which the motion applies to shall not participate in this vote.
- vii. It shall be the duty of the Council to consider a motion of impeachment if a Council member is absent for three (3) consecutive meetings and is habitually late, unless a valid excuse is given.

Alternatively, impeachment may also be proposed by at least one-tenth of the general membership of New College Council in the form of a verifiable petition to the Council.

#### 11.5. Resignation

- a) Any Member of Council may resign or give notice of intention to resign, personally either in a meeting of Council, or in writing. Any written notification shall be deemed to be addressed to the Speaker. When it is determined that the written notification is genuine, Council shall declare such seat vacated (or that it shall become vacant on some future day), as indicated in the written notification.
- b) De subsection (a), Council shall not accept a Member's resignation while a motion of impeachment, suspension, or censure is pending, or while any investigation concerning that Member's conduct is pending.
- c) Despite subsection (a), Council shall not accept a Member's resignation if Council had reason to believe that such a Member was intimidated into resigning or otherwise determines the Member to be in an inappropriate state of mind and, in such a case, Council shall forthwith cause an investigation of the matter to take place.

#### 11.6 Honoraria

As a principle, N.C.C. believes in the use of honoraria as a way of ensuring responsible and accountable student government and to recognize the contributions made by its Members and Associates. Before receiving honoraria, each recipient shall submit a report to Council, (to be placed in the internal files) outlining their involvement with Council activities during the preceding session. Each report shall include, but not limited to:

- i. Things they did throughout their term;
- ii. How problems (if any) may be remedied in the future;

iii. Advice to future Council Members and Associates.

The total amount of Honoraria collectively awarded to all elected members of Council each year shall be \$20,900 of the total Council levy, unless Council Members are either impeached, in which case, forfeiting their Honoraria, or suspended – hence receiving an Honoraria penalty. The total Honoraria is not permitted from surpassing 18.5% of the overall Council levy. If this is the case, a certain (one number) percentage shall be removed from every Council member equaling the amount surpassing the 18.5% allocation of Honoraria. In the case of the *President*, the additional \$500 is awarded if the executive committee sees fit that it is deserving.

The breakdown of Honoraria between all of Council will be as such:

<b>Position</b>	<b>Honoraria</b>	<b>Percentage</b>
President	\$ 3,500.00 + \$500	19.14%
Vice President Operations	\$ 2,000.00	9.57%
Vice President Finance	\$ 2,000.00	9.57%
Vice President Athletics	\$ 1,600.00	7.66%
Vice President Social	\$ 1,600.00	7.66%
Vice President Promotions	\$ 1,300.00	6.22%
Vice President Academics	\$ 1,300.00	6.22%
Director Athletics	\$ 700.00	3.35%
Director Social	\$ 700.00	3.35%
Director Promotions	\$ 700.00	3.35%
Director Finance	\$ 700.00	3.35%
Director Outreach	\$ 700.00	3.35%
First-Year Representative	\$ 200.00	0.96%
Commuter Representative	\$ 200.00	0.96%
Pond Road Residence Representative	\$ 200.00	0.96%
Orientation Chair	\$ 1500.00	7.18%
Orientation Chair #2 (Only if there are two)	\$ 1500.00	7.18%
<b>Total</b>	<b>\$ 20,900.00</b>	<b>100%</b>

11.6.1

In the case that the Student Choice

The total honoraria for the three positions, including President, VP Finance, and VP Athletics would be categorized as essential and included in the council levy that is mandatory for members.

The total honoraria for the other elected members is not permitted from surpassing 18.5% of the non-essential Council levy. If this is the case, a certain (one number) percentage shall be removed from every Council member equaling the amount surpassing the 18.5% allocation of Honoraria.

**11.6.2 Paid Positions**

The following positions are paid positions: Chair, Chief Returning Officer, and Secretary. The Chair and Secretary are paid \$100 per term, including the summer session, fall, and winter terms. The Chief Returning Officer is paid \$100 per term and does not include the summer session, only fall and winter term.

<b>Position</b>	<b>Paid Amount</b>
Chair	\$100 per term
Chief Returning Officer	\$100 per term
Secretary	\$100 per term
Overall Total	\$800

**Article 12: Meeting of the Council**

- a. The Chair of the Council shall be any person duly appointed to act as Speaker;
- b. Meeting of the Council shall take place no less than once every two weeks;
- c. Quorum is constituted by fifty percent plus one (50%+1) of voting members of the Council, during the academic year;
- d. The Council shall run its meetings in accordance with Robert’s Rules of Order;
- e. All elected members of the Council have the right to vote on all business conducted during any meeting of the Council with the exception of the Ex-Officio Officers. The Head of the College is granted an honorary vote, which they may exercise in all motions except for those, which may be deemed as a conflict of interest;
- f. Meeting may be called by the President on an emergency request, or upon a written request by any Council member submitted to the Speaker;
- g. Notice of meeting of the Council shall be communicated to all voting members no less than two (2) business days before the meeting;
- h. The Council may appoint a day or days in any month or months for regular meetings at an hour to be named, and for such regular meetings no notice is needed;
- i. Meeting of the Council may also be held, without notice, immediately following the Annual General Meeting (AGM) of the Council;
- j. Any member of the Council may attend any regular or special meeting of The Council subject to the provision of these By-Laws. Speaking privileges shall be obtained from the Chair;

- k. No meeting of The Council shall be closed to any member of The Council, except for in camera sessions of The Council;
- l. Cases not provided for in the By-Laws of the Council shall be governed by the current version of Robert's Rules of Order, the interpretation of which shall be made by the Chair;
- m. A ruling of the Chair may be appealed at any time. A two-thirds (2/3) majority vote of the members of The Council present shall be required to override the Chair's ruling;
- n. The Chair shall always remain neutral and shall not be called upon to vote;
- o. Council members not in attendance at the Council meeting may designate a proxy to another member in attendance at such meeting;
- p. A Council member shall not have more than two (2) proxies at a meeting. Proxies must be submitted to the Speaker in writing within a reasonable time prior to the start of the meeting;
- q. No member of Council is entitled to vote upon any question in which that member has a conflict of interest;
- r. Meetings may be held by conference calls via telephone/Zoom provided all members are able to hear each other at the same time and the quorum requirement is satisfied;
- s. In the event the speaker is not present at the meeting, Council reserves the right to set a temporary speaker during the meeting.

### **Article 13: Annual General Meeting (AGM)**

- a. Every year, at least one annual meeting of the membership shall be held during the elected term;
- b. The annual general meeting (AGM) of the Council shall always be held on campus;
- c. At the AGM, a report to the Council will be supplied by the Executive Committee;
- d. At least 25 members of New College must be present in person, which will form quorum at the AGM;
- e. Subject to the provision, if any, each member of the Council shall at all AGM be entitled to one vote, to introduce motions, and speak;
- f. Each member of the Council, shall, in addition to their vote, be entitled to five (5) proxies submitted in writing to the Chair;
- g. At all AGM, every question shall be decided by a simple majority of votes of the members present in person;
- h. The AGM shall be chaired by the Speaker of the Council;
- i. It is mandatory for all members of the Council to be present;
- j. The AGM have the same authority as Referenda but cannot overrule a Referendum;
- k. Notice shall be given no later than two (2) weeks prior to the AGM;
- l. Any motions passed in the AGM will be effective for the following council year, starting

May 1st;

#### **Article 14: Elections**

14.1. "Election" means a general election or a by-election.

14.2. "Elector" means a person who is entitled to vote at an election for N.C.C

[Adapted from the Election Act (Ontario), s. 1(1)(g)]

14.3. "Voter" means an elector who has appeared at a polling station or designated voting area, including e-vote, and has accepted a ballot.

14.4. Council may establish additional rules and regulations concerning general elections and by-elections, provided such rules and regulations do not conflict with the requirements of this article or any other Article of the Constitution.

14.5. Where an amendment to this article is proclaimed less than two weeks before the date of an election, such amendment shall not apply to the election unless so authorized by Council by a two-thirds vote of those present and voting (and where those on the prevailing side represent at least a majority of the total number of voting Members than on Council).

14.6. Every person is qualified to vote at an election of a student to Council who, on the day(s) fixed for voting is:

- i. A student affiliated with New College or lives in Pond Road Residence, and
- ii. Is an undergraduate student at York University, and is enrolled in at least three credits per fall and winter semester.

14.7.1. There shall be a general election every winter for ten student members. Those individuals running for the position of President, Vice President Operations and Vice President Finance should have prior NCC experience. For the positions of Vice President Finance, Vice President Promotions and Director Promotions, candidates running for this position must complete the application process, which will be reviewed and approved by the elections committee prior to nomination period. This election shall be held after the Reading Week of the Faculty of Liberal Arts and Professional Studies, and no later than two weeks before the last day of regular classes during the winter session.

14.7.2. The thirteen student Members elected shall be:

- i. the President;
- ii. the Vice President Operations;
- iii. the Vice President Finance;
- iv. the Vice President Athletics;
- v. the Vice President Social;

- vi. the Vice President Academics;
- vii. the Vice President Promotions;
- viii. the Director Athletics;
- ix. the Director Social;
- x. the Director Promotions;
- xi. the Director Finance;
- xii. the Director Outreach;
- xiii. Commuter Representative;

14.8.1. There shall be an election every fall for two student Members with no experience necessary.

14.8.2. The two student Members elected in the Fall shall be:

- i. First Year Representative
- ii. Pond Road Residence Representative

14.9. Whenever a vacancy occurs on Council during the summer session, the position may be hired for the duration of the summer session. The position shall then be filled during the fall by-elections.

14.10.1 Whenever a vacancy occurs on Council during the winter or fall session, a by-election shall be held within thirty days; if Council may, by a two-thirds vote, dispense with the requirement of holding a by-election, and fill the position by appointment.

14.10.2 Where a vacancy exists in a single student position, Council may choose to allow that vacancy to continue. In the event that more than one vacancy exists, Council shall, within ten regular school days, appoint enough persons to Council to fill all the vacancies, at the discretion of Council, so that not more than one such vacancy exists.

14.11.1 Every person is qualified to be a candidate in an election to Council, who, at the close of the nomination period, would be eligible to be a Member of Council in accordance with the Constitution.

14.11.2 No person is eligible as a candidate who, on or after the beginning of the nomination period of a particular election, has been engaged as an election committee member.

14.11.3 A candidate will not be permitted to spend in excess of \$50 in the campaign, and must submit all receipts to the C.R.O.

14.12 No person shall be nominated and consent to be nominated so as to be a candidate for election as a member of Council for more than one position at the same time and, if any

person is nominated contrary to this section and consents thereto, all of that candidate's nominations are void. [Adapted from the Parliament of Canada Act, s. 21]

14.13.1 For a general election or by-election, a nomination period of not less than four regular school days nor more than twenty-one consecutive calendar days shall be allowed for each position.

14.13.2 The nominating period shall open at 9:00 a.m. on the first day set for such purpose, and shall close at 5:00 p.m. on the last day set for such purpose, unless Council, by unanimous consent, directs otherwise.

14.14 In no case shall the nomination period be less than six consecutive hours per day.

14.15.1. For a general election or by-election, a minimum campaign period of not less than seven consecutive days, of which at least five days shall be regular school days, and no more than fourteen calendar days shall be allowed for each position.

14.15.2. The campaign period shall begin two hours after the close of the nomination period, and shall end at 6:00 p.m. on the last day set for such purpose.

14.16 When there is, or is to be, a vacancy in the office of C.R.O., whether following the Spring elections, or because the incumbent of the office has indicated an intention to resign the office of C.R.O., or for any other reason, Council shall appoint a new C.R.O., who shall hold office at the pleasure of Council.

14.17.1. Prior to the appointment of a new C.R.O., Council shall post notice for at least one week (of which at least five days must be regular school days), that the office of C.R.O. is vacant, or is to become vacant, and that interested persons may apply for the position.

14.17.2. Following the posting of notice, and as soon after as Council is ready, Council shall appoint a C.R.O.

14.17.3. Despite Article 14.17.1 the executive committee may, by unanimous consent, appoint a person to be C.R.O. without posting notice.

14.18. The term of office of the C.R.O. expires at the end of the winter academic session.

14.19. No person shall be C.R.O. who is a candidate in any election to N.C.C., or any other student or faculty government at York.

14.20. The C.R.O. shall act in an impartial manner in every respect concerning an election to Council. The C.R.O. shall in no way support any candidate, except when exercising the right to vote.

14.21. The C.R.O. may make any interim decisions, rulings or orders deemed appropriate, fair and just, provided such decisions, rulings or orders do not conflict with:



- i. The Constitution or any subsidiary regulation;
- ii. Any instructions of Council issued prior to the opening of nominations; or
- iii. Any instructions issued by an elections committee.

14.22.1. The C.R.O. shall ensure that nomination and election information is complete and widely publicized.

14.22.2. The C.R.O. and the election committee shall ensure daily that the information is intact and up to date, and shall do so until a respective election is over.

14.23.1. During the nomination period, the C.R.O. shall ensure that nomination forms are prepared and easily available during the business hours of Council.

14.23.2. The form used for nomination shall require:

- i. The name of the candidate, and his/her student number, address, telephone number, and signature;
- ii. The position for which the candidate is being nominated;
- iii. The signature and student number of at least twenty-five students of New College who are eligible to vote in Council elections.

14.24.1. The C.R.O. shall forthwith declare elected any candidate for a position for which there are fewer nominees than, or the same number of nominees as, there are available positions. [Adapted from the Y.F.S. Constitution, By-Law Four, Article 10]

14.24.2. Immediately following the nomination period, or as soon as is possible, the C.R.O. shall call a meeting to inform each candidate of their status as an acclaimed candidate, or a candidate still campaigning for a position.

14.25. The C.R.O. shall be responsible for informing all candidates of their rights and responsibilities concerning election conduct as provided for in the Constitution.

14.26. The C.R.O. shall make copies of the Constitution available to each candidate.

14.27. The C.R.O. shall ensure that a complete list of candidates, as well as those who have been acclaimed, is posted immediately following the close of the nominating period. Such List shall be posted outside the office of the Council, and any other location(s) the C.R.O. deems appropriate, or which Council directs.

14.28. The C.R.O. shall organize, advertise, promote, and chair at least one "All Candidates Meeting" for allowing both candidates and acclaimed candidates to make speeches and present platforms to the electorate, and to allow the electorate the opportunity to direct questions to the candidates.

14.29.1 The C.R.O. shall prepare the ballots for each election through the York University

Evote system.

14.29.1. Each ballot used in a particular election shall include:

- i. The name(s) of the position(s) being contested;
- ii. A list of candidates for each position in alphabetical order by surname.

14.30.1. For a general election or by-election, Council shall set aside at least two consecutive days for voting.

14.30.2. Any acclaimed position will be taken to the polls where the ballot will state yes, no or abstain.

14.31. Following the counting of the ballots, the C.R.O. shall present a report to the Council. The existing Council shall vote on the results and ratify the New Council.

14.32. If an equal number of votes is found to have been cast for two or more candidates and an election will be held specifically for the candidates with the same amount of votes. This election shall be for half the time of a regular election.

14.33. Following the ratification of results, the C.R.O. shall post the results outside the office of Council and in any other location, the C.R.O. deems appropriate. The results shall include:

- i. The phrase "New College Students' Council Election Results";
- ii. The names of all candidates, as well as those who have been acclaimed;
- iii. The total number of ballots cast;
- iv. The number of ballots cast for each candidate;
- v. The number of spoiled ballots cast;
- vi. The number of ballots declined;
- vii. The name(s) of the elected person(s), and;
- viii. The signature of the C.R.O.

14.34. The C.R.O. shall submit a written report to Council within seven days following an election. The report shall include:

- i. The information set out in Article 14.33;
- ii. The C.R.O.'s recommendations as to who should be deemed to have been fairly and justly elected, and;
- iii. Details of any irregularities, which occurred during the election (if any) and whether or not such irregularities affected (in the C.R.O.'s opinion) the election results.

14.35. The C.R.O. shall retain in his/her possession, all election materials for a period of at least thirty days, unless directed to hand over such documents to Council, or an elections

committee. Unless Council, or Elections committee otherwise directs, the C.R.O. shall immediately destroy all election materials on the thirty-first day following an election. Election materials shall include each candidate's nomination form, all ballots cast, and the voters list.

- 14.36.1. Upon presentation of the C.R.O.'s report, Council shall ratify the report and, therefore, validate the election of the candidates who have been declared elected by the C.R.O. Council shall not validate the election of any candidate whose position is being contested before an elections committee.
- 14.36.2. Where, for any reason, the C.R.O.'s report is not presented, but there is sufficient reasonable evidence to indicate who was fairly and justly elected, Council shall immediately validate the election of such candidates.
- 14.36.3. The ratification and validation of Council of the election of candidates under subsections (a) and (b) shall not in any way be construed as preventing a person from pursuing, or continuing to pursue, an election matter before an elections committee, nor shall it be construed as preventing an elections committee from exercising any of the powers it may lawfully exercise including, but not limited to, the power to invalidate the election of a candidate and the power to declare an election invalid.
- 14.36.4. No candidate may assume office until Council has ratified the C.R.O.'s report, or any interim report from the C.R.O. Every candidate, upon such ratification, shall, unless an elections committee otherwise declares, with cause, be deemed to have been lawfully and validly elected and may assume their position immediately, with all accompanying rights and privileges, unless the Constitution provides that such position shall not be assumed until a later time.
- 14.37.1. Council shall, at any time prior to the opening of the nomination period of an election, strike an Elections Committee, and shall appoint the Members of that Committee. Council may continue to appoint additional Members to the Committee up to the opening of the nomination period.
  - 14.37.2. An Elections Committee shall be composed of at least five persons.
  - 14.37.3. If at any time the membership of the Elections Committee falls below five, and Council may not appoint additional Members because of subsection (a), the Members on the Council at that time shall appoint enough persons until the membership equals five.
  - 14.37.4. Where Council fails to strike an Elections Committee, an Elections Committee shall be deemed to have been struck, composed of every voting Member of Council who is not returning to Council.
- 14.38. Every person is disqualified from membership on the Elections Committee who:
  - i. Is a candidate in the applicable election; or

- ii. Is supporting or aiding a candidate in the applicable election.

14.39. The presence of at least a majority of the voting membership shall be necessary to constitute a meeting of the Elections Committee.

14.40.1. During an election, if the Elections Committee deems it necessary, appropriate, fair and just, the Elections Committee may overrule any decision of the C.R.O., and may give to the C.R.O. any instructions, provided that such instructions do not conflict with the Constitution.

14.40.2. The Elections Committee shall be a final court of appeal for all issues concerning the applicable election.

14.41.1. Where it is found by the Elections Committee that any corrupt or unconstitutional practice has been committed by a candidate at an election, or by that candidate's agent(s), whether with or without the actual knowledge and consent of the candidate, the election of the candidate, if that candidate has been elected, is void. [Adapted from the Dominion Controverted Elections Act, s. 50]

14.41.2. Where the election of a candidate is declared void, the candidate who has obtained the next largest number of votes shall be declared elected in lieu thereof.

14.41.3. Despite subsection (a), where it is found by the Elections Committee that any act or omission of a candidate at an election, or of that candidate's agents, constitutes an unconstitutional practice, but:

- i. The act or omission arose from inadvertence or from accidental miscalculation, or from any other reasonable cause of a like nature, and in any case did not arise from any want of good faith;
- ii. The offence was of a trivial, unimportant, and limited character;
- iii. In all other respects the election was free from any corrupt or unconstitutional practice on the part of the candidate and of the candidate's agent(s); or
- iv. It seems to the Elections Committee to be fair and just under the circumstances that punitive measures need not be imposed; the election of the candidate is not void because of the offence. [Adapted from the Dominion Controverted Elections Act, s. 55 and 56]

14.42 The Elections Committee has the power and authority to declare an election invalid by reason of any irregularity (either an act or omission), but no election shall be declared invalid if it appears to the Elections Committee that the irregularity did not affect the outcome of the election. [Adapted from the Election Act (Ontario), s. 67]

14.43.1. The Elections Committee may investigate and consider any issue concerning the

election if requested to do so by a candidate or student affiliated with New College.

14.43.2. A request or petition must be in writing and must be presented to the Chairperson of the Elections Committee within ten days after the election.

14.43.3. Despite Article 14.43.2 if Council is satisfied, that there is sufficient cause or reason for doing so, Council may, by a two-thirds vote, extend the period for presenting a request or petition.

14.43.1. All investigations and decisions of the Elections Committee shall be concluded within twenty days after the election.

14.43.2. Despite Article 14.43.1 if Council is satisfied that there is sufficient cause or reason for doing so, Council may, by a two-thirds vote, grant to the Elections Committee additional time for the purpose of an investigation and decision.

14.44. Election and nomination information shall be placed at each of the following places at least one week prior to the opening of the nomination period:

- i. Outside the office of Council;
- ii. On the bulletin Councils inside the lobby of Pond Road Residence;
- iii. On the New College bulletin Council located in Central Square;
- iv. Outside the Office of the Head of the College; and
- v. The New College Council Website and any other form of media;
- vi. In any other location, the election committee deems appropriate, or which Council directs.

14.45. Nomination and election information shall include the following:

- i. The date(s) of the election;
- ii. The dates of the nomination period;
- iii. The dates of the campaign period;
- iv. The position(s) to be contested (with job descriptions), and;
- v. The location of the Council office.

## **Article 15: Hiring of Positions**

The President and Vice President Operations must hire the Chair, Secretary, and Chief Returning Officer at the beginning of the summer term. Applications must go out on the List serve and social media channels 2 weeks in advance before conducting interviews. Interviews also need to be in-person interviews (President and Vice President Operations must be both be present for Interviews).

The hiring of general members are to be conducted in the fall term near fall elections. Applications must go out on the List serve and social media channels 2 weeks in advance before conducting interviews. Interviews are to be conducted by the President, Vice President Operations.

## **Article 16: Complaints Process**

- 16.1 New College Council is committed to conducting itself in an Open, Accessible, Democratic, Non-Discriminatory and Legally and Financially Responsible manner with respect to the activities and the financing of student activities.
- 16.2 All members of New College have the Rights and Freedoms outlined in Article 8.3.
- 16.3 Should line 16.1 or line 16.2 of a member be infringed upon, all complaints should be directed to the President and Vice President of Operations of which can be contacted via email [president@newcollegecouncil.com](mailto:president@newcollegecouncil.com) and [operations@newcollegecouncil.com](mailto:operations@newcollegecouncil.com)
- 16.4 A written response to the complainant(s) will be provided within 72 hours of receiving the written complaint. The response will include a timeline regarding how the complaint will be investigated. Any resulting decision(s) will be made no later than 21 days after the complaint has been received.
- 16.5 The Vice President of Operations shall be in charge of conducting the investigation and take the following steps regarding the complaint:
  - 16.5.1 A discussion with the complainant(s) shall be offered and scheduled within 5 days from the original notice of complaint. Should the complainant accept, the discussion shall take place via Web conferencing methods or in the New College Council Office. This discussion must be documented, and the Vice President of Operations must be in attendance.
  - 16.5.2 The Vice President of Operations shall set up a meeting with the individual(s) named in the complaint within 15 days of the original notice. This meeting must be documented, and the Vice President of Operations must be in attendance.
  - 16.5.3 The Vice President of Operations shall set up a meeting with any witnesses within 15 days of the original notice. This meeting must be documented, and the Vice President of Operations must be in attendance.
  - 16.5.4 A committee consisting of 3 New College Council members (President, Vice President of Finance and Speaker) shall form to hear the results of the investigation presented by the Vice President of Operations. The committee must not include any individuals named in the complaint nor have a conflict of interest.
  - 16.5.5 The Vice President of Operations shall set up a meeting with the committee and present the results of the investigation. The results shall be presented starting with the complainant(s) written notice and the initial meeting. Afterwards, the VP of Operations shall present the

results from the meeting with those named in the complaint and then any additional evidence found. The meeting must be held no later than 19 days after the original notice of the complaint and must be documented. The committee must render a decision by the end of the meeting. The decision-making process and resulting actions that can take place can be found in lines 16.6; 16.7 and 16.8.

- 16.5.6 Once the committee has determined its decision and any resulting action on behalf of the member(s) of the organization or the organization itself. The decision must be provided in writing to the complainant(s) and available upon request for members of the organization or the university designate.
- 16.6 In order to render a decision the committee must determine the severity of the actions taken place and the impact it had on the complainant(s) whether the impact was intentional or not. The committee shall then list the possible resulting actions found in 16.7 and 16.8 and discuss which action(s) are appropriate.
- 16.7 Should the complaint be against another council member, resulting actions that can take place can include but are not limited to, verbal reprimand, letter of censure, revoked or reduced honorarium, and impeachment or removal from the Council.
- 16.8 Should the complaint be against a member, resulting actions that can take place can include but are not limited to, verbal reprimand, letter of censure, restricted ability to attend events and restricted lounge usage.

### **Article 17: Referendum**

- a. A Referendum shall be posed to the general membership of the Council on matters relating to:
- i. The levy;
  - ii. An agreement that the Council holds which requires such;
  - iii. Any matters, which the Council deems, appropriate.
- b. In order to be effective, referenda shall pass by fifty percent plus one (50%+1) majority.

### **Article 18: Former By-Laws Revoked**

This Constitution and its By-laws, once in force, precede all previous Constitutions and Bylaws, written or implied.

### **Article 19: Winding Up**

Upon the winding up of the Council, all assets of the Council will be left to another non-profit organization promoting the interests of undergraduate students at York University on a College system focus, which has policies, aims, and goals congruent with those of the Council.

Certifies a true and correct copy of the Constitution of The New College Council, enacted by the New College Council on the twenty-seventh day of February 2018.