

Article XIX -- FINANCE

Article XX -- AMENDING THE CONSTITUTION

Adopted February 13, 1986
Amended October 12, 1989
Amended March 8, 1990
Amended December 2, 1993
Amended October 29, 2000
Amended March 17, 2002
Amended March 30, 2008
Amended March 22, 2009
Amended March 24, 2010
Amended February 27, 2011

Article I -- NAME

The name of the organization shall be the University of Prince Edward Island Student Union Incorporated, hereafter referred to as the "UPEI SU".

Article II -- STATEMENT OF PHILOSOPHY

The UPEI SU is a membership-oriented organization holding the principles of Constitutional democracy to be of utmost value. The Student Union is dedicated to the betterment of University life and enhancing the student experiences at UPEI. Inherent in this vision is the unquestionable responsibility of the UPEI SU's elected officials, employees, and volunteers to build upon the traditions of the University in all times and places and to serve the interests of the students of UPEI on all occasions. To protect this philosophy, the UPEI SU Constitution exists.

Article III -- OBJECTIVES

- A to serve and represent the membership as required.
- B to promote and facilitate artistic, literary, educational, social, recreational, charitable and sporting activities at the University of Prince Edward Island (hereafter referred to as UPEI).
- C to promote unity and goodwill amongst its members.
- D to advance the cause of higher learning in the province of Prince Edward Island and the country of Canada.
- E to afford a recognized means of communication and co-operation between the students of UPEI and all other bodies acting within the University.
- F to represent the interests of the students of UPEI to other student governments, to the municipal, provincial and federal levels of government, and to other organizations outside the University.
- G to promote and assist in maintaining an academic and social environment free from prejudice, exploitation, or abuse on the basis of, but not limited to, gender, ethnic background, language, religion, age, national or social status, political affiliation or belief, sexual orientation or marital status.

Article IV -- MEMBERSHIP

- A There shall be two (2) classes of members in the UPEI SU: Active members and Honorary members.
- 1 The following shall be Active members: Students who are classified as having full-time status as defined by the Office of the Registrar and have paid the current and full Student Union fees, appropriate for Active members, as prescribed by the UPEI SU Council (hereafter referred to as Council) except wherein the President of the Student Union in extraordinary circumstances submits a request to Council to be in less courses than required for a full-time status.
 - 2 The following shall be Honorary members: Persons upon whom Honorary membership in the UPEI SU may be conferred by Council.
- B Every member shall be eligible to participate in any of the activities of the UPEI SU. Only Active members, as defined in this Article, shall have the right to vote, assume, or serve in any elected position.
- C The resignation of a student from the UPEI SU does not release the student from any financial obligations (with the exception of membership fees in the UPEI SU as outlined in Article V) he/she may have incurred with or on behalf of the UPEI SU.

Article V -- STUDENT UNION FEES

- A 1 The Student Union Fees for Active members shall be determined and set by Council. Student Union Fees for Active members shall be refunded when a student changes status from full-time to part-time, as defined by the Office of the Registrar, in the following manner: one hundred per cent (100%) until September 30, eighty per cent (80%) until October 31, fifty per cent (50%) until January 30, and forty per cent (40%) until February 28. There will be no reimbursement after February 28.
- B 1 The Student Fees for Active members shall be collected in an manner to be arranged by the UPEI SU Executive (hereafter Executive).
- C Changes in Student Fees for Active members shall be conducted in the following manner:
- 1 Notice shall be given of a Fee change at a meeting of Council.
 - 2 Publicity of the amount of Fee change and its' justification shall be given through campus media for four consecutive weeks.
 - 3 There shall be a General Information Session advertised through campus media and held for purposes of discussing and explaining changes in Student Fees for any students wishing to attend. The meeting shall take place at least one (1) week after the notice of Fee change has been made to Council.
 - 4 The Fee change shall be voted upon at a meeting of Council two (2) weeks after completion of procedures in this Article.

Article VI -- UPEI SU COUNCIL

- A The governing body of the UPEI SU Council, herein referred to as Council. The Council shall consist of:
- 1 The five Executive Members of the UPEI SU, three of whom shall be elected in the Spring General Election.
 - 2 Three Undergraduate Senate Representatives and one Graduate Student Senate Representative, elected to Council in the Spring General Election.
 - 3 One (1) Board of Governors Representative to be elected to Council in the Spring General Election.
 - 4 One (1) elected Representative for every two hundred (200) students in each respective faculty or school to be elected in the Spring General Election, with the exception of Education which will be elected in the Fall General Election. If the number of students in a faculty or school exceeds the two hundred to one ratio (200:1) by at least fifty per cent (50%) of the two hundred, that faculty or school shall be granted one (1) additional elected representative.
 - 5 One (1) Representative from the First-year Class to be elected in the Fall General Election.
 - 6 One (1) Graduate Student Representative to be elected in the Fall General Election.

- 7 No faculty or School shall have less than one (1) elected Representative on Council.
- 8 One (1) representative shall be elected from the Residence population of the University during the Fall General Election.
- 9 One (1) representative shall be elected from the International student population of the university in the Fall General Election.

B The following shall be recognized as non-voting members of Council:

- 1 The UPEI SU Chair
- 2 The UPEI SU ombudsman.
- 3 The Vice President Finance
- 4 The Vice President Communications
- 5 The Accessibility Representative to be designated by the University's Accessibility Services.

C Term lengths

- 1 All executive positions shall be elected or hired for a term of one year. No student shall hold the same executive position for more than two (2) terms, or any executive position for more than three (3) terms.
- 2 All other positions will be elected for a one year term, with the exception of Senate representative and Board of Governors representative which will be elected to serve a two year term.

Article VII -- POWERS AND DUTIES OF THE UPEI SU COUNCIL

- A Council is the supreme governing body of the Student Union affairs.
- B It shall be the duty of Council to follow its' Constitution.

- C Council has the power to acknowledge the existence of UPEI SU Sub organizations in accordance with the UPEI SU Sub organization By-law.
- D It shall be the duty of Council to enact formal resolutions governing the formation and activities of Sub organization in accordance with the UPEI SU Sub organization By-law.
- E It shall be the duty of Council to provide for the general management of the funds and affairs of the UPEI SU.
- F Council may create and delegate authority to committees as it sees fit.
- G The Council may create By-laws of the UPEI SU Constitution as outlined in Article VIII of this Constitution.

Article VIII -- BY-LAWS OF THE UPEI SU COUNCIL

- A The By-laws of the UPEI SU shall be as binding on the members of the UPEI SU as is the Constitution itself.
- B By-laws may be enacted to apply to any matters of the UPEI SU, as required.
- C Enacted By-laws may expand on, but not contradict or supersede the UPEI SU Constitution.
- D By-laws shall be created, amended or removed by Council according to the following procedure:
 - 1 a. proposed By-laws or amendments shall be formally presented at a meeting of Council.
 - b. removal of a By-law shall be formally presented at a meeting of Council.
 - 2. publicity of a proposed By-law or an amendment or withdrawal to an existing By-law shall be given in one (1) issue of the student newspaper before the meeting of Council when it is to be brought for approval.
 - 3 A proposed By-law shall be voted on at a meeting of the Council held at least seven (7) days after its formal presentation. To be enacted, the proposed By-law requires a two-thirds (2/3) majority vote of Council.
 - 4 Enacted By-laws shall take effect seven (7) days after being approved by Council unless otherwise stipulated in the motion of creation or amendment.

Article IX -- DECLARATION OF OFFICE

All Council members must take and sign a Declaration of Office stating that they will follow the Constitution and shall agree to carry out their duties. The Declaration shall be administered by the UPEI SU Chair and signed by the UPEI SU President or designated member of the Executive.

Article X -- STUDENT REPRESENTATION ON BOARD OF GOVERNORS AND SENATE

- A The (2) two Student Representatives on the Board of Governors (one being the President) and the six (6) Student Representatives to the Senate (including President, Executive Vice President) shall:
- 1 Be elected according to Article XVI of this Constitution.
 - 2 Serve a two year term from September 1st, year one (or date office is taken) until April 30th, year two or until the end of the meeting for the second academic year.
 - 3 Act as Governors or Senators of the University. If any student positions on the Board of Governors or University Senate are left vacant after the Fall General Election an elected member of council (not sitting on the other body) may be appointed to fill the vacancy by a 2/3 majority vote of council. To allow for maximum student representation on University Bodies.
- B Any Representative that misses three (3) consecutive or a total of four (4) meetings during the fall and winter semesters on his/her respective University body shall be automatically impeached from both Council and his/her

respective University body. However, a Representative may apply to Council to be excused from a special meeting of the Board of Governors or Senate. A two-thirds (2/3) majority vote of Council will excuse the individual from his/her absence.

Article XI -- THE OMBUDSMAN

The Ombudsman of the UPEI SU shall:

- 1 Be elected for a one year term during the Spring General Election.
- 2 Endeavour to aid any member of the UPEI SU who encounters difficulties with the University and/or with the UPEI SU.
- 3 Inform students as to what resources are available for prominent student concerns on campus and publicize these resources through campus media.
- 4 Be a non-voting member of Council.
- 5 Be entitled to attend any meeting of the UPEI SU including meetings which are ordinarily considered confidential, such as Hiring, Executive, or special investigatory meetings. These may be attended by the Ombudsperson upon submission of a written notification if such intent to the UPEI SU Chair.
- 6 Be entitled access to the files, business reports and financial records of the UPEI SU within twenty-four (24) hours of tendering a written demand to the chairperson of the responsible committee or Executive responsible for said files, business reports or financial reports.
- 7 Shall hold no other position elected, appointed, or paid position of the University or of the UPEI SU during his/her term of office.

Article XII -- POWERS AND DUTIES OF THE CHAIR AND THE DEPUTY CHAIR

The Chair shall:

- 1 Be appointed upon the recommendation of the Hiring Board.
- 2 Call the meeting to order at the time and place appointed, preside at all meetings of the Council and General Membership to announce the business before the assembly in the order set, to preserve order and decorum and to decide all questions of order (subject to appeal) and ensure that an agenda is provided.

- 3 (Must) call a meeting of the Council within five (5) days of the receipt of a petition signed by at least six members of council.
- 4 Ensure that all reports of the Committees, Boards and individual persons be submitted in writing to the Chair.

- 5 Assure that Councillors are appointed to Council's Committee, Boards and Commissions in consultation of the President
- 6 Be a non-voting member of Council.
- 7 Shall hold no other office on council, within the UPEI SU, or within UPEI SU Sub-organizations therefore maintaining an unbiased standing.
- 8 Utilize Robert's Rules of Order as the authority on proceedings at all meetings; however, the UPEI SU Constitution, and its By-laws shall supersede Robert's Rules.
- 9 Conduct an information session with all Councillors in order to familiarize them with the Rules of Procedures and Robert's Rules of Order.
- 10 Assist and oversee the Chief Returning Officer in his/her duties concerning campus elections.
- 11 Perform all other duties as assigned or required.
- 12 Confirm enrolment numbers with the Registrars' Office prior to the Spring General Election to determine the number of seats to be elected in both the Spring and Fall General Election.

The Deputy Chair shall:

- 1 Be appointed upon the recommendation of the Hiring Board.
- 2 Be a non-voting member of Council.
- 3 Shall hold no other office on council, within the UPEI SU, or within UPEI SU Sub-organizations therefore maintaining an unbiased standing.
- 4 Assume the duties of Chair in the event that the Chair is absent, or when deemed necessary by the Chair or the

- President.
- 5 Keep the Council Membership Roll
 - 6 Be responsible for accurate and complete records of the Student Union Council
 - 7 Act as recording secretary for Council and be present at all meetings of Council and General membership.
 - 8 Perform all other duties as assigned or required.

Article XIII -- GENERAL MEETINGS

- A General Meetings of the UPEI SU shall be held at least twice annually, one to be held no later than sixty (60) days after the first day of classes of the fall semester, the other to be held within thirty (30) days prior to the last day of classes of the spring semester. The actual dates for these meetings are to be proposed by the President and determined by Council at least two (2) weeks prior to the decided date.
- B Other General Meetings shall be held:
 - 1 Upon a resolution of a majority vote of Council.
 - 2 Upon written request signed by ten per cent (10%) of the members of the UPEI SU. The request shall be submitted directly to the UPEI SU Chair and shall contain specific points to be placed on the agenda for the meeting.
- C Five per cent (5%) of the Active members of the UPEI SU during the semester shall constitute a quorum at a General Meeting. If a quorum is not present at the meeting, the Chair may declare a General Information Meeting and the Agenda may proceed; however, without the required quorum, no motions shall be recognized by the Chair. If required a second General Meeting may be called by Council, subject to the terms of this Constitution.
- D The agenda, obeying the requirements as set forth in this Constitution, shall be approved by a majority vote of Council.
- E Two (2) weeks prior to all General Meetings an announcement shall be made specifying the date, place, and agenda of the meeting. Notice shall be given through campus media. These notices are to be signed by the UPEI SU Chair.

Article XIV -- COUNCIL MEETINGS

- A There shall be at least one (1) and preferably two (2) Council Meetings per month during each semester. The actual dates shall be proposed by the President and approved by Council.

- B Any individual student who wishes to have an item put on the agenda must bring the item and any relevant information to the attention of the President at least one (1) week in advance of the meeting.
- C A quorum of Council shall be fifty per cent plus one (50% + 1) of the voting members.
- D No member may vote by proxy.
- E Any Councillor who misses three (3) consecutive or any four (4) Council meetings shall be automatically served with a written Notice of Motion to Impeach due to Non-Attendance by the Chair. The Chair shall report to Council that a Notice has been issued, and that the vote date will occur at the following meeting of Council (at least one (1) week following the Notice of Impeachment) in accordance with Article XVII.
- F A Councillor who is present for less than fifty per cent (50%) of a meeting shall be considered absent for the meeting.
- G Council meetings shall be open to all members of the UPEI SU except by a two-thirds (2/3) majority vote of Council. At such times, Council shall go into an "In Camera" session. All non-members of Council are to vacate the meeting room with the exception of those approved by the Council.

Article XV -- EXECUTIVE MEETINGS

- A There shall be an Executive meeting at least once per week during the first and second semesters. The actual time of all Executive meetings shall be determined by the President.
- B Three (3) out of five (5) Executive members shall constitute a quorum at all Executive meetings, two (2) of whom must be elected Executive members.
- C In the event of a tie vote, the President shall take the matter to Council for a decision.
- D Decisions and policies arrived at during Executive meetings shall be submitted by the President to the Council for consideration.

Article XVI -- ELECTIONS AND REFERENDA

- A All Elections and Referenda shall be conducted in accordance with accepted democratic principles.
- B More specifically, elections and Referenda of the UPEI SU shall be conducted in accordance with the UPEI SU Elections and Referenda By-law.

Article XVII -- IMPEACHMENT PROCEDURE

- A The impeachment of any member of the Council may be proposed by members of the UPEI SU.
- B If the members of the UPEI SU wish to remove from office any member of Council (other than the Chair, the Ombudsman, the Vice President Finance, and the Vice President Communications) for any reason other than non-attendance, they shall do so by presenting to the Chair a petition signed by no less than ten per cent (10%) of the members in the Council member's constituency. The Chair shall then ask council (at the next council meeting) if it wishes to have the seat declared vacant. A two-thirds (2/3) majority vote of Council in favour by secret ballot will result in the impeachment of the Council member. If the Council desires not to impeach the Council member, a Referendum will be held within the Council member's constituency to decide on the impeachment. A simple majority will constitute the decision. The Referendum is to be held in accordance with Article XVI of this Constitution.

- C A member of the Council may propose impeachment of a Council member(with the exception of the Chair and Ombudsman, Vice President Finance, and the Vice President Communications) giving notice of a motion of non-confidence in the Councillor-in-question. The notice of motion must be publicized to the Council member's constituency for at least one (1) week. The Chair must officially inform the Councillor-in-question in writing of the motion of non-confidence. If at the following meeting of Council (at least one (1) week following after the notice of motion), the motion is passed by a two-thirds majority of Council, the Councillor-in-question is declared impeached.

- D A member of the Council may be impeached for non-attendance in accordance with Article XIV. Prior to the vote, the Councilor-in-question has the opportunity to present to Council, during which he/she may give reasons for non-attendance. A two-thirds (2/3) majority vote of Council is required to impeach the Councillor-in-question for non-attendance. If the Councillor-in-question does not oppose the impeachment, he/she shall be automatically impeached from the Council and the UPEI SU Chair shall inform Council of the impeachment.

- E A student impeached from Council shall not maintain any attendance duties of the position formally held on Council.

- F The Ombudsman can be removed from office only after both of the following actions have been completed:
- 1 A petition be signed by no less than ten percent (10%) of UPEI SU membership (the student body), requesting impeachment of the Ombudsman.
 - 2 A two-thirds (2/3) majority vote of non-confidence is held by council, at an official Council Meeting,

deciding to impeach the Ombudsman.

If such, removal occurs council will appoint an interim Ombudsman until a by-election or regularly scheduled election can be held and an official Ombudsman be elected. The interim Ombudsman will have the same rights, responsibilities, and accountability as that of the official Ombudsman.

- G All vacant council positions, with the exception of Chair, Ombudsperson, Vice President Finance, and Vice President Communications shall be handled by a By-election in accordance with Article XVI of this Constitution. The UPEI SU Chair is an employee of the Student Union and is officially accountable to the UPEI SU President. The Chair's employment can be terminated by a 2/3 majority vote of council, given that notice of a vote is provided at least one meeting and one week prior to such voting. In the event of termination, an interim Chair will be hired via an Executive majority vote, and will occupy that position until Hiring Board can forward a recommendation to Council. The interim Chair will have the same rights, responsibilities, and accountability as that of the official Chair.
- H The Vice President Finance and the Vice President Communications can be removed from office after one of the following has been completed:
- 1 a two-thirds (2/3) majority vote of Council; during the fall and winter semesters.
 - 2 a majority vote of Executive; during the spring and summer semesters.

Article XVIII -- HIRING BOARD

- A The Hiring Board shall be responsible when requested for the recruitment and selection of Chairpersons, Heads of Standing Committees and Organization, or members of such.
- B The Hiring Board shall be responsible for recruiting and hiring all employees (student and non-student) of the UPEI SU.
- C The Hiring Board shall act in accordance with the UPEI SU Hiring Board By-law.

Article XIX -- FINANCE

- A As the UPEI SU is a membership-oriented organization, its financial affairs shall be made public and shall be conducted by the VP Finance and the General Manager (refer to the UPEI SU Personnel Policy) in a fashion most beneficial to its membership as determined by Council.
- B
 - 1 There shall be an annual audit of the UPEI SU.
 - 2 The audit shall be conducted at the end of the fiscal year.
 - 3 An auditing firm shall be chosen by a majority vote of Council.
- C Further specifics of the financial conduct of the UPEI SU are described and delineated in the UPEI SU Financial By-law.

Article XX -- AMENDING THE CONSTITUTION

- A Notice of the proposed Constitutional amendments shall be given at a meeting of the council at least one meeting before the proposed amendments are brought to Council.
- B An amendment to the Constitution must be passed by a two-thirds majority vote in favour by Council. Such amendments are then subject to the ratification of the general membership by a simple majority in a referendum for that purpose and conducted in accordance with Article XVI of this Constitution.
- C Quorum for Council when dealing with proposed amendments to the Constitution shall be two-thirds of the Council members.
- D The Referendum must be held at least two weeks following the Council meeting in which the amendments are passed by Council. The amendments which are to be voted on must

be given two weeks wide publicity prior to the date of the Referendum.

- E The changes, if any, shall not come into effect until one week after the Referendum unless specified in the amendment.