



UPEISU By-Law # 1.03 Council

CATEGORY: By-Law	SUBJECT: <i>Council Composition, Powers & Duties of Council, Division of Responsibilities, Council Terms, Roles & Responsibilities, and Eligibility & Declaration of Office.</i>
EFFECTIVE DATE: August 7 th , 2018	LAST UPDATE: December 6, 2022

PURPOSE:

This By-Law provides guidance of the UPEISU Council. It provides further guidance of the duties of Council as a whole and individual Councillors, including, but not limited to, eligibility, Declaration of Office, roles and responsibilities, and council terms.

APPLICATION:

This By-Law applies to all UPEISU Councillors and Executive Members.

COMPOSITION:

- 1.03.01 The UPEISU Council shall be composed of the following members:
- a. The Executive Members of the UPEISU:
 - i. The Vice President Finance & Administration shall be interviewed and recommended to council for approval by the Hiring Board Committee.
 - ii. The President, Vice President Academic & External, and the Vice President Student Life must be elected from the population of UPEI Full-Time Students.
 - b. One (1) Representative shall be elected for each faculty by the population of students in each respective faculty;
 - c. One (1) Education Representative shall be appointed to the UPEISU Council through the internal election process of the Education Society;

- d. One (1) Ombudsperson shall be elected from the population of UPEI Full-Time Students by the population of UPEI Full-Time Students as a non-voting member of the UPEISU Council;
- e. One (1) Board of Governors Representative shall be elected from the population of all UPEI Full-Time Students by the population of UPEI Full-Time Students;
- f. Three (3) Undergraduate Student Senate Representatives shall be elected from the population of UPEI Full-Time Undergraduate Students by the population of UPEI Full-Time Undergraduate Students;
- g. One (1) Graduate Student Senate Representative shall be elected from the population of UPEI Full-Time Graduate Students by the population of UPEI Full-Time Graduate Students;
- h. One (1) 2SLGBTQ+ Student Representative (self-identified) shall be elected by the population of UPEI Full-Time Students;
- i. One (1) Equity, Diversity & Inclusion Representative (self-identified) shall be elected from the population of UPEI Full-Time Students;
- j. One (1) First-Year Representative shall be elected from the population of UPEI Full-Time Students with first-year academic standing by the population of UPEI Full-Time Students with first-year academic standing;
- k. One (1) Graduate Student Representative shall be elected from the population of UPEI Graduate Full-Time Students by the population of UPEI Graduate Full-Time Students;
- l. One (1) Indigenous Student Representative shall be appointed to the UPEISU Council through the internal election process of the Aboriginal Student Association that represents Indigenous students at UPEI;
- m. One (1) International Student Representative shall be from the population of International Students, as defined by UPEI; and
- n. One (1) Residence Representative shall be elected from the population of UPEI Full-Time Students living in UPEI Residence by the population of UPEI Full-Time Students living in UPEI Residence.

MEMBERSHIP:

Declaration of Office

- 1.03.02 All councillors must sign a Declaration of Office stating that they will follow the UPEISU Governing Documents and agree to carry out their duties as set forward by this By-Law.
- 1.03.03 The Declaration of Office shall be signed during the Councillors first Council meeting.
- 1.03.04 The Declaration of Office shall be administered by the UPEISU Chair of Council and signed by the UPEISU President.

Eligibility

- 1.03.05 Each Councillor shall maintain their membership in the UPEISU for the duration of their term.
- 1.03.06 No person shall hold more than one position on Council, except in the case when a councillor is appointed to fill a vacancy within the Executive Committee on an interim basis as per this By-Law.
- 1.03.07 No Councillor shall be employed by the UPEISU other than as outlined in the UPEISU Policies and By-Laws, or by exception as granted by a majority vote of Council.
- 1.03.08 All Councillors shall sign the Declaration of Office during the duration of their first Council Meeting.
- 1.03.09 All candidates in contention for the position of Vice President Finance & Administration must declare on their application that they do not possess a criminal record for an indictable offence under the *Criminal Code* with respect to fraudulent activity or theft.

Impeachment

- 1.03.10 No student having been previously removed from a council position by impeachment shall be eligible for nomination to any position for two (2) years following their impeachment.
- 1.03.11 Should an impeached Councillor wish to run for in an election or seek appointment to a position on Council before two (2) years have passed, they must make a presentation to Council requesting permission for their nomination to be accepted.

Council Term

- 1.03.12 All UPEISU Executive Members 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.
- 1.03.13 All UPEISU Council positions will be elected for a one (1) year term, with the exception of the Senate Representatives and Board of Governors Representative who will be elected to serve a two (2) year term.
- 1.03.14 Councillors elected will begin their term effective upon taking and signing the Declaration of Office at their first Council meeting.

Chair of Council and Deputy Chair of Council

- 1.03.15 The UPEISU Chair of Council is an employee of the UPEISU and is accountable to the UPEISU Council.
- 1.03.16 The Chair of Council shall:

- a. Be hired upon the recommendation of the UPEISU Hiring Board;
- b. Preside over Council Meetings and other duties and responsibilities as set by the UPEISU Governing Documents;
- c. Ensure that all reports of the Committees, Boards, and individual persons are submitted in writing on time;
- d. Appoint Councillors to Council Committees;
- e. Hold no other office on Council, within the UPEISU, or within UPEISU Clubs and Societies so as to maintain their unbiased standing;
- f. Conduct an information session with all Councillors in order to familiarise them with the Rules of Procedure and Robert's Rule of Order;
- g. Utilise Robert's Rule of Order as the authority on proceedings at all meetings so long as they do not conflict with the UPEISU Governing Documents;
- h. Oversee the UPEISU Elections;
- i. Confirm enrolment numbers with the UPEISU General Manager prior to the Winter General Election to determine the number of seats to be elected in both the Winter and Fall General Elections; and
- j. Perform all other duties as assigned or required.

1.03.17 The UPEISU Chair of Council's employment can be terminated by a two-thirds majority ($\frac{2}{3}$) 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 of Council will be appointed from within Council and will occupy that position until the Hiring Board can forward a recommendation to Council. The Interim Chair of Council will have the same rights, responsibilities, and accountability as that of the Chair of Council.

1.03.18 The Deputy Chair of Council shall:

- a. Be hired upon the recommendation of the Hiring Board;
- b. Assume all duties and responsibilities of the Chair of Council in the event that the Chair of Council is absent, or when deemed necessary by the Chair of Council;
- c. Keep a record of Councillor attendance at Council meetings;
- d. Maintain and make available accurate minutes of Council Meetings; and
- e. Perform all other duties as assigned or required.

Ombudsperson

1.03.19 The Ombudsperson shall endeavour to aid any UPEI Full-Time Student who encounters difficulties with a UPEISU Councillor or Executive Member.

1.03.20 The Ombudsperson shall not hold any other position, elected, appointed, or paid, of the UPEISU during their term of office.

1.03.21 Power and Responsibilities:

- a. The Ombudsperson shall provide a report to the UPEISU Council at the end of every academic term. The report shall summarise the Ombudsperson's recent activities;
- b. The Ombudsperson shall be entitled to attend any meeting of the UPEISU, including meetings which are ordinarily considered confidential, including Hiring, Executive, or special investigatory meetings. These may be attended by the Ombudsperson upon written submission of notification to the UPEISU Chair of Council;
- c. The Ombudsperson shall be entitled to access UPEISU files, business reports, and financial records within twenty-four (24) hours of tendering a written request to the UPEISU Chair of Council; and
- d. The Ombudsperson shall be entitled to carry out investigations where they deem necessary.

1.03.22 Complaints:

- a. The Ombudsperson shall open an investigation in response to complaints or of their own initiative;
- b. The Ombudsperson shall not disclose the identity of any complaint unless with the prior written consent of the complainant or unless it is deemed necessary to investigate the complaint; and
- c. The Ombudsperson may consult with or defer to a third party investigator as they see fit.

1.03.23 Investigations:

- a. The Ombudsperson shall notify Council prior to opening an investigation;
- b. All members of Council shall cooperate with the Ombudsperson to the greatest extent permitted by law;
- c. At the conclusion of an investigation, the Ombudsperson shall present a report to Council. The report shall be made public and shall propose solutions to any problems that the Ombudsperson has identified; and
- d. The report shall not identify individuals by name or by implication, nor shall it include confidential information.

1.03.24 Removal:

- a. The Ombudsperson may be removed from office for cause, following either of the conditions being met:
 - i. A petition signed by no less than ten percent (10%) of the UPEI Full-Time Student population requesting the removal of the Ombudsperson.
 - ii. A two-thirds ($\frac{2}{3}$) majority vote of non-confidence by the UPEISU Council, at an official council meeting, deciding to remove the Ombudsperson.
- b. If such removal offers, Council will appoint an Interim Ombudsperson until an election can be held and an official Ombudsperson is elected. The Interim

Ombudsperson will have the same rights, responsibilities, and accountability as that of the official Ombudsperson.

POWERS, DUTIES, AND RESPONSIBILITIES OF MEMBERS:

Division of Responsibilities Between Staff and Council

- 1.03.25 There shall be a division of responsibility between the staff of the UPEISU and the UPEISU Council.
- 1.03.26 Council will be responsible for setting the direction of the organisation, including allocating funds in the budget, creating Governing Documents, delegating authority to committees, and enacting resolutions about UPEISU Clubs and Societies.
- 1.03.27 Staff will be held responsible for managing operations of the UPEISU, including the daily decisions around the businesses and services that the UPEISU owns, operates, and/or delivers.

Council

- 1.03.28 Council is the highest governing body of the UPEISU. It shall be bound by the UPEISU Governing Documents.
- 1.03.29 Council has the power to acknowledge the existence of UPEISU Clubs & Societies in accordance with the UPEISU By-Law 1.10.
- 1.03.30 Council shall oversee general management of the funds and affairs of the UPEISU.
- 1.03.31 Council shall hold the UPEISU Executive Members accountable by monitoring the performance of the Executives and implementing adequate accountability measures.
- 1.03.32 Council shall be responsible for hiring the Full-Time Staff, the Chair of Council, Deputy Chair of Council, and all staff positions that report to an Executive Member.
- 1.03.33 Council may create and delegate authority to committees as it sees fit.
- 1.03.34 Council may create By-Laws as outlined in Article V of the UPEISU Constitution.

Councillors

- 1.03.35 Councillors shall:
- a. Act honestly and in good faith with regards to the best interests of the UPEISU;
 - b. Use reasonable efforts to advance the interests of the constituency that the Councillor represents;
 - c. Act as a liaison between the Councillor's constituents and the UPEISU Council and vice-versa;
 - d. Read and become familiar with the UPEISU Governing Documents;

- e. Attend all meetings of Council and all meetings of the Committees to which they are elected or appointed;
- f. Attend the Annual General Meeting;
- g. Perform one Council initiative per academic year;
- h. Attend all meetings of any Society or University bodies of which the Councillor sits; and
- i. Carry out other duties as required by Council.

STUDENT REPRESENTATION ON UPEI BOARD OF GOVERNORS AND UPEI SENATE:

- 1.03.36 The UPEISU maintains membership positions on the UPEI Board of Governors and the UPEI Senate.
 - 1.03.37 If any student positions on the UPEI Board of Governors or UPEI Senate are left vacant after the Election By-Law process has been exhausted, an elected member of Council not sitting on the other body may be appointed by a two-thirds ($\frac{2}{3}$) majority vote of Council to allow for maximum student representation on the UPEI Board of Governors or the UPEI Senate.
 - 1.03.38 Any Representative that misses three (3) consecutive or four (4) total meetings during the Fall and Winter Semesters on their respective UPEI body will be removed from both UPEISU Council and their respective UPEI body.
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BY-LAW #1.03 HISTORY:

Act	Date
Enacted	August 7, 2018
Amended	October 20, 2019
Amended	March 13, 2022
Creation of the New Policy & By-Law Framework	December 6, 2022
Amended	January 15, 2023 removed the accessibility rep and health & wellness rep. Changed to 1 rep per faculty and added the EDI rep. International rep is now just one