

DRAFT REFERENDUM QUESTION – 2024 SU GENERAL ELECTION

BACKGROUND

Between 1948 and March 2023, the Students' Union (SU) experienced significant changes to its governance processes due to changes in provincial legislation and the strategic decisions of past Students' Legislative Council (SLC) cohorts. These changes have resulted in the SU having two main governance documents: **(a)** the SU Union Bylaw, which incorporates information from the Post Secondary Learning Act and the SU Constitution, thus making it a significant reference document for guidance and direction over the SU governance processes and operations; and **(b)** the SU Constitution, which is a residual document due to most of its provisions already being reflected in the SU Union Bylaw.

In line with best practices, the SU aims to modernize its governance processes by improving student accessibility and ease of understanding of its governing documents. To implement this governance modernization, the SU proposes a consolidation of the SU Union Bylaw and the SU Constitution, by incorporating the only provision of the SU Constitution not reflected in the SU Union Bylaw, into the SU Union Bylaw as illustrated [here](#). This will make the SU Union Bylaw a “one-stop-reference” document students can rely on for all information on the SU governance processes and operations. Thereafter, the SU Constitution would be repealed for being redundant.

Other student associations in post-secondary learning institutions within Alberta such as the University of Alberta, Mount Royal University, MacEwan University and Athabasca University have either repealed their constitutions or recognise their union bylaw as their highest governing document in their governance processes. The SU has also consulted the Governance and Oversight Committee which comprises Active Members, the University and Government Relations, and the SLC on its proposed direction and both bodies have indicated their support for the following question to be presented to all Active Members.

QUESTION:

- 1) *Do you support the proposed incorporation of the SU Constitution into the Union Bylaw, and the subsequent rescindment of the SU Constitution effective on April 16, 2024?*
 - YES
 - NO

Proposed Merger of SU Constitution and Union Bylaw - Side-by-Side

This illustrative guide is designed to assist readers in understanding the proposed incorporation of the provisions of the SU Constitution into the Union Bylaw. The aim is not to implement a verbatim transposition of the provisions of the SU Constitution into the Union Bylaw; but rather, to ensure all key SU governance processes are reflected in a single place, being the Union Bylaw. To ensure there is clarity on how: (a) most provisions of the SU Constitution are already reflected in the Union Bylaw; and (b) how the outstanding provision will be incorporated into the Union Bylaw; a side-by-side comparison is provided below to allow readers to:

- (a) identify the provisions from the SU Constitution which are already reflected in the Union Bylaw and pinpoint the specific provisions where they are being incorporated;
- (b) assess the proposed provision of the SU Constitution currently being incorporated into the Union Bylaw, by noting its similarities.

SU Constitution	Current Union Bylaw
<p>(1) Name</p> <p>The name of the organized student body shall be “THE STUDENTS’ UNION, THE UNIVERSITY OF CALGARY,” established in accordance with section 93 of the <i>Post-Secondary Learning Act</i> and hereinafter referred to as “The Students’ Union,” or “The Union.”</p> <p>(2) Object</p> <p>The object of The Union shall be to provide for the administration of the affairs of the students of The University of Calgary, including:</p> <ul style="list-style-type: none"> A. The development and management of student committees; B. The development and enforcement of rules relating to student affairs; C. The promotion of the general welfare and the furtherance of total education of the students consistent with the purposes of The University of Calgary; and D. The protection of the joint and several rights of the body. <p>(3) Membership</p> <p>Membership in The Union shall consist of:</p> <ul style="list-style-type: none"> A. All active members; and 	<p style="text-align: center;">Part 2: The Students’ Union</p> <p>4) Name</p> <p>(1) The students association at the University of Calgary is “the Students’ Union, the University of Calgary,” pursuant to its continuation under section 126(6) of the Act.</p> <p>5) Object</p> <p>(1) Per section 93(3) of the Act, the object of the SU is to provide for the administration of student affairs at the University of Calgary, including:</p> <ul style="list-style-type: none"> (a) the development and management of student committees; (b) the development and enforcement of rules relating to student affairs; and (c) the promotion of the general welfare of the students consistent with the purposes of the University of Calgary. <p>6) Active Membership</p> <p>(1) In accordance with the Act, a person becomes an Active Member when that person becomes an undergraduate student at the University of Calgary and registers in at least one undergraduate credit course, including Credential Students, Open Studies Students, and Visiting Students, as defined by the University of Calgary.</p>

B. All honorary members.

IV. Powers

In accordance with the *Post-Secondary Learning Act*, all active members of The Union shall have the power to:

- C. Nominate to or be nominated for positions on the hereinafter defined Students' Legislative Council;
- D. Cast a ballot in any Students' Union election, referendum, or plebiscite;
- E. Petition the hereinafter defined Students' Legislative Council in respect of any matter, particularly the removal of any officer from his or her elected position;
- F. Exercise any other powers inherent in this Constitution or established in the by-laws of the Union.

- (2) A person stops being an **Active Member** when that person is no longer an undergraduate student at the University of Calgary.
- (3) **Active Members** must:
 - (a) pay mandatory **SU** fees as set out in section 33; and
 - (b) comply with the **Union Bylaw** and **Union Policy**.
- (4) **Active Members** may:
 - (a) vote in any **SU** election, referendum, or plebiscite;
 - (b) be a member of **SLC**, if duly elected or appointed;
 - (c) make use of the facilities and services provided by the **SU** to **Active Members**; and
 - (d) exercise any other rights or privileges set out for **Active Members** in the **Union Bylaw** or **Union Policy**.
- (5) The **SU** may require a person to provide confirmation from the University of Calgary of their student status to verify that person's valid **Active Membership** prior to that person being able to exercise any right or privilege associated with **Active Membership**.

7) Honorary Membership

- (1) The President may grant Honorary Membership to any person who has rendered outstanding services to the **SU**.
- (2) A person stops being an Honorary Member when:
 - (a) that person resigns their Honorary Membership in writing to the President; or
 - (b) that person has their Honorary Membership terminated by special resolution of **SLC**.
- (3) Honorary Members are not required to pay **SU** fees.

<p>V. General Meetings</p> <p>The President shall call a general meeting of The Students' Union, called a town hall meeting, if the President is requested to do so in writing by 100 Active Members.</p>	<p>(4) Honorary Members are not entitled to any rights or privileges of the SU.</p> <p>8) Petitions</p> <p>(1) Per section 98(1) of the Act, Active Members may, by a petition signed by at least 10% of Active Members, require SLC to conduct a vote on and implement any resolution pertaining to the affairs of the student organization.</p> <p>(2) The signatures must include a full name, University of Calgary email address, and valid student identification number provided by the University of Calgary.</p> <p>9) Town Hall Meetings</p> <p>(1) The President shall call a Town Hall Meeting for the purpose of discussion and sharing information about any issue within the scope or object of the SU if at least 100 Active Members submit a request in writing to the President, detailing the issue(s) to be discussed at the Town Hall meeting.</p>
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SU Constitution	Current Union Bylaw
<p>VI. Students' Legislative Council</p> <p>A. There is established in accordance with section 95 of the <i>Post-Secondary Learning Act</i>, a body entitled "The Students' Legislative Council, The University of Calgary," hereinafter referred to as "The Council," or the "SLC".</p> <p>B. Notwithstanding any Article of this Constitution, the Legislative power of The Union shall be and is hereby invested in The Council. The Students' Legislative Council shall manage the business and affairs of The Union through its position as the policy-making body of The Union. Except as stated in Article IX all legislative proposals become law after being passed by The Council.</p> <p>C. There shall be held a General Election of The Students' Union during each University year at which time The Council shall be elected by and from the active members of The Students' Union, as provided in the by-laws thereof.</p>	<p>Part 4: The Students' Legislative Council</p> <p>10) Composition</p> <p>(1) SLC consists of the following members:</p> <p>(a) the Executives, including:</p> <p>(i) the President;</p> <p>(ii) the Vice President Academic;</p> <p>(iii) the Vice President External; and</p> <p>(iv) the Vice President Internal; and</p> <p>(b) Faculty Representatives, in an amount determined by 14(2), from each of the following faculties of the University of Calgary:</p>

The organizational meeting of SLC shall be no earlier than the last day of the winter session final examinations and no later than the first Monday in May.

- (i) the Cumming School of Medicine;
- (ii) the Faculty of Arts;
- (iii) the Faculty of Kinesiology;
- (iv) the Faculty of Law;
- (v) the Faculty of Nursing;
- (vi) the Faculty of Science;
- (vii) the Faculty of Social Work; and
- (viii) the Faculty of Veterinary Medicine.
- (ix) the Haskayne School of Business;
- (x) the School of Architecture, Planning and Landscape;
- (xi) the Schulich School of Engineering; and
- (xii) the Werklund School of Education.

(2) Each faculty listed in 14(1)(b) shall be represented by:

- (a) one Faculty Representative; and
- (b) one additional Faculty Representative for every two thousand (2000) enrolled undergraduate students in that faculty, beginning with a second Faculty Representative at 2000 enrolled students, and including part-time and full-time students, as calculated at each General Election with the most recently published data from the University of Calgary's Office of Institutional Analysis.

(3) A Faculty Representative position will only be added per 14(3)(b) if the total number of enrolled undergraduate students exceeds a threshold of an additional two thousand (2000) students for two consecutive years of published data from the Office of Institutional Analysis.

- (4) If the enrollment in a faculty drops below the threshold of a multiple of two thousand (2000) enrolled undergraduate students for two consecutive years of published data from the Office of Institutional Analysis, the number of Faculty Representative positions shall be reduced accordingly.
- (5) Despite subsections (3) and (4), if the enrollment in a faculty crosses above or below a multiple of two thousand (2000) by more than 200 students in a single year, **SLC** may vote by majority to adjust the number of Faculty Representatives for that faculty accordingly, without having to wait for two consecutive years.

11) Role, Powers, and Responsibilities

- (1) In accordance with the **Act**, the role of **SLC** is to:
 - (a) manage the business and affairs of the **SU**, including by establishing the **Union Bylaw**, and approving, or delegating authority to approve, **Union Policy**;
 - (b) serve as the official channel of communication between the students of the University of Calgary and the University of Calgary Board of Governors; and
 - (c) carry out any other role, power, or responsibility granted to it by the **Union Bylaw** or **Union Policy**.
- (2) **SLC** shall carry out its powers, duties, and functions only by:
 - (a) resolution;
 - (b) bylaw or **Union Policy**; or
 - (c) referendum.
- (3) **SLC** may delegate, or revoke the delegation of, its authorities to any person or body, except the power to make bylaws.
- (4) **SLC** is responsible for:

- (a) ensuring the role, powers, and responsibilities granted to **SLC** by the **Act** and the **Union Bylaw** are appropriately carried out;
- (b) ensuring the policies and programs of the **SU** are appropriately developed and evaluated;
- (c) considering the welfare and interests of the **SU** as a whole;
- (d) ensuring **SLC**, **Elected Officials**, and the **SU** are compliant with and accountable to:
 - (i) the **Act**;
 - (ii) the **Union Bylaw**;
 - (iii) the strategic plan; and
 - (iv) **Union Policy**;
- (e) issuing a monthly report on behalf of the **SU** to **Active Members**, detailing where appropriate:
 - (i) the activities of the **SU** and of **SLC** in the previous month, such as events, programs, services, and **Elected Official** attendance or absences;
 - (ii) in collaboration with the Senate Student-at-Large Representatives and the Board of Governors Student-at-Large Representative, any relevant updates from those respective bodies;
 - (iii) important decisions made by the University of Calgary or the **SU** that are relevant to **Active Members**; and
 - (iv) any important information relevant to **Active Members** from the **SU** or **SLC** for the month ahead, such as notable deadlines, events, or activities;
- (f) any other responsibilities, as may be assigned to **SLC** by **SLC** or **Union Policy**; and

(g) all other responsibilities of the **SU** not explicitly granted to another person or body by the **Union Bylaw** or **Union Policy**.

(5) **SLC** members are responsible for:

(a) preparing for, attending, and participating meetings of **SLC** and of **SLC** committees to which they have been appointed;

(b) working within their role and reasonable capacity to further the object and strategic plan of the **SU**;

(c) familiarizing themselves with:

(i) **SLC's** role in governing the **SU**;

(ii) the **Union Bylaw** and **Union Policy**;

(iii) the strategic plan;

(iv) the terms of reference for any committee to which they are appointed; and

(v) the programs and services offered by the **SU** to **Active Members**;

(d) making informed decisions;

(e) maintaining confidentiality;

(f) abiding by the **Union Bylaw** and **Union Policy**, including reporting requirements;

(g) respecting the authority of **SLC** and **SLC** decisions;

(h) acting in the best interests of the **SU** and of **Active Members**;

(i) participating in the training and orientation activities planned by the General Manager or designate;

(j) participating in the training and orientation of their successors, including:

	<ul style="list-style-type: none"> (i) by having meetings with their successor; and (ii) preparing transition materials; and (k) fulfilling any other duty or responsibility that may be assigned or delegated to them by SLC.
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SU Constitution	Current Union Bylaw
<p>VII Students' Executive Cabinet</p> <p>A. There is established, by this Constitution, a body entitled "The Students' Executive Cabinet, The University of Calgary," hereinafter referred to as "The Cabinet," or "The S.E.C."</p> <p>B. Notwithstanding any Article of The Constitution, the administrative and executive functions of The Union and The Council shall be and hereby are invested in The Cabinet.</p> <p>C. The Cabinet shall be elected by and from the members of The Students' Union as provided in the by-laws thereof.</p> <p>VIII Students' Union Review Board and Students' Tribunal</p> <p>A. There is established, by this Constitution, a body entitled "The Students' Union Review Board, The University of Calgary", and "The Students' tribunal, the University of Calgary" hereinafter referred to respectively as "The Review Board" and "The Tribunal".</p> <p>B. Notwithstanding any Article of this Constitution, the judicial functions within the jurisdiction of The Union shall be and hereby are vested in The Review Board and The Tribunal as provided in the by-laws thereof.</p> <p>C. The Members of the Review Board shall be selected by the Council as provided for in the by-laws thereof.</p>	<p>21) Committees</p> <p>(1) The following standing committees of SLC are established:</p> <ul style="list-style-type: none"> (a) the Executive Cabinet; (b) the Operations and Finance Committee; (c) the Programs and Services Committee, and the following subcommittees: <ul style="list-style-type: none"> (i) the Quality Money Committee; (ii) the Teaching Excellence Awards Committee; and (iii) the Refugee Student Program Committee; and (d) the Governance and Oversight Committee; (e) the Review Board; and (f) the Tribunal. <p>(2) SLC may establish special committees to fulfil a specific, temporary mandate or purpose.</p> <p>(3) A committee may only create a subcommittee or delegate its roles, responsibilities, or powers to a subcommittee if permitted to do so by its terms of reference.</p>

	<p>(4) SLC, or in the case of subcommittees the parent committee, must establish terms of reference for each standing or special committee, including a mandate, scope, composition, authorities, duties and responsibilities, procedures for meeting and voting, reporting requirements, and any other provisions deemed necessary for the effective functioning of the committee.</p> <p>(5) SLC, and in the case of subcommittees the parent committee, may override any decision made by a committee by two-thirds majority vote.</p> <p>(6) The President is an ex-officio, non-voting (unless voting rights are specified) member of all committees and other bodies established by the SU, except for the Review Board and the Tribunal.</p>
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SU Constitution	Current Union Bylaw
<p>IX. Amendment Process</p> <p>A. (1) Prior to the consideration by The Students' Legislative Council, the proposed amendments shall be posted on The Students' Union bulletin boards and published in the students' newspaper, where possible, at least five days prior to a regular Students' Legislative Council meeting.</p> <p>(2) Prior to the consideration by The Students' Legislative Council of any amendment to the by-laws, notice of such amendment shall be given, by submitting the amendment in writing to a meeting of The Students' Legislative Council at least five days prior to the SLC meeting at which the amendment is to be voted upon.</p> <p>B. It shall require a 2/3 majority of all voting members of Council:</p>	<p style="text-align: center;">Part 8: Amendment</p> <p>51) Review</p> <p>(1) The Governance and Oversight Committee is responsible for reviewing the Union Bylaw at least once every three years.</p> <p>52) Amendment and Repeal</p> <p>(1) Any proposed amendment to the Union Bylaw must be submitted in writing to a meeting of SLC at least five days prior to the SLC meeting at which the amendment will be voted on.</p> <p>(2) SLC may amend or repeal the Union Bylaw:</p> <p>(a) on the recommendation of the Governance and Oversight Committee, by two-thirds majority vote; or</p> <p>(b) by special resolution, with two-thirds majority votes.</p>

<p>(a) To present a proposed Constitutional amendment of The Students' Union;</p> <p>(b) To amend, adopt, or rescind By-laws.</p> <p>C. It shall require a 2/3 majority of a Referendum of The Students' Union to pass an amendment to the Constitution.</p>	
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SU Constitution	Current Union Bylaw	Proposed Union Bylaw
<p>IX. Amendment Process</p> <p>D. (1) The Union shall establish a new fee or increase an existing fee only if a majority of votes cast by members voting in a referendum are in favour of doing so.</p> <p style="padding-left: 20px;">(a) Fees for the health and dental plans may be increased with the Alberta Consumer Price Index, up to an annual limit of 4 per cent, without a referendum question being put to members to ensure financial sustainability of the plans.</p> <p>(2) The Union shall eliminate a fee for all members or decrease a fee for all members only if a majority of the votes cast by members voting in a</p>	<p>Part 6: Finances and Budget</p> <p>33) Students' Union Fees</p> <p>(1) Information about SU fees, including the fee amounts, a description of each fee, and when the fee is levied, must be made publicly available to Active Members.</p> <p>(2) The increase, decrease, creation, or removal of an SU fee must be approved by a majority of voters in a valid referendum administered by the SU.</p> <p>(3) The creation of a new SU fee is only permitted if the fee is for the maintenance of the SU, in accordance with the Act.</p> <p>(4) Despite subsection (2):</p> <p style="padding-left: 20px;">(a) fees for the health and dental plans may be increased with the Alberta Consumer Price Index, up to an annual limit of 4 per cent,</p>	<p>Part 6: Finances and Budget</p> <p>33) Students' Union Fees</p> <p>(1) Information about SU fees, including the fee amounts, a description of each fee, and when the fee is levied, must be made publicly available to Active Members.</p> <p>(2) The increase, decrease, creation, or removal of an SU fee must be approved by a majority of voters in a valid referendum administered by the SU.</p> <p>(3) The creation of a new SU fee is only permitted if the fee is for the maintenance of the SU, in accordance with the Act.</p> <p>(4) Despite subsection (2):</p> <p style="padding-left: 20px;">(a) fees for the health and dental plans may be increased with the Alberta Consumer Price Index, up to an annual limit of 4 per cent, without a</p>

<p>referendum are in favour of doing so.</p> <p>(3) If substantially all the students registered in a faculty, session, or program do not have reasonable access to a significant portion of the services covered by a fee, the S.L.C. may amend The Unions' by-laws to decrease the fee paid by the students by an amount that fairly represents the services that the student can not use.</p> <p>(3.1) The SLC may amend the Union's by-laws to temporarily decrease The Students' Union general fee, the health plan fee or the dental plan fee for one year. The by-law amendment can only take effect at the end of the term of office of the SLC that passes the amendment, and remains in effect for only one year.</p> <p>(4) The S.L.C. may amend The Union's bylaws to rescind any amendments made under subsection (3).</p>	<p>without a referendum question being put to members, to ensure the financial sustainability of the plans; and</p> <p>(b) SLC may, if substantially all the students registered in a particular faculty, session, or program do not have reasonable access to a significant portion of the services covered by a fee, vote by two-thirds majority to reduce that fee for the affected students by an amount that fairly represents the services that those students can not access.</p> <p>(5) SLC may vote by two-thirds majority to reduce the SU General Fee, the Health Plan Fee, or the Dental Plan Fee for one year for a period of no more than one year, effective from the end of the term of office of that SLC.</p>	<p>referendum question being put to members, to ensure the financial sustainability of the plans; and</p> <p>(b) SLC may, if substantially all the students registered in a particular faculty, session, or program do not have reasonable access to a significant portion of the services covered by a fee, vote by two-thirds majority to reduce that fee for the affected students by an amount that fairly represents the services that those students can not access.</p> <p>(5) SLC may vote by two-thirds majority to reduce the SU General Fee, the Health Plan Fee, or the Dental Plan Fee for one year for a period of no more than one year, effective from the end of the term of office of that SLC.</p> <p>(6) SLC may vote by two-thirds majority to rescind any prior vote(s) made under subsection (5).</p>
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