

# Constitution Checklist

## FOR RECOGNIZED STUDENT ORGANIZATIONS

The [Regulation Regarding Student Organizations](#) comes into effect on January 1<sup>st</sup>, 2023. The Regulation sets forth the privileges and obligations of student organizations to ensure that their activities and their financing are conducted in an open, accessible, democratic, non-discriminatory, and legally and financially responsible manner.

A student organization is either an association – formed and sustained by a group of students with shared interests or goals, but not incorporated - or an entity incorporated under a public statute for non-profit corporations.

Whether it is an association or a corporation, in order to be recognized by York University each student organization has to have appropriate governance documents that set out its purpose or “objects”, who controls it, and clear procedures for how it is to be run.

Student Organizations need to review their constitutions, by-laws, articles of incorporation and other pertinent documents and practices to ensure alignment with the Regulation. Student Community & Leadership Development have developed this checklist to help your Student Organization’s Constitution to **align with the Regulation as of January 1st, 2023**.

## Checklist for Existing Student Organizations

Step 1: Review your Organization’s **amending procedures** so you know the required quorum, voting procedures, and voting requirements, and can plan to allow sufficient time for your student members to consider any necessary changes to the Constitution and/or by-laws (“governance documents”).

Even if your Student Organization is incorporated under a public statute, its objects and bylaws must still comply substantively with the norms in Schedule C as these are also consistent with the relevant provincial legislation governing such corporations.

Step 2: Review your governance documents for any gaps and misalignments with the requirements or norms contained in Schedule C.

Step 3: Draft the wording changes or additional sections needed to bring the governance documents into compliance.

Step 4: Give the required notice and hold the requisite vote on the changes.

## NEW Student Organizations: Constitutional Requirements

As a condition of Recognition, a Student Organization that is an unincorporated association must develop and continuously maintain a constitution that is approved by a majority of its members and that complies with the requirements set out in the Regulation.

This checklist is designed as a self-assessment tool to help your Student Organization to ensure that its constitution and any future iterations align with the requirements outlined in Schedule C of the Regulation Regarding Student Organizations. The key to understanding this part of the Regulation is to read and follow Schedule C to the Regulation closely and carefully. It is reproduced as a checklist below for convenience.

### 1. Interpretation

- ☐ Describes whose interpretation of the constitution is authoritative within the Organization.

Example: The Council of [insert name of student organization] shall be the sole OR final authority for the interpretation of the Constitution.

- ☐ The interpretation of the constitution should align with best practices under accepted rules of procedure. The Student Organization should follow established and recognized rules of procedure or rules of order.

Example: Under Roberts Rules of Order, the Speaker of the Organization, subject to an appeal to the Council, is generally the first source for interpretation of the Constitution. The Council's determination is final.

### 2. Objects

- ☐ Clearly states the objects of the Student Organization  
***if the Student Organization is a corporation these objectives must match the published corporate objects in the Governing Documents.***
- ☐ Are consistent with University regulations, policies, procedures, guidelines and federal and provincial laws, including the Ontario Human Rights Code.

### 3. Powers

- ☐ clearly states the powers accorded to the Organization, its members, and elected representatives,
  - members of the Council and/or Board of Directors
  - members of the Executive
  - members of any standing committees.

- *Such powers must be exercised in a manner that is consistent with the published Objects of the Student Organization.*

#### 4. Membership-Constituency

- ☐ clearly defines constituency and criteria for membership.

#### 5. Membership Criteria for Council, Executive and Standing Committees:

- ☐ clearly defines criteria for
  - ☐ Council membership,
  - ☐ Executive membership
  - ☐ standing committee membership.
- ☐ Criteria includes:
  - ☐ qualifications for membership
  - ☐ maximum terms of office
  - ☐ procedures to deal with vacancies
  - ☐ the responsibilities and privileges associated with membership.
    - *Such criteria must be consistent with the Ontario Human Rights Code.*
- ☐ If applicable, job descriptions for all salaried employees are either included in the constitution or it is indicated where these are located and made accessible to members.
- ☐ if applicable, definitions of full vs. associate memberships is included

#### 6. Duties of Members:

- ☐ clearly describes the duties of all members of Council and/or of elected representatives.
  - Example: The duties of the President are ... the duties of the Secretary are ..., the duties of the Senators are..., etc.
- ☐ Job descriptions are included for hired members, or it is indicated where these are located and made accessible to members.
  - Example: Orientation chairs, any non-elected council members

#### 7. Associate Membership:

- ☐ If applicable, includes associate membership for Recognized Student Organizations who are beneficiaries of some of its activities but unable to participate in its affairs because of the location of their studies or other anomalous conditions.

## 8. Conflict of Interest:

- ☐ addresses the issue of conflict of interest for members of the Executive, Council, standing committees, and/or members of advisory/management boards

## 9. Election Procedures:

- ☐ Prescribes annual election procedures by which positions will be filled, and
- ☐ Includes procedures for dealing with vacancies in executive positions.

These procedures clearly:

- ☐ assign responsibility for calling elections.
- ☐ require the advertising of elections in a manner that ensures that members will have ample opportunity to participate
- ☐ require the use of the University's electronic voting system, or a comparably secure system to which the Vice-Provost, Students has given prior approval in writing
- ☐ appoint a trained Chief Returning Officer (CRO) to approve election results and either challenge, or respond to and resolve challenges to, elections procedures and/or results.
  - ***A job description for the CRO must also be provided and published to the members.***
- ☐ Descriptions of nomination procedures, definitions of eligibility to vote, to run for office, campaign guidelines (expenses) and ballot and polling procedures are stipulated.

## 10. Procedures of Council:

- ☐ The Constitution includes provisions for the following Procedures of Council:
  - ☐ frequency of meetings
  - ☐ who has responsibility for calling and for chairing meetings and setting the agenda
  - ☐ how notice for meetings will be given
  - ☐ how much notice is required for meetings
  - ☐ who has voting privileges at meetings
  - ☐ procedures for proxy voting (if desired)
  - ☐ a procedure to deal with tie votes
  - ☐ quorum requirements for all orders of business, including but not limited to meetings of Council and meetings of the Elected Officials.

## 11. Financial Responsibility:

- ☐ Clearly identifies:
  - ☐ the fiscal year
  - ☐ positions with signing authority
  - ☐ who is to strike the budget
  - ☐ what steps are required before the budget is approved
  - ☐ the percentage of votes needed to approve the budget
  - ☐ who is to maintain the financial records of the organization
  - ☐ who is to prepare financial reports and make them available to members
  - ☐ who is responsible for financial reporting to the University.
- ☐ indicates how any residual funds or debts are to be treated in the event that a Student Organization is not expecting to be continued past the end of the current year.

## 12. Committees:

- ☐ If applicable, details information for all standing committees, including:
  - ☐ their terms of reference
  - ☐ who may serve and vote on them
  - ☐ any ex officio members
  - ☐ quorum requirements
  - ☐ responsibilities
  - ☐ reporting requirements

## 13. Amendment Procedures:

- ☐ includes fair amendment procedures
- ☐ states how much notice is required for members to introduce proposed changes to the Constitution and/or by-laws
- ☐ indicates quorum, voting procedures and voting requirements for such proposals.
- ☐ Permits 10% or more of the relevant student members to propose an amendment to any Constitutional provision (unless that is incompatible with another provision of this Regulation).
  - ☐ Ensures that if such a proposal is made it must then be put to a majority vote at a duly constituted meeting of the members of the Student Organization.

## 14. External Affiliations

- ☐ the Constitution should include descriptions of any affiliations and/or jurisdictional relationships that affect the Organization's obligations.

*Example: membership in outside organizations such as Canadian Federation of Students*

## 15. Employees

- ☐ Indicates who has responsibility for hiring, supervising, and disciplining employees.
- ☐ Includes job descriptions for all employees of the organization or otherwise identifies where these are located and made accessible to members.
  - ☐ Job descriptions indicate
    - employees' responsibilities
    - terms of employment

## 16. Custodian of the Constitution

- ☐ If Student organization is funded (i.e., receive a levy) designates an official "Custodian of the Constitution"
  - This person will ensure timely review and reporting regarding the Constitution and the continuity between elected officials

Where appropriate, a member of the Division of Students, Dean's or Head's staff could fulfill this role. If the group has permanent employees, one of their own staff members may be charged with this custodial role.

## 17. Advisory/Management Boards

Student Organizations that own and operate small businesses on their own behalf on a non-profit basis, such as pubs, coffee shops, newspapers, games rooms, etc., must establish advisory/management boards to oversee these operations in an appropriate arms-length relationship to the businesses.

If applicable:

- ☐ Advisory/management boards are composed of a combination of students, staff, faculty, and alumni
- ☐ Conflict of interest guidelines are adhered to when selecting members of these advisory/management boards.

## 18. Allegations of Wrongdoing & Disciplinary Action:

- ☐ Prescribes formal procedures for dealing with allegations of wrongdoing against any member of the Council, the Executive or a standing committee,
- ☐ These procedures include:
  - ☐ the circumstances which might dictate disciplinary action (such as censure, suspension, or impeachment)
  - ☐ whose responsibility it will be to hear allegations and/or impose sanctions.
  - ☐ provisions for replacing elected officials (by-elections) if and when vacancies occur

- ☐ Prescribes a fair hearing process that:
  - ☐ ensures that the party facing the allegations has a fair and timely opportunity to present their own defence
  - ☐ the allegations are investigated or adjudicated by one or more unbiased student members of the Student Organization.

## 19. Internal Complaints Process

- ☐ Outlines internal process for complaints regarding any aspect of the organization or activities. This internal process prescribes:
  - ☐ How a complaint can be launched
  - ☐ How complaints will be investigated and documented
  - ☐ How complaints will be addressed
  - ☐ That conflict-of-interest standards are upheld
  - ☐ That the complaint is acknowledged in a timely manner
- ☐ Indicates where the complaints process is digitally published (e.g., website, YU Connect)

## 20. Accessibility of Documentation:

- ☐ Indicates that the following documents must be published in a manner that may easily be accessed by members
  - ☐ Meeting Dates
  - ☐ Agendas
  - ☐ Motions
  - ☐ Meeting Minutes
  - ☐ Governing Documents
  - ☐ Budgets
  - ☐ Financial statements
- ☐ Indicates where documents may be easily accessed by members (e.g., website, public social media account, YU Connect page)