



Constitution of the Algoma University Students' Union

Preamble

1. We, the students of Algoma University, recognizing the need to speak with one voice in asserting our legitimate needs and concerns, wish to express our support for one university-wide undergraduate student union whose basic aims will be as follows:
2. To organize students on a democratic, cooperative basis for advancing student's interests, and advancing the interests of the students' community;
3. To provide a common framework within which students can communicate, exchange information, and share expertise, skills and ideas;
4. To ensure the effective use and distribution of the resources of the student movement;
5. To bring students together to discuss and cooperatively achieve necessary educational, administrative, and legislative change wherever decision-making affects students;
6. To facilitate cooperation among students in organizing services which supplement the learning experience, provide for human needs, and which develop a sense of community with our peers and with other members of society;
7. To articulate the desires of students to fulfill the duties and be accorded the rights of citizens in Ontario, in Canada, and in the international community; and
8. To achieve the goal of a system of public post-secondary education which is accessible to all, which is of high quality, and which is rationally planned; which recognizes the legitimacy of student representation and the validity of student's rights; and whose role in society is clearly recognized and appreciated.
9. To follow Chief Shingwauk's Mission and 7 Grandfather teachings i.e. Love, Respect, Bravery, Truth, Honesty, Humility & Wisdom.

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Article 1: Name, Head Office and Incorporation

1.1. Name

The official name of this organization is “Algoma University Students’ Union”, hereinafter referred to as AUSU.

1.2. Head Office

The head office of AUSU will be in the City of Sault Ste. Marie, in the Province of Ontario. ~~The location has been chosen~~ due to its virtue and the deep historical context it embodies and AUSU acknowledges that its head office is situated on a site of a former residential school. AUSU is committed to honoring the truth of this history and actively supports the principles of reconciliation. ~~and at such locations as may be determined by the Executive in the event that a new Head Office is chosen.~~

1.3. Incorporation

AUSU is an incorporated association. As of April 14, 2005, AUSU was assigned to “Algoma University Students’ Union” a non-profit organization incorporated under the Ontario ~~Not-for-Profit Business Corporations Act, 2010, S.O. 2010, c.15:~~

- a. All its assets;
- b. All its contract; and
- c. All property of whatever name, owned or held by AUSU.

In accordance with the instrument of assignment mentioned about, the Algoma University Students’ Union shall assume all liabilities, obligations, and undertakings of whatever nature held by AUSU.

Limitation

~~(2) An individual cannot incorporate a corporation if he or she,~~

- ~~A. (a) is under 18 years old,~~
- ~~B. (b) has been found under the Substitute Decisions Act, 1992 or the Mental~~
- ~~C. Health Act to be incapable of managing property,~~
- ~~D. (c) has been found to be incapable by any court in Canada or elsewhere, or~~
- ~~E. (d) has the status of bankrupt.~~

Article 2: Definitions

“Act” shall mean the Ontario Business Corporations Act, Ontario Business Corporations Act; Ontario *Not-for-Profit Corporations Act, 2010*, S.O. 2010, c. 15 and

~~“Act” shall mean the Ontario Business Corporations Act, and~~

“Board” shall mean the Board of Directors of AUSU ~~body~~ as defined in By-law 3; and

“Board member” shall be any member that serves on AUSU, whether elected or appointed; and

“Business Day” shall mean any day which is not a Saturday, Sunday, a day when classes are not in session at Algoma University, and/or statutory or civic holiday in ~~Sault Ste. Marie~~, Ontario; and

“By-election” shall mean any election held by AUSU where the Members have voting rights that is held by AUSU that is not the General Election or held at the Annual General Meeting; and

“By-laws” shall mean the collective set of governing rules regulating the activities and affairs of AUSU duly approved by the Members in accordance with Article 7 of this Constitution and the Act. The By-laws are subordinate to this Constitution and set forth in Article 7, unless indicated otherwise in this Constitution. ~~“By laws” shall mean the collective set of governing rules of AUSU subordinate to this Constitution and set forth in Article 7, unless identified with a specific number or set of numbers, and~~

~~“Campaigns and Special Projects Director” shall mean a position on the that Board Member elected by the Members, as set out in By law 6 with such duties and responsibilities as assigned by the Board, and~~

“CFS” shall mean the Canadian Federation of Students; and

“Chair” shall mean the Chair of the Board ~~that Board Member or Member~~ as appointed by the Board in accordance with by-law 3, ~~and shall be a non-voting position; and~~

“Club” shall mean any student organization or association recognized by AUSU; and

“Constitution” shall mean this foundational governing document of AUSU; and

“Corporation” means a body corporate without share capital to which ~~the~~ Act applies; (“organisation”); and

“CRO” shall mean the individual employed as the Chief Returning Office of AUSU, holding the duties and responsibilities as set out in By-law 11; and

“DRO” shall mean the individual employed as the Deputy Returning Officer of AUSU, holding the duties and responsibilities as set out in By-law 11; and

~~“Director at Large”, or~~ Director; shall mean an elected or appointed Board Member who is neither an Executive Member or a Representative; and

“Executive” shall mean the Executive Committee of AUSU, as set out in By-law 7; and

“Executive ~~Member~~ Officer” shall mean a member of the Executive Committee of AUSU, as set out in By-law 5; and

~~“Ex Officio Councillor” shall mean a non-voting member of the Board; and ¶~~

“Full-time ~~undergraduate~~ student” shall mean any ~~undergraduate~~ student whose registration is considered to be full-time by Algoma University which includes:

Students taking Certificate ; Undergraduate; Graduates/Masters/ PhD ; and

“General Election” shall mean the principal election held by AUSU during the Winter Semester in which the Members elect the following year’s Board Members; and ¶

“General Manager” shall mean the employee(s) hired by the Board to manage the offices of AUSU;

“Head Office” Shall mean the Sault Ste. Marie Campus in Accordance to Article 1.2;

“Member” shall mean a member of AUSU, as set out in Article 3; and

“National Day for Truth and Reconciliation” shall mean September 30th in accordance with the Government of Canada and shall ~~not be considered as a Business d~~ Day of learning and reflection for all AUSU Staff and Volunteers.

“Ombudsperson” shall mean the Ombudsperson ~~that~~ hired by the Board of AUSU ~~Board Member elected by the Members, and shall be an Ex Officio member Councillor~~; and

“Ordinary Resolution” means a resolution that (a) is submitted to a meeting of the members and passed at the meeting, with or without amendment, by at least a majority of the votes cast, or (b) is consented to by each member entitled to vote at a meeting of the members.

“Part-time ~~undergraduate~~ student” shall mean any ~~undergraduate~~ student whose registration is considered to be part-time by Algoma University which includes:

Students taking Graduate Certificate; Undergraduate; Graduates/Masters/ PhD; and ¶

“President” shall mean the President ~~that~~ of AUSU ~~Board Member~~ elected by the Members, as set out in By-law 5.3; and

“Recording Secretary” shall mean ~~the~~ ~~that~~ employee of the Board hired as Recording Secretary ~~officer of~~ by the board ~~Board Member elected /~~ appointed by the board members of the AUSU Members, as set out in By-law 5.3; and

“Referendum” shall mean a formal process in which the Members vote directly on a specific question or issue initiated in accordance with Bylaw 11 ~~a question directly voted on by the Members; and~~

“Representatives” shall mean ~~those~~ the following Board Members elected or appointed by the Members, as set out in By-law 6: Queer and Trans* Representative, Mature & Part-time Student Representative, Women’s Affairs Representative, Diversity Representative, GTA Representative, Timmins Representative, SSM Representative, Academic Representative, Graduate Representative, SASA Representative and Residence Representative ~~Board Members elected by the Members, as set out in By law 6; and~~

“Quorum” shall mean the number of individuals with voting/~~speaking~~ privileges who must be present at a meeting ~~for business~~ in order for the meeting to be validly constituted and for decisions or votes to be legally binding ~~to be transacted; and~~

“Seal” Shall mean the official emblem or stamp of AUSU used to authenticate ~~authentication from a person that has access to all of the books, papers, records, correspondence, contracts, and other documents~~ officially belonging to AUSU in accordance with the bylaws; and

“Semesters” shall mean the three (3) academic time periods at Algoma University (Fall, Winter and Spring/Summer); and

“Service” shall mean an ~~on-~~ campus based, student-run organization that provides an essential service to Members; and

“Service Provider” shall mean an external body that provides an essential service to Members; and

“Simple majority” shall mean a vote supported by fifty (50) percent plus one (1) of those voting; and

“Students” shall mean those individuals defined as students by Algoma University; and

“Term” shall mean the period of time that a ~~Board~~ ~~Member~~ is elected or appointed to ~~the Board~~ ~~position; and~~

“Two-thirds (2/3) majority” shall mean a vote supported by two-thirds (2/3) of those voting; and

“University” shall mean Algoma University, unless otherwise specified; and

“Vice-Presidents” shall mean ~~those~~ the following Board Members elected ~~or~~ appointed by the Members, as set forth in By-law 5: Vice President Programming, Vice President of Campus Affairs, Vice President Indigenous; and:

“Appointed” shall mean board members appointed in case of a position unfilled

“Yummy Inc” shall mean the AUSU subsidiary organization run by AUSU to provide Cafeteria Service to the membership; and

“Yummy Board Members” shall mean the AUSU Board members that also serve as Board Members for Yummy Inc as well.



Article 3: Membership

3.1. Membership

- a. All students who are enrolled in at least one (1) course at Algoma University are automatically members of AUSU, conditional on payment of such membership or other fee(s) required in accordance with Bylaw 1. Membership shall continue as long as the individual remains enrolled at Algoma University. ~~Members of AUSU shall be all students registered at Algoma University.~~
- b. No person shall be excluded from AUSU for reasons related to age, gender, race, nationality, ancestry, citizenship, marital status, ~~illness or results from medical tests~~, sexual orientation or ~~gender identity/expression preference~~, place of residence, school of thought, beliefs, religious affiliations or activities, criminal record, ~~any accessibility and or disability physical handicap or invalidity~~, or any other protected ground under the Ontario Human Rights Code, R.S.O. 1990, c. H. 19, or participation or non-participation within AUSU. ~~and any Algoma University student protected by Human Rights Act.~~
- c. Members must be individuals and cannot be corporations or other entities.

3.2. Cessation of Membership

- a. Individuals shall cease to be members of AUSU when they cease to meet the requirements of Article 3.1 (a), ~~Section 1.~~

Article 4: Statement of Purpose

AUSU exists to perform the following functions:

- a. To ensure the implementation of ~~further the~~ goals of AUSU as outlined in the Preamble; and
- b. To be the official representative body for the Members as students in their relationships with:
 - i. Algoma University and committees thereof.
 - ii. Governments at the municipal, provincial and federal levels and committees thereof.
 - iii. Any other organization or forum where the Members' interests or well-being is affected and where otherwise directed by the Members themselves ~~or by~~ the Elected Members.
- c. To promote and support the interest and activities of Clubs and Services; and
- d. To bring together students from across ~~all Algoma University AU the~~ campuses to discuss and take common, democratic positions on questions affecting students; and
- e. To formulate a collective programme that will serve as a framework for coordinating the efforts of student associations throughout Algoma University. This programme will:
 - i. ~~Summarize~~ Summarise a long-term strategy for achieving the objectives of students at Algoma University.
 - ii. Describe general ways of reaching those objectives.
 - iii. Be revised periodically as new objectives and approaches become appropriate.
- f. To do all other things that are incidental or conducive to these purposes.
- g. To ensure transparency with the AUSU membership in the ~~D~~ decision making over matters concerning students at Algoma University.

Article 5: Powers and Authorities

5.1. Powers and Authorities of AUSU

a. Authority

The jurisdiction and powers assumed by AUSU 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 AUSU itself.

b. Governance~~ment~~

- i. The governing body and legislative authority of AUSU is the Board, which shall be responsible for ~~all~~ ~~for~~ all matters of policy ~~governance and overall~~ and for government and regulation of AUSU.
- ii. The financial authority of AUSU and its properties is the Board, which shall be responsible for rights and obligations granted under By-law 4. section "f" 16.
- iii. The administrative authority of AUSU is the Board, which shall be responsible for implementing any and all decisions of the Board and the Members.

c. By-laws

- i. By-laws attached to this Constitution arise from the self-governing authority within the Constitution.
- ii. All decisions of the Board, General Meeting, or referenda intended to stand as having the force of law within the AUSU Federation, rather than merely having the force of a resolution expressing an opinion of AUSU, shall be enacted and recorded as By-laws.
- iii. The Board shall enact a By-law which shall define the procedure for the enacting, repealing, or amending of all By-laws ~~including~~.
- iv. The Board shall task the Policy Review Committee to review all Constitutional and By-law changes and make recommendations to the Board, as set out in By-law 7.

5.2. Powers and authorities of the Members

a. Member's Right to Information

- i. Every document, record, or other instrument recording the actions or operations of AUSU that is not designated classified or confidential as set forth in Article 5, Section 2.1.
- b. Must be opened for inspection, in an unaltered state, to any Member upon request. This information shall be made available as soon as possible, with only the most extenuating circumstances requiring more than one (1) week.

- c. Information that qualifies as one of the following shall only be accessible by individuals or bodies given special and specific authority in this Constitution or By-laws:
 - i. Personnel, client and volunteer files and evaluations.
 - ii. Items under negotiation or litigations or potential litigations.
 - iii. Business's operation records.
 - iv. Contract terms.
 - v. Preliminary research results.
 - vi. In-camera minutes.
- d. Every Member has the right to witness the proceedings of the Board and any body created by AUSU provided that their presence is not unduly disruptive and the body has not moved in-camera.

5.3. Election of Board Members

- a. All Board Members shall have their term limited to one (1) year, ending on April 30th, after which the position must be elected or re-appointed, as applicable. ~~re-contested directly by the Members.~~
~~B - A set timeline for board members eg: upto 3 years-~~
 C. - Qualification of members shall be followed as mentioned in Article 3.1 Bylaw _____

5.4. Recall of Elected Members

- a. The Members may, by ordinary resolution at a special meeting called in accordance with this Section, remove a Board Member, with the exception of any Board Member who holds their position by virtue of office.
- b. A special meeting for the purpose of voting to remove a Board Member may be called if a written request is supported by at least five percent (5%) of the Members. The request must clearly state the purpose of the meeting, including the name(s) of the Board Members proposed for removal and the reasons for the proposed removal.
- c. A quorum for the special meeting to remove a Board Member shall consist of at least ten percent (10%) of the Members. If quorum is not met, the special meeting cannot proceed and no resolution on the removal of the Board Member can be passed.

~~In addition to any other provisions in this Constitution or the By-laws, the Members may remove any Board Member through a referendum. ¶¶~~

~~b. A referendum to remove any Board Member must meet all of the following conditions following conditions: ¶¶~~

- ~~i. Petitioned by at least five (5) percent of the Members. ¶¶~~
- ~~ii. Voted on by at least ten (10) percent of the Members. ¶¶~~
- ~~iii. Passed by at least two-thirds (2/3) of the valid ballots cast. ¶¶~~

~~c. The referendum procedure as set out in By-law 1.12 shall be followed for the recall of elected members. ¶¶~~

~~d. The Recall Process will be followed in accordance to Bylaw 3.8 ¶¶~~

5.5 Annual General Meeting and Semi-Annual General Meeting

- a. The Annual General Meeting (“AGM”) and the ~~Semi-Annual General Meeting~~ of AUSU shall be held at Algoma University on a day that the Board shall determine. At these meetings, in addition to any other business that may be transacted, there shall be a report from the President, ~~each Vice President~~, the Finance ~~Committee and the Staff Members~~. ~~a Commissioner~~ ~~and each Vice President~~.
- b. The Annual General Meeting shall be held in accordance with Bylaw Number 9 ~~meeting shall be held in a hybrid format~~.

Article 6: Seal, Documents and Records

6.1. Custodian of the Seal and Records

- a. The General Manager will be responsible to be the custodian of the seal of AUSU and for its properties, and all of the books, papers, records, correspondence, contracts, and other documents belonging to AUSU.
- b. If more than one (1) General Manager is employed by AUSU at any given time, AUSU will appoint one (1) to act as the custodian ~~who is situated in the main office~~.
- c. The Executives will ~~at all times be able to~~ have access to the seal, properties, books, papers, records, correspondence, contracts and other documents belonging to AUSU upon request.

6.2. Execution of Document

- a. Deeds, transfers, licenses, contracts, and engagements on behalf of AUSU will be signed by the President and at least one (1) other Executive as set out in **By-law 2.a16: Financial Policy** and, where required, will have the seal of AUSU affixed.
- b. The President and at least one (1) other Executive as set out in **By-law 16: Financial Policy**, may transfer or accept the transfer of any and all shares, bonds, or other securities in the name of AUSU; may affix the seal and deliver under the seal of AUSU all documents for such purposes, including the appointment of ~~attorneys except attorneys~~ ~~the donations/transfers from any political party, individual, corporation which may jeopardize the decision making of AUSU~~
- c. Notwithstanding any other provision in the Constitution or the By-laws, the Board may at any ~~time direct~~ ~~time direct~~ the manner in which any contract, obligation or instrument of AUSU is executed.

6.3. Books and Records

- a. The Board is responsible for ensuring that all books and records required by law, or by this Constitution and the By-laws, are regularly and properly kept.
- b. The Board is responsible for ensuring that all books and records required by law of AUSU are reviewed annually and stored properly.

Article 7: Amendments of Constitution and By-laws

7.1. Amendments to the Constitution and By-laws by Members

- a. The Members shall be empowered to amend this Constitution ~~and the By-laws~~ independent of the Board:
 - i. By referendum, as per By-law 11:
 1. Petitioned by at least ten (5~~10~~) percent of the Members; and
 2. Voted on by at least ten (10) percent of the Members; and
 3. Passed by at least two-thirds (2/3) of the valid ballots cast.
 - ii. By resolution at an AGM ~~or Semi-Annual~~ General Meeting:
 1. Attended by at least two (2) percent of the Members; and
 2. Voted on by at least two (2) percent of the Members; and
 3. Supported by at least two-thirds (2/3) of the valid ballots cast.

7.2. Amendments to the Constitution and By-laws by the Board

- a. The Board shall be empowered to amend this Constitution, the By-laws, and the Policies ~~Unilaterally as follows:~~
 - i. In order to promote due process and present ample opportunity for diligent discussion, debate and decision-making, amendments to this Constitution, the By-laws and the Policies shall be:
 1. Approved in principle by the Board with support of a two-thirds (2/3) majority;
 2. Reviewed and approved by the Policy Review Committee;
 3. Approved as presented by the Policy Review Committee with support of a two-thirds (2/3) majority at a meeting held no less than one (1) month following the decision of 7.2(a).i(1);
 4. Reviewed by AUSU ~~and/or Algoma University~~ legal counsel ~~and Algoma University legal counsel~~;
 5. Approved in their final form by the Board at a meeting held no less than three (2~~3~~) ~~months~~month following the decision of 7.2(a).i(3).
- b. Public notice of the Board meetings must be made widely accessible to the Members, including through on-campus/electronic media, in which special and specific note is made of the

consideration of proposed amendments to this Constitution.

Article 8: Former Constitution and By-laws Revoked

- a. This Constitution and its By-laws, once in force, **supersede and replace** ~~precede~~ all previous Constitution and By-laws, **whether** written or implied.

Article 9: Winding Up

- a. Upon the winding up of AUSU, all assets of AUSU will be left to another non-profit ~~organization~~~~organisation~~ promoting the interests of students at Algoma University, which has policies, aims and goals congruent with those of AUSU and vision of Chief Shingwauk.

