

Proposed Bylaw Changes for Consideration at the
April 22nd, 2024
Semi Annual General Meeting of the
Student Association Of BCIT

Background and Summary

Pursuant to Bylaw 12.11, the Bylaw Committee each year is responsible for a review of the BCITSA Bylaws prior to the Annual General Meeting and has the following duty:

12.11 The Bylaw Committee shall:

(c) prepare such documents as are necessary to propose any amendments agreed upon by Committee for the Association’s General Meetings;”

Accordingly, the Committee met twice this fall to prepare amendments based on consultations, the annual review, and matters considered by previous Bylaw Committees. This led to the following proposals to found on the following pages:

- **Page 2: Changes to Bylaws 14.5 and 14.6 and 14.7**
 - Addresses the issue of successorship related to the VP Finance when the VP Finance is the temporary successor to the Presidency if the role of President is vacated
 - Clarifies the length of term of when a temporary successorship does occur

- **Page 6: Changes to Bylaws 4.4**
 - Clarifies the length of term of an Executive elected at the annual election if the Executive assumes their elected position prior to June 1 because of a vacancy in the position

- **Page 7: Changes to Bylaws 12.1 12.2 12.15**
 - Creates a new Standing Committee to monitor and evaluate the performance of the Executive Director

- **Page 8: Changes to Bylaws 6.1.(b)(viii), 4.6(l), 7.1.(e), 7.1.(g)(v), 7.1.(g)(vi), 7.1.(h)(ii), 9.8.(b)**
 - Increases International Councillors from 1 to 2 Councillors and changes who selects

- **Page 9: Changes to Bylaws - Numerous minor corrections for typos, number and reference changes**
 - Corrects various typos and correction and adjusts various reference changes

Changes to Bylaws 14.5 and 14.6 and 14.7

Issue 1: With the resignation of the President in January of 2024 a few issues became apparent with the current bylaws. With Council deciding to decline to hold a byelection, as per bylaw for the position of President, the VP Finance assumed the office of President as the temporary successor in addition to continuing the position of VP Finance. The current iteration of the Bylaws does not allow for the VP Finance to resign the position of VP Finance to only be the President. The temporary successor as President is tightly tied to the position of VP Finance.

The proposed change to bylaw 14.6 addresses this issue by allowing the VP Finance to assume the role as temporary successor of the Presidency and allows Council 14.6(b) to appoint by 2/3rd vote another member as VP Finance.

Issue 2: Currently bylaw 14.5. states that the term of any temporary successor shall end upon the ratification of the annual election but there is no provision for who the new successor will be. The proposed change to 14.6(a) allows for the newly elected executive to assume the position early or if the newly elected executive cannot or will not, allows for the temporary successor to continue until the end of the term or until the newly elected executive is able to.

Notes: Bylaw 14.7 is subsumed by the new bylaw of 14.6 and is no longer required.

Current bylaws

14.5. In the event of the resignation, death or impeachment of:

- (a) the President, the Vice President Finance and Administration shall assume the office of the President until a by-election can be held for the position. This by-election shall take place no later than 30 days after the position becomes vacant;
- (b) any Executive other than the President, a temporary successor shall be selected in accordance with Bylaw 14.6 until a by-election can be held for the position. This by- election shall take place no later than thirty (30) days after the position becomes vacant;

but for any vacancy provided for in subsections (a) or (b) which occurs after November 30th, Council may by a Two-Thirds (2/3) Resolution decline to hold a by-election, in which case the temporary successor holds office for a term expiring when Council next ratifies the results of annual elections.

14.6. Temporary successors for all Executives other than the President shall be selected according to the following priority:

- (a) by and from the Councillors of the Schools directly associated with the office in question
- (b) by the Council.

- 14.7. Notwithstanding any provision of these Bylaws, where an Executive position becomes vacant during the Summer Months, the following procedure shall be observed:
- (a) where the vacant office is that of the President, the Vice President Finance and Administration shall assume the office of President;
 - (b) where the vacant office is for any other Executive position, the Executives shall, within two weeks of the vacancy occurring, select one of the remaining Executives to fill the vacant role on a temporary basis. The temporary officeholder shall have all the powers and responsibilities ordinarily associated with that office; and
 - (c) a by-election shall be declared no later than the second meeting of Council in the new academic year, and shall be completed no later than thirty (30) days following such declaration.

Changes:

- 14.5. ~~In~~ Subject to Bylaw 14.6, in the event of a vacancy of an office, including due to the resignation, death or impeachment of:
- (a) the President, the Vice President Finance and Administration shall assume the office of the President until a by-election can be held for the position. ~~This by-election shall take place no later than 30 days after the position becomes vacant; and~~
 - (b) any Executive other than the President, Council may by a Two-Thirds (2/3) Resolution of Council appoint any Member who would be eligible to stand for election to be an Executive, as a temporary successor ~~shall be selected in accordance with Bylaw 14.6~~ to assume the vacant office of such Executive until a by-election can be held for the position. ~~This by-election~~
- Unless the timing is determined otherwise by the Executives, the above-mentioned by-elections shall take place no later than thirty (30) days after the position becomes vacant.

14.6.

- (a) ~~but for~~ If any ~~vacancy provided for in subsections (a) or (b) which occurs~~ office of an Executive becomes vacant after November 30th, Council may by a Two-Thirds (2/3) Resolution of Council decline to hold a by-election, in which case the

Member who is the temporary successor holds of the applicable Executive's office pursuant to Bylaw 14.5 shall hold office for the remainder of the term :

- (i) expiring when Council next ratifies the results of ~~annual elections.~~

~~14.6. Temporary successors for all Executives other than the President shall be selected according to the following priority:~~

- ~~(a) by and from the Councillors of the Schools directly associated an election held in accordance with Bylaw 5 and the office in question;~~

~~(b) by the Council.~~

~~14.7. Notwithstanding any provision of these Bylaws, where an newly elected Executive for such office assumes their position becomes vacant during the Summer Months, the following procedure shall be observed: or~~

- (ii) attributable to such vacancy;

whichever is earlier.

(b) (a) where the vacant office is that of If the President, the existing Vice President Finance and Administration shall assume assumes the office of the President; pursuant to Bylaw 14.5 or 14.6(a), Council may by a Two-Thirds (2/3) Resolution of Council appoint any Member who would be eligible to stand for election to be an Executive to fill the office of the Vice President Finance and Administration until (i) a new President is elected by a by-election or an election held in accordance with Bylaw 5, and the prior individual holding such office returns to resume their duties as the Vice President Finance and Administration, or (ii) the remainder of the term attributable to such vacancy, whichever is earlier.

~~(b) where the vacant office is for any other Executive position, the Executives shall, within two weeks of the vacancy occurring, select one of the remaining Executives to fill the vacant role on a temporary basis. The temporary officeholder shall have all the powers and responsibilities ordinarily associated with that office; and~~

~~(c) a by-election shall be declared no later than the second meeting of Council in the new academic year, and shall be completed no later than thirty (30) days following such declaration.~~

Proposed

14.5. Subject to Bylaw 14.6, in the event of a vacancy of an office, including due to the resignation, death or impeachment, of:

- (a) the President, the Vice President Finance and Administration shall assume the office of the President until a by-election can be held for the position; and
- (b) any Executive other than the President, Council may by a Two-Thirds (2/3) Resolution of Council appoint any Member who would be eligible to stand for election to be an Executive, as a temporary successor to assume the vacant office of such Executive until a by-election can be held for the position.

Unless the timing is determined otherwise by the Executives, the above-mentioned by-elections shall take place no later than thirty (30) days after the position becomes vacant.

14.6.

- (a) If any office of an Executive becomes vacant after November 30th, Council may by a Two-Thirds (2/3) Resolution of Council decline to hold a by-election. In which case, the Member who is the temporary successor of the applicable Executive's office pursuant to Bylaw 14.5 shall hold office for the remainder of the term:
 - i. expiring when Council next ratifies the results of an election held in accordance with Bylaw 5 and the newly elected Executive for such office assumes their position, or
 - ii. attributable to such vacancy;

whichever is earlier.

- (b) If the existing Vice President Finance and Administration assumes the office of the President pursuant to Bylaw 14.5 or 14.6(a), Council may by a Two-Thirds (2/3) Resolution of Council appoint any Member who would be eligible to stand for election to be an Executive to fill the office of the Vice President Finance and Administration until (i) a new President is elected by a by-election or an election held in accordance with Bylaw 5, and the prior individual holding such office returns to resume their duties as the Vice President Finance and Administration, or (ii) the remainder of the term attributable to such vacancy, whichever is earlier.

Changes to Bylaws 4.4

Issue: Bylaw 4.4 required an amendment to be consistent with the changes proposed for bylaws 14.6, 14.7 and specifically 14.5. The current bylaw 4.4 is quite specific to define the term of the executives as to be from June 1 to May 31, there is no provision for an executive to begin their term prior to June 1. Also the current bylaw seems to intend that Executives elected via a byelection can assume office upon the ratification of the byelection but does not speak about a vacant position at the time of the annual election.

The proposed change references the changes proposed for Bylaw 14.6(a) and specifically allows for the Executives elected to assume their term of office early and recognize or extend their term prior to June 1.

Current:

- 4.4 The term of each Executive shall begin on June 1st following election until May 31st of the following year. Any Executive elected pursuant to a by-election shall assume office upon the declaration of such by-election results, and shall hold office until May 31st.

Changes:

- 4.4 ~~The~~ Subject to Bylaws 14.5 and 14.6, the term of each Executive shall begin on June 1st following election until May 31st of the following year. Any Executive elected pursuant to a by-election shall assume office upon the declaration of such by-election results, and shall hold office until May 31st. For greater certainty, any newly elected Executive assuming their position prior to June 1 pursuant to Bylaw 14.6(a)(i) shall have their term of office extended by the period to fill the vacancy of any outgoing Executive.

Proposed:

- 4.4 Subject to Bylaws 14.5 and 14.6, the term of each Executive shall begin on June 1st following election until May 31st of the following year. Any Executive elected pursuant to a by-election shall assume office upon the declaration of such by-election results, and shall hold office until May 31st. For greater certainty, any newly elected Executive assuming their position prior to June 1 pursuant to Bylaw 14.6(a)(i) shall have their term of office extended by the period to fill the vacancy of any outgoing Executive.

Changes to Bylaws 12.1 12.2 12.15

Issue: It was noted that there is no specific declared permanent mechanism to monitor and review the performance of the Executive Director

The proposed change establishes a standing Human Resources committee 12.1(g) and allows for an exception to the standard membership with respect to the other standing committees 12.2 and establishes the membership of the committee and its purpose 12.15.

Current: Not applicable

Changes:

12.1 (g) Human Resources Committee

12.2 Subject to Bylaws 12.15, each Standing Committee shall have the following members

12.15 The Human Resources Committee shall:

(a) consist of the following members:

(i) President, to act as Chair of committee;

(ii) three members of Executive, to be appointed by the Executives; and

(iii) between one and two members of Council, to be appointed by Council; and

(b) in a transparent and timely manner, be responsible for:

(i) reviewing the performance and contract of the Executive Director; and

(ii) any other matters assigned to it by Council

Proposed: As above

Changes to Bylaws 4.6(h)

Issue: The technological environment of today is such that the notion of having scheduled office hours is outdated and is never utilized by the membership to communicate or meet with the members of the Executive Board.

The proposed removal of the bylaw reflects that the membership can and do reach out by email or other communication vehicles to schedule a virtual or in person meeting with the respected executive at a time that works for everyone's schedule.

Current (h) each be responsible, except during scheduled breaks, for holding a minimum of four scheduled office hours on a weekly basis;

Change ~~(h) each be responsible, except during scheduled breaks, for holding a minimum of four scheduled office hours on a weekly basis;~~

Changes to Bylaws 6.1.(b)(viii), 4.6(l), 7.1.(e), 7.1.(g)(v), 7.1.(g)(vi), 7.1.(h)(ii), 9.8.(b)

Issue It has been identified that the number of students that are International informs the need to increase the number of Councillors for International Students from 1 Councillor to 2 Councillors. In addition the Councillor selection process for Housing, International and Indigenous should be removed from the Executive Committee as a whole and be assigned the joint equal responsibility of the VP Student Experience and the VP Equity and Sustainability. Finally there a few minor typos and error related to the above to be properly corrected to reflect all the changes.

Changes

6.1(b)(viii)	one two International Student Councillor Councillors;
4.6.(l)	select the Housing Student Councillor, Indigenous Student Councillors, and International Student Councillor
7.1.(e)	the Housing Student Councillor, Indigenous Student Councillors, and International Student Councillor Councillors shall be selected by the Executive Committee Vice President Student Experience and the Vice President Equity and Sustainability;
7.1.(v)	the Indigenous Student Councillors shall be students registered with BCIT as an Indigenous student students;
7.1.(vi)	the International Student Councillor Councillors shall be a student students registered at BCIT as an international student students; and
9.8.(b)	If a Councillor is required to be absent for a reasonable cause, they shall prior to the meeting, submit a written request to be excused from attending such meeting to the Chair by whom they were originally appointed or, in the case of the House Student Councillor, International Student Councillor Councillors, and Indigenous Councillors, to the President;
Proposed	As above

Changes to Bylaws - Numerous minor corrections for typos, number and reference changes

- 1.1(nn) “**Semi-Annual General Meeting**” means the General Meeting held in the spring in accordance with ~~Bylaw sections~~Bylaws 11.7 to 11.9 for the sole purpose of considering amendments to the Bylaws
- 4.6.(j) Renumbered to (i)
- 4.6(k) Renumbered to (j)
- 4.6(n) Renumbered to (l)
- 5.14(b) two (2) Deputy Returning Officers; subject to the restrictions enumerated in Bylaw ~~12.20~~5.17
- 12.10(b) grant or deny, in its sole discretion, and requests for funds to be drawn from ~~the Student~~the Student Space Fund; and
- 17.5.(d) the Vice President Student Experience shall be entitled to temporarily suspend any Designated Club that fails to adhere to Bylaws ~~19.5~~17.5(a) or ~~19.5~~17.5(b), such temporary suspension to be effective until the Council meeting immediately following the next Clubs Committee meeting whereat, subject to Bylaw 9.10, any decision to further suspend or terminate such Designated Club shall be decided by a Two-Thirds (2/3) Resolution of Council.
- 18.2.(a) except as restricted by ~~Section 21.2~~Bylaw 18.2(d), any annual or monthly financial statements of the Association, any report, letter, account, book, advice or other document or record, in printed or other form, which is in final and not draft form and which has been approved by resolution of the Council or the Executive Board for access thereto by such members;
- 18.3. A Member wishing to inspect books, records and documents of the Association pursuant to ~~Section 21.2~~Bylaw 18.2 shall first make an appointment to do so, provided such appointment time is mutually agreed upon with an authorized representative of the Association and is reasonably convenient for the attendance at such appointment of two members of the Executive Board, the Director of Finance or Executive Director, and the member wishing to make such inspection.
- 18.6 Following a request and the payment of any fees required by any person in accordance with ~~Section 21.5~~Bylaw 18.5, BCITSA shall promptly, and in no case later than fourteen (14) days following receipt of the request and payment of any associated fees, provide a copy of the financial statements to such person as requested
- 20.2. In the event a New Student Association or the process described in Bylaw ~~23.1~~20.1 does not satisfy the definition of a “qualified recipient” under the new Societies Act, or it is otherwise agreed that a New Student Association is unlikely to be established in the future, any funds or assets remaining after the satisfaction of BCITSA’s debts and liabilities shall be transferred to such qualified recipient as may be specified in an Ordinary Resolution of the Association or, if passing an Ordinary Resolution is not feasible, specified in a directors’ resolution.