



UNIVERSITY OF NEW BRUNSWICK
STUDENT UNION =

BYLAWS

Bylaw No. 1:
Conduct of the Affairs of the University of New Brunswick Student Union

Bylaw No. 2:
Elections and Referenda

Bylaw No. 3:
An Appeals Board

Enacted: March 2010
Amended: February 10, 2019

BYLAW NO. 1 (A BYLAW RELATING GENERALLY TO THE CONDUCT OF THE AFFAIRS OF THE THE UNIVERSITY OF NEW BRUNSWICK STUDENT UNION)

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**THE UNIVERSITY OF NEW BRUNSWICK
STUDENT UNION
BYLAW NO. 1**

**A BYLAW RELATING GENERALLY TO THE CONDUCT OF THE AFFAIRS OF
THE UNIVERSITY OF NEW BRUNSWICK STUDENT UNION**

BE IT ENACTED AND IT IS HEREBY ENACTED as a Bylaw of **THE UNIVERSITY OF NEW BRUNSWICK STUDENT UNION**, (hereinafter called the "Union" or "UNBSU") as follows:

SEAL

1. The seal, an impression of which is stamped in the margin hereof, shall be the seal of the Union.

SHORT TITLE

2. This Bylaw may be cited as Bylaw No. 1.

MEMBERS

3. There shall be three (3) classes of membership in the Union, namely:
 - a. Ordinary Members;
 - b. Life Members;
 - c. Honorary Members
(together the "Members").
4. Ordinary Members shall be those individuals who are enrolled to attend the University of New Brunswick, Fredericton campus (hereinafter called "UNB") on a full-time basis and those part-time or graduate students, as defined by the UNB Calendar (the "Calendar"), who have paid the requisite membership fee established from time to time by the Union or any and all Executive Councillors until the point at which they pay their required membership fee.
5. Life Members shall be those former Ordinary Members who have been appointed as such by the Council and upon the recommendation of the Awards Committee from time to time.
6. Honorary Members shall be those individuals who have been appointed as such by the Council and upon the recommendation of the Awards Committee from time to time.

7. Membership for Ordinary Members shall commence on the first day of September and terminate on the thirty-first day of August in a given year, while membership for Life Members and Honorary Members shall commence on the date of appointment, and shall terminate only upon a resolution affecting termination of such membership by a two-thirds (2/3) majority vote of the Council.
8. Students withdrawing from the University of New Brunswick in Fredericton shall cease to be Ordinary Members of the Union and shall forfeit all rights and privileges hereunder. Such student shall not receive any refund on fees paid to the Union.

MEMBERSHIP FEES

9. Membership fees shall be collected from eligible students attending UNB, as defined in Bylaw No. 1, section 2. The membership fee shall be reviewed annually by the Student Union Finance Committee and report back to Council recommending changes, if any, to reflect the purchasing power of the membership fee. Any increase shall from time to time be fixed by resolution of the Council and such other UNB organization as may be required and shall be collected in such manner as may be specified in such resolution and approved by the administrative Officers of UNB.
10. Upon payment of the requisite membership fee to the Union, Ordinary Members shall receive a receipt for payment and shall enjoy all the rights and privileges of a Member of the Union.

MEETINGS OF MEMBERS

11. The Union shall hold an annual meeting of its Members not more than twelve (12) months after the acceptance of these Bylaws by the Council and subsequently, not more than twelve (12) months after the holding of the last preceding annual meeting (the "Annual Meeting"). Such meeting shall not occur during the months of April, May, June, July, August, and or December in a given year. The Annual Meeting of the Members shall be held at the head office of the Union or such other place on the UNB campus, on such day in each year and at such time as the Council may by resolution, determine. At the Annual Meeting, there shall be presented a report from Council on the affairs of the Union for the previous year, a financial statement of the Union, the auditor's report and such other information or reports relating to Union's affairs as Council may determine.
12. Two (2) weeks' notice of such meetings of the Members and the general nature of the business to be transacted shall be provided in such manner

as Council shall determine from to time to time.

COUNCILLORS

13. The affairs of the Union shall be managed by those Councillors elected in accordance with Bylaw No. 2 who may exercise all such powers and do all such acts and things as may be exercised or done by the Union. The Council shall consist of those five (5) persons elected to the office of President, Vice President Advocacy, Vice President Internal, Vice President Finance & Operations and Vice President Student Life (together the "Executive Councillors") and those persons elected as Faculty councillors and non-Faculty councillors accordance with Bylaw No. 2 (together the "General Councillors") (hereinafter sometimes collectively referred to as the "Councillors" or "Council").
14. There shall be Faculty Councillors, with distribution between faculties determined by allocating one seat to every Faculty.
15. There shall be Non-Faculty Councillors as members of Council, elected to represent Constituency groups, to include:
 - a. International Student Representative;
 - b. Residence Student Representative;
 - c. Off-Campus Student Representative;
 - d. LGBTQ+ Student Representative;
 - e. Aboriginal Representative;
 - f. Women's Representative;
 - g. Accessibility Representative;
 - h. Two Inclusion Representatives to further represent the interests of underrepresented groups on campus, on Council, and within our community.
16. The following persons are disqualified from being a Councillor of the Union:
 - a. anyone who is less than eighteen (18) years of age;
 - b. anyone who is of unsound mind and has been so found by a court in Canada or elsewhere;
 - c. a person who is not an individual;
 - d. a person who has the status of bankrupt;
 - e. a person convicted of an offence under the Criminal Code (Canada) or the criminal law of any jurisdiction outside of Canada
 - i. in connection with the promotion, formation or management of a corporation, or
 - ii. involving fraud, unless five (5) years have elapsed since the expiration of the period fixed for suspension of the passing of sentence without sentencing or since a fine was imposed, or

unless the term of imprisonment and probation imposed, if any, was concluded, whichever is the latest, but the disability imposed by this paragraph ceases upon a pardon being granted;

- f. any person who is not in good academic standing as defined by the Calendar;
 - g. any student who is not an Ordinary Member in good standing of the Union;
 - h. the Vice President Communications;
 - i. the Union Chairperson; or
 - j. The Union Secretary.
17. No Councillor shall, in their capacity as a Councillor of the Union, endorse or actively support any political candidate or party for political office.

ELECTION OF COUNCILLORS AND OFFICERS

18. The Councillors and Officers of the Union shall be elected by the Ordinary Members in accordance with the provisions of Bylaw No. 2.

MEETINGS OF COUNCILLORS

19. Council meetings shall be held not less than thirteen (13) times during the Academic Year at the head office of the Union or any other convenient place on the University of New Brunswick Fredericton Campus, on such day in each year and at such time as the Council may, by resolution, determine, as follows:
- a. at least two (2) meetings during each of the months of October, November, January, February and March on a biweekly basis; and
 - b. at least one (1) meeting during each of the months of September, December and April.
20. Notice of meetings of the Council shall be given at least seventy-two (72) hours before each meeting by letter, mail, electronic mail, or in any other practical way, but a meeting of the Council may be held at any time or place without previous notice if all the Councillors are present or if the absent Councillors sign a written waiver of notice of the time and place of such meeting.
21. All acts done by any meeting of the Council shall, notwithstanding that it be afterwards discovered that there was some defect in the election or appointment of any such Councillor or persons acting as aforesaid or that they or any of them were disqualified, be as valid as if every such person had been duly elected or appointed and was qualified to be a Councillor.

22. All meetings of the Council shall be open to and may be attended by any Member of the Union, campus media, including but not limited to the *Brunswickan* and CHSR Broadcasting, Inc. Any other person or organization wishing to attend a meeting of the Council must receive a written invitation to attend such meeting with no less than three (3) Councillors. Any person or organization who wishes to address the Council at such meeting, save and except for the Vice President Communications and Student Representatives from: Adult Learners & Part-Time Students; Graduate Students Association; Undergraduate Student Senators of the University of New Brunswick; and Board of Governors of the University of New Brunswick, who shall at all times enjoy speaking rights at such meeting of the Council, shall upon a Resolution approving same, have the opportunity to address the Councillors at such meeting.

QUORUM

23. Unless specifically prohibited by these Bylaws, the Council may, upon majority vote, convene in-camera and without the presence of any individual who is not a Councillor, unless, in order to discuss matters of a confidential nature. The Council may not pass resolutions while convening in-camera and must make and pass all resolutions in an open meeting of the Council. Upon the declaration of the Union Chairperson, in-camera proceedings shall cease and all Councillors attending such in-camera meeting shall be precluded from disclosing the details of such meeting. Persons who are not councillors may stay during in-camera meetings only when granted to do so with a two-thirds majority vote from Council.

24. Two Executive Councillors and a majority of the General Councillors shall be necessary and sufficient to constitute a quorum for the transaction of business.

25. The act of the majority of the Councillors present at any meeting at which there is a quorum shall be the act of the Council, except as may be otherwise specifically provided by the Incorporating Act or Bylaws of the Union. If less than a quorum shall be in attendance at the time for which a meeting of the Council shall have been called, the meeting may, after the lapse of fifteen minutes from the time appointed for holding the meeting, be adjourned by the Councillors present for a period not exceeding one month at any one time without any notice other than by announcement made until a quorum shall attend. Any meeting at which a quorum is present may also be adjourned in like manner for such time as may be determined by vote. At any adjourned meeting at which a quorum shall attend, any business may be transacted which might have been transacted if the meeting had been held as originally called.

VOTING

26. Unless otherwise indicated in these Bylaws, questions arising at any meeting of the Council shall be decided by majority vote.

PROTECTION OF COUNCILLORS

27. The Councillors and the other Officers of the Union, (defined in Bylaw No. 1), for the time being, acting in relation to any of the affairs of the Union and every of them, and every of their heirs, executors and administrators, shall be indemnified and secured harmless out of the assets of the Union from and against all actions, costs, charges, losses, damages and expenses which they or any of them, their or any of their heirs, executors, or administrators shall or may incur or sustain by or by reason of any act, concurred in or omitted in or about the execution of their duty or supposed duty in their respective office or trusts, except such (if any) as they shall incur or sustain by or through their own willful neglect or default respectively.

28. The Union shall maintain appropriate insurance, provided such insurance is reasonably available, with respect to such indemnified liabilities of its Councillors and Officers.

HONORARIA

29. All salaries and honoraria issued to Councillors shall be determined in such a manner as deemed appropriate by the Council from time to time.

30. In the event that a Councillor resigns or is dismissed before their term of office expires, honoraria payments shall be pro-rated based on the number of days worked.

OFFICERS

31. In each year, the Ordinary Members shall elect, in accordance with the Incorporating Act and Bylaw No. 2, the following Executive Councillors: a) President; b) Vice President Advocacy; c) Vice President Internal; d) Vice President Finance & Operations, and; e) Vice President Student Life.

32. Where the President, Vice President Advocacy, Vice President Internal, Vice President Finance & Operations and/or the Vice President Student Life does not take office, resigns or is dismissed, the Council shall appoint, by way of a two-thirds majority vote, an Ordinary Member in good standing to fill such vacancy.

33. During the academic year (the “Academic Year”), which shall be determined by reference to the Calendar, each Executive Councillor, save and except for the President, shall maintain a minimum of 15 office hours during regular business hours (8:30 a.m. – 4:30 p.m.) per work week (being Monday to Friday). The President shall work a minimum of 37.5 hours, of which no fewer than 29.5 shall be office hours held during regular business hours (8:30 a.m. – 4:30 p.m.) per work week (being Monday to Friday). The office hours of all Executive Councillors shall be subject to reasonable allowances for:
- a. office related activities; and
 - b. academic commitments.
34. During Spring and Summer Session, as defined by the Calendar, each Executive Councillor shall maintain a minimum of 37.5 work hours, of which no fewer than 29.5 shall be office hours held during regular business hours (8:30 a.m. – 4:30 p.m.) per work week (being Monday to Friday). The office hours of all Executive Councillors shall be subject to reasonable allowances for:
- a. office related activities; and
 - b. academic commitments.
35. Where an Executive Councillor fails to maintain the minimum number of office hours required pursuant to Subsection “Officers,” due to absences resulting from academic commitments (the “Lost Hours”), such Executive Councillor shall make up the Lost Hours at such other time as may be convenient.

EXECUTIVE COUNCILLOR DUTIES

36. The following are the duties of the Executive Councillors:
- a. Maintain and uphold the Bylaws of the Union;
 - b. Maintain and uphold the mission and vision of the Union;
 - c. Present an annual written report, in the form prescribed by the Council from time to time, to the Council before leaving office;
 - d. Be accountable to the elected Council of the Union; and
 - e. Ensure motions of the Council of the Union are enacted fully.

PRESIDENT

37. The President shall be the Chief Executive Officer of the Union and see to the day to day organization of the Union and the Executive council. The President will provide direction and leadership for the advancement of the objectives of the Union while ensuring meaningful student representation in the decision-making processes of the Union. The President shall fulfill and perform those duties as may be required or necessary to achieve the

purposes or objectives of the Union. The President shall report to the General Councillors through meetings of the Council of the Union.

VICE PRESIDENT ADVOCACY

38. The Vice President Advocacy shall be the public relations Officer and the advocate on all student issues for the Union. The Vice President Advocacy will bring forward new initiatives for policy, campaigns and positions to promote meaningful change on student issues and ensure that students are well represented both internally and externally to the UNB community. The Vice President Advocacy will fulfill and perform those duties as may be required or necessary to achieve the purposes or objectives of the Union. The Vice President Advocacy shall report to the President.

VICE PRESIDENT INTERNAL

39. The Vice President Internal shall be responsible for monitoring academic regulations and improving the overall quality of life at the UNB. The Vice President Internal will also be responsible for advocating on all academic matters. The Vice President Internal shall work to ensure that there is adequate student representation in all academic related decisions making processes of the UNB. The Vice President Internal shall report to the President.

VICE PRESIDENT FINANCE & OPERATIONS

40. The Vice President Finance & Operations shall be the Chief Financial Officer of the Union and shall manage the internal operations of the Union. The Vice President Finance & Operations shall fulfill and perform those duties as may be required or necessary to achieve the purposes or objectives of the Union. The Vice President Finance and Operation shall report to the President.

VICE PRESIDENT STUDENT LIFE

41. The Vice President Student Life shall manage and be responsible for student services and events provided by the Union. The Vice President Student Life shall perform those duties as may be required or necessary to achieve the purposes or objectives of the Union. The Vice President Student Life shall report to the president.

GENERAL COUNCILLORS

42. The General Councillors shall be the primary point of contact between the faculty or another constituency group from which they were elected or appointed. The General Councillors shall:
- a. attend the meetings of the Council, and provide meetings with agenda items as needed to best represent their constituency;
 - b. be publicly available to their constituents for at least one hour each week during the academic year so as to:
 - i. report to their constituents on the activities of the Union; and
 - ii. identify any matters, concerns, or interests within their faculty or another constituency group.
 - c. Participate in committees as required by the Bylaws and motions of the Council of the Union.

UNION OPERATIONS

43. In such a case where the President is unable to fulfill their duties by reason of illness, family emergency, suspension in accordance with the provisions of these Bylaws, or any other reason deemed appropriate by the Council, the Vice President Advocacy shall arrange for the fulfillment of the duties of the President until such time the President is able to return to the position or a new/Interim President is appointed or elected in accordance with the provisions of these Bylaws:
- a. In such a case where the Vice President Advocacy is unable to fulfill their duties by reason of illness, family emergency, suspension in accordance with the provisions of these Bylaws, or any other reason deemed appropriate by the Council, and in the absence of the President, the Vice President Internal shall arrange for the fulfillment of the duties of the aforementioned Vice President until such time as they return to the position or are appointed or elected in accordance with the provisions of these Bylaws.
 - b. In such a case where the Vice President Internal, Finance and Operations, or Student Life is unable to fulfill their duties by reason of illness, family emergency, suspension in accordance with the provisions of these Bylaws, or any other reason deemed appropriate by the Council the President shall arrange for the fulfillment of the duties of the aforementioned Vice President(s) until such time as they return to the position or are appointed or elected in accordance with the provisions of these Bylaws.

REMOVAL OF COUNCILLORS

44. All meetings held relating to the removal of a Councillor shall be open to any and all Union Members.

45. A notice of motion for dismissal or expulsion may be given by any Councillor at a meeting of Council naming the Councillor affected and stating the reason for the proposed removal.
46. After the notice of motion has been given, the Council may by majority vote effect a suspension from all rights, duties, and privileges pertaining to the affected Councillor's office pending the results of an inquiry. **A notice of such actions must be given to the affected Councillor through official means.**
47. When an allegation against a Councillor is received, said allegation shall be referred to the Chair and the CRO, as impartial members of the Union. The Chair and CRO will lead an investigation with the purpose of preparing a report to Council with findings regarding the credibility of allegations and recommendations on proceeding to a formal investigation at the majority vote of Council.
48. When a motion for the striking of a formal investigation committee has been given, the Council shall form said committee as prescribed by the Code of Conduct Policy.
49. Upon receipt and review of the committee's written report, a motion to effect dismissal or expulsion may be proposed by any voting Councillor.
50. A two-thirds (2/3) vote shall be required to adopt the motion **affecting** dismissal or expulsion, which vote shall be final and not subject to appeal.
51. Notwithstanding paragraphs 45 through 50 above, a Councillor shall be deemed to be dismissed from office upon receipt by the Council of a petition containing the signatures of at least 35% of the Ordinary Members. The said petition must set out the name of the Councillor or Councillors to be dismissed, the reasons for their dismissal, the clearly printed name and student identification number and the original handwritten signature of each signatory thereto.
52. A vacancy shall occur:
- a. in the case that a councillor delivers a written resignation letter to council; or
 - b. at the discretion of the Council by majority vote, if a councillor fails to attend three (3) or more meetings of the Council.
53. Shall a vacancy occur in any office by reason of death, resignation, or disqualification pertaining to Bylaw No. 1, section 16, the Council shall:

- a. In the case of an Executive Councillor, appoint an ordinary member by a two thirds majority vote and hold an election in accordance with Bylaw No. 2 if more than four (4) months remain in their term;
- b. in the case of a General Councillor, hold an election in accordance with Bylaw No. 2;

COMMITTEES

54. The Council of the Union may from time to time, and as deemed necessary, appoint committees of such number of Councillors and/or Ordinary Members in compliance with any Student Union policy on committee composition as may be deemed desirable and may prescribe their duties.
55. Any Committee so appointed may meet for the transaction of business, adjourn and otherwise regulate its meetings as it thinks fit. Unless otherwise determined by the Council, one half (1/2) of the members of a committee shall be a quorum. Questions arising at any meeting of a committee shall be decided by a majority of votes, and in case of an equality of votes the chairperson of the meeting shall have a second or casting vote.
- a. Upon striking a committee, the members of said committee shall first appoint a chair and a secretary for said committee.
56. The Chair of any Committee is responsible for managing the agenda for committee meetings, managing the meeting to ensure the business of the committee is conducted properly, and for ensuring that reports are regularly delivered to Council about the committee's functioning and progress on issues it deals with.
- a. The Chair is not precluded from contributing to the overall discussion of issues in front of the committee, but must not prevent any member from contributing to meeting agendas or discussions unfairly.
57. The Secretary of any Committee is responsible for taking minutes at each meeting and keeping all members of the committee aware of future meeting times and locations.
58. By majority vote, the committee may remove members or appoint members to these positions as needed.
59. All committees of the Council of the Union must have at least one General Councillor as a member.

60. All standing committees of the Union, which are those struck by Executive Councillors without a motion from Council, must be chaired by a member elected by majority vote of the committee at the first meeting of the committee.

- a. The secretary of said committees shall be the Executive Councillor under whom the standing committee was struck, whether or not they are Chair;
- b. The Chair and Secretary of said committee may be changed to any other member upon majority vote at any regular meeting of the committee which meets quorum.

61. Committees shall be expected to report to Council regularly about the work they have performed.

62. A Selections Committee shall operate as if defined by the Committee Policy.

CHAIRPERSON

63. The Chairperson, who shall be an Ordinary Member of the Union, shall preside over all meetings of the Council and shall be appointed by the Council upon the recommendation of the Selections Committee (defined in the "Committees" subsection) no later than September 20 in each Academic Year by a two-thirds (2/3) majority vote.

64. The responsibilities of the Chairperson shall include:

- a. ensuring that all acts of the Union are carried out in accordance with the provisions of the Incorporating Act and these Bylaws;
- b. receiving from the Secretary minutes of all meetings of the Council and Members and deliver such minutes to the Vice President Finance & Operations for insertion in the corporate minute book; and
- c. serving as Chief Appeals Officer pursuant to the provisions of Bylaw No. 3. In the event that the Union Chairperson is, for whatever reason, unable to preside over meetings of the Council, the Chief Returning Officer shall act in their stead.

SECRETARY

65. The Union Secretary, who shall be an Ordinary Member of the Union, shall be appointed by the Council upon the recommendation of the Selections Committee no later than September 20 in each Academic Year and by a two-thirds (2/3) majority vote, and shall prepare detailed minutes of all meetings of the Council and Members.

66. The Secretary shall arrange for the delivery of such minutes to all Councillors not less than 36 hours before the next regularly scheduled meeting of the Council.

ELECTIONS OFFICIALS

67. Upon the recommendation of the Selections Committee, the Council shall, no later

than September 20 in each Academic Year and by a two-thirds (2/3) majority vote, appoint:

- a. a Chief Returning Officer; and
- b. a Deputy Chief Returning Officer;
(individually an "Elections Official" and collectively the "Elections Officials")

from amongst the Ordinary Members in good standing of the Union.

68. The Elections Officials shall officiate at all elections, by-elections and referenda in accordance with the provisions of Bylaw No. 2.

69. The Council may, by a two-thirds (2/3) majority vote, dismiss an Elections Official.

70. Where the Chief Returning Officer resigns or is dismissed, the Deputy Chief Returning Officer shall be deemed to have been duly appointed as Chief Returning Officer.

71. Where the Deputy Chief Returning Officer resigns, is dismissed, or is appointed as Chief Returning Officer the Council shall, upon the recommendation of the Selections Committee, and by a two-thirds majority vote, appoint a Deputy Chief Returning Officer as soon as possible, but no later than its third regularly scheduled meeting following the resignation, dismissal, or appointment.

72. If, for any reason, the offices of both Elections Officials are vacant, the Council shall appoint no later than its third regularly scheduled meeting following the occurrence of the second vacancy Elections Officials.

CONFLICT OF INTEREST

73. Any Officer or Councillor of the Union who has or is aware of a financial interest in a matter under consideration by the Union, shall disclose in writing to the Union or request to have entered into the minutes of a meeting of Council the nature and involved parties in the interest; involved individuals shall absent themselves from discussion and resolution of the matter.

CHEQUES, DRAFTS AND NOTES

74. All cheques, drafts or orders for the payment of money and all notes and acceptances and bills of exchange shall be signed by individuals designated by the Executive Councillors of the Student Union.
75. By September, a list of such individuals shall be presented to Council and accepted by majority vote.
76. Any changes to the list of individuals authorised in these matters should be presented and accepted by a majority vote of Council.

EXECUTION OF INSTRUMENTS

77. Contracts, documents or any other instruments in writing requiring the signature of the Union may be signed by the President or the Vice President Advocacy together with the Vice President Academic or Vice President Finance & Operations.
78. The Council may from time to time, by resolution, appoint any Officer or Officers, or any person or persons, on behalf of the Union either to sign contracts, documents and other instruments in writing.
79. All contracts, documents and other instruments in writing so signed shall be binding upon the Union without any further authorization or formality.
80. The seal of the Union may, when required, be affixed to contracts, documents and other instruments in writing signed as aforesaid.

AUDITORS

81. Auditors shall be appointed by the Executive Councillors of the Union. The auditors of the Union when appointed shall hold until their successors are appointed.

FISCAL YEAR

82. The fiscal period of the Union shall terminate on the last day of April in each year.

BORROWING POWERS

83. The Council of the Union may from time to time and upon a two-third (2/3) majority vote:

- a. borrow money upon the credit of the Union in such amounts and upon such terms as may be deemed necessary by the Councillors;
- b. limit or increase the amount to be borrowed;
- c. issue bonds, debentures or other securities of the Union, and pledge or sell the same for such sums and at such prices as may be deemed expedient;
- d. hypothecate, mortgage or pledge the real or personal property, rights and powers or any liability of the Union; and
- e. invest, loan or otherwise deal with the moneys or other property of the Union not immediately required, in such manner as the Council may from time to time determine.

AMENDMENT OF BYLAWS

84. Any Councillor may by motion move to repeal, amend, add to, or re-enact these Bylaws or any of them, or any other Bylaws of the Union, but any proposed amendment(s) must receive a two-thirds (2/3) majority vote from the Council at which time the proposed amendment(s) shall be referred to the Policy and Advancement Committee for the purpose of reviewing the proposed amendment(s). The Policy and Advancement Committee shall, at the next regularly scheduled meeting of the Council deliver a written report setting out the scope and purpose of the proposed amendment(s) and the specific effect or result that the proposed amendment shall have on the Union and or its Members along with further recommendations.
85. Upon delivery of the written report of the Policy and Advancement Committee, any Councillor may then put forth a motion to adopt the recommendations of the Policy Committee or any variation thereto, at which time the proposed amendment(s) will be given first reading before the Council requiring a two-thirds (2/3) majority vote.
86. Second reading shall take place at the next regularly scheduled meeting of the Council, or at such other mutually agreeable time, where two-thirds (2/3) of the Council must approve the proposed amendment(s) or any variation thereto. After the proposed amendments has passed second reading, notice of the proposed amendment(s) shall be posted publicly, which included, but not limited to, the Union website, posted in the Union's main office, and electronic communication to members. Such notice shall set out the purpose of the proposed amendment(s) and the date, time and place of the Council meeting where the proposed amendment(s) will be subject to third and final reading requiring a two thirds (2/3) majority vote of the Council.

87. Upon third and final reading, requiring a two-thirds (2/3) majority vote, the proposed amendment(s) shall be deemed passed and shall be enforceable as if it were contained in these Bylaws.

INTERPRETATION

88. In all Bylaws of the Union, the singular shall include the plural and the plural the singular, the word "person" shall include firms and corporations, and apply to all individuals equally.

ENACTED _____

WITNESS _____

President

Vice President – Finance & Operations

**THE UNIVERSITY OF NEW BRUNSWICK
STUDENT UNION
BYLAW NO. 2**

A BYLAW RELATING TO ELECTIONS AND REFERENDA

BE IT ENACTED AND IT IS HEREBY ENACTED as a Bylaw of **THE UNIVERSITY OF NEW BRUNSWICK STUDENT UNION** (hereinafter called the “Union” or “UNBSU”) as follows:

SHORT TITLE

1. This Bylaw may be cited as Bylaw No. 2.

INTERPRETATION

2. In this Bylaw, defined words shall mean the same as they mean in Bylaw No. 1 and Bylaw No. 3, except that:
 - “**Campus Wide Candidate**” means those individuals nominated for a position open to votes from all Union members;
 - “**Faculty Representative Candidate**” means those individuals nominated for a position, which receives votes from a restricted population of members;
 - “**Election**” means an election or by-election conducted in accordance with these Bylaws and includes, where appropriate, a referendum conducted in accordance with these by- laws;
 - “**Forum**” means a publicly held event at which students may debate openly the referendum/referenda question(s);
 - “**Mass Publicity Item**” means a publicity material that is smaller than a Poster, including but not limited to pamphlets, pins, and stickers;
 - “**Campaign Material(s)**” means any material(s) of a physical or digital nature distributed for the purposes of Campaigning.
 - “**Electronic Campaign Material(s)**” means any campaign material(s) of a digital or electronic nature, distributed via the internet or otherwise;
 - “**Poster**” means any publicity material that is or exceeds the size of letter paper (8.5” x 11”);
 - “**Campaigning**” means promoting or encouraging voting members of the Union to vote for a specific candidate through any medium.
 - “**Campaign Period**” means the period where candidates are permitted to campaign.
 - “**Winter Term Break**” means the week during the Winter Term during which no classes are held, as defined by the Calendar; and
 - “**Polling Period**” means the period where eligible members are capable of voting for the eligible candidates.

“Polling Station” means any location where students may submit a ballot, including but not limited to, physical polls where people may submit paper ballots and any device currently accessing electronic voting.

CHIEF RETURNING OFFICER

3. The Chief Returning Officer (the “CRO”) appointed in accordance with Bylaw No. 1 shall:
 - (a) when required to do so, pursuant to these Bylaws or in accordance with an order of the Council, initiate and conduct an Election in accordance with these Bylaws;
 - (b) consult with individuals representing other entities at the UNB on whose behalf the Union conducts Elections, determine the electoral needs of those entities, and coordinate an Election conducted by the Union on behalf of any such entity;
 - (c) maintain a list of these entities and can add new entities to this list after a two-thirds ($\frac{2}{3}$) majority vote of council approves the decision.
 - (i) Any entity on the list that fails to provide the CRO with the required information to run their election in an appropriate timeline as determined by the CRO will be considered removed from the list and require Council approval to be reconsidered.
 - (d) where they provide for the execution of an election on behalf of an entity listed in accordance with Bylaw No. 2, section 3(c), execute that election in accordance with the election procedures set out in these Bylaws, but where those election procedures are inconsistent with the election procedures of the other entity, the election procedures of the other entity shall prevail to the extent of the inconsistency;
 - (e) provide unbiased guidance and supervision in the management of all Elections;
 - (f) if appropriate, appoint and determine eligible poll clerks, none of whom
 - (i) may be formally associated to the campaign of any candidate in the Election being conducted; or
 - (ii) may actively support or endorse any outcome of the referendum being conducted;
 - (g) enforce fairness and impartiality on the part of all individuals assisting in the operation of an Election;
 - (h) perform their duties in such a way that the election procedures are upheld in an ethical manner;
 - (i) maintain the integrity of the electoral process and address alleged breaches of integrity by those affiliated with the Union’s electoral process;

- (j) ensure the following information pieces, together known as the "Election Call", are made publicly available through the UNB Student Union website alongside any other medium for disseminating public information:
 - (i) a statement as to the period during which nominations will be received;
 - (ii) an enumeration of the positions available;
 - (iii) the date of the Election;
 - (iv) the closing date for Campaigning;
 - (v) the requirements to vote;
 - (vi) the location of polling stations; and
 - (vii) the office location of the CRO.
- (k) ensure that the Student Union actively promotes the Election Call's publication;
- (l) maintain an office where nominations may be submitted;
- (m) if applicable, obtain a list of Members eligible to vote for each position along with their student number as at the date of, or as close thereto as practical, the Election Call;
- (n) if applicable, provide at least seven (7) days' notice to all candidates setting out the time and place for candidate debates and or speeches;
- (o) if applicable, consult with the relevant body that will be hosting the election via online means or otherwise at least thirty (30) days before the Polling Period;
- (p) where an online or electronic voting system is used for the execution of an Election, make every practicable effort to establish an electronic polling booth station, either for the entire Campaign Period or a portion thereof, for the use of voters in the Student Union Building;
- (q) where an online or electronic voting system is used, make every practicable effort, in conjunction with the relevant body, to provide a mechanism by which voters may verify their credentials in an Election before the beginning of the Polling Period;
- (r) consult with the UNB Information Technology Services department in order to establish an electronic mailing list that contains the email addresses of each candidate, through which electronic mailing list all messages intended for distribution to all candidates shall be distributed;
- (s) request and confirm the results of a code audit of any electronic voting systems at least annually;
- (t) deliver to each candidate a copy of the Union Bylaws relating to elections and referenda;
- (u) hold a meeting of candidates, referred to as the "Candidate's Meeting," where the roster of candidates for each position is

- announced and Bylaws and regulations relating to elections and referenda are explained to the candidates ;
- (v) within seven (7) days after the close of voting in the Election, prepare and deliver to the Council a final, written report including:
 - (i) a summary of their actions respecting the Election and voting;
 - (ii) a breakdown of the voting results, including both final totals for each candidate, and totals for each constituency;
 - (iii) a summary of the costs of the Election; and
 - (iv) in the event that a candidate participating in the Election filed a complaint with the CRO in regard to any part of the Election, all details of the complaint and their resolution of the matter;
 - (v) where a candidate has appealed a decision of the CRO, the final, written report of the CRO shall not be delivered to the Council before the Appeals Board has issued its decision in relation to that complaint.
 - (w) be ineligible to run as a candidate or vote in any Election; and
 - (x) supervise the DCRO.
4. The Deputy Chief Returning Officer (the “DCRO”) appointed in accordance with Bylaw No. 1 shall:
- (a) assist the CRO in executing their duties as set forth in this Bylaw;
 - (b) enjoy all the powers and authority of the CRO when assisting the CRO in executing their duties as set forth in this Bylaw, save and except those powers and authority established under paragraphs 5, 6, 28, 29, 46, and 47 of this Bylaw (the “Reserve Powers”) which shall be reserved exclusively to exercise by the CRO; and
 - (c) be ineligible to run as a candidate or vote in any election.
5. The CRO may, from time to time, create temporary regulations to govern the conduct of an Election, provided:
- (a) that such regulations are created prior to the beginning of the campaign;
 - (b) published in such manner as deemed appropriate by the CRO, but which shall include at least the posting of a notice in the Student Union Building;
 - (c) are circulated to all candidates and all members of the Appeals Board; and
 - (d) that such regulations expire at the end of that Election or upon a resolution of the Council.
6. In any situation arising where these Bylaws do not provide for a course of action, the CRO may make a ruling to provide for a course of action that is not inconsistent with the intent of these Bylaws and the Incorporating Act, which ruling may include any remedy up to and including the cancellation of the Election.

- (a) Any such ruling may be overturned by a two-thirds ($\frac{2}{3}$) majority vote of Council.
7. Notwithstanding paragraphs 5 and 6 of this Bylaw, the CRO shall not create temporary regulations or make rulings under any paragraph of this Bylaw that restrict:
- (a) the content of the Campaign Materials that a candidate may use;
 - (b) the form or nature of Campaign Materials that a candidate may use;
 - (c) the time during which a candidate may execute their campaign;
 - (d) the locations where a candidate may execute their campaign;
 - (e) the ability of a candidate to use electronic medium, including but not limited to electronic mail messages and websites; or
 - (f) the individuals or the clubs or societies recognized or ratified by the Union which may actively endorse or support a candidate except to the extent that such restrictions exist elsewhere in these Bylaws.
8. No candidate shall be declared elected and no referendum vote shall be declared valid without the same having been first recommended to the Council by the CRO.

ELECTIONS

9. The Councillors shall be elected once each year during the Annual General Election, which shall be conducted in such a manner that:
- (a) the Election Call shall be published during each of the fifth (5th) and fourth (4th) weeks preceding the Winter Term Break;
 - (b) the Nomination Period shall open on the fifth (5th) Monday preceding the Winter Term Break, and shall close at 12:00 p.m. on the fourth (4th) Friday preceding the Winter Term Break (the "Nomination Period");
 - (c) the Mandatory Candidates' Meeting shall be held at 4:00 p.m. on the day on which nominations close;
 - (d) the Campaign Period begins immediately following the Mandatory Candidates' Meeting and ends at the opening of the Polling Period.
 - (e) the Polling Period Station shall open at 12:01 a.m. on the Monday immediately preceding the Winter Term Break, and shall close at 11:59 p.m. on the Friday immediately preceding the Winter Term Break (the "Polling Period") (the "Annual General Election").
10. The following positions shall be available during the Annual General Election:
- (a) each of the Executive Councillors;
 - (b) General Councillors as outlined in Bylaw No. 1.

11. The following persons are disqualified from candidacy as a Councillor:
 - (a) any person who shall be, at the time of taking office, disqualified from being a Councillor in accordance with Bylaw No. 1;
 - (b) the CRO;
 - (c) the DCRO;

 - (d) the Associate Members of the Appeals Board.

12. Candidates for all positions shall be subject to the following guidelines:
 - (a) no person who has been twice elected to the office of President of the Union shall be eligible for nomination in a subsequent year for the office of President;
 - (b) no person who has been elected to the office of Vice President Internal, Vice President Advocacy, Vice President Finance & Operations, or Vice President Student Life for three (3) electoral terms shall be eligible for nomination in a subsequent year for the office of Vice President Advocacy, Vice President Internal, Vice President Finance & Operations, Vice President Student Life, or President;
 - (c) no General Councillor or Executive Councillor who is dismissed in accordance with Bylaw No. 1 shall be eligible for nomination as a General Councillor or Executive Councillor for a period of five (5) years from the date of removal;
 - (d) all General Councillors seeking election must belong to the Faculty or demographic group they seek to represent and shall provide evidence of same to the CRO upon request; and
 - (e) no person may run for more than one position that accords them a vote at the Council (a "Voting Position") in any Election.

13. No candidate, campaign organizer, or manager for any candidate shall infringe on the integrity of the electoral process in any manner.

BY-ELECTIONS

14. The Council may, from time to time and in consultation with the CRO, provide for and initiate, a by-election to fill those Councillor positions that are vacant at the time of the call of the by-election.

15. A by-election provided for and initiated in accordance with these Bylaws shall be scheduled in the same manner, or as close thereto as practical, as the Annual General Election and shall otherwise operate in the same manner as the Annual General Election.

16. No person who holds a Voting Position may run for a Voting Position in any By-Election.

SPECIAL ELECTIONS

17. The Council may from time to time, in accordance with Bylaw No.2, paragraph 18, call a special election which shall deal only with referendum questions.
18. The Special Election shall not be held:
 - (a) two (2) weeks before the call of the Annual General Election or two (2) weeks after the conclusion of the Polling Period of the Annual General Election, or;
 - (b) two (2) weeks before the call of a By-Election or two (2) weeks after the conclusion of the Polling Period of a By-Election.

REFERENDA

19. The CRO shall cause a referendum question (the "Question") to appear on a ballot during the next Election or Special Election:
 - (a) upon receipt of an application for a referendum, in the form prescribed by the Council from time to time, which contains and containing the signatures of fifty (50) Ordinary Members, and upon two thirds ($\frac{2}{3}$) majority vote by the Council, or;
 - (b) A two-thirds ($\frac{2}{3}$) majority vote by Council on a motion containing a candidate question for a referendum.
20. Ordinary Members shall have until the next meeting of Council to present additional Questions to appear on the Ballot.
21. The Question shall be sufficiently clear and succinct so as to require a "yes" or "no" response.
22. Except where the application for a referendum requests otherwise and where directed by the Council, the referendum result shall be determined by a majority of the votes cast.
23. The CRO shall hold a forum to debate the Question during the Election.

NOMINATIONS

24. Nominations for the positions available during an Election shall be accepted during the Nomination Period and shall be transmitted to the CRO on a form prescribed by the CRO which shall state:
 - (a) the candidate's name;
 - (b) the candidate's electronic mailing address;
 - (c) the position for which the candidate intends to run; and

(d) the faculty and year of study of the nominee;
and which shall contain the signatures of twenty five (25) or 20% of eligible Ordinary Members eligible to vote for the position for which the candidate intends to run and who endorse the candidacy of the candidate. Nominations of candidates for Non-Faculty Councillor positions shall contain the signatures of twenty five (25) or 20% of Ordinary Members who support the candidates' abilities to hold representative office.

25. Where, by the end of the Nomination Period, no nomination form has been filed for a position available during an Election, the CRO may act at their discretion to solicit additional nominations, with particular regard to ensuring the next Council may meet quorum. Such actions may not be taken over ten days from the end of the initial nomination period. .

26. A candidate may, at any time prior to but not after the opening of the Polling Period, withdraw their nomination by delivering written notice to that effect to the CRO.

27. A candidate, when submitting their nomination, must make clear to the CRO any extenuating circumstances that may prevent the completion of a full-year term. The CRO, in accordance with the necessary parties, will discuss whether it is in the interest of the Student Union members and the election to include the candidate on the ballot.

CAMPAIGNING REGULATIONS

28. No Campaigning shall occur before or after the Campaign Period except for conversations between one candidate and one other person.

29. For the purposes of sections 27, "candidate" means a person running for a position available during an Election and includes a person acting on their behalf.

30. Candidates shall adhere to the following rules:

- (a) no candidate shall place campaign Posters in classrooms;
- (b) Campaign Materials within thirty (30) feet of any polling station established by the CRO shall be removed before the polling station begins operating and shall be replaced once the polling station has finished operating;
- (c) at the close of the Polling Period, Posters and all Campaign Materials shall be taken down and removed;
- (d) no additional Campaign Materials are to be distributed during the Polling Period

- (e) no campaign for any Campus Wide Candidate shall use more than two hundred (200) Posters and five hundred (500) Mass Publicity Items during the Campaign Period;
- (f) no campaign for any Faculty Representative Candidate shall use more than one hundred (100) Posters and two hundred (200) Mass Publicity Items during the Campaign Period;
- (g) where a candidate seeks election for more than one position in an election, whether the election is an election conducted for the Union or on behalf of another entity, the candidate, during the course of the operation of each of their campaigns, shall not allow the total Campaign Materials for all of their campaigns to exceed the highest restriction that would apply if the individual was running for only one position in an election conducted for the Union;
- (h) where an individual is running for a position in an election or elections conducted on behalf of another entity, the candidate shall be deemed to be running as a Campus Wide Candidate for the purpose of this subsection;
- (i) where a candidate seeks election for more than one position in an election, whether the election is an election conducted for the Union or on behalf of another entity, the candidate may use the same Campaign Materials to advocate their election for any number of the positions for which they are seeking election;
- (j) no candidate, during the conduct of their campaign, shall infringe upon any copyright or use the logos of either the University of New Brunswick or the Union;
- (k) where a candidate is caught defacing, removing, or promoting another person to deface or remove another candidate's Poster or other Campaign Material, the candidate who caused the defacement or removal may be subject to immediate disqualification from the nominated position at the discretion of the CRO;
- (l) where a candidate causes any damage in the placement or removal of their Campaign Materials, that candidate shall be responsible for those damages;
- (m) no candidate Campaigning for an Executive Councillor position shall incur campaign expenses in excess of \$300.00;
- (n) no candidate Campaigning for any position other than that of an Executive Councillor shall incur campaign expenses in excess of \$100.00; and
- (o) where an individual is running for a position in an election or elections conducted on behalf of another entity, the candidate shall be deemed to be running as an Executive Councillor for the purpose of this subsection;
- (p) no candidate shall accept money or discounted, gratuitous, or "in kind" services from any other person, any business or corporation, or

- any club or society recognized or ratified by the Union except where such acceptance has been approved by the CRO;
- (q) each candidate shall submit all campaign expense receipts to the CRO no more than forty eight (48) hours after the close of the Campaign Period.
 - (r) The CRO/DCRO shall be privy to all of the candidates' electronic Campaign Materials (including social media)
 - (s) Electronic Campaign Materials:
 - (i) Facebook, Twitter, and other social media platforms may only be used for campaign purposes within the Campaign Period. As with physical materials, Campaign Materials used on social media must be approved by the CRO before being made public. Consequently, candidates must adhere to the following procedures:
 - (a) Candidates who wish to create a group or fan page must appoint the CRO as an administrator of any elections-related page.
 - (b) Discussion boards and posts will be monitored by the CRO, and posts deemed inappropriate may be removed.
 - (ii) All electronic media is subject to the same deadlines and conditions as outlined in this Bylaw. The CRO can fine the candidate for electronic media violations that can be attributed directly to the candidate or their campaign team at the CRO's discretion.

29. The CRO shall ensure compliance with the campaign regulations, and each candidate shall provide evidence of their compliance therewith upon request by the CRO.

CANDIDATE SLATES

30.A "Slate" is defined as any group of candidates which willingly choose to endorse one another on Campaign Material.

31. Members of slates shall be treated as individuals with regards to Campaign Materials bearing any identifying feature, campaign fines and any other rules that might apply to individual candidates.

ADVANCED CAMPAIGNING

32. The CRO shall, at any time prior to the beginning of the Nomination Period of an Election, whether or not the Election has at the time been initiated in accordance with these Bylaws, remove or call for the removal of materials that can be construed as Campaign Materials for the election of an

individual during the Election or eventual Election, whether or not the individual has declared themselves as a candidate in the Election.

33. Where the CRO calls for the removal of material in accordance with this Bylaw, the CRO shall allow a reasonable period for the removal of the material.
34. Where an individual fails to comply with the call for the removal of material made in accordance with this Bylaw within the reasonable time allowed by the CRO, the CRO may refuse or invalidate the eventual or existing nomination of the individual for the position for which the materials are construed.
35. Where the CRO refuses or invalidates a nomination for reasons of advance Campaigning as defined in this Bylaw, the CRO shall deliver to the Council a report stating the action performed and the reasons for performing the action.

BALLOTS AND VOTING

36. Ballots for the Election shall be in a prescribed form as determined by the CRO from time to time and shall include:
 - (a) headings to indicate the title and number of positions available;
 - (b) an alphabetized list of the surnames followed by the given name and, if applicable, the middle initial of each candidate seeking election to the particular position under each heading; and
 - (c) a clearly identified box within which the voter may select the candidate they support.
37. In the event that only one candidate runs for a particular position, the ballot for that position shall be in the form of a "yes/no" vote.
38. A ballot shall be considered spoiled if not marked in accordance with the instructions given to the voter.
39. Ordinary Members of the Union may vote for any candidate seeking election for a position as an Executive Councillor.
40. Ordinary Members may vote for those candidates seeking election to represent the faculty to which the Ordinary Member belongs, or any candidate seeking election to a Campus-Wide Position.
41. Where an Ordinary Member belongs to more than one faculty, the Ordinary Member shall choose one faculty to which they belong and the

Ordinary Member shall be deemed to belong that faculty only for the purpose of voting.

POLLS

42.No person shall be, during the Polling Period, permitted in the vicinity of any polling station, or any other general place of voting, while wearing or otherwise displaying any Campaign Material.

43.In the event a position cannot be elected by electronic methods the positions will be elected by paper ballots in accordance with the following regulations:

- (a) A polling station to elect all remaining positions will be held on one day, selected by the CRO, during the voting period. The voting period will be open from 10:00am until 7:00pm. Each position elected by paper ballots will have its own unique ballot, with the required features stated in these Bylaws.
- (b) All poll clerks hired by the CRO must maintain complete confidentiality with respect to ballot distribution.
- (c) Upon presenting their UNB student identification card, a voter will be given the appropriate ballots.
- (d) The name and student identification number will be recorded, not the positions for which they have requested to vote. Given such, all voters will only be permitted to vote once. To verify the ballot counts, election officials shall count the number of ballots that have been given out as the ballots are distributed.
- (e) A voting booth must be present for the voter to carry out their confidential vote and place their ballots in the respective ballot boxes for each position being elected.
- (f) The results of any elections by paper ballots will not be released until all elections in the Voting Period have completed, as to not impact the elections of other positions.

44. No candidate or campaign organizer or manager for any candidate shall loiter near or around any polling station, or any other general place of voting, during the Polling Period.

ELECTION RESULTS

45.Where appropriate, there shall be public notice of the time and place of the counting of the ballots, which shall be counted by the polling clerks in the presence of the CRO, and scrutineers, who shall be appointed by the candidates.

46. Where appropriate, polling clerks shall determine an overall count of ballots submitted and shall compare the number of votes cast with the number of names checked off the official voting list as provided by the Registrar's Office of the Fredericton campus of the University of New Brunswick.
47. Where a candidate's margin of victory for a position is by less than or equal to twenty five (25) votes, the CRO shall arrange for a recount of votes cast with respect to that position within three (3) days of the Election.
48. Unsuccessful candidates who lose by a margin greater than twenty (25) votes, but not more than seventy-five (75) votes, may, within three (3) days of the Election, appeal in writing to the CRO for a recount of the votes cast with respect to that position, and thereupon the CRO shall, arrange for a recount of votes cast with respect to that position within three (3) days of receipt of such appeal.
49. Upon conclusion of all recounts and or appeals and upon receipt of the final report of the CRO, the Council shall:
- (a) where the CRO has recommended the ratification of the results of an Election, a declaration that a candidate is elected, or a declaration that the results of a referendum are valid, consider forthwith a resolution affecting the recommendation of the CRO, the motion for the adoption of which resolution shall be deemed to be before the Council without the need for any Councillor to move and second the motion;
 - (b) notify the successful candidates of their victory;
 - (c) cause to be published, in such manner as deemed appropriate by the Council from time to time, a listing of the successful candidates along with the title of the position held; and
 - (d) where appropriate, arrange for the destruction of ballots.

ASSUMPTION OF OFFICE

50. Councillors elected during the Annual General Election shall assume office on the first day of May in the year of the Annual General Election, and Councillors elected during a by-election or appointed in accordance with these Bylaws shall assume office upon a resolution of the Council affecting the ratification of their election or appointment.

VIOLATION OF ELECTION PROCEDURES

51. Where a candidate or a person acting on their behalf fails to adhere to the regulations for the conduct of candidates during an Election, including

performing an action, whether or not contemplated by the said regulations, that would, in the opinion of the CRO, prevent the election procedures from being upheld or would cause the election procedures to fall into disrepute among members of the university community, the CRO may:

- (a) restrict the campaign activities of the candidate;
- (b) impose a fine upon the candidate in an amount not less than five (\$5.00) dollars and not exceeding one hundred (\$100.00), which fine shall be paid forthwith by the candidate to the Union for the purposes of defraying the costs of the execution of the Election and the amount will also be added as an expense to the candidates campaign expenses, where the fine is not paid forthwith, the candidate shall be disqualified from the nominated position; or
- (c) disqualify the candidate from the nominated position; and where the CRO performs an action pursuant to this paragraph, the CRO shall deliver to the Council a report stating the action performed and the reasons for performing the action.

52. A candidate wishing to file a formal complaint in connection with any part of the Election shall submit, within three (3) days of the close of voting, a written complaint setting out the nature of the alleged violations to the CRO, and within thirty-six (36) hours of receiving the complaint the CRO shall dispose of the complaint in the manner they think fits and shall issue notice of such decision to the candidate and the Council setting out the reasons for such decision.

53. A candidate disqualified, in accordance with the sections above, or unsatisfied with the outcome of a decision by the CRO may, within three (3) days of receipt of the notice of disqualification or the notice of decision of the CRO appeal the decision of the CRO by filing, in accordance with these Bylaws, a written request for appeal with the Appeals Board.

ENACTED _____

WITNESS _____

President

Vice President – Finance & Operations

**THE UNIVERSITY OF NEW BRUNSWICK
STUDENT UNION
BYLAW NO. 3
A BYLAW RELATING TO AN APPEALS BOARD**

BE IT ENACTED AND IT IS HEREBY ENACTED as a Bylaw of **THE UNIVERSITY OF NEW BRUNSWICK STUDENT UNION** (hereinafter called the “Union” or “UNBSU”) as follows:

SHORT TITLE

1. This Bylaw may be cited as Bylaw No. 3.

INTERPRETATION

2. In this Bylaw, words shall mean the same as they mean in Bylaw No. 1 and Bylaw No. 2, except that,

“**appellant**” means a Member of the Union, who is not a Councillor, who is directly affected by the decision being appealed and who registers as an appellant in accordance with the provisions of this Bylaw;

“**balance of probabilities**” means the standard required to be satisfied in hearings of the Board, and shall be met if the likelihood that the proposition is true is more likely than the likelihood that the proposition is not true;

“**burden of proof**” means the duty to prove a disputed proposition;

“**election decisions**” means the disqualification of a candidate in an election, or a decision of the CRO resulting from a complaint filed in connection with any part of election in accordance with the provisions of Bylaw No. 2;

“**leave**” means the permission to act further;

“**prima facie case**” means a complaint that contains sufficient elements for the requested cause of action and would suffice until contradicted and overcome by the respondent’s evidence;

“**regular committee**” means any committees enumerated within Bylaw No. 1;

“**respondent**” means any regular committee member, or UNBSU CRO whose decision forms the subject of the appeal and who wishes to respond to an appellant’s appeal; and

“**request for appeal**” means delivery and acceptance of the form use by the Union mandated to be printed by this Bylaw at the Union’s administrative office during regular office hours.

COMPOSITION

3. The Appeals Board ("Board") shall consist of the Union Chairperson who shall act as Chief Appeals Officer and two (2) Associate Appeals Officers appointed as directed herein by the Union Chairperson.
4. The appointment of the two (2) Associate members shall be made by the Union Chairperson. In doing so, the Union Chairperson:
 - (a) shall seek nomination(s) originating from the Faculty of Law, University of New Brunswick;
 - (b) may nominate individuals as they see fit; and
 - (c) notwithstanding any procedural rules of Council, upon the Chairperson's presentation of the nominees for Associate membership of the Board, which shall occur no later than October 10 in each Academic Year, a motion that the nominees be individually confirmed shall be deemed to be before the Council and shall be adopted upon a two-thirds ($\frac{2}{3}$) vote of the Council.
5. In the event of any or all Associate nominees being rejected by the Council, the Chair shall re-nominate individuals in accordance with sections 4(b) and (c) of this Bylaw.
6. In the event of a vacancy of the position of Union Chairperson, the position of Chair of the Board shall also become vacant until such time as the Council appoints a new Chairperson in accordance with the provision of Bylaw No. 1.
7. In the event of a vacancy occurring at the position of an Associate Appeals Member, the Chair shall nominate an individual to the Appeals Board in accordance with sections 4(b) and (c) of this Bylaw.
8. Where the Council rejects a nominee for Associate membership of the Board or where a vacancy occurs at the position of an Associate Appeals Member, the Chairperson shall present new nominees for Associate membership no later than fifteen (15) days following the rejection of a nominee or the occurrence of the vacancy.
9. A vacancy at either the Chief or Associate Appeals Member positions shall not impede the function of the Board as long as Quorum can be met.
10. A member of the Board shall resign upon their declaration of candidacy in any UNBSU election.

CHIEF APPEALS OFFICER

11. The Chief Appeals Officer shall be the Union Chairperson appointed by Council in accordance with Bylaw No. 1 and shall:
 - (a) function as the administrative member of the board;
 - (b) chair any hearings or meetings of the board;
 - (c) ensure that all sections of this Bylaw be adhered to;
 - (d) be the reporting member of the board to Council; and
 - (e) swear and uphold their oath provided by this Bylaw.
12. The Chief Appeals Officer shall not hold a position on:
 - (a) any regular committee of the Union;
 - (b) any ad-hoc committees reporting to a regular committee of the Union; or
 - (c) the executive of any Union Club or Society.

ASSOCIATE APPEALS OFFICER

13. The Associate Appeals Officers shall:
 - (a) be bound by the provisions of this Bylaw; and
 - (b) swear and uphold their oath provided by this Bylaw.
14. The Associate Appeals Officers shall not hold a position on:
 - (a) any regular committee of the Union;
 - (b) any ad-hoc committees reporting to a regular committee of the Union;
 - (c) the Union; or
 - (d) the executive of any Union Club or Society.

QUORUM

15. Any two members of the Board shall constitute Quorum; however, all reasonable measures should be undertaken to have all three members present.

CAPACITY AND JURISDICTION

16. The Board has the capacity and jurisdiction to hear appeals initiation by an appellant of any decision rendered by regular committees of the Union or the Council of the Union, and any decision disposing of an elections complaint rendered by the CRO.

REQUEST FOR APPEAL

17. The Board, subsequent to an appellant initiating a request for appeal in accordance to the provisions of this Bylaw, shall set a time, date, and location for a hearing at the earliest convenience of all parties but at a date no greater than ten (10) working days after being presented with the request for appeal.
18. The Board shall inform the appellant and either the related committee Chair or CRO, as they may be, of the time, date, and location of the hearing by electronic mail, unless otherwise requested by the appellant.

NOTICE OF APPEAL

19. The Board shall post the time, date, location, appellant's identity, and decision being appealed as a notice on a UNBSU notice board located within a reasonable proximity to the UNBSU administrative offices.

APPEAL HEARING

20. All appeal hearings shall be open to all members of the Union.
21. At the commencement of any appeal hearing, the Board shall inform the appellant of all aspects of the hearing process listed below, including powers given to the Board in regards to rendering a decision on the appeal in question.
22. The Board shall hear appeals and review evidence presented by the appellant.
23. If the Board believes that the appellant has not made their prima facie case, the appeal will be denied and the Board shall immediately issue a decision as directed by subsections "Decision" of this Bylaw.
24. Should the Board agree that the appellant has made their prima facie case, the Board shall then hear responses and review evidence presented by any respondent who may wish to present to the Board.
25. The burden of proof rests upon the appellant. This burden applied shall be on a balance of probabilities.

POWERS OF DECISION

26. If required, the Board may recess for no longer than forty eight (48) hours to prepare a decision unless there exists a reasonable requirement for a further delay.
27. The Board shall review the applications and render a decision guided by the Union's Bylaws, incorporating documents, adopted policies, precedent and equitable principles.
28. In the case of appeals originating from a regular committee decision, the decision rendered by the Board shall either be a decision:
- (a) denying the appeal; or
 - (b) granting leave to the appellant to be heard by the Council as a whole.
29. In the case of appeals originating from a decision disposing of an elections complaint, the decision rendered by the Board shall either be a decision:
- (a) denying the appeal; or
 - (b) allowing the appeal and granting the remedy requested unless it is unreasonable to do so, in which case the Board may amend the remedy as they see fit.
30. A decision rendered by the Board shall be final.

DECISION

31. The Board shall either issue its decision:
- (a) at the completion of the appeals hearing; or
 - (b) where the decision is rendered after the adjournment of the Appeals Hearing, by electronic mail, unless otherwise requested, to the appellant and any respondent who requests such notification.
32. The Board shall complete a written record of the decision as required by the provisions of this Bylaw and shall include both the appellant's written request for appeal and a corresponding written record of the decision in the Union's Book of Appeals.
33. The Chief Appeals Officer shall post the Board's decision on a UNBSU notice board located within a reasonable proximity to the UNBSU administrative offices.

OATH

34. All members of the Board shall swear or solemnly affirm the following oath at a meeting of Council prior to hearing any appeal:

I,, do swear (or solemnly affirm) that I will faithfully, truly and impartially, to the best of my skill and knowledge, fulfill and perform my duties as Chief Appeals Officer (or Associate Appeals Officer) of the University of New Brunswick Student Union, Inc.

35. The President of the Union shall administer the Oath.

FORMS

36. The Union shall make available two forms titled:

- (a) "Application for Appeal," and
- (b) "Decision of Appeal."

37. The Application for Appeal form shall require in writing:

- (a) the applicant(s) name(s);
- (b) faculty;
- (c) student number;
- (d) electronic mailing address;
- (e) daytime telephone number;
- (f) affirmation of the applicant(s) membership(s) in the UNBSU;
- (g) either the applicant(s) position within the affected club or society or position sought in the election if applicable;
- (h) a summary of the decision being appealed;
- (i) the committee or individual which rendered the impugned decision;
- (j) the remedy sought by the applicant; and
- (k) signatures of all applicants.

38. Delivery and acceptance of the completed Application for Appeal form at the UNBSU administration office during regular working hours shall register the individual as an appellant and shall serve as notice to the Board of a request for appeal.

39. The Decision of Appeal form shall require in writing:

- (a) the time and date of the hearing;
- (b) the name and title of all appellants;
- (c) the name and title of the respondents if applicable;
- (d) a summary of the decision being appealed;
- (e) the committee or individual who rendered the impugned decision;
- (f) a brief summary of the applicant's argument;
- (g) a brief summary of the respondent's argument if applicable;
- (h) the decision rendered;
- (i) a summary of the reasons for the decision;
- (j) the remedy awarded if applicable; and
- (k) the signatures and printed names of the Board members present.

ENACTED _____
WITNESS _____

President

Vice President Finance & Operations