Notes on Bylaw Amendments Made at April 6, 2016 Annual General Meeting

Context
The DSU convened an Annual General Meeting on April 6, 2016 and approved a revised set of bylaws. A number of amendments to the proposed bylaws were made within the meeting, some of which were out of order under the governing documents of the organization. This document outlines the applicable bylaw and Robert’s Rules sections in order to identify which amendments were out of order and are therefore not reflected in the bylaws approved at the AGM, despite being passed within the meeting.

Governing Documents
At the 2016 AGM, the DSU was operating under the Constitution that was approved in 2014. The constitution included the following sections concerning amendments to the bylaws served at a General Meeting (emphasis added).

Bylaw IX – General Meetings
General Meetings regarding Amendment and Revision

5. Where the General Meeting is called to consider business arising out of By-law XI, notice of the General Meeting and copies of the text of any proposed amendments or revisions to these By-laws shall be published at least two (2) weeks before the General Meeting is convened. The Executive and Council shall make every reasonable attempt to publicize the time, date and location of the General Meeting.

Bylaw XI – Amendment and Revision
By-laws

1. A General Meeting may amend or revise these By-laws, by a majority vote of those present, subject to procedures set down in these By-laws.

Proposed amendments from Council

2. Proposed amendments or revisions to these By-laws originating from Council shall not be considered by a General Meeting until:

(a) notice of motion of such proposed amendments or revisions has been given at a meeting of Council;
(b) Council has referred such proposed amendments or revisions for the consideration of the Board, which shall consider the amendments or revisions within two (2) weeks of the original notice of motion; and

(c) Council has received and reviewed a report from the Board, and by a two-thirds (2/3) majority of those present at least two weeks (2) subsequent to the original notice of motion, voted to refer the proposed amendments or revisions to these By-laws for the consideration of a General Meeting, in accordance with By-law IX.

Proposed amendments by petition

3. Proposed amendments or revisions of these By-laws that do not originate from Council, shall not be considered by a General Meeting until a bona fide petition signed by 10% of the members of the Union proposing such an amendment or revision is presented to the President; where after, they shall refer such amendment or revision for the consideration of a General Meeting in accordance with By-law IX.

The Constitution and Policies of the Union at the time also recognized the use of Robert’s Rules of Order. In the absence of additional detail within the constitution on the possibility for bylaw amendments to be amended during a meeting, we can refer to this resource for additional regulations. Robert’s Rules states (emphasis added):

(Section 57, p.594-595) Amending a Proposed Amendment to the Bylaws

While amendments to the proposed bylaw amendment can be made in both the first and second degrees (as applicable) and can be adopted by a majority vote without notice, they are subject to restrictions on the extent of the changes they propose. If the bylaws require previous notice for their amendment (as they should) [...] no amendment to a bylaw amendment is in order that increases the modification of the article or provision to be amended [...] This restriction prevents members from proposing a slight change and then taking advantage of absent members by moving a greater one as an amendment to the amendment.

Permissibility of Amendments to Proposed Amendments Passed at 2016 AGM

MOTION 2016-04-06-GM: N02
BE IT RESOLVED THAT Bylaw 9.6.h be amended to read:
“The Elections Appeals Committee shall, at the request of any candidate in an election or campaign team in an election, review a decision of the Elections Committee to determine if it is in line with the DSU Act, Bylaws, and Policies. Deliberations on questions related to any such request shall be held in camera.”
OUT OF ORDER. This amendment added additional language that required Elections Appeals Committee to discuss decisions by the Elections Committee in camera. This is beyond the scope of the original amendment.

MOTION 2016-04-06-GM: N07
BE IT RESOLVED THAT the bylaws section 6.5 be amended by adding “j. Committee meetings may be held in person or via teleconference at the discretion of the chair.”

OUT OF ORDER. This amendment stipulated that meetings of standing committees could be held via teleconference or in person at the discretion of the chair. This is beyond the scope of the original amendment.

MOTION 2016-04-06-GM: N08
BE IT RESOLVED THAT the bylaws be further amended by adding a bylaw 12, reading:

Bylaw 12: External Groups
12.1 The Union shall not join any external advocacy group, that proposes to charge fees to either the union or its members, if the group’s by-laws, policies, constitution, or any governing documents would prevent the union from ceasing membership through a process outlined in the Union’s own constitution.
12.2 The Union shall be able to terminate membership in any external organization through a majority vote at a General Meeting.

OUT OF ORDER. This amendment inserted a new section into the proposed bylaws. There had been a section on External Advocacy Groups in the 2014 bylaws, but this amendment contained different stipulations and language and was therefore out of order in the process by which it was approved. This is covered under section 57 (p. 595-596) of Robert’s Rules of Order, which reads (emphasis added):

“Amendments to strike out a sentence, paragraph, or section deserve special care. In such cases, the existing bylaw is not itself open to consideration, but only the amendment. If notice is given to strike out a provision of the bylaws and some members feel it should be retained with certain changes whose substance would be outside the scope of that notice those members should immediately give notice of the amendments to the existing provisions which they think are advisable.”

MOTION 2016-04-06-GM: N13
BE IT RESOLVED THAT the bylaws section 9.b be amended to read: “the Chief Returning Officer shall not be an Executive Officer, Councillor, committee member, or employee, of the union for the duration of their term, except for sitting on the elections committee.

IN ORDER. This amendment stipulated that the Chief Returning Officer will sit on the Elections Committee. Under the 2014 Constitution, the CRO was a member of the Elections Committee, and thus this amendment is within the scope of the original amendment.