

## **Constitution**


Prepared for the  
Niagara College Student Administrative Council Inc.  
Niagara College of Applied Arts and Technology  
Welland, Ontario



This official copy of the Niagara College Student Administrative Council Inc. Constitution was approved and adopted by the Board of Directors and by the General Membership on January 25, 2016. This Constitution supersedes all previous Niagara College Student Administrative Council Inc. Constitutions.

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	<b>NCSAC</b> <b>NIAGARA COLLEGE STUDENT ADMINISTRATIVE COUNCIL INC.</b>		<b>CONSTITUTION</b> <b>NUMBER OF PAGE(S): 7</b>
	<b>Approval Date: January 25, 2016</b>	<b>Effective Date: May 1, 2016</b>	<b>Replaces: January 29, 2015</b>
<b>CONSTITUTION</b>			

**Article 1: Head Office**

The Head Office of the Corporation will be on the Welland Campus of Niagara College, in the City of Welland, in the Province of Ontario.

Until changed by the Board of Directors, the Corporate Seal of the Corporation shall be in the form impressed in the margin hereof.

**Article 2: Mission Statement**

The Niagara College Student Administrative Council Inc. aspires to provide healthy and safe activities, facilities, and services while promoting an accessible college environment and contributing to the quality of student life.

**Vision Statement**

To be recognized by our stakeholders as continually striving to improve our advocacy, student satisfaction, sustainability, services and community involvement. We will aspire to develop and maintain unity between campuses and achieve successful student centre operations.

**Article 3: Membership**

**3.01 Membership Requirements**

To be a member of the Corporation, any person must:

- a. Be an enrolled student in a Niagara College full time post-secondary diploma or degree or advanced study diploma/certificate program, and pay student activity fees, or
- b. Be an enrolled student in a Niagara College part time post-secondary diploma or degree or advanced study diploma/certificate program, and pay student activity fees, or
- c. Be granted honorary or temporary membership by and according to terms of the Board of Directors by majority vote.

**3.02 Termination**

Membership in the Corporation cannot be transferred.

Membership will terminate:

- a. In case of member's death, or
- b. When the member no longer fits the membership requirements described in Article 3.01.

**3.03 Membership Privileges**

All members of the corporation have the right to:

- a. Vote in the Corporation elections and referenda, Annual General Meeting, and
- b. Nominate or second a candidate for Corporation elections, and
- c. Run for an Executive position if they meet the qualifications for candidacy described in By-law 3.05, and

- d. Establish and/or join organizations controlled by the Corporation, according to guidelines and policies determined by the Board of Directors, and
- e. Use property under the control of the Corporation, according to guidelines and policies determined by the Board of Directors, and
- f. Propose or second amendments to this Constitution at an Annual General Meeting.

**Article 4: Office**

**4.01 Term of Office**

The term of office for the Board of Directors members at Niagara-on-the-Lake and Welland begins on May 1 and is completed on April 30 of the following year. The Director of Student Affairs at Niagara Falls term of office will be based on program and campus requirements outlined in an employment contract.

**4.02 Removal from Office**

Any Board of Director member will be automatically removed from office when they:

- a. Do not meet membership requirements described in Article 3.01, or
- b. Fail to keep a G.P.A. per semester of 65% or higher.

The Executive Director, Executive Vice President(s) and President will have the option to place an Executive Committee member on Academic Contract by a unanimous decision based on past performance in office or extenuating circumstances.

Any Board of Director member will be placed on probation with the approved academic contract, when issued any U (unsatisfactory) or N (not attending) notation on mid-term reports. If the student does not improve the specific course(s) grade to over 50% at and of the term – they will be automatically removed from office.

- c. Violating the goodwill of the corporation, or
- d. When they are not bondable, or
- e. Violate the college's academic and behavioural policies, or
- f. Miss more than two (2) Board of Directors and/or Executive Committee Meetings per term of office without submitting written notice to the Vice President at their respective campus 24 hours prior to scheduled meeting, or
- g. Are convicted of a criminal offence related to or involving the affairs of the Corporation.

Automatic removal does not require any special meeting called to affirm removal. The President and Executive Vice President of the respective campus will notify the removed member in writing, which will state reasons for automatic removal and will be signed by the President, Executive Vice President of the respective campus and the Executive Director. In the case of an Executive Vice President's automatic removal, the Executive Vice President of the alternate campus will sign documentation in their place.

All records and files relating to the removed Board of Directors member's position must be forwarded to the Executive Director.

Any removed member will be prohibited from running or being appointed to any position on NCSAC for a maximum period of three (3) years. Within the three year period, the Board of Directors shall permit previously removed NCSAC members to request a review of their circumstances for removal. The Board of Directors will determine if the ban should be upheld or lifted.

**4.03 Reprimands**

Any Board of Director member will be subject to a written reprimand for the following reasons, which are not covered in Article 4.02:

- a. Violating the Corporation's Letters Patent, Constitution, By-laws, Policies and Procedures and any other manual or agreements approved by the Board of Directors, or
- b. Consistently failing to meet 12.5 scheduled hours per week during regular office hours , or
- c. Neglecting their duties as described in By-law 1.02, 1.03 or 1.04, or
- d. Failing to complete any direction or decision made by the President, respective Executive Committee or Board of Directors.

A written reprimand will state the reasons for reprimand and any corrective measures to be taken. The reprimand will be signed by 2/3 of the Executive Committee at the respective campus. In the case of the President, written reprimands will be signed by 2/3 of the voting members of the Board of Directors.

The Executive Vice President at each campus will bring their concerns regarding written reprimands to the President and Executive committee at each respective campus. The Executive will decide appropriate corrective measures.

If the Executive member in question is the Executive Vice President, then the President and Executive Committee at each respective campus will discuss reprimands at a special meeting called by the President. The Executive and President will decide appropriate corrective measures.

#### **4.04 Resignation from Office**

Any Board of Director member who resigns from their position must submit a formal letter, dated, signed and addressed to their respective Executive Committee. A resignation will not be considered as a 'removal from office'.

All records and files relating to the resigned Board of Directors member's position must be forwarded to the Executive Director.

### **Article 5: Organizational Structures**

Every person or position cited in this Article will abide by the Letters Patent, Constitution, By-laws, Policies and Procedures, and any other manual or agreements approved by the Board of Directors that relate to themselves or their positions.

#### **5.01 Board of Directors**

The Board of Directors will consist of the following voting members:

- President
- Executive Vice President (Welland)
- Executive Vice President (Niagara-on-the-Lake)
- Director of Social Programming (Welland)
- Director of Social Programming (Niagara-on-the-Lake)
- Director of Goodwill (Welland)
- Director of Goodwill (Niagara-on-the-Lake)
- Director of Clubs (Welland)
- Director of Clubs (Niagara-on-the-Lake)
- Director of Student Relations (Welland)
- Director of Student Relations (Niagara-on-the-Lake)
- Director of Student Affairs (Niagara Falls)

As well as the following non- voting members:

- Two (2) Niagara College appointed staff
- NCSAC Executive Director

The Chair will be appointed by the Board of Directors.

In the event of a tie vote, the motion will be defeated.

## **5.02 Executive Committees**

The Welland and Niagara-on-the-Lake Executive Committee members are elected or appointed according to the regulations described in By-law 4 and will consist of one Executive Vice President and all Directors as stated in Article 5.01. The President will be an Ex-Officio non-voting member of each Executive Committee

The Chair will be held by each member of the respective Welland and Niagara-on-the-Lake Executive Committee at least once per term. In the event of a tie vote, the Chair will hold the deciding vote.

The Niagara Falls Executive Committee will consist of the Director of Student Affairs, Executive Vice Presidents and President. The President will chair this committee and act as an Ex-Officio non-voting member.

## **5.03 Staff**

The Student Administrative Council Inc. will employ full-time and part-time staff as necessary that will be responsible for duties and tasks as laid out in their contracts and/or job descriptions, which are approved by the Board of Directors.

The reporting structure of all the Professional Staff will be laid out in an organizational chart to be approved by the Board of Directors and reviewed when necessary.

## **Article 6: Corporation Meetings**

### **6.01 Annual General Meeting (AGM)**

- a. The Annual General Meeting will be held during the winter term at a time and place determined by the Board of Directors, and
- b. The President will act as Chair, and
- c. The meeting minutes will be submitted to the library within ten (10) business days of the Annual General Meeting by the Office Manager, and
- d. The final Annual Report will be submitted to each campus library by the President by April 30 of each year.

### **6.02 Special Meetings**

Special general meetings for members of the Corporation may be called by the Board of Directors or by written request of at least 10% of the members of the Corporation.

### **6.03 Notices of Corporation Meetings**

Notices of annual or special general meetings must be published at least five (5) business days before the meeting.

### **6.04 Voting at Corporation Meetings**

Each member of the Corporation has the right to one (1) vote at all general meetings.

At all general meetings, every question will be decided by a majority of the votes of the members present. Every question will be decided by use of a ballot or show of hands. If ballots are used then the results of the vote will be tallied by the Chair at the meeting and will represent the decision of the Corporation.

In case of a tie vote, the motion will be defeated.

## **Article 7: Elections and Referendum**

The following regulations apply to all elections and by-elections for all of the Executive Committee positions at Welland and Niagara-on-the-Lake.

All Executive Committee members of the Corporation at Welland and Niagara-on-the-Lake will be elected each year prior to the end of April. The candidates with the majority of votes will be elected to serve their respective offices for the length of the term described in Article 4.01.

The Director of Student Affairs at Niagara Falls will be selected by a Hiring Committee at a time appropriate for the needs of the Niagara Falls campus.

### **7.01 By-Elections**

The Student Administrative Council Inc. may call by-elections for Welland and Niagara-on-the-Lake as described in By-law 4.06, when there is a vacancy in an Executive Committee position where no other Executive Committee member or current student representative of the Niagara College Student Administrative Council Inc. is available to assume that position. The Council will move straight to the hiring process for any vacancy for the Director of Student Affairs position at Niagara Falls.

### **7.02 Referendum**

A referendum is a general polling to find out the opinion of the membership on any issue or question that affects them. Referenda can be called when:

- a. Majority of the Board of Directors upon approval at a meeting decides to do so, or
- b. Ten percent (10%) or more of the membership petition to do so based on the legal definition of a petition.

The following rules will be applied for the administration of referenda:

- a. The Board of Directors will appoint a Chief Returning Officer who will be responsible for organizing and conducting all aspects of the referenda, and
- b. The questions to be decided by referenda must be published in Niagara College media and posted on bulletin boards at least five (5) business days before the opening of the polls, and
- c. The results of a referendum will only be upheld by the Board of Directors if there is 10% or more voting participation by the Corporation's membership.

## **Article 8: Finances and Legal Matters**

### **8.01 Finances of the Corporation**

- a. The fiscal year of the Corporation finishes on March 31<sup>st</sup> of each year.
- b. The finances of the Corporation consist of all monies accruing to the Corporation.
- c. Updated income statements and bills paid must be approved by the Board of Directors at monthly Board meetings.
- d. There will be six signing officers of the corporation including the: President, Executive Vice Presidents, Business Manager, Executive Director and Marketing Communications Manager.
- e. Any purchase orders, cheque requisitions, and receipts for payment and recording may be signed by any two (2) authorized officers of the corporation.
- f. The President and one (1) Vice President must sign off on all completed Electronic Fund Transfers (EFT).
- g. All cheques, bills of exchange or other orders for payment of money require two signatures from any two (2) signing officers.
- h. In the case of purchases where there are goods and/or services of comparative value that exceed \$500.00, three (3) proven attempts for quotes are required.
- i. All purchases must be made from Ontario suppliers unless otherwise unavailable.

- j. All intended purchases totaling over \$250 to be paid for out of the Student Activity Fund must be presented to and approved by the Executive Committee of the respective campus, or to the Board of Directors when dealing with a global expenditure.
- k. The funds from the Trust Fund of the Corporation will be deposited for safekeeping with one or more banks, trust companies or other financial institutions selected by the college on behalf of the Corporation.

### **8.02 Honorarium**

An honorarium will be paid to the Executive Committee members on a bi-weekly basis in recognition for their services to the Corporation.

Honorarium amounts will be established by the Board of Directors in the beginning of the Fiscal Year and will be part of the Corporation budget. No Board of Directors or Executive Committee member shall receive any benefits either monetary or otherwise, other than the normal fringe benefits received.

Criteria for receiving an honorarium:

- a. Regular attendance at all Board of Directors and Executive Committee meetings, and
- b. Fulfillment of duties relating to their positions as described in the Constitution, By-laws and Policies, and
- c. Completion of duties assigned by the Board of Directors and the Executive Committees.

### **8.03 Protection of Members**

No member of the Board of Directors, or Executive Committee, or staff will be liable for:

- a. Neglect or default of any other member or officer, or
- b. Any loss or damage arising from bankruptcy, insolvency, or any wrongful action of any person who was in possession of any money, securities, or effects of the Corporation, or
- c. Any loss occurred by any error of judgement or oversight on their part, or
- d. Any other loss, damage, or misfortune when executing office duties unless it occurs through their own dishonesty, default, wilful neglect, or wrongful act.

### **8.04 Indemnity of Members**

Every member of the Board of Directors, or Executive Committee, or staff and his heirs, executors and administrators, and estate and effects, respectively shall at all times, be indemnified and save harmless out of the funds of the Corporation from and against:

- a. All costs, charges and expenses incurred through any action, suit or proceeding that is brought, started or prosecuted against them for any act, deed, matter, or anything done or allowed by their office duties in good faith, and
- b. All other costs, charges and expenses incurred except for those incurred by their own wilful dishonesty, default, wilful neglect, or wrongful act.

### **8.05 Agreements**

NCSAC will ensure that all contractual agreements signed with the College or external partners will abide by the following:

- a. Contractual agreements will be no more than three (3) years in length, and
- b. Within each contract, there must be a specific end date, and
- c. At the expiry of contractual agreements, a Request for Information (RFI) will be completed, and
- d. All contracts will include a 90 day notice period for termination, and



- e. If the Review Committee deems it necessary after receiving the RFI, a Request for Proposal (RFP), standard solicitation strategy, will be taken into consideration by the NCSAC to compete for contract opportunities, and
- f. All contracts over \$1,000 must be signed by the President, one full-time staff (signing officer), and one (1) Executive Vice President, and
- g. Only official signing officers of the corporation may sign contracts and
- h. If the contractual agreement exceeds \$30,000, NCSAC will ensure the contract is assessed by legal counsel prior to signing.

**Article 9: Amendments**

**9.01 Amendments to the Constitution**

The Board of Directors may enact, amend or rescind any part of the Constitution and these changes will only be valid after they are confirmed by the Board of Directors and motioned and approved at an Annual General Meeting called for that purpose.

All constitution changes must be posted on the Student Administrative Council Inc. website five (5) business days prior to the Annual General Meeting.

**9.02 Amendments to the By-laws**

The By-laws of the Niagara College Student Administrative Council may be amended by a seventy-five percent (75%) vote of the Board of Directors provided always that notice of such amendment shall have been given in writing at a previous meeting of the Board of Directors. The final vote will be taken at the next notified meeting and such amendment shall not take effect until the first day of May of that year. No amendment to the By-laws shall be retroactive.

**9.03 Gender and Number**

In this Constitution, unless the context otherwise requires, words in the singular number of the masculine gender will include the plural number and feminine gender as necessary.

**9.04 Repeal/Enactment of Article Amendments to the Constitution**

Articles of the Constitution have been amended/enacted according to the procedures indicated in Article 9.01 and enacted this 29<sup>th</sup> day of January, 2015.

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*Shane Malcolm*  
President

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*Matt Cowell*  
Executive Vice President  
Niagara-on-the Lake Campus

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*AliceMary Nakiwala*  
Executive Vice President  
Welland Campus