



# UNIVERSITY OF NEW BRUNSWICK LAW STUDENTS' SOCIETY CONSTITUTION

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## **Preamble**

The UNB Law Students' Society represents the interests and advancements of law students in all aspects of student life. The UNB Law Students' Council acts as the primary representative of students at UNB Law to all levels of the University administration, the UNB Students' Union, and to broader communities in Fredericton, New Brunswick and Canada.

## **Article 1 – Name**

The name of this student organization is: The Law Student Society of the University of New Brunswick. It will be referred to in this document as “the LSS”, “the Law Student Society” or “the Society”.

## **Article 2 – Purpose**

The purposes of the LSS shall be:

1. To promote the welfare and interests of Students by representing their views at meetings of Law Students Council and at meetings of Faculty Council,
2. to provide social, academic, and professional development opportunities for law students,
3. to provide responsive, transparent, and strategic advocacy with the focus on building and encouraging an inclusive, accessible, and diverse community,
4. to advocate for the enhancement of the quality of education and academic life at UNB Law,
5. to safeguard the rights of individuals in the UNB Law community from all forms of discrimination, and
6. to be fully committed to equality and diversity and be reflective of the diversity of Students, the surrounding community, and all equity seeking groups at UNB Law, including women, visible minorities, Indigenous persons, persons with disabilities, persons facing economic hardship, and 2SLGBTQIA+ persons.

### **Article 3 – Definitions**

Unless otherwise defined within an article, the following terms shall be interpreted to mean:

**“Academic Year”** One Fall Semester and one Winter Semester, consecutively, commencing in September.

**“Budget”** is the financial plan of incomes and expenditures adopted by the LSS after it has been passed by simple majority of Members at a General Meeting.

**“Class”**: Members of a given graduating year.

**“Committee”**: A group which is delegated authority from the Executive to operate over a specific area.

**“Council”**: The collective body of Representatives and Executive.

**“Clubs and Societies”**: Distinct organizations under the Society led by students, which are independent of the Executive but [may] receive funding from the Society.

**“Discretionary Expenditure”** shall be defined as monies not allocated for a specific purpose in the budget, monies designated as an emergency or contingency fund, and any other remaining surplus balance.

**“Executive”**: The President, Vice President, Vice President, Finance & Operations, and the First Year Executive.

**“Faculty Council”**: A faculty body comprised of the law school faculty, one student representative from each year and the President of the Society.

**“First Year Executive”**: The chief secretary of the Society.

**“General Meeting”**: A meeting of the Executive and the Council which is open to Members.

**“Society”**: The Law Students Society of the University of New Brunswick

**“Member”**: Any students of the Faculty of Law.

**“Mental Health Ombudsperson”**: An officer and advocate for fairness in general for the benefit of all students and the university community as a whole.

**“Non-discretionary expenditure”** shall be defined as monies allocated for a specific purpose in the budget.

**“President”**: The chief executive officer of the Society.

**“Representative”**: A member elected for a given class, who is not a member of the Executive.

**“Vice President”**: The chief administrative officer of the Society.

**“Vice President, Finance & Operations”**: The chief financial officer of the Society.

#### **Article 4 – Membership**

1. The membership of the Society shall be comprised of all Law Students who pay the Society fee.
  - a. The Society fee shall be in the form of an annual membership fee of CA\$60.00 or any other amount agreed upon as a result of a referendum conducted pursuant to Article 13.
2. The Society fee shall be payable to the Registrar's Office of the University of New Brunswick at the time of registration and is non-refundable.
3. Any Law Student who has paid the Society fee for the current academic year becomes a Member in good standing for that academic year and remains as such unless or until relieved of that status by graduation, dismissal or withdrawal from the Law School.
4. Members are entitled to:
  - a. the right to any benefits provided by the Society,
  - b. the right to seek and hold elected office in the Society, subject to any restrictions of the office or candidature restrictions, and
  - c. the right to vote in all Society elections and on all issues brought to a general vote.
5. Members are subject to the Student Disciplinary Code while attending LSS sponsored events.

### **Article 5 – Structure**

1. Law Students' Council (LSC) represents the Law Students' Society.
2. The LSC shall be comprised of:
  - a. LSS Executive.
    - i. President,
    - ii. Vice-President,
    - iii. Vice-President, Finance & Operations,
    - iv. First-Year Executive.
  - b. LSS Council Members.
    - i. Two (2) Representatives who are elected by, and are members of, the Third Year Class.
    - ii. Two (2) Representatives who are elected by, and are members of, the Second Year Class.
    - iii. One (1) Representative who is elected by, and is a member of, each First Year Section.
    - iv. Two (2) Mental Health Ombudspersons.
    - v. Three (3) Faculty Council Members, each representing a class, who are elected by, and are members of their respective classes.
  - c. LSS Chairperson

#### ***LSS Executive***

1. The President, Vice President and Vice President, Finance & Operations will hold office for a period of twelve (12) months commencing June 1 of the respective year.
  - a. The First-Year Executive shall hold office for the Academic Year in which they were elected.
2. Each Executive shall, at each General Meeting and at each Council Meeting, submit and explain a report detailing activities undertaken and duties performed on behalf of the Society.
3. The Executive should meet at minimum once per week to conduct the business of the Society.
4. The Executive shall make themselves available by appointment to students for office hours.

5. The duties of the **President** are:
  - a. To oversee the affairs and set strategic direction and objectives for the Society,
  - b. To represent the Society to University administration, external stakeholders, and media,
  - c. To act as an advocate for academic and student related issues,
  - d. To represent the Society as an *ex officio* member of Faculty Council and to appoint student representatives to all Faculty Council related committees,
  - e. To meet with the Dean and Associate Dean monthly,
  - f. To organize and chair meetings of the Executive Members, Education & Advocacy Committee, CANs Database Committee, and Constitutional Review Committee,
  - g. To oversee and support the Chair of Speaker's Hour and Graduation Committee, and
  - h. To perform other duties as by resolution instructed by a General Meeting or by a Council Meeting.
  
6. the duties of the **Vice President** are:
  - a. To assist the President in the performance of the duties set out in s. 4 and to perform duties of First Year Executive until one is elected,
  - b. To manage and co-ordinate all Society communications including regularly updating the official Calendar, Website, Newsletter, Email, and Social Media pages,
  - c. To manage and co-coordinate all lockers distribution, and internal Society operations,
  - d. To manage and co-ordinate clubs and societies, including maintaining society/club records, communications, society ratification, organizing the society fair, and the bi-annual president's meeting,
  - f. To oversee the organization and execution of all Society events including: The Society Fair, 2<sup>nd</sup> Semester Event, and Kangaroo Kourt,
  - g. To oversee and support the Social Committee, Intramurals Coordinator and Orientation Week Chair; and
  - h. To perform duties assigned by the President, and to perform the duties of the President in the event that the President is unwilling or unable to do so.

7. The duties of the **Vice President, Finance & Operations** are:
- a. To receive, disperse, and maintain all funds accounts payable and receivable to the Society, including overseeing the collection of the Membership fee,
  - b. To prepare and present an annual budget for the Society,
  - c. To maintain adequate records of the finances of the Society, and to present and explain at Council Meetings any discretionary expenditures since last Council Meeting,
  - d. To prepare and present Financial Statements.
    - i. Dated December 1<sup>st</sup> and March 1<sup>st</sup>,
    - ii. When requested by resolution by a Council Meeting, and,
    - iii. When requested by no fewer than twenty (20) members of the Society in writing.
  - e. To prepare and present the Law Faculty Endowment Fund Application and all other funding requests,
  - f. To perform such other accounting functions as sound fiscal management requires,
  - g. To oversee and support the Charity auction, Charity Director, and Yearbook, and
  - h. To perform the duties of the President in the event that the President and the Vice President are unwilling or unable to do so.

8. The duties of the **First Year Executive** are:
  - a. To assist in the performance of the duties of other executive members,
  - b. To post public notices of all activities of the Society to the First Year Class,
  - c. To meet and liaise with the 1L Representatives to address concerns of the First Year Class and to organize a First Year Class event per Semester,
  - d. To assist the Vice President in the organization and execution of Society events,
  - e. To hold weekly office hours,
  - f. To keep a current record of all members of the Society and to prepare all correspondence of the Society and to maintain all Society noticeboards,
  - g. To prepare and publicize detailed minutes of Council Meetings within one week thereof, and
  - h. To manage and co-coordinate all Student Lounge operations.
  - i. To perform duties assigned by the President and to perform the duties of the President in the event that both the President, Vice President and Vice President, Finance & Operations are unwilling or unable to do so.

### *LSS Council Members*

1. Council Members shall hold office during the Academic Year for which they are elected.
2. The duties of **Representatives** are:
  - a. To attend, participate, and vote in Council meetings,
  - b. To represent the concerns and suggestions of their respective classes,
  - c. To relay all Society information to their respective classes,
  - d. To assist the Executive Members with initiatives and events, including lounge upkeep/maintenance.



3. The duties of **Faculty Council Members** are:

- a. To attend, participate, prepare for, report at, and vote in LSC and Faculty Council Meetings,
- b. To represent the concerns and suggestions of their respective classes to Faculty Council,
- c. To relay Faculty Council information to their respective classes,
- d. To assist Executive Members with initiatives and events, including lounge upkeep/maintenance.
- e.

4. The duties of the **Mental Health Ombudspersons** are:

- a. To attend and participate in Law Students' Council meetings in a non-voting capacity.
- b. To advocate for the fair treatment of all students and the university community as a whole,
- c. To make themselves available by appointment for office hours,
- d. To investigate and address Mental Health complaints,
- e. To participate in at least one Society Committee,
- f. To assist the Executive Members with initiatives and events, including lounge upkeep/maintenance.

***LSS Chairperson***

5. There shall be a LSS Chairperson, or Chair of the Society.

- a. The Chairperson for the upcoming Academic Year shall be appointed no later than the final LSC Meeting of each Academic Year and shall take office on September 1.
- b. The Chairperson shall be selected by the LSC and must be a Member of the LSS who will be a student in the upcoming year.

6. The duties of the **LSS Chairperson** are:

- a. To conduct General Meetings and Council Meetings,
- b. To prepare and publicize an agenda for each General Meeting or Council meeting at least two (2) days in advance,
- c. To interpret and review this Constitution,
- d. To rule in writing on any constitutional question put forward by a Member,
- e. To rule on Conflicts of Interest as outlined in Article 10, and
- f. To carry out all elections pursuant to Article 6 and the LSS Election Regulations.

7. If the Chairperson resigns from their position during the Academic Year, the

Council shall appoint an Interim Chair for the remainder of the year pursuant to Article 6.

- a. The Interim Chair is subject to the same duties as the Chair pursuant to s.6.
- b. The Interim Chair is subject to the same duties as the Chief Returning Officer pursuant to Article 6 and the LSS Election Regulations.
- c. The Interim Chair is not precluded from being considered for the position of LSS Chair in the upcoming Academic Year.

## **Article 6 – Elections and Appointments**

### ***Elections***

8. The Chairperson of the Law Students' Society is the Chief Returning Officer (CRO).
  - a. The CRO may appoint a Deputy Returning Officer to assist with the duties of the CRO.
9. The Chief Returning Officer and Deputy Returning Officer shall conduct all Society elections.
10. In the event of a dispute or uncertainty in the course of an election, the Chief Returning Officer shall have final and binding authority to interpret the Constitution and Regulations pertaining to election procedure.
11. In the event of a dispute with respect to the status of a student in relation to nominations and voting, the Chief Returning Officer shall have discretion to make such determination on the status of the student.
12. The Chief Returning Officer, in consultation with the Deputy Returning Officer, shall have the authority to establish policies regarding any aspect of elections, insofar as they are not inconsistent with this Constitution and the Regulations.
13. With few exceptions, any Member, in good standing with the Law Student Society pursuant to Article 4, may run in the LSS Elections.
  - a. If any member has any concern regarding the ability or character of a candidate, they may bring this information to the CRO.
  - b. The Chief Returning Officer and Deputy Returning Officer shall not hold their position while running for an elected position.
    - i. If either or both the Chief Returning Officer and Deputy Returning Officer wish to run for an elected position, they are to immediately resign their position and replacement(s) not running for elected position(s) shall be appointed pursuant to Article 6.
9. The Chief Returning Officer and Deputy Returning Officer are not prohibited from voting in the election they are administering but must administer the election impartially.

### ***LSS General Election***

10. The LSS General Election shall occur in the Winter Semester of each year. The nomination period shall commence the second week of February and voting shall conclude by no later than the end of March.
  - a. Elections may be extended through a motion and majority vote in Council.
11. The LSS General Election shall be conducted in a manner prescribed by the Regulations.
12. The positions to be contested in this election are:
  - a. President,

- b. Vice President,
  - c. Vice President, Finance & Operations,
  - d. Two (2) Mental Health Ombudspersons,
  - e. Two (2) Second Year Council Representatives,
  - f. Two (2) Third Year Council Representatives,
  - g. A Second Year Faculty Council Representative,
  - h. A Third Year Faculty Council Representative, and
  - i. Any additional positions may be included following a motion and majority vote made in Council.
13. All members who will be returning as students the following year are eligible to vote for President, Vice President, Vice President, Finance & Operations, and Mental Health Ombudsperson.
14. Each Member voting in the election of the 2L and 3L Representatives shall have the number of votes equivalent to the number of positions available in their respective category that year.

### ***LSS Fall Election***

15. A Fall Election shall be held by the last day of September.
- a. Elections may be extended through a motion and majority vote in Council.
16. The LSS Fall Election shall be conducted in a manner prescribed by the LSS Election Regulations.
17. The positions to be elected are:
- a. A First Year Executive,
  - b. Two (2) First Year Council Representatives one for each class section,
  - c. A First Year Faculty Council Representative, and
  - d. Any positions not filled during the LSS General Election.
18. Only First Year students are eligible to vote for the First Year Executive and their respective section representatives.

### ***Results***

19. For the results of an election to be valid, no less than 5% of Members must have voted in the election.
20. A candidate for a position in an election shall be declared the winner in that contest by the Chief Returning Officer if the candidate gains the plurality of the vote.
21. Where two or more candidates tie for first place in an election or by-election, the Chief Returning Officer shall conduct a run-off election on the first Monday following the day on which the election was held, in a manner prescribed by the Regulations.

### ***Vacancies***

22. If a vacancy of an elected position occurs:
- a. After November 15 and before December 10, the CRO may defer the by-election until the LSS Fall Election.
  - b. After March 15 and before April 10, the CRO may defer the by-election until the LSS Fall Election.
  - c. After December 10 and before the end of the first term, or after April 10 and before the end of the second term, a by-election shall be deferred until the next term.
23. Unless deferred under s.21, a CRO may hold a by-election to fill a vacancy.
- a. The CRO must give notice of a by-election at least 7 days prior to the day on which the election is held, in a manner prescribed by the LSS Election Regulations.
  - b. Nominations close at 5:00 p.m. two (2) days prior to the day on which the vote is held.

### **Article 7 – General Meetings**

24. There shall be at least one General Meeting of the Society each Semester during the Academic Year.
25. Notice of any General Meeting shall be provided seven days in advance with the time and place of the meeting.
26. The General Meeting can be held in person, virtually, or in a hybrid manner. The decision on the format of the meeting will be made by the Chair of the LSS and communicated along with the notice of the General Meeting.
27. No General Meeting may conduct business with fewer than 50 voting Members in attendance.
28. Each Member of the Law Students' Society may propose, speak to, and vote on a motion before a General Meeting.
  - a. In the event of a tie, the Chair of the Society shall cast the deciding vote and shall not vote otherwise.
  - b. In the absence of the Chair of the Society, an otherwise duly- constituted General Meeting may appoint any Member to act as Chair *pro tem* for the purpose of presiding over that General Meeting.
29. The Annual Budget shall be approved by a General Meeting in September of each Academic Year.
  - a. In lieu of one annual budget, two (2) semester budgets may be approved by a General meeting within an Academic Year. The first semester budget must be a Fall budget and approved within four (4) weeks of the start of the Fall Semester of the Academic Year and that budget must span from September to January 15th of the following semester.
  - b. The second semester budget must be approved in the first three (3) weeks of the start of the winter semester and cover the rest of the Academic Year.
30. Additional General Meetings may be requisitioned by:
  - a. The President,
  - b. Resolution passed at a Council Meeting, or
  - c. Any thirty (30) Members.
31. Requisitions shall be directed in writing to the Chair of the Society who

shall, on receiving a sufficient requisition, schedule a General Meeting within one week and inform all Members.

### **Article 8 – Council Meetings**

32. There shall be at least five (5) Council Meetings per semester during the Academic Year.
33. Council Meetings can be held in person, virtually, or in a hybrid manner. The decision on the format of the meeting will be made by the Chair of the LSS.
34. Each member of the Law Students' Council may propose, speak to, and vote on motions before a Council Meeting.
  - a. The Mental Health Ombudspersons may propose and speak to motions before a Council Meeting but may not vote on motions.
  - b. In the event of a tie, the Chairperson shall cast the deciding vote.
35. All Council Meetings shall be open to all Members, and any Member may speak to or propose a motion.
36. At any Council Meeting, the number of members required to constitute a quorum shall be a minimum of six (6) members of the LSS Council.
  - a. No Council Meeting may conduct business with fewer than two (2) Executive Members in attendance.
  - b. No Council Meeting may conduct business with fewer than three (3) LSS Council Members in attendance.
37. The absence of the Chair of the Society, an otherwise duly constituted Council Meeting may appoint any Member to act as Chair *pro tem* for the purpose of presiding over that Council Meeting.
38. A Council Meeting may be requisitioned by:
  - a. The President,
  - b. Any two (2) Executive Members,
  - c. Any four (4) Representatives, or
  - d. Any fifteen (15) Members.
39. Requisitions pursuant to s.37 shall be directed in writing to the Chairperson, who shall on receiving a sufficient requisition schedule a Council Meeting within one week and inform the Law Students' Council.



### **Article 9 – Finances**

40. The fiscal year of the Society shall run from 1 September of the calendar year to 31 August, inclusive, of the following calendar year.
  - a. All outstanding accounts payable must be accounted for prior to June 1.
41. The President, Vice President, and Vice President, Finance & Operations, shall have signing authority.
  - a. This process must be facilitated by the outgoing Vice President, Finance & Operations prior to June 1.
42. Two (2) Executive Members shall sign all cheques issued by the Society.
43. Executive Members may not make any expenditure which has not been authorized under the budget or been given prior approval at a meeting of the Executive, subject to sections 44-46.
44. Discretionary expenditures which equal or exceed \$300.00/month must be approved, amended, or rejected in advance by resolution passed at a Council Meeting.
45. Non-discretionary expenditures in excess of \$150.00 require the approval of three (3) Executive Members.
  - a. Non-discretionary expenditures exceeding \$300 shall be reported to Council.
46. Any amendments to the budget must be approved with simple majority by LSS Council.

### **Article 10 – Conflicts of Interest**

47. A conflict of interest arises where a Member of the LSC is in a position where they are affiliated with or invested in one or more parties or causes whose concerns or aims are incompatible with those of the Society, or where that individual, or a group or cause to which that individual belongs, is in a position to derive personal or collective benefit from actions or decisions made in the individual's official capacity within the Society.
48. All Members who hold offices or appointments on the LSC must declare a conflict of interest as soon as they become aware of the possibility that such a conflict might exist.
49. An LSC member who is in a conflict of interest shall, at any meeting at which a matter gives rise to a conflict of interest is discussed, must disclose the conflict and disqualify himself or herself from voting on any motion relating to the subject-matter of the conflict.

### **Article 11 – Confidentiality**

50. All Members who hold offices or appointments on the LSC are likely to deal with confidential personal and proprietary information relating to Law Students or the affairs of the Society.
51. Confidential information includes, but is not limited to:
- a. Information that is distributed that is marked 'confidential'.
  - b. Information pertaining to the LSS Election process and candidates.
  - c. Personal information provided by students, faculty members, or members of the administration that can be reasonably assumed to be confidential, and
  - d. Any information that is disclosed *in camera*.
52. Members outlined in s.49 shall take all due care and caution to ensure that any confidential information they receive in the course of their office or appointment is kept private and secure.
53. Members outlined in s.49 shall agree:
- a. Not to use any confidential information for any purpose whatsoever except in the execution of their duties and to keep all confidential information in strict confidence at all times.
  - b. Not to disclose any confidential information to any person, organization, or the administration of the University without the permission of the LSC.
  - c. To notify the LSC immediately upon the discovery of any unauthorized or unlawful disclosure, divulgence or communication or use of any confidential information.
54. Members outlined in s.49 shall maintain confidentiality in accordance with s.42 unless they are required by law to make disclosure or they believe on reasonable grounds that there is an imminent risk of death or serious bodily harm, and disclosure is necessary to prevent the death or harm.
55. A Member outlined in s.49 who makes a disclosure under s.53 shall disclose no more information than is required.
56. A Member outlined in s.49 who makes a disclosure under s.53 shall notify the LSC forthwith that such disclosure was made.
57. Members are protected from retaliation only if the Member brings the alleged unlawful activity, policy, or practice to the attention of the LSC and provides the Council with a reasonable opportunity to investigate and correct the alleged unlawful activity.

58. The Society will not retaliate against a Member who, in good faith, has made a protest or raised a complaint against some practice of the Society, or of another individual or entity with whom the Society has a relationship, on the basis of a reasonable belief that the practice is in violation of law or a clear mandate of public policy.
59. The Society will not retaliate against a Member who discloses or threatens to disclose to a supervisor or a public body any activity, policy, or practice of the Society that the Member reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate or public policy concerning the health, safety, welfare, or protection of Law Students.

## **Article 12 – Impeachment**

60. Grounds for impeachment include any member of Council:
  - a. Missing two (2) consecutive meetings without reasonable cause,
  - b. Missing four (4) meetings in total, unless Council votes to affirm that member's status on Council, or
  - c. Engaging in conduct that is determined, by the LSC, to be gross misconduct or likely to bring the reputation of the LSS into disrepute. Reference can be made to the Student Disciplinary Code.
61. An Executive Member, Representative, Faculty Council Member, or Mental Health Ombudsperson may be impeached at any duly-constituted:
  - a. Meeting of the Law Students' Council, with a 2/3 majority vote, or
  - b. General Meeting of the Law Students' Society, with a simple majority vote.
  - c. The final vote shall be carried out by secret ballot in accordance with relevant guidelines from Robert's Rules of Order, as interpreted by the LSS Chair.
62. Notice of a motion to impeach shall be given at least seven (7) days prior to the day on which the meeting is held. Proceedings for impeachment shall include:
  - a. The name(s) of the member(s) and the allegation(s) made against them.
  - b. Any member outlined in s.60 who has impeachment proceedings initiated against them shall have a full, fair and reasonable opportunity to respond to the allegations before them.
63. Impeachment of a member of the Executive Committee shall result in a vacancy and shall be filled in manner as outline in Article 6 under "*Vacancies*".
  - a. A member who is impeached shall be ineligible to fill the vacancy resulting from their impeachment.

### **Article 13 – Amendments**

64. The Constitution may be amended:
  - a. At any General Meeting, or
  - b. By Referendum.
65. Notice of a motion to amend the Constitution shall be given at least seven (7) days prior to the day on which the meeting or referendum vote is held.
66. If amended at a General Meeting, a motion to amend the constitution must pass by a majority of two-thirds of the Members who attend the meeting.
67. If amended by Referendum, a vote to amend the constitution must pass by a majority of two-thirds of the members who cast a vote.
68. The Constitution must be reviewed every two (2) years.

### **Article 14 – Transition**

69. All LSS Executives are required to provide a reasonable transition document to their respective successor prior to June 1.