

## Protecting staff and elected officials through Bylaw amendments...

The following amendments and additions can be made to the Bylaws to ensure that staff and elected officials aren't fired for speaking out against corruption...

Specifically, this document compares the original KSA Bylaws to the *Reduce All Fees* Bylaws with the new proposed Bylaws. Commentary on the specific changes is also provided in the fourth column where appropriate.

The changes presented here also do more to protect your money than the changes that were presented on November 29, 2006 at a Special General Meeting as called by the membership of the Society. Any changes that were added after November 29, 2006 are noted as being changed or added in column 4.

To help protect staff and elected officials, the following Articles would be amended:

Column 1: KSA BY-LAWS – 1999-2005	Column 2: KSA BY-LAW CHANGES – “RAF2K5”	Column 3: OUR NEW PROPOSED CHANGES
Article 2: Membership (Pages 2 – 4) Article 9: Removal of Elected Officials (Pages 6 – 8)	Article 2: Membership (Pages 2 – 4) Article 9 <del>8</del> : Removal of Elected Officials (Pages 6 – 8)	Article 2: Membership (Pages 2 – 4) Article 9 <del>10</del> : Removal of Elected Officials (Pages 6 – 8)
Article 18: Fees (Page 13) Article 21: Auditor (Page 17)	Article <del>48</del> <del>14</del> : Fees (Page 13) Article <del>24</del> <del>16</del> : Auditor (Page 17)	Article <del>48</del> <del>20</del> : Fees (Page 13) Article <del>24</del> <del>24</del> : Auditor (Page 17)

To help protect staff and elected officials, the following Articles would be added to the Bylaws:

Column 1: KSA BY-LAWS – 1999-2005	Column 2: KSA BY-LAW CHANGES – “RAF2K5”	Column 3: OUR NEW PROPOSED CHANGES
		<u>Article 6: Conflict of Interest</u> (Pages 7 – 10) <u>Article 28: Whistle-Blower Protection</u> (Page 11)

This document has been created to fit on 8 ½ by 14 paper, landscape.

Column 1: KSA BY-LAWS – 1999-2005	Column 2: KSA BY-LAW CHANGES – “RAF2K5”	Column 3: OUR NEW PROPOSED CHANGES	Column 4: COMMENTARY ON CHANGES
<p><b>Article 2 Membership</b></p> <p>1. The Society shall consist of Members and Honourary Members.</p> <p>2. Members shall be those persons who:</p> <p>i. are registered for:</p> <p>a. one (1) or more credit courses at Kwantlen University College; or</p> <p>b. continuing education studies at Kwantlen University College, or such other programs at Kwantlen University College as approved by the Members by Ordinary Resolution; and</p> <p>ii. have paid Society fees for the current or immediately previous Kwantlen University College semester.</p> <p>3. Honourary Members shall be those persons who have been designated by a Two-thirds (2/3) Resolution of Council.</p> <p>4. Honourary Members who are also Full Members shall, for all practical purposes, be simply Full Members without the limitations or restrictions of Honourary Member status.</p> <p>5. Members and Honourary Members shall have the right to attend any General Meeting of the Society.</p> <p>6. All members shall uphold the Constitution, Bylaws, Regulations and Policies of the Society.</p> <p>7. A Member ceases to be a Member of the Society upon:</p> <p>i. failing to meet the requirements set out in Article 2(2); or</p> <p>ii. a Special Resolution of the Society pursuant to Article 2(9).</p> <p>8. An Honourary Member ceases to be an Honourary</p>	<p><b>Article 2 Membership</b></p> <p>1. The Society shall consist of Members and Honourary Members.</p> <p>2. Members shall be those persons who:</p> <p>i. are registered for:</p> <p>a. one (1) or more credit courses at Kwantlen University College; or</p> <p>b. continuing education studies at Kwantlen University College, or such other programs at Kwantlen University College as approved by the Members by Ordinary Resolution; <del>and</del> <b>or</b></p> <p>ii. <del>have paid Society fees for the current or immediately previous Kwantlen University College semester.</del> <b><u>Were enrolled in at least one credit course in the immediately preceding semester; or</u></b></p> <p>iii. <b><u>honorary members</u></b></p> <p>3. Honourary Members shall be those persons who have been designated by a Two-thirds (2/3) Resolution of <del>Council</del> <b><u>the Board</u></b>.</p> <p>4. Honourary Members who are also Full Members shall, for all practical purposes, be simply Full Members <del>without the limitations or restrictions of Honourary Member status.</del></p> <p>5. Members and Honourary Members shall have the right to attend any General Meeting of the Society.</p> <p>6. All members shall uphold the Constitution, Bylaws, Regulations and Policies of the Society.</p> <p>7. A Member ceases to be a Member of the Society <b><u>upon a Special Resolution of the Society pursuant to Article 2(9).</u></b></p> <p>8. <del>a. failing to meet the requirements set</del></p>	<p><b>Article 2 Membership</b></p> <p>1. The Society shall consist of Members and Honourary Members.</p> <p>2. Members shall be those persons who:</p> <p>i. are registered for:</p> <p>a. one (1) or more credit courses at Kwantlen University College; or</p> <p>b. continuing education studies at Kwantlen University College, or such other programs at Kwantlen University College as approved by the Members by Ordinary Resolution; and</p> <p>ii. have paid Society fees for the current or immediately previous Kwantlen University College semester.</p> <p>3. Honourary Members shall be those persons who have been designated by a Two-thirds (2/3) Resolution of Council.</p> <p>4. Honourary Members who are also Full Members shall, for all practical purposes, be simply Full Members without the limitations or restrictions of Honourary Member status.</p> <p>5. Members and Honourary Members shall have the right to attend any General Meeting of the Society.</p> <p>6. All members shall uphold the Constitution, Bylaws, Regulations and Policies of the Society.</p> <p>7. A Member ceases to be a Member of the Society upon:</p> <p>i. <del>failing to meet the requirements set out in Article 2(2); or</del></p> <p>ii. <del>a Special Resolution of the Society pursuant to Article 2(9).</del></p>	<p>Our changes restore how the Society defines individuals as Members. The change the RAF made to <u>Article 2(ii)</u> essentially makes the new article state the same thing as <u>Article 2(i)</u>. The original and the revised change have a distinction between people registered in credit courses as opposed to students who have paid Society fees.</p> <p>The change to <u>Article 2(7)</u> acknowledges the fact that students cannot be removed as Members of the Society.</p>

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<p>Member of the Society upon:</p> <p>i. a Two-thirds (2/3) Resolution of Council; or</p> <p>ii. a Resolution of the Society pursuant to Article 2(9) herein.</p> <p>9. A Member may be expelled by a Special Resolution of the Members passed at a General Meeting. The notice of a Special Resolution for expulsion must be accompanied by a brief statement of the reasons for the proposed expulsion. The member who is the subject of the proposed resolution for expulsion must be given an opportunity to be heard at the General Meeting before the Special Resolution is put to a vote.</p>	<p>out in Article 2(2); or</p> <p>b. <del>a Special Resolution of the Society pursuant to Article 2(9).</del></p> <p>8. An Honourary Member ceases to be an Honourary Member of the Society upon:</p> <p>a. a Two-thirds (2/3) Resolution of Council <u>the Board</u>; or</p> <p>b. a Resolution of the Society pursuant to Article 2(9) herein.</p> <p>9. A Member may be expelled by a <del>Special Resolution of the Members passed at a General Meeting. The notice of a Special Resolution for expulsion must be accompanied by a brief statement of the reasons for the proposed expulsion. The member who is the subject of the proposed resolution for expulsion must be given an opportunity to be heard at the General Meeting before the Special Resolution is put to a vote.</del> <u>two-thirds (2/3) resolution of the Board and the agreement of the Ombudsperson. The individual in question has the right to state their defense in front of the Board and also may appeal the decision at an annual general meeting or special general meeting.</u></p>	<p>8. An Honourary Member ceases to be an Honourary Member of the Society upon:</p> <p>i. a Two-thirds (2/3) Resolution of Council; or</p> <p>ii. a <u>n Ordinary</u> Resolution of the <u>Members passed at a General Meeting of the</u> Society pursuant to Article 2(9) herein.</p> <p>9. <u>As membership is a condition of registration at the University College, members who are registered shall not be expelled.</u> <del>A Member may be expelled by a Special Resolution of the Members passed at a General Meeting. The notice of a Special Resolution for expulsion must be accompanied by a brief statement of the reasons for the proposed expulsion. The member who is the subject of the proposed resolution for expulsion must be given an opportunity to be heard at the General Meeting before the Special Resolution is put to a vote.</del></p> <p><b>10. <u>Bad Standing</u></b></p> <p><b><u>i. Notwithstanding the provisions of this Article, in order to be eligible to run for office and to vote at Annual General Meetings or Special General Meetings or in Society elections and referenda, a student must be an active Member in good standing of the Society.</u></b></p> <p><b><u>ii. A Member may be placed in bad standing by:</u></b></p> <p><b><u>a. non-payment of annual dues or other debts to the Society; and</u></b></p> <p><b><u>b. by a Special Resolution of the Membership passed at a General Meeting. The notice of a Special Resolution to place a Member in bad standing must be posted no less than fourteen (14) clear days before the date of the General Meeting and must be accompanied by a brief statement of the reasons for the proposed placement in bad standing. The Member who is the subject of the proposed placement in bad standing must be given an opportunity to be heard at the General</u></b></p>	<p>The change to <u>Article 2(8)(ii)</u> strengthens the definition of how Honourary Members can be removed.</p> <p>The change to <u>Article 2(9)</u> confirms that students cannot be expelled as members of the Society. Here's why:</p> <ul style="list-style-type: none"> <li>- The <u>College and Institute Act</u> defines a Student Society as meaning “<i>an organization incorporated as a society under the Society Act whose purpose is to represent the interests of the general student body, but does not include a provincial or national student organization;</i>” As such, one might be able to argue that depriving someone of their membership rights does not represent the interests of the "general student body", since it fails to represent the students whose membership is taken away from them.</li> <li>- Another argument could be made that a vote to remove members of the Society is in violation of Chapter 20 of Robert's Rules of Order, which prescribes a clear policy in regards to the discipline of Members. (The KSA adopted Robert's Rules of Order in Article 25 of their bylaws.)</li> <li>- Furthermore, even if it were legal, most democracies don't remove the citizenship rights of their members simply because they break the law. That's why the SFSS (Simon Fraser Student Society) prohibits the expulsion of members (Members can be judged 'not in good standing', but only if that member owes a debt. In addition, SFSS bylaws forbid levying a fine of greater than \$25 for any offence.)</li> </ul> <p><u>Article 2(10)</u> borrows from the SFSS Bylaws and creates provisions for placing members in BAD STANDING, as opposed to removing them as Members of the Society. It adds to it the requirements under <u>Article 2(10)(ii)(b)</u> that notice be clearly posted, and that the Member(s) in question be allowed to defend themselves.</p>

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		<p><u>Meeting before the Special Resolution is put to a vote.</u></p> <p>iii. <u>For each of the cases listed in Paragraph 10(ii) above, a member remains in bad standing until:</u></p> <p>a. <u>she has paid the annual dues or other debts to the Society; and</u></p> <p>b. <u>by a Special Resolution of the Membership passed at a General Meeting.</u></p> <p>iv. <u>The General Manager shall:</u></p> <p>a. <u>Report to Council each Member who has been placed in bad standing under the requirements of Paragraph 10(ii)(a) above;</u></p> <p>b. <u>Report to Council each Member who has been removed from bad standing provided they have met the requirements of Paragraph 10(iii)(a) above; and</u></p> <p>c. <u>Provide a listing of all Members who have been placed in, or removed from, bad standing under Paragraphs 10(ii)(a) and 10(iii)(a) above in her Report to the Membership at an Annual General Meeting.</u></p> <p>v. <u>Being placed in bad standing does not exempt the member from paying Society membership fees as administered by Kwantlen University College.</u></p>	<p>Article 2(10)(iv) is a new provision that was not included in the original November 29, 2006 submission. It requires that the General Manager report to Council and to the Membership all occurrences of Members being placed in or taken out of Bad Standing due to non-payment of dues or other debts.</p>

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<p><b>Article 9 Removal of Elected Officials</b></p> <ol style="list-style-type: none"> <li>Executive Board members, Campus Directors, Council Representatives and members of Campus Councils may be removed from office in accordance with this section of the Bylaws.</li> <li>Elected officials shall immediately cease to hold office if at any time they cease to be Members of the Society in accordance with these Bylaws.</li> <li>The Members may, by Special Resolution, remove a Campus Director, Council Representative or a Campus Council Officer before the expiration of her term of office.</li> <li>A member of the Executive Board may be removed from office upon: <ol style="list-style-type: none"> <li>a Two-thirds (2/3) Resolution of Council, provided however that at least fourteen (14) days notice, and no more than twenty-eight (28) days notice, has been given in writing at a previous Council meeting and, furthermore, that such notice be signed by: <ol style="list-style-type: none"> <li>two (2) members of the Executive Board; and</li> <li>five (5) members of Council who are not members of the Executive Board.</li> </ol> </li> <li>A Special Resolution of the Society.</li> </ol> </li> <li>If a vacancy occurs in an elected position of the Society, a by-election shall be held to fill the position for the remainder of the term, rules for which shall be set out in the Regulations. Notwithstanding this clause, if there is less than ninety (90) days remaining in the term of the removed officer, Council may, by Resolution, decide not to hold a by-election.</li> <li>Upon the removal of a member of the Executive Board, Council shall appoint one of its members who is not, at the time of appointment, a member of the Executive Board to fulfill the duties of the removed member until such time as the position is filled by election.</li> </ol>	<p><b>Article 9 8 Removal of Elected Officials</b></p> <ol style="list-style-type: none"> <li><del>Executive Board members, Campus Directors, Council Representatives and members of Campus Councils may be removed from office in accordance with this section of the Bylaws.</del> <i>Any Board member may be removed from office in accordance with this section of the Bylaws.</i></li> <li>Elected officials shall immediately cease to hold office if at any time they cease to be Members of the Society in accordance with these Bylaws.</li> <li>The Members may, by Special Resolution, remove a <del>Campus Director, Council Representative or a Campus Council Officer</del> <i>the President, Treasurer, any of the Vice-Presidents or Campus Director(s),</i> before the expiration of her term of office.</li> <li>A member of the Executive Board may be removed from office upon <i>The President, Vice President(s), Treasurer, Campus Director(s), Members-at-Large can be removed by:</i> <ol style="list-style-type: none"> <li>a Two-thirds (2/3) Resolution of Council <i>the Board (Impeachment)</i>, provided however that at least fourteen (14) days notice, and no more than twenty-eight (28) days notice, has been given in writing at a previous Council <i>Board</i> meeting and, furthermore, that such notice be signed by: <ol style="list-style-type: none"> <li><i>The President or in the case of the removal of the President, the Vice-President Internal Affairs</i> <del>two (2) members of the Executive Board; and</del></li> <li><del>five (5) members of Council who are not members of the Executive Board.</del></li> </ol> </li> <li>A Special Resolution of the Society.</li> </ol> </li> <li>If a vacancy occurs in an elected position of the Society, a by-election shall be held to fill the position for the remainder of the term, rules for which shall be set out in the Regulations. Notwithstanding this clause, <del>if there is less than ninety (90) days remaining in the term of the removed officer, Council</del></li> </ol>	<p><b>Article 9 10 Removal of Elected Officials</b></p> <ol style="list-style-type: none"> <li>Executive Board members, Campus Directors, Council Representatives and members of Campus Councils may be removed from office in accordance with this section of the Bylaws.</li> <li><del>Elected officials shall immediately cease to hold office if at any time they cease to be Members of the Society in accordance with these Bylaws.</del></li> <li>The Members may, by Special Resolution, remove <i>an Executive Board member</i>, a Campus Director, Council Representative or a Campus Council Officer before the expiration of her term of office.</li> <li><del>A member of the Executive Board may be removed from office upon:</del> <ol style="list-style-type: none"> <li><del>a Two-thirds (2/3) Resolution of Council, provided however that at least fourteen (14) days notice, and no more than twenty-eight (28) days notice, has been given in writing at a previous Council meeting and, furthermore, that such notice be signed by:</del> <ol style="list-style-type: none"> <li><del>two (2) members of the Executive Board; and</del></li> <li><del>five (5) <i>seven (7)</i> members of Council who are not members of the Executive Board.</del></li> </ol> </li> <li>A Special Resolution of the Society.</li> </ol> </li> <li>If a vacancy occurs in an elected position of the Society, a by-election shall be held to fill the position for the remainder of the term, rules for which shall be set out in the Regulations. Notwithstanding this clause, if there is less than ninety (90) days remaining in the term of the removed officer, Council may, by Resolution, decide not to hold a by-election.</li> <li><del>Upon the removal of a member of the</del> <i>If a vacancy occurs in an elected position on</i> Executive Board, Council shall appoint one of its members who is not, at the time of appointment, a member of the Executive Board to fulfill the duties of the removed member until such time as the position is filled by</li> </ol>	<p>Article 10(2) has been removed because Membership rights cannot be removed. Members can only be placed in bad standing. This change was not reflected in the changes as presented on November 29, 2005.</p> <p>Article 10(3) includes Executive Board members among the group of people who can be removed from office. This change was not reflected in the changes as presented on November 29, 2005.</p> <p>Article 10(4) has been removed, as the Board of Directors may not have the power to remove elected officials. A British Columbia Supreme Court decision (<i>Sangam Educational and Cultural Society of B.C. v. Gounder</i> [1990] BCJ No. 2778) questioned the validity of Bylaws to give a Society's Board of Directors the power to remove fellow directors. Section 31 of the <i>Society Act</i> provides that directors may be removed from office by a special resolution, but the decision in <i>Sangam</i> interprets that provision to mean that a director may <u>only</u> be removed by a special resolution of the members. As such, to avoid legal liability, it seems prudent to not give the Society's Board of Directors the power to remove its fellow directors.</p> <p>This change may also force elected officials to work together, and find ways of overcoming their differences, political or otherwise. Finally, if an official or group of officials prove to be “unworthy” of holding office, there is nothing stopping other elected officials from organizing a General Meeting to have those members removed. This change was not reflected in the changes as presented on November 29, 2005.</p> <p>Article 10(6) has been tweaked to read that if a vacancy occurs in an elected position on the Executive Board, Council may appoint one of its own to the position. Before,</p>

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<p>7. Any Member may run in a by-election, even a Member previously removed from the position.</p> <p>8. Should a member of the Executive Board be removed pursuant to Article 9(4)(i) and subsequently re-elected to the same position in a by-election pursuant to Article 9(5), that member of the Executive Board shall not be subject to removal again pursuant to Article 9(4)(i) during the same term of office.</p>	<p><del>the Board</del> may, by Resolution, decide not to hold a by-election.</p> <p>6. Upon the removal of a member of the Executive Board, Council <del>the Board</del> shall appoint one of its members <del>who is not, at the time of appointment, a member of the Executive Board</del> to fulfill the duties of the removed member until such time as the position is filled by election. <u>Any member appointed by a Two-thirds (2/3) resolution may also be permitted one vote if the Board sees fit. However, once an appointed member has been permitted a vote it is binding and may not be taken away at any time for any reason.</u></p> <p>7. Any Member may run in a by-election, even a Member previously removed from the position.</p> <p>8. Should a member of the Executive Board be removed pursuant to Article <del>8(3) or Article 9</del>8(4)(i) and subsequently re-elected to the same position in a by-election pursuant to Article 9(5), <del>that member of the Executive Board shall not be subject to removal again pursuant to Article 9(4)(i)</del> <u>8(3) or Article 9</u>8(4)(i) during the same term of office.</p>	<p>election.</p> <p>7. Any Member may run in a by-election, even a Member previously removed from the position.</p> <p>8. Should a member of the Executive Board be removed pursuant to Article 9 <del>(3) (4)(i)</del> and subsequently re-elected to the same position in a by-election pursuant to Article 9(5), that member of the Executive Board shall not be subject to removal again pursuant to Article 9 <del>(3) (4)(i)</del> during the same term of office.</p>	<p>this provision only applied if the Board of Directors removed an Executive Member from office through impeachment. This change was not reflected in the changes as presented on November 29, 2005.</p> <p><u>Article 10(8)</u> allows Directors who are impeached by the membership to run again in subsequent By-elections during that current term. Both a General Meeting and an Election allow the membership to speak as to who they want in office. If a group of students get someone removed at a General Meeting, and they run again, those same students can always launch a “no” campaign against the member in question. This change was not reflected in the changes as presented on November 29, 2005.</p>

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		<p><u><b>Article 6 Conflict of Interest</b></u></p> <ol style="list-style-type: none"> <li>1. <u><b>Voting members of Council, as Directors of the Society, shall act honestly and in good faith in the best interests of the Society as a whole, and exercise the care, diligence and skill of a reasonably prudent person in carrying out their duties.</b></u></li> <li>2. <u><b>Directors shall use the utmost care and discretion in the handling of confidential and privileged information and shall not use such information for personal benefit or gain. Furthermore, Directors shall not disclose any information discussed in an in camera meeting of the Council without the authorization of the Council by Resolution.</b></u></li> <li>3. <u><b>No Director may participate in any decision, exercise an official power or perform an official duty or function in which they may have either a conflict of interest or an apparent conflict of interest.</b></u></li> <li>4. <u><b>If a Director has a conflict of interest or an apparent conflict of interest relating to an issue being deliberated on by Council, they shall declare the nature of the conflict and abstain from voting on the issue. If an individual, by proxy, is attending Council in such a Director's place, the individual shall state the nature of the conflict and abstain from casting a vote on the Director's behalf.</b></u></li> <li>5. <u><b>In the event that a Director is uncertain about whether or not they are in either a conflict of interest or an apparent conflict of interest, Council shall decide the matter.</b></u></li> <li>6. <u><b>If a Director believes that another Director may be in a conflict of interest or an apparent conflict of interest, Council shall decide the matter.</b></u></li> <li>7. <u><b>A Director has a conflict of interest when they exercise an official power or perform an official duty or function and at the same time know that in the exercise of the power or in the performance of the duty or function there is an opportunity to</b></u></li> </ol>	<p>Placing the Conflict of Interest provisions that were formally contained in the Society Regulations into the Bylaws will ensure that the provisions contained in this article can never be overturned or suspended by the Society's Board of Directors.</p>

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		<p><u>further their private interest.</u></p> <p>8. <u>A Director has an apparent conflict of interest if there is a reasonable perception, which a reasonably well-informed person could properly have, that the Director's ability to exercise an official power or perform an official duty or function may have been affected by their private interest.</u></p> <p>9. <u>A Director must not use their office to seek to influence a decision, to be made by another person, to further the Director's private interest.</u></p> <p>10. <u>A Director's private interest shall include the private interests of their family and the private interests of a companion, business associate or a close personal friend of the Director.</u></p> <p>11.</p> <p>i. <u>A Director must not accept a fee, a gift, a personal benefit or hospitality, except compensation authorized by Council, which is offered or tendered by virtue of their position as a Director.</u></p> <p>ii. <u>Subsection (i) above does not apply to a gift or personal benefit that is incidental to the protocol or social obligations that normally accompany the responsibilities of office.</u></p> <p>iii. <u>If a gift or personal benefit referred to in subsection (ii) above exceeds \$150 in value, or if the total value received directly or indirectly from one source in any twelve (12) month period exceeds \$150, the Director must immediately disclose to Council, in writing:</u></p> <p>a. <u>the nature of the gift or benefit;</u>  b. <u>its source; and</u>  c. <u>the circumstances under which it was given and accepted.</u></p> <p>iv. <u>Upon Council's receipt of a written disclosure referred to in subsection (iii) above, Council shall either allow the recipient to keep the gift or benefit, or shall</u></p>	

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		<p><u>direct that the gift or benefit be returned, or shall direct that the gift or benefit be disposed of in any other manner it sees fit.</u></p> <p>12. <u>Any Director who contravenes this Article of the Bylaws may be:</u></p> <p>i. <u>directed by a Resolution of Council to:</u></p> <p>a. <u>pay restitution to the Society for any financial loss suffered by the Society as a direct result of their action;</u></p> <p>b. <u>account for, and dispose of, any profits made as a result of a breach of this Section; or</u></p> <p>c. <u>return or otherwise restore the Society's property taken, damaged or destroyed by the action of that Director;</u></p> <p><u>and may be:</u></p> <p>ii. <u>removed from office pursuant to Article 10 below.</u></p> <p>13. <u>Non-voting members of Council shall act honestly and in good faith in the best interests of the Society as a whole, and exercise the care, diligence and skill of a reasonably prudent person in carrying out their duties and shall abide by the conflict of interest provisions contained in this Article as though they were directors of the Society.</u></p> <p>14. <u>Officers and employees of the Society other than Directors of the Society shall act honestly and in good faith in the best interests of the Society as a whole, and exercise the care, diligence and skill of a reasonably prudent person in carrying out their duties and shall abide by the conflict of interest provisions contained in this Article as though they were directors of the Society. Furthermore,</u></p> <p>i. <u>the Executive Board shall establish further provisions regarding conflict of interest in relation to Officers, such provisions to be contained in the Executive Procedures</u></p>	

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		<p><u>Manual; and</u></p> <p>ii. <u>The General Manager shall develop further provisions regarding conflict of interest in relation to employees, and shall take steps to ensure that such provisions are contained in the Personnel Handbooks in accordance with these Bylaws and the Regulations.</u></p> <p>15. <u>All Directors and Elected Officials shall sign an oath of office, prior to their first meeting of Council, as laid out in the Regulations, in which they agree to abide by the provisions of this article.</u></p> <p>16. <u>A Director or Non-Voting Member of Council shall not be in a conflict of interest when it comes to debating and voting on the question of her removal from office.</u></p>	<p>Article 6(15) requires that all elected officials will sign an Oath of Office, which shall be laid out in the Regulations.</p> <p>Article 6(16) stipulates that no elected official shall be deemed to be in conflict of interest when it comes to the question of her removal from office. In 2005, the RAF found a number of members of Council to be in Conflict of Interest on the issue of their removal, thereby stopping them from defending themselves, or even voting on the very question of their own removal.</p>

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		<p><b><u>Article 28 Whistle Blower Protection</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>For the purposes of the paragraphs laid out under this article, “the rules of the Society” shall refer to the Society’s Act, the Constitution, Bylaws and Regulations, Procedures of the Society, as well as any other Canadian municipal, provincial or federal law.</u></b></li> <li>2. <b><u>Council, as well as members of Council, serving in its role as the directors of the Society, shall not dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee of the Society, or deny that employee a benefit because:</u></b> <ol style="list-style-type: none"> <li>i. <b><u>the employee, acting in good faith and on the basis of reasonable belief, has disclosed to Council, the Ombudsperson, the Auditor or other outside authority or law-enforcement agency, that the employer or any other person has contravened or is about to contravene the rules of the Society;</u></b></li> <li>ii. <b><u>the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene the rules of the Society;</u></b></li> <li>iii. <b><u>the employee, acting in good faith and on the basis of reasonable belief, has refused to do or stated an intention of refusing to do anything that is in contravention of the rules of the Society; or</u></b></li> <li>iv. <b><u>the employer believes that an employee will do anything described in paragraph (i), (ii) or (iii).</u></b></li> </ol> </li> </ol>	<p>Article 28 is a new article. A few student unions in Ontario now have Whistle-Blower protection in their Bylaws (I am trying to re-find out which ones, I lost the links I had to the unions that did have it – once they are found I will post them here). The wording presented here is essentially lifted from section 30.3 of the BC Freedom of Information and Privacy Act that serves to regulate government bodies.</p> <p><a href="http://www.qp.gov.bc.ca/statreg/stat/F/96165_01.htm#section30.3">http://www.qp.gov.bc.ca/statreg/stat/F/96165_01.htm#section30.3</a></p> <p>Whistle-Blower protection as applicable in the above Act only applies to violations of the Freedom of Information and Privacy Act – it does not apply to violations of say, a Society’s Bylaws, Regulations or other rules; nor does it apply to violations of the Society Act or other Provincial Acts. As such, <u>Article 28</u> provides that protection for members of the Society. If anyone in the Society is bending any rule, then people can speak out against it and fight it without repercussion.</p>