



UWSA

THE UNIVERSITY OF WINNIPEG
STUDENTS' ASSOCIATION

State of Emergency By-laws Proposal

September 2, 2020

Jennifer Black – General Manager

STATE OF EMERGENCY BY-LAW PROPOSAL

The COVID-19 pandemic revealed that we need a set of emergency protocols to ensure that we can still operate legally if the general office and board are unable to physically convene due to serious and unforeseeable circumstances. In the Spring, the province passed emergency measures as addendum to the Corporations Act, allowing us to meet legally despite our by-laws specifically prohibiting it; however, these measures expire on September 30th. Additionally, we need emergency measures that ensure our elections and referenda processes can be respected and reasonably executed during a state of emergency.

The motion recommendation below sets out some simple rules that allow the meetings of the UWSA to continue under a state of emergency. Rather than trying to devise an entire set of emergency election rules (which may be appropriate for the current state of emergency but may end up not being appropriate for other situations) the proposed by-laws set out processes for drafting and approving sets of emergency election rules that will exist outside of the by-laws *only* for the election in question, allowing them to account for the specifics of the situation at hand.

MOTION RECOMMENDATION

BE IT RESOLVED THAT the following by-laws are adopted into the UWSA By-law Package as “By-law 10: State of Emergency Measures”.

By-law X. State of Emergency Measures

Section A. Definitions

10.1 Election

The Annual General Election and By-Election of the UWSA as governed by the provisions found elsewhere in these by-laws.

10.2 Meetings of the UWSA

Any meeting authorized under the provisions of these by-laws including, but not limited to: meetings of the board, committees of the board, and general meetings of the membership.

10.3 State of Emergency

Any circumstance which prohibits access to the University of Winnipeg campus or otherwise impedes the physical convening of the UWSA General Offices, membership, or board including, but not limited to: flood, fire, pandemic, natural disaster, government ordered state of emergency, and force majeure.

Section B. Procedure

10.4. Procedure for Calling a State of Emergency

- i. A state of emergency shall be called by the Chief Operating Officer of the UWSA under direction of the UWSA Executive and subject to approval by a majority vote of the Board of Directors.



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- ii. The meeting at which a State of Emergency is approved shall be considered duly convened regardless of restrictions on virtual or telecommuted meetings found elsewhere in these by-laws and the Act.

Section C. Meetings

10.5. Meetings of the UWSA Under a State of Emergency

- i. Under a State of Emergency, meetings of the UWSA may be duly convened and shall be considered valid regardless of restrictions on electronic or telecommuted meetings found elsewhere in these by-laws.
- ii. Meetings of the UWSA held by electronic or telecommunication platforms must permit all persons participating in the meeting, including those entitled to vote on its business, to communicate adequately with each other during the meeting.
- iii. Notice of meetings and methods of registration shall be duly posted on the UWSA website and shared on UWSA social media in accordance with the timelines stipulated for that type of meeting as provided for elsewhere in these by-laws.
 - a. The duty to post physical notice of meetings on campus bulletin boards, as set out in these by-laws, shall be waived during the period of a State of Emergency.

10.6 State of Emergency Meeting Procedures

- i. The General Manager in coordination with the appropriate chair shall arrange virtual meeting spaces as needed and shall reasonably ensure that meetings are accessible for directors, staff, and members.
 - a. Attendees of a meeting shall be provided an alternative method of contacting the chair to report accessibility issues, should the mechanisms provided by the virtual meeting space fail.
- ii. For the purposes of quorum, all attendees of a meeting held on a virtual platform shall be considered present if their phone or electronic device registers them as present. It is the duty of attendees to report communication issues to the chair.
 - a. Meeting quorum shall be monitored by the chair and the secretary. Where quorum is lost due to technical difficulties, the meeting shall not be considered adjourned until 30 minutes have elapsed in which the member who lost connection can attempt to reconnect, or until the member reports through an alternative method that they are unable to return to the meeting.
 - b. No business shall be discussed or approved in the interval in which quorum has been lost.
- iii. Where voting takes place at a meeting held on a virtual platform, the chair shall ensure that each vote is validly submitted and verified.
- iv. No proxy shall be valid at a virtual or telecommuted meeting.

Section D. Elections and Referenda

10.7 Election and Referenda Held During a State of Emergency

- i. Under a State of Emergency, the UWSA shall reasonably ensure that the bi-annual election and referenda cycle is respected.
- ii. The timing of an election cycle mandated elsewhere in these by-laws may be reasonably rescheduled and extended to accommodate the drafting of State of Emergency election rules, as determined by the Chief Elections Commissioner and approved by the REBLITE



Board. Notwithstanding the foregoing, an election cycle must take place within the academic term during which it was initially scheduled.

- iii. An election cycle may only be cancelled during a State of Emergency when conditions exist that make voting impossible, as determined by the Chief Elections Commissioner and REBLITE Board, acting reasonably and exhausting all options to complete the scheduled election, subject to approval by a 2/3 majority of the Board of Directors.

10.8 State of Emergency Election Rules

- i. The Chief Elections Officer, in coordination with the General Manager and the Chair of the Board, shall draft a set of interim State of Emergency election rules to be approved by the REBLITE Board.
- ii. The State of Emergency election rules shall work in tandem with the election rules found elsewhere in these by-laws. Where there is contradiction between the State of Emergency election rules and the general election rules found elsewhere in these by-laws, the State of Emergency election rules shall be paramount and considered the applicable rules for an election cycle held during a State of Emergency.
- iii. State of Emergency election rules shall be established on the following timeline:
 - a. A set of rules guiding nominations and referenda question submission shall be prepared prior to the commencement of the nomination period of the given election cycle.
 - b. A set of rules guiding campaigning, campaign materials and expenses, election forums, voting, balloting, ballot count, campaign violations, complaints, and appeals shall be prepared prior to the All Candidate's Meeting.
- iv. Election rules enacted during a State of Emergency shall only be valid for the duration of the individual election cycle in question and shall expire once all complaints and appeals are resolved.
- v. Complaints with respect to the State of Emergency election rules may be made by any UWSA member. These complaints shall be considered appeals and shall be filed with the REBLITE Board in accordance with the election appeals rules found in the State of Emergency election rules and elsewhere in these by-laws.
- vi. During a State of Emergency election cycle, online balloting shall be arranged and all election rules contained in these by-laws mandating physical polling stations shall be inapplicable and of no force or effect.