

An Act to Amend Chapter 128 of the Acts  
of 1965, An Act to Incorporate St. F.X.  
University Students' Union

(Assented to the 15th day of May, A.D. 1972)

Be it enacted by the Governor and Assembly as follows:

1 Sections 2 to 9 of Chapter 128 of the Acts of 1965 are repealed and the following substituted therefor:

2 In this Act, unless otherwise indicated,

(a) "Act of Incorporation" means Chapter 128 of the Acts of 1965, as amended;

(b) "Board" means the Executive Board of the Union;

(c) "by-laws" means by-laws made under the authority of the Students' Council;

(d) "constitutional authority" means

(i) the Act of Incorporation herein;

(ii) the Constitution of the Union while in force;

(iii) by-laws;

(iv) regulations made under the by-laws;

(e) "Council" means the Student Council;

(f) "student" means a registered student at St. Francis Xavier University, Antigonish, Nova Scotia, including Mount Saint Bernard College, and the Coady International Institute;

(g) "University" means Saint Francis Xavier University, at Antigonish, Nova Scotia;

(h) "Union" or "The Union" means the St. Francis Xavier University Students' Union.

3 (1) All acts of the officers and council of the Union and the acts of their respective predecessors are hereby ratified and confirmed, notwithstanding any irregularity or form, provided the said Acts are or were within the authority and powers of the constitutional authority.

(2) The Constitution of the Union and the by-laws of the Union in effect at the time of the enacting of this Act shall continue to be in full force and effect until amendment or repeal in the required manner; provided that any article or part of the Constitution, or any by-law or part of any by-law which is repugnant to any Section or Sections of this Act of Incorporation shall be void from the time of the enactment of the Section or Sections.

4 The aims, objects and purposes of the Union shall be:

(a) to co-ordinate, promote and direct the activities of the members of the Union, including activities in the artistic, literary, religious, recreational and sporting fields;

(b) to encourage communication between the student body, faculty, administration and alumni of the University so as to promote the common benefit of the University;

(c) to provide a medium whereby the student body may contribute to the well being of the University and to the area which it serves.

5 (1) The Union is hereby deemed to be the official organization representing the students of the University.

(2) The registered students at the University shall be deemed to be members of the Union.

(3) Membership in the Union shall

(a) cease on death, or when any member of the Union ceases to be a registered student at the University;

(b) be extended to include honorary members on such terms as may be provided by the by-laws.

6 (1) The Union may sue or be sued in its corporate name in relation to all matters touching the property of the Union, and in relation to activities carried on by the Union.

(2) No member or officer of the Union shall be personally liable for the debts or liabilities of the Union unless he shall have expressly undertaken to make himself personally liable.

7 The Union, through its proper officers and its Council, acting under the scope of this Act of Incorporation and the by-laws, is empowered:

(a) to take and hold by purchase, grant, lease, gift, donation, devise, legacy or bequest, real and personal property; to sell, lease, mortgage or otherwise dispose of any such real and personal property as may be deemed necessary for carrying out the objects and purposes of the Union; and to invest or otherwise use for the objects and purposes of the Union any moneys received;

(b) to erect, maintain, improve, repair any building or buildings for the purpose of the Union;

(c) to borrow money for the purposes of the Union, and secure the repayment of same by any form of debenture, bond, mortgage, promissory note or other security; and without restricting the generality of the foregoing to make and issue debentures or bonds and secure the repayment of same by deeds of trust or mortgage;

(d) to make, execute, issue and endorse bills of exchange, cheques, promissory notes and such other instruments as may be necessary or convenient;

(e) to raise money for the purpose of the Union by subscription, the holding of fairs, exhibitions or auctions, the giving of entertainment, the conduct of athletic and sporting events, and other like means;

(f) to levy fees on its membership for the purposes of the Union, and to collect and recover the same by action or suit, if necessary; and further, to appoint or delegate such bodies as may be suitable to collect the said fees on behalf of the Union.

8 (1) The Union shall continue to have a common seal, and to have all the powers and privileges necessary or incidental to the carrying on of its objects, aims and purposes.

(2) All contractual documents, bills of exchange and promissory notes required for the conduct of the ordinary business of the Union shall be executed by the President or Vice-President of the Union, and by the Treasurer, or by an officer or member of the Union authorized in that behalf by resolution of the Council, or by regulation or by-law;

(3) The Chairman of Council, in addition to the required officers or members referred to in subsection (2) of this Section, shall execute all documents which relate to:

(a) any conveyance or deed, or mortgage or assignment of mortgage, of real property;

(b) any contract, document, bill of exchange, promissory note which is required to be signed by the Chairman of Council under the by-laws.

(4) No conveyance or deed, or mortgage or assignment of mortgage on real property shall be signed by the proper officers of the Union unless approved by resolution of a majority of Council.

9 (1) The general administration of the affairs of the Union and the exclusive power to propose amendments to the Act of Incorporation, or to amend the Constitution or to enact by-laws shall be vested in the Council.

(2) The Council shall be an elected body whose members shall represent electoral districts encompassing the membership of the Union, and which are so constituted so as to provide equality of representation insofar as it is reasonable and practical.

(3) The Council shall be governed in its proceedings by the current edition of Roberts Rules of Order where such rules are not inconsistent with the Act of Incorporation, the by-laws or any special rules of order provided by resolution of the Council.

(4) The Council shall have charge and control of the property and resources of the Union and may, if and when it sees fit, make such by-laws as are not inconsistent with this Act or any other law of the Province of Nova Scotia for the following purposes, namely:

- (a) the management and conduct of the business of the Union;
- (b) the general management of the Union and its various organs;
- (c) the appointment, selection, and qualifications of officials and other employees of the Union, and the regulation of salaries or wages to be paid them;
- (d) the management and investment of funds entrusted to it, and the expenditure of the proceeds therefrom;
- (e) the regulation of the Council's own meetings and the procedure and order of business to be followed thereat;
- (f) the duties and powers of committees of the Council appointed under this Act;
- (g) concurrent with the University administration, the discipline of the members of the Union;
- (h) the appointment of honorary members of the Union;
- (i) the election of Council members, including the appointment of returning officers and the creation of electoral districts;
- (j) the requirement of signatures or execution by the chairman of Council on certain documents referred to in Section 8 herein;
- (k) the appointment of standing committees and the personnel and chairmen of these committees;
- (l) all such of the matters as may appertain to and be deemed expedient in the best interests of the Union.

10 (1) The Council shall elect a Chairman, who shall be elected by the Council at its last meeting of the term of the Council, and shall hold office for a period of one year or until a successor is appointed.

(2) Unless the Chairman resigns, he shall not be replaced during the term of his office unless

(a) a resolution calling for a new election of chairman is passed by a two-thirds majority of the Council; and

(b) the succeeding Chairman is elected by a two-thirds majority vote.

(3) The Chairman shall

(a) exercise membership ex officio in or on all organizations, committees, boards or societies of the Council or of the Union;

(b) have access to all meetings, records and minutes of all bodies referred to in this Section;

(c) keep accurate minutes of all proceedings of the Council.

(4) At the request of Council, or in his own discretion, unless expressly prohibited by a resolution of the Council, the Chairman shall exercise a power of review, investigation and supervision over the activities of any bodies referred to in this Section, including the power to order the attendance of any Chairman of any Committee of the Council or of any officer of the Council or of the Union or of any of its sub-organizations to report to the Council.

(5) The Chairman of the Council shall report to the Council such matters within his knowledge which relate to activities of the bodies referred to in this Section which in his discretion he considers to be the proper concern of the Council.

11 (1) The Union shall be served by an Executive Board which shall consist of the following officers of the Union:

(a) the President,

(b) the Vice-President,

(c) the Chairman of Council,

- (d) the Secretary-Treasurer,
- (e) the Commissioners for:
  - (i) Education,
  - (ii) Activities,
  - (iii) Communications,
  - (iv) Housing,
  - (v) President, Coady Institute Council.

(2) The Executive Board shall have power to deal with any and all matters pertaining to the Council which may arise between meetings of the Council, and shall report regularly to the Council.

(3) The Executive Board's action shall be in accordance with the general policies of the Council.

12 (1) The President of the Union shall be the principal officer of the Union and shall be responsible for the implementation of the activities and policies of the Union and the Council.

(2) The President shall have the following powers, namely:

(a) to have the authority to convene special meetings of Council and any committees of the Council;

(b) to appoint or have appointed administrative staff and assign or have assigned to them such duties as he may deem proper subject to the constitutional authority;

(c) to appoint special committees provided that these committees do not infringe on the jurisdiction of standing committees.

13 (1) The Vice-President shall be responsible for those duties which have been delegated to him by the President or by Council.

(2) In the absence of the President the Vice-President shall be the chief executive officer of the Union.

(3) The President and Vice-President are to be elected jointly by the members of the Union for a one-year term.

14 (1) The Secretary-Treasurer is the chief financial officer of the Union and is appointed by the President in accordance with procedures outlined in the by-laws.

(2) The Secretary-Treasurer shall:

(a) have the custody of the corporate seal, and affix the same upon all contracts and instruments requiring the seal;

(b) be charged with the custody of all papers and documents relating to the financial interests of the Council;

(c) deposit all funds of the Union in the Union's name in such bank as the Council shall designate or approve;

(d) render to the Council whenever requested and at least twice a year an accurate account of all his transactions as Secretary-Treasurer and chief financial officer and of the financial state or condition of the Union;

(e) have authority to approve ordinary expenditures;

(f) consult in matters of extraordinary expenditures with the President, and through the President with the Council;

(g) in consultation with the Committee on Finance, prepare the annual budget of the Union for presentation to the Council.

15 (1) The officers of the Union or members of the Executive Board may be impeached for gross dereliction of duties as may be more fully set out in the by-laws.

(2) Impeachment proceedings shall commence with a written petition for impeachment stating the grounds for the impeachment, signed by ten members of the Council being submitted by the Chairman of the Council.



(3) The Chairman of Council shall call a meeting of the Council written five days after receiving the Petition to consider the impeachment.

(4) The impeachment shall be effected by a three-quarter majority vote of the Council by secret ballot.

16 Proposals to amend the Act of Incorporation may be placed before the Legislature of the Province of Nova Scotia, and the by-law of this Union may be amended whenever

(a) notice of the form and laws of the proposed amendments have been given to the Council at a regular meeting; and

(b) a two-thirds majority of the Council at a regular subsequent meeting of the Council favours the amendment.

---