

BYLAWS
OF
THE GRADUATE STUDENTS' ASSOCIATION
OF THE UNIVERSITY OF CALGARY

(Made effective by the Elected Council on March 31, 2026)

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Article 1 — Definitions

1. In these Bylaws:

- 1.1. “**Academically Employed Graduate Student**” means a Graduate Student who is employed by the Governors, including those employed as teaching or research assistants.
- 1.2. “**Academically Employed Graduate Students Meeting**” means meetings of the Academically Employed Graduate Students Membership subset conducted pursuant to these Bylaws and Policy.
- 1.3. “**Affairs of the Association**” means matters of internal concern to the Association, including the relationships among the Association and its Members, Representatives, Committees, or any of them, but does not include any Business of the Association.
- 1.4. “**Association**” means The Graduate Students’ Association of the University of Calgary (see Article 2)
- 1.5. “**Business of the Association**” means the activities of the Association in fulfillment of its Objects.
- 1.6. “**Bylaws**” means these Bylaws made by the Elected Council pursuant to the *Post-secondary Learning Act*, SA 2003, c P-19.5, s 95(2) respecting the Affairs of the Association.
- 1.7. “**Collective Agreement**” means a collective agreement between the Association and the Governors binding them, and Academically Employed Graduate Students, as defined in the *Labour Relations Code*.
- 1.8. “**Elected Council**” means the council comprised of the individuals, elected by and from the Members of the Association, holding the following seven (7) offices: President, Vice President, Executive Labour Officer, Executive Academic Officer, and three (3) Officers at Large.
- 1.9. “**Elected Councillor**” or “**Elected Councillors**” means a member, or members, of the Elected Council, as context requires.
- 1.10. “**General Meeting**” means meetings of the general Membership conducted pursuant to these Bylaws and Policy, including the Annual General Meeting.
- 1.11. “**Governors**” or “**Employer**” means The Governors of the University of Calgary, a statutory corporation continued under the *Post-secondary Learning Act*, s 125.2(1)(a)(i) and 126(2).

- 1.12. “**Graduate Student**” means a person actively enrolled in a program of graduate studies at the University of Calgary. Program of graduate studies means a group of credit courses that, on completion, leads to the granting of a graduate degree, diploma or certificate.
- 1.13. “**Member**” means a Graduate Student of the University of Calgary, including the Academically Employed Graduate Students.
- 1.14. “**Membership**” refers to all Members of the Association *in toto*.
- 1.15. “**Membership Fees**” means the fees levied on all Members for the maintenance of the Association, as established in Policy.
- 1.16. “**Member in Good Standing**” means a Member whose membership rights have not been suspended or restricted as a result of a conviction under the Article 11 Trials & Charges Process.
- 1.17. “**Member Not in Good Standing**” means a Member whose membership rights have been suspended or restricted as a result of a conviction under the Article 11 Trials & Charges Process.
- 1.18. “**Memorandum of Agreement**” means an agreement in writing between the Association and the Governors containing terms and conditions of employment for Academically Employed Graduate Students, that is reached through the formal collective bargaining process, and that is subject to a Ratification Vote.
- 1.19. “**Policy**” or “**Policies**” or “**Procedures**” means policies and/or procedures established by the Elected Council pursuant to these Bylaws.
- 1.20. “**Ratification Vote**” means a vote by Members who are Academically Employed Graduate Students on the date of a vote held to ratify or reject a proposed Collective Agreement, passed by a simple majority of those qualified to vote and actually voting. There shall be no voting by proxy.
- 1.21. “**Representative**” means any person, including but not limited to members of the Elected Council and employees of the Association, who has undertaken, is undertaking, or is about to undertake any activity on behalf of the Association pursuant to these Bylaws, a contract, or otherwise with the written authorization of the Elected Council.
- 1.22. “**Resolution**” means a resolution passed by a majority (simple or 2/3 majority as context requires) of those qualified to vote and actually voting. There shall be no voting by proxy.

- 1.23. “**Specific Resolution**” means a Resolution proposed by Members pursuant to Article 4.6.9 and considered by the Elected Council pursuant to Article 6.20.
- 1.24. “**Student Petition**” means a petition signed by at least 10% of the Membership, presented to the Elected Council in accordance with Articles 4.9 and 6.3.1.
- 1.25. “**Union Dues**” means “core dues” charged to Academically Employed Graduate Students, as established in Policy.
- 1.26. “**University of Calgary**” means the “comprehensive academic and research university” and “public post-secondary institution” having that name, continued under the *Post-secondary Learning Act*, ss 125.2(3), 126(1).

Article 2 — Statutory Corporation & Bargaining Agency

2. Statutory Corporation & Bargaining Agency

- 2.1. The Graduate Students’ Association of the University of Calgary (the “Association”) is a statutory corporation incorporated on February 22, 1971 under *The Universities Act*, RSA 1970, c 378, s 40(5) and O.C. 294/71, continued under the *Post-secondary Learning Act*, ss 125.2(1)(a)(x), 126(7).
- 2.2. The Association is a “graduate students association”, a “student organization” and a “governing entity” of the University of Calgary under the *Post-secondary Learning Act*, and consists of the Graduate Students of the University of Calgary.
- 2.3. Pursuant to the *Labour Relations Code*, RSA 2000, c L-1, the Association:
 - 2.3.1. Is deemed to be a trade union for the purposes of acting as bargaining agent for the Academically Employed Graduate Students of the University of Calgary,
 - 2.3.2. Is statutorily designated as the exclusive bargaining agent for the Academically Employed Graduate Students of the University of Calgary, and
 - 2.3.3. Has exclusive authority to bargain collectively on behalf of the Academically Employed Graduate Students of the University of Calgary and to bind them by a Collective Agreement.
- 2.4. With the approval of the Governors, the Association may acquire interests in real property by purchase, lease or otherwise and may hold and dispose of it.
- 2.5. The Business of the Association and Affairs of the Association must be managed by the Elected Council. The Association is governed under the principle of representative (not direct) democracy.

- 2.6. If there is an inconsistency between the *Post-secondary Learning Act*, the *Labour Relations Code*, the *Personal Information Protection Act*, SA 2003, c P- 6.5, or any other Alberta legislation, and a Resolution, regulation, bylaw, rule, policy or other instrument made under the *Post-secondary Learning Act*, including these Bylaws and any Policy made hereunder, the instrument is of no effect to the extent of the inconsistency with the legislation.

Article 3 — Objects

3. The Objects of the Association are:

- 3.1. To provide for the administration of Graduate Student affairs at the University of Calgary, including the development and management of Graduate Student committees, the development and enforcement of rules relating to Graduate Student affairs and the promotion of the general welfare of the Graduate Students consistent with the purposes of the University of Calgary.
- 3.2. To fairly represent Academically Employed Graduate Students:
 - 3.2.1. With respect to their rights under the Collective Agreement; and
 - 3.2.2. With respect to collectively bargaining the terms conditions of employment, as incorporated into the Association's Collective Agreement with the Governors.
- 3.3. To conduct the Affairs of the Association and the Business of the Association in accordance with law, and the public purposes the statutory corporation was created for.

Article 4 — Membership & Membership Rights and Obligations

4. The Membership & Membership Rights and Obligations

- 4.1. The Membership of the Association is statutorily designated and consists exclusively of the Graduate Students of the University of Calgary, including the Academically Employed Graduate Students of the University of Calgary.
- 4.2. For clarity, a person ceases to be a Member in the Association when the person is no longer a Graduate Student, and a person ceases to be an Academically Employed Graduate Student Member when they are no longer employed in that capacity by the Governors for any reason including but not limited to: termination/dismissal, resignation, term expiry.

- 4.3. A non-active Academically Employed Graduate Student is still an employee of the Governors and thus remains an Academically Employed Graduate Student Member of the Association, including but not limited to those on paid or unpaid approved leaves of absence (including medical leaves), disciplinary suspensions, and non-disciplinary administrative suspensions.
- 4.4. Former Academically Employed Graduate Students have the right to be fairly represented by the Association with respect to the former employee's rights—while they were employed by the Governors—under the Collective Agreement.
- 4.5. A former Academically Employed Graduate Student whose employment was terminated by the Governors, and on whose behalf the Association is grieving the termination as unjust, shall regain their status as an Academically Employed Graduate Student if and when reinstated to employment by the Governors through grievance arbitration, grievance settlement, or otherwise.
- 4.6. Subject to penalties affecting participatory rights arising out of the Article 11 Trials & Charges Process, Members in Good Standing shall have all of the rights and obligations accorded to Members of the Association as contained in these Bylaws, including but not limited to:
 - 4.6.1. Voting in elections conducted under these Bylaws;
 - 4.6.2. Voting on any Resolutions respecting business allowed to be conducted at General Meetings pursuant to these Bylaws;
 - 4.6.3. Voting on any referendum of the Membership;
 - 4.6.4. With respect to Academically Employed Graduate Students only, voting to ratify a proposed Collective Agreement;
 - 4.6.5. Being nominated for, elected to, and holding any elected position in the Association subject to any specific eligibility requirements laid out in these Bylaws;
 - 4.6.6. Serving on any committee of the Association subject to any specific eligibility requirements laid out in these Bylaws;
 - 4.6.7. Attending and speaking at all General Meetings;
 - 4.6.8. Receiving all Membership correspondence prepared by the Association;
 - 4.6.9. A minimum of 30 Members in Good Standing may propose a Specific Resolution to be added to a General Meeting agenda. Those Members shall elect a spokesperson from amongst them who shall appear at the next General Meeting to present the Specific Resolution to the General Membership in accordance with this Article.

4.6.10. All Members have the obligation to pay Membership Fees levied on all Members for the maintenance of the Association, as established in Policy. Such payments may be made directly, or through collection and remittance by the Governors.

4.6.11. With respect to Academically Employed Graduate Students only, they are obligated to pay “Core” “Union Dues” to the Association, as established in Policy. Such payments may be made directly or through deduction and remittance by the Employer pursuant to the Collective Agreement.

4.6.12. Such other rights and obligations as these Bylaws may confer.

4.7. Members who do not pay the required Membership Fees, and Union Dues if applicable, to the Association that are uniformly required to be paid by all such Members shall, after having been notified in writing and given a reasonable time to pay them (including arrears), have all of their non-statutory participatory rights as a Member in the Association suspended, and be deemed a Member Not in Good Standing, until such time as they pay the Association outstanding Membership Fees and Union Dues. The penalty under this Article 4.7 shall be imposed by the Elected Council through a Resolution passed by simple majority, and the Article 11 Trials & Charges Procedure is not applicable.

4.8. Subject to 4.8.1, in order to be elected to, acclaimed to, appointed to, or continue to hold, any position under these Bylaws, the person must be, and remain, a Member in Good Standing of the Association.

4.8.1. A person who has been appointed, acclaimed or elected by and from the Membership to any position under these Bylaws may, subject to the general authority of the Elected Council, remain in their position after their Membership in the Association has ended for the remainder of the position’s term. The Elected Council may exercise its discretion to remove non-Members from any position under these Bylaws through a Resolution passed by simple majority, and the Article 11 Trials & Charges Procedure is not applicable.

4.9. Members may, by a Student Petition, determined by the Elected Council to be sufficient in accordance with these Bylaws and Policy, require the Elected Council to conduct a vote on, and implement, any lawful Resolution (if passed) pertaining to the Affairs of the Association in its capacity as a student organization.

4.9.1. The petition is sufficient if it is signed by at least 10% of the Members of the Association;

4.9.2. Any petition advancing a Resolution that would be unlawful if implemented is out of order and shall not be put to a vote of the Membership;

4.9.3. Lawful Resolutions under this article shall pass by simple majority; and

4.9.4. This article does not apply with respect to the Business of the Association.

Article 5 — Membership Meetings

5. Membership Meetings

5.1. Subject to Article 11.7.4.2.3, General Meetings of the Association are for Members in Good Standing only.

5.1.1. Employees (other than the Executive Director) and/or contractors of the Association, Members Not in Good Standing, and guests may attend General Meetings only at the invitation of the President or their designate.

5.2. General Meetings shall be conducted pursuant to Policies and Procedures.

5.3. General Meetings of the Association shall consider *Robert's Rules of Order Newly Revised* (most recent edition) as a reference and guide concerning questions of procedure.

5.4. There shall be no *in camera* General Meetings.

5.5. The quorum for General Meetings is 40 Members in Good Standing.

5.6. At the discretion of the Elected Council, General Meetings may be conducted in-person or through the use of any means of communication, such as electronic meetings, by which Members participating may simultaneously hear each other during the meeting. A Member who participates electronically under this Bylaw is deemed to be present at the said meeting. Voting under this Article 5.6 may be held by voice or by electronic means.

5.7. At the discretion of the President or their designate, voting shall be by show of hands or by secret ballot. Voting may be cast in-person, or other than in-person, including by mail-in ballot, electronically (i.e. during virtual meetings) or by any other reliable method set out in Policy (which method shall address practicality, economy, and the right of all Members in Good Standing to vote). Proxy voting by Members shall not be permitted at any Association meeting or in respect of any matter put to a vote of the Membership by any means.

5.8. A minimum of three (3) General Meetings, exclusive of and additional to the Annual General Meeting, shall be held each academic year.

5.9. Annual General Meeting

5.9.1. The Association shall hold an Annual General Meeting in the Fall of each year.

5.9.2. The Association shall provide Members with at least 30 days' notice of the time and place of the Annual General Meeting.

5.9.3. The annual report of the Association's activities shall be provided to Members at least one week before the date of the meeting.

5.9.4. The agenda for the Annual General Meeting shall include:

5.9.4.1. A written report by the President;

5.9.4.2. A written report by the Elected Councillor assigned by the Elected Council to perform the Duties of Treasurer, including presentation of the audited financial statements;

5.9.4.3. A motion recommending an auditor for the succeeding year;

5.9.4.4. A written report by the Executive Director;

5.9.4.5. Specific Resolutions pursuant to Article 4.6.9;

5.9.4.6. Any other item specified by the Elected Council.

5.10. Special General Meetings

5.10.1. The Elected Council may call additional Special General Meetings at its discretion. Normally, Members will receive 30 days' notice of any Special General Meeting.

5.10.1.1. Where in the opinion of the Elected Council the matters to be discussed at the Special General Meeting must be concluded in less than 30 days, notice for a Special General Meeting may be as little as 48 hours.

5.10.2. Members may not propose Specific Resolutions for consideration or adoption by the Members at a Special General Meeting.

5.11. Academically Employed Graduate Students Meetings

5.11.1. Academically Employed Graduate Students Meetings shall be chaired by the Executive Labour Officer, and shall be conducted pursuant to Policy.

5.12. Minutes of General Meetings

5.12.1. Members shall approve the minutes of a General Meeting at the next General Meeting.

5.12.2. The Association shall provide Members with the unapproved minutes of the meeting when Members receive formal notice of the next General Meeting.

5.13. Protection of Privacy in General Meetings

5.13.1. There shall be no discussions during General Meetings, including the Annual General Meeting and Special General Meetings, that would disclose “personal information” or “personal employee information” as defined in the *Personal Information Protection Act*, of any person, including but not limited to Members or employees of, or contractors to, the Association.

Article 6 — Elected Council

6. The Elected Council

6.1. The Elected Council is comprised of the individuals, elected by and from the Membership of the Association, holding the following seven (7) offices:

6.1.1. President

6.1.2. Vice President

6.1.3. Executive Labour Officer

6.1.4. Executive Academic Officer

6.1.5. Officer at Large (three [3] positions)

6.2. The individuals elected to any of the seven (7) offices comprising the Elected Council are not employees of the Association and perform their duties on a volunteer basis.

6.2.1. Elected Councillors may receive honoraria payments related to their volunteer services pursuant to Policy.

6.2.2. Elected Councillors shall be reimbursed reasonable expenses incurred in the performance of their volunteer services pursuant to Policy.

6.3. Statutorily, the Business of the Association and Affairs of the Association must be managed by the Elected Council pursuant to the *Post-secondary Learning Act* s 95(1)(a). All Representatives, employees of and contractors to the Association, all Committees

created under these Bylaws, and any person authorized to act on behalf of the Association, take direction from the Elected Council.

6.3.1. If the Elected Council is presented with a Student Petition that is determined to be sufficient in accordance with Article 4.9, the Elected Council shall conduct a vote of the Membership on any lawful Resolution pertaining to the Affairs of the Association in its capacity as a student organization. To be clear, no Student Petition containing, or resulting in, anything inconsistent with these Bylaws or the general law will be put to a vote or implemented, and this article does not apply with respect to the Business of the Association.

6.3.2. The Elected Council shall implement, any lawful Resolution resulting from a Student Petition (if passed) pertaining to the Affairs of the Association in its capacity as a student organization.

6.4. The Elected Council is statutorily the corporate “directing mind” of the Association. The Elected Council has no legal status independent of the Association, or at all.

6.5. The Elected Council is the official channel of communication between the Association and the Governors. Subject to its general authority, the Elected Council designates the President or their designate to be the official spokesperson on behalf of the Association.

6.6. The Elected Council is empowered to establish, amend, and disestablish Policies and Procedures, including but not limited to, those that may augment, but not be inconsistent with, these Bylaws. The Elected Council shall establish Policies and/or Procedures respecting the following:

6.6.1. The levy of “Membership Fees”, including their quantum, on Members for maintenance of the Association in its capacity as a student organization.

6.6.2. The charging of “Union Dues”, including their quantum, on Academically Employed Graduate Students in its capacity as a bargaining agent.

6.6.2.1. The Association only collects “Core Dues”, meaning “union dues, assessments or initiation fees” relating to activities referred to in *Labour Relations Code* s 26.1(1)(b);

6.6.2.2. The Association does not collect “Non-core Dues”, meaning “union dues, assessments or initiation fees” relating to activities or causes referred to in *Labour Relations Code*, s 26.1(1)(a); and

6.6.2.3. The Association only uses collected “Union Dues” for “Core Activities”, meaning activities referred to in *Labour Relations Code* s 26.1(1)(b).

- 6.6.3. The Association's role as bargaining agent for Academically Employed Graduate Students shall include a procedure for ascertaining and acting on the wishes of Academically Employed Graduate Students respecting their terms of employment with the Governors prior to each round of collective bargaining.
- 6.6.3.1. Once the Association ascertains the wishes of Academically Employed Graduate Students respecting their terms of employment with the Governors, the Association shall consider the expressed wishes of Academically Employed Graduate Students when acting in its capacity as bargaining agent for Academically Employed Graduate Students, and in fairly representing them in the collective bargaining process.
- 6.6.3.2. The Association shall not enter into any Collective Agreement with the Governors unless and until a Memorandum of Agreement is ratified through a Ratification Vote of only the Academically Employed Graduate Students.
- 6.6.3.3. For clarity, this article does not empower Academically Employed Graduate Students to infringe on the Elected Council's exclusive statutory authority and obligation to manage the Business of the Association.
- 6.6.4. The payment of honoraria payments related to volunteer services of Representatives, and reimbursement of reasonable expenses incurred in the performance of Representatives' volunteer services, pursuant to Policy.
- 6.6.5. Protection of privacy in compliance with the *Personal Information Protection Act*.
- 6.6.6. Workplace safety in compliance with the *Occupational Health and Safety Act*, and the *Alberta Human Rights Act*, and related regulations/codes, addressing workplace hazards including harassment, violence and discrimination, applicable to employees and volunteers of, and contractors to, the Association.
- 6.6.7. Membership Code of Conduct applicable to all Members of the Association, addressing:
- 6.6.7.1. Respectful organizational participation and prohibiting harassment, violence and discrimination between Members within the Association in the conduct of its business and affairs; and
- 6.6.7.2. Expected conduct of Members in Good Standing, and a non-exhaustive list of misconduct inconsistent with these Bylaws or the Objects and interests of the Association that could amount to Grounds for Charges under Article 11 Trials & Charges.

6.7. The President

- 6.7.1. The President is subject to the general authority of the Elected Council.
- 6.7.2. Subject to the general authority of the Elected Council, the President or their designate is the official spokesperson on behalf of the Association.
- 6.7.3. The President or their designate chairs all General Meetings and Elected Council Meetings.
 - 6.7.3.1. The President or their designate shall oversee the development of agendas for General Meetings and Elected Council Meetings.
 - 6.7.3.2. At the President's or their designates discretion, they may delegate meetings process to a professional parliamentarian if they believe that circumstances warrant.
- 6.7.4. Subject to the general authority of the Elected Council, the President or their designate is delegated to manage the Business of the Association and Affairs of the Association between meetings of the Elected Council. When attending meetings and speaking on behalf of the Association, the President or their designate has no authority to bind the Association without express delegated authorization in writing of the Elected Council, which delegated authority may be granted before or after (ratification) meetings.
- 6.7.5. The President or their designate shall oversee the work of any Association committee dealing with or having an impact on the Association's finances or financial well-being, and inform the Elected Council respecting such work.
- 6.7.6. The President or their designate shall perform any duties assigned in Policy, or as otherwise delegated by the Elected Council.

6.8. The Vice President

- 6.8.1. The Vice President is subject to the general authority of the Elected Council.
- 6.8.2. The Vice President shall act as the President (Acting President) in the absence of the President for any reason.
- 6.8.3. Subject to the general authority of the Elected Council, the Vice President shall oversee and coordinate consultations and advocacy between the Association and elected representatives of Municipal, Provincial and Federal governmental bodies,

and any other entity considered appropriate, in advancing the Business of the Association on behalf of its Members.

6.8.4. The Vice President is the Keeper of the Seal of the Association.

6.8.5. The Vice President shall perform any duties assigned in Policy, or as otherwise delegated by the Elected Council.

6.9. The Executive Labour Officer

6.9.1. The Executive Labour Officer is subject to the general authority of the Elected Council.

6.9.2. The Executive Labour Officer is member and chair of The Collective Bargaining Committee and the Grievances Committee.

6.9.3. The Executive Labour Officer is the Association's Occupational Health and Safety Officer.

6.9.4. The Executive Labour Officer shall perform any duties assigned in Policy, or as otherwise delegated by the Elected Council.

6.10. The Executive Academic Officer

6.10.1. The Executive Academic Officer is subject to the general authority of the Elected Council.

6.10.2. The Executive Academic Officer is responsible for overseeing the Association's compliance with its privacy obligations under the *Personal Information Protection Act*.

6.10.2.1. The Elected Council shall appoint an employee of the Association as the Association's Privacy Officer, from time to time.

6.10.3. The Executive Academic Officer is responsible for the Business of the Association with respect to academic issues in its capacity as a student organization.

6.10.4. The Executive Academic Officer shall perform any duties assigned in Policy, or as otherwise delegated by the Elected Council.

6.11. Officer at Large (three [3] Positions)

6.11.1. Officer at Large shall perform any duties assigned in Policy, or as otherwise delegated by the Elected Council.

6.12. The Duties of Treasurer

6.12.1. The Duties of Treasurer shall be assigned to an Elected Councillor by the Elected Council following each election.

6.12.2. The Duties of Treasurer includes:

6.12.2.1. Chairing the Finance & Services Committee;

6.12.2.2. Keeping an accurate record of the financial accounts of the Association and presenting regular reports to the Elected Council on the state of the Association's finances;

6.12.2.3. Preparing an annual budget for the next fiscal year for submission to the Elected Council;

6.12.2.4. Monitoring the work of any Association committee dealing with or having an impact on the Association's finances or financial well-being, and advise the President accordingly;

6.12.2.5. Advising the Elected Council on matters relating to investment and spending policies; and

6.12.2.6. Any other duties assigned in Policy, or as otherwise directed by the Elected Council.

6.13. The Duties of Secretary

6.13.1. The Duties of Secretary shall be assigned to an Elected Councillor by the Elected Council following each election.

6.13.2. The Duties of Secretary includes:

6.13.2.1. Chairing the Governance Committee;

6.13.2.2. Overseeing maintenance of the minutes of meetings of the Association and of the Elected Council;

- 6.13.2.3. Overseeing maintenance of the books and records of the Association; and
 - 6.13.2.4. Any other duties assigned in Policy, or as otherwise delegated by the Elected Council.
- 6.14. Elected Council Meetings
- 6.14.1. The quorum for Elected Council meetings is four (4) members including the President or Vice-President.
 - 6.14.2. Subject to these Bylaws, the Business of the Association and Affairs of the Association shall be conducted through Resolutions passed by simple majority.
 - 6.14.3. Elected Council meetings shall take place as and when called by the President, or by any three Elected Councillors other than the President.
 - 6.14.4. Elected Council meetings shall consider *Robert's Rules of Order Newly Revised* (most recent edition) as a reference and guide concerning questions of procedure.
- 6.15. Protection of Privacy in Elected Council Meetings
- 6.15.1. All discussions in Elected Council meetings that would disclose “personal information” or “personal employee information” as defined in the *Personal Information Protection Act*, of any person including but not limited to Members or employees of, or contractors to, the Association shall be conducted *in camera*.
- 6.16. Member of The Senate of the University of Calgary
- 6.16.1. The Senate of the University of Calgary is a statutory corporation, and a governing entity of the University of Calgary, that consists of its members, one of its members being a Member of the Association appointed by the Elected Council pursuant to the *Post-secondary Learning Act*, s 11(3)(b)(vii).
 - 6.16.2. The Elected Council shall appoint a Member of the Association to be a member of the Senate as required.
 - 6.16.3. Any Member of the Association appointed to be a member of The Senate of the University of Calgary must:
 - 6.16.3.1. Be a Member in Good Standing;
 - 6.16.3.2. Not be a Representative of the Association; and

- 6.16.3.3. Carry out their duties as a member of The Senate of the University of Calgary in good faith, whose statutory duty is to inquire into any matter that might benefit the University of Calgary and enhance its position in the community.
- 6.16.4. A person appointed be a member of The Senate of the University of Calgary under Article 6.16.2 holds office for a term of one year (subject to Article 6.16.5), and is, if otherwise qualified, eligible for reappointment.
- 6.16.5. A person appointed be a member of The Senate of the University of Calgary under Article 6.16.2 ceases to hold office when the member ceases to be a Member of the Association.
- 6.17. Member of The Governors of the University of Calgary
- 6.17.1. The Governors of the University of Calgary is a statutory corporation, and a governing entity of the University of Calgary, that consists of its members, one of its members being a Member of the Association appointed by the Minister pursuant to the *Post-secondary Learning Act*, s 16(3)(d)(v).
- 6.17.2. The Elected Council shall nominate a Member of the Association to be a member of The Governors of the University of Calgary as required.
- 6.17.3. Any Member of the Association nominated to be a member of The Governors of the University of Calgary must:
- 6.17.3.1. Be a Member in Good Standing;
- 6.17.3.2. Not be a Representative of the Association; and
- 6.17.3.3. Act in the best interests of the University of Calgary, in fulfilling their duties as a member of The Governors of the University of Calgary, whose statutory duty includes managing and operating the University of Calgary in accordance with its mandate, and hiring any employees (including Academically Employed Graduate Students) that it considers necessary for the proper conduct of the affairs of the University of Calgary.
- 6.17.4. A Member nominated under Article 6.17.2 and appointed by the Minister to be a member of The Governors of the University of Calgary holds office for a term not exceeding 3 years as prescribed in the appointment (subject to Article 6.17.5), and is eligible to be reappointed for a 2nd or subsequent term if the reappointment would not result in the member serving for a total of more than 6 years.

6.17.5. A Member nominated under Article 6.17.2 and appointed by the Minister to be a member of The Governors of the University of Calgary ceases to hold that office when the Member ceases to be a Member of the Association.

6.18. Member of General Faculties Council

6.18.1. The General Faculties Council of the University of Calgary is a governing entity of the University of Calgary that consists of its members, one of its members being a Member of the Association appointed by the Elected Council pursuant to the *Post-secondary Learning Act*, s 23(c)(ii).

6.18.2. The Elected Council shall appoint a Member of the Association to be a member of the General Faculties Council of the University of Calgary as required.

6.18.3. Any Member of the Association appointed by the Association to be a member of the General Faculties Council of the University of Calgary must:

6.18.3.1. Be a Member in Good Standing; and

6.18.3.2. Carry out their duties as a member of the General Faculties Council of the University of Calgary in good faith, whose statutory responsibility, subject to the authority of The Governors of the University of Calgary, is for the academic affairs of the University of Calgary, including student discipline pursuant to the *Post-secondary Learning Act*, s 31(1).

6.18.4. A person appointed to be a member of The General Faculties Council of the University of Calgary under Article 6.18.2 ceases to hold office when the member ceases to be a Member of the Association.

6.18.5. Members of the General Faculties Council of the University of Calgary that are elected, student members, and persons who are members by virtue of their offices, shall appoint, from the staff and students, in the number and for the terms of office that they determine, further Members of the General Faculties Council of the University of Calgary. Nothing in these Bylaws restricts Members of the Association, including Representatives, from accepting such appointments to the General Faculties Council of the University of Calgary

6.19. Elections under these Bylaws shall occur annually on the third Monday and Tuesday of March pursuant to Policy and Procedures.

6.19.1. The three (3) Officer at Large positions shall be acclaimed if there are three (3) or fewer candidates. Where fewer than three (3) candidates stand for election, the Elected Council shall fill the non-acclaimed positions through appointment. Where greater than three (3) candidates stand for election, the positions shall be filled by the three (3) candidates who receive the most votes.

6.19.2. Except for the Elected Council positions and positions expressly indicated as elected in these Bylaws, not all Representative positions must be filled through elections, in which case the Elected Council is empowered to appoint.

6.19.3. Electees shall take office effective 1 May annually.

6.19.3.1. “Electees” includes individuals acclaimed or appointed to office, as context requires.

6.19.4. A by-election shall be run for any elected position that becomes vacant for any reason on or before 15 December. The Elected Council is empowered to fill elected positions that become vacant for any reason on or after 16 December through appointments. The Elected Council is empowered to fill all non-elected Representative position vacancies, however and whenever caused, through appointments.

6.19.5. The Elected Council shall appoint a Chief Returning Officer to oversee elections processes pursuant to Policy and Procedures.

6.19.6. The Association shall retain a Chief Electoral Officer as necessary, who shall be a present or past member of a law society of a common law provincial or territorial jurisdiction of Canada. The Chief Electoral Officer shall not be any legal counsel retained on behalf of the Association for any other purposes unless their legal retainer ended more than five (5) years before their appointment as Chief Electoral Officer.

6.19.6.1. When retained, the Elected Council delegates to the Chief Electoral Officer general authority over all aspects of Association elections, including but not limited to:

6.19.6.1.1. Advising and directing the Chief Returning Officer;

6.19.6.1.2. Investigating election-related issues;

6.19.6.1.3. Interpreting election-related Policy and Procedures;

6.19.6.1.4. Mediating election-related disputes; and

6.19.6.1.5. Deciding election-related disputes, which decisions are final and binding, subject to the Elected Council’s exclusive statutory authority and obligation to manage the Affairs of the Association.

6.20. The Elected Council shall decide what to do, if anything, in relation to Specific Resolutions passed by Members at General Meetings. The Elected Council's decision and actions, if any, shall be final and binding.

6.20.1. The Elected Council may refer the Specific Resolution to any committees whose mandate includes the subject matter of the Specific Resolution, which committees shall report back to the Elected Council with the results of their investigations and recommendations.

Article 7 — Executive Director, Other Employees, and Contractors

7. The Executive Director, Other Employees, and Contractors

7.1. Executive Director

7.1.1. The Executive Director shall be the senior employee of the Association, selected on the basis of education, experience, or a combination thereof in the following skills:

7.1.1.1. Organizational Governance;

7.1.1.2. Organizational Management;

7.1.1.3. Human Resources Management; and

7.1.1.4. Labour Relations, including collective bargaining, collective agreement administration, and representation of employees in the grievance process.

7.1.2. The Elected Council shall cause the Association to enter into a written contract of employment with the Executive Director, which shall incorporate by reference these Bylaws as amended from time to time.

7.1.3. The Executive Director reports to the President or their designate, and is subject to the general authority of the Elected Council.

7.1.4. The Executive Director directly manages other employees of, and contractors to, the Association, and is employed in a managerial and supervisory capacity with related authority, and in a capacity concerning matters of a confidential nature, and whose duties do not, other than in an incidental way, consist of work similar to that performed by other employees who are not so employed. The Executive Director is not an "employee" for the purposes of the *Labour Relations Code*, and the *Employment Standards Code*, RSA 2000, c E-9, s 14(1)(a), and Part 2 Divisions 3

and 4 do not apply to the Executive Director pursuant to *Employment Standards Regulation*, AR 14/1997, s 2.

- 7.1.5. The Executive Director may attend Elected Council, all Committees, Membership, and any other meetings of the Association as of right, with voice but without vote.
- 7.1.6. Subject to the Elected Council's exclusive statutory authority and obligation to manage the Business of the Association and the Affairs of the Association, the Executive Director is responsible for ensuring that the Business of the Association and the Affairs of the Association are carried out pursuant to these Bylaws and the Policies and Procedures of the Association enacted by the Elected Council, either directly or through delegation to other employees of, or contractors to, the Association.
- 7.1.7. The Executive Director shall support the Elected Council officers with respect to the administration of tasks falling within the authorities of their respective offices.
- 7.1.8. It is intended that the Executive Director shall maintain the continuity of "organizational memory" of the Association, spanning successive Elected Councils.

7.2. Other Employees

- 7.2.1. The Elected Council may cause the Association to hire employees subordinate to the Executive Director to carry out any functions as deemed appropriate by the Elected Council.
- 7.2.2. All employees of the Association shall be employed pursuant to the terms of written contracts of employment between them and the Association, which shall incorporate by reference these Bylaws as amended from time to time. Such employment contracts to be approved by the Elected Council.
- 7.2.3. All employees of the Association other than the Executive Director report to the Executive Director, subject to the Elected Council's exclusive statutory authority and obligation to manage the Business of the Association and the Affairs of the Association.

7.3. Contractors

- 7.3.1. The Elected Council may cause the Association to retain contractors to carry out any functions as deemed appropriate by the Elected Council.
- 7.3.2. All contractors to the Association shall be retained pursuant to the terms of written independent contractor agreements between them and the Association, such independent contractor agreements to be approved by the Elected Council.

- 7.3.3. All contractors to the Association report to the Executive Director, subject to the Elected Council's exclusive statutory authority and obligation to manage the Business of the Association and the Affairs of the Association.

Article 8 — Committees

8. Committees

- 8.1. All Committees are subject to the Elected Council's exclusive statutory authority and obligation to manage the Business of the Association and the Affairs of the Association.

- 8.2. All Committees established under these Bylaws are subordinate bodies within the Association, and they have no legal status independent of the Association, or at all.

8.3. The Collective Bargaining Committee

- 8.3.1. The Collective Bargaining Committee shall be constituted one year prior to the nominal expiry of the Collective Agreement from time to time, and subject to these Bylaws, its members shall hold committee membership until a successor collective agreement is ratified, at which time the Collective Bargaining Committee shall be dissolved until the next round of collective bargaining.

- 8.3.2. The Collective Bargaining Committee shall be comprised of the Executive Labour Officer, the Executive Director, and six Academically Employed Graduate Students elected from and by the Academically Employed Graduate Student Members.

- 8.3.3. The Association's negotiating team (referred-to as the "Negotiating Committee" in the Collective Agreement) shall be four individuals, normally comprised of the Executive Labour Officer, the Executive Director, and two other Collective Bargaining Committee members appointed by the Executive Labour Officer.

- 8.3.3.1. At the discretion of the Elected Council, one of the Association's negotiating team may be a labour negotiations expert retained by the Association, in which case said contractor shall replace one of the four negotiating team members, other than the Executive Labour Officer.

- 8.3.4. The Collective Bargaining Committee shall implement the procedure for ascertaining the wishes of Academically Employed Graduate Students respecting their terms of employment with the Governors prior to each round of collective bargaining pursuant to the procedure established by the Elected Council in accordance with Article 6.6.3.

- 8.3.5. The Elected Council shall establish Policies and Procedures setting out the terms of reference, and operation of the Collective Bargaining Committee.

8.4. The Grievances Committee

- 8.4.1. The Grievances Committee is a standing committee.
- 8.4.2. The Grievances Committee is the intermediate-level decision-making authority with respect to grievance handling, situate between the Executive Director being the initial decision-maker, and the Elected Council being the final decision-maker.
- 8.4.3. The Elected Council shall establish Policies and Procedures setting out the terms and operation of the Grievances Committee.

8.5. Finance & Services Committee

- 8.5.1. The Finance & Services Committee is a standing committee.
- 8.5.2. The Finance & Services Committee provides insights and feedback on budget development, core-services procurement including but not limited to Health and Dental, and the Elected Council being the final decision-maker.
- 8.5.3. The Elected Council shall establish Policies and Procedures setting out the terms of reference, and operation of the Finance & Services Committee.

8.6. The Governance Committee

- 8.6.1. The Governance Committee is a standing committee.
- 8.6.2. The Governance Committee shall develop and review Policies and Procedures related to the Affairs of the Association as directed by, and reporting to, the President or their designate.
 - 8.6.2.1. The President or their designate shall report on the work of the Governance Committee to the Elected Council; and
 - 8.6.2.2. The Elected Council is the ultimate authority on the establishment of Policies and Procedures of the Association.
- 8.6.3. The Elected Council shall establish Policies and Procedures setting out the terms and operation of the Governance Committee.

8.7. *Ad Hoc* Committees

- 8.7.1. The Elected Council may constitute *ad hoc* committees at it deems necessary, and shall establish Policies and Procedures setting out the terms and operation of such *ad hoc* committees.

8.8. External Joint Committees

8.8.1. The Elected Council may appoint Members in Good Standing to serve on External Joint Committees, including but not limited to The Health and Safety Committee and The Joint Committee as contemplated in the Collective Agreement, and such appointments will be made pursuant to Policy.

Article 9 — Financials & Property

9. Financials & Property

9.1. The Association shall retain an auditor from time to time which shall prepare Audited Financial Statements pursuant to Policy.

9.1.1. The Audited Financial Statements shall be presented to the Members at each Annual General Meeting;

9.1.2. The Audited Financial Statements shall be available to Members on request;

9.1.3. The Audited Financial Statements shall be provided to the Governors annually;
and

9.1.4. The Audited Financial Statements shall not contain “personal information” or “personal employee information” as defined in the *Personal Information Protection Act*.

9.2. The fiscal year of the Association shall be 1 April through 31 March annually.

9.3. The Association is empowered to acquire, hold, and dispose of personal property for the purposes that it was established and is continued as a statutory corporation.

9.4. Subject to Article 2.4, the Association may acquire interests in real property by purchase, lease or otherwise and may hold and dispose of it pursuant to Policy.

9.5. The Association is empowered to sue in its corporate name, and is liable to be sued in its corporate name.

9.6. The Association is empowered to contract, and be contracted with, in its corporate name.

9.7. The Association may open, continue, maintain, and close financial accounts at institutions, including but not limited to, banks, credit unions, and treasury branches.

9.7.1. Association financial accounts shall only be held in the name of the Association; specifically: “The Graduate Students’ Association of the University of Calgary”. Subordinate bodies created under these Bylaws do not have the legal capacity to own personal property in their own right;

- 9.7.2. The Association may open and maintain an unlimited number of financial accounts, each designated for different or similar uses;
- 9.7.3. The Association shall not comingle “Membership Fees” with “Union Dues”, or investment income and other income respectively derived therefrom; and
- 9.7.4. Transactions on the Association’s financial accounts shall require two signatures. The signatories are the Elected Councillors and the Executive Director.
- 9.8. The Association is empowered to have a corporate seal and to alter or change it at pleasure.
- 9.9. The Association is empowered to continue, amend or terminate its Health and Dental Services plan pursuant to Policy.

Article 10 — Indemnification

10. Indemnification

- 10.1. Every Representative, and their heirs, executors, administrators and estate shall at all times be indemnified and saved harmless by the Association from and against all costs (including taxed costs and solicitor/client fees), charges, expenses, judgment and liabilities whatsoever, which such Representative may be found liable for as a result of any action, suit, claim, complaint or proceeding which is brought, commenced or prosecuted against such Representative for or in respect of any act, deed, or matter or thing whatsoever made, done, omitted, or permitted by the Representative with respect to the execution of the authorized activities undertaken for the Association, and from and against all other damages, penalties, costs, charges and expenses which the Representative may be found liable for in or about or in relation to their fulfilling their duties on behalf of the Association reasonably, in good faith, and in the best interests of the Association, including negligent errors and omissions, except insofar as they are caused by the Representative’s wilfully bad faith or grossly reckless acts or omissions. Such indemnification shall include reasonable legal defence costs provided that the Association retains and instructs the Representative’s legal defence counsel.
- 10.2. The Elected Council may cause the Association to purchase insurance to provide coverage for Representatives equal to or better than, and in place of, the indemnification (or aspects of it) contemplated in this Article, if available for purchase at a reasonable cost.

- 10.3. For clarity, this Article is not applicable:
- 10.3.1. With respect to a Representative who is respondent to a process initiated pursuant to Article 11 Trials & Charges;
 - 10.3.2. With respect to indemnifying any person's action, suit, claim, complaint or proceeding which is brought, commenced or prosecuted by them against the Association and/or its Representatives; and
 - 10.3.3. With respect to indemnifying any person's defence against any action, suit, claim, complaint or proceeding which is brought, commenced or prosecuted by the Association against them.
- 10.4. Individual members of the Association who do not contravene the provisions of the *Post-secondary Learning Act* are exempted from personal liability for the Association's debts, obligations or acts.

Article 11 — Trials & Charges

11. Trials & Charges

11.1. Rules Concerning Charges

11.1.1. Subject to the other provisions of this process, any Member or Members in Good Standing (the "Complainant(s)") who considers that a Member (including a Representative) has committed an offence amounting to conduct inconsistent with these Bylaws, including but not limited to their Objects ("Ground"), has shown a dereliction of duty, or has shown an inability to perform their duties, may make a "Charge" against the Member (the "Accused"). The Charge shall be submitted to the Elected Council in writing and shall contain the facts on which said Charge is being laid and must be signed by the Complainant(s). The Elected Council may also lay a Charge against a Member or Representative in its own right by passage of a Resolution by two thirds majority. A Charge may include more than one Ground.

11.1.1.1. A Member who crosses an Association picket line to work for the Employer during a lawful strike and/or lawful lockout threatens the Association's legitimate interests and has committed an offence inconsistent with the Objects of these Bylaws; and

11.1.1.2. A Member who has been found guilty of a Charge or Charges where a monetary penalty has been imposed, and who fails to pay it after having been given a reasonable time to do so, has committed a further offence and may be subsequently Charged and Tried.

11.1.2. No Charges laid by Complainant(s) can proceed against an Accused unless it has been authorized by two thirds majority vote of the members of the Elected Council.

11.2. Preliminary Assessment of Charge(s)

11.2.1. The Elected Council, upon receipt of a Charge laid by Complainant(s), or if it verily believes that there are reasonable grounds to lay a Charge in its own right, against a Member or Representative, must take one of the following actions within fourteen (14) calendar days:

11.2.1.1. Review the Charge and, if the Elected Council determines through a Resolution passed by simple majority that the Charge is frivolous, wholly without merit, or cannot be reasonably substantiated or proven, dismiss the Charge without further investigation or hearing. For the purposes of making this determination, the Elected Council shall consider the Complainant(s)' obligation to prove, on a balance of probabilities, the allegations in the Charge; or

11.2.1.2. May delegate an Investigator to investigate the Charge within a reasonable time and who shall be supplied with:

11.2.1.2.1. A copy of the Charges;

11.2.1.2.2. A copy of this Trials & Charges Process;

11.2.1.2.3. Contact information for the Complainant(s) and the Accused and known witnesses; and

11.2.1.2.4. Any other relevant information or documentary evidence; or

11.2.1.3. Advance the Charges to Trial through a Resolution passed by two thirds majority.

11.2.2. Where the Elected Council has chosen to do an investigation under 11.2.1.2 above, then upon receipt of the Investigator's confidential report, the Elected Council shall make a decision, through a Resolution passed by simple majority to preliminarily dismiss the Charges, or passed by two thirds majority to advance the Charges to Trial.

11.2.3. In the case of a Charge or Charges laid by Complainant(s) or the Elected Council against one or more members of the Elected Council, the Executive Director shall cause the Association to retain an individual who shall be a present or past member of a law society of a common law provincial or territorial jurisdiction of Canada to act as "Gatekeeper." The Executive Director shall not act as Gatekeeper.

- 11.2.4. The Gatekeeper shall not be any legal counsel retained on behalf of the Association for any purposes other than to act within the scope of Article 11 unless their legal retainer ended more than five (5) years before their appointment as Gatekeeper.
- 11.2.5. The Gatekeeper shall be reasonably remunerated at the expense of the Association, and shall not be appointed to act as Trial Chair in the same or related matters.
- 11.2.6. The Gatekeeper shall investigate the Charge or Charges within a reasonable time and shall be supplied with:
- 11.2.6.1. A copy of the Charges;
 - 11.2.6.2. A copy of this Trials & Charges Process;
 - 11.2.6.3. Contact information for the Complainant(s) and the Accused and known witnesses; and
 - 11.2.6.4. Any other relevant information or documentary evidence.
- 11.2.7. The Gatekeeper shall produce a confidential report to the Elected Council with:
- 11.2.7.1. Reasons and a conclusion that a Charge is or Charges are either frivolous, wholly without merit, or cannot be reasonably substantiated or proven, or that a Charge has or Charges have a reasonable prospect of success; and
 - 11.2.7.2. A recommendation either that a Charge or Charges be preliminarily dismissed, or that a Charge or Charges be advanced to Trial.
- 11.2.8. If the Gatekeeper's recommendation is that a Charge or Charges be preliminarily dismissed, the Elected Council shall preliminarily dismiss that Charge or those Charges.
- 11.2.9. If the Gatekeeper's recommendation is that a Charge or Charges be advanced to Trial, the Elected Council shall advance that Charge or those Charges to Trial.
- 11.2.10. The Elected Council's decision to either preliminarily dismiss the Charges or to advance the Charges to Trial is final and binding.
- 11.3. Appointment of Trial Chair, Prosecuting Advocate, and Notice of the Trials & Charges Process

11.3.1. Should Elected Council decide to advance a Charge or Charges to Trial, it shall:

11.3.1.1. Appoint a third party, who is not a Member in the Association, to act as the “Trial Chair”, to hold a hearing in procedural compliance with *Labour Relations Code*, s 26. Specifically, the Elected Council or its delegate shall ensure that the Accused is:

11.3.1.1.1. Served personally or by double registered mail with specific Charges in writing; and

11.3.1.1.2. Given a reasonable time to prepare the person’s defence, and is informed of any applicable timelines;

11.3.1.1.3. Advised that they shall be afforded a full and fair hearing, including the right to be represented by counsel (including legal counsel); and

11.3.1.1.4. Appoint a third party, who is not a Member or Representative of, nor the Executive Director of, the Association, to act as Prosecuting Advocate, which will prosecute the Charges on behalf of the Association.

11.3.2. The Appointed Trial Chair shall be a present or past member of a law society of a common law provincial or territorial jurisdiction of Canada. The Appointed Trial Chair shall not be the same individual as the Gatekeeper in the same or related matters. 11.2.4. The Trial Chair shall not be any legal counsel retained on behalf of the Association for any purposes other than to act within the scope of Article 11 unless their legal retainer ended more than five (5) years before their appointment as Trial Chair.

11.3.3. The appointed Trial Chair and Prosecuting Advocate shall be reasonably remunerated at the expense of the Association.

11.3.4. The appointed Trial Chair shall ensure that the Accused is afforded a full and fair hearing, including the right to be represented by counsel (including legal counsel).

11.3.5. If an Accused Member is concomitantly an employee or volunteer of the Association, the Elected Council may, through a Resolution passed by simple majority, place the Accused on a non-disciplinary administrative suspension of duties (and of employment and with pay, if applicable) pending the outcome of the Trials & Charges Process. The decision to impose a non-disciplinary administrative suspension shall be made taking into account the nature of the alleged offence, and the best interests of the Association and its Membership. Where the Elected Council places an employee of the Association on a non-disciplinary administrative suspension of duties with pay pending the outcome of the Trials & Charges Process, such action does not amount to a constructive termination of the employment contract.

11.4. Rules Concerning Proceedings Before the Trial Chair

- 11.4.1. On receipt of the Charge from the Elected Council, the appointed Trial Chair shall convene a hearing no later than four weeks after receipt of the Charge and shall email the notice of the hearing to the Elected Council, the Prosecuting Advocate and the Accused. The Prosecuting Advocate and the Accused shall be given not less than 10 days written notice of the date and place of the hearing.
- 11.4.2. The Trial Chair shall hear and determine the disposition of the Charge with impartiality and shall give the Accused and the Prosecuting Advocate the opportunity to present evidence and arguments.
- 11.4.3. The Trial Chair shall determine their own procedures and without limiting that general authority:
 - 11.4.3.1. May accept oral or written evidence that it considers proper, whether admissible in a court of law or not;
 - 11.4.3.2. Is not bound by the law of evidence applicable to judicial proceedings;
 - 11.4.3.3. Shall follow the rules of natural justice and fair procedure in the conduct of its hearing;
 - 11.4.3.4. Shall allow witnesses to be called and cross-examined;
 - 11.4.3.5. Shall deliberate upon its decision in private, considering only the evidence and submissions raised during the hearing, to reach its decision;
 - 11.4.3.6. May retain legal counsel (at the expense of the Association) to advise them regarding their procedures and practices before and during the hearing;
 - 11.4.3.7. Shall decide whether the hearing is to be held in private;
 - 11.4.3.8. Shall decide where the hearing, in person or virtual, will be held;
 - 11.4.3.9. May refuse any person who is not directly involved in the proceedings the right to attend the hearing;
 - 11.4.3.10. May grant postponements and adjournments;
 - 11.4.3.11. May ask questions of the Prosecuting Advocate, the Accused and witnesses;

11.4.3.12. May proceed in the absence of the Accused if they have been duly notified that the hearing was to be held and expressly or implicitly declined to participate; and

11.4.3.13. Shall maintain order during the hearing.

11.4.4. Records obtained by any person through the Trial procedure shall be maintained confidential, and shall not be used for any purpose other than the Trial process.

11.4.5. Records obtained by any person through the Trial procedure shall be securely destroyed, or returned to their source, within a reasonable time after their use is necessary for proceedings including, and related to or arising out of, the Trial procedure.

11.5. Rights of the Accused

11.5.1. The Accused shall have the right, subject to the provisions of the *Labour Relations Code* and the *Personal Information Protection Act*:

11.5.1.1. To be informed of the specific Charges and be provided a full and complete copy of the Charge and amendments or additions thereto by personal service or double registered mail, and by email;

11.5.1.2. To know the identity of the Complainant(s);

11.5.1.3. To be provided with a copy of any Investigator's report;

11.5.1.4. To be provided with any additional documentary evidence gathered by the Investigator or the Gatekeeper;

11.5.1.5. To call and cross-examine witnesses;

11.5.1.6. To be given a reasonable time to prepare their defence;

11.5.1.7. To be heard; and

11.5.1.8. To self-represent, or to be represented by any person, including legal counsel of their own choosing at their own expense.

11.6. Process

11.6.1. The appointed Prosecuting Advocate shall represent the interests of the Association in the Trial hearing. They shall present the evidence of the Charge at the hearing on behalf of the Elected Council or the Complainant(s) as the case may be, and shall make submissions at the hearing.

- 11.6.2. At the discretion of the Elected Council, legal counsel may be hired (at the expense of the Association) to assist the Prosecuting Advocate to present its case.
- 11.6.3. The Prosecuting Advocate shall provide pre-hearing disclosure of the case, and their written argument that will be presented on behalf of the Elected Council, or the Complainant(s) as the case may be, to the Accused and to the Trial Chair by email at least 5 days prior to the hearing.
- 11.6.4. The Accused shall provide pre-hearing disclosure of their case, and their written argument, that will be presented on their behalf to the Prosecuting Advocate and to the Trial Chair by email at least 5 days prior to the hearing.
- 11.6.5. Each party, on receipt of the other party's disclosure, shall then be entitled to submit their reply arguments to each other and to the Trial Chair by email at least 2 days prior to the hearing.
- 11.6.6. The burden of proof shall be upon the Prosecuting Advocate, and the standard of proof shall be on the balance of probabilities. The hearing format shall be as follows:
- 11.6.6.1. The Prosecuting Advocate may make an opening statement;
 - 11.6.6.2. The Accused may make an opening statement;
 - 11.6.6.3. The Prosecuting Advocate presents their evidence;
 - 11.6.6.4. The Accused presents their evidence;
 - 11.6.6.5. The Prosecuting Advocate presents their rebuttal evidence, if any;
 - 11.6.6.6. The Prosecuting Advocate presents their argument;
 - 11.6.6.7. The Accused presents their argument;
 - 11.6.6.8. The Prosecuting Advocate presents their reply argument; and
 - 11.6.6.9. The Accused presents their surrebuttal argument, if any.
- 11.6.7. The Trial Chair may ask questions throughout the hearing.

11.7. Decision of the Trial Chair & Disciplinary Penalty

- 11.7.1. The Trial Chair shall render a decision, in writing, explaining the rationale for their decision, and will submit it by email within thirty (30) days after conclusion of the hearing to:

- 11.7.1.1. The Accused, and their legal counsel, if any;
- 11.7.1.2. The Complainant(s);
- 11.7.1.3. The Prosecuting Advocate and their legal counsel, if any; and
- 11.7.1.4. The Elected Council.

11.7.2. The Trial Chair shall:

- 11.7.2.1. Find the Accused not guilty of a Charge or the Charges; or
- 11.7.2.2. Find the Accused guilty of a Charge or the Charges (thereafter the “Convicted”).

11.7.3. If the Trial Chair finds Accused guilty of a Charge or Charges, the Elected Council, through a Resolution passed by simple majority, shall render a disciplinary penalty or penalties, which shall be proportionate to the proven offense(s), and without limiting the generality of the foregoing may include:

- 11.7.3.1. Suspension of participatory rights as a Member in the Association, or some of them, for a specific duration. Such participatory rights include, but are not limited to:
 - 11.7.3.1.1. Attending membership Meetings and other Association events;
 - 11.7.3.1.2. Voting on Resolutions or other matters pertaining to the Business of the Association and the Affairs of the Association; and
 - 11.7.3.1.3. Standing for election to, or holding or continuing to hold, a Representative position within the Association, including as an Elected Councillor.
- 11.7.3.2. Suspension from office or position of a specific duration without remuneration from the Association;
- 11.7.3.3. Removal from office for the remainder of the Representative’s term in office;
- 11.7.3.4. Prohibition from being elected to or holding office for a specific duration; and
- 11.7.3.5. A monetary penalty.

11.7.4. The disciplinary penalty cannot include:

11.7.4.1. Suspension of, or expulsion from, Membership in the Association, which is statutorily dictated;

11.7.4.2. Interference with the Member's statutory rights, including but not limited to:

11.7.4.2.1. Academically Employed Graduate Students voting on a formal mediator's recommendations pursuant to *Labour Relations Code*, s 66(3), 68;

11.7.4.2.2. Academically Employed Graduate Students voting on the most recent offer presented to the other party pursuant to *Labour Relations Code*, s 69; and

11.7.4.2.3. Voting in the election of the Elected Council that manages the Business of the Association and Affairs of the Association pursuant to the *Post-secondary Learning Act*, s 95(1)(a).

11.7.4.3. any affect on the Association's duty to fairly represent a Convicted Academically Employed Graduate Student with respect to their rights under the Collective Agreement between the Association and the Employer pursuant to *Labour Relations Code*, 153.

11.7.5. The Trial Chair's guilty or not guilty decision, and the Elected Council's disciplinary penalty decision following a conviction, are final and binding.

11.7.6. Where the disciplinary penalty suspends a Representative from office for a specific duration without remuneration from the Association, and the Representative is also an employee of the Association, the disciplinary suspension of the employee is with just cause.

11.7.7. Where the disciplinary penalty removes a Representative from their role for the remainder of a term in in the role, and the Representative is also an employee of the Association, the disciplinary penalty terminates the employee's employment with just cause.

Article 12 — Bylaws

12. Bylaws

12.1. Subject to Article 2.6 and *Post-secondary Learning Act* s 1.1, the Elected Council may make, amend and unmake bylaws governing the Association pursuant to *Post-secondary Learning Act* s. 95(2).

12.2. Normally, the Elected Council will consult with the Members in Good Standing, and consider those consultations, when making, amending, and unmaking bylaws governing the Association.

12.3. Interpretation

12.3.1. Where interpretation of these Bylaws is required during General Meetings or meetings of Committees, the applicable Chair shall make the initial interpretation, which shall be final in relation to the meeting.

12.3.2. All interpretations of these Bylaws during meetings of the Association shall be recorded in the meeting minutes.

12.3.3. Initial interpretations of these Bylaws may be appealed to the Elected Council pursuant to Policy, whose interpretation shall be final and binding.

12.3.4. References to specific legislation in these Bylaws include amendments thereto, and successor legislation if applicable, and any subordinate legislation created thereunder (regulations and codes).

Article 13 — Dissolution

13. Dissolution

13.1. As the Association is a statutory corporation, it cannot be voluntarily “dissolved”. The Association can only be dissolved through legislative action by the Alberta Legislature, or through an order of the Lieutenant Governor in Council disestablishing the University of Calgary as a public post-secondary institution.

13.2. In the event the Association is dissolved by an act of the Alberta Legislature or through an order of the Lieutenant Governor in Council, the assets and liabilities of the dissolved statutory corporation must be dealt with pursuant to the statutory action of Alberta Legislature (and any regulations promulgated thereunder), or pursuant to the order of the Lieutenant Governor in Council made under the *Post-secondary Learning Act*, s 102(1), as the case may be.

Article 14 — Transitional

14. Transitional

14.1. Upon the initial effective date of these Bylaws on January 22, 2026, the following individuals are deemed elected to the following offices comprising the Elected Council:

14.1.1. Vacant – President

- 14.1.2. Sarah Kromm – Vice President (Acting President)
- 14.1.3. Michelle Hua – Executive Labour Officer
- 14.1.4. Jacob Amengor – Executive Academic Officer
- 14.1.5. Dooshinee Indurjeet – Officer at Large
- 14.1.6. Vacant two (2) Officers at Large
- 14.2. Elections shall be held pursuant to these Bylaws on 16-17 March 2026, with electees taking office effective 1 May 2026.
- 14.3. Until elections are held under these Bylaws, the Elected Council shall appoint Members in Good Standing to fill Representative positions as it deems necessary.
- 14.4. All employees of the Association, including the Executive Director, shall continue to be employees of the Association until such employment ends pursuant to employment contracts and employment law.
- 14.5. Until Policies and Procedures referenced in these Bylaws are established, the Elected Council shall continue to manage the Business of the Association and Affairs of the Association through duly passed Resolutions.
- 14.6. Resolutions passed by the Elected Council on and after 24 February 2025 that are inconsistent with these Bylaws are of no effect to the extent of the inconsistency.