

Regulation Regarding Student Organizations



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Topic:	Student Organizations
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Description: Regulations regarding Student Organizations, their Activities and Finances.

1. PREAMBLE

1.1 The objects and purposes of York University under the York University Act, 1965, are the advancement of learning, the dissemination of knowledge, the intellectual, spiritual, social, moral and physical development of its members, and the betterment of society. York University believes that student organizations play an important role in advancing these purposes. Student organizations promote learning, growth, and civic responsibility among those who conduct and participate in their activities, and thereby serve the interests of their fellow students. As well, student organizations contribute to the educational, recreational, social or cultural quality and diversity of life on campus.

- 1.2** The relationship between York University and student organizations is governed by the principle that their activities and their financing of student activities must be conducted in an Open, Accessible, Democratic, Non-Discriminatory and Legally and Financially Responsible manner. These conditions are necessary for the objects and purposes of York University to be advanced, and for all students to enjoy the freedom to associate and express themselves through student organizations. Where student organizations act consistently with this principle, York University will support their ability to communicate, explore and debate ideas, organize and use its facilities for lawful purposes, distribute materials on campus, and engage in peaceful demonstrations. York University will not deny privileges to a student organization simply on account of its beliefs or procedures, unless those beliefs or procedures are contrary to the foregoing principle or lead to activities that are contrary to it.
- 1.3 The privileges extended by York University to student organizations under this Regulation are based upon the observance and assumption of certain procedures and responsibilities, which give effect to the governing principle outlined above. These privileges may be denied or withdrawn if the procedures or responsibilities in this Regulation are neglected or not fulfilled.
- 1.4 Legal powers and responsibilities conferred by the York University Act, 1965 on the President and the Board of Governors in relation to student organizations, activities and finances prevent the full devolution of authority onto student organizations. However, the President's and Board of Governors' respective powers and responsibilities should be exercised so far as is legally and practically possible in a manner consistent with the governing principle described in section 1.2 above. The Vice-Provost, Students, acting on behalf of the Board of Governors and the President, will support and advance this governing principle.

2. Purpose and Jurisdiction

- 2.1 This Regulation is made by the President pursuant to section 13(2)(c) of the York University Act, 1965, and by the Board of Governors on the recommendation of the President pursuant to sections 10 and 13(2)(g) of the York University Act, 1965, in order to govern student organizations, their activities and finances.
- 2.2 This Regulation sets forth the privileges and obligations of student organizations in order to ensure that their activities and their financing are conducted in an Open, Accessible, Democratic, Non-Discriminatory and Legally and Financially Responsible manner, so that the objects and purposes of York University may be advanced.

3. Definitions and Concepts

- 3.1 **Definitions.** For the purposes of this Regulation, the following terms have the meanings given to them below:

“Associate Membership Agreement” means an agreement, between a Recognized Central Student Government and a Recognized Student Organization, that provides the members of the Student Organization with associate membership in the Recognized Central Student Government.

“Constituency” means the entire eligible membership of a Student Organization as set out in its Governing Documents.

“Governing Documents” means: (a) in the case of a Student Organization that is an unincorporated association, the Constitution of a Student Organization as described in Schedule C; and (b) in the case of a Student Organization that is incorporated, amalgamated or continued under the Corporations Act, R.S.O. 1990 (the **“CA”**), c. C.38, Not-for-Profit Corporations Act, 2010, S.O. 2010, c.15 (the **“NFPCA”**) or comparable legislation, the letters patent, supplementary letters patent, articles of

incorporation/amalgamation/continuance, by-laws and extraordinary or special resolutions of the Student Organization, as the case may be.

“Law” means all applicable statutes, rules, orders, ordinances, and regulations of all governmental authorities.

“Levy” (or **“Levies”**) means a fee that has been approved in accordance with section 10 of this Regulation, and which the University adds to the financial account of every student member of a Student Organization and then remits to the applicable Student Organization in its discretion.

“Privileges” means the privileges set out in section 8 of this Regulation.

“Recognition” means the University’s formal acknowledgement of a Student Organization as eligible to receive Privileges in exchange for compliance with this Regulation. **“Recognize”** means acknowledge formally as eligible to receive Privileges in exchange for compliance with this Regulation. **“Recognized”** means having this University recognition.

“Representative” for the purposes this Regulation means a representative of the University responsible for the enforcement of this Regulation and includes:

- (a) For a Central Student Government, the Provost or designate;
- (b) For a Faculty Student Government, or a College Student Government, the Vice-Provost, Students or designate; and
- (c) For a Student Club, the Director of Student Engagement or designate.

“Reviewing Office” has the meaning given to it in section 13.1 of this Regulation.

"Student Club" means a voluntary, membership-driven organization that is dedicated to a particular interest or activity for a specific Constituency. Recognized Student Clubs may have access to Privileges.

"Student Government" means a body representing all undergraduate or graduate students, or all students in a Faculty or College (respectively, a "Central Student Government", a "Faculty Student Government", or a "College Student Government"). A Student Government is normally concerned with a broad array of activities, including representation of the interests of those students in discussions with the academic and administrative authorities of the University, a Faculty, or a College. Recognized Student Governments may have access to Privileges.

"Student Organization" means a Student Government or a Student Club, but does not include the York University Student Centre Incorporated. A Recognized Student Organization must either be an unincorporated association, or an entity incorporated, amalgamated or continued as a corporation under the CA, the NFPCA or comparable legislation.

"University Legislation" means all legislative texts enacted under the York University Act, 1965, directly or through delegated authority, such as but not limited to:

The Code of Student Rights and Responsibilities

The Human Rights Policy and Procedures

The Policy on Alcohol and Cannabis Use and Procedures

The Policy on Posters

The Senate Policy on Computing and Information Technology Facilities

The Statement of Policy on Free Speech

The Temporary Use of University Space Policy and Procedures

and other Guidelines, Policies, Procedures, and Rules.

3.2 Concepts. The following concepts to which Student Organizations are to adhere are explained in Schedule D:

“Open”, “Accessible”, “Democratic”;

“Non-Discriminatory”;

“Financial Responsibility” (or “Financially Responsible”); and

“Legal Responsibility” (or “Legally Responsible”)

4. Recognition of Central Student Governments

4.1 Recognition of Central Student Governments. The University may Recognize a Central Student Government.

4.2 Continuance of Central Student Governments. The Recognition of a Central Student Government as of the latest effective date of this Regulation is continued unless and until such time as Recognition is withdrawn under sections 11 and 12. Central Student Governments continued at the enactment of this Regulation are:

(a) **Undergraduate:** The York Federation of Students (YFS) as the Central Student Government for all undergraduate students; and

(b) **Graduate:** The York University Graduate Students' Association (YUGSA) as the Central Student Government for all graduate students.

4.3 A Recognized Central Student Government includes, represents and is accountable to all students enrolled in an undergraduate or graduate program of study at York University.

4.4 Every student is, upon enrolment in an undergraduate or graduate program at the University, a member of, and pays a Levy to, a Recognized Central Student Government, either as a full member, or as an associate member where the

student is a member of a Recognized Student Organization with an Associate Membership Agreement pursuant to 4.5.

4.5 A Recognized Central Student Government must define and provide associate membership through an Associate Membership Agreement to categories of Recognized Student Organizations whose members are beneficiaries of some of its activities but unable to participate in its affairs because of the location of their studies or other anomalous conditions. Furthermore:

- (a) The Centre for Student Community & Leadership Development (“**SCLD**”) will act as a resource to facilitate Associate Membership Agreements; and
- (b) Allocations and/or (re)distribution of student Levy fees must be approved by the SCLD.

4.6 Only one Central Student Government may be Recognized for students registered in undergraduate programs and only one Central Student Government may be Recognized for students registered in graduate programs.

4.7 In the event of there being no Recognized Central Student Government for undergraduate students or none for graduate students, students from the relevant Constituency may seek to establish a Central Student Government for Recognition as follows:

Step 1 Serve on the Vice-Provost, Students a notice of intent to establish a Central Student Government for Recognition.

Step 2 Meet with the Vice-Provost, Students to receive directions, and guidelines to conduct Steps 3-4, below, including but not limited to as to the appropriate referendum question(s).

Step 3 Obtain, through a petition, the consent of no less than 10% of the students enrolled as undergraduate students or graduate students, as the case may be, and submit the results to the Vice-Provost, Students.

Upon receipt of the results of the petition, the Vice-Provost, Students will determine whether the petition was properly conducted according to the directions and guidelines and is, therefore, valid. If the Vice-Provost, Students determines that the petition is invalid, they may require that the petition be redone or terminate the process. If the Vice-Provost, Students determines that the petition is valid, they will invite students to proceed to Step 4.

Step 4 Conduct, in accordance with the *Guidelines and Procedures for the Conduct of Student Referenda* at York University and using the University's electronic voting system or a comparably secure system to which the Vice-Provost, Students has given prior approval in writing, a referendum of students who would constitute the Recognized Central Student Government's members and submit the results to the Vice-Provost, Students. If petitions to Recognize more than one Central Student Government are submitted and determined to be valid, the referendum conducted under Step 4 must reflect that in the choice it puts to the students. In the event of multiple petitions, a preliminary referendum must be held on whether to Recognize any Central Student Government at all, and if it succeeds, a second referendum must be held to select which one of the candidate Central Student Governments will be Recognized. Upon receipt of the results of the referendum, the Vice-Provost, Students will determine whether it was properly conducted according to the *Procedures for the Conduct of Student Referenda* and is, therefore, valid. If the Vice-Provost, Students determines that the referendum is invalid, they may require that the referendum be redone or terminate the process. If the Vice-Provost, Students determines that the referendum is valid, they will certify the referendum result.

Step 5 In the case of a Central Student Government that is an unincorporated association, submit to the Vice-Provost, Students a draft Constitution

that complies with Schedule C to this Regulation and that has been approved by a majority of the Central Student Government's members. Upon receipt of the draft Constitution, the Vice-Provost, Students will determine whether it complies with this Regulation. If the Vice-Provost, Students determines that the draft Constitution is non-compliant, they may require that the draft be amended and resubmitted, as many times as is necessary to make the draft Constitution compliant. If the Vice-Provost, Students determines that the draft Constitution is compliant, they will recommend to the President that the Central Student Government be Recognized.

In the case of a Central Student Government that is incorporated, amalgamated or continued under the *CA*, the *NFPCA* or comparable legislation, submit to the Vice-Provost, Students all Governing Documents. Upon receipt of the Governing Documents, the Vice-Provost, Students will determine whether they are consistent with this Regulation. If the Vice-Provost, Students determines that any aspects of the Governing Documents which are not mandated by legislation (including the corporate objects or governance processes of the Central Student Government) are inconsistent with the concepts of Openness, Accessibility, Democracy, Non-Discrimination and Legal and Financial Responsibility in this Regulation, they may request that the Governing Documents be amended and resubmitted as many times as is necessary to make the Governing Documents consistent. If the Vice-Provost, Students determines that the Governing Documents are consistent with this Regulation, they will recommend to the President that the Central Student Government be Recognized.

Step 6 Upon receiving the recommendation from the Vice-Provost, Students, the President will normally grant Recognition to the Central Student Government.

4.8 In the event of there being a Recognized Central Student Government for undergraduate students or for graduate students, students from the relevant level may put forward a petition seeking to replace its Recognition with that of another Central Student Government, following the same procedure as in section 4.7 with any necessary modifications.

5. Recognition of Faculty Student Governments

5.1 Recognition of a Faculty Student Government. The University may Recognize a Faculty Student Government.

5.2 Continuance of Faculty Student Governments. The Recognition of a Faculty Student Government Recognized as of the latest effective date of this Regulation is continued unless and until such time as Recognition is withdrawn under sections 11 and 12.

5.3 A Recognized Faculty Student Government includes, represents and is accountable to all students enrolled in programs within that Faculty at York University.

5.4 Every student is, upon enrolment in a Faculty at the University, a member of, and pays a Levy to, the Recognized Faculty Student Government of that Faculty.

5.5 Only one Faculty Student Government may be Recognized per Faculty.

5.6 As of the Approval Date of this Regulation, Recognized Faculty Student Governments are those listed in Schedule A.

5.7 Students in any Faculty without a Recognized Faculty Student Government may seek to establish a Faculty Student Government for Recognition, as follows:

Step 1 Serve on the Vice-Provost, Students a notice of intent to establish a Faculty Student Government for Recognition.

- Step 2** Meet with the Vice-Provost, Students to receive directions, and guidelines to conduct Steps 3-4, below, including but not limited to as to the appropriate referendum question(s).
- Step 3** Obtain through a petition, the consent of no less than 10% of the students enrolled in the Faculty to seek, in their name, to establish a Faculty Student Government for Recognition and submit the results to the Vice-Provost, Students. Upon receipt of the results of the petition, the Vice-Provost, Students will determine whether the petition was properly conducted according to the directions and guidelines and is, therefore, valid. If the Vice-Provost, Students determines that the petition is invalid, they may require that the petition be redone or terminate the process. If the Vice-Provost, Students determines that the petition is valid, they will invite students to proceed to Step 4.
- Step 4** Conduct, in accordance with the *Guidelines and Procedures for the Conduct of Student Referenda at York University* and using the University's electronic voting system or a comparably secure system to which the Vice-Provost, Students has given prior approval in writing, a referendum of students enrolled in the Faculty and submit the results to the Vice-Provost, Students. If petitions for more than one Faculty Student Government have been submitted and determined to be valid, the referendum conducted under Step 4 must reflect that in the choice it puts to the students. In the event of multiple petitions, a preliminary referendum must be held on whether to Recognize any Faculty Student Government at all, and if it succeeds, a second referendum must be held to select which one of the candidate Faculty Student Governments will be Recognized. Upon receipt of the results of the referendum, the Vice-Provost, Students will determine whether it was properly conducted according to the *Procedures for the Conduct of Student Referenda* and is, therefore, valid. If the Vice-Provost, Students determines that the referendum is invalid, they may require that the

referendum be redone or terminate the process. If the Vice-Provost, Students determines that the referendum is valid, they will certify the referendum result.

Step 5 In the case of a Faculty Student Government that is an unincorporated association, submit to the Vice-Provost, Students a draft Constitution that complies with Schedule C to this Regulation and that has been approved by a majority of the Faculty Student Government's members. Upon receipt of the draft Constitution, the Vice-Provost, Students will determine whether it complies with this Regulation. If the Vice-Provost, Students determines that the draft Constitution is non-compliant, they may require that the draft be amended and resubmitted, as many times as is necessary to make the draft Constitution compliant. If the Vice-Provost, Students determines that the draft Constitution is compliant, they will recommend to the President that the Faculty Student Government be Recognized.

In the case of a Faculty Student Government that is incorporated, amalgamated or continued under the CA, the NFPCA or comparable legislation, submit to the Vice-Provost, Students all Governing Documents. Upon receipt of the Governing Documents, the Vice-Provost, Students will determine whether they are consistent with this Regulation. If the Vice-Provost, Students determines that any aspects of the Governing Documents which are not mandated by legislation (including the corporate objects or governance processes of the Faculty Student Government) are inconsistent with the concepts of Openness, Accessibility, Democracy, Non-Discrimination and Legal and Financial Responsibility in this Regulation, they may request that the Governing Documents be amended and resubmitted as many times as is necessary to make the Governing Documents consistent. If the Vice-Provost, Students determines that the Governing Documents are

consistent with this Regulation, they will recommend to the President that the Faculty Student Government be Recognized.

Step 6 Upon receiving the recommendation from the Vice-Provost, Students, the President will normally grant Recognition to the Faculty Student Government.

5.8 In the event a new Faculty is created, the Vice-Provost, Students may give notice to students in the new Faculty of the steps to seek Recognition of a new Faculty Student Government under section 5.7.

5.9 In the event of there being a Recognized Faculty Student Government for any Faculty, students in that Faculty may put forward a petition seeking to replace its Recognition with that of another Faculty Student Government, following the same procedure as in section 5.7 with any necessary modifications.

6. Recognition of College Student Governments

6.1 Recognition of a College Student Government. The University may Recognize a College Student Government.

6.2 Continuance of College Student Governments. The Recognition of a College Student Government Recognized as of the effective date of this Regulation is continued unless and until such time as Recognition is withdrawn under sections 11 and 12.

6.3 Students in any College without a Recognized College Student Government may seek to establish a Recognized College Student Government in the manner set out in sections 4.7 and 5.7, modified so that the students who may sign the petition and vote in the referendum are only those who are affiliated with that College. Upon receiving the recommendation from the Vice-Provost, Students, the President will normally grant Recognition to the College Student Government.

- 6.4** A Recognized College Student Government includes, represents and is accountable to all undergraduate students affiliated with that College at York University.
- 6.5** Every undergraduate student enrolled in a program offered at the Keele Campus is affiliated with a College at the University upon enrolment, and becomes a member of, and pays a Levy to, the Recognized College Student Government of that College.
- 6.6** Only one College Student Government may be Recognized per College.
- 6.7** As of the Approval Date of this Regulation, Recognized College Student Governments are those listed in Schedule B.
- 6.8** In the event of there being a Recognized College Student Government for any College, students in that College may put forward a petition seeking to replace it with another College Student Government, following the same procedure as in sections 4.7 and 5.7 with any necessary modifications.

7. Recognition of Student Clubs

- 7.1 Recognition of Student Clubs.** Student Clubs are formed by Students to pursue and contribute to the educational, recreational, social, or cultural quality and diversity of life on campus. The University may Recognize a Student Club.
- 7.2 Continuance of Student Clubs.** The Recognition of a Student Club Recognized as of the effective date of this Regulation is continued unless and until such time as Recognition is withdrawn under sections 11 and 12, or the Student Club fails to seek or obtain the annual renewal of its Recognition under section 7.12.
- 7.3** All Student Clubs seeking Recognition must successfully submit to SCLD a completed Student Club Application that demonstrates compliance with the following requirements:

- (a) It provides the Student Club's contact information;
- (b) It provides the names, student numbers, and email addresses of 15 currently registered York University students who are members of the Student Club. At any time, SCLD can require the Student Club to produce a list of 15 currently registered York University students who will be contacted by SCLD and asked to attest that they are active members of the Student Club;
- (c) It confirms that the Student Club's executives and 80% of the Student Club's members are currently registered York University students. Because academic departments vary in size there is no minimum number of members required for an academic Student Club but they are still required to submit a membership list;
- (d) It identifies any non-York members of the Student Club. York alumni are non-York for the purpose of this requirement and the Student Club must confirm that its non-York members are non-voting members;
- (e) It specifies any Departmental/College/Faculty affiliations;
- (f) It confirms that there are two signing officers and provides the personal contact information for each of them. Signing officers must be currently registered York University students throughout their term as signing officers. Student Club Recognition will lapse automatically for as long as this requirement is not met. Reinstatement will be at the discretion of SCLD. No student may be a signing officer for two or more Student Clubs simultaneously. This does not preclude a student who is a signing officer for one Student Club from being an executive or officer of another Student Club, provided they do not have signing authority in both roles;
- (g) It provides the Student Club's up-to-date Governing Documents, even if these have been provided in previous years;

- (h) For a renewing Student Club, it provides a copy of the most recent election meeting minutes confirming that there has been a democratic procedure for change in leadership as well as ratification of the new executive leaders;
- (i) Also for a renewing Student Club, it provides a copy of the Student Club's most recent bank statement if it has a bank account;
- (j) It provides the signed agreement of the signing officers to ensure that the Student Club abides by the *York University Act, 1965*, University Legislation, this Regulation and its Governing Documents; and
- (k) The Student Club must also acknowledge that York University does not insure or indemnify the Student Club, its members or any third parties with whom the Student Club interacts.

7.4. Where any information provided in the Student Club Application is insufficient, the Student Club will be asked to provide more details to SCLD.

7.5 SCLD reserves the right to refuse a Student Club's request for Recognition on one or more of a number of grounds including:

- (a) It fails to meet the requirements in this Regulation;
- (b) In the case of a Student Club that is an unincorporated association, it does not have a Constitution which complies with Schedule C, or in the case of a Student Club that is incorporated, amalgamated or continued under the *CA*, the *NFPCA* or comparable legislation, any aspects of the Governing Documents which are not mandated by legislation (including the corporate objects or governance processes of the Student Club) are inconsistent with the governing principle that Student Organizations' activities and their financing of student activities must be conducted in an Open, Accessible, Democratic, Non-Discriminatory and Legally and Financially Responsible manner;

- (c) It appears that the Student Club's objectives are so similar to the objectives or programming of an existing Student Club or University department that, in the opinion of the Manager, Student Life, SCLD there would not be sufficient differentiation between the proposed club and that which is already in existence;
- (d) There is a reasonable basis for the Director, Student Engagement, to conclude that the proposed Student Club:
 - (i) is seeking Recognition to avoid the impact of a suspension or other discipline or sanctions imposed on another Student Club with similar objectives or membership; or
 - (ii) may be acting as an agent or conduit for a group, organization or other third party external to the University to increase its clientele or promote its business or cause.

7.6 All academic Student Clubs that are dedicated to an interest or activity for the Constituency of a specific Faculty Student Government must be affiliated with the relevant academic program or major Faculty at the university. When seeking Recognition, academic Student Clubs must obtain prior approval of the specific academic department or Faculty before moving forward with registration.

7.7 All religion and faith-based Student Clubs must be members of the Inter-Faith Council (IFC) of York University. Recognition of religion and faith-based Student Clubs is not based on principles of faith or substantive beliefs but rather on willingness to comply with the requirements of the Inter-Faith Council, including the Three Pillars of Tolerance, and whether similar clubs currently exist at the university.

7.8 All sport-related Student Clubs must go through an additional review procedure conducted by the Athletics & Recreation department to determine the necessary precautions and documentation needed for the club to be Recognized.

- 7.9** If Recognition is denied, the Student Club may appeal this decision by providing a written statement to SCLD explaining why it believes the grounds for refusal are incorrect: for example, it has met these rules, its objectives are unique, its intended membership is distinct and it can differentiate its objectives or programming from those of an existing club or university department. This appeal will be reviewed by the Vice-Provost, Students who will make a final determination as to whether the denial of Recognition stands or whether the Student Club may be Recognized.
- 7.10** If Recognition is granted, the executives and signing officers of the Student Club must complete the Student Clubs 101 Orientation Session offered during the then current Student Clubs registration period. The final Student Clubs 101 Orientation Session will take place after the Student Clubs Application deadline has passed to ensure last-minute submissions have a chance to attend the session. Failure to meet this requirement will void Recognition without resort to and notwithstanding the procedures in sections 11-13 of this Regulation.
- 7.11** If Recognition is granted, the executives and signing officers of the Student Club must also complete training modules on the use of additional resources at the University. Failure to meet this requirement will void Recognition without resort to and notwithstanding the procedures in sections 11-13 of this Regulation.
- 7.12** Student Club Recognition expires annually on September 30. Recognized Student Clubs are required to annually renew their Recognition no later than the second Tuesday in October by completing the procedures set out in section 7.3 within one year from the date on which their Recognition was granted or last renewed, subject to any extension of this timeline by SCLD. In the event such a Student Club fails to seek renewed Recognition within the timeframe for so doing, all Privileges granted to the Student Club including their YU Connect page, email account and website, will be considered inactive and may be disabled by the University.
- 7.13** Student Clubs may not use the name of “York” or “York University” in their official name but may identify that the Student Club is “at York” (e.g. “Chess Club at York”,

which may be abbreviated to “CCY” but not “YCC”). Exceptions to this must have received prior written consent of York University pursuant to the Brand Stewardship Policy and Guidelines.

7.14 The Vice-Provost, Students will publish a list of Recognized Student Clubs annually.

8. Privileges of Recognized Student Organizations

8.1 Subject to compliance with this Regulation, availability and appropriate agreements with the University, the University may at its discretion grant to Recognized Student Organizations, in accordance with Law and University Legislation, any or all of the following Privileges:

- (a) Use of the University electronic voting system for Recognized Student Governments;
- (b) Student Levies in accordance with section 9.
- (c) Financial and in-kind University grants or donations;
- (d) University-hosted email addresses and website URLs;
- (e) University office space;
- (f) Use of University space and facilities including tabling space;
- (g) University classroom technology;
- (h) Membership contact information for the purpose of direct electronic communication, subject to a privacy agreement in the form defined by the Vice-Provost, Students; and
- (i) Support coordinated through the Vice-Provost, Students or designate such as support for: training, resources, guidance and events.

9. Levies for Recognized Student Organizations

9.1 A Recognized Student Organization may seek the establishment, amendment or cancellation of a Levy from its Constituency as follows:

Step 1 Deliver to the Vice-Provost, Students proof of operation for no less than two academic years, together with a notice of its intent to seek the establishment, amendment, or cancellation of a Levy.

Step 2 Meet with the Vice-Provost, Students or designate to receive directions and guidelines to conduct Steps 3 and 4, below.

Step 3 Obtain, through a petition, the consent of no less than 10% of its Constituency and submit the results of the petition to the Vice-Provost, Students. Upon receipt of the results of the petition, the Vice-Provost, Students will determine whether the petition was properly conducted according to the directions and guidelines given in Step 2, and is, therefore, valid. If the Vice-Provost, Students determines that the petition is invalid, they may require that the petition be redone or terminate the process. If the Vice-Provost, Students determines that the petition is valid, they will invite students to proceed to Step 4.

Step 4 Conduct, in accordance with the *Guidelines and Procedures for the Conduct of Student Referenda at York University* and using the University's electronic voting system or a comparably secure system to which the Vice-Provost, Students has given prior approval in writing, a referendum of students who would be subject to the Levy and submit the results to the Vice-Provost, Students. Upon receipt of the results of the referendum, the Vice-Provost, Students will determine whether it was properly conducted according to the *Procedures for the Conduct of Student Referenda* and is, therefore, valid. If the Vice-Provost, Students determines that the referendum is invalid, they may require that the referendum be redone or terminate the process. If the Vice-Provost,

Students determines that the referendum is valid, they will recommend to the Provost that the Levy be established, amended or cancelled as the case may be. The Provost will normally submit the recommendation to the Board of Governors for approval.

- 9.2** Student Organizations with no Levy funding are not precluded from charging members modest membership fees and/or reasonable cost recovery charges to finance the Student Organization's activities. Information about all membership fee rates and benefits associated with membership must be publicly available.

10. Obligations of Recognized Student Organizations

- 10.1** A Recognized Student Organization must:

- (a) Conduct itself in an Open, Accessible, Democratic, Non-Discriminatory and Legally and Financially Responsible manner, including with respect to its formation, operation, funding and financial affairs;
- (b) For Student Organizations in which student membership is mandatory or that receive a Levy, conduct elections at least once each academic year; such elections must be conducted through the University's electronic voting system, or a comparably secure system to which the Vice-Provost, Students has given prior approval in writing;
- (c) Submit to the University by July 1 annually, or from time to time at the University's request, and in the format and by the date as may be required by the University from time to time, the following documents, that the University will publish:
 - (i) A current list of the names, titles, and email addresses of each officer, including the treasurer or equivalent;
 - (ii) A current list of the names, titles and email addresses of each officer with signing authority;

- (iii) A copy of the most up-to-date Governing Documents;
 - (iv) A copy of its financial statements for the preceding fiscal year (May 1 to April 30). In the case of Student Organizations in which membership is mandatory or that receive a Levy, where the gross revenue for the fiscal year exceeded \$40,000 (including Levy and non-Levy) the Student Organizations must provide audited financial statements from a certified auditor. In the case of Student Organizations whose financial statements show gross revenue for the fiscal year was \$40,000 or less (including Levy and non-Levy), the Student Organizations must provide a Review Engagement Report prepared by a licensed public accountant. A Student Club without a Levy is exempt from this requirement but must provide a copy of its most recent bank statements;
 - (v) A document signed by each officer acknowledging the organization's obligation to comply with all University Legislation; and
 - (vi) Any additional document or information that the University deems, at its sole discretion, to be necessary to verify compliance with the Regulation and University Legislation;
- (d) Apply for and obtain approval from the Vice-Provost, Students or designate prior to incorporating, amalgamating or continuing under the CA, the *NFPCA* or comparable legislation, so that York University may satisfy itself that any aspects of the Governing Documents which are not mandated by legislation (including the corporate objects or governance processes of the Student Organization), are consistent with the concepts of Openness, Accessibility, Democracy, Non-Discrimination and Legal and Financial Responsibility in this Regulation;

- (e) Notify the Vice-Provost, Students or designate within 14 days following any change in its Governing Documents and any change in its officers including officers with signing authority;
- (f) Not divert its funds to purposes inconsistent with the Student Organization's purpose, objects or Governing Documents;
- (g) Not engage in activities that are essentially commercial in nature, such as, but not limited to:
 - (i) Providing goods and/or services for profit; or
 - (ii) Engaging in an activity or function on behalf of a third party commercial organization that is contributing promotional goods or services but is not contributing direct sponsorship of activities that are consistent with an essential purpose or purposes of the Student Organization; and
- (h) Have and adhere to policies and procedures to address real, potential, or apparent conflicts of interest, including with respect to awarding of contracts to, acceptance of gifts by, payments made to, or other benefits provided to officers, employees, members and persons who are related by family, marriage or other personal relationship to any officer, employee or member.

11. Non-compliance By Recognized Student Organizations

11.1 Recognized Student Organizations that do not comply with any part of this Regulation may face sanctions for breach of this Regulation.

11.2 When the University has reason to believe that a Recognized Student Organization:

- (a) Has not, or may not have, operated in an Open, Accessible, Democratic, Non-Discriminatory or Legally or Financially Responsible manner; or
- (b) Is in breach of any agreement with the University;

the University may provide written notice of any suspected breach to the Student Organization through the Centre for Student Community Leadership Development. The University may stay further proceedings under this Regulation until after the internal complaint process of the Student Organization has been exhausted, or a reasonable period of time for exhausting it has elapsed, other than in exceptional circumstances.

11.3 The Centre for Student Community Leadership Development will prepare the written notice in the case of any suspected breach by any Recognized Student Organization. The notice will include the following information:

- (a) The nature of the suspected breach;
- (b) What the Student Organization is required to do, either to demonstrate that a breach has not occurred or to remedy the breach;
- (c) The date for compliance with paragraph (b);
- (d) The terms of any interim measures, such as suspension or withdrawal of Privileges, that the Representative deems appropriate, the reasons for those interim measures, and the date on which they take effect;
- (e) The date for delivery of submissions by the Student Organization in response to any interim measures imposed, and any format requirements for such submissions;
- (f) The potential consequences for failure to comply with any requirements under paragraph (b) by the date provided under paragraph (c), which may include sanctions until there is compliance; and

(g) That the suspected breach will be addressed in either a written or oral hearing, based upon the Representative's assessment of the complexity of the suspected breach and the severity of potential consequences.

11.4 The Representative will conduct a written or oral hearing in accordance with the principles of procedural fairness before making a determination whether the Recognized Student Organization has been and/or remains in breach of this Regulation. The hearing shall be conducted by a Representative who was not involved in investigating the suspected breach or in preparing and providing the written notice of it.

11.5 In conducting a hearing, the Representative may consult with members of the *Student Representative Roundtable* or other student organization(s) as appropriate in the opinion of the Representative. Such consultations are strictly confidential.

11.6 The Representative will issue their decision which will include written reasons for their determination of whether the Recognized Student Organization has been and/or remains in breach of this Regulation.

11.7 At any point prior to a determination, the Representative may suggest alternative dispute resolution processes on such terms as they consider appropriate having regard to the nature of the suspected breach.

12. Sanctions Applicable to Recognized Student Organizations

12.1 If the Representative determines that a Recognized Student Organization is or remains in breach of this Regulation they will provide the Student Organization with a period of 7 days from the date of their decision to deliver written submissions on sanctions should the Student Organization wish to do so.

- 12.2** In determining a sanction proportionate to the breach, the Representative will first consider any written submissions on sanctions from the Recognized Student Organization and any mitigating and aggravating circumstances.
- 12.3** Sanctions imposed on the Recognized Student Organization may include one or more of the following:
- (a) The suspension or revocation of one or more Privileges, except as already provided under subsections (c)-(e) below;
 - (b) The requirement to participate in a remedial or educative process;
 - (c) The suspension, in whole or in part, for a reasonable period of the transfer of Levies to the Student Organization on such terms as the Representative determines appropriate, after which the University may decide, in its discretion, either to proceed to transfer the levies to the Student Organization or to refund the Levies to the students who paid them;
 - (d) The termination of the collection of any Levies; and
 - (e) The withdrawal of Recognition of the Student Organization.
- 12.4** The Representative will issue their decision which will include written reasons for their determination of sanctions.
- 12.5** The sanction in section 12.3(c) takes immediate effect on an interim basis subject to approval by the Board of Governors after any review process in section 13 of this Regulation has been exhausted. If the Board does not approve the sanctions, the University must as soon as reasonably possible arrange to account for and transfer the Levies to the Recognized Student Organization.
- 12.6** In any case in which the sanction in sections 12.3(d) or 12.3(e) is imposed which involves the termination of the collection of any Levies, such termination will not

take effect unless and until it is approved by the Board of Governors after the review process in section 13 of this Regulation has been exhausted.

- 12.7** Continued non-compliance after a determination of breach of this Regulation, or failure to comply with sanctions imposed, may give rise to notice of subsequent suspected breach and may also be an aggravating factor considered in determining sanctions for a subsequent breach.

13. Review Process for Non-Compliance and Sanctions Decisions

- 13.1** A Recognized Student Organization that has been determined to be in breach of this Regulation or that has been sanctioned for such a breach under sections 11 and 12 may request a review of that decision on grounds of jurisdiction, bias or other procedural irregularity. The review will be conducted through the University Office to which the Representative reports, by individuals other than the Representative who were not involved in investigating the suspected breach or in preparing and providing the written notice of it ("**Reviewing Office**").

- 13.2** Except in the circumstance described in 13.4, a Recognized Student Organization may request a review pursuant to section 13.1 by submitting a written request for review to the Reviewing Office, with a copy to the Representative, within 7 days of the date on which the decision was issued to the Student Organization under section 11.6 or 12.4. The written request for review will include: the grounds upon which the review is sought, and the evidentiary basis for the review. The Representative will forthwith submit a copy of the documentation in their file to the Reviewing Office.

- 13.3** The Reviewing Office will, as soon as possible and in any event no later than 21 days after the submission of the request for review, communicate the name of the reviewer to the Recognized Student Organization along with a proposed timeline for the review. The Reviewing Office's determination of the review will be issued to the Student Organization in writing as soon as possible and in any event no later than 60 days after the request for review was submitted.

13.4 Where the Representative is the Provost or designate, a Student Organization may request a review of the decision by submitting a written request for review to the President, with copy to the Provost or designate, within 7 days of the date on which the decision was issued to the Student Organization under sections 11.6 or 12.4. The written request for review will include: the grounds upon which the review is sought, and the evidentiary basis for the review. The Representative will forthwith submit a copy of the documentation in their file to the President.

13.5 In the case of a review requested under section 13.4, the President may:

- (a) Conduct the review personally, in which case the President's determination of the review will be issued to the Student Organization in writing as soon as possible and in any event no later than 60 days after the request for review was submitted; or
- (b) Direct that the review be conducted by an independent reviewer and promptly communicate that to the Student Organization. The President will appoint the independent reviewer as soon as possible and in any event no later than 21 days after of the submission of the request for a review and will promptly communicate the name of the reviewer to the Student Organization along with a timeline for the review. The independent reviewer will submit recommendations to the President. The President's determination will be informed by the recommendations made by the independent reviewer and will be made and communicated to the Student Organization in writing as soon as possible and in any event no later than 60 days after the independent reviewer was appointed.

13.6 The Reviewing Office may sustain, amend or rescind the Representative's decision.

13.7 The determination of the Reviewing Office on review of a decision under this Regulation is final, subject to any required approval by the Board of Governors under sections 12.5-12.6.

14. Review of this Regulation

14.1 This Regulation will be reviewed at least once every five years after its effective date. In addition, the section(s) of this Regulation that address Recognition of new Student Organizations will also be reviewed at an appropriate time after the opening of the new multi-Faculty Markham Campus, allowing for input from students from that newly established campus and other appropriate Student Governments.

14.2 The Vice-Provost, Students will initiate and oversee the review process which will include consultation with students, representatives of Student Organizations, faculty, staff and other community members.

15. Coming into Force

15.1 This Regulation will have full force and effect from January 1, 2023.

16. Short Title

16.1 This Regulation may be cited as the Regulation Regarding Student Organizations.

SCHEDULE A
to Regulation Regarding Student Organizations
Recognized Faculty Student Governments

*[NOTE TO DRAFT: TO BE UPDATED AS OF THE BOARD APPROVAL DATE OF THIS
REGULATION]*

Creative Arts Students Association
Environmental and Urban Change Students' Association
Faculty of Education Students' Association
Faculty of Health Student Caucus
Graduate Business Council
Lassonde Student Government
Legal and Literary Society of Osgoode Hall Law School
Student Council of Liberal Arts & Professional Studies
Undergraduate Business Society

SCHEDULE B
to Regulation Regarding Student Organizations
Recognized College Student Governments

*[NOTE TO DRAFT: TO BE COMPLETED AS OF THE BOARD APPROVAL DATE OF
THIS REGULATION]*

Bethune College Council
Calumet College Council
Founders College Student Council
Glendon College Student Union
McLaughlin College Council
New College Council
Stong College Student Government
Vanier College Council
Winters College Council

SCHEDULE C

to Regulation Regarding Student Organizations

Constitutional Requirements for Recognized Unincorporated Student Organizations

The Regulation Regarding Student Organizations advances the objects and purposes of the *York University Act, 1965* and the freedom of students to associate and express themselves through Student Organizations by requiring that Recognized Student Organizations conduct their activities and their financing of student activities in an Open, Accessible, Democratic, Non-Discriminatory and Legally and Financially Responsible manner. York University's interest in the Constitution of Recognized Student Organizations reflects this governing principle. In keeping with this, as a condition of Recognition, a Student Organization that is an unincorporated association must develop and continuously maintain a Constitution that is approved by a majority of its members and that complies with the following requirements. Student Organizations that are incorporated, amalgamated or continued under the *CA*, the *NFPCA* or comparable legislation are not required to possess such a Constitution, as the provisions of those statutes and associated regulations, and the Governing Documents required under them, already generally require the Student Organization to conduct their activities and their financing of student activities consistent with the governing principle.

- 1. Interpretation:** The Constitution must describe whose interpretation is authoritative. Example: *The Council of _____ shall be the sole authority for the interpretation of the Constitution. The Council shall, however, make all determinations of construction and interpretation with due regard to accepted rules of procedure, e.g. Roberts Rules of Order. The Speaker of the Organization, subject to an appeal to the Council, is generally the first source for interpretation of the Constitution.*

- 2. Objects:** The Constitution must clearly state the objects of the Student Organization and these must match the published corporate objects in the Governing Documents if the Student Organization is a corporation. Such statements of objects must be consistent with University regulations, policies, procedures, guidelines and federal and provincial laws, including the Ontario *Human Rights Code*. If they are not consistent, the Student Organization will be in breach of this Regulation until the inconsistency is corrected.
- 3. Powers:** The Constitution must clearly state the powers accorded to the Organization, its members and elected representatives, i.e., members of the Council (or Board of Directors, as the case may be), members of the Executive and members of any standing committees. Such powers must be exercised in a manner that is consistent with the published Objects of the Student Organization.
- 4. Membership-Constituency:** The Constitution must clearly define constituency and criteria for membership.
- 5. Membership Criteria for Council, Executive and Standing Committees:** The Constitution must clearly define criteria for Council membership, Executive membership and standing committee membership. These criteria must include: (a) qualifications for membership; (b) maximum terms of office; (c) procedures to deal with vacancies; and (d) the responsibilities and privileges associated with membership. Such criteria must be consistent with the Ontario *Human Rights Code*. Where a salary is paid by the Student Organization, there must be a job description for the role (see 15, below). Definitions of full vs. associate memberships should be included if applicable. (Example: “The voting members of Council are: the President, the Vice-President of Finance,...”.)
- 6. Duties of Members:** The Constitution must clearly describe the duties of all members of Council and/or of elected representatives. Job descriptions should also be included. (see 11, below). (Example: The duties of the President are ..., the duties of the Secretary are ..., the duties of the Senators are..., etc.)
- 7. Associate Membership:** The Constitution may, and in the case of a Central Student Government must, provide for associate membership for categories of Recognized

Student Organizations who are beneficiaries of some of its activities but unable to participate in its affairs because of the location of their studies or other anomalous conditions.

- 8. Conflict of Interest:** As per section 10.1(h) of this Regulation, the Constitution must address the issue of conflict of interest for members of the Executive, Council, standing committees, and/or members of advisory/management boards (see 17, below).
- 9. Election Procedures:** The Constitution must prescribe annual election procedures by which positions will be filled, and procedures for dealing with vacancies in executive positions. These procedures must clearly: (a) assign responsibility for calling elections; (b) require the advertising of elections in a manner that ensures that members will have ample opportunity to participate (c) require the use of the University's electronic voting system, or a comparably secure system to which the Vice-Provost, Students has given prior approval in writing; and (d) appoint a trained Chief Returning Officer (CRO) to approve election results and either challenge, or respond to and resolve challenges to, elections procedures and/or results. A job description for the CRO must also be provided and published to the members. Descriptions of nomination procedures, definitions of eligibility to vote, to run for office, campaign guidelines (expenses) and ballot and polling procedures must also be stipulated.
- 10. Procedures of Council:** The Constitution must include provisions for the following Procedures of Council: (a) frequency of meetings; (b) who has responsibility for calling and for chairing meetings and setting the agenda; (c) how notice for meetings will be given; (d) how much notice is required for meetings (e) who has voting privileges at meetings; (f) procedures for proxy voting (if desired); (g) a procedure to deal with tie votes; and (h) quorum requirements for all orders of business, including but not limited to meetings of Council and meetings of the Elected Officials.
- 11. Financial Responsibility:** The Constitution must exhibit Financial Responsibility by identifying: (a) the fiscal year; (b) positions with signing authority; (c) who is to strike the budget; (d) what steps are required before the budget is approved; (e) the

percentage of votes needed to approve the budget; (f) who is to maintain the financial records of the organization; (g) who is to prepare financial reports and make them available to members; and (h) who is responsible for financial reporting to the University. The Constitution must also indicate how any residual funds or debts are to be treated in the event that a Student Organization is not expecting to be continued past the end of the current year.

12. Committees: The Constitution must create and describe all standing committees, including: (a) their terms of reference; (b) who may serve and vote on them; (c) any ex officio members; (d) quorum requirements; (e) responsibilities; and (f) reporting requirements.

13. Amendment Procedures: The Constitution must include fair amendment procedures, stating how much notice is required for members to introduce proposed changes to the Constitution and/or by-laws; and quorum, voting procedures and voting requirements for such proposals. The Constitution must permit 10% or more of the relevant student members to propose an amendment to any Constitutional provision (unless that is incompatible with another provision of this Regulation). If such a proposal is made it must then be put to a majority vote at a duly constituted meeting of the members of the Student Organization.

14. External Affiliations: If necessary, the Constitution should include descriptions of any affiliations and/or jurisdictional relationships. (Example: membership in outside organizations such as Canadian Federation of Students.)

15. Employees: The Constitution must include job descriptions for all employees of the organization or otherwise identify where these are located and made accessible to members. Descriptions should indicate employees' responsibilities and terms of employment, as well as who has responsibility for hiring, supervising and disciplining employees.

16. Custodian of the Constitution: Each funded Student Organization must designate an official "Custodian of the Constitution" for purposes of continuity between elected officials and for ensuring timely review and reporting regarding the Constitution. Where appropriate, a member of the Division of Students, Dean's or Head's staff

could fulfill this role. If the group has permanent employees, one of their own staff members may be charged with this custodial role.

17. Advisory/Management Boards: Student Organizations that own and operate small businesses on their own behalf on a non-profit basis, such as pubs, coffee shops, newspapers, games rooms, etc., must establish advisory/management boards to oversee these operations in an appropriate arms-length relationship to the businesses. To the extent possible, advisory/management boards must be composed of a combination of students, staff, faculty and alumni who can lend their respective expertise and perspectives to the Student Organization. Conflict of interest guidelines must be adhered to when selecting members of these advisory/management boards.

18. Allegations of Wrongdoing & Disciplinary Action: Along with the requirement for an internal complaints process (see 19, below) the Constitution must prescribe formal procedures for dealing with allegations of wrongdoing against any member of the Council, the Executive or a standing committee. Provisions must include the circumstances which might dictate disciplinary action (such as censure, suspension, or impeachment) and indicate whose responsibility it will be to hear allegations and/or impose sanctions. Provisions for replacing elected officials (by-elections) if and when vacancies occur must also be included. Such hearing processes must be conducted fairly, ensuring that the party facing the allegations has a fair and timely opportunity to present their own defence, and that the allegations are investigated or adjudicated by one or more unbiased student members of the Student Organization.

19. Internal Complaints Process: Student Organizations must adopt and publish on their website or other digital location a detailed and accessible internal process for addressing complaints about any aspect of their organization and its activity.

20. Accessibility of Documentation: Student Organizations must publish their meeting dates, agendas, motions, meeting minutes, Governing Documents, budgets and financial statements in a manner that may easily be accessed by their members (e.g. website, public social media accounts, YU Connect page).

SCHEDULE D
to Regulation Regarding Student Organizations
Characteristics of Concepts

1. Open, Accessible and Democratic

Openness, Accessibility and Democracy are broadly accepted ideals applicable to many community-based organizations. There is no single definition of what constitutes an Open organization, an Accessible one, or a Democratic one. The terms are inter-related, take on meaning depending on the context, and may vary by the size, scope and mandate of an organization. They may evolve as organizations and the expectations of their members change. For a Student Organization to be considered Open, Accessible and Democratic, the following attributes tend to apply.

The criteria listed below are not absolute, since they are meant to describe general standards in accordance with which Student Organizations, ranging in size and budget from very small to the very largest, should act. This Regulation acknowledges that organizations will choose various means to act in an Open, Accessible and Democratic way, and that variations in the application of these principles are to be expected.

Accessible Student Organizations are characterized by many of the following:

- Willingness and demonstrated desire to integrate both new members into the group, and the activities demonstrating same
- In the case of voluntary groups, an environment that seeks out and welcomes new members, with clearly articulated and publicly available criteria regarding how to join
- Commitment to, and actually encouraging and facilitating participation of all members in the full scope of the organization's activities
- Transparency about what the activities are
- Openness to scrutiny
- Commitment to, and acting and communicating in accordance with the principles of diversity, equity and inclusion for all members

- Commitment to, and ensuring, clarity in communications
- Commitment to, and allowing and facilitating a diversity of perspectives to be heard
- Fair processes for members to initiate change

Democratic Student Organizations are characterized by many of the following:

- Openness to the participation of members in all activities
- Effective and clearly identified channels of communication between members and the Executive
- Transparency and accountability to the membership, including but not limited to budgeting and expenditures
- Transparent management
- Commitment to, and actually considering and respecting the range of members' views whether majority or minority in nature
- Ensuring that those affected by decisions have an actual voice in processes leading to decisions
- Ways for dissent, and for complaints, to be considered and resolved and, where appropriate, processed at successively higher levels within the organization
- Ability of all members to stand for executive positions
- Impartial and fair elections processes that allow members to participate easily as both voters and candidates, including the provision of an arms-length chief returning officer for elections

Open Student Organizations are characterized by many of the following:

- Widely available information on the organization's operations, membership, finances and mandate
- Transparency about rules of operations
- Willingness to freely share information about the organization with members
- Clear and transparent membership criteria

- Commitment to ensuring that meetings, events and activities of the organization are communicated to the membership in such a way that members are able to participate fully in such meetings, events and activities
- Commitment to ensuring that members' voices and perspectives whether expressed individually or by a group, can be heard and, if appropriate, acted upon

2. Non-Discriminatory

Non-Discriminatory means free from harassment, prejudice, inequality and discrimination based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, religion, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. To be Non-Discriminatory a Student Organization must, among other things, treat all of its members equally in regards to, without limitation, its activities, corporate decisions, statements, and resolutions.

3. Financially Responsible (or Financial Responsibility) is characterized by the following:

- Making its budget and financial statements available to all of its members at all times
- Directing its funds only to the purposes required to achieve its Objects and in accordance with its Governing Documents, University Legislation including the requirements of this Regulation, and in compliance with Laws
- Compliance with section 11 of Schedule C

4. Legally Responsible (or Legal Responsibility) is characterized by the following:

- Compliance with Law, the *York University Act, 1965*, University Legislation, this Regulation, Governing Documents and any applicable judicial precedents, court orders or orders of administrative tribunals (including those acting pursuant to the *York University Act, 1965*, University Legislation and this Regulation).