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*From the office of the...*

## Vice-President (Finance) & CFO

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TO: Student Representative Assembly  
FROM: Ryan MacDonald, Vice President (Finance)  
SUBJECT: Bylaw 4 Changes  
DATE: March 2, 2017

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Student Representative Assembly,

The following change has been made, pending your approval, to Bylaw 4 Section 7 RECALL:

- 7.1 Grounds for recall shall be:
  - 7.1.1 Failure to make reasonable attempts to carry out the duties of office or obey the policies of the MSU as outlined in the Constitution, bylaws, or other official documents of the MSU;
  - 7.1.2 Using the position held in contravention of the legitimate rights and interests of constituents.
- 7.2 Recall of the President shall follow the procedures set forth in the Constitution;
- 7.3 Recall of a Vice-President shall follow the SRA recall procedures as set forth in clause 7.5 of this bylaw, with a two-thirds affirmative vote of the total membership of the SRA required at the preliminary and recall hearings;
- 7.4 Recall of any other office appointed or ratified by the SRA shall follow the SRA recall proceedings as set forth in clause 7.5 of this bylaw, with a two-thirds affirmative vote of the Assembly present at the preliminary and recall hearings;
- 7.5 SRA recall proceedings, in accordance with the Constitution, shall:
  - 7.5.1 Begin with a preliminary hearing held at an SRA meeting in closed session to determine the merits of the motion to recall;
  - 7.5.2 Proceed upon an open-session vote immediately following the preliminary hearing to continue with a recall hearing, which shall be automatically initiated at the next SRA meeting with at least 10 days notice;
  - 7.5.3 **With respect to Vice Presidents, finish with a recall hearing held in open session, which must address all evidence relevant to the**

recall proceedings, and which shall conclude with a vote to recall the individual in question;

7.5.4 With respect to any other office appointed or ratified by the SRA, finish with a recall hearing held in closed session, which must address all evidence relevant to the recall proceedings and which shall conclude with an open session summary of the discussion and open session vote to recall the individual in question

7.5.5 Not proceed unless reasonable attempts have been made to ensure the subject of the recall proceedings is present at the preliminary and recall hearings.

This amendment was made to ensure the privacy and professionalism for recalling positions that are employees of the MSU. While the Speaker and Commissioners have a role to play with respect to the governance of the organization, from a corporate human resources point of view, they do not have control over the actions of the organization and in my view should not be subject to the same level of scrutiny that a Vice-President role should as a member of the Board of Directors. This change ensure we are protecting the corporate interests of the MSU by shielding the organization from accusations of wrongful termination under the grounds of libel, slander or emotional distress by making the contents of the recall hearing public and subsequently live streamed to students. From an accessibility standpoint, the concept of disclosure without consent for students with disabilities is a major concern.

While I recognize the implications of not making students aware of the discussion surrounding the recall of a commissioner role or the speaker, I believe an open session summary and vote are sufficient, while the contents of a closed session hearing can remain private to protect the individual in questions privacy. For Vice-Presidents who may be subject to a recall hearing, I believe as a Director of the Corporation, an open session hearing is appropriate.

If you have any questions please let me know,

A handwritten signature in black ink, appearing to read "Ryan MacDonald". The signature is stylized and cursive.

Ryan MacDonald  
Vice President (Finance)  
[vpfinance@msu.mcmaster.ca](mailto:vpfinance@msu.mcmaster.ca)