

Senate Meeting, May 10, 2016

Discussion Item: Process by which a Constitutional Amendment will be passed

CBC discussed Section 9.0 of the Constitution with the intention of developing a formal interpretation for the Senate.

The issue: must all three electorates vote on proposed amendments to the Senate Constitution in order for those amendments to be approved? Or are amendments considered approved once the GF votes yes and any other electorate (AS or Staff Council) approves?

1. On a vote of 4-1 the committee interpreted Section 9.0 as follows: all electorates must be given the opportunity to vote on proposed amendments to the Constitution before they can be considered approved.
2. CBC felt that this interpretation was more in the spirit of shared governance than allowing an amendment to pass without one of the electorates expressing its viewpoint.
3. The committee also cited the second clause of Section 9.0 as requiring a vote of all electorates. That clause states: "Senate-approved proposals to amend this Constitution shall then be forwarded to the General Faculty, Associated Students, and Staff Council for a vote." The term "Shall" is prescriptive in our Constitution and therefore requires the proposed amendments be voted on by all three electorates.
4. The committee acknowledged that this interpretation leaves open the possibility that an electorate could delay a proposed amendment to the Constitution by never taking up the proposed amendment in their agenda. Thus we recommend that the Senate consider amending Section 9.0 to establish a timeline for voting on amendments.