

## **REFERENDUM FOR MEMBERSHIP**

### **Presented March 31<sup>st</sup>, 2011**

To be voted on: April 28<sup>th</sup> Membership Meeting, 5-7pm. Voting will also be available on the concourse Wednesday, April 27<sup>th</sup> and April 28<sup>th</sup> (times to be announced).

This referendum proposes a change to the way that the bylaws are changed. The Steering Committee and the Stewards Assembly both approved presenting this referendum to the membership. Below is a summary of the changes, the language proposed, and a frequently asked questions section. Membership is asked to vote to approve or reject the proposed language as it stands. That is, there will be no changes to the language of this referendum. Members must approve or reject the referendum as it is currently worded.

**A summary of the proposed changes:** Essentially, this referendum proposes removing the requirement that the bylaws take up two membership meetings. Instead, the proposed bylaw changes will be made available online well in advance to a membership meeting and subject to a comment period of at least ten days as well as a public meeting held by the Bylaws Committee. This comment period will allow the Bylaws Committee to create final language for the proposed bylaw change, which will then be posted at least ten days in advance of a membership meeting. This referendum proposes that members should be able to vote on the proposed bylaws change even if they cannot attend a membership meeting. Finally, this referendum proposes that, as long as enough members voted, that bylaws changes can be approved at a membership meeting even if the membership meeting does not have quorum.

**The specific language proposed by the Steering Committee and the Steward's Assembly. If approved, this language will replace the current language in the bylaws that governs changing the bylaws (Article 16):**

In order to change a bylaw, the Bylaws Committee must first post the proposed change(s) online for at least a ten-day (including weekends and holidays) comment period. GEO leadership and staff must notify membership by email that the change(s) are available online. Membership will have the opportunity to submit comments and concerns by email to the Bylaws Committee. Second, the Bylaws Committee must have a public meeting after the comment period has ended. This will allow members with strong feelings or those who do not like email to discuss the proposed change(s) with the Bylaws Committee. The Bylaws Committee will consider the comments from membership and present the final version of the proposed bylaw change(s) online at least ten days before a membership meeting. Once the final version of the bylaw change(s) has been posted, the following holds true:

- The language of the proposed bylaw cannot be changed. The change must be voted up or down by the membership.
- The Elections Committee, the GEO leadership and staff, and the Bylaws Committee will make voting available for members outside of the membership meeting for at least six hours over at least three days.
- The Elections Committee is responsible for counting the final votes.
- Voting will also occur during the membership meeting.

- In order for an amendment to be adopted, the following two things must be true: a) the total number of votes must exceed quorum for the year; b) two-thirds of the members who voted must approve the amendment. That is, even if the membership meeting does not have quorum, the amendment can still be adopted.
- If the bylaw change is voted down, the Bylaws Committee may continue trying to pass the proposed change. However, in order to do so, the Bylaws Committee must start the process over. That is, the proposed bylaw change must undergo a comment period, a public meeting to discuss appropriate changes, and the new language must be posted at least ten days before the next meeting.
- If the votes do not meet or exceed the number needed for quorum, the Bylaws Committee may continue trying to pass the proposed changed. In this case, the proposed language does not need to undergo an additional comment period, but the vote must be re-done in its entirety.

The Bylaws Committee may propose language for a bylaw change to a comment period in the last few weeks of the spring semester of a given academic year. However, the proposed bylaw change must be voted on in either the first or second membership meeting of the fall semester. Furthermore, the final draft of the proposed bylaw change cannot be posted before the first day of the semester. That is, the final draft of the bylaw change must be posted for at least ten days during the semester before it can be voted in a membership meeting. In the event of confusion about the rules regarding changing the bylaws, the Steering Committee is empowered to interpret the bylaws governing changing the bylaws (Article 16), subject only to the authority of the Stewards Assembly and membership as outlined in the bylaws.

## FREQUENTLY ASKED QUESTIONS

**1. What do the bylaws currently say about changing the bylaws?** Article 16 outlines the way that bylaws can currently be changed (see point 8 below). The short version is that changing a bylaw requires two membership meetings. In the first meeting, the changes are proposed and discussed. Then, the Bylaws Committee takes the recommendations of the members from the first meeting and adjusts the changes to the bylaws. At the second meeting, these changes are voted on by the membership.

**2. What's the problem with the current system?** Essentially, the issue is that the process is cumbersome, ineffective, and actually seems to exclude members from participating. First, attendance at membership meetings can shift significantly from meeting to meeting. People who attend the 1<sup>st</sup> meeting of a bylaws change often cannot attend the 2<sup>nd</sup> meeting or vice versa. This makes it difficult to achieve continuity in regards to assessing the bylaws changes. Second, for those members who are new, the extended discussion about the bylaws at two meetings in a row can be off-putting. Third, any member who cannot attend the meetings cannot vote on the bylaws language. Fourth, the current system placed a great burden on the members who attend the bylaws-focused membership meeting, asking them to become experts on the bylaws in the space of a meeting. Fifth, the process of changing the bylaws is so slow and cumbersome that we have a significant backlog of needed changes. Many of these changes are technical rather

than substantive (see point 10). The proposed referendum seeks to address the weaknesses in the current method for changing the bylaws.

**3. What are the rules for referendum?** A referendum may be brought by any individual body of GEO (Steering, Steward's, the membership) and must be made available ten days before the membership meeting. The referendum may specify that the language cannot be changed (necessitating an up or down vote). An individual body can, with sufficient votes, bring a referendum to the membership. The membership then votes on the referendum; a majority vote is all that is needed to pass a referendum.

**4. According to the rules, can we use a referendum to change how the bylaws are changed?** No, technically the bylaws already specify how bylaws are changed. What we are proposing is breaking our own bylaws once in order to make it easier to make changes that allow the union to function smoothly.

**5. Won't breaking the bylaws cause problems?** This is why it is so important that all of the various bodies be in agreement about the use of the referendum to address the bylaws changes. We don't want to make a habit of breaking the rules that allow us to govern democratically and transparently. At the same time, the primary goal of this proposed change to the bylaws is to increase democratic access to the process of changing the bylaws, not decrease it. Steering and the Stewards Assembly are the second and third highest bodies at GEO and both voted to approve this referendum. Membership is the highest voting body at GEO and the only one who can make this referendum official.

#### **6. Factors we considered:**

- How do we streamline the bylaws process without making it too easy to change the rules? We don't want it to be so easy to change the bylaws that the rules are changed at every membership meeting but we also want it to be *possible* to change the bylaws.
- How can we create a clear timeline for the bylaws process that takes into consideration the flow of the academic year? What do we do about the fact that we break for three months in the summer?
- What happens if we don't get quorum at the membership meeting where the bylaws are to be voted on?
- How do we make sure as many people as possible can vote on the proposed bylaws changes? How long should voting be available on the concourse?
- How do we make sure that the language stays the same (so people can vote outside of meetings) while also making sure the members have had a chance to comment on the proposed changes?
- How do we make sure there is an opportunity for public discussion of the strengths and weaknesses of a particular proposed change?
- Should the Bylaws Committee have more enumerated responsibilities?
- What's the most effective way to use online resources?
- Should the Steering Committee have oversight? The Elections Committee? Stewards? The Bylaws Committee?

## **7. Below are a few examples of the technical issues in need of clarification in the bylaws:**

- 1) Several times over the past few years, a GEO president has resigned part way through the year. There is no language in the bylaws to address such an incident. For example, should the Vice President become the new president and an election for a new VP be held? Or should we hold an election to bring in a new individual, who may or may not have experience as GEO staff or leadership, to be president part way through the year?
- 2) What happens if an election is held for an empty position (e.g. Treasurer) but quorum is not met at the membership meeting? Does this mean that the Treasurer position remains empty even if all of the other requirements for an election are met? Does this mean that the votes that were collected on the campus concourse (i.e. outside of the membership meeting) count for nothing?
- 3) The language outlining the staff evaluations is so vague it is almost useless. First, two committees have evaluative power over the staff. The Steering Committee has “oversight of the staff” (Article 6) but it is not at all clear what that means. The Personnel Committee is expected to conduct staff evaluations every year and these staff evaluations are to be used in future hiring decisions (Article 9, part 10). And yet, it is unclear if the Personnel Committee can (or should) confer with the Steering Committee, leadership, or the local representative when evaluating staff. Without conferring with these other groups, how is the Personnel Committee assess whether or not a staff member has met their obligations? The bylaw language around the evaluations is also vague regarding how these evaluations should be used in future hiring. It is the Steward’s Assembly that makes the final decisions regarding hiring; the Personnel Committee only makes recommendations. If the Personnel Committee recommends against someone being hired based on a staff evaluation, does the Steward’s Assembly have the right to see the staff evaluation? On the one hand, staff evaluations are private and not to be shared. On the other hand, how is the Steward’s Assembly to know that the recommendation on the part of the Personnel Committee is fair?

## **8. Specific Language From the Bylaws:**

### **Article 16: Bylaws**

A. These bylaws may be amended by presenting a motion in writing setting forth the amendments sought to a Membership meeting. The motion shall be read at that meeting and referred to the Bylaws Committee which will report with a drafted amendment to the next Membership meeting. A notice of the drafted amendment must contain a description of the particular bylaw amendments that will be considered. If approved by two-thirds of the Membership vote at this succeeding meeting, the amendment shall be adopted.

B. Only full members and associate members in good standing may vote on changes to the Bylaws. No changes may contradict any provision of this Bylaws, including any subsequent Amendments.

**Article 17:** F. Referendum questions must be presented in writing at a Steering Committee Meeting with the signatures of at least one-tenth of the membership, the signatures of one-half of the Stewards, or the signatures of two-thirds of the members of the Steering Committee, no later than ten calendar days before the next Membership meeting. The Steering Committee shall place the referendum on the agenda for the next membership meeting and distribute written copies of the referendum within three working days after the referendum is presented to the Steering Committee. Referenda may specify that they may not be amended. If this specification is made, they must be voted on in the form they are written and originally presented.

**Article 9, part 11. By-Laws Committee**

All GEO members are invited to meetings of the By-Laws Committee. The responsibility of the by-laws committee is to try to achieve broad consensus about procedures in GEO, to educate people holding positions in GEO about their rights and duties according to the bylaws and established practices and to resolve, on the basis of consensus, conflicts related to the bylaws.

The bylaws committee has the right and the duty to give recommendations on:

- (a) Changes of the by-laws, from general concepts to final drafts
- (b) Disputes over interpretations or implementations of the by-laws
- (c) Conflicts between actual procedures and procedures as outlined in the by-laws