

## **Memorandum of Understanding Federation of Students Societies Agreement**

The Federation of Students and the herein named Undergraduate Student Societies enjoy a rich tradition of supporting and advocating for undergraduate students at the University of Waterloo. The Federation, and its constituent Societies, exist to empower, represent and serve all of the University's full-time undergraduate students. It is with the best interests of all of these stakeholders that the Societies and the Federation undertake the following memorandum of understanding; in order to better establish a relationship that can continue to be increasingly more fruitful and beneficial to all undergraduate students.

This memorandum of understanding made the 3rd day of April 2012 between:

The Federation of Students, University of Waterloo, herein called the Federation, and the Undergraduate Student Societies, namely the Arts Student Union, Engineering Society A and B, Mathematics Society, Environment Students' Society, Science Society, the Applied Health Sciences Undergraduate Members, Waterloo Architecture Students Association, University of Waterloo Optometry Students Society, and Society of Pharmacy Students herein called the Societies.

Whereas the Federation is the sole legal representative of undergraduates of the University of Waterloo, and

Whereas the Federation and the Societies recognize the existence of the Societies under the approval of the Federation as entities having independent financing and sponsoring activities for the benefit of their particular constituencies, and being responsible to said constituencies, and

Whereas the unique nature of the relationship between the Federation and the Societies requires set parameters for governance, communication and coordination

It is agreed between the parties as follows:

### 1) Committee of Presidents

The Committee of Presidents exists as a formally constituted committee in the Federation's Bylaws.

### 2) Finances

Each Society shall present a budget for the upcoming term, which shall be submitted along with the most recent bank statement, income statement and budget, herein called the budget package, from the previous term within 30 days of the beginning of each term to the Federation's Vice President Administration and Finance. An extension may be permitted through consultation with the Vice President Administration and Finance, who will notify the Vice Pres-

ident Internal of any extensions. Once the Society has provided the required documents to the Vice President Administration and Finance and within one business week of receiving Society funds from the University of Waterloo, the Federation shall turn over the total fees collected on behalf of each Society based on the actual enrollment figures as provided by the University of Waterloo. The Society fee shall be an amount determined by each Society subject to approval from their constituents through a formal referendum procedure or as otherwise defined in the society's constitution, and the Federation agrees to petition the University's Board of Governors on behalf of an individual Society if it wishes to adjust the amount collected per student.

If the Vice President Administration and Finance does not receive an accurate budget package that meets the listed requirements, they may withhold funding until an accurate and acceptable budget package has been received. Any disputes over the acceptability of a budget package shall be resolved by the Federation of Students' Board of Directors.

The Board of Directors of the Federation reserves the right to investigate, or have an external auditor investigate, a Society's finances, having provided at least fourteen days' notice to the Society. Societies will submit to an external audit of their operations and finances from time-to-time, as determined by the Federation of Students Board of Directors. Societies will comply with any direction from the Board of Directors regarding a recommendation coming from such an audit.

In the case of collapse of a Society, as defined by such Society's constitution and with consultation of the Dean of said Society's Faculty, the Vice President Internal shall inform the Committee of Presidents the Federation's Board of Directors, and Students' Council. The Federation's Board of Directors would then have sole discretion to review that Society, and shall request that the Federation withhold the funds collected, or if it has funds at its disposal, these funds shall revert to a fund separate from the Federation's general fund, to be kept in reserve for use of a future Society, as well as any accrued interest, or to be allocated to support activities for students of the constituency, with the approval of the Students' Council of the Federation. In such cases, the Society fee shall be discontinued at the request of the Vice President Internal to the Federation's Board of Directors, until such a time when the Society has been reconstituted. The Federation's Board of Directors shall review at the beginning of every following academic term, or upon request from the Committee of Presidents, whether said Society has been reconstituted. If the Society has been reconstituted, the Federation shall request reinstatement of the Society's fee upon request from the Society.

All Societies must abide by the Canada Revenue Agency's not-for-profit guidelines, the statute under which the Federation is incorporated, and Generally Accepted Accounting Principles. The Federation shall consider all finances and holdings of societies on a yearly basis to ensure each Society is falling within

these requirements. Any circumvention of these requirements may result in the withholding of a Society's funds, at the discretion of the Federation's Board of Directors.

Each society may keep reserve funding in their bank accounts to a maximum of one term's worth of fees. Any reserves over and above this amount must be approved by the Vice President Administration and Finance.

If at any point, a Society's fees are withheld for any reason, the Federation will continue to pay the salaries of any full-time staff that are employed through said society, using the withheld fees.

Additionally, if the Society has an agreement with an independent body to collect fees on that body's behalf, then the Federation shall pay that body on the Society's behalf, using the withheld fees.

### 3) Responsibility

Recognizing the independent activities of each of the Societies under the approval of the Federation, and recognizing the necessity of protecting individual officers of the Societies and the Society itself from personal liability for its activities, the Federation shall assume legal and financial responsibility as per the Federation's insurance policy. In the case that the Federation assumes a debt as a result of an activity of an individual Society, which that Society is unable to pay at that time, that Society shall make an agreement with the Federation to repay the full amount within a brief period, at the discretion of the Federation's Board of Directors.

Societies shall submit a listing of all Society events to the Federation through the Federation's event forms. With the exception of meetings of deliberative assemblies within the Societies or subunits, such as general meetings and meetings of the Society's governance board, all events must receive approval from the Federation. In the case that an event is denied, the Vice President Internal or Clubs and Services Director shall make all reasonable effort to communicate this decision to said Society. If an event form was submitted more than 14 days in advance of the event, then Society may appeal the decision to deny the event to the Internal Administration Committee, who shall respond within four business days of the appeal. Event forms that are not submitted more than 14 days in advance of the event waive the right to appeal the decision of the Vice President Internal or the Clubs and Services Director.

If a Society or a subunit runs events without informing the Federation, or runs events that require approval without approval, then the Vice President, Internal shall provide a written warning to the Society. If, during the same or next term, the Society or the subunit, respectively, continues to run events contrary to the agreement, then the Federation may withhold the Society's fees. In such a case, the Society must submit a statement describing how the Society will ensure submission of event forms by the offending unit within the Society,

or else take other action to prevent the continued violation of the agreement (including, potentially, dissolving or ceasing to recognize the offending unit). This statement must be approved by a governing body of the Society, and not by an executive acting alone. Upon receipt of this statement, the Society's fees will be released for that corresponding term. For the purposes of this paragraph, a 'subunit' of the Society is defined as a group under the authority of or recognized by the Society with its own governing documents, such as a constitution and/or bylaws.

Except as explicitly permitted, in writing, by the Federation, no event or activity of the Society, including one for which Federation approval is not required, shall contain illegal activity or activity that violates University policy, nor shall it include activity of a harmful or discriminatory nature or be run at a profit. If Society events contain such activity without explicit approval, then, until the situation is remedied, the Board of Directors of the Federation can withhold the Society's fee.

#### 4) External Relationships

With respect to external relationships, in the case of an individual Society, the Federation, as sole legal representative of the students of the University of Waterloo, shall delegate authority to the Society for matters pertaining to that faculty exclusively.

The Federation is responsible for representing the entire student body to any organization outside of the University and therefore, a society shall not become involved in representing the entire student body to an external organization unless it has first sought and obtained approval from the Federation, with the understanding that any decision made in the course of such representation may be reversed at any time by the Students' Council of the Federation.

The primary representative of undergraduate students to University-wide bodies shall be the Federation. If for any reason a Society becomes involved with a university-wide decision-making body as a representative of students at large, it shall inform the Federation within two business days of the action. Any appointments to the membership of such bodies, for the purposes of representing students at large, shall be subject to approval by the Federation and the appointees shall be subject to any and all regulations the Federation may adopt with regard to its representation to external bodies.

This clause does not preclude Societies from representing the interests of their specific constituents on university-wide bodies, but applies specifically to circumstances where the representation is to be on behalf of students at large.

#### 5) Withholding of Fees and Other Penalties

The Board of Directors shall bear the decision to withhold a Society's fees with great care, and strongly weigh the negative repercussions that such a decision

would hold for a Society, before making any such decision.

Any decision to withhold a Society's fees must be passed by a two-thirds vote of the Board of Directors. In the case where the withholding of a Society's fees is to be decided on, said Society shall receive at least 7 days' notice of the meeting and have the right to present a case to the Board at that meeting before a decision is made.

In the case where a Society's fees are withheld, the Board of Directors shall revisit the decision a minimum of once per month following the meeting where the decision was made. The same process shall be followed as listed above, in that the Society shall have the option to present a case, or proof that they now fall within the requirements of the agreement, at each of these meetings.

The Board of Directors shall review the decision monthly until such time as the Society's fee has been reinstated, or the Society ceases to exist.

#### 6) Renewal

This agreement shall be re-ratified by the Federation's Board of Directors and each Society a minimum of once per year.

#### 7) Amendments

This agreement can be amended by unanimous support of the Committee of Presidents, subject to approval of the Board of Directors.

#### 8) Termination

The Committee of Presidents can terminate this agreement with 30 days written notice through a majority vote, subject to approval of the Board of Directors.

#### 9) Particulars

This agreement shall not be construed as a contract between the Federation and the individual members of the Societies.

Additionally, this agreement supersedes and replaces all prior agreements of the same nature between the Federation and Societies.