

Speaker of Council Terms of Reference

G-08

LONG TITLE	Terms of Reference for the Presiding Officer of Council, the Speaker.	DATE OF ENACTMENT	4 April 2022
		LAST AMENDED	30 May 2022
REFERENCE No.	G-08	NEXT REVIEW	30 May 2024
CATEGORY	Governance	COMPETENT CHAMBER	Council

MANDATE

This Policy shall govern the office of Speaker of Council, an office following from the previous Council Officer position of Chair. The Speaker of Council ensures the effective administration of Council both during and outside of Council meetings. The Speaker enforces the rules of Council and ensures each Councillor is treated fairly and equally according to the rules of parliamentary procedure and the principles of democracy, rights to speech, and transparency. This Policy shall be reviewed every two years by Council.

INTERPRETATION

Short Title

1 This Policy may be called the *Speaker of Council Terms of Reference*.

Definitions

2 In this Policy, the following definitions shall apply:

“call the previous question” means to end debate and move into voting procedure;

“Director” means the Director of Student Development;

“Robert’s Rules” means the parliamentary procedure laid down in Robert’s Rules of Order, Newly Revised, whichever edition is the most current, 12th at time of adoption.

All other terms shall be interpreted by their clear meaning in Robert’s Rules.

Application and Implementation

3 This policy applies to the Speaker and any who preside over meetings of Council.

4 This Policy must be distributed to every Speaker upon their election or appointment to any applicable position.

4 (1) Funds must be allocated to purchase, for every Speaker and for Councillors, a copy of Robert’s Rules, in full for the Speaker and in brief for Councillors.

SELECTION AND ELIGIBILITY

Election Procedure

5 (1) Council shall elect, through secret ballot and instant runoff voting, a Speaker and Deputy Speaker from among its non-*ex officio* members.

(2) Every candidate may have five minutes to make a brief statement before the deliberation of Council.

6 The election of a Speaker and Deputy Speaker shall be the first matter of business at the first Council meeting of every term. The Vice President Internal shall preside over the election of the Speaker and Deputy Speaker.

Nominating Committee if applicable

7 (1) A Nominating Committee may assist Council in the election of a Speaker and Deputy Speaker by selecting a number of candidates, not less than two for the consideration of Council.

(2) Notwithstanding subsection (1), the hiring of the Speaker is exempt from the regular hiring practices under the *Hiring Policy* as a Council Officer.

Term of Service

8 The Speaker and Deputy Speaker shall serve for the same term as the Council to which they were elected, at the pleasure of Council.

9 If there is, at any time, a vacancy in the office of Speaker, it shall be filled by the Deputy Speaker.

Ban on concurrent office

10 (1) Neither Speaker nor Deputy Speaker may concurrently hold any other official positions or roles in the Association, including Clerk, Committee Chair, President or Vice President.

(2) Notwithstanding subsection (1), the Speaker shall serve as Chair of the Agenda and Operations Committee.

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GUIDING PRINCIPLES

11 The Speaker shall exercise their duties in accordance with the following principles:

- (a) parliamentary procedure, as in Robert's Rules of Order;
- (b) democracy;
- (c) protection of the parliamentary minority and members absent;
- (d) transparency;
- (e) confidentiality, where necessary; and
- (f) due process and the proper carriage of Association policy.

DUTIES AND RESPONSIBILITIES

General Duties

12 The Speaker is the Presiding Officer of Council.

13 The Speaker is responsible for:

- (a) the objective chairing and enforcement of rules, as prescribed by Robert's Rules, the *Council Rules of Order*, the *Discipline Procedure*, and all others;
- (b) the announcement of business before Council, and the order thereof;
- (c) accepting motions from Councillors;
- (d) assisting in the wording of motions and providing information on general parliamentary advice;
- (e) ensuring, with the Vice President Internal, that Councillors have the information needed for informed discussion on agenda items;

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- (f) making rulings and determinations of parliamentary procedure;
- (g) reading motions and conducting votes;
- (h) discipline;
- (i) being the spokesperson for Council whenever necessary;
- (j) faithfully representing Council and their decisions thereof to full-time staff and external organizations as the chamber's official representative;
- (k) provide leadership to Council in maintaining the governing documents and good administration of Council and this Association;
- (l) attending meetings of the Executive as a non-voting observer, whenever so invited by a majority of voting members;

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- (m) executing their role according to the Principles in section 11; and
- (n) all other duties and responsibilities as assigned by Council.

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Agendas and Meetings

14 (1) The Speaker shall, with the advice and consent of the Vice President Internal, convene and call to order all meetings of Council.

(2) The dates and times for the regular meetings of Council may be set in advance by the Speaker in consultation with the members.

(3) The Speaker must convene a meeting of Council within two days at the request of the President or one-sixth of all Councillors.¹

15 (1) The Speaker shall, with the advice and consent of the Vice President Internal, create and publish the agenda for every Council meeting, which shall be distributed not less than one day before the meeting.

(2) Any Councillor may submit to the Speaker a motion or notice of motion, for inclusion on the agenda.

¹ At time of publication, six.

Clerical Responsibilities

16 The Speaker shall record, with the Clerk, the attendance of Councillors and vote counts at meetings of Council.

17 The Speaker shall record, with the Clerk, the motions made at meetings of Council and number them according to Policy.²

PROCEDURAL CONSIDERATIONS

Limitations on Rights of Member

18 The Speaker may not speak from the Chair on any matter of debate, and must allow the Deputy Speaker to take the Chair in order to engage in debate.

19 (1) The Speaker is a voting member, but should only exercise this right to break a tie, and even then, in accordance with Speaker Denison's Rule—which is to vote in favour of further debate or the *status quo*, in that order, or namely:

- (a) against new motions, unless a first reading of a Bill;
- (b) against amendments;
- (c) against indefinite postponement;
- (d) against indefinite adjournment;
- (e) against calling the previous question;
- (f) against (symbolic) motions of no confidence or censure, or (effectual) motions of Impeachment or recall;
- (g) in favour of disagreeing with amendments from the Board;
- (h) in favour of giving speaking rights to non-members and/or non-students-at-large; and
- (i) on their conscience, for questions of severe pertinence to the health of the Association.

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(2) Per *Robert's Rules*, the Speaker may vote with the rest of Council for a secret ballot vote. For public votes, they shall always vote last and only if their vote will change the outcome, which is to say, to *make* a vote a tie, and thus lost.

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20 The Speaker may not move or second motions except where approved by Policy, namely for matters which are purely procedural and necessary for the parliamentary functioning of Council, including the approval of the agenda and minutes (but they may otherwise speak in their favour if not presiding).

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² Not yet extant.

21 The ruling of the Speaker is binding unless successfully appealed by a two-thirds³ vote of Council.

22 Notwithstanding section 18, the Speaker may recommend to Council or look favourably upon certain procedural methods, and make this preference known.

Procedural Efficiency

23 The Speaker should seek the approval of motions by unanimous consent when:

- (a) approving the agenda;
- (b) approving past minutes;
- (c) adjourning whether indefinitely or until a certain time; and
- (d) whenever there is a clear lack of contentious debate on a question, including a motion to call the previous question.

24 The Speaker may not be included in the count for quorum.

ACCOUNTABILITY

25 For internal employment purposes, the Director of Student Development shall be considered the direct supervisor of the Speaker.

26 The Director shall have the authority to withhold the Speaker's compensation for any unreleased period, or to recommend to Council the dismissal of the Speaker, if:

- (a) The Speaker fails to attend multiple meetings of Council, without reasonable notice and rationale;
- (b) The Speaker continuously fails to produce regular attendance or voting records without valid rationale; or
- (c) The Speaker violates the confidentiality of the Association.

27 (1) Though the Speaker serves at the pleasure of Council, a two-thirds⁴ vote is required to dismiss a Speaker from their office without cause.

(2) No successful appeal against a decision of the Speaker may be construed as a resolution of Council against confidence in the Speaker.

28 A simple majority is needed to dismiss a Speaker from office with cause, namely:

- (a) those enumerated in section 26;
- (b) gross failure to meet the responsibilities and duties of the office in any other provision of this Policy.

³ At time of publication, twenty-four.

⁴ See above.

SCHEDULE OF AMENDMENTS

DATE AMENDED	MOVED	SECONDED	SUMMARY
4 April 2022			Policy adopted. Relevant provisions (re: Council Chair) of <i>Bylaw 1</i> repealed. Office of Speaker created.
30 May 2022	D. Caratao		Additional leadership responsibilities of the Speaker enshrined. More clarity for Speaker Denison's Rule.