

Policy on the Recognition of Student Associations

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1. Preamble

Student Associations are a traditional part of campus life and contribute in significant ways to its intellectual, political, social, and cultural diversity. In its relations with Student Associations, the University is guided by a commitment to the rights of University members to communicate and to discuss and explore ideas, to organize groups for lawful purposes, to move about the University and to use its facilities in any reasonable way, to distribute on campus, in a responsible way and in accordance with Communications' poster and Marketing's brand standards and related policies, published material provided that it is not unlawful, to hold meetings, to debate and to engage in peaceful demonstrations, and to freedom from discrimination.

The University recognizes Student Associations as being the official representatives of the student body in its relations with the University. Student Associations are incorporated entities with an existence independent of the University.

Under the terms of this Policy, the University will not attempt to censor, control or interfere with any Student Association on the basis of its philosophy, beliefs, interests or opinions expressed unless Student Association activities are illegal or infringe the rights and freedoms already mentioned.

By the same token, recognition as a Student Association by the University implies neither endorsement of a particular group's philosophy, beliefs, interests or opinions, nor the creation of a legal relationship as it relates to the Student Association's activities or the activities of any Student Groups, as defined in the *Policy on the Recognition of Student Groups*, created under its processes. Recognition as a Student Association by the University assumes that the University has a responsibility to inform itself of organizations which use its facilities and name, to be satisfied that it remits student fee proceeds from the students through the University to properly

governed entities, and to deny or withdraw recognition if the requirements of this Policy are not observed.

- 1.1. The University shall maintain this Policy and a mechanism (or mechanisms) for the recognition of Student Associations. Any group wishing to become a recognized Student Association at Laurentian University must apply for recognition under this Policy and may not begin to operate and enjoy the privileges of a Student Association until such recognition is granted.

2. Definitions

- 2.1. For the purpose of interpreting this document words in the singular may include the plural and words in the plural may include the singular.
- 2.2. “Articles” shall mean any instrument that incorporates a corporation or modifies its incorporating instrument, including articles of incorporation, restated articles of incorporation, articles of amendment, letters patent or supplementary letters patent.
- 2.3. “Executive Member” shall mean a Member of a Student Association who is serving on its executive, as outlined by the Articles, constitution and/or by-laws of the Student Association.
- 2.4. “Member” shall mean a student of the University who is represented by the Student Association.
- 2.5. “Referendum” shall mean an organized vote of all or a clearly identified subsection of the student body for the purposes of obtaining a mandate for a specific purpose.
- 2.6. “Student Association” shall mean an independent corporation that has been established to represent a segment of the student population at the University, that has been recognized by the University and receives student fee proceeds from the students through the University.
- 2.7. “University” shall mean Laurentian University.
- 2.8 “Director” and “officer” shall have the meaning given to those terms in the Ontario *Not-for-Profit Corporations Act, 2010*, S.O. 2010, c.15.

3. Objectives and Purposes of Student Associations

- 3.1 The objectives and activities of a Student Association as set out in its Articles, constitution and/or by-laws should be seen as attempting to contribute to the educational, recreational, social or cultural values of the University. These values are intended to be interpreted in the broadest sense.
- 3.2 Student Associations may not engage in activities which are essentially commercial in nature without the written consent of the Office of the Associate Vice-President, Students.

This is not intended to preclude charges for specific activities, programs or events, or to prohibit groups from engaging in legitimate fundraising. However, a recognized Student Association cannot, without such express consent:

- engage in an activity that makes it an on-campus part of a commercial organization;
- provide services and goods at a profit when that profit is used for purposes other than those of the organization.

3.3 Participation, elections and access to services must be administered without discrimination contrary to Ontario's *Human Rights Code, R.S.O. 1990, c. H.19*. Eligibility may be limited to the Student Association's recognized constituency or lawful mandate where the limitation is permitted by law, clearly stated in its governing documents and reasonably connected to its purpose. Student Associations must provide accommodation as required by law.

3.4 The University's interest in a Student Association's Articles, constitution and/or by-laws is based on the University's concern that:

3.4.1. groups and individuals using its name and its facilities are genuine Student Associations;

3.4.2 the University remits student fee proceeds from the students through the University to properly governed entities;

3.4.3. Student Associations operate and pursue activities in accordance with the law and with their own Articles, constitution and/or by-laws;

3.4.4. organizational structure, membership, procedures, and rules of conduct. are articulated so that Members of a Student Association who take part in its activities may do so with full knowledge of their rights and responsibilities within the Student Association;

3.4.5 Student Associations have a mandate from the student body to represent the students of the University;

3.4.6. The University has an institutional responsibility to establish reasonable accountability conditions for recognized Student Associations and for the collection and remittance of student fees. Each Student Association remains responsible for its own governance and for the stewardship of its funds consistent with the purposes for which such fees are collected;

3.4.7. The University may invite Student Associations to participate in University activities that affect students. Each Student Association must consider such invitations in the interests of the students who are its Members.

3.5. Each group applying for recognition as a Student Association and each recognized Student Association must disclose all conflicts of interest, including but not limited to, any

external affiliation, funding arrangement, governance relationship, branding licence or contractual commitment that could reasonably affect its independence, decision-making, finances or obligations to its Members.

3.6. Student Associations shall not confer financial benefit to external organizations without fully and completely disclosing to the University the nature and amount of the benefit.

3.7. Where concerns exist about the relationship between a Student Association (or proposed Student Association) and an external organization under sections 3.5 or 3.6, the University may make further inquiries to determine whether the relationship represents a breach of this Policy.

4. Composition of a Student Association

4.1. All Laurentian University students shall be automatically assigned by the University to a recognized Student Association as Members based on the level of study, program language and/or self-identification as francophone.

4.2. Executive Members and members of the board of directors with voting privileges shall be fully registered students of the University for at least two (2) academic terms during each year that they serve.

5. Recognition and Revocation of a Student Association

5.1. Student Associations that are recognized at the time of the implementation of this Policy will be granted one (1) year to comply with this Policy, failing which their recognition may be revoked.

5.2. Nothing in section 5.1 will prevent the University from revoking the recognition of an existing Student Association in accordance with the process set out in section 5.6 below or taking any other steps set out in sections 8.4.1, 8.4.2, 8.4.3 and 8.4.4 below, during the first year of the implementation of this Policy if the subject Student Association is found to commit a breach of this Policy, or if the Student Association does not, in the opinion of the Associate Vice-President, Students, cooperate with the University in the administration of this Policy, or if the Student Association does not, in the opinion of the Associate Vice-President, Students, cooperate with the University in working to bring the Association into compliance with this Policy.

5.3. The University's Board of Governors may, upon receipt of an application in the form prescribed, recognize a Student Association where the following information and documentation is provided:

5.3.1 The names, student numbers, and University email addresses of at least two (2) current-student applicants. This information will be collected, used, retained and disclosed only as permitted by law and as reasonably necessary to consider and administer the application;



- 5.3.2 A reasonable estimate of the proportion of registered students of the University who would be Members of the Student Association;
 - 5.3.3 The proposed interim directors and officers until elections can be duly held;
 - 5.3.4 A complete set of foundational documents, including its constitution and by-laws, which must include without limitation, procedures dealing with accounting and financial processes, elections, and complaints that satisfy the University that the proposed Student Association can operate sustainably, effectively and responsibly;
 - 5.3.5 A proposed budget and breakdown of student fees;
 - 5.3.6 Disclosure of external affiliation(s), funding arrangement(s), governance relationship(s), branding licence(s) and/or contractual commitment(s) pursuant to section 3.5 above;
 - 5.3.7 Proposed use of University space, resources, systems, and/or marks;
 - 5.3.8 Support from at least 50% of the student body for which the proposed Student Association is intended to represent, as proven by a Referendum of said student body;
 - 5.3.9 Support from at least 25% of the entire student body, as proven by a Referendum of all such students;
 - 5.3.10 A record detailing the consultations that the applicants undertook with students, staff, faculty, alumni and administration, as appropriate. Record of such consultation must detail the individuals or groups consulted, and the applicants' response to any material issues raised;
 - 5.3.11 Sufficient evidence that the proposed Student Association may sufficiently represent an identifiable community of students, demonstrating a current representative need. Where there is overlap with an existing Student Association or any Student Group, as defined in the *Policy on the Recognition of Student Groups*, the applicants must explain the overlap and the reasons for which recognition of the proposed Student Association would be in the best interest of the relevant students; and
 - 5.3.12 Sufficient evidence of the ability to create a structure that will permit the proposed Student Association to operate effectively in keeping with University policies, student expectations, and applicable laws.
- 5.4. Upon receiving recognition, a Student Association shall have 45 calendar days to obtain and provide the University's Executive Team with copies of all Articles and insurance documentation referenced in sections 6.4.5 and 6.4.6 below. Recognition shall not be final until all Articles and insurance documentation are received and approved.

5.5 Recognition may be revoked by a Special Committee of the University's Board of Governors on any of the following grounds:

- (a) The Student Association no longer meets the objectives and/or purposes set out in section 3 above;
- (b) There has been a material and/or repeated non-compliance with any University policy and/or applicable law;
- (c) The Student Association has failed to comply with a reasonable corrective direction issued by the University which relates to compliance with any University policy and/or to any legal requirement to which the Student Association is or reasonably appears to be subject;
- (d) Its incorporation has been dissolved or it has ceased operating;
- (e) Material misrepresentation occurred in an application or compliance report;
- (f) There is a material threat to student funds, safety or legal compliance that cannot reasonably be addressed through a lesser measure; or
- (g) The Student Association has voluntarily surrendered recognition.

5.6. A Special Committee of the University's Board of Governors may revoke a Student Association's recognition in accordance with the process set out below:

- (a) The Associate Vice-President, Students will work with the Student Association to address any conduct that falls within one or more of the grounds listed under section 5.5;
- (b) If the concerns are not resolved to the reasonable satisfaction of the Associate Vice-President, Students, the matter may be brought to the attention of the Provost & Vice-President, Academic. The Provost & Vice-President, Academic may then work with the Student Association, with the continued involvement of the Associate Vice-President, Students as appropriate, to facilitate corrective action;
- (c) If the concerns remain unresolved to the reasonable satisfaction of the Provost & Vice-President, Academic, the matter may be brought to the attention of the University's Executive Team. If the University's Executive Team determines that revocation of recognition may be appropriate, the Executive Team may recommend revocation to the University's Board of Governors. The Executive Team shall provide written notice to the Student Association of its decision to recommend revocation. The notice shall include detailed reasons for the recommendation, identify the conduct giving rise to the recommendation, and provide the Student Association with no less than 30 calendar days to respond in writing and provide any supporting documentation. During this period, the Student Association and the University should continue efforts to resolve the concerns and take corrective action, where appropriate;
- (d) Upon receiving a recommendation from the University's Executive Team to revoke a Student Association's recognition, the University's Board of Governors shall strike a Special Committee (the "Committee") to review and consider the recommendation in accordance with its By-Laws. The Board of Governors may also, in accordance with its By-Laws, delegate to the Special Committee any authority of the Board of Governors necessary to consider and decide the matter.



Where such authority has been delegated, the decision of the Special Committee made under this Policy shall constitute a decision of the Board of Governors.

- (e) At a scheduled meeting of the Committee, the Committee shall review and consider the materials provided by the University and the Student Association, including response from the Student Association and any corrective action taken. Executive Members of the Student Association and appropriate University representatives may attend the meeting to provide comments and answer questions from the Committee members. Following its review, and subject to any authority delegated to it by the University's Board of Governors, the Committee may decide in one of the following ways:
 - (i) Decline the recommendation to revoke the Student Association's recognition, with written reasons;
 - (ii) Postpone consideration of the University's recommendation to a later date with specified directions for the Student Association and/or the University; or
 - (iii) Accept the recommendation to revoke the Student Association's recognition, with written reasons.

5.7 If the recognition of a Student Association is revoked, the students previously represented by that Student Association shall be represented either by another recognized Student Association or by the University assuming administrative support for such students until such time as alternative arrangements are made.

6. Responsibilities of a Recognized Student Association

Governance:

6.1. Student Associations shall comply with the laws and regulations governing its operation within the Province of Ontario and Canada.

6.2. In addition to section 6.1, the following is required in relation to the governance of a Student Association:

6.2.1. Each Student Association shall be governed by Articles, constitution and/or by-laws that have been approved in accordance with requirements of applicable law and the Student Association's Articles, constitution and/or by-laws.

6.2.2. Student Associations shall operate in an open, accessible and democratic fashion, as per this Policy, and following the terms of their Articles, constitution and/or by-laws.

6.2.3. A clear process and set of rules must be established governing the holding of annual elections through which Members of the Student Association may fairly and equitably participate in such elections and, should they wish to, put themselves forward as candidates for executive positions in the Student Association.

- 6.2.4. A clear process and set of rules must be established governing how the board of directors for the Student Association shall operate and how directors are elected.
- 6.2.5. A clear process and set of rules must be established governing how the Articles, constitution, by-laws, and policies of the Student Association may be amended. Copies of amended Articles, constitution, by-laws, and policies shall be promptly provided to the University's Executive Team.
- 6.2.6. Each Student Association shall articulate and make available its Articles, constitution, by-laws, organizational structure, procedures and rules of conduct so that Members of the Student Association may take part in its activities with full knowledge of their rights and responsibilities within the Student Association and so that organizations, such as the University, who have relationships with the Student Association have a clear knowledge and understanding of the Student Association and how it operates.
- 6.2.7. Student Associations must maintain an internal complaint mechanism to permit students and others to bring concerns forward about the activities and operations of the Student Association and must address complaints in a fair, transparent and efficient manner and in accordance with any statutory requirement.

Financial Accountability

- 6.3. Student Associations must comply with the comprehensive financial accountability requirements, including and in accordance with any statutory requirements, set out in the University's *Policy on Financial Accountability of Student Associations*.

Accountability for Compliance with University Policies, Rules, Regulations and Processes

- 6.4. In all of their activities and actions, Student Associations must:
- 6.4.1 Comply with this Policy, and all other applicable University policies, rules, regulations and processes.
- 6.4.2 Comply with their own Articles, constitution and by-laws;
- 6.4.3 At the direction of the University, comply with the terms and conditions of specific University contracts with third parties, in all of its activities;
- 6.4.4 Maintain appropriate insurance coverage for its own activities and for activities of any Student Group, as defined in the *Policy on the Recognition of Student Groups*, associated with the Student Association;
- 6.4.5 On an annual basis, provide proof of adequate insurance coverage in relation to section 6.4.4 above, with the University listed as an additional insured, to the Enterprise Risk Management and Insurance Office of the University;

6.4.6. On an annual basis, provide proof that an Executive Member of the Student Association has been identified as the designated contact person regarding the Student Association's risk management regarding all Student Association-sanctioned events so that the Student Association and the Enterprise Risk Management and Insurance Office of the University can communicate regarding the Student Association having appropriate insurance and risk mitigation plans in place and followed in accordance with University Policies and provincial laws and regulations;

6.4.7. Comply with the directives, policies, protocols, and practices of the University's Marketing office in relation to its use of the University's name, logo, colours, brands, etc.; and

6.4.8 Comply with the directives, policies, protocols, and practices of the Enterprise Risk Management and Insurance Office of the University.

6.5 If the University, acting reasonably, is concerned that a Student Association may not be in a position to provide services and/or benefits to its Members as reasonably expected by the University, the University may provide and/or assume administrative support regarding the provision of such services and/or benefits until such time as the Student Association is in a position to provide such services and/or benefits and/or appropriate alternative arrangements are made.

Requirement to Represent Students and Participation in the Activities of the University

6.6 Each Student Association must:

6.6.1 Obtain a mandate from its Members through annual elections of Executive Members in accordance with the law, its Articles, constitution and/or by-laws, and this Policy;

6.6.1 Maintain reasonable and accessible mechanisms to identify, communicate and advocate the interests of its Members;

6.6.2 Cooperate with the University in relation to campus safety, security and complaint processes;

6.6.3 Consider, in the interests of the students who are its Members, participation with the University and the other Student Association(s) on matters of shared or general interest or when invited by the University or other Student Association(s) to do so;

6.6.4 Provide services to students during the operating hours of the University; and

6.6.5 Maintain spaces used by the Student Association on campus in a reasonable condition and cooperate with University Facilities upon request.

7. Privileges associated with Recognition

7.1 Subject to compliance with this Policy, availability and appropriate agreements with the University, the University may at its discretion grant to recognized Student

Associations appropriate privileges to the benefit of the Student Association, including but not limited to the following:

- A. The ability to set, in accordance with the University Fees Protocol - Compulsory Ancillary Fees, compulsory fees to be charged to all Members of the Student Association;
- B. The ability to have such fees collected by the University and to have the University transfer the proceeds from such fees to the Student Association in a manner and on a schedule agreed to by the Student Association and the University;
- C. Financial and in-kind University grants or donations;
- D. Use of University space and facilities including tabling space;
- E. Use of University classroom technology; and/or
- F. Consent to specified uses of University marks, brands, names, logos and related assets in compliance with the University's branding policy and brand standards.

7.2 The granting of any privilege under section 7.1 may be suspended or revoked by the Office of the Associate Vice-President, Students.

8. Complaints, Appeals and Reporting of Administrative Decisions

- 8.1. The University will not attempt to monitor or review the activities of a Student Association in the normal course of events.
- 8.2. Where concerns are disclosed alleging that a Student Association is not in compliance with this Policy, the Associate Vice-President, Students, may initiate an investigation of the allegations.
- 8.3. The subject Student Association shall cooperate with the investigation of such a complaint, failure to do so being itself a breach of this Policy.
- 8.4. Where the Associate Vice-President, Students, finds, following such an investigation, that the subject Student Association was not in compliance with this Policy, the Associate Vice-President, Students, may recommend to the Provost and Vice-President, Academic that any of the following steps, in accordance with the severity of the non-compliance:
 - 8.4.1. The Provost & Vice-President, Academic may issue a directive to the Student Association requiring it to bring itself into compliance with this Policy within a specific period of time;
 - 8.4.2. The University may withhold part or all of the fees collected in relation to the subject Student Association until compliance is achieved;

8.4.3. Privileges associated with recognition may be suspended from the subject Student Association until compliance is achieved; or

8.4.4. The University's recognition of the Student Association may be revoked.

8.5. Except for a revocation of recognition, Student Associations wishing to appeal a decision made by the Provost and Vice-President Academic under section 8.4 may do so through the University's Executive Team, or its delegate. In the event of an appeal, a review shall be held by the University's Executive Team or its delegate, who was not involved in the original decision.