

Constitution of the National Indigenous Law Students' Association

ARTICLE I **Preamble**

Whereas the National Indigenous Law Students' Association acts upon traditional, ancestral, territory of many different Indigenous people across Turtle Island;

And Whereas the National Indigenous Law Students' Association welcomes participation from all students, faculty members and staff of Canadian Law Schools, be they Indigenous or non-Indigenous, in a positive spirit of interconnectivity and inclusion;

And Whereas the National Indigenous Law Students' Association has been created to connect, support, and help foster the relationships of Indigenous law students across Canada that are new to law school and help with finishing students transition out of law school;

And Whereas the National Indigenous Law Students' Association will be maintained to raise awareness, respect and be a voice for Indigenous people across Canada when a voice is needed to Members across Canada;

And Whereas the National Indigenous Law Students' Association has an ongoing relationship to foster the growth of Indigenous law students to maintain the Indigenous identity from their Nation among fellow Nations, and to foster respect for the efforts of each Member of the National Indigenous Law Students' Association both past and present;

We Hereby enact this, our Constitution, to enshrine our Procedure, Purpose and Structure, for the benefit of the Association and its Members, now and for the future.

ARTICLE II **Designation**

A. Name

The name of the group shall be the "National Indigenous Law Students' Association," or l' "Association nationale des étudiant(e)s autochtones en droit" and may be referred to as "NILSA," or "ANEAD," respectively.

B. Language

NILSA will conduct meetings in English and in French, or any Indigenous language where practicable and where the majority of members will understand. Documentation will be provided in any of the above languages, as long as the Executive or Council has the capacity to do so.

C. Compliance

NILSA does not operate at any particular university, however it is subject to Canadian university policies and procedures, as it includes representatives from a multitude of universities across the country. NILSA will also comply with all local, provincial, and federal laws and procedures in Canada where applicable.

D. Applicability

NILSA will comply with local laws and Rules of Professional and Ethical Conduct where there are representatives of NILSA.

E. Status

NILSA is an independent, autonomous, not-for-profit, volunteer organization.

F. Agency

NILSA is not an agent of any Indigenous Law Student Association (ILSA) nor Law Student Association (LSA) in any University, and its views and actions do not necessarily represent those of any ILSA or LSA at any University in Canada.

ARTICLE III
Objectives & Purposes

The objectives and purposes of the organization are:

- A. To foster a community of academic, professional and social support among Indigenous law students across Canada,
- B. To represent and support the academic and professional interests of Indigenous law students,
- C. To promote accessible legal education for Indigenous people in a culturally sensitive learning environment,
- D. To assist Indigenous law students fulfill their obligations, both to the school, community and to their Indigenous culture,
- E. Assist Indigenous and non-Indigenous students by offering peer support and information relating to issues dealing with Indigenous culture and Indigenous law

- F. Sensitize law schools across Canada to issues and concerns facing Indigenous law students, such as;
 - i. promoting cultural sensitivity and awareness within the faculties of law and law student bodies,
 - ii. raising awareness within universities across Canada and the community at large, of the legal issues currently affecting, and potentially affecting Indigenous Peoples in Canada,
 - iii. acting as a liaison between Indigenous law students, their faculties of law, their universities, and the community at large in Canada,
 - iv. strengthening the Indigenous legal community in Canada, and
 - v. providing our members with academic and peer support through networking initiatives.
- G. Be committed to the community outreach programs such as mentoring students and acting as a link between the law students, i.e., the Indigenous Bar Association etc., and
- H. To conduct educational, social, cultural, and other activities

ARTICLE IV
Executive and Council

A. General

The Association shall be composed of two bodies, the Executive and the Council. The Executive is the decision-making body of the Association. The Council provides vital operative functions for the Association, and necessary advocacy work in their respective roles to the Executive. Both bodies must work closely together to ensure the Association can continue its advocacy and representative activities for all Indigenous students and allies.

B. Elections

General

Elections shall be held once a year every fall at the Annual Conference of the Indigenous Bar Association, online and in person. In the event that the IBA does not host an annual conference in the fall, the current Executive shall determine a date and place for the election. Further, if the Executive must make changes to the electoral process, consensus of both the Executive and Council must be obtained. Online elections shall be permitted, ensuring the principles of democratic practices are adhered to.

1. Procedure

- a. Current students in an accredited university, with a University email and official faculty of law identification as issued by their respective university, shall be entitled to one (1) vote for each executive council position.
- b. Unmarked ballots shall be provided by the executive council identifying correctly;
 - i. The positions being contested, organized neatly to identify;
 - 1. Every candidate's full name, and

2. The candidate's university, Aboriginal ancestry and/or community.
- c. The Executive shall procure an independent third party to act as Electoral Officer, who;
 - i. Will endeavor to keep the electoral process unbiased and fair, and
 - ii. Will count every ballot cast, and
 - iii. Will provide the results to the preceding Executive immediately as they are available

2. Voting

- a. Voting will take place;
 - i. In person at the IBA Annual Conference,
 - ii. Online, with valid identification sent in with ballot
- b. Voting instructions will be emailed in advance of the election, voters should be prepared to present proper identification whether by e-mail or in person (see §6(A)(3), *General Membership*)

C. Terms

Each Executive member will hold their position for one (1) full year, beginning after their successful election, until the election the following year. Each Council member shall occupy their office for one year, or two years with permission from incoming Executive. (see §4(E), *Council, General*)

D. Executive

General

The Executive shall be composed of six (6) members, who are undertaking studies in law at an accredited university in Canada, and who will guide the association in its daily activities. They will be elected at each Indigenous Bar Association annual conference, and in the event that the conference does not occur, an election can be called with the specifics to be determined by the Executive. The Executive abides to the terms of being fair, reasonable and considerate for all, including students, faculty, lawyers, judges and laypeople. Contravening this is grounds for removal from position.

1. President

- a. Qualifications
 - i. Must be elected.
 - ii. Must be of First Nation, Inuit or Métis ancestry, and
 - iii. Must be in second or third year of law at an accredited Canadian university.
- b. Duties

- i. Chair meetings of the organization and the Executive,
- ii. Serve as primary representative for the association,
- iii. Serve as primary facilitator for the association,
- iv. Shall be a signing authority, and
- v. Shall be a voting member of the Executive, and
- vi. Shall make binding and deciding vote in the case of tie vote.

2. Vice-President First Nation

- a. Qualifications
 - i. Must be elected,
 - ii. Must be of First Nation ancestry, and
 - iii. Should be in second or third year of law at an accredited Canadian university.
- b. Duties
 - i. Actively promote the interests of First Nations culturally, socially and politically,
 - ii. Ensure their vote on the Executive Council represents First Nation students interests
 - iii. Assume the role of President working concurrently with the Vice-Presidents Inuit and Métis if;
 1. President becomes incapacitated, or
 2. Emergency situations, which require immediate action.
 - iv. Shall be a voting member of the Executive Council

3. Vice-President Inuit

- a. Qualifications
 - i. Must be elected,
 - ii. Must be of Inuit ancestry, and
 - iii. Should be in second or third year of law at an accredited Canadian university.
- b. Duties
 - i. Actively promote the interests of Inuit culturally, socially and politically,
 - ii. Ensure their vote on the Executive Council represents Inuit students interests
 - iii. Assume the role of President working concurrently with the Vice-Presidents First Nation and Métis if;
 1. President becomes incapacitated, or
 2. Emergency situations, which require immediate action.
 - iv. Shall be a voting member of the Executive Council

4. Vice-President Métis

- a. Qualifications
 - i. Must be elected,
 - ii. Must be of Métis ancestry, and
 - iii. Should be in second or third year of law at an accredited Canadian university.
- b. Duties
 - i. Actively promote the interests of the Métis culturally, socially and politically,
 - ii. Ensure their vote on the Executive Council represents Métis students interests
 - iii. Assume the role of President working concurrently with the Vice-Presidents First Nation and Inuit if;
 1. President becomes incapacitated, or
 2. Emergency situations, which require immediate action.
 - iv. Shall be a voting member of the Executive Council

5. Vice-President Finance

- a. Qualifications
 - i. Shall be elected, or nominated,
 - ii. Must be of First Nations, Inuit or Métis ancestry,
 - iii. Should have some previous financial experience, and
 - iv. Must be a registered student in law at an accredited Canadian university.
- b. Duties
 - i. Prepare financial information for the year,
 - ii. Manage fundraising activities for the year,
 - iii. Keep accurate account of the Association's assets,
 - iv. Manage day-to-day finances of the organization,
 - a. Including maintenance of bank account(s)
 - v. Submit financial reports to the council upon request, and
 - vi. Shall be a signing authority.

E. Council

General

Council members do not adhere to the same rigid electoral requirements as the Executive. They may occupy posts for one (1) year, or with the approval of incoming Executive, another year (not to exceed two (2) years). In the event that the position is contested with two (2) or more

candidates, nominees must be elected by a simple majority of voters. In the event of one (1) candidate nominated, that nominee will assume the post following the close of elections.

1. Communications and Administration Councillor

c. Qualifications

- i. Shall be elected, or nominated,
- ii. Should be of First Nations, Inuit or Métis ancestry, and
- iii. Must be a registered student in law at an accredited Canadian university.

d. Duties

- i. Prepare meeting agenda, minutes and related documents,
- ii. Keep an ongoing listserv of members,
- iii. Manage email, and
- iv. social media accounts, with direction from the Executive.

2. First Year Representative

e. Qualifications

- i. Shall be elected or nominated,
- ii. Should be of First Nations, Inuit or Métis ancestry, and
- iii. Must be in the first year of law at an accredited Canadian university.

f. Duties

- i. Actively promote the interests of first year students,
- ii. Serve on Executive as a representative for first year students,
- iii. Act as liaison between the Association and first year students, and
- iv. Ensure that the first year student membership is apprised of all Association decisions and activities.

3. Articling Representative

a. Qualifications

- i. Shall be elected or nominated,
- ii. Should be of First Nations, Inuit or Métis ancestry, and
- iii. Must be in an articling or clerkship position, LPP program or equivalent, as recognized by the law society of their province or territory.

b. Duties

- i. Actively promote the interests of articling and clerkship students,
- ii. Serve on Executive as a representative for articling and clerkship students
- iii. Act as liaison between the Association and articling and clerkship students
- iv. Ensure that the articling and clerkship student membership is apprised of all Association decisions.

4. Civil Law/French Representative

- a. Qualifications
 - i. Shall be elected or nominated,
 - ii. Must be of First Nation, Inuit or Métis ancestry, and
 - iii. Must be enrolled in an accredited Canadian University, either in
 - 1. Common Law Program,
 - 2. French Common Law program, or
 - 3. Civil Law.
 - iv. Must be functionally bilingual, or proficient in French.
- b. Duties
 - i. Actively promote the interests of French speaking Indigenous students studying Common Law, in English or French, and Civil law,
 - ii. Serve on Executive as a representative of French speaking Indigenous students,
 - iii. Act as liaison between the Association and French speaking Indigenous students, and
 - iv. Ensure that the French speaking Indigenous student membership is apprised of all Association decisions.

5. Indigenous Bar Association Student Representative

- a. Qualifications
 - i. Shall be elected by the Indigenous Bar Association student members pursuant to the IBA's internal by-laws, and
 - ii. May be the student representative on the IBA's Board of Directors.
- b. Duties
 - i. Liaise with the Indigenous Bar Association,
 - ii. Provide updates to both the IBA and to the Executive and Council, and
 - iii. Keep the Executive and Council apprised of the work of the IBA.

F. Miscellaneous

- a. Removal
 - i. If any Executive or Council member is found
 - 1. of misrepresenting or fraudulently running ,or being elected without meeting the criteria of the position,
 - 2. to be contravening the principles of being fair, reasonable or considerate for all, or
 - 3. in breach of any rules of professional responsibility, or ethics from that member's province or territory,
 - ii. Any Executive or Council member may bring the conduct to the attention of the Executive and Council.

- iii. The Executive and Council must reach a consensus about removal, and it must be unanimous, without presidential tie breaking.
- iv. In the event that unanimity is not reached, legal counsel may only be sought for breaches of any rules of professional responsibility or ethics, by the President; unless
 1. The President is engaging in the alleged conduct, in which case any Vice President First Nation, Inuit or Métis may seek legal counsel.
 2. Any collusion between the President or one (1) Vice President, any other member may seek legal counsel, or
 3. In any event requiring legal counsel.

ARTICLE V
Administrative Procedures

A. General meetings

- 1) The Communications and Administration Councillor, on advisement by the Executive, may call general meetings,
- 2) General meetings will be held bi-monthly with the exceptions of December and April, and summer months, and
- 3) In extraneous circumstances, meetings may be called with the consent of both the Executive and Council based on quorum requirements (see §5(C), *Quorum*)

B. Notice

- 1) General meetings will require a minimum of seven days notice.
- 2) Meeting times should be established on a consensus basis.
- 3) Notice must be reasonably given, that is, the notice must be in a form or forms that are reasonably accessible for all members. Meeting notices will be sent via email and announced at the prior meeting. Prior to each general meeting an agenda will be sent by email.

C. Quorum

- 1) A quorum will require a minimum attendance of 2/3 of the Council. Motions will only require a simple majority of the members in attendance in order to be passed unless otherwise stated, and
- 2) All Executive must be in attendance, unless a valid absence is communicated within 24 hours of the meeting, and
- 3) For the purposes of this constitution, the term ‘simple majority’ is defined to be fifty percent of total votes cast plus one.

D. Conduct of meetings

- 1) As a general principle, meetings shall be conducted in a reasonable manner that seeks a consensus prior to a vote being called, and
- 2) Meetings shall be conducted with respect, mindfulness and acceptance of different views.

E. Executive meetings

- 1) Executive Meetings shall be held monthly with the exceptions of December and April, and twice during the summer months. From time to time the Executive may invite other members to these meetings when it is deemed necessary. Minutes of these meetings will be sent by email.

F. General annual election procedure

- 1) For the purposes of this section, member of good standing is identified in §6(B),
- 2) All members in good standing will be eligible to vote,
- 3) Only members in good standing will be eligible to vote,
- 4) All members in good standing will be eligible for nomination,
- 5) Only members in good standing may hold Executive Council positions,
- 6) Members in good standing are all those members who are not under suspension,
- 7) The Annual General election is to be held during the student day of the IBA annual conference to determine council positions for the following academic year. Terms of office will commence following the Election and end one year thereafter,
- 8) Elections will be held electronically, and in person by paper ballot.
- 9) Nominations must be submitted at least 7 calendar days prior to the election.
- 10) Notice of elections will be a minimum of thirty (30) days.
- 11) Proxy votes are forbidden in all voting.

G. By-election procedure

- 1) In the event of an Executive or Council position becoming vacant, the Association may either
 - a. appoint a NILSA member to assume the duties of the vacant position for the remainder of the term. This acting appointment will be subject to confirmation by simple majority at the next general meeting; or
 - b. call a by-election to fill the vacant position for the remainder of the term.
 - c. By-elections will require only two (2) weeks notice.
 - d. Nominations must be submitted three (3) days prior to the by-election.

H. Amending the Constitution

- 1) Any amendments to the constitution must receive full consensus by the Executive and Council.

- 2) A complete re-construction (amending more than 50% of the Constitution) requires a simple majority of all members in good standing.

ARTICLE VI

Membership

General

To better suit the goals of reconciliation, membership is not limited to Indigenous students, rather it is open to allies of non-Indigenous ancestry to ensure that inter-connectivity and inclusion remains as a core tenet of the Association. However, the Executive must be of First Nations, Inuit or Métis ancestry to occupy their post. Council positions are recommended to be Indigenous students, but allows for allies to occupy those posts, where applicable.

A. General Membership

1. A member shall be any university student enrolled in a faculty of law at an accredited Canadian university, or
2. An articling or clerkship student, or equivalent in their province or territory, and
3. Must provide evidence that they are a law student or student-at-law by,
 - a. Only using university or employment email for official correspondence with NILSA,
 - b. Sending a copy of a current school I.D. demonstrating enrolment, or
 - c. Providing a copy of current identification for articling, or equivalent in their province or territory.

B. Membership Rolls

1. The Communications and Administration Councillor shall prepare, with the assistance of the Executive and Council, a membership rolls,
 - a. Following the inaugural election,
 - b. When it is most practicable, and
 - c. Will collect information to better identify and serve student members.
2. The membership rolls will assist in elections and general meetings to;
 - a. Ensure participation by all student members,
 - b. Limit fraudulent participation by non-members, and
 - c. Provide assurance that only students enrolled in law school are members.
3. Membership rolls will need to be updated bi-annually.
4. Student members must update membership information annually to be in good standing, and
 - a. must meet the *General Membership* criteria outlined in §6(A).

C. Membership Revocation

1. The Executive and Council, upon quorum of both levels, are emboldened to revoke a student membership in the event of any of the following:
 - a. If a member is found to be fraudulently participating in elections or general meeting as a full voting member, and
 - i. Is found not to be in law school currently,
 - ii. Is found to be harassing, coercing or committing any other questionable conduct against members or of the Executive, Council, other members, or any circumstance the both the Executive and Council deems reprehensible or
 - b. If a member is found to be;
 - i. To be contravening the principles of being fair, reasonable or considerate for all, or
 - ii. Breaches any rules of professional responsibility, or ethics from that member's province or territory.
2. Upon revocation, the Executive shall communicate the reasons for revocation, in which the student may appeal to both the Executive and Council collectively.
 - a. The appeal shall be,
 - i. By writing
 - b. Should the appeal again be denied, the student member cannot resume good standing with NILSA.

ARTICLE VII **Coming Into Force**

A. Coming into force

This Constitution and all articles herein shall come into force following the inaugural election of the Executive and Council on October 13, 2016.