



**AMS Annual General Meeting  
October 29th, 2020**

**Proposed Bylaws Changes: Updates to Records Bylaw**

**Summary of Proposed Changes**

The AMS is excited to be proposing the following package of Bylaw changes for consideration at the 2020 Annual General Meeting. The amendments included in this package are mostly operational, and are intended to modernize AMS Bylaws and ensure our systems are working efficiently and fairly for our members and staff.

**Why are these changes being made?**

***The AMS was informed by our legal counsel that there was a major loophole in AMS Bylaws that left the Society vulnerable to a variety of risks. Under the current records Bylaw, any active member of the AMS is entitled to access any document of the AMS. This unlimited access includes documents of the highest nature of confidentiality, including human resources and personnel files, correspondence with legal counsel, records of Ombuds and other investigations, files from the Sexual Assault Support Centre, and private contact information and student numbers of all AMS members - effectively all students at the University of British Columbia Vancouver. This represents a significant risk not only to the AMS as an organization, but also to regular students whose sensitive information could be compromised.***

***After receiving community feedback, AMS Council has added additional clarifying language around “financial and economic interests” to ensure that students feel at ease that the AMS is not attempting to hide information. Rather, the AMS is solely putting itself in a position to protect information that if released to a party working in bad faith, could result in significant damage to the Society which ultimately could result in a significant negative impact on student money.***

***The AMS recognizes and is sensitive to student concerns with respect to transparency, and wishes to note that only the AMS Council - which is composed entirely of members elected by and from the students - has the authority to deem any document confidential. That is to say, no one member of the Executive or staff has the power to limit access to a document of the***

***Society. The AMS prides itself in being as transparent as possible, and we would not be proposing a change that goes against that philosophy.***

***The proposed bylaw change exhibits a net positive effect for both the Society and its members, the students. Privileged information between the Society and its legal counsel will be protected from unauthorized access and use, and more importantly, the private and confidential information of all students and especially those who are involved in sensitive investigations will be kept from third parties acting in bad faith.***

A version of the proposed changes in this package have already been brought to the membership in referendums in 2020. Once in February/March 2020 for the AMS General Election and Referendum, and a second time in the March 2020 AMS Special Election and Referendum.

On both occasions, the package received a significantly higher number of YES votes to NO votes, but failed to pass due to not hitting a quorum of approximately 4700 YES votes. Here are the results from both referendums:

<b>2020 General Election and Referendum</b>	<b>2020 Special Election and Referendum</b>
<b>YES: 3549 (87.2%)</b> NO: 520 (12.8%)	<b>YES: 1677 (60.8%)</b> NO: 1083 (39.2%)

You can find a summary of the changes below. Relevant sections are **highlighted**. Proposed deletions are indicated with a ~~striketrough~~, and proposed additions with ***bolded italics***.

2. Subject to any restrictions imposed under applicable privacy laws and other applicable laws, the books and records of the Society may be inspected by the Members of the Society at the offices of the Society on any school day between the hours of 10:00 a.m. and 3:00 p.m. **However, Council may establish a policy to designate certain records confidential where disclosure of those records would be harmful to the financial or economic interests of the Society, the security of the Society's buildings or its computer or communications systems, as well as where disclosure would disrupt an ongoing investigation, violate solicitor-client privilege, or reveal in camera discussions.**

**For greater certainty, records that are designated as confidential by Council due to their impact on the financial or economic interests of the Society must be related to one of these following categories;**

**(i) plans that relate to the management of personnel that have not yet been implemented, made public, or could result in financial harm to the Society;**

**(ii) information the disclosure of which could reasonably be expected to result in undue financial loss to a third party, or could violate terms of an agreement;**

**(iii) information the disclosure of which could harm the negotiating position of the Society; and**

**(iv) information that contains sensitive strategic or financial information relating to the Society's businesses that could either reasonably inhibit the Society's ability to be competitive or result in substantial financial harm to the Society.**