

CONSTITUTION AND BY-LAWS

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## CONSTIUTION

#### ARTICLE 1 - NAME

1.1 This Association shall be known as the New Brunswick Scottish-Cultural Association Inc., hereinafter called "Association".

## ARTICLE 2 - STATUS

The Association shall be a non-profit organization.

# ARTICLE 3 - OBJECTIVE

3.1. The objectives of the Association are the preservation of Scottish culture in the province of New Brunswick and to assist groups and/or individuals in this regard.

## ARTICLE 4 - RULES OF ORDER

4.1 All matters of procedural authority shall be decided by reference to Bourinot's Rules of Order.

# ARTICLE 5 - EXECUTIVE COUNCIL

5.1 The officers shall constitute an Executive Council empowered to conduct the affairs of the Association.

#### ARTICLE 6 - BOARD OF DIRECTORS

6.1 The Board of Directors of the Association shall consist of its officers and seven directors; each director being elected for a twoyear term at an annual meeting of the Association.

## ARTICLE7-MEMBERSHIP

7.1 Membership in the Association shall be open to individuals and organizations, which support the objectives of the Association.

#### ARTICLE 8 - DUES

8.1 Annual membership dues shall be payable to the New Brunswick Scottish-Cultural Association Inc.

## ARTICLE 9 - MEETINGS

- 9.1 The Annual General Meeting of the Association shall be held during the month of October each year.
- 9.2 The Executive Council shall meet as required to conduct the business of the Association.
- 9.3 The Board shall meet three times each year.

## ARTICLE 10 - COMMITTEES

10.1 The Standing Committees of the Association shall be the Audit Committee, the Nominating Committee and the Constitution and By-Laws Committee.

## ARTICLE 11 - FISCAL YEAR

11.1 The fiscal year shall be from January 1 to December 31.

## ARTICLE 12 - QUORUM

- 12.1 At all meetings of the Board, seven members shall constitute a quorum.
- 12.2 At all meetings of the Association, fifteen members shall constitute a quorum.

## ARTICLE 13 - BY-LAWS

13.1 The Association shall be managed by a set of By-Laws not inconsistent with the Constitution.

# ARTICLE 14 - AMENDMENT OF CONSTITUTION

14.1 The Constitution may be repealed or amended by a two-thirds majority vote of the regular members present at a meeting of the Association called for that purpose.

# ARTICLE 15 - DISSOLUTION

15.1 In the event of dissolution of the Association, assets shall be disposed of as provided in the by-laws.

## BY-LAWS

#### BY-LAW 1 - NAME

1.1 This Association shall be known as the New Brunswick Scottish-Cultural Association Inc. hereinafter called "Association".

## BY-LAW 2 - STATUS

2.1 The Association shall be a non-profit organization as described in Letters Patent dated August 5, 1980.

# BY-LAW 3 - OBJECTIVES

- 3.1 To promote and encourage an interest in the history, traditions, arts, crafts and culture of Scotland and of those of Scotlish descent and the languages of Scotland within the province of New Brunswick and as defined by the seven regions referenced in the map found as an appendix to the By-Laws.
- 3.2 To cultivate a taste for Scottish music, literature, dance and other cultural activities.

- 3.3 To bind more closely together those of Scottish descent and those faithful to the preservation of Scottish culture.
- 3.4 To encourage the documentation of genealogical records of Scots throughout the world.
- 3.5 To encourage and promote competition in the traditional Scottish sports, games and competitions.

## BY-LAW 4 - RULES OF ORDER

4.1 At each Association, Board and Council meeting, the Secretary shall have for the use of those present a copy of the Constitution, the By-Laws and Standing Rules of the Association and a copy of Bourinot's Rules of Order.

# BY-LAW 5 - EXECUTIVE COUNCIL, OFFICERS AND DUTIES

5.1 The Executive Council shall conduct the affairs of the Association between annual meetings of the Association and at meetings of the Board of Directors. It shall meet at the call of the President at which meetings a majority of its members shall constitute a quorum.

- 5.2 Any officer, whose actions or comments are detrimental to the Association or its objectives, may be removed from office by a two-thirds majority vote at a special meeting of the Association called for that purpose.
- 5.3 Any elected member of the Executive Council who misses three consecutive meetings without valid cause during the year following his election shall be removed from office. The Office shall be considered vacant and may be filled by a majority vote at a special meeting of the Association called for that purpose.
- 5.4 The Officers of the Association shall be: President, 1st Vice-President, 2nd Vice-President, Recording Secretary, Corresponding Secretary, Treasurer/ Membership Secretary and the Past President.
- 5.5 The Officers must be regular members of the Association.

- 5.6 Executive Officers shall be elected for a twoyear term; they may then run for a second twoyear term. After serving the second term they cannot run for a third consecutive term.
- 5.7 The Past President shall be the member of the Association who most recently served as its President and shall be identified annually in the slate of officers.

#### 5.8 President

- 5.8.1 The President shall be the Chief Executive Officer of the Association.
- 5.8.2 The President shall preside at the annual and special meetings of the Association, of Board of Directors and the Executive Council and shall see that the business of the Association is carried out in an appropriate manner.

- 5.8.3 The President shall sign, with the Secretary, all official documents of the Association as authorized by the Executive Council, the Board of Directors or the Association.
- 5.8.4 The President shall report on the activities of the Executive Council to the Board of Directors.
- 5.8.5 The President shall present a report of the activities of the Association during the past year at each Annual General Meeting of the Association.
- 5.8.6 The President shall be ex-officio member of all committees of the Association.

# 5.9 1st Vice -President

5.9.1 The 1st Vice-President shall assist the President and shall undertake special assignments designated by the President or the Board and report to the Executive if requested. 5.9.2 The 1st Vice-President shall assume, in the absence of the President, the responsibilities of the office of the President.

## 5.10 2ND VICE-PRESIDENT

- 5.10.1 The 2nd Vice-President shall assume the responsibilities of the President in the absence of both the President and 1st Vice-President.
- 5.10.2 The 2nd Vice-President shall undertake special assignments when requested to do so by the President or the Board and shall report to the Executive if requested.

## 5.11 RECORDING SECRETARY

5.11.1 The Recording Secretary shall record and maintain a file of the minutes of the Association, of the Executive Council and of the Board meetings and the attendance at all meetings of the Association and Board.

- 5.11.2 The Recording Secretary shall have a copy of the Constitution, the By-Laws and Standing Rules of the Association and a copy of Bourinot's Rules of Order at each Association, Board and Council Meeting.
- 5.11.3 The Recording Secretary shall prepare an agenda for each Association meeting from past minutes and from communications, especially those of the Board Members, and shall forward the agenda to the Corresponding Secretary for distribution.
- 5.11.4 The Recording Secretary shall be the custodian of the current records of the Association (minutes, records of attendance) and shall transfer these annually to the Provincial Archives collection of the Association.

- 5.11.5 The Recording Secretary shall keep an up-to-date file of the name, address and, if possible, birth date and telephone number of each member.
- 5.11.6 In the absence of the President, 1st Vice-President and 2nd Vice-President, the Recording Secretary is empowered to call a meeting to order and, in the absence of the Past President, call for the nomination of a chairperson for that meeting.

## 5.12 CORRESPONDING SECRETARY

5.12.1 The Corresponding Secretary shall conduct the correspondence and act on behalf of the Society as a whole (officers and chairmen of committees are expected to conduct whatever correspondence may be required in performing their duties).

- 5.12.2 The Corresponding Secretary shall maintain a file of correspondence and shall transfer this at convenient intervals to the Recording Secretary for the preservation of documents of archival value.
- 5.12.3 The Corresponding Secretary shall direct all correspondence concerning dues and fees to the Membership Chairman.
- 5.12.4 The Corresponding Secretary shall notify the chairman and members of each committee of their appointments and their duties.
- 5.12.5 The Corresponding Secretary shall be the custodian of the Seal of the Association, an impression of which is affixed hereto and shall affix the same to all official documents of the Association signed by the Corresponding Secretary and the President.

5.12.6 The Corresponding Secretary shall notify the members of the Annual General Meeting and of Regular and Special Meetings by fax, e-mail, and regular mail or by notice in newspapers.

# 5.13 Treasurer/Membership Secretary

- 5.13.1 The Treasurer/Membership Secretary shall keep a record of the membership of the Association.
- 5.13.2 The Treasurer / Membership Secretary shall receive all dues, fees and other funds for the Association.
- 5.13.3 The Treasurer/Membership Secretary shall provide promptly a membership card to those who have paid the prescribed dues or fees.

- 5.13.4 The Treasurer/Membership Secretary shall deposit all monies of the Association to the credit of the Association with a Chartered Bank or federally registered Trust Company approved by the Board of Directors.
- 5.13.5 The Treasurer/Membership Secretary shall pay all accounts as authorized by the Executive.
- 5.13.6 The Treasurer/Membership Secretary shall keep an accurate record of the financial transactions of the Association. The record shall be available at any time to the Audit Committee for examination.
- 5.13.7 The Treasurer/Membership Secretary shall present a detailed report including a statement on the financial affairs of the Association, at the Annual General Meeting of

the Association, or when otherwise requested to do so by the Board of Directors. This shall include a complete financial statement duly audited by the Audit Committee.

## BY-LAW 6 - BOARD OF DIRECTORS

- 6.1 The Board of Directors, hereinafter called the "Board", shall consist of the officers and seven directors, each elected for a two-year term at an Annual General Meeting of the Association.
- 6.2 At all meetings of the Board, a minimum of seven directors shall constitute a quorum.
- 6.3 The Board shall meet as often as deemed necessary at the call of the President and shall be empowered to determine policy, not inconsistent with its Objectives, between Annual or Special meetings of the Association.
- 6.4 All policy so determined shall be reported to and ratified by the members of the Association at the next Annual General Meeting of the Association.

- 6.5 Any vacancy occurring in the office of the 2nd Vice-President, Recording Secretary, Corresponding Secretary or Treasurer/Membership Secretary shall be appointed by the Board.
- 6.6 Any director, whose actions or comments are detrimental to the Association or its objectives, may be removed from office by a two-thirds majority vote at a special meeting of the Association called for that purpose.
- 6.7 Any elected member of the Board who misses three consecutive meetings without valid because during the year following election shall be removed from office. The Office shall be considered as vacant and may be filled by a majority vote at a special meeting of the Association called for that purpose.
- 6.8 In the event of a vacancy occurring midterm, in a Director's position of the Association, the President will request the nominating committee to recommend a replacement to him on an interim basis.

#### BY-LAW 7 - MEMBERSHIP

- 7.1 Membership in the Association shall be open to individuals, organizations and companies who support the Objectives of the Association. All members over the age of 18 with the exception of sustaining members are entitled to vote and hold office.
  - 7.1.1 Regular Member Any person who actively supports the Objects of the Association may become a Regular Member of the Association upon payment of the prescribed dues.
  - 7.1.2 Family Membership Any two adults and children under the age of 18 constitute a Family.
  - 7.1.3 Life Membership Any person paying the prescribed dues shall become a life member.
  - 7.1.4 Honourary Life Member Any person who for good reason has been elected by two-thirds majority of members shall become an Honourary Life Member.

- 7.1.5 Group Membership Any recognized Scottish society or organization operating within the Province of New Brunswick, and which agrees to recognize and abide by the Constitution and By-Laws of the Association, may become a Group Member of the Association upon payment of the prescribed dues.
- 7.1.6 Sustaining Member Any group, organization or company may become a Sustaining Member upon payment of the prescribed dues. Sustaining Members do not have a voice in the governing of the Association.
- 7.2 The membership of any individual or organization in the Association may be revoked by a two-thirds majority vote at any Annual or Special Meeting of the Association, without refund of dues, for actions deemed detrimental to the Objectives of the Association.

#### BY-LAW 8 - PRIVACY RULES

8.1 The Association is committed to respecting the privacy principles of its members, their families and its volunteers by adhering to the privacy principals set forth in the following:

#### 8.2 ACCOUNTABILITY

The President and Treasurer/Membership Secretary of the association as well as the applicable Chapter Chair are responsible for the management of the Policy including all the principals.

## 8.3 IDENTIFYING PURPOSE

The Association only collects personal information necessary to provide communication to and with each individual member and Chapter. All information given in written form (including facsimile and electronic mail) is maintained for a period not exceeding 13 months.

#### 8.4 Consent

The Association members and Chapter members as well as volunteers will have the ability to consent to the use of their personal information. A member grants, through registration, consent to use personal information by the NBSCA for the purpose of statistics and analysis. Express written consent must be obtained for the use of personal information on the website of Scottish Journal.

# 8.5 LIMITED COLLECTION

The Association will explain the purposes for collecting each piece of personal information. Should the purpose or use differ from that identified at the time of collection, consent for the new use will be obtained from members, Chapter members and volunteers.

# 8.6 LIMITING USE, DISCLOSURE AND RETENTION

The Association will use the personal information obtained from members, Chapter members and volunteers only for the purpose for which it was collected, and will not disclose the information for other purposes except as required by applicable law. All information provided to the NBSCA will be maintained in a secure manner to ensure that its use is limited to the purposes stated when collected.

All information concerning registration for membership, performance, activities, events, honours and award received will be retained by NBSCA permanently. Any other information will be maintained in a secure manner and will be destroyed in a secure manner providing there is no legislation requirement that this information be kept beyond the thirteen (13) month period.

# 8.7 ACCURACY

Members will have the ability to view and review data provided on their membership application at any time through the Membership secretary. Individuals may, on presentation of a document establishing their identity to the Chapter Chair responsible for the individual's geographic area, be able to review this information and amend where appropriate.

## 8.8 SAFEGUARDS

The Association will assess and implement appropriate measures to properly protect personal data. These measures will be continually monitored and subject to ongoing review to ensure effective protection.

## 8.9 **OPENNESS**

The Association shall make readily available to individuals specific information regarding its policies and practices as related to the management of personal information of members, Chapter members, and volunteers via the Website.

## 8. 10 INDIVIDUAL ACCESS

Individuals will have access to their personal information provided on the membership application at any time through the Membership Secretary. On written request to the Chapter's chairperson responsible for the member's geographic area, a member will be informed of the existence, use and disclosure of their personal information, and will be given access to view that information. A member may challenge the accuracy and completeness of the information, with amendments or corrections in written form being forwarded to the Membership Secretary.

#### 8.11 CHALLENGING COMPLIANCE

Individuals may challenge the Association's compliance with this policy by contacting the Membership Secretary.

The following definitions form part of this policy:

Personal Information under the Act means information about an "identifiable individual". For example, "personal information" includes your

Name, age, weight, height, medical records, income, purchases and spending habits, race, ethnic origin and colour, blood type, DNA code, fingerprints, marital status and religion, education, home address and phone number.

Personal information does not include the name, job title, and business address or office telephone number of a member of an organization that is covered by the new law.

Volunteer – any individual who works on behalf of the Association in a capacity to enhance the promotion of Scottish Culture within the Province of New Brunswick.

## BY-LAW 9 - DUES

9.1 Annual membership levels and association dues for the Association and Regional Chapters shall be set by the Board of Directors and shall be ratified at the next Annual General Meeting of the Association.

Five Dollars (\$5.00) of each membership shall be held in trust for each Regional Chapter and returned to that Chapter for covering operating expenses. All membership dues collected including personal information shall be returned and managed by the Association. Each member in good standing shall be entitled to a copy of the NBSCA Journal.

9.2 The Membership Year shall be based upon the calendar year, January 1 through December 31.

## BY-LAW 10 - MEETINGS

- 10.1 The Association shall meet twice each year. One meeting shall be the Annual General Meeting, which shall be held in the month of October. A semi-annual meeting will be held in the form of a roundtable discussion the first Saturday of May.
- 10.2 Notice for the Annual General Meeting and the Semi-Annual Meeting shall be distributed one month prior to the date of the meeting.
- 10.3 A Special Meeting of the Association may be called by the Board or at the written request of at least twenty-five regular members of the Association. The specific purpose of the meeting must be stated.
  - 10.3.1 The Special Meeting shall be held within one month of the receipt of the request. Written notice of such meeting, including the purpose shall be communicated to all members at least fourteen (14) days prior to the date of the meeting.

- 10.3.2 No other matter shall be discussed or dealt with at such Special Meeting.
- 10.4 At all Regular or Special Meetings of the Association, all questions or motions shall be decided by a simple majority of votes cast.

#### BY-LAW 11 - COMMITTEES

- 11.1 The Standing Committees of the Association shall be: Audit, Nominating, and Constitution and By-Laws Committees.
- 11.2 At the Annual General Meeting, the Audit Committee shall be appointed for the following year.
  - 11.2.1 The Audit Committee shall consist of two or more Regular Members of the Association. It shall audit the financial records of the Association for the coming fiscal year and report to the members at the next Annual General Meeting of the Association, or as requested by the Board.

- 11.2.2 No Officer or Director of the Association may be a member of the Audit Committee.
- 11.2.3. The Nominating Committee shall consist of three or five members. The President shall appoint the Chairman.
- 11.3 The Nominating Committee shall present at the Annual Meeting a slate of officers for election. During the election, it shall be in order for the presiding officers to receive other nominations from the floor.
  - 11.3.1. Special Committees such as Advertising, Editorial, Educational, Fundraising, Literacy, Press and Publicity, Publications, Scholarship, Tartan Day or others as may be deemed advisable to promote the Objectives of the Association may be established. All chairpersons of such committees shall be appointed by the President of the Association and ratified by the Board.

#### BY-LAW 12 - CHAPTERS

- 12.1 Members of the Association may be organized in Chapters, which shall have as their objective the promotion, and support of the purposes and activities of the Association. New Regional Chapters maybe established from time to time by the President of the NBSCA with the approval of the Board of Directors. A Regional Chapter must have a minimum of fifteen (15) members in good standing and Chapters cannot be established in locations where a well-established member group of the NBSCA is already in existence.
- 12.2 Chairman and governing Board The President with the approval of the Board of Directors shall appoint and dismiss the Regional Chapter Chairman.
- 12.3 With permission of the President of the Association, a Regional Chapter may elect its Chairman and an executive committee, or it's Chairman only, at a meeting of the Regional Chapter call for that purpose of which at least ten (10) days' notice has been given to all members in the Regional Chapters geographical area.

- 12.4 The Chapter may establish Standing Rules for its functioning as it deems necessary, however, the result of any such election, and the operation of any such Standing Rules, is subject to the approval of the President and Board of Directors of the Association.
- 12.5 If the President withholds approval of any such election, he shall advice the Board of Directors, and appoint a suitable person or persons for the office (s) for which approval has been withheld.
- 12.6 Nothing in this clause shall limit the power of the President, Executive or Board of Directors of the NBSCA to exercise a general power of supervision over Regional Chapters.
- 12.7 Chairmen of the Regional Chapters shall provide at each Board of Directors Meeting Complete report of day-to-day activities including a financial report.
- 12.8 Revenue and Fundraising-Regional Chapters are free to raise funds; many hold garage sales, teas, pass collection plates at meetings and so

forth. Regional Chapters are also permitted to open Bank Accounts at Chartered Banks, Federally registered Trust Company, or a Credit Union. The President shall be one of the signing officers of the Account along with two other signing officers of the Chapter.

- 12.9 There is a limit on individual donation beyond which (including any bequests over \$1000.00) they are deemed made to the Association HQ. The Association can give seed money (\$100.00 \$1000.00) to a Regional Chapter with the approval of the Board of Directors for general expense, for local advertising or for special projects.
  - 12.9.1 Equally, Chapters sometimes give the Association money to initiate special projects or they guarantee a minimum large order for an expensive new sale item. We can also provide to Chapters from our general inventory on consignment with a 20 percent discount.

## BY-LAW 13 - FISCAL YEAR

13.1 The fiscal year of the Association as well as the membership year shall be January 1 to December 31.

# BY- LAW 14 - (STANDING) RULES, REGULATIONS AND GUIDELINES

14.1 The Board may from time to time prescribe rules and regulations not inconsistent with the Objectives of the Association, relating to the management and operation of the Association. Such rules shall be submitted for approval by the Association as Standing Rules at the next Annual General Meeting of the Association. Any rules that are not approved by a two-thirds majority of votes cast shall cease to be valid. Guidelines for continuing committees shall be established in co-operation with the chairperson of such committees and the President.

# BY-LAW 15 - REPEALED

15.1 Repealed

#### BY-LAW 16 - ORDER OF BUSINESS

- 16.1 At Annual General Meetings of the Association, the Order of Business shall be as follows:
  - ▶Call to Order
  - ► Presentation and Approval of Agenda
  - ➤ Reading and Adoption of the Minutes of the Previous Meeting(s) President's Report
  - ➤Treasurer's Report
  - ➤ Committee Reports
  - ➤ Business Arising from the Minutes
  - ➤ Correspondence
  - ➤ Election of Officers
  - ► New Business
  - **≻**Adjournment
- 16.2 At other meetings of the Association, a similar agenda, as appropriate, shall be followed.

#### BY-LAW 17 - AMENDMENTS

17.1 The By-Laws of the Association may be repealed or amended at the Annual General Meeting of the Association by a two-thirds majority vote of the Regular Members present.

- 17.2 Notice of motion to amend the By-Laws must be received by the membership at least four weeks prior to the Annual General Meeting.
- 17.3 A copy of the amending motion must be submitted to the Corresponding Secretary at least six weeks prior to the Annual General Meeting at which such notice is to be given.

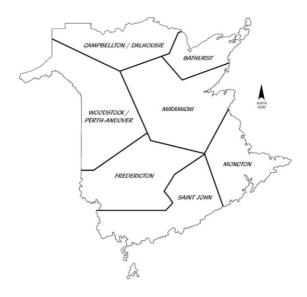
## BY-LAW 18 - DISSOLUTION

18.1 Prior to Dissolution, a Committee of six (6)
Trustees shall be established. The Committee shall be comprised of three representatives who have served on the Executive Committee of the Association, together with one (I) Executive Member from each of the following organizations: Highland Society of New Brunswick at Miramichi, Fredericton Society of Saint Andrew, and Saint Andrew's Society of Saint John (NB).

- 18.2 Duties of the Committee shall include assembly, at some secure site, of all physical assets of the defunct Association. An accurate inventory shall be prepared and the assets placed in secure storage for a period not to exceed ninety (90) days.
- 18.3 All existing records such as minutes of meetings, documents, printed pieces, books and the like as deemed appropriate by the Trustees, shall be assembled and itemized verifying their existence. This material shall be placed in the New Brunswick Provincial Archives.
- 18.4 Should no effort to revive the Association be initiated within the ninety-day period, the assets shall be converted into cash, which shall be invested in interest-bearing securities for a period of ten (10) years from the date of the actual dissolution of the Association.
- 18.5 Should the Association not be re-activated within the ten-year period, the funds, together with accrued interest, shall be used to

fund Educational Scholarship(s). Criteria for such Scholarship(s) shall be a responsibility of the same Trustees who handled the dissolution, insofar as is possible.

- 18.6 Should any original Trustee not be available or able to serve, a substitute from the same organization should be invited to act in his/her place.
- 18.7 It should be clearly understood that the role of Trustee is, in this instance, a voluntary one and that there is no monetary compensation forthcoming.



Regional Boundaries of the New Brunswick Scottish Cultural Association

October 2000

Revised NBSCA Annual General Meeting October 2000 Bathurst November 13, 2004 Fredericton October 14, 2006 Miramichi October 2, 2010 Miramichi October 13, 2012 Bathurst