

AN INTRODUCTION TO SGI CANADA'S CONSTITUTIONAL DOCUMENTS

The constitutional documents of SGI Canada were prepared in order to establish a stable and consistent documentary basis for the organization in accordance with Canadian laws. This important step was needed to set the course for the future development of kosen-rufu in Canada while also establishing guidelines to protect the well-being of the individuals in the organization.

The reasons for the establishment of the constitutional documents are: (1) to clarify the rules and guidelines of SGI Canada; (2) to ensure compliance with federal laws and regulations, including a relatively new law, the *Canada Not-for-Profit Corporations Act* ("CNCA") which came into force on October 17, 2011) that applies to Canadian non-profit corporations; and (3) to create a solid legal foundation for the present and the future.

SGI Canada was incorporated under the *Canada Corporations Act* on June 19, 1975 and was registered as a charitable organization under the *Income Tax Act*. SGI Canada was continued under the CNCA on October 24, 2014, as described in greater detail below. SGI Canada has grown since being incorporated in 1975, and has established constitutional documents to reflect that development. These documents consist of: (1) an expanded and more comprehensive general operating bylaw which complies with the new requirements under the CNCA and (2) the policies of the organization, which provide more detailed descriptions, based on the principles outlined in the general operating bylaw. The general operating bylaw has been filed with Industry Canada and Canada Revenue Agency, while the policies are internal documents that may be amended from time to time as needed.

GENERAL OPERATING BYLAW

The general operating bylaw describes the structure of SGI Canada and how the organization operates. The applicable Canadian laws require that all charitable corporations file their bylaws with appropriate government authorities and that the bylaws adequately describe the structure and governance of the organizations. The CNCA bylaw is a more complete and detailed document that properly fulfills this requirement.

Since SGI Canada is a religious organization, it is also important for the bylaw to describe its basic spiritual practices and beliefs. The bylaw includes a "Statement of Faith," which describes the essential purpose, values and spirit of our organization. Following is the text, which appears at the beginning of the bylaw:

STATEMENT OF FAITH

Soka Gakkai International Association of Canada (SGI Canada) is an organization embracing the teachings of Nichiren Daishonin (1222-1282), which is the essence of Mahayana Buddhism. The purposes of the organization are: to enable each person to achieve genuine happiness through the practice of Nichiren Buddhism, to contribute to lasting peace, the enrichment of culture, humanistic education, and the development of human society based on Buddhist philosophy, which espouses the dignity of life.

SGI Canada embraces the fundamental aim and mission of contributing to peace, culture and education based on the philosophy and ideals of the Buddhism of Nichiren Daishonin. We believe that Nichiren Daishonin's Buddhism, a humanistic philosophy of infinite respect for the sanctity of life and all-encompassing compassion, enables individuals to cultivate and bring forth their inherent wisdom and, nurturing the creativity of the human spirit, to surmount the difficulties and crises facing humankind and realize a society of peaceful and prosperous coexistence. Education and the arts therefore play important roles in the activities of SGI Canada, as they are regarded as important ways for individuals to become more in touch with their own humanity and develop empathy, compassion and wisdom—all crucial to achieving the Buddhist goal of universal happiness and peace.

“Soka” means “to create value.” The fundamental goal of Soka Gakkai is to achieve the happiness of all humanity and world peace based on the philosophy of the dignity of life. This is the ultimate meaning of “creating value.” As an affiliate with the Soka Gakkai International, SGI Canada carries out its religious activities in the same spirit and based on the same principles.

Nichiren Daishonin declared, “If you care anything about your personal security, you should first of all pray for order and tranquility throughout the four quarters of the land, should you not?” (*The Writings of Nichiren Daishonin*, vol.1, p. 24). This means that there is no true happiness without peace and security in the world. As such, SGI Canada is aiming to achieve not only individual happiness but also a truly peaceful and happy society.

SGI Canada is dedicated to upholding the spirit of the three founding presidents of the Soka Gakkai: Tsunesaburo Makiguchi, Josei Toda and Daisaku Ikeda. The spirit and guidance of the three founding presidents are all based on Nichiren Daishonin's Buddhism. Their actions as practitioners exemplify the principle of the shared commitment of mentor and disciple dedicated to the happiness of all people.

The principle of the oneness of mentor and disciple, working together for the happiness of all people, is the core teaching of Buddhism. It is based on the recognition that all people equally possess the potential for enlightenment or Buddhahood. This was made clear in the Lotus Sutra as taught by Shakyamuni Buddha.

To profess faith in Nichiren Buddhism and to be a practitioner in SGI Canada means to cherish the sanctity of life and to respect others, recognizing the interrelatedness of all life and the universe.

Buddhist faith, practice and study are based on the development of one's own Buddhahood while also striving to help others attain Buddhahood. They are described in the following passage from Nichiren's writings:

Exert yourself in the two ways of practice and study. Without practice and study, there can be no Buddhism. You must not only persevere yourself; you must also teach others. Both practice and study arise from faith. Teach others to the best of your ability, even if it is only a single sentence or phrase. (Ibid., p. 386)

SGI Canada does not belong to any political organization, nor is it involved in political activities.

POLICIES

The policies of SGI Canada contain detailed descriptions and guidelines that provide a documentary basis for the continuity and consistency of the organization, for the present and the future. The purpose of having various policies is to provide guidelines so that SGI Canada's activities can reflect the humanistic spirit of Nichiren Buddhism and of the SGI, as established by the three founding presidents. They are also based on legal and ethical principles for the protection of individuals and the organization.

An introduction to each policy is included at the beginning of each policy in order to clarify the essential spirit and intent of the policies.

Additional policies will be added from time to time in order to address various issues that affect the organization and its operations..

CHANGES IN CANADIAN LAWS THAT APPLY TO NON-PROFIT CORPORATIONS

SGI Canada was incorporated under the *Canada Corporations Act (CCA)*. This Act was replaced on October 17, 2011 by a new law called the *Canada Not-for-Profit Corporations Act (CNCA)*. All federal corporations, including SGI Canada, were required to continue under the provisions of the CNCA within three years of proclamation date. As mentioned earlier, SGI Canada was continued under the CNCA and a Certificate of Continuance was issued by Industry Canada on October 24, 2014 (the articles of continuance were filed with Industry Canada in advance of the October 17, 2014 deadline).

The CNCA introduced some changes that made it necessary for SGI Canada to adjust our terminology. Under the previous statute, being the CCA, SGI Canada had both voting members and non-voting members. Under an earlier by-law, the voting members had been the members of the Board of Directors, who carry legal and fiscal responsibility for the corporation. Everyone else had been a non-voting member. Under the CNCA, non-voting members in non-profit corporations are given certain limited voting rights. This would represent a fundamental change from the way SGI Canada has operated until now, so it was necessary to discontinue using the term "non-voting member" in order to continue to operate in the way that is consistent with the original vision of the organization. Many other non-profit and charitable organizations across

Canada have made the same kind of changes in their bylaws and terminology for the same reason.

This change in the law arose because the CNCA is based on laws that apply to a business corporation model. But a business model is not consistent with the way many religious organizations function. In a business corporation, shareholders invest in the corporation, and the corporation is expected to generate profits for the shareholders. It is therefore logical that all shareholders should have certain voting rights. SGI Canada is a religious organization, not a business, and is focused on spiritual development and service to those who practise Nichiren Buddhism. The appointed leadership has a responsibility to preserve the teachings of Nichiren Buddhism, to uphold the spirit and traditions of the Soka Gakkai, and to maintain a consultative relationship with Soka Gakkai International in Japan. In organizations with widespread voting, the organization can easily become politicized and factions could begin to appear. The potential for the organization to be taken in different directions from its original purpose would therefore be greatly increased.

SGI Canada, like many other religious organizations, therefore needed to change its terminology in order to continue to operate as it had in the past, within the parameters of the CNCA. In the CNCA, the terms “member” and “non-voting member” have acquired a specific meaning that involve voting rights on certain fundamental decisions. SGI Canada has therefore adopted the term “practitioner” to replace these terms. Everyone who belongs to the organization is a practitioner. This term was selected because of its extensive usage by the three founding Soka Gakkai presidents in defining a person who practises Nichiren Buddhism in the spirit of the Bodhisattvas of the Earth. A practitioner does not simply belong to the organization, but takes action in the way of faith, practice and study.

Among the practitioners, there is the Board of Directors, which has legal responsibility for the organization. The Board members are elected by the corporate (voting) members. In the CNCA bylaw, the corporate members were expanded to include the current Board of Directors as well as the Executive Council. The Executive Council is composed of the General Director, the Executive Advisor, the Senior Vice General Director, and the national divisional leaders. Board members can be nominated from anyone in the organization, except employees, who are not permitted to sit on the board of directors for charitable organizations in Ontario because of the requirements of Ontario case law. The bylaw explains the organizational structure in detail.

CONSULTATION AND FINALIZATION OF DOCUMENTS

A process of consultation across Canada resulted in some revisions to the constitutional documents, which were included in the final versions posted on the designated website. We wish to sincerely thank everyone for your contributions to this process.