

# STUDENTS' COUNCIL

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Tuesday March 29, 2011  
Council Chambers 2-1 University Hall

## ORDER PAPER (SC 2010-25)

### 2010-25/1 SPEAKER'S BUSINESS

2010-25/1a Announcements – The next meeting of Students' Council will take place on Tuesday, April 5th, 2011

### 2010-25/2 PRESENTATIONS

2010-25/2a ECOS Structural Changes- Presented by Ian Moore, ECOS director. Sponsored by Rory Tighe, VP Student Life.

Abstract: This presentation will outline all of the changes that are planned for the Environmental Co ordination Office of Students for the 2011/2012 year. The changes stem from a long review process over this year and include feedback from many stake holders.

2010-25/2b The SU's budget – Presented by Zach Fentiman, VP Operations and Finance. Sponsored by Zach Fentiman, VP Operations and Finance.

Abstract:

This presentation is intended to outline the Students' Union's proposed 2011-2012 operating and capital budgets. Key budget drivers and changes will be discussed for council's information as the motion to approve the budget is tabled.

### 2010-25/3 EXECUTIVE COMMITTEE REPORT

### 2010-25/4 BOARD AND COMMITTEE REPORTS

2010-25/4a Ruling 2010-06 of the DIE Board (DRO re: Ruling 2010-05)

Please see document SC 10-25.01

2010-25/4b Ruling 2010-07 of the DIE Board (CRO Interpretation re: Collusion/Slates)

Please see document SC 10-25.02

2010-25/4c Ruling 2010-08 of the DIE Board (RAO vs. C.R.O)

Please see document SC 10-25.03

2010-25/5

**QUESTION PERIOD**

2010-25/6

**BOARD AND COMMITTEE BUSINESS**

2010-25/7

**GENERAL ORDERS**

2010-25/7a

**EASTHAM/TIGHE MOVED TO** approve Bill #39 in first reading based on the following principles:

After 12 months from signing Conditions of Probation, the Vice President (Academic) may extend the Probationary Period of an association for up to six months. **Section 20 c**

Please see document SC 10-25.04

Speakers List: Eastham(introduction), Cox

**COX/BROUGHTON MOVED TO** amend the motion to read:  
**EASTHAM/TIGHE MOVED TO** approve Bill #39 in first reading based on the following principles:

After three months and before one calendar year of an Association being recognized as having probationary status, the Students' Union shall:

a) recognize the Association as no longer having probationary status and no longer being subject to their conditions of probation, if the Association has met their conditions of probation;

b) extend the probationary period of an Association for up to six months, if all signatories to the conditions of probation consent to the extension or if the Students' Union has reason to believe that the conditions of probation will be met during the period of extension; or

c) derecognize the Association, if the conditions of probation are not met and the Students' Union has no reason to believe that the conditions of probation will be met during the probationary period.

Speakers list: Cox(introduction), Eastham, Cox

Please see document SC 10-25.04

2010-25/7b

**EASTHAM/TIGHE MOVED TO** approve Bill #40 in first reading based on the following principles:

Schedules of Departmental Associations, Program Associations, and Affiliated Associations shall be provided to the association's membership and the Students' Union annually, or upon request

Please see document SC 10-25.04

2010-25/7c

**EASTHAM/TIGHE MOVED TO** approve Bill #41 in first reading based on the following principles:

Minutes of Association Executive or Board of Directors, Council and General meetings shall be made available publicly

Please see document SC 10-25.04

**2010-25/7d** **EASTHAM/TIGHE MOVED TO** approve Bill #42 in first reading based on the following principles:

Each year an Association shall provide the Students' Union with an outline of organizational and financial goals. An update on the progress of these goals will be submitted at the September COFA meeting, or circulated to the Council of Faculty associations six months after the Association's General Election, whichever occurs first.

Please see document SC 10-25.04

**2010-25/7e** **TIGHE/FENTIMAN MOVE THAT** Students' Council approve the 2011/2012 Health & Dental Plan fee based on the following principles:

- 1) The Health Plan portion will not exceed \$105.99
- 2) The Dental Plan portion will not to exceed \$107.34
- 3) The total Health & Dental Plan cost will not exceed \$213.33.

**2010-25/7f** **STITT/BROUGHTON MOVE THAT** Students' Council amend The Standing Orders in such a way to reflect the following principles:

- a) Should a Councillor be absent for 3 meetings in a semester Students' Council will notify that Councillor's faculty association.
- b) If a Proxy is appointed and attends a particular meeting, that will not be an absence for the purposes of this section.
- c) Should a Councillor attend by alternate means approved by the speaker, that will not be an absence for the purposes of this section.

**2010-25/7g** **TURNER MOVES THAT** Students' Council approve Bill #43 in first reading based on the following principles:

1. If a candidate, side or slate fails to submit to the CRO their complete and accurate record of all campaign expenses no less than twelve working hours prior to the commencement of voting:
  - a. the candidate, campaign manager for the side, or the slate shall be disqualified;
  - b. that candidate, side, or slate shall be prohibited from engaging in further campaign activities;
  - c. notice of this shall be posted with the campaign expense records;
  - d. the violation will be communicated directly to the candidate, the side's campaign manager or the slate in question; and
  - e. the C.R.O. may recommend to the D.I.E. Board that further action be taken against that the candidate, the side's campaign manager, the side's members, and/or any volunteers.

**2010-25/7h** **TURNER MOVES THAT** Students' Council approve Bill 44 in first reading based on the following principles:

1. Candidate slates shall cease to exist for all Students' Union elections.
2. Candidates shall be allowed to endorse other candidates, including those within his or her own race.

- 2010-25/7i**      **TURNER MOVES THAT** Students' Council approve Bill 45 in first reading based on the following principle:
1. No voting shall be conducted prior to the DIE Board ruling on all appeals covered by Bylaw 2000, Section 73.
- 2010-25/7j**      **TURNER MOVES THAT** Students' Council approve Bill 46 in first reading based on the following principle:
1. A Deputy Returning Officer shall be dismissed only by a 2/3 majority vote of Students' Council on two consecutive meetings, to be held not less than one week apart.
- 2010-25/7k**      **TURNER MOVES THAT** Students' Council approve Bill 47 in first reading based on the following principles:
1. The regulations that apply to the Myer Horowitz Forum will also apply to all other forums administered by the Students' Union.
  2. The CRO (or designate) shall chair each forum administered by the Students' Union.
- 2010-25/7l**      **DEHOD/FENTIMAN MOVED THAT** Students' Council adopt Bill #48 in first reading based on the following principles:
1. The Students' Union shall develop, maintain, and use a Strategic Plan.
  2. The Strategic Plan shall comprise the following:
    - a. Mission
    - b. Vision
    - c. Values
    - d. Critical Success Factors
    - e. Strategic Goals
  3. The Strategic Plan shall have a life no less than four years.
  4. The Strategic Plan shall be reviewed and/or renewed every four years
  5. The Students' Union shall develop, maintain, and use Executive plans and Operating Plan which support, as appropriate to functional area, the Strategic Plan and its components.
  6. The Executive shall provide Students' Council with reports and presentations regarding the progress of goals and strategic objectives once per a trimester.
  7. A two-thirds majority vote of Students' Council shall be required in order to ratify or amend a Strategic Plan.
  8. Every four (4) years, unless commissioned by Students' Council earlier, the Strategic Plan shall be reviewed and/or renewed by the Strategic Plan Steering Committee.

9.The Strategic Plan Steering Committee shall be composed of three (3) members of the Executive Committee including the President, three (3) senior management employees including the General Manager, three (3) members of Students' Council, and three (3) members-at-large selected through a nomination process.

10.The President shall Chair the Strategic Plan Steering Committee.

Please see document SC 10-25.05

**2010-25/7m** **TURNER MOVES THAT** Students' Council approve Bill 49 in first reading, based on the following principles:

1. Rulings of the Discipline, Interpretation and Enforcement Board shall be reported to the Council Administration Committee as information items.
2. The Council Administration Committee shall review rulings of the Discipline, Interpretation and Enforcement Board within two CAC meetings of the release of the ruling.

**2010-25/7n** **FENTIMAN MOVES THAT** Students' Council approve Bill #50 in first reading based on the following principles:

Budgeted reserves not spent in entirety, shall have its budgeted monies available in subsequent future year(s) for related purchases as originally deemed. Reserve funds carried over shall be accurately and openly presented on the audited financial statements.

**2010-25/7o** **FENTIMAN/CHEEMA MOVE THAT** Students' Council, upon the recommendation of the Budget and Finance Committee, approve the 2011-2012 Operating and Capital budget.

**2010-25/7p** **FENTIMAN/CHEEMA MOVE THAT** Students' Council, upon the recommendation of the Grant Allocation Committee, approve the 2011-2012 Access Fund budget.

**2010-25/8** **INFORMATION ITEMS**

**2010-25/8a** CAC- Summary Report to Council

Please see document SC 10-25.06

**2010-25/8b** Policy Committee- Summary Report to Council

Please see document SC 10-25.07

**2010-25/8c** Nick Dehod, President- Report

Please see document SC 10-25.08

**2010-25/8d** Bylaw Committee- Summary Report to Council

Please see document SC 10-25.09

**2010-25/8e** Votes and Proceedings

Please see document SC 10-25.10

# **Discipline, Interpretation, and Enforcement (DIE) Board**

## **Ruling of the Board**

### **HEARING DETAILS**

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<b>Style of Cause:</b>	Re: Ruling 2010-05
<b>Hearing Number:</b>	Ruling #6 2010/2011
<b>Hearing Date:</b>	March 15, 2011
<b>DIE Board Panel Members:</b>	Joanna Waldie, Associate Chief Tribune, Chair; Kathleen Elhatton-Lake, Associate Chief Tribune; Christopher Le, Tribune; Brandon Mewhort, Tribune; Timothy Mallet, Tribune.
<b>Appearing for the Applicant:</b>	Scott Fenwick, Deputy Returning Officer, Students' Union
<b>Appearing for the Respondent:</b>	N/A
<b>Intervener(s):</b>	Colten Yamagishi, VPSL Candidate; David McBean, VPSL Candidate; Craig Turner.

### **BACKGROUND**

1. Following a hearing in regard to the actions of the former C.R.O., D.I.E. Board issued a ruling that ordered a new election for the Vice President Student-Life race in order to “restore procedural fairness” to the election process (Ruling #5 at para 16). The panel held that the new election was to be governed by the existing by-election provisions in Bylaw 2000, specifically section 75. In addition, the panel held that no new candidates would be eligible for nomination. The nomination provisions of s. 75(3) would not apply, and the original two candidates from the original election period would be the only eligible candidates in the new election.

2. Section 75(4) of Bylaw 2000 States:

The voting for the new Election shall occur on two (2) consecutive weekdays to be determined and announced by the C.R.O. at least twenty-one (21) days in advance.

3. The Applicant, Scott Fenwick, requested that D.I.E. Board use its authority to permit the new VPSL Election to take place concurrently with the 2011 Students' Union Councillor and GFC Councillor elections. These elections are scheduled to occur on March 24 & 25, 2011. Such a ruling would be contrary to the above cited section of Bylaw 2000, as it would not allow for the election be announced 21 days in advance.

#### **RELEVANT LEGISLATIVE PROVISIONS**

4. Excerpts from Bylaw 2000:

##### **75. By-Election - Executive Committee and Board of Governors**

(1) Where another Election is required by virtue of Section 63(14) or Section 63(15), the new Election shall be governed by this bylaw with the exception of Sections 10 through 12, 17, and Sections 24 through 26, which shall not apply.

(2) The Campaign for the new Election shall begin a minimum of seven (7) days prior to the commencement of voting as set out in Section 75(4).

(3) The nomination deadline for the new Election shall occur a minimum of thirteen (13) days prior to the commencement of voting as set out in Section 75(4).

**(4) The voting for the new Election shall occur on two (2) consecutive weekdays to be determined and announced by the C.R.O. at least twenty-one (21) days in advance.**

#### **POSITION OF THE APPLICANT**

5. Mr. Fenwick cited concerns regarding voter turnout, elections staffing and mental health as reasons to allow the new VPSL election to run concurrently with the General Council Election. A 21



day period before the commencement of the election would push voting to the last full week of classes prior to exams, and would result in the third election period in an academic term. Mr. Fenwick was concerned this would result in very low voter turnout.

6. Staffing at polling stations were also a concern of the D.R.O., as an election so close to exams could hamper the availability of Poll Clerks and Poll Captains . This could lead to as few as four polling stations being available, as opposed to the 13-14 polling stations open during the General Executive and Board of Governors Elections. The mental health of the Elections Staff was also cited, as both Deputy Returning Officers are particularly busy, especially in the period leading up to exams. A compromised ability to effectively market a third election was also mentioned.

#### **SUBMISSIONS OF COLTEN YAMAGISHI AND DAVID MCBEAN, INTERVENORS**

7. The VPSL Candidates, David McBean and Colten Yamagishi made similar submissions to the D.R.O.'s, expressing their approval of this request.

8. Mr. Yamagishi cited concerns regarding the efficiency of the electoral process, and concerns over use of student resources.

9. Mr. McBean added that holding the election during this earlier period would be better suited for both candidates' academic schedules.

#### **SUBMISSIONS OF CRAIG TURNER, INTERVENOR**

10. Mr. Turner wished to speak to policy reasons as to why s. 75 of Bylaw 2000 need not apply to the new VPSL election, as this is in effect a re-election, and not a by-election, since no executive position has been left unfilled as in the case of a by-election. He contended that there was no formal

policy in existence regarding how a re-election is to run. In his view, there is no foundation for “artificially binding” the elections office to the by-election policy.

11. Mr. Turner was asked about his interpretation of the phrase “seven (7) days” in s. 75(2) of Bylaw 2000:

(2) The Campaign for the new Election shall begin a minimum of seven (7) days prior to the commencement of voting as set out in Section 75(4).

Mr. Turner replied that his interpretation of the seven day period is seven calendar days, rather than seven business days.

### **DECISION:**

12. D.I.E. Board finds that this application asked for a clarification and guidance regarding the interpretation of Ruling #5. The Board finds that Ruling #5 allows for some discretion in suspending the application of portions of s. 75 of Bylaw 2000, in particular, the words “in so far as is practicable” in paragraph 18. . In the interests of efficiency of the electoral process, it is not practical to announce a new election within 21 days. Thus, s. 75(4) can be suspended for the purposes of this re-election. The Board therefore holds that the VPSL re-election will be governed by the by-election provisions in s. 75 of Bylaw 2000, with the exception of s. 75(4). It has already been determined that the nomination provisions of s. 75(3) do not apply to this election. The VPSL re-election can therefore take place concurrently with the 2011 General Council Election

### **ANALYSIS**

#### **Ability to Hear the Appeal**

13. Initially, there was concern regarding D.I.E. Board’s ability to hear this application. In particular, there was concern regarding s. 73(7) of Bylaw 2000:

(7) No appeal shall exist from a ruling of the D.I.E. Board on an appeal of a ruling by the C.R.O.

It was unclear whether hearing this application would lead to a contravention of the above-cited bylaw, as there was uncertainty surrounding whether Ruling #5 was properly characterized as a hearing or an appeal of a ruling by the C.R.O. The Board turned to s. 14 of D.I.E. Board protocol,

Upon review of the application, the panel may unanimously vote to dismiss an application for a Hearing or Appeal without meeting in person to hear evidence or oral submissions if the panel concludes the application is frivolous, vexatious, or has not possibility of success, or if the panel concludes the issue in question is outside of its jurisdiction to hear. The panel must given written reasons for its decision to dismiss the application.

14. Upon examination and discussion, the D.I.E. Board determined that this is in fact not an appeal, rather a request for interpretation of ruling #5. Mr. Fenwick did not indicate what kind of hearing he was requesting on his application to D.I.E. Board. As such, the Board holds that it is within their purview to hear this application.

15. In the alternative, D.I.E. Board holds that Ruling #5 is a disciplinary hearing in regard to the former C.R.O.'s contravention of bylaw since Mr. Yamagishi took the C.R.O. to D.I.E. Board. In this case, even if this application is characterized as an appeal, the appeal was not in response to a ruling by the C.R.O., and so it remains within the jurisdiction of D.I.E. Board to hear the application and is not in contravention of s. 73(7).

#### Suspension of s. 75(4)

16. The D.I.E. Board acknowledges that suspending provisions of Bylaw 2000 is not a preferable course of action. However, the Board is again faced with wandering into uncharted waters with the ordering of a new VPSL election. D.I.E. Board cannot craft a new re-election policy, as this is outside the Board's jurisdiction, and is a task that is better suited to Student Council.

17. The Board therefore defers to paragraph 18 of the previous ruling (#5), that s. 75 of Bylaw 2000, the by-election provisions, are to govern the VPSL re-election. We find that paragraph 18 confers discretion to suspend certain provisions, by stating the new election is to “be conducted, so far as is practicable” in accordance with the provisions in this section.

18. The Board finds the reasons of both the applicants and the VPSL candidates to be sufficiently compelling to warrant a suspension of s. 75(4). It is not practical, for reasons already cited, to hold an election 21 days subsequent to this hearing. It is practical to hold the new VPSL election concurrently with the General Council elections to ensure that the election that takes place is more efficient, and is a better use of student resources. Further, calling the election by March 17 will allow for a seven-calendar day campaigning period to take place before the voting period. This allows for compliance with the remaining provisions of Bylaw 2000. The Board further holds that it is within the purview of the Elections Office to work within the existing provisions in s. 75 to make this election work as effectively as possible, given the circumstances.

# **Discipline, Interpretation, and Enforcement (DIE) Board**

## **Ruling of the Board**

### **HEARING DETAILS**

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<b>Style of Cause:</b>	Reference Re: Bylaw 2000
<b>Hearing Number:</b>	Ruling #7 2010/2011
<b>Hearing Date:</b>	March 18, 2011
<b>DIE Board Panel Members:</b>	Megan Mickalyk, Chief Tribune, Chair; Imane Semaine, Tribune; Audrey Jun, Tribune;
<b>Appearing for the Applicant:</b>	Alena Manera, Chief Returning Officer, Student's Union
<b>Intervener(s):</b>	Craig Turner

### **BACKGROUND**

[1] The C.R.O. requested that the D.I.E. Board provide an interpretation of §39(1) of Bylaw 2000. Ms. Manera noted that §39(1) stipulates that candidates who are running in the same race are prevented from endorsing one another. She raised the concern that this would effectively disallow slates to run more than one candidate per race, as doing so would result in a contravention of §39(1). The C.R.O. quoted §63 (7) Bylaw 2000 which states that:

Where a ballot is left with no first place vote for a given race, the section of that ballot in question shall be considered spoiled.

[2] The C.R.O. proposed that, within the context of §63 (7), she would "...define a 'race' in the Students' Council election as all seats within the faculty, as they are listed together on the ballot as a single race." Although the C.R.O.'s concern initially related to independents, at the hearing Ms. Manera raised the issue of how §39(1) would impact slates that have more than one candidate within a race.

## **ISSUE**

[3] If independents or members of a slate endorse one another within a race, is this contrary to §39(1) of Bylaw 2000? Is there anything within Bylaw 2000 or other relevant legislation which would indicate that slates are exempt from §39(1)?

## **RELEVANT LEGISLATIVE PROVISIONS**

[4] Excerpts from Bylaw 2000:

### **2. Definitions**

o. "slate" shall be any two (2) or more candidates each running for a different position who choose to run under the guidelines for slates as opposed to the guidelines for individual candidates

### **39. Endorsements**

(1) No candidate shall  
a. act as a volunteer for another candidate; or  
b. endorse another candidate within his or her own race.

## **DECISION**

[5] §39(1) prohibits candidates within the same race from supporting one another. Bylaw 2000 does not appear to provide any inference that slates are to be exempt from this provision.

## **THE FOLLOWING ARE THE REASONS OF MICKALYK, CHIEF TRIBUNE**

[6] Two issues must be considered in interpreting §39(1). First, on its face, does this provision prohibit both independents and slates from endorsing fellow candidates within the same race during a General Faculty Council Election? Second, if so, is there anything to indicate that slates within the same race were intended to be permitted as an exception to the general rule?

[7] Turning to the first issue, §39(1) of Bylaw 2000 clearly states that candidates running within the same race cannot endorse one another. Candidates running for seats within the same

faculty in a General Faculty Council election are running within the same race. The plain word meaning of this provision would not allow independents or slates to endorse candidates within the same race.

[8] Turning to the second, D.I.E. Board considered whether it was possible to infer an exception for slates from §39(1). Bylaw 2000 clearly allows for slates. However, nothing within the Bylaw states that slates will be permitted to include more than one candidate per race. Not only is there no explicit approval, no reference at all is made to slate members within the same faculty in Bylaw 2000.

[9] D.I.E. Board then consulted the previous Bylaws 2100 & 2200, as well as the minutes from the amalgamation of the two Bylaws into Bylaw 2000, to attempt to discern whether the lack of references could be construed as a clear oversight or an intentional removal. Nothing in the materials expressly indicated what the drafters' intent was. Consequently, we are left with only what is explicitly written in Bylaw 2000.

[10] §39(1) in its current form precludes candidates in the same race from endorsing one another. Nothing indicates that slates are exempt from this provision. The consequence is that §39(1) prohibits both independent candidates and slates from endorsing one another in the same race. As nothing can be found to the contrary, this is the interpretation that we are left with.

### **RECOMMENDATIONS**

[11] D.I.E. Board strongly recommends that care be taken to ensure that the various provisions of Bylaw 2000 do not lead to undesired results. If §39(1) is not intended to apply to slates, then Bylaw 2000 ought to be revised to provide a clear and obvious exemption from §39(1) for slates, so that a slate would be able to include more than one candidate per General Faculty Council Race.

**THE FOLLOWING ARE THE REASONS OF JUN, TRIBUNE**

**I concur.**

**THE FOLLOWING ARE THE REASONS OF SEMAINE, TRIBUNE**

**I concur.** The D.I.E. Board is responsible for interpreting and enforcing the Bylaws of the Students' Union. As such, it is essential that the D.I.E. Board take an objective approach to its interpretations. During the hearing, Bylaws 2100 & 2200, as well as the minutes from the amalgamation of the two Bylaws were all carefully consulted and considered by the D.I.E. Board Panel. These materials were requested and reviewed by the Panel in order to garner more insight into the drafters' intent. Despite a thorough review, the Panel could not determine with any degree of certainty the intent of the drafters. In the end, the D.I.E. Board believed it prudent to defer to the plain and straightforward meaning of §39(1) as it currently stands.

The D.I.E. Board recognizes that it is an unelected body, responsible only for interpreting and enforcing Bylaws. Whether or not §39(1) should apply to slates is a policy decision best left to the Students' Union to determine.



# **Discipline, Interpretation, and Enforcement (DIE) Board**

## **Ruling of the Board**

### **HEARING DETAILS**

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<b>Style of Cause:</b>	Rao vs. C.R.O.
<b>Hearing Number:</b>	Ruling #8 2010/2011
<b>Hearing Date:</b>	March 21, 2011
<b>DIE Board Panel Members:</b>	Joanna Waldie, Associate Chief Tribune, Chair; Timothy Mallett, Tribune; John Devlin, Tribune.
<b>Appearing for the Applicant:</b>	Aditya Rao, Students United for Progressive Action
<b>Appearing for the Respondent:</b>	Alena Manera, Chief Returning Officer
<b>Intervener(s):</b>	Natalie Cox; Jeffrey Kochikuzhyil , Shared Science Platform; Petros Kusmu., Students United for Progressive Action.

### **BACKGROUND**

1. Following a request for interpretation from the Chief Returning Officer (C.R.O), D.I.E. Board issued an interpretation (Ruling #7) that § 39(1) prohibits independent candidates and slates within the same race from endorsing one another. "Race" was defined as all seats within a faculty. The D.I.E. Board found that slates are not exempt from this position due to the clarity of the legislative provision, and could find no inference or clear intent to make such an exception.
2. Following this interpretation, the C.R.O. issued Ruling #3 on March 21, 2011. The C.R.O. ruled that all intra-faculty branches of slates be disbanded by a stated deadline. Any affected candidates were asked to erase any mention of their slate from their campaign materials. The C.R.O. acknowledged that slates were permitted for this election prior to this interpretation, and as such, there would be no punitive actions against candidates for collusion prior to her deadline. The C.R.O.

also stated in her ruling that affected candidates would receive a renewed campaign budget. The affected slates included Students United for Progressive Action (SUPA) and Shared Science Platform (SSP).

3. The Applicant, Aditya Rao, appealed the ruling of the C.R.O. to the D.I.E. Board as per § 75(2) of Bylaw 2000. The Applicant asked that the C.R.O.'s ruling be quashed, and asked the D.I.E. Board to allow slates to run within the same race for the purposes of the 2011 S. U. Students' Council and G.F.C. Elections.

#### **RELEVANT LEGISLATIVE PROVISIONS**

4. Excerpts from Bylaw 2000:

##### **39. Endorsements**

(1) No candidate shall

- a. act as a volunteer for another candidate; or
- b. endorse another candidate within his or her own race.

Excerpt from Bylaw 1500:

##### **29. General Powers of Enforcement**

If the Board finds an application for action or application for appeal requires action by the Board may make any order proscribing any remedy the Board considers appropriate and just in the circumstances.

#### **POSITION OF THE APPLICANT, ADITYA RAO**

5. Mr. Rao wanted it noted that the attendance of former members of SUPA at this hearing does not constitute collusion in any manner. The D.I.E. Board echoes its statements from prior rulings that hearings do not constitute any form of campaign activity.

6. While acknowledging the correctness of the decision, Mr. Rao asked the D.I.E. Board to, on a one-time basis, overturn the C.R.O.'s ruling that any intra-faculty branches of slates be disbanded. The Applicant asked to be permitted to continue to run as a slate for the purposes of this election. Mr. Rao did not express any issue with the interpretation given in Ruling #7, and asked the panel to allow the interpretation to as guidance for Students' Council to clean up Bylaw 2000. However, the

Applicant urged D.I.E. Board to not allow this interpretation to impede the election in progress, and allow the election to proceed with intra-faculty portions of slates in tact.

7. The Applicant stated that SUPA candidates had complied with the relevant nomination provisions of Bylaw 2000 and had subsequently received approval from the C.R.O. to contest the election as a slate. They therefore had every reason to believe that their candidacy as a slate was in compliance with the relevant election bylaws.

8. Mr. Rao pointed to this approval and the few remaining campaign days as reasons to overturn the C.R.O.'s ruling. There would be approximately two days remaining to campaign as independents. Rao noted that informing voters that these candidates were now running as independents would prove to be difficult. Mr. Rao also expressed concern that their nomination packages would be effectively null and void, since they solicited nominations on the premise that they would be running as a slate rather than as independent candidates. The Applicant was also concerned that voter re-education would prove to be a disadvantage to their independent campaigns, and believed that overturning the C.R.O.'s ruling would restore any fairness lost by this disadvantage. The Applicant frequently stated that allowing the C.R.O.'s ruling to stand would have undesirable consequences for our democracy

9. Mr. Rao cited D.I.E. Board's Ruling #5, and asked the panel to come to a similar conclusion. Effectively disqualifying the intra-faculty portion of a slate would be unjust when the slate candidates believed they were following the relevant bylaws, and had received approval from the C.R.O. Such an action would be unjust when there was no wrongdoing on the part of the candidates. Similarly, the Applicant pointed D.I.E. Board's attention to § 29 of Bylaw 1500, and asked the panel to look at the surrounding circumstances to proscribe a just remedy. Mr. Rao contended that following the strict guidance of the bylaw would lead to more injustice in this case than choosing not to enforce the bylaw.

### **POSITION OF THE RESPONDENT, THE CHIEF RETURNING OFFICER**

10. Ms. Manera clarified that the members of the intra-faculty portion of SUPA were not disqualified, merely disbanded. Though the Applicant believed their nomination packages were effectively null and void, this was not so in practice as their nominations still stood, and they were able to run as independents.

11. The Respondent stated that she went to D.I.E. Board for an interpretation of § 39(1) of Bylaw 2000 after noticing a gap in the provision. She felt it would be outside the scope of her powers as Chief Returning Officer to make a ruling without an interpretation. Similarly, once the D.I.E. Board issued Ruling #7, Ms. Manera felt it would be outside the purview of her powers to ignore the interpretation, and thus issued C.R.O. Ruling #3 in compliance with the interpretation. Ms. Manera stated that she felt the omission of intra-faculty slates from Bylaw 2000 was an oversight, but that she had to abide by the interpretation given by the Board.

12. Ms. Manera was asked if running on similar campaign platforms, or with similar campaign points would constitute collusion. Ms. Manera responded that it would not, and pointed to the example of using “accountability” as a campaign point in executive elections. The major change for the new independent candidates would be changes to their poster to remove any indication of affiliation with a slate. Their campaign ideas could remain the same.

13. Ms. Manera made it clear that she would enforce whatever decision the D.I.E. Board made in regards to this application.

### **SUBMISSIONS OF NATALIE COX, INTERVENOR**

14. Ms. Cox acknowledged the inconvenient timing of this hearing, and noted that the C.R.O. was not able to ask for the appropriate interpretations prior to the General Council Election as she was recently hired after the resignation of the former C.R.O. Ms. Cox noted that the C.R.O. did not

take any punitive measures against the slate candidates, and stated that any consequences of the ruling for the slate were “inconvenient” but not punitive.

15. Ms. Cox presented several options for the D.I.E. Board to consider, including allowing the C.R.O.’s ruling to stand, disqualifying the candidates because of collusion, stating the election is tainted and ordering a new election or allowing the candidates to run as a slate. She preferred the first option. Ms. Cox urged the panel to abide by Bylaw 2000, and not disregard rules in order to suit the situation. She stated it would be poor practice to not follow the rules because of the inconvenience experienced by some candidates. Ms. Cox pointed to § 2 of Bylaw 1500:

**2. Mandate:**

The Board is the organ of the Students’ Union responsible for the interpretation and enforcement of Students’ Union legislation.

Ms. Cox stated that it would be outside the mandate of the panel to begin to enforce new rules and urged the Board to abide by the rule of law.

**SUBMISSIONS OF JEFFREY KOCHIKUZHIL, INTERVENOR**

16. Mr. Kochikuzhyil is a former member of Shared Science Platform (SSP), a slate independent of SUPA. Mr. Kochikuzhyil stated that he decided to join a slate for moral support and shared ideas. Following the C.R.O.’s ruling, his slate was forced to split materials or ideas in half, or to disregard these ideas altogether in order to avoid collusion.

17. Mr. Kochikuzhyil feels that § 39(1) of the bylaw is contradictory as it stands, and stated that people would be “disgusted by the bureaucracy of the Students’ Union” if they were to lose their slate. He again stated concerns for democracy if the C.R.O.’s ruling were to stand.

**SUBMISSIONS OF PETROS KUSMU, INTERVENOR**

18. Mr. Kusmu’s position is that allowing the C.R.O.’s ruling to stand would be more detrimental to the student population than to the candidates. The disadvantaged party is the student body. He stated that uninformed voters are a potential risk of this ruling, and stated that uninformed votes

are undemocratic. SUPA would be losing an advantage of soliciting votes based on electing individuals with common goals if the slate was disbanded.

19. Mr. Kusmu made it clear he has no issue with the bylaw as it stands, but that the onus for fixing the bylaw is on council. It would be unfair to punish candidates that felt they were acting in compliance with bylaw, and unfair to punish voters that would have to be re-educated.

**DECISION:**

20. The D.I.E. Board finds that the C.R.O.'s ruling, that intra-faculty portions of slates must be disbanded, should stand. The D.I.E. Board does not find a sufficiently compelling reason to proscribe a remedy under § 29 of Bylaw 1500.

**ANALYSIS:**

**THE FOLLOWING ARE THE REASONS OF WALDIE, ASSOCIATE CHIEF TRIBUNE:**

21. The Board agrees with the interpretation given by the panel in D.I.E. Board Ruling #7. The issue presented to the panel is the enforcement of the C.R.O.'s ruling #3.

22. The Applicant submits that the C.R.O.'s ruling is fair given the interpretation from the D.I.E. Board. The panel agrees that the ruling is appropriate and sees no reason to overturn this ruling. Therefore the Board must decide if these circumstances warrant a remedy under § 29 of Bylaw 1500.

23. There are many considerations in favor of proscribing the remedy sought by the Applicants, including third party prejudice. That is, the confusion and re-education of the student body and the risk of uninformed votes. There is also unfairness to the candidates that relied on a decision of the C.R.O. to approve intra-faculty slates. Finally, it is important to note that the C.R.O. expressed no objection to the panel proscribing such a remedy.

24. While the panel is sympathetic to the position of the Applicant, the Board does not believe that proscribing the remedy he recommends is appropriate or just in these circumstances. The remedy would not mitigate any damage that has already occurred by the slate being disbanded.

There is no proportionate remedy for the inconvenience caused to the candidates. While it is within our jurisdiction to order a new election, we feel that such a remedy would be substantially disproportionate to the slight inconvenience experienced by the candidates.

25. Allow us to explain:

It is the position of the board that the candidates have not lost a great deal as a result of the intra-faculty portions of their slates being disbanded. It is proper that we have regard for concerns of proportionality in these circumstances, as § 29 of Bylaw 1500 is an open-textured and highly discretionary provision of the Bylaws. All candidates concerned have been allowed to continue in the election as independents. Their names remain on the ballot, albeit minus a slate designation. There will be no implications of collusion for the candidates if they continue to use similar platforms. The C.R.O. has already mitigated some of the damage caused by her ruling in allowing the candidates to receive renewed budgets as independent candidates. The substantive inconvenience caused to the candidates was to remove any slate affiliation on their campaign materials, and put up new independent materials. While the Board takes democratic concerns very seriously, it is the position of the panel that the Applicant's argument failed to provide sufficient rationale to accord these concerns the amount of weight required to invoke S.29.

26. Prescribing the remedy of allowing the slates to continue to stand for the purposes of this election would also be disproportionate as such relief would entail the Board's re-writing bylaw in a situation in which no party has been substantially inconvenienced. Though not including an exception for slates may have been an oversight, Students' Council has made a clear rule in § 39(1). The Board does not wish to re-write legislation, as the existing legislation is clear. Though the panel is not bound by precedent, consistency is desirable, and we regard Ruling #7, and the interpretation of the panel therein, as persuasive.

27. In addition, the Board finds a compelling reason to abide by our mandate proscribed in § 2 of Bylaw 1500. We have to take the bylaw at its clear meaning. There is no compelling reason to step around the bylaw with a remedy proscribed under § 29.

**THE FOLLOWING ARE THE REASONS OF DEVLIN, TRIBUNE:**

28. **I concur in the majority opinion.** I write separately because I feel, in light of the submissions of the parties at the hearing, that some discussion is warranted of the distinctions between the instant decision and Ruling #5, wherein the Board elected to exercise its s. 29 jurisdiction to terminate and reschedule an election in progress.

29. Astute followers of the reported opinions of this tribunal will note that I concurred in Ruling #5. I must confess that my decision to append separate reasons here stems in part from a personal, and, I hope, understandable, desire not to appear inconsistent. Exercise in vanity though this may be, however, I would like to think that in doing so I can also put to bed any sense that the Board itself has reasoned inconsistently.

30. To be sure, the D.I.E. Board is not bound by its own authority. Nevertheless, predictable reasoning is desirable, and, even without a law of precedent to bind us, a degree of consistency should ideally emerge from an honest, reasonable, and impartial exercise of our judicial mandate.

31. So, then. why do we stay our § 29 hand today?

32. While § 29 confers a broad remedial jurisdiction on the D.I.E. Board, it is not an invitation to rewrite Student Union legislation at every opportunity. Ruling #5 strenuously expressed the view that while the language of § 29 is broad, it is to be wielded as a scalpel, not, if the reader will forgive the mixed metaphor, as a howitzer. Judicial minimalism is dictated by the language of the provision, which authorizes only such intervention as is appropriate and just in the circumstances.

33. As a first principle, D.I.E. Board Tribunals must be conscious of the fact that *Council* is the legislative arm of the Students' Union. As judicial usurpation of that function is inherently "inappropriate," *substantial* factors must make it just. That is to say that although we are



empowered by § 29 to ignore or circumvent express provisions of the Bylaws, we must only do so as an absolute last resort.

34. That is what confronted us in Ruling #5. That matter concerned an illicit campaign email circulated on the eve of an election by one candidate in a Vice-Presidential race to 600 likely supporters. This action was authorized by the C.R.O., albeit erroneously. By the time the matter reached D.I.E. Board for determination, the election was already underway and there was *literally* no way, short of ordering a new election, to restore procedural fairness. We do not find ourselves in the same circumstances today.

35. The facts here, as we discuss above, are not on all fours with those that underpinned Ruling #5. For one thing, the only substantial prejudice the C.R.O. decision under appeal occasioned the Applicant (*viz.* the requirement, already complied with, that they remove their campaign posters) simply *cannot* be remedied by a § 29 order. More importantly, though, the Applicant in Ruling #5 did not ask relief, as the Applicant does here, while in the very *teeth* of the Bylaws. On the contrary! The Applicant in that matter asked that the Board remedy the *C.R.O.*'s violation of the Bylaws.

36. Here, the C.R.O. did not act in violation of Students' Union legislation. Rather, and by his own admission, the *Applicant* did. We are asked, in short, to rewrite the very provision upon which the C.R.O. relied in ordering the Applicant's slate disbanded.

37. Providing such relief would take us far closer than did Ruling #5 to the exercise of a legislative function, and to little real effect as regards the fairness of this election.

**THE FOLLOWING ARE THE REASONS OF MALLETT, TRIBUNE:**

38. I concur with the decisions of Waldie and Devlin and would uphold the ruling of the C.R.O. I wish only to address the slate disbandment that occurred just prior to this hearing. I am of the opinion that even if those actions had been postponed until after the hearing, the circumstances would not have resulted in a different finding.

39. The Applicant suggested to the panel that a finding, which would allow the slates to continue, would act as a form of “damage control”, minimizing the harm already occasioned to the slate candidates by the C.R.O. ruling and the subsequent disbandment.

40. The degree of disbandment that occurred prior to the hearing is not essential to our decision. If the result of upholding the C.R.O. ruling amounted to the full execution of the disbandment order, the change in degree of possible harm resulting from candidate inconvenience and voter confusion would not have warranted a different outcome. There was no compelling harm raised by the Applicant to justify an invocation of § 29. A change in degree of the required disbandment would not have affected this decision.

## **Bylaw 8100**

### **A Bylaw Respecting Faculty Associations and Campus Associations**

#### **Short Title**

1. This Bylaw may be referred to as the “Faculty Association and Campus Association Bylaw”.

#### **Definitions**

2. For the purposes of this Bylaw:
  - a. “faculty” shall refer to any entity defined by the University of Alberta General Faculties Council as a faculty and in which undergraduate students are registered;
  - b. “campus” shall refer to Augustana Campus and/or Campus Saint-Jean, as the context requires;
  - c. “constituency” shall refer to “faculty” and/or “campus” as the context requires;
  - d. “Faculty Association” shall be any student group, based upon enrollment in a “faculty”, that is recognized as such under this bylaw;
  - e. “Campus Association” shall be any student group, based on enrolment on a “campus”, that is recognized as such under this bylaw;
  - f. “Association” shall refer to “Faculty Association” and/or “Campus Association” as the context requires;
  - g. “Council of Faculty Associations”, shall refer to the council outlined as such under this bylaw;
  - h. “Departmental Association” shall be any student group, based upon enrollment in a department, that is recognized as such under this bylaw and the appropriate legislation of an “Association”;
  - i. “Program Association” shall be any student group, based on enrollment in a program, that is recognized as such under this bylaw and the appropriate legislation of an “Association”; and
  - j. “Affiliated Association” shall be any student group, not based upon enrollment, that is recognized as such under this bylaw and the appropriate legislation of an “Association”.

#### **Roles and Mandate**

3. The mandate of an Association is to act on behalf of and for its constituency analogously to the manner in which the Students’ Union acts on behalf of and for the undergraduate students of the University of Alberta. The Association is to conduct itself in a manner that is transparent, open, democratic, credible, accountable, and fiscally prudent. The roles of an Association are to:
  - a. Act as the official representative of its membership;
  - b. Act as an advocate on issues relating to its constituency;
  - c. Provide services which are beneficial to its membership; and
  - d. Foster student engagement and a sense of community within its constituency.
4. The mandate of the Council of Faculty Associations shall be to foster communication and collaboration among the Associations and between the Associations and the Students’ Union. The voting composition of the Council of Faculty Associations shall be one representative from each of the Associations and the Students’ Union. The nonvoting composition of the Council of Faculty Associations shall determined by the Council of Faculty Associations. The Vice President (Academic) shall be the Chair of the Council of Faculty Associations.

#### **Membership**

5. The base membership of a Faculty Association shall be defined as all undergraduate students enrolled in the faculty represented by the Faculty Association. The base membership of a Campus Association shall be defined as all undergraduate students enrolled in a faculty located on the campus represented by the Campus Association.
6. The membership of an Association may be defined by criteria agreed upon by the Association and Students' Council. Where no such agreement is in place the membership of an Association shall be equal to the base membership of the Association.
  - a. Tout étudiant inscrit à au moins un cours de la Faculté Saint-Jean est considéré member de l'A.U.F.S.J. (All students enrolled in at least on course at the Faculté Saint-Jean are considered members of the AUFSJ.).
7. An Association may create membership categories based on reasonable criteria such as program of study, year of study or level of fees paid.
8. The members of an Association have the following rights:
  - a. To resign one's membership by notifying the Association;
  - b. To reinstate one's membership by notifying the Association;
  - c. For one to be afforded the same voting power as any other member of the Association at a General Meeting, in a referendum or plebiscite, and in an election for its officers;
  - d. For one to be afforded the same voting power as any other member of a membership category of the Association in an election for a representative of that membership category; and
  - e. For one to be afforded the same access to services and events as any other member in the same membership category of the Association.

#### **Delegation**

9. All determinations by the Students' Union required by this bylaw shall be made by the Vice President (Academic) in consultation with the Director of Student Group Services and the following:
  - a. The Chief Returning Officer on all matters pertaining to Association elections, plebiscites and referenda;
  - b. The Chair of Audit Committee on all matters pertaining to Association finances; and
  - c. The Dean of Students and the Dean of all affected faculties on all matters pertaining to Association recognition, probation or derecognition.
10. The Students' Union Vice President (Academic) shall maintain a schedule of Campus Associations and Faculty Associations.
11. An Association shall be responsible for the oversight of all Departmental Associations, Program Associations, and Affiliated Associations within its constituency. The Association shall exercise this oversight in a manner that conforms to the basic principles of the relationship between the Students' Union and the Associations. Specifically:
  - a. The Association shall have the authority to recognize, derecognize or place on probation the aforementioned groups;
  - b. The Association shall maintain consistent lines of communication with the aforementioned groups, both individually and collectively; and
  - c. The Association's decisions pertaining to the aforementioned groups may be appealed to the Students' Union.

- d. The Students' Union reserves for itself the power to impose mandatory fees on the student body or any subsection thereof.
- 12. An Association shall maintain a schedule of its Departmental Associations, Program Associations and Affiliated Associations, if such exist, which shall be provided to its membership and/or the Students' Union upon request.

### **Recognition**

- 13. The Students' Union shall annually determine which student groups are recognized as Campus Associations and Faculty Associations under this bylaw, on the basis of the following principles:
  - a. A Campus Association shall represent exactly one campus, and a campus shall be represented by one Campus Association;
  - b. A Faculty Association shall represent exactly one faculty, and a faculty shall be represented by one Faculty Association;
  - c. An Association shall not be registered as a student group under the Bylaw Respecting Student Groups until the following conditions, additional to the conditions required to register as a Student Group, are satisfied:
    - I. A document confirming the legitimate selection of the Association's officers and providing their contact information is submitted to the Students' Union;
    - II. A document confirming the Association is in compliance with General Faculties Council Policies regarding Faculty Councils, Departmental Councils, Dean Selection & Review Committees, and Chair Selection & Review Committees is submitted to the Students' Union; and
    - III. The financial reporting requirements outlined in the Bylaw Regarding Faculty Association Finances are met.
  - d. A previously recognized Association shall be presumed to continue being an Association.

### **Derecognition**

- 14. The Students' Union shall derecognize an Association, thus leaving an unrepresented constituency, upon the Association's no longer being a student group.
- 15. The Students' Union may derecognize an Association, thus leaving an unrepresented constituency if:
  - a. The Association applies for derecognition; or
  - b. A majority of the students which the Association represents petition for derecognition.
- 16. During the period of an unrepresented constituency the Students' Union shall assume responsibility of the affairs of the constituency. After two calendar weeks and before two calendar months of the existence of an unrepresented constituency the Students' Union shall recognize a new Association.
- 17. The Students' Union may derecognize an Association if another student group applies for recognition as the Association representing the constituency, if and only if that student group is then recognized as the Association, having probationary status, representing the constituency.

### **Probation**

- 18. The Students' Union may recognize an Association as having probationary status if:
  - a. Multiple significant issues arise out of the annual recognition process, notwithstanding Section 13.d of this bylaw;
  - b. The Association applies for probation; or

- c. In a constituency of at least one thousand (1000) base members, fifteen percent or more of the members which the Association represents petition for probation.
- 19. The Students' Union and the Association, having probationary status, shall agree to and sign Conditions of Probation, which shall govern the Association while it retains its probationary status.
- 20. After three calendar months and before one calendar year of an Association being recognized as having probationary status, the Students' Union shall either:
  - a. Recognize the Association as no longer having probationary status; or
  - b. Derecognize the Association, thus leaving an unrepresented constituency.

### **Legislation**

- 21. An Association shall have legislation, consistent with the requirements of Students' Union bylaws, specifying, at minimum:
  - a. The official name of the Association;
  - b. The mandate of the Association;
  - c. The membership, membership categories, and rights of members of the Association;
  - d. The procedure for adoption, amendment, and rescission of its legislation;
  - e. The procedure for adoption, amendment, and rescission of its policies and/or procedures;
  - f. The mechanism for calling a General Meeting;
  - g. The powers and responsibilities of each of its officers;
  - h. The powers and responsibilities of each of its boards, committees and/or councils;
  - i. The rights, privileges and responsibilities, individually and collectively, of its Departmental Associations, Program Associations, and Affiliated Associations;
  - j. The manner of selection of its officers and the manner of removal of its officers;
  - k. The manner in which elections, if applicable, are to be conducted; and
  - l. The manner in which finances and property are managed including the budgeting and auditing processes.

### **Procedure Manual**

- 22. An Association shall have procedures, consistent with the requirements of Students' Union bylaws and the Associations' legislation, which shall serve to operationalize the their legislation. The Association shall have procedures outlining the annual transition of its executive and board officers.

### **Governance Structure**

- 23. An Association shall adopt a governance structure which satisfies the following:
  - a. Legislation is adopted, amended, or rescinded by:
    - I. A General Meeting which meets at least once per Fall Term and Winter Term; or
    - II. A Council which meets at least twice per Fall Term and Winter Term where a General Meeting may overturn the adoption, amendment, or rescission.
  - b. Policy and Procedure is adopted, amended, or rescinded by:
    - I. A Council which meets at least twice per Fall Term and Winter Term; or
    - II. An Executive Committee or Board which meets at least once per month during each Fall Term and Winter Term where a Council may overturn the adoption, amendment, or rescission.
  - c. The executive and board officers, as applicable, of the Association are held accountable to and removable by:

- I. A General Meeting which meets at least once per Fall Term and Winter Term;
  - II. A Council which meets at least twice per Fall Term and Winter Term; or
  - III. Another mechanism agreed to by the Students' Union.
- d. Elections, plebiscites and referenda, if applicable, are conducted by an Association Deputy Returning Officer who acts at arms length from the other bodies of the Association.
- I. An Association shall have the right to use the Students' Union Councillor Election polling stations for members, and the electronic ballot for base members, to vote for the purpose of the election of such positions and voting on such plebiscites and/or referenda as may be required by that Association.
    1. The Faculty Association for Augustana Faculty shall have the right to use the Students' Union Executive Committee and Undergraduate Board of Governors Election in place of the Councillor Election.

**PROPOSED LANGUAGE FOR BYLAW COMMITTEE  
TO CONSIDER FOR SECOND READING**

**A Bylaw Respecting the Students' Union Strategic Plan**

**Purpose**

- 1) The purpose of this Bylaw is to:
  - a) Provide a framework under which the Students Union may pursue its long and short-term objectives in a practical and efficacious manner,
  - b) Establish the Students' Union as a professional and credible organization through sound business and management planning practices,
  - c) Provide the pre-requisite framework for a good governance as steward of student resources, and
  - d) Provide a framework for objective evaluation of and for its membership, its political officers, services and service providers, and business operation.

**Definitions**

- 2) For the purpose of this Bylaw
  - a) "Strategic Plan" shall mean the master plan for the Students' Union addressing the overall organizational objectives of the Students' Union as a whole during the life of the plan.
  - b) "Executive Plans" shall mean the plans outlining the specific objectives and supporting action plans to be achieved by each voting member of the Executive Committee over the life of the current Executive Committee.
  - c) "Operating Plans" shall mean the plans outlining the specific objectives and supporting action plans to be achieved by each Students' Union department.

**Obligations**

- 3) Through this Bylaw the Students Union is obligated to:
  - a) Develop, maintain, and use a Strategic Plan.
    - i) The Executive Committee shall act as the steward of the Strategic Plan on behalf of Students' Council and the membership.
  - b) Develop, maintain, and use Executive Plans and Operating Plans which support, as appropriate to functional area, the Strategic Plan and its components.

**Components of the Strategic Plan**

- 4) The Strategic Plan shall comprise of:
  - a) A Mission Statement of the Students' Union as a whole,
  - b) A Vision for the Students' Union as a whole,
  - c) A statement of Values under which the Students' Union conducts its operations and relationships,
  - d) Critical Success Factors which support the achievement of the Vision, and
  - e) Strategic Goals that are to be realized in order to achieve the Vision.

**Life of the Strategic Plan**

- 5) The Strategic Plan shall have a life no less than four years.

**Components of the Executive Plans**

- 6) Each Executive Plan shall comprise of:

Approved:



**PROPOSED LANGUAGE FOR BYLAW COMMITTEE  
TO CONSIDER FOR SECOND READING**

A Bylaw Respecting the Students' Union Strategic Plan

- a) A mission statement addressing the role under the Strategic Plan,
- b) Executive objectives which account for the achievement of the Mission with respect to the Critical Success Factors and Strategic Goals of the Strategic Plan,
- c) Action plans to achieve the executive objectives that respect the statement of Values,
- d) A projection of the required resources to achieve the action plans, and
- e) Measurement criteria to evaluate the success of the plan.

**Components of the  
Operating Plans**

- 7) Each Operating Plan shall comprise of:
  - a) A mission statement addressing the department's role under the Strategic Plan,
  - b) Operating objectives which account for the achievement of the Mission with respect to the Critical Success Factors and Strategic Goals of the Strategic Plan,
  - c) Supporting Action Plans to achieve the Strategic Objectives that respect the statement of Values,
  - d) A projection of the required resources to achieve the action plans, and
  - e) Measurement criteria to evaluate the success of the plan.

**Review of  
Executive and  
Operating Plans**

- 8) The Executive Committee shall provide to Students' Council Executive Plans, accompanied by a presentation, prior to July 31<sup>st</sup> of the given year.
- 9) The Executive Committee shall provide to Students' Council a review of the Executive Plans, accompanied by a presentation, prior to January 15<sup>th</sup> of the given year.
- 10) The Executive Committee shall present a review of the year to Students' Council, prior to the conclusion of that Students' Council's elected term.
- 11) Operating Plans shall be reviewed annually by the Executive Committee and Budget and Finance Committee.

**Ratification and  
Alterations**

- 12) A two-thirds majority vote of Students' Council shall be required in order to:
  - a) Ratify a Strategic Plan, and
  - b) Amend the Strategic Plan in effect.

**Strategic Plan  
Steering  
Committee**

- 13) The Strategic Plan Steering Committee shall comprise of:
  - a) The President and (2) other voting members of the Executive Committee, selected by the Executive Committee;
  - b) Three (3) voting members of Students' Council, excluding the members of the Executive Committee, selected by Students' Council;
  - c) Three (3) members-at-large selected through a nomination process; and
  - d) The General Manager of the Students' Union and two other (2) senior managers selected by the

**PROPOSED LANGUAGE FOR BYLAW COMMITTEE  
TO CONSIDER FOR SECOND READING**

A Bylaw Respecting the Students' Union Strategic Plan

General Manager.

**Renewal of the  
Strategic Plan**

- 14) The President shall chair the Strategic Plan Steering Committee.
- 15) The Strategic Plan Steering Committee shall be struck to initiate a review the Strategic Plan:
  - a) After four (4) years have elapsed from the previous review, or
  - b) Upon a two-thirds majority vote of Students' Council to do so.
- 16) A review of the Strategic Plan shall:
  - a) Examine the relevancy and appropriateness of the Mission, Vision, statement of Values, Critical Success Factors and Strategic Goals; and
  - b) Induce a process to redevelop and renew the Strategic Plan as appropriate.

DRAFT

University of Alberta Students' Union  
**Strategic Plan 2011 - 2015**

# Mission

The Students' Union exists to serve and represent University of Alberta undergraduate students in order to support their pursuit of knowledge and enhance their university experience.

## Values

Who we are is expressed, in large part, by the values we live by. As an organization, our shared values guide our actions and shape our culture.

### Stewardship

We value practicing responsible governance by following accountable, transparent, and stable democratic processes within a collaborative culture of honesty and integrity.

### Innovation

We value approaching challenges with openness, ingenuity, and initiative, while embracing change and encouraging creativity.

### Compassion

We value respecting and supporting the rights, dignity, needs, and talents of all within an inclusive, diverse, and safe community.

### Sustainability

We value ensuring the ability to serve current and future generations by being socially, environmentally, and economically responsible.

### Citizenship

We value fostering an environment that encourages critical thinking, leadership, personal growth, professional development, and active participation in the community.

## Vision

*Our Students' Union will reflect the passion, ambition, and unbounded potential of our members. We will strive to exceed student expectations by championing their interests and needs, playing a central role in how they engage and connect with their university.*

## CRITICAL SUCCESS FACTORS

These Critical Success Factors are strategic themes that the Students' Union must pay attention to in order to fulfill its Mission and Vision.

### 1) Good Governance

As a democratic, representative organization, good governance processes are the foundation of our legitimacy and effectiveness. Our governance processes should be characterized as:

- a) **Student-directed**, with the ultimate authority in the Students' Union resting with elected students;
- b) **Responsive to students**, accurately reflecting the needs and wishes of members;
- c) **Transparent and open**, ensuring accountability and enabling an ongoing dialog with students and stakeholders;
- d) **Well-understood**, with clear lines of responsibility and a shared understanding of our mandate;
- e) **Responsible and ethical conduct** in our daily operational and advocacy efforts; and,
- f) **Vibrant**, with competitive, fair, well-contested elections and an engaged student leadership.

### 2) Engagement

Our mandate to enhance the experience of students requires that we encourage and foster the involvement and engagement of students. We encourage engagement by:

- a) **Developing student leaders** and fostering an environment of empowerment;
- b) **Maintaining a strong image and clear identity**, distinguishing the SU within the larger University community;
- c) **Actively promoting strong campus spirit**, encouraging identification with the University community;
- d) **Providing opportunities for students** to make a real, direct, and positive impact on their immediate community; and,
- e) **Increasing the involvement opportunities** available and communicating them and the benefits of involvement to students.

### 3) Planning and Assessment (Continuous Review)

Improving how well we meet our mission and adapting as our environment changes requires that the Students' Union have strong planning and effective assessment practices in place. Key elements of those practices include:

- a) **Understanding the needs of our members**, and our other stakeholders, to ensure that our programs and activities are meeting their needs;

- b) **Effective planning and evaluation mechanisms**, to define what we want to do and how we will measure our progress;
- c) **Encouraging ongoing innovation and improvement**, by providing the resources, systems, and an organizational culture that empowers staff and volunteers to develop effective long-term solutions; and,
- d) **Transparency of success or shortfall**, being honest about what works and what doesn't, and using our experiences to learn and do better the next time.

#### 4) Resources

To be successful, the Students' Union must have access to the appropriate human, financial, and technical resources, coupled with the required physical and space assets. This situation will be characterized by:

- a) **Sufficient financial resources** to support short-term flexibility and long term viability;
- b) **Motivated, qualified, and well-supported personnel**, both employees and volunteers, coupled with effective recruitment, retention, and staff development programs;
- c) **High-quality physical and space assets** sufficient to allow the organization to both deliver its existing program and to pursue new opportunities;
- d) **Efficient information systems and operating processes** that match program needs and allow for growth; and,
- e) **A sustainable approach** to resource use, keeping in mind the social, environmental, and economic impacts of our actions.

#### 5) Continuity and Transition

With change being a defining characteristic of the Students' Union's organizational design, effectively managing for continuity and transition are essential. In our context, this requires:

- a) **Strong records management**, to ensure the accessibility and usability of current and past records;
- b) **Developing student staff effectively**, to allow elected and term staff to quickly learn their roles and how they fit in, and contribute, to the overall operations of the organization; and,
- c) **Strong internal communications**, to allow ideas and information to move easily throughout the organization.
- d) **Fostering a common identity and unifying organizational culture** within the Students' Union.

#### 6) Credibility

As a representative organization, the Students' Union's credibility with stakeholders is essential to success. Our credibility is demonstrated by:

- a) **Establishing a relationship of trust with our stakeholders**, based on our open and honest communications with them;
- b) **Being consistent and fair** in our relationships with individuals and communities; and
- c) **Demonstrating competence and consistency** in both the actions we take and way we communicate.

## **STRATEGIC GOALS**

The strategic goals outline the key priorities of the Students' Union, stated broadly. They drive the development of specific programs and objectives within individual departments of the Students' Union, as outlined in Executive goal statements, Operating Plans and budgets.

1. Effective representation and advocacy of student needs, and ensuring clear accountability of student representatives.
2. Establish an environment that promotes student spirit and involvement, and maximizes students' sense of ownership of the Students' Union and their university experience.
3. Develop an expansive communication infrastructure to support effective communication both internally and externally.
4. Ensure the seamless continuity and transition of elected representatives, staff, and volunteers on an ongoing basis.
5. Support the educational and university experience of students by providing relevant programs and services.
6. Provide sufficient and sustainable financial, human, capital, and technical resources to achieve the mission of the Student' Union.
7. Create and maintain systems and a culture that support continuous review, evaluation and ongoing improvement.



# COUNCIL ADMINISTRATION COMMITTEE MEETING SUMMARY REPORT TO COUNCIL

*Date: March 15, 2011*

*Time: 4:36 PM*

2010 – 2011/CAC/23

## **Motions**

1. *KAAI/ FERGUSON moved to withdraw the motion that ERC be dissolved.*

*CARRIED  
9/0/0*





## POLICY COMMITTEE SUMMARY REPORT TO COUNCIL

Date: *March. 22, 2011*

Time: *8:00 pm*

2010 – 2011 *MEETING #17*

### **Motions**

1.	<i>EASTHAM</i> moved that the <i>March.8, 2011</i> minutes be approved as <i>amended</i> .	<i>CARRIED</i> <i>6/0/1</i>
2.	<i>TIGHE</i> moved that the <i>March.11, 2011</i> minutes be approved as <i>tabled</i> .	<i>CARRIED</i> <i>6/0/1</i>
3.	<i>EASTHAM</i> moved that <i>all amendments to Scholarships and Bursaries</i> be approved.	<i>CARRIED</i> <i>7/0/1</i>

March 24, 2011

To: Students' Council

Re: Report to Students' Council

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Greetings Council,

Because of the CASA AGM and CAUS Lobby Conference, I have been out of the office for the last two weeks with the exception of attending a Board of Governors meeting on March 18<sup>th</sup>.

### **CANADIAN ALLIANCE OF STUDENT ASSOCIATIONS (CASA) AGM**

From March 13<sup>th</sup> to 17<sup>th</sup> I was in Vancouver for the CASA AGM. With the Vice President External in the Chair position for the CASA AGM, I was the primary delegate representing the UASU. I must admit, the AGM exceeded my expectations and that overall it was a very productive week. Three major items of business that have been ongoing contentious issues at CASA for several years now have seemingly come to a satisfactory resolution from the membership.

- 1) The CASA fee structure was revised to create a more equal distribution of the way in which fees are assessed for the different member schools.
- 2) The new constitution was finally approved to replace the outdated 2002 bylaws the organization had been working under.
- 3) Within the constitution, the voting structure that was piloted over the course of the last year was approved.

There was a discussion about a federal election strategy, specifically on a Get out the Vote (GOTV) campaign. With a federal election likely to have been called by the time you read this report, I am sure discussions around an election strategy will only increase. One of the biggest challenges will be the fact that the election date will likely fall immediately following the end of classes as well as during our executive committee transition retreat. I anticipate having more discussion on the topic starting sometime next week.

### **COUNCIL OF ALBERTA UNIVERSITY STUDENTS (CAUS) LOBBY CONFERENCE**

From March 21<sup>st</sup> to March 23<sup>rd</sup> I participated in the CAUS Lobby Conference. To review again, the items that CAUS lobbied on were:

- Regulating non-instructional fees to prevent institutions from unfairly gouging students;
- Closing the loophole around the tuition cap, guaranteeing the cost of education is predictable for Alberta's students and their families;
- Reducing student debt after graduation and offering more grants and bursaries; and
- Making it easier for students to vote by allowing them to identify their ordinary residence and having polling stations on campus

During the three days I sat in meetings with various MLAs, the Alberta Liberal Party, the Wildrose Alliance, the new Minister of Advance Education & Technology, Greg Weadick, as well as with Premier Ed Stelmach.

Based on our work this week, support appears to be increasing for a regulation on non-instructional fees and we received a commitment from Minister Weadick that we would not be seeing any new market modifiers in the near future. There was generally a positive response on our efforts to improve students ability to vote in provincial elections however some follow-up work remains on each of these items that will have to be picked-up by our successors.

### **THE PAW CENTRE**

On Thursday, March 24<sup>th</sup>, the Facilities & Development Committee approved the Schematic Design for the PAW Centre. The PAW Centre will now move into Design Development and we will continue to work on completing the agreement between the SU/GSA and the University. Follow-up with Vice President Fentiman if you have any further questions on this initiative.

### **SU STRATEGIC PLAN**

Council will be getting principles for the creation of a bylaw on the Strategic Plan. It will be attached in the main agenda so please contact Vice President Fentiman or myself in advance of the meeting on Tuesday if you have any pressing questions. Following the creation of the bylaw there will be a motion to adopt the draft Strategic Plan at the final meeting of Students' Council.

### **FALL READING WEEK**

I hope to meet with the incoming President and Vice President Academic in the next week to discuss next steps on Fall Reading Week. I hope to create a working group comprised of both SU and University representatives to move the initiative forward and come up with a final recommendation.

### **BOARD OF GOVERNORS**

On March 18<sup>th</sup>, the Board of Governors approved the Comprehensive Institutional Plan (CIP), which is a consolidated version of several previous government documents, including the Institutional Access Plan, the Capital Plan, and the University Budget. Although I had provided feedback already at multiple meetings, following my trip to UBC last week and seeing some of the various sustainability initiatives they currently have at their campus, I did raise concerns about the prevalence of sustainability initiatives on our campus. Stemming from my comments, the University has indicated that in future iterations of the CIP, a specific chapter will become dedicated towards the University's progress and efforts on sustainability. Once the University has completed its Deliberation on Campus Sustainability, I am hoping we will see documents and recommendation in place to work aggressively on this important issue.

**If you have any further questions, suggestions, or concerns**, please do not hesitate to follow-up with me, either in person at SUB 2-900, by phone at 780-492-4236, or by email at [president@su.ualberta.ca](mailto:president@su.ualberta.ca).

*"To hell with circumstances, I create opportunities" – Bruce Lee*



# BYLAW SUMMARY REPORT TO COUNCIL

Date: **March. 23, 2011**

Time: **6:11 pm**

2010 – 2011 **MEETING #16**

## Motions

1.	<i>KAAI</i> moved that the <i>March. 9, 2011</i> minutes be approved as <i>amended</i> .	<i>CARRIED</i> 4/0/0
2.	<i>COX</i> moved that <i>Michael Ross' STV Bylaw 2000</i> be approved.	<i>CARRIED</i> 6/0/0
3.	<i>EASTHAM</i> omnibus moved that <i>the changes to Bylaw 8000</i> be approved.	<i>CARRIED</i> 5/0/0
4.	<i>ISKANDAR</i> moved that <i>all editorial amendments to Bylaw 2000</i> be approved.	<i>CARRIED</i> 5/0/0

# STUDENTS' COUNCIL VOTES AND PROCEEDINGS

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Tuesday March 15, 2011  
Council Chambers 2-1 University Hall

## VOTES AND PROCEEDINGS (SC 2010-24)

- 2010-24/1      **SPEAKER'S BUSINESS**
- 2010-24/1a      Announcements – The next meeting of Students' Council will take place on Tuesday, March 29, 2011
- TURNER/KAAI MOVED TO** make item 2010-24/7j a special order to be dealt with immediately
- Motion: CARRIED**
- 2010-24/7      **GENERAL ORDERS**
- 2010-24/7j      **TURNER/ISKANDAR MOVES THAT** Students' Council, on the recommendation of the Chief Returning Officer Interview Panel, appoint Alena Manera as Chief Returning Officer for a term ending May 31, 2011.
- Speakers list: Turner
- TURNER/GRUNDBERG MOVED TO** amend the motion to read:  
**TURNER/ISKANDAR MOVES THAT** Students' Council, on the recommendation of the Chief Returning Officer Interview Panel, appoint Alena Manera as Chief Returning Officer for a term ending May 31, 2011, effective immediately.
- Motion: CARRIED**
- Main Motion: CARRIED**
- 2010-24/2      **PRESENTATIONS**
- 2010-24/2a      For the PAW Presentation- Presented by Members of the PAW Centre Schematic Design Committee. Sponsored by President Dehod
- 2010-24/2b      Changes to the Health & Dental Plan- Presented by Kristen Foster. Sponsored by Vice Presidents Tighe.
- 2010-24/2c      Strategic Plan Final Draft Presentation Presented by Vice President Fentiman, Sponsored By Vice President Fentiman.
- 2010-24/3      **EXECUTIVE COMMITTEE REPORT**

Rory Tighe, VP Student Life- Oral Report

James Eastham, VP External- Oral Report

2010-24/4

**BOARD AND COMMITTEE REPORTS**

Natalie Cox, Policy Committee chair- Oral Report

Petros Kusmu, Bylaw Committee Chair- Oral Report

Thomas L'Abbe', ERC Chair- Oral Report

2010-24/5

**QUESTION PERIOD**

Automatic recess at 7:53 pm

Meeting called back to order at 8:10pm

2010-24/6

**BOARD AND COMMITTEE BUSINESS**

2010-24/6a

**FENTIMAN/COX MOVE THAT**, upon the recommendation of the Budget and Finance Committee, Students' Council approve the proposed Budget Principles for the 2011-2012 fiscal year.

Speakers List: Fentiman, Eastham, Tighe, Cox

**Motion: CARRIED**

2010-24/6b

**PARIS/KAAI MOVE THAT** Students' Council, on the recommendation of the Council Administration Committee, approve Bill #33 in first reading, based on the following principle:

1) The Speaker and the Chief Returning Officer shall be considered employees of the Students' Union and shall subsequently be subject to SU Operating Policy.

Speakers List: Paris, Cox, Luimes

**Motion: CARRIED**

2010-24/6c

**ISKANDAR/KAAI MOVES THAT** Students' Council adopt Bill #30 in first second based on the following principles:

The Students' Union will not allow for the implementation of a dedicated fee unit that:

a. would cause Students' Council to breach its fiduciary responsibility to the Students Union; or

b. supports activities that are beyond the scope and mandate of the Students' Union as outlined in the *Post Secondary Learning Act* §93(3).

For the purpose of determining the scope and mandate of the Students' Union, Students' Council may consider whether the activities that are in question would:

a. provide services that are of a direct benefit to students and the campus

community at the University of Alberta in their pursuit of a post secondary education, or

b. eliminate obstacles for students in pursuit of a post secondary education at the University of Alberta.

Speakers List: Iskandar

**Motion: CARRIED**

**2010-24/6d**

**COX/ISKANDAR MOVES THAT** the Students' Council approve Bill #31 in second reading based upon the following principle:

1) That the Chief Returning Officer doesn't need to be a member of the Students' Union.

Speakers List: Cox

**Motion: CARRIED**

**2010-24/6e**

**EASTHAM/KAAL MOVES THAT** Students' Council approve Bill #32 in second reading based on the following principle:

1. A Campaign Manager for a plebiscite or referendum side shall instead be referred to as a Side Manager.

Speakers List: Eastham

**Motion: CARRIED**

**2010-24/7**

**GENERAL ORDERS**

**2010-24/7a**

**EASTHAM/TIGHE MOVED TO** approve Bill #34 in first reading based on the following principles:

Faculty Associations represent and act on behalf of their constituencies on Faculty issues. Representing or advocating on behalf of their constituents on issues other than these may be deemed to be the responsibility of the Students' Union at the discretion of the Vice President (Academic) **Reference: Section 3 & 4**

Speakers list: Eastham, Cox, Lepage Fortin, Fentiman, Tighe, Ross, Iskandar, Grundberg, Stitt

**COX/ROSS MOVED TO** amend the motion to read:

**EASTHAM/TIGHE MOVED TO** approve Bill #34 in first reading based on the following principles:

Associations represent and act on behalf of their constituents on faculty issues. A faculty issue shall be defined as any issue that specifically affects the constituents of an association. If an association intends on advocating to central university administration or any level of government, the Association shall notify the Vice President (Academic) prior to doing so.

We began debate on Bill #39, but were cut off during the debate of this amendment. I will need to look into whether we resume debate on this

amendment, or start afresh. I will send you my determination of this in the coming days.

**FENTIMAN MOVED TO** amend the amendment to read:  
**EASTHAM/TIGHE MOVED TO** approve Bill #34 in first reading based on the following principles:

Associations represent and act on behalf of their constituents on faculty issues. A faculty issue shall be defined as any issue that specifically affects the constituents of that association. If that association intends on advocating to central university administration or any level of government, the Association shall notify the Vice President (Academic) prior to doing so.

**Motion(friendly): CARRIED**

**Main Amendment: CARRIED**

**Main Motion: CARRIED**

**2010-24/7b** **EASTHAM/TIGHE MOVED TO** approve Bill #35 in first reading based on the following principles:

The Council of Faculty Associations shall be an advisory body to the Vice President (Academic) and will foster collaboration and communication within and between the Students' Union and Associations.

Speakers List: Eastham

**Motion: CARRIED**

**2010-24/7c** **EASTHAM/TIGHE MOVED TO** approve Bill #36 in first reading based on the following principles:

The Vice President (Academic) may derecognize a Faculty Association for gross violations of its Conditions of Probation

Speakers List: Eastham

**Motion: CARRIED**

**2010-24/7d** **EASTHAM/TIGHE MOVED TO** approve Bill #37 in first reading based on the following principles:

An Association shall be recognized as having probationary status for violations that include; financial misrepresentation, constitutional violations, or failure to adhere to basic standards of democratic accountability or administrative and financial transparency.

Speakers List: Eastham, Cox

**Motion: CARRIED**

**2010-24/7e** **EASTHAM/TIGHE MOVED TO** approve Bill #38 in first reading based on the following principles:



An association with a membership of less than 1000 members may also be recognized as having probationary status if a representative petition of no less than fifteen percent of its members is ratified by Students' Council.

Speakers List: Eastham, Cox

**COX/ISKANDAR MOVED TO** amend the motion to read:  
**EASTHAM/TIGHE MOVED TO** approve Bill #38 in first reading based on the following principles:

An association with a membership of less than 1000 members shall also be recognized as having probationary status if a representative petition of no less than fifteen percent of its members is ratified by Students' Council.

**Motion(friendly): CARRIED**

**Main Motion: CARRIED**

2010-24/7f

**EASTHAM/TIGHE MOVED TO** approve Bill #39 in first reading based on the following principles:

After 12 months from signing Conditions of Probation, the Vice President (Academic) may extend the Probationary Period of an association for up to six months.

Speakers List: Eastham, Cox

**COX/BROUGHTON MOVED TO** amend the motion to read:  
**EASTHAM/TIGHE MOVED TO** approve Bill #39 in first reading based on the following principles:

After three months and before one calendar year of an Association being recognized as having probationary status, the Students' Union shall:

a) recognize the Association as no longer having probationary status and no longer being subject to their conditions of probation, if the Association has met their conditions of probation;

b) extend the probationary period of an Association for up to six months, if all signatories to the conditions of probation consent to the extension or if the Students' Union has reason to believe that the conditions of probation will be met during the period of extension; or

c) derecognize the Association, if the conditions of probation are not met and the Students' Union has no reason to believe that the conditions of probation will be met during the probationary period.

**KAAI/FERGUSON MOVED to adjourn**

**Motion: CARRIED**

**Meeting adjourned at 9:55pm**

