

# Bylaw Committee **Handbook**



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Where this transition manual deviates from Standing Orders or Bylaw, the Standing Orders or Bylaw will be taken as correct. You should always read them in addition to this manual in case information in the manual has become out-of-date.

# What is Bylaw Committee?

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The Bylaw Committee is the steward of the Students' Union's bylaws. They are responsible for reviewing bylaws regularly, overseeing the writing of new bylaws or updating of current ones, and writing referenda and plebiscite questions as necessary.

Bylaw Committee's duties are outlined in its Standing Orders and in Bylaw, and they're summarized here so they'll be more readily accessible to you:

## Draft Referendum and Plebiscite Questions

Proposals may be received from the Chief Returning Officer or from Students' Council for referendum or plebiscite questions. Bylaw Committee is responsible for drafting the question that will be seen on the ballot. If the referendum is being initiated by a petition, Bylaw Committee must also draft the petition question within 14 days of receiving the intent of the question. Referendum and plebiscite questions must reflect the original intent of the proposal, and may be challenged or sent back for re-drafting if they do not. Upon receiving a referendum or plebiscite proposal or petition, Bylaw Committee must draft, approve, and forward to Council a petition question within 14 days.

## Draft Bylaws

When new bylaws are to be introduced, or major changes are to be made to existing bylaws, Bylaw Committee will draft a first principles bill to send to Council. First principles explains the intent of the bylaw or the changes to be made. Once Council has approved the first principles, Bylaw Committee then appoints one of its members to draft the bylaw or changes, and then sends a draft to Council for approval. The bylaw may then go back and forth between Council several times should Council require many edits before approving it. Bylaw Committee sometimes creates bylaw drafts in conjunction with SU staff, Executives, or other committees as needed. The full process is found in Standing Orders.

## Make Recommendations to Council on Bylaws

Bylaw Committee is responsible for reading and understanding all bylaws, and may discover recommendations on those bylaws that should be forwarded to Council for consideration.

## Make Editorial Amendments to Bylaws

Bylaw Committee may make small editorial changes (like correcting spelling, punctuation, grammar, formatting, etc) provided those changes do not alter the meaning of the bylaw.

## Report Activities to Students' Council

This report should follow each meeting, and should consist of a summary of proceedings, a list of motions, and an appendix of documents voted on. This report is usually handled by the Chair, and may be compiled with the help of Discover Governance if necessary.

# Bylaw Committee Annual Timeline

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## Spring/Summer

### May

- Create a strategic plan for Bylaw Committee
- Do an overview of all bylaws and ensure members understand them

## Fall

### October

If Faculty Associations wish to create a Faculty Association Membership Fee (FAMF) they must send a letter of intent (usually to the VP Academic) by the end of October. If any FAMFs are about to expire, it's a good idea to communicate with the VPA and Discover Governance about that FA and whether or not they wish to reapply for their FAMF.

## Winter

### January

- Check committee progress to ensure all business will be finished by the end of the year
- FAMF proposals are due January 15, at which point Bylaw Committee will have to draft a referendum question and send it to Council for approval.
- Most petitions or other proposals for plebiscite and referendum questions will be received during January.

### April

- Prepare transition for next Bylaw Committee

# Drafting Bylaws

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## Overview

Bylaw Committee is responsible for drafting all bylaws. In general, the bylaw process is conducted as follows:



The Second Reading may go back and forth between Council and Bylaw Committee several times until Bylaw Committee gets the wording right, or it might be edited extensively in Council.

## First Principles

### *What is a first principles document?*

The first principles of a bylaw is an overview of what you intend to achieve with the bylaw, and why you want it to be enacted. It is not the bylaw itself; that comes in the second principles. When voting on first principles, Council is not voting to enact a bylaw, but rather is voting on whether they agree or disagree that the bylaw should exist at all.

### *Drafting*

First principles can be drafted and brought to Council by any member or committee of Council. More often than not, they start with an Executive, staff member, or Committee chair, and are brought directly to Council without going to Bylaw Committee first.

The first principles should include a brief summary of why the bylaw is needed, followed by a description of what the bylaw is intended to do. It shouldn't be more than a page or two long.

### *Submitting to Council*

First principles may be submitted to Council by the member of Council who wrote it, or by the Bylaw Committee Chair. E-mail them to [council.submissions@su.ualberta.ca](mailto:council.submissions@su.ualberta.ca) with the motion, bill number, and complete text of the first principles.

The bill number is determined by what order the bylaw has appeared that year. For example, if there have been three bylaw votes so far, and you are submitted a fourth, it will be "Bill #4".

Motions should be worded something like this:

*"NAME MOVES to approve the first reading of Bill ##, according to these first principles:"*

### *Example:*

Bill #5 - Department Association Regulations - *First Principles*

**BANISTER/CHRISTENSEN MOVE** to approve the first reading of Bill #5, on the recommendation of Bylaw Committee, according to these first principles:

#### First Principles

1. Department Associations shall be delegated authority by the Students' Union through their Faculty Associations to be official representatives for students in their departments, as well as provide advocacy and community building roles.
2. Departmental Associations already exist in the Students' Union hierarchy.
3. Bylaw 8100 shall be amended to provide clearer definitions for Departmental Associations. This will clarify their roles, give them legitimacy under the Students' Union, and allow the Students' Union and Faculty Associations to better connect with and support them.
4. Bylaw 8100 shall describe the minimum requirements for being a recognized Departmental Association.
5. Bylaw 8100 Schedule shall contain a list of all currently recognized Departmental Associations.

## Second Principles

### *What is a second principles document?*

The second principles of a bylaw is the bylaw itself as it will be enacted. When voting on second principles, Council is voting to enact a bylaw.

### *Drafting*

Second principles must be drafted, approved, and brought to Council by the Bylaw Committee. Sometimes an Executive or staff member will have drafted a proposed bylaw first, but the Committee is free to make any and all changes they deem necessary, or even to scrap the proposed bylaw and start from scratch.

Usually the Chair will assign an individual committee member to write the first draft of the bylaw, which will then be debated and edited by the whole committee.

If you are changing an existing bylaw, rather than writing a completely new one, it's a good idea to submit the changes in the form of Microsoft Word track changes or Google Doc editing, where deleted text is crossed out and added text is coloured and underlined.

This is the bylaw that will be enacted as passed at Bylaw Committee, and may receive minimal editing at the Council level, so make sure that there are no mistakes and that the intent of the bylaw is clear in how it's written. Make sure to define specific terms when necessary.

### ***Submitting to Council***

Second principles may be submitted to Council by the member of Bylaw Committee who wrote it, or by the Bylaw Committee Chair. E-mail them to [council.submissions@su.ualberta.ca](mailto:council.submissions@su.ualberta.ca) with the motion and bill number, and the complete text of the second principles as an attached information item. You may also wish to include the text of the first principles, but this isn't a requirement.

The bill number should be the same as it was for the first principles.

Motions should be worded something like this:

*"NAME MOVES to approve the second reading of Bill ##."*

The administrative assistant will attach the entire second principles as an information item and put a reference to it underneath your motion in the Order Papers.



*Example:*

**Bill #5 - Defining Department Association - *Second Reading***

**BANISTER/CHRISTENSEN MOVE** to approve the second reading of Bill #5, on the recommendation of Bylaw Committee, according to the following first principles:

First Principles (Approved August 9, 2016)

1. Department Associations shall be delegated authority by the Students' Union through their Faculty Associations to be official representatives for students in their departments, as well as provide advocacy and community building roles.
2. Departmental Associations already exist in the Students' Union hierarchy.
3. Bylaw 8100 shall be amended to provide clearer definitions for Departmental Associations. This will clarify their roles, give them legitimacy under the Students' Union, and allow the Students' Union and Faculty Associations to better connect with and support them.
4. Bylaw 8100 shall describe the minimum requirements for being a recognized Departmental Association.
5. Bylaw 8100 Schedule shall contain a list of all currently recognized Departmental Associations.

## **Bylaw 8100**

### **1 Short Title**

1. This Bylaw may be referred to as the "Student Representative Association Bylaw".

### **2 Amendments**

1. Any amendments to this Bylaw must be reported to each Association.

### **3 Definitions**

1. 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. "Residence" shall refer to a residential facility operated by Residence Services of the University of Alberta and in which undergraduate students live;
  - d. "Constituency" shall refer to the membership of an Association;
  - e. "Student Representative Association" shall refer to any association of undergraduate students that represents a definable and enumerable constituency, to which Students' Council exclusively delegates its representative authority;

# Drafting Referendum and Plebiscite Questions

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## Overview

Bylaw Committee is responsible for drafting questions that will be put on the SU General Election ballot. Questions can be initiated in a number of different ways, but they generally have to stop at Bylaw Committee at least once.

### *Plebiscite or Referendum?*

A referendum is legally binding for Students' Council, and requires a valid petition bearing the names, signatures, and student ID numbers of at least 15% of the total membership of the Students' Union.

A plebiscite is not legally binding for Students' Council, and requires a valid petition bearing the names, signatures, and student ID numbers of 5% of the total membership of the Students' Union.

### *What is Fiduciary Responsibility?*

This term will come up often when talking about referenda and plebiscites. By virtue of being elected to an organization that collects mandatory dues, Students' Council has been given powers that their constituents would normally keep to themselves. Because Council has power to act on behalf of others, it has a responsibility to act in their best interests.

### *Drafting a Great Question*

Referenda and plebiscites must:

- Reflect the original intent of the proposal or petition submitted to Bylaw Committee.
- Have neutral wording.
- End in a simple and actionable yes or no question.

Referenda and plebiscites should:

- Be as short and concise as possible without compromising information necessary to cast a vote.

Be sure to check and double check each question for typos and incorrect information. It is terribly embarrassing to put a question with serious errors on the ballot, and once submitted to the CRO, there is little that can be done to make editorial changes.

## Member Initiated Questions

Any student can create change in the Students' Union by submitting a plebiscite or referendum question to appear on the next general election ballot.

### *Process*

#### 1 Idea submitted to the Chief Returning Officer (CRO) of the SU

The following will be sent to the CRO:

- The intent of the question
- Whether the question is a plebiscite or a referendum
- Member's name, faculty, and student ID
- A twenty-five dollar (\$25.00) deposit in the form of cash or a certified cheque or money order payable to the University of Alberta Students' Union

#### 2 Bylaw Committee creates a petition question

The CRO will immediately forward the intent of the question to the Bylaw Committee, who will then turn it into a petition question which fully reflects the intent submitted, and will not violate any Students' Union bylaws or federal or provincial laws. There are additional rules to govern how the petition question must look if it intends to approve the collection of fees.

#### 3 Students' Council approves the petition question

The petition question will be sent to Students' Council for approval, provided it doesn't create a breach in Council's fiduciary responsibility to the Students' Union. Council might also send the question back to Bylaw Committee to be reworded, if necessary. This can extend the time it takes to approve a petition question by two to three weeks every time it is sent back.

#### 4 Signatures are collected

The member initiating the question will need to collect valid signatures from 15% of the total SU membership for a referendum question, and 5% for a plebiscite question.

A signature is considered valid if the given name and ID number matches up with the name and ID number of someone on the SU's list of voting members.

#### 5 The valid petition is submitted to the CRO

The petition is submitted to the CRO, who then has to validate it. From there, representatives for the yes and no sides of the question are selected, campaigning ensues, the question appears on the ballot, and students vote.

A petition is considered valid when it has been through the process described above, and received the appropriate percentage of valid signatures.

### **Timeline**

A valid petition must be submitted to the CRO at least 31 days before the election is scheduled to take place. Executive and Board of Governors general elections always happen on the Thursday and Friday in the second week after the Winter Semester Reading Week.

<b>Action Required</b>	<b>Amount of time it will take</b>
CRO receives the intent of the question	Forwards to Bylaw Committee within 48 hours
Bylaw Committee creates petition question	Within 14 days
Council votes on petition question*	Within 14 days
Signatures are collected	How long do you expect this to take?
Valid petition submitted to CRO	At least 31 days before the election

*\* It may go back to bylaw committee to be reworded before Council will vote on it, which could add anywhere from 7 to 28 days to the process each time it happens.*

## Council Initiated Questions

### *What's Different*

According to Bylaw 2200, Section 6, Council may call a referendum question without a petition. Students' Council votes on the first principles of the question, Bylaw Committee drafts an official question at their next meeting, and then Council votes on the second reading of the question.

However, if the question concerns the collection of dedicated fees, it's important to understand what type of fee you're looking to collect, as different types have different processes.

### *Class A Fees*

SU bylaw has specific processes laid out for other types of dedicated fees, but has no specific process outlined for Class A Fees. According to Bylaw 3000, Section 7, Class A fees fall under the authority of Students' Council and/or the general membership, as they may only be amended or abolished by Council or referendum.

This implies that Class A Fees follow the same process as referendum questions that don't include a fee. According to the Bylaw Committee Standing Orders, Section 14, the process is as follows:

1. First reading approved in Council
2. Bylaw Committee Chair assigns a drafts person
3. Drafts person prepares a draft question for the next Bylaw Committee meeting following the Council meeting when the first reading was approved
4. Bylaw finishes drafting and approves the official referendum question to go to ballot
5. Council makes any necessary amendments and votes on the official referendum question to go to ballot

The first reading may be brought to Council by any member of Students' Council, and may go through any route of drafting and consultation prior to Council's first reading.

For example, the SUB Renovation Fund referendum question was driven by the Executive and General Manager, and after extensive planning, budgeting, and consultation, was brought to Students Council in first reading by VP Operations and Finance, Andy Cheema on January 10, 2012 (SC 2011-17). The final question was drafted by Bylaw Committee on January 17, 2012. It was approved by Students' Council in second reading on January 24, 2012 (SC 2011-18) and went to ballot in the next General Election.

## Dedicated Fee Units (DFUs)

### *Class B Fees*

According to Bylaw 3000, Class B Fees are managed under Bylaw 6100, which makes these fees “Dedicated Fee Units”. DFUs are different from other SU Dedicated Fees in that these fees are collected by the SU to be distributed to another entity for use in granting or covering that entity’s operating costs. This is made clear in Bylaw 6100, Section 2.1.

According to Bylaw 6100 and other relevant sections of SU legislation, the process is as follows:

1. The entity wishing to collect a fee submits a proposal to the Students’ Union
2. The proposal is immediately forwarded to the Bylaw Committee
3. Bylaw Committee approves a petition question
4. Students’ Council votes on the petition question
5. The entity wishing to establish the fee returns a completed petition to the CRO to be included on the ballot

If the entity in question is a SU operation or service, they may skip the petition step and have Bylaw Committee submit a referendum question directly to the CRO.

For example, the Landing was established as a service by the Students’ Union and then separated to become a separate entity after a successful DFU referendum. The referendum question was approved by Council on the recommendation of Bylaw Committee on November 18, 2014 (SC 2014-15).

## Student Representative Association Membership Fees

These fees are created under Bylaw 8200, and are only voted on and collected from members of the SRA looking to establish the fee.

According to Bylaw 8200, the process is as follows:

1. The SRA wishing to establish a fee informs the SU of their intent to submit a proposal
2. The SRA submits a proposal to Students’ Council
3. Students’ Council votes on the proposal
4. A referendum question is drafted by the SRA or Bylaw Committee and forwarded to the appropriate returning officer to be voted on by the membership

Most SRAs include the additional step of presenting their proposal to Council before it’s voted on.

# Tips For The Chair

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## Duties of the Chair

Generally, your duties as the Chair involve making sure that the duties of Bylaw Committee are fulfilled. This can mean handling them yourself, delegating them to other Councillors or SU staff, or facilitating the entire committee in carrying them out, depending on the situation. However you get things done, everything should be discussed and approved at Bylaw Committee first.

In addition to making sure Bylaw Committee fulfills its mandate, the Chair also has some more specific duties outlined under the Standing Orders:

1. Preside over debate at meetings of the Bylaw Committee.
2. Submit report to Students' Council.
3. Assign tasks to committee members engaged in drafting bylaws.
4. Work with Speaker and SU staff to ensure the logistical needs of Bylaw Committee are met.
5. Recommend to Students' Council the removal of any member who is not fulfilling their responsibilities to the Bylaw Committee.
6. Designating an alternate Chair should they be unable to attend.

Being a Chair can be stressful and time-consuming, so don't be afraid to ask for support from SU administrative staff, Discover Governance, fellow Councillors, or SU Executives.

## So, you've just become Bylaw Committee Chair...

If you're starting at the beginning of the year, your first meeting as Chair should include some kind of strategic planning and goal-setting session to keep the Committee on track during the year. Your plan/goals should reflect your mandate, the broader goals of Council, and the SU's strategic plan.

If you've taken this position in the middle of the year, you should read the Standing Orders to better understand the committee and check up on the following:

1. Does Bylaw Committee have a strategic plan for the year and, if so, what is its progress? If it doesn't, consider creating one at your first meeting as Chair.
2. Who is your recording secretary, and have all minutes been received, approved, and updated on the committee page of the SU website? Discover Governance should be able to help you with this.
3. Has Bylaw Committee missed any important deadlines, and have all time-sensitive duties of Bylaw Committee been fulfilled up to the current date? Check the timeline for important dates and deadlines.

What projects has Bylaw Committee been working on, and what's the progress so far? Ask other committee members, or check past meeting minutes.

## Other Tips

### ***Ensure your agenda is strategic.***

Know areas that need to have more discussion, and which are contentious. Usually you want to deal with the less important items first.

### ***Put tentative times by each item.***

That way every one knows how much time they have to formulate their ideas.

### ***Always go into the meeting with an outcome or goal in mind.***

Have a plan to ensure that the committee will have resolved X, formed a group to discuss Y, etc. Having a focused approach keeps every one working. You do not need to share this with the group.

### ***After each agenda item, summarize what was said.***

It keeps members involved. It also helps keep people organized and following along with the agenda.

### ***At the end of the meeting, summarize the key points.***

This means you need to jot down notes so you can do the high level summary at the end.

### ***Try to have action items and delegate work.***

People like ownership of items and having a tangible way to contribute to the committee. Ensure they can report back their accomplishments and that the group will respect their contributions.

### ***If there is conflict, welcome it.***

This means you will get better discussion, ideas, and energy. The Chair's job is to get the best thinking out of the group.

### ***Some members like to dominate. You have to let them have the floor, but then you have to move them off their soapbox.***

You may have to interrupt or they will take over the meeting. It's okay if you're doing it with a view to moving the committee in a positive direction. Thank them, then ask if others have an opinion.

### ***As Chair, do not take sides. Your job is to facilitate.***

Make sure all sides of an issue have equal speaking time at the meeting, and do your best to keep your role as the chair and your role as a voting committee member separate.

### ***If there is a hot issue, have a pre-meeting or post-meeting.***

Your goal is to try to get more information. It's important for you to get clarity on why something is contentious and also to support members.



# Roberts' Rules Of Order

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## Simplified Glossary

***MOTION: the 'unit of business' debated by an assembly***

Main Motions: must be seconded and are debatable, amendable, and reconsiderable. They are the motions to which all other motions react.

All Other Motions: There are 86 kinds of motion that can be made under Roberts' Rules of Order. They act on the business of the assembly in different ways. See the summary chart examples.

***DEBATE: a structured discussion about a motion***

A member must be recognized by the chair as "having the floor". They have a limited time to speak, and must stay on topic and respect decorum. Debate proceeds until the motion is put to a vote.

***AMENDMENT: a formal process used to propose changes to motions***

Only certain types of motions can be amended. See the summary chart for more information.

***VOTE: how an assembly decides whether to support a proposed motion***

When put to a vote, motions pass or fail. A motion that passes has a majority (as defined in the organization's bylaws) in favour, and is carried or adopted. A motion that fails does not have a majority in favour, and is not acted upon.

***CHAIR: the person responsible for ensuring that the rules are observed***

A chair may be voting or nonvoting. It is their primary responsibility to facilitate the meeting by enforcing the rules, so they must be impartial.

***DECORUM: debating in a respectable and orderly manner***

Debate is confined to the merits of the motion before the assembly. Members refer to one another respectfully, do not attack motives, do not interrupt, and do not speak against their own motions.

***POINTS: allows a member to ask a question or interrupt debate***

Point of information: a member asks a question of another member. Cannot interrupt a speaker.

Point of order: a member believes procedure is not being followed and brings it to the chair's attention. Cannot interrupt a speaker, but must be raised as soon as possible.

Point of parliamentary inquiry: a member asks a question related to procedure. Cannot interrupt a speaker.

Point of privilege: something is preventing a member from participating. Can interrupt a speaker.

## Summary Chart of Important Terms

	Undebatable	Opens main question to debate	Cannot be amended	Cannot be reconsidered	Requires a 2/3 majority vote	Must be Seconded	Can interrupt a speaker
Adjourn	✓	-	✓	✓	-	✓	-
Adjourn, Fix the Time to which to	✓	-	-	-	-	✓	-
Amend	-	-	-	-	-	✓	-
Amend an Amendment	-	-	✓	-	-	✓	-
Amend the Rules	-	-	-	-	✓	✓	-
Appeal, relating to indecorum	✓	-	✓	-	-	✓	✓
Appeal, in all other areas	-	-	✓	-	-	✓	✓
Call to Order	✓	-	✓	-	-	-	✓
Close Debate, motion to	✓	-	-	-	✓	✓	-
Commit to Refer	-	✓	-	-	-	✓	-
Extend the Limits of Debate, motion to	✓	-	-	-	✓	✓	-
Fix the Time of which to Adjourn	✓	-	-	-	-	✓	-
Continue Speaking after indecorum	✓	-	✓	-	-	✓	-
Lay on the Table	✓	-	✓	✓	-	✓	-
Limit Debate, motion to	✓	-	-	-	✓	✓	-
Objection to Consideration of a Question	✓	-	✓	-	✓	-	✓
Orders of the Day, motion for the	✓	-	✓	-	-	-	✓
Postpone to a Certain Time	✓	-	-	-	-	✓	-
Postpone Indefinitely	-	✓	✓	-	-	✓	-
Previous Question	✓	-	✓	-	✓	✓	-
Priority of Business, questions relating to	✓	-	-	-	-	✓	-
Privilege, Question of	-	-	-	-	-	✓	-
Reading Papers	✓	-	✓	-	-	✓	-
Reconsider a Debatable Questions	-	✓	✓	✓	-	✓	✓
Reconsider an Undebatable Question	✓	-	✓	✓	-	✓	-
Refer (same as commit)	-	✓	-	-	-	✓	-
Rescind	-	✓	-	-	-	✓	-
Rise (in Committee equals Adjourn)	✓	-	✓	✓	-	✓	-
Special Order, to make a	-	-	-	-	✓	✓	-
Substitute (same as Amend)	-	-	-	-	-	✓	-
Suspend the Rules	✓	-	✓	✓	✓	-	-
Take from the Table	✓	-	✓	-	✓	✓	-
Take up a Question out of its Proper Order	✓	-	✓	-	✓	-	-
Withdrawal if a Motion	✓	-	✓	-	-	✓	-

## In Camera FAQ

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This FAQ is meant to help student representatives get a sense of the basics of navigating in-camera proceedings on elected bodies that use Roberts' Rules of Order.

### What does it mean to 'go in camera?'

'In camera' is Latin for "in chambers," and it means to go into a confidential or secret session. Whatever is discussed cannot leave the room.

### How do you make a meeting go in camera?

A motion to go in camera is undebatable, is in order as long as you don't interrupt someone who already has the floor, and requires a simple majority to pass. To go out of camera is the same motion except that you move out of camera instead of into it.

### What, exactly, is covered by the confidentiality of in camera proceedings?

Every single thing that happened in the meeting after you moved in camera is confidential. This often includes the topic of the discussion itself, and always includes every thing that every person in the room said. For groups that don't automatically make motions public, it also includes the text of motions and the results of votes.

#### *What in camera doesn't cover:*

- Things that were already public.  
For example, if you discussed the results of the 1967 World Series while in camera, the fact that the Red Sox lost doesn't suddenly become confidential. What you can't discuss outside the room is the fact that you talked about the 1967 World Series while in camera, or what anyone in the room said about it.
- Your opinion.  
If you think that The Empire Strikes Back is the best of the Star Wars films and say so in camera, the fact that you believe that doesn't become a secret. However, you can't disclose that you shared this opinion while in camera. Opinions that you hold that are directly and obviously related to, or informed by, the business of your group should be kept to yourself.
- The behavior of people who aren't in the room.
- If your group is in camera discussing negotiations with a third party organization and that organization discloses things about your in camera proceedings, that doesn't automatically mean they did anything wrong. Most importantly with this point, if someone else spills your group's secrets, that does not necessarily mean that you are now free to discuss in camera proceedings publicly as well. You will need to consult your organization's rules.

## Should we take minutes when we're in camera?

Yes. In camera minutes should be stored separately from your public minutes and should only be accessible to members who were privy to the in camera session.

## Can a body move motions in camera?

Only if the motion will only affect people who are privy to the secret proceedings.

Exception: all motions made by the Students' Council of the University of Alberta Students' Union are public. Although a motion may be made in camera at one of these meetings, the motion itself will be published with the minutes. This is due to the fact that the organization's rules stipulate that all motions are automatically public.

## Can I discuss in camera proceedings with people outside of the meeting?

Only if they're a member or they were specifically authorized to hear about the in camera proceedings. In other words, you can talk to people who were present during the in camera discussion or had the right to be present either because they're a member of the group or because the group explicitly authorized them to be there. You cannot talk to anyone else about what was discussed.

## Is it bad for a democratic body to do things in secret?

No. All organizations will occasionally need to have private discussions. Certain issues, such as intra-group conflicts, member discipline, private personal information related to group business (e.g. executive health, academic, or family issues), discussions about ongoing legal proceedings, or other kinds of sensitive negotiations require more candid, confidential conversations. Robert's Rules places no limits on the content of in camera discussion except suggesting that some things must always be handled in executive session (e.g. member discipline).

However, in camera session, like any tool, is open to abuse. The decision to move your group in camera should always be made carefully. In camera should not be the default setting for your group's discussions.

## Can in camera proceedings be retroactively made public?

Yes. For either minutes or motions, the easiest way to make things retroactively public is to move a new motion specifying which motion or which part of the in-camera proceedings you would like to see made public. That motion is handled the same as any other main motion. However, making proceedings that are not recorded in the minutes public may not be possible. You should consult with your own organizational rules before trying to retroactively publicize proceedings.

## What happens if I disclose in camera proceedings?

You can face disciplinary action. Depending on the severity of the breach that could include anything from censure to fines to expulsion. You may even be sued or charged with a criminal offence. You also breach the trust of your organization and the other members of your group, which almost always severely damages its ability to operate effectively. You may also cause other kinds of damage, such as opening your organization to being sued or causing resignations of other members who feel like they've been professionally compromised by your actions.

**Don't breach confidentiality. It's a bad idea.**

# APPENDICES

## APPENDIX A

### **Bylaw Committee Standing Orders**

<https://www.su.ualberta.ca/legislation/wiki/Bylaw:Committee:Standing:Orders>

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## APPENDIX B

### **2018/19 Transition Report**

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## APPENDIX C

### **2018/19 Motion Summary**

# Bylaw Committee Standing Orders

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## 1 Mandate

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1. In accordance with Bylaw 100, Bylaw Committee:
  - a. shall draft bylaws as required by Students' Council;
  - b. shall draft referendum and plebiscite questions as required by Students' Council;
  - c. shall make recommendations to Students' Council on Students' Union bylaws where such recommendations are not the purview of any other standing committee; and

- d. has the power to make, to Students' Union bylaws, alterations that do not alter the meaning of the bylaws in question.
- e. shall review recommendations of the Discipline, Interpretation and Enforcement (D.I.E.) Board by the end of the first August following the ruling's release.

## 2 Meetings

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1. Quorum of the Bylaw Committee shall be 4 voting members.
2. Once at the beginning of the year to:
  - a. Elect a Chair;
  - b. Approve Standing Orders
3. To make decisions regarding:
  - a. The removal and/or replacement of a Chair;
  - b. Changes to Standing Orders
4. Whenever called for by any member with seventy-two hours notice or agreement by all members of the committee as a whole
5. For the first meeting of the Committee in May, September and January, set out a meeting schedule for the following months.
6. Start-Up Meeting Logistics
  - a. The Administrative Assistant will arrange a start-up meeting of Bylaw Committee after the start-up meeting of Students' Council and prior to the installation ceremony at the first meeting of Students' Council.
7. Start-Up Meeting Order of Business
  - a. The Order of Business for the start-up meeting of the incoming Bylaw Committee will be:
    - i. Election of a Chair (see appendix 1)
    - ii. Approval of Annual Meeting Schedule, and
    - iii. Approval of Standing Orders.
8. Last Meeting Additional Orders of Business
  - a. The Order of Business for the last meeting of the year will have the following orders of the day added to the Chair's Business:
    - i. Review and Revision of Standing Orders.
9. Additional Meetings
  - a. Within the limitations of Bylaw 100 s. 15(2), additional meetings of Bylaw Committee may be called by the:



- i. Chair, or
- ii. Bylaw Committee

#### 10. Cancelled Meetings

- a. Meetings of the Bylaw Committee may be cancelled by the Chair or Bylaw Committee.

### 3 Membership

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1. Should a vacancy on the Bylaw Committee occur, then the Committee shall recommend the nomination of additional member(s) to Students' Council at its next meeting.
2. Should the Chair of the Bylaw Committee leave the voting membership of the Committee, the position of Chair shall be considered vacant and a new chair shall be elected at the next meeting.

### 4 Attendance

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1. The Chair will take attendance orally twice each meeting, once during the Chair's Business and once immediately prior to adjournment.

### 5 Chair's Responsibilities and Duties

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1. Presiding over debate at meetings of the Bylaw Committee,
2. Submitting the "Report to Students' Council" to the Administrative assistant, after each Bylaw Committee Meeting and prior to the deadline for Submissions to the next Students' Council meeting as set out in the Students' Council Standing Order 4(4).
3. Assigning tasks to draftspersons in accordance with these Standing Orders,
4. Working with the Speaker and Administrative Assistant to ensure the logistical needs of Bylaw Committee are met,
5. Recommending to Students' Council the removal of any member who in the opinion of the Chair is not fulfilling their responsibilities to the Bylaw Committee, and
6. Designating an alternative chair for any meeting of the Bylaw Committee they are unable to attend.

### 6 Member Responsibilities and Duties

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1. All members of the Bylaw Committee are responsible for:

- a. Carrying out the drafting tasks assigned to them by the Bylaw Committee or Chair,
- b. Ensuring the mandate of the Bylaw Committee is being fulfilled,
- c. Recommending to Bylaw Committee the removal of any chair who in the opinion of the members of the Bylaw committee is not fulfilling their responsibilities as Chair to the Bylaw Committee,
- d. Recommending to Students' Council the removal of any member who in the opinion of the Bylaw Committee is not fulfilling their responsibilities to the Bylaw Committee,
- e. Assigning tasks to draftspersons in accordance with these Standing Orders

## 7 Non-Voting Members

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1. The following individuals are, in accordance with Bylaw 100 s. 12(7), non-voting members of Bylaw Committee:
  - a. All members of Students' Council,
  - b. The Administrative Assistant,
  - c. Individuals appointed by the Bylaw Committee or Chair as draftspersons
2. Privileges of Non-Voting Members
  - a. May submit Orders of the Day to be considered by Bylaw Committee, and
  - b. Enjoy the same speaking privileges as any other member of the committee.

## 8 Proxies/Guests

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1. Any person may become a Guest of Bylaw Committee upon being recognised as such by the Chair.
2. The Chair may grant speaking privileges to Guests of Bylaw Committee as deemed appropriate by the Chair.
3. To appoint a proxy to the Bylaw Committee, the member thereof must provide a notice to that effect to the Chair of the Committee:
  - a. stating the name and e-mail address of the eligible member of Students' Council who will serve as proxy,
  - b. indicating the duration of the appointment, and
  - c. that is signed by the appointing member of the Committee or e-mailed to the Chair of the Committee no later than two hours prior to the Committee meeting.

## 9 Administrative Assistant Duties

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1. The Administrative Assistant of the Students' Council will:
  - a. Book meeting rooms for meetings of the Committee.
  - b. Book Minute Takers for each meeting of the Committee.
  - c. Structure Agendas for each meeting based on the Orders of the Day submitted by members of the Committee and any referrals from Students' Council.
  - d. Notify the Committee of Meetings through the Agenda.
  - e. Distribute the Agenda and Minutes to members of the Committee in accordance with Standing Order 12(6).
  - f. Ensure paper copies of the Agenda are printed for the Chair to bring to each meeting upon request.

## 10 Records

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1. If a Minute Taker is not present at the meeting, the Chair will assign the task of recording minutes to a member of the Committee.
2. Bylaw Committee "Report to Students' Council"
  - a. Bylaw Committee proceedings (traditionally minutes) will be recorded in a document styled "Report to Students' Council".
3. Report to be Circulated Prior to Submission
  - a. The "Report to Students' Council" will be circulated to members of the committee via email for feedback regarding accuracy prior to submission to the Speaker.
4. Approval of "Report to Students' Council"
  - a. The "Report to Students' Council" is considered approved as submitted by the Chair to the Speaker for Students' Council and ultimately as received by Students' Council.
5. Members may identify errors
  - a. Whenever in the opinion of Bylaw Committee an error is made in the "Report to Students' Council" submitted by the Chair to the Speaker for Students' Council, such error will be noted in the next "Report to Students' Council".
6. Content of "Report to Students' Council"
  - a. The Report to Students' Council will consist of:
    - i. A document styled "Summary of Proceedings" which will be a brief written summary of the Bylaw Committee's activities at the relevant meeting,

- ii. A document containing a list of all motions voted on by the committee that the committee intends to be a force and effect in accordance with Bylaw 100 s. 16(3), and
  - iii. An appendix of all documents voted upon by the Bylaw Committee for the purpose of providing an audit trail and accurate record of actions taken.
7. Publication of “Report to Students’ Council”
- a. The “Report to Students’ Council” shall be published electronically on the Students’ Union Website, and in the next Students’ Council Order Paper.

## 11 Rules of Order

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1. Robert’s Rules of Order
  - a. Robert’s Rules of Order will be observed at all meetings of Bylaw Committee except where they are inconsistent with the Bylaw or Standing Orders of Bylaw Committee.
2. Chair to decide where Rules are Silent
  - a. Where the Bylaws, Standing Orders and Robert’s Rules of Order fail to provide direction with respect to procedure, the Chair will decide.
3. Relaxed Robert’s Rules of Order
  - a. Notwithstanding Standing Order 11(1), the Chair may relax the rules prescribed in Robert’s Rules of Order.
4. Strict Compliance Requested
  - a. Notwithstanding Standing Order 11(3), any member of the Bylaw Committee may require the Chair to strictly employ any part or all of Robert’s Rules of Order by rising on a point of order to that effect.

## 12 Orders of the Day

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1. Right of Submission by Committee Members
  - a. Any voting member of Bylaw Committee may submit Orders of the Day to be considered by Bylaw Committee.
2. Order of Business
  - a. Chair’s Business
  - b. Question/Discussion Period
  - c. Committee Business
    - i. Drafting Referendum & Plebiscite Questions

- ii. Drafting Bylaws for Second Reading
    - iii. Draft Bills for First Reading
    - iv. Editorial Amendment of Bylaws
    - v. Other matters referred to Bylaw Committee by Students' Council
    - vi. Miscellaneous Recommendations to Students' Council
  - d. Information Items
- 3. Order of Orders of the Day
  - a. Orders of the Day shall appear on the Order Paper in the order submitted or as otherwise designated by the Chair.
- 4. Deadline for Submission
  - a. Orders of the Day must be submitted to both the Chair and Students' Council Administrative Assistant by noon two business days prior to a Bylaw Committee meeting.
- 5. Late Additions
  - a. Notwithstanding Standing Orders 12(4), Orders may be added to the Order Paper, at the discretion of Bylaw Committee at the meeting, if the items of business cannot be postponed to a future meeting of Bylaw Committee for resolution without risking detrimental consequences to or negative procedural difficulties for the Students' Union.
- 6. Deadline for Publishing
  - a. The agenda package will be published in the following manner:
    - i. Paper copies will be created and made available in the Students' Union Executive/Administrative Offices upon request, and
    - ii. An electronic version will be placed on the Students' Union web page.
    - iii. The Agenda package will be published no later than 4.30p.m. on the business day prior to a bylaw Committee meeting.
- 7. Deadline Exceptions
  - a. For meetings called under the authority of Standing Order 2(9), there will be no submission or publishing deadline.
- 8. Special Orders
  - a. A motion to make a specific Order of the Day a Special Order is a privileged motion.
- 9. Chair Made Special Orders

- a. The Order of Business notwithstanding, the Chair may designate any Order of the Day a Special Order.
10. Council Made Special Orders
- a. The Order of Business notwithstanding, Bylaw Committee may designate any Order of the Day a Special Order.
11. Chair's Business
- a. During Chair's Business, the Chair will address all day-to day regulatory concerns of Bylaw Committee, including but not limited to:
    - i. Attendance
    - ii. Approval of the "Report to Students' Council" required in accordance with Bylaw 100 s. (16)(1)(d),
    - iii. Resignations/recommendations to Council to nominate new members
    - iv. Any process by which a member is recommended for removal from Bylaw Committee
    - v. Reports
    - vi. Announcements, and
    - vii. Motions making Orders of the Day Special Orders

## 13 Standing Orders

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1. The Standing Orders of the Bylaw Committee may be amended by a simple majority vote of the Committee, with such changes being reported to Students' Council.
2. The Standing Orders of the Bylaw Committee do not expire, but shall be reintroduced at the Committee's first meeting.

## 14 Process for Drafting Referendum and Plebiscite Questions

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1. Chair to Assign Draftsperson
  - a. For each bill that passes first reading in Students' Council, the Chair will assign a draftsperson to draft the question to appear on the ballot.
2. Draftsperson to Submit for Next Bylaw Committee Meeting
  - a. The draftsperson is to have a draft question prepared for the Bylaw Committee Order Paper for the first meeting of the Bylaw Committee immediately following First Reading passage of the bill in Students' Council.
3. Invitation of Primary Proponents

- a. The chair will invite to the meeting at which the question is to be drafted the primary proponents of the question.

## 15 Process of Drafting Bills for First Reading

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1. Determination of Bylaws with Committee Mandate Upon Which to Recommend Substantive
  - a. The committee will determine prior to July which bylaws fall within its mandate under Bylaw 100 s. 17(5)(c) (i.e. those bylaws that the Bylaw Committee is mandated to make substantive recommendations on to Students' Council).
2. Committee to Assign Draftsperson
  - a. Where deemed appropriate, for each bylaw identified under Standing Order 15(1), the committee will assign a draftsperson to bring forward a bill for the Bylaw Committee's consideration and potentially subsequent recommendation to Students' Council.
3. Consultation & Feedback
  - a. In preparing a draft bill, the draftsperson will consult with and solicit feedback from relevant or affected parties.
4. Draft Format to Parallel Students' Council's First Reading Requirements
  - a. When ready, the draftsperson will submit the bill for the Bylaw Committee Order Paper in the same format specified in the Students' Council Standing Orders for Bylaws on First Reading.
5. Recommendation of Bill to Council
  - a. If approved, the bill is recommended to Students' Council for First Reading.

## 16 Process of Drafting Bills for Second Reading

---

1. Chair to Assign Draftsperson
  - a. For each bill that passes first reading in Students' Council, the Chair will assign a draftsperson to draft amendments to the bylaws.
2. Draftsperson to Submit for Next Bylaw Committee Meeting
  - a. The draftsperson is to have the draft legislation prepared for the Bylaw Committee Order Paper for the first meeting of the bylaw committee immediately following First Reading passage of the bill in Students' Council.
3. Consideration of Recommendation "That Council Reconsider First Reading"

- a. Prior to consideration of the draft legislation, the committee will consider under Students' Council Standing Order 15(3)(a)(iv) whether or not to recommend to Students' Council that it reconsider whether the bill should be read a first time.
- 4. Formulation of Principles to Accompany Recommendation "That Council Reconsider First Reading"
  - a. Where it is decided to recommend to Students' Council that Council reconsider whether the bill should be read a first time, the committee will provide suggested principles for Council to consider.
- 5. Review of Draft Legislation for Compliance with First Reading Principles & Editorial Amendments
  - a. Where it is decided simply to recommend draft legislation in accordance with the principles passed on first reading, the committee will:
    - i. Ensure that each principle is reflected in the draft legislation,
    - ii. Ensure that the draft legislation does not exceed the principles approved in first reading, and
    - iii. Review the entire bylaw for any editorial changes that is appropriate to make.

## 17 Process for Drafting Editorial Amendments to Bylaw

---

- 1. Process for Drafting Editorial Amendments to Bylaw
  - a. The Bylaw Committee will conduct an annual review of each bylaw for editorial updates that do not alter the substantive meaning of the bylaws.
- 2. Committee to Assign Draftsperson
  - a. Prior to July, the Bylaw Committee will assign a draftsperson(s) to review each bylaw and assign a date by which the review is to be completed.
- 3. Consultation & Feedback
  - a. In reviewing a bylaw, the draftsperson will consult with and solicit feedback from sources that would be familiar with or affected by the bylaw under review.
- 4. Draft Format to Parallel Students' Council's Second Reading Requirements
  - a. When ready, the draftsperson will submit the proposed legislation for the Bylaw Committee Order paper in the same format specified in the Council Standing Orders for Bylaws on Second Reading.



## 18 Confidentiality

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1. All members shall ensure the security and confidentiality of sensitive information that comes into their possession by virtue of their membership on the Bylaw Committee.

## 19 Miscellaneous

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1. Public Meetings
  - a. Meetings of Bylaw Committee are open to the public, unless Bylaw Committee moves in camera.

## 20 Appendix 1: Procedure for Electing a Chair

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1. Start up meeting of Bylaw Committee
  - a. The Chair of Students' Council will serve as interim chair for the duration of the start up meeting of Bylaw Committee, and preside over the election of a Chair of Bylaw Committee as per this Appendix
2. Nominations
  - a. Any voting member of Bylaw Committee may nominate themselves for the role of Chair
3. Speeches
  - a. Each candidate may give a brief speech not to exceed two minutes.
4. Questions
  - a. The presiding officer will allow questions to be put to the candidates from the members of Bylaw Committee.
5. Secret Ballot
  - a. The vote will be by secret ballot
6. Recess
  - a. Bylaw Committee will recess while the presiding officer counts the vote.
7. Announcement
  - a. The presiding officer will announce the results of the election to Bylaw Committee.
8. Vacancy of the Chair
  - a. Should the position of chair become vacant, election of a new chair will take place at the next meeting of Bylaw Committee as a special order of business to be dispensed with immediately.

- b. Election of a new Chair shall be held in accordance with this appendix with the exception that a voting member of Bylaw Committee who is not running for election or re-election to the position of chair will preside over elections procedure until the election of a new chair.
- c. This member will be the outgoing Chair unless the outgoing Chair is running for re-election or is no longer a voting member of Bylaw Committee, in which case the presiding member will be determined by vote cast by all members of Bylaw Committee not running for election or re-election to the position of chair.
- d. In the case that all voting members of Bylaw Committee are running for election or re-election to the position of Chair, the speaker of Students' Council will serve as presiding officer.

# Bylaw Committee Transition Report

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Special thanks to the previous Chair of Bylaw, Michelle Kim, for her hard work on this committee and her contributions to this transition report.

To contact the previous Chair, please request their contact information from Discover Governance.

## Advice

### *Top three things the previous committee spent time on*

1. Drafting first principles
2. Drafting second principles
3. Plebiscites and referendum questions

### *Don't forget these committee duties*

You have to submit first and seconds readings to Council. If you don't submit them on time, they will have to go on the Late Additions, which doesn't give enough time for Councillors to read over them entirely.

### *The most difficult things about the committee...*

Understanding how the committee works and mentoring fellow committee members through the process.

### *Three pieces of advice:*

1. Read the timeline.
2. Set goals in the beginning.
3. Understand the different formats of writing used for pills, petitions, plebiscites, and referenda.

## 2018/19 Overview

### *Committee Successes*

All planned changes to bylaw were made, and were drafted after consultation and in-depth discussion.

### *Committee Failures/Difficulties*

Understanding who is responsible for every step of the referendum process. Bylaw 6100 needs to be amended to clearly remove the discrepancies.

## Unfinished Business

Check DIE Board ruling 2018-10 to find the discrepancies in Bylaw 6100, to fix it and make the petition and DFU creation process more clear.

## Final Word of Advice

Plan a timeline and read previous first and second bills.

## Summary of Major Motions

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Updated the Council bilingualism bylaw to remove out of date clauses and create a Translation Committee.

The start-up meeting of Council was removed from attendance regulations.

Legislative and oversight committees were combined into a single category: standing committees.

Wrote questions for the new Aboriginal Students' Council fee referendum and the First Alberta Campus Radio Association plebiscite question.

Significantly changed the rules around student groups and created a Student Group Committee.

Made changes to the way Council can amend its Standing Orders.