

DIE Board Respondent Application

Submission Date

2019-03-08 19:01:09

Name

Reed Larsen

E-mail

[REDACTED]

Phone Number

[REDACTED]

2018-10 (Allowance of DFU Referendum/Plebiscite Questions)

Signature

A handwritten signature in black ink, appearing to read 'Reed Larsen', is written over a horizontal line. The signature is stylized with large, sweeping loops and a prominent vertical stroke.

File upload

[DIE Board Response \(1\).pdf](#)

Date: 11/02/2019

To: DIE Board

Re: 2018-10 (Allowance of DFU Referendum/Plebiscite Questions)

Dear DIE Board,

I am writing in response to a DIE Board application hearing 2018-10 (Allowance of DFU Referendum/Plebiscite Questions). Please review the following outline and supporting documentation as a response.

In short, I argue that the referendum and plebiscite questions all had a substantive review from Bylaw Committee, where deliberated and approved in good faith by Students' Council, do not breach the fiduciary responsibilities of the Students' Union or any laws, and produced legitimate election results. I will argue that there is a misunderstanding that the Bylaw that pertains to referendum or plebiscite initiation is not Bylaw 6600, however, Bylaw 2200, and that accusations of negligence by Students' Council are false.

Bylaw 2200 states as follows:

6 Plebiscite and Referendum Initiation

1. Where a member wishes to initiate a plebiscite or referendum via petition, that member shall submit to the C.R.O.:
 - a. the intent of the question;
 - b. whether the question is a plebiscite or a referendum;
 - c. the name, faculty, and student identification of that member;
 - d. a twenty-five dollar (\$25.00) deposit in the form of cash or a certified cheque or money order payable to the Students' Union.
2. Upon receipt of a submission meeting, the requirements set out in Section 6 (1), the C.R.O. shall immediately forward the intent of the question to the Bylaw Committee.
3. The Bylaw Committee shall approve within fourteen (14) days from receiving the intent of the question from the C.R.O., a petition question which:
 - a. fully reflects the intent submitted by the member;
 - b. if carried and acted upon, would not violate any Students' Union bylaws or any federal or provincial law;
4. Students' Council shall, at the meeting following the drafting of the petition question by the Bylaw Committee as set out in Section 6(3), approve a question which meets the

criteria set out in Section 6(3) unless the question would cause Students' Council to breach its fiduciary responsibility to the Students' Union.

5. Sections 6(2) and 6(3) notwithstanding, where it is not possible for the Bylaw Committee or Students' Council to approve a petition question which meets the criteria set out in Section 6(4), neither the Bylaw Committee or Students' Council shall approve such a question.
6. Students' Council shall have the authority to call a plebiscite or referendum without a petition.
7. Prior to being approved by Council all plebiscite and referendum questions must be drafted by the Bylaw Committee.

The applicant fixates their attention on the petition portion of this bylaw and then makes references to Bylaw 6600. However, I want to draw attention particularly to Bylaw 2200 6.6 which states; **Students Council shall have the authority to call a plebiscite or referendum without a petition.**

The only limitations found within bylaw for a plebiscite or referendum question are Bylaw 2200 6.7, which states; **Prior to being approved by Council all plebiscite and referendum questions must be drafted by the Bylaw Committee.**

In the case of creation of Dedicated Fee Units (ASC), Bylaw 6100 3.7, 3.8, and 3.11 state;

- 3.8 Students' Council will not allow for the implementation of a Dedicated Fee Unit that:
 - a. would cause the 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.
- 3.7 For the purposes of determining the scope and mandate of the Students' Union, Students' Council will consider whether the activities that are in questions would
 - a. provide services that directly benefit the University of Alberta campus community, including students in their pursuit of a post-secondary education; or
 - b. eliminate obstacles for students in their pursuit of a post-secondary education at the University of Alberta.
- 3.11 Except as otherwise stipulated in this bylaw, any Referendum shall be conducted in accordance with Bylaw 2200.

I would argue that the applicant is miss-representing the requirements for the content of petition questions for content needed for ballot questions. The responsibility to craft ballot questions for referendum or plebiscite is the purview of the Bylaw Committee (as stated in Bylaw 2200 6.7) and what they deliberate to be necessary information for the ballot. It is clearly stated in Bylaw 2200 6.6 that Students' Council can approve a referendum or plebiscite without a petition for a Dedicated Fee Unit, as long as the Dedicated Fee Unit is not a breach of fiduciary responsibility or any laws. Further, these entities have the right to engage the Board if they feel that the Bylaw Committee has failed in its mandate, a right not exercised by any of these organizations (Bylaws 6100 3.6).

On November 27th, upon recommendation from the bylaw committee, Students Council deliberated and approved the CJSR and SLS plebiscites, which fulfilled the above mandate. Votes and proceedings can be found [here](#).

On December 11th, upon recommendation from the bylaw committee, Students Council deliberated and approved the ASC referendum without a petition, which fulfilled the above mandate. Votes and proceedings can be found [here](#).

I briefly want to touch upon the difference between petition, plebiscite, and referendum questions in this context. The right of members to petition, as well as, Students' Council to legislate how it would run the petition, is an authority that Post-Secondary Learning Act gives students and Students' Council respectively. Petitions are used to instigate a referendum, which is legally binding questions put to students. The intent of the petition portions of Bylaw is to ensure that any member in good standing with the Students' Union can place a question on the ballot, even if that question was not something supported by the majority of Students' Council. Referendums often have financial components and often are a yes/no vote. Plebiscites are non-binding questions that Students' Council has incorporated into its governing structure. They are primarily used to inform decision making, do reviews, and in some cases, ask broader policy questions.

Students' Council regularly approves referendum and plebiscite questions without a petition, as most questions are based in well-formulated proposals, established services, and needs of the students and Students' Union that fulfill the mandate listed above. The referendum and plebiscite questions approved for council and on this year's ballot all had substantive backing, Bylaw recommendation, and gave all necessary information needed for Students' Council to make informed decisions, as demonstrated by the nearly unanimous support in all motions at council.

I do argue that all plebiscites and referendum on this year's ballot where legitimate questions according to Bylaw 2200, however, in the particular cases of the SLS and CJSR plebiscite questions, it should be made clear that service provision and fee collection would not end if DIE Board found them to be insufficient review plebiscites. This is made clear by Bylaw 6100 4.6:

Dedicated Fee Units may be amended or abolished only by:

- a. joint resolution of Students' Council and one other body, specified in the schedule; or
- b. Referendum

The plebiscite is meant to inform Students' Council, and members, if the value statement from the organization was still viable and inform further decisions.

In conclusion, I would argue that the referendum and plebiscite questions all had a substantive review from Bylaw Committee, where deliberated and approved in good faith by Students' Council, do not breach the fiduciary responsibilities of the Students' Union or any laws, and produced legitimate election results. Thus, the accusations of negligence by Students' Council I would argue are false.

Thank you for your time and tireless effort on behalf of the Students' Union.

Sincerely,
Reed Larsen
UASU President