University of Alberta Students' Union

BYLAW COMMITTEE

Monday, May 23, 2017
6:30 PM
SUB 0-55

We would like to acknowledge that our University and our Students' Union are located on Treaty 6 Territory. We are grateful to be on Dene, Cree, Saulteaux, Métis, Blackfoot, and Nakota Sioux territory; specifically the ancestral space of the Papaschase Cree. These Nations are our family, friends, faculty, staff, students, and peers. As members of the University of Alberta Students' Union we honour the nation-to-nation treaty relationship. We aspire for our learning, research, teaching, and governance to acknowledge continuing colonial violence and respect Indigenous knowledges and traditions.

AGENDA (BC-2017-01)

2017-01/1 **INTRODUCTION**

2017-01/1a **Call to Order**

2017-01/1b **Approval of Agenda**

2017-01/1c **Approval of Minutes**

2017-01/1d **Chair's Business**

2017-01/1d Welcome & introductions

2017-01/1d How Bylaw committee works

2017-01/2 **QUESTION/DISCUSSION PERIOD**

2017-01/2a Specific goals for the year and timeline.

2017-01/2b DIE Board ruling 2016-1 review

2017-01/2c Dedicated Fee Units and Faculty Association Membership Fees up for renewal this year.

2017-01/3 **COMMITTEE BUSINESS**

2017-01/3a **Bill #1 - Elections Forums Amendment - *First Reading***

CHRISTENSEN MOVES to approve the first reading of Bill #1 - Elections Forums, on the recommendation of Bylaw Committee, based on the

following first principles:

First Principles

1. Formal regulation of elections forums under Bylaw 2200 is limited to only the Myer Horowitz Forum. There is no regulation of forums under Bylaw 2300.
2. In light of DIE Board ruling 2016-01, additional and clarifying regulations are required, in order for the Chief Returning Officer (CRO) most effectively perform their job.
3. Bylaw 2200 shall be amended to broaden the rules of forums to extend to all forums organized by the elections office, not just the Myer Horowitz Forum.
4. Bylaw 2300 shall be amended to include rules regarding the conduct of forums under that Bylaw, if applicable.
5. The aforementioned regulations shall include, but not be limited to, the following regulations, in addition to those already listed in Bylaw:
    a. No candidate, or a volunteer representing their campaign, shall interfere, attempt to stop, limit, or otherwise dissuade a member from asking a question during an elections office organized forum.
    b. The CRO shall prioritize audience questions from members who have not already submitted a question orally or electronically.
    c. The CRO shall be permitted to set a time limit limiting the length of individual questions and answers during forums, at their discretion, so long as these details are provided to the candidates in advance and verbalized at the start of the forum.
6. The legislative structure for Bylaw 2300 will follow the same framework as Bylaw 2200, except not mandating the CRO host a forum.

2017-01/4 **INFORMATION ITEMS**

2017-01/4a DIE Board Ruling (2016-01)

Please see BC 2017-01.01

2017-01/5 **ADJOURNMENT**

2017-01/5a **Next Meeting**: June 6, 2017 @ 6:30PM in SUB 0-55

DIE BOARD RULING 2016-01

Hearing Details:

Style of Cause:	*Scott v Chief Returning Officer*
Hearing Date:	March 10th, 2017
DIE Board Panel Members:	Harvir Mann, Associate Chief Tribune
	Landon Haynes, Tribune
	Jenny Du, Tribune
Appearing for the Appellant:	Shane Scott as himself
Witnesses for the Appellant:	Eryn Pinksen
	Raylene Lung
	Cindy Hodl
	Cristiana Pop
Appearing for the Respondent:	Donald Ademaj as himself
Witnesses for the Respondent:	Justin Bilinski
Intervener(s):	None

The DIE Board is unanimous in the following decision.

FACTS

[1] On Monday, March 6, 2017, the annual Myer Horowitz Forum (the "Forum") was held at the University of Alberta. This annual Forum is mandated by §18 of Bylaw 2200 of the University of Alberta Students' Union Bylaws and is meant to provide University of Alberta Students an opportunity to directly engage with candidates seeking election into the various executive roles of the Students Union.

[2] In attendance at the Forum was Mr. Shane Scott, candidate for Vice President Academic and appellant in this hearing (the "Appellant"), Ms. Eryn Pinksen, campaign manager for Shane Scott (the "Campaign Manager"), Justin Bilinski, the complainant in

this hearing (the "Complainant"), and Donald Ademaj, the Chief Returning Officer of the University of Alberta's Student's Union (the "CRO").

[3] Per paragraph 3 of the CRO's Executive Election Ruling (the "CRO's Ruling") issued on March 8, 2017, and which the appellant affirmed in his Board Hearing Application (the "Application") submitted on March 9, 2017, the Complainant "was in line to ask a question during the period of the Forum where questions from the audience were being taken."

[4] In his written decision, the CRO explained at paragraph 4 that the Complainant approach him and said that "My campaign manager had to control a person in line, who is my ex-boyfriend, to ask a question, as he was being aggressive and earlier today had a mental breakdown." The accuracy of the substance of this quote was questioned by the Appellant in his Application.

[5] The Complainant made a tweet to the UASU Elections handle (#UASUvote) at 1:22PM on March 7, 2017 which read, as per paragraph 5 of the CRO's Ruling: "Any update on this [perceived heckling]? Are there no repercussions for campaign managers harassing #UASUvote students to change forum questions so their candidate appears more favouably?"

[6] An email was sent to the CRO by the Complainant at 4:49PM on March 7, 2017 which read:

> While waiting in line to ask a question at yesterday's forum in the Myer Horowitz Threatre, I was asked at around 1:00 pm by Scott's campaign manager Eryn Pinksen to step out of line and forfeit my chance at asking a question. I refused and informed her that I would be asking my prepared question. Seeming to fear some sort of personal attack on her candidate, she began to berate me while I stood in line, telling me that my question needs to show "decorum" and "kindness", and suggested that my question would damage her candidate's reputation or success in this election. I don't appreciate Scott's campaign demanding I change any portion of my question, whether it be wording, tone, or subject matter, so that their candidate is seen more favourably by the audience. I went on ask my prepared question related to mental health support at the University of Alberta.
>
> Afterwards, I tweeted about the incident and Eryn Pinksen confirmed via Twitter that she did in fact approach and berate me in line as I was trying to prepare to speak.

[7] Per paragraph 7 of the CRO's Ruling, the CRO allowed the Appellant and his Campaign Manager to reply to the allegations of the Complainant. The Appellant replied by email which read:

> Thank you for reaching out to me on this matter. As the candidate in this race, I take full responsibility for the actions of all volunteers, including my campaign manager and as such I am responding on behalf of both of us.
>
> As I mentioned to you following the Myer Horowitz Forum, Justin Bilinski is my ex-boyfriend and prior to the forum, he had a public outburst towards me. I am aware that my campaign manager spoke to him in a polite attempt to ensure our personal relations were not dragged into the forum. She did not and would never dissuade him from asking his question.
>
> I am sorry he feels like his right to ask a question at open forum was impeded upon but that was not the case nor the internet. As a proponent of student engagement at all levels, I nor my campaign manager of volunteers would ever attempt to censor or try to dissuade any students from voicing their opinions.

The Appellant admits to sending this email in his Application, but also argues that "while [he accepted] full responsibility for [his] campaign, the actions of [his] campaign manager did not violate any of the Bylaws and [his] email response to the allegation did not allow for any omission of guilt for the alleged heckling by [his] campaign."

[8] Per paragraphs 8 and 9 of the CRO's ruling, both the Appellant and his Campaign Manager were in attendance on February 16, 2017 at the Candidates' Meeting, and at that meeting, the CRO "outlined all elections bylaws and rules, including Section 18 and 26 of Bylaw 2200." The Complainant admits these facts in his Application.

[9] On these facts, the CRO ruled as follows:

> 1. Bylaw 2200 §18 was not respected by the aforementioned candidate, as their campaign manager engaged in "heckling" of the person wishing to ask a question.
>
> 2. Bylaw 2200 §26 was not respected by the aforementioned candidate, as all candidates are responsible for actions of their volunteers, who must be following elections rules and bylaws.
>
> 3. According to Bylaw 2200 §47, the Chief Returning Officer shall "assign a penalty where the contravention was intentional, penalizes the candidate or campaign manager who was or whose volunteer was guilty of the contravention".
>
> 4. Therefore, a penalty should be assessed.

[10] The penalty was assessed as a $50 fine against the Complainant's campaign.

THE BYLAWS

[11] The relevant Bylaw for this hearing is Bylaw 2200 (the "Bylaw"). The relevant sections of this Bylaw, §18, §26, and §47 are reproduced below.

> **18 Myer Horowitz Forum**
>
> …
>
> 2. The C.R.O. shall chair the Myer Horowitz Forum and shall enforce the following rules:
>
> a. each candidate and side shall be afforded an opportunity to speak that is equal to the opportunity afforded to each candidate or side in their race; and
>
> b. no objects shall be thrown; and
>
> c. no heckling shall occur; and
>
> d. no campaign materials shall be distributed during the Myer Horowitz Forum in the room in which the Myer Horowitz Forum is held.
>
> 3. Where an individual contravenes Section 18(2), the C.R.O. shall remove that individual from the Myer Horowitz Forum.
>
> 4. Where a candidate or side contravenes Section 18(2), the C.R.O., has the authority to enforce disciplinary action, as prescribed under Section 47.
>
> **26 Requirements of All Candidates and Plebiscite/Referendum Sides**
>
> 1. Each candidate and side manager shall act reasonably and in good faith, and specifically shall
>
> a. ensure that each volunteer engaging in campaign activities on their behalf is aware of all bylaws, rules, regulations, and orders;
>
> b. ensure that each volunteer is in compliance with all bylaws, rules, regulations, and orders while engaging in campaign activities on their behalf; and
>
> c. report any contravention of a bylaw, rule, regulation, or order to the C.R.O. immediately.

47 Penalties Available

1. Where a candidate, side manager or volunteer has contravened a bylaw, rule, or regulation, regardless of the cause or the intent of the parties involved, and that contravention has provided an unfair advantage to a candidate, the C.R.O. shall assign a penalty that

    a. fully counterbalances any advantage gained; and

    b. where the contravention was intentional, penalizes the candidate or campaign manager who was or whose volunteer was guilty of the contravention.

2. Penalties available to the C.R.O. shall include

    a. a fine, to be counted against the candidate's campaign expenses;

    b. the confiscation or destruction of campaign materials; and

    c. limits, restrictions, and prohibitions on any type of campaign activities for any period of time up to the commencement of voting.

ISSUES

[12] The issues in this hearing are:

1. Did the Campaign Manager "heckle" the Complainant, contrary to §18 of the Bylaw?

2. Did the Appellant not "ensure that the [Campaign Manager was] in compliance with all bylaws, rules, regulations, and orders while engaging in campaign activities on their behalf" contrary to §26 of the Bylaw?

3. If the answer is Yes to either question 1 or 2 or both, did the CRO properly rely on §47 of the Bylaw to assess the $50 penalty against the Appellant's campaign?

THE APPELLANT'S POSITION

[13] The Appellant argues that his Campaign Manager did not engage in "heckling," contrary to §18 of the Bylaw. He notes that the term "heckling" is not defined in the Bylaw and so argues that we should consider other definitions, including from the *American Heritage Dictionary of the English Language* which defines heckle as "To try

to embarrass and annoy (someone speaking or performing in public) by questions, gibes, or objections; badger," as well as the *Collins English Dictionary* which defines "heckling" as "the practice of calling out comments to interrupt a person making a speech."

[14] Considering these definitions, the Appellant argues that we should consider what he calls the "Heckle Test" which should be used to determine whether an individual can be said to have been involved in "heckling." The Appellant suggest that this test has two requirements:

1. That the person being heckled is publicly speaking or performing, and

2. That the heckler is interrupting by calling out statements/comments/questions to embarrass or annoy.

[15] The Appellant argues that since the Complainant was "able to speak freely without being interrupted…the second requirement of heckling was not achieved." He further argues that since the Campaign Manager "spoke to [the Complainant] prior to the question being asked" the first requirement likewise was not met. Therefore, the Appellant argues that there was no heckling and therefore no contravention of §18 of the Bylaw.

[16] As support for his contention, the appellant provides video evidence of the Forum which does not capture the exchange between the Complainant and Ms. Pinksen, but shows the former asking his question "freely and without being interrupted." He argues there is no tangible evidence whether anyone intended to stop the Complainant from asking a question.

[17] In the alternative, the Appellant argues that if heckling should include "conversations between Campaigners, Candidates and the electorate…healthy discussion of election issues would be stifled and it would be detrimental to our democratic society."

[18] With respect to §26 of the Bylaw, the Appellant argues that "[b]oth Candidate Scott and Campaign Manager Pinksen acted reasonably and in good faith throughout the forum" and therefore that §26 was not breached.

[19] Finally, the Appellant argues that since neither §18 nor §26 was breached, that the CRO did not have authority to issue a penalty under §47. The Appellant also argues that there should not have been a penalty under §47(1)(b) since "there is no way to prove that any contravention was intentional."

[20] The Appellant also argues that "Twitter is not the proper decorum to hear such concerns so any Tweets made by [the Complainant] should not be considered facts or evidence in this matter."

THE RESPONDENT'S POSITION

[21] The CRO admits the Appellant approached him after the conclusion of the Forum regarding the incident in question, though the exact wording of the exchange is uncertain since neither recall exactly what the appellant said.

[22] The CRO submits that the Complainant was heckled by the Appellant's Campaign Manager, contrary to §18 of the Bylaw, when the Complainant was approached by the Campaign Manager while standing in line to ask his question. The interaction between the Appellant's Campaign Manager and the Complainant was perceived by the Complainant as a personal attack with the intention to harass or annoy. During the hearing, the Complainant referred to the *Merriam Webster* definition of "heckling," which is "to harass and try to disconcert with questions." The Complainant stated that when asked to speak with kindness, it latently implied that he would have been unkind.

[23] In response to the Appellant's assertion his Campaign Manager approached the Complainant with concern after an exchange between the latter and the Appellant earlier in the day, the CRO argues it his responsibility to decline any inappropriate or personal questions as per §18 of the Bylaw. The CRO supports this argument and his resolve to adhere to bylaw by citing his role in declining personal questions which arose later on in the Forum.

[24] The CRO submits that since Bylaw 2200 provides no definition of "heckling", he has the discretion to decide the definition applicable to the case at hand. The CRO is bound to the Bylaw and decided on an interpretation of the word "heckling" that he deemed was just and appropriate.

[25] The CRO argues that "heckling" has no prescribed volume or demeanor, and should include any instance where a person in any way tries to impede another person from asking their question or saying their question in some different dimension. In his view, it does not matter whether the question was successfully asked. By sticking to the Bylaw, and not a dictionary definition of the word, the CRO perceived the Campaign Manager's actions to be heckling.

[26] The CRO also submits that Tweets made by the parties are admissible as evidence in this matter, as social media is commonly accepted as evidence in court.

[27] The CRO instituted a penalty of $50.00 to set a precedent on this type of ruling.

ANALYSIS

1. Did the Campaign Manager "heckle" the Complainant, contrary to §18 of the Bylaw?

[28] While this tribunal is not generally bound by common law precedent, and while

we are not being asked to interpret a provincial or federal statute, we wish to be informed of what has been called the "Modern Approach to Statutory Interpretation" by the Supreme Court of Canada. In the case of *Rizzo & Rizzo Shoes Ltd. (Re)*, [1998] 1 SCR 27, the Supreme Court of Canada recognised a characterisation from Elmer Driedger in his seminal work *Construction of Statutes* at page 87 that: "Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament." Analogously, we may be asked to read the words of the Bylaw to be read in their entire context and in the grammatical and ordinary sense harmoniously with the scheme of the Bylaws, the object of the Bylaws, and the intention of the Student's Union.

[29] The Appellant was right to turn to the dictionary definitions of "heckling" to determine the grammatical and ordinary sense of the word, but we also want to add a further definition taken the *Merriam-Webster Dictionary* which defines heckle as "to harass and try to disconcert with questions, challenges, or gibes." The definition contains no explicit mention of a public speaking or performing element, nor does it explicitly mention an interruption, as the Appellant suggests is required in the "Heckle Test." This definition alone may therefore suggest a broader reading of what it means to "heckle" than what the Appellant is trying to argue. However, we do recognise that the common perception of a "heckler" often involves shouting disparaging comments with the intention of causing a public disturbance.

[30] Following along with the analogous Modern Principle, we must also consider the broader scheme and objectives of the Bylaw. The other rules that shall be enforced by the CRO during the Myer Horowitz Forum under §18(2) of the Bylaw include allowing each candidate an equal opportunity to speak, prohibiting objects from being thrown, and prohibiting the distribution of campaign materials. It is clear that the scheme of this section is to provide an open, safe, fair, and inclusive atmosphere that is conducive to the healthy and unimpeded debate and discussion the candidates are participating in.

[31] While there is no direct evidence of the intention of the Student's Union intention when the heckling section was first passed, we may be able to infer that intention by the scheme of the Bylaw. In the context of a public forum where University Students attend en masse to hear and question candidates up for election to their Student Union, it is much easier to infer that the intention of the Student Union prohibiting heckling meant to prohibit the student attendees from disparagingly interrupting the candidates when they are trying to get some point across. It is less easy inferring an intention to prohibit a Campaign Manager or other volunteer from approaching an audience member and engage in discussion as to that member's intentions. §18(2)(d) of the Bylaw does restrict the distribution of campaign materials; whether this extends to the activity of campaigning is not unreasonable to assume. While an audience member asking a question may be heckled by other audience members, or by the candidates themselves, the common understanding of what it means to heckle naturally includes a public and open element rather than a private, if as intimidating, discussion between two people,

even if there was some minor incidental eavesdropping by other members of the audience.

[32] With these considerations, we conclude that "heckling", as used in the Bylaw, is concerned with making remarks out of turn and to the attention of the broader public. We do not think that the speaker or performer must be mid-speech or mid-performance for the heckling to occur, but they must be involved in that context. That is, a person may heckle a candidate who is sitting quietly waiting for their turn to speak while another candidate speaks. Further, the heckling may not be directed at the speaker or performer themselves. For example, the audience member may shout to the audience itself about a particular speaker or performer. As such, while there is no requirement for an explicit interruption or direction, the statements/comments/questions made by the heckler must be done in a public arena with the intention of making the statements/comments/questions being said publicly available for listening.

[33] On the facts, we do not find that the Campaign Manager heckled the Complainant under our above interpretation of what it means to "heckle" as set out in the Bylaw. The Complainant himself during the Hearing stated that the Campaign Manager engaged him with a "stage whisper." It was a "hushed" conversation so as to not draw attention to the conversation. This admission was corroborated by the Campaign Manager and other witnesses who testified that there was no yelling that occurred between the Campaign Manager and the Complainant and they generally could not hear what was being discussed. The lack of any sort of public broadcast of the conversation between the Campaign Manager and the Complainant means that heckling did not occur. This was a private and quiet conversation between two individuals which nonetheless occurred in a public setting (the elevated stage). This should not be regarded as heckling in the ordinary sense of the word and the way that the term is used in the Bylaw.

[34] The Appellant's concern that if the heckling definition is "expanded to include conversations between Campaigners, candidates and the electorate" that "healthy discussion of election issues would be stifled and it would be detrimental to our democratic society" is taken care of in the definition we provide. Indeed, as mentioned, private conversations are not captured by the definition we set out above. But, if the heckler makes statements/comments/questions with the intention of making what is being said publicly available for listening, this will constitute heckling and not a private conversation.

[35] In this case we do not consider the actions in question to be heckling. But candidates, campaign managers, and volunteers should make it a chief concern to avoid conduct that would approach or give the appearance of intimidation of an elector. Heckling is a scourge on an election debate, and perhaps more so when an elector is the target. The suppression of a free and open debate should be strongly admonished as it is hard to conceive of any circumstances whatsoever where it would be appropriate for a campaign to influence a question asked at an open debate, or worse yet, try to intimidate an elector from asking a question at all.

[36] Finally, we wish to point out that the Appellant's suggestion that "Tweets … should not be considered facts or evidence" in matters such as these is completely without merit, and we agree with the CRO's position on this point. Even if Twitter is not the appropriate place to have discussion on these issues, the fact is that the Tweet was made and the validity of its admission as evidence does not turn on this fact. While we find that the Tweet in reference does not play a significant role in the outcome of this decision, we admit it as evidence regardless.

2 Did the Appellant not "ensure that the [Campaign Manager was] in compliance with all bylaws, rules, regulations, and orders while engaging in campaign activities on their behalf" contrary to §26 of the Bylaw?

[37] The potential breach of the Applicant of §26 of the Bylaw naturally turns on whether we find a breach under the first issue of this hearing. Contravention of §26 in and of itself cannot be used as justification for the breach of any bylaw. That is, if there was no breach of §18, then there was compliance with the Bylaw.

[38] Because we have found that the Campaign Manager did not heckle the complainant, there was no breach of §18 and therefore no subsequent breach of §26.

3. If the answer is Yes to either question 1 or 2 or both, did the CRO properly rely on §47 of the Bylaw to assess the $50 penalty against the Appellant's campaign?

[39] It is not necessary to answer this question based on the decision we have made above on the first two issues, but we wish to address this question in any event.

[40] §47 is clear that regardless of the intent of the parties, the CRO may issue a penalty that "fully counterbalances any advantage gained" when a contravention "has provided an unfair advantage to a candidate." However, in the case of an intentional contravention, the CRO is also required (by the verb "shall") to "[penalize] the candidate or campaign manager who was or whose volunteer was guilty of the contravention."

[41] It is very important, however, to keep in mind the qualifier that the contravention of a bylaw must have provided an unfair advantage to a candidate. If there is a contravention of a bylaw that provides no unfair advantage to a candidate, there can be no penalty.

[42] This importance was recognised by this Board in the case of *Azimi v CRO* (6 March 2015), 2014-4 at paras 18 – 19:

> [18] ... The CRO shall assign a penalty if two requirements are met (1) a candidate, side manager, or volunteer has contravened a bylaw, rule, or

> regulation, and (2) **that contravention has provided an unfair advantage to a candidate.**
>
> [19] Thus, the 'unfair advantage' provision is not simply a basis for assessing counterbalancing fines, but is a prerequisite for assigning penalties in general (with certain exceptions, including explicit fines under the *Election Regulations and Guidelines*, and disqualifications under subsection (49)).
>
> [emphasis in the original]

The Board failed, however, to define what exactly an unfair advantage is, and relied on the CRO's statement that the candidate did not gain an unfair advantage, and overturned the punitive fines ordered by the CRO against the candidate in that particular case.

[43] There are two very plausible ways to define unfair advantage in the context of these facts, and considering the fact that "unfair advantage" is not defined in this Bylaw. The first is that the Complainant's question was changed as a result of the interaction. Any change from its original content can be seen as an unfair advantage. The second plausible interpretation is that the question would have to be changed to be more advantageous to the candidate. This can be either by providing the candidate with an easier question to answer or providing the candidate with a ready made answer within the question; a "soft-ball."

[44] In the interest of protecting the political process within the Student's Union, we believe a broad view of unfair advantage should be taken.

[45] Thus, we consider an unfair advantage to include the following: (1) anything that will increase the likelihood of the election of a candidate, (2) anything with the potential to increase the esteem of a candidate in the mind of the electors, or (3) a negative effect on a candidate. A benefit must fall into the above classes in the context of a public event or otherwise connected with the election of a candidate. A purely personal benefit with no effect on the election or the esteem that the candidate is held in by the electorate will not qualify as a benefit.

[46] With these considerations, it will be hard to find an unfair advantage in the context of this hearing unless the Complainant changed his question. On the facts we find that there was no unfair advantage imparted upon any candidate, including the Appellant. Referring back to the email that was sent by the Complainant to the CRO on March 7, 2017, the Complainant admits that he "went on [to] ask [his] prepared question related to mental health support at the University of Alberta." When asked directly by this Board during the Hearing about whether he in fact changed his question based on the interactions with the Campaign Manager, the Complainant was clear that he asked the question as he had prepared it. He admitted that after the interaction, he went on to proof-read the question several times to make sure it was what he wanted to say. Though, he does note that because of the interaction with the Campaign Manager his hand was

shaking as a physiological response to what he perceived to be a distressing interaction. However, this fact does not mean that any candidate gained an unfair advantage. The question was asked as the Complainant intended so there was no unfair advantage afforded to any candidate, including the Appellant.

CONCLUSION

[47] The issues and the findings of those issues are:

1. Did the Campaign Manager "heckle" the Complainant, contrary to §18 of the Bylaw?

   No.

2. Did the Appellant not "ensure that [Campaign Manager was] in compliance with all bylaws, rules, regulations, and orders while engaging in campaign activities on their behalf" contrary to §26 of the Bylaw?

   No.

3. If the answer is Yes to either question 1 or 2 or both, did the CRO properly rely on §47 of the Bylaw to assess the $50 penalty against the Appellant's campaign?

   It is not necessary to answer this question, bust since there was no unfair advantage afforded to the Appellant, the penalization by the CRO was ordered in error and the Appellant's Campaign would otherwise not be punitively fined $50.

[48] Having found for the Appellant, we wish to turn to some more general concerns that this hearing raises and what can be done to alleviate this concern. Despite finding for the Appellant, we find what his Campaign Manager did was entirely inappropriate in the context of the Forum. During forums such as these, and especially ones mandated by the Bylaws, there should be no room for volunteers to approach audience members to question the validity or content of what they are about to ask. Even though the Campaign Manager just asked the Complainant to ask his question with "decorum" and in a "kind manner" this is not the role of the Campaign Manager at forums such as these. §18 of the Bylaw is clear that it is the CRO who is to chair the Forum and the CRO made some salient points during the Hearing regarding his duty as chair of the Forum and any open election consultation. We agree that it is the CRO's responsibility to address audience members who may be breaching the bylaws by the content and form of the questions they ask. If the Campaign Manager had a concern about what the Complainant was about to say, she should have approached the CRO and voiced those concerns to him instead of approaching the Complainant directly. The CRO would have then been on notice for any concerning behaviour from the Complainant.

[49] It is because of this inappropriateness that we are not without some concern for the outcome of this hearing and the decision we are almost reluctant to pass down. We offer a strong recommendation to the Student's Union Bylaw Committee to amend the Bylaws to address the concern listed above. Again, the behaviour exhibited by the Campaign Manager was entirely inappropriate, but despite this inappropriateness, there is unfortunately no remedy in the Bylaws as we interpret them to either rectify or punish this behaviour.

Appeal allowed. CRO ruling overturned.

University of Alberta Students' Union

BYLAW COMMITTEE

Monday, May 8, 2017
7:15 PM
SUB 6-06

MINUTES (BC-2017-00)

ATTENDANCE

NAME	PROXY	PRESENT
Brandon Christensen		Y
Sandy Brophy		Y
Navneet Gidda		Y
Nicole Jones		Y
Delane Howie		Y
Robyn Paches		Y
Alannah Piasecki		Y

2017-00/1 **INTRODUCTION**

2017-00/1a **Call to Order**

2017-00/1b **Approval of Agenda**

2017-00/1c **Approval of Minutes**

2017-00/1d **Chair's Business**

2017-00/2 **QUESTION/DISCUSSION PERIOD**

2017-00/3 **COMMITTEE BUSINESS**

2017-00/3a Selection of a Chair

Councillor Christensen was nominated.

Councillor Christensen was appointed as Chair of Bylaw Committee.

2017-00/3b Adoption of Standing Orders

Please see BC 17-00.01

CHRISTENSEN/JONES MOVE to approve the Standing Orders as is.

VOTE:
7/0/0
MOTION CARRIES

2017-00/3c Confirmation of Spring/Summer Meeting Schedule

Bylaw Committee schedules to meet off-Council Tuesdays from 6:30PM -9:30PM.

2017-00/4 **INFORMATION ITEMS**

2017-00/4a Bylaw Committee Manual

Please see BC 17-00.02

2017-00/5 **ADJOURNMENT**

2017-00/5a **Next Meeting**: Tuesday, May 23, 2017 @ 6:30PM in SUB 0-55.