

**BYLAW
COMMITTEE**

**Tuesday, November 28, 2017
6:00 PM
SUB 6-06**

ATTENDANCE

NAME	PROXY	PRESENT	SUBMISSION OF WRITTEN FEEDBACK (IF ABSENT)
Brandon Christensen (Chair)		Y	N/A
Sandy Brophy		Y	N/A
Delane Howie		Y	N/A
Nicole Jones		Y	N/A
Robyn Paches		Y	N/A
Alannah Piasecki		Y	N/A
James Thibaudeau	Levi Flaman	0.5	N/A

MINUTES (BC 2017-09)

2017-09/1 INTRODUCTION

2017-09/1a Call to Order

Meeting **CALLED TO ORDER** at 6:01PM by CHRISTENSEN.

2017-09/1b Approval of Agenda

JONES/FLAMAN MOVED to approve the agenda.

6/0/0

CARRIED

2017-09/1c Approval of Minutes

HOWIE/JONES MOVED to approve the minutes.

4/0/1

CARRIED

2017-09/1d Chair's Business

2017-09/1e Attendance

Attendance was taken. The standing membership in attendance was reflected above. Additional attendance included Genna DiPinto, Shane Scott, Nathan Sunday, Deidra Cutarm.

2017-09/2 QUESTION/DISCUSSION PERIOD

2017-09/2a Vacancy Petitions - Where do we go from here?

CHRISTENSEN:

Established that the underutilization of vacancy petitions may lead to their loss from institutional memory. Suggested faculty associations be empowered to appoint people to vacant positions. Noted the requirement of 150 signatures as part of the petition is overly restrictive.

HOWIE:

Affirmed that the legitimacy of Students' Council is underpinned by its democratically elected membership. Opposed the notion of faculty associations appointing councillors.

CHRISTENSEN:

Proposed a change to the equation which determines the required number of signatures in a petition. Suggested the equated number be divided in half as an additional measure. Determined to consider the change moving forward.

2017-09/2b Faculty Association Membership Fee Questions - What should we expect?

CHRISTENSEN:

Updated the committee that Students' Council will consider a proposal on December 12th concerning the fees.

HOWIE:

Discussed the notion of a French questions being submitted at Students' Council as part of the implementation of bilingualism in Students' Union policies and bylaws. Noted the renewal is not going well at the Faculté Saint-Jean.

PACHES:

Requested he be sent fees in relation to the implementation.

2017-09/2c UAFAR DFU Proposal - Preliminary discussion

FLAMAN:

Objected to part-time and full-time students paying the same fee. Suggested fees be assessed on a per-credit basis.

PIASECKI:

Responded that first-aid is universal in its application to students. Suggested the fees for part-time and full-time students should be the same as both use the North Campus and may require medical aid.

BROPHY:

Observed that part-time students spend less time on Campus and thus have a lower probability of requiring aid.

CHRISTENSEN:

Established that there are two criteria for the creation of a Dedicated Fee Unit. Noted DFU's cannot cause the Students' Council to break its fiduciary responsibility and must support activities beyond the scope of the Students' Union.

BROPHY:

Suggested the DFU criteria is overly restrictive; not all current DFU's fulfil align to the regulation.

PACHES:

Opposed the creation of the DFU. Noted other fee units serve essential purposes on Campus. Noted it is outside of the mandate of the Students' Council to subsidise first-aid training for a student group. Expressed that this DFU creation is a slippery slope as its adoption would precipitate an increase in DFU requests.

SCOTT:

Communicated that it may not be the place of Bylaw Committee to block the consideration of a DFU.

BROPHY:

Added that it is up to the Campus community to evaluate the veracity DFU requests and vote accordingly.

CHRISTENSEN:

Underlined the prohibitive process for accepting the DFU request. Noted the proposers would have to collective ~4,500 signatures to trigger a referendum. Expressed his intent to request the Discipline, Interpretation,

and Enforcement Board determine the point at which a DFU proposal be rejected.

2017-09/3 COMMITTEE BUSINESS

2017-09/3a Campus Recreation Enhancement Fund Question

CHRISTENSEN MOVED to approve Campus Recreation Enhancement Fund dedicated fee unit plebiscite question as listed below.

Proposed Question:

Do you support the continuation of a Dedicated Fee for the Campus Recreation Enhancement Fund on the conditions that:

1. each full-time and part-time student will continue to be assessed \$4.10 in each of the Fall, Winter, Spring and Summer terms in which they are enrolled;
2. the fund will continue to be distributed to undergraduate students, student groups and for the purpose of ensuring that programs, equipment, and facilities offered by the University of Alberta's Campus Recreation remain diverse, convenient, accessible, equitable, affordable and of high quality to all Students' Union members at the University of Alberta;
3. any Students' Union member or student groups/clubs can apply to CREFC for funding;
4. Augustana students will continue to be exempt from the fee.

Do you support a \$4.10 fee per student, in the Fall and Winter semester, to the Campus Recreation Enhancement Fund (CREF)?

CHRISTENSEN:

Noted a reassessment of the question will be required as an additional clause is being sent.

HOWIE/PACHES MOVED to table discussion on the Campus Recreation Enhancement Fund Question to next meeting

6/0/0.

CARRIED

2017-09/3b Bill #6 - The Social and Environmental Responsibility Committee Restructuring - *Second Reading*

CHRISTENSEN/PACHES MOVED to approve the first reading of Bill #6, on the recommendation of Bylaw Committee, based on the following first principles.

1. The Social and Environmental Responsibility Committee (SERC) historically was a committee of the Students' Union executive.
2. Formally, the committee no longer functions as part of the Students' Union executive and continues to exist as a unregulated committee of the Students' Union proper.
3. Bylaw 1100 shall be amended to remove The Social and Environmental Responsibility Committee as a formal part of the Students' Union executive.

(Please see Google Drive for second reading changes)

7/0/0

CARRIED

2017-09/3c Bill #5 - Students' Council Legislative and Committee Structure Reform - First Reading

HOWIE/CHRISTENSEN MOVE to approve the first reading of Bill #5, on the recommendation of Bylaw Committee, based on the following first principles.

ORIGINAL VERSION:

First Principles:

1. Bylaw 100 is the premiere piece of legislation of Students' Council, housing much of the administrative and operational regulations of the body.
2. Legislation within Bylaw 100 is loosely defined with little direction given surrounding the procedures and protocols of the various forms of legislation. There are currently legislative processes for the creation of bylaws, political policies, and the budget that are described in Students' Council's standing orders, but are not reflected in bylaw. As these processes do not change year to year and are binding, they should be reflected in bylaw.
3. The legislative process of approving bylaws shall be clarified in Bylaw 100 to mandate each piece of legislation go through first and second reading, with second reading being drafted by Bylaw

Committee.

4. The legislative process of approving policies shall be clarified in Bylaw 100 to mandate each piece of legislation go through first and second reading, with second reading being drafted by Policy committee.
5. The legislative process of approving the budget shall be clarified in Bylaw 100 to mandate the first reading of budget principles and the itemized budget be drafted by Finance committee.
6. In light of DIE Board Ruling 2017-02, there is a lack of clarity surrounding the timing of the start up meeting and first meeting of Students' Council as defined in Bylaw 100.
7. Bylaw 100 shall be amended to allow the startup meeting to occur anytime within April.
8. Bylaw 100 shall be amended to relax the mandated timing of the first meeting of each Students' Council term from before May 7 to before May 15 of each year.
9. In light of recent discussions surrounding committee structure, four new categories of committees will be defined with definitions including, but not limited to:
 - a. "Administrative" committees
 - i. Committees whose mandate include a delegated, legislative function of Students' Council.
 1. Audit, Bylaw, Policy, Council Administration, Finance, and Nominating Committee shall be reclassified as "Administrative" committees.
 - ii. These committees shall have a closed membership of only elected members of Students' Council or Designates.
 - iii. These committees shall be recurring.
 - iv. The list and mandate of these committees shall remain in Bylaw 100.
 - v. These committee shall only be created or eliminated through two readings of Students' Council amending Bylaw 100.

- b. "Advisory" committees
 - i. Committees whose mandate include providing recommendations on internal and external Students' Union policies and providing guidance, advice or other information to the organization on a general topic.
 - ii. These committees may have an open membership of elected members of Students' Council, unelected individuals, or both.
 - iii. These committees shall be recurring.
 - iv. The list and mandate of these committees shall be housed in the Bylaw 100 Schedule B.
 - v. These committees may be created, approved, or formalized by a simple majority vote of Students' Council.
 - vi. These committees shall only be eliminated by a two thirds majority vote.
- c. "Ad hoc" committees:
 - i. Committees whose mandate is narrow surrounding a particular topic, initiative, or investigation.
 - ii. These committees may have an open membership of elected members of Students' Council, unelected individuals, or both.
 - iii. Expire at a designated time not to exceed 1 year.
 - iv. The list and mandate of these committees shall be housed in the Bylaw 100 Schedule B.
 - v. These committees may be created, approved, formalized, eliminated or renewed by a simple majority vote of Students' Council or the Executive committee.
- d. "Operational" committees:
 - i. Committees whose mandate is to serve a specific operational function of the Students' Union.
 - ii. These committees may have an open membership

of elected members of Students' Council, unelected individuals, or both.

- iii. These committees shall be recurring.
- iv. The list and mandate of these committees shall be housed in the Bylaw 100 Schedule B.
- v. These committees may be created, approved, eliminated, or formalized by a simple majority vote of Students' Council or the Executive committee.
- vi. These committees shall only be eliminated by a two thirds majority vote.

10. The definition of "standing committee" and "committee of the executive" shall be eliminated.

11. Under the new classification, all formalized committees shall be eligible for the administrative support of Discover Governance or the Students' Union, as needed.

12. The current "Bylaw 100 Schedule" shall be renamed "Bylaw 100 Schedule A".

13. A new "Bylaw 100 Schedule B" shall be created.

HOWIE:

Expressed that first principles one through eight require no debate for contention arose at nine. Advised that the Bylaw Committee discuss the proposed renaming of committee designations.

BROPHY:

Inquired into whether the nine proposed changes advanced by President Banister are incorporated or were considered in the current draft.

CHRISTENSEN:

Responded that he met with Banister and rendered her suggested changes, which were generally topical, in the current draft.

BROPHY:

Supported the objection that a single motion with $\frac{2}{3}$ majority could, in the course of one meeting, dissolve an advisory committee but not an administrative committee. Referenced point 9-a.v in his suggestion that two votes be taken as part of the dissolution of a committee. Underscored the change would support the equalization of advisory and administrative

committees.

HOWIE:

Responded that advisory-designated committees were designed to be instituted quickly and without bylaw amendment.

PACHES:

Advised Policy separate the creation and the dissolution of advisory committees in the reform. Supported the additional measures as proposed by Brophy.

CHRISTENSEN:

Underscored the $\frac{2}{3}$ majority provision was intended to prevent an easy dissolution and account for the power imbalance. Supported the proposed change for equalization.

FLAMAN:

Inquired into whether all $\frac{2}{3}$ provisions (in C and D) if B.6 is amended.

BROPHY:

Noted C and D are subsidiary bodies while A and B are equal bodies with different focuses. Suggested it is appropriate to have the $\frac{2}{3}$ provision in the C and D sections.

CHRISTENSEN:

Proposed that the A and B-designated committees be dissolved only through two readings at two separate meetings of a dissolution motion.

SCOTT:

Inquired into the rationale for distinguishing between administrative and advisory committees.

BROPHY:

Responded that the presence of students-at-large determine the designation of a committee.

SUNDAY:

Inquired into whether the Policy Committee would change status to advisory if it created spots for students-at-large members.

BROPHY:

Responded that the status would change but its bylaw would have to be amended.

CHRISTENSEN:

Established that the difference between advisory and administrative committees is that administrative committees are specific legislated delegated authorities of the Students' Council.

SUNDAY:

Inquired into whether the Truth and Reconciliation Commission political policy could be entrenched into the standing orders of Aboriginal Relations and Reconciliation Ad Hoc Committee.

CHRISTENSEN:

Responded that specific external policies cannot be entrenched into Bylaw 100. Noted the political policy could be contained in the standing order s of ARRC but not within the mandate.

SCOTT:

Expressed concern over the administrative and advisory committee classifications. Noted the Students' Council reviews all decisions in the end. Advanced the current classification scheme creates a us versus them mindset.

SUNDAY:

Agreed with Scott. Advanced that as Policy Committee has to advise Students' Council in the end, it is not truly a delegated authority and therefore the classification scheme does not make sense.

CHRISTENSEN:

Responded that, according to bylaw, policies must be drafted in their second reading by Policy Committee, all bylaws by Bylaw Committee, and and budgets drafted by Finance Committee. Established that delegated authorities are present.

PACHES:

Added that Finance, Council Administration, and Nominating Committees have instances where they pass motions that are not considered by Students' Council.

CUTARM:

Inquired into what delegated authority means.

HOWIE:

Responded that while the Students' Council holds a legal right to act on behalf of students it has given/delegated its authority to its committees to

have specific functions.

SUNDAY:

Inquired into whether ARRC could receive either advisory or administrative status depending on its membership and mandate classification.

CHRISTENSEN:

Agreed with Sunday's assessment.

SUNDAY:

Inquired into whether a Bylaw Committee's inclusion of students-at-large would change its classification.

HOWIE:

Responded that the classification would change and the committee's administrative powers would move elsewhere. Supported the reclassification of Policy Committee. Noted Audit and Finance are administrative for they require confidentiality and specific knowledge.

SCOTT :

Advanced that committee classifications are unnecessary as Students' Council ultimately decides on all matters. Supported membership, i.e. the presence of students-at-large, as the only differentiation.

HOWIE:

Noted there is cause to strike many new advisory committees quickly to address groups such as international students. Supported implementing a system which can efficiently develop advisory committees. Supported the ½ vote for striking committees.

PACHES:

Supported the advisory classification. Noted the categorisation scheme was inspired by the need to formalise committees in 'the Void' (non formalised groups like his sub-advisory).

SUNDAY:

Supported having Ad-Hoc and Operation Committees separate. Disagreed with the advisory and administrative categorisation in that it is not in the spirit of reconciliation.

SCOTT:

Supported the creation of interest-specific committees. Communicated that the classification scheme creates the perception that advisory

committees are less valuable than administrative committees.

CHRISTENSEN:

Established that all committees are formally recognised as Students' Council committees and are classified purely for ease of creation and membership.

HOWIE:

Expressed that the classification scheme allows for groupings/spaces for committee development to be effective and efficient; authority is not the issue, the question is how committees are made and who can be on them.

PACHES:

Communicated that all committees should be on a schedule and therefore on the same level in the same place. Noted the classification scheme does not create committee isolation or power imbalance, it promotes functionality. Cited the proposed redesignation of the Policy Committee. Emphasised the need to formalise unclassified consultation committees.

SUNDAY:

Opposed the classification scheme in its creation of a closed membership committees. Likened the advisory committee designation of ARRC to governments past preventing Aboriginals persons to represent themselves.

CHRISTENSEN:

Inquired into how the classification scheme undermines advisory committees when both types, advisory and administrative, have the same powers in bylaw.

SCOTT:

Expressed that as the committees have the same powers, the classification is unnecessary. Suggested a separate clause on membership rather than the classification scheme. Proposed that administrative and advisory committees are re-termed 'governance committees'.

PACHES:

Appreciated Scott's proposal. Reaffirmed the need for a classification scheme to address the unclassified committees in the 'Void'.

SCOTT:

Suggested the operational committee designation could encompass the unclassified committees.

PACHES:

Clarified that operational committees are delegated authorities for the executive. Noted the Horowitz Design Committee and the Health and Dental Committee exemplify operational committees.

DIPINTO:

Suggested the advisory classification is considered demeaning by opponents of the classification scheme because of its title.

SUNDAY:

Responded that the Aboriginal peoples could once only advise on their circumstance and had no true agency. Supported re-titling of the advisory committee or its collapse into an all encompassing 'governance committee' classification as proposed by VP Scott.

SCOTT:

Amended his previous proposal by suggesting the four classifications remain but the fourth category encompassed ARRC and other unclassified committees.

HOWIE:

Supported the classification scheme as it facilitates ease of creation and membership separation.

CHRISTENSEN:

Expressed that the classification scheme will be voted upon. Noted the motion will concern either (1) moving forward with the current system or (2) redeveloping the classification scheme according to VP Scott's proposal.

CHRISTENSEN/FLAMAN MOVED to maintain the current four-committee structure of the classification scheme.

4/3/0

CARRIED

CHRISTENSEN:

Commenced the review of Bill 5's first principles.

Proposed a change to 9-A that would change the 'administrative' classification to be 'legislative'.

FLAMAN:

Noted the word 'legislative' implies the ability to make laws and not all

committees are lawmaking.

CHRISTENSEN:

Suggested both terms be used to create 'legislative and administrative' committees.

HOWIE:

Suggested the term 'governance' replace 'administrative' and 'oversight' replace advisory.

CHRISTENSEN:

Expressed 'legislative' is the best classification as committees adhere to particular legislative functions of the organisation. Resolved the change to 'legislative' from 'administrative' on point 9a. Expressed the term 'oversight' is superior to 'advisory' in 9b.

BROPHY:

Communicated that the change to 'oversight' from 'advisory' would alleviate the connotative concerns raised by Sunday.

CHRISTENSEN:

Confirmed the re-naming of the classification 'advisory' to 'oversight'. Confirmed amendment of Point *Bvi* to include 'two majority votes of the students council at two separate meetings occurring not less than a week apart'. Confirmed the amendment to have ad hoc committees referred to as task forces. Confirmed the amendment to Point *Dvi* to have a $\frac{1}{2}$ vote dissolve the committee rather than $\frac{2}{3}$. Confirmed the amendment to eliminate Point 10.

FLAMAN:

Inquired into whether the list and mandate of legislative committees be housed under Schedule B.

CHRISTENSEN:

Responded that the schedule does not have a bearing on the mandate.

AMENDED VERSION:

First Principles:

1. Bylaw 100 is the premiere piece of legislation of Students' Council, housing much of the administrative and operational regulations of the body.
2. Legislation within Bylaw 100 is loosely defined with little

direction given surrounding the procedures and protocols of the various forms of legislation. There are currently legislative processes for the creation of bylaws, political policies, and the budget that are described in Students' Council's standing orders, but are not reflected in bylaw. As these processes do not change year to year and are binding, they should be reflected in bylaw.

3. The legislative process of approving bylaws shall be clarified in Bylaw 100 to mandate each piece of legislation go through first and second reading, with second reading being drafted by Bylaw Committee.
4. The legislative process of approving policies shall be clarified in Bylaw 100 to mandate each piece of legislation go through first and second reading, with second reading being drafted by Policy committee.
5. The legislative process of approving the budget shall be clarified in Bylaw 100 to mandate the first reading of budget principles and the itemized budget be drafted by Finance committee.
6. In light of DIE Board Ruling 2017-02, there is a lack of clarity surrounding the timing of the start up meeting and first meeting of Students' Council as defined in Bylaw 100.
7. Bylaw 100 shall be amended to allow the startup meeting to occur anytime within April.
8. Bylaw 100 shall be amended to relax the mandated timing of the first meeting of each Students' Council term from before May 7 to before May 15 of each year.
9. In light of recent discussions surrounding committee structure, four new categories of committees will be defined with definitions including, but not limited to:
 - a. "Legislative" committees
 - i. Committees whose mandate include a delegated, legislative function of Students' Council.
 1. Audit, Bylaw, Policy, Council

Administration, Finance, and Nominating Committee shall be reclassified as “Legislative” committees.

- ii. These committees shall have a closed membership of only elected members of Students’ Council or Designates.
 - iii. These committees shall be recurring.
 - iv. The list and mandate of these committees shall remain in Bylaw 100.
 - v. These committee shall only be created or eliminated through two readings of Students’ Council amending Bylaw 100.
- b. “Oversight” committees
- i. Committees whose mandate include providing recommendations on internal and external Students’ Union policies and providing guidance, advice, oversight, or other information to the organization on a general topic.
 - ii. These committees may have an open membership of elected members of Students’ Council, unelected individuals, or both.
 - iii. These committees shall be recurring.
 - iv. The list and mandate of these committees shall be housed in the Bylaw 100 Schedule B.
 - v. These committees may be created, approved, or formalized by a simple majority vote of Students’ Council.
 - vi. These committees shall only be eliminated by two majority votes of Students’ Council amending the Bylaw 100 Schedule B at two separate meetings occurring not less than one week apart.
- c. “Ad hoc” committees:

- i. Committees whose mandate is narrow surrounding a particular topic, initiative, project, or investigation.
 - ii. These committees may have an open membership of elected members of Students' Council, unelected individuals, or both.
 - iii. Expire at a designated time not to exceed 1 year.
 - iv. The list and mandate of these committees shall be housed in the Bylaw 100 Schedule B.
 - v. These committees may be created, approved, formalized, eliminated or renewed by a simple majority vote of Students' Council or the Executive committee.
 - vi. Ad hoc committees may also be referred to as "task forces."
- d. "Operational" committees:
- i. Committees whose mandate is to serve a specific operational function of the Students' Union.
 - ii. These committees may have an open membership of elected members of Students' Council, unelected individuals, or both.
 - iii. These committees shall be recurring.
 - iv. The list and mandate of these committees shall be housed in the Bylaw 100 Schedule B.
 - v. These committees may be created, approved, or formalized by a simple majority vote of Students' Council or the Executive committee.
 - vi. These committees shall only be eliminated by a simple majority vote of Students' Council or the Executive Committee.

10. The definition of "standing committee" shall be eliminated.

11. Under the new classification, all formalized committees shall be

eligible for the administrative support of Discover Governance or the Students' Union, as needed.

12. The current "Bylaw 100 Schedule" shall be renamed "Bylaw 100 Schedule A".

13. A new "Bylaw 100 Schedule B" shall be created.

HOWIE/CHRISTENSEN MOVE to approve first reading of Bill #5, on the recommendation of Bylaw Committee, based on the amended first principles above.

7/0/0
CARRIED

2017-09/3d ARRC Standing Orders - Formal review (Review Google Drive document in advance)

CHRISTENSEN:
Expressed forty minutes remains to review the standing orders.

BROPHY:
Noted the absence of Councillor Sunday will impede the review process.

CHRISTENSEN:
Noted the standing orders are subject to change depending upon the success of Bill 5. Noted an email requesting his attendance was sent to Councillor Sunday October 24th.

BROPHY/JONES MOVED to table the formal review of ARRC Standing Orders to the next meeting.

7/0/0
CARRIED

2017-09/3e Winter Semester Meeting Schedule

1. Tuesday, December 12, 2017 @ 6:00PM in SUB 6-06.
2. Tuesday, January 16, 2018 @ 6:00PM in SUB 6-06.
3. Tuesday, February 13, 2018 @ 6:00PM in SUB 6-06.
4. Tuesday, March 6, 2018 @ 6:00PM in SUB 6-06.
5. Tuesday, March 20, 2018 @ 6:00PM in SUB 6-06.

CHRISTENSEN/PIASECKI MOVED to approve the winter semester meeting schedule.

7/0/0
CARRIED

2017-09/4 INFORMATION ITEMS

2017-09/5 ADJOURNMENT

BROPHY/PIASECKI MOVED to adjourn the meeting at 8:28.

7/0/0
CARRIED

2017-09/5a Next meeting: Tuesday, December 12, 2017 @ 6:00PM in SUB 6-06.

MOTION:	RESULT:
JONES/FLAMAN MOVED to approve the agenda.	6/0/0 CARRIED
HOWIE/JONES MOVED to approve the minutes.	4/0/1 CARRIED
HOWIE/PACHES MOVED to table discussion on the Campus Recreation Enhancement Fund Question to next meeting	6/0/0. CARRIED
CHRISTENSEN/FLAMAN MOVED to maintain the current four-committee structure of the classification scheme.	4/3/0 CARRIED
HOWIE/CHRISTENSEN MOVED to approve the first reading of Bill #5, on the recommendation of Bylaw Committee, based on the following first principles.	7/0/0 CARRIED
CHRISTENSEN/PIASECKI MOVED to approve the winter semester meeting schedule.	7/0/0 CARRIED
BROPHY/JONES MOVED to table the formal review of ARRC Standing Orders to the next meeting.	7/0/0 CARRIED
CHRISTENSEN/PIASECKI MOVED to approve the winter semester meeting schedule.	7/0/0 CARRIED
BROPHY/PIASECKI MOVED to adjourn the meeting at 8:28.	7/0/0 CARRIED

