



University of Alberta Students' Union

## **BYLAW COMMITTEE**

**Tuesday, March 20, 2018  
6:00PM  
Earls Kitchen + Bar, University Campus**

We would like to respectfully acknowledge that our University and our Students' Union are located on Treaty 6 Territory.

We are grateful to be on Cree, Dene, 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 and work towards the decolonization of Indigenous knowledges and traditions.

### **AGENDA (BC 2017-14)**

#### **2017-14/1 INTRODUCTION**

**2017-14/1a Call to Order**

**2017-14/1b Approval of Agenda**

**2017-14/1c Approval of Minutes**

**2017-14/1d Chair's Business**

**2017-14/1e Attendance**

#### **2017-14/2 QUESTION/DISCUSSION PERIOD**

**2017-14/2a DIE Board Ruling 2017-03 Review**

*See BC-2017-14.01.*

#### **2017-14/3 COMMITTEE BUSINESS**

#### **2017-14/4 INFORMATION ITEMS**

**2017-14/4a DIE Board Ruling, DIE-2017-03-R-20180312**

*See BC-2017-14.02.*

**2017-14/4b BC-2017-13 Meeting Minutes**

*See BC-2017-14.01*

**2017-14/5**    **ADJOURNMENT**

**2017-14/5a**    **Next meeting:** There are no further meetings are scheduled.

## **DIE BOARD RULING 2017-03**

Hearing Details:

Style of Cause: *Liu v Bilak*

Hearing Date: March 5<sup>th</sup>, 2018

DIE Board Panel Members: Landon Haynes, Associate Chief Tribune  
Dylan Gibbs, Tribune  
Colin Basaraba, Tribune

Appearing for the Appellant: Tina Liu as herself

Witnesses for the Appellant: None

Appearing for the Respondent: Robert Bilak as himself

Witnesses for the Respondent: Ben Angus; and  
Mitch Wilson

Intervener: None

[1] The DIE Board is unanimous in the following decision.

### **FACTS**

[2] On January 23, 2018, the Respondent and Vice President Academic co-moved to approve a proposal numbered 2017-17/8a [the “Motion”]. This proposal involved a Faculty Association Membership Fee [“FAMF”] Referendum for the Organization for Arts Students and Interdisciplinary Studies [“OASIS”]. A vote of 14/10/2 carried the Motion.

[3] The Respondent helped OASIS complete the required FAMF proposal [“the Proposal”] at some point before the Respondent moved to approve the Proposal. Specifically, the Respondent provided oversight to OASIS during the time in which OASIS was drafting the Proposal, gave OASIS’ executive members his feedback on early versions of the Proposal, and actively had a hand in drafting the Proposal at some stage in this process.

[4] Personal friendships exist between the Respondent and multiple persons holding executive positions within OASIS. As a member of the Arts Faculty, the Respondent is a member of OASIS, but he does not hold an executive position and does not enjoy voting privileges at OASIS meetings. The Respondent has not attended any formal OASIS meetings but attended one informal OASIS meeting to discuss OASIS’ FAMF proposal.

[5] The Respondent voted on the Motion.

### **ISSUES**

[6] The issues in this hearing are:

1. What is a “conflict of interest” for the purposes of Bylaw 100(18)(5)?
2. Did the Respondent have a conflict of interest that required him to abstain from voting on the Motion?

### **THE APPLICANT’S POSITION**

[7] The Applicant argues the Respondent had a “conflict of interest” within the meaning of Bylaw 100(18) during the vote on the Motion. The Applicant refers to the following facts in support of her position:

- (i) the Respondent has personal relationships with multiple OASIS executive members;
- (ii) the Respondent has worked closely with OASIS in his capacity as a councillor;
- (iii) the Respondent helped OASIS draft the Proposal;
- (iv) the Respondent oversaw OASIS’ preparation of the Proposal; and
- (v) the Respondent advocated in support of carrying the Motion.

[8] The Applicant states the Respondent was obliged to report his conflict of interest to the Speaker of the Association pursuant to section 100(18)(5)(a). As the Respondent voted on the Motion and did not report his conflict of interest, the Applicant asserts the Respondent violated section 100(18)(5)(a).

[9] The Applicant also argues the Respondent’s conflict of interest precluded the Respondent from voting on the Motion under section 100(18)(4). By voting on the Motion, the Applicant argues the Respondent contravened section 100(18)(4).

[10] The Applicant requests this Panel retroactively change the Respondent’s vote on the Motion to an abstention.

### **THE RESPONDENT’S POSITION**

[11] The Respondent argues no conflict of interests existed between himself and OASIS during the vote on the Motion within the meaning of the phrase in Bylaw 100(18). Therefore, the Respondent argues he did not violate subsection 100(18)(5)(a) because there was nothing for him to report.

[12] The Respondent further argues OASIS is a Faculty Association within the meaning of the phrase in section 100(18)(4) and he was therefore allowed to vote on the Motion.

## **BYLAWS**

[13] The relevant bylaw for this hearing is **Bylaw 100(18): Conflict-of-Interest**. While the material sections are 100(18)(4) and 100(18)(5), this judgment references multiple sections of Bylaw 100(18) and as such the Bylaw is reproduced in its entirety below:

1. No person shall use a Students' Union position that they hold to further personal business interests.
2. No person may hold a Students' Union position who
  - a. is party to any contract or agreement with the Students' Union, accepting contracts or agreements directly relating to that person's employment by the Students' Union; or
  - b. has any interest in a contract or agreement with the Students' Union, accepting contracts or agreements directly relating to that person's employment by the Students' Union.
3. Does not apply to any person by reason only
  - a. Of the receipt of any properly-approved honorarium, commission, or allowance from the Students' Union;
  - b. Of being a non-executive member of any registered student group which has any contract or agreement with the Students' Union; or
  - c. Of the sale of goods or services to the Students' Union in the ordinary course of business, at competitive prices, and in accordance with Students' Union procedures.
4. No member of Students' Council shall vote on a motion relating to a student group or organization of which they are a member unless that organization is a faculty association.
  - a. Membership in an organization shall be defined as
    - i. Regular meeting attendance and voting and/or speaking privileges at meetings; or
    - ii. Holding office within that organization
5. If a councillor has a conflict of interest and votes on a motion in Students' Council or any one of its committees
  - a. they will report that immediately to the Speaker of the Association
  - b. if unreported, any member of Students' Council may send a petition to DIE Board within four (4) months or before the conclusion of the session of Students' Council, whichever is longer. Petitions made are subject to Bylaw 1500.
6. In extraordinary circumstances a member of council should be allowed to retroactively change their vote to an abstention in the case of a conflict of interest. This would be done through a motion to Students' Council. Any member of Students' Council will have an option to petition DIE Board on the narrow issue of what constitutes extraordinary circumstances.

7. Neither any member of the Students' Union Executive Committee nor the Chief Returning Officer of the Students' Union shall apply for a remunerated position with the Students' Union unless the selection of that position is ratified by Students' Council.

## **ANALYSIS**

### ***What is a "conflict of interest" for the purposes of Bylaws (100)(18)(5)?***

[14] This Panel, while not generally bound by Canadian common law precedent, is guided by the approach to statutory interpretation set out by the Supreme Court of Canada in *Re Rizzo & Rizzo Shoes Ltd*, [1998] 1 SCR 27. Bylaw 100(18) does not expressly define "conflict of interest." Interpreting its use requires reference to the grammatical and ordinary sense of the phrase, in light of the entire context of Bylaw 100.

[15] At the outset, it is important to recognize that conflict of interest and bias are two related, but conceptually distinct, concepts. A conflict of interest requires an individual to have an actual private or personal interest. A reasonable apprehension of bias arises in broader circumstances, where an objective observer would reasonably perceive that a decision maker has pre-judged the matter before them.

[16] The Supreme Court of Canada's decision in *Old St Boniface Residents Association v Winnipeg (City)*, [1990] 3 SCR 1170 is instructive. At paragraph 92, the Supreme Court differentiated between bias and conflict of interest in the context of municipal councillors, which bears resemblance to the present case:

I would distinguish between a case of partiality by reason of prejudgment on the one hand and by reason of personal interest on the other. It is apparent from the facts of this case, for example, that some degree of prejudgment is inherent in the role of a councillor. That is not the case in respect of interest. There is nothing inherent in the hybrid functions, political, legislative or otherwise, of municipal councillors that would make it mandatory or desirable to excuse them from the requirement that they refrain from dealing with matters in respect of which they have a personal or other interest. It is not part of the job description that municipal councillors be personally interested in matters that come before them beyond the interest that they have in common with the other citizens in the municipality. [Such an interest] is commonly referred to as a conflict of interest.

[17] In other words, a conflict of interest requires an actual interest, while prejudgment or bias does not. Bylaw 100(18) refers to "conflict of interest"; it does not refer to prejudgment or bias. This Panel therefore concludes that section 100(18)(5) will only apply where a reasonably informed person would conclude that a councillor has an actual private or personal interest that would influence the exercise of that councillor's professional duties.

[18] Section 100(18)(5) does not apply where a councilor has taken a strong position in favour of a motion and appears to have a closed mind with respect to that position. Where a councilor has raised a reasonable apprehension that they have prejudged a motion before them, that would not currently violate Students' Union bylaws. Concerns relating to this issue should be addressed

through Bylaw enactment or amendment and not through a DIE Board Ruling. We therefore find it unnecessary to comment on whether the Respondent raised a reasonable apprehension of bias or prejudice.

[19] Further interpretive difficulty arises from the fact that the term “conflict of interest” is used only within subsection 100(18)(5) and nowhere else in Bylaw 100(18). This raises the question of whether 100(18)(5) covers a broader range of conduct than the conflicts that are described in sections 100(18)(1)-(4).

[20] This Panel interprets sections 100(18)(1), 100(18)(2), and 100(18)(4) as describing the conflicts of interest that are meant to be remedied by section 100(18)(5). Section 100(18)(1) prohibits persons from using their Students’ Union position to further personal business interests. Section 100(18)(2) prohibits persons from holding Students’ Union positions where they are a party to, or have an interest in, a contract with the Students’ Union. Section 100(18)(4) prohibits councillors from voting on motions relating to student groups that they are a member of, unless that group is a faculty association.

[21] Section 100(18)(5) does not create a separate category of problematic conduct, but rather outlines what can and should be done if a councillor votes on a motion, despite having a conflict of interest under sections 100(18)(1), 100(18)(2) or 100(18)(4). Section 100(18)(5) is remedial in nature. It requires councillors to immediately report such a conflict. It also allows other Students’ Council members to send a petition to the DIE Board when this obligation is not met.

[22] Where the DIE Board receives a petition under section 100(18)(5), the Board can retroactively change a councillor’s vote to an absence if the conflict is made out. This was recognized in DIE Board Ruling 2012-02 at para 15. This Panel concludes that the conflict would only be made out where one of sections 100(18)(1), 100(18)(2), or 100(18)(4) are violated.

[23] We note that DIE Board Ruling 2012-12 may be viewed as inconsistent with our decision. At paragraph 12, the Panel in that Ruling stated:

The Panel acknowledges that there is no stated remedy if a conflict-of-interests is found. [A]s the potential conflict-of-interests did not relate to a student-group motion ... the individual would not be compelled to abstain.

[24] To the extent of the inconsistency, we conclude that Ruling 2012-12 was decided incorrectly. Ruling 2012-12 implies that there is no remedy for conflicts of interests other than those set out in section 100(18)(4), because that is the only provision that mentions abstention. We prefer the view that section 100(18)(5) is a remedial provision that addresses the problematic conduct set out in sections 100(18)(1), 100(18)(2), and 100(18)(4).

[25] The interpretation adopted in Ruling 2012-12 would mean that the DIE Board is entitled to receive applications under section 100(18)(5), but would never be entitled to grant a remedy unless the application relates to a student-group motion. In our view, this interpretation is not plausible.

***Did the nature of the dynamic between the Respondent and OASIS constitute a conflict of interest under Bylaw 100(18)(5)?***

[26] Bylaw 100(18)(4) was the only provision raised during this hearing that would suggest a potential conflict of interest in the present case. That section prohibits councillors from voting on motions relating to a “student group or organization of which they are a member *unless that organization is a faculty association*” [emphasis added].

[27] Under Bylaw 8100: A Schedule Respecting Student Representative Associations, OASIS is listed as a “Probationary Faculty Association.” OASIS is the only Faculty Association listed for the Faculty of Arts. This Panel finds OASIS’ probationary status does not disqualify OASIS from constituting a “Faculty Association” within the meaning of section 100(18)(4).

[28] The Respondent is a member of OASIS. Because OASIS is a Faculty Association, however, the Respondent was permitted to vote on the Motion under section 100(18)(4). Therefore, the Respondent did not violate section 100(18)(4) and no conflict of interest is made out that would warrant a remedy being granted under section 100(18)(5).

[29] The above conclusion is sufficient to dismiss the present application.

[30] Even if the term “conflict of interest” were to be interpreted without reference to the other sections of Bylaw 100(18), however, we conclude that a conflict of interest would not be made out in the present case. The Respondent did not have a personal interest in carrying the Motion beyond what is common to all Faculty of Arts students. We deem it appropriate to elaborate on this conclusion.

[31] As indicated above, the concept of conflict of interest requires a personal interest. Councillors, as elected representatives, will take strong positions on certain matters and advocate for those positions. It is appropriate for councillors to interact with members of faculty associations and to foster friendships with their executive members. These circumstances do not suggest that the Respondent had a personal interest in carrying the Motion.

[32] The material issue in this case is whether the Respondent’s involvement in preparing and drafting the proposal ventured into the realm of unacceptable conduct. This Panel rules that it did not.

[33] The Applicant argues that carrying the Motion would potentially boost the Respondent’s resume and may lead to OASIS dealing more favorably with the Respondent during future interactions. However, this Panel finds that these interests are consistent with those that all councillors have in moving to pass motions.

[34] Moreover, as discussed above, the concept of “conflict of interest” is narrower than the concept of bias or prejudice. While the Respondent’s conduct *may* indicate that he had a closed mind with respect to the Motion, it does not indicate that he stood to benefit personally from it.

[35] Consequently, even if this Panel had found that Bylaw 100(18)(5) covered a broader range of conduct than the conflicts outlined in sections 100(18)(1), 100(18)(2), and 100(18)(4), we would



not have concluded that the Respondent had a conflict of interest that required him to abstain from voting.

### **PANEL COMMENTS ON THE RESPONDENT'S CONDUCT**

[36] Despite this Panel's conclusion, we elect to comment on councillor conduct within Bylaw 100(18)'s context given the Respondent's actions leading up to this hearing.

[37] Bylaw (100)(18) treats conflicts of interest seriously. Notably, section (18)(5) both obliges councillors to hold themselves accountable in disclosing conflicts of interests and allows others to hold them accountable when this obligation is not discharged. Subsection (18)(5)(b) emphasizes the importance of ensuring disclosure of conflicts of interest by allowing any member of Students' Council to send a petition to the DIE Board in the event a councillor fails to discharge their disclosure obligations.

[38] This Panel recognizes the importance Bylaw 100(18) places on holding councillors to high standards of professionalism and ethical behavior and this bylaw's role of ensuring voting occurs in a transparent manner. Councillors should avoid acting in ways which could raise an appearance of impropriety.

[39] Councillors should not be encouraged to assist organizations with preparing proposals that are to be put before Students' Council for a vote, much less vote on proposals they have assisted in drafting. Liaison positions exist for the purposes of bridging the gap between organizations and councillors by ensuring a degree of separation occurs between councillors these organizations. In circumstances where a councillor believes they *may* have a conflict of interest, the values of professionalism informing Bylaw (100)(18) suggest a councillor should err on the side of caution and abstain from voting.

### **CONCLUSION**

[40] The issues and the finding of those issues are:

1. What is a "conflict of interest" for the purposes of Bylaw (100)(18)(5)?

A conflict of interest generally arises where a reasonably informed person would conclude that a councillor has an actual private or personal interest that would influence the exercise of that councillor's professional duties. Based on the entire context of Bylaw 100(18), however, a conflict of interest under section 100(18)(5) will only be made out where a violation of section 100(18)(1), 100(18)(2), or 100(18)(4) has been established.

2. Did the nature of the dynamic between the Respondent and OASIS constitute a conflict of interest under Bylaw 100(18)(5)?

No.

*Application dismissed.*



**BYLAW  
COMMITTEE**

**Tuesday, February 13, 2018  
6:00PM  
SUB 0-48**

**ATTENDANCE**

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

**AGENDA (BC 2017-13)**

**2017-13/1 INTRODUCTION**

**2017-13/1a Call to Order**

Meeting called to order at 6.16: by Councillor Christensen

**2017-13/1b Approval of Agenda**

**THIBAUDEAU:**

Proposed an additional item 2b to discuss the bill he was proposing in the last meeting regarding classification of committees as per their mandates.

**THIBAUDEAU/JONES MOVE** to approve the updated agenda

6/0/0

CARRIED

**2017-13/1c Approval of Minutes**

**HOWIE/PIASECKI MOVE** to approve the minutes

6/0/0

CARRIED

**2017-13/1d Chair's Business**

**2017-13/1e Attendance**

Attendance was taken. Members in attendance were noted above. Councillor Levi Flaman was also in attendance as a general member. Councillor Brophy arrived late as reflected in the motions.

**2017-13/2 QUESTION/DISCUSSION PERIOD**

**2017-13/2a Final 2017/2018 project discussion and brainstorming**

CHRISTENSEN:

Stated that the committee members' term was coming to a close and this was a good time to discuss any last minute things anyone was thinking about or were planning to accomplish.

HOWIE:

Said that she spoke with members of CSJ Faculty association and there might be a bylaw change required for bylaw 600. The bylaw deals with having translations for the SU and the bylaw amendment will be looking to make sure that the continuity of translation happens in the future years. There has been much ongoing discussion on the policies dealing with bilingualism but there is relatively little that has been done. Therefore they are going to try and get something established and entrenched in the bylaw policy to ensure it happens next year. She wanted everyone to be aware of that moving forward.

CHRISTENSEN:

Acknowledged Councillor Howie's response and asked if anyone else had anything else to add.

BROPHY:

Stated that the goals he had, had been passed so he was not here to help

out on any other things.

CHRISTENSEN:

Added that for the next meeting on March 20th, if there is relatively little work left, the meeting could be adjourned early so members could have dinner together as per tradition.

## **2017-13/2b Discussion on committee classification**

THIBADEAU:

Decided not to put this as a motion today as there was some work that has to be done in order to make sure it's going to function in general. Stated the concern and likely discussion needed to see where Policy Committee was going to fit and said that he hadn't heard too many concerns on Nominating Committee moving into Oversight. Finally, wanted to open it to the board to ask if anyone had any other committees in mind that would fit better under Oversight committee.

VP PACHES:

Brought up 'Sub advisory group' and 'sub committee' as two possible options but stated he wasn't certain and wondered if they would be suited better under oversight or operational.

BROPHY:

Stated he could see Sub Advisory under the Oversight Committee, because that group aims to bring students from various groups together to talk about things we can do for SUB which seems to be the point of oversight.

VP PACHES:

Agreed and stated that ART committee might be more suitable under operational.

THIBADEAU:

Said Oversight is a good fit for the Art Committee but agreed that it better under operational but the discussion would benefit from student input. Suggested putting in the discussed committees under Oversight in the bill and then discuss it more robust at the Student's Council and see what people are suggesting.

BROPHY:

Liked the idea and stated there would be a chance for friendly amendments to it as well.

HOWIE:

Stated her opinion, that for committees not created within the Student's Council structure originally, it is very important for the chair, member or the creators of the committee to decide their committee's classification. As Bylaw committee, they can present to all committees at the start of next term to make sure every member knows what they are getting into. After that information, they would be able to tell us where they fit which would then be more of a ratification process rather than having the Bylaw Committee permanently decide how the committee's membership needs to be. That is for the chair to decide.

THIBADEAU:

Felt that Councillor Howie was concerned that if a Committee was under oversight it would have to have an open membership which Thibadeau didn't believe will always be the case.

HOWIE:

Clarified that she didn't think that it had to be an open membership but it is up to the member to decide what kind it will be.

THIBADEAU:

Agreed and stated that if members can make a strong case for a different membership then the Student's Council should listen and take it into account and reminded everyone that the whole point of Bill 5 was to eliminate all the committees out in the nether of SU and place them in direct categories to increase accountability.

HOWIE:

Wondered if for the turnover, there was a list somewhere of all the committees that needed council seats?

VP PACHES:

Answered that he would have such a list somewhere.

HOWIE:

Recommended the list be shared with Bylaw Committee if possible to help in its transition and figure out where different committees go.

THIBADEAU:

Asked what the committee things if we were to move Policy Committee under Oversight?

CHRISTENSEN:

Believed that policies needed to be legislative to be enforceable. Policy Committee drafts the policies, that is defined as a legislative function, so if we wanted to have students-at-large contribute to Policy discussion, Policy committee would need to be stripped of its drafting powers, or should be divided into a Policy Drafting committee and the Policy Advisory committee.

BROPHY:

Stated that since everything is passed by Student's Council anyways, there shouldn't be a need to have the drafting separated out as long as the Councillors are the ones owning the responsibility for being the drafters in the committee.

HOWIE:

Said that something that has come up is time specific policies to other committees just like how Policy Committee is tied to the current executive portfolio. The ability is here to tie a policy to a committee, so the committee is the one that can provide recommendations on that and as it stands right now any committee, especially those that have vested interest on an issue, could be the one to propose changes to that policy. We can write it into the policies themselves that there are these certain committee that must be consulted before a change. Then Policy would only have to put in the facts in words and make it work, which would leave Policy as a legislative body which would only be doing the drafting aspect. I think it's important to realise that all committees make recommendations to Council and so having time specific policies or time all policies assigned to specific committees will allow for more efficient meetings across the group.

BROPHY:

Asked for clarification whether Policy would be able to patch anything that we couldn't clear with the group.

HOWIE:

Responded yes but said that it wasn't set in stone it but she was hoping it would be entrenched in standing orders, and when renewals coming up, certain bodies have to be consulted and anything about new registration could come from any body.

THIBADEAU:

Said that the reason he chose Policy under Oversight because it deals with a lot of different issues that connect to different students so it made sense you would want to connect to these students to get their view. Looking at the mandate of Policy compared to say Bylaw, its very different that there is nothing written in the Policy standing orders that they write the first draft in the Policy and it goes to Council first after which Policy does the work, which is why I was thinking Oversight but to me it makes a lot of sense. Therefore if you connect Policy to different groups for consultation then you are getting the input from different students. So I would be okay with taking Policy off the bill.

CHRISTENSEN:

Suggested that Nominating Committee could potentially be moved under oversight.

HOWIE:

Asked if Thibadeau had talked to VP Scott about it as he is the chair of Nominating Committee to which Thibadeau responded he had but there was no response yet.

BROPHY:

Suggested talking to President Bannister as she was the chair of the committee at one point.

**2017-13/3**     **COMMITTEE BUSINESS 29.35**

**2017-13/3a**   **Bill #8 - Students' Council Attendance Regulation Amendment -  
*Second Reading***

**CHRISTENSEN MOVES** to approve the second reading of Bill #8 Attendance Regulation Amendment, on the recommendation of Bylaw Committee, based on the following first principles:

**First Principles:**

1. The current form of the Students' Council attendance regulations have helped improve attendance and engagement to date.
2. The regulations were initially created conservatively to help members adjust to the transition.
3. The regulations shall be tightened to continue to improve attendance and engagement.
4. The regulations shall be amended to apply to "regularly scheduled" meetings only, where regularly scheduled is defined meetings approved in the introductory meeting of Students' Council.
5. Bylaw 100 shall be amended to adjust the definition of attendance from "Attendance is defined as attending for at least one (1) roll call of attendance" to
  - a. "Satisfactory Attendance" being defined as attending between 50% and 100% of roll calls in a trimester either in person, by proxy or by teleconferencing,
  - b. "Unsatisfactory Attendance" being defined as attending less than 50% of roll calls in a trimester either in person, by proxy or by teleconferencing.
6. The criteria for councillor removal from Students' Council shall remain the constant, being that councillors with "Unsatisfactory Attendance" at the end of the Spring/Summer and Fall trimesters be declared in contravention of Bylaw 100 and automatically removed as a member of Students' Council.
7. These changes shall be implemented May 1, 2018.

See Google Drive for second reading changes.

**SUMMARY OF DISCUSSION:**

CHRISTENSEN:

Directed everyone to the working folder on google drive to begin editing item 3a brought in by Councillor Flaman.



FLAMAN:

Noticed that in the original it was 50% of 'each' trimester whereas in the new one it was 'a' trimester so he wondered if it would be better as 'each' or 'per'. Everyone agreed per would be better.

CHRISTENSEN:

Clarified that paragraph 5 would be taken off/merged after final edit.

*After minor discussion, the amended version was presented.*

**AMENDED VERSION:**

**CHRISTENSEN/THIBADEAU MOVES** to approve the second reading of Bill #8 Attendance Regulation Amendment, on the recommendation of Bylaw Committee.

**Bylaw 100, Bill #8 - Second Reading Changes**

21 Attendance Regulations

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1. "Satisfactory attendance" is defined as being present for at least 50% of roll calls per trimester.
2. "Unsatisfactory attendance" is defined as being present for less than 50% of roll calls per trimester.
3. Councillors are expected to attend, send a Proxy or Councillor-Designate, to meetings of Students' Council as a minimum expectation of holding office.
4. A Councillor must maintain satisfactory attendance each trimester to remain a Councillor for the following term.
5. Formal attendance percentages shall be calculated for each Councillor at the end of each trimester by the Speaker, and be provided as an information item to Students' Council.
  - a. A leave of absence for elections shall not be accounted into the attendance percentage.

6. Where a Councillor has unsatisfactory attendance at the end of the trimester, they shall be declared in contravention to this Bylaw and be automatically removed as a member of Students' Council.

a. This regulation shall only apply at the end of the Spring/Summer and Fall trimesters.

7. The contravening Councillor shall be able to appeal their removal to D.I.E. Board within three (3) business days of their removal, based on extenuating circumstances at the Board's discretion, including those listed below:

a. Personal circumstances including medical, emotional, mental, or family emergencies; or

b. Academic program requirements, where evidence of mandatory evening or overnight commitments is provided confirming conflict with meeting these attendance requirements; or

c. Other circumstances deemed reasonable, at the discretion of D.I.E. Board.

8. Unreliable proxies or Councillor-Designates shall not be considered a reasonable excuse for appeal, unless D.I.E. Board deems there were extenuating circumstances.

9. During the appeal proceedings, the Speaker shall attend the hearing to provide the official attendance record and field any questions of the Board.

10. Should the D.I.E. Board approve the appeal of the contravening Councillor, that Councillor shall be re-appointed immediately.

11. The contravening councillor's seat shall not be replenished until the three (3) day appeal period has passed or the subsequent appeals process has been exhausted.
12. The Speaker shall present and e-mail these regulations at the first meeting of Students' Council each trimester.

7/0/0  
CARRIED

**2017-13/4    INFORMATION ITEMS**

**2017-13/4a** BC-2017-12 Meeting Minutes

See BC-2017-12.01

**2017-13/4b** CHRISTENSEN:

Said that he talked to Rebecca Taylor and she said for next year the council composition, as per the Bylaw 100 Schedule, would be the same, and updated everyone on the vacancy patient that it was submitted in time and there is now a new Councillor. Wished everyone a good reading week.

**2017-13/5    ADJOURNMENT**

**2017-13/5a** **HOWIE/JONES MOVE** to adjourn at 7:05PM

7/0/0  
CARRIED

Meeting adjourned at 7.05pm

**2017-13/5b** **Next meeting:** Tuesday, March 6, 2018 @ 6:00PM in SUB 0-48.

**SUMMARY OF MOTIONS**

<b>MOTION</b>	<b>VOTES</b>
<b>THIBAudeau/JONES MOVE</b> to approve the updated agenda	6/0/0 CARRIED
<b>HOWIE/PIASECKI MOVE</b> to approve the minutes	6/0/0 CARRIED

<b>CHRISTENSEN/THIBADEAU MOVES</b> to approve the second reading of Bill #8 Attendance Regulation Amendment, on the recommendation of Bylaw Committee, based on the following first principles.	7/0/0 CARRIED
<b>HOWIE/JONES MOVE</b> to adjourn at 7:05PM	7/0/0 CARRIED