University of Alberta Students' Union

BYLAW COMMITTEE

Wednesday, June 27, 2018
5:00 PM
SUB 0-55

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.

ATTENDANCE

NAME	PROXY	PRESENT	SUBMISSION OF WRITTEN FEEDBACK (IF ABSENT)
Michelle Kim (Chair)		YES	
Tahra Haddouche		YES	
Rowan Ley		YES	
Stephen Raitz		YES	
Emma Ripka		YES	
Nathan Sunday		NO	YES
Jimmy Thibaudeau		YES	

Governor Levi Flaman was also in attendance.

Note: In regards to this meeting's attendance procedure, Please see Chair's Business

AGENDA (BC-2018-03)

2018-03/1 **INTRODUCTION**

2018-03/1a **Call to Order**

Meeting called to order at 5.08 PM by Chair KIM

2018-03/1b **Approval of Agenda**

RAITZ/VP RIPKA MOVE to approve the agenda.
6/0/0
CARRIED.

2018-03/1c **Approval of Minutes**

RAITZ/HADDOUCHE MOVE to approve the minutes.
4/0/2
CARRIED

2018-03/1d **Chair's Business**

KIM:
Given that the scheduled time for the meeting was printed with an error, we have agreed to not hold anyone accountable for missing this meeting.

2018-03/2 **QUESTION/DISCUSSION PERIOD**

2018-03/2a Consequences when bylaws are broken

SUMMARY OF DISCUSSION

KIM:
This item has been proposed by Governor Flaman, who can now elaborate on it.

GOVERNOR FLAMAN:
A lot of this came about out due to the recent DIE Board ruling and after thinking about it, there are two ways we can go about it.
A: We can add a penalty clause per Bylaw which states that if you contravene this bylaw, this is what happens.
B: We can use a blanket approach by adding a clause in say Bylaw 100, where it states if any Bylaw is contravened, this is what happens.

KIM:
Personally, I am not in favour of a punishment clause for Bylaws because Councillor's position timelines are very tricky. All Councillor positions are a one year term, so if a Bylaw has not been executed by the committee last year, all of us in

this year who are new will find it difficult to execute it within the timeline given. So it is hard to see when to accomplish said Bylaws and so on.

RAITZ:
To clarify, are you talking about expanding the utility of Bylaw to include punishments for when it is broken? If I understand correctly, that is if a Bylaw is broken it goes to DIE board which then rules on it, I think it would be unnecessary for this board to work on it as it should be the function of the DIE Board to execute such punishment/judgment.

VP RIPKA:
Yes, judicially speaking, that is not really the role of Bylaw Committee. So I agree with Councillor Raitz as to it being the DIE Board's duty to exercise its function.

REY:
Another issue that would come up in either of the options that Gov Flaman described is the potential for the governing body to repeal these clauses when necessary to avoid punishment. Given the non-binding nature, there wouldn't be a practical application of these options as they are no different from our current practice i.e having a sense of general expectation from the governing body.

THIBAUDEAU:
Of the two options, I would personally be against the former. I would be interested in looking to recommend to CAC to write something in the Standing Orders for potential consequences for violating Bylaws and Policies. One thing I would like clarification on: Are we prescribing punishment for individual Councillors or Council as a whole because the DIE board ruling is trying to find some sort of a punishment for the whole which can be a very different conversation?

VP RIPKA:
Just to the last part of the Councillor Thibaudeau's point, I think that would slightly redundant as DIE Board's power is limitless and to give them recommendation is redundant, so I don't know if it will be worthy work.

GOVERNOR FLAMAN:
If we are going to compare this to Provincial or Judiciary laws, judges don't have full authority and have to fall within prescribed laws.
Second thing, Bylaws not only apply to Council but also to SU, Student groups, Faculty Association and so on. So I feel we are narrowing our scope in this discussion by limiting it to Council.

KIM:

Yes, I think it is a different discussion. Here, we are attempting to prescribe a punishment to make people accountable but I do not personally think that having a punishment method would make it a more accountable system. I would also agree with VP Ripka that DIE Board has the capability to execute such decisions.

RAITZ:
Yes, Ultimately it poses a lot of problems if we are prescribing the punishment that we would get ourselves. I don't know if that's good governance.

GOVERNOR FLAMAN:
So rather than having specific penalties, how about if we have a minimum and maximum penalty, leaving the discretion to the DIE Board. Gov Flaman proceeded to read out Bylaw 2300 as an example for penalties.

HADDOUCHE:
I don't think we need to worry about setting minimums and maximums because they are their to specifically do that job and we need to trust that they will. If not, DIE board will set the punishment and I feel this discussion is going in circles.

VP RIPKA:
That is actually what I was going to ask. What is the intention of this proposition. Council doesn't always follow Bylaws which is why DIE Board exists to ensure that they are being followed by telling us what to do and we do it. So unless there is any big issue, I am going to stress the redundancy of this. They are not going to dismantle the SU if we do something minor, and when they tell us what we need to do to fix it, we do it.

GOV FLAMAN:
I just think its putting a lot of faith in a governing body which makes a threat, we cannot assume that they didn't mean it.

RAITZ:
But if they are making a threat, it must have a just reason. Therefore DIE Board's rulings should be seen as is instead of us trying to restrict their function through these clauses.

LEY:
In regards to the min/max, it maybe a good idea to outline the minimum and maximum guidelines for penalties. While I personally don't distrust the DIE Board, I think our Bylaws have to be made with possible worst case scenarios in mind, and when we design government structures it has to be designed in ways it could

withstand different branches of government structures acting in ways that may not be appropriate.

RAITZ:
Does anyone know how the DIE Board is made up?

VP RIPKA:
Yes there is a committee with diverse a group of members from Council, Students at Large, etc which selects the DIE Board.

HADDOUCHE:
They have a protocol document on the SU website and it says you can apply for an appeal. I think that if the Students' Council feels out of their scope in this ruling, it can apply for an appeal.

KIM:
Okay, in summary it seems like most of the members in the committee are not in favour of having those clauses placed in the Bylaw. Maybe we can look further into how to improve accountability but at this point it seems like everyone is okay with DIE Board exercising its powers.

2018-03/3 **COMMITTEE BUSINESS**

2018-03/3a DIE- Board Ruling

SUMMARY OF DISCUSSION

CHAIR KIM explains the two DIE Board Application submitted by Councillor Sunday and one appeal by Governor Flaman.
Chair KIM explained the ruling in general. In Summary:

Bylaw Committee has to be aware that:

- Initial translation has to be done by Sept 4th, 2018
- Mechanism to maintain translation has to be created by April end, 2019

I have discussed with CAC and they will be responsible for ensuring the translation process gets through. The initial quote for the whole translation is approximately $9291.

For the long-term solution, President Larsen mentioned creating an Operational Committee whose primary purpose will be updating these translations and having professional translators to review them annually.

So at this point there isn't much that Bylaw Committee will be doing. The only thing we need to do is to make changes to our Bylaw 600 if we decide to move onto our long-term goals and maybe adjust some changes to Bylaw 100. So I suggest moving this Bill #1 move to review in September once the Bylaw is being done. And President Larsen said he is willing to take the first stab for the first draft of Bylaw 600 and he can co-present it to us when we are ready for it.

See BC-2018-03.02.

2018-03/3b Bill #1- First Reading

SUMMARY OF DISCUSSION

THIBAUDEAU:

The whole point of this bill was to do two things.

1. Come up with a new deadline date.
2. Transfer powers of translation away from CAC and to the Policy and Bylaw Committee.

Given the recent DIE Board rulings and the potential for a new Operational Committee, it doesn't make much sense to continue on with the bill.

THIBAUDEAU/RAITZ MOVES TO table Bill#1 indefinitely and revisit it in September.

6/0/0

CARRIED.

2018-03/3c **THIBAUDEAU MOVES** to approve First principles of bill #2: Bylaw 100 attendance regulations.

1. In August of 2017, then-speaker of Students' council Saadiq Sumar called for a DIE board interpretation of bylaw 100 surrounding section 7: start-up, and section 21: attendance regulations.

2. Sumar was asking for an interpretation of when the introductory Council meeting could occur, and if it could occur prior to May 1st. In addition, Sumar was also seeking clarification as to if the start-up meeting should be considered for councillor attendance regulations.

3. DIE board found the following:

"The questions that were asked of this Panel, and our answers to them, are as follows:

1. Do both the introductory meeting and the first meeting of Council need to occur before May 7? What are the consequences if this does not happen? Can the first meeting occur before May 1?

Both the introductory meeting and the first meeting of Council need to occur before May 7. The first meeting can occur before May 1 in certain circumstances. If the first meeting is held after May 7 and if an application that is brought under section 29 of Bylaw 1500 postdates the first meeting, then there is no consequence to the Students' Union or Students' Council. However, DIE Board may be able to force the meeting to take place if the application that is brought under section 29 of Bylaw 1500 is submitted before the first meeting takes place.

2. Is the introductory meeting counted towards councilor attendance for the Spring/Summer term?

This meeting is unique to this term. The introductory meeting does not count towards councillor attendance for any trimester, as interpreted from the Bylaws. In the event that the first meeting (and indeed, any meeting) occurs before May 1, then that meeting will also not count towards councillor attendance for any trimester. "

4. The recommendation was made that Council bylaws should be updated to include this interpretation. Section 7 of Bylaw 100 was amended to instate the start up meeting shall occur anytime in April, and that the first official meeting of council shall occur before May 15th. Section 21, attendance regulations were not amended so that the introductory meeting should not count towards

5. Councillors are still students and are often in the middle of exam periods when the start up meeting occurs. In order to accomodate them, the start-up meeting shall occur even earlier, while classes are still in session, to accommodate their schedules.
6. In accordance with the recommendations from DIE board, Bylaw 100, section 21 shall be updated so that the introductory meeting of council, occurring prior to a council's official term begins, shall no longer be included in attendance regulations.

THIBAUDEAU explained the item and the rulings of DIE Board as written above. He then opened it up to feedback from the Committee.

SUMMARY OF DISCUSSION

RAITZ:
My initial perception is that people are going to be busy near the end of the term anyways.

GOVERNOR FLAMAN:
I think we could still have the first meeting, 00, before May 1st. We can have the wording as a range, i.e last day of Finals and May 1st?

THIBAUDEAU:
A quick point of information, last year the last exam happened to be on April 26th which was on a Friday so then it ended up being on May 1st which was unfortunate for people not in the city. I agree with Councillor Raitz, what would the committee think about having the 00 meeting before April?

Everyone felt it was too soon right after election and would be a long stretch.

RAITZ:
I think then, the solution is to leave it as things are with this first meeting date. But the other parts of your and DIE board's recommendation are superb.

REY:
To add to it, we know when our meetings are in advance so it's up to the councillors to have adequate time management to attend the meeting.

THIBAUDEAU:
Okay so we can keep the introductory meeting range as is, strike section 5 and the 00 meeting should not count towards Council as the Councillors are technically not councillors at that point.

Members discussed the possible determinants of why Councillors may/may not attend the first 00 meeting (time-management, early meeting times etc). Members discussed potential ways to encourage more Councillors to come to the first meeting without mandating it.

THIBAUDEAU/VP RIPKA MOVES to adopt the DIE Board Ruling and not count meeting 00 within attendance
6/0/0
CARRIED

2018-03/4 **INFORMATION ITEMS**

2018-03/4a BC-2018-02-M, *June 6, 2018*

See BC-2018-03.01.

2018-03/4b DIE- Board Ruling

See BC-2018-03.02.

2018-03/5 **ADJOURNMENT**

Meeting adjourned by Chair Kim at 5.52pm

2018-03/5a **Next Meeting**: Wednesday, July 4, 2018 @ 5:00PM in SUB 0-55.

SUMMARY OF MOTIONS

MOTION	VOTES

RAITZ/VP RIPKA MOVE to approve the agenda.	6/0/0 CARRIED.
RAITZ/HADDOUCHE MOVE to approve the minutes.	4/0/2 CARRIED
THIBAUDEAU/RAITZ MOVES TO table Bill#1 indefinitely and revisit it in September.	6/0/0 CARRIED.
THIBAUDEAU/VP RIPKA MOVES to adopt the DIE Board Ruling and not count meeting 00 within attendance	6/0/0 CARRIED