



University of Alberta Students' Union

## BYLAW COMMITTEE

Wednesday, July 4, 2019

5:30 PM

SUB 6th Floor

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, Sauleaux, 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 2019-04)**

**2019-04/1      INTRODUCTION**

**2019-04/1a      Call to Order**

**2019-04/1b      Approval of Agenda**

**2019-04/1c      Approval of Minutes**

**2019-04/1d      Chair's Business**

**2019-04/2      QUESTION/DISCUSSION PERIOD**

**2019-04/2a      ARRC Recommendations.**

See BC-2019-04.02.

**2019-04/2b      Update Election Bylaws**

**2019-04/3      COMMITTEE BUSINESS**

**2019-04/4      INFORMATION ITEMS**

**2019-04/4a      Bylaw Committee Minutes (BC-2019-02-M) - Wednesday, June 12, 2019.**

See BC-2019-04.01.

**2019-04/4b      ARRC Letter to Bylaw Committee.**

See BC-2019-04.02.

**2019-04/5      ADJOURNMENT**

**2019-04/5a      Next Meeting: Wednesday, July 10, 2019 @5:30PM in SUB 6-06.**



University of Alberta Students' Union

## BYLAW COMMITTEE

Wednesday, June 12, 2019

5:30 PM

SUB 6-06

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)
David Draper (Chair)		Y	
Amlan Bose		Y	
Luke Statt	Yiming Chen	Y	
Stephanie McKenzie		Y	
Phoebe Marinakis	Samantha Tse	Y	
Ayman Adwan		N	
Talia Dixon		Y	

### MINUTES (BC 2019-02)

**2019-02/1 INTRODUCTION**

**2019-02/1a Call to Order**

DRAPER: Called the meeting to order at 5:36pm.

**2019-02/1b Approval of Agenda**

**MCKENZIE/CHEN MOVED** to approve the agenda.

CARRIED

**2019-02/1c Approval of Minutes**

**DIXON/MCKENZIE MOVED** to approve the minutes of BC-2019-01-M.

CARRIED

Bose abstains.

**2019-02/1d**      **Chair's Business**

**2019-02/2**      **QUESTION/DISCUSSION PERIOD**

**2019-02/2a**      Strategy Plan

CHEN: Outlined that Bylaw 100(b) deals with the composition, structure, and governance of oversight, ad-hoc, and operational committees. Outlined that Bylaw 8200 deals with student representative association fees with a focus on their renewal via referendum. Noted that 8200 will require change if and when the Audit and Finance committee mandates change.

MCKENZIE: Outlined that Bylaw 2300 deals with council elections. Expressed concern that 2300 Sections (5.2) and (6.1) give conflicting information as how many days election packages may be released in advance, Sections (8.1) and (8.2) are repetitive, and Section 13.4 is strange as it references itself. Suggested that bylaws have a number of errors and require a more thorough review. Outlined that Bylaw 500 deals with Students' Union documentation that sets out confidentiality rules.

DIXON: Noted that she is interested in reviewing this bylaw. Expressed concern that the elections were not well advertised and not well run. Outlined that Bylaw 1500 deals with how student groups conduct their activities and explains a complaint procedure. Suggested consulting club executives if the Committee changes the bylaw. Expressed concern that the purpose of Bylaw 6300 is unclear and it has no description. Outlined that Bylaw 1500 deals with judicial procedure and the violation of bylaw. Suggested consulting with members of the Discipline, Interpretation, and Enforcement Board to determine whether there are necessary changes. Outlined that Bylaw 600 deals with French translations of bylaws and policies. Considered that the translations may not be sufficiently comprehensive.

MCKENZIE: Proposed writing a simple handbook that summarizes and reviews bylaws.

DRAPER: Expressed concern that Bylaw 2400 and 2200 define joke candidates as all people who do not run on their legal name or a reasonable derivative of that name. Proposed changing the bylaw to allow for candidates to use preferred names. Expressed concern that 8100 Section 6.4(6)(j) deals with faculty associations and involves a large section of restraints for associations who are not following UASU political policy that allows Council to reject the result of a plebiscite. Expressed concern that (h)(ii) requires 15% voter turnout. Proposed changing the provision that the minimum turnout could meet a five year average. Proposed prohibiting executives from endorsing plebiscites for consistency. Determined to continue the review these bylaws at the next meeting.

STATT: Expressed concern that certain fees are processed through the executive and require executive support.

BOSE: Proposed increasing the number of seats in Committees as Council is growing.

STATT: Expressed concern that the Committees are having difficulty being filled as it is.

DRAPER: Supported a change that increases membership of Committees proportionally to the membership of Council.

MCKENIZE: Proposed dividing committees into more specialised topics as large groups are ineffective.

STATT: Noted that the total number of committees is increasing.

BOSE: Proposed that clarifying Section 18.4 as to councillors who are executive members of student associations councillors members that are students within a faculty.

**2019-02/2b** Annual Strategic Plan/Goals

TSE: Proposed mandating finance module training for faculty associations.

STATT: Noted that bylaw requires changes to accommodate the Aboriginal Student Council Dedicated Fee Unit, Bylaw 100(b)(g) has grammar error, and Bylaw 8200 has to be changed to reflect the new auditing timelines for student representative associations.

MCKENIZE: Expressed concern that FAUNA is not following Bylaw.

STATT: Proposed contacting Agarwal to discuss this item further.

DRAPER: Proposed adding a bylaw to set out a set period that faculty association membership fees and campus association transfer payments proceeds have to be disbursed to groups.

DIXON: Proposed mandating the timeline within which these groups have to disburse their fee funds to their members.

DRAPER: Noted, however, that not all groups disburse funds to their members in granting.

STATT: Proposed including these requirements under the 8200 reporting section.

DRAPER: Proposed mandating a set amount of annual town halls or engagement activities for councillors.

TSE: Expressed concern that some councillors would not have the skills to do the outreach.

MCKENIZE: Expressed concern that some faculties are very disengaged.

DIXON: Proposed, instead, that councillors coordinate their engagement activities.

STATT: Proposed improving the Council of Faculty Associations.

**2019-02/2c** Schedule For Bylaw Updates And Proposed New Bylaws

DRAPER: Established that he wanted to set a theme for each month. Noted that he intends for January to be the election month.

DIXON: Proposed setting August for rephrasing and grammatical corrections.  
Proposed including points on environmental and social sustainability

STATT: Suggested that these points would be better included in political policy.

MCKENIZE: Proposed writing a handbook during January.

STATT: Noted that the changes to the reporting schedule for audits should occur before May. Proposed November.

**2019-02/3** **COMMITTEE BUSINESS**

**2019-02/4** **INFORMATION ITEMS**

**2019-02/4a** Bylaw Committee Minutes (BC-2019-01-M) - Wednesday, May 15, 2019.

See BC-2019-02.01.

**2019-02/5** **ADJOURNMENT**

DRAPER: Adjourned the meeting at 6:34pm.

**2019-02/5a** **Next Meeting:** Wednesday, June 26, 2019 @5:30PM in SUB 6-06.



# ABORIGINAL RELATIONS AND RECONCILIATION COMMITTEE

26 June 2019

Bylaw Committee  
University of Alberta Students Union  
Students' Union Building, University of Alberta  
8900 114 Street NW  
Edmonton AB, T6G 2J7

RE: Letter to the Bylaw Committee

Dear Bylaw Committee Chair:

I am writing this report on behalf of the Aboriginal Relations and Reconciliation Committee, a committee of Students' Council given the delegated authority to advance and promote reconciliation within the Students' Union.

The purpose of this letter is to provide you with information pertaining to the Aboriginal Relations and Reconciliation Committee Recommendations. Although the majority of the recommendations are directed towards the Executive Committee and Students' Union operations, there are a number of which can only be addressed by Students' Council. As a result, I am writing this letter to direct Bylaw Committee towards the recommendations which align most closely with its mandate. Of the 56 recommendations, the following falls within the jurisdiction of the Bylaw Committee:

**Students' Council shall amend Bylaw 1500 so as to broaden the mandate of DIE Board to include reference/abstract questions and allow the Board to provide advisory opinions (DIE Board Ruling 2017-01).**

In Canada, legislative bodies (such as provincial legislatures and the federal government) can ask the courts 'reference questions.' According to the Parliament of Canada, reference questions, "allow for the determination of important legal questions, including those concerning the scope of Parliament's legislative authority and the constitutionality of proposed legislation, absent a traditional legal dispute." Put another way, the Students' Union Discipline, Interpretation, and Enforcement (DIE) Board classifies a reference question (or 'abstract review') as, "a submission by either the Federal or a provincial

# ABORIGINAL RELATIONS AND RECONCILIATION COMMITTEE

government to the Supreme Court of Canada or appellate court, asking for an advisory opinion on a major legal issue, usually involving the constitutionality (legality) of legislation, including proposed legislation.”

In its judicial decision in *Sunday v. Students' Union (SU) Council*, the DIE Board references a number of advantages to allowing a students' union judiciary to comment on proposed legislation. Moreover, the DIE Board stated that:

*If Students' Union Council intends for DIE Board to be able to provide opinions on the hypothetical results of motions which are not yet legislation, then Bylaw 1500 would have to be amended and such specific functions be explicitly added to section 2 Page 2 of 3 "Mandate" and section 3 "Scope of Cases".*

The Aboriginal Relations and Reconciliation Committee calls on Students' Council to amend Bylaw 1500 to allow DIE Board to provide advisory opinions on reference/abstract questions.

In terms of reference questions or advisory opinions, GERAL RUBIN defined an advisory opinion as, “a formal opinion by judge or judges or a court of law or a law officer upon a question of law submitted by a legislative body or a government official, but not actually presented in a concrete case at law.” As part of its work, ARRC consulted with the Chief Tribune of the DIE Board on this recommendation. In his response to the then proposed recommendation, he was in agreement with the decision in *Sunday v. Students' Union*. Moreover, he provided more context around judicial reference questions and the ability of legislatures in Canada to ask courts reference questions.

In closing, thank you for reading this letter and I hope that the Bylaw Committee gives solemn thought to ARRC's recommendation. Should you have any comments, questions, or concerns, please do not hesitate to contact me or attend a meeting of ARRC.

Thank you,

Nathan Sunday, Chair  
(submitted electronically)