



**BYLAW
COMMITTEE**

Wednesday, October 2, 2019

4:00 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		Y	
Stephanie McKenzie		N	
Adarsh Badesha		Y	
Samir Esmail		N	
Talia Dixon		Y	
Adam Brown.		Y	

MINUTES (BC 2019-11)

2019-11/1 INTRODUCTION

2019-11/1a Call to Order

DRAPER: Called the meeting to order at 4:07pm.

2019-11/1b Approval of Agenda

DIXON/BOSE MOVED to approve the agenda.

CARRIED

2019-11/1c Approval of Minutes

BOSE/BADESHA MOVED to approve the minutes of BC-2019-10-M.

CARRIED

2019-11/1d **Chair's Business**

2019-11/2 **QUESTION/DISCUSSION PERIOD**

DRAPER: Noted that, according to the schedule the Committee set in the summer, it is now slated to begin preparing a guide/handbook on bylaws for general use. Considered that Councillor Mackenize, who proposed creating this document, will lead its creation. Inquired into whether other members are willing to take on this project.

DIXON: Suggested that creating the handbook would not be an efficient use of Committee resources. Noted that most persons reading bylaws are searching for specific information or reading it for the purposes of their service as a member of Council.

BOSE: Noted that those interested in reading bylaws already have full access to them.

STATT: Expressed concern that a handbook could create issues insofar as the bylaw handbook could conflict with bylaw itself. Suggested that, as a consequence, students may appeal their violation of bylaw to Discipline, Interpretation, and Enforcement Board on the basis that their actions were justified by the handbook.

DIXON: Proposed naming bylaws after their content as opposed to certain numbers.

STATT: Noted that the Committee must recognize Aboriginal Student Council in Bylaws 6100, 6200, and 3100 now that it holds a dedicated fee unit. Determined to compile a complete list of the areas requiring change.

DRAPER: Proposed that, instead of in March, the Committee also begin work on bylaw updates and new bylaws for sustainability as well as splitting Bylaw 2200 into two sections.

DIXON: Proposed waiting to develop bylaws relating to sustainability until Sustainability Committee is operating.

BADESHA: Inquired into whether the Committee will split Bylaw 2220 into one bylaw concerning Executive Committee and Board of Governors Representative Elections and another concerning Plebiscites and Referenda of the Students' Union.

DRAPER: Responded in the affirmative.

STATT: Noted that the renewal of the Golden Bears Legacy Fund and another undisclosed fund will be affected by these changes. Emphasised that these groups will require notification of changes to the bylaw governing their fees.

DRAPER: Determined to prepare for the next meeting the first principles for separating Bylaw 2220 into two sections on the basis that Bylaw 2220 is unreasonably

long, that the separation will improve the clarity of the bylaw, and that the Committee is committed to transparency.

2019-11/3

COMMITTEE BUSINESS

2019-11/3a

Election Bylaw Update(s), Bill 3.

DRAPER: Noted that Augustana Student Association has still not responded to his inquiries regarding how this election period as specified in Bylaw 2300 4(1)b can be amended to better accommodate the unique academic schedule of the Augustana Campus. Identified that the Committee had concerns related Bylaw 2200 Section 27(2):

“Should a candidate or side demonstrate the conditions specified under Section 27(1) to the C.R.O.’s satisfaction, the candidate or side would not be subject to punitive fines as a result of the third party’s actions, but could still be subject to counterbalancing fines.”

STATT: Inquired into whether, for example, Section 27(2) applies to a professional marketing agency which provided services to a candidate for no cost or a below-market cost.

DRAPER: Responded that Section 27(2) more accurately would apply to a student group that promotes a candidate without their knowledge.

DIXON: Proposed removing Section 27(2) as individuals should not be penalized for actions they did not commit and of which they were not aware.

BADESHA: Concurred with Dixon.

STATT: Considered that Section 27(2) was added to Bylaw 2200 back when Students’ Union elections occur via slates which were dominated by fraternities which could provide unfair external funding advantages to some candidates.

BADESHA: Inquired into whether Section 27(2) could preclude individuals from lending their services to candidates, such as a photographer taking a candidate's photos for no cost.

DRAPER: Responded in the negative. Noted that this section only applies to third party groups, not candidates and their support teams.

DRAPER: Clarified that counterbalancing fines are levied at the discretion of the Chief Returning Officer and are not punitive but are rather designed to offset the advantage a candidate received from a third party. Expressed concern that removing Section 27(2) would negate the purpose of the bylaw.

DIXON: Suggested that the Bylaw is still useful even with the removal of Section 27(2) as it shows that a candidate must prove that they did not commit the offence.

BOSE: Proposed that Discipline, Interpretation, and Enforcement Board undertake investigations into violations of Section 27(2) and levy fines instead of entrusting this task to the Chief Returning Officer.

BADESHA: Suggested, on the contrary, that the CRO is hired, in part, for this task and that DIE Board should only be used as an appeal body.

STATT: Concurred with Badesha. Considered that DIE Board does not investigate and rule on infractions of bylaw with the required speed suitable for a fast-paced election.

BOSE: Proposed drafting a bylaw prohibiting student representative associations from promoting or working on behalf of a candidate.

DRAPER: Noted that a bylaw with these requirements already exists.

DIXON: Proposed levying fines on the third party which assists a campaign rather than the campaign itself.

DRAPER: Proposed, instead of levying a counterbalancing fine on the party receiving support from the third party, applying a counterbalancing credit to opposing parties.

STATT: Expressed concern that a counterbalancing credit would not be effective in those cases where it was applied very near to the end of an election.

DIXON/BADESHA MOVED to amend Bylaw 2200 Section 27(2):

“Should a candidate or side demonstrate the conditions specified under Section 27(1) to the C.R.O.’s satisfaction, the candidate or side would not be subject to punitive fines as a result of the third party’s actions, but could still be subject to counterbalancing fines.”

CARRIED

2019-11/3b

Changes to Bylaw 1100, Fundraising Powers for the VPX.

BROWN: Considered that there would be comparatively little work for the Vice President External should individuals holding the position no longer remain involved in leading alliances of student associations. Proposed assigning the Office of the Vice President External with a responsibility for fundraising. Noted that the Students’ Union successfully attracted donations which otherwise would have left the University during the aftermath of conferring an honorary degree to David Suzuki.

BADESHA: Inquired into what this responsibility would look like operationally.

BROWN: Responded that each Vice President External could decide how to pursue their fundraising work. Considered that one opportunity includes leveraging the Students’ Council alumni network. Proposed introducing a new provision stating “the Vice President External shall lead and coordinate the Students Union efforts on fundraising”.

DRAPER: Proposed that the First Principles could reference the lack of direction in the Vice President External position and the need to reduce the Students' Union's reliance on collecting student fees to generate revenue.

STATT/BOSE MOVED to approve the First Principles of Changes to Bylaw 1100.
CARRIED

2019-11/4 **INFORMATION ITEMS**

2019-11/4a Bylaw Committee Minutes (BC-2019-10-M) - Wednesday, September 18, 2019.

See BC-2019-11.01.

2019-11/5 **ADJOURNMENT**

DRAPER: Adjourned the meeting at 4:52pm.

2019-11/5a **Next Meeting:** Wednesday, October 16, 2019 @ 4:00PM in SUB 6-06.