



# BYLAW COMMITTEE MINUTES

2012 – 2013 #

Date: November 8<sup>th</sup> 2012

Time: 5.03 pm

In Attendance:

KEVIN SMITH (Chair)  
NAVNEET KHINDA  
MARIO BABIC  
SARAH CHOUDHRY  
JEFFRY KOCHIKUZHYIL  
BRENT KELLY  
DUSTIN CHELEN (Proxy for SAADIQ SUMAR)

Excused Absence:

SAADIQ SUMAR

Others in Attendance:

MIKE MCGINN  
RYAN BROMSGROVE  
SCOTT FENWICK  
ERIC GRAHAM  
SEPHER GHANBARI  
SACHITHA KUSALADHARMA

**1. CALL TO  
ORDER:**

The meeting was called to order by *SMITH* at 5.03 pm.

**2. APPROVAL OF  
AGENDA**

*SMITH* amended the agenda to remove the “Conflict of Interest second reading prep” from “Old Business”.

*CHOUDHRY* moved that the *November 08, 2012* agenda be approved as amended.

The motion was seconded by *KELLY*.

**3. APPROVAL OF MINUTES**

*CHOUDHRY* amended the minutes to correct the spelling of her last name to “Choudhry”.

*SMITH* amended the minutes to include the attendance of Kochikuzhyil, Choudhry, Khinda, Crone, Babic, Kelly, Smith and Sumar.

*KHINDA* moved that the *October 25, 2012* minutes be approved as *amended*. The motion was seconded by *KOCHIKUZHYIL*.

Vote on Motion 6/ 0 /1  
*CARRIED*

**4. DISCUSSION PERIOD**

**Bylaw 3000 Class C&D DFUs**

*SMITH*: I’m sorry about the inability to discuss the changes we made about “conflict of interest”. It’s because I didn’t get it from the recording secretary and I asked another person who was at the meeting to send it to me and he was unable to. So we don’t have what we were working on. Next up is the discussion about the DFU changes for bylaw 3000. It’s based on the presentations we had from the DFUs at our last meeting.

Would one of you guys give a quick 30 second summary of that?

*BROMSGROVE*: Sure.

What we would like to see changes in are the clauses about the DFUs needing a referendum every 5 years, and the mandatory online opt-out.

*SMITH*: We need to discuss whether this bylaw change is something we should look at, or if we would like to leave it from bylaw now and look at later if it passes the first round reading.

*KHINDA*: I’m for discussing it now.

*KELLY*: Like last year with the smoking policy, this was started by a group of concerned students. So, we should look into this.

*SMITH*: Would you want to begin with drafting the principles? I just don’t want them to go through the presentation all over again.

*BABIC*: I’m still quite neutral about this. I’m open to being swayed either way.

*SMITH*: Dustin, anything to say?

*CHELEN*: I’m curious to know what discussions occurred before.

*SMITH*: At the last meeting, we decided not to go into the full discussion due to time constraints. We are going to have it today.

*KHINDA*: Should we have a vote on whether we agree with the stuff presented?

*SMITH*: Before we actually go to voting, lets discuss some discuss some reasons why we would be in or not in favor.

*KOCHIKUZHYIL*: Can we directly ask them questions?

*SMITH*: Yes.

*KOCHIKUZHYIL*: Is there anything new, or any updates about your position?

*BROMSGROVE*: I would say that everything we said last time would still

stand. Like we said earlier, a lot of the feedback we got was about accountability, and we have some more information about it. If you like, I can go into it.

SMITH: Sure.

BROMSGROVE: This is specific to the “Gateway”. I can’t really speak on behalf of the other organizations. There are a lot of things we are required to do as a DFU organization. I will go through some of those.

Previous student councils of SUs have ensured that we have been held accountable. At least since 1988. In bylaw 3000, students or their elected representatives can initiate a referendum to lower or abolish any fee and we are just as susceptible that as any other. We would like to keep that and think it’s a great thing.

There were eight promises that we made, when the “Gateway” first won its autonomy. I think they are relevant.

The first one is a free and independent press. I think we have delivered on this. I would definitely say that our news coverage is unbiased although many would disagree. In our opinion coverage, we allow people from all over the mat to contribute. There is no such thing as “Gateway” opinion which should be followed. Last year I was the opinion editor, and I printed a lot that I didn’t agree with. It’s a student paper, and students can have their own opinions. We are also quite happy to print letters and comments we get. The point is that we are a free and independent press, and we don’t consider ourselves above criticism. We also adhere to the highest journalistic ethics.

The second promise is bigger, better newspapers. Although we have cut down to one newspaper per week, it’s bigger than the previous single papers. We also put lots of our content online.

The third is an efficient and accountable structure. I’ll get into more of that later as that is the most relevant thing. The issue of accountability has remained a big concern.

We promised a website with searchable archives, and we have delivered on that. It’s a constant work in progress.

SMITH: One thing to keep in mind, we are not debating the DFU increase.

BROMSGROVE: Okay. Scholarships from our profits were promised, and we have delivered on those. It was stated in bylaw 6000. We also don’t put inserts in. We don’t include flyers or cards that get all over the place. We also keep the percentage of advertisements between 25% and 35%. We also give 10% discount to student groups for their ads. Our final promise was ancillary development, and this is coming out nicely.

The major one there is the efficient and accountable structure, and we believe we have one of those. We are accountable to students through pickups and online hits. Our pickups have dropped, but our online hits have increased a lot. In accordance of our bylaws we have 2 students of arts in our board of directors. They can be anyone generally. I think we have Ian Dolson and somebody else. We have an elected member at the student council. We also have Andy Cheema. For the committee responsible for hiring the editing chief and publisher, the 2 students on the board are required to sit on that committee. Our membership is open to any UofA student who has done at least 5 contributions over 5 different issues. Then they get a full vote on any issue we bring to the general meeting or a special meeting. Two weeks advance notice is given for the

general meeting, and any member can come to that, and vote. Our general meetings and meetings of the board of directors are public, and anyone can attend them. We also have an ombuds board process, for complaints. It is used when somebody is not satisfied with the response from somebody like me, or the board of directors. This is completely independent from our society.

Regarding the board of directors, I'm responsible for bringing an editorial report to them every month. The business manager is responsible for bringing a financial report every month. This includes updates on the paper, an up to date accounts receivable statement etc. Our finances are public, and can be inspected by any member of the society at any time as long as a notice is given.

Regarding bylaw 6000, we have an obligation to print at least 15 issues per semester, give a 10% advertising discount to registered student groups, devote a proportion of budget to undergraduate scholarships etc. The only way to release the Gateway from these obligations is an amendment to the bylaws. Also part of bylaw 6000, we have to submit to the audit committee an audited financial report of the previous fiscal year, details of the funds that we spent, evidence of compliance in all Students' Union contracts, evidence that we are fulfilling the mandate outlined earlier, and any other information that we are fulfilling the mandate. We are also governed by the societies act of Alberta. We are basically held to the same standard as any other society in the province would be.

So, that's about it. That's many of the ways that we are already accountable.

KOCHIKUZHIL: How many members do you have in your special society?

BROMSGROVE: Our society member count right now is round about 30-40. Our society is comprised of the board of directors which includes some people who aren't students. Most of the members are students. All the staff members are students.

KOCHIKUZHIL: Is the number the same every year?

BROMSGROVE: It's roughly the same. It goes down as memberships expire. It is yearly based and in that way we ensure that most of the members are students. There is a limit of 2 terms per the editorial position. There's a maximum of 4 years of editorial work.

SMITH: Does anyone have any...?

BABIC: I understand that the Gateway's plan is to expand its online presence and beef up the quality and quantity of their website. How does this play into the fact that you guys are also against the online opt-out? Logically speaking, if you are going to boost up your website, you would think that having an online component would go hand in hand with that. Or are you generally against the opt-out?

BROMSGROVE: We are generally against the opt-out. It is true that people who are not students can access our website just fine without paying. There's nothing much we can do about that. But according to or mandate, the kind of stuff we cover is very specific to students. So that's kind of the best compromise we can give.

BABIC: I'm not worried about people stealing your news. I'm more worried about students' ability to choose. If it says they should be given an opt-out, then I feel that they should be given an opt-out. Where's the argument about not giving them that choice?

KHINDA: It's hard to have an opt-out for something like the Gateway because anybody can access it at any time.

BABIC: They aren't really given a choice. They are, technically. But, you are automatically paying and can stop if you choose to. It's not the other way round. That default setting gives a great boon due to apathy because nobody is going to waste time just for \$3. That \$3 is automatically going to the Gateway. That's a win for the Gateway or any other service. Why would they further want to capitalize on something that they are winning?

MCGINN: If we go back, right to the referendum, one thing that's really important is that when you are campaigning for a DFU, there's a massive difference campaigning for a DFU saying that there is an opt-out, rather than saying that there isn't an opt-out. So, if you have 51% of the students voting for something with an opt-out, the chances are that there is 25% of the student who say that they don't really care because they can opt-out. So, you are basically voting on the fact that you can opt-out, rather than voting on whether this is a good use of student money. So, you are not really thinking about students 4 years down the road who may not be as aware about what is going on. So, when you are limiting that opt-out, students think about whether this is a student need or not.

BABIC: So you are saying that having the opt-out. People are boosting the numbers of participation on their side?

MCGINN: It actually makes it a lot easier for DFUs to get in.

BABIC: That's an argument against my opinion. You are basically saying that, with the opt-out, students would vote for it thinking that if they don't like it, they'll just opt-out.

MCGINN: Yes, I'm against opt-outs. The other portion of this which is a bit concerning is that it's online. For something like the Gateway, that might not be a big deal, but for other organizations, we are specifically telling them to develop a system that's online which they have to monitor. One thing that's a bit vague on this bylaw is that whoever is running this online opt-out system would put a burden on DFUs to take more money away. So, it's basically using student money to make a system to lose student money! Specially, if you have 4-5 different organizations all running their own, it would make more sense to have something more centralized. I'm personally against this, but if we are going to keep it in, that's how I would go about.

CHELEN: I want to ask why an online opt-out, and why a 5 year referendum would be harmful?

BROMSGROVE: I'll go over the referendum. Basically, not knowing whether your organization is going to be around in 5 years harms your long-term planning. Right now, the Gateway is thinking about building a new website properly from the ground up which will run for at least a decade hopefully. Not knowing whether we will be around, would affect how we go about doing it. It will also put a lot of unnecessary stress. We have to put out a product every week. If we also have to defend our existence every 5 years, it would also affect the quality. If we have a year of bad staff, it would be shame to see and institution which was around for 110 years just disappear.

SMITH: It doesn't have to at the fifth year.

BROMSGROVE: Basically, it would put a lot of stress on the staff at that time. It would probably be a couple of our dedicated volunteers doing it and we have

no replacements. We can't just have someone else filling for a couple of weeks. Regarding the online opt-out, the number of students who would opt-out would be unpredictable. It would also affect our knowledge of knowing how much money we have for that year. Also, for something specific like the Gateway, we can't stop them from accessing our website. In a way, they are also benefitting from the money of other students.

CHELEN: Which percentage of the Gateway's budget is reliant on the dedicated fees?

BROMSGROVE: About a third from dedicated fees. The rest is from advertising. Online advertising for newspapers is also unpredictable. It could go down.

KELLY: The easier we make it for people to opt-out, more people are going to opt-out. Do we want DFUs on this campus?

KHINDA: It's not necessarily true.

KELLY: On other campuses where it's super easy to opt-out, similar organizations that get like 45% of their income from fees, they don't get it. Is it a good thing or is it a bad thing, I don't know. The point is that easier it is to opt-out, it is more likely that over time, people will. Are DFUs going to be sustainable in this university, if 10 years from now, 45% of their DFU income is opted-out. It puts into question the existence of the DFUs.

KHINDA: We haven't actually seen the affect at the UofA, if the opt-out is made easy...

BABIC: I think mike was saying about the decentralization of the online opt-out. But, if each has one of their own, it helps. Having a decentralized set-up helps because students will have to go to many different websites and opt-out. If there was a central site, then one click would save you a lot of dollars.

MCGINN: I agree with what you just stated. In principal, if we agree with mandatory online opt-outs, it should be a very simple centralized system. Part of my issue with it is, during a referendum, there are 3-4 weeks of debates, posters and voting which makes everything very prominent. A first year student will not have a very good idea about anything. How do you explain the whole concept of a DFU into a page?

KHINDA: Somewhere alongside, there can be an option to opt-out.

BABIC: Yeah, like sitemap, contents, opt-out...

KELLY: It goes back to what is the purpose of DFUs on campus. You can make the argument that DFUs benefit all the students. There are DFUs like the student' legal fund reserve which doesn't necessarily benefit all the students, but we are really talking about what is the purpose of a DFU. If we agree that the purpose of a DFU is to benefit all students, it's problematic to say that you can opt-out, when you can potentially benefit from the service.

KHINDA: It's something like the u-pass right?

BABIC: People are going to self-select whether they benefit or not. You are already paying a bunch of money by coming to university. Is the extra \$40-50 more going to make you hate these companies so that you will opt out? You have to give people the choice.

SMITH: I'm going to have 5 more minutes on the opt-out, and 10 minutes on

the referendum.

MCGINN: How often do law and medical students come to SUB?

BABIC: Well, I'm here! In general, not relatively often. If there are things here...

MCGINN: Should we have opt-outs for the SUB rentals?

BABIC: Yes.

MCGINN: This is partly my concern. For me, it's a principle argument.

BABIC: The SUB rentals are forced on because it's the SU doing it. It's not these mini organizations that have been given their own ancillary powers.

MCGINN: We have an opt-out in the health and dental plan, we don't have an opt-out in SUB rentals etc. To me, it's...

BABIC: For me, it's just about the DFUs. I know what you are saying. There are some things in the criminal code that I don't agree with. But you don't see me lobbying for change because I have other things to do.

SMITH: Do you guys have any thoughts?

KELLY: To reiterate what I was saying, when you are talking about mandatory things, I agree that when possible, we should give people the choice, but I don't think that it should be the case for all circumstances. It has been shown that having an opt-out in some occasions may cripple organizations. I don't think that anybody disagrees that having an opt-out is a good thing. But, the downside could be essentially getting rid of some DFU's ability to do their job. It might not go that way, but it's a risk.

CHELEN: Contents that I can bring to this is the faculty association's membership fees. We require that they have an opt-out mechanism. Whether or not a student opts out they are still required to serve the student basic privileges.

SMITH: Any last point before we move into the other portion?

KHINDA: Your thoughts on this?

SMITH: My personal thoughts with regards to the opt-out are similar to what Mike was mentioning. I regard that an opt-out will cost students' money more than what it will save. The odds are, in an election, it will not pass without that opt-out. On the other hand, most of those people would not go through the opt-out. Most people would not go through the opt-out because it's a small amount of money. The issue I have is that they may have voted yes thinking that some people might want it though I do not need it.

KHINDA: Why are we talking about referendums right now?

MCGINN: Opt-outs aren't going to be discussed unless there is a referendum.

SMITH: Without a referendum, it doesn't affect them.

KELLY: I'm not arguing about the fact that most probably, there won't be many people opting out. But, my point is that the easier we make it, first to have an opt-out and then make it mandatory online, it's going to increase the likelihood that they may opt-out though they may potentially benefit from it, like faculty associations.

BABIC: What about homeless people enjoying free meals?

SMITH: Just to discuss both the components... I think they are separate. The

opt-out, and the 5 year referendum. Let's take some time to talk about the 5 year referendum.

BABIC: I think it was pushed on as a punishment to dissuade the DFUs from obtaining more money. They put heavy onus on them to either get that extra money from a referendum or nothing. Personally, my opinion is to have the sunset clause to affirm your support in the general populace, but only have it for that difference.

KHINDA: I also think that we should get rid of the 5 year mandatory referendum.

KOCHIKUZHYIL: I have no opposition. Because I think it holds the group accountable, and it gives students the option to force the group to consider their needs too.

KHINDA: I want to challenge you on that. Students have so much access to the inner workings of the group now, and they are held accountable.

KELLY: realistically speaking, they can be disestablished any year if they did something really ridiculous.

KHINDA: If anybody has any issue with a DFU, they can bring it to council and the legislative process.

CHOUDHRY: I don't know. You were talking about your quality would be dependent if it was long term or short term. Can't you just maintain the quality, and we won't have to worry...

BROMSGROVE: If we want to continue being in existence, long term planning is essential. Sure, we could produce a quality product every year and then disappear in 5 years, but, we want to be able to know we are not removed simply because a referendum was held. Essentially, we think that we are already very accountable.

GHANBARI: Basically, running a referendum for a small student group like us is not practical. We have 5-6 people and we need a massive volunteer base to run a campaign. It's just too much work.

KHINDA: How much does it cost?

FENWICK: 1000

BROMSGROVE: If we have to defend ourselves every 5 years, the quality of the paper during that period of campaigning would be lower. I think it is one thing for a group to voluntarily put themselves through that, but if it was held every 5 years, the quality would dip during those couple of weeks. That time is when the Gateway is under most scrutiny. And therefore, if our quality drops, it would amplify the "no" side.

CHELEN: All faculty associations are required to renew their faculty association membership fees every 4 years. In cases where they didn't renew it when they were expected to, there were some budgetary implications.

FENWICK: I would like to bring to the attention of this committee that faculties only contain a fraction of the student body. We have to campaign to 30,000 undergraduate students.

SMITH: This was brought up to me by somebody who is not here. They worried with respect to the advocacy efforts on things like mandatory non-instructional fees, saying that in their view determining that we don't have to ask



the DFUs about charging students, they shouldn't have to ask us as well.

MCGINN: First of all, a lot of them do professional audits. The audit committee has to decide whether they are fitting the mandate every year. If we are mandating that a referendum be held every 5 years, we are saying that the council is not doing their job. So, we are saying that the council is illegitimate, and we can't actually keep the DFUs accountable ourselves because the audit committee and the SU board members are not doing their jobs. Running a referendum is a waste of student money. We are paying not only the DFU's money, we are throwing away an extra 1000 bucks. If 3 staff left and new ones get hired, then it's a substantially different organization than what was last year.

KHINDA: For a principle, I think that a referendum should be initiated by the students. Having a referendum every 5 years isn't the best way to go.

BABIC: You made a good point about councilors and committees doing their job. If we extrapolate on that, we have to assume that the people who decided the original DFU numbers were also doing their job. Now, we have the DFU organizations saying that they want more. Who should the onus be on, to prove that "more"?

SMITH: We are running out of time. I want to know whether we are going to have the development of principle on this next week. I'll let one positive and one negative thing to say about the opt-out. I want to know whether you guys want us to develop principles for the removal of the mandatory online opt-out.

KELLY: So this would be permanent and there would be no way to opt-out of these? So, we are talking about removing the mandatory opt-out portion in the bylaw?

KHINDA: At this point I'm for keeping the opt-out portion and removing the referendum.

MCGINN: Last comment. Who can bring this to council?

SMITH: Any councilor can bring this to council.

MCGINN: I'm going to bring this to council.

SMITH: Vote on developing principles for removing the online opt-out... (in favour/opposed/abstained)

2/4/0

Vote on the removal of the every 5 year referendum... (in favour/opposed/abstained)

4/1/1

So, next week, we will be developing principles to remove the referendum, but not the opt-out.

**5. CLOSED SESSION** *NIL*

**6. NEXT MEETING** *November 22, 2012 at 5 .00 pm*

**7. ADJOURNMENT** *KHINDA* moved that the meeting be adjourned.  
The motion was seconded by *CHOUDHRY*.

Vote on Motion 6 / 0 / 0  
*CARRIED*

Meeting adjourned at 5.54 pm.