



BYLAW COMMITTEE MINUTES

2012 – 2013 #

Date: February 14th 2013

Time: 11.37 am

In Attendance:

MARIO BABIC (Chair)

NAVNEET KHINDA

SARAH CHOUDHRY

MIKE MCGINN (proxy for JEFFRY KOCHIKUZHYIL)

Excused Absence:

BRENT KELLY

KEVIN SMITH

SAADIQ SUMAR

Others in Attendance:

SACHITHA KUSALADHARMA

**1. CALL TO
ORDER:**

The meeting was called to order by BABIC at 11.37 am.

**2. APPROVAL OF
AGENDA**

Taken as friendly.

**3. APPROVAL OF
MINUTES**

Taken as friendly.

4. OLD BUSINESS

BABIC: This is about what Chelen said. He will be coming to the Bylaw meeting next time around. It's about principles for the 2nd reading of the bylaw 8000 series. There might be some minor changes.

5. NEW BUSINESS

Bylaw 3000 discussion

MCGINN: I have talked to everyone except Sarah about this. So, this might all be redundant for some. I want to pursue a change to bylaw 3000. It's not the change which concerned the *Gateway* in recent weeks. This is a separate

section.

Bylaw 3000 is about the Students' Union finances. Particularly in section 7, under fees, I would like to look at section 13. It's about what we will allow to pass as a dedicated fee unit. Essentially, they break part (a) down to 2 sections. The first part is about the fiduciary responsibility. The second is basically saying that we derive our power from the post secondary learning act. Part (b) is the interpretation of the post secondary learning act that we currently have.

Part (b) is :

i. provide services that are of a direct benefit to the University of Alberta campus community, including students in their pursuit of a post secondary education; or

ii. eliminate obstacles for students in their pursuit of a post secondary education at the University of Alberta

I'm looking to change that as I find it too constricting. It narrows down the scope for what a student might be able to run a dedicated fee unit for, and I would like to open that up to allow for a bit more creativity.

Here's the section from the post secondary learning act that we have derived the direct benefit argument from.

Student associations of post secondary institutions shall provide for the administration of student affairs of public post secondary institutions including development and management of student committees, the development and enforcement of rules relating to student affairs, and the promotion of the general welfare of students consistent with the purposes of a public post secondary learning institution.

Essentially, the change that I'm looking to make is to switch part (b) directly with the text that is written in the post secondary learning act. That way, we still fall under the post secondary learning act. However, it allows council to interpret based on the actual text as opposed to some arbitrary interpretation made a couple of years ago. The argument for making a more constricted text is that it's safer. However, with the fact that right now we have the mandatory online opt-out, the fact that students' council has to pass it, the fact that students have to pass it, and the fact that there's a mandatory referendum every 5 years, there are enough barriers already in place. So we don't have to be afraid of opening it out for new possible ideas. That is essentially what I would like to do. My understanding is that we need to develop a set of principles because the original set of principles basically says almost the same thing. So, I can't just reword it. What I'm hoping that the Bylaw committee agrees to do is to assist me in developing this set of principles. After that, either I or the Bylaw committee can bring it to council. I would prefer the Bylaw committee to do that.

BABIC: In the current form, is there anything that points to the fact that it's exclusively these things, rather than these things being considered in addition to other things? I'm talking about part (b). For the purpose of determining, is it only those 2 things?

KHINDA: Since it doesn't specify, we could consider other things?

BABIC: Yeah. That's what I'm thinking. I'm not sure it makes it explicit here. In fact, it doesn't make it explicit.

KHINDA: The way it has been interpreted in the past is that those were the

most important things to consider. People will always refer back to that.

CHOUDHRY: They seem so similar to me. I'm missing the big differentiation.

MCGINN: When the Students' Union sought legal advice in 2002 regarding this, in that legal advice the law stated that technically philanthropy could be considered under the promotion of general welfare of the students. In addition, the university is naturally an external looking organization. Therefore, things like community service learning could fall under the dedicated fee unit category. You might be able to make a stretched argument, but it's much more difficult for those types of projects to move forward versus a project like *the Gateway*. That's the main reason why students groups want to see this changed.

The other aspect of it is I want to have it so that it can at least be discussed. Right now it's not even allowed to be brought to council. At least, the council will get a debate about whether it falls under that category or not.

BABIC: I'm personally okay with it. It's already in the legislation. Copying it would not be an issue for me.

CHOUDHRY: I think people should be able to talk about it in council. There are going to be referendums anyway.

KHINDA: I'm cool with Bylaw helping out.

BABIC: Alright. We'll go ahead. Do you want to draft some stuff? Why don't you draft some stuff, and I will take a look at it. We'll continue that email thread, and at the next meeting we should have something solid.

KHINDA: And maybe have a list of arguments for and against those documents.

BABIC: The feel that you gave at the beginning was pretty good and to the point.

KHINDA: I want to know what people like Andy would say.

MCGINN: I still haven't got a response from Andy yet.

New ideas for areas of change/review

BABIC: Has anyone brought any ideas? Mike had his idea. That's great. Does anyone else have any lingering ideas?

KHINDA: We still have to finish council attendance don't we?

BABIC: Yes.

KHINDA: I think Bylaw 3000 will take a lot of time.

BABIC: This thing? It's not going to take a lot of time. Then, there's Chelen's 8000.

KHINDA: What about Bylaw 500? Access to Students' Union information.

MCGINN: Wasn't this about the DIE board rulings or something?

KHINDA: Yes.

BABIC: I did want to bring up the election thing.

KHINDA: Do you think that if we make changes, it would affect this election?

BABIC: No. I think that it will operate in such a small percentage of cases.

CHOUDHRY: It is stupid though.

BABIC: It is never going to affect anyone.

MCGINN: If you are going to look at it, you should talk to Michael Ross.

BABIC: I'm not looking to fix it. I just want to put in that one sidewall.

MCGINN: I would love to fix it.

BABIC: That would take so much time. The only thing that I would like to do is basically write a tie breaker. Everybody cool with that? I'll write something and send it out. It will be pretty straightforward.

The other thing was is more of a general thought, a fundamental change. The way it is now, the DIE board is not appealable.

KHINDA: I thought it was.

BABIC: It's not. Read this.

KHINDA: Isn't that what Ryan's doing? Appealing the decision.

MCGINN: Also, DIE board has the final say.

CHOUDHRY: There's like nowhere else to go.

BABIC: There's technically nobody above the DIE board, which is sort of silly. There's no one policing them.

So, I thought that would be a good idea to change.

KHINDA: What would you change it to?

BABIC: Personally, I would make council an appeal board. Under extreme circumstances. In this case, if you can get X amount of councilors to back your bid for appeal, then you could appeal. Otherwise no.

KHINDA: Who will make the final decision? A vote of council?

BABIC: Yeah.

KHINDA: I don't know. I'm not really comfortable with that.

BABIC: Why is that?

KHINDA: It seems weird. For example take Ryan's thing. The council made the decision not to go forward with it, and he's appealing council.

BABIC: Who is he appealing to?

KHINDA: They are thought to be independent arbiters.

BABIC: In real life we have all these appeal levels set up. Here we have zero because we have no appeals. It's silly. I know it's a drastic change.

MCGINN: Can we make it such that at least there's a different set of tribunals?

BABIC: Right now there's a chief, 2 associates, and 10 regular tribunals. Usually, one of the top 3 set in, and the rest is a mix chosen by them. They say

it's a random thing, but all they do is send an email and the first people to respond are in.

Yeah we can look at something like that at the very least. Do you think that's a worthwhile discussion to be starting up then?

KHINDA: I think if you want to achieve something by the end of the year...

BABIC: I don't think it is going to happen by the end of the year. You can still leave something for the future board to do.

KHINDA: Then, if we have this discussion, it will be for nothing. Next year we won't have any recollection of it.

BABIC: When we started out, didn't we wish that there was some sort of document telling us what to do next?

CHOUDHRY: We could probably leave it. If we finish everything else, we can take a look.

BABIC: In that same vein of thought, do you know that the DIE board doesn't adhere to precedent?

KHINDA: They don't do that?

BABIC: Their word is "We are not bound by precedent", which is a silly point. If you go back, and something very similar was to happen, you can't point to that. They will just say that they are not bound by precedent. This means that situation "A" today might not be solved the same way tomorrow. In real life, it works the exact opposite.

KHINDA: Where does it say that exactly?

BABIC: I don't know exactly.

MCGINN: When I was looking for old DIE board rulings about student groups, that's what they told me essentially.

BABIC: This is the exact opposite of how law works.

KHINDA: I'd be interested to know why they do that.

BABIC: I'll see if I can find it. Do you guys think it's worth bringing up?

KHINDA: Yeah. I think even more so than the other thing.

BABIC: Yes. That one was more fundamental, but this one is a no brainer.

I would be hesitant to come up with another DIE board. It is fine the way it is minus the fact that you can't appeal it. So either there can be a re-hearing with a different panel, or it could be taken to another body. The council has more people. Usually the more you appeal, more and more people hear it as you go up.

Establishing a project list

BABIC: So, that's basically that. As far as establishing a project list, we have 6 things. We'll do the 3000 thing. I'll whip up the human note thing. We'll put the 2 DIE board things to the very end, and what we have is the mandatory attendance and Chelen's 8000 thing which I assume he'll be bringing up at the

next meeting.

6. CLOSED SESSION *NIL*

7. NEXT MEETING *Not decided.*

8. ADJOURNMENT Meeting adjourned at *12.07 pm.*