

DECISION OF THE DISCIPLINE, INTERPRETATION,
AND ENFORCEMENT BOARD

REQUEST FOR INTERPRETATION

DATE:

Monday January 6, 2003

D.I.E. BOARD MEMBERS PRESENT:

Chris Samuel, Chair

Lucas Lau

William McBeath

Jason Tobias

Vincent Tong

INTERPRETATION SOUGHT BY:

Steve Smith, VP Operations and Finance, acting on behalf of the Students' Council

ISSUE:

1. What is the impact of the word "primarily" in the resolution itself? Does this have some sort of cut and dried meaning (e.g. that the annual expenditures on provincial lobbying must exceed those on federal lobbying) or is it a non-binding guideline?
2. If the latter, does this policy have any power to bind anybody to do anything, or is it merely advice?
3. Could this policy, directly or indirectly, require or preclude the Students' Union's membership in any organization?
4. If yes, would a rider attached to the policy to read "Nothing in this policy shall be interpreted to either require or preclude the Students' Union's membership in any organization" be effective in eliminating this requirement?
5. Does this policy meet the requirement under the *Legislation Bylaw* that political policies be "non operational"?

DECISION:

1. It must be noted that all provisions of all policies are binding, and, as a result, no policy can contain a non-binding guideline. The last phrase of the political policy in question ("Be it resolved that the University of Alberta Students' Union focus its political efforts primarily in the provincial domain so as to better achieve its goals") is what, essentially, commits the Students' Union to a particular action. To provide clarity to this action, the D.I.E. Board felt it necessary to first define "political efforts" since this term is quite ambiguous. As such, political efforts is hereby defined as both the money and the time spent lobbying a specific level of government (either municipal, provincial, or federal). The impact, then, of the word "primarily" is to

create a hierarchy- using only the money and the time spent lobbying that specific level of government- between lobbying these different levels of government. Consequently, the total money and time spent lobbying the provincial government must exceed the total money and time spent lobbying the municipal government, and the total money and time spent lobbying the federal government.

2. This political policy, just like all other political policies, is binding the Students' Union to a particular action- in this case, to spend more money and time lobbying the provincial government than lobbying the municipal and federal governments.
3. This policy will indirectly affect the Students' Union's membership in certain government lobbying organizations. The Students' Union is free to be a member of whatever government lobbying organization it wishes, however, when the total money and time spent lobbying each level of government is calculated- which must now include, for that level of government, the money and time spent being a member of this government lobbying organization- more money and time must still be spent lobbying the provincial government than lobbying the municipal and federal governments. If the money and time spent being a member of this government lobbying organization results in the total money and time spent lobbying the provincial government no longer being the most when compared to the total money and time spent lobbying the municipal and federal governments, the Students' Union is obligated to either cease membership in this government lobbying organization or increase the money or time spent lobbying the provincial government.
4. The rider "Nothing in this policy shall be interpreted to either require or preclude the Students' Union's membership in any organization", if included in this political policy, will eliminate the indirect membership restriction in government lobbying organizations. It will also, however, make the entire political policy moot by creating a "notwithstanding clause" to the only binding action of this policy.
5. This political policy meets the requirement under Bylaw 400- *A Bylaw Respecting the Legislation of the Students' Union* that political policies be "non operational". For a further rationale, please refer to D.I.E. Board Ruling #2.