

DECISION OF THE DISCIPLINE, INTERPRETATION,  
AND ENFORCEMENT BOARD

**JONES vs. HARLOW, re. IN CAMERA PROCEEDINGS**

**DATE:**

Friday October 24, 2003

**D.I.E. BOARD MEMBERS PRESENT:**

Christopher Samuel, Chair

Ben Aberant

TJ Adhietty

Kyle Kawanami

Michelle Kelly

**APPEAL DETAILS:**

Appellant: Chris Jones

Respondent: Gregory Harlow, Speaker of Students' Council

**SUMMARY OF ALLEGATION AND RESPONSE:**

On September 23, 2003, Students' Council heard an appeal from a decision of the Discipline, Interpretation, and Enforcement (D.I.E.) Board with respect to Paul Reikie's ability to run for Students' Council. Students' Council moved in-camera to deliberate the case, ejecting all observers from Council Chambers, including Chris Jones.

Under the Students' Union's Constitution (Article XVIII, clause 4), every member of the Students' Union has the right to witness Students' Council's meetings, except if the member is being unduly disruptive or Council has moved in-camera (which must be in compliance with the Students' Union's Confidentiality Policy). Since this Policy expired on April 30, 2002, Jones contends that his rights as a Students' Union member were violated.

**DECISION:**

For better or worse, since Article XVIII, clause 4 of the Students' Union's Constitution specifically cites that moving in-camera shall be in compliance with the Students' Union's Confidentiality Policy, the D.I.E. Board believes that this fact alone places an incredible significance on this Policy. Namely, that it is Students' Council's desire to exclusively use the criteria detailed in this Policy to move in-camera. Consequently, if this Policy expires, no other criteria may be used.

By allowing its Confidentiality Policy to expire, Students' Council has effectively deprived itself of the ability to move in-camera. As such, the D.I.E. Board finds that Jones' right to witness proceedings of Students' Council pursuant to Article XVIII clause 4 was violated.

Furthermore, the D.I.E. Board believes that the Speaker, Harlow, erred when he allowed Students' Council to move in-camera, which, in effect, violated his responsibility to ensure that Students' Council comply with its own Constitution. However, no punitive action is levied against Harlow as he acted in good faith in the execution of his duties.

**RECOMMENDATION:**

It is the official recommendation of the D.I.E. Board that Students' Council immediately craft and approve a Confidentiality Policy as part of its regular standing orders to avoid having this Policy inconveniently expire again. Until such time, Students' Council cannot move in-camera.

The Discipline, Interpretation and Enforcement (D.I.E.) Board functions as the judicial branch of the Students' Union, and is responsible for interpreting and enforcing all Students' Union legislation. If anyone has any questions regarding the D.I.E. Board, feel free to contact the Chair, Chris Samuel, at [dieboard@su.ualberta.ca](mailto:dieboard@su.ualberta.ca) .