

DECISION OF THE DISCIPLINE, INTERPRETATION,
AND ENFORCEMENT BOARD

DUBE vs. BRECHTEL

Date:

Monday January 12, 2004

D.I.E. BOARD MEMBERS PRESENT:

Christopher Samuel, Chair

Ben Aberant

Stephen Congly

Kyle Kawanami

Michelle Kelly

APPEAL DETAILS:

Appellant: Zita Dube, Councillor Faulte St. Jean

Respondent: Mat Brechtel, President Students' Union

SUMMARY OF ALLEGATIONS AND RESPONSE:

The Tuition Undertaking Planning and Action Committee (TUPAC) was created "ad hoc" committee "to examine and recommendations on tuition based issues". It has dealt with issues such as multi-year tuition, the planning of events for the 'tuition week' and contributed to the marketing and design of the tuition campaign. Initially TUPAC did not record minutes or have an elected recording secretary. However, as it became more apparent that TUPAC would be dealing with issues that could impact students and the Students' Union as a whole, it was recommended that minutes should be taken. As of October 24, 2003, every meeting of TUPAC has been recorded. It is alleged that the Respondent failed to provide copies of the TUPAC minutes when the request was made by various students, and as such is in breach of Article XVIII, s.1 of the Constitution, which reads:

1. Every document, record, or other instrument recording the actions or operations of the Students' Union, which is the property of the Students' Union or was once the property of the Students' Union and has been relinquished to the University Archives or other such depository, and is not designated classified or confidential as per section 2 or 3 of this Article, must be opened for inspection, in an unaltered state, to any member of the Students' Union upon request to review such information. This information will be made available as soon as possible after the request, with every reasonable effort being made to make it available within one (1) working day of a request being made

The Appellant seeks the following remedies:

- That the Respondent should contact the people who have requested minutes and immediately arrange to make them available to them.
- That the Respondent should arrange to have the minutes posted on the Students' Union website, since this was originally the Presidents' suggestion. If at all possible, this should be done prior to the Board of Governors decision on the 15th.
- That the Respondent should make a public apology through the Gateway, Students' Council or another public forum to the students for depriving them of documentation that they had a right to have.

DECISION:

The D.I.E. Board finds there to be an unintentional violation of Article XVIII, s.1 of the Constitution. There does not seem to be any malice in this breach, and it is more likely due to a bureaucratic delay. Nevertheless, the D.I.E. Board holds that all approved minutes should be publicly released, as they are properly part of the public domain from the time of their approval (subject to restrictions on classified materials). While the D.I.E. Board is sympathetic to the argument that minutes are not the top priority of support staff, it should be a simple matter to provide students with a copy of approved minutes within a reasonable time.

RECOMMENDATION:

It is the official recommendation of the D.I.E. Board that those individuals who have requested minutes be contacted, and that copies of the minutes be provided to them. This should be done within a working day. The D.I.E. Board also recommends that the minutes be posted to the S.U. Website as soon as possible, if at all possible prior to the January 15 Board of Governors meeting. In light of the nature of this breach, the D.I.E. Board sees no need for an official apology, as the act of providing the minutes to those students which had requested them should serve as a sufficient apology.

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