

DECISION OF THE DISCIPLINE, INTERPRETATION,
AND ENFORCEMENT BOARD

STEVE SMITH versus EXECUTIVE COMMITTEE, STUDENTS' UNION

Date:

Friday January 23, 2004

D.I.E. BOARD MEMBERS PRESENT:

Christopher Samuel, Chair

Ben Aberant

Stephen Congly

Kyle Kawanami

Michelle Kelly

APPEAL DETAILS:

Appellant: Steve Smith, Councillor, Faculty of Business

Respondent: Executive Committee, Students' Union (represented by Mat Brechtel, President)

SUMMARY OF ALLEGATIONS AND RESPONSE:

Steve Smith contends that the Executive Committee acted illegally by implementing the motion, which was approved by the Committee at its meeting on November 24 2003, to spend \$10,350 from the project reserve on the tuition campaign on the grounds that any money transferred from any reserve account must first be approved by a two-thirds majority of Students' Council, pursuant to Bylaw 3100 Section 17.

The Executive Committee, however, believes that since this motion was included in its report to Students' Council and since this report was approved, unanimously, by Students' Council at its meeting on January 6 2004, the motion to spend \$10,350 from the project reserve, by default, was also approved.

DECISION:

When Students' Council approves the report from the Executive Committee, it also approves the actions of the Committee- but only those specific actions that fall within the jurisdiction of the Committee. Acts which explicitly require Students' Council's approval must be separated from the Executive Committee report and can only be in effect once the appropriate approvals have been achieved. The jurisdiction of the Executive Committee and Students' Council is described throughout the Students' Union's legal framework (i.e. the constitution, bylaws, and policies), as are the approval mechanisms that certain motions require.

According to Bylaw 3100 Section 17, transfers from the project reserve require the approval of two-thirds of Students' Council. Since the motion to spend \$10,350 from the project reserve was not separated from the Executive Committee report, was not discussed as an independent item of business on the agenda of Students' Council, failed

to receive the necessary approval of two-thirds of Students' Council, and since the Executive Committee has already spent this money, the Discipline, Interpretation, and Enforcement (D.I.E.) Board finds the Executive Committee to be in violation of Bylaw 3100 Section 17.

RECOMMENDATION:

The D.I.E. Board strongly believes that violating financial rules is one of the worst crimes that can be committed and harshly criticizes all parties involved that allowed such a careless mistake to be made- especially the Executive Committee. As such, the D.I.E. Board is formally issuing one of its severest penalties: the Executive Committee of the University of Alberta Students' Union is to be censured. In addition, at the next Students' Council meeting, the Executive Committee, represented by the President, must issue a public apology and then submit that apology in writing to the Speaker for it to be included in the minutes.

The D.I.E. Board also encourages all Students' Union officials, from managers to Executive Committee members to Student Councillors, to be fully aware of all financial rules in order to prevent such a serious offense from re-occurring.

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