

Ruling #1

Ruling of the Discipline, Interpretation, Enforcement

Re: Universal Bus Pass Referendum Question (Referendum Approved March 2004)

Date Heard:

November 18, 2004

Members of the D.I.E. Board Present:

Alex Ragan, Chair
Justyna Herman
Chris Stolfa

Appearing for the Referring Party:

Alison Lennie, Director, Environmental Coordination Office of Students, University of Alberta Students' Union

Questions Posed:

1. What requirements are set out by the referendum that must be met by April 30 2006?
2. Does the referendum limit the price of Universal Bus Passes indefinitely?
3. Will further referenda be necessary after the April 30, 2006 date to maintain a Universal Bus Pass established under this referendum?
4. Are there cases, unconsidered in the referendum, which may exempt students from participating in the Universal Bus Pass program?

Question 1: What requirements are set out by the referendum that must be met by April 30 2006?

A referendum must be interpreted in light of what a reasonable student would expect the referendum to mean. Respecting the present referendum question, a reasonable student would expect the Students' Union to take all reasonable measures to establish a Universal Buss Pass under the criteria in the referendum question.

The referendum specifically instructs that a Universal Bus Pass must be "established" by April 30, 2006. The question is what "established" means. In its common sense, to establish is to set up or bring about something. Something "established" is not necessarily complete in nature, though it must have permanence.

In this context, a separation of the planning and operational phases of the bus pass implementation is crucial. The bus pass would be established once the planning stages are complete and all necessary parties are bound to the implementation of the bus pass. The Universal Bus Pass does not, however, have to be fully operational by April 30, 2006. Specifically, the bus passes do not have to be "in the hands" of students on April 30, 2006.

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Question 2: Does the referendum limit the price of Universal Bus Passes indefinitely?

The referendum question indicates that the Universal Bus Pass will cost each student \$60 per fall or winter term. This binds the Students' Union to abide by this requirement *at least at the outset* of any agreement concluded under the referendum. A reasonable student, looking at the referendum question, would not expect that an agreement could be reached whereby the price of the Universal Bus Pass would remain at \$60 in perpetuity. After a reasonable period of time has elapsed, the price of a Universal Bus Pass may vary in accordance with the reasonable expectations of students.

Question 3: Will further referenda be necessary after the April 30, 2006 date to maintain a Universal Bus Pass established under this referendum?

No. The referendum requires the establishment of the Universal Bus Pass by April 30, 2006. The maintenance of the bus pass system could be conducted under the mandate of another referendum *or* could be supported under the legislative power of the Students' Council *or* the executive power of the Students' Union Executive in accordance with the bylaws of the Students' Union.

Question 4: Are there cases, unconsidered in the referendum, which may exempt students from participating in the Universal Bus Pass program?

The referendum is clear in making the Universal Bus Pass mandatory for all undergraduate students. Only the exceptions listed in the referendum would discharge students from this obligation. Future cases may arise that are not considered in the referendum. These cases would have to be examined on their merits with their specific facts.

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. For any questions please contact ea@su.ualberta.ca.