

DECISION OF THE DISCIPLINE, INTERPRETATION,
AND ENFORCEMENT BOARD

ADAM KNISELY v. THE VICE PRESIDENT (OPERATIONS AND FINANCE)

DATE HEARD: Thursday, November 18th, 2004

D.I.E. BOARD MEMBERS PRESENT:

Jaimie Gruman, Vice Chair

Mark Rogers

Alan Cliff

COMPLAINANT DETAILS:

Applicant: Adam Knisely

Defendant: Alvin Law, Vice President (Operations and Finance)

SUMMARY OF ALLEGATIONS AND RESPONSE:

The Applicant contends that, on or about August 2004, the Defendant granted a loan in the name of the Students' Union in the amount of \$13,000.00 without approval by Students' Council (SC) in contravention of section 8(e)(ii) of Bylaw 3100, which provides that "loans granted by the Students' Union in excess of \$4,000.00 must be approved by Students' Council."

The Defendant's response to this allegation was that he had submitted a written report to SC indicating his intention of pursuing the loan agreement and detailing its particulars prior to the July 27th SC meeting, which formed part of the agenda of the July 27th, 2004 SC meeting. During the question period of the meeting two Councilors inquired about the loan regarding its purpose and interest. The Defendant, having limited experience in legislation and governance and relying on statements by the Speaker of SC in chambers that items contained within executive committee reports are accepted unless a motion is made to strike an item, interpreted the Speaker's statement as applying to his executive report. Based on this understanding and the fact that a motion was not made to strike out the portion of his report referring to the loan, he subsequently issued the loan believing he had SC approval.

DECISION:

Section 8(e)(ii) of Bylaw 3100 provides that "loans granted by the Students' Union in excess of \$4,000.00 must be approved by Students' Council." The Board was asked to impose a sanction on the Defendant for acting in contravention of Bylaw 3100 on the basis that he granted the loan without the requisite SC approval. While section 8(e)(ii) requires SC approval of all loans in excess of \$4,000.00, the actual manner in which SC grants approval is not set out in this section or in any other section of Bylaw 3100. The

Defendant submitted to the Board that it was his interpretation at the time of making the loan that by submitting his written report to SC coupled with no motion to strike meant that he did in fact have SC approval. Bylaw 3100 on its face does not reject this interpretation as a possible way of obtaining SC approval. Further, as the Applicant failed to attend the hearing, no argument was made to challenge the validity of this possible interpretation. In the absence of such argument being presented to the Board, it cannot reject the Defendant's interpretation as a possibility. The Board refrains from doing so at this time.

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, Alex Ragan, at ea@su.ualberta.ca.