

## **Ruling of the Discipline, Interpretation, and Enforcement Board**

Jones v. Students' Council, Executive Committee, Harlow

### **Date Heard:**

May 9, 2005

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

Alex Ragan, Chairman  
Stephen Congly  
Catherine Lepine

### **Appearing For the Appellant:**

Chris Jones

### **Appearing For the Respondent:**

Gregory Harlow  
Justin Kehoe

### **Summary of Facts and Allegations:**

On 6 May 2005, Students' Council held its changeover meeting. Procedures for this are set out in SU Bylaw 100 §§10-13 [Bylaw 100] including the installation of elected officials [Executive] in the Chief Returning Officer's report of the elections of the Students' Union. On 8 March 2005, Bylaw 500 "A Bylaw Respecting Access to Students' Union Information" was proclaimed into force. In Bylaw 500 §5(2), it is stated "Any person becoming a member of or a proxy on Students' Council, the Executive Committee, the Discipline, Interpretation, and Enforcement Board, or a committee thereof shall enter into a non-disclosure agreement with the Students' Union in advance of assuming such office."

Mr. Jones alleges that as no member of the Executive or of Students' Council signed such a non-disclosure agreement, they are unable to fulfill their duties of their office until such time that a non-disclosure agreement is completed.

The facts are not disputed by the respondents.

### **Issues:**

1. Are members of the Executive or of Students' Council considered to be in office at the present time?

### **Decision:**

The letter of the legislation is clear in this case. Without signing a non-disclosure agreement, which is required in advance of assuming office (Bylaw 500 §5(2)), the elected officials and councilors have no authority to conduct any duties of their office.

The argument was made by the Respondent that Bylaw 100 §12 which states that after the installation ceremony, "the term of the incoming council will begin" meant that

members take office and that D.I.E. Board should harmonize legislation so as to reconcile this. D.I.E. Board disagrees with this interpretation; an elected official's term does not necessarily mark the assumption of office. This is exemplified with the election of an Member of Parliament in the House of Commons. A Member of Parliament's term begins with the return of the results by the Chief Returning Officer; the Member of Parliament does not hold office until the appropriate oaths are sworn.

As such, the Panel of First Instance finds for the Appellant.

**Remedy:**

It is not necessary to repeat the induction ceremony as conducted as this was done within authority of Bylaw 100 §10 and the 2004-2005 Students' Council and Executive Committee.

Any actions performed to date by either the 2005-2006 Students' Council or 2005-2006 Executive Committee are declared null and void and not in force. The records and minutes of Students' Council will be modified to reflect this ruling. Any further decisions or actions done prior to the signing of this non-disclosure agreement in accordance with Bylaw 500 §5(2) by the members of Students' Council and the Executive Committee are also null and void and not in force.

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 [dieboard@su.ualberta.ca](mailto:dieboard@su.ualberta.ca).