

***Discipline, Interpretation and Enforcement (DIE) Board***

---

***Ruling of the Board***

**Style of Cause:** *Re Bylaw 2400 "law"*

**Ruling:** # 5

**Date heard:** October 27, 2005

**Appearing for the D.I.E. Board:**

**Presiding Chair:** Alex Ragan

**Tribunes:** Chris Stolfa, Alan Cliff

**Appearing for the Applicant:**

Stephen Kirkham

**Intervenors present:**

Rachel Woynorowski, Chief Returning Officer

**Case summary:**

The referring party queries what the definition of the term "law" is as used in s. 4(b) of bylaw 2400. The Board finds that the term is not synonymous with the term "legislation" as defined in bylaw 400. Rather, within this context, the term "law" indicates only bylaws passed by Students' Council.

**SUMMARY OF ALLEGATIONS**

The referring party queries:

What is the interpretation of the term "law" in Bylaw 2400(4)(b)?

- (a) Is the term synonymous with "legislation" as defined by Bylaw 400(1)?
- (b) If not, how does the term "law" differ?

**RELEVANT LEGAL PROVISIONS**

*Bylaw 2400*

4. Where a member wishes to circulate a petition, that member shall submit to the Bylaw Committee the intent of the question, and the Bylaw Committee shall approve, within seven (7) days, a question which:

- a. fully reflects the intent submitted by the member; and

- b. if carried and acted upon, would not violate any Students' Union law or any federal or provincial statute or regulation.

*Bylaw 400*

1. Students' Union legislation is
  - a. Students' Union Bylaws;
  - b. Students' Union Political Policy; and
  - c. miscellaneous motions of Students' Council.

## **ANALYSIS**

The DIE Board panel finds that the term “law” as used in the context of Bylaw 2400 s.4 (b) refers only to those bylaws passed by the Students' Council.

The parties present at the hearing emphasized two possible interpretations of the term “law” within this statutory context. First, it was argued that the term could be synonymous with the term “legislation” as defined in Bylaw 400. This definition includes all Students' Union Bylaws, Students' Union political policy, and miscellaneous motions of the Students' Council. The second possible interpretation argued before the panel was that the term “law” refers only to those bylaws passed by the Students' Council.

The panel prefers the latter interpretation over the former for two reasons. First, there are no reasonable grounds for importing the strained definition of “legislation” into the context of Bylaw 2400 s. 4(b). The term “legislation” in Bylaw 400 – which is to apply to all uses of that term within Students' Union Bylaws – is not used by s. 4(b) of Bylaw 2400. Accordingly, it is not legally necessary to import this definition into the meaning of “law” within s. 4(b). Rather, the fact that Students' Council did not use the term “legislation” in this context may be a strong indication that it did not intend to import the statutory definition into s. 4(b). Moreover, adopting such a definition for the term “law” would likely be unwise. The definition of “legislation” in s. 400 is a very strained conception of what legislation, in the ordinary sense, means. Adopting this statutory definition as a definition for the term “law” could be the cause of serious mischief within the Bylaws.

Second, the panel believes for policy reasons that interpretation of “law” should be restrained to Students' Council bylaws. The spirit behind s. 4(b) of Bylaw 2400 – which deals with student referenda – is to give students the power to change some aspect of the governance of their student association. By adopting an expansive interpretation of the term “law” the ability of students to affect this end would be adversely impacted. For example, if political policy and miscellaneous motions are included in the definition of “law” then students would be precluded from making many changes dealing with the Students' Union expenditures or political perspective. The ability to make any meaningful change through referenda would be far more limited

For these reasons, the panel finds it appropriate to give the term “law” within s. 4(b) of Bylaw 2400 the restrictive interpretation of simply meaning Students’ Union bylaws.

## **DISPOSITION AND REMEDY IMPOSED**

The DIE Board panel finds that the term “law” as used in the context of Bylaw 2400 s.4 (b) refers only to those bylaws passed by the Students’ Council.

The Discipline, Interpretation And Enforcement (D.I.E.) Board functions as the judiciary branch of the Student’s Union, and is responsible for interpreting and enforcing all Student’s 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](mailto:ea@su.ualberta.ca) .