

Discipline, Interpretation, and Enforcement (DIE) Board

Ruling of the Board

(1) HEARING DETAILS

Style of Cause:	Reference re: Executives as Plebiscite Campaign Managers
Hearing Number:	Ruling #3, 2008/2009
Hearing Date:	N/A
DIE Board Panel Members:	Jason Morris, Chief Tribune, Chair Alexander Witt, Tribune Alin Florea, Tribune
Appearing for the Applicant:	Kristen Flath, VP Student Life
Appearing for the Respondent:	N/A
Intervener(s):	None

(2) ALLEGED CONTRAVENTION / INTERPRETATION QUESTIONS

Does Bylaw 2000, section 16, indicate that a member of the Students' Union Executive Committee is eligible to serve as a campaign manager of a referenda/plebiscite under their title as an executive, or must they be considered a general student?

(3) DECISION

Bylaw 2000 s. 16, entitled "Campaign Manager Eligibility" reads:

Any member of the Students' Union Executive Committee is eligible to serve as a campaign manager of a referenda/plebiscite sides without taking a leave of absence from their position as an executive.

Bylaw 1500 s. 2 states:

The Board is the organ of the Students' Union responsible for the interpretation and enforcement of Students' Union legislation.

DIE Board's protocols, adopted under the authority of Bylaw 1500 s. 31, state at s. 14:

Upon review of the application, the panel may unanimously vote to dismiss an application for a Hearing or Appeal without meeting in person to hear evidence or oral submissions if the panel concludes the application is frivolous, vexatious, or has no possibility of success, or if the panel concludes the issue in question is outside of its jurisdiction to hear. The panel must give written reasons for its decision to dismiss the application.

The panel has unanimously decided to utilize the power granted in s. 14 of the DIE Board protocols, and dismiss the application on the grounds that it is outside of DIE Board's jurisdiction. Specifically, the question which is asked cannot be answered on the basis of an interpretation of "Students' Union legislation," and so it is outside of the capacity of the DIE Board to address.

The specific issue raised in this request for interpretation is, as we understand it, whether an Executive of the Students' Union, in acting as campaign manager in a plebiscite in accordance with Bylaw 2000 s. 16, may utilize their title or other trappings or benefits of office in support of their work as campaign manager.

We do not wish to suggest that the issues raised by the Applicant are not worthy of consideration. Nor do we wish to suggest that no application on such a question could possibly be within DIE Board's jurisdiction. We leave open the possibility that there are other legislative foundations on which a similar question might be discussed. However, in this application we are provided only with Bylaw 2000 s. 16, and we find that section to be silent in regard to this question.

The Discipline, Interpretation, and Enforcement (DIE) Board functions as the judicial branch of the Students' Union, and is responsible for interpreting and enforcing all Students' Union legislation. Please direct all inquiries regarding the DIE Board or this decision to the Chief Tribune at: <ea@su.ualberta.ca>.