

Discipline, Interpretation, and Enforcement (DIE) Board

Ruling of the Board

(1) HEARING DETAILS

Style of Cause:	Reference re: CRO Hiring Process
Hearing Number:	Ruling #2, 2009/2010
Hearing Date:	February 24, 2010
DIE Board Panel Members:	Jason Morris, Chief Tribune, Chair Brandon Mewhort, Tribune Christiaan Conradie, Tribune
Appearing for the Applicant:	None
Appearing for the Respondent:	None
Intervener(s):	None

(2) ALLEGED CONTRAVENTION / INTERPRETATION QUESTIONS

[1] DIE Board notes that there were no parties before us in regard to this matter, but because of the importance of the question and because it appeared possible to answer the question based on the written record it exercised its authority as allowed under section 20 of the DIE Board Protocols to issue a decision.

[2] In the written materials, the President notes that there are apparently two different requirements in bylaw for how the CRO should be hired. He asks whether the Students' Union is required to follow both, and whether the existing process meets the requirements, whatever they might be.

(3) RELEVANT LEGISLATIVE PROVISIONS

[3] Excerpt from Bylaw 100:

s.5 The Council Administration Committee

(e) shall recommend to Students' Council a candidate for the position of Chief Returning Officer on or before April 15 of each year;

[4] Excerpt from Bylaw 2000:

s.5 Elections Staff Hiring Process

(1) The Chief Returning Officer shall be appointed by Students' council after a recommendation is issued by a committee composed of:

a. the Chief Returning Officers, as chair, voting only in the event of a tie; and

b. two (2) members of the D.I.E. Board

(4) FACTS

[5] The Board was informed that current practice with regard to the hiring of the CRO is to have an interview panel that consists of “the outgoing CRO, 2 DIE Board members, and the CAC chair. After the panel had made a decision the name was brought to CAC and after no concerns were raised by CAC members, put forward to Council for ratification.”

(5) DECISION

[6] The DIE Board sees no conflict between the two bylaws. They place separate and compatible requirements on separate bodies.

[7] Bylaw 100 s.5 sets out the responsibilities of the Council Administration Committee, which includes the mandatory requirement of recommending a candidate for the position of Chief Returning Officer to Students’ Council on or before April 15 of each year.

[8] Bylaw 2000 s.5 sets out the process that Students’ Council must follow in appointing the Chief Returning Officer, specifying that the decision must be made after a recommendation is issued by the committee composed of the CRO and two members of DIE Board.

[9] It is possible to adhere to both requirements, so both apply.

[10] The process used in the past has not been impugned, and DIE Board sees no reason to consider it specifically.

[11] It is important not to over-state what these bylaws require. There is no requirement that the committee mentioned in Bylaw 2000 and CAC make the same recommendation. Nor is there any requirement that Students’ Council accept any recommendation made. Students’ Council remains free to appoint whomever they choose. Nor is there any requirement that interviews be conducted. And so there is no concern with who is present for the interviews. Nor is there any requirement that Students’ Council wait for the recommendation of the CAC before making an appointment. Bylaw 100 imposes requirements on CAC, not on Students’ Council.

[12] All that is explicitly required is that Students’ Council receives a recommendation from the committee mentioned in Bylaw 2000 before it makes an appointment, and that the CAC makes a recommendation before April 15. Any process that adhered to those two requirements and was not otherwise invalid would be acceptable.

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>.