

Discipline, Interpretation, and Enforcement (DIE) Board

Ruling of the Board

HEARING DETAILS

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| Style of Cause: | Reference Re: Bylaw 6000 |
| Hearing Number: | Ruling #9 2010/2011 |
| Hearing Date: | April 4 th , 2011 |
| DIE Board Panel Members: | Megan Mickalyk, Chief Tribune, Chair; Kathleen Elhatton-Lake, Associate Chief Tribune; Natalie Climenhaga, Tribune; |
| Appearing for the Applicant: | Petros Kusmu |
| Intervenor: | Alex Eldridge |

BACKGROUND

[1] On February 17th, at the Gateway Student Journalism Society (GSJS) Board of Directors meeting, several motions were made to alter the Gateway publication for the upcoming 2011/2012 year due to fiscal concerns. Relevant to this proceeding was a decision by the Board of Directors to reduce publication from twice per week to once per week. This raised a concern as to whether Gateway would be operating consistent with the publication schedule set out in Bylaw 6000. S. 3(3) (a) of Bylaw 6000 stipulates that Gateway must publish "...at least fifteen issues of The Gateway during each Fall or Winter term." Gateway would like to publish their orientation issue before classes begin, and their joke issue after classes end. For these issues to be counted towards the 15 issue requirement, they would need to be published within either the Fall or Winter term.

RELEVANT LEGISLATION

[2] Excerpt from Bylaw 6000:

Mandates

3. (3) The mandate of the Gateway Student Journalism Society is
 - (a) to publish at least fifteen issues of the Gateway during each Fall or Winter term;

ISSUE

[3] How should Bylaw 6000 s. 3(3)(a) be interpreted? Specifically, could issues published before or after classes in each semester be counted toward the 15 issue requirement?

DECISION

[4] The Academic calendar defines Fall term as running from September to December, and the Winter term as falling between January and April. So long as 15 issues are released within those blocks of time, the gateway will be operating consistently with bylaw 6000 s. 3(3)(a).

THE FOLLOWING ARE THE REASONS OF MICKALYK, CHIEF TRIBUNE

[5] To determine what constitutes the Fall or Winter term, DIE Board relied on definitions found within the University of Alberta Academic Calendar. According to the Glossary, Fall term is defined as “[t]he period of the academic year which runs from September through December.” The Winter term is defined as “[t]he period of the academic year which runs from January through April.” Consequently, “Fall term” as specified in Bylaw 6000 will be read as referring to the portion of the academic year running from September through to December, and “Winter term” will be interpreted as the portion of the academic year running from January to April. To be consistent with provision 3(3)(a) of Bylaw 6000, at least 15 issues must be published during each of these blocks of time.

THE FOLLOWING ARE THE REASONS OF ELHATTON-LAKE, ASSOCIATE CHIEF TRIBUNE

[6] I Concur.

THE FOLLOWING ARE THE REASONS OF CLIMENHAGA, TRIBUNE

[7] I Concur.