

Discipline, Interpretation, and Enforcement (DIE) Board

Ruling of the Board

HEARING DETAILS

Style of Cause:	Reference Re: Bylaw 2000 and Bylaw 100
Hearing Number:	Ruling # 02 2011/2012
Hearing Date:	June 21, 2011
DIE Board Panel Members:	Megan Mickalyk, Chief Tribune, Chair; Kelsey Norton, Tribune; Tim Mallett, Tribune

ISSUE

[1] Is the Chief Returning Officer (CRO) able to serve in other, remunerated positions with the Students' Union through the method provided by Bylaw 100(19)(4), or does Bylaw 2000(6) preclude the holding of such positions?

RELEVANT LEGISLATIVE PROVISIONS

[2] **From Bylaw 100:**

19. Conflict-of-Interest

(4) Neither any member of the Students' Union Executive Committee nor the Chief Returning Officer of the Students' Union shall apply for a remunerated position with the Students' Union unless the selection of that position is ratified by Students' Council

From Bylaw 2000:

6. Elections Staff Eligibility Requirements

(1) The Chief Returning Officer shall not concurrently hold any position of Students' Council or any of its boards and committees, the D.I.E. Board or the Students' Union's paid staff.

DECISION

[3] The Chief Returning Officer is unable to hold additional positions within the Students' Union, as it is contrary to Bylaw 2000(6).

THE FOLLOWING ARE THE REASONS OF MICKALYK, CHIEF TRIBUNE

[4] Nothing indicates that one Bylaw supersedes another. Consequently, the only interpretation that does not entirely invalidate either provision would be to uphold Bylaw 2000(6), which prevents the Chief Returning Officer (CRO) from holding additional positions within the Students' Union. Bylaw 100(19)(4) does not directly state that the CRO may hold additional positions, rather it dictates a requirement the CRO would have to meet before ever being able to serve in such positions. Although Bylaw 100 (19)(4) provides a method by which the CRO may hold a remunerated position, there is no valid situation whereby the CRO would be able to rely on this process, as the holding of such positions is inconsistent with Bylaw 2000(6).

THE FOLLOWING ARE THE REASONS OF NORTON, TRIBUNE

[5] I concur.

THE FOLLOWING ARE THE REASONS OF MALLET, TRIBUNE

[6] I concur.