

## **DIE Board Ruling 2012-1**

Hearing Details:

Style of Cause: Interpretation of Bylaw 0100(19)

Hearing Date: September 7<sup>th</sup>, 2012

Hearing Number: Ruling # 01 2012/2013

DIE Board Panel Members: Sean Wallace, Chief Tribune

Mary McPhail, Tribune

Roy Ho, Tribune

### **Issues:**

- [1] How do conflict of interests as outlined in Bylaw 0100 Section 19 affect quorum requirements in Students' Council meetings?
- [2] What is the meaning of "shall vote" in Bylaw 0100 Section 19?
- [3] What is the meaning of "relating to" in Bylaw 0100 Section 19?
- [4] Is there a distinction between executive and regular membership for the purposes of this bylaw?
- [5] How will Bylaw 0100 Section 19 be enforced?
- [6] If the mover of the motion is deemed ineligible due to a conflict of interest as outlined in Bylaw 0100 Section 19, is the motion deemed out-of-order?

### **Relevant Legislation:**

- [7] From Bylaw 0100(19)

*“No member of Students’ Council shall vote on a motion relating to a student group or organization of which he/she is a member unless that organization is a faculty association”*

**Decision:**

[8] The impact of Bylaw 0100 Section 19 has no effect on quorum requirements. That is to say, quorum requirements are not to be adjusted if a member is deemed ineligible to vote due to a conflict of interest.

[9] The Panel’s interpretation of the term “shall vote” is that an individual is compelled and will automatically abstain if they are deemed ineligible to vote due to a conflict of interest. The Panel agreed that “shall vote” is a binding term.

[10] The Panel’s interpretation of the term “relating to” is any direct connection between the student group and the motion. Note that this student group or individual in question need not directly benefit from the motion, as the bylaw implies that only an association between the two is necessary

[11] For the purposes of Bylaw 0100 Section 19, there is no distinction between executive and regular membership. Any individual who qualifies as a registered member of a student group relating to a motion may not vote.

[12] If it is determined that a councillor is ineligible to vote due to a conflict of interest as outlined in Bylaw 0100 Section 19, they will automatically abstain from the motion.

[13] A motion will not be ruled out-of-order if mover of the motion is determined to be ineligible to vote due to a conflict of interest. However, the mover will automatically abstain from the motion during the vote. There is no mentioning in bylaw regarding

a motion being ruled out-of-order because the mover is ineligible to vote in favour of the motion.