

DIE Board Ruling 2012-1

Hearing Details:

Style of Cause: Interpretation of Bylaw 2300(4)

Hearing Date: October 18th, 2012

Hearing Number: Ruling # 04 2012/2013

DIE Board Panel Members: Sean Wallace, Chief Tribune

Mary McPhail, Tribune

Drew-Jordan Maharaj, Tribune

Issues:

Should the first day of voting for the General Faculties Council (GFC) and Students' Council (SC) General Election occur fifteen days after the **first** or **second** day of the General Election of the Executive Committee and the Undergraduate Board of Governors Representative as set out in Bylaw 2300 section 4(1)?

Does fifteen days in Bylaw 2300 Section 4(1) refer to business days (i.e., excluding Saturday & Sunday)?

Do the dates for the GFC and SC election – March 21 & 22, 2013 – satisfy Bylaw 2300 Section 4(1)?

Relevant Legislation

From Bylaw 2300 Section 4(1):

“The [GFC and SC] election shall occur fifteen (15) days after the General Election of the Executive Committee and the Undergraduate Board of Governors Representative as set out in Bylaw 2200.”

[] From Bylaw 2200 Section 4(1):

“The [Executive Committee and Board of Governors] election shall be held annually on the Wednesday and Thursday during the second week following the Winter Term Reading Week.”

Decision

[] The Panel recognizes that Bylaw 2300 Section 4(1) is ambiguous with respect to “fifteen days after the... [Executive election]... as set out in Bylaw 2200, and thus is open to interpretation.

[] If one defines the GFC and SC election date as fifteen days after the **second** day of the Executive election, then the corresponding election dates for the GFC and SC election would be Friday, March 22, and Saturday, March 23, 2013.

[] The Panel agrees that the intention of Bylaw 2300 Section 4(1) was not to host an election day on Saturday, as a weekend day would be unsuitable for the electorate. The Panel recognizes that the CRO has discretion in this ambiguity to ensure greater opportunity to vote, and would be able to count fifteen days from the **first** Executive election day.

[] If one defines the GFC and SC election date as fifteen **business** days after the Executive election, then the corresponding election dates would be Thursday, March 28, and Friday, March 29, 2013.

[] Friday, March 29, 2013 is Good Friday, a statutory holiday with no University classes scheduled. The Panel agrees that election dates scheduled on statutory holidays would be unsuitable for the electorate.

[] The Panel acknowledges that the past GFC and SC elections had not used business days in determining an election date.

[] Based on past precedent and the practicality of avoiding weeks that potentially host statutory holidays, the Panel has determined that fifteen (15) days should not be considered business days only.

[] The Panel has determined that the dates for the GFC and SC election (March 21 & 22, 2013) satisfy Bylaw 2300 Section 4(1).