

## **DIE BOARD RULING 2012-06**

### **HEARING DETAILS:**

Style of Cause: Kelly (GSJS) re: Bylaw 3000

Hearing Date: November 27<sup>th</sup>, 2012

Hearing Number: Ruling #06 2012/2013

DIE Board Panel Members: Cian Hackett, Associate Chief Tribune, Chair  
Giselle General, Associate Chief Tribune  
Roy Ho, Tribune

Appearing for the Applicant: Brent Kelly, Undergraduate Board of Governors Representative

Witness: Ryan Bromsgrove, Editor-in-Chief and Publisher of The Gateway

### **BACKGROUND:**

Mr. Kelly provided a letter to the DIE Board from Mr. Ryan Bromsgrove, Editor-in-Chief and Publisher of The Gateway, asking the Board to interpret Students' Union Bylaw 3000, section 7(9)(a). The Gateway Student Journalism Society (GSJS) wished to know whether allowing undergraduate students to opt-out of Class C and D fees via email satisfies the requirement to implement an unconditional online opt-out. If it does not satisfy this requirement, the GSJS wished to know if the establishment of a server to process opt-outs would be the only method of satisfying Students' Union Bylaw.

During the hearing, Mr. Bromsgrove asked what mechanisms would or would not be considered an online opt-out. He also asked the panel to consider which organization would be responsible for the administration of the opt-out mechanism of Class C and D fees.

Mr. Kelly also asked whether opt-outs would have to be exclusively online in order to satisfy the aforementioned section of Students' Union Bylaw. He also asked the panel to consider how much of the process much be online.

### **ISSUES:**

[1] What does "online" mean to satisfy the requirement for an opt-out?

- [2] How much of the opt-out process must be online for it to satisfy Bylaw 3000, section 7(9)(a)?
- [3] If there must be an online opt-out, can there also exist a physical opt-out process?
- [4] Which organization would administer the opt-out process – the Students’ Union, the organization levying the fee, or another body?

**RELEVANT BYLAWS:**

- [5] **From Bylaw 3000, section 7(9):**

(9) Class C Fees and Class D Fees shall

(a) implement an unconditional online opt-out for the total amount of the fee;

**DECISION:**

[7] The Panel rules that an opt-out can only be considered as “online” if the submission occurs via an online mechanism, such as by email or an online submission form. The Panel also determined that an online opt-out option must be able to be completed fully online. As long as a fully online option is available, the administrative body may also elect to allow parts of the process to be completed offline, but the submission must be done online.

[8] The precise mechanism(s) of an online opt-out should be determined by the organization that administers the receipt of the requests to opt-out. As long as the mechanisms satisfy Bylaw 3000, section 7(9)(a), a student will only be able to opt-out by such a mechanism.

[9] The Panel finds Bylaw 3000 section 7(9) to be silent on who is responsible for administering the opt-out process. The Panel encourages the Students’ Union to consider whether or not it would like to define this in its bylaws.

[10] The Panel finds that it is outside the scope of the DIE Board to determine who should be responsible to administer the opt-out process, as this goes beyond the Board’s power to interpret Students’ Union Bylaw.