

University of Alberta Students' Union

STUDENTS' COUNCIL LATE ADDITIONS

Tuesday January 27, 2004 – 6:00 p.m.
Council Chambers 2-1 University Hall

- 2003-21/3 SPEAKERS BUSINESS
- 2003-21/3a Discipline, Interpretation and Enforcement Board Ruling #9
Please see document LA 03-21.01
- 2003-21/3b Discipline, Interpretation and Enforcement Board Ruling #8
Please see document LA 03-21.02
- 2003-21/8 APPROVAL OF STUDENTS' UNION BOARDS AND
COMMITTEES REPORTS
- 2003-21/8a Internal Review Board Minutes
Please see document LA 03-21.03
- 2003-21/10 LEGISLATION
- 2003-21/10l **PANDYA/WUDARCK MOVE THAT** Students' Council approve
the report of the Committee for Council Reform and Progress and
amend SU legislation accordingly (first reading/notice of
motion).
Please see document LA 03-21.04
- 2003-21/11 NEW BUSINESS
- 2003-21/12 REPORTS
- 2003-21/12a Undergraduate Board of Governors Representative
Please see document LA 03-21.05
- 2003-21/13 INFORMATION ITEMS
- 2003-21/13a Internal Review Board Minority Report
Please see document LA 03-21.06

2003-21/13b

2004/2005 Annual Councilor Seat Redistribution

Please see document LA 03-21.07

DECISION OF THE DISCIPLINE, INTERPRETATION,
AND ENFORCEMENT BOARD

CHRIS JONES versus STUDENTS' COUNCIL

Date:

Friday January 23, 2004

D.I.E. BOARD MEMBERS PRESENT:

Christopher Samuel, Chair

Ben Aberant

Stephen Congly

Kyle Kawanami

Michelle Kelly

APPEAL DETAILS:

Appellant: Chris Jones

Respondent: Students' Council

SUMMARY OF ALLEGATIONS AND RESPONSE:

Despite the complexities and history of this particular case, the substance of Chris Jones' complaint is that Students' Council's act to re-appoint Paul Reikie as the Councillor for the Faculty of Agriculture, Forestry, and Home Economics clearly violates Bylaw 100 Section 11e, which prevents a Councillor who has been expelled for poor attendance from being re-appointed to Council in the same academic year in which they were removed.

DECISION:

The Discipline, Interpretation, and Enforcement (D.I.E.) Board finds that Students' Council violated Bylaw 100 Section 11e when it re-appointed Paul Reikie as the Councillor for the Faculty of Agriculture, Forestry, and Home Economics.

RECOMMENDATION:

In accordance with Bylaw 1200 Section 3.c.v., it is the official recommendation of the D.I.E. Board that Students' Council reconsider its motion to re-appoint Paul Reikie as the Councillor for the Faculty of Agriculture, Forestry, and Home Economics at the next meeting of Students' Council since this motion clearly violates Bylaw 100 Section 11e.

Before Students' Council reconsiders this motion, the D.I.E. Board would like to encourage Council to familiarize itself with Decision #2, in which:

- Bylaw 100 Section 11 is interpreted according to its text to wit; that is, any Councillor who fails to attend (or have their proxy attend) three consecutive meetings is immediately suspended from Council, and at the meeting immediately following their suspension, the (suspended) Councillor is expelled from Council

unless Council moves to reinstate the (suspended) Councillor following a presentation by the (suspended) Councillor or a delegate.

- it is reaffirmed that no body within the Students' Union (not the D.I.E. Board or Students' Council) has the ability to grant any exemption to anyone from any of the Students' Union's constitution articles, bylaws and policies, or the ability to strike down, or violate, any of the Students' Union's constitution articles, bylaws and policies outside of the parameters set out in Articles V and VI of the Constitution.

The Discipline, Interpretation and Enforcement (D.I.E.) Board functions as the judicial branch of the Students' Union, and is responsible for interpreting and enforcing all Students' Union legislation. If anyone has any questions regarding the D.I.E. Board, feel free to contact the Chair, Chris Samuel, at dieboard@su.ualberta.ca

DECISION OF THE DISCIPLINE, INTERPRETATION,
AND ENFORCEMENT BOARD

STEVE SMITH versus EXECUTIVE COMMITTEE, STUDENTS' UNION

Date:

Friday January 23, 2004

D.I.E. BOARD MEMBERS PRESENT:

Christopher Samuel, Chair

Ben Aberant

Stephen Congly

Kyle Kawanami

Michelle Kelly

APPEAL DETAILS:

Appellant: Steve Smith, Councillor, Faculty of Business

Respondent: Executive Committee, Students' Union (represented by Mat Brechtel, President)

SUMMARY OF ALLEGATIONS AND RESPONSE:

Steve Smith contends that the Executive Committee acted illegally by implementing the motion, which was approved by the Committee at its meeting on November 24 2003, to spend \$10,350 from the project reserve on the tuition campaign on the grounds that any money transferred from any reserve account must first be approved by a two-thirds majority of Students' Council, pursuant to Bylaw 3100 Section 17.

The Executive Committee, however, believes that since this motion was included in its report to Students' Council and since this report was approved, unanimously, by Students' Council at its meeting on January 6 2004, the motion to spend \$10,350 from the project reserve, by default, was also approved.

DECISION:

When Students' Council approves the report from the Executive Committee, it also approves the actions of the Committee- but only those specific actions that fall within the jurisdiction of the Committee. Acts which explicitly require Students' Council's approval must be separated from the Executive Committee report and can only be in effect once the appropriate approvals have been achieved. The jurisdiction of the Executive Committee and Students' Council is described throughout the Students' Union's legal framework (i.e. the constitution, bylaws, and policies), as are the approval mechanisms that certain motions require.

According to Bylaw 3100 Section 17, transfers from the project reserve require the approval of two-thirds of Students' Council. Since the motion to spend \$10,350 from the project reserve was not separated from the Executive Committee report, was not discussed as an independent item of business on the agenda of Students' Council, failed

to receive the necessary approval of two-thirds of Students' Council, and since the Executive Committee has already spent this money, the Discipline, Interpretation, and Enforcement (D.I.E.) Board finds the Executive Committee to be in violation of Bylaw 3100 Section 17.

RECOMMENDATION:

The D.I.E. Board strongly believes that violating financial rules is one of the worst crimes that can be committed and harshly criticizes all parties involved that allowed such a careless mistake to be made- especially the Executive Committee. As such, the D.I.E. Board is formally issuing one of its severest penalties: the Executive Committee of the University of Alberta Students' Union is to be censured. In addition, at the next Students' Council meeting, the Executive Committee, represented by the President, must issue a public apology and then submit that apology in writing to the Speaker for it to be included in the minutes.

The D.I.E. Board also encourages all Students' Union officials, from managers to Executive Committee members to Student Councillors, to be fully aware of all financial rules in order to prevent such a serious offense from re-occurring.

The Discipline, Interpretation and Enforcement (D.I.E.) Board functions as the judicial branch of the Students' Union, and is responsible for interpreting and enforcing all Students' Union legislation. If anyone has any questions regarding the D.I.E. Board, feel free to contact the Chair, Chris Samuel, at dieboard@su.ualberta.ca

Attendance:
Chris Jones
Steve Smith
Mustafa Hirji
Chris Samuel

Missing:
Mat Brechtel
Josh Bazin
David Wepler

Call to Order: 5:07pm

Election of a Chair

Smith nominates Harlow
Harlow accepts

Harlow is elected chair (4/0/0)

U-Pass referendum

The External Affairs Board asks Council to direct IRB to draft a referendum question, that will be put before students in a binding referendum regarding the U-Pass to follow the following principles:

1. The question shall be in the form of a binding referendum, not a plebiscite
2. The U-Pass fee shall be a maximum of \$60/semester
3. That the effect of an affirmative vote shall expire in the April 30th occurring at least two years, but not more than three years, from the date of passage
4. That there be no inclusion of Spring/Summer term fees
5. That there be an opt-out for any student who is unable to access transit services due to disability
6. That there be an opt-out for any student not residing in a municipality whose transit system is participating in the U-Pass program
7. That there be an opt-out for off-campus students

[Smith started to write a question on the whiteboard]

Jones asked why there was “would would” in Smith’s question
Smith responded that he was scared Council would strike one of the “woulds” and he wanted another one there, just in case.

Smith (under his breath): It’s a lot harder to sneak stuff past Council now that you have to layout the principles up front.

Samuel and Jones shared an evil laugh, the sum of which was more than it's part.

[*General hackish talk ensued*]

[*Steve came up with a question that looked like:*]

Do you support the establishment of a Universal Bus Pass subject to the following conditions:

- 1.) That the pass would provide unlimited access to participating transit systems during the Fall and Winter terms
- 2.) That the pass would cost a maximum of \$60.00 per student per Fall or Winter term
- 3.) That the pass would be mandatory for all undergraduate students except
 - a. Student not residing in a municipality served by a participating transit system;
 - b. Off-campus students; and
 - c. Students who, by reason of disability, are unable to make use of ordinary transit services
- 4.) That this referendum would take effect as soon as is possible; and
- 5.) That this referendum would expire April 30, 2006.

Jones: I think four should be "this referendum would bind the Students' Union to enter into an agreement on the terms outlined in this referendum as soon as possible".

Samuel: I want to say "with participating transit systems". Also, we could theoretically say we're a Hack Club 7 transit system that services Edmonton, couldn't we?

Smith: We should also say "municipal" to help define the transit provide.

Samuel: I also think we should have it so that it says "costs *students*"

Jones: Other than the fact that I think this is illegal, I like it.

Hirji: It has my approval, except that it's a terrible idea.

Harlow: Hold on, we're missing the part at the top that says we must amend the Constitution.

Jones: We don't have to. As soon as an agreement is reached, Council can attach that part to Article VIII in three readings (or two, once we're done).

Harlow: But that's madness! We shouldn't have to go back and ask Council what it thinks about it!

Hirji: Also, the PSL Act binds us a certain way, as well.

Harlow: OK, I'm satisfied.

Smith: So, if you're not going to rule it out of order [*signaling to Harlow*] and you're not going to take it to DIE Board [*signaling to Jones*] then we should be okay.

Hirji: I will probably oppose this in the referendum.

Smith: I know but that's political. As long as we're okay legally, I'm happy.

Jones: Although I think I will send a minority report to Council that I think this is illegal under the new legislation.

Smith: Why?

Jones: Because I think that the only thing we can collect fees for is "for the maintenance of the student organization", and this is manifestly not for the maintenance of the student organization.

Harlow: I think that question has been addressed by the legal opinion. We have already had a lawyer look at that and say that the courts will interpret "maintenance of the student organization" in as broad terms as possible.

[More discussion (by clearly unqualified individuals) about legal issues surrounding DFUs]

Harlow: Hold on. If Jones wants to put together a minority report, he certainly doesn't need our consent to do it. If anyone wants to help him, have at'er.

Smith/Jones moved that the Internal Review Board recommend to Students' Council that it adopt the following wording for the referendum regarding the Universal Bus Pass:

Do you support the establishment of a Universal Bus Pass subject to the following conditions:

- 1. That the pass would provide unlimited access to participating municipal transit systems during the Fall and Winter terms***
- 2. That the pass would cost each student a maximum of \$60.00 per Fall or Winter term***
- 3. That the pass would be mandatory for all undergraduate students except:***
 - a.) Students not residing in a municipality served by a participating municipal transit system;***
 - b.) Students not attending courses on the University of Alberta campus;***
and
 - c.) Students who, by reason of disability, are unable to make use of ordinary transit services***
- 4. That this referendum would bind the Students' Union to enter into an agreement on the terms outlined in this referendum as soon as possible; and***

5. That this referendum would expire April 30, 2006.

[The board, at this point, degenerated into discussion on whether or not Jones could vote in favor and still submit a minority report]

*[The board then felt the need to chastise the recording secretary (**Samuel**) on his motion, which would simplify and strengthen the political policy structure]*

[Harlow then discussed his plans on how he was planning on “reigning in” Council]

Unanimously Carried (4/0/0)

Jones: I'll be submitting a minority report expressing doubts about the legality of the motion.

[At this point, Harlow left, quorum was lost, and the committee adjourned]

Harlow: Alright, gentlemen, this subcommittee of Hack Club 7 stands adjourned.

Jones/Smith moved to adjourn

Failed (1/3/0) Opposed: Jones, Hirji, Samuel

Election of a new chair

Jones nominates Hirji

Declined

Jones nominates S. Murray “Steve” Smith

Accepted

S. Murray “Steve” Smith is ‘elected’ chair.

Informal Discussion:

[A list of stuff to talk about was created. Here are the contents of that list:]

-Exec/GM

-Finance/Conduct

-Fees

-Election Bylaws * (Urgent!)

-Exec/Non Exec character

-What does budget approval mean?

-Recall mechanisms

-GFC, BoG, Senate, etc.

[At this point, Samuel started talking on Messenger. Much important discussion was had, but it wasn't minuted. Not that it matters, because nobody reads this minutes anyway. In

*fact, I could swear in these minutes, and no one would notice: fuck! Hahahaaha....
whatcha gonna do about it? Nothing!]*

[At this point, Harlow and Kotovych entered the room. Quorum was reached. There were 6 out of 7 Hack Club 7 members. Life was grand.]

Hirji/Smith moved that IRB adopt the reallocation of Council seats for 2004-2005, the effect of which is to increase the number of Business and Ag For seats by one (1) and reduce the number of Education, Medicine and Dentistry seats by one (1).

Carried (4/0/0)

Smith/Samuel moved to adjourn.

**Carried (2/2/0) Opposed: Jones, Hirji
Chair breaks tie by voting in favor**

[Discussion over legality of chair breaking the tie. Everyone left to go catch a movie.]

Council Reform and Progress Recommendations

1. Legislation (less committee structure)

- **By-law 100**
 - Proxies
 - Approved ideas
 - Move to a separate new by-law called “Duties of Councillors by-law” (3-0)
 - Attendance
 - Approved ideas
 - Move to a separate new by-law called “Duties of Councillors by-law” (3-0)
 - Composition of council (rep by pop, group or both)
 - Approved Ideas
 - Remove the RHA and UAB as voting members (7-0)
 - Clean up (Section 19-21 provisions)
 - Approved Ideas
 - Remove Public Meeting from By-laws (3-1)
 - Move Frequency of meetings to Standing Orders (4-0)
 - Remove limitation on appoint proxy members to vacant positions (4-0)
 - General
 - Approved Ideas
 - De-legislate the Recording Secretary (3-0)
 - Transfer responsibility for determining the allocation of faculty seats from IRB to the CRO (3-0)
 - When allocation faculty seat, use Full Time equivalents for numbers (3-0)
- **Changeover Bylaw 200**
 - General
 - Approved Ideas
 - Adopt the standard order of business for the 1st meeting with the addition of the Inaugural addresses and Installation of new members (3-0)
 - Make by-law 200 part of by-law 100 (3-0)
 - That all orders of business be moved to standing orders (3-0)
 - That the changeover meeting no longer be considered to be one meeting with two sessions but two distinct meetings. (3-0)
 - That the inauguration of new Councillors be removed from the last meeting of the old Council (3-0)
 - Require that prior to installation there must be a report from the CRO verifying the legitimacy of the official (3-0)
 - Require that prior to installation the official must take the oath of office (3-0)
 - If the past President cannot preside over the inauguration then the past Speaker will. (3-0)
 - That the Orders of the Day for the final meeting exclude Old Business, Legislation, Presentation, New business (except Joke motions) (3-0)
- **Officers of Council By-law 300**
 - Office of the Speaker (Budget for Council)
 - Approved Ideas
 - There will be a Council budget controlled by the Speaker (6-0)
 - The Speaker will Report to Council not the President (6-0)

- The Speaker will have access to sufficient administrative support to carry out the logistical requirements of Students' Council (6-0)
- That the duties of the Speaker be updated to reflect current duties, to removed spent functions and eliminate redundancy (3-0)
- Elected speaker, legitimacy of Speaker
 - Approved Ideas
 - Have Council directly elect the Speaker (4-1)
 - New process for electing Speakers (4-0)
 - Advertisement in Gateway
 - Nomination must be submitted ahead of time, no nominations from the floor
 - Any candidate must be nominated by 1 member of Council
 - A summary of Qualifications will be provided to SC for each candidate.
 - There will be Speeches at Council by candidates
 - There will be a scenario Question and General Questions period
 - The Speaker may be dismissed by a simply majority vote at a meeting of Students' Council, a motion to this effect must be entered on the Order paper. (3-0)
- Elimination or Recording Secretary
 - Approved Ideas
 - The position of Recording Secretary will be deregulated (5-0)
- General
 - Approved Ideas
 - That by-law 300 become part of by-law 100 (3-0)
 - That the only qualification for eng Speaker be that they are an undergraduate student (3-0)

Why CCRAP Is Wrong (Again)

BOG Rep Report to Council – January 27, 2004

A recent CCRAP meeting attended by four people has recommended to Council that the BOG Rep position be scrapped, and that the seat be allocated to the VP (Academic). Unlike IRB, CCRAP did not even endeavour to solicit feedback from those who have sat on the Board. What follows is an excerpt from my July 2003 submission to IRB on the position of BOG Rep (with several additions), and my response to the arguments posed on the webboard by Gregory Harlow on January 19, 2004. The recent BOG meeting has only reaffirmed my belief that an independent Board representative is beneficial, and that we should be pursuing two-year terms for those who sit on the Board.

Excerpt from “The Position of ‘U of A Board of Governors Undergraduate Representative”

5. Length of Term

The student representatives on the Board of Governors are appointed for one year terms. In many respects, this is too short. With a steep learning curve, by the time a Board representative learns the system and many of the issues and establishes a credible presence, her term is over. This cycle repeats every year, preventing any sort of continuity, growth in expertise, or institutional memory. This is especially evident in contrast to other Board members, who are appointed for three-year terms with possibility of a renewal. Although stagnation should be avoided and fresh ideas are highly beneficial (and one of the greatest strengths of student representation), high turnover can ultimately weaken the students' position. Should the Board decide to strike an ad-hoc committee mid-way through the year (as seen at the last Board meeting, with the proposal brought forward by the Chancellor), having effective student representation becomes very problematic. A two-year term for our Board Rep would be preferable to the status quo.

7. Procedure for Selecting the BOG Rep

Students' Council nominates two undergraduate students for appointment to the Board of Governors. As it stands, those reps are the SU President and a student-at-large selected during the SU general elections. Our Board members should continue to be selected in this manner (although the Students' Union representative doesn't necessarily have to be the President), or both reps should be selected independently in overlapping two-year terms.

Some would advocate electing both representatives in the manner of the BOG Rep. This would be similar to the elected academic representatives on the Board, and would balance the inequality between the two students. This idea is preferable to giving both seats to the exec. However, there is something to be said for the weight of the SU name and the Presidential position, and maintaining one SU seat on the Board.

Granting the second Board seat to another SU Executive would provide the benefit of having two Board members who spend their days being paid, full-time representatives. The belief is that this rep would have more time to devote to his duties as part of his job than a volunteer BOG representative. Nevertheless, such a change would be a very bad idea. Fully consolidating student representation on the Board within the Students' Union executive is little different from consolidating Council seats within Faculty Association executives. This is something that has been acknowledged as being a bad idea and should not be replicated at the Board level.

The time issue is a double-edged sword. True, SU Executives are paid to be full-time representatives of student issues. On the other hand, they are very busy with other duties and responsibilities and often have to balance their priorities. There is a very real possibility that Board representation could suffer if added to an executive's already-loaded agenda.

Representatives of the Students' Union theoretically should always act in the best interests of students, but it's not that simple. They have two priorities: 1) the interests of students; and 2) organizational concerns relating to the Students Union. These two priorities can sometimes come in conflict. A prime example is the potential threat under Bill 43 to the SU's ability to levy mandatory fees. Mandatory fees are clearly in the best interest of the organization, and without this power the organization would suffer. But are mandatory fees necessarily in the best interests of students? Maybe not. We like to think that the SU brings benefit to students whether they know it or not, but the same debate over mandatory fees has taken place in the context of Faculty Associations and their relevance to students. This is just an example. Without entering a debate on the merits of mandatory fees and the usefulness of the SU and Faculty Associations, the BOG Rep can focus solely on University and student concerns (which are rightfully paramount) without the baggage of SU organizational concerns.

Students' Union political policy creates predictability on the Board and limits the flexibility of student representation. This problem would only be compounded by giving the second seat to an executive. Political policy leaves little room for compromise. According to the GSA President, GSA bylaws allow for committee reps to bend on policies if they believe that they can ultimately achieve a better result for students in doing so. The Students' Union does not have the same provision. If one were to bind both representatives to SU political policy, one may as well just effectively scrap the second seat and give two votes to the President.

As the BOG Rep currently has a seat on GFC, granting the seat to the VP (Academic), who already sits on GFC, would potentially remove a student voice from General Faculties Council.

Changing the election process would limit the talent pool for Board of Governors selection. Currently, the Board representative is able to remain a full-time student. Giving the seat to another executive would limit our potential Board talent to those students who are able and willing to give up a year to work for the Students' Union. Furthermore, the current process allows for better vetting of candidates. A candidate for the BOG position is judged solely on his competence to represent students on the Board

of Governors. This is much more transparent and focused than simply giving the seat to an executive who is selected based on much-broader criteria and whose strength on the Board may not be as closely examined during the election. The talents required for the BOG and those required for the executive are not the same.

The SU President carries not only the baggage of Students' Union organizational concerns, but also the reputation and credibility of the SU. He needs to be concerned about the effects of actions on the Students' Union for the future. The BOG Rep is only around for a year and can thus afford to be more vocal on issues.

A certain inequality exists between the two student Board reps. The administration will more likely speak to the SU President and include him in formal discussions than the BOG Rep. This, however, is not a product of sitting on the Board, but rather a normal function of the President's position within the Students' Union. This same situation would exist with two execs on the Board.

In the last few years, the BOG position hasn't been as highly contested as some of the other positions. This is largely a factor of the low profile that the position has had in the past. Throwing the position into another executive's portfolio would do nothing to improve the situation. The solution to the problem is to RAISE the profile of the position, NOT to scrap it entirely. Students' Council and councilor elections have been nearly invisible in years past. Was the solution to this problem to simply give up, see it all as an inconvenience, and let Faculty Associations appoint all seats, or to continue letting the exec run the show? No. Discussions have taken place on how to improve the profile of Council, ideas ranging from councilor election budgets to providing support from an Office of the Speaker to creating a Councilor office to granting councilor budgets. Why would we move in the opposite direction for the BOG Rep? The profile for the BOG will not be improved by scrapping the office, scrapping office hours, having no budget allowance, removing the Council seat, and so on. Convenience is not an acceptable answer.

The current system, in addition to avoiding the numerous problems seen in the alternative plans, allows for student input and perspective both from within and outside the Students' Union organization. The BOG Rep is ultimately still accountable to students and the Students' Council that nominates him. Having an independent BOG Rep increases the likelihood of having at least one rep for whom the Board is top priority. And when reps disagree, different perspectives will be presented and students are able to properly evaluate the effectiveness of alternative approaches in dealing with the Board. Although the instinct may be to consolidate student representation within the Students' Union, the example of academic representatives on the Board (who are elected independently and are not drawn from the Academic Staff Association of the University of Alberta) shows that this need not be the case.

Ultimately, it would be completely unacceptable to alter the selection process for our BOG Rep, our President, or any other representatives, based on a desire to see the prominence of a particular political ideology.

Response to Gregory Harlow on the SU Webboard (<http://webboard.su.ualberta.ca/viewtopic.php?t=1820>)

I don't have time to go into great detail here. Here's hoping Mr. Speaker will be fair and impartial in tomorrow's debate. ☺

Gregory Harlow wrote:

1. The biggest reason is that the BoG rep tends to see themselves first and foremost as a member of the board and therefore having the duty to do what is best for the university.

What, exactly, are you basing this on? Yes, BOTH student reps (and the NASA rep, and the Academic reps) are LEGALLY OBLIGATED to act in the best interests of the University while representing the interests of their constituencies. The fact that the "President on the other hand seems more inclined to do what is best for students" assumes:

- a) That the President knows what's best for students.
- b) That there is only one perspective on what is best for students.
- c) The President won't put the interests of the SU above those of students.

Besides, coming in with the label "representing the SU" isn't always beneficial. It lends and aura of inflexibility to our representation.

Quote:

Undergraduate students are not well served by having their two representatives espousing different points of view on the board.

Different points of view are a good thing, Gregory. Besides, you still haven't given a single example of why the status quo is bad.

Quote:

2. The VP Academic is the natural person to give the position to because they are already tied into the university governance structure and generally have the opportunity to deal with all the issues that eventually reach the Board of Governors at a lower committee level. Indeed, often the VP had a better chance of changing things before they get too high up in the process after which the rubber stamps come out and little change is possible.

The VPA will still be able to effect change at a lower level, and if nothing can be changed at a higher level, then having the VPA there is irrelevant. If we're going to grant a representational monopoly to the SU, we might as well scrap our SALs on GFC Exec, FDC, APC, and every other committee.

Quote:

3. A paid executive officer has a better opportunity to make the most of the position as opposed to a volunteer who generally must manage the position on top of full time studies and job. If we think the position is important, then we should treat it like it is and actually give the person performing it some resources to work with. While this could be accomplished simply by paying the BoG rep, it makes fiscal sense to incorporate it into the existing structure and there by avoid having to provided another salary from the already stretched treasury.

So, on the one hand, you're saying the BOG is at a position where they can't affect change, and on the other hand you're saying it's important enough to get paid for? Which is it? All you're going to do is bury it in an overloaded portfolio (and no matter how much you redistribute the responsibilities, the exec will always be overloaded), giving it to someone who may not necessarily want it or be best suited for the position. And the "they don't get paid, so they don't have time to devote" argument is thin at best: if that's the case, then all our councillors (who are unpaid) must by definition be incompetent, and as such aren't really good representatives for the general will of students.

Question: how much have you heard about any BOG subcommittees that Brechtel has worked on?

Quote:

5. The Election for BoG rep is unsatisfactory at best. I've never seen more than two people run for the position at one time and sometimes we don't even have that.

Gregory, two years does not make a pattern. When Curran ran for President, four people ran for BOG Rep. Should we scrap the position of President because we had two years where it was Church/McNulty and Samuel/Harlow? Or scrap the VPA and VPOF positions because Amy and Jamie ran unopposed?

Quote:

Moreover, even when we do have two people run, generally one of the candidates is consider to be unelectable (and that is putting it kindly).

That is a matter of perspective.

Quote:

6. Elections simplicity. The more people you have to elect, the less interested people tend to be.

You think the difference between five and six will drive people away?

Quote:

This both helps to refocus attention on the main race which consists of the five executives and eliminates the expense of running of BoG rep position each year.

BOG Rep is the most thoroughly vetted of all the positions. It is decided purely on the basis of who is most competent for the Board, rather than dealing with dozens of related portfolio issues. If anything, mixing it in with the VPA will reduce the profile of the Board representation.

Roman

"We need a series of coordinated jerks." - Roman Kotovych (Team Social Engineering), at the Engg Week Tug-of-War

Respectfully submitted,

Roman Kotovych
Undergraduate Board of Governors Representative

From: Chris Jones [mailto:cdjones@ee.ualberta.ca]
Sent: Tuesday, January 27, 2004 1:58 AM
To: David Weppler; Josh Bazin; Mustafa Hirji; Chris Samuel; Greg Harlow;
Steve Smith; Mat Brechtel
Subject: IRB Minority Report

While I concur that the motion drafted by IRB reflects the intent put forth by Students' Council, I feel obligated to advise Council that the fee contemplated by this referendum (and, indeed, most of the SU's dedicated fees) may appear to be outside of the scope of the SU's authority under the current Universities Act and the upcoming Post-Secondary Learning Act.

The PSL Act authorizes Council to "make bylaws governing ... (e) [...] the maintenance of the [SU] by the levy of membership fees on its members [...]". That is, in order for the SU to collect the mandatory fee for the U-Pass or any other dedicated fee, the fee must contribute to the maintenance of the Students' Union. I am unable to find a coherent definition of the term "maintenance" which would encompass the proposed arrangement.

This issue arose with respect to dedicated fees in the 2001 -- 2002 year, in which the Students' Union executive commissioned an opinion from legal counsel as to the responsibility Council held for oversight of dedicated fees. Bearing in mind that the report was commissioned for a specific purpose, had substantial input from the executive of the time, and that the report only briefly touched on the issue of whether Council is authorized to collect mandatory fees for third parties (in fairness, I should note that counsel felt that courts might decide that "maintenance" encompassed whatever Council determined it to mean), I would strongly recommend that Council specifically investigate the question of whether it is authorized under the Post-Secondary Learning Act to collect mandatory fees for the benefit of third parties, and if so, whether there are any limits to this power.

This investigation need not impede the progress of the referendum, but should occur prior to the implementation of any new dedicated fee which is not clearly intended for the Students' Union's own uses.

Respectfully submitted,

Chris Jones
Internal Review Board

Scenario #1 (Status Quo)

Faculty	# Students	Base Seats	Base Seats	No Fac < 1 seat	Largest Remainder Seats	Final Seats	Student/Seat
Argic/Forest/HomeEc	2690	2.036	2			2	1345
Arts	11713	8.866	8		1	9	1301
Business	3671	2.779	2		1	3	1223.666667
Education	6259	4.738	4			4	1565
Engineering	6277	4.751	4			4	1569
Law	1036	0.784	0	1		1	1036
Medicine & Oral Health Sciences (M	1848	1.399	1			1	1848
Native Studies	435	0.329	0	1		1	435
Nursing	2780	2.104	2			2	1390
Open Studies	2333	1.766	1		1	2	1166.5
Pharmacy	1759	1.331	0	1		1	1759
Physical Education	881	0.667	0	1		1	881
Rehab Medicine	648	0.491	0	1		1	648
Faculte Saint-Jean	971	0.735	0	1		1	971
Science	12184	9.223	9			9	1353.777778
Total number of student	55485			6			
Total number of seats	42		33	39		42	Average
Threshold	1321.071429						1232.825926
Ex-Officio							
President			1				
VP Academic			1				
VP External'			1				
VP Operations and Finance			1				
VP Student Life			1				
Undergraduate Board of Governors Representative			1				
Residents' Hall Association President			1				
University Athletics Board Representative			1				