

# STUDENTS' COUNCIL

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Tuesday March 15, 2005 – 6:00 p.m.  
Council Chambers 2-1 University Hall

## ORDER PAPER (SC 2004-24)

- 2004-24/1      CALL TO ORDER
- 2004-24/2      University of Alberta CHEER SONG "*Ring Out a Cheer*"
- 2004-24/3      SPEAKER'S BUSINESS
- 2004-24/4      APPROVAL OF THE ORDERS OF THE DAY
- 2004-24/5      PRESENTATIONS
- 2004-24/6      REPORTS
- 2004-24/7      QUESTION PERIOD
- 2004-24/8      EXECUTIVE COMMITTEE REPORT  
Please see document SC 04-24.01
- 2004-24/9      BOARD AND COMMITTEE REPORTS
- 2004-24/9a      Discipline, Interpretation and Enforcement Board Report  
1.    DIE Board Ruling #7 – March 7, 2005 (Reference: Jones v. Chief  
      Returning Officer).  
Please see document SC 04-24.02
- 2004-24/10     OLD BUSINESS
- 2004-24/10a    **MOTION BY LAW, RESOLVED THAT** Students' Council appoint Alisha  
Wennekamp to the vacant Student-at-Large seat CREFC for the remainder of  
the 2004-2005 year.
- 2004-24/10b    **MOTION BY LAW, RESOLVED THAT** Students' Council nominate a member of  
Students' Council to sit on the Budget Committee for the remainder of the  
2004-2005 year.
- 2004-24/10c    **MOTION BY LAW, RESOLVED THAT** Students' Council nominate a member of  
Students' Council to sit on the Access Fund for the remainder of the 2004-2005  
year.

- 2004-24/10d**      **MOTION BY BLATZ, RESOLVED THAT** the document "Health Plan Memorandum of Agreement" that was sent to Students' Council on January 11, 2005, be recalled and classified as confidential due to third party business considerations.
- 2004-24/10e**      **MOTION BY BLATZ, RESOLVED THAT** Students' Council amend Standing Orders to include the following list of strictly confidential documents.
- Please bring supporting documentation from the March 8, 2005 meeting of Students' Council.
- 2004-24/11**      **LEGISLATION**
- 2004-24/11a**      **MOTION BY SMITH/KIRKHAM MOVED THAT** Students' Council on the recommendation of the Committee for Council Reform and Progress repeal Article XIV – Vacancies (second reading).
- Please bring backup documentation from the January 18, 2005 meeting of Students' Council.
- 2004-24/11b**      **MOTION BY SMITH, RESOLVED THAT** Students' Council repeal Article XIII of the Students' Union Constitution (first reading).
- Please bring backup documentation from the February 8, 2005 meeting of Students Council.
- 2004-24/11c**      **MOTION BY LAW, RESOLVED THAT** Students' Council, rescind Article V of the Students' Union Constitution (first reading).
- Please bring backup documentation from the March 8, 2005 meeting of Students Council.
- 2004-24/11d**      **MOTION BY LAW, RESOLVED THAT** Students' Council, rescind Article XVI of the Students' Union Constitution (first reading).
- Please bring backup documentation from the March 8, 2005 meeting of Students Council.
- 2004-24/11e**      **MOTION BY LAW, RESOLVED THAT** Students' Council, rescind Article VIII of the Students' Union Constitution (first reading).
- Please bring backup documentation from the March 8, 2005 meeting of Students Council.
- 2004-24/11f**      **Bill #24 – Recall (sponsor; SMITH)**  
Principles (first reading)
1. That any member of Students' Council may be recalled by a petition to that effect bearing the names and student identification numbers of a majority of the students eligible to vote for that member's position.
  2. That any member of Students' Council can be compelled to contest his/her seat in a by-election by a motion to this effect carried by a two thirds majority vote of Students' Council at three consecutive meetings of Students' Council.
  3. That the Students' Union will recommend that any Undergraduate Board of Governors representative who is removed from Students' Council also be removed from the Board of Governors.

4. That the Students' Union will recommend that any person removed from the position of President also be removed from the Board of Governors.

**2004-24/11g Bill #25 – Dedicated Fees Reform (sponsor; LAW)**  
Principles (first reading)

Please see document SC 04-24.03

**2004-24/11h Bill #26 – Constitutional Repeal (sponsor; LAW)**  
Principles (first reading)

1. That all remaining substantive law contained in constitutional articles not otherwise being rescinded or transferred with other motions be transferred to bylaw.

2. Faculty of Augustana Students pay the part time Students' Union fee;  
a. assessed at 50% for the 2005-2006 academic year only.

**2004-24/12 NEW BUSINESS**

**2004-24/12a MOTION BY NICOL, RESOLVED THAT** Students' Council:

- a. appoint a councilor to fill a vacant position on the Audit Committee,
- b. appoint a member of the committee as an interim chair,
- c. direct the Audit Committee to immediately select a new chair.

**2004-24/12b MOTION BY BAZIN, RESOLVED THAT** Students' Council appoint one councilor to the Budget Committee and the Audit Committee.

**2004-24/12c MOTION BY KIRKHAM/KELLY, ORDERED THAT** Students' Council direct the Executive Committee to make all Students' Union owned and/or operated businesses non-smoking establishments no later than 1 April 2005.

**2004-24/12d MOTION BY KIRKHAM, ORDERED THAT** the meeting schedule for the 2004/2005 academic year be amended as follows:

- a. The 22 March 2005 meeting of Students' Council be cancelled.
- b. The 5 April 2005 meeting of Students' Council be rescheduled for 29 March 2005.
- c. The 26 April 2005 meeting of Students' Council be reschedule for 12 April 2005.

**2004-24/12e MOTION BY KIRKHAM/KELLY, ORDERED THAT** Students' Council direct the Executive Committee to make all Students' Union owned and/or operated businesses non-smoking establishments no later than 1 April 2005.

**2004-24/12f MOTION BY LEWIS, RESOLVED THAT** Students' Council appoint a member to sit on the External Affairs Board, the Internal Review Board, and the Gateway Student Journalism Society for the remainder of the 2004-2005 year.

**2004-24/13 ANNOUNCEMENTS**  
**2004-24/13a Next Council Meeting**

UPCOMING  
COUNCIL  
MEETINGS

March 22, 2005  
April 6, 2005

**2004-24/14 INFORMATION ITEMS**

**2004-24/14a**

Proposed Article VIII from the August 10, 2004 meeting of Students' Council.

Please see document SC 04-24.04

Executive Committee Report to Students' Council March 15, 2005  
Motions

1. **There were no motions were passed at the March 2, 2005 Executive Committee Meeting.**
  2. **There were no motions were passed at the March 4, 2005 Executive Committee Meeting.**
  3. **The following motion was passed at the March 9, 2005 Executive Committee Meeting.**
    - a. TAYLOR/BLATZ MOVED THAT the Executive Committee approve the removal of the Health Plan Memorandum of Agreement from the SU website effective the close of voting for the 2005 SU Election and that the contract be classified as sensitive.
- VOTE ON MOTION            4/0/0 CARRIED

Discipline, Interpretation and Enforcement Board Report to Council March 15, 2005

The following rulings have been made by the DIE Board:

**Ruling of the Discipline, Interpretation, and Enforcement Board**

*Jones v. Chief Returning Officer*

**Date Heard:**

March 7, 2005

**Members of the D.I.E. Board Present:**

Alex Ragan, Chairman

Mark Rogers

Catherine Lepine

**Appearing For the Appellant:**

Chris Jones

**Other Parties Respondent:**

Dane Bullerwell, Chief Returning Officer

**Facts**

The facts of this case are set out in the Chief Returning Officer's Ruling #4, 2005. This ruling is attached to these reasons.

**Issue**

The Appellant submits that the punishment issued by the Chief Returning Officer (Respondent) was insufficient to serve the remedial and penal purposes of Bylaw 2400. The Appellant requests additional sanctions on the infringing party, namely a \$100 fine and the disqualification of the "Yes" campaign manager.

**Decision**

The DIE Board feels that some deference to the Chief Returning Officer is necessary when reviewing his decisions. This is required to ensure that the decisions of the CRO remain an important facet of the electoral process as envisioned in bylaw 2400. Moreover, this is appropriate given the CRO's specific knowledge of the facts in question and their relevant context. Finally, it serves the purpose of judicial efficiency by ensuring that insignificant matters are not appealed to DIE Board.

The DIE Board feels that the penalty issued by the CRO is both remedial and punitive. A purely remedial measure would have entailed preventing Safewalk members from minding Health Referendum "Yes" side tables. Preventing *all* "Yes" side members from minding tables, therefore, went beyond a remedial measure and was punitive. The DIE Board believes this to have been an appropriate remedy.

The DIE Board believes that the removal of the "Yes" side campaign manager would be excessive in these circumstances. Such a remedy should be reserved to where there was a

flagrant violation that can be shown to have significantly impacted the election. This does not appear to be the case in this instance.

The DIE Board believes that the Appellant's submission that the fine should be increased has some merit. Although the CRO clearly believed that a monetary fine was appropriate so as to deter future violations, he placed the fine at only \$10. The DIE Board believes this amount to be an inadequate deterrent and punishment. So as to better carry out the purpose of deterrence, the DIE Board believes that this fine must be increased. Moreover, the DIE Board believes the "Yes" side campaign manager had been sufficiently warned against this specific conduct so as to warrant a greater punishment in this case. In determining the appropriate level for the fine, the DIE Board considered that some deference to the CRO's decision was appropriate but that the original fine was insufficient to deter similar future conduct and punish the conduct in this case. Accordingly, the DIE Board sets the fine at \$35.

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**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. For any questions please contact [dieboard@su.ualberta.ca](mailto:dieboard@su.ualberta.ca).**

## **Bill #25 – Dedicated Fee Reform**

### Principles

1. That there be a register of dedicated fees created with all fees currently set out under Section 3 of Article VIII of the Students' Union Constitution contained therein at their present levels.
2. That the indexing provisions included in Section 4 of Article VIII of the Students' Union Constitution be retained.
3. That Students' Council have the authority to amend or eliminate the fees for the Access Fund, the Student Involvement Endowment Fund, and the Eugene L. Brody Fund.
4. That fees in the register be amended or eliminated only by referendum or by joint resolution of Students' Council and
  - a. the Alberta Public Interest Research Group Board of Directors, in the case of the Alberta Public Interest Research Group Fund;
  - b. the First Alberta Campus Radio Association Board of Directors, in the case of the CJSR-FM88 Fund;
  - c. the Gateway Student Journalism Society Board of Directors, in the case of the Gateway Journalism Fund;
  - d. the Student Legal Services of Edmonton Board of Directors, in the case of the Student Legal Services of Edmonton Fund;
  - e. the Recreation Action Committee, in the case of the Campus Recreation Enhancement Fund;
  - f. the University Athletics Board, in the case of the Golden Bear and Panda Legacy Fund; and
  - g. the World University Service of Canada Refugee Student Sponsorship Committee, in the case of the Refugee Student Fund.
5. That each fee in the register be normally subjected to a renewal referendum once every ten years, with Students' Council retaining the authority to delay each by a maximum of one year.
6. That a template exist for the form of the question for each referendum set out in 4.

7. That students be permitted to opt-out of the fees for the Access Fund and the Alberta Public Interest Research Group Fund.
8. That the fees for the Eugene L. Brody Fund, the Student Involvement Endowment Fund, the Access Fund, and the Refugee Student Fund be assessed to students at Augustana Faculty.
9. That no fee on the register except those for the Eugene L. Brody Fund, the Student Involvement Endowment Fund, the Access Fund, and the Refugee Student Fund be assessed to students at Augustana Faculty.
10. That the Alberta Public Interest Research Group, the Gateway Student Journalism Society, the First Alberta Campus Radio Association, and Student Legal Services of Edmonton be required, as a condition of the receipt of funding from the Students' Union, to have one seat, voting or non-voting, on each of their Boards of Directors appointed by the Students' Union.
11. That the seats set out in 9 be filled by voting members of Students' Council appointed annually by Students' Council.
12. That the First Alberta Campus Radio Association, Student Legal Services of Edmonton, the Alberta Public Interest Research Group, and the Gateway Student Journalism Society be required to appear before the Audit Committee on an annual basis to provide the previous year's audited financial statements, a proposed budget for the expenditure of those funds received from the Students' Union in the coming year, and such other information as may be required by the Audit Committee to ensure the appropriate expenditure of those funds received from the Students' Union.
13. That no funds be released to the First Alberta Campus Radio Association, Student Legal Services of Edmonton, the Alberta Public Interest Research Group, and the Gateway Student Journalism Society until the release of such fees is approved by the Audit Committee.
14. That the mandates of the First Alberta Campus Radio Association, Student Legal Services of Edmonton, the Alberta Public Interest Research Group, and the Gateway Student Journalism Society remain essentially unchanged from those currently included in Students' Union legislation, except that the mandate of the Gateway Student Journalism Society include a requirement that the Society offer discounts of at least ten percent on advertising to the Students' Union and registered student groups.
15. That the existing allocations of the Access Fund and the Student Refugee Fund be retained.
16. That the existing granting criteria for the Access Fund, the Student Involvement

Endowment Fund, the Eugene L. Brody Fund, the Campus Recreation Enhancement Fund, and the Golden Bear and Panda Legacy Fund remain functionally unchanged.

17. That recipients of grants from the Campus Recreation Enhancement Fund and the Golden Bear and Panda Legacy Fund be required to submit receipts demonstrating that the money was spent in a fashion consistent with the purpose for which it was granted.

# Constitution

## ARTICLE VIII - POWERS REGARDING FINANCE

1. Each member of the Students' Union will pay fees in accordance with this Article, and these fees will be collected by the University on behalf of the Students' Union.
  
2. In this section, the various classifications of students used will have meaning as established by the University. The membership fees listed do not include the fees described in Section 3.
  - a. Each full-time undergraduate student registered in a course for credit during the Fall or Winter Term will pay a Students' Union membership fee of Thirty Dollars and Eighty-Three Cents (\$30.83) per Term;
  - b. Each part-time undergraduate student registered in a course for credit during a Fall or Winter Term will pay a Students' Union membership fee of Fifteen Dollars and Four Cents (\$15.04) per Term;
  - c. Each student registered in a course for credit during the Spring or Summer Term will pay a Students' Union membership fee of Nineteen Dollars and Fifty-One Cents (\$19.51) per Term.
  - d. Pursuant to a Referendum passed on 7 and 8 March 2001, students not attending courses on the University of Alberta campus shall be considered a part-time student for the purposes of this Article.

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Jun 25/02  
Apr 9/02  
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*Updated March 26, 2003 in accordance with Section 4 a) of this Article*

3. a. Pursuant to a Referendum passed on 16 and 17 March 1988, the sum of Thirty-Eight Cents (\$0.38) per Fall or Winter Term from each part-time and full-time student's Students' Union fees will be allocated to the Student Refugee Fund.
- b. Pursuant to a Referendum passed on 9 and 10 March 1989, the sum of One Dollar and Sixty-Eight Cents (\$1.68) per Fall or Winter Term from each full-time student's Students' Union fees, and Sixty-One Cents (\$0.61) per Fall or Winter Term from each part-time student's Students' Union fees will be allocated to the CJSR-FM88 Fund.
- c. Pursuant to a Referendum passed on 7 and 8 March 1990, the sum of Sixty-Seven Cents (\$0.67) per Fall or Winter Term from each full-time and part-time student's Students' Union fees will be allocated to the Student Involvement Endowment Fund.
- d. Pursuant to a Referendum passed on 7 and 8 March 1990, the sum of Thirty-Four Cents (\$0.34) per Fall or Winter Term from each full-time and part-time student's Students' Union fees will be allocated to the Eugene L. Brody Fund.
- e. Pursuant to a Referendum passed on 6 and 7 March 1991, the sum of Three Dollars and Thirty-Six Cents (\$3.36) per Fall or Winter Term from each full-time and part-time student's Students' Union fees will be allocated to the Golden Bear and Panda Legacy Fund.
- f. Pursuant to a Referendum passed on 9 and 10 March 1994, the sum of Three Dollars and Thirteen Cents (\$3.13) per Fall, Winter, Spring or Summer Term from each full-time and part-time student's Students' Union

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fees will be allocated to the Campus Recreation Enhancement Fund.

- g. Pursuant to a Referendum passed on the March 8 & 9, 1995 and subsequently amended by Students' Council on May 1, 2001 the sum of Fourteen Dollars and Fourteen Cents (\$14.14) per Fall or Winter Term and the sum of Six Dollars and Twenty-One Cents (\$6.21) per Summer Term from each full time and part time student's Students' Union fees will be allocated to the Access Fund.
  - h. Pursuant to a Referendum passed on March 4 and 5 1998, the sum of Fifty-Eight Cents (\$0.58) per Fall and Winter term from each full-time and part-time student's Students' Union fees will be allocated to the Student Legal Services of Edmonton Fund.
  - i. Pursuant to a Referendum passed on March 7 and 8 2001, the sum of Two Dollars and Seventy-One Cents (\$2.71) per full-time student for each of the Fall and Winter terms; and One Dollar and Thirty-Five Cents (\$1.35) per part-time student for each of the Fall and Winter Terms from each full-time and part-time student's Students' Union fees will be allocated to the Alberta Public Interest Research Group.
  - j. Pursuant to a Referendum passed on March 6 and 7 2002, the sum of Two Dollars and Sixty-Seven Cents (\$2.67) per full-time Students' Union fees for each of the Fall and Winter Terms; and One Dollar and Thirty-Four Cents (\$1.34) per part-time students' Students' Union fess for each of the Fall and Winter Terms will be allocated to the Gateway Student Journalism Fund.
4. a. Pursuant to a Referendum passed on 11 and 12 March 1992, the Students' Union will index the Students' Union

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Fee and all components thereof to the Alberta Consumer Price Index (CPI). Components of the Students' Union Fee will be indexed starting the year after their implementation.

- b. The fee levied for the Access Fund will be indexed to the percentage increase in tuition and non-tuition fees charged by the University of Alberta. The fee levied will be exempt from the indexing provision specified in Section 4.a. of this Article, and as stated in the Access Fund Bylaw.

5. Notwithstanding anything in this Article:

- a. An auditor who is not registered in a course for credit;
- b. A graduate student; or,
- c. A student registered in the Faculty of Extension;

will not be required to pay membership fees unless they are also a student mentioned in Section 2.

6. The membership fee paid by a full-time undergraduate student registered in Faculté Saint-Jean will be divided:

- a. If a student is registered in three (3) or more courses on the University of Alberta main campus, Nineteen Dollars and Fifty (\$19.50) Cents annually will be payable to the Students' Union of Faculté Saint-Jean, and the remainder of the fee will remain with the Students' Union, University of Alberta; or,

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- b. Otherwise, Forty-five Dollars and Sixty-two (\$45.62) Cents will be payable to the Students' Union of Faculté Saint-Jean, and the remainder of the fee will remain with the Students' Union, University of Alberta.
  
7. The Students' Union, University of Alberta will annually transfer the membership fees owing to the Faculté Saint-Jean in the following manner:
  - a. Two Thousand Five Hundred (\$2,500.00) Dollars by September 15;
  - b. Eighty percent (80%) of the previous year's total, less Two Thousand Five Hundred (\$2,500.00) Dollars, by October 15;
  - c. The balance adjusted for the current year's enrollment by March 1.

NOTE: The enrollment is deemed to be the official enrollment figures released by the Registrar's Office.

The Students' Union, University of Alberta, will begin payment upon receipt of a letter of request of such fees, signed by the President and the Treasurer of the Faculté Saint-Jean Students Association. A letter from the Chief Returning Officer, Faculté Saint-Jean, will be attached, stating the names of all elected executive members and their respective positions.

8. Each student of the University of Alberta described in Section 2 will have rights, privileges and duties of full membership in the Students' Union as set forth in the Bylaws.

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9. The Students' Council will have the power to deal with:
  - a. All money collected under Section 1 of this Article;
  - b. All money received by but not limited to, any employee committee, business or service of the Students' Union;
  - c. All money received in the conduct of student affairs or donated to, or otherwise received by, the Students' Union.

The provisions of this section will be subject to limitations set out in this Article.

10. The funds collected under Section 1 of this Article will be distributed at the discretion of the Students' Council, subject only to the necessity of meeting retirement and/or redemption provisions of any debt issues contractually liable to pay.

11.
  - a. An amendment to this Article, the effect of which is to change a fee listed in Section 2 or 3 of this Article cannot exceed fifteen percent (15%) rounded to the nearest cent, from the fee payable during the previous fiscal year.
  - b. An amendment to this Article, the effect of which is to change a fee listed in Section 2 or 3 of this Article by an amount greater than Fifteen Percent (15%) from the fee payable during the previous fiscal year will not come into force unless, in addition to all other requirements, the amendment is concurred with by a majority of votes cast in a referendum.

12. Notwithstanding Section 11, the funds collected under Section 1 of this Article, and listed in Section 3 of this Article, which were established pursuant to a referendum:

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a. after 1999 shall be put to Council for renewal by virtue of a majority vote no later than the date of November 30, which is at least five years, but not more than six after the date of it's adoption and every five years thereafter;

b. prior to 1999 shall be put to Council for renewal by virtue of a majority vote no later than the date of November 30 in the following order and every five years thereafter:

i. 2005

- Student Refugee Fund (est. 1988)

- CJSR-FM88 (est. 1989)

- Student Involvement Endowment Fund (est. 1990)

ii. 2006

- Eugene L. Brody Fund (est. 1990)

- Student Financial Aid and Information Centre Fund (est. 1991)

- Campus Recreation Enhancement Fund (est. 1994)

iii2007

- Access Fund

Student Legal Services of Edmonton Fund (est. 1998)

iv 2009

- Golden Bear and Panda Legacy Fund (est. 1991)

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