

STUDENTS' COUNCIL

Tuesday November 29, 2005
Council Chambers 2-1 University Hall

ORDER PAPER (SC 2005-16)

- 2005-16/1 CALL TO ORDER
- 2005-16/2 SPEAKER'S BUSINESS
- 2005-16/2a Announcements – The next meeting of Students' Council will take place on December 6, 2005.
- 2005-16/2a (i) Changes to Standing Orders (numbers 43 (1) and 43 (2)).
- 2005-16/2a (ii) Jamaal Montasser resigns from the External Policy Committee
Please see document SC 05-16.01
- 2005-16/3 APPROVAL OF THE ORDERS OF THE DAY
- 2005-16/4 PRESENTATIONS
- 2005-16/4a Presentation given by Dr. Carl Amrhein and Mr. Philip Stack (Tuition).
- 2005-16/4b Presentation given by General Manager Bill Smith on Travel Cuts Law Suit.
- 2005-16/5 NOMINATIONS/APPOINTMENTS
- 2005-16/5a **POWER MOVED THAT** Students' Council appoint Andrew Kwan and Florence Cheng as Deputy Returning Officers for the 2005/06 academic year.
- 2005-16/5b **LEWIS MOVED THAT** Students' Council appoint a member to the External Policy Committee.
- 2005-16/5c **POWER MOVED THAT** Students' Council ratify the following appointments to the Discipline, Interpretation and Enforcement (DIE) Board effective immediately: Dane Bullerwell, Joel David, Kanchana Fernando, James Koizumi, Amanda Nielson, Scott Nicol and Sarah Shivji.
Please see document SC 05-16.02
- 2005-16/6 REPORTS
- 2005-16/6a Samantha Power, Vice President (External)

Please see document SC 05-16.03

2005-16/6b

Justin Kehoe, Vice President (Student Life)

Please see document SC 05-16.04

2005-16/7

BOARD AND COMMITTEE REPORTS

2005-16/7a

Discipline, Interpretation and Enforcement Board

Decision 6: Bylaw 2400 s. 2 (d) and (e) *Plebiscite and Referenda*

Decision 7: Jones vs. Students' Council – *Rejection of Petition Questions*

Please see document SC 05-16.05

2005-16/7b

Executive Committee – November 24, 2005

Please see document SC 05-16.06

2005-16/7c

Budget and Finance Committee

2005-16/7c (i)

The Budget and Finance Committee recommends that Bill # 17 **be read a first time.**

Bill #17 – Student Involvement Endowment Fund Fee Repeal (sponsor; LEWIS)

Principles (first reading)

1. That the Students' Union cease collection of the Eugene L. Brody and Student Involvement Endowment Fund fees.

2005-16/7c (ii)

The Budget and Finance Committee recommends that Bill #9 **be amended as follows:**

Bill #9 "Election Funding for Councillors" (sponsor; Pandya)

Principle (first Reading)

1. Candidates budgets will be increased for the Councilor Elections.

- a. Candidates may accrue \$50 in expenses;

- b. Plus \$10 for every additional 1000 students in the faculty beyond 3000

Please see document SC 05-16.07

2005-16/7d

Student Affairs Committee – November 22, 2005

Please see document SC 05-16.08

2005-16/7d (i)

The Student Affairs Committee recommends that Students' Council approve the changes to the Political Policy "Tobacco Ban".

Please see document SC 05-16.09 (current and proposed)

2005-16/7e

Bylaw Committee – November 22, 2005

Please see document SC 05-16.10

- 2005-16/7e (i)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support the elimination of the plebiscites and referenda process of the Students' Union?
- 2005-16/7e (ii)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support that the Students' Union only collects or approves fees distributed to a particular entity where the control of that entity corresponds to the financial contribution by students?
- 2005-16/7e (iii)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support the elimination of all dedicated fees* currently levied by the Students' Union?
*Student Involvement Endowment Fund
Eugene L. Brody Fund
Access Fund
Refugee Student Fund
CJSR-FM Fund
Golden Bear and Panda Legacy Fund
Campus Recreation Enhancement Fund
Student Legal Services of Edmonton Fund
Alberta Public Interest Research Group Fund
Gateway Student Journalism Fund
- 2005-16/7e (iv)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support the establishment of a dedicated fee, levied by the Students' Union, subject to the following conditions?
a. The fee would be assessed to each undergraduate student at \$10.00 per term.
b. The fees collected in that term will be awarded to one randomly selected undergraduate student.
- 2005-16/7e (v)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support forbidding The Students' Union, The University of Alberta, from referring to itself by any name other than its full legal name?
- 2005-16/7e (vi)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support giving the Discipline, Interpretation, and Enforcement Board of The Students' Union, The University of Alberta, the authority to examine and bring into compliance the legislation of The Students' Union, The University of Alberta with applicable provincial legislation?
- 2005-16/7e (vii)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support requiring that all contracts entered into by The Students' Union, The University of Alberta, be available for viewing by undergraduate students?
- 2005-16/7e (viii)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support directly electing the two undergraduate student representatives to the Board of Governors for two-year terms that overlap by one year?
- 2005-16/7e (ix)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support implementing a mandatory hot lunch program to all undergraduate students at a cost of no more than \$60.00 per term?

- 2005-16/7e (x)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support the establishment of a mandatory universal bus pass subject to the following conditions?
- A fee would be assessed to each undergraduate student at no more than \$500 per term.
 - Undergraduate students would be prohibited from arriving on campus by any means other than public transit.
 - This program would only come into effect upon a "heads" result of a coin toss conducted by the Discipline, Interpretation, and Enforcement Board.
 - The process in (3) would be repeated until a "heads" result occurs.
- 2005-16/7b (xi)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support the establishment of a mandatory fee not to exceed one bicycle per day to provide hourly transportation to undergraduate students between Campus Saint-Jean and the Augustana campus?
- 2005-16/7e (xii)** **LEWIS MOVED THAT** Students' Council approve the proposed petition question below:
Do you support establishing frisbeetarianism as the official religion of The Students' Union, The University of Alberta, and implementing a mandatory tithe of 10% to support frisbeetarian activities, such levy to be substantiated by income tax records and collected as part of the Students' Union fee?
- 2005-16/7e (xiii)** **KIRKHAM MOVED THAT** Students' Council approve the following petition question upon the recommendation of Bylaw Committee.
- Do you support that Students' Union bars charge \$2.00 for all pints* of draught beer effective May 1, 2006 through April 30, 2007 subject to the following conditions?
- Draught beer will be sold in pint* volumes whenever alcohol is served.
 - Other volumes of draught beer may be sold at any price.
 - The existing selection of draught beer will continue to be carried.
 - Where the wholesale cost of a pint* of draught beer is in excess of \$2.00, its price will be set at wholesale cost rounded up to the nearest dollar.
- *A pint is 16 fluid ounces (473 mL).
- Please see document SC 05-16.11
- 2005-16/7e (xiv)** **KIRKHAM MOVED THAT** Students' Council approve the following petition question upon the recommendation of Bylaw Committee.
- Do you support that Students' Union bars offer a side of salad with food items in lieu of french fries at no additional cost?

2005-16/7e (xv) KIRKHAM MOVED THAT Students' Council approve the following petition question upon the recommendation of Bylaw Committee.

Do you support that the Students' Union boycott goods and services from the People's Republic of China to protest its human rights* and environmental record subject to the following conditions?

1. The goods and services that shall be subject to this boycott will be those
 - a. made in the People's Republic of China; or
 - b. with at least 25% of their value originating from the People's Republic of China.
2. The tenants of all premises owned or operated by the Students' Union would be required to adhere to the boycott upon the renewal of their existing lease or the creation of a new lease.

* United Nations Universal Declaration of Human Rights

2005-16/7e (xvi) KIRKHAM MOVED THAT Students' Council approve the following petition question upon the recommendation of Bylaw Committee.

Do you support that Power Plant, RATT, and L'Express serve kosher and halal meals?

2005-16/7e (xvii) KIRKHAM MOVED THAT Students' Council approve the following petition question upon the recommendation of Bylaw Committee.

Do you support the elimination of the Centre for Student Development?

2005-16/7e (xviii) KIRKHAM MOVED THAT Students' Council approve the following petition question upon the recommendation of Bylaw Committee.

Do you support that the Students' Union raise awareness of the need for accessible and affordable education by conducting a tuition demonstration on November 5 of each year that shall include fireworks and a bonfire?

2005-16/7e (ixx) KIRKHAM MOVED THAT Students' Council approve the following petition question upon the recommendation of Bylaw Committee.

Do you support that the Students' Union discontinues the sale of tobacco products?

For Items 7e (xviii) through (xxiii) please see document SC 05-16.12

2005-16/7e (xx) The Bylaw Committee recommends that Bill #12 (Council Reporting Structure) **be read a second time.**

Bill #12 – Administrative Assistant to Council Reporting Structure (sponsor; POWER)

Principle (from first reading)

1. The Administrative Assistant to Students' Council report directly to the Executive Assistant, and that the President report to the Speaker with respect to all Council business.

Please see document SC 05-16.13

2005-16/7e (xxi) The Bylaw Committee recommends that Bill #3 (*Members of Council Legitimacy*) **be read a second time.**

Bill #3 – Members of Council Legitimacy (sponsor; KIRKHAM)

Principles (from first reading)

1. The speaker will request a report from the Office of the Registrar and Student Awards on a semesterly basis that confirming that all student, those positions that require the individuals to be students, meet the necessary requirements to hold office.
2. The report from the Office of the Registrar and the Student Awards will be received by the President, and the Speaker.
1. The Speaker shall cause to be tabled with Students' Council a report outlining the Registrar's findings at his or her earliest convenience.

Please see document SC 05-16.14

2005-16/7e (xxii) The Bylaw Committee recommends that Bill # 15 (*Critical Changes to Plebiscite and Referenda Process*) **be read a second time.**

Bill #15 - Critical Change to Plebiscites and Referenda Petition Process (sponsor; KIRKHAM)

Principles (from first reading)

1. A member shall submit a signed paper copy of the intent of a petition question to the Chief Returning Officer along with their name, faculty, and student identification number.
2. The member shall indicate whether or not their intent of this petition question is to be a plebiscite or referendum.
3. The intent of any petition question shall include a \$25.00 deposit.
4. Upon receipt of an intent of a petition question and collection of the deposit, the Chief Returning Officer shall immediately forward the question to the Bylaw Committee.
5. The Bylaw Committee shall draft and approve a question within fourteen (14) days of receiving the intent of a petition question from the Chief Returning Officer
6. Where a member submits a petition containing the signatures of at least five percent (5%) of the total membership of the Students' Union, then that member's deposit shall be refunded.
7. The term "Students' Union law" will be replaced with "Students' Union Bylaw" and the term "Federal or Provincial statute or regulation" will be replaced with "federal or provincial law" for clarification in Bylaw 2400 (4)(b).
8. Changes will be retroactive to any previously approved or currently outstanding petition questions with respect to collection of a deposit and declaration of a plebiscite or referendum.
9. Changes will come into effect immediately upon passage of second reading.

Please see document SC 05-16.15

2005-16/7e (xxiii) The Bylaw Committee recommends that Bill #20 **be read a first time.**

Bill #20 Non-Academic Fee Principles (sponsor; KIRKHAM)
Principles (first reading)

1. Plebiscites or referenda pertaining to non-academic fees levied on SU members by the University must reflect a control corresponding to the financial contribution.
2. A permanent advisory committee will be created to oversee and direct all aspects of the use of the non-academic fee.
3. The composition of this advisory committee will reflect the financial contribution by Students Union members in the form of a proportional number of voting seats.
4. Any facility or service funded by the non-academic fee must provide universal access to any SU member contributing to that fee.

2005-16/7e (xxiv) Bylaw Committee recommends that Bill #14 **be read a second time.**

Bill #14 - Access to Students' Union Information (sponsor; KIRKHAM)
Principles

1. Every Students' Union document or record is strictly confidential that has been specifically designated as such in the Standing Orders of Students' Council.
2. Strictly confidential information is available to those individuals specifically designated in the Standing Orders of Students' Council.
3. No member of Students' Council, the Executive Committee, the Discipline, Interpretation, and Enforcement Board, or a committee thereof may access confidential or strictly confidential information until they have signed a non-disclosure agreement.

Please see document SC 05-16.16

2005-16/7e (xxv) The Bylaw Committee recommends that Bill #16 Direct Democracy **be read a second time.**

Bill #16 Direct Democracy (sponsor; TOBIAS)
Principle (from first reading)

1. Where a referendum or plebiscite question would cause Students' Council to be in breach of its fiduciary responsibility to the Students' Union, such a question may be ruled out of order.

Please see document SC 05-16.17

2005-16/7f Council Administration Committee – November 22, 2005

Please see document SC 05-16.18

2005-16/7f (I) The Council Administration Committee recommends that Bill #19 **be read a first time.**

Bill #19 - Chairs of Standing Committees (sponsor; LEWIS)
Principles (first reading)

1. Chairs of Standing Committees shall be paid.

2005-16/7f (ii) The Council Administration Committee recommends that Bill #21 **be read a first time.**

Bill #21 - Duties of the Speaker of Students' Council (sponsor; KIRKHAM)
Principles (first reading)

1. The Speaker shall represent Students' Council before the Discipline, Interpretation, and Enforcement Board.

2005-16/7f (iii) The Council Administration Committee recommends that Bill #22 **be read a first time.**

Bill #22 - Strictly Confidential Requirements for Contracts (sponsor; KIRKHAM)
Principles (first reading)

1. Any contract or agreement that the Students' Union enters into, and needs to be marked as Strictly Confidential, will require the approval of Students' Council.
2. Students' Council shall be provided with a complete copy of the final draft of the contract or agreement.
3. Upon the recommendation of Students' Council, Council Administration Committee will mark the contract or agreement as Strictly Confidential.

2005-16/8 **QUESTION PERIOD**

2005-16/9 **GENERAL ORDERS**

2005-16/9a **MOTION BY KIRKHAM, ORDERED THAT** Students' Council rescind the "Tobacco Ban" political policy.

Please see document SC 05-16.09 (Current)

2005-16/9b **JOHNSON MOVED THAT** Students' Council approve the Political Policy "General Election Forum".

Please see document SC 05-16.19

2005-16/9c **TOBIAS/LETTNER MOVED THAT** Students' Council read Bill #18 a first time.

Bill #18 *Changes to Referendum Process* (sponsor; TOBIAS)
Principles (first reading)

1. The proponents of a referendum shall bear the onus of demonstrating, to the bylaw committee, how the referendum falls within the power of the Students' Union under the Post-Secondary Learning Act.
2. Where the referendum proposes a compulsory fee, the proponent must demonstrate how that new fee would serve the object of the "maintenance of the" Students' Union as required under section 95(2)(e).
3. Referenda questions shall be limited to questions of principle, such that only questions establishing the creation and purpose of fees and their repeal are permitted.

4. In drafting a proposed referendum question, the bylaw committee shall also report to Council whether or not the proposed question is valid under the mandate of Student Associations in the Post-Secondary Learning Act.
5. The report in principle 4 will take into account the submissions made by the proponents of a referendum under principle 1.
6. In considering the question, the bylaw committee may seek legal opinion.
7. Should Students' Council disallow a question on the basis that it falls outside the mandate of Student Associations, as defined in the Post-Secondary Learning Act, such decision may be appealed to DIE Board.
8. The principles of this bill will apply retroactively to all referenda proposed for the 2006 general election.

2005-16/9d

KIRKHAM MOVED THAT Students' Council approve the following referendum question:

Do you support that the Students' Union shall refrain from seeking the exclusive provision of cold beverage products subject to the following conditions?

1. Officially oppose the Single Source Cold Beverage Agreement entered into by the Students' Union, the University of Alberta, and The Coca-Cola Company.
2. Prohibited from negotiating, renegotiating, or renewing a contract between the University of Alberta and/or any third party for the exclusive provision of cold beverage products.
3. Lobby the University of Alberta to avoid negotiating, renegotiating, or renewing its contract with The Coca-Cola Company or any other third party for the exclusive provision of cold beverage products.

2005-16/10

INFORMATION ITEMS

2005-16/10a

Votes and Proceedings – November 15, 2005

Please see document SC 05-16.20

2005-16/10b

Original Wording of Petition Questions (i) through (xii).

Please see document SC 05-16.21

2005-16/10c

Excerpts from Alberta Provincial Gaming and Liquor Act and Section 3.2 "*Liquor Service in Licensed Premises*" from AGLC Licensee Handbook.

Please see document SC 05-16.22

2005-16/10d

Transcription from November 1, 2005 section 7b (xvi)

Please see document SC 05-16.23

2005-16/10e

Notes from November 15, 2005 meeting of Students' Council (2005-15/7b (ii))

Please see document SC 05-16.24

Hello Mr. Speaker,

Please consider this email notice of my resignation from EPC.

Regards,
Jamaal

Tribune Selection Committee Report to Students' Council

I am pleased to advise that the DIE Board Selection Committee has completed the process of removing and selecting new tribunes.

The full committee met thrice to complete its duties. The committee voted to remove Mr. Stephen Congly due to his exceedingly poor attendance at Board activities (hearings and administrative meetings)

The Tribune Selection Committee recommends that Students' Council ratify the following appointments to the Discipline, Interpretation and Enforcement (D.I.E) Board effective immediately:

Dane Bullerwell, Joel David, Kanchana Fernando, James Koizumi, Amanda Nielson, Scott Nicol and Saarah Shivji

Kanchana Fernando was selected as the second Associate Chief Tribune

Respectfully submitted to Students' Council November 29, 2005 by Alex Ragan, Chief Tribune DIE Board

BAC: I've become the second student rep on the Budget Advisory Committee after the exec agreed it was more pertinent for my portfolio. I attended my first meeting November 17th at which Carl Amrhein outlined some lobbying options. The four universities are getting together a paper discussing their priorities. We emphasized that they should ask for a 7% base operating increase to cover the tuition "rebate". We haven't heard back as to the details, ask in question period.

CAMPUS CAMPAIGNS: We hired our new campus campaigns coordinator, Jessica King. She's worked on putting up our tables and is a great creative addition to our team.

The tables we're holding across campus are turning out really well. It's a great way to talk to students about tuition and funding issues and hear what they have to say. Our petition is gaining ground; we're hoping to get 3,000 signatures, as that is 10% of our population. As well, our trip to the legislature went really well, thanks to the councilors who came out.

We're planning a few last minute info tables as well as they have been really successful. If you're interested in helping they run between 11am and 1pm throughout the week.

We're starting plans for January. PIA is holding a post secondary conference on January 21-22. CAUS is subsidizing student attendance. I encourage everyone to come out.

Watch out for the federal election. If it happens over Christmas break we'll be putting together information on the different parties education platforms. We're looking at broader plans if it happens in January.

UPASS: Also at the BAC meeting, we put forward the UPass details and assumptions. Carl Amrhein is excited about making the issue happen. He is talking to the mayor about the city's involvement, as well he made it clear the University would financially support the initiative. The snag we've hit is with the city. I had a meeting with Councilor Krushell who informed me that the city is currently performing an audit on the transit department due to concerns about spending and deficits. She made it clear city councilors may not support putting more money into the initiative as they have covered capital expenses.

I also attended the Parkland Conference this weekend. The topic was The Alberta We Want and it was a great way to discuss issues with people and learn a bit more about the problems this province has and how we can fix them.

Also the Johnny Cash movie is awesome, so is Johnny Cash.

Coming Up:

Nov. 29-30 – tables in CAB

Nov. 30th – BAC meeting

Dec. 2nd – Exec Retreat

Dec. 2nd – meeting Graham Thompson

Justin Kehoe, Vice President (Student Life)
Report to Students' Council
November 29, 2005

Submitted: November 24, 2005

Good Evening Council,

Our review of the net impact of SU business units on student health and wellness is ongoing. Student survey options would not be complete by our January deadline. Instead, we will now use a focus group with members of the Student Life Advisory Committee, Peer Health Educators, and Peer Nutrition Educators.

Vice President Tobias and I met with the General Manager, Manager of Finance & Administration, and Manager of Programming & Licensed Activities to discuss the future of the Powerplant. This will be ongoing.

AntiFreeze planning: we have a very strong Coordinator base, and most of the plans are in place. Pete (AVPSL) and I finished the registration packages (SUB, CAB, HUB, ETLC Info Desks, 2-900 SUB). We began a new initiative to implement a marketing campaign during the registration period in order to raise awareness and increase participation. In previous years, posters weren't put up until the actual event.

I arranged a meeting between the SU, the Dean of Students Office, the Inter-Fraternity Council, and Phi Gamma Delta men's fraternity to address concerns brought forth by the fraternity regarding restrictions on their activities during Orientation. This expanded to a broader examination of the relationship of the University and SU to fraternities.

I was involved in a Board Development Workshop for the Campus Food Bank over the previous weekend, and legislation redrafting is in the works. I will have spent most of the last weekend at the SU High School Leadership Conference, for which Sarah (AVPX) has done excellent work. I attended General Faculties Council, a SAC meeting, a Residence Halls Association meeting, and a gathering of Service Directors. A representative from Studentcare gave a presentation to the Student Life Advisory Committee on health plan information. We recently had two very successful concerts: Broken Social Scene at Red's, and Sarah Slean at Horowitz Theatre.

Upcoming:

November 30: Revolutionary Speakers Series: Dr. Samantha Nutt

Campus Food Bank Board of Directors
The Dewey's Project @ Dewey's
Karaoke @ RATT

November 30 – December 1: ECOS Alternative Christmas

December 1: AntiFreeze Registration Deadline!

December 2: Ben Spencer @ SUBstage, Noon

December 6: Alcohol Policy Review Committee
OneCard Student Advisory Group

December 7: Karaoke @ RATT – last day of classes

December 9: SU Christmas Party for Kids

D.I.E. Report to Students' Council November 29, 2005

The Discipline, Interpretation, and Enforcement Board have made the following rulings:

Style of Cause: *Re Bylaw 2400 s.2 (d) and (e) Plebiscites and Referenda*

Ruling # 2005/2006-06 in the matter of: Re: Distinction Between Referenda and Plebiscites

Date heard: Wednesday, November 7, 2005

Appearing for the D.I.E. Board: Presiding Chair: Jaimie Gruman

Tribunes: Chris Stolfa, Catherine Lepine

Interveners present: Chris Jones

Case summary:

The Board is asked to define the term "Students' Union" in section 2 (e) of bylaw 2400 and finds that the term refers to all members and bodies of the Students' Union.

Additionally, the Board is asked what sort of vote is binding on the Students' Union and the Board finds that according to the definition of "plebiscite" and "referendum" in section 2 of Bylaw 2400, only a referendum is binding on the Students' Union.

REFERENCE QUESTIONS

1. Are the students, other than the graduate students, of The University of Alberta synonymous with the term "Students' Union" as used in Bylaw 2400 §§ 2(d) and 2(e)? If not, – how does the term "Students' Union" in Bylaw 2400 §§ 2(d) and 2(e) differ from the set of students, other than graduate students, of The University of Alberta for the purposes of the Post-Secondary Learning Act, § 93(2)?

2. Would a vote conducted by the Students' Union, The University of Alberta, that would bind the students, other than the graduate students, of The University of Alberta be properly held as a plebiscite or as a referendum for Bylaw 2400 purposes?

RELEVANT LEGAL PROVISIONS

Bylaw 2400

Section 2 (d) a "plebiscite" shall be a vote, open to all members except the C.R.O., held on a given question but that is not binding;

Section 2 (e) a "referendum" shall be a vote, open to all members except the C.R.O., held on a given question and whose result is legally binding upon the Students' Union;

ANALYSIS

1. Meaning of "Students' Union"

The term "Students' Union" in section 2 (e) of bylaw 2400 refers to all members of the Students' Union and all bodies of the Students' Union. The issue in this question is whether the term "Students' Union" means each individual member, Students' Council

and other various SU bodies, or both. No persuasive reason could be found not to give the term “Students’ Union” an inclusive meaning. “Students’ Union” could not mean individual members of the SU because Section 2(e) refers to individual members as “all members”. It would be unconventional to give two different terms in one section of legislation the same meaning. For similar reasons, it would be unconventional to restrict the meaning of “Students’ Union” to Students’ Council or any combination of SU bodies, boards, committees, offices, etc.. Other sections of Bylaw 2400 explicitly mention Students’ Council, Bylaw Committee, and D.I.E. Board. If section 2(e) meant any specific SU body it would say so explicitly. Without any evidence suggesting a more restricted definition of “Students’ Union” the term must be interpreted as inclusive of SU members and SU bodies.

Regarding the citation of the Post Secondary Learning Act, S.A. 2003, c. P-19.5, in the reference question. D.I.E. Board would like to point out that the Board’s enabling legislation, Bylaw 1500 section 4, allows the Board to hear complaints and requests regarding contravention or interpretation of Students’ Union legislation. Interpretation or application of the Post Secondary Learning Act is beyond the scope of D.I.E. Board.

2. Effects of Plebiscites and Referenda

According to the definition of “plebiscite” and “referendum” in section 2 of Bylaw 2400, only a referendum is binding on the Students’ Union. Bylaw 2400 section 2(d) explicitly states that a plebiscite is not binding and section 2(e) explicitly states that a referendum is binding upon the Students’ Union. While the above statements answer the reference question, D.I.E. Board feels it should briefly comment on the nature of plebiscites and referenda as set out in Bylaw 2400.

Plebiscites are not binding. (Bylaw 2400 section 2(d)) In order for a plebiscite to be initiated, by anyone other than Students’ Council, signatures of 5% of SU members must be collected. (Bylaw 2400 section 7 and 9, see also D.I.E. Board rulings *Re Bylaw 2400 s.7* and *Re Bylaw 2400 “law”*)

Referenda are binding. (Bylaw 2400 section 2(e)) In order for a referendum to be initiated, by anyone other than Students’ Council, signatures of 15% of SU members must be collected. (Bylaw 2400 section 8 and 9, see also D.I.E. Board rulings *Re Bylaw 2400 s.7* and *Re Bylaw 2400 “law”*)

All other sections of Bylaw 2400 treat plebiscites and referenda identically. While the percentage of signatures necessary to initiate a plebiscite or referendum is technical in nature, the difference between binding and non-binding is crucial in distinguishing the terms. The term “binding” and the obligations it imposes have already been discussed in the D.I.E. Board’s 04/05 rulings of *Re: Universal Bus Pass Referendum#1* and *Re: Universal Bus Pass Referendum #2* and need not be repeated here.

The expression “not binding” obviously entails a lesser obligation on the Students’ Union than the term “binding”. This is backed up by a common sense reading of the terms and the different signatory requirement for petitions. However, a plebiscite still represents the will of a majority of voting SU members and cannot be ignored. Because a plebiscite is an expression of the entire SU, any decision making body of the SU should take into consideration the results of a plebiscite when making decisions. When taking plebiscite results into consideration, decision makers are not obliged to

strictly adhere to plebiscite results. The decision makers must think about the plebiscite results and consider the relationship between the results and the decision before them. Plebiscite results demand the respect of the Students' Union but cannot dictate any particular course of action.

DISPOSITION AND REMEDY IMPOSED

1. Question:

Are the students, other than the graduate students, of The University of Alberta synonymous with the term "Students' Union" as used in Bylaw 2400 §§ 2(d) and 2(e)? If not, – how does the term "Students' Union" in Bylaw 2400 §§ 2(d) and 2(e) differ from the set of students, other than graduate students, of The University of Alberta for the purposes of the Post-Secondary Learning Act, § 93(2)?

Answer:

The term "Students' Union" in section 2 (e) of bylaw 2400 refers to all members of the Students' Union and all bodies of the Students' Union.

2. Question:

Would a vote conducted by the Students' Union, The University of Alberta, that would bind the students, other than the graduate students, of The University of Alberta be properly held as a plebiscite or as a referendum for Bylaw 2400 purposes?

Answer:

According to the definition of "plebiscite" and "referendum" in section 2 of Bylaw 2400, only a referendum is binding on the Students' Union.

Style of Cause: Jones vs. Student Council

Ruling # 7

Date heard: November 7 2005

Appearing for the D.I.E. Board:

Presiding Chair: Alex Ragan

Tribunes: Justyna Herman, Guillaume Laroche

Appearing for the Applicant: Chris Jones

Appearing for the Respondent: Gregory Harlow, Speaker of Students' Council

Intervenors present:

Stephen Kirkham, Councillor

Jason Tobias, VP Operations/Finance

Rachel Woynoroski, CRO

CASE SUMMARY:

Mr. Jones alleges petition questions he submitted and had drafted by the Bylaw Committee were unduly rejected by Students' Council as per Sections 4 and 5 of Bylaw 2400. The Board finds that while Council contravened the letter of Bylaw 2400, it also

recognizes that members acting in bad faith should not be allowed to abuse the processes of the Students' Union. SUMMARY OF ALLEGATIONS

Mr. Jones alleges that Students' Council contravened Bylaw 2400, subsections 4a) and 4b) by refusing to accept petition questions brought forward by the Bylaw committee. Effectively, Mr. Jones seeks to know if Council can reject questions on grounds other than those presented in the quoted sections of Bylaw 2400. Mr. Jones seeks that the DIE Board either approve the questions or that it order Council to consider them individually.

FACTS

Member Chris Jones, following the procedures established in Bylaw 2400, submitted a total of twelve questions to the Bylaw Committee for drafting. These twelve questions were drafted over two meetings of the Bylaw Committee and forwarded to Council for their November 1st meeting. Jason Tobias, VP Operations/Finance, moved during that meeting of Students' Council to strike all twelve of Mr. Jones previously approved questions. The motion was eventually carried by Council after several challenges to the Chair.

The facts presented by the appellant are not contested by the respondent.

RELEVANT LEGAL PROVISIONS

Bylaw 2400:

4. Where a member wishes to circulate a petition, that member shall submit to the Bylaw Committee the intent of the question, and the Bylaw Committee shall approve, within seven (7) days, a question which:

- a. fully reflects the intent submitted by the member; and
- b. if carried and acted upon, would not violate any Students' Union law or any federal or provincial statute or regulation.

5. Students' Council shall, at meeting following the drafting of the question by the Bylaw Committee as set out in Section 4, approve a question which meets the criteria set out in Section 4.

ANALYSIS

This case reflects the tension between the literal interpretation of a statute and the implied term in all Students' Union statutes that the processes enshrined in the bylaws are to be used exclusively in good faith. Mr. Jones' submission of numerous petition questions, some of a rather absurd nature, clearly constitute bad faith and an abuse of the processes of the Students' Union. The Board finds that Mr. Jones' actions breached the implied term of good faith in Bylaw 2400 and that Students' Council has the inherent right to reject those submissions attached where *mala fides* can be established. However, the Board feels that a *wholesale* rejection of *all* of Mr. Jones' petition questions was inappropriate. Bad faith must be determined on a case to case basis, and it would be more appropriate for the Students' Council to consider the bad faith of each petition question individually.

Governing institutions do not design their laws to include flaws to be exploited. The continuing functioning of the Students' Union is placed ahead of actions that could cripple the organization when taken to extremes. The Board cites the 2004-5 "U-pass #2" ruling as a precedent for this principle, where the Board previously ruled that where the will of the students, as represented by the result of a referendum, would cause the eventual implosion of the organization, Council is authorized to not pursue the directive any further. Similarly, if questions submitted (ie, the intent of a member) in bad faith either by result or by sheer number were to hinder Council or its subcommittees in their efforts to go about their ordinary business, Council will have the right to reject such questions.

DISPOSITION AND REMEDY IMPOSED

- a. The Board orders that Students' Council reconsider all of Mr. Jones questions on an individual basis. The Board authorizes Students' Council to reject by simple majority any question that could reasonably be determined to have been submitted in bad faith by any member.

Furthermore, if Council grants approval to any of the submitted petition questions, Mr. Jones will have 90 days from the date of approval to collect and submit his signatures for the approved petition questions.

Executive Committee Report to Students' Council November 29, 2005

- 1. The following motions were passed at the November 15, 2005 Executive Committee meeting:**
 - a. TOBIAS/LETTNER MOVED THAT the Executive Committee approve an expenditure (no more than \$500.00) from the Special Projects Fund to provide food for the DIE Board Volunteer Tribunes.
VOTE ON MOTION 5/0/0 CARRIED
- 2. There were no motions passed at the November 17, 2005 Executive Committee meeting.**
- 3. There were no motions passed at the November 23, 2005 Executive Committee meeting.**

46. All campaign materials shall be removed by 21h00 on the day before the commencement of voting.
47. All printed campaign materials shall be purchased at official list price costs from one (1) or more of the printing companies designated by the C.R.O.
48. The C.R.O. shall designate at least five (5) printing companies from which candidates may purchase materials to be in compliance with Section 47.
49. Where a candidate demonstrates that a desired campaign material could not be produced by any of the five (5) or more printers designated by the C.R.O. as set out in Section 48, the C.R.O. may grant a limited exemption from Section 47 to that candidate.
50. Where campaign materials can be produced by any Students' Union operated business, candidates shall purchase those campaign materials from that business.
51. Where a candidate contravenes Section 47 or Section 50, the offending campaign materials shall be destroyed, and the C.R.O. may assess an additional penalty to that candidate, as set out in Section 110.
52. No candidate shall accrue more than ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00), plus ~~six dollars (\$6.00)~~ ten dollars (\$10.00) for every one thousand (1,000) students in his/her faculty beyond three thousand (3,000) in campaign expenses, all of which shall be paid by the Students' Union.
53. No slate shall accrue more than twenty two dollars and fifty cents (\$22.50), plus six dollars (\$6.00) for every one thousand (1,000) students in its faculty beyond three thousand (3,000) in campaign expenses, all of which shall be paid by the Students' Union.
54. No candidate running as part of a slate shall accrue more than fifteen dollars and seventy five cents (\$15.75) in campaign expenses, all of which shall be paid by the Students' Union.
55. Where the number of students in a faculty beyond three thousand (3,000) is not a multiple of one thousand (1,000), the amount of money in excess of the base amount, as set out in Sections 53 through 55, shall be prorated and rounded to the nearest cent.

Nov 29/05

April 12, 2005 – Implemented May 1, 2005

Nov 2/04

Aug 17/04 (IRB)

Feb 3/04

Aug 19/03

Jul 22/03

June 11/03 (IRB)

Mar 18/03

Nov 29/05
April 12, 2005 – Implemented May 1, 2005
Nov 2/04
Aug 17/04 (IRB)
Feb 3/04
Aug 19/03
Jul 22/03
June 11/03 (IRB)
Mar 18/03

The Students' Union, The University of Alberta
Student Affairs Committee

22 November 2005 @ 17:00 – SUB 420

Report to Council (SAC 2005-04)

Hello Council. The Student Affairs Committee met on the 22nd of November. All of the SAC members were in attendance (VPSL, Councillors Aperoch, Eruvs, Gordon, Chandler, Khanna, and Patz).

The whole meeting focused on a policy review, which focused on the Tobacco Ban Policy. We started with examining what parts of clauses should not be kept. Then we examined the proposed changes to the policy that the former advocacy director and current VPSL worked on. We decided that we agreed with most of the statements of the proposed changes, but thought that they were too long. Then we created our own proposed changes to be sent to Council for approval.

We updated a few clauses, reworded some and scrapped a few. We took a somewhat different stance from the current political policy. One significant difference is that we excluded references to tobacco products and concentrated on smoking. We also wanted to state that we would be opposed to a complete blanket ban only if there were no provisions for student smokers and that we should support awareness campaigns and cessation support.

Sheena Aperoch

The Students' Union, The University of Alberta
Student Affairs Committee

22 November 2005 @ 17:00 – SUB 420

Order Paper (SAC 2005-04)

1. Call to Order at 17:11
2. Approval of the Orders of the Day (PATZ/KHANNA)
3. Approval of last meeting's minutes (PATZ/ERUVS)
4. Business
 - a. Policy Review

ERUVS/APEROCHO MOVED THAT the proposed amendments to the tobacco ban policy contain a clause about the negative effects a smoking ban will have on the mental health of tobacco smokers.

CARRIED, 3/1/1

KEHOE/GORDON MOVED THAT the Student Affairs Committee recommend to Students' Council the proposed changes to the Political Policy "Tobacco Ban".

WHEREAS smoking is currently prohibited in all campus buildings ~~except in licensed establishments;~~

WHEREAS tobacco products are ~~extremely physically~~ addictive and potentially harmful to both the user and those who are around second-hand smoke;

WHEREAS ~~tobacco users are therefore likely to smoke on areas near campus placing strain on the University's relationship with it's neighbours;~~

WHEREAS ~~tobacco users who do go entire days without smoking just because it is banned on campus may experience severely depressed morale;~~

WHEREAS students who currently live in campus residences ~~will be required to compromise their safety by leaving their residence home to engage in tobacco product use~~ would not be able to smoke near their home;

WHEREAS ~~tobacco users are unlikely to cease buying tobacco products because it is banned on campus therefore driving profits off-campus;~~

~~WHEREAS a full ban of smoking on campus would be enforceable only at considerable expense to the University, which is largely funded by direct student fees;~~

~~WHEREAS there is little or no proven health benefit to be derived from a campus wide tobacco ban;~~

WHEREAS the large size of campus would make it prohibitively difficult for students on campus to smoke;

WHEREAS a smoking ban will have negative effects on the mental health of tobacco smokers while on campus;

WHEREAS a campus wide smoking ban does not contain provisions to accommodate student smokers;

BE IT RESOLVED THAT the Students' Union oppose a ~~campus-wide~~ total ban of on smoking and/or ~~tobacco products~~ on all University of Alberta property.

BE IT FURTHER RESOLVED THAT the Students' Union supports both awareness campaigns highlighting the dangers of tobacco use and cessation support.

CARRIED, 5/0/1

- b. Service
 - c. Future Plans
 - d. Meeting schedule for winter semester
5. Next meeting
6. Adjournment at 20:52 (ERUVS/CHANDLER)

THE STUDENTS' UNION OF THE UNIVERSITY OF ALBERTA

POLITICAL POLICY STATEMENT

<i>Policy Number:</i>	<i>Effective Date:</i> September 23, 2003	<i>Page</i> 1 <i>of</i> 1
	<i>Expiration Date:</i> April 30, 2007	
<i>Responsibility for Policy:</i>	Student Life Board	
<i>Subject Matter</i>	- <i>Category:</i> POLITICAL POLICY (GENERAL)	
	- <i>Specific:</i>	
	- <i>Topic:</i> Tobacco Ban	

WHEREAS smoking is currently prohibited in all campus buildings except in licensed establishments;

WHEREAS tobacco products are extremely physically addictive;

WHEREAS tobacco users are therefore likely to smoke on areas near campus placing strain on the University's relationship with it's neighbours;

WHEREAS tobacco users who do go entire days without smoking just because it is banned on campus may experience severely depressed morale;

WHEREAS students who live in campus residences will be required to compromise their safety by leaving their residence home to engage in tobacco product use;

WHEREAS tobacco users are unlikely to cease buying tobacco products because it is banned on campus therefore driving profits off-campus;

WHEREAS a full ban of smoking on campus would be enforceable only at considerable expense to the University, which is largely funded by direct student fees;

WHEREAS there is little or no proven health benefit to be derived from a campus wide tobacco ban;

BE IT RESOLVED THAT the Students' Union oppose a campus-wide ban of smoking and/or tobacco products.

Policy History:

	Reference/Vote	Board/Committee	Date of Council Approval
Created	September 23, 2003	Students' Council	September 23, 2003

WHEREAS smoking is currently prohibited in all campus buildings ~~except in licensed establishments;~~

WHEREAS tobacco products are ~~extremely physically~~ addictive and potentially harmful to both the user and those who are around second-hand smoke;

~~WHEREAS tobacco users are therefore likely to smoke on areas near campus placing strain on the University's relationship with it's neighbours;~~

~~WHEREAS tobacco users who do go entire days without smoking just because it is banned on campus may experience severely depressed morale;~~

WHEREAS students who currently live in campus residences ~~will be required to compromise their safety by leaving their residence home to engage in tobacco product use~~ would not be able to smoke near their home;

~~WHEREAS tobacco users are unlikely to cease buying tobacco products because it is banned on campus therefore driving profits off campus;~~

~~WHEREAS a full ban of smoking on campus would be enforceable only at considerable expense to the University, which is largely funded by direct student fees;~~

~~WHEREAS there is little or no proven health benefit to be derived from a campus wide tobacco ban;~~

WHEREAS the large size of campus would make it prohibitively difficult for students on campus to smoke;

WHEREAS a smoking ban will have negative effects on the mental health of tobacco smokers while on campus;

WHEREAS a campus wide smoking ban does not contain provisions to accommodate student smokers;

BE IT RESOLVED THAT the Students' Union oppose a ~~campus-wide total~~ ban of on smoking ~~and/or tobacco products on all University of Alberta property.~~

BE IT FURTHER RESOLVED THAT the Students' Union supports both awareness campaigns highlighting the dangers of tobacco use and cessation support.

The Students' Union, The University of Alberta
Bylaw Committee

22 November 2005 @ 19:30 - SUB 430

Report to Students' Council (BC 2005-00)

Bylaw Committee met on 22 November 2005 at 19:30. Councillor Lewis, the Chair of Bylaw Committee, was unable to attend the meeting due to an illness and asked Councillor Kirkham to act as Interim Chair. Councillor Kirkham was elected by the committee to serve as Interim Chair for the duration of the meeting.

Member of the Students' Union Andrew Langstone submitted a third, and what should be a final, petition question to the committee. The reason provided for this third submission is due to the fact that the first question that appeared before Students' Council on 1 November 2005 did not fully reflect the intent of the member and that the second question that appeared before Students' Council on 15 November 2005 was ruled out of order. The committee drafted a third question reflecting this latest intent from the member and unanimously recommends that Students' Council approves it.

Member of the Students' Union Chris Jones had submitted six petition questions that appeared before the committee on 8 November 2005. At that time, the Chair had ruled the questions out of order citing precedence in Students' Council and a complaint being heard by DIE Board at that time. Since then, the precedence issue was clarified at the 15 November 2005 meeting of Students' Council and DIE Board has issued a ruling on the complaint. Therefore, the committee drafted questions for each of the six intents and unanimously recommends that Students' Council approve each question.

The committee also reviewed the draft of Bylaw 500 adhering to the principles from Bill 14. The committee recommended to Students' Council that the Bill be read for a second read.

The Students' Union, The University of Alberta
Bylaw Committee

22 November 2005 @ 19:30 - SUB 430

Votes and Proceedings (CAC 2005-14)

o. Election of an Interim Chair

KIRKHAM was elected to serve as Interim Chair for the duration of the meeting.

1. Call to Order

The Interim Chair called the meeting to order at 19:35.

2. Attendance

Councillors Chapman, Kirkham, Thevenaz and the Chief Returning Officer.

3. Items of Business

a. Legislation

i. Bill #14 Second Reading

THEVENAZ/CHAPMAN MOVED THAT Bylaw Committee recommend to Students' Council that Bill #14 be read for a second time.

CARRIED (UNANIMOUS)

b. Petition Questions

i. Andrew Langstone

CHAPMAN/THEVENAZ MOVED THAT Bylaw Committee recommend the approval of the following petition question to Students' Council.

Do you support that Students' Union bars charge \$2.00 for all pints* of draught beer effective May 1, 2006 through April 30, 2007 subject to the following conditions?

1. Draught beer will be sold in pint* volumes whenever alcohol is served.
2. Other volumes of draught beer may be sold at any price.
3. The existing selection of draught beer will continue to be carried.
4. Where the wholesale cost of a pint* of draught beer is in excess of \$2.00, its price will be set at wholesale cost rounded up to the nearest dollar.

*A pint is 16 fluid ounces (473 mL).

CARRIED (UNANIMOUS)

ii. Chris Jones

THEVENAZ/KIRKHAM MOVED THAT Bylaw Committee recommend the approval of the following petition question to Students' Council.

Do you support that Students' Union bars offer a side of salad with food items in lieu of french fries at no additional cost?

CARRIED (UNANIMOUS)

CHAPMAN/THEVENAZ MOVED THAT Bylaw Committee recommend the approval of the following petition question to Students' Council.

Do you support that the Students' Union boycott goods and services from the People's Republic of China to protest its human rights* and environmental record subject to the following conditions?

1. The goods and services that shall be subject to this boycott will be those
 - a. made in the People's Republic of China; or
 - b. with at least 25% of their value originating from the People's Republic of China.
2. The tenants of all premises owned or operated by the Students' Union would be required to adhere to the boycott upon the renewal of their existing lease or the creation of a new lease.

* United Nations Universal Declaration of Human Rights

CARRIED (UNANIMOUS)

THEVENAZ/CHAPMAN MOVED THAT Bylaw Committee recommend the approval of the following petition question to Students' Council.

Do you support that Power Plant, RATT, and L'Express serve kosher and halal meals?

CARRIED (UNANIMOUS)

THEVENAZ/CHAPMAN MOVED THAT Bylaw Committee recommend the approval of the following petition question to Students' Council.

Do you support the elimination of the Centre for Student Development?

CARRIED (UNANIMOUS)

CHAPMAN/THEVENAZ MOVED THAT Bylaw Committee recommend the approval of the following petition question to Students' Council.

Do you support that the Students' Union raise awareness of the need for accessible and affordable education by conducting a tuition demonstration on November 5 of each year that shall include fireworks and a bonfire?

CARRIED (UNANIMOUS)

CHAPMAN/THEVENAZ MOVED THAT Bylaw Committee recommend the approval of the following petition question to Students' Council.

Do you support that the Students' Union discontinues the sale of tobacco products?

CARRIED (UNANIMOUS)

4. Adjournment

The meeting adjourned at 21:41.

The Students' Union, The University of Alberta
Bylaw Committee

22 November 2005 @ 19:30 - SUB 430

Original Intent

- a. Draught beer will be sold in pint volumes whenever alcohol is served
- b. Other volumes of draught beer may be sold at any price
- c. The existing selection of draught beer will continue to be carried
- d. Any pints of draught beer that have a cost in excess of \$2.00 will be charged at cost rounded up to the nearest dollar
- e. This measure will be in effect May 1, 2006 through April 30, 2007
- f. The word "pint" will be taken as the American volume equivalent to 16 American fluid ounces which is equal to 473 mL

Drafted Question

Do you support that Students' Union bars charge \$2.00 for all pints* of draught beer effective May 1, 2006 through April 30, 2007 subject to the following conditions?

- 1. Draught beer will be sold in pint* volumes whenever alcohol is served.
- 2. Other volumes of draught beer may be sold at any price.
- 3. The existing selection of draught beer will continue to be carried.
- 4. Where the wholesale cost of a pint* of draught beer is in excess of \$2.00, its price will be set at wholesale cost rounded up to the nearest dollar.

*A pint is 16 fluid ounces (473 mL).

The Students' Union, The University of Alberta
Bylaw Committee

22 November 2005 @ 19:30 - SUB 430

Original Intent

That at the Power Plant and RATT, when french fries are made available as a no-cost addition to a food item, that a salad option be made available in lieu of the french fries at no additional cost.

Drafted Question

Do you support that Students' Union bars offer a side of salad with food items in lieu of french fries at no additional cost?

Original Intent

Do you agree that the Students' Union, The University of Alberta, should boycott goods and services made in or that have at least 25% of their value created or added in the People's Republic of China to protest its human rights (as per the Universal Declaration of Human Rights) and environmental records? This boycott would also be levied by tenants of all premises owned or operated by The Students' Union, The University of Alberta, upon the renewal of existing or creation of new leases.

Drafted Question

Do you support that the Students' Union boycott goods and services from the People's Republic of China to protest its human rights* and environmental record subject to the following conditions?

1. The goods and services that shall be subject to this boycott will be those
 - a. made in the People's Republic of China; or
 - b. with at least 25% of their value originating from the People's Republic of China.
2. The tenants of all premises owned or operated by the Students' Union would be required to adhere to the boycott upon the renewal of their existing lease or the creation of a new lease.

* United Nations Universal Declaration of Human Rights

Original Intent

Do you agree that the Power Plant, RATT, and L'Express should have fully-kosher and fully-halal meals available?

Drafted Question

Do you support that Power Plant, RATT, and L'Express serve kosher and halal meals?

Original Intent

Do you agree that the Centre for Student Development operated by the Students' Union should be shut down?

Drafted Question

Do you support the elimination of the Centre for Student Development?

Original Intent

Do you agree that the Students' Union should, in order to raise awareness among the Alberta public of the need for accessible and affordable education, annually conduct a tuition demonstration on 5 November which will include the use of fireworks and a bonfire?

Drafted Question

Do you support that the Students' Union raise awareness of the need for accessible and affordable education by conducting a tuition demonstration on November 5 of each year that shall include fireworks and a bonfire?

Original Intent

Do you agree that the Students' Union should stop selling tobacco?

Drafted Question

Do you support that the Students' Union discontinues the sale of tobacco products?

President

6. The responsibilities of the President will be to:
 - a. Act as the official Students' Union spokesperson on all student issues;
 - b. Coordinate the Students' Union involvement with all external media, in conjunction with the Vice President (External);
 - c. Dedicate time to work with all of the Vice Presidents and in each of their portfolios;
 - d. Coordinate the Students' Union campus outreach activities;
 - e. Staff Management;
 - f. Provide long-term strategic direction for the Students' Union.
 - g. Supervise the affairs of the Students' Union at the direction of the Executive Committee;
 - h. Ensure that programs are implemented in accordance with the direction of Students' Council and accepted policy of the Students' Union;
 - i. Further and maintain good external relations and representation with student, University, government bodies, and the general public;
 - j. Provide administrative direction to the General Manager of the Students' Union, at the direction of the Executive Committee;
 - k. Represent the interests of students as a member of General Faculties Council;
 - l. Serve as a Students' Union nominee to the Board of Governors, and present a student point of view to the Board of Governors;
 - m. Serve as Chair of the Executive Committee;
 - n. Report to the Speaker of Student' Council for the purpose of all Council business.

Vice President (Student Life)

7. The responsibilities of the Vice President (Student Life) will be to:
 - a. Deal with all non-academic university issues,

Eligibility Requirements

7. Each voting member of Council referred to in Section 5 will be:
 - a. a member of the Students' Union within the meaning of Article VIII of the Constitution; and
 - b. registered as either:
 - i. an undergraduate student in the Faculty, School, or College they represent; or,
 - ii. the registered student group that they represent.

7.1 The Speaker will request a report from the Office of the Registrar and Student Awards each term to confirm that all individuals occupying positions that require them to be undergraduate students meet all requirements set out in Bylaw.

Part II - Faculty Representatives**Exception from Faculty Constituency**

8. a. Each voting member of the Students' Council, shall be elected by members of the Students' Union registered in the respective faculty, school or institution in which they are registered with the exceptions of:
 - i. The Executive Committee;
 - ii. The Board of Governors Representative.
- b. Each election required for the representative of a faculty, or school shall be conducted annually before the 30th of March, and in accordance with Bylaw 2200.
- c. Vacancies in Council Membership will be filled according to Article XIV – Vacancies of the Constitution.

Part III - Report of Election Results

April 12, 2005 – Implemented May 1, 2005

Nov 2/04

Aug 17/04 (IRB)

June 29/04

Mar 23/04

Apr 9/02

Feb 12/02

Sep 18/01

Jan 23/01

April 12, 2005 – Implemented May 1, 2005

Nov 2/04

Aug 17/04 (IRB)

June 29/04

Mar 23/04

Apr 9/02

Feb 12/02

Sep 18/01

Jan 23/01

- j. the “D.I.E. Board” shall be the Discipline, Interpretation, and Enforcement Board of the Students’ Union, as set out in Article XV of the Students’ Union Constitution and in the Discipline, Interpretation, and Enforcement Board Bylaw;
 - k. “campaign materials” shall be any physical or electronic media produced or distributed as part of campaign activities;
 - l. a “banner” shall be any campaign material composed of paper, cloth, or similar material, of a total area of greater than four (4) square feet;
 - m. a “poster” shall be any campaign material composed of paper, cloth, or similar material, of a total area of under four (4) square feet that is designed to be posted on a wall or similar plane;
 - n. a “voter” shall be any member who exercises his/her entitlement to vote, as set out in Section 62;
 - o. a “forum” shall be any event planned or organized by any entity other than a side or the Students’ Union at which campaign activities are facilitated;
 - p. the “University” shall be the University of Alberta;
 - q. “working hours” shall be any and all hours occurring between 0900 and 1700 and
 - r. a “general election” shall be the General Election of the Executive Committee and the Undergraduate Board of Governors, as set out in the Campus Wide Election Bylaw, or the General Election of Faculty Councillors, as set out in the Faculty Councillor Election Bylaw.
3. This bylaw shall govern the initiation, organization, and interpretation of any plebiscite or referendum held by the Students’ Union.
 4. Where a member wishes to circulate a petition, that member shall submit to the ~~Bylaw Committee~~C.R.O. the intent of the question, and the Bylaw Committee shall approve, within seven (7) days, a question which:
 - a. ~~fully reflects the intent submitted by the member~~the intent of the question; and

Nov 15/05 – Sections 4(b), 4(d), and 11 effective retroactively from May 1/05

Mar 7/05 (DIE) - Effective Retroactively - See DIE Board decision for details

Jan 11/05 – Implemented May 1/05

Aug 17/04 (IRB)

Feb 3/04

Apr 30/03

June 18/02 (IRB)

May 2/01

Feb 02/99

- b. ~~if carried and acted upon, would not violate any Students' Union law or any federal or provincial statute or regulation, whether the question is a plebiscite or referendum;~~
 - c. the name, faculty, and student identification number of that member; and
 - d. a twenty-five (\$25.00) deposit in the form of cash or a certified cheque or money order payable to the Students' Union.
5. Upon receipt of a submission meeting the requirements set out in Section 4, the C.R.O. shall immediately forward the intent of the question to the Bylaw Committee.
6. The Bylaw Committee shall approve, within fourteen (14) days from receiving the intent of the question from the C.R.O., a question which:
- a. fully reflects the intent submitted by the member; and
 - b. if carried and acted upon, would not violate any Students' Union bylaw or any federal or provincial law.
- ~~5.7.~~ Students' Council shall, at meeting following the drafting of the question by the Bylaw Committee as set out in Section 46, approve a question which meets the criteria set out in Section 46.
- ~~6.8.~~ Sections 46 and 57 notwithstanding, where it is not possible for the Bylaw Committee or Students' Council to approve a question which meets the criteria set out in Section 64, neither the Bylaw Committee or Students' Council shall approve such a question.
- ~~7.9.~~ Where a petition bearing the names, signatures, and student identification numbers of at least five percent (5%) of the total membership of the Students' Union as of the following February 1 requesting a plebiscite on a given Students' Council-approved question is submitted to the C.R.O., then a plebiscite shall be held on that question, provided that the names, signatures, and student identification numbers were all collected within ninety (90) days of submission of the petition.
- ~~8.10.~~ Where a petition bearing the names, signatures, and student identification numbers of at least fifteen percent (15%) of the total membership of the Students' Union as of the following February 1 requesting a referendum on a given Students' Council-approved

Nov 15/05 – Sections 4(b), 4(d), and 11 effective retroactively from May 1/05

Mar 7/05 (DIE) - Effective Retroactively - See DIE Board decision for details

Jan 11/05 – Implemented May 1/05

Aug 17/04 (IRB)

Feb 3/04

Apr 30/03

June 18/02 (IRB)

May 2/01

Feb 02/99

question is submitted to the C.R.O., then a referendum shall be held on that question, provided that the names, signatures, and student identification numbers were all collected within ninety (90) days of submission of the petition.

11. Where a petition bearing the names, signatures, and student identification numbers of at least five percent (5%) of the total membership of the Students' Union as of the following February 1 requesting a plebiscite or referendum on a given Students' Council-approved question is submitted to the C.R.O., that member's deposit shall be refunded.

9.12. Students' Council shall have the authority to call a plebiscite or referendum without a petition.

10.13. Where the C.R.O. receives a valid petition or where Students' Council initiates a referendum or plebiscite, then the referendum or plebiscite in question shall be held on the dates of the next general election not occurring within thirty (30) days of receipt of the valid petition or initiation by Students' Council of the referendum or plebiscite in question.

11.14. At least twenty-eight (28) days in advance of the plebiscite or referendum, the C.R.O. shall:

- a. schedule, announce, and advertise in every available edition of the Official Student Newspaper, a meeting for the registration of sides, such meeting to take place not more than twenty-one (21) and not fewer than fourteen (14) days in advance of the plebiscite or referendum; and
- b. publish in each available edition of the Official Student Newspaper the wording of the question.

12.15. For each plebiscite or referendum, there shall be:

- a. a "yes" side; and
- b. a "no" side.

13.16. Members wishing to register themselves as part of a side shall attend the meeting for registering sides, as set out in Section 11(a).

Nov 15/05 – Sections 4(b), 4(d), and 11 effective retroactively from May 1/05

Mar 7/05 (DIE) - Effective Retroactively - See DIE Board decision for details

Jan 11/05 – Implemented May 1/05

Aug 17/04 (IRB)

Feb 3/04

Apr 30/03

June 18/02 (IRB)

May 2/01

Feb 02/99

Bylaw 500
A Bylaw Respecting Access to Students' Union Information

Classification

1. (1) Every Students' Union document or record is strictly confidential that has been specifically designated as such byin the Standing Orders of Students' Council.
- (2) Every Students' Union document or record is confidential that has not been designated strictly confidential and that
 - (a) relates to the employment of any Students' Union employee;
 - (b) includes the minutes or otherwise reveals the proceedings of any *in camera* portion of a meeting of Students' Council, the Executive Committee, the Discipline, Interpretation, and Enforcement Board, or any committee thereof; or
 - (c) if divulged, could compromise the legal position or business competitiveness of the Students' Union.
 - (d) personal information of volunteers
- (3) Every Students' Union document or record is public that is neither strictly confidential nor confidential.

Access to Information

2. (1) Public information is available to all members of the Students' Union.
- (2) Confidential information is available to
 - (a) members of Students' Council and committees thereof;
 - (b) members of the Executive Committee;
 - (c) members of the Discipline, Interpretation, and Enforcement Board;
 - (d) such employees of the Students' Union as the Executive Committee considers appropriate; and
 - (e) any individuals designated by Students' Council.
- (3) Strictly confidential information is available to those individuals specifically designated byin the Standing Orders of Students' Council.

Cost to Members

Nov 29/05

Feb 8/05 – Implemented March 8, 2005

3. Any member of the Students' Union requesting a copy of a public Students' Union document or record shall be provided such a copy, at a cost to that member not exceeding the cost of the document or record's retrieval and reproduction.

Right to Attend Meetings

4. (1) Every member of the Students' Union is entitled to attend any meeting of Students' Council, a Students' Council Board or Committee, the Executive Committee, or the Discipline, Interpretation, and Enforcement Board except the portions of any such meeting that occur *in camera*.
- (2) Students' Council may allow any person access to the *in camera* portions of any meeting.
- (3) Every member of Students' Council is entitled to attend any *in camera* session of a committee thereof.

Non-Disclosure

5. (1) No person having access to confidential or strictly confidential documents or records, or to *in camera* sessions of Students' Council or any committee thereof, the Executive Committee, or the Discipline, Interpretation, and Enforcement Board, shall disclose the content of any such document, record, or session to any person not otherwise privy to that information.
- (2) Any person becoming a member of or a proxy on Students' Council, the Executive Committee, the Discipline, Interpretation, and Enforcement Board, or a committee thereof shall enter into a non-disclosure agreement with the Students' Union in advance of assuming such office.
- (3) No person being a member of or a proxy on Students' Council, the Executive Committee, the Discipline, Interpretation, and Enforcement Board, or a committee thereof shall have access to confidential or strictly confidential information until a non-disclosure agreement is entered into with the Students' Union.

- b. if carried and acted upon, would not violate any Students' Union law or any federal or provincial statute or regulation.
5. Students' Council shall, at meeting following the drafting of the question by the Bylaw Committee as set out in Section 4, approve a question which meets the criteria set out in Section 4 unless the question would cause Students' Council to breach its fiduciary responsibility to the Students' Union.
 6. Sections 4 and 5 notwithstanding, where it is not possible for the Bylaw Committee or Students' Council to approve a question which meets the criteria set out in Section 4, neither the Bylaw Committee or Students' Council shall approve such a question.
 7. Where a petition bearing the names, signatures, and student identification numbers of at least five percent (5%) of the total membership of the Students' Union as of the following February 1 requesting a plebiscite on a given Students' Council-approved question is submitted to the C.R.O., then a plebiscite shall be held on that question, provided that the names, signatures, and student identification numbers were all collected within ninety (90) days of submission of the petition.
 8. Where a petition bearing the names, signatures, and student identification numbers of at least fifteen percent (15%) of the total membership of the Students' Union as of the following February 1 requesting a referendum on a given Students' Council-approved question is submitted to the C.R.O., then a referendum shall be held on that question, provided that the names, signatures, and student identification numbers were all collected within ninety (90) days of submission of the petition.
 9. Students' Council shall have the authority to call a plebiscite or referendum without a petition.
 10. Where the C.R.O. receives a valid petition or where Students' Council initiates a referendum or plebiscite, then the referendum or plebiscite in question shall be held on the dates of the next general election not occurring within thirty (30) days of receipt of the valid petition or initiation by Students' Council of the referendum or plebiscite in question.
 11. At least twenty-eight (28) days in advance of the plebiscite or referendum, the C.R.O. shall:

Nov 15/05 – Section 5 effective retroactively from May 1/05

Mar 7/05 (DIE) - Effective Retroactively - See DIE Board decision for details

Jan 11/05 – Implemented May 1/05

Aug 17/04 (IRB)

Feb 3/04

Apr 30/03

June 18/02 (IRB)

May 2/01

Feb 02/99

The Students' Union, The University of Alberta
Council Administration Committee

22 November 2005 @ 17:00 - SUB 606

Report to Students' Council (CAC 2005-14)

Council Administration Committee met for the fourteenth time on 22 November 2005 at 17:00. All permanent members of the committee and the Speaker of Students' Council were present, except Councillor Aperocho.

The Standing Orders of Students' Council were amended by adding two new orders with respect to Points of Order. The committee discussed the use of Points of Orders during the 1 November 2005 and 15 November 2005 meetings of Students' Council. After a considerable amount of debate, the committee unanimously approved the amendments to Standing Orders. A Point of Order will only be considered if the member rising on such a point cites the specific rule or piece of legislation and sections that are being violated. Where that rule or piece of legislation is external to the Students' Union, the member must provide the Speaker with a copy of the rule or piece of legislation when rising on the Point of Order.

As part of the mandate of the committee as legislated in Bylaw 4000, the committee discussed the progress of Students' Council legislative agenda. The comments were largely positive and eventually lead to discussions with respect to the Discipline, Interpretation, and Enforcement Board. As it is unclear who officially represents Students' Council before DIE Board, it was decided that a change to Bylaw was in order. Council Administration Committee is therefore recommending a Bill to Students' Council that the Speaker represent Students' Council before DIE Board.

The committee began the process of defining its standing orders with respect to designating documents as strictly confidential pursuant to Bill 14. Several concerns were raised with respect to the ability of the committee to mark new documents as strictly confidential, in particular contracts or agreements that we may not have access to. The concerns stemmed from the fact that there would be a possible inherent conflict between the Executive Committee and Council Administration Committee. Subsequently, the committee unanimously approved a motion to recommend a Bill to Students' Council. The effect of the bill would require that any new contracts or agreements that the Students' Union enters into – and need to be marked as Strictly Confidential – require the approval of Students' Council. This does not preclude the Students' Union from entering into contracts that do not already require the approval of Students' Council as long as they do not need to be marked as Strictly Confidential.

The next meeting of Council Administration Committee will take place in SUB 420 on 17 January 2006 at 17:00.

The Students' Union, The University of Alberta
Council Administration Committee

22 November 2005 @ 17:00 - SUB 606

Votes and Proceedings (CAC 2005-14)

1. Call to Order

The Chair called the meeting to order at 17:05.

2. Approval of the Orders of the Day

Orders of the Day stand approved.

3. Standing Orders of Students' Council [4000(12)(a)]

a. Points of Order

KIRKHAM/KELLY MOVED THAT Standing Orders of Students' Council be amended by adding a new order that reads:

Where a member rises on a Point of Order, that member must cite the specific rule or the piece of legislation and section(s) that contain the rule that is being violated.

CARRIED (UNANIMOUS)

43(1). Points of Order

Where a member rises on a Point of Order, that member must cite the specific rule or the piece of legislation and section(s) that contain the rule that is being violated.

KIRKHAM/KELLY MOVED THAT Standing Orders of Students' Council be amended by adding a new order that reads:

Where a member rises on a Point or Order citing the violation of a federal, provincial, or municipal law, that member must provide a copy of that law to the Speaker at the time the Point of Order is raised.

CARRIED (UNANIMOUS)

43(2). Points of Order

Where a member rises on a Point or Order citing the violation of a federal, provincial, or municipal law, that member must provide a copy of that law to the Speaker at the time the Point of Order is raised.

4. Progress of Students' Council Legislative Agenda [4000(12)(d)]

BERGHOFF/KELLY MOVED THAT Council Administration Committee recommend to Students' Council the adoption of a Bill with the following principles:

- i. The Speaker shall represent Students' Council before the Discipline, Interpretation, and Enforcement Board.

CARRIED (UNANIMOUS)

5. Strictly Confidential Designation [500(1)(1), 500(2)(3), Bill #14, 2005-14.01]

BERGHOFF/SCHNEIDER MOVED THAT Council Administration Committee recommend to Students' Council the adoption of a Bill with the following principles:

- i. Any contract or agreement that the Students' Union enters into, and needs to be marked as Strictly Confidential, will require the approval of Students' Council.
- ii. Students' Council shall be provided with a complete copy of the final draft of the contract or agreement.
- iii. Upon the recommendation of Students' Council, CAC will mark the contract or agreement as Strictly Confidential.

CARRIED (UNANIMOUS)

The meeting adjourned at 19:20.

THE STUDENTS' UNION OF THE UNIVERSITY OF ALBERTA

POLITICAL POLICY STATEMENT

Policy Number:

Effective Date:

Page 1 of 1

Expiration Date: April 30, 2009

Responsibility for Policy:

University Policy Committee

Subject Matter

- *Category:*

POLITICAL POLICY (GENERAL)

- *Specific:*

General Election Forum

- *Topic:*

Class Consideration

WHEREAS the Students' Union is founded on the basis of democratic representation, which fundamentally depends on informed voters making the correct choice of representatives;

WHEREAS General Faculties Council policy states that "One outcome that should be expected from a program of undergraduate study at the University of Alberta is an informed understanding of and a desire to participate in the intellectual, cultural, social and political life of local, national and global communities";

WHEREAS attending a live forum of candidates is one of the best ways to actively garner information about candidates;

WHEREAS the University of Alberta is a commuter campus where the only available time to attend a forum for many students is during regular class time hours;

WHEREAS in 2006 there are approximately 9000 students attending class from 12:00-1:00 on Mondays, yet the Horowitz theatre only seats 720 students;

WHEREAS it is unfair that over 9000 students are refused instruction so that 720 may go to the general election forum;

WHEREAS there are multiple forums and methods by which students may garner information on candidates;

WHEREAS the general election forum generally runs from 12:00-3:00;

BE IT RESOLVED THAT the Students' Union not support cancellation of classes from 12:00 to 1:00 for the purposes of students attending the general election forum;

BE IT FURTHER RESOLVED THAT the Students' Union support the implementation of a process by which a student is not penalized for attending the forum from 12:00 – 3:00 and not class;

WHEREAS no student should have to choose between being involved in their democratic process and their academics;

WHEREAS the general election forum is the best attended and most recognizable part of the SU campaign process, in large part due to cancellation of classes from 12:00-1:00 for the purpose of attending the forum;

BE IT RESOLVED THAT the Students' Union support the continued cancellation of classes from 12:00-1:00 for the purpose of students attending the general election forum.

Policy History:

Reference/Vote

Board/Committee

**Date of Council
Approval**

Created

STUDENTS' COUNCIL VOTES & PROCEEDINGS

Tuesday November 15, 2005
Council Chambers 2-1 University Hall

VOTES & PROCEEDINGS (SC 2005-15)

- 2005-15/1 **CALL TO ORDER**
The meeting was called to order at 6:00 p.m.
- 2005-15/2 **SPEAKER'S BUSINESS**
- 2005-15/2a Announcements – The next meeting of Students' Council will take place on November 29, 2005.
- 2005-15/2a (I) New Councillor Orientation on November 21, 2005 at 6:00 p.m. in Room 6-06 SUB. An information session on the procedures of Council. If you are interested in attending please contact aasc@su.ualberta.ca.
- 2005-15/3 **APPROVAL OF THE ORDERS OF THE DAY**
KIRKHAM/CROSSMAN MOVED TO approve the orders of the day.
Main Motion: CARRIED
- 2005-15/4 **PRESENTATIONS**
- 2005-15/4a TOBIAS/CROSSMAN MOVED TO table the presentation until Bill Smith arrives.
Motion to table: CARRIED
- 2005-15/6 **REPORTS**
- 2005-15/6a Graham Lettner, President
- 2005-15/6b Mathieu Johnson, Vice President (Academic)
- 2005-15/6c Samantha Power, Vice President (External)
- 2005-15/6d Justin Kehoe, Vice President (Student Life)
- 2005-15/6e Jason Tobias, Vice President (Operations and Finance)

2005-15/6f

Adam Cook, Undergraduate Board of Governors Representative

TOBIAS/CROSSMAN MOVED TO lift from the table, the presentation on SU Budget.**Motion to lift from the table: CARRIED****2005-15/4****PRESENTATIONS****2005-15/4a**

Bill Smith, General Manager and Jason Tobias, Vice President (Operations and Finance) give a presentation regarding the SU Budget.

LEWIS/KIRKHAM MOVED THAT Students' Council re-consider the approval of the order paper.**Motion to re-consider: CARRIED****LEWIS/KIRKHAM MOVED TO** add item 7b (ii) to the order paper.**Motion to add item 7b (ii): CARRIED****Main motion to approve the order paper: CARRIED****2005-15/7****BOARD AND COMMITTEE REPORTS****2005-15/7a****Executive Committee****LETTNER /POWER MOVED THAT** based on the recommendation of the Executive Committee, Students' Council adopt the following elements, to apply to a Memorandum of Understanding regarding the proposed Physical Activity Complex (PAC), to potentially be negotiated between the Students' Union and the Faculty of Physical Education and Recreation:

- 1) There shall be an advisory committee whose mandate shall encompass the planning, design and management of the PAC
- 2) The committee shall be comprised of students and faculty representatives and may also include representatives from other groups who have a financial stake in the PAC.
- 3) The undergraduate student composition of the advisory committee shall be based upon the undergraduate student contribution to the project.
- 4) The Students' Union may participate in specified business and service arrangements within the PAC.

Speaker's List (mm): Lettner

KIRKHAM/LEWIS MOVED TO amend the main motion by adding new point 5 "A final draft of the MoU will be approved by Students' Council before it is signed"

Speaker's List (am): Kirkham

Amendment to main motion: FRIENDLY

Speaker's List (mm): Kirkham

COOK/KIRKHAM MOVED TO amend the main motion by striking the words "advisory" (from points 1 and 3) and changing to "governance"

Speaker's List (am): Cook, Khanna, Lettner, Lewis, Kelly

Amendment to main motion: CARRIED

LEWIS MOVED TO amend the main motion by adding the word "financial" before "contribution" in point 3

Amendment to main motion: FRIENDLY

Speaker's List (mm): Power

CROSSMAN/KAWANAMI MOVED THAT Students' Council refer the main motion back to the Executive Committee

Speaker's List (ref): Crossman, Lettner, Lewis

Motion to refer: DEFEATED

Main Motion: CARRIED

2005-15/7b

Bylaw Committee

2005-15/7b (i)

LEWIS/KELLY MOVED THAT Bill #14 be read a first time.

Bill #14 Access to Students' Union Information Amendment Bill (sponsor; KIRKHAM)

Principles (1st Reading)

1. Every Students' Union document or record is strictly confidential that has been specifically designated as such in the Standing Orders of Students' Council.
2. Strictly confidential information is available to those individuals specifically designated in the Standing Orders of Students' Council
3. Signing a non-disclosure agreement will no longer be a requirement that must be completed prior to assuming office.
4. No member of Students' Council, the Executive Committee, The Discipline, Interpretation, and Enforcement Board, or a committee thereof may access confidential or strictly confidential information until they have signed a non-disclosure agreement.
5. The SU is forbidden from entering into any agreement that would require it to be strictly confidential.

Speaker's List (mm): Lewis/Kirkham, Kawanami, Lewis, Lettner

KIRKHAM/SCHNEIDER MOVED TO amend the main motion by striking the work "agreement" and replace with "contract: in point 5

Amendment to main motion: FRIENDLY

Speaker's List (mm): Lewis, Chapman

KIRKHAM/KELLY MOVED TO amend the main motion by striking point 3

Speaker's List (am): Kirkham, Lewis

Amendment to main motion: CARRIED

CROSSMAN/KELLY MOVED THAT Bill #14 be divided such that points 1, 2, and 4 are Bill #14 A (Access to Students' Union Information Amendment Bill) and point 5 will become new point 1 in Bill #14 B (Strictly Confidential Contracts)

Speaker's List (am): Crossman

Point of Order: Lewis – "I appreciate the points the councillor is trying to make but I don't believe it is a point of parliamentary inquiry that the speaker would be answering"

Speaker: Point of order well taken. Points of Parliamentary Inquiry deal with procedural issues

Speaker's List (am): Kirkham

Amendment to divide main motion: CARRIED

Bill #14 A: CARRIED, unanimous consent

KIRKHAM/SCHNEIDER MOVED THAT Bill #14 B be read a first time.

Bill #14 B – Strictly Confidential Contracts

Principle

1. The SU is forbidden from entering into any agreement that would require it to be strictly confidential.

Speaker's List (mm): Kirkham, Kawanami, Lewis, Lettner

KIRKHAM/TOBIAS MOVED TO amend the main motion by adding new point 2 which reads "If there are more than two parties entering into such contract any portions not related to the SU could be marked as "strictly confidential"".

Speaker's List (am): Kirkham, Kawanami

Amendment to main motion: DEFEATED

Speaker's List (mm): Kirkham, Crossman, Power, Cook, Schneider

CHAPMAN/KHANNA MOVED TO amend the main motion by replacing it with the new phrase "Confidentiality Agreements may only be entered into by the SU upon the approval of Students' Council, upon Council being informed of the general benefits/costs of the agreement. Said agreements must be advantageous/beneficial to students and adhere to the principles of the Students' Union.

Speaker's List (am): Chapman

Amendment to main motion: DEFEATED

LEWIS/KIRKHAM MOVED THE previous question.

Motion to move previous question: CARRIED

Main Motion: DEFEATED, 10/11 (*note division)

2005-15/7b (ii)

LEWIS/KIRKHAM MOVED THAT Students' Council approve the following petition question:

Do you support that Students' Union bars charge \$2.00 for all pints of draught beer, effective May 1, 2006 through April 30, 2007, subject to the following conditions?

1. Students' Union bars will sell draught beer in pint volumes whenever alcohol is being served.
2. Students' Union bars may sell other volumes of draught beer at any price.
3. Students' Union bars will continue to carry their existing selection of draught beers.

Point of Order: Tobias – "Mr. Speaker, I'd like to argue that this motion is in fact out of order because it would, although no put us in breach of something that is strictly codified in provincial legislation as we spoke to last meeting, it would put us in contravention of what our University regulations, namely those set out by the Alcohol Policy Review Committee. I would argue that we have just as much of an obligation to live by those rules, as we have an obligation to live by any other set of Laws of the Land. And on the basis I'd ask that you rule this out of order".

Speaker: The chair asks for more clarity. Specifically what rules we're going to be in violation of.

Tobias: Basically selling pints of beer at \$2 each is what they call "Inducement to Intoxication". We basically set out prices in conjunction with APRC.

Point of Order: Lewis – "I respect the Vice President Operations and Finance's point of order, you ruled this out of order last meeting, why go through this a second time?"

Speaker: Point of order not well taken, I haven't had a chance to rule yet.

Tobias: Mr. Speaker, I apologize if I wasn't exactly clear. Last meeting I made the point of order based upon the Alberta Gaming and Liquor Commissions guidelines, which we're also bound by. You ruled because there is a certain realm of interpretation that you could go through there that my point of order was not well taken. I accept that. I didn't say anything about APRC at that time, I'm saying it now with an obligation to live by their rules and we're not allowed to set our prices in such a ways that would encourage over consumption or would encourage inducement to intoxication, as they so call it.

Speaker: Because you do not have the actual rule here today I'm going to have to rule that your point of order is not well taken. Idea of what's legal or not is too vague.

Speaker's List (mm): Lewis, Tobias

Point of Order: Lewis – "Mr. Speaker, one, he's not actually debating the 3 things we're allowed to debate, two, if he doesn't have any supporting documentation there's no reason for him to be wasting Councils time".

Speaker: Point of order not well taken. He is making comments related to the intent of the petition and I think it is in scope.

Point of Order: Tobias – “If we continue to sell all of our selections of draught beer at \$2 that puts us in breach of provincial bylaw because although not all of our beers cost 42 a pint, some of our beers cost more than \$2 a pint and selling alcohol below cost for anything other than a short duration of time, other than the purpose of a very short “special” I believe is illegal and is a breach of provincial law”.

Point of Order: Chapman – “The point of order is addressing a legal concern but the petition question doesn’t actually restrict SU bars from selling beers at a price proportional to the price of pints, it’s just allowing its flexibility”.

Speaker: (to Tobias) Is this your understanding?

Tobias: What we pay for the beer, that’s what the cost is so when I say selling below cost that would mean we buy a pint of Guinness for approximately \$2.10 and then we’d be selling it at \$2 which means we’d be selling it below what it cost it to buy it and that is illegal.

Speaker: The chair rules to invite comments from the floor that would provide some illumination on the VPOF’s point of order. Will this motion (petition question) make us sell at less than cost?

Lewis: The question submitted by the member is that all draught beer is to be sold for \$2 whether over \$2 or not at cost.

Speaker: In that case, the chair’s very minimal understanding of the law is that you cannot sell alcohol at less than cost. In that respect, on the advice of the Bylaw Committee chair who drafted this question, the chair rules that the point of order is well taken.

KIRKHAM/LEWIS APPEAL THE decision of the chair.

Kirkham: Mr. Speaker, first, it is not common knowledge. I would argue that it is common knowledge that it is okay to sell liquor below cost, why? Filthy McNasty’s Wednesday nights at 5 o’clock, sells liquor, pints of beer, for \$1. Here we’re proposing to sell pints of beer for \$2. I don’t pretend that Filthy McNasty’s has some sort of “magical” deal with all the “magical” breweries because it’s all beer that we somehow don’t know about in some secret bar deal. Clearly they’re selling it below cost. They’re an establishment that has been around a long time. We can assume that the AGLC is being negligent here when bars are acting like this and it’s packed every Wednesday night. We have to assume that AGLC has taken reasonable precautions to enforce their own guidelines just like we’re trying to be reasonable here with interpreting our common knowledge of the legislation that exists. Therefore, I would argue that it is not illegal based on that same anecdotal evidence that you ruled it was illegal. I’d argue that it’s not illegal to sell at below cost. Additionally, in the 264 page AGLC Handbook that I have here in front of me that I analyzed one month ago when we first were

looking at this issue. This is a month ago on the October 25 meeting of Bylaw Committee I believe, downloaded it, no internet now, still had a copy. There was actually no mention of it being illegal to sell at below cost. The only mention of anything was having it at a "special" below cost and advertising that special. So this is how Filthy McNasty's gets away with it. They don't advertise \$1 pints. People just happen to show up and by word of mouth they get this special. So the key here is that the only limitation here is advertising a special rate. First off, this would not be a special rate, it's a permanent across the board for a year. If anyone wants to argue that it's a special rate for a year, fine it's a special rate for a year, we just don't advertise it. We would still be conforming with SU legislation. Nowhere in this question does it say that the SU shall advertise \$2 pints, that's fine. If we're going to be breaking the law by advertising it, we just won't advertise it. There's no problem there.

President: Mr. Speaker, upholding your decision, in favour. All we can do here and this is what I can advocate for is that we pass this motion. We don't have the necessary documents in front of us to refute or sustain. I think Councillor Baniulis had the best idea in the beginning in that "I'm going to vote in favour so I can bring it back and reconsider it at another time when we have some more evidence"

Point of Order: Kirkham – "Sorry I'd just like to clarify here, the President said he was speaking in favour, isn't he actually speaking opposed? Because it's an affirmative vote I just want it to be clear when people eventually vote on it, if they're speaking in favour or opposed by upholding the rule of the chair".

Speaker: Point of Order not well taken.

President: What I advocated for in action I'm going to vote for in consequence.

Lewis: Mr. Speaker, the only actual physical evidence that has been presented to you and us this evening is the evidence in the AGLC Handbook which does not indicate selling pints of beer for under cost on a normal every day occasion is illegal. We have absolutely no evidence that this is illegal and therefore there is no reason why, one, we should rule this out of order, and two, that we should get rid of the petition that was submitted by an honest student trying to make a change to the way the SU operates.

Tobias: Mr. Speaker, the reason that the AGLC Guidelines don't specifically say that you can't sell alcohol below cost indefinitely. Well it's because that would lead to what we've come to know in Council as an absurd conclusion, which is, if you follow this business policy your business goes out of business. I think that's important to note when talking about the legalities of the situation. I don't think that AGLC ever said someone's going to run a business for the sake of subsidizing public drunkenness. Just to note, Council, this is foolishness. Uphold the ruling of the chair.

Shall the decision of the chair be sustained? SUSTAINED, 10/8

2005-7b (ii)

Removed from the Order paper.

KIRKHAM/BLAIS MOVED TO adjourn.

Motion to adjourn: DEFEATED, 8/12

2005-15/7c

External Policy Committee

2005-15/7c (i)

KAWANAMI/LEWIS MOVED THAT upon the recommendation of the External Policy Committee, Students' Council approve the amendments to the Political Policy "Board of Governors".

WHEREAS student representation on the Board of Governors is not proportional to the contribution of students to institutional revenues in the form of tuition.

WHEREAS the quality of education received by undergraduate students is directly impacted by decisions made by the Board of Governors.

BE IT RESOLVED THAT The Students' Union, The University of Alberta, lobby the provincial government to increase undergraduate student representation on the Board of Governors to be proportional to students' contribution to institutional revenues.

Point of Order: Kelly – "Quorum?"

Speaker: Point of order well taken.

Quorum is re-established.

Speaker's List (mm): Kawanami

Council repealed political policy (Board of Governors) and pass the new political policy (Board of Governors)

Speaker's List (mm): Lettner, Lewis

Main Motion: CARRIED

LEWIS/CROSSMAN MOVED TO adjourn.

Motion to adjourn: CARRIED

This meeting of Students' Council was adjourned at 9:48 p.m.

ATTENDANCE (SC 2005-15)

Faculty/Position	Name	Early Attendance	Late Attendance	Division
President	Graham Lettner	√	√	X
VP Academic	Mathieu Johnson	√	√	
VP External	Samantha Power	√		√
VP Finance	Jason Tobias	√	√	X
VP Student Life	Justin Kehoe	√	√	X
BoG Undergrad Rep.	Adam Cook	√	√	X
Agriculture, Forestry and Home Economics	Miranda Baniulis	√	√	X
Agriculture, Forestry and Home Economics	Amanda Rajotte	√		

Arts	Catrin Berghoff	√	√	√
Arts	John Chandler	√		
Arts	Michelle Kelly	√		√
Arts	Bryce Kustra	√		
Arts	Cameron Lewis	√	√	√
Arts	Tim Schneider	√	√	√
Arts	Shad Thevenaz			
Arts	Heather Wallace			
Augustana	Jonathan Friesen			
Business	Chris Young			
Business	Ryan Payne			
Education	Lillian Patz			
Engineering	Brian Ceelen	√	√	
Engineering	James Crossman	√	√	X
Engineering	Prem Eruvs	√		√
Engineering	Jamaal Montasser			
Law	Kyle Kawanami	√	√	X
Medicine and Oral Health Sciences	Suneil Khanna	√		X
Native Studies	Matt Wildcat			X
Nursing	Nadia Ickert	√	√	√
Faculté Saint-Jean	Joseph Blais	√	√	√
Open Studies	Sabine Stephan			
Physical Education and Recreation	Philip Goebel			
Science	Sheena Apercho	√		
Science	Jack Gordon	√		
Science	Abbeir Hussein	√		
Science	Stephen Kirkham	√	√	√
Science	Sylvia Shamanna	√	√	X
Science	Omer Yusuf	√	√	x
Science	Yuan Hao			

Science	Chris Le	√		
Science	Theresa Chapman	√	√	√
General Manager	Bill Smith	√		
Speaker	Gregory Harlow	√	√	

Guests of Council:

Position	Name
Chief Returning Officer	Rachel Woynorowski
The Gateway	Ross Prusakowski
Bellerose Comp. High School	IB Students interested in Council

Original wording of petition questions

- i. Do you support the abolition of the Students' Union referendum process? [This would repeal Students' Union bylaw 2400 and prevent further referenda from occurring.]
- ii. Do you support requiring that the exercise of fee collection and approval by The Students' Union, The University of Alberta, be conditioned on the principle that control be commensurate with contribution?
- iii. Do you support the abolition of all dedicated fees currently levied by The Students' Union, The University of Alberta, not used for the operation of The Students' Union, The University of Alberta?
- iv. Do you support the implementation of a mandatory fee not to exceed \$10.00 per student per term that would be awarded to one randomly selected student per term?
- v. Do you support forbidding The Students' Union, The University of Alberta, from referring to itself by any name other than its full legal name?
- vi. Do you support giving the Discipline, Interpretation, and Enforcement Board of The Students' Union, The University of Alberta, the authority to examine and bring into compliance the legislation of The Students' Union, The University of Alberta with applicable provincial legislation?
- vii. Do you support requiring that all contracts entered into by The Students' Union, The University of Alberta, be completely open to perusal by any member of The Students' Union, The University of Alberta?
- viii. Do you support directly electing the two student representatives to the Board of Governors for two-year overlapping terms?
- ix. Do you support implementing a mandatory program to provide a hot lunch to all students at a cost of no more than \$60 per student per term?
- x. Do you support implementing a mandatory program to provide for student safety, secure transport, and environmental quality by preventing all undergraduate students from using transportation means other than busses to arrive at campus and providing a universal bus pass to students at a cost of no more than \$500 per student per term? This program would come into effect upon the outcome of a binary quasi-random process being '1'; in the case where the outcome is '0', the process would be repeated. The determination of the outcome of the process will be adjudicated by the Discipline, Interpretation and Enforcement Board.

xi. Do you support offering hourly transportation services between the Campus St-Jean in Edmonton and the Augustana Campus in Camrose, for a mandatory fee not to exceed 1 penny-farthing per student per day in order to relieve geographical inequities preventing students in Edmonton from taking courses in Camrose and vice-versa?

xii. Do you support establishing frisbeetarianism as the official religion of The Students' Union, The University of Alberta, and implementing a mandatory tithe of 10% to support frisbeetarian activities, such levy to be substantiated by income tax records and collected as part of the Students' Union fee?

Excerpt from the Alberta Provincial GAMING AND LIQUOR ACT

Interpretation

1(1) In this Act

- (a) “adult” means a person 18 years of age or older;
- (b) “board” means the board of the Commission;
- (c) “Chair” means the Chair designated under this Act;
- (d) “Commission” means the Alberta Gaming and Liquor Commission continued under this Act;
- (e) “container” means a bottle, can, box or other receptacle used for holding liquor and any package that contains the bottle, can, box or other receptacle;
- (f) “Crown” means the Crown in right of Alberta;
- (g) “facility licence” means a licence that authorizes a person to operate a facility where either or both of the following may be conducted:
 - (i) gaming activities that are authorized by a gaming licence;
 - (ii) provincial lotteries;
- (h) “gaming activity” means a lottery scheme referred to in section 207(1)(b), (c), (d) or (f) of the *Criminal Code* (Canada);
- (i) “gaming licence” means a licence that authorizes a person to conduct a gaming activity;
- (j) “gaming supplies” means supplies, equipment and devices designed to be used in a gaming activity, but does not include normal office supplies or things specified in the regulations;
- (j.1) “gaming terminal” means a computer, video device or machine that is used, or could be used, to play a lottery scheme as defined in the *Criminal Code* (Canada) where, on insertion of money or a token or on payment of any consideration a person may receive or be entitled to receive money, either directly from the computer, video device or machine or in another manner, but does not include such a computer, video device or machine when used only for home entertainment and where there is no ability for any person to make money from its operation;
- (k) “gaming worker” means a person, other than a person specified in the regulations, who is paid to assist
 - (i) a gaming licensee in the conduct or management of a gaming activity, or
 - (ii) a facility licensee in the operation of a licensed facility;
- (l) “Indian band” means a band as defined in the *Indian Act* (Canada);
- (m) “Indian reserve” means a reserve as defined in the *Indian Act*

- (Canada);
- (n) “inspector” means an inspector referred to in section 98;
 - (o) “licensed facility” means the facility described in a facility licence;
 - (p) “licensed premises” means the premises described in a liquor licence;
 - (q) “liquor” means any wine, beer, cider, spirits or other product that is intended for human consumption in which the percentage of alcohol by volume exceeds an amount prescribed by the regulations, unless the product is excluded from the definition of liquor by board regulations under section 130;
 - (r) “liquor agency” means a corporation or individual who is in the business of representing a liquor supplier in the sale of the supplier’s liquor;
 - (s) “liquor licence” means a licence that authorizes the manufacture, import, purchase, sale, transport, giving, possession, storage, consumption or use of liquor;
 - (t) “liquor supplier” means
 - (i) a manufacturer,
 - (ii) a person who operates an establishment for making liquor outside Alberta,
 - (iii) a person, other than the Commission, who is a distributor of liquor, and
 - (iv) any person who has a connection, as specified in the regulations, to a manufacturer or a person described in subclause (ii) or (iii);
 - (u) “manufacturer” means a person who operates or intends to operate an establishment for making liquor in Alberta;
 - (v) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
 - (w) “minor” means a person under the age of 18 years;
 - (x) “provincial lottery” means a lottery scheme referred to in section 207(1)(a) of the *Criminal Code* (Canada) that the Government of Alberta is authorized to conduct and manage by itself or in conjunction with the government of another province or territory;
 - (y) “public place” includes
 - (i) a place or building that is open to the public, and
 - (ii) a vehicle in a public place;
 - (z) “residence” means a place used by a person as a permanent private dwelling, including any structure or land adjacent to the private dwelling that is used for the convenience or enjoyment of the occupants of the dwelling;
 - (aa) “sale” and “sell” include

- (i) the barter of liquor, and
- (ii) the storage, display, advertising and offering of liquor for the purpose of sale;
- (bb) “shareholder” does not include a shareholder of a corporation
 - (i) any of whose issued shares, or securities that may or might be exchanged for or converted into shares, were part of a distribution to the public, and
 - (ii) that has more than 15 shareholders;
- (cc) “special event licence” means a liquor licence that authorizes activities in relation to an event of a limited duration;
- (dd) “spirits” means any product that contains alcohol obtained by distillation;
- (ee) “stadium bylaws” means bylaws passed by a municipality that are referred to in section 129(1)(s);
- (ff) “temporary residence” means
 - (i) a place that is used by a traveller in respect of which the traveller pays a fee,
 - (ii) a vacation or recreational dwelling,
 - (iii) a tent that is set up in an area where overnight camping is not prohibited,
 - (iv) a motor home or other vehicle that is parked in an area that is not a highway or road and where overnight camping is not prohibited, and
 - (v) a watercraft that has built_in living accommodation and is moored in an area where moorage is not prohibited that is being used as a temporary private dwelling, including any structure or land adjacent to the dwelling that is used for the convenience or enjoyment of the occupants of the dwelling;
- (gg) “vehicle” means a device in, on or by which a person or thing may be transported or drawn on a highway or on water.
- (hh) repealed 2002 c15 s2.

(2) A reference to “this Act” includes the regulations made under this Act.

(3) A reference to a conviction that “becomes final” means that the conviction has become final through the appeal process or the expiration of appeal periods.

Part 3 Liquor

Regulation of Licensees and Activities_on Licensed Premises

Forced sales

64 No liquor licensee or employee or agent of a liquor licensee may require or demand, by force or otherwise, that a person buy liquor in the licensed premises.

1996 cG_0.5 s61

Remuneration based on sales

65(1) No person may enter into an agreement in which one party is to receive remuneration for working in licensed premises if the remuneration varies with the amount of liquor sold at the licensed premises.

(2) An agreement entered into in contravention of subsection (1) is void.

1996 cG_0.5 s62

Agreements with liquor suppliers and agencies

66(1) Unless the regulations provide otherwise, no liquor supplier or liquor agency may enter into an agreement with a liquor licensee whose licence authorizes the sale of liquor to customers for their own consumption in which the licensee agrees to sell the liquor of the supplier or agency.

(2) Unless the regulations provide otherwise, no liquor licensee whose licence authorizes the sale of liquor to customers for their own consumption may enter into an agreement with a liquor supplier or liquor agency in which the licensee agrees to sell the liquor of the supplier or agency.

(3) Unless the regulations provide otherwise, an agreement entered into in contravention of subsections (1) and (2) is void.

1996 cG_0.5 s63

Advertising and promoting of liquor

67(1) The board may make policies respecting the advertising and promoting of liquor or products that contain liquor.

(2) Every liquor licensee, liquor supplier, liquor agent and registrant under this Part must comply with the policies.

1996 cG_0.5 s64

Sale at licensed premises

68(1) No liquor licensee or employee or agent of a liquor licensee whose licence authorizes the sale or provision of liquor at licensed premises may sell, offer to sell or provide liquor at the licensed premises

- (a) unless the liquor was purchased from the Commission or acquired in accordance with board policies, and
 - (b) except during the hours and on the days when the liquor may be sold or provided under the regulations or stadium bylaws.
- (2) No liquor licensee or employee or agent of a liquor licensee may sell, offer to sell or provide from the licensed premises liquor to be consumed off the licensed premises unless the licensee's licence authorizes those activities.

1996 cG_0.5 s65

Conduct on licensed premises

69(1) No liquor licensee or employee or agent of a liquor licensee may permit any activity in the licensed premises that

- (a) is contrary to any municipal bylaw or any Act or regulation of Alberta or Canada,
 - (b) is detrimental to the orderly operation of the premises,
 - (c) may be injurious to the health or safety of people in the premises, or
 - (d) is prohibited under the licence or by the regulations.
- (2) No person may do anything in licensed premises that
- (a) is detrimental to the orderly operation of the premises,
 - (b) may be injurious to the health or safety of people in the premises, or
 - (c) is prohibited under the licence or by the regulations.

RSA 2000 cG_1 s69;2002 c15 s17

Leaving licensed premises when requested

70 No person may

- (a) remain in licensed premises after having been requested to leave the premises by the liquor licensee or an employee or agent of the liquor licensee, or
- (b) enter licensed premises after having been forbidden to enter the premises by the liquor licensee or an employee or agent of the liquor licensee.

1996 cG_0.5 s67

Leaving licensed premises on closing

71(1) Except in those licensed premises prescribed in the regulations, every person other than the liquor licensee and the liquor licensee's employees or agents must leave licensed premises when the sale and consumption of liquor in those premises are required to cease under the regulations or stadium bylaws.

(2) Except as provided in the regulations, no liquor licensee or employee or agent of a liquor licensee may permit any person to be in licensed premises when the sale and consumption of liquor in

those premises are prohibited under the regulations or stadium bylaws.

(3) No person may consume and no liquor licensee or employee or agent of a liquor licensee may permit a person to consume liquor on licensed premises when the sale and consumption of liquor in those premises are prohibited under the regulations or stadium bylaws.

1996 cG_0.5 s68

Homemade liquor

72(1) No liquor licensee or employee or agent of a liquor licensee may permit liquor referred to in section 86(1) on any licensed premises unless the liquor is being judged in a competition authorized by a special event licence.

(2) No person may on any licensed premises consume liquor that the person knows has been made under the authority of section 86(1) unless the consumption occurs as part of the judging of the liquor in a competition authorized by a special event licence.

1996 cG_0.5 s69

Adulteration of liquor

73(1) No liquor licensee or employee or agent of a liquor licensee or any other person may

(a) mix or permit to be mixed with any liquor that is in the possession of a liquor licensee any drug or any form of methyl alcohol or any crude, unrectified or impure form of ethyl alcohol or any other deleterious substance or liquid, or

(b) blend or permit to be blended one type or brand of liquor with another type or brand of liquor that is in the possession of a liquor licensee by exchanging or combining the contents of one container with those of another container except when using an automatic dispensing device approved by the Commission.

(2) No liquor licensee or employee or agent of a liquor licensee may add water or any other liquid or permit water or any other liquid to be added to any liquor sold or given to a customer so as to reduce the percentage of alcohol by volume without the knowledge and consent of the customer.

RSA 2000 cG_1 s73;2002 c15 s18

Minors on licensed premises

74(1) If a person who appears to be a minor requests to purchase or be given liquor from a liquor licensee, the licensee or other person to whom the request is made must, before granting the request, demand that the person who appears to be a minor provide proof of age.

(2) No minor may enter or be in any licensed premises if the licence prohibits minors from entering into or being in the licensed premises.

(3) No liquor licensee may permit a minor to enter or be in any licensed premises if the licence prohibits minors from entering into or being in the licensed premises.

(4) If a person who appears to be a minor enters licensed premises that a minor is not entitled to enter or be in, the liquor licensee must demand that the person who appears to be a minor produce proof of age.

(5) If a person makes a request for identification under subsection (1) or (4) and the person who appears to be a minor fails to produce identification that is satisfactory to the person making the request, the liquor licensee must

- (a) not serve liquor to that person, and
- (b) refuse the person entry or ask the person to leave if the licence prohibits a minor from entering and being in those licensed premises.

1996 cG_0.5 s71

Supplying liquor to minor

75 No person may give or sell or permit any person to give or sell liquor to a minor in licensed premises.

1996 cG_0.5 s72

Duty to intoxicated person

75.1 No liquor licensee may

- (a) sell or provide liquor in the licensed premises to a person apparently intoxicated by liquor or a drug,
- (b) permit a person apparently intoxicated by liquor or a drug to consume liquor in the licensed premises, or
- (c) permit a person apparently intoxicated by liquor or a drug to take part in a gaming activity or provincial lottery that is conducted in the licensed premises.

2002 c15 s19

An Excerpt from the Alberta Provincial Gaming and Liquor Act
GAMING AND LIQUOR REGULATION

Class C Liquor Licences

Class C liquor licence

- 42** A Class C liquor licence authorizes the licensee
- (a) to purchase liquor from the Commission or as otherwise directed by the board,
 - (b) to possess, store and use the liquor in the licensed premises, and
 - (c) to sell or provide the liquor from the licensed premises for consumption in the licensed premises.

Licensed premises

- 43** The licensed premises under a Class C liquor licence must be a club, canteen, travellers' lounge or institution in which entrance is restricted to members and their guests, residents and their guests or on some other basis acceptable to the board.

Canteen

- 44** An application for a Class C liquor licence in respect of a canteen must be made by the officer in charge of the Canadian Forces Base, police service or federal or provincial correctional training facility in which the canteen will be located.

Institution

- 45** An application for a Class C liquor licence in respect of an institution must be accompanied by the consent of the authority that directs the operation of the institution.

Travellers' lounge

- 46** An application for a Class C liquor licence in respect of a travellers' lounge must be made by the person that operates the public conveyance that the lounge is associated with.

SECTION: 6. CUSTOMER SERVICE

- 6.1.17 If a person of questionable age fails to satisfy the licensee or staff that the person is of legal age, the licensee will refuse entry or ask the person to leave if minors are prohibited from being in or remaining in the licensed premises.
- 6.1.18 If a young-looking person fails to satisfy the licensee or staff that the person is of legal age, the licensee will refuse to sell, serve or provide liquor service to the individual in question.
- 6.1.19 Supervisory staff of licensed premises will remain constantly vigilant to ensure that adequate safeguards preventing minors from entering minors prohibited premises and accessing liquor in minors allowed premises are maintained.
- 6.1.20 A licensee who employs minors as table staff will ensure that the minors do not become involved in the sale or service of liquor.
- 6.1.21 Licensees shall provide adequate supervision to ensure patrons of legal age do not provide liquor to minors.
- 6.1.22 A minor is prohibited from entering any licensed premises at a time when nude entertainment is being performed.
- 6.1.23 Licensees should telephone police when minors attempt to purchase liquor, are found consuming liquor or are found to be in Class A Minors Prohibited licensed premises or other premises where minors are prohibited. Police may elect to lay charges.

6.2 LIQUOR SERVICE IN LICENSED PREMISES

- 6.2.1 The provision of liquor service in licensed premises shall follow these conditions:
- a) liquor must never be sold, provided to, or consumed by minors or intoxicated persons;
 - b) a variety of non-alcoholic beverages shall be made available;

SECTION: 6. CUSTOMER SERVICE

- c) the days and hours of service and consumption must comply with those stipulated on the licence. When daylight saving time commences or ends, licensees will cease liquor service before clocks are adjusted. Liquor sales may commence based on the new adjusted time the next business day;
- d) liquor sold to patrons must be purchased from AGLC approved sources;
- e) consumption of liquor must take place on the licensed premises, as described on the licence, unless otherwise expressly provided for;
- f) the amount of liquor in a drink and the price shall be specified on a menu or price list;
- g) under no circumstances shall homemade liquor of any kind; duty free liquor; liquor from a customer and/or liquor not purchased from the warehouse, a licensed Alberta manufacturer or a Class D licensee be present on the licensed premises; and
- h) A patron may bring a commercially manufactured sealed bottle(s) of wine into a Class A Minors Allowed or Class C Club licensed premises provided;
 - i) The licensee must apply to Regulatory Division for an endorsement on the liquor licence to allow patrons to bring wine into the premises for consumption;
 - ii) A schedule of corkage fees that are applicable to all patrons must be posted;
 - iii) the wine must be handed over to the licensee staff immediately upon entering the premises; and
 - iv) the wine will be brought to the patron's table by licensee staff and opened by licensee staff.

SECTION: 6. CUSTOMER SERVICE

- i) Only liquor purchased by the licensee under their valid liquor licence is permitted on the premises with the exception of (h) above. Homemade wine cannot be served at any licensed function or brought into any licensed premises even if it is intended for private functions (e.g. weddings, retirements, etc.)

6.2.2 A licensee will:

- a) provide a reasonable number of different brands of liquor on his premises (i.e., types of beer, wine, spirits, etc.);
- b) develop a price system designed to address possible complaints of favourable or discriminatory pricing practices; and
- c) introduce and maintain a measuring and dispensing system to ensure patrons are provided with the brand and amount of liquor purchased.

6.2.3 Liquor prices may vary from day to day, and "happy hours" are acceptable; however, liquor sale activities must not promote intoxication. For example, the following are prohibited:

- a) more than one drink must not be offered or provided for a single price (e.g., "2 for 1" or "triples for the price of a single");
- b) pour sizes may vary, but over service is prohibited;
- c) promotions of "all you can drink for a fixed cost" are prohibited; and
- d) free liquor specials are prohibited.

6.2.4 Except for Class C (Canteen) premises and traveller's lounges where the licensee is an airline company, liquor must be dispensed by staff and not be available to patrons on a self-serve basis.

6.2.5 Licensees must ensure all liquor provided is not adulterated or altered in any fashion. The addition of any foreign material

SECTION: 6. CUSTOMER SERVICE

such as ice, mixes or flavouring agents is not permitted until the product is required for direct sale to the customer.

6.2.6 All liquor containers (i.e., cans, bottles, etc.) must be opened by licensee staff prior to being served to customers.

6.2.7 Wine, beer and coolers, as well as miniatures containing spirits, must be served in the original container or dispensed into an approved container (including glasses, mugs, jugs and carafes) and served directly to the customer.

6.2.8 Liquor may not be dispensed directly from the bottle into a patron's mouth by licensee staff.

6.2.9 Spirits (except miniatures) and beer in kegs must be dispensed from the original container in which it was purchased or by the use of an approved dispensing system into an approved container (including glasses, mugs, jugs and carafes) and may not be served in the original container. A keg of beer is any container which has a capacity of more than five (5) litres.

6.2.10 Liquor from one container shall not be mixed with liquor from another container unless it is:

- a) mixed at the request of a patron and served to that patron in a glass, mug, jug or carafe; or
- b) liquor from one container of a particular brand poured into another size container of the same brand (e.g., refill a 750 ml bottle from a 1.75 litre bottle of identical product).

6.2.11 All liquor containers (i.e., bottles, cans and kegs) must remain sealed until such time as they are required for use, for either direct sale to the customer or for replenishing supplies for use in the service bar or liquor dispensing system.

6.2.12 All liquor dispensing systems must have the prior approval of the Regulatory Division and comply with the following conditions:

- a) provide consistent pours;

SECTION: 6. CUSTOMER SERVICE

- b) have secured adjustment mechanisms (automatic dispensing systems);
- c) each product line, from the interconnected reserve holding tank/bottle rack to the dispensing head, shall contain one type or brand of liquor; mixing of types or brands of liquor in one product line is not permitted unless the brand of liquor in a product line is being changed;
- d) should a licensee change the brand of liquor in a product line, then care shall be taken to minimize the mixing of old and new brands as follows:
 - i) in the case of bottle racks, new brand bottles shall only be added when all the old brand bottles are empty; and
 - ii) new brand bottles shall only be added when the holding tank, reservoir or well is completely empty.
- e) the licensee must advise the Regulatory Division, upon request, of the type and brand of liquor contained in each product line.

6.2.13 Machines that mix liquor with pressurized oxygen, commonly called "alcohol without liquid vaporizer", are prohibited.

6.2.14 Regulatory Division Inspectors will conduct periodic tests on all opened liquor stocks, including liquor contained in dispensing systems, to ensure that illegal, adulterated or altered liquor products are not present on the licensed premises.

6.2.15 Licensees found to be in contravention of the provisions concerning liquor dispensing systems may be required to remove the system(s) from their licensed premises. This would be in addition to any other penalty imposed by the Board.

SECTION: 6. CUSTOMER SERVICE

- 6.2.16 Licensees may only provide liquor from a private office for the consumption by guests between the hours of 10:00 a.m. and 2:00 a.m.
- 6.2.17 No liquor may be sold, provided or consumed in a storage room, vestibule, kitchen, hallway, or other service area.
- 6.2.18 Licensees authorized for off sales must provide liquor sold for off-premises consumption, in closed containers. This liquor is to be removed from the premises by the patron immediately upon purchase.
- 6.2.19 "Last call" must be timed to ensure that patrons who order liquor receive delivery from the service bar before the latest hour at which liquor may be served.
- 6.2.20 Licensees will normally not allow on duty staff to consume liquor or be under the influence of liquor, however, it is acceptable for staff to consume a beverage after the end of a shift, and for the manager/owner to consume a beverage while entertaining a client.
- 6.2.21 Staff consuming a beverage after the end of a shift must have the beverage paid for during permitted hours of liquor sales authorized on the licence.

6.3 FOOD SERVICES

- 6.3.1 Class A, B and C licensees must provide an approved food selection .according to the following guidelines:
- a) food, including a selection of non-alcoholic beverages, offered for sale on licensed premises will be listed either on a printed menu or on a menu board placed on display. Each menu item will be individually priced for the information of patrons;
 - b) in a Class A Minors Allowed licensed premises, the licensee will offer patrons a selection of food items such as meat, poultry or fish, rice, potatoes or pasta, vegetables, ethnic food, pizza or full buffet for all hours liquor service is available;

<http://dl.su.ualberta.ca/2005-2006/SC14-08%20Sp.Order%207b%20xvi.MP3>
00:03:59

Vice President Tobias: "Putting us in this position would be a breach of our fiduciary duty, therefore it would put us in the situation where we are breaking the tenets of the Post-secondary Learning Act. And I'm not really sure how we can do that Mr. Speaker."

<http://dl.su.ualberta.ca/2005-2006/SC14-08%20Sp.Order%207b%20xvi.MP3>
00:04:13

Speaker: "So I've heard your argument Mr. Vice President, but, I simply don't agree that selling beer at a loss essentially amounts to a breach of fiduciary obligation."

Speaker: "One, the organization has ample ability to, for better or for worse, raise student fees to compensate for the loss in revenue, so there's no question or no danger of the organization going bankrupt."

Speaker: "So the only other question then basically follows is: will there be a violation of some rule, and the rule that you have cited essentially is the mandate of the Students' Union as set out in the Post-secondary Learning Act. It may be that selling beer, or subsidizing the sale of beer, does not fall within the purpose of a post-secondary institution, but given that Students' Unions all seem to run bars, and given at, from time to time those bars lose money - and indeed ours has for a number of years now - and so in effect we are already subsidizing the cost of alcohol and have been for a number of years."

Speaker: "It may be that the Court of Queen's Bench would see differently, but I would suspect that they would see that as part of the legitimate undertakings of a Students' Union in providing places for students to basically relax and consume alcohol and that if they wish to spend some of their fees on that they have the ability to do so."

Speaker: "So in this case, I have to rule that this Point of Order is not well taken."

On 15 November 2005, item 2005-15/7b (ii) (a.k.a. the beer petition) was ruled out of order based upon two claims made by Vice President Tobias. First, it was stated that selling our current selection of draught beer at \$2.00 per pint would result in selling alcohol at a loss or below cost. Second, it was stated that selling alcohol at a loss or below cost was illegal as it violated some Alberta Gaming and Liquor Commission law or regulation.

The "Alcohol Prices Master List" for the "Plant & RATT" can be found at:

http://www.su.ualberta.ca/su/businesses_and_services/ratt/forms_and_reports/liquorpricelist.pdf

Let's assume that these dollar values are indeed the cost to the Students' Union.

For sections 7121, 7127, and 7123 (dealing with regular, premium, and import draught), the size is noted as "KEG". There are 15.5 gallons or 1984 oz (58.67 L) in a keg. There are 16 oz in a pint (473 mL). Therefore, there are 124 "pints" in a "keg".

Only the items listed in section 7123 (import draught) have a per pint cost listed as greater than \$2.00. The most expensive is Guinness and Kilkenny both listing a per pint cost of \$2.11.

Guinness:	$\$178.43$ (Price) + $\$15.33$ (GST) + $\$40.50$ (Delivery) = $\$234.26$ $234.26 / 124 = 1.8891935$ $\\$1.89$/Pint
Kilkenny:	$\$178.43$ (Price) + $\$15.33$ (GST) + $\$40.50$ (Delivery) = $\$234.26$ $234.26 / 124 = 1.8891935$ $\\$1.89$/Pint

Pricing our current selection of draught beer at \$2.00 per pint would in fact not result in selling alcohol at a loss or below cost.

Even though it has now been established that we would not be violating this supposed regulation of selling alcohol at a loss or below cost, there is in fact no such regulation.

The "Liquor in Alberta - Quick Facts (October 2005)" can be found at:

http://www.aglc.gov.ab.ca/pdf/quickfacts/quickfacts_liquor.pdf

Under the "How it works" section, the following point resides:

"Retailers set their own retail prices."

The "Gaming and Liquor Act" and the "Gaming and Liquor Regulation" can be found at:

<http://www.qp.gov.ab.ca/Documents/ACTS/G01.CFM>

http://www.qp.gov.ab.ca/Documents/REGS/1996_143.CFM

The "Liquor Policies, Handbooks, Operating Guidelines and Terms & Conditions" specifically the "Licensee Handbook" can be found at:

http://www.aglc.gov.ab.ca/liquor/liquor_policies/liquor_policy_pubs.asp
http://www.aglc.gov.ab.ca/pdf/handbooks/licensee_handbook.pdf

Section 6.2 of the "Licensee Handbook" (Page 85) is titled "Liquor Service in Licensed Premises".

- 6.2.2 A licensee will:
- a) provide a reasonable number of different brands of liquor on his premises (i.e., types of beer, wine, spirits, etc.);
 - b) develop a price system designed to address possible complaints of favourable or discriminatory pricing practices; and
- 6.2.3 Liquor prices may vary from day to day, and "happy hours" are acceptable; however, liquor sale activities must not promote intoxication. For example, the following are prohibited:
- a) more than one drink must not be offered or provided for a single price (e.g., "2 for 1" or "triples for the price of a single");
 - b) pour sizes may vary, but over service is prohibited;
 - c) promotions of "all you can drink for a fixed cost" are prohibited; and
 - d) free liquor specials are prohibited.

Section E of the "Policy Guidelines" within the "Licensee Handbook" (Page 141) is titled "Advertising by Class A, B and C Licensees".

3. A licensee may advertise liquor at reduced or discounted prices except as noted in E.4 below.
4. Free liquor specials, multiple drink specials (e.g., "2 for 1"), pour size specials (e.g., "doubles for the price of singles"), or "all you can drink" for a fixed cost promotions are not permitted and may not be advertised. "Buckets of Beer" may be advertised providing the actual price for a single beer product is posted and the purchase or ordering of a bucket of beer (regardless of the number of beer within a bucket) does not constitute a "special".
5. Happy hours may be advertised. There are no restrictions as to the duration of this activity.
6. A licensee may advertise feature drinks during named nights or days (e.g., Tequila Monday, shooter night, draught night, etc.). Reduced or discounted prices may be mentioned in the advertising.

Nowhere in all of these documents are any claims or statements made with respect to licensees selling alcohol at a loss or below cost. The only argument that could be, and was to a certain extent, made is that "liquor sale activities must not promote intoxication". Based on the fact that countless establishments sell a full range of draught beer at or below a price of \$2.00 per pint, that the Alberta Gaming and Liquor Commission does not consider such action by that establishment as "promot[ing] intoxication".