

STUDENTS' COUNCIL LATE ADDITIONS

Tuesday March 14, 2006
Council Chambers 2-1 University Hall

- 2005-24/5 NOMINATIONS
- 2005-24/5d CHAPMAN/SCHNEIDER MOVED THAT Students' Council appoint one (1) councilor to the Bylaw Committee.
- 2005-24/6 REPORTS AND EXECUTIVE COMMITTEE REPORT
- 2005-24/6e Justin Kehoe, Vice President (Student Life)
Please see document LA 05-24.01
- 2005-24/8 BOARD AND COMMITTEE REPORTS
- 2005-24/8a (i) Discipline, Interpretation and Enforcement Board – Case 14: Kelly vs. CRO.
Please see document LA 05-24.02
- 2005-24/8b (i) Audit Committee – March 9, 2006
Please see document LA 05-24.03
- 2005-24/8e Bylaw Committee – March 12, 2006
Please see document LA 05-24.04
- 2005-24/9 GENERAL ORDERS
- 2005-24/9l KIRKHAM ORDERED THAT Students' Council direct the Executive Committee to permanently halt the sale of all tobacco products in any Students' Union owned and/or operated business as of 1 July 2006.
- 2005-24/9m KIRKHAM MOVED THAT Students' Council rescind the "Tobacco Ban" political policy.
Please see document SC 05-24.05
- 2005-24/10 INFORMATION ITEMS
- 2005-24/10b Budget Principles (numbered version)

Please see document LA 05-24.06

2005-24/10c

Letter from Paul Tonita (VP External, AUFSJ) regarding the Faculty Student Fund at Campus Saint-Jean.

Please see document LA 05-24.07

Justin Kehoe, Vice President (Student Life)
Report to Students' Council
March 14, 2006

Submitted: March 13, 2006

Good Evening Council,

Vice President Johnson and I have continued to work with our University Advocacy Task Force, which unanimously recommended to create a full-time permanent position ("University Affairs Officer") to support our University advocacy. This proposal is included in the BFC Budget Principles, and the VPA report contains further details.

Services: We have hired our two new CSD Managers and a new MUGs Coordinator. The incorporation of Academic Guidance Centre into Information Services is included in the Budget Principles. Student Groups Services is working on a more effective structure. The structure and mandate of ECOS is being assessed. I was involved in hiring the Campus Food Bank Executive Director. Working with President Lettner and Vice President Tobias, we have constructed a proposal for a University Health Services advisory group, and I made some inquiries at the UHC Pharmacy Advisory Committee.

Events: Wellness Week, which will have a new title this year, will be held from March 19-24. I have spent considerable time revising the thematic organization of our entertainment and programming activities and providing some principles. Ship Nights at the Powerplant will most likely be tabled for the remainder of the year.

I met with City Councillor Leibovici on Friday, and made a presentation to the Community Services Committee regarding the bar safety initiative. Positive outcomes include a motion to keep post-secondary student associations involved as stakeholders in an upcoming panel throughout the summer, and a stronger working relationship with City Hall. Other recent meetings include COSA (Senate Task Force Report) and CLRC. The final draft of the Physical Activity Complex MOU was prepared last week. Our Executive recently attended the Day of Silence, Vice President Power and I went to the WUSC SRP Banquet, and I was a judge at Greek Songfest. I will be meeting with the Residence Halls Association President to work on the SU-RHA relationship. Transitioning with Omer Yusuf began last Saturday, and will be ongoing.

Finally, congratulations to all of the candidates from our recent SU General Elections, especially Omer Yusuf, Sarah Kalil, and Amanda-Leigh Hanson—three individuals who I got to know and developed a great deal of respect for throughout these elections.

Upcoming:

March 16: Residence Council
March 17: Women's Centre Collective, Hiring Committees (for several weeks)
March 20: Security Advisory Committee, SDC Relationship Abuse Awareness Week
March 21: UHS Proposal, Int'l Day for Elimination of Racial Discrimination
March 23: Campus Law Review Committee
March 24: Campus Food Bank AGM
March 27: General Faculties Council, SU Awards Night
March 28: Alcohol Policy Review Committee

D.I.E. Report to Students' Council March 14, 2006
Late Additions

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

Style of Cause: *Michelle Kelly v. C.R.O.*

Ruling # 14 **Date heard:** March 7, 2006

Appearing for the D.I.E. Board: **Presiding Chair:** Alex Ragan, **Tribunes:** Justyna Herman, James Koizumi

Appearing for the Applicant: Michelle Kelly

Appearing for the Respondent: Rachel Woynorowski, C.R.O.

Interveners present:

Greg Harlow, Speaker of the Students' Council
Teresa Chapman, candidate in SU elections

CASE SUMMARY: Michelle Kelly, former Presidential Candidate, is appealing the ruling of the C.R.O. which denied her reinstatement as a candidate in the 2006 Executive Elections. The D.I.E. Board dismissed the appeal by Ms. Kelly on the grounds that the bottle of green paint was a campaign expense and could not be taken off the candidate's final budget. The purchase of the paint could not be characterized as a buffering expense.

FACTS

Michelle Kelly exceeded the allowed budget of \$500.00 in campaigning expenses and was disqualified by the C.R.O. pursuant to s.79 of Bylaw 2100. Ms. Kelly's internal and external expenditures totalled \$491.06. In addition to that sum, Ms. Kelly was fined \$5 for failing to set up a table and was further fined \$10 for failing to attend the Daily Candidates Meeting. As such, Ms. Kelly's budget reached \$506.06 and she was disqualified by the C.R.O. Ms. Kelly argued that the final budget submitted for her campaign was incorrect as it included the cost of one bottle of paint that was not used in her campaign. Ms. Kelly argues that she should be allowed to deduct the cost of the said bottle (\$8.80) because it is not a campaign expense incurred in engaging in campaign activities. This deduction would cause Ms. Kelly to fit within the prescribed \$500 campaign expense limit. Ms. Kelly argues that her candidacy should be reinstated.

The C.R.O. contends that Bylaw 2100 does not provide for amendment to the budget once submitted by the candidates. Further, the C.R.O. argues that it is not possible for her to verify that the bottle of paint that Ms. Kelly claims to have bought but not used in her campaign is in fact the same bottle that was purchased by Ms. Kelly and evidenced on the receipt, or whether the paint was acquired at a later date. The C.R.O. believes that she has no ability to reinstate a disqualified candidate.

RELEVANT LEGAL PROVISIONS

Bylaw 1500

s.2 The Board is the organ of the Students' Union responsible for the interpretation and enforcement of Students' Union legislation.

Bylaw 2100

s.2(d) a "campaign activity" shall be any act, planned or organized by or on behalf of any candidate or slate, that is calculated to draw attention to that candidate or slate's candidacy;

s.2(f) a "campaign expense" shall be any expenditures incurred in engaging in campaign activities;

33. On every weekday during the Campaign, the C.R.O. shall hold a daily meeting, at which he/she shall review complaints, rulings, regulations, procedures, and announcements.

34. Each candidate shall either attend each daily meeting himself/herself or designate, in writing, a representative who will attend.

35. Where a candidate contravenes Section 33, he/she shall be fined ten dollars (\$10.00) for each meeting at which he/she is in contravention, and he/she shall not be assessed any further penalty.

63. No candidate shall accrue more than five hundred dollars (\$500.00) in campaign expenses, all of which shall be paid by the Students' Union.

s.78 The C.R.O. shall review all campaign expense records, and shall post summaries of same more than twelve (12) working hours prior to the commencement of voting.

s.79 Where the C.R.O. determines that a candidate or slate has exceeded or falsified its campaign expense limit, that candidate or slate shall be disqualified, and notice of this shall be posted with the campaign expense records, and communicated directly to the candidate or slate in question.

s.80 The D.I.E. Board shall convene a meeting less than twelve (12) working hours prior to the commencement of voting for the purpose of hearing and ruling on all appeals of the C.R.O.'s rulings.

82. The D.I.E. Board shall, at the meeting set out in Section 78, either:
a. rule on all appeals; or
b. order a delay to the Election

128. Penalties available to the C.R.O. shall include:
a. a fine, to be counted against the candidate's campaign expenses;

132. *Any member shall be entitled to appeal a ruling of the C.R.O. to the D.I.E. Board.*

ANALYSIS

Issue: Is one bottle of unused paint, purchased with the intent to be used in a campaign activity, but not actually used in the candidate's campaign, a campaign expense for the purposes of Bylaw 2100?

Held: Yes.

Ms. Kelly concedes that she purchased the bottle of paint with the intent to use it in a campaign activity. She argues that she did not actually use that bottle of paint in her campaign activity, and therefore the paint should not be included in the budget as a campaign expense.

Bylaw 2100 defines "campaign expense" in s.2(f) as *any expenditures incurred in engaging in campaign activities*. "Campaign activities" is defined in s.2(d) as *any act, planned or organized by or on behalf of any candidate or slate, that is calculated to draw attention to that candidate or slate's candidacy*. The D.I.E. Board holds that the bottle of paint, purchased on February 23, 2006 together with five other campaign expenses, is a campaign expense even though it was not actually used by the candidate. The definition of "campaign activity" is clearly set out in Bylaw 2100. It states "any act, ***planned or organized ... that is calculated to draw attention*** to that candidate." The Bylaw does not require that the activity be actually carried out. Ms. Kelly bought the paint with the intent to use it in her campaign activities. In other words, the purchase of the disputed bottle of paint and other campaign expenses, was a planned act that was calculated to draw attention to Ms. Kelly as a Presidential Candidate.

Issue: Is the bottle of paint a buffering expense which can be taken off the budget if not used in the campaign activity?

Answer: No.

The C.R.O. concedes that candidates are allowed to buffer certain sums in the final budget. The two instances of buffering are (1) budgeting a sum for potential fines incurred in the campaign (2) budgeting a sum for last minute campaigning expenses to be used on the Monday and Tuesday before the elections. This means that candidates are allowed to budget an estimate amount for unforeseen or uncertain expenses. If the candidates do not, in fact, use the estimated amount, or use only a portion of it, the C.R.O. will adjust their budget accordingly. Clearly, the candidates are not allowed to exceed the allowed \$500.

Ms. Kelly argues that the bottle of unused paint was not used in her campaign, therefore the cost of the paint should be taken off the budget. She argues that this was an instance of buffering.

The D.I.E. Board holds that the purchase of the paint was not buffering. Ms. Kelly purchased the paint on February 23, 2006, therefore it is hardly a last minute campaigning expense. Moreover, Ms. Kelly wished to take off the cost of the bottle of paint of the budget after it exceeded the allowed \$500. Had Ms. Kelly not incurred the

fines of \$5 and \$15, she would satisfy the requirement of s.63 of Bylaw 2100.

Issue: Should the \$10 fine for missing a campaign meeting have been a fine against materials in kind rather than a fine against campaign expenses?

Answer: No.

Ms. Kelly argues that the \$10 fine required under Bylaw 2100 for missing the Chief Returning Officer's daily meeting should have been levied in a manner that would not affect her campaign expenses. More specifically, Ms. Kelly suggests that the CRO should have fined her \$10 in kind (i.e. by denying her some campaign materials) rather than \$10 against her campaign expenses.

This avenue of argument is untenable in light of the wording of s. 35, which states "Where a candidate contravenes Section 33, he/she shall be fined ten dollars (\$10.00) for each meeting at which he/she is in contravention, and he/she shall not be assessed any further penalty." This specifically mandates a fine to the candidate to the exclusion of other remedies.

DISPOSITION

For all of the above reasons, Ms. Kelly's appeal of the C.R.O ruling is dismissed. The C.R.O. followed the rules which required her to disqualify a candidate who exceeds \$500 in campaigning expenses. Pursuant to s.79, the C.R.O was justified in disqualifying Ms. Kelly from the 2006 Executive Elections.

The Discipline, Interpretation And Enforcement (D.I.E.) Board functions as the judiciary branch of the Student's Union, and is responsible for interpreting and enforcing all Student's Union legislation. If anyone has any questions regarding the D.I.E. Board, feel free to contact the Chair, Alex Ragan, at ea@su.ualberta.ca

MINUTES

2005-06

Audit Committee

Thursday, March 9, 2006

ATTENDANCE: Theresa Chapman
Bryce Kustra
Cam Lewis

CALL TO ORDER: 7:31 pm

NEW BUSINESS:

- Motion by Kustra/Lewis to hire Watson-Aberant as the SU Auditors for the 2005-2006 fiscal year (3-0-0)
After receiving recommendations from the Students' Union staff, Audit Committee quickly hired Watson Aberant as the SU Auditor. If only everything was that easy.
- Audit Committee once again discussed the APIRG DFU. We have received their Audit and are awaiting information/assurances on other issues we were concerned with. Since we had received one of our three requests the chair suggested releasing one third of the DFU. Councillor Chapman noted that if we released one third of the DFU there was the potential that Audit Committee to be taken to Die Board for the release of the rest of the funds (a strict interpretation of the bylaw indicates that this is a possibility). What was supposed to be a fun 15 minute meeting had now turned into 45 minutes.
- Motion by Kustra/Lewis to adjourn (3-0-0)

NEXT MEETING: TBA

ADJOURNMENT: 8:18 pm

The Students' Union, The University of Alberta
Bylaw Committee

12 March 2006 @ 14:00 - SUB 420

Report to Students' Council (BC 2005-14)

Bylaw Committee met on 12 March 2006 at 14:00. Councillor Lewis, the Chair of Bylaw Committee, called this meeting with less than 72 hours notice but obtained unanimous consent from the voting members on the committee. At 14:10, Councillor Kirkham was elected by the committee to serve as Interim Chair due to the Chair failing to be in attendance.

The committee attempted to begin approving drafts of legislation for several outstanding bills. Unfortunately, due to the delinquency of the Chair, no hard copies of these drafts were available. Furthermore, no draft of any kind was available for Bill 10.

Confusion ensued surrounding the draft for Bill 3 as it was unclear why a second draft had taken place when an initial draft had been submitted to Students' Council several months earlier. After taking several minutes to track down the particular meeting in which a second reading of Bill 3 had been debated, it was discovered that this bill had been directed back to the committee. However, the principles from first reading that the committee had been provided with remained unchanged.

Additional concerns were raised with respect to how the changes to legislation had been drafted. Councillor Kirkham had requested electronic copies of each of the bylaws in Microsoft Word format. Unfortunately, that request had not been met. Changes to bylaws were drafted by copying sections out of the PDF copies online. The standard practice of striking out content to be removed and underlining new content had not been followed. Furthermore, due to the previous occurrences of outdated bylaws being present online, it was unclear if the latest versions of the bylaws had been used to create the drafts.

The committee ultimately decided to not proceed with the approval of any of its items of business for three reasons. First, it was evident that incorrect or incomplete information from first readings had been provided to the committee. Second, the changes drafted to bylaw were not done so in a proper manner using the necessary strike-through and underline technique. Third, Students' Council would not deal with any drafts approved by the committee until the 28 March 2006 meeting due to the late addition provisions.

Due to the delinquency of the Chair, the committee unanimously passed a motion removing Councillor Lewis from the committee. Similarly, the committee unanimously passed a motion for Students' Council to appoint a councillor as his replacement.

The meeting adjourned shortly before 15:00.

The Students' Union, The University of Alberta
Bylaw Committee

12 March 2006 @ 14:00 - SUB 420

Votes and Proceedings (BC 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 14:10.

2. Attendance

Councillors Chapman, Kirkham, and Schneider.

3. Items of Business

CHAPMAN/SCHNEIDER MOVED THAT Councillor Lewis be removed from the Bylaw Committee.

CARRIED (unanimously)

CHAPMAN/SCHNEIDER MOVED THAT Students' Council appoint one (1) councilor to the Bylaw Committee.

CARRIED (unanimously)

4. Adjournment

The meeting adjourned at 14:55.

THE STUDENTS' UNION OF THE UNIVERSITY OF ALBERTA

POLITICAL POLICY STATEMENT

<i>Policy Number:</i>	<i>Effective Date:</i> January 10, 2006	<i>Page</i> 1 <i>of</i> 1
	<i>Expiration Date:</i> April 30, 2010	
<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;

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

WHEREAS students who currently live in campus residences would not be able to smoke near their home;

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 total ban on smoking 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.

Policy History:

	Reference/Vote	Board/Committee	Date of Council Approval
Updated	January 10, 2006	Students' Council	January 10, 2006
Created	September 23, 2003	Students' Council	September 23, 2003

BUDGET PRIORITIES OF STUDENTS' COUNCIL, UNIVERSITY OF ALBERTA STUDENTS' UNION
FOR THE FISCAL YEAR BEGINNING MAY 1, 2006 AND ENDING APRIL 30, 2007.

This document is intended to serve as an outline of the fiscal priorities of the Students' Union.

1. General

- 1 (a). The four key focuses of the Students' Union are
 - i. Undergraduate Student Representation (Advocacy)
 - ii. Providing Student Services
 - iii. Operating the Students' Union Building
 - iv. Operating businesses for the purpose of funding Students' Union activities
- 1 (b). Total operating and capital expenditures will not exceed the amount of total operating and fee revenues.
- 1 (c). All departments must work within the mandate of the Students' Union.
- 1 (d). External entities such as dedicated fee units shall be managed as per existing Students' Union bylaw and any applicable contracts.
- 1 (e). Capital expenditures shall be incurred based upon the following criteria:
 - i. Replacement due to wear and tear
 - ii. To ensure continued operations of a particular unit
 - iii. To enhance the security or functionality of a particular unit
- 1 (f). In the event that one section of this document conflicts with any other section, BFC shall identify such a conflict and propose any necessary changes in the presentation of the final budget.
- 1 (g). Unless otherwise noted:
 - i. Operating and fixed costs increase at a rate, relative to the previous fiscal year, commensurate with inflation.
 - ii. Activity of the Students' Union will continue in a manner consistent with the precedent set in previous fiscal years.

2. Staff

- 2 (a). Staff costs shall increase by 2.5%, as specified in the CUPE collective agreement. Managerial staff are entitled to a merit increase of up to 4%. Unionized staff are eligible for a merit increase of up to 4%.

3. Fees

- 3 (a). Operating, dedicated and capital fees shall increase in accordance with Students' Union Bylaw 3000. The consumer price index will be calculated as 1.5%. Tuition increases will be calculated as 6.4%.
- 3 (b). Operating and capital fees shall account for between 15%-25% of overall revenues.

4. Advocacy and Representation

- 4 (a). The Advocacy and Representation units of the Students' Union are:
 - i. The Executive Committee and each individual executive member
 - ii. Students' Council
 - iii. Advocacy department
 - iv. Elections
 - v. Awards night
- 4 (b). An additional full-time permanent staff person will be added to the advocacy department. Their role will be to support the Vice-President Academic and the Vice-President Student Life as the primary resource for university advocacy. The University Policy and Information Officer will also be shifted into the advocacy department.

5. Services

- 5 (a). The service units of the Students' Union are:
 - i. Information Services
 - ii. Orientation and Transition Programs
 - iii. Ombudservice
 - iv. Student Financial Aid and Information Center and Access Fund
 - v. Student Group Services
 - vi. Safewalk
 - vii. Student Distress Center
 - viii. Environmental Coordination Office of Students
 - ix. Handbook
- 5 (b). The Academic Guidance Center shall be removed from the Center for Student Development and amalgamated with Information Services.

6. Business

- 6 (a). The business units of the Students' Union are:
 - i. Myer Horowitz Theater
 - ii. Dinwoodie Lounge
 - iii. SUBmart
 - iv. SUBtitles
 - v. Print Center

- vi. Que
 - vii. Cramdunk
 - viii. Postal Outlet
 - ix. Room at the Top
 - x. Powerplant
 - xi. L'Express and L'Express Catering
 - xii. Juicy
 - xiii. SUB Rental Operations
- 6 (b). All reasonable attempts to maximize the profitability of these business units, consistent with the mandate of the Students' Union as a service provider, shall be made.
- 6 (c). The Powerplant will operate as a multi purpose space, encompassing a coffee shop, buffet and bar portion.

7. Entertainment and Programming

- 7 (a). The Entertainment and Programming units of the Students' Union are:
- i. Week of Welcome
 - ii. Antifreeze
 - iii. High School Leadership Conference
 - iv. SU Kid's Christmas Party
 - v. SUB Programming
 - vi. Other Entertainment and Programming
- 7 (b). For the purpose of the budget principles discussion, programming that takes place in an SU venue that is not specifically mentioned in the above list shall be considered as separate from the entertainment and programming units.
- 7 (c). Where possible, all entertainment and programming units should plan to recoup all costs. Either admission sales or sponsorship are acceptable sources of revenue. Exceptions shall be made clear in the presentation of the final budget.
- 7 (d). All entertainment and programming units will confine their operations to main campus.

8. Administration, Operations and Support

- 8 (a). The administrative, operational and support units of the Students' Union are:
- i. Marketing
 - ii. Sponsorship
 - iii. Facilities
 - iv. Administration

- 8 (b). The staff support available to the marketing department will be increased marginally by adding a part-time marketing assistant.
- 8 (c). Any expenditure relating to marketing will be outlined in each individual unit's marketing plan, to be submitted to the executive committee or designate for approval.

March 13, 2005

To whom it may concern,

Hello, after an email from Faculté Saint-Jean Councilor Joseph Blais, and much research into the Faculty Student Fund at Campus Saint-Jean, I have found some information that may interest you.

The Campus Saint-Jean has had a Faculty Student Fund in place since 1998. Each student pays \$3 dollars per fall and winter semester into this fund. Its purpose is to provide two scholarships of 500 dollars for students who are very involved with student activities at the Campus Saint-Jean. Last year two scholarships were awarded to two dedicated members of l'Association des Universitaires de la Faculté Saint-Jean (AUFSJ). These awards are funded by the Faculty Student Fund. The good news is that this fund is now self sufficient. It is set up in a savings account, and makes enough money to keep these scholarships going.

The person in charge of the committee to decide the recipients for this award is a permanent staff member at the Campus Saint-Jean, Yannick Vienne. A committee is also set up to review and change the AUFSJ constitution with all proposals being put forth by April 3rd 2006. In this constitution review will be the inclusion of a new position of V.P. Academic, and we will be proposing that the person in this role will sit on the committee to decide recipients of the Bourse d'implication de l'AUFJSJ.

Because the scholarship fund is entirely self-sufficient, the purpose of the Faculty Student Fund has been achieved. Therefore, there is no reason to continue the collection of the Faculté Saint-Jean Faculty Student Fund fee. I urge council to consider these facts when making their decisions with regards to our Faculty Student Fee.

I hope this helps with your decisions.

Sincerely,

Paul Tonita (V.P. External, AUFSJ)

Office 2-12F
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