

STUDENTS' COUNCIL LATE ADDITIONS

Tuesday, March 11, 2008
Council Chambers 2-1 University Hall

LATE ADDITIONS (SC 2007-23)

2007-23/4 QUESTION PERIOD

2007-23/4c **BANDALI**- For the Chair of the Council Administration Committee:
Mr. Chair, are you prepared to give Students' Council an update concerning
reviews of the Standing Committees?
Thank you,
Councillor Bandali

2007-23/7 INFORMATION ITEMS

2007-23/7d Eamonn Gamble, VP Operations and Finance- Report

Please see document LA 07-23.01

2007-23/7e Response to Question from Councillor Dunn (Item 07-23/4b)

Please see document LA 07-23.02

2007-23/7f Schedule A to Bylaw 100

Please see document LA 07-23.03

2007-23/7g Steven Dollansky, VP External- Report

Please see document LA 07-23.04

2007-23/7h Michael Janz, President- Report

Please see document LA 07-23.05

2007-23/7i CASA amendment information items

Please see document LA 07-23.06

2007-23/7j Letter to Bobby Samuel regarding breach of Students' Union Bylaw 100

Please see document LA 07-23.07

VP Operations & Finance Report

March 10, 2008

Food Survey

Along with the University and Aramark, we have released a campus-wide survey to gauge opinions on food service on campus. It was part of the monthly newsletter, is on our website, and we hope to be mailing it out to all staff members at the U of A as well. Based on the results, we three, as the largest food providers on campus will be able to plan more effectively for future growth in this area. Results should be in sometime next week.

Dub5

We had a follow-up meeting to decide on the marketing strategy for their beta-version (which is set to launch very soon I'm told). I have had a few requests to be part of the test version from councilors. If there is anyone that belongs to a student group, FA, or any organization that would like to test run this program with their group, let me know. This is your chance to say you were there when it started!

Lower Level

Since capital renovations are difficult to make during term and without a budget, we have been working on increasing the effectiveness of signage and visibility for SU services and businesses on the lower level. Design has been given the thumbs-up to create some new signs for the lower level. The new signs should be much more informative than the current system.. More to come.

Budget stuff

Since the last meeting of council, we have been working to incorporate the proposed changes into operating and capital budgets. We are also meeting with contractors in the next few days to get a better idea of the costs for these projects as well as possible timelines for renovation.

Councilor Incentives

After the removal of councilor pay, I have been working on a number to put back into the council budget for incentives. Once this number is chosen (likely around \$6,000), plans will be drafted and sent to CAC for discussion. They will include food at council, committee food budgets (i.e. chair can organize pizza for meetings that are expected to go long), and "outreach" funds.

Powerplant Revitalization Plan

All we need to do is hold SU executive elections more often. It was a great time at the results announcement, and I'd like to thank everyone for coming down. Congrats to my successor, Steven Dollansky. Transition just got easier for me.

Eamonn Gamble

2007-23/4b DUNN- For President Janz:

“In D.I.E. Board on Ruling #2, it was stated under FACTS point 5 that: Mr. Samuel met with two student groups, and distributed approximately 20 pamphlets. Under point 3, it was stated: He printed 300 copies of the pamphlet. In the ruling of February 8th, D.I.E. Board ordered that the remaining pamphlets be destroyed and recycled. Were approximately 280 pamphlets destroyed and recycled? If not, how many were?”

Here is my response to Councillor Dunn's question (2007-23/4b). Catherine van de Braak is the registrar of DIE Board.

Begin forwarded message:

From: Catherine van de Braak <catherine.van.de.braak@su.ualberta.ca>

Date: February 13, 2008 2:38:35 PM MST

To: Michael Janz <president@su.ualberta.ca>

Subject: Pamphlets

Hi Michael:

There were 255 pamphlets, they have now been shredded.

Catherine

Schedule A to Bylaw 100

Enrollment numbers current as of February 14, 2008.

Faculty Code	Faculty Name	Enrollment	Enrollment/Threshold	Seats by Minimum	Seats by Threshold	Remainder	Greatest Remainder	Total Seats 2008/2009	Total Seats 2007/2008	Change
AH	Agricultural, Life & Environmental Sciences	1370	1.55	0	1	0.55		1	2	-1
AR	Arts	5675	6.41	0	6	0.41		6	8	-2
AU	Augustana	896	1.01	0	1	0.01		1	1	0
BC	Business	1827	2.06	0	2	0.06		2	3	-1
ED	Education	3043	3.44	0	3	0.44		3	4	-1
EN	Engineering	3658	4.13	0	4	0.13		4	5	-1
LA	Law	515	0.58	1	0			1	1	0
MH	Medicine & Dentistry	936	1.06	0	1	0.06		1	1	0
NS	Native Studies	137	0.15	1	0			1	1	0
NU	Nursing	1494	1.69	0	1	0.69	1	2	2	0
OS	Open Studies	960	1.08	0	1	0.08		1	2	-1
PE	Physical Education & Recreation	887	1.00	0	1	0.00		1	1	0
PH	Pharmacy	509	0.58	1	0			1	1	0
SA	Faculté St. Jean	570	0.64	1	0			1	1	0
SC	Science	5849	6.61	0	6	0.61		6	9	-3
TOTAL	Total Undergraduate Students	28326		4	27		1	32		

Students' Council Seats Available: 32 seats
 Threshold: 885.19 students/seat
 Minimum seats for each faculty: 1 seat

Seats distributed by Minimum: 4 seats
 Seats distributed by Threshold: 27 seats
 Seats distributed by Greatest Remainder: 1 seats

5% of undergraduate students: 1416 students
 15% of undergraduate students: 4249 students

Council Report
March 11, 2008
VPX

Hey Council,

I hope all is well. Here is a brief summary of the last few days and what lies ahead.

1. CAUS Campaign – “Imagine Alberta” went off without a hitch, making post-secondary one of the more talked about issues on the campaign trail. Healthcare and PSE were overshadowed only by the environment when it comes to media coverage during the election, so we are in a good position moving forward.
2. SU Elections – Congratulations to Janelle, Bev, John, and Kristen! I’ll be spending quite a bit of time over the next month or two making sure that Bev is well prepared for the job, so that as of May 13 when the cAUS changeover ends I won’t have to deal with anything external any longer. I will continue to serve on the Students’ Finance Board for the next two years as it is a government appointment.
3. CASA – Will be debated this evening. I’m excited about the opportunity to expand our organizations influence at the federal level, but we will see how the debate turns out.
4. Minister of Advanced Education anyone? – I’m eagerly awaiting the announcement of the new PC cabinet. At this point our minister could really be anyone, but I’ve got my money on Horner or Rodney.
5. The death of Millennium- This was a pretty big hit to post-secondary in Canada, although we did put up quite a fight. There are more questions than answers with the Canada Student Grant Program, but CASA has already begun finding out the details and will be in touch with us. I’m going to be meeting with a number of Edmonton area MP’s in the coming weeks to discuss the issue.
6. Budgeting – I’ve completed the budgeting process for the VPX, CAUS and prospective CASA budgets. Anyone with questions shouldn’t hesitate to ask. Thank you to Catherine for helping create my working papers.

Have a great meeting.

-Steven

March 11th
Hello Council,

I'm BaaaAAAAK! You can't get rid of me! 84% baby! Whoop. I'm guessing most of the 16% who knew better are reading this report right now.

Anyhow, I have been back in office for two days so I only have a few things to report.

1. Credit Cards: I sent all of you an email I received from Phyllis Clark regarding Tuition Payment by Credit Card. From our estimates it will not save the University 1.2 (they just changed it to 1.3M now, but what's a few decimal places) because the University will have to hire additional staff person to assist with the much larger amount of check payments they will be getting, not to mention the fees incurred from bounced checks etc etc.

- Currently Students get the benefit of airmiles, affinity points, lines of credit, access to resources and other benefits. Now the University will be taking away this option and taking the benefit instead.

- We were notified that this was in the pipes this summer and we advised that we thought it was a bad idea but it might be a better idea if the money was allocated to something like "SUB expansion" or something tangible that students could put their finger on. They did not survey students, they did not inquire as to why students choose to pay by credit card, and they did not explore alternative arrangements for students in Financial need. The University got quite angry at us that we would want to have a say in their budgetary matters. At BFPC Carl Amrhein said that it is impossible to say what dollars go where in the budget and he didn't want to tie any of the dollars but in the release that you all it said:

"a significant amount of resources back into the classroom to enhance the student experience." versus CA's statement at BFPC that is impossible to know where this money is going-- I will be bringing this up at the BoG.

This is another example of the University Administration making decisions that they believe are in their own best interest without considering how they are actually going to affect the University community. The Gateway is aware and has already interviewed me.

2. Two more months!

I am rushing to complete the last of the goals that I want to get done before I hand over keys to the Janelle Morin Team. Stay tuned for updates once I get my bearings again after 3 weeks out of the office.

3. Congratulations to the new executive team! I look forward to working with all of you and I hope that you are reading attentively and excited for another year!

4. Good luck to everyone running for Council. Good on ya.

5. If you would like to meet me for office hours, 4-5PM, MWF but please call/email in advance.

Regards,

Janz

CASA Membership Ammendment
Presented by: Steven Dollansky, VPX

“To pursue full membership in the Canadian Alliance of Student Associations contingent upon approval by the 08/09 Students’ Council that increased revenue from business operations will supply the membership fee and additional conference costs.”

Last spring both President Janz and I were not convinced that CASA was a good idea for our organization, but we set out to evaluate our options in order to submit a recommendation to Students’ Council surrounding future advocacy efforts at the federal level. Following a critical investigation of CASA and our budget capabilities, I am happy to support President Janz’s motion to obtain full membership.

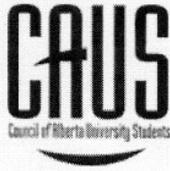
I have been asked to prepare an information item explaining the motion. This explanation will consist of two parts:

1. My presentation to Students’ Council from December that includes reasoning for supporting full membership in CASA (attached).
2. An explanation of the amendment that includes where the funds will come from and the amount of the expenditure (below).

This amendment will replace the principle that states “to support increased advocacy initiatives at the federal level”. It is my belief that having both principles would be redundant, as CASA membership would fulfill that principle.

The Students’ Union is in a position where we expect additional revenue due to enhanced performance in our business and rental operations. These additional revenues are expected, but not concrete, and will not be reflected in the current budget. As a result, it is the 2007/2008 Council’s responsibility to provide direction for the 2008/2009 budget, which will include these additional revenues. Furthermore, these operational changes will provide a stable revenue stream over the long-term, which allows for an annual expenditure moving forward. The 2008/2009 Students’ Council will serve as an accountability mechanism to ensure that these additional revenues have been generated before the formal commitment is made.

It is also prudent to define the expected expenditure. Current fee projections estimate that full CASA membership would amount to ~\$47000 and unbudgeted conference expenses would be ~\$3500. The other conference expenses have been submitted as requests for additions to the budget of the Vice-President (External) and President because those executive members will attend regardless of membership. The actual cost of membership is expected to be lower because that the Students’ Union will not be charged fees until we are ratified at a CASA meeting, resulting in the membership fee for the first year being adjusted accordingly. In summary, we expect the total additional cost to the Students’ Union in the 2008/2009 fiscal year to be less than \$50000.



Council of Alberta University Students
#2, 9912 – 109 Street
Edmonton, Alberta
T5K 1H5
(780) 437-4531

November 29, 2007

To the members of the University of Alberta Students' Council:

I have had the privilege of serving as the Executive Director of the Council of Alberta University Students (CAUS) for the past three years, and in that time I believe students in Alberta have made big strides in our province in securing more funding and reducing some of the financial barriers facing students in our province. We have made this progress together, with full participation and input from students from all three major universities as well as Alberta's colleges and technical institutes. In particular, I want to single out your organization, the University of Alberta Students' Union, in being a large part of that success. Of course, the job is not finished – students still face significant financial and other barriers to academic success, and we need to make further improvements to the quality and accessibility of our post-secondary system.

Rather than resting on our laurels and toasting our past success, CAUS is planning on how to advocate for a better post-secondary system in Alberta – a large campaign aimed at parents in Alberta is being planned for the next provincial election, as well we have been bringing our message directly to decision-makers throughout the summer and fall, and a lobby conference will be held immediately following the provincial election. How can we help ensure these efforts yield the maximum benefit to our students?

Advocacy, government relations, lobbying – whatever you choose to call it – is inherently about people and relationships. In this case, that naturally means with government and decision-makers, but as well internally among ourselves and with our allies at other institutions in the province and across Canada. I believe that if the University of Alberta Students' Union joined the Canadian Alliance of Student Associations (CASA) it would be of direct benefit to our efforts in advocating to the Government of Alberta and stakeholders here.

Post-secondary education, while being within provincial jurisdiction, is a national issue. At the same time we are pressing our students' case here in Alberta there is real need to press for action by the federal government as well, something which our provincial government continually challenges CAUS on. When we press for reform of the remission system for debt relief, we are invariably asked why when 30% of all Alberta student loans are forgiven are we not pressing the Government of Canada for a similar program limiting debt from the Canada Student Loan Program. When we ask for more needs-based bursaries, we are invariably asked why we are not pressing the Government of Canada to renew the Canada Millennium Scholarship Foundation (CMSF), the largest provider of needs-based bursaries in Canada which is set to expire in 2009.

Given that two of three members of CAUS are also active members of CASA we do have an answer, with those two members able to confidently say that they have been pressing for those reforms and more federally but it does not change the fact that the Government of Alberta needs to do more. The strength of showing that these concerns are being taken to Parliament Hill by all members of CAUS would go a long way in showing the Government of Alberta that we understand the intricacies of the issue and are having our voice heard in all of the necessary areas. That builds credibility and that is a key to our success.

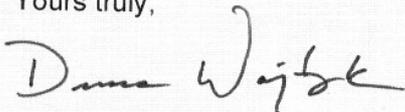
The world of post-secondary education policy does not occur in a vacuum either at the federal or provincial levels – the Canada Student Loan Program and the variety of provincial programs that compliment it are a perfect example. Key decisions on the future of this program are being made, right now, but not exclusively in Ottawa and certainly not exclusively here in Edmonton. Within these federal-provincial discussions, students need to ensure their voice is being heard on both sides of that conversation. With CAUS bringing this up with the provincial government on one side, and CASA bringing up student issues with the federal government – particularly the bureaucracy – on the other, we can ensure Alberta students are not going unrepresented.

The internal dynamic of CAUS is unique – we only have three members and operate by consensus. Leaving the University of Alberta outside of CASA threatens their ability to get their issues heard and understood at the CAUS table, and more importantly from my perspective threatens unity of purpose and policy when we talk to the provincial government. When CAUS members cannot agree on what needs to be done provincially we simply do not do anything – that is the nature of consensus. However, when unified, we get it done – witness the agreement last year that increasing living allowances was a priority followed by a 14% increase. The two years previous saw a united focus on tuition and a two-year tuition rebate and then a policy limiting increases to the consumer price index. With the University of Alberta Students' Union at the table in both CASA and CAUS, along with the Universities of Calgary and Lethbridge, the likelihood of consensus and action by CAUS is better – and not just on federal/provincial issues, but on all issues of concern.

Ultimately, the University of Alberta Students' Union has a duty to represent their students – it is not optional, it is provided for in the *Post Secondary Learning Act* of Alberta. CASA represents a method to meet that mandate federally, but in addition it offers the ability to do that job better provincially as well.

As always, I am here to serve you and your students, so please do not hesitate to give me a call at 780-437-4531 or drop me a line at duncan@caus.net if you have any questions about CASA, CAUS and everything in between.

Yours truly,



Duncan Wojtaszek,
Executive Director

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RAHIM JAFFER, M.P.
Edmonton – Strathcona

EDMONTON

January 18th, 2008

Steven Dollansky
Vice President External
University of Alberta Students' Union
2-900, Students' Union Building
8900-114 Street
Edmonton, AB T6G 2L7

To Whom It May Concern:

As the Member of Parliament for Edmonton-Strathcona, I am writing to you today to lend my support to the goal of seeing the University of Alberta Students' Union join the Canadian Alliance of Student Associations to help to further the awareness and importance of Post-Secondary Education funding.

In previous discussions with Mr. Dollansky, I had indicated that I felt it was important that those who advocate for increased Post Secondary Education support, to become more active in forming relationships at the Federal level.

Let me be clear in stating that the Federal Government is fully committed to the funding of a high quality post-secondary education system. This has already been demonstrated by the Federal government, through their commitment of significant dollars in the Federal budget to PSE, since 2006. However, there is still more that can be done.

Knowledge is power and Education is the critical tool that students must use to access that knowledge. It is with this in mind that I write this letter of support to the UofA Students' Union, in their efforts to work closely with the Canadian Alliance of Student Associations to help further the awareness and importance of Post-Secondary Education funding.

Sincerely,

A handwritten signature in black ink, appearing to read "Rahim Jaffer", written over a horizontal line.

Rahim Jaffer, MP
Edmonton-Strathcona
National Conservative Caucus Chair





UNIVERSITY OF ALBERTA
**STUDENTS'
UNION**

Federal Advocacy Assessment

Dec. 4, 2007

Steven Dollansky VPX

Intro



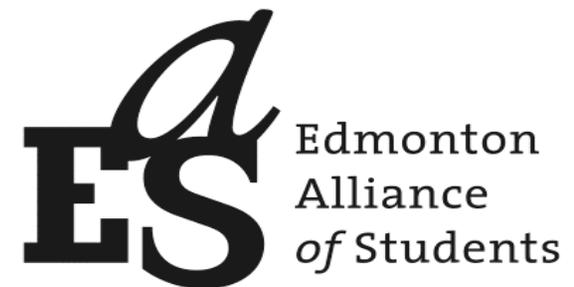
- The presentation will outline the evaluation of University of Alberta Students' Union federal advocacy efforts.
- The information collected is part of over six months of investigations completed by President Janz, the research staff, and myself.
- Decisions regarding CASA membership will be made in the new year when Eamonn will be able to make more accurate financial projections
- Please read the attached written report.
- Don't hesitate to ask questions!!



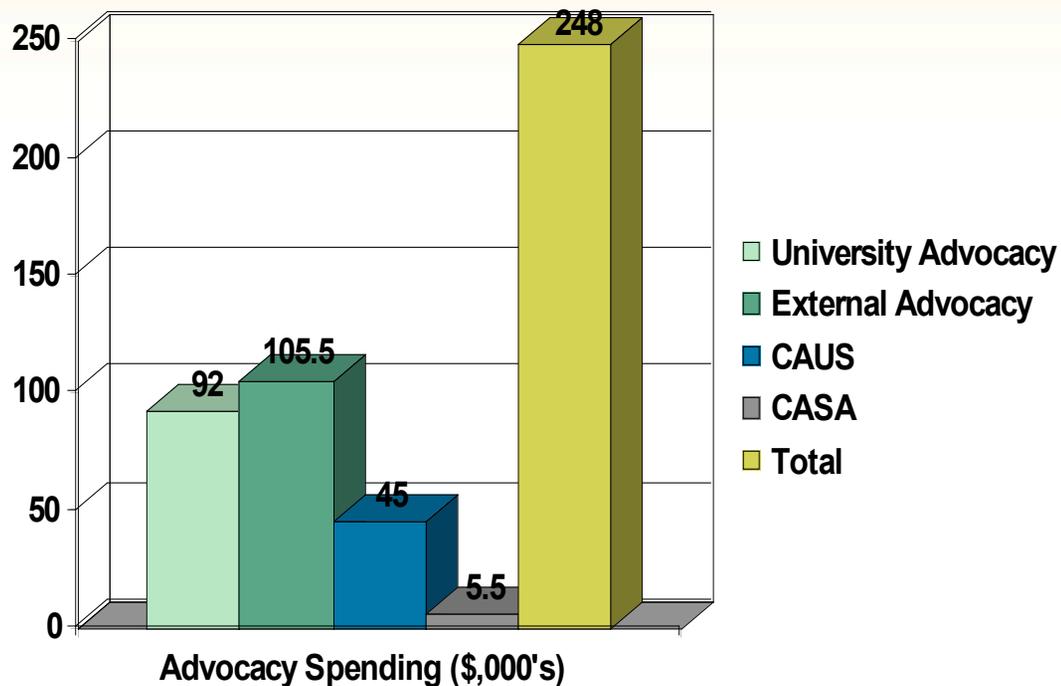
Current Situation



- The UASU is currently **not** affiliated with any student organization that advocates to the Government of Canada.
- At the provincial level we are members of the Council of Alberta University Students (CAUS).
- At the municipal level we are members of the Edmonton Alliance of Students (EAS).



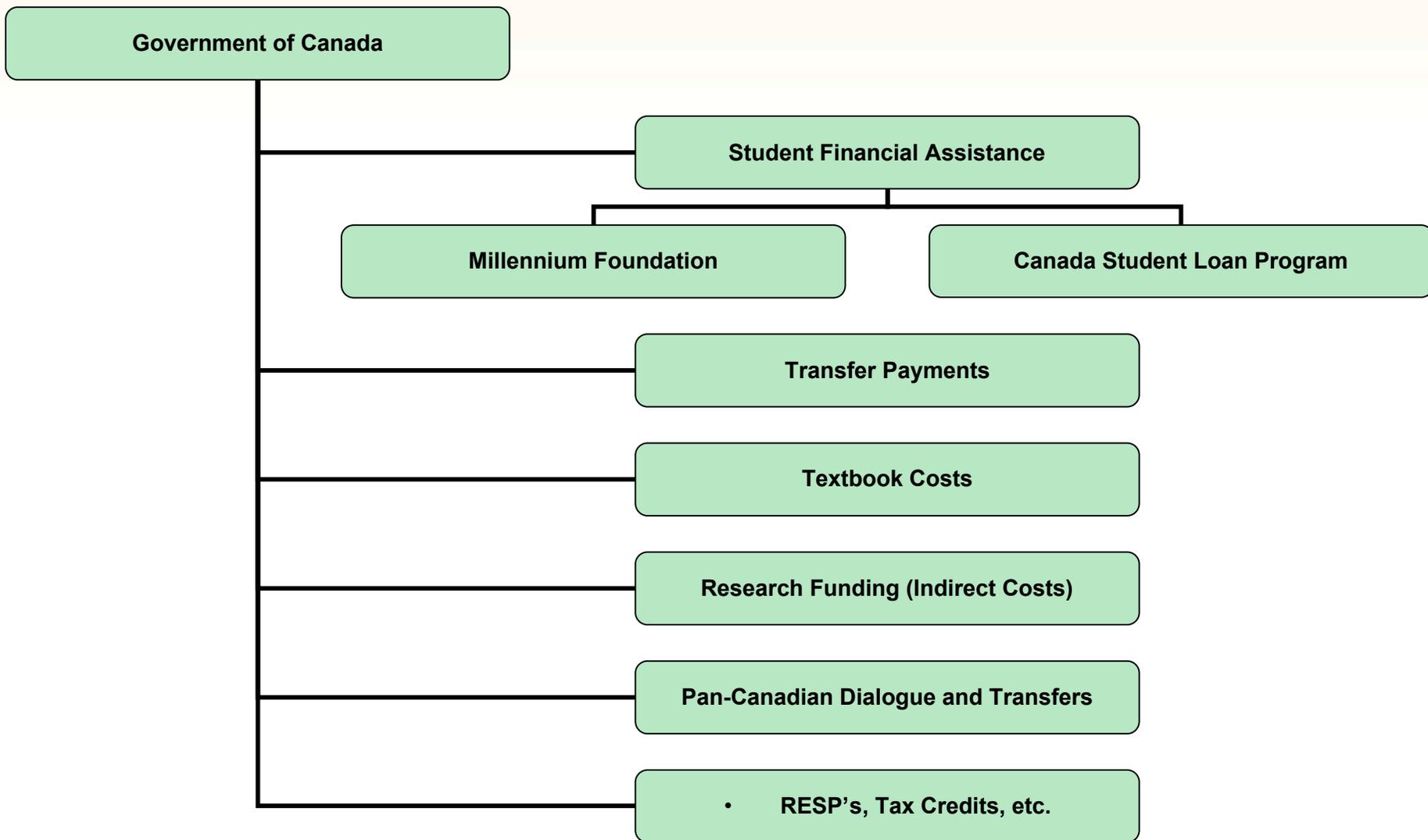
Estimated Spending on Advocacy Efforts 2007/2008



- Estimated spending does **not** include the CAUS provincial election campaign, VP salaries, AVP salaries, or other special projects.
- CAUS fees include travel.
- CASA spending includes the Policy and Strategy Conference and the Lobby Conference.

- “External Spending” is taken from total Advocacy Department spending as follows:
 - 50% of all salaries, administrative and office costs.
 - 80% production costs, marketing, advertising, and promotion.
- The remainder is considered “University Spending”.

Government of Canada Roles



Canada Millennium Scholarship Foundation (CMSF)



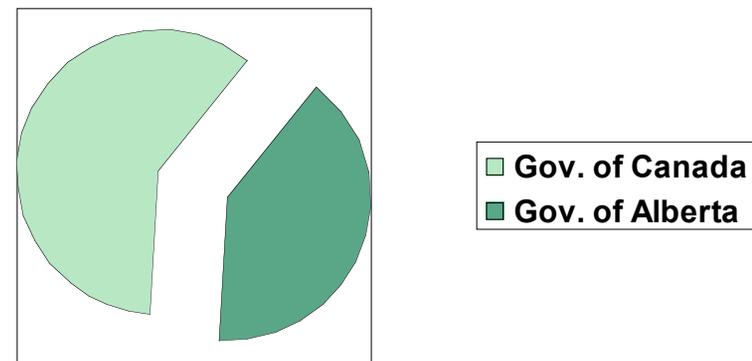
- The decision to renew the CMSF will be made by the Government of Canada.
- The CMSF grants nearly **\$9 million** to over **3,500** University of Alberta students each year
- To date, CMSF has granted **\$63.8 million** to **24,700** University of Alberta students.
- When the Government of Canada makes a decision regarding the **\$350 million** in student aid that is currently distributed by CMSF, stakeholders and government will negotiate details surrounding the new program.

Canada Student Loan Program



- The Government of Canada allocates **60%** of all Student Loans
- Despite only lending 60% of the funds to learners, the Government of Canada accounts for **over 80%** of student debt in Alberta.
- This is primarily due to remission programs acting only on the provincial portion of each loan.

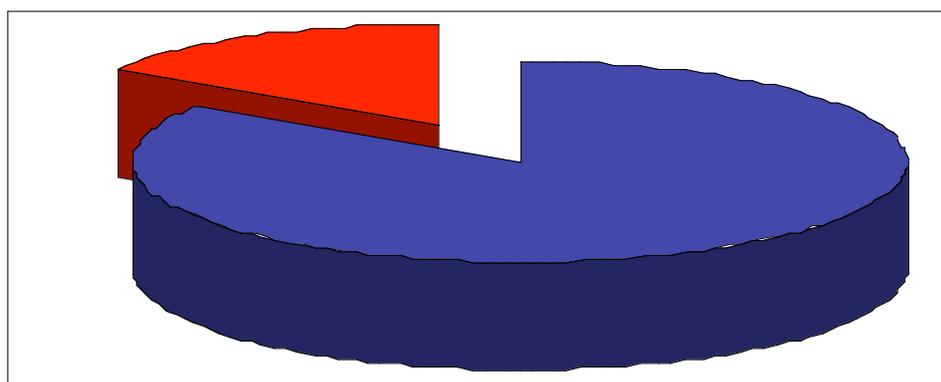
Allocation of Funds



Student Debt



Alberta Advanced Education and Technology Spending



- Other Sources
- Gov. of Canada

- The Government of Canada will transfer **\$323.5 million** to Alberta via the Canada Social Transfer for post-secondary education.
- This cash transfer flows directly to the Ministry of Advanced Education and Technology, which will spend a total of **\$2.198 billion** this year.
- This translates to **15%** of all “provincial” spending.

Textbook Costs

- The Government of Canada has control over the **Book Importation Regulation** and the **Copyright Act**.
- The Government of Canada has implemented a “textbook tax credit”.
- The Government of Alberta has little power over the actual costs of textbooks.



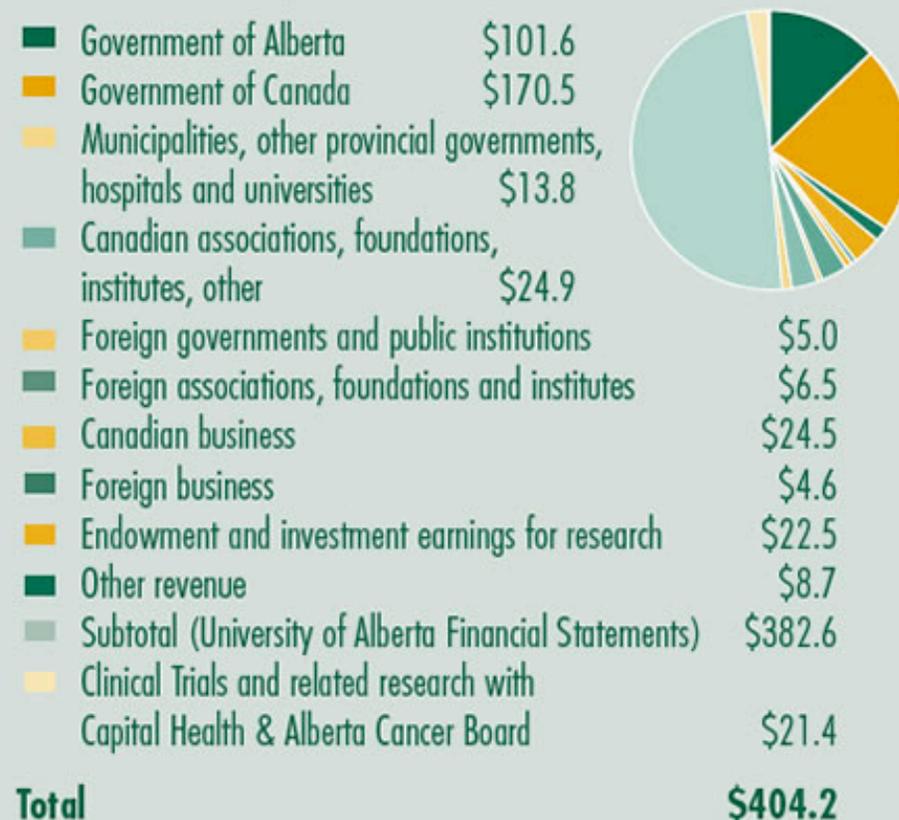
Research Funding



- The Government of Canada was the **largest contributor** to research at the University of Alberta in 2005-2006. Along with research funding comes indirect costs of research.
- The Government of Canada is **substantially behind** the Government of Alberta in funding the indirect costs of research, but both orders of government are far behind their counterparts in other nations.

Research Funding 2005-06 (\$ millions, rounded)

Total Research Funding from all sources: \$404 million



(stated total higher due to rounding)

Summary of the Federal Role in PSE



We asked ourselves → To what extent does the Government of Canada affect students at the University of Alberta?

We found:

- The Government of Canada has a MAJOR role in the lives of students at the University of Alberta.
- Despite the fact that Ottawa is 3500 km. away, and the Leg is just across the river, we need to strike a balance with our advocacy efforts.



What can we do??



- If Students' Council feels that we must do more to effectively represent our membership to the federal government, there are a number of options available to us:
 - Remain unaffiliated and expand our operations to target Ottawa.
 - Join the Canadian Federation of Students (CFS).
 - Join the Canadian Alliance of Student Associations (CASA).



Who is wearing which jersey?



- In the late summer our research staff looked into what our peer Students' Unions were doing at the federal level.

CASA	UNAFFILIATED	CFS
University of British Columbia	University of Alberta	University of Toronto
University of Western Ontario	Queen's University	University of Manitoba
University of Calgary	University of Saskatchewan	Ryerson University
University of Lethbridge	McMaster University	Simon Fraser University
Dalhousie University		University of Ottawa
Brock University		Carleton University
Wilfred Laurier University		University of Victoria
St. Mary's University		University of Regina
University of Waterloo		Laval University
Acadia University		Memorial University
St. Francis Xavier University		York University
University of New Brunswick		University of Windsor
Universite de Moncton		University of Winnipeg
University of Prince Edward Island		Lakehead University

Looking deeper at our options



- Unknown - Like the majority of our peers, a coalition will be needed to get the access to key decision-makers that is necessary to be effective. In addition, we are not able to effectively influence the priorities of the student movement.
- CFS – Membership in CFS should be highly discouraged. Not only would this be devastating to relationships within CAUS, CFS has a reputation of being radical, intrusive, and unaccountable.
- CASA – Membership in CASA would be a credible option for the University of Alberta Students' Union. Let's explore further.

CASA: at a glance



- Based on Six Principles
 - Equality
 - Bilingualism
 - Focus
 - Flexibility
 - Pragmatism
 - Integrity
- Budget of \$550 000
- 2 schools and ~380,000 students.
- Members in Alberta include SAIT, Mount Royal, UCSU, and ULSU.



Assessment - Weaknesses



- Inability to run large-scale **campaigns** is a problem faced by CASA on almost an annual basis.
- One school = one vote creates a dynamic within the organization between the large western schools and the small eastern schools.
- Constant struggle with the **CFS** is not beneficial (although CASA is not the major problem here).
- Difficulty getting the **NDP/Bloc** on board with some priorities.



Assessment - Strengths



- **Reputation** on Parliament Hill is strong.
- **Access** to key decision-makers is unmatched.
- Great relationship with the federal Liberals and a quickly developing relationship with the Conservatives.
- **Pragmatic** and **professional** approach in line with the UASU's advocacy efforts.
- Strong relationships and communication within CASA between its members.
- Building **momentum**. Wilfred Laurier and UPEI have joined, and **zero** schools have left, in the past two years. In addition, McMaster University, University of Windsor, University of the Fraser Valley, and NAIT are all interested in future membership.

Implications of membership - CAUS



- CASA membership would strengthen lobbying efforts at the provincial level.
- CASA membership ensures that our advocacy efforts are coordinated with the UCSU and the ULSU at both the provincial and federal levels.
- CASA membership is recommended by the CAUS executive director, please read his endorsement.
- Allow for us to ensure provincial officials that we are pressuring the Government of Canada for change as well.

Implications of membership – Advocacy Department



advocacy...
change is good

- CASA membership provides an avenue for our executive to utilize research and government relations strategies developed by our department at the federal level.
- CASA would NOT reduce the capacity of the department, but rather it would build on it. We would have access to CASA's research, policy development, and government connections.
- The advocacy department already monitors the Government of Canada, there would not be a noticeable increase in workload by joining a federal association.

CASA: The Decision



- The decision that will be made by Students' Council is an important one and must be made with the best interests of **our** entire membership in mind. Without doubt CASA, and its membership, would benefit from our presence at the table, but we must make the decision with what is **best for the UASU** being our primary concern.



March 5, 2008

Bobby Samuel
#12 11016 – 56 Avenue
Edmonton, AB T6G 2J7

Tel 780.448.9275

Fax 780.423.0163

Dear Sir:

Suite 1800

Allstream Tower

10250 101 Street

Edmonton, Alberta

T5J 3P4

Re: Breach of Students' Union Bylaw 100
Our File: 5911/GJSP

I represent the University of Alberta Students' Union in the above noted matter.

I have been advised that the Discipline, Interpretation and Enforcement (D.I.E.) Board has made a ruling in regard to a complaint that you violated Bylaw 100, s. 18(1) by using your authority as VP Academic to "obtain the creation and distribution of a pamphlet designed to promote and aid a future campaign". A copy of that ruling is attached.

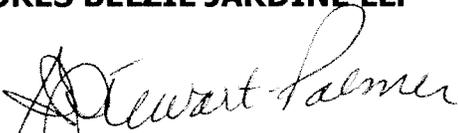
One of the remedies imposed by the D.I.E. Board was a direction that you destroy and recycle the remaining pamphlets.

Kindly govern yourself accordingly.

Yours truly,

SHORES BELZIL JARDINE LLP

Per:



GWENDOLYN STEWART-PALMER

Email: gwendolyn@shoresbelzil.com

Direct Line: 780.702.4275

CC: Client

***Discipline, Interpretation and Enforcement (D.I.E.) Board
Ruling of the Board***

Style of Cause: Richardson vs. Samuel (Ruling #2, 2007/2008)

Date Heard: February 8, 2008-02-09

Appearing for the D.I.E. Board:

Presiding Chair: Jason Morris, Assistant Chief Tribune

Tribunes: Sharon Riley, Tribune
Sharon Ohayon, Tribune

Appearing for the Applicant: Brock Richardson

Appearing for the Respondent: Bobby Samuel, VP Academic

Case Summary:

Brock Richardson alleges that Bobby Samuel, VP Academic, violated Bylaw 100 s.18(1) "Conflict of Interest" by using his authority as VP Academic to obtain the creation and distribution of a pamphlet designed to promote and aid a future campaign for President of the Students' Union. Mr. Richardson asks that Mr. Samuel be removed from office, that a public reprimand of his actions be issued, and that the remaining copies of the pamphlet be destroyed. Mr. Samuel responds that while an ethical breach did occur, it is not caught by Bylaw 100 s.18(1). He further responds that removal from office is a disproportionate remedy. The Board finds that Mr. Samuel did violate Bylaw 100 s.18(1), and imposes various remedies.

SUMMARY OF ALLEGATIONS

Brock Richardson alleges that Bobby Samuel, VP Academic, violated Bylaw 100 s.18(1) "Conflict of Interest" by using his authority as VP Academic to obtain the creation and distribution of a pamphlet designed to promote and aid a future campaign for President of the Students' Union.

FACTS

1. Mr. Samuel, without the input of other student executives, had a department of the Students' Union design a two-page pamphlet ("the pamphlet") which featured Mr. Samuel personally, reported on his achievements as VP Academic, and asked for feedback from students in a wide variety of areas.
2. The value of the design services received was approximately \$120.
3. Mr. Samuel paid for the printing of the pamphlet out of his own funds. He printed 300 copies of the pamphlet.
4. Mr. Samuel arranged meetings with multiple student groups.
5. Mr. Samuel met with two student groups, and distributed approximately 20 pamphlets.

6. The ability to have the department of the Students' Union design these pamphlets at no cost, and to distribute them through meetings in his capacity as a student executive was not available to the members of the Students' Union generally.
7. At a meeting of the Executive Committee on January 29, 2008, Mr. Samuel was censured by the Executive Committee for these actions.
8. Mr. Samuel cancelled further student group meetings, and provided Mr. Janz, President of the Students' Union, with the remainder of the pamphlets.
9. At a meeting of the Students' Council on February 5, 2008, the Council received a letter from Mr. Samuel which read in part:
"That's when I decided to conduct academic outreach through creating the pamphlet; to share with the student body about what progress I made on my campaign promises from last year. As well, I wanted to hear what students wanted from their Students' Union and use that input to create my presidential election platform."
The letter continues later:
"... I still felt that I should cover the costs for these pamphlets because there was an element of pre-campaigning."
10. At the same meeting of Students' Council, Mr. Samuel was censured for his actions.

RELEVANT LEGAL PROVISIONS

Bylaw 100 s.18(1) states:

18. Conflict of Interest

(1) No person shall use a Students' Union position that he/she holds to further personal business interests.

ANALYSIS

There are two issues at play in this matter. First is a disagreement over the requirements of Bylaw 100 s.18(1). Second is whether or not removal from office would be an appropriate remedy for a violation of that bylaw.

It is to be noted that Mr. Samuel, while maintaining that his actions do not violate the bylaw as written, conceded at the hearing that he had made a serious mistake, and submitted to whatever penalties the Board felt appropriate short of removal from office. The Board, however, cannot impose penalties on the basis of one's subjective guilt. The Board's responsibility is to give force to the decisions of the Students' Council by ensuring that it is their judgement – not the judgement of the members of the Board, and not the judgement of the parties before it – that determines what actions are and are not legal.

With regards to interpretation of Bylaw 100 s.18(1), Mr. Richardson suggested that the words "personal business interests" should be interpreted broadly to include any sort of "tangible gain." He proposed that the benefits received by Mr. Samuel in this instance toward a future Presidential race qualified as "tangible gain." Mr. Samuel, however, suggested that the definition of "personal business interests" was more narrow, limited to something akin to "profit", and that the salary associated with a student executive position would not meet the definition of "profit."

The Board finds that in order for a given action to qualify as a use of a position to further personal business interests under Bylaw 100 s.18(1), the action must appear to the reasonable student to serve personal business interests more than would be expected from the usual performance of one's duties. In this case, the Board finds that the reasonable student would have perceived this pamphlet in the way it was perceived by the Executive Committee, and by the Students' Council, and in the manner admitted to by Mr. Samuel. Mr. Samuel's actions were designed to bolster his future Presidential campaign beyond what would be expected from the usual performance of the duties of the Vice President Academic.

The question then is whether or not the benefit received by Mr. Samuel qualifies as a "personal business interest." While the Board appreciates both Mr. Richardson's and Mr. Samuel's submissions in this regard, it finds neither of them satisfactory. The Board is satisfied that to meet the definition of a "personal business interest" it is sufficient but not necessary that the individual receive a non-trivial monetary gain.

In these circumstances, Mr. Samuel admits to having received \$120 worth of design services at no cost to himself. That is a non-trivial monetary gain that the reasonable student would not expect him to receive from the usual performance of his duties as Vice President Academic.

We now turn to the matter of remedy. Mr. Richardson requests that Mr. Samuel be removed from office, that a public reprimand be issued, and that the remaining pamphlets be destroyed. Of these, the Board finds itself able to agree with only the third. The Board wishes to emphasize that there are circumstances in which breaches of Bylaw 100 s.18(1) would justify removal from office of a student executive. This, however, is not such a case. Mr. Samuel has shown no pattern of poor judgment, he has displayed recognition of his error, and he has displayed a willingness to participate in its rectification. Further, the practical effect of this violation is relatively small and can be resolved by other means. With regard to public reprimand, the Board finds that this would be redundant to the publication of this ruling on the SU website as a matter of standard procedure, and the coverage this issue has already received and is certain to continue to receive in the student press.

Mr. Richardson suggested that removal from office would be important in order to ensure that Mr. Samuel could not use his position to take similar actions in future to promote himself through the use of his position. While the Board finds that removal from office is extreme to achieve this objective, the Board finds that the objective itself is not unreasonable.

Mr. Samuel suggested that he would be willing to submit to any remedy less than removal from office, including the garnishing of 100% of his salary for the remainder of his term. This, too, the Board finds extreme. The Board also believes that removing a student executive's salary would reduce their accountability to the Students' Union for the proper performance of their duties.

DISPOSITION AND REMEDY IMPOSED

This is an extremely serious matter. The Board is troubled that while Mr. Samuel was aware that it would be inappropriate to use a Students' Association budget to pay for the printing of the pamphlet, he was unaware of the effect on the Students' Union of using his authority as Vice President to promote his own presidential aspirations.

The Students' Union is a democratic organization. Any time that a person with power inside a democracy uses that power to their own benefit rather than the benefit of the voting membership, they have violated a sacred trust. When they use that power in such a way as to promote or prolong their own power in that organization, they not only violate the trust of the voters, but also injure the very democratic nature of the organization. The legitimacy of the organization suffers, and in turn everything the organization seeks to achieve becomes more difficult.

The Board finds that Mr. Samuel violated Bylaw 100 s.18(1). The actions taken by Mr. Samuel were a use of his position to obtain a non-trivial monetary gain beyond what a reasonable student would expect from the proper exercise of one's duties. The Board orders that the Students' Union will garnish Mr. Samuel's wages in an amount of \$120 to cover the cost of the design services. The Board further places an injunction on Mr. Samuel against using the design of the pamphlet, including the slogan and textual contents, or any portion or derivative thereof, for the purpose of any future political campaign. The Board further orders Mr. Samuel that if he receives any survey feedback as a result of the pamphlet, he is to immediately forward that data to the Chief Returning Officer with an instruction that the responses are to be made available to all candidates in the next election. The Board further orders that the remaining pamphlets be destroyed and recycled. The Board further orders that Mr. Samuel must obtain the approval of one other member of the Executive Committee in advance of meetings with student groups, which approval will be withheld unless the purpose of the meeting is clearly academic, and within Mr. Samuel's responsibilities as Vice President Academic. The Board further imposes a punitive fine of \$250 on Mr. Samuel.

RECOMMENDATIONS

The Board recommends that Students' Council consider the text of Bylaw 100 to determine whether amendments are necessary to provide accountability for a wider range of ethical breaches on the part of student governors and executives.

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