University of Alberta Students' Union

STUDENTS' COUNCIL
LATE ADDITIONS

March 1, 2011
Council Chambers 2-1 University Hall

LATE ADDITIONS (SC 2010-23)

2010-23/1 SPEAKER'S BUSINESS

2010-23/2 PRESENTATIONS

2010-23/3 EXECUTIVE COMMITTEE REPORT

2010-23/4 BOARD AND COMMITTEE REPORTS

2010-23/4b DIE Board Ruling 3

Please see document LA 10-23.01

2010-23/4c DIE Board Ruling 4

Please see document LA 10-23.02

2010-23/5 QUESTION PERIOD

2010-23/6 BOARD AND COMMITTEE BUSINESS

2010-23/6a LUIMES/KAAI MOVE THAT Students' Council, on the recommendation of the Council Administration Committee, approve Bill 33 in first reading, based on the following principle:

1) The Speaker and the Chief Returning Officer shall be considered employees of the Students' Union and shall subsequently be subject to SU Operating Policy.

2010-23/7 GENERAL ORDERS

2010-23/8 INFORMATION ITEMS

2010-23/8c Rory Tighe, VP Students Life- Report

Please see document LA 10-23.03

2010-23/8d Zach Fentiman, VP Operations and Finance- Report

Please see document LA 10-23.04

2010-23/8e Aden Murphy, VP External-Report

Please see document LA 10-23.05

2010-23/8f Nick Dehod, President-Report

Please see document LA 10-23.06

Discipline, Interpretation, and Enforcement (DIE) Board

Ruling of the Board

HEARING DETAILS

Style of Cause:	Cox v. C.R.O.
Hearing Number:	Ruling #3 2010/2011
Hearing Date:	February 22, 2011
DIE Board Panel Members:	Megan Mickalyk, Chief Tribune, Chair; Joanna Waldie, Associate Chief Tribune; Audrey Jun, Tribune;
Appearing for the Appellant:	Natalie Cox
Appearing for the Respondent:	Jaskaran Singh, Chief Returning Officer, Student's Union Scott Fenwick, D.R.O. Marketing
Intervener(s):	Craig Turner

BACKGROUND

The Regulations and Guidelines released by the C.R.O. contain a provision stipulating that

"Candidates are prohibited from endorsing or acting as a volunteer for any other candidate."

This is broader than the language contained in Bylaw 2000 §39(1) which states that:

> (1) No candidate shall
> a. act as a volunteer for another candidate; or
> b. endorse another candidate within his or her own race.

Appellant Natalie Cox requested that the C.R.O. define collusion consistently with the language of Bylaw 2000 §39, and refrain from altering or expanding this definition.

Ms. Cox further requested that it be noted on record that her actions in bringing this appeal forward do not constitute pre-campaigning on behalf of any candidate she may volunteer for.

The C.R.O., Jaskaran Singh, requested that it be noted on record that at no point did he suggest or imply that Ms. Cox's actions could constitute pre-campaigning, or that bringing a motion to D.I.E. Board would constitute campaigning activity.

There was also initial confusion regarding how campaign manager was to be defined, however this issue has been resolved between the parties prior to the hearing and is no longer relevant to this decision. The parties also agree that concerns regarding the extent of the C.R.O.'s duties and authority will not be addressed at this point in time.

ISSUE

Is the proper definition of collusion the endorsement of others within a candidate's own race, or is the definition more broad, including endorsing candidates external to a candidate's own race?

RELEVANT LEGISLATIVE PROVISIONS

Excerpts from Bylaw 2000:

> **39. Endorsements**
>
> (1) No candidate shall
> a. act as a volunteer for another candidate; or
> b. endorse another candidate within his or her own race.
>
> (2) Any member with the exception of the C.R.O, the D.R.Os, candidates, and incumbent members of the Executive Committee shall be free to act as volunteers for or endorse any candidate, or slate.

POSITION OF THE APPELLANT

Ms. Cox contended that §39(1) of Bylaw 2000 is intended to qualify §39(2), and that the appropriate definition of collusion is this more restricted interpretation.

Ms. Cox also noted that if collusion is interpreted in the manner suggested by the C.R.O., this would contradict other provisions within Bylaw 2000 relating to slates, in particular, that individual members of slates would not be permitted to endorse fellow members of their slates.

POSITION OF THE RESPONDENT

The C.R.O., Mr. Singh submitted that §39(1) of Bylaw 2000 is not intended as a qualifier to §39(2). Mr. Singh proposed that the broader definition is correct. He submitted that it would not be appropriate for one candidate to endorse other candidates in another race, as this becomes a non-universal resource, and creates an unfair advantage.

DECISION

The correct definition of collusion is that prescribed by §39(1) of Bylaw 2000, endorsement of candidates within one's own race.

THE FOLLOWING ARE THE REASONS OF MICKALYK, CHIEF TRIBUNE

The Regulations and Guidelines ought to be consistent with the language of Bylaw 2000. The Board finds that collusion, as defined within these materials, must not prescribe a broader scope than what is contained in §39(1) of Bylaw 2000. This section prescribes that "No candidate shall a. act as a volunteer for another candidate; or b. endorse another candidate within his or her own race." Any definition of collusion must be consistent with this provision.

Further, the Board finds that the wording of §39(2) was not intended to detail the specific restrictions on candidates, but rather to explain what members other than candidates (and C.R.O.s, D.R.O.´s and incumbent members of the Executive Committee) were allowed to do. As this section operates to define what are permissible activities for members who are not candidates, it was unnecessary to include the additional wording of "within one's own race."

The D.I.E. Board finds that the Regulations and Guidelines must be consistent with the above-noted definition of collusion. It is requested that the C.R.O. amend the relevant materials to reflect this holding.

THE FOLLOWING ARE THE REASONS OF WALDIE, ASSOCIATE CHIEF TRIBUNE

I concur.

THE FOLLOWING ARE THE REASONS OF JUN, TRIBUNE

I Concur.

Discipline, Interpretation, and Enforcement (DIE) Board

Ruling of the Board

HEARING DETAILS

Style of Cause:	Cox v. C.R.O.
Hearing Number:	Ruling #4 2010/2011
Hearing Date:	February 23, 2011
DIE Board Panel Members:	Megan Mickalyk, Chief Tribune, Chair; Joanna Waldie, Associate Chief Tribune; Imane Semaine, Tribune;
Appearing for the Applicant:	Natalie Cox
Appearing for the Respondent:	Jaskaran Singh, Chief Returning Officer, Student's Union
Intervener(s):	Craig Turner

BACKGROUND

The Regulations and Guidelines released by the C.R.O. contain a provision stating that the elections website supplement is mandatory, and failure to submit will bar a candidate from campaigning activity until the supplement is submitted.

Section 71(1) of Bylaw 2000 indicates what conduct would justify a penalty against a candidate. It stipulates that:

> Where a candidate, campaign manager or volunteer has contravened a bylaw, rule, or regulation, regardless of the cause or the intent of the parties involved, and that *contravention has provided an unfair advantage to a candidate*, the C.R.O. shall assign a penalty that a. fully counter-balances any advantage gained; and b. where the contravention was intentional, penalizes the candidate or campaign manger who was or whose volunteer was guilty of the contravention [emphasis added].

Applicant Natalie Cox has requested that the mandatory component of the website supplement rule be overturned, and that candidates not be penalized for failing to submit their supplement.

Ms. Cox further requested that it be noted on record that her actions in bringing this appeal forward do not constitute pre-campaigning on behalf of any candidate she may volunteer for.

At no point did the C.R.O. suggest or imply that Ms. Cox's actions could constitute pre-campaigning, or that bringing a motion to D.I.E. Board would constitute campaigning activity.

There was also initial confusion as to whether this rule applied to the gateway supplement as well as the website supplement, however the C.R.O. clarified that it was only the website supplement.

ISSUE

Is the mandatory requirement that candidates submit a website supplement or else not be allowed to campaign consistent with the authority conferred to the C.R.O. to penalize candidates under s. 71(1)?

RELEVANT LEGISLATIVE PROVISIONS

Excerpts from Bylaw 2000:

> **71. Penalties Available**
>
> (1) Where a candidate, campaign manager or volunteer has contravened a bylaw, rule, or regulation, regardless of the cause or the intent of the parties involved, and that contravention has provided an unfair advantage to a candidate, the C.R.O. shall assign a penalty that
> a. fully counter-balances any advantage gained; and
> b. where the contravention was intentional, penalizes the candidate or campaign manger who was or whose volunteer was guilty of the contravention.
>
> (2) Penalties available to the C.R.O. shall include
> a. a fine, to be counted against the candidate's campaign expenses;
> b. the confiscation or destruction of campaign materials;
> c. limits, restrictions, and prohibitions on any type of campaign activities for any period of time up to the commencement of voting; and
> d. disqualification of the candidate or campaign manager

POSITION OF THE APPLICANT

Ms. Cox submitted that it is beyond the scope of Bylaw 2000 for a C.R.O. to dictate that certain campaigning activities are mandatory; the only activities which are mandatory are those stated in Bylaw 2000.

Ms. Cox further protested the severity of this penalty, contending that the C.R.O. is prescribing the second most severe penalty for this violation (prohibition on campaigning).

Ms. Cox proposed that the mandatory component be removed and an alternative consequence be put in place where failure to provide a supplement by the deadline results in the supplement not being published.

POSITION OF THE RESPONDENT

The C.R.O., Mr. Singh, contends that these supplements have been requested of candidates since the Students' Union has had the website. This information is provided to assist voters, not candidates. He maintains that the consequences of not submitting a supplement are greater for voters than candidates, as this minimizes access to candidate information. Although Mr. Singh agrees that there is no specific authority in Bylaw 2000 requiring that candidates submit these supplements, he noted that voters in the September councillor by-elections were concerned that this information was not available.

Mr. Singh further submits that while he was careful to not contravene the bylaw when phrasing this rule, he did acknowledge that it might be more appropriate to have a later deadline. He consequently extended this year's deadline to Sunday, February 27th at 5:00 pm.

SUBMISSIONS OF CRAIG TURNER, INTERVENOR

Mr. Turner is a former C.R.O. He spoke on the scope of a C.R.O.'s power to make rules. He contended that it is necessary that a C.R.O. have authority to draft a certain number of rules and regulations and has always had the power to do so. The C.R.O. requires this authority to ensure appropriate

regulations are put in place to make things fair, as changing a bylaw to include certain regulations can be unfeasible, particularly within the short time period of elections.

Mr. Turner was of the opinion that the lack of clear language in Bylaw 2000 conferring authority on a C.R.O. to create rules was an oversight. It was the intent of Student Council that the C.R.O. be able to make these rules within appropriate bounds. He noted the external consistency currently in place to ensure the C.R.O.'s regulations are appropriately drafted is D.I.E. board.

DECISION

The rule penalizing candidates for not submitting their website supplements cannot stand as it goes beyond the scope of what a C.R.O. may do in response to a contravention, as per s. 71 of Bylaw 2000.

D.I.E. Board recommends that a rule be implemented requiring candidates to submit their materials by a specific deadline. Failure to provide a supplement by the deadline would mean a candidate could not submit their supplement at a later date and expect it to be posted online.

D.I.E. Board recommends that Bylaw 2000 be amended to recognize the C.R.O.'s ability to develop Regulations and Guidelines. It would also be beneficial for Bylaw 2000 to provide a definition outlining what ought to be encompassed by "regulations and guidelines." It is further recommended that a body external to the C.R.O. review the candidates' package containing these regulations prior to dissemination.

THE FOLLOWING ARE THE REASONS OF MICKALYK, CHIEF TRIBUNE

The D.I.E. Board acknowledges that the rule regarding mandatory website supplements was devised to enhance exposure of candidates and their platforms to voters. However, the Board finds that this rule contravenes s. 71(1) of Bylaw 2000. This provision stipulates that a penalty may be imposed where contravention of a bylaw, rule, or regulation provides a benefit to the candidate.

Failure to provide a website supplement does not benefit a candidate, nor does it provide them with an unfair advantage. It is beyond the scope of Bylaw 2000 to implement a penalty where no benefit has been obtained. Consequently, the rule cannot stand.

The need for some regulation regarding the website supplemental is recognized. In the interests of efficiency and fair play, D.I.E. Board would recommend a rule specifying a set deadline by when materials must be received. Candidates who do not provide their supplement by this deadline would not have it published on the website, regardless of whether it was received at a later date. Website supplements are one of several ways in which a candidate may campaign. D.I.E. Board does not find that a hard deadline for submitting website supplemental would seriously hinder voter disclosure.

D.I.E board finds that there is no clear authority in Bylaw 2000 for the C.R.O. to create and implement rules and regulations. It is recommended that Bylaw 2000 be amended to provide clear authority for the C.R.O.'s ability to implement necessary rules and regulations. A proper check on the C.R.O.'s authority would be to have an external body review the candidate's package which contains these regulations, prior to dissemination to candidates. D.I.E. Board is of the opinion that having the regulations vetted by an external body would provide a more efficient check than D.I.E. Board hearings after the regulations have already been distributed. D.I.E. Board also recommends that "regulations and guidelines" be defined in Bylaw 2000 to provide further clarification as to what these entail.

THE FOLLOWING ARE THE REASONS OF WALDIE, ASSOCIATE CHIEF TRIBUNE

I concur.

THE FOLLOWING ARE THE REASONS OF SEMAINE, TRIBUNE

I concur.

2010/2011 Report to Council
March 1, 2011
Vice President (Student Life)

Prepared by: Rory Tighe, Vice President (Student Life)
To: Students' Council 2010/2011

Residences
There has been some progress on the meal plan negotiations in our Residence Budget Advisory Committee meeting. Facilities and Operations will be allowing for the last $200 of the lowest level meal plan to be refundable at the end of the year. This is not a perfect situation but is certainly better than what we began with. This will be re evaluated every year but will likely stay in place for the next three.

The Residence Halls' Association is making some progress this semester. The council is starting to have conversations about its purpose and structure, which I believe will be very good for the organization. I very much hope to create a strong transition and have the organization very prepared for next year before my term ends and I think that is an accomplishable goal.

In response to some questions I have received in council about the Lister Hall quiet and alcohol free floors I have followed up again with the President of Lister Hall and Residence Services about it. The LHSA is working with residence services and will likely be working with the RHA to create ways of getting feedback from students about these floors and how they affect the community. I will make sure that these organizations have access to their members for data collection purposes.

Health & Dental Plan
There will be a meeting of the Health & Dental Plan Committee this week where we will be discussing the results of the survey. The main purpose for this meeting will be to decide whether or not we want to pursue any changes to the plans benefits. Myself, the Vice President (Operations and Finance) and the General Manager will be working with Studentcare over the month to negotiate with the insurance broker the rate of the plan for next year. Council will be getting a presentation and will be voting on any changes to the rates later this month.

Student Services
The Student Services Review is going well. We expect for it to be completed in March. We are also planning for the ECOS and Infolink projects to be wrapped up soon.

Programming
We are working with the UHC and some student groups on a health week near the end of this semester. It could be really exciting and act as a great stress relief for individuals close to exam time. This week will take place March 28 – April 1 and will be called Health Week. I am very excited to see how students respond to it.

As always, please let me know if you have any questions. Ask during council, stop by the office, or send me an email at vp.studentlife@su.ualberta.ca

March 1, 2011

To: Students' Council

Re: Report to Council

CUPE Local 1368 Collective Agreement
We have formally initiated via letter the collective agreement negotiations with our staff union recently. This process is likely to begin in the latter half of March and will hopefully be complete before the end of my term.

Budget
We have begun preliminary budget tinkering (as much as is possible to do without official approval from council). It is still initially appearing to be the case that one or two business units is in a deficit position *after* the cost apportionment exercise. More details to come later, as we're still sifting through the initial budget proposals.

Health and Dental Plan Committee
The Health and Dental Plan Committee will be meeting at 5:00pm on Thursday, March 3, 2011. We will be going over the results of a recent telephone survey to Health and Dental Plan users in order to inform our Health Plan renewal/premium renegotiation process.

General Faculties Council Facilities Development Committee Subcommittee on Learning Spaces
The GFC-FDC-SLS is meeting tomorrow at 12:45pm. The goal of this group is to produce a report that outlines best practices and principles when it comes to the design and functionality of learning spaces in order to enhance both pedagogy and the learning process.

If you're interested in this topic, check out the following website:
http://www.educause.edu/ELI/LearningPrinciplesandPractices/LearningSpaceDesign/5521?bhcp=1

Health Centre Advisory Group + UHC Director Selection
The Health Centre Advisory Group is scheduled to meet at 1:00pm, Thursday, March 4, 2011. In addition over the next two weeks I will be involved with the UHC Director selection process as a student representative.

GAC & Access Fund Selection Committee
Both GAC and the Access Fund Selection Committee met earlier today. GAC received an update on awards and the access fund budget.

PAW Centre
We're still working on the final agreement for council's ratification. It is currently undergoing a process of legal review.

Yours,
Zach

Report to Council

11-03-01

Prepared by: Aden Murphy, VPX – March 3, 2011

To: Students' Council of the University of Alberta

Good evening Council,

Well, it's been a while since I last got a report to Council, but fear not, I have not forgotten you.

PSE Roundtable

I would like to offer a sincere thanks to the many Council members who came out to the Roundtable Discussion on Advanced Education and Technology. The attendance numbers benefited from Council's interest and both the SU and the GSA will benefit from the perception that campus cares about provincial politics. I am very happy with the outcome of the debate, which had some very good performances by all parties and some lively and interesting moments. Notably, the representative for the PCs became our Minister of Advanced Education and Technology later that week. We would like to hold more similar events as we come closer to the next elections, and the success of this event will spur success in future events. For those councilors who want to relive the best 1.5 hours of your week, the video recording is still at ww.su.ualberta.ca/video and thanks to the multitalented Craig Turner for making that possible.

CAUS

For those of you even moderately aware of provincial politics, you may have noticed that it has become more interesting than at any point in recent memory. We have a premier who intends on stepping down in the next few months with four serious contenders for his job, including our former minister of AET. We have a leadership race upcoming for Alberta Liberals and one ongoing for the new Alberta Party. Craziest of all, there may be an actual contested election next year. Yes, in Alberta. Weird.

In case anyone missed the memo, we have a new minister! The former Parliamentary Assistant for AET, the now Hon. Greg Weadick (Lethbridge-West) was moved up to Minister last week. We are very happy that he got promoted, as he is both familiar with the complex portfolio and capable of moving it forward.

Last week saw both a Speech from the Throne and a new Budget. Both were remarkable for their continuity and lack of bold new initiatives. Advanced Education and Technology saw a decrease in funding, due almost entirely to the completion of CCIS and Edmonton Clinic North (together costing ~$1 billion over the past several years). There was a bit of new operating money for institutions, no new money for student financial aid, and a change in how the remission system works. Given the size of the provincial deficit, I can live with budget, but uneasily. The PSE system in Alberta will desperately need money for needs-based grants in the next couple years.

CASA

Work with CASA is busy as ever, as we are starting the lead-up to the CASA Annual General

Meeting, starting March 14th in Vancouver. It will be an incredibly busy conference and I will have two different reports to write for the agenda.

For those of you on Council who remember some of the publicity of in the summer about financial literacy and student financial aid, you'll be happy to hear that our report published as part of the Canada Student Survey was cited on the federal government's Task Force on Financial Literacy. The full report can be found at www.financialliteracyincanada.com

During last week's Board of Directors call, we received a draft of CASA's federal election strategy, which will focus on campus engagement, make full use of social media and ignore bought publicity in the media. This reflects CASA's limited budget and the high-priced ball game that is election advertising. The strength (and weakness) of CASA's election strategy is that it hinges entirely on the hard work of member organisations to put post-secondary education on the national election agenda. For this reason, be fully prepared to hear me asking for many hours of volunteer labour during the next federal and provincial elections.

March 1, 2011

To: Students' Council

Re: Report to Students' Council

Greetings Council,

There are now 60 days left in our terms and there is still much work that needs to be done in the coming months. Here is a list of initiatives that we will be working on in the remaining days and weeks:

THE PAW CENTRE

Before the end of the term you can expect a presentation to council and an agreement between the University and SU to be signed before the end of our terms.

SU STRATEGIC PLAN

The Strategic Planning Committee will review the feedback received and hopefully put forward a final draft of the document for the next Council meeting. Vice President Fentiman and I also hope to have a Bylaw concerning Strategic Planning ready for the next Council meeting as well.

COMMUNICATION INFRASTRUCTURE

A proposal is nearly complete for SUTV and new Infolink booths. Once it is completed we hope to start a discussion with the University about where these booths can be expanded however much of the work will likely be left to my successor.

SUSTAINABILITY ASSESSMENT

Following the elections the document will hopefully be available to councilors for review. We have had some CSL students working with the SU semester to get a head start on some different initiatives. Please follow-up with me at Students' Council if you would like to hear more about these initiatives.

CANADIAN ALLIANCE OF STUDENT ASSOCIATIONS AGM

From March 13th to 18th I will be in Vancouver for the CASA AGM. While our Vice President External is acting as Chair for CASA I will be sitting as the primary delegate from the University of Alberta Students' Union.

COUNCIL OF ALBERTA UNIVERSITY STUDENTS LOBBY CON

The week that I return from the CASA AGM I jump straight into the CAUS Lobby Conference that will be from March 21st to March 25th. The loss of non-repayable student aid, voting stations on campus, and

regulations around mandatory non-instructional fees will be on the agenda as we meet with MLAs during the week.

FALL READING WEEK

The results of the plebiscite will inform what work needs to be done before the end of the semester. Based on timelines the next steps will likely be up to next year's executive to work on.

TRANSITION/COUNCILOR ELECTIONS

Following elections on March 9th and 10th time will start being devoted towards transitioning in the new executive. I would encourage everyone to also start thinking about Councilor Elections and start encouraging students to run for these positions.

If you have any further questions, suggestions, or concerns, please do not hesitate to follow-up with me, either in person at SUB 2-900, by phone at 780-492-4236, or by email at president@su.ualberta.ca.