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**Tuesday, May 30, 2017  
Council Chambers, University Hall**

We would like to acknowledge that our University and our Students' Union are located on Treaty 6 Territory. We are grateful to be on Dene, Cree, Saulteaux, Métis, Blackfoot, and Nakota Sioux territory; specifically the ancestral space of the Papaschase Cree. These Nations are our family, friends, faculty, staff, students, and peers. As members of the University of Alberta Students' Union we honour the nation-to-nation treaty relationship. We aspire for our learning, research, teaching, and governance to acknowledge continuing colonial violence and respect Indigenous knowledges and traditions.

**ORDER PAPER (SC 2017-03)**

**2017-03/1    SPEAKERS BUSINESS**

**2017-03/1a**    Announcements - The next meeting of the Students' Council will take place on Tuesday, June 13, 2017 at 6:00PM in the Council Chambers.

**2017-03/1b**    Resignation of Councillor KATELYNN NGUYEN, from the Faculty of Engineering.

See SC 17-03.01

**2017-03/2    PRESENTATIONS**

**2017-03/3    EXECUTIVE COMMITTEE REPORT**

**2017-03/4    BOARD AND COMMITTEE REPORT**

**2017-03/5    OPEN FORUM**

**2017-03/6    QUESTION PERIOD**

**2017-03/7    BOARD AND COMMITTEE BUSINESS**

**2017-03/7a**    **SUNDAY/THIBAudeau MOVE**, upon recommendation of the Council Administration Committee, to amend Council Standing Orders, Appendix 6: Acknowledgement of Traditional Territories.

See SC 17-03.03

**2017-03/7b** **CHRISTENSEN/HOWIE MOVE** to approve the first reading of Bill #1 - Elections Forums, on the recommendation of Bylaw Committee, based on the following first principles:

**First Principles**

1. Formal regulation of elections forums under Bylaw 2200 is limited to only the Myer Horowitz Forum. There is no regulation of forums under Bylaw 2300.
2. In light of DIE Board ruling 2016-01, additional and clarifying regulations are required, in order for the Chief Returning Officer (CRO) most effectively perform their job.
3. Bylaw 2200 shall be amended to broaden the rules of forums to extend to all forums organized by the elections office, not just the Myer Horowitz Forum.
4. Bylaw 2300 shall be amended to include rules regarding the conduct of forums under that Bylaw, if applicable.
5. The new regulations shall include, but not be limited to, the following, in addition to those already listed in Bylaw:
  - a. No candidate or side, or a volunteer representing their campaign, shall interfere, attempt to stop, limit, or otherwise dissuade a member from asking a question during an elections office organized forum.
  - b. The CRO shall prioritize audience questions from members who have not already submitted a question orally or electronically.
  - c. The CRO shall be permitted to set a time limit restricting the length of individual questions and answers during forums, at their discretion, so long as these details are provided to the candidates and sides in advance and verbalized at the start of the forum.
6. The legislative structure for Bylaw 2300 will follow the same framework as Bylaw 2200, except not mandating the CRO host a forum.

See SC 17-03.04

**2017-03/8** **GENERAL ORDERS**

**2017-03/9** **INFORMATION ITEMS**

2017-03/9a Resignation letter of Councillor KATELYNN NGUYEN, from the Faculty of Engineering.

See SC 17-03.01

2017-03/9b Council Administration Committee (CAC) - Chair Report.

See SC 17-03.02

2017-03/9c Acknowledgement of Treaty Territories.

See SC 17-03.03

2017-03/9d DIE Board Ruling 2016-01.

See SC 17-03.04

2017-03/9e Report from the President.

See SC 17-03.05

2017-03/9f Report from Vice President (Operations and Finance).

See SC 17-03.06

2017-03/9g Report from Vice President (Student Life).

See SC 17-03.07

2017-03/9h Report from Vice President (Academic).

See SC 17-03.08

2017-03/9i Report from Vice President (External).

See SC 17-03.09

2017-03/9j Student Council Motion Tracking Sheet.

See SC 17-03.10

2017-03/9k Student Council Attendance.

See SC 17-03.11

Hi Saadiq,

I'm Katelynn Nguyen, currently a councillor for the Faculty of Engineering.

Throughout the last council meetings, it has come to my attention that my professional goals do not align with the Students' Council. I believe that it is only fair to myself and the student body that I withdraw from this position to allow a candidate that can dedicate 100% of their energy and time to make the proper impact that they would like to achieve. Thanks for a wonderful time. I've learned a lot with my time on council! Best wishes.

If there's anything else I have to do, let me know.

Regards,

**Katelynn Giao Nguyen**

**Vice President Engagement | EMPFest**

**Associate Vice President Professional Development | ESS**

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Acknowledgement of Traditional Territories

**Current:**

We would like to acknowledge that our University and our Students' Union are located on Treaty 6 Territory. We are grateful to be on Cree, Dene, Saulteaux, Métis, Blackfoot, and Nakota Sioux territory; specifically the ancestral space of the Papaschase Cree. These Nations are our family, friends, faculty, staff, students, and peers. As members of the University of Alberta Students' Union we honour the nation-to-nation treaty relationship. We aspire for our learning, research, teaching, and governance to acknowledge continuing colonial violence and respect Indigenous knowledges and traditions.

**Proposed (changes in bold):**

We would like to **respectfully** acknowledge that our University and our Students' Union are located on Treaty 6 Territory. We are grateful to be on Cree, Dene, Saulteaux, Métis, Blackfoot, and Nakota Sioux territory; specifically the ancestral space of the Papaschase Cree. These Nations are our family, friends, faculty, staff, students, and peers. As members of the University of Alberta Students' Union we honour the nation-to-nation treaty relationship. We aspire for our learning, research, teaching, and governance to acknowledge **and work towards the decolonization of** Indigenous knowledges and traditions.

## **DIE BOARD RULING 2016-01**

### Hearing Details:

Style of Cause: *Scott v Chief Returning Officer*

Hearing Date: March 10<sup>th</sup>, 2017

DIE Board Panel Members: Harvir Mann, Associate Chief Tribune

Landon Haynes, Tribune

Jenny Du, Tribune

Appearing for the Appellant: Shane Scott as himself

Witnesses for the Appellant: Eryn Pinksen

Raylene Lung

Cindy Hodl

Cristiana Pop

Appearing for the Respondent: Donald Ademaj as himself

Witnesses for the Respondent: Justin Bilinski

Intervener(s): None

The DIE Board is unanimous in the following decision.

### **FACTS**

[1] On Monday, March 6, 2017, the annual Myer Horowitz Forum (the “Forum”) was held at the University of Alberta. This annual Forum is mandated by §18 of Bylaw 2200 of the University of Alberta Students’ Union Bylaws and is meant to provide University of Alberta Students an opportunity to directly engage with candidates seeking election into the various executive roles of the Students Union.

[2] In attendance at the Forum was Mr. Shane Scott, candidate for Vice President Academic and appellant in this hearing (the “Appellant”), Ms. Eryn Pinksen, campaign manager for Shane Scott (the “Campaign Manager”), Justin Bilinski, the complainant in

this hearing (the “Complainant”), and Donald Ademaj, the Chief Returning Officer of the University of Alberta’s Student’s Union (the “CRO”).

[3] Per paragraph 3 of the CRO’s Executive Election Ruling (the “CRO’s Ruling”) issued on March 8, 2017, and which the appellant affirmed in his Board Hearing Application (the “Application”) submitted on March 9, 2017, the Complainant “was in line to ask a question during the period of the Forum where questions from the audience were being taken.”

[4] In his written decision, the CRO explained at paragraph 4 that the Complainant approach him and said that “My campaign manager had to control a person in line, who is my ex-boyfriend, to ask a question, as he was being aggressive and earlier today had a mental breakdown.” The accuracy of the substance of this quote was questioned by the Appellant in his Application.

[5] The Complainant made a tweet to the UASU Elections handle (#UASUvote) at 1:22PM on March 7, 2017 which read, as per paragraph 5 of the CRO’s Ruling: “Any update on this [perceived heckling]? Are there no repercussions for campaign managers harassing #UASUvote students to change forum questions so their candidate appears more favourably?”

[6] An email was sent to the CRO by the Complainant at 4:49PM on March 7, 2017 which read:

While waiting in line to ask a question at yesterday’s forum in the Myer Horowitz Theatre, I was asked at around 1:00 pm by Scott’s campaign manager Eryn Pinksen to step out of line and forfeit my chance at asking a question. I refused and informed her that I would be asking my prepared question. Seeming to fear some sort of personal attack on her candidate, she began to berate me while I stood in line, telling me that my question needs to show “decorum” and “kindness”, and suggested that my question would damage her candidate’s reputation or success in this election. I don’t appreciate Scott’s campaign demanding I change any portion of my question, whether it be wording, tone, or subject matter, so that their candidate is seen more favourably by the audience. I went on ask my prepared question related to mental health support at the University of Alberta.

Afterwards, I tweeted about the incident and Eryn Pinksen confirmed via Twitter that she did in fact approach and berate me in line as I was trying to prepare to speak.

[7] Per paragraph 7 of the CRO’s Ruling, the CRO allowed the Appellant and his Campaign Manager to reply to the allegations of the Complainant. The Appellant replied by email which read:

Thank you for reaching out to me on this matter. As the candidate in this race, I take full responsibility for the actions of all volunteers, including my campaign manager and as such I am responding on behalf of both of us.

As I mentioned to you following the Myer Horowitz Forum, Justin Bilinski is my ex-boyfriend and prior to the forum, he had a public outburst towards me. I am aware that my campaign manager spoke to him in a polite attempt to ensure our personal relations were not dragged into the forum. She did not and would never dissuade him from asking his question.

I am sorry he feels like his right to ask a question at open forum was impeded upon but that was not the case nor the internet. As a proponent of student engagement at all levels, I nor my campaign manager or volunteers would ever attempt to censor or try to dissuade any students from voicing their opinions.

The Appellant admits to sending this email in his Application, but also argues that “while [he accepted] full responsibility for [his] campaign, the actions of [his] campaign manager did not violate any of the Bylaws and [his] email response to the allegation did not allow for any omission of guilt for the alleged heckling by [his] campaign.”

[8] Per paragraphs 8 and 9 of the CRO’s ruling, both the Appellant and his Campaign Manager were in attendance on February 16, 2017 at the Candidates’ Meeting, and at that meeting, the CRO “outlined all elections bylaws and rules, including Section 18 and 26 of Bylaw 2200.” The Complainant admits these facts in his Application.

[9] On these facts, the CRO ruled as follows:

1. Bylaw 2200 §18 was not respected by the aforementioned candidate, as their campaign manager engaged in “heckling” of the person wishing to ask a question.
2. Bylaw 2200 §26 was not respected by the aforementioned candidate, as all candidates are responsible for actions of their volunteers, who must be following elections rules and bylaws.
3. According to Bylaw 2200 §47, the Chief Returning Officer shall “assign a penalty where the contravention was intentional, penalizes the candidate or campaign manager who was or whose volunteer was guilty of the contravention”.
4. Therefore, a penalty should be assessed.

[10] The penalty was assessed as a \$50 fine against the Complainant’s campaign.

## **THE BYLAWS**

[11] The relevant Bylaw for this hearing is Bylaw 2200 (the “Bylaw”). The relevant sections of this Bylaw, §18, §26, and §47 are reproduced below.

### **18 Myer Horowitz Forum**

...

2. The C.R.O. shall chair the Myer Horowitz Forum and shall enforce the following rules:
  - a. each candidate and side shall be afforded an opportunity to speak that is equal to the opportunity afforded to each candidate or side in their race; and
  - b. no objects shall be thrown; and
  - c. no heckling shall occur; and
  - d. no campaign materials shall be distributed during the Myer Horowitz Forum in the room in which the Myer Horowitz Forum is held.
3. Where an individual contravenes Section 18(2), the C.R.O. shall remove that individual from the Myer Horowitz Forum.
4. Where a candidate or side contravenes Section 18(2), the C.R.O., has the authority to enforce disciplinary action, as prescribed under Section 47.

### **26 Requirements of All Candidates and Plebiscite/Referendum Sides**

1. Each candidate and side manager shall act reasonably and in good faith, and specifically shall
  - a. ensure that each volunteer engaging in campaign activities on their behalf is aware of all bylaws, rules, regulations, and orders;
  - b. ensure that each volunteer is in compliance with all bylaws, rules, regulations, and orders while engaging in campaign activities on their behalf; and
  - c. report any contravention of a bylaw, rule, regulation, or order to the C.R.O. immediately.

### **47 Penalties Available**

1. Where a candidate, side 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 counterbalances any advantage gained; and
  - b. where the contravention was intentional, penalizes the candidate or campaign manager 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; and
  - c. limits, restrictions, and prohibitions on any type of campaign activities for any period of time up to the commencement of voting.

### **ISSUES**

[12] The issues in this hearing are:

1. Did the Campaign Manager "heckle" the Complainant, contrary to §18 of the Bylaw?
2. Did the Appellant not "ensure that the [Campaign Manager was] in compliance with all bylaws, rules, regulations, and orders while engaging in campaign activities on their behalf" contrary to §26 of the Bylaw?
3. If the answer is Yes to either question 1 or 2 or both, did the CRO properly rely on §47 of the Bylaw to assess the \$50 penalty against the Appellant's campaign?

### **THE APPELLANT'S POSITION**

[13] The Appellant argues that his Campaign Manager did not engage in "heckling," contrary to §18 of the Bylaw. He notes that the term "heckling" is not defined in the Bylaw and so argues that we should consider other definitions, including from the *American Heritage Dictionary of the English Language* which defines heckle as "To try

to embarrass and annoy (someone speaking or performing in public) by questions, gibes, or objections; badger,” as well as the *Collins English Dictionary* which defines “heckling” as “the practice of calling out comments to interrupt a person making a speech.”

[14] Considering these definitions, the Appellant argues that we should consider what he calls the “Heckle Test” which should be used to determine whether an individual can be said to have been involved in “heckling.” The Appellant suggest that this test has two requirements:

1. That the person being heckled is publicly speaking or performing, and
2. That the heckler is interrupting by calling out statements/comments/questions to embarrass or annoy.

[15] The Appellant argues that since the Complainant was “able to speak freely without being interrupted...the second requirement of heckling was not achieved.” He further argues that since the Campaign Manager “spoke to [the Complainant] prior to the question being asked” the first requirement likewise was not met. Therefore, the Appellant argues that there was no heckling and therefore no contravention of §18 of the Bylaw.

[16] As support for his contention, the appellant provides video evidence of the Forum which does not capture the exchange between the Complainant and Ms. Pinksen, but shows the former asking his question “freely and without being interrupted.” He argues there is no tangible evidence whether anyone intended to stop the Complainant from asking a question.

[17] In the alternative, the Appellant argues that if heckling should include “conversations between Campaigners, Candidates and the electorate...healthy discussion of election issues would be stifled and it would be detrimental to our democratic society.”

[18] With respect to §26 of the Bylaw, the Appellant argues that “[b]oth Candidate Scott and Campaign Manager Pinksen acted reasonably and in good faith throughout the forum” and therefore that §26 was not breached.

[19] Finally, the Appellant argues that since neither §18 nor §26 was breached, that the CRO did not have authority to issue a penalty under §47. The Appellant also argues that there should not have been a penalty under §47(1)(b) since “there is no way to prove that any contravention was intentional.”

[20] The Appellant also argues that “Twitter is not the proper decorum to hear such concerns so any Tweets made by [the Complainant] should not be considered facts or evidence in this matter.”

## **THE RESPONDENT'S POSITION**

[21] The CRO admits the Appellant approached him after the conclusion of the Forum regarding the incident in question, though the exact wording of the exchange is uncertain since neither recall exactly what the appellant said.

[22] The CRO submits that the Complainant was heckled by the Appellant's Campaign Manager, contrary to §18 of the Bylaw, when the Complainant was approached by the Campaign Manager while standing in line to ask his question. The interaction between the Appellant's Campaign Manager and the Complainant was perceived by the Complainant as a personal attack with the intention to harass or annoy. During the hearing, the Complainant referred to the *Merriam Webster* definition of "heckling," which is "to harass and try to disconcert with questions." The Complainant stated that when asked to speak with kindness, it latently implied that he would have been unkind.

[23] In response to the Appellant's assertion his Campaign Manager approached the Complainant with concern after an exchange between the latter and the Appellant earlier in the day, the CRO argues it his responsibility to decline any inappropriate or personal questions as per §18 of the Bylaw. The CRO supports this argument and his resolve to adhere to bylaw by citing his role in declining personal questions which arose later on in the Forum.

[24] The CRO submits that since Bylaw 2200 provides no definition of "heckling", he has the discretion to decide the definition applicable to the case at hand. The CRO is bound to the Bylaw and decided on an interpretation of the word "heckling" that he deemed was just and appropriate.

[25] The CRO argues that "heckling" has no prescribed volume or demeanor, and should include any instance where a person in any way tries to impede another person from asking their question or saying their question in some different dimension. In his view, it does not matter whether the question was successfully asked. By sticking to the Bylaw, and not a dictionary definition of the word, the CRO perceived the Campaign Manager's actions to be heckling.

[26] The CRO also submits that Tweets made by the parties are admissible as evidence in this matter, as social media is commonly accepted as evidence in court.

[27] The CRO instituted a penalty of \$50.00 to set a precedent on this type of ruling.

## **ANALYSIS**

*1. Did the Campaign Manager "heckle" the Complainant, contrary to §18 of the Bylaw?*

[28] While this tribunal is not generally bound by common law precedent, and while

we are not being asked to interpret a provincial or federal statute, we wish to be informed of what has been called the “Modern Approach to Statutory Interpretation” by the Supreme Court of Canada. In the case of *Rizzo & Rizzo Shoes Ltd. (Re)*, [1998] 1 SCR 27, the Supreme Court of Canada recognised a characterisation from Elmer Driedger in his seminal work *Construction of Statutes* at page 87 that: “Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.” Analogously, we may be asked to read the words of the Bylaw to be read in their entire context and in the grammatical and ordinary sense harmoniously with the scheme of the Bylaws, the object of the Bylaws, and the intention of the Student’s Union.

[29] The Appellant was right to turn to the dictionary definitions of “heckling” to determine the grammatical and ordinary sense of the word, but we also want to add a further definition taken the *Merriam-Webster Dictionary* which defines heckle as “to harass and try to disconcert with questions, challenges, or gibes.” The definition contains no explicit mention of a public speaking or performing element, nor does it explicitly mention an interruption, as the Appellant suggests is required in the “Heckle Test.” This definition alone may therefore suggest a broader reading of what it means to “heckle” than what the Appellant is trying to argue. However, we do recognise that the common perception of a “heckler” often involves shouting disparaging comments with the intention of causing a public disturbance.

[30] Following along with the analogous Modern Principle, we must also consider the broader scheme and objectives of the Bylaw. The other rules that shall be enforced by the CRO during the Myer Horowitz Forum under §18(2) of the Bylaw include allowing each candidate an equal opportunity to speak, prohibiting objects from being thrown, and prohibiting the distribution of campaign materials. It is clear that the scheme of this section is to provide an open, safe, fair, and inclusive atmosphere that is conducive to the healthy and unimpeded debate and discussion the candidates are participating in.

[31] While there is no direct evidence of the intention of the Student’s Union intention when the heckling section was first passed, we may be able to infer that intention by the scheme of the Bylaw. In the context of a public forum where University Students attend en masse to hear and question candidates up for election to their Student Union, it is much easier to infer that the intention of the Student Union prohibiting heckling meant to prohibit the student attendees from disparagingly interrupting the candidates when they are trying to get some point across. It is less easy inferring an intention to prohibit a Campaign Manager or other volunteer from approaching an audience member and engage in discussion as to that member’s intentions. §18(2)(d) of the Bylaw does restrict the distribution of campaign materials; whether this extends to the activity of campaigning is not unreasonable to assume. While an audience member asking a question may be heckled by other audience members, or by the candidates themselves, the common understanding of what it means to heckle naturally includes a public and open element rather than a private, if as intimidating, discussion between two people,

even if there was some minor incidental eavesdropping by other members of the audience.

[32] With these considerations, we conclude that “heckling”, as used in the Bylaw, is concerned with making remarks out of turn and to the attention of the broader public. We do not think that the speaker or performer must be mid-speech or mid-performance for the heckling to occur, but they must be involved in that context. That is, a person may heckle a candidate who is sitting quietly waiting for their turn to speak while another candidate speaks. Further, the heckling may not be directed at the speaker or performer themselves. For example, the audience member may shout to the audience itself about a particular speaker or performer. As such, while there is no requirement for an explicit interruption or direction, the statements/comments/questions made by the heckler must be done in a public arena with the intention of making the statements/comments/questions being said publicly available for listening.

[33] On the facts, we do not find that the Campaign Manager heckled the Complainant under our above interpretation of what it means to “heckle” as set out in the Bylaw. The Complainant himself during the Hearing stated that the Campaign Manager engaged him with a “stage whisper.” It was a “hushed” conversation so as to not draw attention to the conversation. This admission was corroborated by the Campaign Manager and other witnesses who testified that there was no yelling that occurred between the Campaign Manager and the Complainant and they generally could not hear what was being discussed. The lack of any sort of public broadcast of the conversation between the Campaign Manager and the Complainant means that heckling did not occur. This was a private and quiet conversation between two individuals which nonetheless occurred in a public setting (the elevated stage). This should not be regarded as heckling in the ordinary sense of the word and the way that the term is used in the Bylaw.

[34] The Appellant’s concern that if the heckling definition is “expanded to include conversations between Campaigners, candidates and the electorate” that “healthy discussion of election issues would be stifled and it would be detrimental to our democratic society” is taken care of in the definition we provide. Indeed, as mentioned, private conversations are not captured by the definition we set out above. But, if the heckler makes statements/comments/questions with the intention of making what is being said publicly available for listening, this will constitute heckling and not a private conversation.

[35] In this case we do not consider the actions in question to be heckling. But candidates, campaign managers, and volunteers should make it a chief concern to avoid conduct that would approach or give the appearance of intimidation of an elector. Heckling is a scourge on an election debate, and perhaps more so when an elector is the target. The suppression of a free and open debate should be strongly admonished as it is hard to conceive of any circumstances whatsoever where it would be appropriate for a campaign to influence a question asked at an open debate, or worse yet, try to intimidate an elector from asking a question at all.

[36] Finally, we wish to point out that the Appellant's suggestion that "Tweets ... should not be considered facts or evidence" in matters such as these is completely without merit, and we agree with the CRO's position on this point. Even if Twitter is not the appropriate place to have discussion on these issues, the fact is that the Tweet was made and the validity of its admission as evidence does not turn on this fact. While we find that the Tweet in reference does not play a significant role in the outcome of this decision, we admit it as evidence regardless.

*2 Did the Appellant not "ensure that the [Campaign Manager was] in compliance with all bylaws, rules, regulations, and orders while engaging in campaign activities on their behalf" contrary to §26 of the Bylaw?*

[37] The potential breach of the Applicant of §26 of the Bylaw naturally turns on whether we find a breach under the first issue of this hearing. Contravention of §26 in and of itself cannot be used as justification for the breach of any bylaw. That is, if there was no breach of §18, then there was compliance with the Bylaw.

[38] Because we have found that the Campaign Manager did not heckle the complainant, there was no breach of §18 and therefore no subsequent breach of §26.

*3. If the answer is Yes to either question 1 or 2 or both, did the CRO properly rely on §47 of the Bylaw to assess the \$50 penalty against the Appellant's campaign?*

[39] It is not necessary to answer this question based on the decision we have made above on the first two issues, but we wish to address this question in any event.

[40] §47 is clear that regardless of the intent of the parties, the CRO may issue a penalty that "fully counterbalances any advantage gained" when a contravention "has provided an unfair advantage to a candidate." However, in the case of an intentional contravention, the CRO is also required (by the verb "shall") to "[penalize] the candidate or campaign manager who was or whose volunteer was guilty of the contravention."

[41] It is very important, however, to keep in mind the qualifier that the contravention of a bylaw must have provided an unfair advantage to a candidate. If there is a contravention of a bylaw that provides no unfair advantage to a candidate, there can be no penalty.

[42] This importance was recognised by this Board in the case of *Azimi v CRO* (6 March 2015), 2014-4 at paras 18 – 19:

[18] ... The CRO shall assign a penalty if two requirements are met (1) a candidate, side manager, or volunteer has contravened a bylaw, rule, or

regulation, and (2) **that contravention has provided an unfair advantage to a candidate.**

[19] Thus, the ‘unfair advantage’ provision is not simply a basis for assessing counterbalancing fines, but is a prerequisite for assigning penalties in general (with certain exceptions, including explicit fines under the *Election Regulations and Guidelines*, and disqualifications under subsection (49)).

[emphasis in the original]

The Board failed, however, to define what exactly an unfair advantage is, and relied on the CRO’s statement that the candidate did not gain an unfair advantage, and overturned the punitive fines ordered by the CRO against the candidate in that particular case.

[43] There are two very plausible ways to define unfair advantage in the context of these facts, and considering the fact that “unfair advantage” is not defined in this Bylaw. The first is that the Complainant’s question was changed as a result of the interaction. Any change from its original content can be seen as an unfair advantage. The second plausible interpretation is that the question would have to be changed to be more advantageous to the candidate. This can be either by providing the candidate with an easier question to answer or providing the candidate with a ready made answer within the question; a “soft-ball.”

[44] In the interest of protecting the political process within the Student’s Union, we believe a broad view of unfair advantage should be taken.

[45] Thus, we consider an unfair advantage to include the following: (1) anything that will increase the likelihood of the election of a candidate, (2) anything with the potential to increase the esteem of a candidate in the mind of the electors, or (3) a negative effect on a candidate. A benefit must fall into the above classes in the context of a public event or otherwise connected with the election of a candidate. A purely personal benefit with no effect on the election or the esteem that the candidate is held in by the electorate will not qualify as a benefit.

[46] With these considerations, it will be hard to find an unfair advantage in the context of this hearing unless the Complainant changed his question. On the facts we find that there was no unfair advantage imparted upon any candidate, including the Appellant. Referring back to the email that was sent by the Complainant to the CRO on March 7, 2017, the Complainant admits that he “went on [to] ask [his] prepared question related to mental health support at the University of Alberta.” When asked directly by this Board during the Hearing about whether he in fact changed his question based on the interactions with the Campaign Manager, the Complainant was clear that he asked the question as he had prepared it. He admitted that after the interaction, he went on to proof-read the question several times to make sure it was what he wanted to say. Though, he does note that because of the interaction with the Campaign Manager his hand was

shaking as a physiological response to what he perceived to be a distressing interaction. However, this fact does not mean that any candidate gained an unfair advantage. The question was asked as the Complainant intended so there was no unfair advantage afforded to any candidate, including the Appellant.

## **CONCLUSION**

[47] The issues and the findings of those issues are:

1. Did the Campaign Manager “heckle” the Complainant, contrary to §18 of the Bylaw?

No.

2. Did the Appellant not “ensure that [Campaign Manager was] in compliance with all bylaws, rules, regulations, and orders while engaging in campaign activities on their behalf” contrary to §26 of the Bylaw?

No.

3. If the answer is Yes to either question 1 or 2 or both, did the CRO properly rely on §47 of the Bylaw to assess the \$50 penalty against the Appellant’s campaign?

It is not necessary to answer this question, but since there was no unfair advantage afforded to the Appellant, the penalization by the CRO was ordered in error and the Appellant’s Campaign would otherwise not be punitively fined \$50.

[48] Having found for the Appellant, we wish to turn to some more general concerns that this hearing raises and what can be done to alleviate this concern. Despite finding for the Appellant, we find what his Campaign Manager did was entirely inappropriate in the context of the Forum. During forums such as these, and especially ones mandated by the Bylaws, there should be no room for volunteers to approach audience members to question the validity or content of what they are about to ask. Even though the Campaign Manager just asked the Complainant to ask his question with “decorum” and in a “kind manner” this is not the role of the Campaign Manager at forums such as these. §18 of the Bylaw is clear that it is the CRO who is to chair the Forum and the CRO made some salient points during the Hearing regarding his duty as chair of the Forum and any open election consultation. We agree that it is the CRO’s responsibility to address audience members who may be breaching the bylaws by the content and form of the questions they ask. If the Campaign Manager had a concern about what the Complainant was about to say, she should have approached the CRO and voiced those concerns to him instead of approaching the Complainant directly. The CRO would have then been on notice for any concerning behaviour from the Complainant.

[49] It is because of this inappropriateness that we are not without some concern for the outcome of this hearing and the decision we are almost reluctant to pass down. We offer a strong recommendation to the Student's Union Bylaw Committee to amend the Bylaws to address the concern listed above. Again, the behaviour exhibited by the Campaign Manager was entirely inappropriate, but despite this inappropriateness, there is unfortunately no remedy in the Bylaws as we interpret them to either rectify or punish this behaviour.

*Appeal allowed. CRO ruling overturned.*

May 30, 2017

**To:** Students' Council

**Re:** Report to Students' Council

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Hello Council,

I hope everyone is having an excellent start to your summer. Whether you are continuing your studies, working, traveling, or just taking some well deserved rest – summer is always a great time to reflect and plan for the upcoming year. Below is a report summarizing my last few weeks at work. I have been out of town at conferences for the majority of time since our previous meeting, so external advocacy has been a primary focus in the month of May. I am currently writing this report in Ottawa at the Canadian Alliance of Students Associations conference. As always, if you have any questions I am happy to either provide a written response or answer during council.

## **Goals**

### STRIDE

One of my platform goals is to increase diverse representation in student governance. As such, I am pleased to announce the launch of STRIDE, a cohort program aimed at encouraging greater participation/involvement of women and gender-variant individuals from all backgrounds – race, ethnicity, indigeneity, sexuality, and ability - in student governance. The program aims to equip participants with the knowledge, skills, and network to run for a variety of student government positions and make meaningful change on campus. Although, 56% of undergraduate students at the [University of Alberta](#) are women, between 2005 and 2016 women have held only 30% of council seats and have made up only 25.5% of the 102 candidates running for executive elections. While there are many reasons for this imbalance, a survey conducted by the Students' Union found that women were more likely to feel inadequate or ill-prepared for leadership positions on campus, compared to men. STRIDE aims to give the knowledge and community necessary to empower more women and gender-variant students to get involved in decision making at the University of Alberta. More information and applications available at [www.sustride.ca](http://www.sustride.ca). I would appreciate councilors help in sharing this program and application form widely within their networks!

**University Business**Board meeting and dinner

Governor Sandare and I had our first Board of Governors meeting and dinner a few weeks ago. The dinner was done in collaboration with the Faculty of Arts, as such we learned about the unique programs that the faculty offers. It was interesting to learn more about the board dynamic at the meeting, especially the difference between open and closed sessions.

PLLC Report

As many of you may have noticed, the University recently publicized a report on the current and future state of the Peter Lougheed Leadership College. That report can be accessed here <http://blog.ualberta.ca/2017/05/report-released-on-peter-lougheed.html>. If any members of council have questions, VP Scott or I would be happy to answer.

**Internal SU Business**Goals compilation

I am currently work to compile a document that will outline the UASU executive teams goals for the upcoming year. I suspect this will be completed early June. The executive will then present our goals to Students' Council.

**External Advocacy**CAUS Changeover

VP Larsen and I were in Canmore two weeks ago to meet up with our counterparts in the Council of Alberta University Students (CAUS). This is our provincial lobby group. Highlights from the weekend include agreeing on our provincial advocacy priorities, as well as VP Larsen being elected Chair of CAUS!

CASA Foundations

VP Larsen and I are also in Ottawa at the Canadian Alliance of Students Associations (CASA) Foundations conference. At the conference we learned a lot about federal advocacy for post secondary students, as well as elected our new board of directors.

ESA Initial Meeting

Lastly, VP Larsen and I attended our first Edmonton Student Alliance (ESA) meeting. This is more of an information sharing group than an advocacy group, however this will be an interesting year for the organization because of the upcoming municipal election. There

seems to be a desire to do some collaborative work to engage students in the upcoming election. The VP External from Students' Association MacEwan University (SAMU), Parvin Sedighi, was elected Chair of the ESA.

**Other Exciting Endeavors**

If you have not already done so, please remember to register for GovCamp, which is coming up very quickly! It is a great experience to get to know student governance better here at the University of Alberta.

As always my spring/summer office hours are Wednesday's from 12:00PM-1:00PM in Students' Union Building (SUB) Suite 2-900. Please feel free to drop by during this time if you ever want to chat.

Thank you for reading my report and happy to answer any questions you may have.

Marina Banister  
UASU President

May 25th, 2017

To: Students' Council

Re: Report to Students' Council

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Hello Council,

Over in the land of VP Operations & Finance, a sense of normality is returning. Since completing our changeover retreat, and taking around a week to get everything settled, the exec are moving into normal operations. It's been a surprisingly busy couple weeks with meetings and project work. While I am writing this, VP Ushakov and I are in Montreal attending the StudentCare Stakeholder Conference, which I'll dive into later. I'll also talk about a few keys meetings, and some progress on projects.

#### *Room at the Top Design Work*

Last week, I took a few design students out for lunch to talk about design options for Room at the Top. We are exploring a renovation to the space, and we talked about creative, yet affordable, methods to make the space feel more open and bright. Later in the week, I continued the discussion with our Students' Union design studio, within our marketing department, and a plan is starting to come together. I'll keep you posted!

#### *United Way Campaign Committee*

Last year, I was given the opportunity to sit on the planning committee for the university's annual United Way campaign. I am continuing to sit on it this year. We set goals for the campaign, and talked about some different ways to increase student participation in the campaign. I discouraged the committee from soliciting donations from students, because student budgets are a thing, but it looks like the committee will be aiding student groups in hosting charity events across campus. I'll be doing some more consultation in the near future, and announce the official plan after.

#### *Alumni Council Year End Social*

Last Thursday, the Alumni Association invited the executive to their year end social at the Faculty Club. This was a great event and I was happy to have the chance to meet some alumni.

#### *StudentCare Conference*

As I mentioned earlier, VP Ushakov and I are currently in Montreal attending the StudentCare Stakeholder Conference. StudentCare is our student health & dental plan provider, and they host an annual conference to facilitate idea sharing between numerous student unions across the country, and discuss the latest in health & dental trends. I've met students from U of T, UBC, Carleton, UBCO and Waterloo just to name a few. So far, it has been a productive conference with plenty of chances to get to know other executives.

#### *Myer Horowitz Theatre Renovation Update*

In the world of the MHT renovations, we are plugging away at design development. Design

development, or DD, is the stage of architectural design in which we start to fine tune the design for finalization. During this last weeks meeting, we discussed flooring options and the bathrooms. Its all looking great, please feel free to ask me questions for further details.

Cheers,



Robyn Paches

May 4th, 2017

To: Students' Council

Re: Report to Students' Council

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Dear Council,

I hope you all have had a fantastic May Long; the weather was just ideal. It's crazy to think that May is almost over. As I am writing this report, I reflect on this week in Montreal for the annual StudentCare conference, it has been a phenomenal experience thus far and there are still a couple of days left to learn, collaborate and engage with many student executives from all across Canada.

### StudentCare Conference

The City of Montreal and the experiences I've encountered so far have been incredible, and VP Paches and I are only halfway through the conference. Learning what other student leaders are doing in terms of Mental Health Initiatives, Health and Dental Coverage and generally connecting and collaborating with such diverse executives from different schools has been a great experience.

### Residence Life Task Force Report

The report is finally out! I highly encourage all of you to read it as it has a lot of useful information. (<http://blog.ualberta.ca/2017/05/report-released-on-residence-life-at.html>) This has been a work in process for over a year and it's truly exciting to see it all come to fruition.

There are recommendations and findings for our residences here at the University of Alberta. Moving forward, this will be a document that will guide the development of our residences and I look forward to collaborating and enhancing our Residence Life.

### Mental Health Website

I have been able to connect with Francesca and am continuing the great work on the Mental Health Website, which will hopefully launch in September. We will likely be doing a soft launch sometime this summer to find any potential glitches or bugs. I will keep you posted.

That's all I got for now, please come visit me during my office hours Wednesdays from 3:30-4:30 in SUB 2-900! Time to dive back into the StudentCare Conference. See you all

Tuesday!

Ilya Ushakov  
VP Student Life

May 25<sup>th</sup>, 2017

**To:** Students' Council

**Re:** Report to Students' Council

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Dear Students' Council,

I hope you all have met the first few months of "summer" with open arms; I know I'm overly excited for the sun. It has been a very busy few weeks so I will give you a brief update on some things I've been up to:

#### Alumni Council Year End Meeting

The whole exec team was invited to attend the Alumni Council's year-end event. This group is the representative body of the over 270,000 UAlberta graduates who are apart of the Alumni Association. The Council celebrated the successes from the past year and looked to the future while appointing their new executives and members. I would like to give special congratulations to both the current President Mary Pat Barry for her leadership over her term, and to President-Elect Ayaz Bhanji who is sure to continue that great work and more over his time.

#### Launch of Stride

The University of Alberta Students' Union has officially launched a new cohort program called **STRIDE**. This program is aimed at encouraging greater participation of women and gender-variant individuals from all backgrounds – race, ethnicity, indigeneity, sexuality, and ability - in student governance. The program aims to equip participants with the knowledge, skills, and networks to run for student governance positions and make meaningful change on campus. You can read more about the project at: <http://www.su.ualberta.ca/governance/stride/>



#### Syllabus Database

I have begun meeting with various stakeholders to start my work on giving student's access to course syllabi. The Center for Teaching and Learning has created a tool for professors to construct syllabi in E-Class, a sort of a fill-in-the-blank form that populates a PDF of the syllabus. This tool is being used or will soon be used in a number of faculties including the Faculty of Dentistry & Pharmacy and the Faculty of Physical Education & Recreational Services. This project will be ongoing over the summer and into the year.

Be Book Smart Campaign

The Be Book Smart campaign will be taking place again for the 2017/18 school year. While the campaign is still in its early planning stages, I have met with both the Centre for Teaching and Learning as well as a representative of the *Campus Alberta Open Educational Resources (OER) Initiative*. This initiative was a 3-year government funded initiative designed to: assist with reducing the costs of a post-secondary education for students; and, provide students and faculty members with the flexibility they need, offering updated, relevant content for learning. I hope to continue working with this initiative and the legacy it has left on campus to influence the Be Book Smart Campaign and to raise awareness around OER's.

Increase to English Language Proficiency Scores

A motion to improve the English Language Proficiency scores was brought before the GFC Academic Standards Committee. It was approved and will be sent to Academic Planning Committee for recommendation. The motions read as:

**Motion 1:** "the minimum overall TOEFL score be increased 4 points to 90, with no change to the required score of 21 on each band" (TOEFL is American)

**Motion 2:** "the minimum band score for the IELTS Academic be increased from 5.0 to 5.5, with no change to the required minimum overall score of 6.5" (IELTS is the British)

After consultation with both the International Students' Association and the Chinese Students' Association, I voted in favor of the change. The increase in the scores will ultimately lead to a higher level of success for non-native English speakers. There was also conversation at committee of various faculties examining the test scores for their specific program admissions, including in the faculty of Nursing, to see if they need to be changed in anyway. I encourage you to reach out to your counterparts on your faculty associations to discuss this matter.

I am happy to answer any questions anyone has – feel free to send me an email or drop by my office hours on Thursdays from 3:30-4:30 in 2-900 SUB.

Best regards,



Shane Scott  
Vice President Academic

Date: May 25, 2017  
To: Students' Council  
Re: Report to Students' Council

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Hi, Council!

Just looking at my calendar and realizing what a whirlwind the past month has been. Since the last time we were together, I have transversed the country and haven't spent much time at home. As of today, I've worked nearly 220 hours, and there is still one more retreat (getting hype for GovCamp!!!). I've done my best to be the first to arrive and last to leave at every opportunity and consistently raise our political policy objectives. It has been amazing so far, I am still rocking hard, but I am very excited to spend some time with my cat this week.

### CAUS Changeover and Chair

From the 13th - 16th I was at the Council of Alberta University Students Changeover, and I believe it went especially well. CAUS, as our provincial advocacy group, represents students from UofA, UofC, UofL, Macewan, and Mount Royal, in all nearly 100,00 students from across the province. I am thrilled to be serving as their Chair for the coming year, which means that on occasion I will represent not only UofA Students Union but that whole group of students. Our union's political policies and my mandate align closely with CAUS's current advocacy, so I am thrilled with to work in close cooperation with that body. Ultimately it will also give our council very direct access to the Alberta political landscape on Post Secondary Education. Asides that, we did begin advocacy direction setting for the year, and there will be an update on that in mid-June.



CAUS Changeover

### CASA Foundations

I am currently writing this report from Ottawa, as I am at the Canadian Alliance of Student Associations Foundations conference. It thus far has been an incredibly valuable learning experience, and I have been brought up to speed on the national student movement. One incredible piece of information is that for the first time in Canadian history, CASA will represent students from across the entire country, including students from Quebec. These new partnerships should translate into a very efficient year for federal advocacy, and I'm excited to get started. I will have to follow up with an oral update, as today we will be electing our Board, which has a tendency to go quite late into the night.



CASA Foundations

### UASU

Asides the ongoing external advocacy, we've been doing some work at home as well. Research and briefing projects have started on tenants rights and student employment strategies. There should be some more information in late June or early July on that front. Our Department of Political Research and Affairs has also started to plan polling stations and engagement for the municipal elections. We should have stations for not only Edmonton but some of the surrounding municipalities as well. My political policy review is scheduled in for my time in the office over June. Asides all that, I am happy to chat with anyone about our external advocacy anytime.

Cheers,



Reed Larsen

Item	Motion	Result	Meeting	Date
<b>2017-01/1d</b>	BANISTER/HASSAN move to approve Students' Council Standing Orders.	CARRIED	SC 2017-01	05/09/2017
<b>2017-01/8a</b>	BANISTER/SANDARE moves to appoint Mark Oldershaw, Victoria DeJong and John Evjen to the University of Alberta Senate upon recommendation from the 2016/17 Nominating Committee.	CARRIED	SC 2017-01	05/09/2017
<b>2017-01/8b</b>	PACHES/LARSEN moves to appoint one member of Students' Council to The Landing Board of Directors.	CARRIED	SC 2017-01	05/09/2017
<b>2017-01/8c</b>	PACHES/FLAMAN moves to appoint one member of Students' Council to Student Legal Services Board of Directors.	CARRIED	SC 2017-01	05/09/2017
<b>2017-01/8d</b>	PACHES/THIBAUDEAU moves to appoint one member of Students' Council to the Gateway Student Journalism Society Board of Directors.	CARRIED	SC 2017-01	05/09/2017
<b>2017-01/8e</b>	PACHES/SUNDAY moves to appoint one member of Students' Council to Alberta Public Interest Research Group Board of Directors.	CARRIED	SC 2017-01	05/09/2017
<b>2017-01/8f</b>	PACHES/FLAMAN moves to appoint two member of Students' Council to the First Alberta Campus Radio Association Board of Directors.	CARRIED	SC 2017-01	05/09/2017
<b>2017-01/8g</b>	PACHES/FARRIS moves to appoint two members of Students' Council to the Students' Union Building (SUB) Advisory Group.	CARRIED	SC 2017-01	05/09/2017
<b>2017-01/8h</b>	PACHES/THIBAUDEAU moves to appoint four members of Students' Council to the PAW Strategic Operating Committee.	CARRIED	SC 2017-01	05/09/2017
<b>2017-01/8i</b>	PACHES/BROPHY moves to grant Councillor Flaman an exception to SU Operating Policy 3.3d to allow for simultaneous employment as a term	CARRIED	SC 2017-01	05/09/2017

	employee while sitting on UASU Students' Council.			
<b>2017-01/8j</b>	PACHES moves to grant Councillor Howie an exception to SU Operating Policy 3.3d to allow for simultaneous employment as a term employee while sitting on UASU Students' Council.	CARRIED	SC 2017-01	05/09/2017

<b>Councillor Attendance Records</b>			
<b>2017-2018</b>			
<b>Council Seats (40 total)</b>	<b>Name</b>	<b>17-01 May 4</b>	<b>17-00 April 25</b>
<b>Ex-officio Members (6 voting seats)</b>			
President	Marina Banister	Y	Y
VP Academic	Shane Scott	Y	Y
VP External	Reed Larsen	Y	Y
VP Operations & Finance	Robyn Paches	Y	Y
VP Student Life	Ilya Ushakov	Y	Y
Undergraduate Board of Governors Rep	Mike Sandare	Y	Y
<b>Faculty Representation (32 voting seats)</b>			
ALES	Haley Lefferson	Y	Y
ALES	Jo Ann Chew	Y	Y
Arts	Navneet Gidda	Y	Y
Arts	Srosh Hassan	Y	Y
Arts	Alannah Piasecki	Y	Y
Arts	Mitch Wilson	Y	Y (0.5)
Arts	Meijun Chen	N	Y
Arts	Monica Lillo	Y	Y
Augustana (Faculty)	<b>VACANT</b>		
Business	Will Swain	N	Y
Business	Connor Palindat	Y	Y (0.5)
Education	Emily Howell	Y	Y
Education	Kara Farris	Y	Y
Education	James Thibaudeau	Y	Y
Engineering	Katelynn Nguyen	Y	Y (0.5)
Engineering	Mahmoud Kenawi	Y	N
Engineering	Nick Sorensen	Y	Y
Engineering	Daanish Hamid	Y	Y
Law	Alexander (Sandy) Brophy	Y	Y

Medicine & Dentistry	Brandon Christensen	Y	Y(P)
Native Studies	Nathan Sunday	Y	Y
Nursing	Abigail Bridarolli	Y	Y (0.5)
Open Studies	Levi Flaman	Y	Y
Pharmacy	Alex Kwan	N	Y
Phys Ed & Rec	<b>VACANT</b>		
Saint-Jean (Faculty)	Delane Howie	Y	Y
Science	Genna DiPinto	Y	Y
Science	Habba Mahal	N	Y
Science	Hyejun Kim	Y	N
Science	Nicole Jones	Y	Y
Science	Rachel Wang	0.5	N
Science	Darren Choi	Y	Y
<b>Ex-Officio Members (2 non-voting seats)</b>			
Speaker	Saadiq Sumar	Y	Y
General Manager	Marc Dumouchel	N	N
Guests			