
**Tuesday, March 26, 2019
6:00PM
Council Chambers, University Hall**

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.

LATE ADDITIONS (SC-2018-24)

- 2018-24/0** **SMUDGING CEREMONY**
- 2018-24/1** **SPEAKERS BUSINESS**
- 2018-24/1a** Announcements - The next meeting of the Students' Council will take place on **Tuesday, April 9, 2019** at 6:00PM in **Council Chambers**, at University Hall.
- 2018-24/2** **PRESENTATIONS**
- 2018-24/3** **EXECUTIVE COMMITTEE REPORT**
- 2018-24/4** **BOARD AND COMMITTEE REPORT**
- 2018-24/5** **OPEN FORUM**
- 2018-24/6** **QUESTION PERIOD**
- 2018-24/7** **BOARD AND COMMITTEE BUSINESS**
- 2018-24/7a** **BHATNAGAR MOVES** to approve the First Reading of the Assessment and Grading Political Policy.

See SC-2018.24.03.
- 2018-24/7b** **MOGALE/BOURGEOIS MOVE**, on behalf of Policy Committee, to review the First Principles of the Equity, Diversity, and Inclusivity Policy.

See SC-2018.24.04.
- 2018-24/7c** **LEY MOVES** to approve the Second Principles of the Food Policy.

See SC-2018.24.06.

2018-24/7d **LEY MOVES** to approve the Second Reading of Bill #5.

See SC-2018.24.07.

2018-24/8 **GENERAL ORDERS**

2018-24/9 **INFORMATION ITEMS**

2018-24/9a President - Report.

See SC-2018.24.01.

2018-24/9b Vice-President (Student-Life) - Report.

See SC-2018.24.02.

2018-24/9c First Reading - Assessment and Grading Political Policy.

See SC-2018.24.03.

2018-24/9d First Principles - Equity, Diversity, and Inclusivity Policy.

See SC-2018.24.04.

2018-24/9e Die Board Ruling 2018-10.

See SC-2018.24.05.

2018-24/9f Second Reading - Food Policy.

See SC-2018.24.06.

2018-24/9g Second Principles - Bill 5.

See SC-2018.24.07.

Date: 25/03/2019
To: Students' Union Council
Re: President 2018/19 Report

Dear Council,

Typing this up in the 11th hour of my travel back from the east coast! It has been a hell of a week. I also have council know that I turned down a week's free vacation to focus on transition, so been a weird day.

CASA

I and VP Brown just spent a few days in Halifax for CASA's annual general meeting. VP Brown will have a much more fulsome update on the amazing wins they have seen in the federal budget. I was thrilled to see the EDI strategic plan for the organization come forward, as well as, a membership sponsorship program to create an indigenous caucus for CASA. I spoke to both motions and looking forward to their implementation in 2019/20.

Transition

I have begun the transition with VP Bhatnagar and this will be my priority for the remainder of my term. The outgoing president is still largely involved in the retreat planning and ensuring continuity, something I am looking forward to. Our outgoing team has set a number of expectations to ensure the process is smooth and we started earlier than ever on material creation.

Board of Governors

The Board of Governors met on 15th in the morning. A special thanks to Councillor Kim for her ongoing engagement and coming for the budget votes. I spoke and voted against all motions in regards to the budget. One of my amended motions from Budget Finance and Property Committee which defined delegating authority on Mandatory Non-Instructional Fees and ceilings for costs also passed. We received some coverage for the budget, however, the indication from the President that he will not be seeking a second term was most covered news. You can see our statement [here](#).

DIE Board

I was called as a witness to DIE Board last week in response to the application 2018-10 (Allowance of DFU Referendum/Plebiscite Questions). I wrote up a full response and case from my perspective on the bylaw process and gave some verbal testimony. The results where that

Students' Council was found to be in contravention with bylaw in approvals, however, there would be no other action besides this recognition. I encourage folks to read over the ruling if they are interested, as I would argue that council should certainly look into clarifying and simplifying our elections, referendum, and plebiscite bylaws.

To Note

- This Wednesday VP Brown and I will be heading to a budget briefing with Minister Morneau downtown.
- I am yet again behind on emails, apologies to anyone waiting on a reply from me.
- I attended the Changing Lives Brunch over the weekend and was thrilled to see the impact statement from the grant that the Students' Union gives out.

Cheers,



UASU President
Reed Larsen

Date: 25/03/2019

To: Students' Union Council

Re: Report to Students' Council

Hi everyone!

Hope you've all been enjoying your Winter Term. I've got some updates for all of you, as well as some end-of-term plans that should take us to the end of April.

1. Gender Based Violence Prevention Program

We are nearing the end of our grant cycle for the GBVPP community grant. We are currently preparing a cross-campus campaign that should launch sometime in Fall Semester to promote awareness around gender based violence, coping with rejection, and more.

2. Council of Residence Associations (CORA)

CORA met to discuss elections, financial reporting, and transitions to their new executive teams. I'm really excited to see a fully functioning CORA moving into 2019/20, and I'm hopeful for the things that CORA will achieve in 2019/20 including a stronger Residence Improvement Fund proposal, Campus Recreation Enhancement Fund proposals, bigger events, and a more developed East Campus Residence community.

3. MitigoCare

I had the opportunity to connect with someone from an organization called MitigoCare, which is a local startup aiming to address a gap in the mental health care system. Currently, they offer one hour appointments with mental health professionals to UAlberta students for 50% off. Without Health and Dental coverage, the appointment is \$100. With the H&D plan, the rate drops to 20\$ for students. I'm hopeful that MitigoCare will serve as a way for students to access mental health care outside or typical business hours. Check out www.mitigocare.ca for more information!

4. Facilities Development Committee (FDC)

I attended an FDC committee meeting where we discussed the ongoing restoration of the Dentistry Pharmacy Building. The project proposal looks amazing, and I'm really excited for the future generations of students who will be able to benefit from another multipurpose space. Construction is due to start soon, but the finer details about the building remain to be decided with more input from the campus community.

5. Students' Day

Huge shout out to UASUevents for putting together another amazing Students' Day in SUB. If you weren't able to make it to Students' Day festivities, stay tuned for some Last Class activities in SUB in early April!

6. Closing

From now until the end of term, much of my work will be focused on transitioning Jared into his role, as well as identifying and transitioning ongoing projects with administration that Jared can carry through in the upcoming year. Specifically, I will be focusing on establishing a continued voice on Suicide Prevention and Implementation committees, Campus Facilities Safety and Security working groups, and the Campus Clean Air Working Group.

Cheers,



Andre Bourgeois
VP Student Life

1 Facts

1. Grades are extremely important to students for tracking their personal progress of learning and growth.
 2. Students should be able to understand why they received any grade
 3. Assessment and grading of undergraduate students' academic performance and learning outcomes are central to the university's core academic mission and the most critical determinant of further academic and future career opportunities pursued by undergraduate students upon graduation.
 4. The U of Alberta Policies and Procedures On-line (UAPPOL) Grading Procedure states that course expectations regarding assignments, grading and other course related matters must be communicated clearly in the course syllabus.
 5. Section 23.4.(2).f of Evaluation Procedures and Grading System of the University of Alberta University Calendar states "Each assessment is linked to the stated course objectives and/or learning outcomes. Students should be provided with the criteria for these assessments early in and, if necessary, throughout the course".
 6. Grading and assessment policies and procedures need to be regularly updated to ensure they are structured to increase student success.
 7. The importance of complex performance based learning in undergraduate education continues to grow and many courses across faculties and programs incorporate at least some form of such learning to enhance student success.
 - a. Performance Based Evaluations can be defined as an approach to teaching and learning that emphasizes students being able to execute a unique skill set as a result of instruction and are given the ability to demonstrate or apply this ability, rather than simply knowing the information¹.
7. Holistic rating scales or rubrics are applied (explicitly or implicitly) during evaluation of complex performance based learning which use learning objectives that encompass more than one aspect of performance and cannot be easily broken out into component

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<https://www.jstor.org/stable/pdf/1176232.pdf?refreqid=excelsior%3Ae355f259e14e68138f98e52a872cc03c>

parts.

8. Use of rubrics helps ensure the measurement process (i.e. the assessment of performance) is free of error, reliable and consistent in producing equitable results for students.

9. Evidence suggests that rubrics can be used to evaluate a wide variety of student assignments, and strong research evidence substantiates the claim that rubrics help positively improve teaching and learning².

10. There are many academic support services available to students across campus.

2 Resolutions

1. The Students' Union shall advocate that assignments be structured to increase student success.
2. The Students' Union shall advocate that instructors are providing clear and explicit expectations of them for any given course in terms of assignments, tests and participation.
1. The Students' Union shall advocate that students are made regularly aware of their progress and academic performance in any given course.
2. The Students' Union shall advocate that students should be made aware of their academic performance before the withdrawal deadline in any given course.
3. The Students' Union shall advocate that performance based learning assignments be made available to students.
4. The Students' Union should strive to create awareness around the academic support services available to help students improve.

² <https://teaching.uwo.ca/teaching/assessing/grading-rubrics.html>

Facts

- 1) The following words are defined to help inform the policy:
 - A. Equity: the recognition and respect of equality of opportunity. Equitable treatment involves acknowledging and respecting diversity and actively addressing the barriers that prevent equal inclusion, opportunity, and recognition due to ongoing and historical oppressions and power dynamics.
 - B. Diversity: the existence of differences among individuals and groups based on, but not limited to, gender identity, gender expression, age, race, ethnic or national origin, religion, sexuality, sexual orientation, ability, language, size, marital status, or social class.
 - C. Marginalization: the exclusion and relegation of certain individuals and groups to positions of lesser value, power, and access to opportunity within society.
 - D. Disadvantage: a circumstance or situation that puts an individual or group in an inferior or less favourable position compared to others, resulting in compromised access to resources or opportunities.
 - E. Discrimination: the differential treatment of an individual or group, typically to their disadvantage, on the basis of their perceived status or characteristics.
 - F. Harassment: any behaviour, act, comment, or display that demeans, and or causes personal, psychological, or social harm to an individual or group, including acts of intimidation or threat.
 - G. Oppression: the exercising of power over a marginalized group by a dominant group through domination and exploitation resulting from historically and culturally constructed ideas of superiority and inferiority. Oppression is a systemic phenomenon that can manifest in individual or

institutional actions, whereby marginalized groups are subjected to political, economic, cultural, or social injustices.

- H. Privilege: the unearned advantages extended to a dominant group. These may include cultural, economic, political, social, and institutional rights maintained by systems of oppression--at the expense of marginalized groups. These advantages are actively reproduced through the normalization of the dominant group.
- I. Intersectionality: the recognition that individuals may experience interconnected systems of oppression differently, in varying configurations and degrees of intensity, due to their membership in multiple identity groups.

- 2) The University of Alberta is home to a diverse group of students and staff that come from various backgrounds and hold a multitude of identities.
- 3) Students deserve equitable treatment regardless of their gender identity, gender expression, ethnic or national origin, marital status, race, religion, sexuality, sexual orientation, ability, language, size, or social class, age, and gender.
- 4) Gender identity, gender expression, ethnic or national origin, race, religion, sexuality, sexual orientation, ability, language, size, or social class, age, and gender do not exist separately from each other but are complexly interwoven.
- 5) Students may have different lived experiences depending on how these identities intersect.
- 6) Not all students identify their gender to be within the male-female binary.
- 7) Existing alternatives to gendered spaces on campus do not have appropriate signage to address their inclusivity.
- 8) Students that are racialized, from low-income households, ethnic minorities, transgender, non-binary, sexual minorities, women, students living with disabilities, and international students may feel unsafe or unwelcome within the campus community.
- 9) Students face barriers to obtaining non-binary living conditions in housing and residence.

10) International students and students from ethnic minorities face barriers to obtaining housing and residence accommodations.

11) Discrimination and harassment may take the form of:

- A. Barriers that prevent students living with disabilities from participating in programs and activities;
- B. Remarks, including jokes or innuendos, that are based on racist, sexist, ableist, homophobic, or transphobic sentiments;
- C. Promotional materials, events, or performances that use stereotypes based on any and all grounds protected under the Alberta Human Rights Act;
- D. Offensive comments and/or actions that demean, humiliate or threaten an individual or group;
- E. Printed or digital material, displays, and graffiti that demean, humiliate or threaten an individual or group; and
- F. Sexual harassment, including remarks, jokes or innuendoes about a person's body, attire, age, marital status, gender, sexuality, sexual orientation, perceived sexual orientation or perceived gender identity.

12) Historical and ongoing processes of oppression disadvantage and harm historically marginalized groups of people.

13) According to the Student Success Centre, more students are presenting with a disability than ever before.

14) It is increasingly common for students to present with multiple disabilities.

15) The most common disability a student presents with is a psychiatric condition including, but not limited to, diagnosed mental illness and Autism Spectrum Disorder.

16) There is more accessibility funding available per-student in K-12 than in post-secondary.

17) Currently, students need to take a minimum one dollar student loan to be eligible for accessibility funding.

18) Certain funding arrangements for First Nations students may prevent them from accessing accessibility funding.

19) Students are required to present formal documentation of disability or chronic disease to be eligible for accessibility accommodations.

20) Add fact regarding - some students have religious, cultural, and familial commitments that prevent class

2 Resolutions

- 1) The Students' Union shall advocate for an increase in specialized supports that reflect the diverse needs of the campus community.
- 2) The Students' Union shall support the development of community engagement processes that consider equity and diversity.
- 3) The Students' Union shall advocate that the University of Alberta formally recognize the existence of gender identities outside the male-female binary.
- 4) The Students' Union shall advocate that the University of Alberta include additional gender options on forms and documents for students other than "male" and "female".
- 5) The Students' Union shall advocate that the University of Alberta not require students to gain administrative approval for changing their gender on any official documentation, including through Bear Tracks.
- 6) The Students' Union shall advocate that the University of Alberta not require students to disclose their gender on Bear Tracks or as part of their student file.
- 7) The Students' Union shall advocate that fraternities, women's fraternities, and sororities at the University of Alberta create clear and inclusive chapter policies on the admittance of non-binary students identifying with the gender requirements of the organization into their organizations.
- 8) The Students' Union shall advocate that the University of Alberta use gender-neutral terms wherever possible in their documents.

- 9) The Students' Union shall advocate that the University of Alberta provide meaningful professional development opportunities for faculty, staff, and students to learn about Equity, Diversity, and Inclusion.
- 10) The Students' Union shall advocate that the University create scholarships and bursaries that specifically address Black, Indigenous, People of Colour (BIPOC) individuals who are financially insecure.
- 11) The Students' Union shall continue to advocate for sustained support and funding of programs that promote the involvement of members of the communities who are underrepresented in student governance as indicated by ongoing research focused on equity, diversity, and inclusivity .
- 12) The Students' Union shall advocate that the University of Alberta uphold their commitments to Equity, Diversity, and Inclusivity as outlined in the Equity, Diversity, and Inclusivity Strategic Plan.
- 13) The Students' Union shall continue to publish reports that highlight the lived experiences of marginalized groups, their representation at all levels of governance, and that illustrate the continued oppressions of the nation, province, and institution on marginalized communities.
- 14) The Students' Union shall advocate that the University include accessibility features in all new buildings and work to include accessibility features in existing buildings wherever practical.
- 15) The Students' Union shall strive to provide a variety of food options at major events that meet the diverse cultural and dietary needs of the community.
- 16) The Students' Union shall advocate that the University of Alberta not require students to meet with an advisor prior to placing them in Gender Inclusive Housing upon their request.
- 17) The Students' Union shall advocate that the University of Alberta allow students to choose between gender-segregated housing or gender-inclusive housing in their residence application, and to abide by the students' preferences within reason.

- 18) The Students' Union shall advocate that the Government of Alberta change the Alberta Building Code in its next iteration to include single-unit washrooms free of gender restrictions in every public building with sufficient occupancy.
- 19) The Students' Union shall advocate that the University of Alberta pursue universal design initiatives in the classroom rather than privileging per-student accessibility accommodations.
- 20) The Students' Union shall advocate that all examinations are designed to be completed in half of the time available to the student.
- 21) The Students' Union shall advocate that the University of Alberta mandate all professors run their classroom documents through an accessibility program whenever possible.
- 22) The Students' Union shall advocate that the University of Alberta mandate professors post all lecture materials online to ensure that all students have universal access to class materials regardless of religious, cultural, or social commitments.
- 23) The Students' Union shall advocate to the provincial and federal government for an increase in specialized, on-campus, university-led accessibility services.
- 24) The Students' Union shall advocate for an increase in per-student accessibility funding from the federal and provincial government.
- 25) The Students' Union shall take additional measures to intentionally recruit staff from diverse backgrounds. Specifically, the Students' Union will strive to achieve a staff structure that is reflective of the community, as was outlined in the Workforce Diversity Data document by the University of Alberta¹.
- 26) The Students' Union shall advocate for the expansion of the Office of Safe Disclosure and Human Rights to improve accountability, restorative practices, and grievance resolution processes.

¹ <https://www.ualberta.ca/faculty-and-staff/equity-diversity-inclusion/workforce-diversity-data>

DIE BOARD RULING 2018-10

Hearing Details:

Style of Cause: *Cutarm v Students' Council (Speaker)*

Hearing Date: March 13, 2019

DIE Board Panel Members: Karamveer Lalh, Chief Tribune (Chair)

Gil Miciak, Tribune

Christian Zukowski, Tribune

Appearing for the Applicant: Deirdra Cutarm

Witness: Levi Flaman, Board of Governors Representative

Appearing for the Respondent: Reed Larsen, SU President

Jonathan Barraclough, Student's Council Speaker

Ilyas Gora, Chief Returning Officer

Emma Ripka, Agent for Michelle Kim

Intervenor(s): Rhiannon Arcand

Colin Mulholland

The reasons of Chief Tribune K. Lalh and Tribune G. Miciak are delivered by Chief Tribune K. Lalh.

FACTS

[1] The applicant, Councillor Cutarm, submitted her application to this Board on March 7, 2019.

[2] Cutarm claimed that the Students' Council (*SC*) were in breach of Bylaw, with regard to their approval of plebiscite concerning the fee collected by Student Legal Services (*the plebiscite*), and the approval of the referendum concerning the Aboriginal Students Council (*the referendum*).

[3] The applicant alleged that the plebiscite question was in contravention of Bylaw 6100 Section 3.5, as the ballot question did not satisfy all the requirements of 3.5. Section 3.5 of Bylaw 6100 is reproduced below:

The Bylaw Committee shall approve within thirty (30) days from receiving the proposal, a petition question that reflects the original intent of the proposal and outlines the following:

- a. The purpose of the fee;
- b. The amount, per student, per term, of the fee;
- c. The composition of the committee or board overseeing administration of the fee;
- d. A provision for the appointment of minimum one Students' Council member by Students' Council to the board or committee overseeing administration of the fee, as a voting member;
- e. How the fee is administered to part time, Augustana, and off campus students;
- f. Whether or not the fee applies to the Spring and Summer terms;
- g. If any portion of the fee is for a University facility or service, a provision to guarantee access by any Students' Union member to that facility or service; and
- h. If students may opt out of paying the fee, a provision for them to do so online, provided by the Students' Union

[4] Cutarm suggested that in drafting the ballot question, the Bylaw committee only adhered to subsections a and b. The applicant states that in the CJSR-FM plebiscite question passed by Bylaw committee this year, subsections a through h were satisfied.

[5] Cutarm further states that the referendum question was also approved erroneously, again citing a breach in Bylaw 6100 section 3.5. This time, in breach of sections c, d, e, and h.

[6] Cutarm drew attention to Bylaw 2200 section 6.6 and 6.7 which state:

6. Students' Council shall have the authority to call a plebiscite or referendum without a petition.
7. Prior to being approved by Council, all plebiscite and referendum questions must be drafted by the Bylaw Committee.

Cutarm states that at no point during the proceedings were a motion made to override the requirements of 2200 6.(6-7). She told this Panel that as there was no petition circulated with the ballot question, the two pathways in which a ballot question could have been approved were invalid.

[7] Cutarm stated that she did not believe overturning the results of the plebiscite, and the referendum would be a just outcome, she did hope that this board would deliver some reprimand against the Students' Council, and the CRO for passing and approving a ballot question via a process that amounted to "flagrant negligence" and "adhering to Bylaws...[only when] it is convenient for [the respondents]."

[8] Cutarm called on her witness, Governor Flaman, to speak to the issue of interpretation of the Bylaws in question. Flaman drew on the Discover Governance (DG) manual and excerpts from Bylaw. These issues are outlined in Cutarm's response to the respondents' arguments. To summarize, Flaman states that the Bylaws are drafted in such a way that they must be taken

together and in context. Flaman supports this interpretation with reference to the DG manual. The DG document headed “Referendums and Plebiscites at the U of A Students’ Union” outlines a process that the SU must follow in adding ballot questions. Flaman suggests that this document demonstrates that Bylaw 6100 should be interpreted as a series of steps that need to be followed.

[9] Flaman stated that the defense that the respondents would use would centre on Bylaw 2200 6.6 referenced above. He says however that this statement should be interpreted with regard to the statutory context: that is the Students’ Union can only use this process (i.e., not circulating a petition) if they wish to conduct their own (first party) referendum. That is, student groups are not exempt from this process, and one cannot infer that the process was designed to allow for the Students’ Union to conduct a third-party referendum on behalf of said student group.

[10] Flaman continued by saying that Students Union can exempt the petition process under 6100 3.10. However this process has not been satisfied. 6100 3.10(b) specifically states that 3.5 must be fully satisfied for 3.10(b) to apply.

[11] For the respondents, President Larsen, Speaker Barraclough, Vice President Ripka (speaking as a proxy for Councillor Kim), and Chief Returning Officer Gora each spoke to the claims made by the applicant.

[12] President Larsen argued in his statement that the decisions made by Bylaw committee in approving the referendum are saved by Bylaw 2200 6.(6-7), as stated above in para 6, that the SC can call a plebiscite without a referendum. He believed that both the referendum and plebiscites were deliberated in good faith, were reviewed by Bylaw committee, and were approved appropriately.

[13] Larsen also wished to say that a distinction exists between a plebiscite and referendum. A plebiscite is meant to inform SC of the “mood” of students to inform future decisions. A referendum is a legally binding question put to students following a successful petition. This allows a student member to put forward a legally binding vote that may not be supported by SC. The authority to petition for a referendum is granted by the *Post-Secondary Learning Act* SA 2003, c P-19.5, s 147.

[14] Vice President Ripka (proxy for Councillor Kim) echoed the comments by President Larsen. She also stated that the plebiscite question was drafted largely in the same manner as years prior due to the lack of submissions from SLS with regard to how their fee would be spent.

[15] Ripka reiterated that it was the understanding of Bylaw committee that under Bylaw 2200 6.6, the SC had the authority to call both the plebiscite and the referendum, and there was no contravention of Bylaw. Kim provided links to the council meetings supporting this assertion.

[16] Speaker Barraclough was also in agreement with the testimony of Larsen and Ripka. He noted that his responsibility is not to police the individual committees, rather trust that they are conducted in adherence with Bylaw.

[17] Chief Returning Officer Gora stated that his office did their due diligence and took particular exception to the wording of the applicant in claiming his office was in any way negligent during the process. He stated his office is only in control of the last step of the referendum and plebiscite process and he trusts the previous steps to be conducted correctly.

[18] This panel did hear further remarks from the Native Studies Faculty Association, represented by Ms. Arcand and Mr. Mulholland, and received statements from the Aboriginal Students' Council represented by Mr. Nathan Sunday and Ms. Katherine Belcourt. Their statements spoke to the experiences of the applicant, and the impact on the Aboriginal Students' Council respectively.

ISSUES

[19] The issues before this Board are as follows:

1. *Did the plebiscite on funding for Student Legal Services comply with the Bylaws? If not, what is the remedy?*
2. *Did the referendum concerning the Aboriginal Students Council comply with the Bylaws? If not, what is the remedy?*

ANALYSIS

1. Did the plebiscite on funding for Student Legal Services comply with the Bylaws?

[20] Bylaw 6100 s 4.1 requires that Dedicated Fee Units must be re-evaluated by plebiscite at least every five years. It is important to note that a plebiscite is not binding on the Students' Council. Thus, the Bylaw needs Students' Council to hold a valid plebiscite, but that is where their obligation ends. They need not substantively review the DFU, nor heed the outcome of the plebiscite.

[21] We draw specific attention to section 4.2 of Bylaw 6100. It requires plebiscite questions to be drafted "in the same manner as the original petition question, as outlined in Section 3.5 of this Bylaw." Section 3.5 in turn, contains a number of requirements that a petition question must outline to create a DFU:

- (a) The purpose of the fee;
- (b) The amount, per student, per term, of the fee;
- (c) The composition of the committee or board overseeing administration of the fee;
- (d) A provision for the appointment of minimum one Students' Council member by Students' Council to the board or committee overseeing administration of the fee, as a voting member;
- (e) How the fee is administered to part time, Augustana, and off campus students;
- (f) Whether or not the fee applies to the Spring and Summer terms;
- (g) If any portion of the fee is for a University facility or service, a provision to guarantee access by any Students' Union member to that facility or service; and
- (h) If students may opt out of paying the fee, a provision for them to do so online, provided by the Students' Union.

[22] There is no great mystery here, nor any ambiguous language, and it is clear to this panel that this Bylaw is intended to serve as a checklist for SC. A review plebiscite must contain all of the information listed above. Absent this information; the question does not follow the Bylaws.

[23] The question used in this case was:

Would you be willing to contribute \$0.75 per term to Student Legal Services (a free legal clinic operated by law students) so that they can continue to provide free legal assistance and public legal education to the students at the University of Alberta and the community at large?

[24] The question did not address requirements section 3.5(c) through (h). Thus, it was drafted in breach of Bylaw 6100 section 4.2.

What is the appropriate remedy?

[25] There are a range of remedies available to the Board. In deciding a remedy, the Board “may make any order proscribing or prescribing any remedy it considers appropriate and just in the circumstances.” (Bylaw 1500 section 31) The scope of this provision has been considered in *Sunday v Students’ Council (Speaker)*, DIE Board Ruling 2018-02 and need not be repeated here.

[26] In this case, the possible remedies include declaring the plebiscite invalid and taking no action other than to declare the breach. We consider the following factors in determining a proper remedy:

1. Student Legal Services is a pre-existing and long-standing organization, and the details omitted from the question are more likely to be at least somewhat familiar to the electorate,
2. This is the first time this issue has come before the DIE Board for determination, and
3. Students’ Council would not bound to follow or even consider the results of a new plebiscite.

[27] Given these factors, we do not believe that invalidating the plebiscite is necessary in this specific case. Student’s Council certainly breached the Bylaw, but the effect of that breach is minimal, and would likely have no effect on the outcome of the funding for Student Legal Services. Therefore, the DIE Board takes note of the breach but decides to uphold the results of the plebiscite. It should be made clear that an identical breach at some future time may not be treated in the same way.

2. Did the referendum concerning the Aboriginal Students Council comply with the Bylaws?

[28] Bylaw 6100 section 3.1 is clear that a Dedicated Fee Unit may only be created with a successful referendum. A referendum may be held in one of two ways. The first is provided by Bylaw 2200 section 6.6:

“Students’ Council shall have the authority to call a plebiscite or referendum without a petition.”

The second is a more complex process that only applies to entities other than the Students’ Council. That process is governed by Bylaw 6100 section 3.

[29] The central issue in this application is whether these routes are mutually exclusive, or whether they are options that Students' Council can access at their leisure. In our case, the process under Bylaw 6100 section 3 was abandoned partway through, and Students' Council relied on the general procedure under Bylaw 2200 to hold a referendum without following the remainder of Bylaw 6100 section 3. In our view, this was impermissible.

[30] The statutory interpretation question here is straightforward. *Scott v Chief Returning Officer* DIE Board Ruling 2016-01, although not binding on us, lays out the proper test for statutory interpretation. In this case, the following principles are at play: first, the provisions have to be read in context of the entire body of rules; second, each provision should be given meaning, the Bylaws should not be read in a way that makes some provisions meaningless; and third, the specific overrides the general.

[31] Context of the provisions is important. A referendum held by Students' Council is quite different than a referendum held at the urging of another group with the goal of creating a Dedicated Fee Unit. Bylaw 6100 section 3 sets out a process that is more stringent in the second case because the referendum impacts fees that are not administered by the Students' Council. More protections are needed against mismanagement or the misdirection of fees. Students' Council has an obligation to ensure those funds are used properly, and Bylaw 6100 is designed to help them ensure they fulfill this obligation. The arm's length nature of a Dedicated Fee Unit needs more scrutiny under the Bylaws, and that is what Bylaw 6100 is set up to provide.

[32] Bylaw 6100 must be given full meaning. For this panel to decide that Students' Council can simply hold a referendum despite non-compliance with the Bylaw, relegates it to the status of a mere suggestion. The specific requirements in section 3.2 and 3.3 would be made meaningless.

[33] Finally, the specific overrides the general. Although Bylaw 2200 creates a general ability for Student's Council to hold a referendum at their behest, in the specific case where an outside entity wants to create a Dedicated Fee Unit, the more specific Procedure in Bylaw 6100 section 3 must apply.

[34] Applying these concepts, although Students' Council can hold a referendum on their own volition and with no other specific procedure, if an outside entity wishes to create a Dedicated Fee Unit, they must follow Bylaw 6100 section 3. Student's Council cannot step in part way through that process and decide that they are going to hold the referendum despite the process. It is clear to this panel that this is what happened here.

[35] Therefore, we find that Bylaw 6100 was breached by Students Council by approving the referendum held to create the Dedicated Fee Unit for the Aboriginal Students Council.

What is the appropriate remedy?

[36] A finding of the breach is not the end of our analysis. We must decide on the proper remedy. We find the case of *Canadian Federation of Students v. Mowat*, 2007 SKCA 90 to be helpful in this regard. While we are not strictly bound by the common law, we often resort to their wisdom to guide our analysis.

[37] *Canadian Federation of Students v. Mowat* deals with a remarkably similar issue over a referendum held by the University of Saskatchewan Students' Union. The Chambers judge outlined the following test, which was endorsed by the Court of Appeal: "the Court does not ask itself whether the results have been skewed, but rather has the organization acted in good faith and generally in accord with the concepts of natural justice?... The question is, has the organization acted in a fashion that meets the legitimate expectations of a fair-minded observer?" We find that this is the proper standard to assess the remedy for this breach.

[38] On the whole, this panel does not believe that a reasonable, right-thinking student expects Students' Council to maintain perfect adherence to the often Byzantine and confusing Bylaw, but they do expect Students' Council to make a reasonably good faith effort to adhere to the Bylaws.

[39] In this case, we believe that although the referendum was fundamentally flawed on a correct interpretation of the Bylaws, a fair-minded observer would be satisfied that it complied with the basics of how the referendum should be conducted. Specifically, Students' Council took all the procedural steps they believed were required, and the result was a flawed but not objectionable referendum.

[40] A key factor in this analysis is that this issue has not come before the DIE Board before. In a sense, the Students' Council was flying blind in terms of how these provisions interact. Chiefly for that reason, the referendum and the action of Students' Council meet the test articulated above. Our remedy is to declare that the Students' Council breached the Bylaws but take no further action.

HEARING CONDUCT AND COMMENCING DOCUMENTS

[41] We feel compelled to address two irregularities that arose in this application. The first is a question posed by Vice President Ripka in the oral hearing, and the second is the language used by Councillor Cutarm in her initial application.

Comments by Vice President Ripka and Abuse of Process

[42] During the hearing, Vice President Ripka appeared as a proxy for Councillor Kim. During the hearing, the Panel gave the parties a chance to ask questions. Vice President Ripka used this opportunity to directly question Councillor Cutarm's motives for bringing this application before the Board.

[43] As a caveat to what is to follow, we acknowledge that it is possible that certain applications to this Board may be filed in bad faith or with improper motives. Such applications could constitute an abuse of the Board's process. We address the proper procedure for making such an allegation below.

[44] In this case, Vice President Ripka's comments were particularly inappropriate for the following three reasons.

[45] First, the tone and implication of that question implied that Councillor Cutarm should not have filed this application. This is problematic because it discourages concerned councilors from accessing the exact remedy that they are supposed to in the face of a possible breach of Bylaws. Such an implication coming from a member of Council is concerning.

[46] Second, this application clearly had merit. A meritorious application should not be criticized by those charged with upholding and following the Bylaws — even if the application is inconvenient for certain members of the Students' Council. This is especially true given the comments made by Tribune C. Zukowski below in his concurring reasons.

[47] Third, this inquiry amounts to a collateral attack on the application. Instead of arguing the application on its merits, Vice President Ripka's question sought to ambush the Applicant and sought to rely on arguments that were not disclosed in the application. This had the potential to create much prejudice against the Applicant's arguments in the hearing.

[48] For those reasons, we condemn Vice President Ripka's question and the implication that went along with it: that Councilor Cutarm should not have filed this application. Because Vice President Ripka was a proxy for Councilor Kim, we are unable to say whether that question was asked on Councilor Kim's behalf, or by Vice President Ripka on her behalf. Regardless, it was improper and should not be repeated. Members of the Students' Council should not be discouraging others from holding them accountable.

[49] When a party has a good faith basis for believing that an application is brought in bad faith, they should say so in the responding documents. They should also explicitly set out their basis for this allegation. At that time, it will be up to the Panel to proceed with a joint hearing of the issues or hold a separate hearing on the abuse of process question. We acknowledge that applications are not invitations to a tea party. When parties appear before the DIE Board, they are opposed to one another: they should present their arguments firmly and should feel free to push those arguments to their legitimate strength. However, *all* the issues and allegations should be disclosed in the commencing documents. This is a matter of fundamental fairness to the parties, and fairness to the Tribunes who will hear the application. This allows all involved to marshal evidence and prepare arguments to rebut the allegations against them.

Councilor Cutarm's Application

[50] Councilor Cutarm's application to the DIE Board that included the following statement:

In either case, this shows a complete and utter disregard for the undergraduate student population who elected our representatives to ensure everything is done right and not what is easy. So even if the plebiscite

and referendum results are allowed to stand, I still feel that the members of the Bylaw Committee, the members of Students' Council and the Chief Returning Officer all need to be held accountable and/or reprimanded somehow for their flagrant negligence in regards to adhering to our Bylaws all of the time and not just [when] it is convenient for them.

We spoke above about the importance of notice in the commencing documents as a fundamental part of fairness to the parties and the Panel. In this respect, the above quote fulfills this role. The parties named above knew that "flagrant negligence" was an allegation that they should be prepared to answer. However, we also said above that arguments should be pushed to their *legitimate* strength. In this respect, the above allegation went too far. Specifically, including Chief Returning Officer Gora went beyond the legitimate strength of Councilor Cutarm's case.

[51] An allegation of "flagrant negligence" against Mr. Gora is unreasonable and inappropriate because his role *could not* have included ensuring that Students' Council complied with the Bylaws. It is not the substance of the allegation that is inherently improper: it is that Mr. Gora was improperly included in those that could have possibly been exhibiting flagrant negligence.

[52] By contrast, although we do not agree that members of the Bylaw Committee and Students' Council exhibited "flagrant negligence," these allegations were not improper. There was a legitimate argument that the breaches discussed above *did* amount to flagrant negligence. In this context, Councilor Cutarm was free to make those claims, present evidence, and argue as to why they were true. The *legitimate possibility* that we might have agreed with the allegation means that the good faith basis requirement was fulfilled.

[53] To be clear, allegations like the one above are permissible in an application to this Board. However, the complainant must be careful in making them. They must be prepared to back up the allegations with evidence or argument that can support the allegations. Just like an allegation of abuse of process, an allegation of negligence (or recklessness, or malice) must be made with a good faith basis. In the present case, it was *impossible* to argue that these allegations against Mr. Gora were true.

[54] As a final note, the evidence before the Panel is that Chief Returning Officer Gora went above and beyond the requirements of his role to ensure that the plebiscite and referendum questions discussed above were properly placed on the ballot. He checked his authority for doing so under the Bylaws and ensured that the meeting minutes properly authorized him to insert the questions. These are the actions of a diligent administrator and are he is to be commended.

CONCLUSION

[55] In conclusion, this panel finds that the Students' Council was indeed in breach of Bylaw with regard to their conduct in advancing both the referendum and the plebiscite, and the DIE Board condemns this breach.

[56] This session of Students' Council has had some complaints where the Students' Union was found in contravention of its own Bylaws, and this is a cause for concern for this Board and should be a concern for Students' Council, and the Students' Union. This Board has made some specific targeted recommendations for the SC to amend its Bylaws, but this hearing has suggested that broader commentary is warranted.

[57] This panel deliberated heavily about the appropriate remedy and drew consideration from the testimony and statements of the interveners. Their testimony pointed to larger concerns that were beyond the scope of this decision, and as such, we believe they are proper for this panel to discuss here.

[58] Councillor Cutarm stated that the entire process within Students' Council and the application to the DIE Board were inaccessible and there was not an environment within council conducive to her asking questions and bringing up concerns about procedure. Indeed, the respondents directly suggested that there was no public dissent towards the referendum and plebiscite questions as posed. This panel notes that SC votes are not conducted by secret ballot, and councilors' votes are recorded.

[58] As part of our analysis, with specific reference to the above-cited decision in *CFS v Mowat*, we considered if there was any ill intent regarding SCs conduct in advancing the referendum on behalf of ASC. This panel did not believe that any of those individuals speaking on behalf of the respondents were acting in a way that would somehow bolster their personal political position. Instead, it appears that they received concerned statements from the ASC who did not wish to engage in the petition process, the Bylaw committee deliberated, found a provision within their Bylaw that they felt granted them an exception to normal process, and proceeded accordingly.

[59] Indeed, the almost arrogant singlemindedness of the respondents suggests that this is the case. They were so adamant that their interpretation was correct, they appeared unwilling even to consider the testimony brought forward by the applicant. It is somewhat ironic then that this confidence in an incorrect application of Bylaw played a part in saving the referendum.

[60] This panel would like to note that Discover Governance did have a document, as presented by Councillor Cutarm, that illustrates the correct interpretation of Bylaw. This panel wonders why the Bylaw committee decided to invoke their own interpretation of Bylaw to advance the ASC referendum. Was there no awareness of the Discover Governance resources? Did the Bylaw committee choose to ignore those recommendations? We do not know the answer to those questions, but we urge the Students' Council to consider them for their own sake. The resources provided by Discover Governance exist to provide clarity and guidance for councilors, and these should be consulted wherever there is confusion or lack of clarity in the Bylaws.

[61] This panel does not believe it to be appropriate to comment on the relationship dynamics between the ASC, the Native Studies Students' Association, and the Students' Council within the context of this decision.

[62] Lastly, we wish to comment on statutory interpretation and the morality of the actions taken by the Students' Council. The DIE Board has found that a source of confusion that results in these sorts of applications appears to be a misinterpretation of Bylaw. A helpful guide for Students' Council is to also consider the overall purpose of those sections of Bylaw. Students' Council appears to focus on small subsections and use those subsections to justify a decision they wish to undertake. Bylaw was not intended to be used in this way. This panel suggests to SC that when they conduct reviews of their Bylaws to draft them in such a way that keeps that principle in mind, and ensure councilors and executives are aware of this. We also suggest SC work with Discover Governance and this Board in furthering that goal.

[63] To some extent, Bylaw is a reflection of morality. It indicates what is, and is not allowed, in a way that reinforces the common everyday understanding of a fair-minded student. If we were to imagine a scenario where Bylaw 6100 and 2100 did not exist and then considers the action taken by Bylaw committee, we find those actions reasonable, and we believe a fair-minded student would too. A group approached the Students' Council with a proposal for a Dedicated Fee Unit, the SC investigated the merits of the proposal and put the proposal to a vote. This is on the surface a reasonable procedure to approve a DFU, but according to the bylaw, the way the SC conducted the referendum was not. Bylaw, and law in general should reflect the morality of society. If this is not the case, the Students' Council has the power to alter their Bylaws to be a better reflection of morality and public opinion.

[64] The majority of this panel, therefore, believes that the correct remedy is merely to reprimand Students' Council for their improper application of Bylaw and encourage them to take the remedial steps outlined in this conclusion.

DISPOSITION

[65] The questions posed to the DIE Board, and the answers to those questions are as follows:

1. *Did the plebiscite on funding for Student Legal Services comply with the Bylaws? If not, what is the remedy?*

The plebiscite did not comply with Bylaw. However, this Board takes no action other than ruling that a contravention occurred.

2. *Did the referendum concerning the Aboriginal Students Council comply with the Bylaws? If not, what is the remedy?*

The referendum did not comply with Bylaw. However, this Board takes no action other than ruling that a contravention occurred.

Application 2018-10.

Reasons for the Concurring Decision of Tribune C. Zukowski.

ANALYSIS

[1] Having had the opportunity of reading the majority's decision, I agree with their analysis and conclusion on the first issue before this Board. Concerning the second issue, while I have reached the same conclusion, I have taken a somewhat different analytic approach in reaching that conclusion. I tend to agree with the majority's analysis of *whether* there is a contravention of Bylaw and how Council breached Bylaw. Where I depart from the majority is concerning their analysis of an appropriate remedy.

[2] I commend the majority's dedication to the Canadian common law in formulating their ruling. *Canadian Federation of Students v Mowat*, 2007 SKCA 90 is certainly instructive in overturning the results of a referendum conducted by a University Students' Union. However, this Board is not bound by the common law and should not feel constrained by it when conducting analyses.

[3] While I tend to support the extensive use of common law precedent in Board proceedings, as it provides a consistent standard by which this Board operates, in certain circumstances, the Board must depart from relying on the common law. I believe this to be such a circumstance.

[4] For reference, this is the tenth hearing held by this Board in its 2018 year (which runs identical to the terms of Students' Council). Troublingly, this is the third hearing in which the primary issue is Council (or a body that has been delegated authority by Council) contravening its own Bylaws. If we only consider panels of first instance for the 2018 year (of which there are nine), a third of this Board's caseload has dealt with Council contravening its own Bylaws.

[5] While this Board ruled in *Sunday v Students' Council (Speaker)* that Council may reasonably contravene Bylaw in certain situations, this has not formed part of any of the respondent's arguments in this case. In fact, there has been no recognition of a contravention by any of the respondents.

[6] Infringements of Bylaw, in general, should trouble students, as Students' Union legislation is the institution which ensures that the Students' Union operates functionally and in a manner that is procedurally fair. When legislation is contravened by the body that develops it, there is extra cause for concern, particularly if there are repeated contraventions as is the case here.

[7] For these reasons, I am satisfied departing from the common law and, instead, balancing what is an adequate remedy to ensure there are no further contraventions of Bylaw and what is fair to the Aboriginal Students' Council which had no fault in this process.

[8] At the most punitive spectrum of remedies, this Board could set aside the referendum and order that the Students' Union pay the Aboriginal Students' Council the lost revenue resulting from the contravention. This would result in, at most, the Students' Union being required to transfer \$92,659.50 to the Aboriginal Students' Council.

[9] Alternatively, this Board could, despite the contravention, rule the referendum valid and make no further orders.

[10] While in terms of the referendum this Board can only order it set aside or not, the Board could make additional orders in conjunction with its holding on the referendum. It must also be noted that this Board has not yet taken action designed to prevent further Bylaw contraventions by Council. As such, it is my opinion that any such ruling should not be drastic or excessively punitive.

[11] This case is also distinct from previous contraventions of Bylaw by Council in that there does not seem to be a *prime facie* intent on behalf of any individual or Students' Union body to contravene legislation. Instead, there appears to have been an improper interpretation of Bylaw by Council resulting in the contravention at issue.

[12] In light of this, I would make no additional orders regarding the contravention and not set aside the referendum results. However, the Council must be cautioned that further *intentional* violations of Bylaw would likely result in more directed action towards Council.

[13] I must, however, pose the question, what has caused these repeated contraventions of Bylaw? It seems to me that the answer must either be systemic dysfunction, a lack of understanding of Bylaw, or a disregard for the function of this organization (or a combination thereof). I am not a Councillor and, therefore, am not competent to answer such a question. However, I suggest the Council takes seriously the fact that it needs to be asked and its implications for the functioning of the Students' Union.

DISPOSITION

[14] The questions posed to the DIE Board, and the answers to those questions are as follows:

1. *Did the plebiscite on funding for Student Legal Services comply with the Bylaws? If not, what is the remedy?*

The plebiscite did not comply with Bylaw. However, I would make no rulings other than ruling that a contravention occurred.

2. *Did the referendum concerning the Aboriginal Students Council comply with the Bylaws? If not, what is the remedy?*

The referendum did not comply with Bylaw. However, I would make no rulings other than ruling that a contravention occurred.

1 Facts

1. Food security is when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.
2. Food security is essential to the financial, mental, and physical wellbeing of students, and as such may significantly impact their academic success¹.
3. Food insecurity disproportionately affects post-secondary students, with 39% of students in Canada facing food insecurity compared to 12.5%² of the population.
4. International, Indigenous students, and students who parent face higher rates of food insecurity³.
5. There is a stigma surrounding food insecurity, which is often viewed as a normal rite of passage in university.
6. Many students depend on food purchased at outlets on campus.
7. Access to sufficient on campus options for students with specific dietary needs including, but not limited to, vegetarian, vegan, kosher, halal, culturally appropriate, and allergen-free food.
8. The University has a strategic plan to provide a variety of food vendors, however access on campus to healthy and nutritious food on campus remains limited by both insufficient options and price.
9. Access on University campuses to affordable on campus food options is limited.
10. Nutritional information provided for food products on campus is currently limited.
11. Access to food preparation facilities on campus is currently limited.
12. Students living in Lister Centre, Peter Lougheed Hall, and Augustana residences must purchase mandatory meal plans, which allow unlimited access to residence cafeterias and limited access to certain outlets on campus.
13. Some residences have limited food preparation facilities, however, they are typically insufficient for regular full meal preparation.
14. Many students lack education and awareness of healthy eating and the options that are available on campus.
15. Students have access to organizations including the Campus Food Bank that work to fight food insecurity.
16. The production, distribution, and consumption of foods and beverages can have adverse social and environmental impacts.

2 Resolutions

1. The Students' Union shall advocate that food outlets serving an adequate variety of cultural, religious, and medical food needs be made available on campus.
2. The Students' Union shall consider affordability and cultural, religious, and medical factors when selecting food outlets in spaces controlled by the Students' Union.
3. The Students' Union shall collaborate with partner organizations, such as the

¹ <https://www.ualberta.ca/agriculture-life-environment-sciences/alesnews/2016/august/too-hungry-to-study>

² <https://static1.squarespace.com/static/5941c85ae4fcb533d8d82767/t/5b7451d00ebbe8c1d7689085/1534349782055/Student+food+insecurity+advocacy+toolkit.pdf>

³ <https://www.ncbi.nlm.nih.gov/pubmed/26280467>

Campus Food Bank when possible to reduce food insecurity.

4. The Students' Union shall advocate for improved access to food preparation facilities on campus, such as water fountains and water bottle filling stations, community kitchens, and microwaves.
5. The Students' Union shall advocate that residence meal plans be affordable and offer nutritionally, culturally, religiously, and medically appropriate food to all students in residence.
6. The Students' Union shall advocate for education about healthy eating, and for nutritional information to be provided at campus food outlets.
7. The Students' Union shall advocate for environmentally and socially responsible food to be provided on campus, when available at affordable prices.

BYLAW 600

1 Translation Requirements

1. The following governing documents of the Students' Union shall be made publicly available in both English and French:
 - a. Bylaw; and
 - b. Political Policy.

2 Process

- ~~1. The process for translating governing documents of the Students' Union shall be outlined in Operating Policy.~~
1. The Translation Committee shall be responsible for the creation and maintenance of governing documents in French:
 - a. The Committee shall begin translation of all new bylaws and policies, or changes thereof, at the first opportunity following their approval by Students' Council;
 - i. The completion of translation of governing documents by Translation Committee shall be completed no later than two (2) months after their passage.
 - b. At the first opportunity in each term of Students' Council, the Committee shall procure a translation audit of all governing documents that have been created or modified in the previous term;
 - i. The audit shall be executed by a certified professional translator
 - ii. The Committee shall begin to rectify inconsistencies noted by the audit at the first opportunity.
 1. The rectification of inconsistencies shall be completed no more than two (2) months after Translation Committee receives the results of the audit.

3 Timeline

- ~~1. The following governing documents of the Students' Union shall be reviewed annually for changes passed by Students' Council:~~
 - ~~a. Bylaw; and~~
 - ~~b. Political Policy.~~
- ~~2. Council Administration Committee shall be responsible for ensuring the translation process outlined in Operating Policy occurs in a timely manner.~~

3 Enforceability

1. Students' Council shall debate the English version of first and second readings of Bylaw and Political Policy.
2. The English version of governing documents shall be enforceable.
 - a. When discrepancies arise between the two translations, the English version shall take precedence.

4 Delay of Implementation

- ~~1. Implementation of this Bylaw shall be delayed until the following is accomplished:~~
 - ~~a. a sustainable method of translation is established; and~~
 - ~~b. an initial translation of Bylaw and Political Policy is performed.~~
- ~~2. The sustainable method of translation shall be established and an initial translation of Bylaws and Political Policies shall be performed by no later than April 30, 2018~~

Bylaw 100

1 Definitions

1. In this bylaw
 - a. “Councillor” means any member of Students’ Council except
 - i. The President of the Students’ Union,
 - ii. A Vice President of the Students’ Union,
 - iii. The Undergraduate Board of Governors Representative,
 - iv. The Speaker of Students’ Council, or
 - v. The General Manager of the Students’ Union;
 - b. “Faculty” means
 - i. Any entity designated by University of Alberta General Faculties Council policy as a faculty, except the Faculty of Graduate Studies and Research, the Faculty of Library and Information Studies, and the Faculty of Extension,
 - ii. All undergraduate students registered at the University of Alberta in Open Studies;
 - c. “Faculty population” means the average number of undergraduate students enrolled in a given faculty in a Fall term and the Winter term immediately following it;
 - d. “Introductory meeting” means the annual meeting of those persons elected to serve on Students’ Council for the coming year;
 - e. “Legislation” means
 - i. Students’ Union bylaws,
 - ii. Students’ Union political policies,
 - iii. Students’ Council standing orders, and
 - iv. general orders of Students’ Council;
 - f. “Speaker” means the Speaker of Students’ Council or, in their absence, any individual designated as having the responsibilities of the Speaker of Students’ Council;
 - g. “Standing Committees” shall
 - i. Serve a legislative, delegated function of Students’ Council;
 - ii. Shall contribute to the mandate of the Students’ Union;
 - iii. Have their mandate, membership, and governance listed in this bylaw; and
 - iv. Be created, amended, or eliminated through amending this bylaw.
 - h. “Delegated, legislative function” means the primary mandate or function includes:
 - i. Auditing of the organization and its subsidiaries; or
 - ii. Drafting bylaws, political policies, budget, or plebiscite/referendum questions;
or
 - iii. Administrative tasks of Students’ Council including scheduling, nominating, and amending of standing orders; or
 - iv. Assessing and managing finances, dedicated fee units, loans of the organization, and other financial matters.
 - i. “Ad hoc committees” shall:
 - i. Be committees whose mandate is narrow surrounding a particular topic, initiative, project or investigation; or
 - ii. May be referred to as “task forces”;
 - iii. Have open membership;
 - iv. Expire at a designated time not exceeding one (1) year;
 - v. Have their mandate, function, governance, and regulation within the Bylaw 100 Schedule B; and

- vi. Be created, approved, formalized, eliminated, or renewed by a simple majority vote of Students' Council or the Executive committee.
- j. "Operational committees" shall:
 - i. Be committees whose mandate is to serve a specific operational function of the Students' Union;
 - ii. Have open membership;
 - iii. Shall be recurring;
 - iv. Have their mandate, function, governance, and regulation within the Bylaw 100 Schedule B; and
 - v. Be created, approved, formalized, or eliminated by a simple majority vote of Students' Council or the Executive committee.
- k. "Student-at-large" means any Students' Union member of a Students' Council committee who is not also a representative of Students' Council.
- l. "D.I.E Board" means the Discipline, Interpretation and Enforcement Board of the Students' Union as set out in Judiciary of the Students' Union Bylaw;
- m. "Students' Council" means the Council of the Students' Union, University of Alberta, as constituted by statute of the province of Alberta;
- n. "Students' Union" means the Students' Union, University of Alberta, as incorporated by statute of the province of Alberta; and
- o. "Undergraduate Board of Governors Representative" means the individual, other than the Students' Union President, nominated by the Students' Union to the University of Alberta Board of Governors.
- p. "Students' Union Member" means any undergraduate student who is registered in a faculty and has paid their Students' Union fees.

2 Composition of Students' Council

1. Students' Council is composed of
 - a. President of the Students' Union;
 - b. Vice Presidents of the Students' Union;
 - c. Undergraduate Board of Governors Representative;
 - d. Councillors of the Students' Union;
 - e. Speaker; and
 - f. General Manager of the Students' Union.
2. The Speaker and the General Manager of the Students' Union are not entitled to move, second, or vote on motions of Students' Council, nor to serve as voting members of committees.
3. Each Councillor shall represent only one faculty.
4. Each faculty shall be allocated a number of Councillors based on faculty population according to the allotment brackets below:
 - a. 1-1499 shall receive one (1) seat; and
 - b. 1500-2499 shall receive two (2) seats; and
 - c. 2500-3499 shall receive three (3) seats; and
 - d. 3500-4499 shall receive four (4) seats; and
 - e. 4500-5499 shall receive five (5) seats; and
 - f. 5500-6499 shall receive six (6) seats; and
 - g. 6500-7499 shall receive seven (7) seats; and
 - h. 7500-8499 shall receive eight (8) seats; and
 - i. 8500-9499 shall receive nine (9) seats; and
 - j. With the pattern continuing as needed.

5. A faculty shall be allocated Councillors for upcoming Students' Council elections dependent upon that faculty continuing to include undergraduate students in their student body at the time of the election, and in the next academic year.
6. The Chief Returning Officer of the Students' Union shall determine the allocation of Councillors annually before February 15 and shall immediately table, with Students' Council, a report detailing the allocation of Councillors and the statistics used to reach that allocation. The current allotment brackets in (4) shall be included as reference. This finalized report shall become part of the Bylaw 100 Schedule A.
7. Students' Council shall review the report in (6) and the allotment brackets in (4) annually.

3 Eligibility

1. All members of Students' Council except for the Speaker and the General Manager of the Students' Union are required to be members of the Students' Union.
2. Every Councillor is required to be enrolled in the faculty they represent.
3. No person shall simultaneously hold more than one position on Students' Council.

4 Resignation

1. Students' Council does not have the authority to remove any Councillor, except those Councillors in contravention to the Attendance Regulations set out in Section 21 and 22.
2. Any member of Students' Council wishing to resign must do so in writing to the Speaker.
3. The Speaker shall table in Council any letters of resignation they receive.
4. Resignations take effect on the date specified in the letter of resignation or, if no such date is specified, at the time that the letter is tabled in Students' Council.
5. Any person who ceases to be a member of Students' Council shall be removed from any Students' Union office that is held as result of their position on Students' Council or of which their position on Students' Council is the result.
6. The Students' Union shall immediately recommend that any Councillor who ceases to be a member of Students' Council be removed from any office in an external organization that results from their position on Students' Council, or from any position from which they are removed as a consequence of (1) or (5).

5 Impeachment of President, a Vice President, or Undergraduate Board of Governors Representative

1. Students' Council has the authority to remove the President, a Vice President, or the Undergraduate Board of Governors Representative through a motion to impeach.
2. A motion to impeach the President, a Vice President, or the Undergraduate Board of Governors Representative must be made in good faith and only for one or more of the following reasons:
 - a. A significant breach or multiple breaches of Students' Union Bylaw, or Political Policy. It is required that that such contraventions be supported by D.I.E. Board Rulings.
 - b. Charges levied against the respondent for violation of the University of Alberta Code of Student Behavior, provincial law, or federal law.
 - c. Performing without the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
3. A motion to impeach must be submitted to the Speaker through a petition submitted by the appellant. The motion shall require signatures of at least one third of the voting members of Students' Council.
4. A motion to impeach shall require two (2) readings, where each reading requires a two thirds (2/3) majority of Students' Council to pass.
5. The second reading may not occur at the same Students' Council meeting as the first reading.

6. The respondent shall be informed of the allegations being levied against themselves, in writing by the Speaker, at least nine (9) business days before a motion to impeach can appear in first reading.
7. The first reading will include a presentation where the respondents shall be given the opportunity to defend themselves, and the appellant shall be given the opportunity to present their case for impeachment.
8. All debate on a motion to impeach shall only occur in camera.
9. Once a motion to impeach has passed in first reading:
 - a. the President, or a Vice President is placed on a paid suspension. They will be relieved of the responsibilities of their office as set out in Bylaw 1100, and cannot act in any official capacity on behalf of the Students' Union.
 - b. notwithstanding Section 9(a), the President, or a Vice President shall remain members of Students' Council until the motion to impeach is passed in second reading.
 - c. The Undergraduate Board of Governors Representative shall remain a member of Students' Council until the motion to impeach is passed in second reading.
10. Once a motion to impeach the President or a Vice President has passed in second reading, the office of the respondent shall be declared vacant.
11. Once a motion to impeach the President or the Undergraduate Board of Governors Representative has passed in second reading, the Speaker shall:
 - a. Immediately contact both the University of Alberta Board of Governors and the Ministry of Advanced Education and Technology to notify them that the impeached individual is no longer recognized by the Students' Union; and
 - b. Request the Ministry of Advanced Education and Technology that the impeached individual be relieved from their responsibility as a member of the University of Alberta Board of Governors.

6 Replenishment

1. In the event of a vacancy in the office of President, Vice President, or Undergraduate Board of Governors Representative, the vacancy shall be filled in the following manner
 - a. If the vacancy occurs during the period on or after May 1 and on or prior to September 1, Council will appoint an individual to the position on an interim basis until the results of the by-election are announced in accordance with Bylaw 2400.
 - b. If the vacancy occurs in the period after September 1st, but on or before April 30th, Council will appoint an individual to the position for the remainder of the position's elected term.
2. During the Council meeting on or immediately following the vacancy, Council shall move to create the Executive Nominee Selection Committee of four (4) members
 - a. These members shall be taken from Students' Council; and
 - b. This committee shall only meet at the close of nominations, in the event that more than ten (10) applications are received, with the mandate of narrowing the pool of candidates to ten (10).
3. Following the Council meeting where the vacancy occurs
 - a. The business day immediately following the meeting in which or following when the vacancy occurred, the C.R.O. will make applications for the vacant position available to the Students' Union membership.
 - i. The C.R.O shall produce nomination packages which shall contain, at minimum
 - a. Complete and current copies of Bylaw 2200 and Bylaw 1500; and
 - b. Nomination papers soliciting the name, contact information, and student identification number of the proposed nominee, the position the nominee wishes to contest for Executive and Board of Governors

elections, nominations papers soliciting the names, faculties, years, signatures, and student identification numbers of at least fifty (50) and at most one hundred (100) members as nominators.

- ii. Valid nomination packages shall contain
 - a. A signed acceptance of the nomination by the proposed nominee;
 - b. A signed letter from the proposed nominee's faculty confirming that the nominee is in good academic standing under University regulations; and
 - c. Papers soliciting the names, faculties, years, signatures, and student identification numbers of at least fifty (50) members identifying themselves as nominators.
- b. Nominations shall be closed seven (7) days prior to the next Council meeting.
4. Selection of the candidate shall be made on the basis of interviews held during the next Council meeting following the close of nominations as well as any relevant information from the nomination package.
5. The appointment will be made with respect to a vote by Council using a preferential ballot.
6. In the event of a vacancy in the office of Councillor, the Chief Returning Officer of the Students' Union shall offer the position to the candidate who would have been elected, had another Councillor been allocated to the resigning Councillor's faculty, during the last election before which nominations were open for that faculty.
7. Notwithstanding (2), no person shall be offered a Councillor position who
 - a. Has already vacated a Councillor position since the last election before which nominations were open for the faculty in question; or
 - b. Has already declined appointment to a Councillor position since the last election before which nominations were open for the faculty in question; or
 - c. Is a member of Students' Council.
8. The process for replenishment of Councillor positions shall continue until
 - a. No vacancies remain for the faculty in question,
 - b. The list of candidates from the last election before which nominations were open for the faculty in question is exhausted, or
 - c. The position would be offered to None of the Above.
9. In the event that vacancies exist after the procedures outlined in (6) and after the by-election outlined in Bylaw 2400(15), the Vacancy Petition system shall be used as outlined in Section 20 of this Bylaw.
10. Students' Council does not have the authority to appoint any Councillor.
11. In the event of a vacancy in the office of the Speaker of Students' Council, Students' Council shall select a new Speaker of Students' Council.

7 Start-Up

1. All members of Students' Council except the Speaker of Students' Council and the General Manager of the Students' Union shall be elected on an annual basis.
2. The Chief Returning Officer of the Students' Union shall submit to the Speaker, as soon as practically possible, a report containing the results of any election of members to Students' Council.
3. The Speaker shall convene and Chair the introductory or start up meeting between April 1 and 30, except any portion of the meeting in which the outgoing Speaker is running for re-election.
4. At the introductory or start up meeting, the Students' Council-elect shall
 - a. Select the ensuing year's Speaker of Students' Council; and
 - b. Select the compositions of the ensuing year's committees; and

- c. Set the meeting schedule for the following year's Students' Council with the first meeting to occur between May 1 and May 15.
5. At the first meeting of any year's Students' Council, all members of that Students' Council except the General Manager of the Students' Union shall be installed in a ceremony to be presided over by:
 - a. The previous year's Students' Union President, if available; or
 - b. The previous year's Speaker of Students' Council, if the previous year's President is unavailable; or
 - c. The incoming Speaker of Students' Council, if neither the previous year's President nor the previous year's Speaker of Students' Council is available.
6. Power shall be officially transferred from one year's Students' Council to another year's on May 1.

8 Speaker of Students' Council

1. The Speaker is responsible for
 - a. Chairing all meetings of Students' Council;
 - b. The budget and logistical needs of Students' Council;
 - c. Requesting a report from the University of Alberta Office of the Registrar and Student Awards each term to confirm that all individuals occupying positions requiring them to be undergraduate students meet all requirements set out in bylaw; and
 - d. Representing Students' Council before the Discipline, Interpretation, and Enforcement Board; and
 - e. Other duties as may be required by Students' Council.
2. The Speaker shall have access to sufficient administrative support to carry out the logistical needs of Students' Council.
3. The President of the Students' Union reports to the Speaker for of purpose of all Students' Council business.
4. The Speaker reports to Students' Council.
5. The Speaker may be dismissed by a simple majority vote of Students' Council.
6. The Chair of the Council Administration Committee shall be the Deputy Speaker of Students' Council and shall carry out the duties of the Speaker in the absence of the Speaker of Students' Council.

9 Proxies and Councillor-Designates

1. Any Councillor may appoint up to one Students' Union member, in their faculty, at a time to attend to their duties of Students' Council on their behalf. The Councillor may appoint either:
 - a. A Proxy, which may be appointed for one (1) meeting of Students' Council at a time; or
 - b. A Councillor-Designate, which may be appointed for up to one (1) trimester at a time and shall be able to attend and participate fully on all Committees and Boards that the Councillor sits.
2. A Proxy will, for the meeting of their appointment, have all the rights and responsibilities of the Councillor who appointed them, but shall not be permitted to sit on committees or boards.
3. A Councillor-Designate will, for the duration of their appointment, have all the rights and responsibilities of the Councillor who appointed them.
4. A Councillor-Designate shall be allowed to appoint a Proxy, but shall not be allowed to appoint an additional Councillor-Designate.
5. A Councillor who has designated a proxy retains access to all resources that they would otherwise be entitled.
6. A Councillor shall submit written notice and introduction of their Councillor-Designate to be included in the Order Paper or Late Additions.

10 Conduct of Meetings

1. Quorum of Students' Council is a majority of its current voting membership.
2. Where legislation does not contradict it, Robert's Rules of Order shall be observed at all meetings of Students' Council.

11 Legislation

1. Students' Union Bylaws
 - a. Are directives perpetually requiring and/or prohibiting action on the part of the Students' Union;
 - b. Are adopted, amended, or rescinded by two (2) simple majority votes or readings of Students' Council occurring not less than seven (7) days apart; and
 - i. Where the second reading changes to bylaw must be written by Bylaw Committee before being approved by Students' Council.
 - c. Do not expire.
2. A Students' Union political policy
 - a. Is a directive to the Executive Committee dictating on what issues Students' Union advocacy efforts should be directed;
 - b. Shall be explicitly tied to a committee;
 - c. Requires the Executive Committee to submit an implementation plan to the committee to which it is tied;
 - d. Prohibits any person from representing any opinion divergent from Students' Union political policy as being the opinion of the Students' Union;
 - e. Is not binding on the Students' Union except as noted;
 - f. Is adopted, amended, or rescinded on two (2) simple majority votes or readings of Students' Council held not less than seven (7) days apart; and
 - i. Where the second reading changes to political policies must be written by Policy Committee before being approved by Students' Council.
 - g. Shall expire every three (3) years, but may be renewed by a simple majority vote of Students' Council.
3. Students Union Budgets
 - a. Are adopted by two (2) simple majority votes or readings of Students' Council occurring not less than seven (7) days apart; and
 - i. Where first and second reading must be written by Finance Committee before being approved by Students' Council.
 - b. Budgets shall be created annually. Should a budget not be created per annum, the preceding year's budget will be applied.
4. Standing orders of Students' Council
 - a. Are ongoing instructions to members of Students' Council and Students' Union staff respecting the manner of execution of Students' Council logistics;
 - b. Are adopted, amended, or rescinded on a simple majority vote of Students' Council or the Council Administration Committee; and
 - c. Do not expire, but shall be reintroduced by the Chair of the Council Administration Committee at the first meeting of each year's Students' Council.
5. General orders of Students' Council
 - a. Are any non-procedural motions of Students' Council that do not adopt, amend, or rescind other legislation; and
 - b. Expire concurrently with the authority of the Students' Council that adopted them unless otherwise specified in the motion.

12 Standing Committee Membership

1. First principles regarding changes to this bylaw, in regards to standing committee membership, require a recommendation from the standing committee in question.
2. The Bylaw Committee consists of seven (7) members of Students' Council.
3. The Finance Committee consists of
 - a. Seven (7) members of Students' Council;
 - b. The Vice President (Operations and Finance); and
 - c. The Vice President (Student Life).
4. The Policy Committee consists of
 - a. Six (6) members of Students' Council;
 - b. The Vice President (Academic);
 - c. The Vice President (External); and
 - d. The Vice President (Student Life).
5. The Audit Committee consists of seven (7) members of Students' Council who are not also members of the Executive Committee.
6. The Council Administration Committee consists of
 - a. Five (5) permanent members of Students' Council, and
 - b. All members of Students' Council except the Speaker and the General Manager.
7. The Nominating Committee consists of
 - a. Five (5) members of Students' Council;
 - b. The Vice President (Academic); and
 - c. The Vice President (External).
8. The Aboriginal Relations and Reconciliation Committee consists of
 - a. Three (3) permanent members from Students' Council;
 - b. Two (2) permanent members from the Executive Committee;
 - c. Two (2) permanent members from the Aboriginal Student Council, as appointed by the Aboriginal Student Council and ratified by Students' Council;
 - d. Three (3) Aboriginal Students-at-Large as permanent members, as ratified by Students' Council;
 - e. One (1) elder as a permanent member, chosen by the Committee, as an ex-officio member;
 - f. All thirty-eight (38) Student Council voting Members; and
 - g. Up to thirty-nine (39) self-identifying Aboriginal undergraduate students currently enrolled at the University of Alberta.
9. The Translation Committee consists of five (5) members of Students' Council, who possess the required skills to fulfill the committee's mandate;
 - a. In the case that there is an insufficient number of French-speaking members of Students' Council, the committee shall appoint French-speaking members of the Students' Union pursuant to section 12(12).
10. Notwithstanding any provision in this bylaw, standing committees may appoint non-voting members to themselves by passing regulations to this effect as part of their standing orders.
11. Non-voting members of standing committees
 - a. Are not entitled to move, second, or vote on motions of standing committees,
 - b. Are not entitled to chair standing committees, and
 - c. Do not count towards quorum of standing committees.

12. Permanent student-at-large members of standing committees shall be nominated through Nominating Committee via the following process:
 - a. Standing committees who wish to fill permanent student-at-large positions shall send a request to Nominating Committee for their fulfillment.
 - b. Upon request, Nominating Committee shall solicit and review applications from Students' Union members for permanent student-at-large positions on standing committees.
 - c. Once completed, Nominating Committee shall recommend to Students' Council the appointment of Students' Union members to serve as permanent students-at-large on standing committees.

13 Chairs of Standing Committees

1. Each standing committee, unless otherwise specified in the committee's Standing Orders, shall be chaired by a member of that standing committee elected by the voting members of that standing committee using the following procedure:
 - a. Balloting shall be conducted by preferential balloting, in which each voter shall rank their choices for each position using natural numbers with one (1) representing the first choice, and increasing numbers representing less desirable choices.
 - b. A candidate shall require a majority of voters to indicate them as the first choice in order to be elected.
 - c. Voters shall be entitled to mark as few as zero candidates for any given position or as many as all of them.
 - d. A section of a voter's ballot shall be considered spoiled where
 - i. That voter has indicated the same number for more than one (1) candidate; or
 - ii. That voter has not included the number one (1) next to any candidate; or
 - iii. That voter has indicated more than one (1) number next to the same candidate; or
 - iv. That voter has used non-consecutive numbers.
 - e. In the event that no candidate receives a majority of first place votes in a given race, the candidate with the fewest first place votes shall be eliminated.
 - f. Any voter who has indicated an eliminated candidate with a number shall have the candidate marked with the next highest number following the number by which the eliminated candidate has been indicated take the place of the eliminated candidate, and so on, in such a way that all candidates indicated by that voter as less desirable than the eliminated candidate are registered as being one (1) step more desirable than originally indicated.
 - g. Where all remaining candidates have an equal number of first place votes, or where the remaining candidate with the fewest first place votes is tied with another remaining candidate, the candidate that had the fewest first place votes on the first count in which a differential existed shall be eliminated.
 - h. Where all remaining candidates have an equal number of first places votes, or where the remaining candidate with the fewest first place votes is tied with another remaining candidate, and where this tie has existed on every count, the candidate with the fewest first place votes shall be eliminated by a random or quasi-random method selected by the Speaker of Students' Council.
 - i. The process set out in this section shall continue for each position until such a time as a candidate receives a majority of first place votes for that position at which point that candidate shall be declared the victorious.
 - j. Where "None of the Above" is declared victorious, no candidates shall be declared victorious.

2. The Chair of the Council Administration Committee shall be a permanent member of the Council Administration Committee.
3. The Chair of the Aboriginal Relations and Reconciliation Committee shall be a permanent member of the Aboriginal Relations and Reconciliation Committee.

14 Quorum of Standing Committees

1. The Audit Committee, and the Bylaw Committee each have a quorum of four (4) members.
2. The Policy Committee, the Nominating Committee, and the Finance Committee each have a quorum of five (5) members.
3. The Council Administration Committee has a quorum of three (3) permanent members.
4. The Aboriginal Relations and Reconciliation Committee has a quorum of six (6) permanent members.

15 Functioning of Standing Committee

1. Standing committees shall establish meeting schedules on a trimesterly basis, in advance, with the trimesters being
 - a. May to August; and
 - b. September to December; and
 - c. January to April.
2. No meeting of a standing committee shall occur unless:
 - a. every quorum-counting member of the standing committee has received at least seventy-two hours notice of the meeting; or
 - b. every quorum-counting member of the standing committee consents to the meeting taking place.
3. Standing committees may adopt such standing orders as do not conflict with legislation.
4. The Speaker, and through them Chairs of standing committees, shall have access to sufficient administrative support to ensure the proper functioning of committees, including but not limited to
 - a. The creation and publication of agendas for committee meetings;
 - b. The creation and publication of minutes for committee meetings;
 - c. The booking of meeting rooms;
 - d. The duplication of required documents; and
 - e. Access to Students' Union archives.
5. Any permanent member of a committee may designate any member of their appointing body, or in the case of Councillors, their Councillor-Designate, as their proxy for any portion of their term, provided their proxy fulfils the eligibility requirements to serve on the committee in question.
6. Every standing committee named at the introductory meeting shall hold a meeting before the first meeting of its Students' Council in order to
 - a. Elect a Chair; and
 - b. Set initial standing orders; and
 - c. Set a meeting schedule for its first trimester.
7. Voting members may be permitted to teleconference/videoconference in to standing committee meetings, at the discretion of the chair, except under conditions in which the committee is in camera. For in camera portions of a standing committee meeting, the meeting must take place in person.

16 Written Reports

1. Chairs of standing committees shall draft and submit written reports to Students' Council, outlining the activity of their committee, before the last meeting of each trimester.

2. The report tabled for the last meeting of the elected term shall include required transition documentation.
3. Each report shall include the following items, at a minimum:
 - a. Activities of that committee during the trimester; and
 - b. A general summary of decisions, recommendations and motions made under the authority of that committee; and
 - c. The presumptive schedule for the coming semester, if applicable.
4. The transition documentation for the final trimester shall include, at a minimum:
 - a. An outline of the committee structure and function; and
 - b. The general responsibilities of the Chair; and
 - c. Future tasks or objectives that should be considered by the incoming committee; and
 - d. Advice to the incoming chair.

17 Mandates of Standing Committees

1. The Audit Committee
 - a. Shall review any Faculty Association for compliance with any funding agreements and contracts held with the Students' Union;
 - b. Shall investigate breaches of contract with the Students' Union;
 - c. Shall monitor the use of all Faculty Association Membership Fees and Faculty Membership;
 - d. Shall monitor the use of funds allocated by the Students' Union to the Association des Universitaires de la Faculté Saint-Jean;
 - e. Shall monitor the Finance Committee's allocation of the Campus Recreation Enhancement Fund, the Golden Bear and Panda Legacy Fund, and the Refugee Student Fund;
 - f. Shall annually select the Students' Union auditor
 - g. Shall oversee the Students' Union external audit and include it with the Committee's report on the audit to Council;
 - h. Shall review the Students' Union's audited financial statements in advance of their presentation to Students' Council;
 - i. Shall review all alterations made to the Students' Union's budget for the purposes of verifying compliance with Students' Union legislation;
 - j. Shall review for appropriateness and compliance with the Students' Union's budget the transactions of the Students' Union organizational units;
 - k. Shall review all expenditures made on Students' Union credit cards;
 - l. Shall investigate any inappropriate transactions or significant variances against the Students' Union's budget;
 - m. Has the authority to require to appear before it, in a reasonable period of time, any Students' Union employee and/or member of the Executive;
2. The Bylaw Committee
 - a. Shall draft bylaws as required by Students' Council;
 - b. Shall draft referendum and plebiscite questions as required by Students' Council;
 - c. Shall make recommendations to Students' Council on Students' Union bylaws where such recommendations are not the purview of any other standing committee; and
 - d. Has the power to make, to Students' Union bylaws alterations to Students' Union bylaws that do not alter the meaning of the bylaws in question.
 - e. Shall review recommendations of the Discipline, Interpretation and Enforcement (D.I.E.) Board by the end of the first August following the ruling's release.
3. The Council Administration Committee

- a. Has authority to amend, adopt, or rescind standing orders of Students' Council after an initial set of standing orders has been adopted by Students' Council;
 - b. Shall make recommendations to Students' Council on the structure of Students' Council and committees;
 - c. Shall oversee the Speaker and the Chief Returning Officer of the Students' Union;
 - d. Shall oversee the progress of Students' Council's legislative agenda;
4. The Finance Committee
- a. Shall recommend budgets to Students' Council as required by Students' Union legislation;
 - b. Shall make recommendations to Students' Council on alterations to the Students' Union operating budget;
 - c. Shall make recommendations to Students' Council on expenditures of funds from the Projects Allocation;
 - d. Shall make recommendations to Students' Council on legislation dealing with Students' Union finances as it considers appropriate or as required by Students' Council;
 - e. Shall regulate and approve the methods used by the Registrar's Office in disbursement and appeal of the Access Fund;
 - f. Shall make grants and has the authority to set an implement policy regarding the disbursal of funds from the Campus Recreation Enhancement Fund, the Golden Bear and Panda Legacy Fund, the Refugee Student Fund, and the portion of the Students' Union operating budget designated for grants to Student Groups;
 - g. Shall oversee, review, and approve as necessary the contracts and agreements between the Students' Union and Dedicated Fee Unit organizations as outlined in the Bylaw 6000 schedule;
 - h. Shall conduct an annual financial review of each Operational Dedicated Fee Units as outlined in Bylaw 6200;
 - i. Has authority to grant loans to student groups in amounts not exceeding \$1,500 per student group;
 - j. May delegate the granting of funds where the Finance Committee has established standing orders identifying the delegate and comprehensive regulations within which the delegate must exercise its discretion when granting;
 - k. May establish, amend, eliminate, and bestow awards recognizing student involvement, such awards to be funded by the Student Involvement Endowment Fund and/or external sources, as outlined in Finance Committee Standing Orders;
 - l. Shall bestow all externally-funded awards delegated to it by the Students' Union Executive Committee; and
 - m. May establish, amend, eliminate, and bestow awards recognizing outstanding undergraduate teaching at the University of Alberta.
 - n. The Finance Committee may establish such rules and procedures as may be necessary for the fulfillment of its mandate and may delegate this authority as it deems necessary.
5. The Nominating Committee
- a. Shall solicit and review applications from Students' Union members for student-at-large representative positions on General Faculties Council and its subcommittees, University advisory committees, University executive hiring committees, and the Senate;
 - b. Shall recommend to Council the appointment of undergraduate students-at-large to serve on General Faculties Council subcommittees, University advisory committees, University executive hiring committees, and the Senate;
 - c. Shall recommend to Council the appointment of undergraduate students to serve on General Faculties Council when seats remain vacant after a election;

- d. Has authority to determine the criteria and application process for student positions appointed by Students' Council.
6. The Policy Committee
 - a. Shall make recommendations to Students' Council on Students' Union political policy;
 - b. Shall make recommendations to Students' Council on Students' Union political policy respecting undergraduate tuition at the University of Alberta;
 - c. Shall receive reports from the Students' Union Executive Committee on advocacy activities and evaluate their effectiveness; and
 - d. Can make editorial changes to all political policy.
 7. The Aboriginal Relations and Reconciliation Committee
 - a. Shall make recommendations to Students' Council on the implementation on the Truth and Reconciliation Commission's Calls to Action;
 - b. Shall assist, after discussion, Students' Council in identifying Aboriginal student priorities;
 - c. Shall write a yearly report to Students' Council detailing Aboriginal student priorities;
 - d. Shall ensure adequate discussion, as defined by this committee, is completed by the Students' Union in identifying Aboriginal student priorities;
 - e. Shall develop strategies for the respectful implementation of Aboriginal knowledges and teachings;
 - f. Shall foster collaboration between the Students' Union and Aboriginal students;
 - g. Shall work with Students' Council committees in implementing the Truth and Reconciliation Commission's Calls to Action, and representing and hosting discussion with Aboriginal students;
 - h. Shall request reports from the Students' Union Executive Committee on its advocacy for and with Aboriginal students;
 - i. Shall periodically produce reports on the Executive Committee of the Students' Union in relation to the Truth and Reconciliation Commission's Calls to Action, the Truth and Reconciliation Commission Political Policy, the Aboriginal student priorities defined by this committee, and its overall advocacy and representation of Aboriginal students;
 - j. Shall compile a public report on the representation of and collaboration with Aboriginal students, as well as all relevant advocacy work, done by Students' Council;
 - k. Shall recommend to the Students' Council, representatives to sit on committees, councils, etc., both internal and external, whose main focus is Aboriginal students;
 - l. Holds the authority to determine the criteria and application process for student-at-large and de facto representative positions on this committee;
 - m. Shall ensure that cultural sensitivity training is provided to Students' Council;
 - n. Holds the authority to make alterations to the Acknowledgement of Traditional Territories;
 - o. Holds the authority to make alterations and renew the Students' Union Political Policy on the Truth and Reconciliation Commission Political; and
 - p. Shall ensure the Students' Union collaborates with Aboriginal elders on all relevant matters; with relevant being defined by this Committee.
 8. Standing committees have the authority to make recommendations to Students' Council on matters related to their mandates but not explicitly set out in this bylaw.
 9. Students' Council has the authority to require recommendations from standing committees on matters related to their mandates but not explicitly set out in this bylaw.

18 Conflict-of-Interest

1. No person shall use a Students' Union position that they hold to further personal business interests.

2. No person may hold a Students' Union position who
 - a. is party to any contract or agreement with the Students' Union, accepting contracts or agreements directly relating to that person's employment by the Students' Union; or
 - b. has any interest in a contract or agreement with the Students' Union, accepting contracts or agreements directly relating to that person's employment by the Students' Union.
3. Does not apply to any person by reason only
 - a. Of the receipt of any properly-approved honorarium, commission, or allowance from the Students' Union;
 - b. Of being a non-executive member of any registered student group which has any contract or agreement with the Students' Union; or
 - c. Of the sale of goods or services to the Students' Union in the ordinary course of business, at competitive prices, and in accordance with Students' Union procedures.
4. No member of Students' Council shall vote on a motion relating to a student group or organization of which they are a member unless that organization is a faculty association.
 - a. Membership in an organization shall be defined as
 - i. Regular meeting attendance and voting and/or speaking privileges at meetings; or
 - ii. Holding office within that organization
5. If a councillor has a conflict of interest and votes on a motion in Students' Council or any one of its committees
 - a. they will report that immediately to the Speaker of the Association
 - b. if unreported, any member of Students' Council may send a petition to DIE Board within four (4) months or before the conclusion of the session of Students' Council, whichever is longer. Petitions made are subject to Bylaw 1500.
6. In extraordinary circumstances a member of council should be allowed to retroactively change their vote to an abstention in the case of a conflict of interest. This would be done through a motion to Students' Council. Any member of Students' Council will have an option to petition DIE Board on the narrow issue of what constitutes extraordinary circumstances.
7. Neither any member of the Students' Union Executive Committee nor the Chief Returning Officer of the Students' Union shall apply for a remunerated position with the Students' Union unless the selection of that position is ratified by Students' Council.

19 Nominations to University Bodies

1. The four (4) individuals nominated by the Students' Union to the University of Alberta Senate shall be
 - a. The Students' Union Vice President (External), and
 - b. Three members of the Students' Union, selected by Students' Council, after receipt from the recommendation of the Nominating Committee.
2. The two (2) individuals nominated as ex-officio representatives of the Students' Union to the University of Alberta General Faculties Council shall be
 - a. The Students' Union Vice President (Academic), and
 - b. The Students' Union Vice President (Student Life).
3. The two (2) individuals nominated by the Students' Union to the University of Alberta Board of Governors shall be
 - a. The Students' Union President, and
 - b. The Undergraduate Board of Governors Representative.
4. The Undergraduate Board of Governors Representative shall be elected at the same time and in the same fashion as the Students' Union President and Vice Presidents.

5. The Undergraduate Board of Governors Representative shall have access to sufficient administrative resources for the discharge of their duties.

20 Vacancy Petitions

1. Immediately following the by-election period for Students' Council, as outlined in Bylaw 2400, the office of Discover Governance, with the assistance of the Chief Returning Officer, shall create a Vacancy Petition form for all faculties with vacancies and disseminate the form broadly, including to the Faculty Association in which the vacancy is held.
2. The Vacancy Petition form, to be filled out by the candidate, shall include:
 - a. The name, e-mail, faculty, and ID number of the candidate seeking to fill the vacancy; and
 - b. A signed acceptance of the petition by the candidate; and
 - c. A signed letter for the candidate from their faculty confirming that they are in good academic standing under University regulations; and
 - d. A list of nominators including the names, faculties, years, signatures, and student identification numbers; and
 - e. A copy of Bylaw 100(20); and
 - f. A link to the Vacancy Petition webpage.
3. In order for the petition to be declared valid, the candidate must collect a greater number of signatures from nominators than either 3(a) or 3(b), whichever is lower:
 - a. The voter turnout percentage in their vacant faculty during the last general Students' Council election in which a candidate ran; or
 - b. The mean voter turnout percentage for the last three (3) general Students' Council elections.
4. The Vacancy Petition form for Open Studies students shall include all requirements mentioned in (2) with the exception of collecting nominators' signatures.
5. The completed Vacancy Petition shall be submitted to the Office of Discover Governance upon its completion for validation of nominators, if applicable.
6. The first valid Vacancy Petition submitted for a given faculty will trigger a seven (7) day period after which no other petitions will be received per vacant seat.
7. If no other valid Vacancy Petitions are received within the seven (7) day period, the successful candidate shall be declared a Councillor for the vacant seat for the remainder of that term.
8. If two or more candidates submit valid Vacancy Petitions for the same seat during the seven (7) day period outlined in (6), the candidate with the most signatures at the end of this period shall be the winner.
 - a. Any candidate shall be allowed to retrieve their petition during the seven (7) day waiting period to collect more signatures, so long as the final petition is re-submitted by 5:00pm on the last business day prior to the deadline.
 - b. In the event of a tie in the number of signatures, the Chief Returning Officer shall determine the winner by flipping a coin or other random-chance tie-breaking method in the presence of the Deputy Returning Officer or a member of the Office of Discover Governance.
9. Individuals that are ineligible to submit Vacancy Petitions include:
 - a. Any member of Students' Council; or
 - b. The Speaker of Students' Council; or
 - c. The Chief Returning Officer or Deputy Returning Officer; or
 - d. Any student who ran during the previous general election or by-election and lost to none of the above; or
 - e. any student who has previously used this mechanism in the last 365 days.

10. The period for Vacancy Petitions to be submitted shall be from the first business day following the fall by-election to February 1 of the subsequent year.
11. The Office of Discover Governance, with the assistance of the Chief Returning Officer, shall create and maintain a Vacancy Petition webpage to list the current status of all vacant Students' Council seats:
 - a. The link to this webpage shall be included in the Vacancy Petition package; and
 - b. This webpage shall be maintained with regular updates, deadlines and other relevant information; and
 - c. At a minimum, the number of packages submitted in each faculty shall be updated daily during the seven (7) day deadline period.

21 Attendance Regulations

1. "Satisfactory attendance" is defined as being present for at least 50% of roll calls per trimester.
2. "Unsatisfactory attendance" is defined as being present for less than 50% of roll calls per trimester.
3. Councillors are expected to attend, send a Proxy or Councillor-Designate, to meetings of Students' Council as minimum expectation of holding office.
4. A Councillor must maintain satisfactory attendance each trimester to remain a Councillor for the following term.
5. Formal attendance percentages shall be calculated for each Councillor at the end of every trimester by the Speaker, and be provided as an information item to Students' Council.
 - a. A leave of absence for elections shall not be accounted into the attendance percentage.
6. Where a Councillor has unsatisfactory attendance at the end of the trimester, they shall be declared in contravention to this Bylaw and be automatically removed as a member of Students' Council.
 - a. This regulation shall only apply at the end of the Spring/Summer and Fall trimesters.
7. The contravening Councillor shall be able to appeal their removal to D.I.E. Board within three (3) business days of their removal, based on extenuating circumstances at the Board's discretion, including those listed below:
 - a. Personal circumstances including medical, emotional, mental, or family emergencies; or
 - b. Academic program requirements, where evidence of mandatory evening or overnight commitments is provided confirming conflict with meeting these attendance requirements; or
 - c. Other circumstances deemed reasonable, at the discretion of D.I.E. Board.
8. Unreliable proxies or Councillor-Designates shall not be considered a reasonable excuse for appeal, unless D.I.E. Board deems there were extenuating circumstances.
9. During the appeal proceedings, the Speaker shall attend the hearing to provide the official attendance record and field any questions of the Board.
10. Should the D.I.E. Board approve the appeal of the contravening Councillor, that Councillor shall be re-appointed immediately.
11. The contravening councillor's seat shall not be replenished until the three (3) day appeal period has passed or the subsequent appeals process has been exhausted.
12. The Speaker shall present and e-mail these regulations at the first meeting of Students' Council each trimester.

22 Standing Committee Attendance Regulations

1. Attendance of standing committees is defined as attending for at least one (1) roll call of attendance.

2. Members are expected to attend, send another member as proxy, or in the case of Councillors, their Councillor-Designate, to standing committee meeting as a minimum expectation of holding a seat on a given standing committee.
3. Where a Councillor meets the following criteria for three (3) regularly scheduled meetings, they shall be automatically removed from that standing committee:
 - a. Fails to attend; and
 - b. Fails to provide a formal document to the committee's chair, prior to the start of the meeting, including their written thoughts on all agenda items listed.
4. The committee minute template shall include a criteria in the attendance portion indicating whether the formal document listed in 3(b) was sent by any member.
5. In the event that an individual meets the aforementioned criteria the Chair, or any other member, shall contact the Speaker indicating:
 - a. The name of the Committee; and
 - b. The name of the Councillor; and
 - c. The minute documents showing the Councillors' absence and failure to provide a written statement.
6. Following verification of the information provided, the Speaker shall declare the seat vacant.
7. Any councillor removed from a committee shall be able to be re-nominated and re-appointed.
8. The Speaker shall inform all members of Students' Council of these regulations at the start of each Students' Council year and at the time of appointment of vacant seats.

23 No Force or Effect

1. Any decision of Students' Council that is in conflict with federal or provincial statute or with the Common Law is of no force or effect.