

MAKING BYLAWS

A Presentation for the University of Alberta Students'
Union

Students' Council 2011-2012

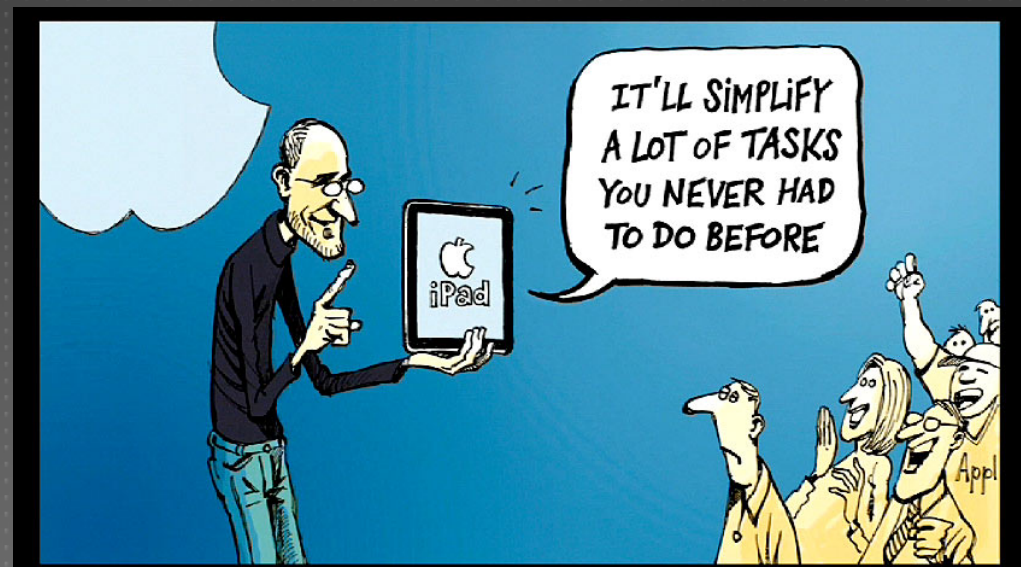
Prepared by the Student Governance Advisor



PRESENTATION OVERVIEW

The 5Ws (and most importantly, an H) of bylaws

- ▶ WHO is affected by bylaw?
- ▶ WHAT are they?
- ▶ WHERE do we keep them?
- ▶ WHEN do we make them/change them?
- ▶ WHY do we have them?
- ▶ And...
 - ▶ **HOW** do we draft bills that eventually become bylaws?



Source: Patrick Chappatte, via [Garr's postero](#)



WHAT

(we'll go back to "who" shortly)

- ▶ Defined in §11.1 of SU Bylaw 100
- ▶ A bylaw starts its formal life as a bill. (1)
- ▶ The *principles* of a bill are debated at Council in first reading. (2)
- ▶ The *principles* of the bill are sent to Bylaw committee for drafting, where it starts to look like a bylaw. (3)
- ▶ The bill returns to Council for debate in second reading. (4)
- ▶ Presto. A bylaw. (5)



1



2



3



4



Bylaw 4000
A Bylaw Respecting the
Students' Union Strategic Plan

5



principle

(noun)

a fundamental truth or proposition that serves as the foundation for a system of belief or behavior or for a chain of reasoning

a general scientific theorem or law that has numerous special applications across a wide field.

(from the relevant parts of the New Oxford American Dictionary)



WHO

- ▶ Everyone.
 - ▶ Specifically, all members, officers, and representatives of the Students' Union engaged in activities on behalf of or regulated by the Students' Union.
 - ▶ Council is governed by its own bylaws. If Council wishes to conduct business in a way that deviates from bylaw, the bylaw has to be changed **first**.



WHERE

Bylaws & Policies

Bylaws and Policies

Bylaws

Bylaws and Policies

The Constitution of the Students' Union is the **Post Secondary Learning Act** of the Province of Alberta. Contained in this act are the fundamental rules that Students' Council must follow in exercising its power to govern the Students' Union.

In addition to the act, the Students' Union is governed and managed in accordance with rules set out chiefly in three places:

Bylaws

Bylaws are the primary legislation of the Students' Union and set out the basic legal structure and operational parameters of the Students' Union. Any internally created rule not in accordance with the bylaws is of no force and effect so far as there is a conflict. The bylaws are concerned with major governance issues such as the structure of the legislative, executive and judicial branches of the Students' Union as well as its finances. Elections, referenda, faculty associations and access to information are additional areas in which Council has legislated. The process by which bylaws are amended can be found in the Standing Orders of Students' Council.

- ▶ On the internet. 😊



WHEN

- ▶ Bylaws aren't for everything
- ▶ Bylaws normally take at least a month to draft (best-case scenario)
- ▶ Council has other “governance instruments” at its disposal, including the annual budget process, motions, political policies, and Question Period.
- ▶ When in doubt, ask around. Council Committee Chairs, the Speaker, and returning Councilors are good resources if you have questions about how to go about making something happen.



WHY

- ▶ **Accountability & Transparency**

- ▶ When the business of Council is governed by bylaws, everyone stays on the same page. Literally.

- ▶ **Consistency & Fairness**

- ▶ Important decisions need to be regulated so that they're handled consistently from year to year. It's also important that members (both of Council and the SU) have a fair opportunity to participate in Students' Union decision-making processes. Bylaws help facilitate that.

- ▶ **Risk Management**

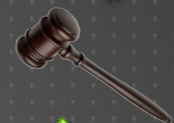
- ▶ Following Council bylaws (and passing bylaws that don't violate any laws or contracts that the SU is governed by) help us not get sued.



HOW



- ▶ The 3 step formal process outlined in Part 9 of [Council Standing Orders](#).
- ▶ There's also a recommended pre-step: Ideas for bills should be discussed informally before they're introduced on the Order Paper.



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HOW



Idea Phase

- ▶ Write something down in draft. Be open to changes and suggestions.
- ▶ Research
 - ▶ In recent memory, has this particular idea been proposed before? If so, what happened?
 - ▶ Do other organizations (esp. other SUs) have something like what you want to propose?
 - ▶ Is it legal?
 - ▶ Is it going to cost money?



HOW



Idea Phase

► Consultation

- Have *informal* conversations with
 - people who will be affected by the change you would like to propose
 - People who may have experience, expertise, or information that will help you create a better bill.
- Examples: members of the Executive Committee (who will definitely have information that will help) other Councilors, the Speaker, Board members from DFUs and FAs, the CRO, the Council committee tasked with whatever you're working on, etc. Most importantly: YOUR CONSITUENTS.



HOW



Idea Phase Drafting the actual bill (See the example on the sheet provided)

▶ Clear, not legalistic

- ▶ Focus on spelling out exactly what you want the SU to do as a result of this legislation/how, precisely, the current practice of the SU will change if this bill is passed.
- ▶ Be clear, specific, and concise. This is not the same thing as being “technical.”
- ▶ **Do not** worry about making it sound like legislation.

▶ Get Committee Help

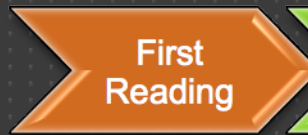
- ▶ If your bill is on something huge or complex that Council has a committee for, see if you can have the bill introduced at that committee and get the members to help you draft it (e.g. elections).

▶ Avoid tunnel vision

- ▶ Even if you have a specific section of a specific bylaw that you are trying to change, **do not** write a bill targeted that way. If you do, you’re likely setting your bill up to have unintended consequences (where it affects other parts of bylaw that you may not have thought of).



HOW



First Reading – Introducing the Bill

- ▶ Submit the bill
 - ▶ On time. You have 2 options:
 - ▶ Directly to the Council Order Paper
 - ▶ Via recommendation by a committee
- ▶ Debating “general principles.”
 - ▶ This basically means the following questions will be debated:
 - ▶ Is this an idea that Council will support, or not?
 - ▶ Does the bill as worded do what the proposer actually means for it to do?
 - ▶ If this is approved in first reading, does it provide Bylaw Committee with clear, comprehensive principles to guide the drafting of legislation?



HOW



Committee Stage

- ▶ The “Is this an idea that Council will support?” phase is over.
- ▶ When drafting, Bylaw Committee has to get technical, and translate the *principles* of the bill into revised (or new, or rescinded) bylaw
- ▶ Will be making sure that the changes are concise and true to intent
- ▶ Will be making sure that the overall bylaws of the SU are Clear, Repetitive, and NOT Redundant.



get technical

(verb)

Combing through every single provision of SU Bylaw and cataloguing exactly which ones the bill affects

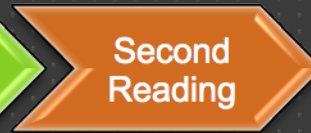
Re-writing bylaw, with careful attention paid to whether you use will or shall, must or should, commas or periods, proper apostrophe, list, and colon use, where the strikethroughs go, and what it actually means when you're done

Double-checking, and then double-checking again for errors

(custom definition, for exclusive use by the UASU Students'



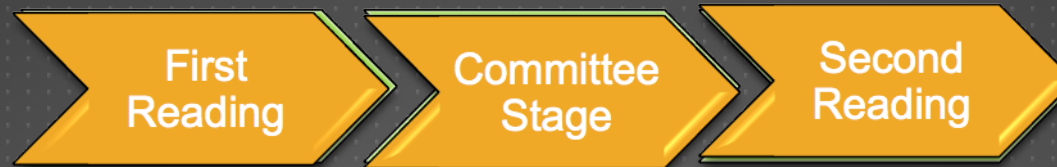
HOW



- ▶ Step 2 of 2 for “getting technical”
- ▶ Debate is on whether or not the Committee interpreted the principles correctly.
- ▶ Normally second readings don't fail.



MOTION: CARRIED



THAT'S IT.

▶ Questions?



IMAGE CREDITS

- ▶ Schoolhouse Rocks Bill:
<http://www.ocf.berkeley.edu/~lhom/misc.html>
- ▶ Time Cover: Wikipedia
- ▶ Unless otherwise stated, all other images are MS Office clipart or UASU property.

