

As per bylaw 8100, Section 4.4

The mandate of an Association is to act on behalf of and for its constituency. The Association is to conduct itself in a manner that is transparent, open, democratic, credible, accountable, and fiscally prudent. The roles of an Association are to:

1. Act as the official representative of its membership to the Students' Union and to the University of Alberta on student issues; Should they seek to advocate as official or unofficial representatives of their membership to groups outside of those listed above, they must disclose the parties involved and the content of these meetings to the Vice President External as outlined in section 11(2)
2. Provide services which are beneficial to its membership; and
3. Foster student engagement and a sense of community within its constituency.

[definition i: "Association" shall refer to a "Student Representative Association";]

As per bylaw 8100, Section 6.2

A Faculty Association shall be responsible for the oversight of all Departmental Associations, or other sub-groups within its constituency that it recognizes as being representative in nature. The Faculty Association shall exercise this oversight in a manner that conforms to the basic principles of the relationship between the Students' Union and the Faculty Associations, specifically:

1. The Faculty Association shall have the authority to recognize or derecognize the aforementioned groups;
2. The Faculty Association shall maintain consistent lines of communication with the aforementioned groups, both individually and collectively;
3. The Faculty Association's decisions pertaining to the aforementioned groups may be appealed to the Student Group Committee; and
4. The Students' Union reserves for itself the power to impose mandatory fees on the student body or any subsection thereof.

Based on my understanding of Bylaw 8100 and 8200, the Faculty Association (FA) is overseen by the SU, FA has to be in alignment with SU Bylaws and political policies. FAs do not have any decision-making power on their parent organization i.e. SU. The Students' Council as established by PSLA is the body that manages the SU which has seats for students to run and oversee the SU, however, FAs have no role in overseeing the SU. FAs do have the ability to advocate to the SU and represent their constituents. This framework helps the SU to oversee the FAs, create accountability-related policies, and manage the FAs as well. The SU Bylaws also expect and enable the FA to have the same jurisdiction over the departmental associations, the bylaws are very clear that "The Faculty Association shall exercise this oversight in a manner that conforms to the basic principles of the relationship between the Students' Union and the Faculty Associations"

Now theoretically we have a faculty association which has a board/council as its top decision-making body similar to the Students Council of SU, however, this FAs board/council instead of student-elected councillors have representatives (execs) of departmental associations (DA). These DA execs form a supermajority (75% or higher) on the FA's board/council. This creates a situation where the FA is supposed to oversee the DAs, but in this case, the FA is being overseen by

the DAs. Due to the voting share of DA execs, the FA is not able to fulfill its responsibility to oversee the DAs. The FA can no longer make decisions related to DAs without taking the confidence of the DAs, these decisions can be related to more accountability for Faculty Association Membership Fee (FAMF) collected by SU from students and given to DA under 8200.10.2.a. We have DAs deciding how they will jointly under name of FA oversee themselves.

The SU Bylaws explicitly give the FA ability to oversee the DAs in a manner that conforms to basic principles of the relationship between SU and FA, however, in this case, the FA has the ability and power from SU Bylaws, however, it doesn't have the means to exercise ability or power under its own structure.

My interpretation is that FAs should be free to choose a governance structure as they like under bylaw 8100, however, the governance structure of FA should still maintain the framework that is established by the SU Bylaws. The ability to exercise accountability and oversight as established by SU Bylaws must be adhered to by the FA bylaws. The FA must not decide to go with a governance model that gives the DAs the ability to control the FA and thus control the accountability and oversight over themselves.

This is a very tricky situation and thus this reference question is given to DIE Board, to understand the extent to which SU bylaws must sustain and the spirit must be respected. We have a situation in this theoretical situation where SU made FAs to oversee DAs as student money is being given to DAs by FA and then DAs start overseeing the FA with a supermajority on FA controlling board, leaving DAs to exercise oversight over themselves by controlling with supermajority on the FA board.

The question for DIE Board is, Would such a model where FA is being overseen by DAs with a supermajority and distorting the structure of oversight/accountability/decision making set by SU Bylaws for FAs and DA, be allowed within SU bylaws spirit/interpretation or not?

Should the DAs have the ability to control the decisions in any FA decision-making body that oversees them and also then have a supermajority or simple majority on such a body?