Submissions for the Intervener
Christian Zukowski, Speaker of Students’ Council

[1] The outcome of HA-08 has the potential to impact the outcome of HA-07 given that the issue brought forward here relates to the remedy requested by the Speaker. Given this, the Speaker wishes to make a brief submission to the Board in this case. The Speaker believes that the standard for admission as an intervener is met in this case because, as the Applicant in HA-07, the Speaker has a “material interest” in the outcome of HA-08, as per the Board Protocols at section 27(b).

[2] The core of these submissions is to point the Board to its own past decision: Sunday v. Students’ Council (Speaker), 2018-02.¹ While the Board is not bound by the precedent of its past decisions, the analysis contained within Sunday is relevant to the issue that the Applicant raises. Of particular relevance are paragraphs 7 to 16 of that decision.

[3] It is true that the Board is a ‘creature’ created by Students’ Council and therefore falls on the same spectrum as other bodies created by Council, including committees. However, these bodies do in fact fall on a spectrum in terms of their independence in operation and power. Even among committees, some have more power than others. Having a bylaw dedicated to itself, the Board is somewhat unique in relation to other bodies created by Council. Indeed, in Sunday, the Board held at para. 14 that, if the circumstances necessitate it as a just and appropriate remedy, the Board could disband Students’ Council altogether and call an election.

[4] The powers of the Board are both deep and broad and the analysis in Sunday points to a framework of applying such powers in a way proportionate to applications on a case by case basis. While the Board may decide to place a blanket limit on itself here, it is

respectfully submitted that the appropriateness and justness of a given remedy is better
decided in the context of a specific case and set of facts.

[5] On the specific issue of a conflict in bylaw between the provision of Bylaw 100 pointed
to by the Applicant in HA-08 and the powers of the Board under Bylaw 1500, the
Speaker has no submissions other than to point to the analysis in *Sunday*.