

**Submissions for the Respondent/Intervener
Christian Zukowski, Speaker of Students' Council**

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PART I: OVERVIEW AND STATEMENT OF ISSUE

[1] During the March 7, 2023, meeting of Students' Council, the Speaker determined that a loss of quorum does not immediately cause the assembly to adjourn. Further, the Speaker found that, on the basis of Robert's Rules of Order, the assembly could take steps to regain quorum even while it is not met.

[2] On March 22, 2023, Councillor Chanpreet Singh [the Applicant] submitted an application to the Board requesting that it provide an opinion on the following questions:¹

[a] "If the procedure used by council of voting on a motion without quorum was a violation of Roberston Rules or Council procedures?"

[b] "Does the motion to delay disbandment that was carried without quorum is valid?"

[c] "If the meeting should have been immediately adjourned upon loosing quorum or the motion to delay disbandment invalid?

[i] If Yes, then do the approval of 8a due to meeting continuing after loosing quorum and passing motions without quorum to prolong the meeting (without quorum) and wait vote on motion after few members rejoining, still is considered in effect?

[ii] If No, then do can the meeting always continue without quorum until quorum is reached?"

[3] In addition, the Applicant presents the following argumentation and positions in response to the above questions

[a] "When council loose its quorum, then it must be adjourned immediately upon losing the quorum. Any member should not be able to make a motion and then the

¹ *DIE Board 2022/23 Hearing Application 11 [HA11].*

council vote on it when the quorum is not present. Thus passing a delay adjournment motion without quorum and then consider the motion carried and effectively waiting for members to rejoin, must be against our procedures.”

[b] “The motion to delay disbandment of meeting was carried without quorum, and thus the meeting should be considered adjourned by the DIE Board and subsequent motion 8A which was passed after reaching quorum must be nullified or no forced.”

PART II: PRELIMINARY MATTERS

[4] As the Speaker of Council, I am mandated to represent Students’ Council before the DIE Board (section 8(1)(d), Bylaw 100). However, I have not received any particular instruction regarding *how* to respond to the HA11 in this case. As Speaker, I am also responsible for chairing all meetings of Students’ Council and administering the procedural regime set out in the *Standing Orders of Students’ Council* and *Robert’s Rules of Order*. As a result, my submissions in regards to *HA11* are not so much intended to dogmatically defend a specific action that either I or Council have taken, but to provide context surrounding the impugned action in this case and the procedural understandings that informed that action.

[5] A procedural question also arises regarding the Hearing Application. The Hearing Application requests a formal opinion/reference question from the Board in this case. However, at the end of the application, the Applicant requests a specific remedy: that “the meeting should be considered adjourned by the DIE Board and subsequent motion 8A which was passed after reaching quorum must be nullified or no forced.” While Bylaw

1500 categorizes different types of proceedings that the Board may adjudicate and while it is not necessarily impossible for the Board to make specific orders arising from a reference question or request for interpretation/opinion, it would be unusual. I submit that this categorization of types of applications, in part, signals to the parties what risk and liability they may face going into a hearing and allow them to prepare accordingly. In my experience, the requests for opinion do not generally result in the Board ordering remedies. However, given the ambiguity of the Hearing Application, I would appreciate clarification regarding whether this hearing is seeking an opinion or a remedy.

[6] Finally, there are currently Informal Resolution proceedings occurring under the Student Governance Code of Conduct (being Schedule C to Bylaw 100) relating to the obstruction of an official meeting of Student's Council. As a result, the information that I can share relating to the loss of quorum may be limited in public hearings.

PART III: STATEMENT OF POSITION

a) What rules apply?

[7] I submit that, as has been established elsewhere, our Students' Council is governed by a hierarchy of rules. The Students' Council Standing Orders [Standing Orders] are what primarily govern the operations of Council, but may also be filled in by inferior rules (such as Robert's Rules) or overridden by superior statutes (such as bylaw, provincial law, etc.) depending on the context. Insofar as quorum and procedure relating to it is concerned, Bylaw 100 at s. 10(1) states that the "quorum of Students' Council is a majority of its current voting membership." At the time of the March 7, 2023, meeting of

Council, Council has 28 voting members and the quorum would therefore have been 15 voting members.

[8] This, however, does not provide guidance on procedure where quorum is lost, so it is necessary to turn elsewhere. Standing Orders do not mention quorum at all, so Robert's Rules determines the process per section 1(1) of Standing Orders. The process that Robert's Rules sets out is described below.

b) *Loss of quorum and taking measures to regain it.*

[9] In regards to the evidentiary basis for the Board's decision, I respectfully submit that the main evidentiary record for this hearing should be the [Votes and Proceedings of the March 7, 2023, meeting of Students' Council](#) [the Votes and Proceedings].

[10] As the Votes and Proceedings note under item 8a, Council lost quorum as voting was beginning on a particularly contentious piece of legislation concerning the size of Students' Council. This was after Council had passed a motion for the previous question (effectively ending debate and moving the question to a vote). Three members of Council left following the adoption of the motion for the previous question and quorum was lost.²

[11] I recognize the Applicant's point that custom at Students' Council has been that, once quorum has been lost, the Speaker will generally adjourn the meeting. This custom is one that works within our context given that, unlike some assemblies, we have both scheduled meetings dates and a mechanism by which to call Special Meetings and no discussion is generally required to set a new meeting date. However, in more recent meetings Council has been voting to adjourn even where no scheduled business remains

² 2022/23 Students' Council Votes and Proceedings at 12.
<https://www.su.ualberta.ca/media/uploads/assets/CouncilVotes/SC-2022-23-VP-20230307.pdf>.

and the time at which Council adjourns has not been reached.³ Indeed, this discretion might be well captured by the Speaker’s discretion in section 1(2) of Standing Orders. While this custom has been employed in the past, given the contention of the situation and the palpable desire of members present to understand their options, I found it to be prudent to confirm the proper process with Robert’s Rules of Order. Upon consulting those rules I found that, while a customary practice may inform the procedure of an assembly, it must give way to written rule when a conflict of custom and rule arises.⁴ Therefore, a need to determine procedure for a loss of quorum arose.

[12] In further consulting Robert’s Rules, I identified a section titled “Proceedings in the Absence of Quorum” which states that “if the chair notices the absence of a quorum [during a meeting], it is his duty to declare the fact, at least before taking any vote or stating the question on any new motion – which he can no longer do except in connection with the permissible proceedings related to the absence of a quorum.”⁵ The question then becomes, what are the permissible proceedings that Students’ Council might have initiated?

[13] In the following section, Robert’s Rules describes proceedings that an assembly can take in the absence of a quorum. This includes “fixing the time at which to adjourn, adjournment, recess, or to take measures to obtain a quorum” [emphasis added].⁶

[14] What occurred at the March 7, 2023, meeting of Council, as noted in the Votes and Proceedings, is a motion to “delay disbandment of the meeting and seek members able to

³ See, for instance, at the end of “Board and Committee Business” at the February 21, 2023, meeting of Council: <https://www.su.ualberta.ca/media/uploads/assets/CouncilVotes/SC-2022-22-VP-20230221.pdf>.

⁴ Robert’s Rules of Order Newly Revised [RONR] (12th Ed.) at 2:25.

⁵ RONR (12th Ed.) at 40:12.

⁶ RONR (12th Ed.) at 40:7.

attend to regain quorum (quorum was not present at the time of this motion).”⁷ This motion passed unanimously, though in the absence of quorum, with 13 members in favour. However, does the motion fall within the scope of “procedural actions” or should it be null and void per Robert’s Rules?

[15] While the wording of the motion differs from that suggested in Robert’s Rules, I respectfully submit that the substance of the motion aligns with the intent of procedural motions allowed in the absence of quorum. The motion made no attempt to act on substantive questions before Council, like the contentious bylaw amendment that had been previously debated. Instead, it was a simple (an unanimous) agreement to remain in the room (or on Zoom) and attempt to regain quorum by contacting voting members who were not present.

PART IV: CONCLUSION

[16] As mentioned above, I am not here to provide specific argumentation regarding how the Board should act in response to *HAI1* and I have no desired outcome in terms of opinion or remedy. Instead, I hope to have sufficiently characterized the motions, procedural considerations, and decision-making that have led to the Hearing Application. As always, I welcome any insight that the Board can provide in these instances of conflict over procedure.

⁷ 2022/23 Students’ Council Votes and Proceedings at 12.
<https://www.su.ualberta.ca/media/uploads/assets/CouncilVotes/SC-2022-23-VP-20230307.pdf>.