University of Alberta Students’ Union

AGENDA

BYLAW COMMITTEE

Date: Thursday, August 28th, 2014
Time: 6:00 p.m.
Location: SUB 6-08

1) Approval of the Agenda

2) Approval of Minutes

3) Chair’s Business
   a) Agenda changes
   b) Bylaw Calendar
   c) Fall meeting schedule

4) Drafting Referendum & Plebiscite Questions

5) Drafting Bylaws
   a) Access Fund Bill (First principles)
      i) Due to the transfer of the administration of the Access Fund to
         the Office of the Registrar, an administration budget is no
         longer needed from the Access Fund
      ii) Students should have meaningful representation on the appeals
           board and process
      iii) Students should have meaningful input and approval of the
           policies governing the Access Fund
      iv) Students should have final approval over the disbursement of
           the Access Fund
   b) SERC Bill (First Principles)
      i) Given that the Social and Environmental Responsibility
         Committee is a sub-committee of the executive, it should not
         report to Council.
      ii) SERC recommendations will typically be extremely
          operational and detail oriented, for example, it deals with
          things like placing compost bins for paper towels in
          washrooms. This level of detail is outside the purview of what
          Council should and can feasible handle according to bylaw and
          long-established practices. Further, the executives have access
          to the additional information they need to asses the full impact
          of these recommendations on the SU such as financial health,
          operational policies and general operational knowledge.
Council may direct generally what executives do and executives will enact those principles through bodies like SERC. Essentially, SERC is a means for the executive to do what Council has already ordered, and Council does not need to be involved in that level of detail of execution. Doing so undermines the ability of the executives to efficiently enact what Council has told them to do already.

iii) When SERC makes recommendations that require Council's approval they will be brought to Council to consider. This broad view is Council's role in SERC, and a further, more-detailed role is unnecessary and cumbersome to the organization.

6) General Orders

7) Discussion Items
   a) Bylaw 8100
   b) Committee Attendance Standing Orders
      i) Bylaw 100 (Section 7), Bylaw 100 (Section 15), Bylaw 100 (Section 16)
      ii) Decision: Attachment 1

8) Other Matters Referred by Council

9) Editorial Amendments for Bylaws
   a) Reviewing Draftspersons for Each Bylaw:
      i) ALLARD will be responsible for Bylaws 2500 and 8400.
      ii) 6000 and 8200 were assigned to former member FAROOQ.
      iii) HUDSON will be responsible for Bylaws 0500 and 5600.
      iv) ZHANG will be responsible for Bylaws 0100 and 1500.
      v) 8100 and 4000 were assigned to former member MAKHDOOM.
      vi) 1100 and 3000 were assigned to former member MOHAMED.

10) Confirmation of Next Meeting Date
    a) Next meeting of the Bylaw Committee will be on Thursday, August 10th, 2014 at 6:00 p.m. in SUB 6-08

11) Adjournment
The following decision was made unanimously.

[8] The panel finds that Bylaw 100 is silent with regards to whether standing orders issued by standing committees can concern removal of members from them.

[9] The panel recognizes that according to Bylaw 100 Section 15, standing committees may adopt standing orders so long as they do not interfere with legislation.

[10] The panel rejects the interpretation of Bylaw 100 Section 15 referring to standing committees having the authority to remove members by inserting clauses of standing orders. Bylaw 100 section 7 states that Students’ Council shall select the composition of standing committees. This section has been interpreted to imply that ultimate authority to determine the final composition of standing committees lies with Students’ Council, as Council has the authority both to select the initial members and to fill any vacancies that may arise with their candidate of choice. Of note, the majority of standing orders from standing committees which have adopted removal procedures implicitly acknowledge Council’s authority on this matter, as provisions for recommending the removal of a voting member leaves the final decision to Council. Since it has been established in [9] that standing orders may not interfere with legislation, standing committees cannot make standing orders conflicting with this principle.

[11] The panel finds that certain committees have issued standing orders which are in contravention to the principle that bylaws supersede standing orders. The Nominating Committee has a standing order allowing for automatic removal of members following repeated absences, bypassing the authority of Council. It is the D.I.E. Board
panel’s opinion that these standing orders contravene the intent of Bylaw 100 Section 7 by giving the standing committee the right to determine its composition independent of the desires of Council and shall hereafter be held to be invalid.

[12] The panel recommends that the Students’ Council Bylaw Committee clarify Bylaw 100, Section 7 to provide clear guidance on whether Students’ Council may allow standing committees unilateral authority to determine their composition without prior approval by Students’ Council. This authority must be explicitly delegated by Council. Alternatively, Council may also adopt bylaws outlining criteria for ongoing membership in standing committees if so desired. In the absence of changes, as stated in [10], Students’ Council shall have the power to make decisions in regards to composition of standing committees, encompassing nomination and removal.