

DISCIPLINE, INTERPRETATION AND ENFORCEMENT BOARD

Citation: Reference re Composition of Faculty Association, 2022-07

REQUESTED BY:

Chanpreet Singh, SU Councillor

Applicant

SECTION 3.1(d) DECISION BYLAW 1500

Panel Members: Sarah Rhydderch, Chief Tribune
Olive Bensler, Associate Chief Tribune
Hamza Mandour, Tribune

Hearing Date: None

Witnesses for the applicant: None

Application denied.

The reasons of the Board are delivered by Rhydderch CT, Bensler ACT, and Mandour T:

REFERENCE QUESTIONS AS SUBMITTED:

[1] The questions to this Board, as submitted by Councillor Chanpreet Singh [“the applicant”], are:

- 1) Would [...] a model where [a Faculty Association (FA)] is being overseen by [a Departmental Association (DA)] 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?

- 2) 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?

LEGISLATION

[2] Students' Council has created a legislative scheme to govern the actions of Faculty Associations and ensure they act on behalf of their constituents. This legislative scheme is found primarily in Bylaw 8100, and to a lesser extent in Bylaw 100.

Bylaw 8100: Student Representative Associations

[3] For the purposes of this application, the most relevant portions of Bylaw 8100 are sections 4.4, 5.4(g) and 6.2.

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.*

Bylaw 8100, section 5.4(g):

5. The members of an Association have the following rights:

g. Any disagreement around the authority of any two Student Representative Associations in the context of overlapping constituencies will be resolved by the Student Group Committee.

i. Decisions made by Student Group Committee under the authority of section 5(7) of this bylaw shall be guided by the following principles

- a. Additional Collaboration between SRAs is a positive outcome*
- b. Organizations whose mandate more closely aligns with an issue should have more authority on said issue*

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.*

Bylaw 100 Schedule C: The Student Governance Code of Conduct

[4] Bylaw 100 Schedule C 6 provides all members of student governance with a code of conduct which must be adhered to. The provision which is most relevant for the purpose of this application is Section 6, which details when a conflict of duty is present and the method about which it can be resolved.

Bylaw 100 Schedule C, Section 6 - Conflict of Duty:

6.1 A student representative has a Conflict of Duty when their responsibilities conflict with duties to other organizations.

6.2 A member of Students' Council shall disclose any real or perceived Conflict of Duty to the Speaker or Chair of their Standing Committee and the other organization(s) in question in a prompt and forthcoming manner.

6.3 Should a Students' Council representative disclose a potential Conflict of Duty, Students' Council shall decide by a two-thirds majority vote whether the official has a Conflict of Duty sufficient to prevent participation in a discussion or decision.

6.3.1 Representatives may, at their discretion, join and participate in organizations that will help them fulfil their core roles and responsibilities.

6.3.2 Representatives do not automatically suffer from a Conflict of Duty by serving in General Faculties Council, student groups, or Student Representative Associations.

6.3.3 A real or perceived Conflict of Duty may constitute Professional Misconduct, particularly if it brings the UASU into disrepute.

6.4 In the interests of the welfare and reputation of UASU members, representatives should make every effort to serve all positions in or outside the UASU faithfully. Nevertheless, if a representative holds multiple representative positions, the responsibilities held as a Student Councillor take the highest priority.

SUMMARY OF FACTS

[5] On July 20, 2022, the Applicant referred to this Board a question arising from Students' Union Bylaw 8100. The Applicant is seeking guidance from this Board on whether members of Departmental Associations ["DA"s] can make up a supermajority of their Faculty Association ["FA"]

[6] The Applicant has expressed concern that a hypothetical situation in which a FA is composed of a supermajority of DAs may prevent the FA from effectively overseeing the DAs.

ANALYSIS

[7] The Applicant refers this question to the Board under s. 3(1)(d) of Bylaw 1500. Under this section, the task of the Board is to provide an opinion on "policies, actions, decisions and events" of the Students Union.

[8] The DIE Board is hesitant to address questions of hypothetical situations in cases where processes and remedies are already in place to deal with them. Should this situation become a reality, it would be a Conflict of Interest covered under *Bylaw 100(c)(6)* "**Conflict of Duty**" as well as *8100 5(4)(g)* which state that disagreements around authorities of any two Student Representative Associations, for example the Faculty Association and Departmental Association, will be resolved by the Student Group Committee.

[9] If, in the applicant's view, the Departmental Association can end up controlling the executive of the Faculty Association to the detriment of other Student Representative Associations, this could either be reported to the Student Group Committee or addressed via the legislation of the particular Student Representative Association (8100 9).

[10] Under Section 15 of the *DIE Board Protocol*, the Board is permitted to reject applications which are deemed to be “frivolous, vexatious, or of having no chance of success”. Due to the fact that a situation such as the one described by Singh would not fall under the jurisdiction of the DIE Board, but rather the Student Group Committee, the Board deems this application to have no chance of success.

CONCLUSION

[11] After reviewing the submission, the Board declines the application for a hearing on this question.

[12] The role of the DIE board is not to decide who among the student body can occupy a position on one or multiple committees. Any conflicts that may or may not arise at that time would be taken up on appeal on a case by case review.

[13] If a circumstance arises in which Singh’s situation arises and the Student Group Committee’s decision on the matter has been appealed, the DIE Board would be prepared to hear that application.