

# DISCIPLINE, INTERPRETATION, AND ENFORCEMENT BOARD

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**Citation:** Reference Re: Programs in Departmental Associations;  
Decision 12/08-2022

**Applicant:** Chanpreet Singh, SU Councillor

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**Panel Members:** (Chair) Sarah Rhydderch, Chief Tribune  
Scott Parker, Associate Chief Tribune  
Rebekah Mitchell, Tribune

**Panel Review Date:** August 9, 2022

**Witnesses for the Applicant:** n/a

**Witnesses for the Respondent:** n/a

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The reasons of the unanimous Board are delivered by S. Parker.

## **LEGISLATION:**

[1] Students' Council has created a legislative scheme to govern the actions of Departmental Associations and their recognition. The relevant legislative scheme for this interpretation is found in Bylaw 8100.

### **Bylaw 8100 Student Representative Associations**

#### ***3. Definitions***

*1) For the purposes of this Bylaw:*

*(e) “Student Representative Association” shall refer to any association of undergraduate students that represents a definable and enumerable constituency, to which Students’ Council exclusively delegates its representative authority;*

*(i) “Association” shall refer to a “Student Representative Association”;*

*(l) “Departmental Association” shall be any association of students, based upon enrollment in an academic department or program that is recognized as such under this bylaw and the appropriate legislation of an “Association”;*

#### **4. Roles and Mandate**

*2) Every Faculty will be represented by one and only one Faculty Association, every Campus will be represented by one and only one Campus Association, every Residence will be represented by one and only one Residence Association and every Department will be represented by one and only one Departmental Association.*

*3) Every Faculty Association, Campus Association, Residence Association and Departmental Association is a Student Representative Association.*

#### **5. Membership**

*1) The base membership:*

*d) Of a Departmental Association shall be defined as any undergraduate student enrolled in a major, minor, or program of study in that department or program.*

#### **6. Delegation**

*1) Departmental Associations may be delegated authority by the Students’ Union, through their Faculty Associations, to be official representatives for students in their department or program, as well as provide advocacy and community building roles.*

*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:*

- a) *The Faculty Association shall have the authority to recognize or derecognize the aforementioned groups;*
  - b) *The Faculty Association shall maintain consistent lines of communication with the aforementioned groups, both individually and collectively;*
  - c) *The Faculty Association's decisions pertaining to the aforementioned groups may be appealed to the Student Group Committee; and*
  - d) *The Students' Union reserves for itself the power to impose mandatory fees on the student body or any subsection thereof.*
- 3) *A Faculty Association shall maintain a schedule of its Departmental Associations, and other sub-groups, if such exist, which shall be provided to its membership and/or the Students' Union upon request.*

### **8. Recognition**

- 4) *In order to be recognized as a Departmental Association, said Association shall comply with Student's' Union Bylaw 8100 where it refers to Departmental Associations, Students' Union Bylaws regarding Student Groups, and their Faculty Association's legislation.*

### **FACTS**

[2] On August 3, 2022, Chanpreet Singh (Mr. Singh), a Councillor of the University of Alberta Students' Union (UASU), submitted a reference question to the Discipline, Interpretation and Enforcement Board (The Board). As per Bylaw 1500(4)(2), Councillors have standing to submit reference questions to The Board to clarify Bylaws and their meaning.

[3] Mr. Singh submits that there is ambiguity in the Bylaws related to whether programs can be their own Departmental Associations, or if a department can be represented by more than one Departmental Association. Notably, Mr. Singh looks for clarity between the wording of two potentially conflicting Bylaws: 8100(4)(2) and 8100(3)(1)(1).

[4] Bylaw 8100(4)(2) states clearly that "every Department will be represented by one and only one Departmental Association.", but Bylaw 8100(3)(1) defines a Departmental Association as based on enrollment in an "academic department or program" that is recognized under Bylaw

8100. Mr. Singh submits that the definition in 8100(3)(1)(1) suggests that a Departmental Association is based on enrollment in a department OR a program, leading to the possibility that a program may have its own Departmental Association. If more than one program was a Departmental Association, this would contradict Bylaw 8100(4)(2) and that department is no longer represented by “one and only one Departmental Association”, as per 8100(4)(2).

[5] During the Hearing, The Board asked Mr. Singh for examples where a department was represented by more than one Departmental Association. Mr. Singh requested an off-record discussion of a particular Departmental Association or Associations. The Board declined the request to go “off-record” as hearings are public, and transparent decision-making is an important part of the adjudication process. The Board would have appreciated the opportunity to hear from the specific Departmental Association or Associations concerned, as they would be an interested party in the outcome of this reference. There may be mitigating circumstances regarding multiple Departmental Associations, such as recognition prior to Bylaw 8100(4)(2) being enacted, or merging of departments.

[6] Mr. Singh then provided a helpful example within the Faculty of Engineering. The Faculty of Engineering has the Department of Electrical & Computer Engineering, a single department. However, Schedule 8100 identifies two different Departmental Associations within that single department: The Computer Engineering Club and the Electrical Engineering Club. Although this would seem to violate Bylaw 8100(4)(2), it is likely the Electrical Engineering Club was duly recognized prior to the creation of the Bylaw: The Electrical Engineering Club has existed since 1939. It is not clear to The Board if other departments with more than one Departmental Association are also a result of legacy associations.

## **ISSUE**

[7] The issue before The Board is:

- 1) *Do the Bylaws of the University of Alberta Students' Union allow a program to be its own Departmental Association?*
- 2) *Can a department have more than one and only one Departmental Association?*

## **ANALYSIS**

[8] There are a number of Bylaws that come into effect in determining the composition of a Departmental Association. These Bylaws guide The Board's reasoning in this decision.

[9] The Board uses the modern, principled approach to statutory interpretation, which requires that we examine the wording of the Bylaws in their entire context and with consideration of the overall scheme of the legislation. If there are different interpretations that can be made based on reading the Bylaws, The Board will look for the interpretation that is the most consistent with the intentions of the overall legislative scheme.

[10] Turning first to the two Bylaws identified by Mr. Singh: 8100(4)(2) and 8100(3)(1)(1). Bylaw 8100(4)(2) states clearly that each department can be represented by "one and only one Departmental Association". The intent of the Bylaw is that each department can only be represented by one Departmental Association. The Board's interpretation of Bylaw 8100(4)(2) is that the Bylaw sets a clear limit on the number of Associations that can represent a Faculty, Campus, Residence and Department. There is no consideration in 8100(4)(2) for a "Program Association".

[11] The second Bylaw identified by Mr. Singh is 8100(3)(1)(1), which defines a Departmental Association as "any association of students, based upon enrollment in an academic department or program" that is recognized as such by the Bylaws. This creates some confusion, as the Bylaw may be interpreted that a Departmental Association is based on enrollment in a department, or that a Departmental Association is based on enrollment in a program, or a Departmental Association could be based on both. The purpose of this bylaw is to define which students can constitute a Departmental Association: it is based on enrollment. The students can be enrolled in the academic department or the program within that department. This Bylaw does not conflict with 8100(4)(2), but only serves to indicate that Departmental Associations must represent students within that department, or within programs that exist within the department.

[12] Base membership of a Departmental Association is described in Bylaw 8100(5)(1)(d) and sheds further light on the issue. Membership of a Departmental Association includes any undergraduate students enrolled in a program of study in that department or program. The Board

considers this to mean that membership includes all those enrolled in that department or in any program within that department.

[13] The above Bylaws indicate there can be one and only one Departmental Association for any department as per Bylaw 8100(4)(2). Programs within a department would be recognized within the relevant Departmental Association. However, if a program was to be recognized under the Bylaws as a Departmental Association, that program would be a legitimate Departmental Association. But in such a case, no other Departmental Association could be recognized, as that would contravene the “one and only one” rule in Bylaw 8100(4)(2). So in this scenario, a program could be a Departmental Association if it met all the requirements for recognition.

[14] Delegation under Bylaw 8100(6)(2) allows a Faculty Association to be responsible for oversight of all Departmental Associations, “or other sub-groups within its constituency that it recognizes as being representative in nature.”. 8100(6)(2)(a) gives the Faculty Association the authority to recognize or derecognize Departmental Associations within the Faculty, or other sub-groups that are representative in nature. The decisions of the Faculty Association can be appealed to the Student Group Committee. This provides some flexibility for the Faculty Association to determine if a sub-group, including a program, can be considered as a Student Representative Association, notably a Departmental Association. But again, a Departmental Association must comply with the “one and only one” limitation.

[15] Bylaw 8100(8)(4) provides the criteria for being recognized as a Departmental Association. The proposed Association must comply with Students’ Union Bylaw 8100 regarding Departmental Associations, Students’ Union Bylaws governing student groups (mostly regarding student group conduct), and the relevant Faculty Association’s legislation. To be duly recognized as a Departmental Association, that association must comply with the Roles and Mandates set out in Bylaw 8100(4)(2): “every Department will be represented by one and only one Departmental Association.”.

## **CONCLUSION**

[16] The first issue before The Board is:

*Do the Bylaws of the University of Alberta Students' Union allow a program to be its own Departmental Association?*

[17] The answer provided by The Board is:

*Yes. If a program is recognized as a Departmental Association under the Bylaws, then that program can be a Departmental Association.*

[18] The second issue before The Board is:

*Can a department have more than "one and only one" Departmental Association?*

[19] The answer provided by The Board is:

*No. Bylaw 8100(4)(2) is clear that every Department will be represented by one and only one Departmental Association.*

## **REMEDY**

[20] The Board directs that departments having more than one existing Departmental Association shall keep those Departmental Associations. Existing Departmental Associations that do not comply with Bylaw 8100(4)(2) shall continue to operate, as they have already been recognized. The Board understands that over the past decades there have been departmental reorganizations that may have contributed to more than one Departmental Association, for example when two departments are merged as one. Additionally, there are Departmental Associations at the University of Alberta that have existed, in one form or another, for many decades. Many of these associations would likely pre-date the current Bylaws around recognition.

[21] The Board directs that all future Departmental Associations that are recognized must comply with Bylaw 8100(4)(2). No proposed or future Departmental Associations can be recognized under Bylaw 8100(8)(4) if it results in a department being represented by more than one Departmental Association. For a Departmental Association to be recognized, it must comply with the "one and only one" rule in 8100(4)(2).

[22] The Board also recognizes that the spirit and intent of Departmental Associations is to represent different student groups within each Faculty. It may be the case that one department has diverse programs within the department that are best served with individual associations.

Additionally, future departmental mergers may result in a loss of Departmental Associations that represent unique student groups, which is contrary to the spirit of student representation.

[23] Finally, The Board recommends the Students' Council and the Bylaw Committee of the UASU review Bylaw 8100(4)(2) to ensure the bylaw accurately reflects the intent of governance for Departmental Associations and that restrictions placed on Departmental Associations are in the best interests of students.