

STUDENTS' COUNCIL LATE ADDITIONS

Tuesday February 5th, 2013
Telus 134

LATE ADDITIONS (SC 2012-20)

- | | |
|------------|---|
| 2012-20/1 | <u>SPEAKER'S BUSINESS</u> |
| 2012-20/2 | <u>PRESENTATIONS</u> |
| 2012-20/3 | <u>EXECUTIVE COMMITTEE REPORT</u> |
| 2012-20/4 | <u>BOARD AND COMMITTEE REPORTS</u> |
| 2012-20/4a | Ruling 2012-05 of the DIE Board (Kelly (GSJS) re: bylaw 500)
Please see document LA 12-20.01 |
| 2012-20/5 | <u>QUESTION PERIOD</u> |
| 2012-20/6 | <u>BOARD AND COMMITTEE BUSINESS</u> |
| 2012-20/7 | <u>GENERAL ORDERS</u> |
| 2012-20/8 | <u>INFORMATION ITEMS</u> |
| 2012-20/8d | BFC Summary Report
Please see document LA 12-20.02 |
| 2012-20/8e | Cian Hackett leave of absence
Please see document LA 12-20.03 |
| 2012-20/8f | Students' Council 2012/2014 Seat Distribution
Please see document LA 12-20.04 |
| 2012-20/8g | Brent Kelly BoG Rep- Report
Please see document LA 12-20.05 |
| 2012-20/8h | Andy Cheema, VP Operations and Finance- Report
Please see document LA 12-20.06 |

DIE Board Ruling 2012-5

Hearing Details:

Style of Cause: Kelly (GSJS) re: Bylaw 500

Hearing Date: January 31st, 2013

Hearing Number: Ruling # 05 2012/2013

DIE Board Panel Members: Sean Wallace, Chief Tribune

Eve Coppinger, Tribune

Roy Ho, Tribune

Issues:

[1] What is the definition of a “record” with respect to Bylaw 500?

[2] What time limit does the SU have to respond to information requests under Bylaw 500?

[3] Is there an underlying assumption in Bylaw 500 that all records are public and the SU needs to prove that they're confidential, or is the underlying assumption that all records are confidential and the applicant needs to prove that they're public?

[4] If there is a dispute whether the release of a record reveals *in camera* proceedings or compromises the SU's legal position, will the SU need to prove their claims if it is challenged in a DIE Board hearing?

[5] If a record contains personal or otherwise confidential information, does the SU have an obligation to redact that information from said record and release it, or can the SU issue a blanket refusal to release a record because of the confidential information contained in it?

[6] May requestors pre-emptively submit Bylaw 500 requests to DIE Board?

[7] Do receipts and invoices resulting from unbudgeted spending approved *in camera* have protection from disclosure under Bylaw 500?

[8] In other areas where Bylaw 500 is silent, may the SU and information requestors rely on the following documents for guidance (a) Part 1 of Alberta's *Freedom of Information and Protection of Privacy Act*: "Freedom of Information"; (b) Orders of the Information and Privacy Commissioner of Alberta?

Relevant Legislation:

[9] From Bylaw 0500(1)

"1. (1) Every Students' Union document or record that has been specifically designated as such in the Standing Orders of Students' Council is strictly confidential.

(2) Every Students' Union document or record is confidential that has not been designated strictly confidential and that

- . (a) relates to the employment of any Students' Union employee;
- . (b) includes the minutes or otherwise reveals the proceedings of any *in camera* portion of a meeting of Students' Council, the Executive Committee, the Discipline, Interpretation, and Enforcement Board, or any committee thereof; or
- . (c) if divulged, could compromise the legal position or business competitiveness of the Students' Union.
- . (d) personal information of volunteers

(3) Every Students' Union document or record is public that is neither strictly confidential nor confidential."

[10] From Bylaw 0500(4)

“4. Any member of the Students’ Union requesting a copy of a public Students’ Union document or record shall be provided such a copy, at a cost to that member not exceeding the cost of the document or record’s retrieval and reproduction.”

[11] From DIE Board Protocols s 21 (Burden of Proof)

“With respect to any alleged infringement of Students’ Union legislation or rules, the burden of proof of any facts lies on the Applicant.”

Decision:

The Panel made the decision below unanimously.

[12] For the purposes of Bylaw 500, the Panel is comfortable using the definition of “record” as found under the *Personal Information Protection Act*. Under this statute, a “record” means a record of information in any form or in any medium, whether in written, printed, photographic, or electronic form or any other form, but does not include a computer program or other mechanism that can produce a record.

[13] The Panel sets only a *reasonable* time limit for the SU to respond to information requests. The issue in specifying a specific time frame is that it is entirely dependent on the nature of the record requested. If the requestor feels that the SU is taking an unreasonable amount of time to respond to an information request, they may submit a challenge to DIE Board.

[14] The Panel agrees that when the SU responds to information requests, it is their responsibility to label information as public or confidential. If the information is confidential, it is also the SU’s responsibility to specify why the document is confidential under Bylaw 500(1)(2). For example, when replying to an information

request, the SU must state that the information is confidential because it relates to the employment of any SU employee, or it could compromise the business competitiveness of the Students' Union. No further details are necessary.

[15] If the requester disagrees with the SU's assertion that the information is confidential, they may bring a challenge to DIE board. Since the information is allegedly confidential, the hearing will be *in camera* between the SU and DIE Board, where the latter will assess the record to determine if it is valid for the information to remain confidential, pursuant to Bylaw 500.

[16] While DIE Board Protocol s 21 states that the burden of proof of any facts lies on the Applicant (in this case the information requestor), this is impractical in these circumstances, as the Applicant does not have permission to view the allegedly confidential documents to determine relevant facts.

[17] Consistent with the above reasoning, if there is a dispute whether the release of a record reveals *in camera* proceedings or compromises the SU's legal position, and that dispute results in a DIE Board hearing, the SU will need to prove their claims to the Panel in an *in camera* hearing.

[18] If a record contains personal or otherwise confidential information, there is nothing in Bylaw 500 that obliges the SU to redact that information from said record and release it. As such, the SU is not required to redact information, although they are certainly able to redact should they choose. However, in recognizing the importance of redacted documentation, the DIE Board does have the power to redact information from a record and deem the redacted record public. Further recognizing that this authority might unnecessarily burden the DIE Board should it become the only authoritative "redacting body," the Panel

strongly recommends to Bylaw committee to add to Bylaw 500 regarding the redaction of information.

[19] Requestors may not pre-emptively submit Bylaw 500 requests to DIE Board. The Applicant argued that this was necessary to prevent information from being altered or destroyed once requested. The Panel does not agree with this reasoning, as such a fear would not be resolved by a DIE Board request that a record be preemptively frozen. Instead, the Panel recommends that any requestor first attempt to request a record directly from the SU, and if rebutted by reason of confidentiality, raise a challenge with DIE Board if they feel the rebuttal was unjust.

[20] Receipts and invoices resulting from unbudgeted spending approved *in camera* do have protection from disclosure under Bylaw 500. However, the requestor still has the power to raise a challenge with DIE Board if they feel the rebuttal by reason of confidentiality was unjust.

[21] Where Bylaw 500 is silent, discretion lies solely with DIE Board. The Panel recognizes that provincial privacy laws may be helpful interpretive aids that can be brought to DIE Board. However, the provisions of these laws might apply differently to the Students' Union relative to other government entities & companies, and thus will be dealt with on a case-by-case basis.



BFC MEETING SUMMARY REPORT TO COUNCIL

Date: **January 21, 2013**

Time: **4:10 pm**

2011 – 2012 **MEETING #5**

Motions

1.	HODGSON moved that <i>January 21 agenda be approved as tabled.</i>	CARRIED 5/0/0
2.	CRONE moved that <i>August 29 minutes be approved as tabled.</i>	CARRIED 3/0/3
3.	CHEEMA moved that <i>the meeting be moved into closed session at 4:55 pm to discuss New Business.</i>	CARRIED 4/0/0
4.	CHEEMA moved that <i>the Budget and Finance Committee recommend that Students' Council approve an increase of \$10,000 to the 501 Legal Fees budget.</i>	CARRIED 4/0/0
5.	CRONE moved that <i>the meeting be adjourned.</i>	CARRIED 4/0/0

TO: Sean Wallace, Chief Tribune, D.I.E. Board
Amanda Henry, Student Governance Advisor and Registrar, D.I.E. Board
Farid Iskandar, Chief Returning Officer
Rory Tighe, Speaker of Students' Council

January 30, 2013

To Whom It May Concern:

I have agreed to serve as a campaign manager for a candidate in the Students' Union's Executive and Undergraduate Board of Governors Representative elections occurring March 6 and 7, 2013. To avoid any conflicts of interest related to this and my role as Associate Chief Tribune, I will not be serving on any D.I.E. Board panels related to the aforementioned elections, effective immediately.

I apologize for the additional strain placed on the D.I.E. Board caused by this decrease in capacitance, and I look forward to continuing to serve on the D.I.E. Board after my absence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cian Hackett', written in a cursive style.

Cian Hackett
Associate Chief Tribune, D.I.E. Board

Students' Council Seat Distribution for 2013/2014

Enrollment numbers current as of January 30, 2013.

Faculty Code	Faculty Name	Enrollment	Enrollment/Threshold	Seats by Minimum	Seats by Threshold	Remainder	Greatest Remainder	Total Seats 2013/2014	Total Seats 2012/2013	Change
AH	Agricultural, Life & Environmental Sciences	1591	1.71	0	1	0.71		1	1	0
AR	Arts	5761	6.21	0	6	0.21		6	6	0
AU	Augustana	1003	1.08	0	1	0.08		1	1	0
BC	Business	1781	1.92	0	1	0.92	1	2	2	0
ED	Education	3153	3.40	0	3	0.40		3	3	0
EN	Engineering	3911	4.21	0	4	0.21		4	4	0
LA	Law	521	0.56	1	0			1	1	0
MH	Medicine & Dentistry	1078	1.16	0	1	0.16		1	1	0
NS	Native Studies	128	0.14	1	0			1	1	0
NU	Nursing	1297	1.40	0	1	0.40		1	1	0
OS	Open Studies	1098	1.18	0	1	0.18		1	1	0
PE	Physical Education & Recreation	948	1.02	0	1	0.02		1	1	0
PH	Pharmacy	499	0.54	1	0			1	1	0
SA	Faculté St. Jean	534	0.58	1	0			1	1	0
SC	Science	6401	6.90	0	6	0.90	1	7	7	0
TOTAL	Total Undergraduate Students	29704		4	26		2	32		

Students' Council Seats Available: 32 seats
 Threshold: 928.25 students/seat
 Minimum seats for each faculty: 1 seat

Seats distributed by Minimum: 4 seats
 Seats distributed by Threshold: 26 seats
 Seats distributed by Greatest Remainder: 2 seats

5% of undergraduate students: 1485 students
 15% of undergraduate students: 4456 students

February 5th, 2013

To: Students' Council

Re: Report to Council

Hey Council,

Before I proceed with my report, I would like to acknowledge that our university and our Students' Union are on Indigenous land. Specifically: Cree, Saulteaux, Metis, Blackfoot, and Nakota Siou.

They are faculty, staff, students, family, and friends, and they are still here. I acknowledge that we meet on treaty 6 territory. That treaty governs the relationship between first-nations and non-first nations citizens. I am thankful for this opportunity for us to meet on this land today. This statement will be included at the front of my report to council until either the time that my term ends, or Council moves to makes a similar statement available for public viewing.

To raise awareness of the SU and the upcoming elections, I decided to set up a 'meet your representative' table in SUB. The first tabling session was a success so I decided to table again this week. Apparently the Grant MscEwan SU have mandatory tabling sessions for their representatives throughout the year. Given the positive response my tabling has been getting, maybe our SU should look at establishing a similar program.

This coming Friday I have a meeting of the Board and the Budget Finance & Property Committee (BFPC). I'm really looking forward to it, as we'll likely be discussing the provincial budget.

Hopefully the provincial government will find the courage to keep post-secondary education as accessible to Albertans as possible. But, frankly, given this government's track record, I'm not terribly optimistic.

Regardless, I'm glad to have the opportunity to have an active role in the conversation at the Board level. Hopefully we'll have the opportunity to discuss executive compensation here at the U of A – some serious work needs to be done to curtail inflationary salaries within our administration.

That's about it for now. I'm looking forward to seeing you folks at Council. As always, if you have any questions, comments, or concerns, please do not hesitate to be in touch.

In Solidarity,

Brent Kelly

Undergraduate Board of Governors Representative 2012-2013 | [University of Alberta Students' Union](#)

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February 5, 2012

To: Students' Council

Re: Report to Council

Hello Council,

Below are the highlights since my last report.

SUB Renovations

An update on Schematic Design and financing will be presented at this meeting.

Facilities Development Committee

The highlight of the January FDC meeting was a presentation of the seven pillars of sustainability for South Campus. The document is available online if anyone is curious.

Budget and Finance Committee

BFC has met twice this term. At the first meeting, I presented a draft of the 2013-2014 Budget Principles document. BFC and the Executive Committee are in the process of reviewing and providing feedback. Once this is complete, a BFC will make a recommendation to Council, which will provide the basis for the numerical budget.

PAW Centre

I have attended two meetings regarding the PAW Centre in the last two weeks. One was a Steering Committee meeting and the other was a project management transition discussion. We received an update on the upcoming three weeks of construction and there was discussion on a variety of items. The next Steering Committee meeting is in six weeks.

Fee Management

I have met with the Vice President (Student Life) to work on an MOU to govern the Golden Bears and Pandas Legacy Fund. We discussed many details and expect to have a workable version soon.

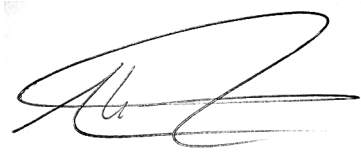
I have had to spend some time involved in DIE Board hearings regarding the Gateway Student Journalism Society's fee proposal that was rejected by Council a few weeks ago. It's an interesting situation where Council's decision is being challenged, but there is no one who can officially speak on behalf of Council. There is a decision online and an appeal is being heard tomorrow.

In response to a student's feedback on the Access Fund, we have made some tweaks to the online opt-out form to make the process more clear.

Miscellaneous

Other activities in the last two weeks include a daylong executive retreat, a meeting with the AUFSJ executive to discuss various topics, a quarterly meeting with the Registrar's office and some research on Bylaw 500 in light of DIE Ruling 2012-05. I have selected my class for the term: B LAW 422 (Law of Business Organizations).

Cheers,

A handwritten signature in black ink, appearing to read 'A. Cheema', written over a light grey rectangular background.

Andy Cheema

STUDENTS' COUNCIL VOTES AND PROCEEDINGS

Tuesday January 22nd, 2013
Council Chambers 2-1 University Hall

VOTES AND PROCEEDINGS (SC 2012-19)

- 2012-19/1** **SPEAKER'S BUSINESS**
- 2012-19/1a** Announcements – The next meeting of Students' Council will take place on Tuesday, February 5th, 2013
- Speaker special ordered item 2012-19/2c to take place before 2012-19/2b
- 2012-19/2** **PRESENTATIONS**
- 2012-19/2a** Students' Union Advancement Presentation- Presented by O'Neil Outar and Sean Price. Sponsored by Colten Yamagishi, President.
- CHAMPAGNE/BABIC MOVED** to suspend the relevant standing order to increase presentation time by 10 minutes
- Motion: CARRIED**
- CHELEN MOVED TO** special order 2012-19/2b to take place in front of 2012-19/2c
- Motion: CARRIED**
- 2012-19/2b** SU Health and Dental Plan Overview. Presented by Kristin Foster, Pacific and Western Director for studentcare.net/works. Sponsored by Saadiq Sumar, Vice President Student Life.
- Abstract: The purpose of the presentation is to provide Council with an overview of the key features of the SU Health & Dental Plan, the roles and responsibilities of studentcare (as well as the Committee and Council), and to review the important plan statistics: enrollment and opt outs, communications, and annual claims.
- 2012-19/2c** Nursing Undergraduate Association Faculty Association Membership Fee Proposal, Presented by Katharina Wardberg, NUA VP Finance. Sponsored by Dustin Chelen, SU VPA.
- The Nursing Undergraduate Association is the probationary Faculty Association representing the 1300 undergraduate nursing students at the University of Alberta. They have previously collected a FAMF in order to support NUA membership in a professional organization, the Canadian Nursing Students'

Association. As required under SU Bylaw, the NUA is presenting on the allocation, management, and consultative process for the proposed fee.

2012-19/3 **EXECUTIVE COMMITTEE REPORT**

President Yamagish, President- Report

Dustin Chelen, VP Academic- Report

Petros Kusmu, VP External- Report

Saadq Sumar, VP Student Life- Report

2012-19/5 **QUESTION PERIOD**

2012-19/7 **GENERAL ORDERS**

CHELEN/SUMAR MOVED TO appoint one (1) member of Students' Council to the Discipline, Interpretation and Enforcement tribune selection committee.

Nominations: Orydzuk

Nominations Closed

Appointed: Orydzuk

2012-19/7a **YAMAGISHI/CHELEN MOVES THAT** the Students' Council approve an increase of \$10 000 to the 501 Legal Fees Budget.

Speakers List: Yamagishi, Sumar, Babic, Monfries, Le, MgGinn, Kelly, Mlynarski, Gensler, Nguyen, Huie, Mills, Hong, Crone, Kochikuzhyil

SUMAR/CRONE MOVED to amend the motion to read:
YAMAGISHI/CHELEN MOVES THAT upon the recommendation of the Budget and Finance Committee that Students' Council approve an increase of \$10 000 to the 501 Legal Fees Budget.

Motion: CARRIED

KELLY/KOCHIKUZHYIL MOVED TO move In-Camera

Motion: CARRIED

CHEKEN/SUMAR MOVED TO suspend the relevant standing orders to allow for unlimited speaking turns

Motion: CARRIED

SUMAR/BABIC called to question

Motion: FAILED

Automatic Recess at 9:29pm

Meeting called back to order at 9:44pm

MILLS/BABIC MOVED TO move Ex- Camera

Motion: CARRIED
Mori, Champagne abstain

MILLS/ORYDZUK called to question

Motion: CARRIED

CHEEMA called for division

Yamagishi- Y
Chelen- Y
Cheema- Y
Sumar- Y
Kelly- A
Orydzuk- Y
McGinn- A
Khinda- Y
Mills- Y
Hanwell- Y
Borden- Y
Vy- Y
Le- Y
Mlynarski- A
Smith- Y
Morin- Y
Hong- YCrone- Y
Babic- Y
Huie- A
Carson- Y
Reynolds- A
McCormack- A
Choudhry- A
Champagne- Y
Jackson- Y
Kochikuzhyil- Y
Nguyen- Y
Mori- A
Gensler- Y
Monfries- Y
Hodgson- A

Motion: CARRIED

2012-19/7b

YAMAGISHI/CHELEN MOVES THAT Students' Council amend the Fall Reading Policy in second reading based upon the following principles.

- The policy will be streamlined and reworded to increase the accuracy of its statements (Irrelevant clauses will be removed)

- Any reference to instructional days and/or instructional days being removed will

be eliminated

- The Fall Term "Classes End" date will be extended by two working days

VII.FALL READING WEEK

WHEREAS student mental health is a growing concern in the post-secondary education system;

WHEREAS a Fall Reading Week will create an opportunity to provide academic, wellness and social programming;

WHEREAS the benefits of a fall break will be optimized by providing students with a full week off from classes; and

WHEREAS a Fall Reading Week that coincides with the Remembrance Day holiday is preferable given the constraints on the academic schedule.

BE IT RESOLVED THAT the Students' Union will advocate through University Governance for the creation of a Fall Reading Week such that:

- a. A full week without instruction will take place concurrent with the Remembrance Day holiday;
- b. The Fall Term "Classes Begin" date will be set one working day earlier;
- c. The Fall Term "Classes End" date will be extended by two working days;
- d. Instruction in the Fall Term will commence, when possible, on the Tuesday following Labour Day.

Speakers List: Yamagishi, Sumar, McGinn

YAMAGISHI/SUMAR MOVED TO amend the motion to read:

WHEREAS student mental health is a growing concern in the post-secondary education system;

WHEREAS a Fall Reading Week will create an opportunity to provide academic, wellness and social programming;

WHEREAS the benefits of a fall break will be optimized by providing students with a full week off from classes; and

WHEREAS a Fall Reading Week that coincides with the Remembrance Day holiday is preferable given the constraints on the academic schedule.

WHEREAS the academic schedule will permit a four-calendar day study break in the vast majority of academic years.

BE IT RESOLVED THAT the Students' Union will advocate through University Governance for the creation of a Fall Reading Week such that:

- a. A full week without instruction will take place concurrent with the Remembrance Day holiday;
- b. Instruction in the Fall Term will commence, when possible, on the Tuesday following Labour Day; and
- c. The study break at the end of each of Fall Term, excluding consolidated examinations, will be reduced from four to three calendar days.

SUMAR/ORYDZUK MOVED TO amend the amendment to read:
VII.FALL READING WEEK

-

WHEREAS student mental health is a growing concern in the post-secondary education system;

WHEREAS a Fall Reading Week will create an opportunity to provide academic, wellness and social programming;

WHEREAS the benefits of a fall break will be optimized by providing students with a full week off from classes; and

WHEREAS a Fall Reading Week that coincides with the Remembrance Day holiday is preferable given the constraints on the academic schedule.

-

WHEREAS the academic schedule will permit a four-calendar day study break at the end of the Fall term in the vast majority of academic years.

BE IT RESOLVED THAT the Students' Union will advocate through University Governance for the creation of a Fall Reading Week such that:

- a. A full week without instruction will take place concurrent with the Remembrance Day holiday;
- b. Instruction in the Fall Term will commence, when possible, on the Tuesday following Labour Day; and
- c. The study break at the end of each of Fall Term, excluding consolidated examinations, will be reduced from four to three calendar days.

Motion: CARRIED

Main Amendment: CARRIED

Main Motion: CARRIED

Meeting adjourned at 10:00pm

Councillor Attendance Records						
2012-2013		Attendance				
Council Seats (40 total Name		1/8/2013 SC 12-17	1/15/2013 SC 12-18	1/22/2013 SC 12-19		
Ex-officio Members (6 voting seats)						
Ex-officio Members (6 voting seats)						
President	Colten Yamagishi	Y	Y	Y		
VP Academic	Dustin Chelen	Y	Y	Y		
VP External	Petros Kusmu	Y	Y	0.5		
VP Operations & Finance	Andy Cheema	Y	Y	Y		
VP Student Life	Saadiq Sumar	Y	Y	Y		
Undergraduate Board of Governors Rep	Brent Kelly	Y	Y	Y		
Faculty Representation (32 voting seats)						
ALES	Leon Milner	N	0.5	Y		
Arts	Kathryn Orydzuk	0.5	Y	Y		
Arts	Mike McGinn	Y	Y	Y		
Arts	Navneet Khinda	Y	0.5	Y		
Arts	Kelsey Mills	Y	Y	Y		
Arts	Dylan Hanwell	Y	Y	Y		
Arts	Erin Borden	Y	Y	Y		
Augustana (Faculty)	Jame Vy	Y	Y	Y		
Business	Josh Le	Y	0.5	Y		
<i>Business</i>	Tim Holt	N(p)	Y(p)	Y(p)		
Education	Kevin Smith	0.5	Y	Y		
<i>Education</i>	Tanya Morin	0.5	0.5(p)	Y(p)		
<i>Education</i>	Jason Hong	Y	Y	Y		
Engineering	Wen Yu Liang	N	N	N		
Engineering	Lyndon Crone	N	0.5(p)	Y		
Engineering	Vacant					
Engineering	Vacant					
Law	Mario Babic	Y	Y(p)	Y		
Medicine & Dentistry	Ola Rydz	Y(p)	0.5	Y(p)		
Native Studies	Quetzala Carson	0.5	N	Y		
Nursing	Joanne Reynolds	Y	0.5(p)	Y		
Open Studies	Mark McCormack	N	0.5	0.5		
Pharmacy	Sarah Choudhry	N	0.5	Y		
Phys Ed & Rec	Vacant					
Saint-Jean (Faculty)	Colin Champagne	Y(p)	0.5	Y		
Science	Julia Jackson	Y	0.5	Y		
Science	Jeffry Kochikuzhyil	0.5(p)	Y	Y		
Science	Louis Nguyen	Y	Y	Y		
<i>Science</i>	Victoria Pham	0.5	0.5	Y(p)		
Science	Glenn Gensler	Y	0.5	Y		
Science	Nicholas Monfries	Y	Y	Y		
Science	Cory Hodgson	Y	Y	Y		
Ex-Officio Members (2 non-voting seats)						
Speaker	Rory Tighe	Y	Y	Y		
General Manager	Marc Dumouchel	N	0.5	N		