Students' Council Late Additions

Tuesday February 5th, 2013
Telus 134

Late Additions (SC 2012-20)

2012-20/1 Speaker's Business

2012-20/2 Presentations

2012-20/3 Executive Committee Report

2012-20/4 Board and Committee Reports

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 Question Period

2012-20/6 Board and Committee Business

2012-20/7 General Orders

2012-20/8 Information Items

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.”


“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

<table>
<thead>
<tr>
<th>Motion</th>
<th>Description</th>
<th>Result</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>HODGSON</strong> moved that <em>January 21 agenda be approved as tabled.</em></td>
<td>CARRIED 5/0/0</td>
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<tr>
<td>2</td>
<td><strong>CRONE</strong> moved that <em>August 29 minutes be approved as tabled.</em></td>
<td>CARRIED 3/0/3</td>
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<tr>
<td>3</td>
<td><strong>CHEEMA</strong> moved that <em>the meeting be moved into closed session at 4:55 pm to discuss New Business.</em></td>
<td>CARRIED 4/0/0</td>
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<tr>
<td>4</td>
<td><strong>CHEEMA</strong> moved that <em>the Budget and Finance Committee recommend that Students’ Council approve an increase of $10,000 to the 501 Legal Fees budget.</em></td>
<td>CARRIED 4/0/0</td>
</tr>
<tr>
<td>5</td>
<td><strong>CRONE</strong> moved that <em>the meeting be adjourned.</em></td>
<td>CARRIED 4/0/0</td>
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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,

Cian Hackett
Associate Chief Tribune, D.I.E. Board
# Students' Council Seat Distribution for 2013/2014

Enrollment numbers current as of January 30, 2013.

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<thead>
<tr>
<th>Faculty Code</th>
<th>Faculty Name</th>
<th>Enrollment</th>
<th>Enrollment/Threshold</th>
<th>Seats by Minimum</th>
<th>Seats by Threshold</th>
<th>Greatest Remainder</th>
<th>Total Seats 2013/2014</th>
<th>Change</th>
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<td><strong>Total Undergraduate Students</strong></td>
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<td><strong>26</strong></td>
<td><strong>2</strong></td>
<td></td>
<td><strong>32</strong></td>
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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
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
P: (780) 999-8867 | F: (780) 492-4643 | E: bog@su.ualberta.ca
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,

Andy Cheema
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 5\textsuperscript{th}, 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
Saadiq 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/CROME 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
Cheelen- 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

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
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

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<th>Council Seats (40 total)</th>
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#### Faculty Representation (32 voting seats)

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#### Ex-Officio Members (2 non-voting seats)

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