Tuesday November 4, 2003 – 6:00 p.m.
Council Chambers 2-1 University Hall

2003-16/3

SPEAKERS’ BUSINESS

2003-16/3c

DIE Board Ruling #2

Please see document LA 03-16.01

2003-16/5

PRESENTATION AND DISCUSSION

Faculty Forums – presented by Vice President Operations and Finance, Tyler Botten.

2003-16/10

LEGISLATION

2003-16/10d

ABBOUD MOVED THAT Students’ Council approve the proposed political policy regarding Long Term Tuition (first reading).

Please see document LA 03-16.02

2003-16/10e

BRECHTEL MOVED THAT Students’ Council, upon the recommendation of the Tuition Undertakings Planning and Action Committee, approve the proposed changes to the Political Policy regarding Tuition.

Please see document LA 03-16.03

2003-16/11

NEW BUSINESS

2003-16/11a

BRECHTEL MOVED THAT Students’ Council approve the dismissal of the current Safewalk Director effective immediately.

2003-16/11b

BRECHTEL MOVED THAT Students’ Council ratify the hiring of Samantha Maxson as the Safewalk Director for the period of November 1, 2003 to April 30, 2004.

2003-16/12

REPORTS

2003-16/12a

Tyler Botten – Vice President Operations and Finance

Please see LA 03-16.04
2003-16/12b  Student Activities Coordinator

Please see LA 03-16.05

2003-16/13  INFORMATION ITEMS
DECISION OF THE DISCIPLINE, INTERPRETATION, AND ENFORCEMENT BOARD

JONES vs. HARLOW, REIKIE, and STUDENTS’ COUNCIL

DATE:
Thursday October 30, 2003

D.I.E. BOARD MEMBERS PRESENT:
Christopher Samuel, Chair
Ben Aberant
TJ Adhihetty
Kyle Kawanami
Michelle Kelly

APPEAL DETAILS:
Appellant: Chris Jones
Respondents: Gregory Harlow, Speaker of Students’ Council;
Paul Reikie, Student Councilor for the Faculty of Agriculture, Forestry, and Home Economics; and
Students’ Council

SUMMARY OF ALLEGATION AND RESPONSE:
Paul Reikie was elected as a Student Councilor for the Faculty of Agriculture, Forestry, and Home Economics for the 2003 – 2004 year. Due to his summer job, Reikie was unable to attend the Students’ Council meetings during the summer, and, as such, he appointed a proxy to attend in his stead. Unfortunately, Reikie’s proxy failed to attend three consecutive meetings of Council.

Bylaw 100 Section 11 mandates that any Councilor who fails to attend (or have their proxy attend) three consecutive meetings is immediately suspended from Council. At the meeting immediately following their suspension, the (suspended) Councilor is expelled from Council unless Council moves to reinstate the (suspended) Councilor following a presentation by the (suspended) Councilor or a delegate.

Reikie was suspended from Council at the meeting of June 24, 2003. He failed to present (or have a delegate present) at the next meeting (July 8, 2003), and thus was automatically expelled from Council. Bylaw 100 Section 11e further provides that no expelled member of Council is eligible to be re-elected, appointed, or serve as a proxy to Council in the year in which they were removed.

Reikie attempted to run in the September 23 – 24, 2003 by-election held to fill the vacant seat in the Faculty of Agriculture, Forestry, and Home Economics. His attempt was refused by the Chief Returning Officer (C.R.O.) on the basis of Bylaw 100 Section 11 (as explained earlier). Reikie then appealed to the Discipline, Interpretation, and Enforcement (D.I.E.) Board to grant him an exemption to Bylaw 100 Section 11. Since
this request was beyond the authority of the D.I.E. Board, the Board declined to act on his appeal.

On the basis that he believed the D.I.E. Board did not issue its ruling within its one week time limit, Reikie appealed the Board’s decision to the Students’ Council Appeal Advisory Board (S.C.A.A.B.). S.C.A.A.B., agreeing with Reikie’s assertion that the D.I.E. Board committed a procedural error, then forwarded Reikie’s original case to Council to deliberate. At the Council meeting of September 23, 2003, Reikie asked Council to overturn the ruling of the D.I.E. Board that he was ineligible (and, in effect, to grant him an exemption to Bylaw 100 Section 11). Students’ Council overturned the ruling of the D.I.E. Board, provided Reikie with an opportunity to ask for his reinstatement, and then appointed Reikie to fill the vacant Student Councillor seat for the Faculty of Agriculture, Forestry, and Home Economics.

DECISION:
Unquestionably, the circumstances and issues involved in this particular case are very complex. The D.I.E. Board, however, has crystallized the pertinent details as follows:

1. S.C.A.A.B. erred when it allowed Reikie’s case to be forwarded to Students’ Council for deliberation. Reikie based his appeal on the belief that the D.I.E. Board committed a procedural error by not issuing its ruling within its one week time limit as specified in Bylaw 1200 Section 6h. Although Reikie did submit his appeal to the C.R.O. on Friday September 12, 2003, it was not submitted, for whatever reason, to the Chair of the D.I.E. Board until Wednesday September 17, 2003. Bylaw 1200 Section 6e clearly states that in order for a case to be initiated, it must be submitted, in writing, to the D.I.E. Board Chair. Consequently, the D.I.E. Board had until Wednesday September 24, 2003 to issue its ruling, and since it issued its ruling on Friday September 19, 2003, the Board was fully compliant with Bylaw 1200 Section 6h. Bylaw 1300 Section 11 states that S.C.A.A.B. may only forward a case to Council for deliberation if there has been a miscarriage of justice, if the D.I.E. Board committed a procedural error, or if new evidence has emerged. Since Reikie’s case failed to satisfy even one of these criteria, S.C.A.A.B. had no grounds to forward his case to Council for deliberation.

2. Students’ Council erred when it granted Reikie an exemption to Bylaw 100 Section 11, or when it struck down Bylaw 100 Section 11 (to date, it is still unclear what specific course of action Council took in order to reappoint Reikie as the Student Councillor for the Faculty of Agriculture, Forestry, and Home Economics). Despite Council not acting as the legislative branch of the Students’ Union but as the “judicial branch” while it deliberated Reikie’s case, Council still does not have the ability to grant any exemption to anyone from any of the Students’ Union’s constitution articles, bylaws and policies, nor does it have the ability to strike down any of the Students’ Union’s constitution articles, bylaws and policies outside of the parameters set out in Articles V and VI of the Constitution. While it is true that certain courts may, under certain circumstances,
strike down legislative acts, it must be clear that no body within the Students’
Union (not the D.I.E. Board, S.C.A.A.B. or Students’ Council) possesses such
power. In fact, the Students’ Union does not, yet, have an official, independent
judicial branch. The most that the Students’ Union has are administrative
tribunals restricted to only interpreting and enforcing legislation, not granting
exemptions or striking down legislation. The only circumstance where such an
act may be permitted by the D.I.E. Board or Students’ Council is if secondary
legislation (i.e. a bylaw) conflicts with primary legislation (i.e. the constitution).

3. The D.I.E. Board’s ability to rule on this case is questionable due to Bylaw 1200
Section 6fii, which prohibits a complaint being laid against Students’ Council.
However, this provision is in conflict with Bylaw 1200 Section 3cvi, which
allows the D.I.E. Board to require Students’ Council to reconsider its motions that
are found to be in conflict with or outside the terms of the constitution, bylaws
and policies, and Article VI Section 2c of the Constitution, which empowers the
D.I.E. Board to interpret and enforce the constitution and all legislation passed
under its authority.

4. The D.I.E Boards’ ability to rule on this case is questionable also due to Article
XV Section 3bi of the Constitution, which states that when Students’ Council
considers an appeal, its decision will be final.

Dealing with point 3 first, the D.I.E. Board believes that Bylaw 1200 Section 6ii
(specifically “with the exception of Students’ Council”) is in clear conflict with Article
VI Section 2c of the Constitution. Since the bylaw is subordinate to the Constitution, the
D.I.E. Board officially removes the conflicting line. However, since the D.I.E. Board is
interpreting its own bylaw, this interpretation must be ratified by Students’ Council,
pursuant to Bylaw 1200 Section 3b.

The D.I.E. Board reaffirms point 4 with certain exceptions; that is, when an appeal from a
D.I.E. Board decision is before Students’ Council, its decision will be final and there will
be no mechanism under which that decision can be appealed unless it is clearly shown
that Council has violated the Students’ Union’s constitution, bylaws or policies, pursuant
to Bylaw 1200 Section 6fii (no body within the Students’ Union, including Council, can
violate the Students’ Union’s constitution, bylaws or policies). Under these
circumstances, the D.I.E. Board will be empowered to hear the case regarding how
Council has violated its own constitution, bylaws or policies and then, if necessary,
require Council to reconsider its motion, pursuant to Bylaw 1200 Section 3cvi. The
D.I.E. Board cannot, however, nullify a motion by Council.

Nonetheless, S.C.A.A.B. is nothing more than just another Students’ Union board, and
under Bylaw 1200 Section 6fii, the D.I.E. Board thus has full jurisdiction over
S.C.A.A.B. If S.C.A.A.B. violates the Students’ Union’s constitution, bylaws or policies,
the D.I.E. Board is empowered to nullify that decision pursuant to Bylaw 1200 Section
3civ. As detailed in point 1, the D.I.E. Board believes that S.C.A.A.B. erred when it
forwarded Reikie’s case to Students’ Council for deliberation. As a result, the D.I.E.
Board officially nullifies S.C.A.A.B.’s decision. The consequences of this nullification are twofold. First, Paul Reikie is hereby removed as the Student Councillor for the Faculty of Agriculture, Forestry, and Home Economics and this seat will be declared vacant. Whatever mechanism Council chooses to fill this now vacant seat, Reikie, unfortunately, will not be eligible to participate. Second, Bylaw 100 Section 11 is interpreted according to its text to wit; that is, that a suspended member of Students’ Council may only present his or her case for reinstatement at the Council meeting immediately following their suspension. Furthermore, the D.I.E. Board urges S.C.A.A.B. to be more diligent in the execution of its duties, especially as it pertains to evidence gathering since this whole ordeal could have easily been avoided if S.C.A.A.B. had only contacted the Chair of the D.I.E. Board to corroborate the timelines in question.

Point 2 will stand as the official interpretation of the D.I.E. Board; that is, no body within the Students’ Union (not the D.I.E. Board or Students’ Council) has the ability to grant any exemption to anyone from any of the Students’ Union’s constitution articles, bylaws and policies, or the ability to strike down any of the Students’ Union’s constitution articles, bylaws and policies outside of the parameters set out in Articles V and VI of the Constitution.

The Discipline, Interpretation and Enforcement (D.I.E.) Board functions as the judicial branch of the Students' Union, and is responsible for interpreting and enforcing all Students' Union legislation. If anyone has any questions regarding the D.I.E. Board, feel free to contact the Chair, Chris Samuel, at dieboard@su.ualberta.ca
WHEREAS the University of Alberta is facing a funding shortage that will likely force the institution to run deficit budgets in the immediate future.

WHEREAS the University of Alberta, in order to meet its mandate from the provincial government of running a balanced budget, has few options in raising unrestricted revenue aside from increasing undergraduate tuition.

WHEREAS tuition freezes at other post-secondary institutions in this country have proven to adversely affect the overall quality of education at these institutions.

WHEREAS the University of Alberta Students' Union recognizes the paramount importance of the quality of education offered at the post-secondary level.

WHEREAS the University of Alberta Students' Union recognizes the need for partnership and co-operation with the University of Alberta Administration in negotiating and dealing with the Provincial Government of Alberta.

BE IT RESOLVED THAT the University of Alberta Students' Union campaign for increases in undergraduate tuition up to, but not to exceed the projected figure of inflation for the coming year.

BE IT FURTHER RESOLVED THAT the University of Alberta Students' Union be willing to accept increases in undergraduate tuition higher than the projected figure of inflation for the coming year should it be demonstrated that a rollback, freeze, or lesser increase would compromise the conditions providing for a sound quality of education at this institution, as set out in Students' Union policy.

BE IT FURTHER RESOLVED THAT the University of Alberta Students' Union negotiate with the University of Alberta Administration to determine a
desirable figure for undergraduate tuition, and work towards establishing fixed, incremental rollbacks in undergraduate tuition to achieve this figure.

BE IT FURTHER RESOLVED THAT the University of Alberta Students’ Union co-operate with the University of Alberta Administration to secure the funding necessary for these rollbacks to be achieved, and that these rollbacks be tied in with increased funding for this institution from the provincial government.

Policy History:

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THE STUDENTS' UNION OF THE UNIVERSITY OF ALBERTA

POLITICAL POLICY STATEMENT

Policy Number: Effective Date: November 19, 2002 Page 1 of 2

Expiration Date: April 30, 2006

Responsibility for Policy: Executive Committee

Subject Matter - Category: POLITICAL POLICY (GENERAL)
- Specific: Tuition Policy
- Topic:

WHEREAS the Students’ Union has identified several areas of potential savings at the University of Alberta, adding up to a possible $13.3 million;

WHEREAS students at the University of Alberta have seen tuition go up 209% between 1991 and 2001/02;

WHEREAS the province of Alberta has one of the best-performing economies in Canada;

WHEREAS the province of Alberta is ranked 7th out of 10 provinces in terms of operating grants to universities;

WHEREAS the Alberta government surplus was $720 million for the 2002-03 fiscal year;

WHEREAS a funded tuition freeze would cost approximately 7.798 million dollars, or 1.08% of the Alberta provincial budget surplus for the 2002-03 fiscal year; and

WHEREAS tuition fees are frozen in Quebec and Manitoba, and are being rolled back in Newfoundland;

BE IT RESOLVED THAT the University of Alberta Students’ Union campaign for a funded tuition freeze for the 2003-04 school year;

BE IT FURTHER RESOLVED THAT the Students’ Union work with the University of Alberta administration in securing the needed funds from the provincial government;

BE IT FURTHER RESOLVED THAT the Students’ Union work with the University of Alberta administration in a campaign that asks the provincial government to bring funding for Alberta Universities up to the national average; and

BE IT FURTHER RESOLVED THAT the Students’ Union work with the University of Alberta administration in identifying savings in the University budget, for the purposed of funding a tuition freeze.

Policy History:

Reference/Vote Board/Committee Date of Council Approval
Created SC 02-16/12i (34/4/1) Executive Committee November 19, 2002
WHEREAS education should be accessible to all students of this province, regardless of their economic status;

WHEREAS the Students' Union has identified several areas of potential savings at the University of Alberta, adding up to a possible $13.3 million.

WHEREAS tuition is meant as a symbol of a student’s commitment to their education rather than a source of revenue for a post-secondary institution;

WHEREAS the students at the University of Alberta have seen tuition go up 209% between 1991 and 2001/02;

WHEREAS tuition should be based on a proportion of the costs of delivering education, not of running the entire institution;

WHEREAS the perpetual underfunding of the PSE sector in Alberta has resulted in tuition rising well beyond what students are capable of paying or what is considered affordable to Albertans;

WHEREAS the province of Alberta has one of the best-performing economies in Canada;

WHEREAS the province of Alberta is ranked 7th out of 10 provinces in terms of operating grants to universities;

WHEREAS the Alberta government surplus is projected to be $2.2 billion, $720 million, or 1.08% of the Alberta provincial budget surplus for the 2003-04 fiscal school year; and

WHEREAS tuition fees are frozen in Quebec and Manitoba, and are being rolled back in Newfoundland;

BE IT RESOLVED THAT WHEREAS the University of Alberta Students' Union campaign for a funded tuition freeze would cost approximately $9.7 million, or 0.44% of the Alberta provincial budget surplus projected for the 2003-04 fiscal school year;

WHEREAS it is in the best interest of the students of this institution to secure more funding, in order to offset the need for tuition increases and to regain the quality of education once enjoyed by students;

WHEREAS students at the University of Alberta have been subjected to a total tuition increase of 251% between 1990/91 and 2003/04; and

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WHEREAS accessibility has been threatened more via tuition increases than has quality of education;

BE IT RESOLVED THAT the University of Alberta Students’ Union campaign for a funded tuition freeze for the 2004-05 school year;

BE IT FURTHER RESOLVED THAT the Students’ Union engage in discussion with both the University of Alberta and the provincial government to develop a long-term goal for tuition fees;

BE IT FURTHER RESOLVED THAT the Students’ Union work with the University of Alberta administration in securing the needed funds from the provincial government;

BE IT FURTHER RESOLVED THAT the Students’ Union work with the University of Alberta administration in a campaign demanding that the provincial government bring funding for Alberta universities up to the national average a level that will provide students with affordable and accessible tuition, and a high quality educational experience; and

BE IT FURTHER RESOLVED THAT the Students’ Union work with the University of Alberta administration to ensure a proportion of any previously unallocated or unplanned money secured goes toward the reduction of tuition in identifying savings in the University budget, for the purpose of funding a tuition freeze.

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Members of Council,
I seem to be drafting a great deal of these reports of late. Perhaps a weekly report is a good idea, and one that I could consider later. Things are moving at a break-neck pace around the office these days as we cross over the midway mark of the year and stare down the gullet of the end of our terms. Expect to see more than you wanted to see from this portfolio coming forward as I shift into fifth gear with the approach to the Christmas break pitstop when I might take advantage of the snow that has started a fallin’. Maybe we should get away, enjoy some mountain air and hit the slopes. Maybe we should sit at home and hope for summer again. Maybe I should stop waxing poetic and get down to business. Here goes…

The Past

1. **bill 43 Day of Action & Bus Tour** – pundits be damned, these events went off great, with only a few hitches. when you spend the time to try and set up events like these the only thing you need to hear after the fact is that the volunteers were out supporting it, that students heard the message and that you have been successful at building on something that is going to switch to a tuition campaign in three short weeks – you’ll hear it from others, but I too would like to thank those who came out and contributed their time to make these events as good as they could be with poor weather, a few missing buns and competing news stories in the mass media – your efforts went a long way and I look forward to seeing everyone stick around to help continue the work we all started.

2. **faculty forums** – much I have learned already in planning the logistics for this event; much I have yet to learn. in the end, it’s fairly surprising how you can get some solid advertising for an event without spending too much coin. I look forward to running these forums again next term, but for now it’s just a matter of waiting to see how things turn out in round one.

3. **website review** – all the documents are in (well, most of them) and I have completed my recommendation to the Executive Committee. it turns out, in retrospect, that the minor revision that I wanted to do now desperately needs to be a larger-scale one (hooray!) so in the end perhaps our website will feel a little more like what you’d expect from a student association. also, apparently there are concerns with my aversion to capital letters…strange

4. **org review** – reviewing everything these days. the proposal for the great organizational review of 2003 has been approved by the executive committee, with the plan of finishing the work that was left untouched after the spring of 2002. all recommended changes that come out of the review should be ready to roll by the time preliminary budgets are done so hold onto your hats!

5. **meetings bloody meetings** – lemme see: the access fund board finally finished the long haul of policy changes that it was dealing with (more meetings this year than any access fund board ever!); the APIRG AGM planning is going swimmingly – I hope to see you out (except that I won’t be there…); student
legal services of Edmonton is still spending money appropriately; 4 PC’s and one Liberal (sounds like a beastie boys tune); the name that tune dynasty at the powerplant is gone (for now?); IRB continues to be searching to find meaning in the legal review it created (de-legislate this!); thanks for the free halloween candles UASUS; PWRCUP party was a rollicking good time (thanks for the grub kids); weird how sometimes you’re 23 when you first shake hands with the leader of the Federal NDP.

The Future
1. course curricula – sitting down with the VP (Academic) to finally get this project off the ground, where it’s been calmly sitting for a few weeks now.
2. silent shopper – in the interest of having this program up and running for the purpose of getting some service feedback before Christmas, I finally have the information from previous years to go over and plan our system (and appropriate budget) for this year’s kick at the can. if you are interested in participating (there’s free food involved) and you are actually reading this, please let me know (that’s like a contest in itself)…but don’t let anyone catch you talking to me about it.
3. catering conferences – seems that a lot of people think that l’express and cram dunk would be great venues at which their conference delegates could chow down. now if only they didn’t want the food for next to nothing. in the interest of keeping things sane, I’ll be working with our food & beverage guru to see how we can reap the benefits of co-sponsorship without the financial hit.
4. feedback on DFU’s – wouldn’t it be nice if we knew how students actually feel about dedicated fee units? didn’t I bring this subject up in an earlier report? haven’t I completely dropped it since then? shouldn’t I be getting something together soon so we don’t wait out the year with no ideas coming forward? the answers, friends, to these questions and more is a definite yes. coming soon to a council near you…
5. org review – I’d be lying if I said this wasn’t going to take up a pretty big chunk of my time over the next couple of months. the good news is I have homework for everyone while I’m in Ontario. the bad news is that I have homework as well while I’m in Ontario. vacation…pbthtfgh…who needs it?
6. I’m sailing away… - or flying, more specifically. you may recall approving my upcoming trip to Ontario. should be fun. look forward to staying on top of what’s happening here so don’t be strangers…full account of the business portion of my trip when I return.

Upcoming Meetings
faculty forums! – wednesday, 5 november @ 12pm
FACRA board meeting – wednesday, 5 november @ 6pm
ship night drag show – thursday, 6 november @ 8:30pm
gripe tables (science) – friday, 7 november @ 10am
council activities & concerns meeting – tuesday, 11 november @ 1pm
faculty forum post mortem – wednesday, 12 november @ 5pm
council outreach workshop – wednesday, 12 november @ 6pm
gripe tables (nursing) – friday, 14 november @ 10am
FACRA board retreat – saturday, 15 november @ 9am
drinks w/ Naomi Klein – saturday, 15 november @ tba
AP!RG annual general meeting – thursday, 20 november @ 5pm
campus advantage board meeting – monday, 24 november
campus advantage mid-year meeting – tuesday/wednesday, 25/26 november
high school leadership conference – friday, 28 november @ 8am

Interesting Website of the Week

/hrm…there was already that free food giveaway just for reading along. for those of you with a zest for the game, the first person to give me the exact room location of all 5 forums this Wednesday will receive, lemme see…2 free tickets to see either Naomi Klein or Michael Parenti the weekend of Nov 14-16
Activities from the 2nd half of OCTOBER:

Meetings
- Student Life Board and Programming Committee
- Bi-weekly VPSL/SAC Meetings
- Gender Bender Meetings
- Pie for Poems gatherings
- Volunteer Appreciation Party budget debrief

Just for Fun
- Drag Show Tables
- PIE FOR POEMS
- GFC
- Ride-a-long with EMS

Current Projects
- **Students’ Union Christmas Party for Kids (SUCPK)**
  - VOLUNTEERS NEEDED
    - Please email Anna at sac@su.ualberta.ca
  - Sponsorship
    - “Wish list” and contra recruitment in process
- 1st semester programming
  - **Pie for Poems**
    - Was a GREAT TIME
    - 5 venues on campus: Tori Atrium, CAB, SUB, Education and Van Vliet
    - Special thanks to PERCS, UASUS, ASA, Students’ for Literacy, Councilors Melnyk and Wallace
    - Back 19.5 pies in the back on L’Express on Sunday the 26th

- **Gender Bender 2003, Campus Drag Show**
  - THIS THURSDAY, NOV 6th at 9pm, Powerplant
  - Come early to avoid lines
  - 6+ participants and a guaranteed great time

*Programming Committee: Tomorrow, Wednesday November 5th at 7pm in Lower Level Meeting Room.*

Want to volunteer for any of the above programs? Simply email sac@su.ualberta.ca