

# STUDENTS' COUNCIL LATE ADDITIONS

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Tuesday January 24, 2006  
Council Chambers 2-1 University Hall

- 2005-19/2            **SPEAKERS' BUSINESS**
- 2005-19/2a (ii)      University of Alberta Engineering Students' Society (ESS) intent to  
create a Faculty Association Membership Fee.  
  
Please see document LA 05-19.01
- 2005-19/4            **PRESENTATIONS**
- 2005-19/4b          Presentation on Health Services Fee given by Dr. Don McInroy.
- 2005-19/6            **REPORTS**
- 2005-19/6a          Graham Lettner, President  
  
Please see document LA 05-19.02
- 2005-19/6b          Justin Kehoe, Vice President (Student Life)  
  
Please see document LA 05-19.03
- 2005-19/6c          Mathieu Johnson, Vice President (Academic)  
  
Please see document LA 05-19.04
- 2005-19/6d          Samantha Power, Vice President (External)  
  
Please see document LA 05-19.05
- 2005-19/6e          Adam Cook, Undergraduate Board of Governors Representative  
  
Please see document LA 05-19.06
- 2005-19/7            **BOARD AND COMMITTEE REPORTS**
- 2005-19/7e (i)      **Audit Committee** – January 11, 2006  
  
Please see document LA 05-19.07

2005-19/7j

Discipline, Interpretation, and Enforcement Board – Ruling #10: *Bylaw  
Retroactivity*

Please see document LA 05-19.08

To whom it may concern,

This letter is to serve as notice that the University of Alberta Engineering Students' Society (ESS) intends to renew a Faculty Association Membership Fee for the Faculty of Engineering beginning in the Fall 2006 semester. The fee will be applied with the regular student fees, similar to our previous Faculty Association Membership Fee.

As dictated by Student Union (SU) Bylaw #8451 6b "Notice of the intent to create a Faculty Association Membership Fee must be forwarded to the Students' Union and the Office of the Registrar by January 15 of the year in which the fee is to be included as a part of the overall fee assessment." The implementation of the fee is subject to the outcome of a referendum that will be held on the question. This referendum will adhere to Student Union bylaws and will be held at the same time as the ESS general elections in middle February.

Notwithstanding the outcome of the referendum, this letter is to serve notice that the SU and the Office of the Registrar may need to prepare for the possibility of applying a fee for all Undergraduate Engineering students in the Fall 2006 semester. We will inform all parties on the results of the referendum as soon as they are made available to our organization. If you should have any questions in the months to follow, please contact Graeme Wicentowich.

Sincerely,

Graeme Wicentowich  
Vice President Finances & Operations  
Engineering Students' Society

Cc. University of Alberta Registrar  
Cc. Gregory Harlow, Speaker, Students' Council

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## President's Report

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Meeting date: Tuesday, January 24, 2006

### EXECUTIVE SUMMARY:

As I'm sure you are all aware, our advocacy efforts were unsuccessful in preventing a tuition increase: the Board of Governors voted with a majority in favour to raise tuition by 6.4%. We were able to garner some major media coverage, however, and stories on tuition were on the Friday evening news, and in the Saturday paper. Tonight I will present specifically on our advocacy efforts to date, as a pair of councilors brought a number of their concerns to my attention the afternoon following the tuition decision.

### SPECIFICS:

- Profile Building Task Force

The task force I currently chair has focused its efforts on how the Students' Union should build its profile with students on campus, as well as with other groups off campus. For on campus ideas we have named a few key areas to warrant more attention: referring to students as members and offering them membership services, creating a consistent professional image for all aspects of the Students' Union, connecting councilors and executive members to student events on campus, and showcasing student talent such as by creating a display of student works from the fine arts department.

Councillor Schnieder has also joined our task force, and Councillor Ceelen has expressed interest in being a member. If other councilors would like to be sent minutes of our meetings, or make their own contributions to our work, I would be happy to have them join.

- Non-instructional Fee Proposal

This Wednesday the SU will be submitting a proposal for a body to be set up to oversee non-instructional fees as set out by the University Calendar. It is our feeling that because student money is being taken in the form of a fee, student input and fee accountability must be established. So far our proposal has been met with tempered enthusiasm.

- PAC MoU discussions

Work continues to craft a MoU with Bob Kinasewich. Progress is being made however, as Bob currently fully understands the need for student governance and involvement in the decision making process. Our team understands the need for flexibility in the process, and we are happy to see eagerness to create a governance structure that fully encompasses student involvement and input.

- Travel Cuts Lawsuit

Our General Manager, Bill Smith, has been embroiled in trial preparations for the Travel Cuts lawsuit that is set to begin in London, Ontario in early February. It has taken him away from much of his other work, but the Executive is fully supportive of the GM in his need to fully prepare our side of the case. He is doing a bang up job, and has been a real resource for the lawyers and the other schools as well.

- U-Pass

I received word from City Councillor Kim Krushell that she would be meeting with the mayor and the city manager sometime very soon to discuss this issue. We are still looking for provincial funding to initiate a two-year pilot project, but are waiting to allow Mayor Mandel to make the next follow-up with the Minister of Transportation & Infrastructure.

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**Justin Kehoe, Vice President (Student Life)**  
**Report to Students' Council**  
**January 24, 2006**

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Submitted: January 23, 2006

Good Evening Council,

I begin with an update on the Non-Academic Advocacy Task Force that I am chairing. The membership of this task force includes myself (VPSL), Mathieu Johnson (VPA), Don Iveson (AD), Mustafa Hirji (SAL), Norma Rodenburg (SM-SS), Graham Lettner (President), and Bill Smith (GM). We will be meeting weekly, likely until the end of February, to define how the Students' Union needs to address non-academic advocacy.

The priority of the task force is to consider non-academic advocacy as a whole, regardless of traditional issue categorization among portfolios (i.e. not VPSL-specific). Secondary to this, we will be analyzing the Student Life portfolio, where and how advocacy fits in, and what other shifts need to be made. There is no clear division between "academic" and "non-academic" within the University, so we have set some initial parameters to focus our discussions. There is significant overlap with the Academic Advocacy Task Force, so most members are aware of both processes.

Outside of this task force, Student Services will remain a key priority. I look forward to further meetings with Norma, our Senior Manager, as there are several exciting improvements currently being considered.

AntiFreeze was a smashing success. Check out [www.su.ualberta.ca/antifreeze](http://www.su.ualberta.ca/antifreeze) for more details, but some of the highlights include:

- with 25 teams and over 300 students, we had a increase (32%) in participation for the first time in the last several years;
- 9 teams, within 3.5 hours, raised \$4,500 for the Campus Food Bank, more than tripling last years numbers; and
- there was a dragon!

Everyone involved had an amazing time. Congratulations go out to the Avalanche teams D-Unit (champion) and The Finger Miracles (Spirit), and the Iceberg teams The Mighty MUGLs (champion) and DominAzn (Spirit). Special thanks to Pete (AVPSL) and the AntiFreeze Coordinators for sustaining awesomeness all week long.

If anyone is interested in this Non-Academic Advocacy Task Force or any other issues in the Student Life portfolio, please feel free to contact me to initiate further discussion. I am interested in hearing your input and providing you with more information.

**Upcoming:**

January 25: Non-Academic Advocacy Task Force  
January 26: PAC MoU Meeting, Handbooks, Service Directors  
January 30-February 3: International Week  
January 31: RSS, ASSC Open House

**Mathieu Johnson VP(Academic)**  
**Report to Students' Council**  
**January 24, 2006**

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**Academic Advocacy Road Mapping**

The team has been looking at what are and have been the past issues in the academic realm in an attempt to gain something of a holistic view of what is the role of academic advocacy. We are currently looking at what have been the major successes of the academic portfolio, and what are the issues that never seem to go anywhere.

The purpose of this is to try and determine what are the strengths and weaknesses of the current system and why. In the coming weeks we will then address how we may adjust structures in the academic portfolio to address our weaknesses and best leverage our strengths.

<b>COUNCIL REPORT JANUARY 24, 2006</b> <b>VICE PRESIDENT EXTERNAL</b>
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**A HUGE THANK YOU!** To all those councilors who have helped on the Roll it Back, Ralph campaign thus far. Thanks to you we have over 1400 signatures and the campaign is still growing. Students on campus now recognize the slogan and the main policy push, so thank you!!!!

**CAMPUS CAMPAIGNS:** We had a successful month preparing for the tuition decision on January 20<sup>th</sup> and dealing with the federal election. Our federal election forum on January 11<sup>th</sup> was decided to be one of the best of the campaign by many candidates. We had a turnout of over 400 people, mostly students, and good media coverage.

Tuition, or Roll it Back, Ralph, campaigns are going well. Our petition has over 1400 signatures, fast approaching 1500. Our tables across campus are a success, with students approaching us. We held tables in Humanities, Tory, Education, and twice in SUB. I gave presentations to UASUS and the Lister Hall residence association (who invited us back to give a presentation to a larger group of students). Jessica, the CCC, is continuing to organize these FA presentations. This was all lead up to our press conference on January 20<sup>th</sup> resulting from the tuition decision.

The press conference was held at noon, we invited Raj Pannu, Kevin Taft and Bill Moore Kilgannon, as well representatives from the Canadian Labour Congress showed up. Every media outlet was at the press conference. We were unfortunately usurped by an announcement from Minister Hancock who simply made a repeat announcement that the government maybe might cover the tuition increase. The tuition still received coverage, and our message of the necessity of a long term policy was still high on the list of topics, but it wasn't as good as it could have been. There was no way to determine that the Minister would be making this announcement.

**PROVINCIALY:** We received word that the extension of the learning review will continue with three groups formed around the issues of institutions, aboriginal issues and literacy issues. CAUS has appointed Bryan West from the University of Calgary to represent students. There are four meetings planned currently with results to be announced on March 31<sup>st</sup>. We are currently planning out how we can maintain a media presence and define, publicly, the policy we want.

**EVENTS!**

The only event I currently have to announce is the Public Interest Alberta post secondary education conference, Feb 24-26. I highly recommend councilors attend. I know this is the weekend before the exec elections start, but if you are running I highly recommend you attend. The issues discussed will be very relevant to those involved in student government and external policy decisions. Jeffrey Simpson from the Globe and Mail, and a representative from the Irish Teachers Union will be giving presentations. The Students' Union will be fully funding 30 students to attend so there is no cost. If you're available please let me know. You can attend all or part of the conference.

**Board Meeting – January 20, 2006**

- Tuition increased 6.4%
  - My comments centered around a need for the Board of Governors to be more proactive in establishing a long term strategy for tuition and in not relying on the administration to recommend the increase each year.
- Residence Rent increased average 1.7%
- Senate Task Force Report on Student Engagement

**Board Committee Meetings:**

Finance and Property – January 9, 2006

- Dealt with recommendations for the January 20, 2006 Board Meeting

**Board Strategic Planning Retreat – December 9, 2005:**

- Lengthy discussion on “Dare to Discover” vision set out by President Samersekera
- Update on progress of Academic Plan

**Upcoming:**

- February 10, 2006 – Budget Briefing and Board Finance and Property Committee Meeting
- Working with the SU President on joint lobbying initiatives with the University
- Meeting with public Board members to discuss student participation on the Board Audit Committee

# MINUTES

2005-06

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## Audit Committee

Wednesday, January 11, 2006

ATTENDANCE: Theresa Chapman  
Prem Eruvs  
Bryce Kustra

CALL TO ORDER: 2:05 pm

- NEW BUSINESS:
- Kustra/Eruvs move to order the Audit Committee Chair to investigate the procedure for halting the dispersal of the CJSR DFU. (3-0-0)  
This motion may appear more severe than it actually is. We were over two-thirds through fiscal year and we still had not received CJSR's audited financial statements from 2004-2005. We were concerned about ever diminishing amount of time to approve the DFU. We have since received the documents.
  - Motion by Eruvs/Chapman to approve the July/August credit card receipts. (3-0-0)  
This process was uneventful, which I suppose is a good thing.
  - Motion by Chapman/Kustra to approve the August/September credit card receipts. (3-0-0)  
Again, uneventful.
  - Chapman motions to adjourn. Dies for lack of a seconder.
  - Lose quorum at 3:12 pm.

NEXT MEETING: ~~January 18 at 3:00 pm~~ (Cancelled)

ADJOURNMENT: 3:12 pm

**D.I.E. Report to Students' Council November January 24, 2006  
Late Additions**

**The Discipline, Interpretation, and Enforcement Board have made the following ruling:**

***Re Bylaw Retroactivity* Ruling: #10**

**Date heard:** January 12, 2006

**Appearing for the D.I.E. Board: Presiding Chair:** Alex Ragan, **Tribunes:** Alan Cliff, Kanchana Fernando

**Referring Party:** Chris Jones - Student

**Interveners present:** Gregory Harlow – Speaker, Students' Council

**Case summary:**

The referring party queries whether Students' Council has the ability to make retroactive bylaws and, if so, what restrictions exist on this power. The DIE panel finds that Students' Council has the authority to make retroactive bylaws. No limitations within DIE Board's purview restrict Council's ability to make such bylaws. In the absence of such restrictions, Students' Council is assumed to have plenary power to pass legislation respecting Students' Union affairs, including the power to create retroactive legislation.

**REFERRED QUESTIONS AND SHORT ANSWERS**

Question 1: May Students' Council adopt legislation having retroactive effect?

Short Answer: Yes.

Question 2: If so, from where does this power derive?

Short Answer: Students' Council's ability to create retroactive legislation is not traceable to a specific grant of powers that is within the purview of DIE Board (i.e. the Post Secondary Learning Act). Rather, Students' Council is assumed to have plenary power to pass legislation respecting Students' Union affairs. In the absence of any specific derogation from these powers, Students' Council has the ability to make retroactive bylaws.

Question 3: Are there any restrictions on Students' Council's ability to adopt legislation with retroactive effect?

Short Answer: No. See answer to Question 2.

Question 4: (1) May council adopt legislation that would retrospectively alter procedures set out by legislation that was in force at a previous time, and (2) if so, for an activity

commenced under the previous legislation, which legislation would govern after Council's adoption of legislation with retroactive effect?

Short Answer: (1) Yes, (2) The legislation with retroactive effect would govern. See answer to Question 2.

## **SUPPLEMENTARY ANALYSIS**

The underlying concern respecting retroactive legislation is that it may lead to unfairness whose legitimate expectations have been undermined by a retroactive bylaw. Such concerns can be valid. In spite of this, the DIE Board panel was offered no basis on which to restrict the power to create retroactive legislation. The DIE panel declines to construct a rule restricting retroactive bylaws simply out of the ether.