

STUDENTS' COUNCIL

November 25, 2003
Council Chambers 2-1 University Hall

ATTENDANCE (SC 2003-18)

Faculty/Position	Name	Present/ Absent @ 9pm	Vote #1
President	Mat Brechtel	√	X
VP Academic	Janet Lo	√	X
VP External	Chris Samuel	√	X
VP Finance	Tyler Botten	X	Absent
VP Student Life	Jadene Mah	X	X
BoG Undergrad Rep.	Roman Kotovych	√	√
University of Alberta Athletics Board Exec Officer	Tawana Wardlaw	√	X
Agric/Forest/HomeEc			
Arts	Alex Abboud	√	√
Arts	Chris Bolivar	√	Absent
Arts	Vivek Sharma	√	√
Arts	Erin Kelly	X	Absent
Arts	James Knull (Anand Sharma)	√	X

Arts	Chris Laver	√	√
Arts	Terra Melnyk	√	X
Arts	Heather Wallace (Samantha Power)	√	X
Arts	Paul Welke	√	X
Business	Adam Cook	√	X
Business	Steve Smith	√	X
Education			
Education	Allison Ekdahl	√	X
Education			
Education	Christine Wudarck	√	X
Education			
Engineering	Josh Bazin	√	X
Engineering	Paige Smith (Cole Nychka)	√	√
Engineering	James Crossman	X	X
Engineering	David Wepler (Angela Thomas)	√	Abstain
Law	Dean Hutchison	√	X
Residence Halls Association	Kyla Rice (Mike Colborne)	√	Abstain
Medicine/Dentistry	Jesse Pewarchuk	√	√
Medicine/Dentistry	Tony Kwong	X	Absent
Native Studies (School of	Matthew Wildcat	√	X
Nursing	Jean Abbott	√	Absent

Nursing			
Open Studies			
Open Studies			
Pharmacy	Erica Skopac	X	X
Physical Education	Holly Higgins	√	X
Rehabilitation Medicine	Sarah Booth	√	Abstain
Faculté Saint-Jean	Zita Dube	√	X
Science	Matthew Eaton	√	X
Science	Tereza Elyas	X	Absent
Science	Justin Kehoe	√	X
Science	Aisha Khatib	X	Absent
Science	Shawna Pandya (Stephen Kirkham)	√	X
Science	Elaine Poon	√	√
Science	Steven Schendel	X	Absent
Science	Duncan Taylor	√	X
Science	LeeAnn Lim	X	Absent
President Athletics			
General Manager	Bill Smith	X	
Speaker	Gregory Harlow	√	
Recording Secretary	Shirley Ngo	√	

Guests of Council: Stephen Congly, Chelli Kelly, James Meeker, Paul Reikie, Mike Hudema, Sara Katz, Anand Sharma, Kyle Kawanami, Chris Jones

MINUTES (SC 2003-18)

2003-18/01

CALL TO ORDER

Speaker calls meeting to order at 6:00 pm.

2003-18/02

UNIVERSITY OF ALBERTA CHEER SONG "Ring Out a Cheer"

MEEKER leads Students' Council in the singing of the cheer song.

2003-18/03

SPEAKER'S BUSINESS

Speaker – Is LeeAnn Lim here? No? She has missed 3 consecutive meeting, and is suspended from council, until she makes a presentation.

2003-18/3a

Approval of the October 28, 2003 Students' Council Minutes

SMITH/PEWARCHUK MOVED TO approve the October 28th minutes

BOTTEN - Top of page 7 - should be "Tuition Undertakings Planning and Action Committee"

Page 8 - Should be "Would Councilor Wallace concede that perhaps the reason why the tuition campaign was already underway this time last year is because there was no other political campaign going on?"

Page 15 - we need the names of whoever Seconded the motions in 11a/11b/11c

Page 15 (introduction of item 11c) - should be:

"FAB went over this yesterday. Based on the interpretation of the Chair of that Board, by Bylaw 3100, while FAB can transfer up to \$2,500 between Departments, a transfer from the Capital Reserve to the Operating Budget requires a 2/3 majority vote of Students' Council. As such this is coming to you tonight. Originally when this was approved, it was thought that a lump sum purchase could be made but we now find that it must be paid on a monthly basis so we'd like to move it into the Operating Budget so as to avoid monthly budget transfers."

Page 16 (Announcement) - "shoveling" should be "shuttling"

Carried.

2003-18/3b

Approval of the November 4, 2003 Students' Council Minutes

PEWARCHUK/SAMUEL MOVED to approve the November 4th minutes.

Carried.

2003-18/3c

DIE Board Ruling #2

Speaker-Michelle Kelly, Stephen Congly and Kyle Kawanami are here.

CONGLY – Basically, we are here to explain any questions about the ruling and what is being decided about the current motion on the table.

Speaker - We are not dealing with the entire DIE Board reading tonight, only the interpretation of Bylaw 1200. If DIE Board said that in order for them to do their job, there is a portion of bylaw 1200 that has to be declared void and null. So that is what we are voting on tonight. Is that a fair assessment?

KAWANAMI – The issue is interpretation of bylaw 1200 and found a certain portion of that was in conflict with article 6. All DIE Board rulings in regards to bylaw 1200 have to be ratified by council.

MELNYK – Can someone please explain what “yes” or “no” vote mean?

KELLY – If you vote “yes”, you are recognizing that you are not able to take council to DIE Board as a whole. Council can be brought to DIE Board to answer for breaches of rules and regulations of the Students’ Union.

Speaker - The interpretation is sustained. By the way, who are the members of SCAB that are here tonight? All the members of SCAB, I need you to stay tonight. I need a quick SCAB meeting when this is over.

2003-18/04

APPROVAL OF THE AGENDA

SAMUEL/WALLACE MOVED TO approve the agenda.

SMITH – Add something about multi-year?

Speaker - Yes, the motion, “**BRECHTEL/WEPPLER MOVED THAT** Students’ Council endorse and approve the multi-year tuition package as proposed by the Provost and VPA as tabled” will appear under Old Business as item 9a.

DUBE /HUTCHISON MOVED THAT item 9am be a special order.

Carried.

SAMUEL/COOK MOVED THAT the late additions package be added to the agenda.

SAMUEL – The recommendations by the External Affairs board are important, we are voting on the issue tonight.

LO – The special order moved by Smith, are we accepting it or rejecting?

Speaker – Approving it. The 2 motions are not redundant. One is a direction from the executive committee to do something, and the other is direction from the executive committee to do nothing. If this first motion fails, the 2nd one approved, then SU has told us not to pursue multi-year.

DUBE – Let's not carry this because we need to have this debate and it is very important and I trust our appointed Speaker assumes he knows how to do this right, but let's talk about multi-year tonight.

SMITH – Whether or not we add this to the agenda, the multi-year is still a special order. If we defeat that, we can pass this.

HUTCHISON – If it does get pass, then this will be annulled?

SMITH – The Speaker will then rule it out of order.

Amendments to the agenda are carried.

WELKE/LO MOVED TO make the recently added item a special order directly after 9a.

Amendments to the agenda are carried.

Main motion is carried.

2003-18/9

OLD BUSINESS

2003-18/9a

BRECHTEL/WEPLER MOVED THAT Students' Council endorse and approve the multi-year tuition package as proposed by the Provost and VPA as tabled.

SMITH – Can you run through the speaking turns from last week?

Speaker – We didn't really have a debate, just a bunch of parliamentary points, so we will start from scratch.

BRECHTEL – Just a note to you, I have been given direction to bring this back to council. There has been plenty of debate on this, but it's been productive and there is no comparison on other student issues that have been debated upon. I hope that councilors spent the last week with their constituents, because god knows I did. The people I talked to were fairly split down to the middle. I went around and asked people what they thought. I think unfortunately, we have a responsibility to make a decision on behalf of the constituents. I think we have done a service to students by exploring the issue. There is nothing we could have done in exploring an issue that could of hurt us. We have gained a possibility of gaining funding from our debate. We have got the commitment and that Carl made the commitment that we will have the unified lobby. We also gained some credibility with people in this building and are willing to discuss some issues that they weren't before.

And finally we have captured the imagination of the people in our university and at other institutions. Other institutions have been calling to see what is going on and because this is a creative solution to an old problem. The Students' Council has been clear in laying out the benefits. TUPAC debated them for a long time. What we have on one side is getting a core value and a minor benefit. At the end of the day, we don't gain a lot of benefits and I've gone into this knowing that there were situations that we can get benefits from this multi-year agreement, but what we have right now is an agreement to be collegial. But also to give up a core value, versus a marginal benefit to students. That's how the students crystallized it and thought about it. To me, today I am going to be voting against this proposal.

DUBE – My understanding of is that you are not allowed to speak against your own motion.

Speaker – Robert's rule states you can't speak against your own motion.

SMITH – Would it be an order for another member of council who supports this motion to speak against it?

BRECHTEL – I am going to be voting for this in a way I haven't before tonight. I think we still need to sit down to have discussions. I still think having a seat on EPC is beneficial to us. Affecting what will happen is beneficial. The other thing is, we'll retain our ability to run campaigns.

KOTOVYCH – My understanding is, this deal does not include doing any public campaigns.

BRECHTEL – Right. Regardless of what happens, we are going to have tuition events in January. We will retain that ability no matter how I vote or how council votes. If we had got everything we had gone into this discussion with the goal of getting, we would be better off than we were last year than we will this year. Unfortunately we don't have that success. Correction - I didn't have that success. However, engaging in this has given us more benefit than not engaging into it. I think one way or another, we will be running a campaign. So, I'm going to be voting in a way that I haven't been voting. I came in with high hopes, but they weren't realized. I hope council doesn't see what goes on tonight as a major loss.

WALLACE – Although the President echoed my sentiments, I would like to discuss how I feel. I will vote against going to multi-year this evening. As a student I would like to tell you what I saw. I see defeat in the eyes of my president and I don't like it. It showed me that admin was showing that we were screwed if we did and screwed if we didn't. It is taking a mediocre solution to sacrifice our deals is not worth it in my mind. One day we will be able to say that we had a hand in the government. I know that we have what it takes to persevere this. I was momentarily swayed that we were able to lower tuition, but putting my hope into the hands of this government scares me. But the cost of that decision can only set us back if we wait. This will show campuses across the country. This deal is an insult. Bill 43 in all of its flaws has brought PSC to the forefront. It will not be easy, we will fight against rising tuition. I miss our enthusiasm I saw in all of our eyes. I have learned my lessons on campus, but the most important lesson I've had is with all with you. You have all proven to me to be exceptional leaders. Our backs are against the wall, and I hate that. We take defeat personally in council chambers. I encourage us to be strong and brave.

DUBE – Multi-year is a great idea. The thought of working with the admin, a unified front - hence why I voted the way I did last week. I resent the implication that anyone in this room made a better decision than I did last week. But what we voted on last week is different from tonight's. I do not believe this is a good deal. I don't like what we are offered and I don't see myself supporting it. When the idea became reality, it wasn't the reality that I liked. This is a result of the ends justifying the means. Here is the problem: The ends don't justify the means. We aren't strong if we say I'm going to bend over for you right now. We are strong if we say, your deal sucks and we'll talk to you in 2 years. But what we are doing now is better than what is put on the table. I was very sad when someone that over the course of the last 3 years said that, "I've changed because I have lost my principles". If anyone accuses me of flip-flopping, I will realm you out, this is a different debate. But we shouldn't close the door. We learned many things. Evidently our priorities are a lot different from the admin. As a student, I think their deal was ass.

KOTOVYCH – First thing, based on what happened last meeting, people said that they don't like the deal but they think it is going to happen anyways so they voted in favor of it. Voting in favor of multi-year doesn't speak to ideals, but disagree on the best approach. If you believe that is a better method, that doesn't mean you are sacrificing your ideals. I am in the middle and I've heard things from both sides. One concern that I had was about our ability to run campaigns. 2nd thing, a lot of these discussions were based on assumptions. I have certain beliefs that others don't have. For examples, EPC - some don't think EPC is a good idea but I think it is a good idea. If we fail with this, it is still an improvement. I think Bill 43 once it got going shows that we can run effective campaigns. I have more faith that we can do that. I disagree with the assumptions of external campaigns. It is simply a value judgment. The money value, the formula is crappy but the point of this is not to get a freeze within the formula within 2 years. It mitigates increases that will be coming. Where will we be in 2 years? Better off or worse off? Our ability to work with the university, we can affect change, the issue is are we best to work with the university or do it on our own? Some of these things can be beneficial for students. I've said everything that I wanted to say, we have 2 systems that we can look at. It is not a huge change from the strategy that we have tried. We have to weigh the pros and cons of both. It is not about principles about what everyone here thinks is the best way to get to those goals.

REIKIE – The Provost is a professional negotiator. The University has given nothing in this proposal. We are supposed to meet in the middle. If in a meeting we have a unified lobby front without signing the increased tuition, then that is okay in my mind. However, it sends the message that the students are agreeing to pay more and are going to pay more. This is really not a good deal. I agree with councilor Wallace that this proposal is an insult and a band-aid solution. As councilor Dube warns that we should keep this in the back of our mind, and I would caution against accepting any increase. But yes, we can benefit by working together.

ABBOUD – Let's look at the reality. The University's revenues are here and the expenditures are here. This big void has to be filled without sacrificing quality. So what are they doing to make up the deficit? They are raising tuition. It is a sad reality, but that is what they are going to do. A councilor raised the point that this deal may end up saving the students about \$25 a year. To students, \$25 matters. The way we are going to produce results is to shift the focus on what we do. Every year we get caught up with the tuition battle. As long as we have the decision in front of us, the media likes us to do that, gives us 1-2 days of coverage. The one way to get real change is by taking our case to the public and spending our time and money to lobby the public so that post secondary education becomes more of a priority and the voters will vote for a party that supports post-secondary education. We get it by saying that we have differences between the University and SU, but the best interest is to work together and go after a bigger piece of the pie. It is about being practical. I will be voting yes.

SMITH – I will be voting no. Not because I am a martyr. I am voting against this because of what the tuition is going to be in the short term and in the long term. If we have this deal, we will get 2 years of maximum increase. If we don't agree to this, we will probably still have maximum increase. In the long term, that is where there is a need to get a message to the public. The President doesn't support this deal. The people who are asking to engage in the advocacy are saying that is nice having the media talk to you. So what it comes down to, vote this down.

PEWARCHUK – People are suggesting that this is a band-aid solution and I disagree with that. The yearly thing in January is a band-aid solution because it doesn't address the fundamental problems. The most crucial part of this is that it is new and the other thing is, this is precedent. If we agree to this, in the future, funding to this university will increase because it has to.

DUBE – Would you acknowledge that we are also setting precedence that we are accepting maximum tuition.

PEWARCHUK- We are saying that we want an allocation, to ensure that any increase in funding will go towards a decrease in tuition. We are going to have tuition increase one way or another. The precedence that this sets, it gives us something to fall back on in the future. An increase in provincial funding means that we have to have a decrease in tuition. The other thing, it is now clear that it doesn't stop us from talking to the public. We can still continue to talk to the public about the government's funding. If we continue to attack admin in January, all we get to do at that point is milk a rock. We need to talk to the public. Through the public, we can influence the government to increase funding. For those reasons, I am going to support this and a number of people are going to support this. I think it is important to adopt this. It may help us achieve our ends.

LO – This issue has been tearing me apart. I did about 12 hours of outreach and talked to 50 students in depth. I hear 3 issues and 3 relations when I talk to students. 1st one is accessibility, quality of education and tuition. They are all linked, but correlation is skewed when you throw it in a big melting pot. I am really concerned because I haven't come up with any huge majority and that seriously concerns me. The problem we are looking at is 5 or 6 huge student issues into 1 yes/no question. So what is multi-year? The deal we have in front of us is not just about maximum increase. It is also about EPC and joint lobbying. But I don't think we need to agree to a maximum increase to get a seat on EPC or to get a joint lobbying. I think there is a responsibility for student government to be a clear voice on behalf of students that want to be here and to speak on behalf of principles you want to believe in. We are also an advocacy group which means we lobby for certain principles. You can't stop half way. You have to go all the way. We have responsibility to make sure we are doing everything to protect our students, not just today, but tomorrow. I am in the Faculty of Education and sometimes you get papers in which answers the principle but not the real answer. Admin is coming to us with a proposal, but I think we owe it to ourselves and take the biggest slap in the face. It is 50/50, but it is a tough question and both sides have arguments. I am going to be voting opposed.

KOTOVYCH – First of all, the guaranteed freeze on differential for 2 years, #2, the seat on EPC, I like it more than other people do. #3, the formula for the freeze. #4, the university has proven itself being better at getting money than the SU has. They are lobbying the government for \$400 million dollars, latching onto that is better than going with an unproven solution. #5, priorities at the university level, if we get money, we want a say at how it is spent. EPC is one way of doing and working with the university is a way. #6, we can still talk to the public, we can still lobby. #7, I have been here at the university for 7 years, every year I see Students' Council build expectations at the board meetings, students saying that "oh well, we tried", also this changes every year. To say that we know students want, you have to decide how to get into a long-term goal. #8 – long-term solution. We can work with admin to go after the problems. I had this discussion on the webboard. If we disagree on the fundamentals on how the money is spent, the only thing we can agree on is that we need more money. If that is the case, then we have to depend on the province and the government. Also, we can hope that public pressure will get the university to change its priorities. What I see here is a way to talk with the admin to go after the government - which is getting more money. You can't just say, "go to the government" and not have a say on how this is spent.

SMITH – Going through that list of points. The seat on EPC, I am going to argue that has very little benefit. It is something that already given to academic staff association and non-academic associations.

BRECHTEL – Those 2 associations aren't on EPC.

SMITH – They have been invited to the meetings. The formula for rollback, the funding that applies won't be there. The university is better at getting money than students - that may not be the case. We both will be seeking, if they are better, that is fine. Priorities at the university level, I didn't hear the Board of Governors offer any concrete solutions. If you can get the public on the side, that will filter down to the university level.

We can still go to the public, I don't see that being an effective message in any way. Students are disillusioned – they will always be like that until SU achieves a major victory. As the argument we don't want to be bind to next year. This idea that if more money comes in we'll somehow be better poised is fictitious. EPC already listens to us and knows what we have to say. It's no secret. Lastly, working with the admin, I agree with the BoG, we have different priorities and it will be difficult to work together. Agreeing to multi-year will compensate for the fact.

DUBE – I am going to say is that I have a few concerns. People are going to vote oppose or for-for the wrong reasons. If you believe in it, then do it. And don't let me, or any other influential councilors tell you otherwise. Pragmatic Zita wants to kick idealistic Zita in the ass. The formula for rollback idea – this is not it. It is a rollback on maximum tuition which admin is going to give us. Our tuition is not going down, it is going to go up. As for working with the government, don't assume that our end is going to looking for government support. This government doesn't listen. It is not a very attentive government. Our means and ends is for the government to say that they care about post secondary. That can be achieved by talking to the public. We are walking into a precious election year. Let's harvest that. Whatever you do tonight, don't do it out of fear or declaration, only that you believe it is the right course of action. Nobody will accuse of making the wrong decision. It is a very gray issue and who knows, a week from now I may vote differently. I ask that someone end this debate.

HUTCHISON/DUBE MOVED the previous question

Motion to move the previous question is carried.

Main motion is defeated (24/6/0).

Speaker – The motion from the External Affairs board (8a). You can't move a motion to not do something. So to make this motion valid, it has to say that the executive committee is disbarred from doing this.

DUBE – Would the action that council taken tonight to postpone until next week?

Speaker – It is just not properly formulated and will be struck. So that special order is squashed. We will now proceed with remainder of agenda.

HUTCHISON – Question for the President: Why are we having a meeting in December next week, especially since we have had back to back meetings. If there is no reason for it, then can it be postponed or cancelled?

BRECTHEL – It was in council's schedule. I will cancel the meeting if we deal with all the business today.

EATON – Do we have a policy on honorariums, if there is no such policy, can we have one?

BRECHTEL – What honorarium?

EATON – Honorariums paid out to student groups working at Dinwoodie.

MAH – No we don't have an operating policy for it. We have a sketchy fee schedule for it. There are a number of elements to be considered when running functions in Dinwoodie.

DUBE – Question for the President: He was talking about the tuition campaign that is supposed to commence in January. Why did he say it was starting in December?

BRECHTEL – What I was referring to were the events I will be going to in December. I will be trying to talk to students about tuition, handing out information to students while they are studying. There will be a tuition end of exam party to celebrate the end of the term. There are a number of groups across campus that are involved in the tuition campaign.

Anand SHARMA – Question for the President: Some concerns raised around Parkland institute. I know they sent a letter with a number of concerns, where those addressed. If not, what will the executives do to rectify the problems.

BRECHTEL – I would encourage the Councilor to read the minutes from 2 meetings ago. We have set out a detailed response.

WUDARCK – Question for the VP External: Can I please have an update on Bill 43 itself, the campaign, and on the amendments.

SAMUEL – I'll talk about the campaign first. There is one more event, there is a funeral for it. I'll pass these around. Put these in your faculties. The funeral is this Thursday at noon at the legislature. Meet at SUB stage at 11:30 am. We will get them down there to enjoy the funeral. In terms of Bill 43 and the amendments, it is response of ourselves and the CAUS membership that the amendments, while an improvement, still falls short of the Universities Act. The legislation is still reactive and regressive and will put us a step back from the ideal system. Breaking down the amendments, one being, the Students' Union powers - that has been dealt with. Our power has been put back into the legislation. 2 – amended slightly such that the minister does not have to power to dissolve student groups, student audit not be allowed to be triggered by the board. In terms of tuition, the propose amendments are not put back a tuition cap which was envisioned, but a tuition cap which is allowed to be surpassed. Not really a tuition cap, but a tuition guideline. CPI + 2, whichever is lower. The priorities have shifted that the government has abandoned the previously shared model and that is something that we will illustrating at the funeral and our communication with the media. In the house, Bill 43 passed 2nd reading. It is anticipating that Bill 43 will pass 3rd reading either tonight, tomorrow or day after. There was an article in the Journal from Friday, which talks about the amendments. In terms of the effectiveness of the protest, if councilors have not picked up the Gateway, they should do so, there is an article about Bill 43 and the reactions of students on the amendments.

SHARMA – Question for the VP Student Life: I was contacted by a rep of Lister Hall and she expressed to me the difficulty she had in getting a hold of you.

MAH – We try to keep up our communication with the RHA and the Lister Hall associations. Once a month I put out a bulletin on what is going on with the student life portfolio. The student leaders from all the associations receive those once a month. The RHA meetings are scheduled for 2:40 pm on Sunday and it is difficult to come back to attend a meeting for 45 minutes that is not pertinence for me to come in for. I can guarantee that I am in contact with the President of the RHA and the Lister Hall association. So if any of them need me to be present for a meeting, they more than have access to me through those channels.

HUTCHISON – Question for VP Student life. The Law Students' Association has been having difficulty putting on alcohol related events. We are basically being put through the ringer and it is getting to the point of ridiculousness. What steps has the SU took to move this along?

MAH – Welcome to my world. You think you have it bad? I have it bad. I have 2 bars, loaded with staff where these rules also apply to and for faculties that want to throw wine and cheese functions as well. I am very hard pressed to convince them that a solution can be found by compromising with us. I am a bit upset about this. We experience the exact same challenges, such as running the Dinwoodie and PowerPlant. Basically, everyone around the table has the same stake in it and it comes down to the risk to the university in terms of liability, the alcohol review committees and Alberta gaming/liquor commission rules. We meet a week from today so if you would like to join us, please feel free to. I can see if they can put you on the agenda. Also, if you have specific concerns of what you face in terms of trying to get a liquor permit, let me know what you have run into and this stands open to any student group.

JONES- With respect to BBQs on campus, it is a popular way for fundraising. My understanding is that the Capital Health Authority has taken particular section with the University holding BBQs. My understanding is that the SU has been looking at how to remedy the problems. What concrete steps has the SU taken to hold BBQs on campus?

MAH – I asked this be placed on the Alcohol committee. I have very little background on it. None of the university people are really looking up to it. With risk management and campus security, I asked that this be put on the agenda. So that is where it stands and I invite to accompany me to that meeting.

THOMAS – When is that meeting and do we have to do anything to be put on the list of students.

MAH – 2pm, next Tuesday in Lister Hall. There is usually adequate signage. I can email you before I leave.

ABBOUD – Question for VP Student Life. The VP Student Life said that she would be in contact with the Dean of Students within the next couple weeks. Has she contacted the Dean and what came out of those discussions?

MAH – Yes, I will be meeting with the Dean later.

Speaker – Can I have a motion to consider the re-approval of the agenda.

SMITH/BAZIN MOVED TO reconsider the agenda.

Motion to reconsider is carried.

SMITH/SAMUEL MOVED TO add on last week's late addition package 10c.

Speaker –It was an administrative error and should have been in the agenda.

Carried.

The agenda is carried.

2003-18/10

LEGISLATION

2003-18/10a

BRECHTEL/SMITH MOVED THAT Students' Council strike the words "as per the Students' Union Confidentiality Policy from Article XVIII section 4 of the Constitution (third reading).

BRECHTEL – As council remembers, we were not able to move in camera a couple weeks ago. We created a policy that will last only till this meaning. If we don't do this, the policy expires and we won't be able to move in camera.

Carried.

2003-18/10b

BRECHTEL/SMITH MOVED THAT Students' Council, upon the recommendation of the Internal Review Board, approve the following principles (FIRST Reading):

1. That the Students' Union have one body responsible for the interpretation of Students' Union legislation.
2. That this body be called the Students' Union Tribunal, and that it be composed of between eight and eleven undergraduate students acting as tribunes.
3. That any undergraduate student excepting those serving as tribunes, any Students' Union constituted body excepting the Students' Union Tribunal, and Students' Council all have the authority to initiate a complaint about a contravention of Students' Union legislation and to request an interpretation of Students' Union legislation.
4. That tribunes be selected by a Tribune Selection Committee to be composed of two voting members of the Executive Committee, as selected by the Executive Committee, two voting members of Students' Council, as selected by Students' Council, and two tribunes, as selected by the Students' Union Tribunal.

5. That the Tribune Selection Committee have a quorum of five members, and that any candidate for tribune must be selected by a two-thirds majority vote of the Tribune Selection Committee.
6. That the chair of the Tribune Selection Committee be elected by and from the Tribune Selection Committee.
7. That the election of the chair and the selection of tribunes be reported to Students' Council, the Executive Committee, and the Students' Union Tribunal.
8. That there be a Chief Tribune and an Associate Chief Tribune, and that these be selected by simple majority vote of the Students' Union Tribunal, and that the names of the individuals holding these offices be reported to Students' Council, the Executive Committee, and the Tribune Selection Committee.
9. That all undergraduates excepting those serving as employees of the Students' Union or voting members of Students' Council or its subcommittees be eligible to serve as tribunes.
10. That tribunes serve until such time as they cease to be eligible, they resign, or they are removed by two-thirds majority vote of the Tribune Selection Committee.
11. That complaints or requests for interpretation must be submitted in writing to either the Chief Tribune or the Associate Chief Tribune.
12. That, complaints or requests for interpretation must be ruled upon by a panel of three tribunes within seven days of their receipt by the Chief Tribune or the Associate Chief Tribune.
13. That, in the case of complaints, the agreement of both the appellant(s) and respondent(s) be sufficient to extend the seven day period provided for in (12).
14. That, in the case of requests for interpretation, the agreement of the individual or body requesting interpretation be sufficient to extend the seven day period provided for in (12).
15. That the panel of three set out in (12) include exactly one of the Chief Tribune or the Associate Chief Tribune.
16. That appeals must be submitted in writing to the Chief Tribune or the Associate Chief Tribune within seven days of the ruling by the panel of three.
17. That appeals must be ruled upon by a panel of five tribunes not part of the panel of three, including exactly one of the Chief Tribune or the Associate Chief Tribune, within fourteen days of their receipt by the Chief Tribune or the Associate Chief Tribune.
18. That any Chief Tribune or Associate Chief Tribune who is not able to hear a complaint or request for interpretation due to conflict of interest be replaced on that complaint or request for interpretation by another tribune selected by the Students' Union Tribunal.
19. That the Chief Tribune or, in his/her absence, the Associate Chief Tribune be responsible for scheduling hearings and appointing tribunes to panels.
20. That the Students' Union Tribunal have the authority to strike down or declare of no force or effect any piece of Students' Union legislation that contradicts any other piece of Students' Union legislation.
21. That the Students' Union Tribunal have the authority to censure any member of the Students' Union.

22. That the Students' Union Tribunal have the authority to fine any employee of the Students' Union who reports to Students' Council or to the undergraduate student body as a whole an amount not to exceed twenty dollars.

23. That the Students' Union Tribunal have the authority to initiate a referendum on the vacation of any Students' Union elected office.

24. That the Students' Union Tribunal have the authority to initiate a referendum on the dissolution of Students' Council or of the Executive Committee.

BRECHTEL – We embarked a motion on legislative review this year. We remember the infamous separation of power debate. We passed that, and the process that is now taking place is and that IRB is looking at is to help us run the SU judicial process. We see a lot of first, second and third reading. This is our first example of moving into actual legislation in our new legislative process. We debated in IRB how we would do it. Hopefully from this, you can derive the major details. You basically appoint people for as long as they want to be part of it. As soon as SU passes this for 2nd reading, it will go to IRB and it will come back.

DUBE/WELKE MOVED TO collapse the motion.

HUTCHISON – Can we propose amendments to this?

Speaker – Only in the 2nd reading. Sorry, we do have to have a vote on this.

BRECHTEL – Is there debate on this motion?

Speaker – No.

Motion to collapse this motion is defeated.

2003-18/10c

SMITH/BAZIN MOVED THAT Students' council, upon the recommendation of the Internal Review Board, approve the following principle (FIRST Reading);

That “None of the Above” not be eliminated when it is the candidate garnering the fewest votes in any round of voting in any Students' Union election, and that the candidate receiving the next fewest votes be elimination in lieu of “None of the Above.”

SMITH – Will be moving to merge first and 2nd readings on this. The CRO said that we need to have this issue dealt with. You have all the candidates, whichever one gets the fewest votes are eliminated from the first round. What this amendment would do, if none of the above had the fewest votes, in the end, if it came down to the last 2 candidates, they would have to have more votes than “none of the above.” So it comes down to 1 candidate. Either we deal with this tonight, or we have a meeting next week or we screw the CRO.

SMITH/DUBE MOVED TO collapse first and 2nd reading.

Carried.

Speaker – 1st reading is complete and now moving to 2nd reading. If approved, this will move to IRB for drafting.

SMITH – With this amendment passing, we would always be sure that the electorate would be preferred than to the “none of the above”.

ABBOUD – I don’t like this. I wasn’t that involved with the farce proceedings. But my understanding is, the idea of “none of the above” is that you have x number of candidates and if they aren’t appropriate, the idea isn’t to run, my understanding the principle about that, the “none of the above” is just like a joke candidate. If essentially what this does is approval voting. For those reasons I will vote against this motion.

DUBE – Confusing – we may debate this. How does Joe Blow Student understand the system? If I have to hear it more than twice, the odds are the average student has to hear it twice. I don’t see why we are making it more complicated. I would assume there has been a case where the “no vote” has beat a candidate.

COOK – Not sure how this is works. Please elaborate.

SMITH – There is Candidate A, B and none of the above. With this amendment, let’s say for the first ballot you get 46% for A, 44% for B and none of the above gets 10%. “None of the Above” will be eliminated. Will students understand it? Probably not, but you are supposed to rank the candidates as you like them. I’m not absolutely married to it. It is a minor adjustment that in reality does not have much effect. But it is more democratic to me.

DUBE – What if there are 6 people running? I don’t get it

SMITH – If everyone loved 1 candidate and hated all of them, then yes. My view is, if 50% hates the candidate, the candidate shouldn’t win. This is an amendment that would likely never have an effect.

BRECHTEL – This significantly takes away the chance that we get no candidate at all. Whoever is lowest, their votes get redistributed. Functionally, in pure democratic sense, if you are trying to get someone in office with 50% votes, then you vote for this. In my mind, it increases the odds with ending up with “nobody” in the executive seats. I think it challenges our credibility for filling up the spots. I am in favor of finding the best candidate, so I am speaking against this.

SAMUEL – I don't think that this situation whereby the winner under the current system saying they rather have "nobody" than having someone elected. I think that basically this has a few effects. What it means, when you are voting, anytime you are filling it out, you can stop that "these people are acceptable and then I rather have nobody". And then even though you would have nobody, you still have to rank the people you don't want. The value call is whether or not you want a leader in an elected office that has more than 50% of the population not see them in office. I think it is more valuable to run another election than it would be to have somebody the majority doesn't want in office. I think it would be disastrous if there was an executive committee member who had less than 50% support of the students.

DUBE – We currently have and always had executives that have less than 50% of the vote.

SAMUEL – For example, you have Steve Smith and Adam cook. For example, if less than 50% of the population don't want to see Steve Smith in office, then I think Steve Smith shouldn't be in office. We don't know if you would rather have Adam Cook in office or "nobody" in office. We need to make sure another election be held.

SHARMA – I honestly do understand the system at hand. But your average voter may not. Adopt a level in which the average person has. In terms how you decide, not everybody thinks about things as equally as individuals in this room. So try to think like your students.

DUBE – I think preferential voting sucks. We are fooling ourselves thinking that whoever got put in got 50% of the votes. We get 20% of students to vote, would we lose students this way?

SMITH – The debate is coming down to preferential.

Speaker – This is a debate on a component of tweaking the system.

DUBE – This system to me has complications. It is important to have people fill positions. I am not comfortable on passing it because we don't have a contingency plan.

SAMUEL – Does that mean you would rather have no "none of the above" portion.

DUBE- That is not up for debate right now. I think that this would further complicate it and we shouldn't make "nobody" more important to somebody. No matter how marginal it is. "Nobody" ran a campaign and lost.

EKHDAL/HUTCHISON MOVED the previous question

Carried.

Motion to move to second reading is defeated.

2003-18/14

ANNOUNCEMENTS

BRECHTEL – Cross out the December 2nd meeting. But that doesn't let you off the hook. In December we have tuition related events. The Board of Governor decision on tuition where we will be opposing maximum tuition is on Jan 16. I'll be sending emails over December on how to get involved, with helping out faculty associations and taking part in SU events. Please come out and oppose maximum tuition. Saying it in a council meeting says nothing. We are fully capable of repeating that every year. No point in screaming and yelling, let's start some meaningful dialogue.

DUBE – Coming up this week, members of council who are Greek - we have Greek god and Goddess on Monday. Come out to the PowerPlant on Monday for this event.

SAMUEL – We are having our funeral this Thursday. It is going to be awesome. It is the funeral for the tuition campaign. Also, there will be the high school leadership conference. That is taking place this Friday. We are in need of volunteers. Please contact Kimberly Williams or myself and we will put you to good use for the day.

KELLY – The ASA is doing a Date Auction. Mark your calendars and come out. You guys will love it. Come to the ASA banquet too.

KATZ – December 10, the APC tuition decision. We will be putting together a presentation on tuition. So if there is any concern you want to be brought up, come find me. Dec 10, 2pm. Way much more fun than the tuition event.

COOK – Business week is from January 19-24. There will be a BSA charity fashion show which is the key event for the year. Held at the Royal Glenora. Tickets sold first week of January.

LO – Thank you with help with gripe tables, we have 4 left. Executive power hour this Thursday, so come out 2-3:30 on SUB Stage. I really want to talk to all of your friends. I just really want everyone to come out.

THOMAS – The very last event of Engineering week are the Boat Races. There will be free beer. Talk to Alex for more information.

TAYLOR – Reminder that the BSA and UASAUS is putting a team together for Engineering week.

Speaker – First I would like to say, “well done”. This is my 4th council and this is the most sophisticated in terms of debate and use of the rules. The next thing is that that for those of you that have been around and new, the rest of the year will be gone in a snap. If you have initiatives that you want to bring forward, do it and bring it for January. If you have anything you want done, I am here as a resource and will be here. Dec 12 is “Happy Birthday Webboard”. We are having a brief SCAB meeting. And Merry Christmas.

2003-18/16

ADJOURNMENT

EKHDAHL/SAMUEL MOVED TO adjourn at 9:00 pm.

Defeated.

Speaker - 1 member short of quorum.