

DIE Board rulings on SU election campaigning

DISCIPLINE, INTERPRETATION AND ENFORCEMENT (D.I.E.) BOARD DECISION

Re: Complaint by the Campaign Manager of the "Yes" Canadian Federation of Students (CFS) Referendum Committee Regarding the Decision of the Chief Returning Officer to Classify the Canadian Federation of Students and Travel Cuts Information Brochures as Campaign Material

RE: Third Party Campaigning — Generally

The Gateway publishes the decision of the Discipline, Interpretation and Enforcement Board regarding the SU election in accordance with the SU constitution.

This matter deals with a complaint brought to the Discipline, Interpretation and Enforcement (D.I.E.) Board by the campaign manager of the "Yes"—CFS referendum committee. He is concerned about a decision by the Chief Returning Officer to classify materials distributed by the Canadian Federation of Students and Travel Cuts as being campaign material. He is quite rightly concerned, as the effect of this decision is to reduce the amount of money the "Yes"—CFS committee can spend to advertise and otherwise promote its views during the upcoming referendum campaign. The Discipline, Interpretation and Enforcement Board has been asked to review the Chief

Returning Officer's decision, as provided for by Section 14. (3) of Bylaw 350.

The D.I.E. Board Members have a great deal of difficulty in agreeing with the decision made by the Chief Returning Officer. The materials do not contain any reference to the upcoming referendum. The materials do not specifically request students to support the Canadian Federation of Students. The materials have not appeared on campus in any inordinate numbers, nor have they appeared in any extraordinary manner. While one paragraph of a Travel Cuts poster submitted as evidence by the Chief Returning Officer might be considered as being pro-

motional, the paragraph might just as easily be construed as being information. This is especially so, in view of the fact that the University of Alberta is a member of the Canadian Federation of Students, and the student body as a whole has a legitimate interest in being kept informed about the recent activities at the Canadian Federation of Students. Had there been, however, any evidence that the distribution of the informational brochures were part of a planned or organized attempt by the Canadian Federation of Students to increase support for the "Yes"—CFS side, this Board would have had no difficulty whatsoever in upholding the decision made by the Chief Returning Officer.

In future, therefore, decisions as to what constitutes a "planned or organized act," as stated in Section 3. (c) of Bylaw 350, will be made with regard to the timing with which these informational brochures, advertisements, and handouts make their appearance on campus, their numbers and their content. The sudden appearance of a full page advertisement in *The Gateway*, or a flood of material or advertisements containing Canadian Federation of Students "information" onto campus with three (3) weeks of an upcoming referendum would clearly be unreasonable and might easily be construed as being a "planned or deliberate act" within the meaning of Section 3. (c) of Bylaw 350. Such was not the case in the matter before the D.I.E. Board.

The Discipline, Interpretation and Enforcement Board feels, therefore, that the Chief Returning Officer erred in classifying the Canadian Federation of Students and Travel Cuts material as being campaign material. The "Yes"—CFS campaign committee should be given its one thousand dollar (\$1,000) campaign expenses, as provided for by Section 9. (11) (i) of Bylaw 350.

The Discipline, Interpretation and

Enforcement Board has also been asked to give a general opinion on the subject of third party campaigning. This is a matter that the Students' Council should address, and the D.I.E. Board would welcome any amendments to Bylaw 350 or 300 that make it clear as to who should be classified as such, the types of activities that will not be tolerated by a third party to a campaign, and the extent of the third party's liabilities.

In the meantime, the Discipline, Interpretation and Enforcement Board finds that the bylaws, as they presently exist, allow it to consider the activities of legitimate business concerns such as the Canadian Federation of Students and Travel Cuts as being outside of the definition of third party campaigners unless and until it is shown that their activities and the materials they distribute are planned or organized so as to influence the outcome of a referendum or election. Applying this reasoning to individuals not associated with a recognized campaign or legitimate business concern, their activities, if

shown to be planned or organized to influence the outcome of an election or referendum, will make the recognized campaign subject to the disciplinary actions provided for in Part V of Bylaw 300 or Part I of Bylaw 3500.

Whether or not this is desirable, the Students' Union should decide as the bylaws necessarily place a heavy burden upon recognized campaigns or legitimate business activities to ensure that no unauthorized, planned, or organized activities are being conducted on their behalf. It is indeed conceivable that an innocent, recognized campaign could become a victim and forced to pay the price of a voided election or voided referendum all due to the unscrupulous activities of a third party that has taken it upon itself to "campaign" on behalf of the recognized campaign.

Respectfully submitted,
Discipline, Interpretation and Enforcement (D.I.E.) Board
F.L. Quinton
Chairperson

DISCIPLINE, INTERPRETATION AND ENFORCEMENT (D.I.E.) BOARD DECISION

RE: Arts Students' Association Executive's Actions in Establishing the 1985 Election Dates for the Arts Faculty Representatives to Students' Council

The first matter that will be dealt with in this decision is whether or not the Chief Returning Officer of the Students' Union has the authority to determine for the Arts Students' Association when the Association can hold its elections. In view of Section 28. (4) (a) of Bylaw 300, the Discipline, Interpretation and Enforcement (D.I.E.) Board finds that the Chief Returning Officer of the Students' Union does not have this authority unless there are no mechanisms existent in a faculty whereby the nominations or elections of that faculty's representatives may be brought about.

Establishing the mechanisms for electing and nominating representatives is, therefore, fully within the jurisdiction and responsibility of the faculty. A faculty may be advised on this matter but not ordered.

Secondly, due to the mistake in law that the executive of the Arts Students' Association made when interpreting Subsections 28 (3) and 28 (4) (A) of Bylaw 300, the Discipline, Interpretation and Enforcement Board has jurisdiction to hear this matter. The mechanism whereby nominations and elections are determined is vested in the Arts Students' Association general meeting. The D.I.E. Board finds no reasonable grounds for the Arts Students' Association executive's decision to overturn the decision reached at the general meeting of January 18, 1985. The election date is, therefore, the date decided upon by the majority at the January 18 general meeting: March 15, 1985.

Finally, the D.I.E. Board would call attention to the fact that considerable confusion existed in the minds of the executive as to the date of faculty elections required by Section 28. (3) of Bylaw 300. This confusion was caused by amendments made to the section and by incorrect information given to the executive. There is no evidence before the D.I.E. Board that might suggest the executive was motivated by anything less than good faith when it decided to change the election date to coincide with the Students' Union General Election.

Respectfully submitted by,
Discipline, Interpretation and Enforcement (D.I.E.) Board
F.L. Quinton
Chairperson (1984-85)

SUCCEED WITH HYPNOSIS & SELF HYPNOSIS

BEN ZIV M.A., M.Sc., Hypnotherapist and founder of the ZIV INSTITUTE of Clinical Hypnosis, Calgary, Alberta., (261-5922) can show you how.

With over 24 years experience in the field of hypnosis in Canada and abroad, as author, educator and practitioner, he has become recognized as one of the leading international experts of this powerful technique.

BEN ZIV presents 3 separate, amazing and highly successful programs in EDMONTON, Saturday, Feb. 16 and Sunday, Feb. 17.

1. STOP SMOKING by HYPNOSIS or money back guarantee

A free explanation of this program is given with absolutely no obligation, followed by an actual hypnosis session, so that you can STOP SMOKING immediately, positively, comfortably, painlessly and without the usual irritating side effects. If you have a real and genuine desire to STOP SMOKING, this program is offered to you with a written FULL MONEY BACK GUARANTEE. Attend either

Saturday, February 16th — Edmonton Inn Firewood Room — STOP SMOKING — 7:00 p.m.

Sunday, February 17th, Terrace Inn Richmond Room — STOP SMOKING — 2:00 p.m.

2. WEIGHT LOSS and CONTROL by HYPNOSIS or Money Back Guarantee

Most people can LOSE WEIGHT, but cannot keep it off. Through HYPNOTHERAPY, restructure your eating patterns and habits, so as to not only lose weight, but keep it off, without the usual suffering craving and feeling deprived. Complete explanation and discussion before any fee is collected, with absolutely no obligation. Attend either:

Saturday, February 16th — Edmonton Inn Firewood Room — WEIGHT LOSS — 2:00 p.m.

Sunday February 17th — Terrace Inn Richmond Room — WEIGHT LOSS — 10:00 a.m.

3. SELF HYPNOSIS SEMINAR by BEN ZIV

Experience hypnosis and training in Self Hypnosis with BEN ZIV. Let him show you how it could be possible to relax, sleep better, develop motivation, lose fears, relieve stress, increase memory, confidence and concentration. BEN ZIV's method of teaching and training in just one evening, could give you the ability to take complete control of your mind and body. This complete unique seminar in SELF HYPNOSIS is offered for only \$48.00. Come to understand, appreciate and benefit from the power of your own mind. You could find the ability to make your life the way you want it... **HYPNOSIS WORKS.**

Sunday, February 17th — Terrace Inn Richmond Room — SELF HYPNOSIS — 7:00 p.m.

Please register at door 15 minutes before session. Bring pillow and comfortable mat to lie on. Cheque, cash or Visa Accepted.

SANYO

MBC 550

COMPUTER

Features:

- 16 bit IBM Compatible
- 128K/256K Memory
- printer port
- disk drive
- Hi Res
- Color graphics

FREE SOFTWARE

- * Wordstar * Calcstar
- * BASIC *MS-DOS

IBM COMPATIBLE

CRT 36 MONITOR OPTIONAL

COMPU-WARE CORP.

10125-82 Ave.
Edmonton T6E 1Z5

423-0083

*IBM is a registered trademark



STUDENT SPECIAL

Now Only
***\$999⁰⁰**

WIN!!

**FIVE FUN FILLED DAYS AT THE PINK PALACE
ONE OF GREECE'S MOST POPULAR YOUTH RESORTS!**

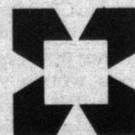
**ENTER OUR "IN THE PINK"
CONTEST NOW!**

EURAIL Youthpass (under 26 yrs) 2nd Class: 1 month \$380. CDN 2 months \$485. CDN

Receive a 'Free Copy' of LET'S GO EUROPE when you buy your EURAIL from: TRAVEL CUTS

With every purchase of a EURAIL or EURAIL YOUTH PASS from TRAVEL CUTS, you have a chance to win...

TRAVEL CUTS



The
Gateway
can help!

Rm. 282 SUB.