

Emergency UWSA Council Meeting
November 1, 2009
2:00pm
UWSA Council Chambers

Council Voting Members Present : Mohsin Khan, Aaron Campbell, Robert Woodrich, Ryan Osterberg, Shae Kavanaugh, Thomas Sasso, Patrick Lalonde, Nic Koutros, Omar Raza, Ayesha Raza, Amanda Orr, Kim Orr, Chris Connell, Renee Taylor, Omar Zghal, Jonathan Wypych (Madeline MacIssac), Odion Kalaci

Council Non-Voting Members Present: Ian Kuehl

Council Non-Voting Members Absent: Kush Aggrawal

Council Voting Members Absent: Luke Weiler, Shereen Singh, Mohsin Budwani, Luv Aggrawal, Laine McGarragel, Will Foot, Stephen Peters, Stephanie Saad, Jill Ciccone, Justin MacLean

Board Voting Members Present: Elie Gharib, Robert Evans, Jasjeet Ajimal, Charlie Thai, Puneet Singh

Board Voting Members Absent: Kaitlyn Ellsworth,

Call to Order at 2:25

Khan: I am looking for a motion to remove the President as Chair.

Motion to remove the President as Chair for this meeting

MOVED: Sasso

SECONDED: Connell

Vote: (13/1/1)

Woodrich Opposed

Osterberg abstained

Khan: I am no longer the chair, we will entertain a motion for a new chair

Sasso: I nominate Mr Raza as the chair

O. Raza: I accept

Vote: (13/0/2)

O.Raza and Woodrich abstain

Mr. Raza explains rules of order for the meeting.

O. Raza – There is a letter that has been circulated that points out that Council has no authority to call a joint meeting. However the rules are silent on the issue, so I will look to the floor for some kind of motion or direction.

BIRT that Council allow a joint meeting of the UWSA Council and UWSA Board, take place in which all members of respective bodies have equal speaking and voting rights

MOVED: SASSO

SECONDED: Connell

Sasso: I believe that due to the nature of the meeting, and in our bylaw and constitution the duty of this issue falls to both bodies. It is important that we allow a free discussion with both sides on this issue

Wypych: I am going to speak against. I believe Board and Council were made separate bodies for a reason. I have no problem giving them speaking rights but I have issue with voting.

K. Orr: Will the voting be done by the same or different tallies.

O. Raza: I will differ to the mover of this motion

Sasso: It would be two separate votes, to still create that separate system

BIFRT that Board and Council votes should be considered separate tallies

MOVED: K. ORR

SECONDED: Wypych

(14/0/1)

Khan abstains

Evans: I have a point of order, that the Board does not have a director as outlined by the bylaws, since our chair must come from among the Board members.

Chair: Are you advising we have two chairs

Evans: Yes, or two separate meetings

Chair: I will consider that you are voting against the amendment

Singh: Would it be possible to have the same chair if Board votes to approve it

Osterberg: I believe Council has the authority to appoint an outside chair. So is it possible for the body to appoint a Board of Directors member as chair for this meeting. That would allow the meeting to proceed while reconciling this meeting with the bylaws. So if you have a Board member as chair we can avoid a lot of this.

O. Raza: On closer reading of 3.6, that rule shall be refrained to a Board meeting. Since this is a joint meeting and for expediency I advise Council that I recognize there should be more transparency for the sake of expediency we move forward.

We should step up and hold members of our Executive accountable. I want to avoid all names and positions. Some issues that have been noticed, not arriving at the office on time, office doors not being open. There are still issues. We need a body that will oversee the Executives and hold them accountable. Before I came to this meeting, my mom gave me a quotation "Judgment is not about destruction but about setting things right".

Khan: Can I get 5 minutes with my Executive, since were not given any information prior to this meeting.

Motion for a 5 minute recess

MOVED: Singh

SECONDED: Ajimal

Vote: (4/1/0)

MOVED: Orr

SECONDED: Wypych

Vote: (6/5/1)

Khan abstained

Khan: I requested that recess because we were not aware of what was being discussed today. I am speaking on behalf of the office of the president. The letter I sent out was procedurally. This body and the UWSA have a tendency to ignore bylaws. One of the things Mr. Sasso said in his speech a body to oversee the Executives but we have that because that is what Council and Board are supposed to. Two don't have to team up one another, we are all supposed to be working together. While we may not be the people you wanted in these jobs, are the best people, we are the people elected by the students. We are supposed to hold each other accountable. The mention of coming in late, but it doesn't mention when the Exec work 18 hours a day, work late, come in on the weekends. The Exec have never said we need more pay or more credit. There is policies that say if you come in 2 hours late you get docked half a day. No one asked us for our side. I speak as President and that's how I feel. It's a bit much asking just because you have been around the office, doesn't mean the body has to decide what you want is true. My question is why couldn't this wait till next Thursday, what is going to come out that will be effective tomorrow. An emergency meeting on a Sunday, emergency meetings are supposed to be for something that can be changed immediately. What you are asking to be is judge and jury, there is no chance for us to give a full response. I doubt we will be given a chance for a fair hearing. A lot of you have been talked to about individuals by other individuals.

Woodrich: I would like to state that all members of the Council and Board have a chance to hold the Executives accountable at your regularly scheduled meetings. May I also state that silence implies consent and that as elected representatives it is all of your duties and consider all the implications of this meeting in a careful and deliberate manner. No one has ever questioned me personally about this issues being discussed at this meeting.

Osterberg: I agree with the concept of accountability to our bylaws, constitution and policy. Councils and boards role is to hold executives accountable. What we have found in IPC that there is not a really clear mechanism. There are parts of our bylaws left blank in regards to Executive responsibilities. For example office hours, there is no policy, bylaw or constitutional

provision regarding Executive office hours or vacation days. I believe there is a couple of places where this motion will overlap with things that are already taking place. I concur that it is Council and Boards responsibility, and I believe what Mr. Sasso is attempting to do is create a method for that to occur, I do caution I don't want anyone to rush into this however. We all need to calm down. We need to show mutual respect, we are all supposed to work together, lets avoid comments under our breaths, we are all here, let's focus on a goal and a beneficial outcome.

Evans: What policy does Executives showing up late violate?

Chair: We are not commenting on the motion yet because it has not been moved and seconded.

BIRT the UWSA Board of Directors and Council strike an ad-hoc UWSA Accountability Committee, composed of two (2) Directrs and three (3) Members of Council, to monitor the duties of the UWSA executive.

BIFRT the ad-hoc UWSA Accountability Committee be charged with the duty to construc a system of penalties for the UWSA executive to be administered by the Board of Directors when an executive member is deemed not to have fulfilled their duties.

BIFRT the ad-hoc UWSA Accountability Committee be charged with the task of ensuring that the YWSA executive are fulfilling their roles and duties as prescribed in the governing documents and through general practices, and report to the Board of Directors and Council at each of their respective meetings.

MOVED: Gharib

SECONDED: Ajimal

MOVED: Taylor

SECONDED: A. Raza

Osterberg: Just in regard to the second BIRT, creating a system of penalties, IPC is already looking into accountability measures. If there is going to be any continuity, it can't be ad hoc. It has to go through IPC, and come to Council and put into our policies. Is this not something we can save and focus on the other two aspects.

Gharib: I will speak for the motion. I think that we should keep the whole motion, I like creating proper bylaws but for this year we should move forward. I don't think the Board or Council have any agenda towards harming the Exec. In my opinion the committee is a good idea. Something of this magnitude its good that we meet and work together.

Lalonde: I want to commend Mr. Sasso for bringing this ad-hoc committee. As Mr Osterberg pointed out this is something we are discussing in IPC. I want to create a committee such as this ad-hoc committee but expanded to include professionalism, standards and accountability and not limited to the Executive but also Council and Board. Hopefully such a committee will include Council and Board. The reason this is important, is if you are doing your job you shouldn't have anything to hide.

Evans: POI what policy is violated by showing up late for work

Sasso: None, but convention and precedent.

Kavanaugh: I am speaking against the motion. I like it in principle. I am just concerned about the 2 directors and 3 council. I am concerned about the time commitment issues. Perhaps 1 Board member and 2 Council member. We already have so many committees.

Orr: POI doesn't a member of the Executive member have to sit on all committees.

Osterberg: That is the standard practice, but the composition of committees is determined by Council, and if you create a committee. The active committee's like IPC we do get to sit on because it is in the policies. I am not positive about ad-hoc because I have never seen the creation of one, but I believe Council controls the composition.

Khan: If I remember correctly, that the President as virtue of the position gets to sit on all committees created by Council or Board because of the aspect that lies with dealing with all the UWSA things. The President can choose to sit on anything, but whether he has a vote or not is a different issue.

Wypych: POI so when a committee does Council have to review it

Sasso: I apologize, I should have elaborated. The theory behind this committee is that individuals would sit on it. How I want this committee to work is that the committee will report to Board and Council, and let them know what they have observed. Council would not have the power to enforce an action. Board however would be the one to enforce it. The committee will make recommendations.

Wypych: Does the committee itself come up with the punishments and its up to the Board to choose whether to do it or not.

Sasso: Yes the committee would create the penalties before hand and this is the system. This committee really, the idea behind it is to act as it deems necessary. Each member would meet with a various Exec member. The Exec would say this is what I have planned for the week. If an Exxec has an issue with a fellow Exec, they can inform the committee at that time. This is meant to mimic the American government. Council is like the House, Board is like the Senate, and the Exec are like the President and the White House. This committee would be like the Supreme Court. This committee won't be able to enforce the penalties that will fall to Board. Where Council comes in is to make sure Board is hearing these things and see if they are acting or not. If Board doesn't do anything, then Council will act.

Woodrich: I would like everyone here, that a majority of the Board or Council members have not been given the opportunity to prepare a well researched and prepared rebuttal to this motion today. Further that none of the issues being discussed today constitute an emergency. I also would like to request you question the speed and haste with which decisions are being made today. Let my comments not reflect guilt as Mr. Lalonde implied, and I hope attendance is this high at our next regularly scheduled Council meeting where I will be giving a comprehensive report on my activates. Furthermore, since when is the UWSA attempting to mimic the American form of government.

Evans: I would like to speak against the motion. If no policy is being violated. Then the issue is to make a new policy. Regular meetings can be utilized to create new policies. A policy is a long term solution to a systemic issue. An emergency is someone about to walk out the door with a million dollars. So I don't see that this meeting needed to be called. Policy should go through the current channels.

Khan: It's important that what is being suggested by Mr. Sasso is the responsibility of every Council and Board member. What this committee is, is Council and Board farming out responsibility to another committee. Its also important to note that Board can punish us whenever it chooses to. We don't need another committee. We have a lot on our plate and another committee is not the best approach. UPC has still not met because there is not enough people on it. I would also like to say that judiciary members are not selected from the house in the American system, anyone who has to sit down and discuss issues, it should be neutral members. Looking around this room it's hard to find neutrality. It was mentioned that it is not practical for 6 members of Board to hold the Executive accountable, yet 5 member committee can.

Wypych: It theory I agree with Mr. Sasso. However I feel this is a very large step to be taking as a first step. Mr. Sasso may want to create a Utopian committee, I do not see this motion reflects the spirit behind the motion. It has drawbacks as well. I would like to see a more comprehensive motion that outlines the parameters of this committee.

K. Orr- I am concerned about how this committee will be selected because it should not become a witch hunt. I am hesitant to allow people who want to sit on this committee to sit on this committee. I think we have to make sure the people elected are unbiased.

Sasso: The selection of any committee always comes to a vote among Council and Board. I do definitely understand the need for this to become a firm policy. The soonest that could happen would be the end of January. The committee would not meet until February. Then we are into election time which makes us a lamb duck. I do think it should be done for the future. A lot has been made of emergency meeting. I do think this is important. Since I know Council and Board will not meet till next week. I do think this needs to be addressed now. Just having this body may provide the incentive to keep it from ever having to be used. I just question how much has come forward from Council on this matter. This committee would be just one extra body with a specific focus. I think some people are interested in this topic.

Gharib: The previous system we have now. The Board has the power to make a decision on that. The second part of this motion says the committee would come up with the punishment but the board will make the final decision. This is the case now. If one Board member sits on it, the whole Board will still have to make the final decision. In the end I think this committee is a good idea because it brings the joint opinion of both board and council. This committee just provides more information to Board.

Lalonde: I am in favor of this. How can 30 people police 4 people effectively. The answer to this is this ad hoc committee. It will task the committee to do this job and report back to Council and

hold the Exec accountable. I asked that doors be kept open during the day and report to the desk staff when we leave. There may not be a policy on being in the office, but you should be in there when it's open. I have raised issue with Council and it has done nothing. Why not, why can't we do this. I challenge the Council and Exec why greater accountability is a bad idea.

Keuhl: On a couple of issues. I am against the motion. I support the spirit. Obviously it's the role of the legislative role to hold the Executive branch accountable. The problem I have found is that we are on a one year calendar. I would agree this is an emergency, because in a one year calendar you can't go very long without a decision. There is a somewhat conflict of interest in appointing members to this committee, to make sure there is no alternate agenda. I do believe there should be somebody or oversight. I agree there is a need. There could be an ethics commissioner whose sole role is to be independent, look into matters and report to Council.

Mr. Zgal: I am against this mission. How have the Executives been held accountable in the past. As I understand Board and Council should hold them accountable. Isn't there a way to bring the issue before the Council. If we want to make this committee, we should consider it and do it right rather than rush it. What kind of punishment would be used.

Chair: The 2nd part of the motion instructs the committee to construct a system of penalty

Ajimal: Do you have examples of how the Execs are not doing their duties

Chair: Traditionally this is not a question and answer period, but because this is an unusual meeting we will all it.

Sasso: I will bring up the idea of attendance at the Board or Council meetings. We advertised the meetings of both Board and Council prior to the elections and those times are agreed upon. So lack of attendance at those. Minutes being incomplete, excessive time taken off whether it is coming in late. In general the nature of the office, which I believe is implicit part of the UWSA. I walk in where arguments are raging. The Execs can't function that way. I believe if we have an external body.

Ajimal: How can this committee actually control behavior, the Execs are elected but it can't make them like each other.

Sasso: Behavior is formed based on environment. This environment is negative because of animosity because of issues with duties.

Renee: I have a number of issues. Especially with a sense of the feel in the office. I feel a certain way in the office. A lot of the matters are things we can't punish people for. Its characteristics of the individuals. I don't think there is a lot that can be done.

Osterberg: I'm speaking against in its current form. I have a couple of concerns. I believe the responsibilities to hold accountability is held equally by both the Board and Council. While Board has the ability to enforce the decisions. I believe it should be 50/50 split half Council and half Board. I also do not believe the punishments should be arbitrary at the whim of some ad-hoc

committee. What the penalties can be, and what options the committee have to recommend, there should be a framework. I hope any such committee would start fresh, and the Execs could work with any committee from a fresh start. I have no problem with enhanced accountability, but it should be done with a sense of continuity so it is not enforced on one group this year, and then dropped next year. Disagreements of among the Executives is nothing new it has happened for years, there is personality conflicts. It happened last year very loudly between Exec members in the office. It happened the year before. Its simply personality conflicts, you don't get to chose who you serve with, you are forced together by the democratic process. Execs try to work together, and despite disagreements I believe we do try to work together. I have a concern about the time allotment with a meeting at the beginning of every week with Execs. That will eat up a lot of time from Exec responsibilities and Council and Board members times. We have a lot of meetings. If some of these issues were addressed I don't think I would have a problem with a committee. I do believe it's important to have accountability. I don't want this to turn into a witch hunt, and it could hurt the organization.

Motion to amend the motion to reach BIFRT the ad-hoc UWSA Accountability Committee be charged with the duty to construct a system of penalties for the UWSA executive to be approved by Council and approved and administered by the Board of Directors when an executive member is deemed not have fulfilled their duties

MOVED: k. ORR

SECONDED: Sasso

Koutros: Will this be an appeal system?

Wypych: Will we be acknowledging Mr Koutros because he entered late

Chair: Let me consult with the VPA for a minute but we will proceed, Ms K Orr.

K.Orr: It will be an approval process.

Gharib: So the committee will develop the processes and penalties it will take it to Council and Board for approval but Board will have the final say on the penalties.

K.Orr: Yes

Chair: In light of the circumstance and not noting when the official entrance was made we will be recognizing Mr. Koutros.

Gharib: This seems to make things the same as it is now, but it allows for a smaller group to review. I approve the amendment.

Osterberg: I am for the amendment. My understanding of how this is written, the committee will come up with a structure of accountability measures which Council and Board will approve, but Board will be responsible for administering them. The structure would outline what the Committee can do and how it will work, and they will function by that for the rest of the year. The committee will make a recommendation on punishment and take it only to Board who will have the final decision.

K. Orr: Yes

Ajimal: Can Board amend the punishments proposed

Chair: I believe Board is entrusted with the accountability and enforcement of Executive as it is, so I think that is how it will proceed.

Taylor: Will this committee just be walking around the office or conversing with the staff. What exactly will they be doing

Chair: I will rule that submission out of order, as off topic regarding the amendment

K.Orr: Would the Board have to stick to the penalties proposed

Osterberg: If it is not written in the bylaws, Board can make its own. IF they were amended then the Board would have to work within them at that time.

Sasso: Council has the ability to make recommendations to the Board that it follow these penalties but Board can do as it wishes.

Evans: I am against the motion. The Board already has the ability to create a monitoring tool. The Board can create a system which can be enforced. Currently there is no policy for doors being open or closed. If the student body doesn't like the job that is being done, there are elections, where one body has a chance to communicate whether they like what is being done or not, or promising to do a better job. I think by creating a committee you will have one level of debate, and then it goes to Board will the debate will happen again.

Lalonde: I support the motion. I agree with what Mr. Evans says, but I don't think it hurts to have an extra discussion. We need to have this discussion at a high level. IF I don't show up to a Council meeting 3 times I lose my seat, if an exec doesn't show up to their office nothing happens.

Vote()

Motion Carries

Vote()

Motion Carries

Khan and Woodrich abstain

Chair: I just realized in the event that Board doesn't pass a motion or vice versa it would put us in a predicament.

Two minute recess

Chair: What would happen if Board passed a motion and Council will not. If a motion passes with one body and doesn't pass with another, the motion as a whole fails. Regardless of which body it fails with. Board and Council could bring another motion at its earliest convenience.

Kalaci: I am in favor of the motion. Well it may be true that the Council and the Board can hold the Executives accountable. This committee will bring more accountability.

Woodrich: I am against the motion. I am torn here. I am in favor of the spirit, I just question the method. It has been stated here that taking a position against the committee is tantamount to being opposed to accountability with this in mind, I challenge Council and Board to hold me accountable at regularly scheduled meeting. I have done my best to be a student centered VPUA, and I ask if you have problems with how I do things you work with me in an effort to strengthen the student movement. How many of you have taken the time to meet our Academic Advocate, do you know the name of our new foodbank coordinator, have you reviewed the OUSA documents I sent you, which I spent a great deal of time working with other schools to strengthen. Please work together as students rather than taking time infighting.

Wypych: I am opposed. I think the amendment is along the right lines. I just feel there are a lot of questions that have yet to be answered. I understand we have to hold the Exec to a higher standard, however I want to remind you that they are Council members. Some of you have not done your job, lots of you have and some go above and beyond, and some of you have not.

Chair: Mr Gharib and Osterberg are on the speakers list and however they are on their third admission.

Motion to amend the first clause to 2 members of Council and 2 members of Board.

BIFRT that the accountability committee be tasked with accountability of present and future actions

MOVED: Osterberg

SECONDER

Chair: No seconder, so the amendment dies

Motion to extend the speakers list

MOVED: Sasso

SECONDER: Gharib

Vote: (12/8/1)

Motion Fails

Khan abstains

Connell: I give my speaking rights to Mr. Sasso

Sasso: However this falls out, I hope this won't change the dynamic of Council Board and Council. It was not an attack. I never meant for it to be anything beyond that. This committee being ad-hoc can be disbanded by Council and Board. If it was felt by Council or Board was going beyond its prerogative it could be canceled. If you have concerns you can hold them in check.

Main Motion:

Board Vote: (3/2/0)
Council Vote: (10/5/1)
Khan abstains

MOTION CARRIES
MOTION CARRIES

Question Period

Kalaci: Since the main issue seems to be with Executive time. I have a couple of questions. Number of days you were in before 10 and number of days you were in after 5.

Khan: 2 or 3 days before 10, whoever I was doing UWSA business on other days before ten, I just was not in the office. After 6 every day.

Woodrich: I believe 2 days before 10, I had judicial panel, hired the foodbank coordinator and TA'd a class the other mornings. Most days I was here until 9pm.

Osterberg: I had a class and Council training Friday. 3 days before 10 and 2 days after 6pm.

Campbell: 5 days before 10 and 5 days after 6.

Taylor: We should have a sign in sheet, or have a meeting. Where is this certain person, the front desk doesn't always know. This could solve a lot of problems.

Osterberg: My recommendation would be a bulleting Board, the Execs names are on the Board and there is a space for in and out and a brief space to fill out a reason. So you could put a marker by out and write beside it something like meeting. It hangs right on the wall. Most of us tell the secretaries where we are going but they are dealing with a lot of people and can forget, so relying solely on that isn't the best approach. A physical board works.

Chair: The agreement was 2 questions and 2 answers

Ajimal: 6 months ago Mr. Osterberg was appointed to create a foodbank, just yesterday a foodbank coordinator was hired why the delay and why did you put your duties off to another Executive.

Chair: We are getting into merky waters here

Ajimal: Windsor is the hardest hit economy in all of Canada, why does our university not have a foodbank.

Chair: The chair does not agree with this line of questioning, this meeting was for the creation of an ad-hoc committee. However, this question was posed to Mr. Osterberg and he would like to answer by his own will, so I will allow him to respond.

Osterberg: First of all I wasn't charged with creating of a foodbank. I requested funding for the creation of a foodbank. There is a differentiation. I did not set a timeline, on purpose because I wasn't sure what form it would take. Over the summer Mr. Woodrich had a meeting or two with Iona College and came up with what I think is an interesting approach. There is a foodbank on

college at Iona College. So I asked for funding. As the summer went on and got closer to Welcome Week my schedule was rather hectic. I asked Mr. Woodrich to take the lead on this because he had those meetings with Iona College and it was that concept that was driving this foodbank. I got an email yesterday and I believe Council did as well announcing our new coordinator.

Motion to Adjourn

MOVED: Sasso

SECONDED: Woodrich

Vote: UNANIMOUS