DSU Council Meeting Minutes

Meeting Date and Time: Thursday, May 7, 2020; 6:00 PM

Location: Held virtually, using Microsoft Teams.

Content Warning: This meeting included discussions about sexualized violence, and these minutes therefore include mention of this topic.

Land Acknowledgement

Prior to the Call to Order, the Chair read out the following land acknowledgement:

The Dalhousie Student Union acknowledges that Dalhousie University and the Dalhousie Student Union Building are located on traditional, unceded and unsurrendered Mi’kma’ki territory. The Dalhousie Student Union seeks to honour the relational treaty process in its programming, events, and meetings.

Procedural Notes

The Vice President, Finance and Operations, in the role of Acting Chair, briefed attendees at the meeting with a brief overview of Robert’s Rules of Order and how they would be modified to fit the digital meeting.

1. Call to Order

The meeting was called to order at 6:11PM by the Vice President, Finance and Operations in the role of Acting Chair.

2. Roll Call

Present:
Madeleine Stinson – President
Hanna Stewart – Vice President, Internal
Isa Wright - Vice President, Finance and Operations
Erica Seeleman – Vice President, Academic and External
Jad Ghiz - Vice President, Student Life
Claudia Castillo-Prentt - Black Students’ Representative
Drew Guyan - LGBTQ+ Students’ Representative
Nik Isaac-Pictou - Indigenous Students’ Representative
Robert Larsen - Faculty of Agriculture Representative
Zachariah Scinocca - Faculty of Dentistry Representative
Shane Isler - Faculty of Law Representative
Jennifer Dubois - Faculty of Management Representative
Fatima Beydoun - Board of Governors Representative
Vacant: (Positions not yet appointed)
Board of Governors Representative
International Students Community
Residence Students Community
Students with Disabilities Community
Women Students Community
Faculty of Architecture and Planning
Faculty of Arts and Social Sciences
Faculty of Computer Science
Faculty of Engineering
Faculty of Graduate Students
Faculty of Health Professions
Faculty of Medicine

Absent with Regrets:

Absent without Regrets:
Bakhmala Khan (Interim) - Faculty of Science

Non-voting Members: (note: non-voting attendees are listed here only if they contributed during the meeting. DSU members who were present to observe the meeting but did not intervene in discussion are not listed)
Frank Heimpel, Staff at South House
Francesca Ekwuyasi, Staff at South House
Jenn Wingfield, General Member
Katrina Plasse, Active Listener, recent BSW graduate
Grant MacNeil, Meeting Chair
Lane Harrison, Dalhousie Gazette
Jordan Roberts, King’s SVPRO/Active Listening
Alex Hughes, General Member
Selam Abdella, DSU Equity & Accessibility Office Director

3. Ratification of Chair and Secretary

MOTION 2020-05-21-3.1
WHEREAS the incoming DSU Council Chair has not completed training and will be appointed at the meeting of Council on May 21 and should therefore be considered “absent” for all intents and purposes; and

WHEREAS the Union Rules and Procedures Policy 11.3 states that “In the event of the absence of the Chair of Council, a member of the Executive shall act as Chair of the meeting for the sole purpose of allowing Council, by a two-thirds vote, to appoint an acting Chair,” therefore:

BE IT RESOLVED THAT Grant MacNeil preside over the present session of DSU Council.
Motion 2020-05-21-3.1  Passes by Special Resolution

MOTION 2020-05-21-3.2
WHEREAS the incoming DSU Recording Secretary has not completed training and will be appointed at the meeting of Council on May 21 and should therefore be considered “absent” for all intents and purposes; and

WHEREAS the Union Rules and Procedures Policy 11.4 states that “In the absence of the Recording Secretary, Council may appoint any person as temporary recording secretary, provided that any member of Council so appointed shall not receive an honorarium for such services nor be denied their voting privileges,” therefore:

BE IT RESOLVED THAT The Vice President, Internal act as secretary for the present session of DSU Council.

Moved by: LGBTQ+ Representative; Seconded by: BOG Representative

Motion 2020-05-21-3.2  Passes

4. Approval of the Agenda

MOTION 2020-05-21-4.1
Be It Resolved That the agenda for this meeting of Council be adopted as circulated.

Moved by: Vice President Academic & External; Seconded by: President

Motion 2020-05-21-4.1  Passes

5. Communications Received

The Chair reported that no communications or regrets has been received.

6. Presentations

6.1 South House Presentation

Presented by: Frank Heimpel and Francesca Ekwuyasi

Heimpel and Ekwuyasi discussed the concept of a survivor-centric process, and principles in discussing sexual violence through a trauma-informed and anti-oppressive lens.

6.2 Report on Recent Online Disclosure of Sexual Violence

Presented by: President
Member Alex Hughes, the Black Students’ Representative, and the Board of Governors representative asked about why the Union had chosen to contact Halifax Regional Police. The speakers commented that the police are not a survivor-centric body and therefore this action contradicts the DSU and the DSU Survivor Support Centre’s stated principles, as well as the procedures laid out in the University’s Purple Folder.

The President responded by noting that the police were contacted based on legal advice, and that the survivor would only be involved with HRP if they choose to be. The decision to contact the police was based on an obligation to report criminal allegations and a desire to protect students, particularly given the details of the online disclosure. In response to the question about the purple folder, she noted that this disclosure came forward during transition.

The BoG Representative asked about how the DSU would be moving forward and remaining survivor-centric. The President responded that she has now been in contact with the survivor, but can not share details at the moment. She stated that this individual would be consulted at every step. The Equity and Accessibility Office Director asked if the Union will now be using the purple folder, and the President confirmed that they would.

7. New Business

MOTION 2020-05-21-7.1

WHEREAS the Judicial Board has not yet been appointed for the 2020-2021 year but will be appointed at the meeting of Council on May 21; and

WHEREAS the Judicial Board reports to Council and Council has greater decision-making power; and

WHEREAS serious allegations of sexual violence have been made online about a member of the DSU Executive; and

WHEREAS the Judicial Board Policy enables the Judicial Board to take the non-disciplinary action to temporarily suspend an individual respondent for a period of up to one week, should they find potential for continued serious harm to the organization or another individual pending the results of inquiry; and

WHEREAS the DSU is committed, as per the Equity Policy, to creating equitable and inclusive environments free from harassment and discrimination; and

WHEREAS the DSU recognizes that sexualized violence and rape culture affect people profoundly and differently, and believes that all students have a right to safer campuses; and

WHEREAS the DSU has received feedback from many members, in particular women and non-binary students and others who may experience higher rates of gender-based violence, calling for the DSU to follow survivor-centric principles;

THEREFORE:
BE IT RESOLVED THAT Jad Ghiz, current Vice President, Student Life, be suspended with pay, effective immediately, for a period of one week as a non-disciplinary action; and

BE IT FURTHER RESOLVED THAT at the end of one (1) week, on May 14, 2020, this suspension may be renewed for an additional period of up to one (1) week by a special resolution passed by the Executive Committee; and

BE IT FURTHER RESOLVED THAT if said suspension is renewed, this decision will be immediately communicated to Councillors; and

BE IT FURTHER RESOLVED THAT this non-disciplinary suspension be carried out in order to allow for any potential investigative proceedings to be carried out.

Moved by: President; Seconded by: LGBTQ+ Representative

Extensive discussion was held around the presence of the VPSL in the meeting space. A number of meeting attendees, including the Black Students’ Representative, noted that folks would feel safer if the VPSL was absent, given that the motion concerns him. The Chair initially stated that there was no mechanism in Robert’s Rules for removal of a person from a meeting without a conflict of interest or disruptive behaviour. The situation was determined not to constitute a conflict of interest because the motion was for a suspension with pay. The VPSL chose not to leave the meeting of his own accord. After a number of other meeting attendees stated discomfort with continuing debate with the VPSL present in the meeting, the Chair reconsidered the question of privilege and ruled that VPSL would leave the meeting for the remainder of debate on the motion. The VPSL then left the meeting for a period of 20 minutes.

Attendees including Member Jenn Wingfield, the Black Students’ Representative, and the Board of Governors Representative asked logistical and procedural questions about the motion, including about why the motion was being brought forward with these specific terms: for a seven-day suspension when disciplinary proceedings would take longer; for a suspension with pay when many students had been calling for pay to be withheld; and not through the Judicial Board. Concerns were also raised about how the need for an extension of the suspension would be determined, and about whether an investigation would need to occur in order for disciplinary action to be taken.

The Chair and members of the Executive responded to these concerns, noting that typically the Judicial Board would make recommendations about disciplinary motions, but the board has not yet been formed; that the policy states that this type of suspension can only last seven days; and that suspending the VPSL without pay would be a disciplinary action which must have at least two weeks’ notice. Procedures for disciplinary action in the Bylaws and Judicial Board Policy were highlighted.

Attendees discussed mechanisms for holding executives accountable, about the role of survivor-centric processes within the DSU, and about how best to listen to members.

The Faculty of Agriculture Representative asked about the terms of the suspension, and the President responded that the effect of the motion would be to relieve the VPSL of all current responsibilities, including communications. She also clarified that since the disclosure had come forward, the VPSL had only participated in online training sessions.
At 7:52, the Vice President, Finance and Operations, motioned for a ten-minutes recess (MOTION 2020-05-21-P1). The motion was seconded by the Vice President, Academic and External, and passed. Following the recess, debate on motion 2020-05-21-7.1 resumed.

The Board of Governors Representative introduced the following MOTION TO AMEND:

**MOTION 2020-05-21-7.1.1:**

BE IT RESOLVED THAT Motion 7.1 be amended by striking out “with pay” and inserting “withholding honorarium until acquitted, or, until Council decides other disciplinary measures if he is not acquitted” and;

BE IT FURTHER RESOLVED that motion 7.1 be amended to add: “BE IT FURTHER RESOLVED THAT Judicial Board appointees are trained in sexual violence response and will follow the guidelines of the Purple Folder”.

Moved by the Board of Governors Representative; seconded by the Black Students’ Representative.

The BoG representative and proponents of the amendment emphasized their constituents’ desire to see the VPSL suspended without pay, and for the students on the Judicial Board to be adequately trained.

The BoG representative stated that this motion would keep the original motion non-disciplinary.

Councillors raised questions about the legal interpretation of non-disciplinary, and whether the amendment at hand would be in order for a non-disciplinary motion. The Vice President, Finance and Operations, stated that legal advice had been that any withholding of pay constituted disciplinary action. They further clarified that withholding pay could open up the DSU to legal action. The DSU’s legal counsel joined the call to respond to specific questions.

The Black Students’ Representative introduced a procedural motion (MOTION 2020-05-21-P2) to extend the meeting by 15 minutes. Seconded by: LGBTQ+ Representative.

The Agriculture Representative introduced an amendment to MOTION 2020-05-21-P2 to strike out “15” and insert “30.” The amendment was seconded by the Faculty of Management Representative and passed. The meeting was extended by 30 minutes. Debate returned to the amendment at hand.

Debate continued around the merits of withholding or not withholding pay. The President stated that based on legal advice, withholding pay would be seen as a disciplinary measure and would therefore be beyond the scope of this motion. Legal counsel confirmed that suspension without pay would be considered a disciplinary motion. The President explained that passing a disciplinary motion without following the disciplinary procedures laid out in the DSU’s bylaws would open up the Union and current executives to potential legal action. Attendee Jordan Roberts also noted that a failure to follow proper procedure could result in legal proceedings against the survivor.

The Faculty of Agriculture Representative moved to call the amendment to question (MOTION 2020-05-21-P3). Seconded by: Faculty of Management Representative; passed.

MOTION 2020-05-21-7.1.1 failed.
The LGBTQ+ Representative moved to reconsider MOTION 2020-05-21-7.1.1 (MOTION 2020-05-21-P4); seconded by the Black Students’ Representative. The motion to reconsider passed. Debate returned to MOTION 2020-05-21-7.1.1.

Member Jenn Wingfield introduced a motion to divide MOTION 2020-05-21-7.1.1 in order to vote on each clause individually (MOTION 2020-05-21-P5). The motion was seconded by the Black Students’ Representative and passed. MOTION 2020-05-21-7.1.1 was therefore divided into two separate motions to amend, the first titled MOTION 2020-05-21-7.1.2 dealing with the change to “without pay,” and the second titled MOTION 2020-05-21-7.1.3 dealing with the requirements for the Judicial Board.

**Note to the minutes:** Proper procedure would have been for a voting member of Council to move this motion, rather than a general member. This procedural issue was overlooked during the meeting and not addressed by a point of order. As per Robert’s Rules of Order, points of order need to be raised promptly. Given that the motion was duly seconded by a member of Council and passed without objection, this procedural issue is being noted but does not result in the motion being automatically rescinded, or any other action.

The floor was opened to debate on MOTION 2020-05-21-7.1.2.


MOTION 2020-05-21-7.1.3 passed.

The Indigenous Students’ Representative moved to extend the meeting by twenty minutes (MOTION 2020-05-21-P6). The motion was seconded by the Faculty of Management Representative and passed by unanimous consent.

MOTION 2020-05-21-7.1 passed as amended.

**MOTION 7.2**

WHEREAS the DSU distributes bursaries from the Student Accessibility Fund through the Student Accessibility Fund Committee, and these bursaries have been particularly important over the past few weeks in supporting students whose access needs have been exacerbated by COVID-19; and

WHEREAS in some cases the financial need described in bursary applications is urgent and a gap in the distribution of bursaries from this fund would negatively impact students with disabilities; therefore

BE IT RESOLVED THAT the term of the 2019-20 Student Accessibility Fund Committee be extended until May 21, 2020, at which point the members of the Committee for the 2020-2021 year shall be appointed.

Moved by: DSU VPI; Seconded by: LGBTQ+ Representative

Motion 2020-05-21-7.2 passed.
8. Notice of Motion

The Black Students’ Representative noticed the following motion to Council, for debate at the next meeting on May 21, 2020:

WHEREAS a DSU member has put forth allegations of sexualized violence committed by the Vice President Student Life and,

WHEREAS the Vice President Student Life has thus allegedly breached the following policies of the Code of Conduct Policy and:

3.2 Misconduct against persons includes, but is not limited to:

3.2.1 Assault, harassment, intimidation, threats, stalking;

3.2.2 Bullying, and coercion;

3.2.3 Conduct that threatens or endangers the health or safety of any person;

3.2.4 Disorderly or indecent conduct;

3.2.5 Creating a condition that endangers the health, safety or wellbeing of any person;

3.2.6 Coercing, enticing, or inciting a person to commit an act that is humiliating or demeaning to that person or to others;

3.2.7 The use of information and communication technologies such as email, cell phone and text messages, instant messaging, personal websites, social networking sites and online personal polling websites, to support harassing or hostile behaviour by an individual or group, or that is intended or has the potential to harm others, (e.g. cyberbullying);

WHEREAS the DSU has stated that it aims to abide by survivor-centric response to sexualized violence as outlined in Dalhousie’s Human Rights and Equity Guide to Responding when Someone Shares an Experience of Sexualized Violence, and did not reach out to the survivor before taking any further steps - therefore putting survivors at greater risk and;

WHEREAS the promotional materials, as distributed to council, for the event mentioned in the online disclosure - “Jadfest” - incited hate speech such as racism, sexism, and xenophobia, and;

WHEREAS DSU members are calling for the Vice President Student Life to be disciplined for the duration of the investigation;

BE IT RESOLVED THAT Jad Ghiz, the current Vice President, Student Life be suspended with honorarium withheld until acquitted, or, until, if not acquitted, Council shall then decide other disciplinary measures at that time.

9. Announcements
The Chair announced that the next meeting of Council would be held on May 21, 2020 at 6:00pm, using Microsoft Teams and that appointments to the following Union committees would be made at the next meeting of Council:

- Student Accessibility Fund Committee
- Judicial Board
- Society Review Committee
- Offices Steering Committee
- Budget and Finance Committee
- Grants and Sponsorship Committee

10. Adjournment.

The meeting was adjourned at 9:47 pm.