



**Concordia Student Union – Council of Representatives**

**CSU Special Council Meeting – Agenda  
Thursday, April 12<sup>th</sup>, 2012  
Room H-769, Time 6:00 PM, S.G.W Campus**

- 1. Call to Order**
- 2. Roll Call**
- 3. Motion Regarding Recent Judicial Board Decision**
- 4. Adjournment**

**The minutes can be found on the next page.**



## Concordia Student Union – Council of Representatives

**CSU Special Council meeting**  
**Thursday, April 12<sup>th</sup>, 2012 – 6:00 PM**

### **1. Call to Order**

The meeting has been called to order at 6:14 PM

**Chair:** Melissa Wheeler cannot be here, we need to appoint a interim secretary.

**Renee:** Motion to appoint Andy as interim secretary  
Seconded by Lina

**Vote:** Motion Passes Unanimously.

### **2. Roll Call**

Executives:

Lex Gill  
Chad Walcott  
Morgan Pudwell  
Laura Glover  
Gonzo Nieto  
Hasan Cheikzan  
Jordan Lindsay  
Melissa Fuller

Councillors:

Michaela Manson  
Melanie Hotchkiss  
Lina Saigol  
Nadine Atallah  
Ali Moenck  
Simon-Pierre Lauzon  
Irmak Bahar  
Museb Abu-Thuraia  
April Underwood  
Iain-Meyer Macaulay  
Emran Ghasemi  
Cameron Monagle  
Renee Tousignant



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Kyle Mcloughlin  
Omar Abdullahi

### **3. Motion Regarding Judicial Board Decision**

**Ali:** Introduces motion:

WHEREAS the “A Better Concordia” affiliation filed an appeal to the judicial board on March 11th, 2012 regarding the eligibility of Schubert Laforest and Lucia Gallardo during the 2012 CSU elections.

WHEREAS the decision rendered by Judicial Board was based on Standing Regulation 231 (d), which addresses the disqualification of candidates during an election.

WHEREAS the Judicial Board should have rendered a decision on whether or not Schubert Laforest and Lucia Gallardo were eligible at the beginning of the nomination period in accordance with Standing Regulations 133 and 138.

WHEREAS the Judicial Board is bound to enforce Bylaws and Standing Regulations

WHEREAS this decision does not conform to the logic of the Standing Regulations and the bylaws -- specifically Standing Regulations 133, 138, and the definition of membership in Bylaw 3.1 -- and is therefore ill-founded in fact and law.

BE IT RESOLVED THAT council overturn the decision of the Judicial Board rendered on the case, on the basis that the decision was manifestly unreasonable based on procedure.

#### **Seconded by April**

**Ali:** JB answered question of whether Schubert and Lucia were disqualified fairly, they should have answered if they were eligible to run.

**April:** Should of checked if they are eligible to run based on Standing Regulation. CEO checked on two days for status. During JB decision they said that CEO failed to provide sufficient evidence. Burden of proof shouldn't fall on CEO, it should be on plaintiff to prove they are.

**Chair:** The JB submitted a statement regarding this case, it is then read out to council.



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**Nadine:** Only instances to appeal JB, and unmanifestly unreasonable. Their statement is not unmen. Unreasonable. Both issues were addressed and they couldn't rule on ineligibility b/c of evidence. Just because we disagree with a ruling doesn't mean that we can overturn it.

**Michaela:** Mr.Chair could you please clarify the definition of a conflict of interest.

**Chair:** clarifies that only a person can decide what a conflict of interest is. Nothing in standing regs that can be enforced regarding them.

**April:** to clarify, they are saying that JB ruled for the wrong moment in time. This is procedural, not about the candidates in question. Response from JB didn't address that they answered the wrong question. They should have answered for the beginning of the nomination period and not campaign period. Ismail received notice that they weren't students on March 5<sup>th</sup> and 7<sup>th</sup>, it is reasonable to assume that this is correct.

**Nadine:** That we are deciding if it is manifestly unreasonable, not on the particulars of the case.

**Rami, student at large:** Councillors need to take into account that they are representatives of students and therefore should make sure it is in the best interest of CSU. Question of if they would have commented if they didn't get elected.

**Michaela:** Question of motivation of those who are making commentary of character of council.

**Chair:** Wants questions of character to be dealt with outside of the room.

**Simon-Pierre:** CEO cannot verify status of student during nomination period. CEO is to follow the rules. If the bylaws have a certain period of time to verify nomination, than it is a subjective judgement call. JB decision was reasonable because they respected the bylaws.

**Chuck:** Council can elect someone from Council. Assuming the appeal of councillors go through, than they can elect a president or vice president at council. Lots of decisions that jb could have made that would have allowed them to run and not broken bylaws.

**Irmak:** Council overruling JB would question for further cases. In Quebec Companies Act Council has to have final say, but they have to be careful on how



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to do this. This bylaw exists that we don't have outside parties coming to Concordia and steer union in a different direction. Understands that both are students, so why are we caught on procedure? If you agree that JB is legitimate that I don't understand why we are hung up on procedure. Could have had an official complaint that doesn't require JB to overturn decision or change bylaws.

**Ali:** Decision is unreasonable because JB received evidence that the plaintiffs were students, but that wasn't in report. It was based on hearsay. Evidence is not referenced in decision of JB. As a member of council she needs to be privy to evidence. JB did not express the evidence.

**Iain:** Concerned with idea that CEO may not have honoured the timeframe to do this. The returning of information from the Dean of Students, and coming in a letter, how is that not valid evidence.

**AJ West:** Procedurally, the JB answered whether they should be disqualified on a wording situation. Procedure is the only thing we got. Just because JB didn't show how they weren't valid, doesn't mean that it wasn't valid. Have to show that they are legitimately elected. Councillors should overturn the decision so the JB can bring a legitimate ruling.

**Irmak:** What is the process to overturn the ruling?

**Chair:** Case cannot be sent back to JB because they cannot accept an appeal of their own appeal.

**Lex:** Legally the positions would be vacant until appointed by council.

**Emran:** Concern that we are representing students. What are the other side effects? We already have low turnout. By going against we are not respecting the point of view of students.

**Cameron:** Question is if decision is manifestly unreasonable. Parties should refrain from changing the argument. Question was whether they were eligible to run, not around disqualification. To answer the wrong question is unreasonable.

**April:** Cameron is correct that the issue is they addressed the wrong issue and the burden of proof was put on the wrong party. Didn't send out appeal before because the decision was not sent out immediately. They are speaking for any student in the future.

**Schubert, President-Elect:** Were not sure what was going on. When they wrote the case they addressed both issues. He cited standing regulations on both



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cases. Plaintiff cannot provide information that does not exist and cannot prove that he was a student on a certain date. CEO did not check in the appropriate timing.

**Rami, student at large:** Agree with Michaela that people are motivated from other things, and it is on both sides. We are talking about this because decision of Council affects other issues.

**Chad:** Motion to Challenge the Chair, expresses concern about the length of the deliberation.

**Chair:** If it takes a long time, it is not unreasonable. Looking into issues around the case is of great importance.

**Nadine:** The only proof is to attend classes. But you can attend and not be a student. There is no way to check when you are a student. Can only bring proof that he is a student.

**James, student at large:** Talking about Schubert student status. Looking in, it is ridiculous. Schubert should not have to present information, it should not be on him.

**Simon Pierre:** Dean of Students furnished information on the Monday following the nomination of period in another period specified in the bylaw. Justifications should not be equal to nomination period. Students might not be members during nomination but during Monday, hence eligible, but if they loose over the weekend they are not, even though they should. Argument of how to verify it. Could they be members?

**Nadine:** Not enough evidence, or asked for report they would have seen the relevant documentation including official letters from the Registrar Office. There is no lack of evidence to prove they are students. Since due diligence to seek it from JB, they should have sought evidence from the parties.

Standing Regs say you have to be a student during the nomination period. On March 4 was the DISC deadline, and students could have status change on Monday morning. Many students would have found a different status Monday morning.

**Melanie:** Not to decide if they were eligible, but it was JB job to decide if they are eligible. Discussing on whether JB ruled they rules on eligible or disqualified. They followed the ruling and standing regs concerning disqualification. Ruling on procedure or whether Schubert and Lucia are eligible. JB did rules on whether



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they were fairly disqualified, and there should be something in writing that says they were eligible.

**Gonzo:** Burden of proof in a legal notion, plaintiff has the burden, and Schubert and Lucia were the plaintiffs. JB took information from Dean about March 5<sup>th</sup>, and CEO had to give proof. JB would have accepted any evidence during nomination period. If you have a document from Dean of Students, it is possible to not be student in Monday and Friday. Schubert has to prove a positive, not CEO proving a negative.

**Irmak:** Propose amendment to replace the BIRT

BIRT council formulate express concerns to JB regarding its adherence to procedure

BIFRT Policy committee be tasked with analysing the CSU bylaws and Standing Regulations to rectify the issue of proving the validity of student status of elections and by-elections

**Gonzo:** This is a new motion, therefore it cannot be introduced right now.

**Lex:** You cannot amend a motion that goes against the original intention of the motion

**Irmak:** Motion addresses policy and importance of procedure and topic of motion is the same.

**Chair:** request a 2 minute recess to review this in Robert's Rules. Seconded by Michaela

Recess at 7:10pm

Continue at 7:16

**Chair:** Rules that Amendments by substitution cannot be considered friendly, but can be introduced. Amending by substitution.

**Irmak:** Procedure exists for a reason. If the reasoning has been met, than you are misusing procedure that ultimately is unreasonable. Some way of making sure this does not happen in the future. Policy Committee can look at how to avoid in future.



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**Vote on Amendment: 5 in favour. 8 against. 3 abstentions. Amendment fails.**

**Michaela:** Reintroduce amendments without striking.

BIRT council formulate express concerns to JB regarding its adherence to procedure

BIFRT Policy committee be tasked with analysing the CSU bylaws and Standing Regulations to rectify the issue of proving the validity of student status of elections and by-elections

**April:** The amendment is considered friendly.

**Lucia:** People are making references to plaintiff to add legitimacy. They cannot appeal the decision if council overturns it, does not know if it is empowering. They were elected, and overturning this decision it would be disqualifying them. If overturn is in question, there should have been a yes/no/abstain and changing nature of the ballot.

**AJ West:** If council overturns, could plaintiffs resubmit a claim? Accepts answer of no. Can council overturn decision and appoint the new members for the positions?

**Chair:** We should focus on the Judicial Board decision and not what follows.

**Ace, student at large:** Questioning procedure manner, yet they are dealing with it in a political manner. Question should be an evaluation of decision by Policy Committee, not council.

**April:** Council is the highest body to decide on this issue. Policy would not be taking a stance and could not make it an issue.

**Renee:** CEO issue of down to the wire. This could come up next year, in the middle of a term. Did not want to bring it up next year because it would be a bigger problem.

**Gonzo:** Notion of manifestly unreasonable. Manifestly means it did not follow natural rules of logic. Reasonable if a CEO is not a student March 5, it would be better to assume that someone was not a member than say there is no proof. Wants someone to ask Lex to check member list.



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There are two outcomes. One: they were students, and back to square one. Two, that they were not students and we need to deal with it.

Plaintiffs would deal with issue that one month earlier, and they will need to deal with issue that they were not, then students, and not.

**Lex:** Yes she has access, council can consult list. Out of respect we should go into closed session.

**Simon Pierre:** Was Lex or the motion an interested party in JB.

**April:** Interested parties include students at large.

**Simon Pierre:** Are we allowed to consider new evidence.

**Lex:** Question on the table is whether decision on JB. For council to make decision they have to ask about steps and process. Gonzo says that logic of member list is not about accessing list, its about asking about how JB came to that decision.

**Nadine:** Member list is at the beginning of Feb is not the member list at the beginning of nomination period. Asking about if they are eligible, and if JB is reasonable. It is easy to lose status, it does not take two or three days. When they got information it was at 4pm from the Dean of Students. No proof that exists within timeline, and if CEO checked within the timeline. You can ask students to pick up form and could have been done in advance. JB did what they could with what they had.

**Gonzo:** Point of procedure that she was allowed to speak as if on speakers list on a point of order.

**Chair:** The speakers list will be respected.

**Gonzo:** What if we asked to check membership list. You now have a situation where they were not students at the beginning, not at the end, and JB saying that they were, and that is manifestly unreasonable.

**Irmak:** JB would have known when new membership was provided to them?

**Lex:** JB knows Standing Regs and bylaws, and knows that they have list and didn't inquire about it.



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**Chad:** Result is they are giving incoming exec a hard time. After reading JB decision, the only thing it does state is that furthermore that they were not students. CEO granted 48 hours to rectify situation. They did not provide any evidence that they were students.

Only thing that mentions anything about their student status is saying they are not students.

**Omar:** What are the implications if the motion passes. I strongly feel that this is being done in a corrupt manner.

**Nadine:** What Chad said was false. It does say they are students

**Cameron:** Saying it is corruption is inappropriate.

**Simon Pierre:** Call to question for Original Motion  
Seconded by Museb.

6 in favour, 8 against, one abstention. Motion Fails

**Michaela:** Evaluating reasonableness of decision. Not definitive that evidence is not consulted, that is critical mass that perhaps the decision of the JB was unreasonable.

Respect for student choice is students have to have a fair choice. When the Jb does not make a reasonable decision, then you are not respecting the student's ability to choose. Critical that there was relevant information that they did not consult and that is critical of evaluating reasonableness.

**Morgan:** Question about what happens if vote goes through, if an executive is not in office, the council would appoint someone to this position. A VP would have the opportunity to take the position, but then open up later.

**Rami:** Do we have Quorum for council?

**Morgan:** says there must be two from each faculty. That is still the case if the seat is full or not. If no one decided to run for FA, it wouldn't mean that council would stop running. It exists in the case

**Lucia:** Deadline is not just DISC. For International students, it's the last day to submit new info for student status. It was a notice of disqualification and that was why it was a disqualification. Membership list should have been presented by CEO. Takes offense that Gonzo assumes Schubert and Lucia were guilty.



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**Cameron:** Notice of disqualification that it is a question of eligibility. If JB cannot rule on question of eligibility, then they choose a different bearing. Was it unreasonable, or not? They did not consult the evidence and establish an arbitrary measure, this is clearly unreasonable. When you are a plaintiff in a case, the burden is on them. When you appeal that, you are now plaintiff.

**Simon Pierre:** Can proof be made that CEO did not follow procedure?

**Cameron:** When there is the decision made, the CEO has the power to make it in accordance with bylaws. Candidates appealed, therefore they are plaintiffs. They have to prove this is incorrect. Defendant is the CEO who doesn't have to prove innocence.

**April:** Motion to go into closed session to review the list.  
Seconded by Ali.

**Lex:** Clarify that the member list of CSU is a legal document. It exists for purpose of email and making sure people have right to list. Councillors are Board of Directors, therefore they have access. This is confidential.

**Nadine:** How do you receive the information?

**Lex:** Open it from the original email.

**Ace, student at large:** Notion of status of students, they have been told that they are not students. JB made a decision about status. February list shouldn't go for March.

**Simon Pierre:** List checking is irrelevant.

**Kyle:** Great to see student body here, but please do not add loud, off hand comments.

**Emran:** Not fair to discuss in closed session and it is private information, they need to give permission.

**Lucia:** information has been distributed. Do not feel comfortable of people having access to information. Irrelevant. Shouldn't Shubert and Lucia bring it new evidence.

**Chair:** You can discuss to close the room.



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**Ace:** Doesn't Chair have to answer any point of information?

**Chair:** It depends on the nature of the question and whether it is valid.

**Chad:** For the sake of new evidence, if the Dean confirmed the same student list, not sure how it is new evidence.

**Ali:** Maintain decorum. On member list, there is personal information of everyone. This is not new evidence, it is available to JB during decision.

**Cameron:** Call to question.

Vote: 10-2 in favour. It passes

### **Motion for closed session**

4 in Favour, 6 Against, 4 Abstentions (Melanie, Lina, Cameron, Michaela)

### **Discussion Back to Main Motion.**

**Rami:** We don't know for sure that JB knew about this.

**Michaela:** Rami said if JB knew about this list. If they weren't they weren't performing due diligence, it leads to situation where they made decision that is manifestly unreasonable. Among responsibilities to know this and creates decision that this is manifestly unreasonable.

**Ali:** Issue is 10.2 Chair should bring list to council meeting for anyone to consult.

**Lex:** JB should have read the accreditation act and it has a list of member.

**Nadine:** Pertinant to decision of which date is valid of. Skipped first part. Nadine reads 10.2. CEO would put this together.

**Lex:** Article 31 of Accreditation act. Institution shall provide the information. Lex reads out the article.

**Lucia:** How is bylaw being readdressed for JB and how is it relevant to the case.

**Irmak:** Because this is information that exists, they should know. It is important to know whether member list would be provided to CSU consides with nomination period and if it is public knowledge.



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**Lex:** No it is not.

**Morgan:** Not relevant if CSU council can see it. Relevant if JB should have asked for it. Whether Lucia is or is not does not matter.

**Nadine:** Safe to assume that they received from Dean of Students, not reasonable to assume they needed to check the list.

**Lex:** Concerned that logical fallacy was represented in different way. Based on facts, JB knows a list exists. They could not know where list is from, but they did not know that it was not from the period of relevant.

**Simon Pierre:** Question is JB went through behaviours, and whether they were reasonable. The list itself could theoretically could prove to the correct period and there is no indication. Probability is really low. Discretion for JB to make call.

**Tomer:** Council was called if the ruling was reasonable. Anything beyond is unreasonable. If there is list of new evidence, you need to appeal. JB did not take into consideration of other members. Just because they did not seek it out does not make it unreasonable. CSU members list is from Office of Registrar, and makes more sense to Registrar.

**April:** Discussion how referring back to the list is relevant. Two things to consider. Relevant that you can't obtain a date. Is it reasonable in relation to March 5 is closest to getting information. In bylaws we would have this list. Wouldn't it make it public information that we would have the list?

**Simon-Pierre:** What if we look at the list and other are not on the list?

**Chair:** Not relevant.

**April:** Not saying that they should go to list, they should look closest accurate.

**Ace:** What was not applied is JB is not the investigator; they need to decide on evidence in front of them.

**Emran:** Call the question

**Vote: 10 in Favour, 5 Against, Motion passes.**

### Vote on Whether to Overturn the Judicial Board Decision

**8 in Favour, 7 Against – While the motion receives a majority it does not meet the 80% requirement to overturn the decision – Motion Fails**



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Iain: Motion to adjourn  
seconded by Emran

Motion passes unanimously

The meeting is adjourned