



Concordia Student Union - Council of Representatives
CSU Special Council Meeting
Wednesday, February 17, 2021
Via Zoom, 18h30

1. CALL TO ORDER

The chairperson calls the meeting to order at **18h33**.

We would like to begin by acknowledging that Concordia University is located on unceded Indigenous lands. The Kanien'kehá:ka Nation is recognized as the custodians of the lands and waters on which we gather today. TiohEá:ke/Montreal is historically known as a gathering place for many First Nations. Today, it is home to a diverse population of Indigenous and other peoples. We respect the continued connections with the past, present, and future in our ongoing relationships with Indigenous and other peoples within the Montreal community.

2. ROLL CALL

Council Chairperson: Caitlin Robinson
Council Minutes Keeper: Michelle Lam

Executives present for the meeting were: Isaiah Joyner (General Coordinator), Sarah Mazhero (Academic & Advocacy Coordinator), Daniel Amico (Internal Affairs Coordinator), Amy Nguyen (Sustainability Coordinator), Eduardo Malorni (Student Life Coordinator), Holly Mark-Hilton (Finance Coordinator), Victoria Pesce (External Affairs & Mobilization Coordinator) and Malcolm Asselin (Loyola Coordinator)

Councillors present for the meeting were: Christopher Vaccarella (Arts & Science), Sarah Bubenheimer (Arts & Science), Shlomo Tanny (John Molson School of Business), Phineas Ambrose Savchenko (Fine Arts), Shaun Sederoff (Arts & Science), Lauren Perozek (John Molson School of Business), Howard Issley (John Molson School of Business), Marlena Valenta (Arts & Science), Diana Lukic (Fine Arts), Tzvi Hersh Filler (Gina Cody School of Engineering), Jarrad Haas (Fine Arts), S Shivaane (Arts & Science), Harrison Kirshner (John Molson School of Business), Alexander Stojda (Gina Cody School of Engineering), Wyatt

Niblett-Wilson (John Molson School of Business), Brandon Grimaldi (Arts & Science), Nicole Nashen (Arts & Science), James Hanna (Gina Cody School of Engineering), Sean Howard (Gina Cody School of Engineering), Jeremy Deneault (John Molson School of Business)

Executives absent for the meeting were: N/A

Councillors absent for the meeting were: Debra Irabor (Arts & Science), Arieh Barak (Independent), Anais Gagnon (Gina Cody School of Engineering), Roman Zelensky (Arts & Science), Chelsea Okankwu (John Molson School of Business)

3. BYLAW MODIFICATIONS

Sarah Mazhero presents the following motion. Seconded by **Daniel Amico**. Motion passes.

WHEREAS the Sexual Violence and Safer Spaces Policy was passed by Council on April 10, 2019 (the “**Policy**”);

WHEREAS the Code of Conduct (“**Code**”) was modified in order to include provisions relating to the Sexual Violence and Safer Spaces Policy on April 10, 2019;

WHEREAS it is desirable that the By-Laws be amended to ensure enforceability of the Code and of the Policy and more precisely to ensure enforceability of the sanctions provided thereunder while maintaining the adaptability of the Code and of the Policy in light of the rapidly evolving social context.

THEREFORE **BE IT RESOLVED:**

1. That the By-Laws be amended as follows:

i) by adding the following paragraph f. to Section 8.2 (Judicial Board – Powers and Tasks):

“f. when authorised under a policy or by the Code of Conduct enacted by the Council of Representatives and within the limits set forth in such policy or Code of Conduct, impose sanctions and/or recommend removal from office of a CSU Representative.”

ii) by adding the following Section 10.6 to Article 10 (Removal from Office)

“ FURTHER TO A RECOMMENDATION OF THE JUDICIAL BOARD
OR OTHER COMMITTEE

10.6 *Provided removal from office is a sanction contemplated in a policy or in the Code of Conduct enacted by the Council of Representatives, if the Judicial Board or other committee so empowered by such policy or Code of Conduct (“Committee”) determines that a Representative or an Executive (“Respondent”) committed a misconduct under such policy or under the Code of Conduct and determines that the appropriate sanction for such misconduct is removal from office, then, provided the Committee’s decision is final, the Committee shall prepare and present to the Council of Representatives a report of its findings and recommended sanctions. Such report shall be presented at the next meeting of the Council of Representatives. A copy of the report shall be provided to the Respondent at least five (5) business days before the meeting of the Council of Representatives. During the meeting, the Respondent shall be given the opportunity to make representation with respect to the recommendations of the report as to their removal from office. After addressing the Council of Representatives, the Respondent shall leave the room for the remainder of the deliberations.*

The meeting of the Council of Representatives is held in closed session; the deliberations and the report shall be kept confidential.

The recommendation of the Committee may be adopted, and the Respondent removed from office, by a two-thirds majority vote of the Council of Representatives. If the Council of Representatives does not adopt the recommendation as to the removal from office, then the appropriate sanction (other than removal from office) shall be determined by the Committee, unless the Committee provided for alternate sanctions in its report, in which case such alternate sanctions shall apply immediately.

The Committee may suspend from their office the Respondent, who shall continue to receive their salary, as applicable, until such time the outcome of the vote of the Council of Representatives is known.

The Respondent shall be immediately informed of the outcome of the vote.

A Respondent who has been removed from office under this Section 10.6 shall no longer be eligible to run for office as Representative or as Coordinator.”

2. That the foregoing Amendments to the By-Laws be in full force and effect upon confirmation by a simple majority of a quorum of members voting in a referendum;

3. That the foregoing Amendments to the By-Laws be submitted for confirmation to the vote of the members by way of a referendum to be held on March 16-18, 2021.

James Hanna VOTES YES

Jeremy Deneault VOTES YES

Sarah Mazhero: This is important to pass and be done today.

Tzvi Hersh Filler motions to defer this to Policy Committee. Motion fails.

Tzvi Hersh Filler: I have prepared a presentation but I'm hoping that some of these assumptions are wrong. I have noticed some loopholes over the past two days and more may exist. The proposed bylaws were prepared with the best intentions but the intentions behind words in policies and bylaws do not necessarily matter. We are voting on the wording, not the intentions behind them. Bad faith actors can exploit the wording.

What do the proposed modifications change?

JB will now have punitive powers. Any similar committee can be granted punitive powers. With a few clever maneuvers, an Ad Hoc Committee can be formed and granted punitive powers. If a committee with punitive powers recommends removal from office, they can include secondary sanctions if the removal fails to gain the requisite $\frac{2}{3}$ votes. These measures go into effect after the removal from office fails. These measures are immediate and irreversible. Other than the removal from office, the secondary sanctions can be anything, from loss of speaking flights to a reduction in salary, or some combination of both. The mechanisms of appeal are tied to the mechanism of punitive action. A complaint to JB under the Code of Conduct is subject to the mechanisms defined within it.

Hypothetically, a committee with punitive power is mad at an executive. They recommend removal from the office knowing it will fail. They include secondary sanctions that will snap into place the minute it fails. There exists the possibility that not everyone is working in good faith all the time, and someone might on purpose or even by mistake enable a situation similar to the one I mentioned to take place. The reason we are having this discussion because in November we were told the lawyers had already seen the Code of Conduct and approved it, but this wasn't actually true. The assumption that things can't go wrong is a bad assumption.

Genevieve Goulet (CSU Lawyer): In the project, as it's drafted, we're talking about the JB or a committee that is empowered by the Policy Committee so it cannot be done by an Ad Hoc committee. The objective of this modification is to make the sanctions enforceable. JB could not remove a member from office, only members of the council. This change in bylaws will make it

enforceable. We're not adding new powers, but we are trying to prevent a situation where the Council has to make a decision between removal from office or enforcing no sanction at all.

Nicole LeBlanc (Campaigns Coordinator): I want to speak in favour of this motion, as someone who has been at the CSU for three years now. I understand the concerns of this policy. The benefits outweigh the risks, given that we have had situations where we would have needed this policy to be enforceable, which they are not at the moment. These policies that we passed in 2019 aren't usable because they aren't binding policies. By putting them in the bylaws, we will make them enforceable. If we don't pass this, we won't be able to bring it to the referendum on time but it is important for us to do so. I encourage everyone to vote in favour of this.

James Hanna: This wasn't drafted by Harrison, Shivaane, Sarah, or I. It was drafted by the lawyers to make sure that this meets the checks and balances to prevent problems from occurring. The meat of this motion was written by our legal team. This has already been vetted by Policy Committee. To the concern of this being abused by a nefarious party, that would not be accurate. These removal sanctions address councillors individually, so there isn't a potential for someone to remove a mass group of members from the council at once. This policy was written with a lot of things in mind, I'd like everyone to approve this policy. This is a standard procedure in many organizations.

Tzvi Hersh Filler: Should we add an amendment to address impeachment procedures?

Genevieve Goulet: The wording (10.6) claims that the committee needs to be empowered to suggest removal from office. An Ad Hoc committee can only recommend removal if it is empowered to do so through policy, but that should be a red flag if that occurs during its creation.

Harrison Kirshner: It's imperative that we support this bylaw change tonight and that it goes to the referendum. We have a Code of Conduct that is nonbinding, which is what this policy would change.

Sarah Mazhero: At the CSU, we're known for advocacy. For these issues, we need to keep the University accountable. By not making things binding and enforceable, it is not appropriate. We did our due diligence and I can guarantee that this will be okay and that this won't be detrimental to anybody. This is to help people that need to be helped. That is the simplest form of humanity that we can do at the CSU. This is a good policy, please vote in favour of it.

4. ADJOURNMENT

Isaiah Joyner motions to adjourn the meeting. Seconded. Motion carries.

Meeting adjourned at 19h13.