

Call to Order – 4:33 pm, July 8, 2015 | Forum Chambers

### 1. Territorial Acknowledgement

The Council acknowledged that the meeting was being conducted on the traditional and unceded territories of the Coast Salish peoples, which included the Squamish, Musqueam, Stó:lo, and Tsleil-Waututh people to the current knowledge of the Society.

### 2. Appointment of the Chair

#### MOTION COUNCIL 2015-07-08:01

Jovanovic

*Be it resolved to* appoint Karen Abramson—Philosophy Councilor as chair of Council 2015-07-08

#### CARRIED

### 3. Roll Call of Attendance

#### Student Union Representatives

*New Councilors that need ratification will be denoted \*\*\**

Archeology .....  
Behavioral Neuroscience.....  
Biology ..... Amir Ali  
Biomedical Physiology & Kinesiology .....  
Business ..... Daniel Love  
Business ..... Chancey Wu\*\*  
Business ..... Deborah Dumagpi\*\*  
Cognitive Science .....  
Communications ..... Kelly Furey  
Computing Science..... Mircea Ioan Taras  
Criminology ..... Erwin Kwok  
Earth Science .....  
Economics.....  
Education.....  
Education.....  
Engineering Science ..... Blaise Crisologo  
English ..... Melissa Lee  
Environmental Science .....  
French.....  
Gender, Sexuality, and Women’s Studies ..... Kaayla Ashlie  
Geography.....  
Health Science ..... Elena Jiang Su  
History ..... Kaitlyn MacInnis  
Humanities .....  
Interactive Arts and Technology ..... Matthew Fong  
International Studies ..... Alicia Blimkie  
Labour Studies.....  
Linguistics .....  
Management System Science ..... Nic Bacani  
Mathematics ..... Charles Turo  
Mechatronics System Engineering ..... Sterling Wiseman

Molecular Biology & Biochemistry .....	Marija Jovanovic
Operations Research .....	
Philosophy .....	Karen Abramson
Physics .....	Jesse Velay-Vitow
Political Science .....	David Lu
Psychology .....	Stephanie Ly
Science Undergraduate Society (SUS) .....	Tomas Rapaport
Society of Arts and Social Sciences (SASS) .....	Arjan Mundy
Statistics and Actuarial Science .....	
Sustainable Community Development .....	
Theaters .....	
Visual Arts .....	
World Literature .....	Pardeep Barn
<b>Constituency Group Representatives</b>	
First Nations Student Association (FNSEA) .....	
International Student Group (ISG) .....	Declan Tran**
Out on Campus Collective (OOC) .....	
Residence Hall's Association (RHA) .....	Mohammed Ali
Student Athlete Advisory Committee (SAAC) .....	
Students United for Disability Support (SUDS) .....	Tony Janolino
Women Centre Collective (WCC) .....	Anjali Biju
<b>Society Staff</b>	
Campaigns, Research, and Policy Coordinator .....	Pierre Cassidy
Student Union Outreach Worker .....	Katie Mai
Minute Taker .....	Dion Chong
Executive Director .....	Martin Wyant
<b>SFSS Directors (non-voting)</b>	
President .....	Enoch Weng
VP Finance .....	Barbara Szymczyk
VP Student Life .....	Deepak Sharma
VP Student Services .....	Darwin Binesh
Faculty Representative (Arts & Social Sciences) .....	Arr Farah
Faculty Representative (Business) .....	Hangue Kim
Faculty Representative (Sciences) .....	Jas Hans
<b>Guests</b>	
<b>Regrets</b>	
Chemistry .....	Pipreesh Gaiind
Sociology and Anthropology .....	Andreas Hovland
<b>Absent</b>	
Dance .....	Jenna Kraychy

#### 4. Adoption of the Agenda

##### MOTION COUNCIL 2015-07-08:02

Love, Amended Jovanovic

*Be it resolved that the agenda be adopted.*

*Code of Conduct Presentation shifted to beginning.*

**CARRIED AS AMENDED**

**5. Matters Arising from the Minutes**

**MOTION COUNCIL 2015-07-08:03**

Furey

*Be it resolved to approve the minutes of 2015-06-24*

**CARRIED**

**6. Guest Speakers/Presentations**

**a. Board of Directors Code of Conduct**

Council was reminded that its role within the organization was an advisory body, and that the Board was the only recognized body of communication to the university and the community at large. Any draft letter could be forwarded to the Board of Directors as a recommendation.

As a result of the 2013-10-11 incident, the membership had put forward a petition to an inquorate Annual General Meeting requesting that a code of conduct be developed to govern the activities of the Board of Directors. The Campaigns, Research, and Policy Coordinator provided a list of resources on the incident.

While there was no code of conduct at present, a substantial number of legislation—as well as Society bylaws and policies—ensures that certain ethical standards are adhered to within the organization.

In June 2014, the Campaigns, Research, and Policy Coordinator created a preliminary draft code of conduct report to the Board, which was tabled due to differing board priorities. By the end of the 1415 year, a number of Councilors and Directors expressed interest in further developing the proposal collaboratively, resulting in a draft general code of conduct, Board disciplinary procedure, and the terms of reference for a board conduct review adhoc committee.

The original desire was for the policy was to be a policing mechanism, which was cause for concern for the CRP Office, given the significant burden that would place on the Council to familiarize itself with relevant policies. Further, the organization presented a significant learning curve for incoming directors particularly given the magnitude and complexity of the organization and the legislation which governs its existence.

A number of concerns were raised by the CRP Coordinator:

- If the matter was created as a policy, the Board would have the authority to amend and eliminate the policy
- Much of the content was redundant, and the policy would only act to clarify expectations on conduct rather than adding anything new. It would be desirable to slim down the policy manual by consolidating all such policies.
- Required bylaw changes from the new BC Society Act would allow the organization to implement such ideas into the bylaws rather than the policy.
- Members are already the owners of the organization. For egregious issues, Council may petition to remove a director through any number of existing mechanisms.

The Campaigns, Research, and Policy Coordinator recommended that the document be put forth as a reference point in the development of bylaw changes. It was expressed that it would

be valuable for the current Council to determine whether it continued to have an interest in developing the proposal, and the address the concerns raised by the CRP Coordinator. This would enable the CRP Office to accordingly prioritize the matter.

Interested or confused councilors were invited to speak to the Campaigns, Research, and Policy Coordinator.

**a. Instant Runoff (Alternative) Voting/Single Transferable Vote**

Councilor Velay-Vitow expressed interest in the SFSS transferring over to the alternative vote system for its elections, as opposed to the currently instituted first past the post system. They provided the Council with a summary of the two systems proposed, as well as a Youtube video explaining the way that such a system would theoretically operate.

The Councilor fielded a number of questions and concerns raised by the Council.

- Within the Single Transferable Vote system, excess votes beyond what is necessary for the threshold would be allocated to the second choice of those particular votes. The system would maximize the number of votes by maintaining single-candidate votes on the successful candidate, transferring any possible transferable votes.
- Any issues with the system already exist under the existing system.
- This would not allow a slate to run two members for the same position, but would allow a popular slate to have both at-large representative candidates run without fear of splitting the vote.
- For single position voting, a threshold is not necessary. Alternative voting would also ensure that no minority rules over an unhappy majority.
- The system would allow a candidate with fewer first round votes win over another candidate with more first round votes if the threshold is not met, as this would increase voter happiness through the selection of a candidate that the most number of voters consent to.
  - Question was raised whether a first place vote was more valuable than two second place votes.
  - Running the election multiple times avoids wasted votes—under the current system, anyone who voted for the least popular candidate in an SFSS election will have essentially wasted their vote. This system allows the simulation of results as if the least popular candidates didn't run.
    - One's actual political preference (vs one's 'politically realistic' preference) are never penalized. Strategic voting would no longer be necessary and no individual would be forced to vote against their own interests.
- As the SFU Websurvey system (where the voting system was currently administered) was in the process of being replaced by a third party solution, implementation of rank order voting would be possible without any cost to the Student Society.
- Concern was raised that a new system may impact voter turnout
  - It was raised that individuals voting in SFSS elections would vote regardless of which system was being used
  - Convenience played a major factor in voting, and added complexity may discourage voting at a time where voter turnout was an issue

- The system allows individuals to revert to the simple system by only voting for a single candidate rather than ranking them.

A Councilor recommended that the Physic Representative bring back more information. Physics, Science, and Biology Representatives would run a mock election at the next Council meeting. A number of Councilors expressed interest in writing the code for such a mock trial if an online solution was unavailable.

Part of any motion to recommend the voting system to Board would include a recommendation for an awareness campaign.

**MOTION COUNCIL 2015-07-08:04**

Jovanovic

*Be it resolved to strike a working group and appoint Jesse Velay-Vitow and other interested councilors to run a mock election using alternative voting*

**CARRIED**

**7. Elections, Appointments, Resignation and Excuses**

**b. Ratification of Regrets**

*Excuses or regrets will be kept track of by the chair of council. Missing two meetings in a row without sending excuses (that are approved) will result in the removal from Council.*

Discussion ensued around the failure to meet CP-1 requirements for regrets.

**MOTION COUNCIL 2015-07-08:05**

Jovanovic, Amended MacInnis

*Be it resolved to ratify the regrets from:*

Chemistry .....Pipreesh Gaind  
Sociology and Anthropology..... Andreas Hovland

**CARRIED AS AMENDED**

**c. Appointments to Council**

**MOTION COUNCIL 2015-07-08:06**

Lee

*Be it resolved to ratify the appointment of the following Councilors:*

Business .....Chancey Wu  
Business .....Deborah Dumagpi  
International Student Group (ISG) ..... Declan Tran

**8. Discussions**

**d. SFU—TSSU Job Action**

Councilors Lee and MacInnis submitted a letter proposal to the Council for consideration and review.

The Council was reminded was that its function was to provide a recommendation to the Board of Directors. A Councilor expressed interest in pursuing legal counsel to determine the role and

powers of Council as stipulated by the governing documents, given the varying interpretations of the governing documents at present. While Bylaw 6.1 indicates that the Board of Directors was the body through which any communication with external bodies and the university is pursued, the policies also identify Council as a body which facilitates communication with the membership, as well as an advocacy body. This would not be possible without communication.

Any motion to Board could also have the letter forwarded to all constituency groups and student unions.

**MOTION COUNCIL 2015-07-08:07**

Jovanovic

~~Be it resolved to reconsider MOTION COUNCIL 2015-06-24:11~~

*As chair, Jovanovic did not vote in the motion in question and therefore could not resurrect the motion.*

**OUT OF ORDER**

Question was raised of whether the letter could be released to the general public—it was raised that this would still constitute communication.

Concern was expressed that the Campaigns, Research, and Policy Coordinator was very clear, and that the Council was currently attempting to sidestep the issues while they were not present at the meeting.

It was suggested by a Councilor that the Council look towards writing a letter of recommendation to the Board, and determining further action at a subsequent meeting.

**MOTION COUNCIL 2015-07-08:08**

Velay-Vitow

*Be it resolved to reconsider MOTION COUNCIL 2015-06-24:11*

Question arose of whether the motion itself was technically out of order. While some councilors expressed that writing a letter does not necessarily require the Council to circulate said letter, others raised the point that the implication of writing any such letters would be for them to be circulated.

The motion itself was technically limited to the drafting of a letter, and therefore could be recommended to the Board for consideration and changes as they saw fit.

**CARRIED**

Abstention Noted: English

**MOTION COUNCIL 2015-07-08:09—RECONSIDERED MOTION COUNCIL 2015-06-24:11**

Velay-Vitow, Amended Velay-Vitow

*Be it resolved that the council agree to write a letter of support on the TSSU dispute and recommend the letter to Board, with the content subject to change.*

The proposed amendment would enable the Board to take the letter as a template and make changes as they saw fit. Concern was raised that the University's letter was not taken into consideration within the letter.

**QUESTION WAS CALLED**

Turo

**MOTION AMENDED**

**MAIN MOTION CARRIED**

**9. Attachments**

Drafted Council letter in support of TSSU.pdf  
SFU Letter to SFSS Council TSSU.pdf  
2015-07-06 Code of Conduct.pdf

**10. Adjournment 6:22pm**



July 6, 2015

SFSS Council  
C/O Karen Abramson  
Via Email

Thank you for the invitation to speak to Council regard our position in relation to ongoing negotiations with TSSU and, more specifically, our concerns with the Union's recent stipulations for returning to bargaining.

Dr. Jon Driver (Provost,) is the university lead on TSSU matters and is currently on vacation, so we will take you up on your suggestion that we share a written response due to scheduling concerns.

We welcome this opportunity to share our perspective and further information with Council and your members.

First and foremost, we would like to reiterate that SFU's primary focus is to put students first. This is reflected in the University's proposal to give SFU students priority for sessional instructor positions and in our ongoing efforts to minimize disruption or hardship to our students and our broader campus community resulting from labour action.

The University's strong and ongoing preference would be to return to bargaining with a focus on productive and issues-based negotiations toward a new Collective Agreement.

As you referenced, there have been recent challenges and disruptions to this effort.

On June 10 the TSSU sent the University a letter specifying a number of preconditions that the TSSU wanted in place, or they would not attend the next pre-scheduled bargaining dates and would escalate job action. On June 16, TSSU again wrote to the University stating that as their pre-conditions had not been met, they would not be returning to the bargaining table and had instructed their members to start withholding grades on assignments and exams as of end of day Friday, June 19.

On June 18, the University informed the TSSU that we believed their refusal to bargain unless specific conditions were met is a violation of the BC Labour Code and we encouraged them to remove these preconditions and return to the bargaining table. We further advised that the University bargaining committee was willing to review and revise our proposals and we encouraged the TSSU to do the same. The next pre-scheduled bargaining date was set for Wednesday, June 24 and we encouraged them to return to the bargaining table. They declined to do so and escalated their job action.

Following this refusal to bargain or retract preconditions, the University filed a formal written complaint to the Labour Relations Board. The Board provided the TSSU an opportunity to provide a written submission by July 7, after which they will make a decision on this matter.

Earlier this week, to ensure the proper application of the Labour Relations Code and in the best interest of students, the University advised the TSSU that their current job action violated the Code and constituted an illegal strike. The University explained to TSSU that they had filed their strike notice when no Essential Services Order was in place. Although the University had also informed the Union of this at that time, they did not re-file their strike notice after the Essential Services Order had been completed so had not complied with the provisions in the Labour Relations Code. Their subsequent escalation of job action by withholding grades constituted an illegal strike.

The University gave TSSU the opportunity to end their illegal strike activity and to instruct their membership to immediately stop all job action including the withholding of grades. In exchange the University agreed to take no action against the Union for their illegal strike activity. On July 2 the Union chose to end their illegal strike activity and instructed their members to cease all job action. This means that all strike action will cease immediately and grades will be submitted through appropriate channels and provided to students.

The Union also announced their intention to hold a new strike vote on July 15 & 16.

While we are pleased students will now receive their grades, we are deeply disappointed that the Union is immediately returning to labour action rather than a more constructive and student-focused approach.

Both parties have agreed to two, consecutive-day bargaining sessions this month on July 8 & 9 and 22 & 23. We intend to come to the table with constructive feedback on the Union's proposals and hope that they will prepare and attend with similarly positive intentions for the benefit of students and our campus community.

We intend to continue our commitment to our students and employees and to returning to the negotiating table so that we can reach a mutually agreeable settlement, and return to normal campus activities and pursuits

Sincerely,

Dr. Gordon M. Myers  
Associate Vice-President Academic  
Professor of Economics

Dr. Timothy J. Rahilly  
Associate Vice-President, Students

(Salutation TBD)

We, the elected representatives of the Faculty Student Unions, Department Student Unions, and Simon Fraser Student Society Constituency Groups who comprise SFSS Council, wish to communicate our endorsement of the Teaching Support Staff Union in this current round of bargaining, and in job action should it recommence. We take this position not only because we are disappointed in the behaviour of university representatives at the bargaining table, and more broadly in the university as an employer, but because the fair treatment of TSSU members is fundamentally aligned with the quality of our education.

We disapprove of anti-labour tone of the university's public communications and the university's attempt to coerce department heads, faculty members, and TSSU members, into acts of illegal strikebreaking. We further reject the most recent use of legal minutiae to smear the TSSU's reputation and interfere arbitrarily with job action. We would prefer that the university concentrate its efforts on bargaining honestly rather than undermining the few tools that the TSSU has available in service of its members' reasonable interests and with carefully minimized inconvenience to students.

As members of the university community, we are disturbed by the fact that TSSU labourers lack the most basic job security and are not compensated equally for work equal to that of their full-time peers. We believe that quality teaching is the primary determinant of a first-rate education, and that our investment as students should secure teaching staff who are able to work without the considerable constraints on their time and mental energy that unfair employment terms impose on them. While members of the TSSU regularly surmount these challenges, it is time that the university recognize their value and allow them to flourish as teachers and carriers of the scholarly traditions which the university would have us believe are beneficial to society.

While reliance on and exploitation of contingent teaching labour is far from unique to SFU, we would hope that our university is capable of taking a lead in this matter. The rhetoric of engagement with which we are presented by the administration, combined with the university's radical history—which we celebrate in this, our 50<sup>th</sup> year—compel us towards a better future. We understand that resources are limited, but believe that they may be misallocated; teaching ought to be considered a non-negotiable priority in funding and operations.

In service of this broader goal, we ask that the university comply absolutely with the more immediately attainable requests set out by the TSSU at the bargaining table. As enumerated by the TSSU, these requests are:

- Seniority for experienced Sessional Instructors
- Access to SFU's standard benefit package for Continuing Language Instructors in the ELC/ITP program
- Protection from overwork/underpay for TA/TMs and improved access to TA/TM work for graduate students
- A fix to the childcare bursary to get money into the hands of parents
- Compliance with BC law, such as Health and Safety and payment of wages
- Removal all of the Employer demands on the table with regard to the ELC/ITP Instructors.

- The addition of a member of the Senior Administration to your committee with the authority to conclude an agreement at the table.
- The addition of another employer representative to your committee who has taught in the last three years.
- Commitment to more time at the bargaining table, with concurrent sessions, and no pre-set adjournment times.

(Valediction TBD)



## Code of Conduct

Project description and status update

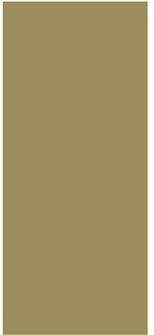


# Background

## Member Petition

In relation to the October 11<sup>th</sup> incident, an individual on the floor proposed a motion signed by 516 students requesting that:

- ***Simon Fraser Student Society...in order to develop and adopt a harassment and conflict policy and process similar to those put in place by other student unions/societies, taking place in a democratic oversight committee to meet no less than once a month....to be in session the meeting must contain a two-to-one student to staff faculty....board members who have allegations of harassment against them cannot be involved in this process until their case has been resolved. The chair of the committee shall be an externally hired staff member. The SFSS board of Directors will act in good faith to make sure the policy is robust...furthermore, the SFSS Board of Directors will act in good faith to ensure the committee is adequately funded... the anti-harassment policy will be guided by the standards of the Human Right Act and the Employment Standards Act. This policy will concern any issues taking place fully...or in actions of a representative of SFSS...as a motion to be passed by vote before the end of this term....if not passed...brought back to forum until an absentee harassment policy....is adopted***

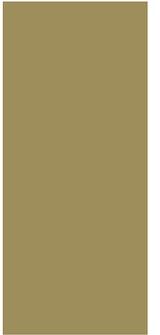




# Background

## Additional Sources of Information

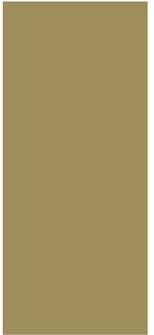
- Board of Directors minutes from October 23<sup>rd</sup>, 2013
- Peak article, 'SFSS Internal Conflict Follows Alleged Physical Altercation' – October 21<sup>st</sup>, 2013
- Summary of the Paula Bodie report
- Annual General Meeting from October 12<sup>th</sup>, 2013





# Background

## Currently Existing Regulations



### ■ Legislation

- Anti-bullying
- Anti-discrimination
- Criminal Code
- Society Act

### ■ Bylaws

- Bylaws 3, 6, 8, 21

### ■ Policies

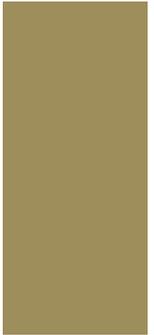
- Rule 6: Ethical Standards of Conduct for Members of Board of Directors and its Committees (2003-03-19)
- Administrative Policy 35: Anti-Bullying and Harassment Policy (2013-12-04)



# Background

## Current Initiative

- Request upon my arrival in June 2014 that a Code of Conduct be developed
- I provided a draft of a new policy that was broad stoked summary of the regulations already in place, along with the notice that much of the concern was already addressed in existing regulations
- Shifting Board priorities tabled the issue
- Resurfaced at the end of Board term given a number of factors:
  - Fulfilling campaign promises
  - Frustration with the Build project and the AGM and SGM
  - Some members were still concerned on responding to the AGM discussion topic

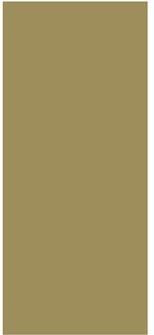




# Current Status

## Code of Conduct

- The code of conduct has two parts:
  - Standards
  - Means of redress
  
- A council committee is proposed as a means of redress, with 5 options available to it:
  - Dismiss the complaint
  - Formal reprimand
  - Fine
  - Suspension
  - Initiating an impeachment process





# Current Status

## Concerns

- Establishing policing committees are very risky
  - General confusion about governance structure and the role of organizational units. What guarantees are there against abuses?
  - Does the Society have the means to collect fines?
  - Is the Society prepared to enforce a suspension if a Board member's livelihood is at risk?
  - Does the Society have the right to expel members?
- As policy, the policy will be subject to change
- Most of the content is redundant
- Significant need for governance reforms that would require bylaw changes
- Changes to the Society Act that will require bylaw changes
- The members already have full control over all activities of the Society via referendum questions and motions at general meetings

