

Meeting Minutes of the Legislative Council

1) Call to Order 6:07pm

Chair Xing introduced himself and presented new Councillors. Justin Fletcher introduced himself and Echo Parent-Racine. Vice-President Fraser introduced Flint to the Council. He is an intern from Dawson.

2) Attendance

The attendance was circulated.

3) Adoption of the Agenda

Vice-President Clare asked that committee elections be moved to New Business point 8c. That amendment passed. The motion to approve the agenda passed.

4) Approval of the Minutes

The minutes were approved without amendment.

5) Report of the Steering Committee

President Knight said that there will be two meetings of Council on February 9th to facilitate referendum questions which might be approved by Council. If you are interested in submitting a question through Council, that has to be submitted before the next Council meeting. Councillors Kourilova and Wunn have resigned. MUS elections are happening early this year so there will be a new management rep, but the replacement of the C&S rep would happen too close to next year's elections. It is up to the VPCS to try to get a new C&S rep, but there is no need given the time of year.

Councillor Kunev asked if it is up to the Vice-President Fraser's responsibility to get a new C&S rep.

President Knight said yes, talk to Vice-President if you have questions.

Councillor Clarke asked if higher than normal and what were the reasons.

President Knight said that we have had a more than normal active Council and it is more likely that they will resign. Councillor Wun indicated that he is going to law school and needs to focus on academics. Councillor Kourilova said that she had some concerns related to SSMU and MUS, but is also looking into doing other things.

Councillor Doyle asked if there will be more clarity to the clubs and services

President Knight said that this is addressed in book 1 which he is in charge of reviewing in the bylaw review committee. She would be happy to look into that

Councillor Uribe-Arango asked if the number of Council members will be reduced or changed because of the resignations.

President Knight said that the number of Councillors is set out in constitution and efforts have been put towards giving support and providing clarity and hopefully those running this year will have a clearer idea about the commitment of Councillors for next year.

6) Announcements

President Knight said that the general assembly is February 1st, next Wednesday 4:30 pm in the ballroom. There are 8 motions on the agenda. There will be more available in the SSMU office. They are to be given to people. If you cannot attend you must submit your extremely good excuse to the speaker in advance. If everyone brought 3 people we would have quorum and do things.

Vice-President Uribe said that everyone is invited to the toga party in Carrefour
Vice-President Fraser said that there will be another strategic summit next Friday on student space on campus. Everything from McTavish Street to outdoor grounds to library spaces will be discussed. It is 2:30-5:30 in the breakout room on Friday.

Councillor Doyle said he has a few announcements. At the last AUS Coffeehaus Councillor Dinel performed. There will be another one from 6-8pm on Monday, and Tuesday will be the AUS assembly. The departmental cup will be a fun time.

Councillor Kunev said that the engineering iron wing is coming up and he invited everyone to come.

Councillor Kryluk said that SUS is hosting White Panda at Telus next Friday. Please buy tickets.

Vice-President Patel said that there is a blackjack and whiskey, Mad Men-themed event happening in Gerts right now. He invited everyone to come as his date.

Vice-President Plummer voiced his support for the basketball game happening right now.

7) Question Period

Vice-President Fraser asked the Vice-President University Affairs how the consultation fair went.

Vice-President Clare said thanks to all the Councillors who want to come out. It was an interesting array of fun and got quite heated, but it is worthwhile. Mendelson and Masi spoke and students had the opportunity to say things directly. Through its initial inception it evolved from a lecture-like system to a place where students can sit with administrators. Hopefully it will become more and more productive.

Councillor Winer voiced the worry that the consultation fair students have voiced. The fair can give off the impression that the policy of the university could be altered directly through this, but that does not seem to be the case.

Vice-President Clare asked if this concern had to do with a possible excuse from the administration that they are doing things without really doing anything. Vice-President Clare said that they are trying to come up with a system for accountability (like a list of proposed options) so that it is clearly articulated to McGill students why their ideas can't happen or how they could happen. Vice-President Clare said the fair is not going to change things overnight but it is a process that will reformulate things tracking recommendations on the consultation website and the

follow-up will be clear and students can call administrators out on what gets done. If you have ideas on how to make sure stuff gets done, let her know.

Vice-President Uribe-Arango asked when the Principal will be coming to Council. President Knight said that the Principal is not available any of the times that we have Council. They were trying to find out when she is available and has not been able to find a date, except for one April which is a bad time for Councillors.

8) New Business

8a. Motion Re: Elimination of Advanced Polling

Chair Xing read the resolved clauses aloud.

The rationale behind this is that it makes it difficult to work around schedules and advanced polling is not useful with an electronic ballot. Campaigning will be allowed during voting right now because it's difficult to see what's encouraging people to vote and what's encouraging people to vote for you.

Councillor Paterson asked what "vicinity of the polling station" means in this context.

President Knight said that this is the same terminology that's in the current bylaws. She said this is generally left up to the CEO's discretion. She said it should not be visible at the polling station.

This motion passed with 22 in favour and none opposed.

8b. Motion Re: Standing Rules of the General Assembly

Chair Xing read the resolved clauses aloud:

Resolved, that this motion defines the Standing Rules of Order of the General Assembly, which add to and supersede Robert's Rules of Order;

Resolved, that these standing rules may be suspended by a two-thirds vote of the General Assembly,

Resolved, that immediately following the reading of a main motion by its mover(s) the General Assembly will move into a five (5) minute question and answer period during which the mover(s) of the motion will answer any questions a member of the audience may pose,

Resolved, that only the time to answer each question will apply to the time limit of the question and answer period, and that upon expiry of the question and answer period an extension may be granted at the discretion of the Speaker of Council,

Resolved, that when the General Assembly moves into debate on a main motion the following procedural rules shall come into force:

- a) Those wishing to speak may approach one of any available microphones available on the floor
- b) The Speaker of Council will alternate between each microphone in recognizing those to speak

Resolved, that after a motion to amend a main motion, the Speaker of Council will:

- a) Call for any objections to the proposed amendment by any member of the General Assembly
- b) Open debate on the proposed amendment if there are any objections
- c) Resume debate on the main motion if there are no objections to the proposed amendment, which will automatically be applied to the main motion,

Resolved, that the Speaker of Council will endeavour to ensure that all members of the General Assembly and constituencies are given equal opportunity to speak, with particular consideration for those underrepresented in debate.

Respectfully submitted by the Speakers of Council

Moved by:

Maggie Knight, President

Carol Ellen Fraser, VP Clubs & Services

Councillor Paterson said that this is what has been going on at GAs before for the most part. As of this resolution, those in debate don't have to declare pro or con and this is meant to make Robert's Rules more accessible

Councillor Clarke asked how a Speaker would figure out how people are underrepresented in debate.

Councillor Paterson said that this is to make sure that people aren't dominating the conversation. She said if it appears that it is not a safe space, they should make all efforts to reform the safe space for all opinions in the debate.

Vice-President Pedneault asked about the last resolved clause, he said that it is usual to have a male-female speakers so that people don't have to feel pressured by their gender. He will be bringing in a motion to reintroduce the gender parody mechanism. To be better, these rules would have to be adopted by a general assembly. He said one of the ideas he had with Mike is to structure the agenda such that there would be more general points a. finances b. tuition hikes c. Gerts so that people could have question and answer periods. He asked if this could be introduced into these standing rules or whether they should be introduced elsewhere or said elsewhere

Vice-President Fraser said that there was a long discussion about whether we should have gender parody within Council meetings, so that it is up to the speaker to see who is under-represented and cuts across those willing to speak. This is seen as a better working alternative to granting gendered speaking rights which is seen as controversial.

Councillor Kunev asked if this is going to be acting for the general assembly that's coming. Also, is this meant to refer to the standing rules of Council.

Chair Xing said that it will be in place for the rules and no this would not be for Council, because bylaws are clear that the standing rules can be different.

Councillor Fletcher asked what will happen if one microphone has a significantly longer line than the other.

President Knight said that people might self-regulate but also the speaker will be able to use their discretion if there seem to be more diverse opinions in one line.

A motion to previous question passed. This motion passed with 21 in favour and one abstention.

8c. Election for Committees

Chair Xing said that a position on FERC and another position on the Interest group committee must be filled. Councillor Parent-Racine and Councillor Fletcher will have to choose which committees they would like to sit on.

President Knight said that she is not sure that they have read through the committee terms of reference. FERC works on the financial policies in terms of socially responsible purchasing and investment, the administration of clubs and services, and each meets once a week. It would be helpful if one was interested in each one.

Vice-President Plummer asked what the precedent is when Councillors come into Council on January whether they can choose outside Council.

They have to be approved during Council and someone has to sit on those.

Councillor Fletcher asked when the meetings are held.

Vice-President Patel said that FERC meets Mondays at 7pm.

Vice-President Fraser said that IGC is Friday at 5pm but might be moved.

Councillor Parent-Racine said that she must decline sitting on either committee at this point.

Chair Xing said that every councillor must sit on a committee.

Councillor Fletcher said that he would like to sit on IGC.

Vice-President Pedneault said that there is a space on the External Affairs Committee.

Chair Xing said that no one else submitted their candidacy for any other positions.

Councillor Parent-Racine will decide on her own time.

A motion passed to adopt Councillor Fletcher as a member of the IGC.

8d. Discussion regarding judicial Board

Vice-President Clare said that this might be a long discussion about the case between Newburgh and Steven with respondent Tacoma. She will be discussing the case with legal ramifications for the SSMU. There will be a short presentation of a confidential memo received from lawyer in confidential session. There will be a

recommendation from the in-camera session, the board will ideally vote on and ratify what happened in-camera. In order to be productive she would like to discuss the legal aspects. This is an extremely complicated issue. Vice-President Clare said that President Knight has request that she handle this issue with the Council. President Knight's letter is available on the SSMU website for specifics of her possible conflicts of interest. Vice-President Clare does not have significant conflicts of interest with those involved. No close interpersonal or financial ties with any members. She did deal with Mr. Steven on a level with equity and participated in rad frosh and was rad frosh facilitator last year. There has been a lot of questions about conflicts of interest around this case, so she wanted to lay it all out. The UA usually takes responsibility on issues that the President cedes her responsibility. President Knight said that everyone is in accordance with the conflict of interest policy, also if you have any close personal relationships it would be pertinent to say that, but no one is forced to disclose a potential conflict. Vice-President Clare said that there should be a statement of disclosure from a justice regarding transition from President Knight and the perceived conflict of interest. There is an amendment to number 10. Vice-President Clare said that Chair Tong e-mailed that out.

Chair Xing read out the statement by the Judicial Board Justice who outlined his relationship to the case and speculation surrounding his involvement, and his decision to step down from his role with the case.

Vice-President Clare said that she has talked to the Chief justice David Perry and Ryan Gallant, who was one of the justices with the dissenting opinion that the J-Board case should not move forward. They didn't go as much into detail about the personal aspects of Raphael. 14 is incorrect because there was a motion for recusal, which was accepted. She has received the petitioners' response, and the respondent had asked him to step down.

Vice-President Clare said that members of the SSMU exec are involved with the current case. They have been involved in acting as the main decision-making body of the SSMU. During confidential she will present this memo by Lampros. Currently, the highest level of authority with SSMU is the Board of Directors because in 2007 we were incorporated. Saying that J-Board is the highest entity violates the Quebec companies act. By overturning this decision or allowing this vote to be overturned we are opening SSMU to a possible legal suit. Removed the right of members to have votes. There are 2 hats that SSMU wears—the student union hat and corporation hat. She said there hasn't been a previous J-Board case that the SSMU knows of with a vote by the members asking to be overturned. As the board they have illegally abdicated responsibility to another body, in 2007 not fully understood the ramifications of this contradiction (until relatively recently).

Councillor Burnett said that he is getting the legal argument about the board of directors voting to overturn the decision of the judicial board. He said that sets a precedent for the Board to overturn the constitution of the SSMU.

Vice-President Clare said that's completely valid and she does not know what precedent is set. They made changes to the board so that it is always in open session. It depends on who is elected each year and how Council manages its affairs. The Board of the Directors must work with, while actively reforming, the J-Board. She says she cannot comment specifically on the precedent.

President Knight said that she might be offering factual clarifications but will not make any arguments. Quebec law is higher than the SSMU Constitution so the board of directors cannot overrule the constitution malignantly.

Chair Xing said that this discussion will be confined to the legal aspects as this is such a complex case.

Councillor Kunev asked what power Council has in terms of asking about a conflict of interest between one judge and another. Can SSMU decide whether the judges have a conflict of interest or not?

Councillor Clare said that talked with the lawyer about how much power the J-Board has legally. Their decision to extend the case into the second semester is feasible within their mandate if someone discloses a conflict of interest. Ultimately it is the up to the justice whether they are to be a neutral arbitrator. She said that in any case it's not up to the Board of Directors to say that anyone should step down.

Councillor Kunev asked whether the person in the judicial board should decide himself whether this is a conflict of interest.

Councillor Niu asked about the Board of Directors. He said since there has been a lot of Councillor resignations are any on the board of directors and if they are how are we going to replace them.

Vice-President Clare said that two Councillors who were on the Board resigned but quorum is still reached.

Councillor Diné asked whether we are discussing right now what the recommendation should be to give the board of directors because the board of directors is higher than the judicial board.

Vice-President Clare said that she could present the different options in front of us or there could be a debate more organically within Council and she could give a more forward recommendation.

President Knight asked when we should start the in-camera session.

Vice-President Clare said that she would ideally have a majority of this conversation in public, especially because this involves the Board of Directors.

Chair Xing said that at any time we can move into in-camera

Councillor Bi asked what is the timeline of this is.

Vice-President Clare said that if we are to proceed without intervention we would allow the J-Board to proceed and they have a few days to deliver a ruling. There are a few options. 1) The Council can let things continue which will take things to a

month from now. 2) The Board of Directors can stop proceedings immediately. 3) The Board can allow things to happen for the next 30 days and take another decision as the Board of directors and resume this debate as to which the J-Board ruling will be ratified or not.

Chair Xing said that this is not a question about whether or not we are going to obey Quebec law.

Councillor Bi asked which party would be pursuing legal action.

Vice-President Clare said that it could be any member.

President Knight said that someone would be potentially sue the SSMU because under Quebec laws that govern SSMU, we are responsible for fulfilling the will of members in the referendum question and if the J-Board is not legal, for us to allow an illegal body to overturn something the members had voted on would be illegal. If the SSMU lets an illegal body overturn the referendum, a member of SSMU could sue SSMU. If the J-Board were to ratify the decision that they should be overturned, they could ratify that. If they decide that the referendum question overturned would be valid. It has to be the responsibility of the Board of Directors, and not the Judicial Board to overturn something

Councillor Winer motioned to move into in-camera session to have a private discussion and the ability to have a concrete discussion is hampered by the fact that we have not seen the memo.

9) In-Camera Session

Councillor Crawford would like to adopt the second of the recommendations as outlined earlier.

Chair Xing will not allow that at this time because some want to debate, but reminded Councillors that debate will be limited to the decision at hand.

Vice-President Clare asked if we could refer to the diagram given by Councillor Bi.

Councillor Bi will speak to the diagram she drew on the Board. She said that there are a couple different scenarios that can happen and wanted to make the potential consequences explicit. She said that the situation we're at now is on where the board of directors could intervene or not intervene. If the Board does nothing then the Judicial Board case will be approved or not approved, and the Board will have to decide whether to intervene at that point or not. If the BoD does intervene we could be legally liable. If there is nothing and we intervene the Board cannot overturn the case. We might have entered into the feedback mechanism and it might get into the J-Board mechanism that we are considering that and we don't know what the ramifications may be. If J-Board disrespects then we would not disapprove.

Councillor Kunev said that we should go for option 1 because the judicial board should be an independent body and we should not influence it for our constituents as a student society.

Councillor Clarke questioned the validity of this diagram here and said that we are legally liable if the BoD respects the system in place where the J-Board ruling is considered the highest decision of SSMU. The question is about whether we can rubber-stamp decisions by the J-Board and whether the SSMU still entails liability by revisiting a decision of the J-Board after it is made. This is not a legal opinion but the only way we could incur legal liability if we did a positive act and declared why it respected their decisions, respecting all legislation in play. He would not like to go with the second option because the J-Board would have advice and opinions on the matter. He would like to see this case to its end and allow the Board of Directors to the final decision.

Councillor Winer said that he would like to respond to some points of Councillor Kunev; overturning this case will take away from the real issues at play, and Councillor Winer wants to question the real issues at play. We are violating Quebec law by allowing the J-Board to make decisions. Let's not forget that. Also, in reference to Councillor Clarke's comment, we should also look at the negatives of hearing the case and overturning it based on what we think about the judicial process. The Board of Directors are legally liable for any decision made by a SSMU body and the only responsible thing to do is option 2.

Chair Xing said that the way the J-Board session is inserted in this constitution we could amend to say "body that recommends."

Vice-President Fraser said that it could be an independent review board and J-Board should not contravene the bylaws which is the issue with the case.

Councillor Burnett said that there is a possibility that the Board would not be held liable in the case that it did not prevent the J-Board from doing this. Councillor Burnett said that the case would be potentially overturn the referendum, and members of SSMU are allowed to make decisions in the way they did under the act of student associations. It's not clear whether the judicial board could do that, but the Board of Directors could give it that power but he doesn't think it should because it is liable on issues for the referenda.

Chair Xing said that none of us are qualified to make judgments on legality of these. We should speak about intervention not assuming anything down the line.

President Knight said that she would like it to be on record that she will not be participating substantively in this discussion and will not be voting.

Councillor Dinell said that she usually takes the middle road on these kinds of things and thinks that number 2 legally protects the SSMU most. She is concerned with our ability to maintain the SSMU.

Vice-President Pedneault said that he will be speaking in favour for option 2. He wants to lay out thorough reasoning to justify that option. There is an article from bylaw book 1 that lays out when and how a referendum question can be appealed, and the only thing that could supersede that article is the section that says the J-Board could overrule anything. That is arguably legal and questionably democratic. There are multiple parts of that article which clearly show how the J-Board's decision was maybe not justified. Vice-President Pedneault will walk us through that article of the bylaws with his notes. The article lays out that an appeal of a referendum question has to be given five days after the results and J-Board has no jurisdiction five days later when the results were received. An appeal of procedure is to be heard during the semester. So, the J-Board should have no jurisdiction over the case nor could it now we are in a different semester. He would like to immediately stop those proceedings and that is not an argument in favour of reforming the J-Board. He asked the General Manager when the petition was received in reference to the referendum results.

General Manager Gervais said that she received the e-mail on November 10th from one petitioner in the case for the results from the chief electoral officer about the referendum questions.

Councillor Winer asked about two points. The speaker suggested that we could add that the J-Board is not the final authority but could make a recommendation. Theoretically we could change that right now as a Board of Directors and it is not prudent for the J-Board to be hearing cases at this time. We have stated publically the organizational problems. We should change the structure of the body but that has to take place after a process.

Councillor Kunev said that in terms of making a recommendation, he understands that at Concordia we have a J-Board that makes recommendations. He is uncomfortable with the idea that the J-Board is not seen as an independent entity that makes decisions on its own but that it is a parliamentary issue Council could challenge us on the Judicial Board. This is connected to what happened last semester. We should talk about conflict of interest again if this is related to external organizations.

Councillor Diné said that it might be perceived that one of the petitioners is manipulating the J-Board, knowing that it is illegal.

Chair Xing said that it is out of order to make that assumption and outside of the scope of our discussions about legality.

Councillor Clarke said that he is concerned that after a judicial board comes out the dissenting opinion might overturn their rulings. He said although the bylaw procedure was violated they substantiated their reasons based on the constitution and "natural justice" should allow to be heard. He thinks that the Council, if it feels uncomfortable for overturning the decision, should take a stance now on what would happen procedurally after a ruling. He read out Concordia's bylaws, 4.4 says that the J-Board can be overruled by a majority when racism, sexism, collusion, or

conflict of interest is perceived, and he does not think that we would be doing it for any of these reasons and does not feel comfortable overturning the decision.

Vice-President Clare said that they asked specifically about that aspect. The lawyer said that the extension was allowable based on the reason given by the J-Board. Vice-President Clare said that we should not be changing the constitution in any way tonight this should only happen by referenda. We do not want to start using the power of the board of directors about what we see is good. About number 4 there are some definite benefits to this which could be extremely public. The more information we have, the more empowered we may be to make a decision at a later date. If the J-Board rules in favour for the respondent, the J-Board could not be in contradiction to the Quebec law. He said that a vote of the members might be overturned, which increases the members. If we allow the case to go forward and is ruled in favour of the respondent then that would close the case. Otherwise we would debate this in council

Councillor Fletcher said that the case does present some legitimate questions that can be approached and we should approach the legality after

Councillor Winer said that he knows that we should not speculate on legal matters. He said currently we do not have organizational structure which is not legal. If we want to be a law-abiding organization we cannot leave this room in violation of Quebec law.

Vice-President Fraser said that option number 4 is making a decision conditionally, saying we'll go along in this case and they will rule in favour of the petitioners. She said this is not the most responsible choice no matter what the J-Board as an advisory board makes as a decision.

Councillor Kunev said that it might be a bigger violation in law if Council makes a decision in relation to the J-Board.

Councillor Dinell said that her clarification question is if we were to allow the current J-Board case to go through, could the findings of the case presently be invalid if the reforms go through?

Chair Xing said he is not sure.

Vice-President Clare said that from what she understands if we were able to change the way the J-Board does things now and they would simply make recommendations, that would be what would happen at the end.

President Knight was asked whether her understanding is that a suspension of the J-Board would be retroactive?

She said no, because if there was a constitutional amendment to abolish the judicial board would not render ineffective everything they've done.

Councillor Clarke said that this is not legal advice, but having a J-Board is only illegal if we give the J-Board final authority, in fact the Board of Directors does have final authority. If we walked out of this room, the Board of Directors still has final authority and the problem is that we create ambiguity to overturn this ruling right now. The Board of Directors will always have the final say, regardless of what the final constitution said.

Councillor Latham said that if we overturn their decision, that would leave a bad taste in everyone's mouth and the best option is to clarify our constitution, and if the J-Board wants to reapply they are welcome to do at that time.

Vice-President Clare said that interveners and respondents have prepared a lot and it may be possible to move forward with the case. We may be able to get a more concrete legal opinion about how to move forward later. However, information available from the lawyer at this time was legal advice and not a legal opinion.

Vice-President Fraser said that in response to Councillor Clarke and in terms of the Board of Directors having final authority over anything, considering that the Board has that power now and there are legitimate reasons not to go forward with the case, she said it seems to be a good decision to stop things now. She says if we announce reservation and let it go forward, more information can be used to fully understand this issue later.

Chair Xing said that he would look favourably upon a straw poll going through these possibilities and weeding out those that the Council is no longer considering.

Josh from Arts, from the gallery, is wondering how long after the results were handed in was the petition received.

President Knight said that to the best of her knowledge, there was a notice of appeal on November 11th, but the petition itself was not until November 28th or 29th.

There has been a request to grant speaking rights to a non-member of the SSMU. The request was granted by majority vote of the Council.

Cathal Rooney-Cespedes said that he is a former member of SSMU and said "if the Board of directors were to reform the SSMU, would there be an inherent conflict of interest given the context of the entire situation and the case at hand"

President Knight said that the issue of conflict of interest has been discussed already. No one has so far suggested that their conflicts should allow them not to vote. She herself has disclosed and is on website and to Council, and has chosen to abstain.

Cathal said that procedurally, some of these options are vaguely similar and asked if there could be a round robin of voting so that one option could have majority and one could not.

Chair Xing said that we could postpone voting until later and any Councillor could decide to proceed with a round robin.

The Council discussed removing one of the clauses, and a vote was conducted by Chair Xing.

Option number one, letting the case go forward without further action, was deleted from consideration by majority vote.

President Knight abstained from the above vote.

The decision to ratify the decision of the J0Board regardless of the decision they make was also voted down by a majority.

President Knight abstained from the above vote.

Councillor Crawford asked if we could move forward with the former number 2.

Councillor Dinel asked if we could debate the two remaining options in the context of each-other instead of debating the two individually.

Chair Xing said that debate is open on both of these two choices.

Vice-President Fraser asked if it would be possible to have a motion that says when we vote we could vote for one or the other. He said that there could also be abstentions. These two will be reworded into motions.

There was be a ten-minute recess to draft resolutions.

Chair Xing said the Council is currently in debate on the Resolution Regarding Reform of the Judicial Board. Chair Xing read the resolved clauses of a resolution moved by Councillor Paterson and Matt Crawford. [The adopted resolution is printed below, preceding the roll call vote of the Legislative Council.]

Counillor Paterson said that the ad-hoc bylaw review committee and those who would like to join may be able to do so. There will be a meeting at 10 on Monday for the bylaw review committee. Vice-President Clare said that she thinks it's important to disclose any interest. The conflict of interest policy is extremely fallible so she would like everyone to air it all out, please.

Vice-President Fraser said that in the petition in the J-Board case she is mentioned as having to do with motions brought to this Council and in the past she has been involved in QPIRG.

Councillor Bi sits on a committee with Brendan Steven.

Councillor Burnett said that he does not regard this but was on a yes committee for the QPIRG referendum question.

Councillor Crawford said he was also on that committee.

Vice-President Plummer asked what laws are there about perjury and said that this culture of making people come forward to disclose a potential conflict seems like a witch hunt.

Chair Xing said that perjury laws only apply when you're in a court of law, and no one is forced to disclose their potential conflict.

President Knight said that everyone is liable, but it is up to each individual disclose a potential conflict.

Councillor Winer said that he was a member of the QPIRG yes committee and maybe CKUT.

Councillor Paterson said she is in favour of this motion because she is concerned about the activities of the Judicial Board leading up to this and thinks that creating an ad hoc committee for this purpose should review the bylaws in this case.

Councillor Bi said that she wants to echo Councillor Clarke's earlier statement that this might stop a Judicial Board case that is going on at the moment.

Councillor Clarke said that a SSMU member has a right to present things to the J-Board.

Vice-President Fraser said that the right to contest referendum results is within a certain timeframe and that was not done within the allotted timeframe.

Councillor Latham said that it's important to have bylaws in order before we have the J-Board making a ruling

Councillor Crawford said that each individual has the ability to petition but there is ambiguity with the Society's internal procedures and Quebec law which must be considered.

Councillor Burnett said that it does not seem to him that the submission of this is not in contradiction with the bylaws and there is a right for it to be brought but there is not necessarily a right for the Judicial Board from making that decision because it doesn't appear to be legal. He said there's an idea that the case is illegal because it was brought too late, but it seems like it was brought and the J-Board said that it was brought later

Vice-President Clare said that technically they could have heard the case and done everything in first semester but decided not to, so that they would have enough time to prepare. The SSMU's legal council said that it is permissible to allow J-Board to extend into next semester.

Councillor Clarke asked whether there is a timeline when we need to have a final decision. We may need to have another referendum which leads to a side-issue where there is no referendum question.

Vice-President Fraser said that the issue with the Deputy Provost should be treated separately from the J-Board case.

President Knight said that according to the bylaws, the J-Board must render a written decision within 30 days which would be after the deadline to submit resolution questions.

Councillor Latham said that a lot of decisions that J-Board hears does not have the legal ramifications that this could have. Asked if the motion could be changed to refer specifically to all decisions regarding the 2011 amendment.

Vice-President Pedneault suggested doing what Councillor Latham said. Vice-President Fraser suggested adding "(regarding the fall 2011 referendum question)."

Vice-President Clare wanted to move it back to the way it was before there are two hats of SSMU. The corporation hat indicates that the J-Board will still be illegal. The accreditation act is addressed in this, but the aspect of the companies act is not addressed. She said we shouldn't be passing a resolution that binds us to do something illegal.

Chair Xing said that he cannot say whether or not this should happen.

Vice-President Clare said that the Judicial Board in its current state is illegal which doesn't have to do with the companies act.

Chair Xing reminded everyone to remain within the purview of the amendment.

Councillor Burnett said the legal situation of the Judicial Board is that they cannot be granted the power that they are currently granted. The Board of Directors would be obligated to changing the constitution at the next meeting. This has to do with whether there are specific activities about what the specific case would be. Those questions should be kept separate and this resolved clause should specifically have to do with this.

Those in favour of striking the bracketed phrase were thirteen for and 7 opposed. This passed, and the proposed amendment in parentheses was stricken.

General debate resumed. The previous question was moved and seconded.

Councillor Paterson asked if we move yes to this, are they then not allowed to vote yes to the second option as well.

Chair Xing said that if you deal with the issue then you can't postpone it, so the second option would no longer be on the table. He said that the question right now is whether or not we want to end debate on this. If we are in debate we could talk about the merits of voting it down.

Councillor Bi asked if number 2 is not included at all in this resolution

Chair Xing said that number 2 is for postponing this entire resolution. The question is whether or not we should stop the debate on this resolution and vote on it. The

motion to previous question failed by a vote of 13-8. We are still in debate on the motion regarding to the form of the Judicial Board.

There is a motion to divide the question on the floor.

Vice-President Clare asked why. Councillor Uribe-Arango said that we could vote on each clause because people have objections to each of them.

Chair Xing said that we will save that until after we close debate.

Vice-President Clare asked if it would not be possible to debate the two questions. Chair Xing said that the body is in a loose debating format and is debating the two simultaneously.

Councillor Burnett said that if there is sufficient concern for the general legality for the constitution then the Council should advise the Board on whether or not to do that.

Vice-President Clare said that for the second option there should be as second resolved clause as well so that bylaw committee do a review of the judicial board, while keeping an eye on the process.

Councillor Winer said that though he agrees that the constitution should be changed, it's important to think about the precedent that would be set if the Board of Directors changed the constitution right now. Because they are currently legal under Quebec law he thinks that we should draft a referendum question.

Councillor Kunev asked if it would be possible to refer this resolution to commit this to a committee. He said that the first clause is substantive and this could send it to a committee and we could do nothing. We are just making assumptions on the constitutions and suggests that we move this forward to a committee. He made a motion to commit this to the bylaw review committee. This was moved and seconded.

Councillor Paterson spoke against this because this is making SSMU less accessible. If someone were to say that they wanted to sit on bylaw review committee. Bylaw review committee should not talk about what bylaw committee should be doing. She said it seems like we are adding red tape all over the place.

The previous question was moved and seconded on the motion to commit. The motion to commit this motion failed.

Councillor Latham said that this discussion is becoming unproductive and since the discussion is not going anywhere he would like to motion to previous question.

Councillor Clarke made a motion to vote on this by roll call, which was allowed by the Chair seeing no objections.

Councillor Uribe-Arango's motion to divide the question failed. The resolution will be considered as a whole.

Chair Xing read the following resolved clauses aloud:

Resolved, That the SSMU Legislative Council recommends to the Board of Directors to suspend all activities of the Judicial Board as of the 27th of January 2012.

Resolved, That the SSMU Legislative Council commit this question to the ad hoc By-Law Review Committee and have the aforementioned review the legality of the Judicial Board and submit their findings by the next meeting of Legislative Council.

Movers:

Kady Paterson Education Rep
Matt Crawford Senate Caucus

The following roll-call vote was taken:

Representative Khan opposed
Councillor Clarke opposed
President Knight abstain
Vice-President Fraser in favour
Vice-President Pedneault in favour
Councillor Uribe-Arango in favour
Vice-President Paterson abstain
Councillor Dinel in favour
Councillor Niu opposed
Councillor Fletcher opposed
Councillor Doyle abstain
Councillor Bi opposed
Vice-President Plummer abstain
Councillor Herman in favour
Councillor Kunev opposed
Councillor Cannon in favour
Councillor Latham in favour
Councillor Parent-Racine in favour
Councillor Crawford in favour
Councillor Burnett in favour
Councillor Winer in favour
Vice-President Patel in favour
Vice-President Clare in favour

With 13 in favour, 6 opposed, and 4 abstentions, this motion passed.

The bylaw review committee is meeting at 10am on Monday in the SSMU office and everyone is welcome.

10) Recess for Board of Directors Meeting

Councillor Crawford made a motion to suspend the rules to amend the agenda to move point 11c. to point 11a. This was approved.

11) Reports By Committees

11a. Report of the Library Improvement Committee

Vice-President Clare said that the deadline for accepting improvement applications is on Feb 29th so please bring those forward as soon as possible. A few ideas are a rotating student art display, including display cases to adequately present them. Councillor Niu said that it doesn't matter how small the proposals are. It could be as small as proposals in libraries and as big as changing the layout of libraries

Councillor Fletcher asked why the library is not 24 hours on Fridays and Saturdays. Vice-President Clare said that the library hours are not currently within the purview of the committee.

11b. Report of the Community Engagement Committee

The Community Engagement Commissioner that the committee has unanimously endorsed three funding applications, including one that came to Council two weeks ago from SEDE for the hire of two part-time students to do community engagement day in collaboration with the community engagement committee there were a couple of concerns including the description which could be included in the distribution. SEDE has indicated that they are prepared to provide financial support and Dean of Students also interested in finding financial support. The second funding approval came from political science student association for third annual Battle of the Charity. There wasn't a direct link between students and their engagement in Montreal with these groups. The third group is Urban Groove, and they are bringing in community members in and doing their event off-campus. Urban groove will be putting in things in youth centre and will be teaching youth how to do hiphop. They were unanimously endorsed by the committee.

Councillor Doyle asked when it will be meeting again and where the funding comes from.

The commissioner said that the fund comes from the charity fund which is a 50c per semester opt-outable fee, and they have been meeting on an ad hoc basis because the flow of applications has been sporadic.

Vice-President Plummer said that because this is the only fund not allocated by funding committee, how we make sure that they don't apply to both?

Vice-President Patel said that some students do apply for funding which falls under community engagement. In such cases, funding coordinator will refer it to the relevant individuals and it would not be brought to both committees.

Councillor Kunev said that approval does not have the same criteria for both committees, so how is it possible to make sure that funding is being allocated in a consistent way?

Vice-President Patel said that funding is allocated based on the criteria of each fund.

Councillor Paterson said though she understand it's in the vein of the Community Engagement Committee, has there been any indication about moving it under the funding committee?

The commissioner said it would be useful to open communication between the two, but right now there are no plans to move it under the funding committee.

Vice-President Pedneault said the Community Engagement Committee, as he understands it, is not trying to fund activities for charity, but is moving toward a community development approach while overseeing humanitarian aid which has been a grossly underworked aspect of the fund. It might create a lot of work for the funding committee to include this. We need to get to the student body that the fund should be applied to charity projects specifically. However, the committee does not want to fund events that will go to charity.

The report of the committee was adopted.

11c. Interest Group Committee Report

Vice-President Fraser said that one was tabled because of relations to Tibet. Another group would like to become a service of the SSMU instead of a club, and the exec committee will consider it before it is brought back to the Council. This was not explicitly addressed elsewhere in SSMU's constitution and policies.

Vice-President Plummer asked what the investment bank for happiness is.

Councillor Winer said that the group of people should think about happiness as a mark of success in life as opposed to economic things and GDP.

President Knight made a motion to adopt. The IGC report was adopted.

11d. Funding Committee

Councillor Winer stood for questions.

The report was adopted.

11e. Executive report

President Knight stood for questions regarding the report.

Seeing no questions, she reported on the **Mid-year Survey Results**:

President Knight said that it is important that survey results do not disappear into a black hole, but are used as important feedback.

Question 1 is what aspects of what SSMU does is(are) most important to you?
The possible options were services to students, representation and advocacy regarding academic and university policy, representation and advocacy on political issues, events and social life, democratic decision making, I don't think anything SSMU does is important. Results were similar between the options, but "I don't think anything SSMU does is important" was ranked very low.

Question 2 "the best ways for me to learn about how the SSMU works is(are)..."
Many people appreciated the listserv.

Question 3-Do you think that SSMU has provided effective service, leadership, and representation to downtown undergraduate students so far this year? What can we do better?
Surrounding Nov 10th, some said this was completely mishandled, and SSMU shouldn't do anything political, and others said that SSMU did a great job.

What speaker or musical act would you like to see come to McGill?
There were many, many requests.

How do you like to receive the listserv?
Some said that they would like to receive it on the website.

What is your favourite thing about SSMU?
Some students said puppies, others said student life and engagement, 4floors, activities night...

What do you think of the new format for Activities Night? This survey was closed before activities night actually happened.
Again, there was disagreement, but generally people were positive about the new format

Which project should the SSMU prioritize in the Shatner building in the coming months and year?

Do you know where the SSMU office is? Did the logos help?
Because of a selection bias, a lot of them already knew where the office was.

How should SSMU's relationship with the administration be in the upcoming term? Most answered increased cooperation and increased pressure.

What information is lacking about your student representatives?
Most people said what projects are currently being worked on was most lacking, but a lot were similar.

What mechanisms can be put in place to ensure that we have dependable student representatives from a diversity of constituencies?

Students said to ensure that committee representatives are more accessible.

Did you know that the Quebec government has announced that tuition fees will increase at least \$1625 within five years?

Most said yes, but again this is probably selection bias.

SSMU has a mandate to work for more accessible education and specifically to work against tuition fee increases. What type of activities should SSMU prioritize in order to do this?

Should the students and employees of McGill be able to vote on who is part of the university's top level of administration?

Most students said yes.

Have you heard about the SSMU's venture for a student-run café in the Shatner building? They thought it should happen whether they know or did not know

Have you heard about the funds ... SSMU offers to student groups? If so, where have you heard about it?

People mostly learned about this through word of mouth for a student group that they're a part of.

Which of the following operational ideas should the VP Finance and operations work on?

Many People said a student-run café.

There were a lot of positive comments, but President Knight said that she printed the critiques like one that was an objection that SSMU shouldn't do political stuff, like having stance on MUNACA, a need for improved communication, and frustration with the McGill administration and desire to take a stronger stance. Councillor Burnett asked if a strategy for business unionism was discussed. Communication is inherently challenging with 20 thousand people, especially when trying to convince them to get involved. What student representatives do and how to contact them is very important. Councillor Knight suggested more frequent reminders and public availability of documents. There was a public call-out from VP Patel about new mini-courses. Personal responses to direct questions are very important. Longer-term issues includes comprehensive engagement and outreach strategy including a specific focus on first years, the creation of a communication engagement committee or team, creation of a policy or research working group on SSMU, instead of senators doing that research or allowing governors to produce that research, and that could be a part of it. She said she is happy to stand for any questions.

Vice-President Clare said thanks for compiling this and presenting it.

President Knight said the Secretary General made this presentation but appreciated the feedback.

12) Reports of Executives

12a. VP Finance and Operations

Vice-President Patel said that financial transactions of fees are almost done. They're taking a lot more time than they thought and it should be done by tomorrow.

Because it doesn't have to be officially approved she will bring it forward to the next Council. He assumed the report has been read so he stood for questions.

12b. VP Clubs and Services

Vice-President Fraser stood for questions.

Seeing none, Chair Xing thanked her for her report.

12c. VP Internal

Vice-President Plummer stood for questions.

Councillor Paterson said she is very excited for February and April exam time puppies!

Councillor Kunev asked about more information about Faculty Olympics. Vice-President Plummer hasn't confirmed activities with Olympics. It will be similar to last year and the events are going to be adhering to the law and building regulations.

12d. VP External

Vice-President Pedneault said that there is dissatisfaction of himself and external affairs committee based on strategic and tactical level. SSMU more interested in doing more work like outreach and awareness raising and in-reach in campuses signing a letter to constitutions about where they are coming from. Otherwise, there are major upcoming student demonstrations. Within the next couple of weeks he said a general student strike will start in Quebec. 20,000 students will have a strike mandate which would begin when tuition increases are announced. That's something that's exciting and scary. There is a demonstration on February 23rd in Quebec city, and there is one organized by FECQ on February 22nd. Demonstrations will be planned along the way and will be keeping him busy for quite a while. In upcoming he said that the CLASSE training camp will be held in the Shatner building on Sunday. This is in regards to a wing of the Quebec student movement. They have been pushed out in CEGEPS and universities across the city. McGill security was on their case about a training camp for student movements in Quebec.

Councillor Clarke asked if he has received any response from his letter and whether there has been any feedback.

Vice-President Pedneault said that the idea was for people looking back on this year and that there be written documentation about where this is coming from.

Councillor Uribe-Arango asked whether TaCEQ has changed their tactics or position regarding tuition fees.

Vice-President Pedneault said that it remains against any further increases and he has been working with Simon about whether SSMU has the resources to buy ads in newspapers and working on campuses. They are costing a lot of money and are really more effective. The most effective way is buying ad space. They are saying that there is no budget for that. A lot of that goes toward paying the salaries of executives and transport. They said that he could go ahead but they don't have the money.

Councillor Uribe asked if there will be a distancing of relations if nothing is done. Vice-President Pedneault said that it's always possible for SSMU to reconsider its membership in TaCEQ and unless things change we could very well decide to reconsider membership.

12e. VP University Affairs

Vice-President Clare said thanks to all Councillors who filled out evaluations, and she found everything constructive. She found a thread that communication about how different aspects of her portfolio link is internally inconsistent; there were questions about how different aspects flow between the years. She asked for any other tips for her evaluation at this time

Councillor Clarke said that this relates to the DP Student Life and Learning meeting as mentioned in her report. He asked what came about at this meeting. Vice-President Clare said that she and President Knight are frank in a way that is probably not what you normally conceptualize as being frank. They said that they have to consider what's going on between the DP's office and SSMU and they asked him to be more specific about how he views relationship between the two entities. The meeting got cut a bit early but the discussion has gone down the right path. There will be another meeting to discuss the matter next week. She said one of the things that has woven consistently through her job is equity. Some of the things they are doing this year is revising the equity policy, because there are massive holes for exploitation and abuse. A revised policy will be presented at the next Council meeting. Lydia white has been engaged to look into the sexual harassment policy. An equity award regarding SSMU will be going forward to the Senate in April.

12f. President

President Knight said that the headliner in her report is the general assembly. There are some really exciting motions and they weren't all put forward by people who sit on the Council. A lot of the report was troubleshooting these issues. Consultation fair and strategic summit for sustainability are a good step in the right direction to get administrators talking with students. Regarding the lease, we are trying to work with McGill again and they got a long memo in December shorter memo two weeks ago, waiting for a further response at this point.

Councillor Kunev asked whether there is provision for food or drinks at the GA and what is the budget.

President Knight said she doesn't have a budget in front of her but there is no specific budget allotment for food at the GA. She could attempt to find money from somewhere else from VP Finance. She will look into it

Councillor Burnett asked if there is anything the President would not feel comfortable on updating in terms of lease negotiations.

President Knight said that they are waiting for a response from McGill.

Councillor Clarke said that there is a policy that we require 500 people for quorum. If we get this, what would happen.

President Knight said that there was a question put forward that would require a different level of quorum because it is regarding a matter external to the SSMU. There is one such motion on the agenda for this assembly. That would require 500 people to come out which is just over the capacity of the ballroom. There will be provisional measures in case that many people show up.

Vice-President Pedneault said that our Council is expected to do classroom announcements and chalkboarding to make sure that the GA is successful. Contact Joel Pedneault about this. Classroom announcements and call-outs start tomorrow and will be done for the next few days.

Councillor Doyle asked if 500 people would just be advisory body then the question would come to Council.

Vice-President Clare said if quorum of 500 is reached, the motion could be passed as a general assembly. However, if not the motion will come to Council.

Councillor Bi asked about what is happening at the GA in relation to the C-10 bill.

Vice-President Clare said there was a motion drafted by the law students' association. Vice-President Clare, Councillor Paterson, Senator Dinell, and President Knight signed the motion.

13) Question Period

Councillor Kunev asked whether it would be possible to arrange the website so that motions for the GA are on the general assembly page not the Council page.

President said she has not been able to double-check everything that gets put on the website but she will rectify that situation.

14) Adjournment 11:05