
UMGSA Special Council Meeting Documents Index Page **Wednesday, May 8th, 2019 - 5:30 PM – Room E2-125, Engineering Building**

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UMGSA Special Council Meeting Agenda

Wednesday, May 8th 2019 - 5:30 PM – Room E2-125, Engineering Building

1. Call to Order

2. Traditional Territories Acknowledgement

The University of Manitoba campuses are located on original lands of the Anishinaabeg, Cree, Oji-Cree, Dakota, and Dene peoples, and on the homeland of the Métis Nation. We respect the Treaties that were made on these territories, we acknowledge the harms and mistakes of the past, and we dedicate ourselves to move forward in partnership with Indigenous communities in a spirit of reconciliation and collaboration.

3. Approval of the Agenda

Note: Agenda Items for Concurrence Without Debate

Any item that has a beside it denotes an item intended for Concurrence Without Debate. These items include reports and other routine matters, and are considered accepted or adopted by the UMGSA Council without debate or a vote. Any Council Member who wishes to remove any item so-noted from the list of items for Concurrence Without Debate may do so by contacting the Council Chairperson prior to the meeting, or by requesting that it be removed when the Chair asks if there is any opposition to accepting these items for Concurrence Without Debate, immediately prior to the motion to approve the agenda as presented or as amended.

MOTION: BIRT the UMGSA Council approves the agenda for the May 8th, 2019 UMGSA Special Council Meeting as presented.

4. Approval of the Minutes

The minutes of the April 24th, 2019 UMGSA Council Meeting are attached as Appendix I to these Council documents.

MOTION: BIRT the UMGSA Council approves the minutes from the April 24th, 2019 UMGSA Council Meeting as presented.

5. New Business

5.1. Selection of UMGSA Council Chair for 2019-2020 Term: Karalyn Dokurno, the former UMGSA Chair from 2016-2019, is unable to continue in her role. The UMGSA Council must select a new Chair for the 2019-2020 term.

MOTION: BIRT the UMGSA appoints _____ as Chair of the UMGSA Council for the 2019-2020 term.

5.2. UMGSA Elections Committee Report: The final report from the UMGSA Election and Referendum Committee is attached as Appendix II to these Council documents. The report outlines three possible courses of action with regards to the 2019 UMGSA General Election results, and recommends the following:

- The creation of an ad-hoc committee to address structures of accountability for the elections process;
- That Council approves “Election Solution Stream B – Run-Off Election for VPSS

- Position”;
- That Council determine the amount of honorarium owed to the newly appointed Chief Returning Officer;
 - That Council approves the appointment of a CRO and no DRO for any upcoming election;
 - That Council re-examine campaign budget limitations for future elections;
 - That Council mandate the new Executive to factor the monetary costs of a new election into the 2020-2021 budget;
 - That Council mandate the issuance of a formal apology to Ademola Adesola to be circulated to the entire membership of the UMGSA.

6. Announcements

6.1. Next Council Meeting: Wednesday, May 22, 2019 - 5:30PM - UMGSA Lounge

7. Adjournment

UMGSA Elections and Referendum Committee Final Report

Written by Kasey Morgan, Chair of the Elections and Referendum Committee
in Consultation with the members of that Committee

May 2019

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UMGSA Elections Committee Report

Introduction

At the April 24th meeting of the UMGSA Council, after a unanimous vote rejecting the ratification of the 2019-2020 UMGSA election results, the Elections Committee (“former EC”) was dissolved and a new EC (“EC” and/or “the/this committee”) was struck. The aim of this decision was to appoint five objective council members to address the handling of the UMGSA election and determine how the complaints and appeals that occurred were handled by the CRO and former EC. Council also appointed five advisors to the committee, consisting of members of the UMGSA Executive who chose not to campaign for re-election and who were not involved in any of the appeals or complaints of the previous election. The committee was given two weeks to review the administration and results of the election before returning to council in a special meeting on May 8th to present their results and decisions. The new EC met on April 30th and May 3rd to review all of the information provided to us, including but not limited to: complaint and appeal forms; email correspondences of those involved in the complaints and appeals obtained from official UMGSA email accounts; the UMGSA’s Bylaws and Policy, Governance and Operations, and Election and Referendum Manuals; the UMGSA Code of Conduct; and email correspondence with select advisors and candidates. This document is the result of our meetings and consultations.

At our first meeting the committee discussed the scope of our investigation and determined that, given the limited time within which we were able to operate, we would limit our consideration to the three following matters: determining the legality of the election, examining the filed complaints and appeals *and their impact on the results of the election*; providing guidance to Council for how to proceed with our findings; and developing recommendations for necessary changes to our policies and procedures, to be forwarded to the Bylaws and Policy Committee upon their approval by council. In this document, we provide an in-depth explanation of our findings, and justifications for our decisions where necessary (“the/this Report”); recommendations of items for the Bylaws and Policy Committee to review (Appendix A); three options for Council to consider (Appendices B-D); and three versions of the updated results of the Election (Appendices E-G), of which the one ratified by Council will supersede the results determined by the previous EC. When formulating the options, we took into consideration both the facts of what happened and the best interests of the UMGSA as a whole. We believe that our reputation as an organization has suffered as a result of the election and the limited information about it that has been disseminated to the entire membership of the UMGSA. Our intention with this report is to clearly communicate to Council the necessary information about the administration of the election, including complaints and appeals, as well as about our decision-making process so that Council may make an informed and unbiased decision about how to proceed with election matters in the immediate future. We have omitted the inclusion of specific documents like email communications

in order to maintain both the privacy of the individuals involved and the professionalism of the committee and the UMGSA organization.

HSGSA Complaint and Appeal

Our investigation revealed a Complaint and an Appeal from Prajwal Raghunatha of the HSGSA that was never addressed by the former EC. The appeal stated that the CRO violated Articles V.2 (“The UMGSA’s CRO will coordinate and maintain communication with the HSGSA’s CRO”), IX.1.a-g (Prior to advertising for nominations the CRO shall prepare a package of written information which will be available to any Member of the Association on the UMGSA Website, **as well as sent by email to all graduate students**, at least one week prior to the opening of the Nomination Period, and will include [articles a-g]”), and IX.4 (“Within 72 hours of the closing of nominations, the CRO shall post outside the UMGSA Office, and distribute by email to all graduate students, the names of all candidates which shall appear on the ballot”). As a result, we deemed that the integrity of the election was compromised from the beginning, and that there is a chance that UMGSA and HSGSA members who wished to be nominated may have been precluded from the race. These infractions form the primary grounds for providing Election Solution Stream A (Appendix B). However, the former HSGSA President (Carmine Slipski) has expressed that the HSGSA no longer wants to pursue their appeal and complaint due to concerns that it would be impossible to do so in a fair manner.¹ More troubling than those infractions, however, is how they were handled (or not) by the CRO, former EC, and President. The HSGSA alleges that their attempts to communicate their concerns with the former President of the UMGSA, Carl Neumann, were met with hostility and accusations of defamation. After then filing their Appeal, which was struck down by the former EC and never further acknowledged by that committee or the UMGSA more generally, the HSGSA felt that they had no further avenues to pursue their concerns.

Conduct and Performance of the Former CRO and EC

As detailed in the former EC’s reports, two complaints and four appeals were filed between March 26th and March 31st concerning allegations of breaches of bylaws and the UMGSA code of conduct by both Candidates and the former CRO. However, we have determined that the former EC’s own breaches of the Elections and Referendum Policy not only render their decisions invalid, but have irreparably compromised any possibility of addressing the appeals and complaints in a

¹ To respect their wishes, and to prevent causing the UMGSA any further duress (both financial and reputational), we discourage this option.

fair and just manner.² There is no precedent or guidance for how to approach such negligence of the bylaws. As a result, the EC has determined that the best course of action is to hold a run-off election for the one position that has seen a tangible impact from both the missteps of the former CRO and the negligence of the former EC, which is that of the Vice President Services and Support. We believe that this course of action is the only way to address the problematic results of past actions in a fair and reasonable way without depriving the UMGSA of an executive for an extended period of time. Such a run-off would not carry forward any penalties from the previous election, as to do so would convey to voters that the EC was not impartial in our decisions.

In addition to the breach of bylaws, the EC would like to address another point of misconduct by the former EC. That is the dissemination of harmful and biased information about the former CRO, Ademola Adesola, to the entire membership of the UMGSA. In communicating their findings, they included an excerpt of an email that was sent in confidence. Having read Mr. Adesola's other correspondences, we have seen that that excerpt was the most extreme of his utterances and is not indicative of his general approach to the election or his position as CRO. Although he did violate the UMGSA's Code of Conduct in his verbal and written interactions with Mr. Neumann ("During his/her term of office, each Member [...] shall respect fellow Council Members") and we do not condone such behaviour, the lapse does not justify the former EC's choice to send his personal correspondence to the entire UMGSA student body. Disseminating sensitive information to the entire graduate student population holds the potential to unjustly impact his professional and academic career and reputation. Additionally, it violates the following points of the UMGSA Code of Conduct: "[they] shall respect the confidentiality of information received in the performance of duties, as well s the confidentiality of the deliberations of the Council, both during and after his/her tenure on the Council or its committees" and "[they] shall respect fellow Council Members."

Conduct of the former UMGSA President

Although we cannot speak to all of Mr. Neumann's conduct during the election, we have noticed some troubling behaviours that may influence Council's decision to ratify his position (and leading us to create the final option presented in Appendix F). There is a record of Mr. Neuman's repeated interference in matters pertaining to the election, including the HSGSA appeal detailed above. After the EC met for the first time, we sent an email to all candidates inviting them to attend the special counsel meeting as non-voting guests. Some concerns were raised by one candidate about our decision to not hold appeal hearings, and our chair's response to those concerns was forwarded to Mr. Neumann. He then sent the whole committee a lengthy condescending and

² We have identified noncompliance with the following: Article XIX.3.c. ("The Chair of the Elections Committee shall schedule a hearing of the Elections Committee to take place within 24 hours of receiving the Appeal form for alleged violations of the Election Rules") and by extension parts 4 and 5 of the same article which concern the Appeal process.

speculative email detailing his beliefs that the committee was not proceeding properly, despite having no information about our discussions or decisions beyond the fact that we would not be holding appeals. His comments were biased in favor of his own slate, comparing candidates from both sides in an attempt to prompt the EC to favor the candidate on his own slate. Additionally, he questioned the UMGSA Council's decision to exclude Skye Kushner from our advisory committee, demonstrating a lack of respect for Council's decision-making abilities. This email prompted our decision to meet again. We all agreed that his email constituted an attempt to use his position and reputation as president (despite being sent from his student email account, it was sent on April 30th, the last day of his presidency) to interfere in the objective process of the elections committee. We believe that he was unsuccessful in his attempts to separate his position of president from that of candidate, leading to a conflict of interest in all matters dealing with the election. We believe that he violated the following parts of the UMGSA's code of conduct:

“During his/her term of office, each Member

- shall carry out his/her functions with honesty, integrity, independence, and good faith;
- shall act responsibly with the prudence of a reasonable individual;
- shall respect fellow Council Members; the authority of the Council and Council decisions once made;
- shall declare any real or apparent conflict of interest as soon as he/she is aware of it.”³

There is a separate section of the Code of Conduct that specifically pertains to conflicts of interest. It states that “a conflict of interest arises when a Member's personal and/or business/occupational/professional interests compete with or supersede the Member's dedication to the interest of the GSA. This could arise from a real or apparent conflict of interest” and that to avoid such conflicts, a member holds the responsibility to “not act on behalf of, or deal with, the GSA, in any matter where a real or apparent conflict may exist [and] shall not use the relationship with the GSA to confer an advantage on oneself [...]”. Mr. Neumann's attempts to interfere with the operations of the EC and the election more generally constitutes an extended use of his presidential power to sway the election.

However, it is not within our power as the EC to determine whether or not such behaviour is within our jurisdiction. Since his correspondence with the EC occurred after voting had occurred, we are hesitant to address these concerns in our final results. As stated in the introduction to this report, the goals of this committee were to determine the legality of the election, provide council with guidance and recommendations, and suggest possible amendments to the bylaws and policy to be addressed by the appropriate committee. This is why we constructed the option in Appendix D – it is up to Council to decide what to make of this information.

³ This list is abridged to the parts that we found were most relevant. The entire code of conduct can be found on the UMGSA website.

Summary and Recommendations

Overall, this committee has found that this election has revealed a multitude of structural faults that cannot be addressed by any immediate solution. We have outlined the major points of our discussions, and believe that the most efficient way to begin to solve the problems that we have identified is to address the position most affected by the various missteps occasions of misconduct that have occurred. We have outlined three possible immediate solutions for Council to consider, and deliberate upon, with suggestions for motions that would allow for the most efficient execution of each. Our long-term concerns are addressed in Appendix A, which contains a list of the major recommendations that we have for the Bylaws and Policy Committee.

Regardless of Council's decision for how to proceed, we have deemed that it cannot be conducted by the same people as last time. As a result, we appointed a new CRO from the EC as stipulated by our bylaws and policies – Jessica Piper – by unanimous vote on April 30th. We have not appointed a DRO as we believe it will be unnecessary for any expedited election. However, should Council decide that a DRO is required, we will appoint one after this council meeting and before the election period.

As a result, the EC recommends the following:

1. that Council strike an ad-hoc committee to address structures of accountability for the elections process. This committee would consider the existing Elections and Referendum Policy Manual to determine ways in which we can prevent similar elections outcomes in the future. They could examine the roles of the CRO, DRO, and Elections and Referendum committee, and suggest potential consequences for improper conduct and infringements upon UMGSA bylaws and policies by future ECs. They would forward the results of their investigation to the Bylaws and Policy Committee, who would then determine the feasibility of the suggestions and their compliance with our Bylaws and Policy Manual before bringing the changes to Council.
2. that Council approve Election Solution Stream B – Run-off Election for VPSS Position.
3. that Council determine the amount of an honorarium for the new CRO
4. that Council approves the appointment of a CRO and no DRO for any upcoming election
5. that council determine whether to stipulate a campaigning budget for any candidates in an upcoming election that differs from that outlined in the Elections and Referendum Policy (\$50 for materials and \$20 for transportation)
6. that Council mandate the new Executive to factor the monetary costs of a new election including, but not limited to, the honorarium for the new CRO and the website hosting fees, into the budget for the 2019-2020 year under a separate line from the 2020-2021 election budget

7. that Council mandate the issuance of a formal apology to Ademola Adesola for the defamatory information circulated about him during the election, and that this apology is communicated to the entire membership of the UMGSA.

We implore all members of council to carefully consider the information that we have collected and the options that we have compiled.

Appendix A: Recommendations to the Bylaws and Policy Committee

The Elections Committee requests UMGSA Council to mandate the Bylaws and Policy Committee to review the following points:

1. Formation of the Elections Committee. Currently, the committee is formed before January, consisting of any member of the UMGSA, and the CRO and DRO are selected from among its members. Once the CRO and DRO are selected, there remain only three members who can address appeals.
 - a. We suggest that the committee should be composed of 5 voting members, ratified by Council
 - b. The positions of CRO and DRO should be filled on an application basis, with applications (including CVs) to be reviewed and interviews conducted by the Elections Committee.
 - i. This will require the composition of a formal job posting for these positions that falls in line with the duties outlined in the Bylaws
 - ii. The Elections Committee should circulate the job postings to the entire membership of the UMGSA in September of every year.
 - c. The CRO and DRO should sit on the EC as non-voting members and can be ejected from meetings by the committee if required.
2. Consider changing the end of all election voting periods to the Thursday of voting week to avoid complications caused by weekends and long weekends.
3. All written correspondence of the Elections Committee amongst committee members and with any parties external to said committee should occur by way of official UMGSA emails only, with the exception of necessary filed paperwork (such as physical copies of complaint and appeal forms).
4. During an active appeals process, candidates and UMGSA members party to the appeal(s) should be prohibited from contacting the committee members with unsolicited documents and information about the appeal in question. Such parties should be expected to patiently await contact from the committee chair.
 - a. If the timeline for an appeal is exceeded by committee negligence, there should be a formal avenue available for complaints and inquiries

Appendix B: Election Solution Stream A – New Election

We propose that an expedited re-do of the entire election would proceed as follows:

1. Week 1: Nominations and Registrations open on Monday at 9:00 AM and close Friday at 4:00 PM (part of the pre-campaign period).
2. Week 2: Campaign Preparation (part of the pre-campaign period).
3. Week 3: Campaigning begins at 9:00 AM on Monday, and extends through the following Sunday at 11:59 PM.
4. Week 4: Polls open on Tuesday at 12:00 AM and close on Thursday at 11:59 PM.
5. We suggest that the start date of this option would be May 13th, so that the long weekend would fall during the campaign preparation week.
6. Other than the revised timeline, all other regulations set by the Election and Referendum Policy would remain the same.
7. A special meeting of Council would be required to ratify the results.

Recommended Motions to Approve Stream A

BIRT the UMGSA Council ratifies Version A of the Updated Election Results

- This motion would need to fail in order to proceed

BIRT the UMGSA Council approves Election Solution Stream A as outlined by the EC

BIRT the UMGSA Council approves the appointment of only a CRO and no DRO for the expedited election

BIRT the UMGSA Council approves an honorarium of [amount] for the CRO Jessica Piper upon completion of the election

BIRT the UMGSA Council mandates the new Executive to factor the monetary costs of a new election including, but not limited to, the honorarium for the new CRO and the website hosting fees, into the budget for the 2019-2020 year under a separate line from the 2020-2021 election budget

Appendix C: Election Solution Stream B – Run-off Election for VPSS Position

We propose that an expedited run-off election for the position of Vice President Student Services and Support would proceed as follows:

1. A campaign period would run from Monday, May 13th at 12:01 AM to Tuesday, May 14th at 11:59 PM.
2. Online voting would open on Wednesday, May 15th at 12:00 AM and close on Thursday May 16th at 11:59 PM.
3. The preliminary results would be released by the CRO on Friday, May 17th.
4. Any complaints or appeals filed within the 24-hour period following the voting period would be addressed by the CRO and/or EC (as appropriate) within the time allotted to them by the Elections and Referendum Manual.
5. Final results would be released Tuesday, May 21st.
6. The results of the run-off election would be ratified at the April 22nd Council meeting.
7. The new VPSS would take office on Saturday, June 1st.

Recommended Motions to Approve Stream B

BIRT the UMGSA Council ratifies Version B of the Updated Election Results

BIRT the UMGSA Council approves Election Solution Stream B as outlined by the EC

BIRT the UMGSA Council approves the appointment of only a CRO and no DRO for the expedited run-off election

BIRT the UMGSA Council approves an honorarium of [amount] for the CRO Jessica Piper upon completion of the run-off election

BIRT the UMGSA Council mandates the new Executive to factor the monetary costs of a new election including, but not limited to, the honorarium for the new CRO and the website hosting fees, into the budget for the 2019-2020 year under a separate line from the 2020-2021 election budget

Appendix D: Election Solution Stream C – Run-off Election for VPSS and Byelection for President

We propose a run-off election for the position of VPSS and a byelection to fill the position of President. The Vice-President Finance and Administration will fill the duties of President until a new President is voted in by the UMGSA student body and ratified by Council. This is in accordance with the UMGSA’s Governance and Operations Manual Article V.5.d (“The Vice-President Finance and Administration shall perform the following duties: [...] Perform duties of the President in case of illness, schedule conflict, resignation, etc. on an interim basis”). The distinction between run-off and byelection is that the run-off would feature only the candidates previously nominated for the position of VPSS, and the byelection would include a new nomination period to open the door for new candidates and would follow a longer, more traditional election format. This option would proceed as follows:

1. Week 1: Nominations and Registrations **for the position of President** open on Monday at 9:00 AM and close Friday at 4:00 PM (part of the pre-campaign period).
2. Week 2: Campaign Preparation **for both positions** (part of the pre-campaign period).
3. Week 3: Campaigning **for both positions** begins at 9:00 AM on Monday, and extends through the following Sunday at 11:59 PM.
4. Week 4: Polls open on Tuesday at 12:00 AM and close on Thursday at 11:59 PM. **Both positions would be listed on the ballot.**
5. We suggest that the start date of this option would be May 13th, so that the long weekend would fall during the campaign preparation week.
6. Other than the revised timeline, all other regulations set by the Election and Referendum Policy would remain the same.
7. A special meeting of Council would be required to ratify the results.

Recommended Motions to Approve Stream C

BIRT the UMGSA Council ratifies Version C of the Updated Election Results

BIRT the UMGSA Council approves Election Solution Stream C as outlined by the Elections Committee

BIRT the UMGSA Council approves the appointment of only a CRO and no DRO for the expedited election

BIRT the UMGSA Council approves an honorarium of [amount] for the CRO Jessica Piper upon completion of the election

BIRT the UMGSA Council mandates the new Executive to factor the monetary costs of a new election including, but not limited to, the honorarium for the new CRO and the website hosting fees, into the budget for the 2019-2020 year under a separate line from the 2020-2021 election budget

Appendix E: Updated Election Results Version A

President: Carl Neumann

VP Academic: Roxie Koohgoli

VP Services & Support is tied between Eric Gagnon and Efobi Okechukwu

VP Finance & Administration: Cody Ross

Senator: Julia Minarik

Senator: Ehsan Tahmasebian

Appendix F: Updated Election Results Version B

President: Carl Neumann

VP Academic: Roxie Koohgoli

VP Finance & Administration: Cody Ross

Senator: Julia Minarik

Senator: Ehsan Tahmasebian

VP Services & Support is tied between Eric Gagnon and Efobi Okechukwu. This tie will be determined by a run-off election.

Appendix G: Updated Election Results Version C

VP Academic: Roxie Koohgoli

VP Finance & Administration: Cody Ross

Senator: Julia Minarik

Senator: Ehsan Tahmasebian

VP Services & Support is tied between Eric Gagnon and Efobi Okechukwu. This tie will be determined by a run-off election.

The position of **President** will be filled by the Vice-President Finance and Administration until it can be filled by way of a byelection.