



THE ALMA MATER SOCIETY OF THE UNIVERSITY OF BRITISH COLUMBIA

Minutes of the Legislative Procedures Committee

Wednesday, 27 May 2015, 5:00PM, Student Union Building, Room 266J

1. Call to Order & Approval of Agenda

Voting Members Present:

Mr. Benjamin Israel, Chair
Mr. Jude Crasta, Vice President External
Mr. Mateusz Miadlikowski, Vice President Finance (Arrived, then left to attend the SLCC meeting which ran concurrently)
Ms. Samantha So, Councillor
Mr. Jeffrey Pea, Councillor
Ms. Angela Tien, Councillor
Ms. Veronica Knott, Councillor
Mr. Quartermain Lim, Councillor
Mr. Ibrahim Dakilah, Student-at-Large
Mr. Mark Bancroft, Student-at-Large

Non-Voting Members Present:

Dr. Sheldon Goldfarb, AMS Archivist and Clerk of Council

Regrets:

Ms. Delaney Griffiths, Student-at-Large (scheduled for work)

These minutes were recorded by Mr. Israel and Ms. So.

Quorum was met and the meeting was **called to order** at 5:10 PM.

An amendment to the agenda was proposed by Mr. Israel, to discuss the upcoming conflict of interest Code change as approved by the previous meeting of this Committee after item 14 of the agenda.

A motion to adopt the agenda as amended was moved by Ms. Tien and seconded by Ms. So. The motion was **carried** unanimously.

2. Approval of Minutes of Previous Meeting

There were no suggested amendments to the minutes of the last meeting. A motion to approve these minutes was moved by Mr. Bancroft and seconded by Mr. Pea.

The motion was **carried** unanimously.

3. Chair's Introduction

Mr. Israel introduced himself as a law student, and the Councillor for the Law Constituency. He explained that the role of this Committee is to support the legitimacy of Council by ensuring that the Code and Policies enable Council to act effectively. He also explained that Dr. Goldfarb drafts all Code changes at the Committee's direction, whereas policies are drafted by individual Committee members.

Dr. Goldfarb further advised that this Committee also drafts changes to the Bylaws, which includes such matters as who is a member, how general meetings and referendums take place, the composition of Council, SAC, the General Manager, the Ombudsperson, and Student Court. The Bylaws can only be amended by the membership at large, either through a referendum or a general meeting. A general meeting can only accomplish this with quorum, and at our last general meeting, quorum was reached for the first time in 40 years. Other committees can be involved in discussing possible changes to Bylaws. Recommendations are sent to Council, which can then call a referendum or a general meeting.

4. Code Change: Fees in Code

Dr. Goldfarb advised that Code Section XIII reports AMS Student Fees, and the Code is out of date. These figures have changed due to the 2014 referendum, and also change yearly due to the Consumer Price Index (CPI). The proposed amendment contains the current fees as verified by the Director of Finance.

The Committee considered whether it would be more prudent not to mention specific figures in Code, as the amount changes annually. Code could mention base levels and the process for levies increasing the figures.

Dr. Goldfarb advised that Council could adopt the proposed amendment and then leave the section for several years. It would be easier to calculate current amounts from these figures plus CPI, because various changes were made in the past referendum. While some fees such as the Bike Kitchen could be left with the original base plus CPI, the membership fee would not be amenable to such a solution.

The Committee noted that this section has not been changed for nearly three years. If the purpose is for accessibility to students, a yearly update will be required.

Dr. Goldfarb explained that the main purpose of this section is to have a convenient, permanent record for the AMS, and not necessarily for students to determine their fees.

The Committee agreed to the proposed amendment if the fee increase clause were placed before the dollar amounts, to be more apparent to students.

Dr. Goldfarb was **directed** to implement the above changes, and subsequently bring the next draft back to this Committee at its next meeting.

5. Code Change: Email Votes in Committee

The Committee noted that the "substantive discussion" requirement in the proposed amendment would be entirely up to the Chair's discretion. This is acceptable because any member of the Committee would be able to ask for additional discussion, sending the motion back to the Committee.

The Committee considered whether members who cannot attend a meeting should be able to e-mail their votes, perhaps allowing the meeting to reach quorum in this matter. This would be undesirable, as we want members to attend meetings and take part in discussion. As well, an e-mail vote would not allow a response to amendments or points made during the meeting.

While the emergency case exception could be used with no specified minimum time frame, quorum is required to pass an e-mail vote, so this should not be an issue.

A motion to send this amendment to the Agenda Committee for inclusion on the agenda of the next meeting of Council was moved by Ms. So and seconded by Mr. Pea.

The motion was **carried** unanimously.

6. Code Change: Executive Director

Dr. Goldfarb explained that the sentiment was expressed to include the Executive Director's position in the Code. It is a relatively new position, currently held by Daniel Levangie, and oversees Dr. Goldfarb's position, as well as the Events Manager, the Communications Manager, the Student Services Manager, and all permanent staff who work with the Student Government. This is in contrast to the General Manager, who supervises the Society's business interests.

Dr. Goldfarb further advised that the Executive Director's position was mentioned in various places in the Code, and he was asked to compile these references for greater ease of use. This amendment had been brought to Council, where Mr. Tanner Bokor, then the AMS President, noted that Mr. Levangie hadn't been consulted on this amendment. As Council wished further discussion, this amendment was referred back to this Committee. Dr. Goldfarb was unaware whether further discussion had taken place.

Ms. Knott noted that Mr. Bokor had mentioned a report which Council had not yet seen.

Mr. Israel was **directed** to contact Mr. Levangie for his input regarding this amendment.

7. Taxi Reimbursements: Automatic without Motion

Mr. Israel explained that, currently, Council must pass a resolution to approve taxi reimbursements whenever its meetings ran past midnight.

Council had only once decided not to approve a taxi reimbursement after midnight.

This Committee expressed a strong consensus that taxi reimbursements should be made automatic.

Dr. Goldfarb was **directed** to draft a Code amendment to automatically approve taxi reimbursements whenever a meeting of Council proceeds past midnight. In addition, said amendment would provide for an option for Council to approve taxi reimbursements by resolution if a meeting does not reach midnight. Dr. Goldfarb was **directed** to provide this Code amendment to this Committee at its next meeting.

8. Code Change: Agenda Committee and Deputy Speaker

Mr. Israel advised that this amendment had gone to Council, and one of the reasons it was referred back to Committee was because of the generality of the statement "Nothing shall appear on the agenda for a regularly scheduled Council meeting without the approval of the Agenda Committee". Mr. Israel was concerned that this would mean the Agenda Committee could decide to disregard the subsequent provisions regarding accepted delays for submitted motions by deciding not to give their approval.

It was noted that any Councillor is still able to amend the agenda from the floor.

This amendment was proposed because the Agenda Committee wasn't meeting, and asked whether a failsafe should be in place in the event this pattern continues.

Ms. Knott advised that the reason behind the harshness of having no set agenda for a meeting of Council for which the Agenda Committee hadn't met was because any time there has been a failsafe, it has been consistently been used.

Dr. Goldfarb advised that the Agenda Committee has hardly ever met.

Mr. Israel asked whether the code provision should state that the Agenda Committee must meet, and Dr. Goldfarb noted that this had been stated in the Council debate on this amendment.

Ms. Knott expressed concern that Mr. Israel's interpretation of the amendment was overly technical, and that the majority of Councillors would not interpret the amendment as he had.

Mr. Israel proposed that the two ideas be combined: The Agenda Committee shall meet before regularly scheduled Council meetings to approve the agenda in keeping with this provision. If the Agenda Committee fails to meet, nothing shall be on the agenda..

Dr. Goldfarb advised that we were attempting to fix the dysfunctionality of a committee by harming Council.

Ms. So expressed concern that, if the Agenda Committee fails to meet, the next meeting of Council will be terrible.

Ms. Knott advised that, in that situation, the Chairs of the Standing Committees should then be removed. If an agenda was not set for a meeting of Council due to this provision, she would move to remove the Chairs and reprimand the President. We have been too lax, and must become more strict. Council would ascertain who was absent, and reprimand them accordingly.

Mr. Crasta proposed a compromise, that if a force majeure caused the Agenda Committee to fail to meet in one instance, it would fall to the Executive Committee to set the agenda. If this occurred a second time, there would be an automatic motion on the agenda to censure the responsible parties.

Ms. Knott expressed reservation at placing conditionals such as this into Code. She advised that it would be preferable to have the Executive Committee set the agenda for Council meetings.

Dr. Goldfarb advised that, historically, the Executive Committee set the agenda for Council meetings. The Society's Bylaws prescribe that the President shall set the agenda. In Code, the Agenda Committees assist the President. Before we adopted this Code provision, the Executive Committees would essentially determine the agenda. The Committee reform resulting in the formation of the Agenda Committee was meant to streamline committees as well as transfer power from the Executives to other Councillors. This same reform is what forbade Executives from chairing the Standing Committees. Thus, the Agenda Committee is comprised of the Standing Committee Chairs, which are not Executives, and they give input the agenda. However, in practice, the Agenda Committee simply does not meet.

Mr. Israel noted that there appeared to be three possibilities to remedy the status quo regarding the Agenda Committee:

1. To implement the aforementioned changes resulting in severe consequences if the Agenda Committee does not meet;
2. To task the Executive Committee with setting the agenda for Council meetings; or
3. To implement Code provisions allowing the Agenda committee to set the Agenda online, without requiring physical meetings.

Ms. Knott agreed with the third proposition, such that someone other than the President could remove excess presentations and items from the agenda, since the President must place these items on the agenda.

Dr. Goldfarb advised that, in the status quo, the President has discretion, and does not need to immediately place all items on the agenda.

A larger Agenda Committee comprised of the Executives as well as the Standing Committee Chairs was suggested. However, this would mean the Executives could outvote the Chairs, making their presence pointless.

Ms. Tien expressed reservation at having a large e-mail chain in the third proposed option.

Ms. Knott suggested the second proposed option. Since the Executive are the elected leadership, they should be able to set a mission and direction for Council, and can design relevant Council meetings to achieve their goals. She further noted that most of the items the Executives want are appearing on the agenda already. Ms. Knott asked Dr. Goldfarb why past Council did not want the Executive to set the agenda.

Dr. Goldfarb explained that they wanted to transfer power to non-Executives on Council. Ms. Knott advised that Agenda Committee likely does not accomplish this transfer of power.

Mr. Crasta asked Dr. Goldfarb whether this committee reform was in reaction to a specific event. Dr. Goldfarb advised that, while Code often changes due to specific events, in this case it was simply past Executives expressing that there was too much power vested in the Executives.

Ms. So noted that e-mail approval by the Agenda Committee could be accomplished without massive e-mail chains, that one person could be tasked with receiving feedback from the Committee members, and could compile an agenda for approval.

Mr. Dakilah noted that the Executives are supposed to use their power and discretion to further the goals of the AMS, and that they would be well suited to set the Agenda.

When asked for his personal opinion, Dr. Goldfarb expressed that, since the Executive is the directing force of the AMS, they should set the agenda.

Mr. Crasta expressed that transparency of Council's operations is important, but that the Agenda Committee is not the proper way to achieve this goal. If the most pragmatic solution is to task the Executive with setting the agenda, this is what should be done. There are better ways to have Councillor involvement in Executive projects.

Dr. Goldfarb asked whether the Executive would be amenable to the responsibility of drafting the agenda.

Mr. Crasta expressed uncertainty as to the potential reaction of the Executive, but did not think there would be a strong negative reaction. If tasked with it, the Executive would fulfill their role.

A Google Doc agenda arrangement with all Councillors to support the Agenda Committee was proposed, noting that this would provide input in the case anyone wanted to change the agenda. This was dismissed because Councillors already have the power to propose amendments from the floor.

Mr. Crasta advised that the Executive Committee is open to any interested parties.

Ms. Knott noted that people are generally never happy with agendas. We need to avoid having agendas changed after they are already set. It would be preferable to have one group set a cohesive agenda, and the appropriate group is the Executive.

Mr. Israel asked whether the Committee desired a similar scheme to the amendment on the table, where motions from committees can be delayed for one or two council meetings.

Dr. Goldfarb noted that the status quo forces the placement of any committee motions submitted according to Code on the agenda for the next Council meeting.

Ms. Knott agreed with Mr. Israel's question, suggesting that the scheme allow such a delay only with the approval of the submitting committee. This would allow the committee to set the urgency of such a motion, allowing for better organization of Council meetings while maintaining the freedom of committees.

Dr. Goldfarb was **directed** to draft a Code amendment abolishing the Agenda Committee, and tasking the Executive Committee with setting the agenda for Council meetings.

Mr. Crasta was **directed** to consult with the Executive Committee at their next meeting, and communicate with Mr. Israel and Dr. Goldfarb regarding this proposition.

Dr. Goldfarb noted that the amendment on the table also included the abolition of the Deputy Speaker position.

Dr. Goldfarb explained that there has never been a Deputy Speaker of the AMS. Five years ago, it was thought to be a good idea to have a Deputy Speaker instead of the role of Chair of Council meetings to fall to the President. The Code was amended, but the position was never filled.

Ms. So noted that it is doubtful anyone would accept the unpaid position of Deputy Speaker.

Dr. Goldfarb also noted the Bylaws allow for anyone to be named as speaker, and indeed this is how we appointed the current Speaker. Thus, the concept of Deputy Speaker is unnecessary.

A motion to direct Dr. Goldfarb to separate the portions of this amendment concerning the Agenda Committee and those concerning the Deputy Speaker, and send only the portion

concerning the Deputy Speaker to the Agenda Committee for inclusion on the agenda of the next meeting of Council was moved by Ms. So and seconded by Mr. Lim.

Votes In Favour (7): Ms. Samantha So, Mr. Quartermain Lim, Mr. Jeffrey Pea, Ms. Angela Tien, Ms. Veronica Knott, Mr. Ibrahim Dakilah, Mr. Mark Bancroft.

Votes Against (0):

Abstentions (1): Mr. Jude Crasta

The motion was **carried**.

9. Policy Statements

Mr. Israel advised that he is waiting for an overview of Policy Statements from Mr. Pierre Cenerelli, the University and Government Relations Advisor. As Mr. Cenerelli had not been able to provide this overview by the time of the meeting, Mr. Israel recommended that this discussion be postponed until the next meeting of this Committee.

A motion to postpone this discussion until the next meeting of this Committee was moved by Mr. Crasta and seconded by Ms. Tien.

The motion was **carried** unanimously.

10. Minutes and Discussion of "In Camera" sessions

Mr. Israel advised that, with the status quo, Councillors could not discuss *in camera* Council sessions with other Councillors who had taken office subsequent to that session.

The Committee expressed a consensus that this state of affairs is undesirable.

Dr. Goldfarb was **directed** to draft a Code amendment to allow *in camera* Council sessions to be discussed with current Councillors, as well as anyone else he sees fit to include. Dr. Goldfarb was **directed** to provide this Code amendment to this Committee at its next meeting.

11. Proxies for "In Camera" sessions of Council

Mr. Israel explained that Code forces Council to have a motion in order to allow proxies to remain during *in camera* sessions. Proxies are provisionally allowed to remain in order to avoid losing quorum. He further advised that Council has never decided not to allow proxies to remain.

Dr. Goldfarb was **directed** to draft a Code amendment to allow proxies to automatically stay during *in camera* sessions of Council, unless Council passes a resolution barring them from remaining. Dr. Goldfarb was **directed** to provide this Code amendment to this Committee at its next meeting.

Dr. Goldfarb then noted that proxies used to be required to sign a form giving them the responsibilities of Directors of the Society regarding any information they gain as a Councillor's proxy. This practice was abolished.

Mr. Crasta suggested that, before the Speaker calls a Council meeting to order, all proxies should be directed to inform the Speaker so that they may sign such a form.

Dr. Goldfarb was **directed** to draft a further Code amendment to require proxies to sign a form, similar to the statement of office form, before acting as a Councillor's proxy. Dr. Goldfarb was **directed** to provide this Code amendment to this Committee at its next meeting.

12. Pay for Oversight Chair

Mr. Israel explained that Code is inconsistent with regards to Oversight Chair and Standing Committee Chairs' pay. Chairs of Standing Committees are to receive remuneration as established by Resolution of Council on the recommendation of the Hiring Committee, but no such provision is included for the Oversight Chair, despite mentioning that they are to be remunerated for five hours per week.

Ms. Knott suggested that the Oversight Chair should receive six hours' remuneration per week, one hour per exec they oversee. Oversight should not be a Standing Committee, however, because it does not need to meet biweekly.

This Committee also expressed that the Oversight Chair's remuneration language should read "on average", consistent with that of the Standing Committee Chairs as well as AMS Staff.

Dr. Goldfarb was **directed** to draft a Code amendment to make the Oversight Chair's remuneration consistent with the remuneration clauses for Standing Committee Chairs, including the phrasing of "on average", their remuneration to be established by Council on the recommendation of the Hiring Committee, and receiving remuneration for six hours per week.

Dr. Goldfarb was **directed** to provide this Code amendment to this Committee at its next meeting.

13. Extraordinary vs. Standing Committee Status of Hiring and Budget Committees

Dr. Goldfarb advised that it would be problematic to make the Budget Committee a Standing Committee, due to its description in the Bylaws being inconsistent with the Code requirements of a Standing Committee.

Dr. Goldfarb advised that the Hiring Committee has far more duties than it did initially. They have taken on many tasks previously assigned to this Committee, such as creating job descriptions and recommending remuneration. The Hiring Committee now has a substantial workload, similar to a Standing Committee.

Mr. Israel asked whether the Hiring Committee meets at least every two weeks. Mr. Crasta advised that, once they received responsibility for setting job descriptions, they did.

Dr. Goldfarb then noted that Standing Committees also have many additional responsibilities.

Ms. Knott proposed that Hiring Committee remain an Extraordinary Committee, but that the Chair be paid, as with the Oversight Chair.

This Committee then recognized that Committee Chairs generally have their remuneration prescribed by a Resolution of Council on the recommendation of Hiring Committee.

Ms. Tien suggested that the Hiring Committee could make such a recommendation without their Chair.

Ms. Knott suggested that this Committee be tasked with making such a recommendation.

Dr. Goldfarb was **directed** to draft a Code amendment to provide the Hiring Committee Chair with, on average, six hours of remuneration per week, as established by a Resolution of Council on the recommendation of the Legislative Procedures Committee. Dr. Goldfarb was **directed** to provide this code amendment to this Committee at its next meeting.

This Committee questioned whether the Hiring Committee should be renamed, and Mr. Israel advised that this could be discussed at a later meeting of this Committee.

14. Membership Definition*65+ Students*

Mr. Israel advised that students 65 years of age or older have their AMS fees waived. If they want to opt in to the Health and Dental Plan, they must pay full AMS fees in addition to the Health and Dental Premium.

Dr. Goldfarb advised that such students have access to all AMS services except the UPass and the Health and Dental Plan. They used to be allowed to opt in to just the Health and Dental Plan, but we faced severe backlash from the Plan administration.

Ms. Knott advised that the Plan administration would not like such an option. Dr. Goldfarb explained that this is an issue with insurance, as older students are much more likely to use the coverage. The previous Director of Finance had a significant issue with this. The Society used to allow 3rd and 4th year medical students to opt in to just the Plan, but we have since decided to require them to pay full AMS fees as well if they want to have the Health and Dental Plan.

Ms. Knott expressed reservations regarding the usefulness in discussing this before consulting with the Health and Dental Committee.

This Committee decided not to pursue this discussion further.

Graduands

Dr. Goldfarb advised that a large current issue is whether a student remains a Member of the Society in second term if they are not enrolled in courses.

Ms. Knott advised that they have paid full AMS fees, and thus should definitely be Members.

Dr. Goldfarb advised that the AMS fees used to be paid in two installments. With the current scheme, we could either refund the second term's portion, or give these students Member status. This became an issue this year because Enrolment Services changed their interpretation of our Bylaw regarding membership.

Dr. Goldfarb explained that, for this year's elections, students who had finished all of their graduation requirements and were not taking courses in the second term were still included on the voters' list. The year before, such students were excluded from voting. This year's elections administrator decided that these students should be excluded, but there is significant debate on this point. Enrolment Services asked the Society how we would like this interpreted.

Dr. Goldfarb advised that Enrolment Services has refused to give a straightforward answer to the question of whether such students are considered enrolled in a degree program.

Ms. Knott noted that such students are not officially alumni until their degree has been conferred at convocation. She further noted that she could take a term off to be the President of the EUS, and remain enrolled in her degree despite not taking any classes. Graduates waiting for convocation are analogous. Enrolment services is likely reticent to make a declaration on this point because the Senate makes these recommendations.

Dr. Goldfarb suggested it might be prudent to clarify the Bylaws.

Mr. Crasta expressed that he believes the Bylaws are quite specific: students may complete their final exams and graduation requirements in April, but they remain students until convocation.

Mr. Israel raised the question of students who complete their graduation requirements in the summer term, and do not have convocation until November. Should they be included in the elections?

Ms. Knott expressed a desire to have students who have paid fees to be considered Members, and those who have not should not be considered Members. She questioned whether we should ask the Board of Directors to levy the AMS fees in two installments as they have done in the past.

Mr. Lim and Ms. Knott advised that if a student is not enrolled past September, and they haven't paid AMS fees for the year, they should be ineligible to vote.

Dr. Goldfarb asked what should be done for a student who drops out of their degree, and leaves in November. Ms. Knott and Mr. Israel expressed that they should still be considered members, since they paid their fees.

The question was then raised as to what happens when a student begins their degree in January, as is the case with certain professional and graduate programs. Ms. Knott did not think they paid fees, whereas Mr. Lim thought they paid half of the year's fees.

It was noted that students on Co-op still pay full AMS fees.

Dr. Goldfarb noted that the Code only provides that students beginning their membership in the summer session pay half of the yearly dues, and that it does not mention the cost for students beginning in the second term.

Mr. Crasta asked whether the University Act clarifies this definition of students. Ms. Knott advised that the Act mentions becoming part of the conferred class only after the Chancellor accepts their nomination at convocation.

Mr. Crasta also noted that the graduation booklet mentions that "graduands", candidates for degrees, are still students.

Dr. Goldfarb was **directed** to liaise with Keith or whomever he deems fit in order to determine this fee question, specifically whether students who begin classes in second term pay full AMS fees, and whether graduands are considered enrolled in a degree program until their convocation date. Dr. Goldfarb was further **directed** to draft an amendment, to either the Bylaws or the Code as he sees fit, to allow students who have paid their AMS annual fees to be considered Members, but to not allow students who have finished their graduation requirements in the summer to remain Members until their convocation in November. Dr. Goldfarb was **directed** to report back on this issue to this Committee at a subsequent meeting.

15. Adjournment

Mr. Israel noted that there has not yet been a fixed schedule set for this Committee's meetings. Mr. Israel was **directed** to distribute a Doodle poll to determine the optimal schedule.

A motion to adjourn the meeting was moved by Mr. Crasta and seconded by Ms. So. The motion was **carried** unanimously.

The meeting was **adjourned** at 6:57PM.