

THE ALMA MATER SOCIETY OF THE UNIVERSITY OF BRITISH COLUMBIA



AMS Student Society

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Oversight Special Report

Purpose

The purpose of this document is to provide AMS Council with a summary of the current problems and ask for direction from AMS Council.

Executive Summary

Oversight is currently dealing with three topics that need to be updated to AMS Council. The first is the question of if it is possible for Executives to **Opt-Out of the PAI Evaluation**. The second is the topics of how should the Oversight Committee respond to **Requests for Review**. The third is the question of how to address numerous **incidents** that have occurred surrounding the topic of Oversight over the past few weeks.

Opt-Out of PAI Evaluation

An AMS Executive has asked to opt-out of the PAI Evaluation due to health news and personal challenges.

According to Davis LLP the only mandatory section for Executives is Section VI, Article 1.8(e) that states, “each Executive member shall propose a reasonable number of goals or deliverables to the Executive Committee”. From this interpretation, all the Executive need to do is submit the initial goals to not be in breach of AMS values and if they choose to not complete the evaluation further they will simply receive a zero score.

The recommendation however did also include that “If opting out of the PAI Program could be seen as acting contrary to the Executive’s fiduciary duties, for example because it is not in the best interests of the AMS, then the Executive likely cannot legally refuse to comply with those particular aspects of the PAI program.”

However following up with Davis today, it was clarified that although the Executive is not expected to participate past the provision of goals, the Oversight Committee is instructed by code to complete all Executive evaluations no matter if the Executive agrees to participate.

Therefore if Oversight follows Code strictly they must allocate for all Executives and provide to Council with a percentage that would have been awarded if they accepted the PAI. However in this specific case due to Oversight’s concerns about mental health and stability for this Executive we would like to

recommend that Council suspend code to allow for this Executive to receive at 0* which will act as a withdrawal and not evaluated.

Conclusions

Motion for Council to suspend Code Section ___ and allow for Tanner Bokor to withdrawal from the PAI process of allocation and award Tanner with a 0*allocation.

Request for Review

An Ombudsperson acts impartially, is independent of every administrative body, and provides confidential service. If you're not sure how to approach a problem you're having with the AMS, the AMS Ombudsperson can help you. Typically, most complaints in the Society would go to the AMS Ombudsperson.

The only type complaints have been addressed not by Ombudsperson have been when AMS Oversight Committee was made the responsible body in the situation of Performance Complaints surrounding Executives where the issue is related to PAI.

This year the Oversight Committee has received two "Performance Complaints". Performance Complaints have been previously defined in an Oversight document this year as: "This type of complaint would be a comment on the performance of an Executive. It would be seen as a learning opportunity. The Oversight Chair and Interview Team would meet with the Executive in question, address the concerns of the complaint and create steps for improvement. This would be done in conjunction with the Executive Director."

After much discussion with Davis, it was decided that complaint is not the appropriate word for this concept. The concept listed about is a request for review of Executive achievement of their duties on a more specific topic. This type of review would be considered just an extension to the normal allocation process of oversight to ensure that Executives reach their assigned duties.

As outlined above, these types of reviews would simply be a meeting of the Executive in question, Oversight Chair, Interview Team and Executive Director working together to improve the situation. Oversight would then report back to Council the level of detail relevant.

This year the Oversight Committee has received the following two performance complaints (requests to review):

1. That the Executive Committee did not follow the direction of Council on the topic of the BDS Referendum.
2. That the Executive Committee acted improperly with another Referendum.

Both of these complaints are not related to harassment but more of a request for information surrounding Executive behavior and duties on these topics. The concern is more about ensuring that Executives are doing their duties as outlined in Code.

In consultation with Davis, they have agreed Oversight has the power and ability to create reports on complaints of this nature. The reason this has been brought to Council is for two reasons, first to clarify with all of Council this definition and decision and second, because of the unique situation of these requests.

These two requests are not filed against one executive in specific but in fact filed against the Executive Committee as a whole. As such it is not possible to follow the above procedure of assigning the Chair and relevant Interview Team. Oversight Committee is too large to conduct this review as a whole, as such, I am asking for Council to appoint the Oversight Chair and one additional member to be responsible for these reviews.

Conclusions

This motion is no longer needed due to the recommendations and interpretations in consultation with the Society's lawyers: *Motion for Council to direct the Oversight Committee to investigate performance complaints and return with recommendations to Council by April 29.*

Instead, Oversight would like to recommend the following suggestion: *Motion for Council to direct the Oversight Chair and _____ to investigate the requests for review outlined and to return to Council with a report along with the PAI allocation by April 29.*

Incident

Oversight can be quite a dramatic and inflammatory process and does have many legal and procedural concerns. In the course of evaluating the process and complaints over the previous few weeks one incident occurred and for full transparency should be communicated to AMS Council.

Phone Call on March 27 2015

On March 27 at 3:51 pm, Tanner Bokor called me (Veronica Knott) for 7 minutes. This call was inflammatory in nature as Tanner demanded to know confidential information of the Oversight Committee. Statements were made along the following themes:

1. The Oversight Committee is not allowed to investigate Performance Complaints.
2. If Oversight Committee continued to investigate the performance complaints, Tanner would pursue his own legal representation against the Society.
3. The President is a mandatory member on all Committees of the Society, therefore Tanner must receive all documentation and information relevant to Oversight.
4. Tanner is dying and these complaints increase stress and are responsible.
5. If Oversight did not respond to an email he stated would be sent by Monday April 30, Tanner would send a letter expressing his concerns to AMS Council.

This phone call was extremely aggressive and uncomfortable. I ended the called stating the fact I felt uncomfortable continuing and unsafe in the conversation.

After a break, I called Tanner back for a duration of 14 minutes at 4:22 pm. This conversation was much more cordial and it was reiterated that Oversight Committee would look into the above concerns however, I asked for Tanner to not contact other members of the Oversight Committee on this topic as I wanted to be the flow of information especially due to the inflammatory nature of this conversation.

Additionally, members in both my office, who were present for the phone call, as well my members in the AMS offices have supported this incident and it's extreme nature.

Conclusions

Tanner have been disrespectful of the Oversight responsibilities and procedures. The Oversight Committee has been cautious in it's attention to Procedures and consultation with AMS Code and the Society lawyers. Tanner has disregarded the code of the committee and authority of the AMS Oversight Committee. I am uncertain of Oversight's ability to complete any investigations if this behavior and abuse of power continues.

I recommend Council formally reprimand the AMS President for impeding on the processes and procedures of the AMS Oversight Committee.

DRAFT