

AGENDA – 15th UNBSU Council Meeting

UNB Student Union 2019/20

March 29, 2020; 7:00 via Google Meet

Not Present: Adarshna Chhetri, Nadia Wysote



1. Call to Order

1.1 Roll Call

Chair Gill performs roll call.

Chair Gill calls the meeting to order at 7:16pm.

2. Approval of Agenda

Mover: Fernandez

Seconder: Brimicombe

Vote passes unanimously.

3. Chair's Remarks

Council Chair, Gill, makes her remarks by welcoming council.

4. Approval of Previous Minutes

Mover: Lutes

Seconder: Pittman

Vote passes unanimously.

5. Substantive Business

5.1 Non-Faculty Councillor Updates

Off-Campus Councillor, Camryn Smith, was planning a healthy eating workshop with URec, which was cancelled due to COVID-19. She is looking to do something online via the Townhouse Facebook page.

LGBTQ Councillor, Eric Zundel, is meeting remotely with the 203 and Qmunity to discuss how to replace the Qmunity executive for next year. Sat on Policy Committee and finished the bylaws.

Inclusion Councillor, Kelsi Evans, was working on the Moving Up and Moving Out video series. She is writing scripts for future videos so that a future councillor can continue the project.

Inclusion Councillor, Emily MacKenzie, was working on the pilot dispenser project in the SUB bathroom and collecting data to propose to for a campus-wide project. Met with Mark Walma and Grace Mangusso to discuss next steps and will be writing an official proposal.

Residence Councillor, Maddie Thibodeau, will be forming online informational posters related to how to study from home, things students can do while practicing social distancing, etc. Will be working with the incoming Residence Councillor, Jillian Carson.

International Students Councillor, Marcel Pefang, is ensuring all international students are taken care of, especially those in residence. Started an international playlist on YouTube, where students can submit songs from their country.

Accessibility Councillor, Brandon Archibald, was going to do an academic workshop for exams, which has been cancelled. Met with the incoming Accessibility Councillor, Mia, and told her about the role.

Women's Councillor, Sarah Albert-Belanger started working with the 2020 NBWIB conference. A lot of meetings have been cancelled and they are currently looking for speakers.

5.2 Gyan Gill: Appeals Board Report

Chair, Gyan Gill, presents the Appeals Board Report regarding the February 2020 UNBSU elections. The Appeals Board consists of Gyan Gill, Melissa Lukings, and Chloe Jardine. Kelsi Evans was a candidate for the VP Advocacy position, and she requested to appeal the formal complaint report from the CRO, Ella Wiggins, and DCRO, Rachel Bensler.

The report contained two written complaints per Bylaw 2-52 and two detailed explanations concerned with maintaining and upholding the integrity of the election results. Concerns were based on Evans sharing additional campaign material past the cut-off deadline, via an Instagram story, and that she engaged in one-on-one campaigning via Tinder. Evans said the Instagram story was a mistake and apologized and was experiencing technical difficulties with accessing her myUNB account, including her

email. Evans offered to apologize to other candidates and the DCRO “accepte[ed] this explanation and requested that the apology be delivered to all candidates.”, however, it was disputed whether Evans sent an apology email. Per Bylaw 2-52, the CRO investigated the complaints and recommended disqualification, based on all the evidence that was gathered within a 36-hour timeframe. At the appeal hearing, the CRO mentioned that if they had more time to investigate all the evidence from both Evans and the complaints, then the CRO would not have made the recommendation to disqualify. The information the CRO did not have included the personal cyber-harassment attacks and bullying tactics Evans was experiencing. The CRO initially recommended disqualification, instead of a fine, because the evidence gathered within the 36 hours pointed to Evans being untruthful about the Tinder conversation. The perception of untruthfulness coupled with the peak voting times led to the recommendation of disqualification. The CRO added that, in their opinion, if one is perceived as lying then they are not fit to be in an executive position.

The Board holds that the Tinder conversation is not a violation of Bylaw 2-28, as the conversation was between Evans and another individual. Bylaw 2-30(d) states no additional campaigning materials are to be distributed after a specified period, which the Board found to be ambiguous. The Board defined additional material as new material that promotes a campaign and agreed that the Instagram story was not new material, therefore, Evans did not violate Bylaw 2-30(d).

The Board found disqualification to be a grossly disproportionate punishment, the apology email was unnecessary and not required because the bylaws were not violated, and the CRO’s report to be biased. The Board decided Evans is not to be disqualified from the VP Advocacy position.

The Board called for confidentiality and to not release the unredacted report, which contains the complainant’s names, because the Board did not know the identities of the complainants when making the decision. The complainants may or may not currently be on Council and may or may not be sitting on the 2020-2021 UNBSU Council. The Board decided it was in the best interest for the unredacted report and names of the complainants to be private, to prevent potential conflict of interest on the next Council.

Motion to extend the conversation by 15 minutes and have Kelsi Evans, Sean Mackenzie, Khaleem Shaik, and Tea Fazio leave the meeting.

Mover: Lutes

Secunder: Fernandez

Vote passes unanimously. Kelsi Evans and Sean Mackenzie abstain.

Fernandez: “Perhaps there is an oversight in the reading of the bylaws. In Bylaw 2-30(s) (i), it clearly states that social media cannot be used for any campaigning purposes during the polling period, which would mean that any active use, including one-on-one or posting anything on social media, would be a violation of the bylaw. If that is the case, then the person knowingly violated the bylaws two or three times during their campaign, which is very different from the story you just presented.”

Gill: “Section D says that any social media violations are subjected to a fine.”

Lukings: “That provision is subject to the other rule, which was about new or additional content, and we do not have an existing precedential definition, so we had to come up with one.”

Fernandez: “I am concerned how that would not be new because it was newly added during the polling period, regardless of what it looks like.”

Gill: “We interpreted added as new material and decided that a reshared photo of the same image was not new.”

Melissa: “This is subject to the other rules so if it were anything that was not previously in existence, then it would apply. A reshare of a story is not adding any new, unheard of, or previously unseen material.”

Gill: “It is similar to leaving up posters during the polling period.”

Bouvier: “My understanding is that you said that because it was an existing image of an existing promotional poster, it did not meet the definition of new material, under Bylaw 2-30(d). Why did you say there were no violations for Bylaw 2-28, which says that no campaigning can occur, and why did it not violate Bylaw 2-30(s), which says that social media platforms may only be used for campaigning

purposes within the campaigning period? In the report, it sounds like you said that Bylaw 2-30(d) overrules those two other clauses of the bylaws, is that correct?”

Gill: “It was not additional because it was a reshare of the same material that did not add substance to the campaign, and it was similar to campaign posters which were able to be left up throughout the school.”

Lukings: “We are talking about the level of human social interaction that is required for in-person conversations verses over the phone, social media, etc. Campaigning and presenting your platform are a very public thing so we equivocated that to having a post on someone’s newsfeed. If you open Facebook and look at your newsfeed, it is not something that you choose to look at. In the spectrum of human communication through technology, the Instagram story is something that you have to choose to interact with. On the spectrum, it is closer related to a person-to-person conversation, which is excluded in the restrictions. Because there are different levels of closeness and consent to have that communication, the Instagram story was way less invasive than on a newsfeed.”

Bouvier: “So you are saying that the public Instagram story, that could have been accessible by anybody, constitutes a person to person campaigning action?”

Lukings: “Yes because you have to choose to interact with it because it does not automatically show up. By clicking on it, you are consenting to receive that information, which is very different than walking down the hallway and seeing posters on the wall. We feel there should be more clarification in the bylaws.”

Jardine: “We strongly equate it to the fact that people are allowed to leave their posters up during the polling period. This is something that had already been shared, which is the same as walking past a poster that has already been up.”

Lutes: “I think you did a good fair job. There is not a lot of guidance and I think you made a fair and impartial decision. These are supposed to be public hearings. We are a public body, and this was an election within the UNB community. The bylaws say that the names of the parties should be posted, and the hearing should be publicized and open to all members of the union. I understand not wanting to throw

people's names out there, but you currently have four anonymous complaints, I do not know how many people those are from, that have brought Kelsi's name into disrepute quite unjustly. It is unfair that they get to make those accusations without having their name brought into it while Kelsi's name is."

Jardine: "We were not given the names of the complainants, so we did not have the option to include it. The parties are the CRO, DCRO and Kelsi. The complainants requested to be anonymous, so we were not given that information."

Lutes: "It might be worth asking the CRO to make those names public because I do not think it should stand in this current form. The major issue is not the reported violation, but the response to that violation. Every year, there is almost always a campaign infraction where someone does some sort of campaign material during the polling period, and it is usually dealt with by speaking with the person. I think the CRO needs to be told that coming to this conclusion was not okay and there needs to be more control in the bylaws or the relationship that the executive have with the CRO to ensure that something like this does not happen again and ensure that there are tools in place for the CRO to reprimand someone who makes a reported violation that is not serious enough to remove them from the role. Does one or multiple members of the Appeals Board want to sit on a Policy Committee meeting tomorrow to make any recommendations for the bylaws?"

Lukings: "I have a class, but I would love to be a part of it by email or other communication. I have experience with bylaws for various organizations so I would love to help."

Fernandez: "You can send recommendations to my email and I can pass them along to the committee. Tomorrow is the last time we are meeting for this academic year."

Motion to extend the conversation by 15 minutes.

Mover: Jefferies

Secunder: Sarah Albert-Belanger

Vote passes unanimously. Kelsi Evans and Sean Mackenzie abstain; as not present for vote.

Gill: "For confidentiality, I looked into employment law and when someone makes an accusation against you and you work with them the next year, disclosing those names creates a toxic environment."

Lutes: “That is fair, but I feel like the people who are directly involved already know. I think they should be included for posterity.”

Jefferies: “I have concerns about the material posted on the Instagram story. When it was shared, it was possibly opened up to another 5000+ students who can go and look at Kelsi’s personal Instagram. In such a public voting election like UNBSU executive, people are going to the candidate’s personal social medias to see what has been posted. In the report, it says that Kelsi was unaware that it was wrong and approached a colleague. In the full report of the CRO, they had a huge conversation before the colleague said that it was up to her. She had in her appeal that she realized it was wrong to post, whereas, in the full report of the CRO, it clearly shows that the colleague reached out to Kelsi first and explained why it was wrong. This makes me question the appeal she wrote.”

Gill: “People will read this information and form their opinions. We took what we had from the CRO, the appeal, and the hearing, and made the decision based on all the information we had. Our decision was based on the facts, and we looked at it impartially and holistically to make a fair judgement. It is not necessary to go down these hypotheticals because the decision was that we do not find any violations, but for the sake of transparency and trying to be clear, we went into further detail.”

Jefferies: “This poster was not up for the public eye because it was in meal hall, therefore only up to 1000 students have access to it. Posting it on a public platform like Instagram opens it up for another 5000+ people to view it and vote. Therefore, how is this not considered new material, since this is a brand-new material that is not open to the public. It was posted during peak hours; therefore, it could have swayed the election results, as we saw the margin was very low. I am wondering why you decided that it was not new material.”

Lukings: “With the spectrum of human communication, on social media there are different levels of consent to interact with material. You mentioned that meal hall is not a public space, which is fine because it is about the amount of being force-fed information. You have to choose to click on the story and consent. The poster in the dining hall had been up and there was nothing new in that message.”

Jardine: “Regardless of whether or not it was posted during peak voting hours does not matter to whether or not it is a violation, so that point specifically should not be the topic of conversation. Also, Instagram is a public platform, and this was a reshare of a story that was already on Instagram. Whether or not the poster itself was in meal hall, which is only available to a limited number of people, it was already public on Instagram when it was reshared.”

Jefferies: “I would like to clarify that you folks agreed that it was a violation of the bylaw but does not warrant disqualification.”

Gill: “No, we never said it was a violation of the bylaws. We knew that people were going to ask about it, so we went down the hypotheticals of if it were a violation. Maybe I should not have added that, but I wanted to show how thorough we were and answer questions in advance. Even if there were a violation, it would not have led to disqualification, which added to the point of disproportionality of the punishment.”

Jefferies: “So there is no violation of campaigning during polling time?”

Gill: “No, because it was a reshared photo with no additional content.”

Jardine: “A lot of the hypotheticals that we went down in the report were to specifically give guidance to people like us in future positions because we had no precedent.”

Lukings: “We made our decision based on the information in the report. We have no way of knowing if it influenced her in a positive or negative way.”

Motion to extend the conversation for 30 minutes.

Mover: Lutes

Seconder: McMillan

Votes passes unanimously. Kelsi Evans and Sean Mackenzie abstain; as not present for vote.

Brimicombe: “I would like to remind everyone that we are not the people directly involved in the situation. We are all getting a little bit fired up, so I want to remind us that we want to ensure we are not being biased and getting overwhelmed or angry. We do not want anyone to feel uncomfortable speaking up due to possible personal ties. I also wanted to make a comment that I understand that you have to click

on Instagram stories, but you can also click on someone else's story and then continue watching through them, like a newsfeed, so I do not think that should be differentiated from material posted past the allotted time. It was campaigning material posted past the time that was allowed, which is clearly stated. I think it still qualifies as new material because it was not posted before."

Gill: "As an Appeal Board, we took the information we had, we deliberated and researched any questions we had to ensure that it was an impartial and fair decision. We did not have precedence to look at and this is how we read the bylaws and interpreted. We did go down the path and said that even if there were a bylaw violation, it would have led to a fine and not disqualification. Our decision still stands as it is."

Wiggins: "It was very difficult to come to that conclusion at that time with the information that I had. My mind would have been changed if I was given more time to investigate and had additional information. For the request for confidentiality, I did receive consent from all candidates for the council to get the unredacted version, which can paint a better picture."

Pittman: "To speak to Mick's comment about Kelsi's story not being exposed to the 4000 other people who do not go to meal hall – technically anyone can go to meal hall if they pay for a meal so more than 1000 people could have seen what was posted in meal hall, but also, Kelsi has 1,254 followers on Instagram. Although I am unsure the ratio between UNBF students and others, it is arguable that it cannot be proven, unless Kelsi has a list of who viewed the story, that they could be those who did attend meal hall, therefore it is not new material."

Mangusso: "The CRO originally put forward the recommendation that the VP Advocacy election not be ratified. The Appeals Board granted Kelsi's appeal, which contradicts the CRO's original report. I understand that it is kind of the same as posters being left up, which is why it is okay that the meal hall poster was left up. If I was running in this election and took photos of a poster that I had already put around campus, and then reprinted photos of that poster and put those up, technically it is not new material but I would argue that that would be campaigning to some extent because you are bringing new material, even if it is the same information. I would say it is the same thing and there is an advantage

because it was put on a platform at a time when it was explicitly said that it should not be, on a platform that was explicitly stated not to be used. Bylaw 2-30 (s) talks about how social media cannot be used to campaign outside the campaign period. I do not think it is disputed that social media was used outside the campaign period for the purpose of campaigning, both with the Instagram story and the Tinder conversation. Regardless of whether those were one-on-one or however social interaction works, I do not think it is disputed that social media was used outside the outlined campaign period. The VP Advocacy election was decided by 31 votes and the Instagram story was posted at a time that aligns with the highest spike in voting, which had 60+ votes and could have changed the election. Based on that information, it could have impacted voting and the integrity of the election. No one else was campaigning at that time because they were not allowed, which gave Kelsi an advantage that none of the other candidates had, which is relevant only to the election of VP Advocacy because, even if all the votes cast during that time changed things in the president's election, it would not have been enough votes to change the outcome."

McMillan: "A lot of this talk is about how many people have seen the story, but I think it should be about the facts. I do not understand why the views matter because it was posted. Mistakes were made and there are bylaws people can read and make decisions. Is the number of followers or views relevant to our conversation?"

Jardine: "We are being nit-picky. Whether you agree with the way the bylaws were written or not, the appeal stands, and you can choose to agree or disagree with it. We made our decision and wrote this report based on the facts given. It is up to council to decide if you want to ratify the results. The appeal stands based on the bylaw."

Wilson: "If the election results or the complaint had been posted during the election, as it was supposed to, would it have swayed the votes, positive or negative, for Kelsi or the other candidates?"

Gill: "Are you asking if it would have been posted if it did have impacts?"

Wilson: "Yes."

Gill: “Our decision was that it did not have impacts, but it is up to council to decide if the election results will be ratified. If you do not want to ratify the results, it would be important to consider who else it impacted.”

Lutes: “The Appeals Board is not analyzing the outcome or results, but whether or not the correct process was followed. The Appeals Board has said that the CRO acted disproportionately in disqualifying Kelsi for what she perceived to be a campaign violation. We cannot make a determine what could have happened or say that the Instagram story was the reason she won the election, because we are never going to know the answer. We have to look at the process and see if it was followed.”

Motion to ratify the election results, excluding the Vice President Advocacy.

Mover: Lutes

Seconder: McMillan

Vote passes unanimously. Kelsi Evans and Sean Mackenzie abstain; as not present for vote.

Motion that the vote to ratify the Vice President Advocacy election results be via roll call.

Mover: Lutes

Seconder: McMillan

Vote passes unanimously. Kelsi Evans and Sean Mackenzie abstain; as not present for vote.

Motion to ratify Kelsi Evans as the Vice President Advocacy, via roll call.

Mover: Lutes

Seconder: McMillan

Votes for ratifying Kelsi Evans as Vice President Advocacy: Fernandez, E MacKenzie, Gallant, Bennett, Shibre, Pittman, Arseneau, Albert-Belanger, Wilson, Lutes, Pefang, Archibald

Votes against ratifying Kelsi Evans as Vice President Advocacy: Mangusso, Brimicombe, Thibodeau, Jefferies, Penney, McMillan, Smith

Vote passes with twelve votes in favor and seven votes against. Kelsi Evans and Sean Mackenzie abstain; as not present for vote.

Motion for a five-minute recess.

Mover: Fernandez

Seconder: McMillan

Vote passes unanimously.

5.3 Craig Fernandez: Second Reading of UNBSU Bylaws

President, Craig Fernandez, presents the UNBSU bylaws for the second reading.

Motion to pass the UNBSU bylaws through the second reading of council.

Mover: Fernandez

Seconder: McMillan

Vote passes unanimously.

5.4 Craig Fernandez: Update on Academic Guidelines

President, Craig Fernandez, sees the floor to Vice President Internal, Grace Mangusso.

Mangusso presents the updated academic regulations with specific information pertaining to council's questions from the previous meeting. Recommends that students talk to an academic advisor if unsure how to proceed with this semester.

5.5 Craig Fernandez: Update on Fee Increase

President, Craig Fernandez, presents that financial services has given a deadline of Monday for council to make a decision. Fernandez will follow up to request an extension and see if a referendum and fee increase is possible.

S Mackenzie: "Could we discuss what we would like to see, in terms of student engagement?"

Fernandez: "The conversation of a referendum came up last week, which I think is the best approach."

6. Reports to Council

6.1 Vice President – Communications

- Providing information and resources for students, through social media.
- Mick and the Wellness Coordinator have been working on resource guides which will be posted next week.

- Grace has been working on UNB Instagram themes.
- Posted the type form about what student need for supports – the response showed that students want personalized and individualized information to humanize the issue. Working on creative ways to engage & encourage students.

6.2 Vice President – Student Life

- Working on transition report for incoming VP Student Life.
- Posted the student support survey.
- Conducting Garden Coordinator interviews.

6.3 Vice President – Finance & Operations

- Working on transition report for incoming VP Finance.
- Hiring for Garden Coordinator and VP Communications.

6.4 Vice President – Internal

- Academic Planning Committee meeting.
- Sent the scholarship proposal – next meeting will be in May.
- Working on a student against faculty complaints memo, similar to the Academic Concern Directory.
Sent the memo to the president’s executive team.
- Senate meeting on Tuesday.
- Graduation has been postponed to the fall. Reached out to Sara Rothman and Michelle McNeil to have alumni write words of advice and encouragement to graduates to be mailed along with the graduation pin.

6.5 Vice President - Advocacy

- CASA – The National Advocacy Committee has been working with home office to provide information for students.
- NBSA has been advocating for the provincial government to put a relief benefit in place for rent, food, loans, etc., which has been approved. Also advocated for a sign language interpreter for daily COVID-19 updates.

- Working with Chantelle and the Wellness Coordinator to create “How To” guides about mental health, fitness at home, meal prepping, exam tips, and budgeting. Partnered with different departments at UNB and will include resources.
- Working with Sula Levesque from the Human Resources Office, Maggie Forsythe the Campus Sexual Assault Support Advocate, Cathy Holtmann from the Muriel McQueen Fergusson Centre, and Cat Squires who is the Communications Director for the HR Office. They are creating a resource guide for those in isolation experiencing abuse, assault, or discrimination. Will be releasing information for Atlantic provinces and including Cathy Holtmann’s contact information for those from other provinces.

6.6 President

- Working on the academic guidelines.
- Planning how to engage students for the rest of the year.
- Survey results centered around students needing financial help and clear information from the university.
- Board of Governors Investments Committee – the university took a big hit in long term investments.
- Working on President transitioning for Sean Mackenzie.
- Inviting next year’s executive to next week’s council meeting.

7. Announcements

8. Question Period

9. Other Business

Mangusso reminds all councilors about their councillor honoraria forms, asks them to write transition reports, and asks for suggestions for the UNB Instagram questionnaire/this or that template.

10. Adjournment

Mover: Fernandez

Seconder: Archibald

Meeting adjourned at 9:52pm.

