

Extraordinary Meeting Council Minutes

Monday, February 29th 2016 | GSS Ballroom | 5:30 pm.

Present: Adam Howe, Andrew Leyland, Andrew Alexander, Bingyu Liu, Charles Copeland, Christina Wirsman, Dan Kehila, Dylan Burrows, Emily Gray, Joe Hepburn (proxy for Emily Allan), Enav Zusman, Francisco Gómez-Lopéz, Jasleen Grewal (proxy for Hamza Khan), Hooman Shahrokhi, Ingrid Olson, Jennifer DeBoer, Jennifer Zhao, John Dupuis, Kaye Hare, Namrata Jain (proxy for Kelsi Lix), Kevin Mehr, Krish Maharaj, Maayan Kreitzman, Maichael Thejoe, Marysol Garcia Patino, Natalie Marshall, Nicholas Dawson, Shadi Balandeh, Shona Robinson, Tal Shalev, Tobias Friedel, Veronca Knott, Xiaolei Deng, Katerina Othonos (proxy for Xun Zhou), Yaseen Mottiar.

Regrets: Amber Shilling, Bradley Balaton, Chen Vu, Elizabeth Bulaeva, Harry Li, James Lawson, Jennifer Campbell, Joon Seon Lee, Kyle Loewen, Logan MacDonald, Mary-Anne Shonoda, Taq Bhandal, Yulia Merkulova, Zoe Lam.

Absent: Anujit Chakraborty, Chad Rickaby, Chandan Sejekan, Christie Waltham, Jennifer Bok, Joann Anokwuru, Julie Van de Valk, Kyla Drzazgowski, Mirza Sarwar, Natasha Little, Olenka Forde, Parker Jobin, Peter Chen, Raghav Grover, Ran Xiang, Sarah Simon, Vasilii Triandafilidi.

Speaker: Abdulrahran Alnaar.

Guests: Jenna Omassi, candidate for AMS President;
Veronica Knott, candidate for BOG;
Zahara Baugh, candidate for Senate;
Alan Ehrenholz, candidate for AMS VP Admin;
Mark Wellington, GSS General Manager.

A. Call to Order and Adoption of the Agenda

1. The meeting was called to order at 5:51 pm.

BIRT the agenda be adopted as presented.

MOVER: Maichael Thejoe

SECONDER: Katerina Othonos

Amendment to add presentation titled “AMS Election Candidates” as first item in the section C. Presentations to Council.

MOVER: Hooman Shahrokhi

SECONDER: Christina Wiesmann

Motivation: on behalf of the AMS Caucus motion to add presentation in the section C. Presentations, item 2, to allow AMS Elections Candidates to present to the GSS Council. Each candidate will have 1 minute for their speech, and 10 minutes for Q&A for all candidates.

There was an objection expressed by several Councillors on the placement of the presentation due to concerns over maintaining quorum for the consideration of standing items.

Speaker clarified that Council meetings are open to graduate students, guests of Council may only be present for the items invited to.

It was asked if candidates can leave and come back later, to which was a positive answer.

Amendment FAILED

Amendment to add presentation titled “AMS Election Candidates” in the Section C. Presentations to Council immediately following the presentation by Tal and Natalie.

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Motivation: AMS Caucus have been approached by a few candidates that are keen on speaking to graduate students and addressing GSS Council. It is important to give a chance to do so. This meeting is the only time before voting week.

MOVER: Hooman Shahrokhi

SECONDER: Adam Howe

It was further noted that second presentation should fall after the presentation and motion regarding Advocacy report.

Amendment FAILED

Amendment to add presentation titled “AMS Election Candidates” after motion titled “GSS Advocacy Office Report”.

MOVER: Yaseen Mottiar

SECONDER: Maichael Thejoe

Amendment PASSED

Speaker called motion to table item 3 out of order.

Amendment to add motion to adopt position statement titled “Prevention of, and Response to Reports of Sexual Violence at UBC” immediately following the presentation.

It was confirmed that Councillors had received supporting documents for the motion in consideration.

MOVER: Natalie Marshall

SECONDER: Tobias Friedel

Motivation: in the past weeks we have been seeking feedback from Councillors. This position statement is the right way for GSS to move forward to better respond to sexual violence.

Amendment PASSED by unanimous consent

Amendment to add presentation by Xiaolei Deng ~~after Tal's presentation~~ **before motion titled “GSS Advocacy Office Report.”**

MOVER: Xiaolei Deng

SECONDER: Tobias Friedel

Motivation: after last Council meeting EOC had emergency meeting to talk about issues raised at the Feb. 18th meeting in terms of how to move forward.

There was an objection expressed, and noted that while this presentation is important and should be delivered, items regarding proposed position statements have to be addressed first.

Amendment to amendment to move presentation immediately after motion on the proposed position statement.

MOVER: Tobias Friedel

SECONDER: Krish Maharaj

Motivation: as in the point made earlier.

Amendment to amendment PASSED

Back to amendment to add presentation from Executive Oversight Committee immediately after motion on the proposed position statement.

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Amendment PASSED by unanimous consent

BIRT agenda be adopted as amended.

MOTION PASSED by unanimous consent

Guests other than graduate students were asked to leave the room until invited back.

B. Presentations to Council (Part I)

(10 min presentation, 5 min Q&A)

- **Proposed position statement: Prevention of, and Response to Reports of Sexual Violence at UBC.**

Presented by: Natalie Marshall and Tal Shalev

- Introducing some work that AcEx and other Councillors have done with regard to the report produced by the GSS Advocacy coordinator in formal presentation of the position statement;
- Would like to make everyone aware of extremely sensitive and important discussion ahead and give a warning about a next slide;
- First part of the presentation provides some context and a refresher of what happened along with the guidelines for the discussion tonight;
- Several reports of sexual violence in the UBC context lately including students, who were sexually assaulted, faced substantial challenges and delays; later approached GSS advocacy;
- Report by Gabrielle John was finished last week, it contains recommendation to bring actual changes;
- Proposed position statement is heavily drawn from the report including information gathered from contributors, survivors, Ombuds as well as SASC of AMS; sections on research over existing policies, recommendations to address lack of understanding and limited knowledge on how to adequately respond;
- Report was brought to Council followed by a discussion including suggested changes to it. Due to quorum lost, it was decided to call an extraordinary meeting; councillors were asked to send feedback;
- Contributors gave their consent if no changes are made, later revoked their permission on any official GSS report moving forward;
- Tal held emergency committee meeting to discuss how we can move forward without contributors' consent and how the report best serve us;
- Document has been drafted sticking to the content of the report – 10 WHEREAS clauses to reflect information in the sections “Background” and “Introduction”, made sure there is no confidential information involved, preamble also includes UBC Plan and Butler report as reference materials; and turning recommendations into a position statement – 7 BI(F)RT clauses were compiled from 10 recommendations in the report as well as feedback from the committee and from other stakeholders;

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- Main points cover developing investigation and resolution procedures including consultations with the constituencies throughout the process; policies on sexual assault reporting, training for the administrators;
- We can do a walk through each and every BIRT clause, everyone should have a copy of the draft position statement already;
- Really important that conversation and debate concentrate towards the position statement and the goals; would like to bring this statement to UBC as soon as possible.

Questions&Answers

It was asked if the report was published and answered that it was made available after it had been leaked to the blog at UBC. It was further noted that the leaked report is the same report produced by the GSS advocacy office. It was further mentioned that regardless of approval, the report is available online. It was further asked if GSS is endorsing this [leakage of the report], question called out of order.

It was further asked about the reason why “sexual harassment” is stricken through in the document, to which the answer was that authors are recommending to have resources, terms, etc. to be defined by UBC. Saw some redundancy in the terminology, definition to be included going forward.

It was further asked and answered that any further feedback comes at this meeting. There will be a motion following immediately to approve the position statement.

Speaker made clarification that feedback can be provided during consideration on the motion proposed.

C. Council Motions (Part I)

2. Position Statement on Prevention of, and Response to Reports of Sexual Violence at UBC

Friendly amendment was made to include an updated version circulated 10 minutes ago with a few minor corrections.

Speaker reminded Councillors that the proposed motion requires to suspend the Policy Manual sections 14.2 “Briefing Note” and 14.3.1 “Notice of proposed position statement...” concerning regular procedures around ratification of a position statement.

Motion to suspend Policy Manual section 14.2 and 14.3.1 for the consideration of the motion.

MOVER: Krish Maharaj

SECONDER: Yaseen Mottiar

Motivation: circumstances are extraordinary. There is a sense of urgency as Natalie has already been approached by the University, as such, I will urge you to suspend the Code for the sake of passing this position statement; cannot wait much longer in order to provide recommendations to the University.

MOTION PASSED by unanimous consent

[Policy Manual 14.2 and 14.3.1 are suspended for the consideration of this motion]

Back to the principal motion.

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Position Statement on Prevention of, and Response to Reports of Sexual Violence at UBC

WHEREAS the GSS “advocates for, promotes, and protects the academic, social, intellectual, cultural and recreational interests of its members” according to its Mission, and

WHEREAS the GSS values an environment that nurtures respect and equality, and provides a space where all members of the University community can work and study free from all types of violence and harassment, and

WHEREAS the World Health Organization defines sexual violence as: “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work”, and

WHEREAS sexual violence is widespread and can severely impact the physical and mental health of survivors in the immediate aftermath of such events, and in the longer term, in ways that are likely to cause the quality of life and academic performance of survivors to suffer, and

WHEREAS the University is committed to the Values of Integrity, Mutual Respect, and Equity in *Place and Promise: The UBC Plan*, and

WHEREAS current resources, processes, and offices across the University that handle allegations of sexual violence are fragmented and confusing, creating barriers to reporting and resolution, and

WHEREAS it is crucial that faculty and staff have a clear understanding of sexual violence and the proper and appropriate ways to respond to such allegations, including the processes involved and the roles of existing UBC resources (e.g. the UBC Equity and Inclusion Office), and

WHEREAS the current non-academic misconduct process is not properly equipped to handle cases of sexual violence, and

WHEREAS recent incidents of peer-to-peer sexual violence at the University have unveiled a number of failings in the administration’s response, despite good intentions, including issues “caused by the system in place, by human error and by the number of people involved,” as revealed in the Executive Summary of the *University of British Columbia Process Review* by Butler Workplace Solutions, and

WHEREAS graduate students are reliant on their relationships with peers, staff, and faculty in their departments, and therefore may be particularly wary of potential unintended consequences of reporting incidents of sexual violence, such as the risk of damaging their relationships with faculty members in their department, and

WHEREAS the GSS Advocacy Office initiated a report entitled *Strengthening Accountability Surrounding Issues of Sexual Violence: How UBC Process is Failing to Protect Graduate Students* in June 2015 to “develop a set of actionable recommendations that will result in identifiable change at the University of British Columbia,” which was presented to GSS Council in February 2016,

BIRT the Graduate Student Society (the “GSS”) urgently recommends that the University of British Columbia (the “University”) develop a comprehensive, survivor-centred policy that specifically concerns sexual violence, and that applies to all members of the University community (students, staff, and faculty)

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and expands on and replaces existing policies to provide a single comprehensive and effective framework. This policy should include:

- a. Definitions of sexual violence, sexual assault, and sexual harassment;
- b. A clear description of what constitutes “consent” in accordance with the Criminal Code of Canada and explicit definitions of “force” and “incapacity”;
- c. A list of interim measures/accommodations available to students to ensure their safety prior to the onset and completion of the investigation and resolution process;
- d. A list of possible remedies, corrective actions and sanctions;
- e. A list of all support services available to students, clearly explaining the role of each service;
- f. Clearly defined reporting processes to both campus authorities and police;
- g. A statement that any form of retaliation, coercion, threats or intimidation against any individual and/or third party who reports or provides information pertaining to sexual violence will be subject to disciplinary action by the University;
- h. Guidelines for the appropriate length of time expected for the resolution of specific types of complaints;
- i. Provisions to encompass incidents of off-campus sexual violence involving UBC students, staff and faculty;
- j. Gender-neutral language;
- k. A clear description of the process for filing complaints and an outline of the investigation and resolution process, as described below.

BIFRT the GSS recommends that the University develop an investigation and resolution process to specifically address reports of sexual violence, which:

- a. Is overseen by a committee that:
 - i. Includes individuals with the necessary expertise to conduct investigative functions and who have received in-depth training and education on how to handle cases of sexual violence, including an understanding of how the language used may impact those involved;
 - ii. Includes an objective party, separate from a Chair, whose role it is to monitor the process and ensure the fair treatment of all parties involved;
 - iii. Includes trained student members, subject to the requirement that it be appropriate to include the particular student members, or student members generally, in light of the circumstances of the complainant and the respondent in the particular case, and subject to the informed consent of all parties ;
- b. Is transparent and thoroughly understood by all involved, prior to its start, including explanations of available resources and support services, formal vs. informal reports, how each type is processed, and how and when different entities would become involved (e.g. the UBC Equity & Inclusion Office, police, respondents), and the specific responsibilities of each University office;
- c. Is survivor-centered and sensitively considers how the process and language may retrigger survivors;
- d. Respects the need of survivors to have complaints received without judgment or skepticism, and guarantees the right of all parties to be heard in the context of the investigation and resolution

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process in an unbiased and transparent manner without any form of prejudgment or prejudice to either the complainant or respondent;

- e. Guarantees procedural fairness to all parties involved in the investigation and resolution process, and, without limiting the generality of the foregoing, provides specific guarantees of adequate notice, a party's right to respond, and the right of each party to be heard;
- f. Guarantees that the principles of natural justice will be upheld in the operation of the investigation and resolution process, and, without limiting the generality of the foregoing, specifically guarantees the impartiality of adjudicators, and rights of review or appeal;
- g. Affirms the confidentiality of the investigation and resolution process, and ensures that the privacy of all parties involved is protected pending the completion of the investigation and resolution process with respect to any given complaint;
- h. Guarantees the right of complainants and respondents to have an advisor/legal counsel and or one or more support persons present and involved throughout their involvement in the investigation and resolution process;
- i. Ensures that a counsellor and/or support person from the AMS Sexual Assault Support Centre (SASC) is present in the room throughout the process to foster a safe space for all parties involved;
- j. Provides all parties involved with a clear timeline for the overall process;
- k. Notifies all parties in writing about the outcome of the complaint and any move to appeal.

BIFRT the GSS recommends that there be extensive consultation throughout the development of this process, including active engagement with student societies/associations/unions, survivors of sexual violence who are willing to assist, on-campus groups working to promote equality and equity, undergraduate and graduate students at UBC-Vancouver and UBC-Okanagan, and community organizations whose work addresses issues of sexual violence ~~against women~~ and **gender based violence**.

BIFRT the GSS recommends that University leadership, including Administrative Heads of Units, their associates, and graduate/academic advisors be required to complete training on the scope and causes of sexual violence, the resources available to survivors, and how to best handle reports of sexual violence at the University. This training should be completed before the beginning of the 2016-2017 academic year and should be accompanied by a clear, stand-alone resource to familiarize and guide University faculty, staff, and students through the reporting process, that is also made available online to all members of the University community. The training and the stand-alone resource should:

- a. Focus on debunking myths surrounding issues of sexual violence and the challenges survivors face in the reporting process;
- b. Explain the prevalence of sexual violence in Canada and across university and college campuses, noting the disproportionate effects on marginalized communities;
- c. Explain the impact of sexual violence on the physical and mental well-being of survivors, as well as the deleterious effects on academic performance;
- d. Provide a clear explanation of "consent," "force," and "incapacity";

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- e. List best practices for how to support survivors of sexual violence, including the importance of a survivor-centred approach in responding to allegations of sexual violence and the importance of the language used when working with survivors of sexual violence;
- f. Introduce readers to the bystander intervention model;
- g. List existing University policies and protocols related to sexual violence;
- h. List all support services available to individuals bringing forward allegations of sexual violence, including reporting processes outside the University that are available to students, a clear description of the role of each service in handling incidents of sexual violence, and the possible outcomes of all reporting processes;
- i. Emphasize that any form of retaliation, coercion, threats, or intimidation of complainants/respondents will not be tolerated by the University;
- j. Highlight the need for close follow-up with the survivor(s) until the danger of continued sexual violence has passed;

BIFRT the GSS recommend that the University specifically create and fund the role of ‘Sexual Violence Prevention & Response Coordinator,’ which should have responsibility for, and authority over, initiatives and responses related to sexual violence, including:

- a. Providing oversight of all allegations of sexual violence brought forward to the University to ensure the consistency and coordination of response efforts;
- b. Monitoring outcomes and tracking patterns in the University’s response to reports and complaints;
- c. Addressing any negative trends identified in the University’s response to reports and complaints, and assessing their impact on the campus climate;
- d. Providing oversight of all training for students, faculty and staff related to issues of sexual violence;
- e. Determining whether allegations brought forward violate the University’s policy regarding sexual violence;
- f. Assigning investigatory powers and/or referring allegations to a designated team upon determining whether allegations may violate the policy;
- g. Ensuring that all reports and complaints comply with the time to resolution guidelines laid out in the policy;
- h. Informing all parties of the investigation and resolution processes available to them and clearly explaining the possible outcome(s) of each process;
- i. Informing all parties of the outcome(s) of the investigation and resolution process and providing information on the right to an appeal, if applicable;
- j. Fostering a safe, inclusive space for all students;
- k. Coordinating a Sexual Violence Prevention & Response Team.

BIFRT the GSS recommends that the University continue its awareness work and implement an annual University-wide awareness campaign that aims to:

- a. Promote healthy sexual and dating relationships;
- b. Clearly articulate “consent”, “force” and “incapacity”;
- c. Introduce the concept of dating/partner abuse;

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- d. Explain the wide-ranging effects of sexual violence and the communities most likely to be impacted, as well as the broader context of gender-based violence;
- e. Educate students on the bystander intervention model;
- f. Focus heavily on Frosh/Orientation weeks at the beginning of the academic year;
- g. Highlight workshops on consent that take place throughout the year;
- h. Provide students with a basic understanding of equity and anti-oppression;
- i. Inform students of the different sexual violence support services available.

BIFRT that, for the purposes of ensuring action, transparency, and accountability by the University with respect to issues of sexual violence, the GSS recommends that the University:

- a. Convene a team to oversee and closely monitor all of the University's efforts to respond to systemic issues of sexual violence, including its efforts to introduce and implement the recommendations made in this position statement;
- b. Prepare and publish a follow-up report within six months of the date of this position statement that clearly identifies the initiatives taken, progress to date, and timelines for the full and complete implementation of all initiatives;
- c. Publish an ongoing consolidated annual report, including the following information:
 - i. The incidence of reports of sexual violence, through any and all university channels;
 - ii. The number of cases brought forward to the investigation and resolution process to specifically address reports of sexual violence;
 - iii. The outcome of cases brought through this process;
 - iv. The number of cases reported that did not go through this process;
 - v. The initiatives/programs underway at the University working to address sexual violence, as well as data on their effectiveness.

MOVER: Natalie Marshall

SECONDER: Kevin Mehr

It was suggested to specify definitions and asked for ideas, to which the answer was that the intent is to let University work out the definitions.

It was also clarified that the intent of the bullet point "f" in the first BIRT clause is to identify reporting process to both University and police; intent is to make sure that policy includes a clear lay out.

It was also asked about UBC Okanagan and answered that structure is different. There is Health and Wellness centre to deal with situations related to sexual violence.

It was further suggested amending the clause on page 4 in reference to women and replace with "gender based violence".

Amendment to strike the word "woman" and replace with "gender based violence".

MOVER: Kaye Kare

SECONDER: Nick Dawson

It was further noted that the sentence has to be reworded as the language being amended does not make sense [sentence was changed accordingly].

It was further added that on UBC Okanagan campus students are advised to go to campus security, and Health and Wellness Centre.

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Motivation: not everybody identify as woman.

It was also asked about a difference between sexual violence and gender-based violence, to which the answer was that sexual violence is based on and relates to sexuality, how persons present themselves in terms of sense of sexuality. Gender-based violence is about how persons present themselves in terms of gender, as a woman or a man.

It was also referred to a definition by World Health Organization: “Sexual violence - any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work”.

Amendment PASSED

It was further referred to the second last BIFRT clause regarding administrative units and asked who should be doing training and asked to include more specific information in the timeline.

Speaker inquired if there is any amendment is being made to which was a negative answer.

It was further referred to the last BIRFT item iv and asked to detail more on the intent of the line, to which the answer was that all clauses in the position statement must be in the spirit of and with respect to law; provisions made for legal reasons. It concerns administrative and procedural regulations as to conflict of interest, right of appeal, impartiality – all those cases governed by BC and Federal law.

It was further emphasized that the idea is not to provide solutions or write policies for UBC, but to highlight the important things.

It was further brought to the attention of the Council clause iii on p.2 about having trained student members on the committee. It was noted that original report does not contain this recommendation, however, felt important to include it in the position statement. It was considered undesirable to have untrained students dealing with cases like this. Proposed position statement suggests including student voice on the committee with a requirement of mandatory training arranged for those persons. Even more, all members are expected to be trained on the language of sexual violence. In case of conflict of interests or absence of consent from survivors, members concerned will not be involved.

It was asked and answered that bullet “i” of the same section contains requirement for all members of the committee to be properly trained.

Amendment to add definition of sexual assault mentioned by Natalie earlier to read:

WHEREAS the World Health Organization defines sexual violence as: “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work”, **and**

MOVER: Yaseen Mottiar

SEONDER: Hamza Khan

Motivation: to include definition that brings clarity.

It was decided to include the proposed as a third clause in the preamble of the motion.

Amendment to amendment, to add quotation marks and “, *and*” at the end of the clause, deemed friendly.

Amendment PASSED by unanimous consent.

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Yaseen thanked Natalie and all other Councillors involved for great work.

D. Presentations to Council (Part II)

- **Executive Oversight Committee update**

Presenter: Xiaolei Deng

- After last Council meeting several students approached EOC about the on-going communication issues within the GSS;
- EOC met on Friday to discuss a process to address these concerns;
- Decided to interview people from History department and Executive;
- There will be a report after the review is completed;
- Now compiling a list of interviewees that already include Dylan, Steve, Maayan and Execs; asked for potential stakeholders to identify themselves at oversight@gss.ubc.ca
- The entire process will be recorded in confidentiality;
- EOC will keep it as transparent as possible;

Questions&Answers

It was asked and answered that the report will include review of both the facts and communication.

It was further asked and answered that Oversight Officer cannot comment on behalf of HR committee and said that HR will be involved in the review process. It was further noted it unnecessary motion to refer as Chair of HR has already been made aware of the mentioned concerns.

It was further said that EOC will be working hard to resolve the issue and asked anyone to contact committee if know anything.

It was further asked about timeline and answered that it is planned to be completed before Executive turnover.

E. Other Business and Notice of Motions

3. GSS Advocacy Office Report

WHEREAS the report from the GSS Advocacy office titled Strengthening Accountability Surrounding Issues of Sexual Violence: How UBC Process is Failing to Protect Graduate Students was officially presented to the GSS president and executive on Feb 15th 2016;

BIRT the GSS **Council** adopt the report.

MOVER: Maayan Kreitzman

SECONDER: Harry Li

Motion to postpone indefinitely.

MOVER: Natalie Marshall

SECONDER: Maichael Thejoe

Motivation: no longer have authors' consent to publish this report.

MOTION PASSED

F. Presentations to Council (Part III)

- **2016 AMS Executive Elections Candidates**



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Speakers for the positions to be elected to:

- President: Jenna Omassi;
- VP Admin: Alan Ehrenholz;
- Senate: Zahara Baugh, Nick Dawson;
- BOGS: Veronica Knott.

Each candidate was given one minute to present followed by a 10 minute Q&A session.

Motion to recess for 15 minutes

MOVER: Enav Zusman
MOTION PASSED

SECONDER: Adam Howe

Back to order at 7:44 pm.

Motion to go in-camera session.

MOVER: Yaseen Mottiar

SECONDER: Tobias Friedel

Motivation: HR related discussion.

MOTION PASSED

In-camera session adjourned at 9:14 pm

Council meeting was adjourned immediately as quorum was called lost at 9:15 pm.

G. Next Meeting

Note: Annual General Meeting - Thursday, March 24th 2016