

STUDENTS' COUNCIL

Thursday October 7, 2004 – 5:15 p.m.
Council Chambers 2-1 University Hall

A G E N D A (SC 2004-13)

- 2004-13/1 CALL TO ORDER
- 2004-13/2 University of Alberta CHEER SONG "*Ring Out a Cheer*"
- 2004-13/3 SPEAKER'S BUSINESS
- 2004-13/3a **MOTION BY BLATZ, ORDERED THAT** Students' Council move a motion of non-confidence regarding Councilor Knisely (Late Addition).
- Operational Policy 14.01 Sexual Harassment
- Please see document SC 04-13.01
- Poem
- Please see document SC 04-13.02
- Councillor Knisely's letter of resignation.
- Please see document SC 04-13.03
- Excerpt of Bylaw 100 regarding resignations and excerpt from Robert's Rules of Order.
- Please see document SC 04-13.04
- 2004-13/4 APPROVAL OF THE ORDERS OF THE DAY
- 2004-13/5 PRESENTATIONS
- 2004-13/6 REPORTS
- 2004-13/7 QUESTION PERIOD
- 2004-13/7a **KNISELY** - Question for the President: The September 21, 2004 Executive Committee minutes show that the CSF-S lawsuit has been "delayed." Does this mean that trial has been adjourned? If so, for what reason and until when, and were costs awarded?

- 2004-13/7b** **KNISELY** - Question for the Vice President (Student Life): What are the terms of the sponsorship contract with Labatt Canada?
- 2004-13/7c** **PANDYA** – Question for the Vice President (Operations and Finance): Did the SU corporate partnership with Bell Mobility expiring September 30 (giving students better deals on cell phone packages) cost us any resources, and if so, what were they, and when/by whom was this decision made? Also, given that this was a service benefiting students, was this plan advertised? If not, why?
- Please see document SC 04-13.05
- 2004-13/8** **EXECUTIVE COMMITTEE REPORT**
- 2004-13/9** **BOARD AND COMMITTEE REPORTS**
- 2004-13/10** **OLD BUSINESS**
- 2004-13/10a** **MOTION BY KNISELY, RESOLVED THAT** Students' Council delete the fifth paragraph and the words "and contribution to institutional revenues" from the seventh paragraph of the Board of Governors Political Policy Statement.
- Please bring supporting documentation from the September 14, 2004 meeting of Students' Council.
- 2004-13/11** **LEGISLATION**
- 2004-13/11a** **MOTION BY SMITH/BAZIN, RESOLVED THAT** Students' Council upon the recommendation of the Internal Review Board repeal Article VII (Matters of Executive or Non-Executive Character) of the Students' Union Constitution (second reading).
- Please see back-up documentation from the August 10, 2004 meeting of Students' Council.
- 2004-13/11b** **MOTION BY SMITH/BAZIN, RESOLVED THAT** Students' Council upon the recommendation of the Internal Review Board repeal Article XII (Elections) of the Students' Union Constitution (second reading).
- Please see back-up documentation from the August 10, 2004 meeting of Students' Council.
- 2004-13/11c** **Bill #16 – The Committee System Reform Bill**
(notice of motion/first reading)
- Please see back-up documentation from the September 28, 2004 meeting of Students' Council.
- 2004-13/11d** **Bill #17 - Student Groups Committee Loan Granting Privileges (SPONSOR; DEBENHAM):**
Principles (notice of motion/first reading)
1. The Student Groups Committee shall have the power to issue loans to student groups under \$1500 from the Student Groups granting fund.
- 2004-13/12** **NEW BUSINESS**

2004-13/12a

MOTION BY DEBENHAM, RESOLVED THAT Students' Council elect one Councillor to the Student Groups Committee.

2004-13/13

ANNOUNCEMENTS

2004-13/13a

Next Council Meeting

UPCOMING

October 12, 2004

COUNCIL

November 2, 2004

MEETINGS

THE STUDENTS' UNION OF THE UNIVERSITY OF ALBERTA

OPERATING POLICY STATEMENT

<i>Policy Number:</i>	14.01	<i>Effective Date:</i>	July 26, 1995	<i>Page</i>	1	<i>of</i>	3
<i>Responsibility for Policy:</i>	Students' Council						
<i>Subject Matter</i>	- <i>Category:</i>	OPERATING POLICY (GENERAL)					
	- <i>Specific:</i>	GENERAL					
	- <i>Topic:</i>	Sexual Harassment					

Introduction:

The University of Alberta Students' Union is committed to a safe, healthy, harassment-free work environment for all our employees and volunteers. To this extent, the University of Alberta Students' Union has developed an organization-wide policy intended to prevent sexual harassment of its employees and volunteers and to deal quickly and effectively with any incident that might occur. Sexual harassment will not be tolerated within this company! If you feel you are being sexually harassed, contact us - we want to hear from you.

Policy:

14.01.1 Definition

- a) Sexual harassment is any unwelcome behavior that is sexual in nature. The Alberta Human Rights Commission defines sexual harassment as follows:

"Sexual harassment, being discrimination on the grounds of gender, is a violation of the Individual Rights Protection Act. Unwanted sexual advances, unwanted requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature constitute sexual harassment when:

- i. Submission to such conduct is made either explicitly or implicitly as a term of or condition of an individual's employment,
- ii. Submission to or rejection of such conduct by an individual affects that individual's employment."

Sexual harassment is illegal under the provisions of the Individual Rights Protection Act;

- b) Sexual harassment can include such things as pinching, patting, rubbing or leering, dirty jokes, pictures or pornographic materials, comments, suggestions, innuendoes, requests or demands of a sexual nature;
- c) The behavior need not be intentional in order to be considered sexual harassment. It is offensive and in many cases it intimidates others. It will not be tolerated within our organization.

14.01.2

If you are being sexually harassed:

- a) Tell the individual his/her behavior is unwelcome and ask him/her to stop;
- b) Keep a record of incidents (dates, times, location, possible witnesses, what happened, your response). You do not have to have a record of events in order to file a complaint, but a record can strengthen your case and help you remember details over time;
- c) File a complaint. If, after asking the harasser to stop his/her behavior, the harassment continues, report the problem to one of the following individuals:
 - i. Your immediate supervisor;
 - ii. The President of the Students' Union;
 - iii. The Personnel Manager of the Students' Union;
 - iv. The General Manager of the Students' Union;
 - v. The Student OmbudService of the Students' Union;
 - vi. The Office of Human Rights at the University of Alberta.

You also have the right to contact the Alberta Human Rights Commission to file a complaint of sexual harassment and, if circumstances warrant it, the police, to file a charge of sexual assault.

14.01.3

Once a complaint is received, it will be kept strictly confidential. An investigation will be undertaken immediately and all necessary steps taken to resolve the problem. If a complaint is filed through the union as a grievance, a meeting will be held with the union representative before and after the investigation;

14.01.4

The complainant and the alleged harasser will both be interviewed along with any individuals who may be able to provide relevant information. All information will be kept in confidence;

14.01.5

If the investigation reveals evidence to support the complaint of sexual harassment, the harasser will be disciplined appropriately. Discipline may include suspension or dismissal, and the incident will be documented in the harasser's file. No documentation whatsoever will be placed in the complainant's file where the complaint is filed in good faith, whether the complaint is upheld or not;

14.01.6

If the investigation fails to find evidence to support the complaint, there will be NO documentation concerning the complaint in the file of the alleged harasser;

14.01.7

Regardless of the outcome of a sexual harassment complaint made in good faith, the employee or volunteer lodging the complaint, as well as anyone providing information, will be protected from any form of retaliation by either co-workers or superiors. This includes demotion, unwanted transfer, denial of opportunities within the organization, as well as harassment of the individual as a result of him/her having made a complaint or having provided evidence regarding the complaint;

14.01.8

It is the responsibility of a director, manager, or any person within the Students' Union supervising one or more employees or volunteers, to take immediate and appropriate action to report or deal with incidents of sexual harassment whether brought to their attention or personally observed. Under no circumstances should a legitimate complaint be dismissed or downplayed or the complainant told to deal with it personally.

Policy History:

	Date	Board/Committee	Date of Council Approval
Created			
Updated			

When I think back on what a sack I was in high school
It's a wonder I could score at all
And now this new technique has made me quite successful
Well I gotta say it sure beats alcohol

Chloroform—
When she tries to keep her distance
It gives you such low resistance
It lets you make all the girls your willing date
Whoa yeah
I like 'em nice and conscious
...Once they're handcuffed to my lawnchair
Yes I gotta say
This chloroform is great

If I took all the ladies down where mom plays bingo
and tied em up in leather for one night
I know they'd kick my ass and I'd end up in prison
I guess it's now my turn to scrap and fight

Chloroform—
It gives you those nice limp bodies
Even if they know karate
It lets you make all the girls your “willing” date
Whoa yeah
Here take a nice big whiffy
You'll be my girlfriend in a jiffy
Yes I gotta say this chloroform is great

Gottagotta get some chloroform
Gottagotta get some chloroform
Gottagotta get some chloroform todaaaay
Gottagotta get some chloroform
And infiltrate that co-ed dorm
Gottagotta get some chloroform todaaaay

The news editor of the Gateway asked for a comment regarding the complaint filed against me concerning my web site—nothing but contrition is appropriate for this situation.

I didn't write the lyrics posted on my Web site and I certainly don't endorse them at all. Sexism and sexual assault are topics that are, and always should be, completely unacceptable, both in public and private conversation, no matter the context. If the parody were about the Holocaust, would I, as a Jewish person, accept that from my elected representatives? Certainly not, and I would ask no different of the women of the University of Alberta.

However, regarding the claim that this amounts to sexual harassment of an employee of the Students' Union or of a fellow student of the university, it is baseless and denied. Inappropriate behavior does not amount to illegal behavior, under legal law or university policy. The idea that something I post on a private Web site sound amount to sexual harassment of a specific employee who is at least four reporting levels away from me is ludicrous. I don't have anything to do with the management of the employees.

My first duty as a councilor is to the Students' Union, and the preservation of its repute in the University community is paramount. Whatever might be said about my character, I'm never one to say one thing and do another—above all, I value integrity, accountability and responsibility. I demand it from others, and I practice it myself. I therefore tender my resignation from Students' Council and the General Faculties Council, express my apologies to my colleagues and my constituents and ask them for forgiveness.

Most humbly,

Adam Knisely

Excerpt from Bylaw 100 section 22

- Resignation** 22. A member of Council may resign their office at any time by filing written notice with the Speaker of their resignation and the member will thereupon cease to be a member of Council on the earliest of:
- a. The date mentioned in the notice for such resignation to take effect;
 - b. Thirty (30) days after the notice is received by the Speaker.

Excerpt from Roberts Rules

ACTION THAT CANNOT BE RESCINDED OR AMENDED. The motions to *Rescind* and to *Amend Something Previously Adopted* are not in order under the following circumstances:

- c) When a resignation has been acted upon, or a person has been elected to or expelled from membership or office, and the person was present or has been officially notified of the action. (The only way to reverse an expulsion is to follow whatever procedure is prescribed by the bylaws for admission or reinstatement. For the case of an election, see pp. 642-43 regarding removal of a person from office.)

In response to Councilor Pandya's Question

The agreement that the SU has with Bell Mobility extends to the end of August of next year. The special student offer that they have is usually advertised as ending on September 30th by Bell, however the Sponsorship Coordinator Geoff Grimble is sure that they will continue to offer it upon request throughout the term of their sponsorship.

This offer did not cost the Students' Union any resources other than labour relating to negotiating an agreement. Bell Mobility signed on as a Platinum Level Sponsor of our primary events, and included this discount for students as an additional benefit. Specifically, in addition to the \$7,500 that they contributed to our events, they have created this special offer for students on campus.

This was not really a "service" for students from the SU, it is more accurate to think of it as a special offer that Bell Mobility created and administrated. Their offer was created in the interest of strengthening their positioning within the student market, and as such, their interest was in increasing the amount of students signing on to their cell phone program. If the Students' Union had decided to specifically advertise this program (beyond the terms of the sponsorship agreement), then it would clearly be a situation where someone would have to sign off on that expense.

Geoff Grimble has been given the expectation that Bell is continually interested in building its customer base, so he believes that if anyone is interested in dedicating resources to advertise their program in the interest of motivating students to sign on, then Bell would be more than happy to extend the deadline that was previously listed in the details of their offer.