

## **TGSA Extraordinary Meeting**

**January 31, 2017, 11 a.m. – 1 p.m. [Minutes Approved February 7<sup>th</sup>, 2017]**

**Members Present:** Allison Murray (President), Fiona Li (VP Academic), Marie Green (VP External), Melanie Kampen (VP Conferences), Gordon Brown (Treasurer), Trent Voth (Biblical), Matthew Bowman (Trinity), Benjamin Lujan (St. Mike's), Robyn Boeré (Regis), Sheng Ping Guo (Historical), Steven Hewko (Wycliffe), M. J. Perry (Knox), Carla Marcoccia (Secretary and CRO).

**TGSA Member Guests:** Anthony Spellacy, Becca Spellacy, Liam Farrer, Jasmine Wong Denike (UTSU).

*Note: The minutes have been reviewed to comply with Robert's Rules of Order.*

**Meeting started at 11:13 a. m.**

**WELCOME** (Fiona)

As Allison recused herself as chair for this meeting, Fiona chaired this meeting as per TGSA policy and procedure.

**MOTION** Matthew moved to appoint Melanie Kampen as temporary secretary due to CRO & Secretary Carla having other duties in this extraordinary meeting. Seconded by Robyn. Carried.

Fiona reminded the Board and guests of Robert's Rules.

Introduction of guests. Point of information: Robyn asked about the purpose of the UTSU President at the Board meeting.

Point of information: Marie asked for information about who issued the invitation to the UTSU President at the Board meeting.

Matthew wrote a formal complaint to UTSU and the Office of Vice Provost, Students inviting the UTSU President to attend the meeting to ensure transparency. The UTSU President clarified that she was only at the meeting to observe, not to participate in discussion.

Liam said he was not comfortable having the UTSU President in the room during the presentation of his concerns to the board.

Matthew asked whether guests can ask for others to leave during the meeting.

**MOTION:** Robyn moved to a brief recess to speak with Liam. MJ seconded the motion. Carried.

**MOTION:** Robyn moved that during Liam's presentation, the UTSU President step out of the room.

In Favour: 8. Opposed: Matthew Bowman. Abstained: Steven. Motion carried.

**MOTION:** Matthew moved that the agenda order be changed so that he speaks first since it is his complaint at issue.

Point of order: MJ pointed out that the agenda cannot be changed until it is on the table.

MOTION: MJ moved that the agenda be approved as presented. Seconded by Benjamin.

MOTION: Matthew moves that the agenda order be changed.

Point of clarification: Marie clarified the point of the meeting.

Fiona: The purpose of the meeting was to discuss the CROs report and ratify concerns.

Matthew: Requested any documents pertinent to this.

Marie: CRO did not have a printed report. She would present it and a copy of it would be added to the minutes after the meeting.

Gordon arrives at 11:27am.

Matthew stated he found the Referendum committee meeting of Jan 26, 2017 and correspondence, without Matthew and Allison present, problematic. Asked for committee meeting minutes immediately.

Trent stated he would e-mail a copy of these RC meeting minutes to Matthew now.

MOTION: Matthew moved to amend the agenda by shifting his address from 4th & 5th point on the agenda to 2th & 3th point on the Agenda, with Allison's address from to 4th & 5th. Seconded by Allison.

CRO stated she wanted to keep the speaking order the way it was in the agenda so she could keep on track with her presentation the way she had prepared it.

In favour: 3. Opposed: 6. Abstained: 2. Motion opposed.

Point of order: Robyn read from *Robert's Rules Made Simple* (p. 113) regarding CRO rights to vote, participate, move, etc. Carla has voting rights in the RC but not on TGSA.

Marie asked people to respect time set for meeting and members' times, or establish time limits, in the interest of the limited time of the meeting.

MOTION: Allison moved to start CRO report at 12:00pm.

9 in favour, 1 opposed, 1 abstained.

Vote to adopt agenda: unanimous. Carried.

### **Student Voices (Liam Farrer, Becca Spellacy, Michael Buttrey)**

**Liam Farrer** presented his concerns to the board. (The UTSU President left during this). Matthew Bowman excused himself to return at the same time as the UTSU President after Liam's presentation.

MOTION: Marie moved that the Board invite Matthew to return to the table. Seconded by Trent.

In favour: 8, opposed: 0, abstained: 2.

Marie extended the invitation to Matthew to return.

Matthew Bowman refused to return during Liam's presentation.

Liam Farrer presented his concerns to the board. Copy attached to the minutes (with permission from Liam) [**Appendix 1**].

Point of information: Robyn asked clarification on which Facebook thread Liam was referring to. Liam clarified it was the one about Health & Wellness.

In Liam's presentation he alleged that Matthew made an ableist comment on Facebook asking why he and other students should pay for his psychiatrist. He alleged that Matthew later removed the comment and no one has a screenshot.

MJ said she saw the comment as well as Chris Stackaruk.

Liam added that Suet Ming Yeong also saw it.

Liam continued with his presentation, stating that he wanted Matthew removed from the RC and he was not comfortable with Matthew continuing on the Board either.

Point of order: Liam was making a statement about Matthew in his presentation, and not Trinity College.

Liam wanted it noted in the minutes that he came here to talk about ableism and privilege and was attacked by another guest who interrupted him.

Discussion: Marie felt disturbed by what had transpired on the Facebook discussion and told Liam that she hoped that he would use whatever avenues are available in the university's and colleges' codes of conduct to register a formal complaint or way to address this formally. She felt there was a greater issue at stake.

Carla thanked Liam for sharing.

Liam asked for his presentation and discussion not to be mentioned during the remainder of the meeting. This was noted.

MOTION: Gordon commended Liam for his sharing and moved that the board apologize to Liam.

In favour: 11. Abstained: Matthew.

M. J. noted the need to review our codes of conducts.

Fiona offered an apology to Liam on behalf of the Board, adding that the TGSA Board will work harder to ensure a safe space for guests in the future. Fiona invited Matthew and the UTSU President to return (which they did) and turned the floor over to Becca for her presentation.

**Becca Spellacy's** presentation. (Attached to minutes [**Appendix 2**] with Becca's permission).

Fiona opened the floor to discussion. No discussion.

Letter from **Michael Buttrey**. (He asked Trent to read a few excerpts) Full physical copy passed out to all members and guests. Trent would like it noted that any vocalic emphases were his own. (Copy attached to minutes with Michael's permission [**Appendix 3**]).

MOTION: Gordon moved for letter to be attached to the minutes. Seconded by Allison. In favour: unanimous.

Point of personal privilege: Melanie, moves for 5 minute recess. 12:00 p.m.

Meeting reconvened at 12:05 p.m. (Anthony left)

**Update from Referendum Committee:** first item delegated to Robyn.

Robyn requested the exact wording of her motion to be included in the minutes as follows.

MOTION: "I move that the board invite and, if necessary, require Mr. Bowman, before we move on to any other business, to apologize to Carla for making untrue and unjust allegations that she would alter meeting minutes to reflect her own personal bias. These allegations are wholly without foundation and Carla deserves an apology. I would further like the board to officially note that Carla's conduct has been unbiased and exemplary as regards both her work on the referendum committee and as board secretary."

Seconded by Trent. In favour: 10. Abstention: 1.

Matthew: Stated that he did not recall making such comments (as in report) to Carla.

Point of order: Robyn reminded us that discussion had passed and Matthew could only apologize right now.

Matthew said he would not apologize for actions he does not believe happened. He does apologize if there were misinterpretations.

Fiona: Stopped discussion to proceed with the RC report.

Marie: For the record, did not hear what Matthew said as an apology, and asked that it be noted that he explicitly refused to apologize for something he did not think he did.

Melanie: Noted.

**Carla: Proceeded with RC Report.** (Attached to the minutes) [**Appendix 4**].

Carla gave Allison opportunity to speak. Allison said that she stood by her editorial decisions and affirmed that Carla's description of her actions are accurate.

Carla gave Matthew opportunity to speak. Matthew said that he vehemently disagreed with what Carla said. Agreed that she had a lot of the facts but that many were misconstrued. He was also disturbed that Carla had recollections of meetings she was not at.

Carla clarified that she missed one RC meeting and asked her colleagues about what happened at that meeting and affirmed that she trusted her colleagues on what was agreed upon at that meeting.

Matthew said that he stood by his statements and that all his statements were factual in nature. That was the first concern. His second concern was that when he complained to Allison, she agreed. He then asked when she would send a retraction and when the no statement correction would come out. Matthew was then informed that Allison stood by her changes to his no statement. Matthew was concerned procedurally a) that his statement was edited and b) that Allison made changes and sent out a notice of referendum without consultation with Matthew. He claims he was never offered invitation for collaboration on the language of his no statement video. He alleges that Allison was not acting as a neutral campaign member. He finds it problematic that the RC had not had a consistent statement to give to people about the Referendum and that editing of statements had happened behind closed doors. He stated he felt his concerns and desire to have Allison removed from the RC have essentially been dismissed.

Point of privilege: MJ expressed that she was upset that in spite of a rigorous process, harmful language was being used against the committee, especially against Allison.

Matthew continued: He disagreed with MJ that the process was rigorous. He left the Thursday RC meeting because he felt unsafe and was verbally attacked and required to justify his request for a neutral 3<sup>rd</sup> party, which made him feel unsafe as well.

In regards to the edited campaign statement, Matthew stated his belief that there was a misunderstanding of the word illegal; it does not equate to criminal. If the University of Toronto was acting in contravention of a Provincial Law, by refusing access to OHIP services Health and Wellness, it was acting illegally. Matthew summarized his statements as listed in his January 26, 2017 letter to Carla [**Appendix 5**], as well as photocopies of the e-mail exchange with Allison and also between the RC. Matthew believed that having his statement edited by the RC was inherently problematic because he believed RC members have struggled to remain neutral. He also noted his concern with what he perceived to be preferential statements for the yes statement at the Town Hall as noted in point 5 of the Jan 16, 2017 e-mail. Matthew also expressed concern with adjudication of his concerns having happened in his absence. Matthew stated that he did not feel required to explain his abuse history in this environment; saying someone feels unsafe should be sufficient for having a 3<sup>rd</sup> person present. He did not feel like he had been heard or understood or even given an opportunity to speak without being prejudged. He did not know if that was because he is a person with a loud voice, or tall heavy set person, although as someone in an ordination process he stated he had practiced a lot regarding how body language and voice are used. He stated that the concerns he had expressed violate his understanding of generally accepted referendum procedures. This was the heart of his concern for this meeting. He indicated that other issues he had with the referendum could be addressed at another time.

Point of order: Gordon reminded us that there were recommendations made by the CRO so we need to have discussion and make motions.

Point of order: Fiona stated we needed to continue with the RC report by the CRO first.

MOTION: MJ moved to accept the CRO report. Robyn seconded it.

Matthew clarified whether this motion was to accept the CRO report and Melanie's summaries of Allison and Matthew's responses to Carla's report?

Fiona responded that it was just the CRO report and that Melanie's minutes would be approved as minutes at the next meeting.

Vote: In favour of receiving CRO report: unanimous.

Carla: Stated her belief that there was consensus on statements requiring feedback from RC.

Matthew: Disagreed that there was consensus that both yes and no campaigns would post statements for mutual feedback from RC through the sharepoint.

Point of information: Marie clarified that this was about position statements and not other referendum statements. Yes.

Point of information: Trent noted that the yes statement was edited collaboratively. Yes, the timeline was short to collaboratively respond to and edit the No statement. But it was inaccurate to say that the Yes statement was not edited and worked on collaboratively.

Marie: For the record, requested clarification from the rest of the RC that the edits that were made were not unilateral. Trent and Robyn (i.e. rest of RC) agreed.

Allison: Stated that the original language of the collaborative document for the second notice of Referendum was circulated on the RC sharepoint online for several days before it was edited and posted.

Fiona: reminded members of two turns to speak per issue.

Matthew: Stated that 30 minutes was a best case for him to respond to the document and that the Board had no evidence of how long that e-mail was sitting in David Wagschal's inbox. It may not have been 30 min, it may have been 2.

Robyn: Stated that talking heads style is how TGSA has been conducting info videos this year. Matthew opted out of collaborating on video making. When Robyn and Allison realized that Matthew would not be joining, they edited Allison out except for hello and goodbye. Then later additionally edited Allison out altogether. Robyn confirms that the Yes video was uploaded to Allison's YouTube channel because all the TGSA talking heads videos have been uploaded there. Robyn said she made her own page on which to upload the Yes statement after learning that Matthew was not having his uploaded on Allison's TGSA page. Robyn noted that she has no personal stake in voting yes or no, but has tried to remain neutral. She put her document on the sharepoint and it was also edited. She removed any reference to Health & Wellness in the Yes statement to avoid any misrepresentation and confusion, concerns brought forward by other members of the RC.

Carla: Clarified that she is listening, in meetings and minutes and e-mails and letters. She did not feel that coming together as a Christian community should involve removals. She has heard the request from Matthew, acknowledges them, and encouraged the Board to talk through the issues and come up with a resolution.

MOTION: Allison moved that in compliance with CROs recommendation, the process is valid, and that the referendum continue. Second, Trent.

In favour: 10; Opposed by Matthew Bowman.

Robyn: Asked if Carla had other recommendations?

Carla: Recommended in the CRO report that Matthew apologize to Allison.

MOTION: Robyn moved that Matthew apologize to Allison as per the recommendation in the CRO report. Seconded by Trent.

Discussion.

MJ: She did not see the point in making the motion because it had been made several times with the board member in question, and he had yet to comply.

Marie: Suggested that the board ought to set aside time to address this issue, but to offer a substantial amount of time that we did not have today. Appealed to Christian community for Matthew's feelings to be given an audience and allow for some conflict resolution process.

MOTION: Marie moved to postpone the apology, given that Matthew may not be ready to apologize. Matthew seconded. In favour: Unanimous.

At a mutually agreed time, the Board agrees to reconvene with this motion.

All recommendations from Carla addressed.

MOTION: Gordon moved to adjourn. Allison seconded. Unanimous vote in favour.

Meeting adjourned at 1:00 p.m.

## Appendix 1

Statement to the Board of Directors of the TST Graduate Students' Association (as written)

First off I'd like to say thank you to the board and the referendum committee for calling this meeting and agreeing to let me speak at it. I'm speaking, as a Regis College student due to the influence of Annotation 22 of Ignatius' Spiritual Exercises. The annotation states to paraphrase that one should assume the best of one's fellow Christians and when one cannot to try to correct them with charity. I'd like to speak to you today, in charity, about a thread in the TGSA Facebook group regarding the referendum and the Universities Health and Wellness Centre. In the interest of full disclosure I will say that I have already voted and I voted yes, but I thought it would be a good idea to explain when I voted yes. I voted yes because like many people, and many graduate students, I suffer from mental illness, specifically primarily cognitional obsessive compulsive disorder. For those who are unaware OCD is an anxiety disorder, and due to its particular nature a very taxing one, especially in the primarily cognitional form. There are no trigger warnings or safe spaces for people with OCD, only triggers. It is very daunting for people who have this type of anxiety to be able to get over it enough not only to go to therapy, but to find a therapist that they trust and are comfortable with. This may seem like a placebo effect to many people but it is not. Since being diagnosed, I've been to two psychiatrists at Health and Wellness. One I didn't really click with and the second who is wonderful. Having a psychiatrist who has respected me as a whole person, instead of simply treating a disease has been, in my opinion, a major factor in me getting my life back. As I have already stated OCD can be triggered at any moment; however, thanks to my psychiatrist, her willingness to listen, and her openness to using medication I am now able, for the most part, to identify these intrusive thoughts as just that, even if I don't fully believe that they are just intrusive thoughts at the time, and to push through them without going into panic or using as much mental energy. This is significant in two ways for myself as a student of theology in that intrusive thoughts tend to attack you most when you are tired, hungry, or vulnerable and this has made it difficult to pray, and while one can divert energy to challenging the OCD while doing other things, this consistent multi-tasking drains one of ones energy very quickly. Prior to this new medication I could not only not mentally function at the level required to do PhD level work by 5:00 pm, but by the end of the week even simply tasks such as shaving became exhausting, and everything even remotely related to the false intrusive thoughts manifested by my obsessions had the potential to become a trigger.

Now there has been some question about whether we would be able to continue to access Health and Wellness following a NO vote in the referendum and I commented, in relation to this, that the ability to access other mental health specialists outside of Health and Wellness was not my point of contention. Following this I was asked the fair question by another AD student on the Facebook thread as to whether I would be willing to pay for a service I may have access to for free. My answer was that yes, given the improvement in quality of life I've had, I would be if it guaranteed access to the service. I should also note that after I realized my initial psychiatrists treatment plan was exacerbating my symptoms, I tried for a year, in vain, to find an affordable therapist outside of Health and Wellness or to get an appointment with a hospital therapists.



Following this a psychotherapist friend mentioned to me that I should just bring my concern to Health and Wellness. I did and within a week I was placed with a new psychiatrist who was open to using medication. I should also like to note that by this time I was in a state of constant terror due to my intrusive thoughts telling me things I knew deep down were not true. It was so bad that my body physically attempted to throw up, cry and cough the thoughts out. Still due to stigma the only time I shared this was when a colleague of mine asked me why I had

been shaking throughout French class. I didn't want to share it because I feared being stigmatized in a competitive environment such as TST, something that had happened twice before. This recently got me thinking that as a white heterosexual male in a place of privilege I often don't think or don't notice how other students lives would probably be benefited by access to things such as the sexual diversity centre, the family services centre, or the international student centre. I may not directly benefit from these services, in fact I won't, but I know I have colleagues who will and that makes me even more sure of my yes vote.

Moving on now to why I feel the need to bring this before the TGSA board. In discussing this, although not in the length that I did above, on the aforementioned Facebook feed, I have been the victim of ableism from a member of the TGSA board and the referendum committee. In a post since deleted Matthew Bowman-Naseer, the representative from Trinity College and No Representative for the Referendum Committee responded to my comment on his comment to another students post in a way that I think was rude and unnecessary questioning if other members of TST should be forced to pay for my psychiatric care. I found this post to be very rude and, I think, phrased in an unnecessary manner that made me feel as if being under psychiatric care was a) something to be embarrassed about and b) a burden to both Mr. Bowman-Naseer and to the other members of the TST community. I should also like to mention that, as I stated above, another student was able to respond to the same argument in a charitable and productive manner. This brings me to the reason I've elected to speak to you today. While I'm sure Mr. Bowman-Naseer's comments are not representative of this board, the referendum committee or Trinity College, I feel that that fact that he has made such comments in his position is inexcusable. I don't know who removed the comment whether it was an executive of TGSA or Mr. Bowman-Naseer but the removal shows in and of itself that the comment was inappropriate. After due consideration then, and in keeping with a letter that I sent to the Chief Returning Officer dated January 24th, 2017, I must again ask the board to remove Mr. Bowman-Naseer from the referendum committee. In addition to this, although I am not a Trinity College student and therefore am not represented by Mr. Bowman-Naseer personally, I would seriously like to express my reservations as to whether his actions are fitting for someone who is required to serve de facto if not ex officio as a representatives of all TGSA members to the Toronto School of Theology at large.

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## **Appendix 2**

TGSA Board Meeting January 31, 2017

My Concerns:

I've mentioned these to the RC and I still have not received a satisfactory answer.

1: The MOA and Schedule B-paragraph 14 says conjoint students listed in schedule B, schedule B does not list the conjoint PhD or MA. No change to the document is at governing council and therefore as it stands the MOA does not list these programs and I do not see how the referendum can go forward because students not affected by the vote are allowed to vote.

2: Timing of Information

RC agreed that that timeline was no ideal but that the referendum would continue

There are issues around the timing of information being given out-the 19th was when things went on the website (and by things I mean just from the townhall, the videos happened after the referendum started)

Students may be impacted by information that was given out over time (the RC agreed that this was a potential problem)

3: unanswered questions/misinformation

Questions around health and wellness-what is covered and what isn't

“Health & Wellness, which provides a variety of health and wellness services (nutritional counselling, smoking cessation, and more) that are fully covered by OHIP, other provincial health insurance plans, or the University Health Insurance Plan (UHIP). All physicians are trained in mental health care as well.”

Further, TGSA said in response to my letter than the fee gives access to things not covered by the insurance plans-I do not see that in this information (see also the hand out from Student life-it is unclear at best what health services provides and so we turn to TGSA for clarification and we still have none)

Coss and who is allowed to sit on it-just undergrads or would be able to as well-both answers have been made public

Some information from the townhall was incorrect (for example around when we'll start paying fees) and while that has been corrected the correction has not be publicly noted

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### **Appendix 3**

Dear TGSA,

I am writing to support the process followed by the TGSA Board in regards to the ongoing referendum on Student Life Fees. At the time of my writing this letter, the referendum has not yet finished, so my comments are not based on the result of the vote. Nor have I attended any Board or committee meetings this academic year. Rather, my support is based on a detailed comparison of public activities and announcements with the text of the referendum policy and my understanding of good governance practices.

First, though, I need to provide some background on the referendum policy and my involvement in its composition. I served on the TGSA (formerly ADSA) Board from 2012-16. After half-terms as Regis and UTSU rep, and then President, from 2014 to 2016 I served as the Vice-

President External, focusing on external relations and services. As part of that role I helped organize a referendum in February of 2015 which included questions on increasing the TGSA fee, negotiating health insurance for part-time students, and opting into student life fees. The last question failed, with 41% voting yes and 59% voting no. However, in the following year the Toronto School of Theology administration urged us to revisit the issue. Their stated concerns were weaknesses in our referendum procedure and turnout; in the background, I believe, was a desire to closer align TST with the University of Toronto. In response, at its February 2016 meeting the TGSA Board decided to strike a committee to draft a referendum policy.

I chaired the committee and wrote an initial draft of the policy, looking at Graduate Students' Union and University of Toronto policies for examples and guidance. Other committee members included Becca Spellacy (President), Matthew Charlesworth (Treasurer), Andrew Nussey (Master of Theology representative), Allison Murray (Emmanuel College representative), Robyn Boéré (Regis College), and Benjamin Lujan (St. Michael's College). Due to meeting fatigue, we discussed the policy primarily via email, with Matthew Charlesworth in particular making detailed comments on drafts. After substantive changes, we presented a revised draft at the March 2016 meeting of the TGSA Board, where it was received favourably. President Spellacy and I then met with Jerry Skira, TST Graduate Director, and Diane Henson, TST Registrar, to get their comments and suggestions on the policy. We made changes in light of that discussion, which we provided to TST for further comment. Finally, a final draft was presented at TGSA's Annual General Meeting on April 7<sup>th</sup>, 2016, where it was approved without amendment.

The completed policy is in many respects a miniature version of the Graduate Students' Union procedure, adapted for TGSA's much smaller size, budget, and lack of paid executives or staff. The policy has twelve clauses, each of which I will quote and compare to TGSA's actions.

E.6 Referenda <sup>1</sup>	
<p>E.6.1 A referendum is required to: admit affiliate students as members of TGSA (Constitution Section 3.4.2); amend the constitution (Constitution Section 5.1); alter the TGSA fee, once or on a recurring basis (Policy and Procedures Section B.5); join or leave a student union (per student union bylaws); or, opt students in to, or out of, some non-academic fees (if applicable; see the Ontario Ministry of Training, Colleges, and Universities <i>Tuition and Ancillary Fees Reporting Operating Procedure.</i>)</p>	<p>This clause has no effect but simply lists the different actions that require a referendum and reference other policies that may be relevant.</p> <p>Although not required by any policy, on November 17 TGSA released a YouTube video with two Executives soliciting student feedback on whether to pursue a referendum on student life fees. The video was linked from TGSA’s website, Twitter feed and Facebook group.</p>

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<sup>1</sup> For context, the entire TGSA Policies and Procedures are available at <https://tgsa.sa.utoronto.ca/files/2016/04/TGSA-Policies-and-Procedures-2016.pdf>

<p>E.6.2 The Board must set the issue(s) to be considered in a referendum no later than their December meeting. Board members will then be asked to represent the ‘Yes’ and ‘No’ sides of each issue with an impartial Board member appointed as the Returning Officer. The Returning Officer, with the Yes and No representatives, will constitute the Referendum Committee.</p> <p>E.6.2.1 If amending the Constitution is in view, the Board will appoint representatives from the Constitution subcommittee (Constitution Section 5.1.2).</p> <p>E.6.2.2 The Returning Officer will chair the Referendum Committee and have the power to appoint up to two additional representatives per issue, as long as the ratio of Yes and No representatives is brought closer to an even balance, or else kept the same.</p> <p>E.6.2.3 Once the meeting minutes are approved, the Returning Officer will secure access to an online voting system (e.g. voting.utoronto.ca; see E.1.1).</p>	<p>According to the minutes available at <a href="http://tgsa.sa.utoronto.ca/files/2015/11/Minutes-December-7th.pdf">http://tgsa.sa.utoronto.ca/files/2015/11/Minutes-December-7th.pdf</a>, at its December 2016 meeting the TGSA Board voted 8-1 to call a referendum on Student Life Fees. Matthew Bowman (Trinity College Rep) and Robyn Boéré (Regis College) volunteered to be Yes and No representatives, respectively, and Carla Marcoccia, the newly appointed TGSA Secretary, was also appointed Returning Officer.</p> <p>The Board also appointed two “neutral” members: Allison Murray (President) and Trent Voth (Emmanuel College Rep). As this did not change the ratio of Yes and No representatives, I judge it is in keeping with the purpose of E.6.2.2.</p>
<p>E.6.3 The Referendum Committee will draft a Notice of Referendum with a short description of the referendum issue(s) and process; a list of the Committee members; and, an open call for comments, questions, and additional Yes or No representatives. The Notice will be distributed through the TGSA website and the email list.</p>	<p>On January 6<sup>th</sup>, TST distributed an email from TGSA that included a first Referendum Notice. It described the issue and process, listed the committee members, and called for feedback and additional representatives. The notice was also posted on TGSA’s website at <a href="http://tgsa.sa.utoronto.ca/2017/01/notice-of-referendum/">http://tgsa.sa.utoronto.ca/2017/01/notice-of-referendum/</a></p>

<p>E.6.4 The Committee will consult with external bodies, as needed. For example, if the referendum involves non-academic fees, TST should be consulted; if it concerns membership in a student union, the respective union should be consulted; and if it relates to a fee covered by the University of Toronto Ancillary Fee Protocol, the Council on Student Services should be consulted.</p>	<p>I have no public information on whether TST was consulted, but given the close relationship between TST administration and TGSA, I assume some consultation took place.</p> <p>Representatives from the Council on Student Services were present at the town hall, described below.</p>
<p>E.6.5 Mindful of feedback received, the Referendum Committee will organize a town hall that includes short presentations from interested parties with relevant information and a diversity of perspectives. The town hall date and location will be announced through the TGSA website and social media pages and the email list. The Returning Officer will moderate the town hall to ensure equal time for presentations and for questions, and if possible, presentation documents and an audio or video recording should be made available online for students who cannot attend.</p>	<p>I attended a town hall at Emmanuel College on January 12<sup>th</sup> that included information from University representatives, presentations from Yes and No representative, and substantial time for students to question both. It was announced through the email list as well as the TGSA website, Facebook group, and Twitter feed, and materials and minutes were later posted at <a href="http://tgsa.sa.utoronto.ca/2017/01/town-hall-information/">http://tgsa.sa.utoronto.ca/2017/01/town-hall-information/</a>.</p> <p>Instead of the Returning Officer, Trent Voth moderated the meeting, while Carla Marcoccia took minutes. As I saw no preference in his moderation and he was neither a Yes or No advocate nor a TGSA Executive, I judge that the intention of having an impartial moderator was retained.</p>

<p>E.6.6 Any interested parties who publically campaign on an issue must do so fairly. The Referendum Committee will write rules for campaigning in advance, clarifying as needed, and if rules are violated the Returning Officer may issue cautions; ask the Board to add, remove, or replace Yes or No representatives; or even halt the referendum, dissolving the Committee, and asking the Board to restart the process.</p>	<p>Referendum campaign rules were not posted online, but later public statements by both the Yes and No representatives indicate that in addition to requiring fair play, the Referendum Committee agreed all statements must be factually accurate.</p> <p>After the second Notice was distributed, some controversy ensued in TGSA’s Facebook group about the editing of the No statement and its compliance with campaign rules.</p>
<p>E.6.7 After the town hall, the Referendum Committee will prepare the ballot for the referendum, endeavouring to write clear, neutral, and short questions with only two possible outcomes (a yes or a no). The final wording of the ballot must be approved by a majority of the Board as well as a two-thirds majority of the Referendum Committee.</p>	<p>The referendum ballot read as follows:</p> <p>“The choice in this referendum concerns whether TGSA members enrolled in conjoint programs (MA, ThM, DMin, ThD, PhD) will pay the U of T non-academic incidental fees and receive full access to the corresponding services, or continue to not pay these fees and decline access to these services.</p> <p>___ Students SHOULD pay the non-academic incidental fees  ___ Students SHOULD NOT pay the non-academic incidental fees”</p> <p>In my opinion, this question was clear, neutral, and short, and had only two outcomes, affirmative and negative.</p>

<p>E.6.8 Once the ballot is approved, the Referendum Committee will set a voting period of at least 14 days, beginning no earlier than the FINCA date in the fall term and ending no later than the last day of class in the winter term or the TGSA AGM, whichever is first. They will then draft a second Notice of Referendum that includes the voting method, dates, question(s), and brief statements from the Yes and No representatives on each issue. This Notice will be distributed through the email list twice, once before the voting period and once during it, as well as on the TGSA website and social media pages, college bulletin boards, and in other public forums.</p>	<p>On January 19<sup>th</sup> TST distributed a second Notice of Referendum from TGSA that instructed students to vote at <a href="http://voting.utoronto.ca">voting.utoronto.ca</a> between January 20<sup>th</sup> and February 3<sup>rd</sup>, a voting period of 15 days. The Notice also included the referendum description and question (quoted above), Yes and No campaign statements, and links to town hall materials and frequently asked questions. The Notice was also posted on the TGSA website at <a href="http://tgsa.sa.utoronto.ca/2017/01/second-notice-of-referendum/">http://tgsa.sa.utoronto.ca/2017/01/second-notice-of-referendum/</a> and linked from TGSA's Facebook group and Twitter feed. A follow-up email on January 24 included links to campaign videos by both sides.</p> <p>A short form of the Notice, with a link to the full notice, was visible on some but not all college bulletin boards. Because posting notices requires the support of college members and/or administrators, some gaps are to be expected.</p>
<p>E.6.9 The Returning Officer will work with an online voting system and the TST Registrar to ensure a fair and secure vote for every registered graduate student. If a TGSA member is clearly unable to vote online, they will be emailed a ballot to print, complete, and seal in an envelope for delivery to the Returning Officer before the end of voting, to be counted once their eligibility is verified.</p>	<p>The first Referendum Notice indicated that non-conjoint graduate students would not be eligible to vote, and they reported being unable to do so.</p> <p>As they would neither be required to pay the fee nor get access to the services, I judge this fits with the intent of the policy. The second Notice indicated how to contact the Returning Officer and obtain a paper ballot.</p>
<p>E.6.10 For a question proposing a net increase in non-academic fees of more than \$25/year, quorum requires 50 students or 20% of those eligible to vote, whichever is less. Quorum for any other question requires 25 students or 10% of those eligible to vote, whichever is greater.</p>	<p>The first Notice indicated that 265 conjoint students were eligible to vote, and the second Notice that quorum was 50 votes. As the fee increase was over \$25/year, and 20% of 265 is 53, a quorum of 50 is appropriate.</p>



<p>E.6.11 To pass any referendum question requires both quorum and the support of a two-thirds majority of those voting. (For constitutional amendments, this defines the meaning of ‘ratify’ in Constitution Section 5.1.6.)</p>	<p>For information, the second Notice stated that the referendum “requires a two-thirds majority to pass.”</p>
<p>E.6.12 Referenda outcomes are binding on the TGSA Board and Executive unless overturned by another referendum. Any question that may overturn the outcome of a past referendum cannot be voted on until the following academic year.</p>	<p>The second Notice stated that the referendum outcome was binding and added “TGSA will forward the voting results as well as official student feedback to the University Affairs Board at U of T for ratification.”</p> <p>As there is no provision for ratification in the policy – results are binding on TGSA unless overturned by another referendum– I understand this statement to refer to the University of Toronto’s internal processes.</p>

Based on the information available to me and the comparison detailed above, I judge that overall, the referendum process followed by the TGSA Board and Committees to date is in keeping with TGSA’s duly approved Referendum policy. Moreover, in my opinion the variances from the policy noted above are minor, and either in keeping with the spirit of the policy, or in the case of having posters on every college’s bulletin boards, not entirely under TGSA’s control.

As for the controversy about campaign statements, I am sure all relevant details and many more besides are covered in other statements. I will note only that disputes about campaigns appear to be an entirely normal feature of all student politics everywhere. For example, the Spring 2016 UTSU elections resulted in 16 complaints, 6 appeals, and 8 disqualifications. That is why elections and referenda policies, including this one, have both provisions for campaign rules and processes for handling violations. TGSA’s politics are unique only insofar as its small size has to date allowed it to avoid the more adversarial dynamic of other student governments at the University of Toronto, which may be why the Referendum Committee added only one rule – factual accuracy – to the stipulation of fair play. Still, factual accuracy and fair play are serious criteria, and can be interpreted to prohibit a wide variety of possible campaign violations.

Similarly, issuing cautions, changing committee members, and halting a referendum may appear to be a somewhat inadequate variety of tools to address violations that occur. But unlike elections, any alleged abuses in a referendum cannot be rectified by disqualifying candidates or even entire slates. Nor should referenda be stopped except in extraordinary circumstances, lest a single TGSA member could prevent necessary decisions and disenfranchise their peers by breaking enough rules and/or making enough accusations to halt a vote. Rather, I believe the modest tools of cautions and committee changes suffice to protect the integrity of TGSA

referenda from most campaign violations, by maintaining confidence in the leadership and oversight of the referendum, while still allowing members to register their voice.

Finally, I understand there are some concerns about whether students in every active program will be affected equally by the referendum. My opinion is that the wording of the referendum question makes it clear that TGSA views MA, ThM, DMin, ThD, and PhD students as a united block: "...TGSA members enrolled in conjoint programs (MA, ThM, DMin, ThD, PhD) will pay the U of T non-academic incidental fees...." Therefore, in the event of a Yes result, I believe TGSA has a strong basis to insist that the change must either apply to the students in *all* five programs, or to *none* of them, regardless of what any TST and U of T documents may say.

After all, the overriding goal of having a referendum policy – and using it – should be to enhance student self-government. Administrators will always have agendas. We cannot change that. All we can do is decide for ourselves what we will say and do. If students want a referendum, they should have one overseen by their own student government; and whether they vote Yes or No, their student government should follow their direction and advocate on their behalf. To do any different would be to indulge in the very paternalism we claim to oppose.

I hope the preceding analysis is helpful. Please feel free to use this letter as you see fit.

Sincerely,

Michael Buttrey

Doctoral Candidate, Regis College, Toronto School of Theology

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#### **Appendix 4**

TGSA Board Meeting

January 21, 2017

11:00am-1:00pm

TST

TGSA Referendum Committee Report

Agenda:

1. Request for an apology (Robyn)
2. Allison's actions (Carla)
3. Allison's address (Allison)
4. Matthew's actions (Carla)

5. Matthew's address (Matthew)

6. Validity of referendum (Carla)

1. Request for an apology

Request that Matthew apologizes to Carla for accusing her of unethically mis-recording the minutes of meetings during the January 26, 2017 Referendum Committee meeting.

### **Introduction**

Welcome to the students who have taken the time to be at this Board meeting and actively participate in the referendum process, your efforts are appreciated. I would like to thank everyone at the Board and in the Referendum Committee for welcoming me to this community; for the time and guidance that has been offered as I sought to help actualize this referendum to fruition.

As the CRO I have been appointed as chair and accepted purely from a volunteering perspective. I have no personal gain/benefit from seeing either side gaining momentum or approval. I have tried my best to follow procedure, ensured each voice is equally heard to maintain a neutral stance and work in cooperation with Referendum Committee to collect factual information to present to the voting student body. I will continue to support students in this process and am open to suggestions and concerns to affirm we are a safe, inclusive committee that is collectively working towards a valid referendum, sharing factual and relevant information to ensure the larger body of students voting are well informed.

The CRO and Referendum Committee have received letters of concern and support as well as formal complaint in the past week. As a committee, we have discussed responses, formally responded to letters and addressed concerns through email exchanges and a meeting. There have been no issues with the online voting system that have been brought to my attention to date.

In light of the concerns and activities surrounding the referendum, I would like to address the actions that have taken place with an opportunity for both Matthew and Allison to share their perspective of their experiences last week.

2. Allison's actions

Allison (Neutral Representative) modified two statements in Matthew's (No Representative) "no campaign" statement and emailed the edited version to TST to be posted as the notice of referendum, before a reply from Matthew was given. After the email was sent Allison was informed that Matthew did not agree to the proposed attempt at altering his statement. Allison claims her decision to edit was for factual accuracy, to reduce TGSA's exposure to accusations of libel and defamation, while maintaining the core of the no campaign argument intact. Additionally, Allison had a time constraint to send the notice of referendum to TST before the end of the day to ensure it was posted publically. Allison believes she acted in good faith as a member of the referendum committee, not as the President of TGSA's Board.

I would like to inform the Board that the Referendum Committee informally and collectively agreed that campaign materials must be fair, factually accurate, and not abusive or harassing. There was also an understanding we would be working together in good faith, trusting the discretion of fellow members to communicate truth and facts to the voting student body.

Additionally, the UTGSU Policy handbook's guidelines for a referendum states:

### G2.3 General Election Guidelines

G2.3.1 In an election, the candidates shall campaign in accordance with the rules of fair play. Breaking the rules of fair play include, but are not limited to, libel, slander, general sabotage of the campaign of the other candidate(s), and misrepresentation of fact.

G2.4.3 In referenda, the Yes or No, and information campaign committee members shall campaign in accordance with the rules of fair play. Breaking the rules of fair play include, but are not limited to, libel, slander, general sabotage of the campaign of the other candidate(s), and misrepresentation of fact. All campaigning and referenda rules not set out in the Bylaw shall be determined by the Elections and Referenda Committee and reported to General Council and shall be made available to all candidates, Deputy Returning Officers, and Poll Clerks.

My understanding is the policies for campaign material are meant to be governed by the Referendum Committee. Our mutual agreement and understanding for campaign statements were to act in good faith to write fair, factually accurate, and not abusive or harassing statements.

After investigating the situation with the remaining Referendum Committee; Trent (Neutral Representative) and Robyn (Yes Representative), through researching policies that TGSA is to follow, emails and personal interviews, the Referendum Committee believes Allison did not act unilaterally. Allison is to remain as a Neutral Representative of the Referendum Committee and no sanctions/disciplinary actions are to be made against her.

3. Allison's address

4. Matthew's actions

Following Allison's actions of editing Matthew's no campaign statement, Matthew expressed to Allison that he felt sad, upset, hurt and surprised. Matthew communicated to Allison through email that he did not agree with her proposed attempt to censor his statement. Allison adjusted the statement to restore the original language but Matthew was concerned that the email David Wagschall received had the edited version and Matthew believed having two versions circulated undermines the validity of his statement. Matthew stated he will write to the Office of the Vice-Provost, students or whoever will listen to him, to argue that censoring position statements has undermined the ability of the "no" side campaign to communicate its message openly and without undue interference. Matthew proceeded to post on the TGSA Facebook page stating that he attempted to negotiate a fair resolution of this matter in private without receiving resolution. Matthew then said his statement was unilaterally edited by the TGSA President censoring several statements. He believes when he stated his opposition the President posted the original statement

but refused to send a correction and explanation for her actions. Matthew also states within a long thread of conversation on the TSGA Facebook page, he believes Allison overstepped her bounds as an equal member of the Referendum Committee. Additionally, Matthew has also requested the CRO ask Allison to remove herself from the Referendum Committee, and in the absence of this, to request of the TGSA Board that Allison be removed under its authority because she has shown an inability to remain impartial in her role as a neutral member.

After investigating the situation with the remaining Referendum Committee; Trent (Neutral Representative) and Robyn (Yes Representative), through researching policies that TGSA is to follow, emails and personal interviews, the Referendum Committee believes Matthew's Facebook posts went outside the proper channels. Before bringing his concerns and discontent to the CRO, Referendum Committee, and the TGSA Board (as the emails that circulated were to individual Referendum Committee members, but not to the Referendum Committee as a whole). Therefore no formal complaint was lodged with the CRO, Referendum Committee, or the TGSA Board before his public post on Facebook. Additionally, Matthew's Facebook post misinformed students as to the nature of the incident. Trent, Robyn and myself believe the corrections/edits Allison made are not unilateral and Allison wrote as a Referendum Committee Neutral Representative, not as the President of TGSA. Trent, Robyn and I suggest Matthew offer Allison an apology for the unfair accusations he has made against her conduct and integrity.

The Referendum Committee recommends to the TGSA Board that Matthew be issued an official caution that if he does not act in good faith and collaboration with the Referendum Committee to serve students fairly, the TGSA Board will consider further disciplinary action.

5. Matthew's address

6. Validity of referendum

Although the process has not been smooth it is sound and Trent, Robyn, Allison and myself believe the process and current TGSA Student Life Fees Referendum to be valid. Based on the referendum process followed by the TGSA Board, Executive and Referendum Committee, to date, is honouring TGSA's approved Referendum policy and is therefore valid.

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## **Appendix 5**

Matthew Bowman Hannah C. Cairns Junior Fellow Trinity College 6 Hoskin Avenue Toronto, ON M5S 1H8

January 26, 2017

Carla Marcoccia Returning Officer TST Graduate Students' Association c/o Toronto School of Theology 47 Queen's Park Crescent East Toronto, ON M5S 2C3

Dear Carla,

I am writing to request that as Returning Officer use your authority to request that Allison Murray immediately remove herself from the Referendum Committee, and in the absence of this, to request of the TGSA Board that Allison be removed under its authority.

The TGSA Policies and Procedures state that the membership of the Referendum Committee should be balanced. However, Allison has shown an inability to remain impartial in her role as a neutral member. This is demonstrated by the following:

1. The “no” campaign statement has been unfairly and unjustly edited by Allison and distributed via email and web. As the “no” representative I was not consulted about this act of censorship, and have been steadfast in my opposition to it. Apart from being an overstep of her authority as a member of the Committee, it demonstrates prejudice against the “no” campaign. This miscarriage of justice and transparency has yet to be rectified nor publicly acknowledged by the Referendum Committee, causing material damage to the position of the “no” campaign.

2. The “yes” campaign video is hosted on Allison’s person YouTube channel. Hosting position statements can be understood as a partisan activity, casting doubt as to her neutral status.

3. Allison appears in the “yes” campaign video, further casting doubt as to her supposedly neutral status on the Referendum Committee.

4. Information posted by Allison on the TGSA website contains factual errors skewed towards the “yes” position. Specifically, at the start of the campaign a statement was posted that suggested TGSA members do not pay the fees presently under consideration as a result of a “loophole” which was supposedly unexplainable. However, this is far from the case – TGSA members do not pay the fees because we have never opted to pay them as required by provincial regulation. Stating that TGSA members exist in a “loophole” suggests that we have gotten away with not paying something which we rightfully ought to have been paying. When the incorrectness of this statement was

pointed out, it was removed from the website, however its existence in the first place

casts doubt on Allison’s impartiality. 5. Information written by Allison and distributed at the Town Hall suggested that a “yes”

vote would “de-ambiguize” TGSA students’ ability to access the services of Health and Wellness. When I expressed my opinion that this statement was prejudicial to the “yes” campaign, Allison acknowledged this and has removed it from subsequent releases of this document. However, it is further evidence of her bias for the “yes” campaign.

Based on the evidence given above, I implore you to use the authority given to you by the TGSA Policies and Procedures document, to ask Allison to remove herself, or to have the Board remove her from membership on the Referendum Committee.

Further, in keeping with obligations of transparency, I request that this letter be replied to in writing and that it and its reply be included in documentation sent to the Office of the Vice-Provost, Students.

Sincerely,

Matthew Bowman Hannah C. Cairns Junior Fellow Trinity College

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To: Matthew Bowman Re: Letter of Concern dated January 26, 2017

January 27, 2017

Dear Mr. Bowman,

Thank you for submitting your concerns to the TGSA Referendum Committee Chief Returning Officer.

Please accept this letter as a formal response to your letter dated January 26, 2017 and, as needed, an invitation to continued dialogue regarding the Referendum Committee's work and place within the TST community.

With regards to your concern that Allison has demonstrated an inability to remain impartial in her role as a neutral member, I would like to respond to the ways you think she has demonstrated this:

1. This issue has been investigated and I, nor do fellow members of the Referendum Committee including Robyn and Trent, believe that there was misconduct on Allison's part. This will be addressed at the Board meeting on Tuesday, January 31, 2017.
2. I have asked Allison to take down the "yes" campaign video from her personal YouTube channel or to add the "no" campaign video to her personal YouTube Channel. Allison does not have access to the "no" campaign video, thought it would be inappropriate to ask you for it during this time and complied with my request and removed the "yes" campaign video from her personal YouTube channel.
3. The Referendum Committee had discussed and made plans to make a video and agreed on using the "talking heads" format for both campaign videos. It was my understanding you agreed with the committee to participate and schedule an appropriate time to meet (either on January 18 or 19, 2017) and film the "talking heads" style video following the meeting on January 17, 2017 with the rest of the Referendum Committee. You, however, did not film with the "yes" campaign video and the "yes" campaign edited Allison out of portions of the video after your video did not follow through with this plan. Additionally, I have asked Allison to edit herself out of the introduction of the "yes" campaign video to ensure impartial representation of the Referendum Committee members. Allison has sent

this revision to Robyn, the “yes” representative, on January 26, 2017. In light of these comments, the “yes” campaign video has been edited and should appear online shortly.

4. Allison posted this in good faith with the intent to explain the history and origin of TGSA not paying student fees. After she realized the statement was too brief to highlight the nuances of this historical arrangement, she removed this from the Question and Answer section from the Referendum FAQ website.
5. That language was not from Allison, that was Trent’s opinion and when pointed out to Allison, she agreed and changed it. Additionally, from my understanding there was mutual agreement at the January 11, 2017 Referendum Committee meeting that this language was appropriate to use.

I have considered your request to ask Allison Murray to immediately remove herself from the Referendum Committee. Additionally, I have considered your second request to ask the TGSA Board to remove Allison under the Board’s authority. As CRO, I do not believe there is enough evidence of Allison’s misconduct for disciplinary action. Further, I do not believe Allison’s behavior warrants recommendation to the Board to remove her, however, if you wish to motion this at the Board meeting on Tuesday, January 31, 2017 that is your prerogative.

Again, I sincerely appreciate you reaching out to myself and raising your concerns. Thank you for taking the time to do so.

Sincerely,

Carla Marcoccia