



Senate Meeting
Skype for Business

February 5, 2021
10 a.m. - Noon

MINUTES

Present: J. McMullin (Chair), K. Allan, P. Barry Mercer, G. Boulet, P. Cantelo, A. Card, G. Chan, D. Cox, P. Crouse, K. Darvesh, C. Dawson, G. Durepos, T. Findlay, D. Fisher, J. Fraser Arsenault, C. Hardy, T. Harriott, T. Harrison, E. Henderson, E. Hicks, N. Kayhani, K. Kienapple, L. MacCallum, M. Nadeem, D. Piccitto, K. Ritchie, J. Roberts, C. Schneider, C. Slumkoski, J. Sutherland, A. Thurlow

Regrets: A. Benzaquén, M. Bluecharadt, M. Ralston, K. Rana

Observers: N. Buchanan, K. Gallant

The meeting was called to order at 10:04 a.m. The Chair asked observers to self-identify.

1. Indigenous Land Recognition

J. McMullin provided an acknowledgement that the Mount is built on traditional unceded Mi'kmaq territory and paid respect to the Indigenous peoples of the land on which Senate meets.

2. Approval of Agenda

Questions were posed regarding the agenda and procedures for this meeting. J. McMullin provided clarification and asked that a Question Period be added following the first administrative update. It was also confirmed that the minutes of June 17 and 24 would be approved at a regular meeting of Senate. (J. McMullin, K. Ritchie, D. Piccitto, G. Boulet)

Moved by K. Kienapple, seconded by E. Henderson, to approve the agenda as amended. CARRIED

3. Administrative Update re Roll Call Votes

J. McMullin thanked both T. Harriott and P. Crouse for conducting a considerable amount of research on the items for today's discussion as well as their work in general with Senate.

T. Harriott gave a summary of her research pertaining to roll call votes and meeting minutes. She reported that meeting minutes containing a roll call vote will include the name of each Senator and how they individually voted. She went on to say that our minutes are made public once they are approved. Our Bylaws state that we follow Robert's Rules of Order unless the Bylaws say otherwise. When we want to do something that Robert's Rules says is not the norm, it should be clearly specified in the Bylaws. She continued explaining that Robert's Rules state that roll call voting is a departure from the norm and only organizations that are so called representative bodies (have constituencies) can have roll call votes. In closing, she noted that today's discussion will determine if we are a representative body and if so, even though roll call votes are permitted, do we want to allow them? If we do, then a By-law amendment must be crafted.

The response to a poll of university Senates asking the question, "Does your Senate permit roll call votes?" noted that of the 11 institutions responding, none allowed roll call votes. Individual Senators indicated 4 other Canadian Universities did allow roll call votes. It was also noted that the use of roll call votes was not past practice for MSVU Senate. (T. Harriott, P. Crouse, K. Allan, L. MacCallum)

4. Question Period

T. Harriott reiterated that if we declare Senate as a representative body, roll call votes are permitted. However, it should state in the Bylaws exactly how a roll call vote should be conducted; for example, the percentage of Senators required to call a roll call vote and whether it could be used on all motions or on a restricted set. She added that if details are not outlined in the Bylaws, then we must have a majority of people asking for the roll call vote.

Some Senators expressed the opinion that our Senate is a representative body, as Senators are either ex-officio or elected to represent various groups on campus. (C. Slumkoski, K. Ritchie, G. Boulet)

P. Crouse noted that, to the best of her knowledge, roll call votes have not been a past practice of our Senate. Many Senators spoke in agreement with roll call votes. D. Piccitto noted that the request for roll call votes was partially brought forward because of the online issue. It was noted that voting at in-person meetings is by show of hands. As this is the case, perhaps previous Senators did not feel the need to request roll call votes. Roll call votes add additional accountability as the minutes show how Senators represented their constituents. It was also noted that any criteria added to the Bylaws should be looked at through an EDIA lens. It is important for the smallest minority of the membership to be able to call for roll call votes, and the standard 2/3 majority is far too high. (P. Crouse, D. Piccitto, K. Ritchie, C. Slumkoski, K. Allan)

Some Senators expressed concern that a roll call vote might pressure Senators of the same group (Faculty, Students' Union, Administration) to vote a certain way because their name will be recorded. Concern was raised that we might be obtaining the opposite result of what we want by silencing or putting undue pressure on people, especially those individuals from underrepresented minorities. Senators are not mandated by their constituents on how to vote, but they are accountable for their vote, they can discuss their intentions prior to the vote, and they can explain their voting rationale after a vote. Roll call votes must have a meaningful purpose and must be used the right way. While for each motion we have a mover and a seconder with a majority rule, this procedure does not take away from the responsibility. Documentation of what the majority decided should be enough; having a public record of those for and against is not necessary. Roll call votes may possibly lead to more abstentions. In reviewing Robert's Rules regarding virtual meetings, it was noted that "when a vote is taken by roll call, only the number of votes on each side and the number of members present but not voting shall be entered in the minutes unless the board orders a fully recorded roll call vote". This rule confirms that our virtual meetings have been following correct procedures. (C. Schneider, E. Henderson, C. Dawson)

K. Allan commented that roll call voting can change the vote; however, in a situation where that is not appropriate, the remedy would be to call for a secret ballot. As this is the case, allowing roll call voting does not impose undue pressure. Decisions should not change when a name is recorded. Other Senators commented that roll call voting is a step towards promoting an organizational culture of transparency and accountability, values that are essential to our MSVU Charter and our new strategic plan. Since this is a very important conversation, we need to raise the bar regarding our sources of evidence, being very deliberate and detailed so that Senators can make informed decisions. (K. Allan, J. Sutherland, G. Durepos, K. Ritchie)

N. Kayhani questioned how a change in the Bylaws to allow roll call votes would affect Senate subcommittees. T. Harriott will report back on this item.

T. Findlay added that knowing who is in the majority and who is in the minority is important as this is an equity issue. It's important to know in the current context, for historical record, and for future decisions regarding reelection for Senate and election to other important decision-making bodies. The simple majority/minority erases minority votes. Looking at the question of what constitutes a majority when it comes to a roll call needs to be thought about. (T. Findlay, L. MacCallum, A. Card)

P. Cantelo noted that Senators were suggesting that not only were decisions relevant but how decisions are made was equally important. Current mechanisms ensure a

democratic process. As this is the case, he expressed concern that there is a different agenda for understanding how each Senator voted. D. Piccitto responded that from her perspective the ‘how’ is very important, especially on substantive issues.

P. Cantelo further noted that the discussion is written in the minutes and this indicates the commentary that could potentially lead to someone shifting their thinking. Simply asking who has voted in such a way does not indicate how they have landed on their decision to vote that way. Senators were reminded that we are making these decisions for future Senates where we don’t know the people or their leanings. It was noted that if we are fully capturing the discussion and the outcome in a really transparent way, then we can go back and see what reasoning was followed, what outcome was reached, and who landed on what side of the argument.

(P. Cantelo, D. Piccitto, K. Darvesh, K. Allan)

J. McMullin wrapped up the discussion by adding that more research is needed and that transparency and accountability are key components of this argument. Senate Executive will now take this back for discussion and follow up, which may lead to Senators’ considering motions to change Bylaws.

5. Administrative Update re Senate Meeting Minutes

P. Crouse reported that as stated in the Bylaws, one of the functions of the Secretary of Senate is responsibility for meeting minutes. The Senate Secretary reviews the minutes submitted by the recording secretary, helping with accuracy, and paring down. Senate Executive then reviews the minutes prior to distribution to Senate.

P. Crouse, referring to our Bylaws, stated that we follow Robert’s Rules of Order for the content of our minutes. Robert’s Rules indicate that the minutes should contain mainly a record of what was done but not what was said by the members. Our minutes have never been verbatim. To change to that level of detail would require a change to our Bylaws or Rules of Order.

It was noted that, over the years, there have been variations in how speakers’ names are reflected in Senate minutes. At one point, no Senators were named in discussions. At another time, the first Senator to speak on a topic was named and possibly a couple of other speakers’ names but not all. Most recently for lengthy discussions, minutes identify all speakers’ names in parentheses under a summary of the discussion.

6. Question Period

D. Piccitto asked who would make the decision on how content varied in the minutes.

P. Crouse answered that Senate made the decision not to include Senators’ names during discussion. Senate also decided that for consistency, only first initials and last

names would appear in the minutes. She also noted that smaller variations may be attributed to a new recording secretary or Secretary of Senate.

L. MacCallum (speaking as the former Mount Archivist) noted that four decades of minutes followed the style of referencing names by each talking point. She wondered if historical precedence in the case of minutes has been considered in reviewing the level of detail in the minutes, and if it was considered and rejected, she wondered why. Although she has not made a significant change in the level of detail provided in minutes prior to her term as Secretary of Senate, P. Crouse noted that former Senate Executive committees had considered the content of minutes knowing they are now public on our website. However, she went on to say that an intentional change was the level of detail provided to Senators prior to meetings. As a result of this increase in documentation, less time is spent on the presentation of an item allowing more time for discussion. She noted that items added to the agenda during the meeting have resulted in more detailed minutes.

Some Senators voiced their dislike of Robert's Rules of Order, noting that we must question what we are doing and why we are doing it. If we want to say we are transformative and community based, then we need a system that aligns with this, suggesting that the current set of rules were created for a different system. The challenge is defining our own rules and principles of engagement. (K. Ritchie, J. McMullin)

Conversation of this item continued. K. Allan wondered if the supporting documentation is (or has ever been) provided with the minutes for public viewing. P. Crouse responded that the minutes would reflect the decision but would not contain the supporting documentation. However, this documentation is provided to the university community on the intranet. It was suggested that if the supporting documentation is not provided, the decision is not fully recorded. Questions were asked about practices at other universities as well as the handling of a FOIPOP request from the external community for the supporting documents. It was noted that detailed minutes would support research. Being able to look at minutes to understand both the process and the outcome can be an invaluable research tool. Responding to a question, L. MacCallum noted that she would speak with the current archivist to see if there was a change in the approach to the minutes after 1989 (when the faculty became unionized). (K. Allan, P. Crouse, N. Kayhani, L. MacCallum, T. Findlay)

P. Crouse reported on the review of the audio recording of the November 27 meeting. Each change submitted by D. Piccitto had been checked. The minutes of November 27 will return to the agenda on February 26. At that time, changes could

be accepted as friendly amendments or voted on. Additional consultation with D. Piccitto and Senate Executive will happen prior to this meeting.

In reference to Bylaw 15.5.3, G. Boulet asked how Senators could access the recording to verify minutes. P. Crouse responded that normally this would happen in person; however, during the pandemic access to an audio clip was given via a shared file. When asked who can access recordings, P. Crouse responded that access can be provided if FOIPOP regulations are followed. It was noted that who can and should have access to the recordings will need to be considered by Senate, as our Bylaws currently state that the recordings are to be used to inform the minutes. It was also noted that this access is typically not provided until the minutes are approved. However, unlike confidential business, the process to access the regular business meeting recordings is not clear. A Senator expressed concern that this apprehension to make things public might speak to an apprehension to accountability at large. An example was given regarding a student's name being referenced during the meeting. In accordance with FOIPOP guidelines for privacy, a student's name may need to be redacted from the recording. Questions were asked about the process followed by a FOIPOP Administrator regarding Senate records. It was noted that more work on this issue must be conducted. (G. Boulet, P. Crouse, J. McMullin, D. Piccitto, K. Allan)

In reference to RRoO's rule that minutes should contain mainly a record of what was done and not what was said, K. Ritchie noted that an operational distinction between words and actions needs to be made.

K. Allan asked for access to the audio recording of the June meetings (noting that this may be the second time she has asked). She continued to recommend that Senators have access to the recordings as a general practice to independently verify that the minutes are accurate and that restricting access is not fulfilling the purpose that is outlined in the Bylaw. J. McMullin noted that consideration of this issue will be taken back to Senate Executive. P. Crouse did not recall a previous request for access but would follow up. It was noted that as a result of the pandemic a local university posts Senate recordings for one week. (K. Allan, J. McMullin, P. Crouse)

G. Boulet commented that changes to the Bylaws will require a notice of motion and asked if these should be prepared for the next meeting. J. McMullin noted that Senate Executive will reflect on today's conversation and perhaps outline what needs additional research, what does not, and what requires a notice of motion; this will be reported to Senate at the next meeting. She reiterated that the minutes of the November 27 meeting will come back to Senate on February 26 and that the June minutes may need additional work based on today's discussion.

D. Piccitto noted that a roll call vote was asked for and taken at the June meeting although technically the proper procedure was not followed. She remarked that she would not want to exclude names based on a technicality and asked Senate Executive to consider this also. J. McMullin responded that this will be considered at Senate Executive, and hopefully by the February meeting we will be able to bring forward some concrete actions and ways to resolve these issues.

7. Adjournment

Moved by E. Henderson, seconded by C. Dawson, that the meeting be adjourned.
CARRIED

The meeting was adjourned at 11:45 a.m.