



**Student Representative Assembly Meeting 11K p.2**  
**Sunday, December 4, 2011 at 2:00 p.m.**  
**Council Chambers, GH 111**

**Call to Order at 2:17 p.m.**

**CALL OF THE ROLL**

|                       |  |
|-----------------------|--|
| <b>Present</b>        | Al-Amad, A. Ali, Bober-Inoue, Campbell, Daniel, Dillon-Leitch, Erl, Ferguson, Galan, Golendukhin, Granat, Jamieson, Khaja, Kuzman, Marlowe, Metrailler, A. Mohamed, F. Mohamed, Napeloni, Rathbone, Saeed, Sayani-Mulji, Somers, Sparrow, Thompson, Zuchowski  |
| <b>Absent Excused</b> | Abdelrahman, S. Ali, Bifano, Dhawan, Sayed-Rahman  |
| <b>Absent</b>         | Knezic, Wiener   |
| <b>Late</b>           | Ahmad, Recoskie  |
| <b>Others Present</b> | Kristen Thomson (MES CRO), Miriam Farooqi (MSU Member), Naomi Pullen (SASS Observer), James Dowdall (MSU Member), Mohammed Wami (Operations Committee Member), Sam Colbert ( <i>The Silhouette</i> ), Siddhesh Gandhi (MSU Member), Alvand Mohtashami (MSU Member), Victoria Scott (Recording Secretary) |
| <b>Chair</b>          | Jeff Wyngaarden  |

**ANNOUNCEMENTS FROM THE CHAIR**

- The Speaker thanked everyone for coming. He reminded the observers to fill out the observers list that was being circulated. The Speaker clarified for the Assembly that this is the second meeting in a singular session, and that they are still in meeting SRA 11K. He explained that items from Unfinished Business #3 and 4 are out of order because of Assembly members who have excused absences. The Speaker congratulated Mr. Mukhtar Galan on his recent election to the Engineering Caucus.

**UNFINISHED BUSINESS**

**1. Contract Approval**

**Moved** by Dillon-Leitch, **seconded** by Thompson that the Assembly approve that the MSU enter into a four (4) year contract with McMaster Savings and Credit Union Limited, to provide ATM Service to students on MSU operated space.

- Thompson explained that he sent out a memo about this over a week ago. This contract is for four years and allows the McMaster Credit Union to put an ATM in MSU space. Hopefully this alleviates security concerns in TwelvEighty. Thompson stated that he chose McMaster Credit Union because of the percentage of profit and money going towards bursaries.

**Moved** by Kuzman, **seconded** by Metrailler to reconsider Business item #2 - Referendum from the first session of SRA 11K.

- Granat asked if the motion was in order as business is still on the table.
- The Speaker responded that it was in order to move the motion, but not to consider at the time.

**Vote on Motion (Contract Approval)**

## Passes Unanimously

### 2. Reconsider Motion

**Moved** by Kuzman, **seconded** by Metrailler to reconsider Business item #2 - Referendum from the first session of SRA 11K.

- Kuzman explained that this passed at the last meeting. Since then, it had come to their attention that there were some inconsistencies with the wording of the amendments. The main reason for reconsideration is to ensure that everything is clear before being voted on by MSU members.
- Metrailler stated that he was very passionate about the amendment but he couldn't in good conscience put an amendment to students that is logically flawed, noting the section about fees and the way it was explained. Metrailler explained that the amendment could read two ways, the way it was explained in the delegation from the floor at the last meeting, and the other way could be that in order for OUSA or CASA to raise membership fees they would have to look at the MSU's bylaws to see if it was feasible. Metrailler stated that if students read the amendment without the explanation in mind it would appear that an increase in external affiliation fees would have to go to referendum according to the MSU's bylaws. It was brought to his attention that failure to implement increased external organization membership fees in a timely way could lead to the MSU's membership in those organizations falling into bad standing. He asked the Assembly to reconsider the motion and not have the proposed constitutional amendments put to a referendum concurrent with the Presidential Election.
- Granat asked the Vice-President (Finance) what the MSU's financial policies say about incurring student fees for advocacy. Thompson responded that the external organization membership fees are addressed as a component of the MSU budget that is approved by the SRA. A separate student levy does not exist to fund these membership fees.
- Erl stated that he was in favour of reconsidering the motion. He stated that the section in the amendment does make things a bit more complicated, and that it would negatively impact the MSU's relationship with OUSA or CASA. He explained that he still supports the amendment but that the Assembly does need to reconsider the motion because of the sentence structure.
- Granat stated that the argument that Kuzman and Metrailler presented proposed that the MSU's hands would be tied if the MSU had to approve any increase or decrease pursuant to the budget because of the bylaws.
- Thompson explained that the MSU pays the fees to the external affiliations and it comes out of the money that the students pay. The students aren't charged individually, and if there were any changes of fees they would be absorbed by the budget.
- Metrailler stated that this won't impact the MSU financially, but the amendment gave the impression of something they don't want to be there. He explained that if a student reads the document it could be interpreted that if OUSA decided to raise their fees they would have to look at the MSU's Constitution to see if it is in accordance. If the MSU collects fees on behalf of the students and it required the MSU to raise student fees the amendment would be redundant if it was worded properly, but it's not.
- Sparrow asked if it was out of order to strike the sentence from the amendment. The Speaker replied that it would be out of order as the formal notice of the proposed constitutional amendments had already been publicized.
- Kuzman stated that the idea of the reconsideration of the motion is to understand what the relevant impact on the MSU is as a result of the amendment. She stated that it currently looks like it is more important to focus on whatever the third parties state and it's contradictory to operations to have a sentence in the Constitution suggesting that they pay attention to a member school's operating policies and bylaws.
- Granat stated that Metrailler raised the point that OUSA wouldn't be able to raise their fees, but Granat disagreed and argued that the amendment doesn't affect OUSA, but that it impacts the MSU. The amendment states that the MSU can't levy any fee without look at our bylaws. He

- stated that he was puzzled about the amendment not making sense because he thinks that it does. He doesn't understand how this is irrelevant and would be voting against the motion.
- Erl stated that the Committee did everything they could and attempted to see if they could change the wording and go through different avenues. He explained that this was the last thing that they could do.
  - Kuzman stated that the amendment in section D could be interpreted by others differently. She explained that there shouldn't be a convoluted amendment, that it should be something that is perfectly understood. Kuzman explained that membership fees are not set by member schools, but rather the third parties set the fees and the schools pay into memberships if they choose to do so. If it was the individuals setting the fees then it would have to go by the MSU's policies and if they don't obtain the same interpretation that the member has then it would be different.
  - Metrailler stated that the situation that Granat described was in the intent of the amendment, it makes sure that the MSU doesn't go against the bylaws and budget. It doesn't say that any increase in the fees the MSU pays have to happen, it just states any increase at all. It would be a ridiculous interpretation that the MSU's bylaws affect OUSA or CASA, but the point is if someone does interpret it that way the MSU could be breaking the Constitution and it would happen with any external organization. Metrailler explained that everyone understands the intent of the section but that the wording could be interpreted in two ways and one of them isn't correct.
  - Rathbone wondered if the Speaker could clarify the meaning of this section when interpreting the Constitution by the wording.
  - The Speaker stated that his office would have to look at the original drafters and the original meaning of the texts. There would be a number of considerations. The Speaker stated that the other thing to note is that future Speakers may not be aware of the relevant debates.
  - Rathbone thanked the Speaker for clarifying that for the Assembly. He stated that he would like the Constitution to be as clear as possible so that there would be no misunderstandings. He explained that future Speakers may not be aware of the original intent, and that everyone should be able to look at the Constitution with clarity, ease, and accessibility. These are the reasons why the Assembly should reconsider the motion.
  - Al-Amad ceded to Granat – Granat explained that external organizations don't have to follow the MSU's Constitution as it doesn't apply to them, it applies to the MSU. He asked if it is unnecessary vague, and requested a Speaker's ruling so that future generations know about it. He stated any increase in fees that happened would happen to the MSU and wouldn't apply to the external organization.
  - Kuzman clarified that the original intent was in respect to the collection of the fees within the bylaws and policies; while the original intent was there, collection wasn't stated in the Constitution. She stated that the sentence itself was not clear. She addressed the member's statement about the Constitution only impacting the MSU by stating that while it doesn't impact the external organizations it does reference them by extension and that is the reason why they are asking for the motion to be reconsidered. There shouldn't be a direct or indirect reference to any external organization, and the Constitution should be clear to all students.
  - Dillon-Leitch thanked the members who brought this motion forward. He stated that they brought this forward because it is important and essential, and that he would be voting in favour.
  - Kuzman stated that this will go to General Assembly and there will be an opportunity to fix the problem, and amend the proposed constitutional amendment before it goes there.
  - Metrailler addressed Granat's concerns but while he knows that it doesn't apply to OUSA or CASA, it does apply to the MSU and if someone reads the Constitution in the future and OUSA or CASA raised their fees without consulting us, they will say that the MSU wouldn't be following their own Constitution and that could be a possible push to leave the external organization. He added that the Constitution doesn't need to be vague and that the intent of the section was clear. It just needs a couple of changes in the wording about collecting fees and not raising fees. He stated that they could have a Speaker ruling about this but it needs to be a pristine amendment.

- Golendukhin ceded to Shariq Wami – He asked if they could state somewhere in the Constitution that it would only be applicable to the MSU.
- Metrailler responded that the MSU could do that but that it would mean passing a Constitutional amendment that isn't correct and then having to go through the process again to fix it. He stated that he would rather get the process correct the first time.
- Rathbone pointed out that having a Speaker's ruling wouldn't be accessible to the average student. He stated that if they want students to participate they should be able to pick up the Constitution and be able to get it within the first read without having to go to the Speaker because it wasn't clear.

**Moved** by Zuchowski, **seconded** by Jamieson to call to question.

#### **Vote on Motion**

**In Favour: 11 Opposed: 10 Abstentions: 6**

**Opposed: Napeloni, Erl, Al-Amad, Golendukhin, Sayani-Mulji, Saeed, Metrailler, Sapprow, Granat  
Abstained: A. Ali, Rathbone, Kuzman, Galan, Campbell, Ahmad**

**Motion Fails**

- Somers asked if General Assembly doesn't meet quorum, would it go to referendum.
- The Speaker answered that it wouldn't necessarily.
- Dillon-Leitch addressed the concerns about the General Assembly. He stated that just because they haven't reached quorum since 1995 doesn't mean that they can't do it now.
- Kuzman stated that in the event that the MSU does meet quorum at the General Assembly and the proposed constitutional amendment fails, then it won't go to referendum. The SRA could have a go with this in a referendum at SRA General Elections, but if GA doesn't make quorum it's not guaranteed that the Generals will.
- Sparrow pointed out that there should be a section on the MSU website about Speaker rulings. He stated that this should be put to the students to give them the right to determine whether they support what's in front of them.
- Erl stated in response to points about the referendum that they are trying to fix the Constitution and would like to provide the students with something they think is a perfect amended document. He stated that it is the responsibility of the SRA to go out and campaign actively for or against the changes.

#### **Vote to Reconsider Motion**

**In Favour: 18 Opposed: 10 Abstentions: 0**

**Opposed: Granat, Recoskie, Napeloni, Al-Amad, F. Mohamed, Sayani-Mulji, A. Mohamed, Saeed,  
Sparrow, Ahmad**

**Motion Passes**

**Moved** by Metrailler, **seconded** by Granat that the Assembly call a referendum to consider the amendments to the MSU Constitution held concurrent with the 2012 Presidential Elections.

- Metrailler agreed with Granat and stated that the best thing would be to bring the referendum to question.
- Granat stated that he stood firmly in support of the motion and encouraged the Assembly to take a recess to come up with an amendment that would be in order.
- The Speaker stated that they cannot propose a new amendment as it would violate the notice requirements in the Constitution. The document will have to stand as it is.
- Metrailler added that he could possibly get 18 signatures to get an amended amendment and bring that forward to referendum.

- The Speaker stated that this could be a possible option but would be difficult. He stated that calling this meeting for the purpose of revising the proposed amendments would bind the Assembly to be at a meeting on January 18 in order to meet notice requirements. If that meeting didn't reach quorum the Assembly would violate the provisions for constitutional amendment.
- Granat stated that he would stand firm with the motion if the amendment couldn't be provided. He argued that he believes in the thrust of the amendment and that the Assembly should recess and gather signatures, and that it is the duty of the Assembly to put the amendment towards the students.
- Erl stated that one of the options discussed at the Bylaws and Procedures Committee was an interesting one. He thought that this option could be done. He believes the Assembly could get it done during the time frame. They wanted the amendments and would like to see them passed.
- The Speaker reminded the Assembly that at this point the amendments will be going to a student vote. The notice requirements are long and convoluted. The proposed schedule would be possible but would be very difficult to bring about and brings in the possibility of violation the Constitution.

Moved by Sparrow, seconded by Granat that the Assembly recess for 10 minutes.

**Vote on Motion**

**In Favour: 20 Opposed: 0 Abstentions: 7**  
**Abstained: Ferguson, Recoskie, F. Mohamed, Somers, Jamieson, Zuchowski, Ahmad**  
**Motion Passes**

Recessed at 3:40 p.m.

Called to Order at 3:51 p.m.

**CALL OF THE ROLL**

|                       |  |
|-----------------------|--|
| <b>Present</b>        | Ahmad, A. Ali, Bober-Inoue, Campbell, Daniel, Dillon-Leitch, Erl, Ferguson, Galan, Golendukhin, Granat, Jamieson, Khaja, Marlowe, Metrailler, F. Mohamed, Napeloni, Recoskie, Sayani-Mulji, Somers, Sparrow, Thompson, Zuchowski   |
| <b>Absent Excused</b> | Abdelrahman, S. Ali, Bifano, Dhawan, Sayed-Rahman  |
| <b>Absent</b>         | Knezic, Wiener   |
| <b>Late</b>           | Al-Amad, Kuzman, A. Mohamed, Rathbone, Saeed   |
| <b>Others Present</b> | Kristen Thomson (MES CRO), Miriam Farooqi (MSU Member), Naomi Pullen (SASS Observer), James Dowdall (MSU Member), Mohammed Wami (Operations Committee Member), Sam Colbert ( <i>The Silhouette</i> ), Siddhesh Gandhi (MSU Member), Alvand Mohtashami (MSU Member), Victoria Scott (Recording Secretary) |
| <b>Chair</b>          | Jeff Wyngaarden  |

- The Speaker stated that any proposed schedule to discuss another proposed Constitutional amendment could come forward on January 18. Not coming would violate the Constitution and in addition invalidate the amendments themselves. He stated that discussion is about whether to send the question to referendum and any proposed schedules is not germane to the current question.
- Granat stated that the Assembly should not violate the Constitution and not worry about amendments that may or may not apply. He explained that they could fix the amendments after they have been passed and that the substantial amendment should get the most consideration. He asked the Assembly to not brush this aside; he believed that this should go to the students.
- Metrailler stated that he believed that it would be better to put something towards the students that is perfectly worded and that there are better ways to word the amendment.

- Erl agreed with Metrailler and explained that the Bylaws and Procedures Committee did look at other ways to get around this, but the Committee believed that the amendment is imperfect and that the question shouldn't be put towards the students yet.

**Vote on Motion**

**In Favour: 1 Opposed: 20 Abstained: 5**

**Opposed: Dillon-Leitch, Ferguson, Thompson, A. Ali, Recoskie, Rathbone, Erl, Daniel, Khaja, Somers, Galan, Jamieson, Zuchowski, Golendukhin, Campbell, Marlowe, A. Mohamed, Saeed, Metrailler, Bober-Inoue**

**Abstained: Napeloni, F. Mohamed, Sayani-Mulji, Sparrow, Ahmad**  
**Motion Fails**

**3. Democratic Reform Ad-Hoc Committee**

Moved by Erl, seconded by Granat that the Assembly create an Ad-Hoc Committee on Democratic Reform

- Erl stated that he would like to withdraw the motion as there are significant changes that need to be made. He explained that the mandate will be different and would like everything to be introduced at the same time.

**Vote to Withdraw the Motion**

**In Favour: 28 Opposed: 0 Abstentions: 1**

**Abstained: Kuzman**

**Motion Passes**

**TIME OF NEXT MEETING**

Sunday, January 8, 2012

6:30 p.m.

Council Chambers, GH 111

**CALL OF THE ROLL**

**Present**

Ahmad, Al-Amad, A. Ali, Bober-Inoue, Campbell, Daniel, Dillon-Leitch, Erl, Ferguson, Galan, Golendukhin, Granat, Jamieson, Kuzman, Marlowe, Metrailler, A. Mohamed, F. Mohamed, Napeloni, Rathbone, Recoskie, Saeed, Sayani-Mulji, Somers, Sparrow, Thompson, Zuchowski

**Absent Excused**

Abdelrahman, S. Ali, Bifano, Dhawan, Sayed-Rhaman

**Absent**

Khaja, Knezic, Wiener

**Late**

**Others Present**

Kristen Thomson (MES CRO), Miriam Farooqi (MSU Member), Naomi Pullen (SASS Observer), James Dowdall (MSU Member), Mohammed Wami (Operations Committee Member), Sam Colbert (*The Silhouette*), Siddhesh Gandhi (MSU Member), Alvand Mohtashami (MSU Member), Victoria Scott (Recording Secretary)

**Chair**

Jeff Wyngaarden

**ADJOURNMENT**

Moved by Thompson, seconded by Dillon-Leitch that the meeting adjourn.

**Passes Unanimously**

**Adjourned at 4:01 p.m.**

/vs