



DEMOCRATIC REFORM ADVISORY REPORT

Prepared: October, 2021

Prepared by: CUSA Democratic Reform Committee
For receipt by CUSA Inc. Trustees, CUSA Inc. Members,
CUSA Council, CUSA Executive

EXECUTIVE SUMMARY

The below report suggests the democratic reform necessary at CUSA is inextricably intertwined with our governance model and decision making power within the organization. These concerns credibly extend beyond the elections process and to the everyday operations of CUSA itself.

It is time for real change at CUSA. The Democratic Reform Committee has engaged a series of witnesses and guests, receiving valuable testimony and insight around which we have structured this report. Our diagnosis is that at bare minimum, CUSA suffers from a crisis of confidence and a perception by the student body marked with rampant corruption, self-dealing, and egregious behaviours — largely because of the power invested in so few individuals and the narrow approval mechanisms in place to commit to large decisions.

This report outlines the best chance CUSA has had in its many decades to completely reform the organization from the top down. The Ontario Not-For-Profit Corporations Act will shortly force many student unions, including CUSA, to make necessary changes. We are proactively making decisions to come into compliance with the Act. The decisions which lie ahead are not optional; we are not debating whether we accept change or stay the same. Instead, we are debating how we reform, for if CUSA refuses to reform, the Association will inevitably lose all relevance and disappear. This report reflects how we suggest CUSA plan to reform.

Below we have outlined new accountability measures and reduced CUSA executive power. We advise that the creation of a new external Board of Directors — made up of knowledgeable students-at-large not otherwise involved in CUSA — will be best suited to guide CUSA over the long-term. This external Board of Directors will ensure that CUSA exists to create opportunities for future student leaders and to hold the Carleton administration, the City of Ottawa, the Government of Ontario, and the Government of Canada to account.

We have suggested a systemic removal of the slate system. To do so, we recommend that only the position of President be elected through an at-large election, in keeping with some of our peer institutions and as advised by many witnesses and guests.

For Vice Presidential executive positions, we ask the CUSA Council to choose from a variety of methods for picking the executives depending on their positions in ways other than an at-large election, including a council vote, through a hiring committee, or through a community engaged hiring process.

We suggest term limits for CUSA executives. Complementing term limits is a suggestion to legislate that an executive position be a full-time role. Such reforms will reduce the perception of nepotism and enhance the human resources of the organization in a way that empowers student representatives over full-time staff.

While our committee has more work to do, including investigating and making recommendations regarding the electoral code and the logistics of elections, we are confident the matters outlined below will satisfy the desire for change previously exhibited in the CUSA general election in February 2021.

As a final recommendation, we hope to instill a sense of urgency within CUSA Council to adopt change or make substantive reforms. This committee has done its due diligence, meeting twice a week over the course of months. We are of the position that our recommended changes are essential to the long-term success and survival of CUSA. CUSA Council now has the responsibility to heed our recommendations, reform this organization now, and spend future months hammering out fine details before the changes come into force. We firmly believe any changes should be public in advance of the next regularly scheduled general election, so potential candidates and the study body can understand the implication of this reform.



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SUMMARY OF RECOMMENDATIONS

Recommendation 1: As such, the Committee recommends that Council vote to endorse a merger of the Carleton University Students' Association ("the Association") and CUSA, Inc. ("the Corporation").

Recommendation Two: The Committee recommends the creation and implementation of a well recruited, dutifully selected, properly trained, and expertly advised independent Board of Directors composed of 8 students-at-large and the CUSA President to focus on protecting the long-term future of CUSA from a financial, legal, and reputational perspective.

Recommendation Three: The Committee further recommends modifications to the voting rights, selection process, legal responsibilities, and oversight mechanisms as described above, of:

- CUSA President/Chief Executive Officer;
- CUSA Vice Presidents; and
- CUSA Councillors

Recommendation Four: The committee recommends the roles of executives become full-time at 35 hours per week.

Recommendation Five: The Committee recommends that only the President and CUSA Councillors be elected in at-large elections, with Vice Presidents selected in processes determined by CUSA council.

Recommendation Six: The committee recommends that limits be placed on how and when CUSA Executives are able to serve more than one term, including options such as non-consecutive term limits, a limit of one term as an executive, or a "move up or move out" philosophy engrained in ByLaw.

BACKGROUND

Since 1968, what has been commonly referred to as the Carleton University Students' Association (CUSA) has been composed of two separate yet intertwined legal entities: the Carleton University Students' Association ("the Association") and CUSA, Inc ("the Corporation"). Their respective roles, duties, and limitations are described below:

The Association

As described in the Association's current constitution, the Association is a private, non-governmental organization designed to increase student engagement through the provision of various goods and services conducive to an enhanced general student experience. Through this end, the Association is charged with representing undergraduate students at Carleton University before university administration and the general public. The membership of the Association is composed of all members of the undergraduate body of Carleton University who are designated as members in good standing.

Legislative Body - The Students' Council

The Association's membership is represented through a students' council ("CUSA Council"), which consists of democratically elected members of the Association. At the time of this report, the composition of CUSA Council consists of 35 members and is described in section 1.1 of By-Law I of the Association as follows:

1. The President of the Association elected by and from the Membership of the Association;
2. The Finance Commissioner ("Vice-President for Finance") of the Association elected by and from the Membership of the Association;
3. The Vice-President for Internal Affairs of the Association elected by and from the Membership of the Association;
4. The Vice-President for Student Life of the Association elected by and from the Membership of the Association;
5. The Vice-President for Student Issues of the Association elected by and from the Membership of the Association;

6. The Vice-President for Services (“Vice-President for Community Engagement”) of the Association elected by and from the Membership of the Association;

7. A representative appointed by and from, and sitting at the pleasure of, the Graduate Students’ Association (“GSA”);

8. A representative appointed by and from, and sitting at the pleasure of, the residence students’ association (“the Rideau River Residence Association”, or “RRRA”);

9. A representative appointed by and from, and sitting at the pleasure of, the Carleton Academic Student Government (“CASG”);

10. A representative elected by and from, those members registered as Special Students; and

11. Twenty-five (25) Faculty Representatives elected by and from members in their faculty (“CUSA Councillors”).

Furthermore, according to the sections 1.2 and 1.3 of By-Law I, the composition of Faculty Representatives should be proportional to the membership of the Association within the following faculties of Carleton University:

1. The Faculty of Public Affairs;
2. The Faculty of Arts and Social Sciences;
3. The Faculty of Engineering and Design;
4. The Faculty of Science; and
5. The Sprott School of Business

As of the release of this report, the current composition of Faculty Representatives is determined through the Association’s 2021 Writ of Elections as follows:

1. Seven (7) councillors representing The Faculty of Public Affairs;
2. Six (6) councillors representing The Faculty of Arts and Social Sciences;
3. Six (6) councillors representing The Faculty of Engineering and Design;
4. Three (3) councillors representing The Faculty of Science; and
5. Two (2) councillors representing The Sprott School of Business

To aid in the completion of CUSA Council’s duties, section 4.0 of Bylaw I for the Association authorizes the appointment of two (2) Council Officers, namely:

1. The Chair of CUSA Council
2. The Clerk of CUSA Council

Apart from the designated Council Officers, all members of CUSA Council are designated as voting members. Members of CUSA Council may choose to send proxy delegates to meetings in accordance with the procedures outlined in section 2.4 of Bylaw I of the Association. Members of CUSA Council may be removed in accordance with the procedures outlined in section 2.5 of Bylaw I of the Association.

Because of its democratic and proportionately representative nature, CUSA Council serves as the highest body of lawmaking authority for the Association. In accordance with section 3.0 of the Constitution, Council shall take precedence over the Association's various organizations, bar the judicial decisions of the Constitutional Board. As such, CUSA Council holds a high degree of legislative jurisdiction over CUSA's various statutory instruments, advisory boards, and connected organizations.

CUSA Council's authority as one of the Association's highest legislative bodies places significant responsibilities and liabilities on CUSA Councillors, executives of the Association, and other defined members of CUSA Council (with the exception of its Council Officers). This includes, but is not limited to, the following:

1. Approving or rejecting expenditures or entrepreneurial activities of the Association;
2. Enacting amendments to the Constitution, Bylaws, and Policies;
3. Repealing any Policy of the Association at any meeting of the Students' Council; and
4. Holding legislative jurisdiction over all Advisory Bodies and Organizations of CUSA

Administrative Body - The Executive

According to Bylaw II of the Association, the executive branch of the Association consists of six (6) executive positions elected by its members. The Executive is composed of the following positions:

1. President;
2. Vice President Finance;
3. Vice President Internal;
4. Vice President Student Life;
5. Vice President Student Issues; and
6. Vice President Community Engagement

In contrast to that of CUSA Council, the Executive holds substantially less in terms of statutory liability and obligations. More specifically, the Executive's authority, as outlined in Section 4.0 of the Constitution, is to hold administrative responsibilities for "Advisory Bodies and Organizations Funded and Administered by CUSA."

In effect, members of the Executive hold two separate responsibilities. On top of maintaining various administrative capacities for CUSA, members of the Executive are inherently members of the legislative branch of the Association. As such, members of the Association's Executive are liable not only for its various administrative duties, but also for decisions made at CUSA Council.

Judicial Body - The Constitutional Board

According to section 5.0 of the Constitution, the Constitutional Board "shall have the authority to rule that any act of [CUSA Council], its members, its officers, or its agents is in contravention of the Constitution, any Bylaw, or Policy of the Association." It is comprised of the following members:

1. Four (4) members of the Association who are not themselves members of CUSA Council;
and
2. The University Ombudsman

Section 7.0 of Bylaw III gives the Constitutional Board the sole authority to determine all matters arising under the Constitution, Bylaws, and Policies. This includes:

1. Electoral Board appeals and Electoral Code violations; and
2. Matters on CUSA Council's compliance with its various statutory instruments



The Corporation


As described in the 1968 Letters Patent for Carleton University Students' Association, Inc., the Corporation is a corporate organization legally tasked to receive and administer funds in the form of levied membership fees or by "donation, gift, return, business venture, legacy, bequest, or howsoever." Additionally, the Association is charged with acting as a liaison between the general public and the (undergraduate) students of Carleton University, maintaining unity and cooperation among students in the university, and developing responsible government and governing bodies. The membership of the Corporation is composed of all members of CUSA Council, as well as its Chair.

Board of Trustees

According to section 3 of Corporate Bylaw No. 1, the Corporation is managed by three members of a Board of Trustees. Section 8 outlines the powers of the Board of Trustees as an administrative body with the power to carry out and enforce contracts with other organizations. The board of trustees are primarily concerned with the capital of the corporation, namely:

1. Purchasing, leasing, acquiring, selling, exchanging, or disposing of:
 - a. Shares;
 - b. Stocks;
 - c. Rights;
 - d. Warrants;
 - e. Options and other securities;
 - f. Lands;
 - g. Buildings and other property;
2. Borrowing money on the credit of the Corporation;
3. Issue, sell, or pledge securities of the Corporation; and
4. All such powers that the Corporation is authorized to do by its character or otherwise assigned duties

The Board of Trustees for the Corporation is composed of three voting members: the President, the Vice President (also referred to as "Secretary of the Corporation"), and the Finance Commissioner ("Vice President Finance"). Two of the three voting members must be present to reach quorum for meetings of the Board of Trustees to operate.



The President of the Board of Trustees, and therefore the Corporation, is also the President of the Association. In their fiscal capacity, the President is responsible for:

1. Supervising senior management;
2. Supervising members of CUPE Local 3011; and
3. Carrying out all collective agreements between the Corporation and its bargaining units

The Vice President of the Board of Trustees is a member of the Corporation and a member of the Association's executive branch.

The Finance Commissioner of the Board of Trustees also serves as the Vice President Finance of the Association. In their fiscal capacity, the Finance Commissioner is responsible for:

1. Acting as the primary signing authority for CUSA Inc.;
2. Properly arranging bookkeeping for the Corporation;
3. Authorizing purchases for the Association; and
4. Playing an active role in the labour negotiations with the Corporation's various collective bargaining units

The Board of Trustees, and therefore the operations of the Corporation, are overseen by CUSA Council at every stage in the process. As previously mentioned, all members of CUSA Council with the addition of the Chair of Council serve as members of the Corporation. In practice, decisions made by the Corporation are regulated heavily in part by CUSA Council. As stated in section 3.0(b) of the Constitution,

“[The legislative body] shall initiate, approve, or reject any of the Association's expenditures and entrepreneurial activities, under the authority of CUSA, Inc.”

Because of CUSA Council's significant involvement in the execution of the Corporation, it is common for the Corporation to act on the advice and in lockstep with the Association's decisions.



CUSA INC & CUSA THE ASSOCIATION BYLAWS

Status Quo, No Change

With the tabling of this report, CUSA Inc. Trustees, CUSA Inc. Members, CUSA Councillors, and CUSA executives may choose to continue to operate within its current legal framework. As such, CUSA, Inc. (“the Corporation”) and the Carleton University Students’ Association (“the Association”) would remain separate legal entities, connected by members of the executive branch of the Association being appointed to the Board of Trustees for the Corporation. Through testimony to and research conducted by the Democratic Reform Committee, we find that there are significant financial, legal, and structural costs needed to insure the Association properly.

While insurance costs can be recouped, we find that the Corporation and the Association’s own staff and representatives face unnecessarily substantive consequences and a distorted understanding of their liabilities as a result of these costs. CUSA, referring to the combined system of the Association and the Corporation, continues to be the only students’ union that the Committee is aware of that holds multiple sets of By-Laws. This leads to both the Corporation’s own staff and the Association’s executive branch holding an incomplete idea of how their respective roles should operate.

The impact of the disconnect created in part by having two, separate legal entities creates both internal and external concerns for the Association and the Corporation. Internally, the design of power structures used for expenditure and expense management means that three executives retain their narrow decision making methods largely out of the sight or scope of the remaining executives of the Association and CUSA Council. In practice, the creation of these separate entities leaves CUSA as a whole vulnerable to potential misappropriation of funds. Externally, the existence of two separate sets of bylaws means that the internal rules and statutes of the Association remain inaccessible to its members. The Committee therefore argues that having an Association and Corporation with confusing levers of power leaves the student body with a union with increasingly low engagement and a damaged reputation.

Merger of the Corporation and the Association

Conversely, CUSA Inc. Trustees, CUSA Inc. Members, CUSA Councillors, and CUSA executives may choose to mitigate the concerns and risks created through the maintenance of two legal entities through merging the Corporation with the Association.

Testimony provided to the Committee through the Corporation's legal counsel reveals that the maintenance of both the Corporation and the Association is a completely redundant task. While most student unions in Ontario and throughout Canada have opted to incorporate under either the Ontario Not-for-Profit Corporations Act or the Canada Not-for-Profit Corporations Act, analogous duties of the Association are maintained under the Corporation's bylaws. There is thus no precedent to suggest that the existence of the Association needs to be maintained for statutory up-keep of CUSA.

Instead, testimony given by members of both the Association and the Corporation suggest positive benefits to merging the two entities. In a response provided to the Committee, Acting General Manager Christine Falardeau noted that it would be to CUSA's benefit to do so, as a merger would "improve overall staff morale" and broaden decision making powers. Additionally, the Corporation's legal counsel suggested a chance for both external and internal clarity in the various responsibilities of CUSA's various actors, mitigating potential mistakes of fact as well as misunderstood legal and financial obligations.

Recommendation One: As such, the Committee recommends that Council vote to endorse a merger of the Carleton University Students' Association ("the Association") and CUSA, Inc. ("the Corporation").


POWER STRUCTURES WITHIN CUSA

Status Quo, No Change

The Committee recognizes the potential to maintain the status quo. As outlined in the background of this report, the decision-making powers of the Association and Corporation lie primarily in the hands of the Executive and CUSA Council, with distorted liability placed on CUSA Council.

While testimony from internal and external witnesses provided a variety of different solutions for addressing power structures of CUSA, a unifying sentiment was a disapproval for the current model of power concentration:

- Testimony provided by the Corporation's legal counsel indicated "fundamental governance issues" that need to be addressed with the current model. In particular, counsel commented on gaps for narrow decision-making, lack of oversight mechanisms, and unconstrained autonomy for the Association's executive.
- Testimony provided by Tim Gulliver (President, University of Ottawa Students' Union) deterred from a students' union operating without a regulating oversight body. Similar to comments given by counsel, a Board of Directors would serve as a democratic check and balance system. It was noted during this testimony that the Board of Directors model is becoming increasingly common and referred specifically to the pioneering work of the University of Toronto Students' Union (UTSU), The McGill Students' Union, and Western's University Students' Council (USC).



Lastly, input and recommendations from the incumbent executive of the Association yielded disapproval of the current chain of mandates and spoke in favour of reducing Vice President and Trustee Responsibilities. Specifically, executive members implied an intense level of responsibilities that hinder the effectiveness of completing work under administrative capacities. In a letter sent to the Committee on 13 October, the Association's executive wrote:

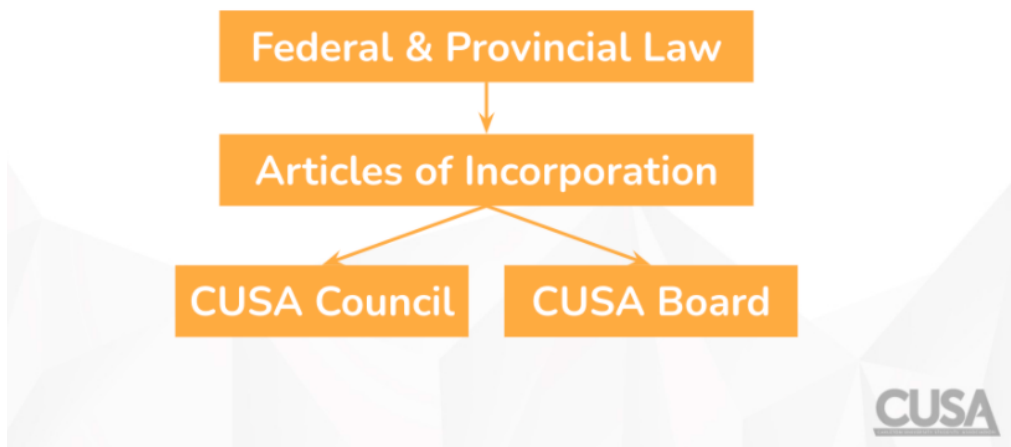
“In our appearance before your committee, we suggested many of the mechanisms of power currently held by the executive be removed, limited, or provided critically needed oversight. Assuming the recommendations of your committee are in keeping with our expressed opinions, we would argue the President is the only executive position with a level of power similar to what currently exists. Put bluntly, what would students be voting for in a VP Finance or VP Internal candidate if they have nothing more than advisory say over the internal workings of CUSA.

As many of the committee members will know, we are separately advising CUSA Council that too much power is invested in a few VP positions and that some long-standing issues need to be rectified. Now is the time to do more than just paint the walls and put some new carpet down at CUSA. It's time to fundamentally reimagine this organization, and VP roles and selection procedures should not be outside of that scope.”

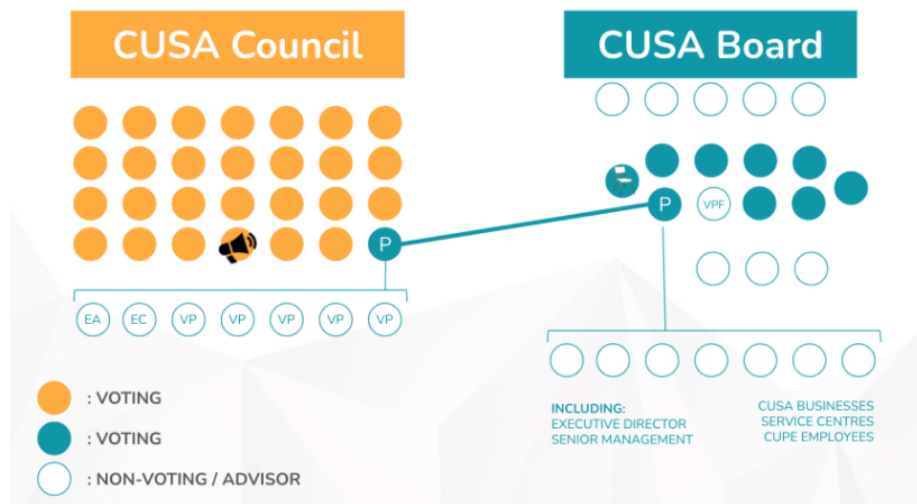
External Board, Reduced VP & Trustee Responsibilities


On 13 October, 2021, the Committee voted to adopt VP Internal Hashimi's proposal as a formal recommendation to council in this report:

Proposed CUSA Restructuring Plan



Under the proposed model, CUSA will be legally understood as an entity which is responsible for the current Corporation and Association's duties, under a unified article of incorporation, and one set of ByLaws. Such a system will help our governance be more accessible to those looking to be candidates for all levels of position within the organization, and alleviate internal confusions relating to job expectations, as described above.





Under this proposal, CUSA would split its oversight and advocacy responsibilities into its current CUSA Council, and a newly-established CUSA Board of Directors. This system would alleviate disproportionate responsibilities away from CUSA Council and the Executive. Now, CUSA Council may focus solely on advocacy issues for the year and on holding the executive to account. CUSA's Board of Directors could be more focused on the legal, financial, and reputational risks that may expose CUSA to long term costs or benefits.

The specific design of the Board of Directors allows CUSA's other body to operate with an added advisory element. Advisors of the Board could include CUSA's legal counsel, CUSA's auditors, or senior Human Resources advisors. They may also include CUSA staff, including representatives of CUSA's recognized bargaining units, or members of CUSA's executive in the event that a proposed initiative may affect the financial, legal, or reputational position of CUSA. As indicated in the model above, all members of the Board of Directors are non-voting.

The Committee believes this system is the optimal way to merge CUSA's democratically representative system into bodies required by law for the not-for-profit corporations in Ontario. We encourage readers to consider this structure as similar to that of Carleton University itself. For instance, the President of the University must report to and face oversight from both a faculty Senate and Board of Governors.

In practice, we are proposing that the trustees of CUSA, Inc. surrender much of their power to a more independent Board. This continues to allow the President to be the executive with the most significant authority over the corporation, but facing more oversight than currently exists. This structure will expand our currently narrow decision-making process.

We will not be the first students' union to follow a frame-work like the one outlined above. The Western USC, Wilfrid Laurier University Students' Union, Brock University Students' Union, and the Students' Society of McGill University all already operate in a similar way, as does every student union in the United Kingdom.

Complementing these changes will be increased or newly created training regimens for all levels of the corporation supported by full-time and contract staff. One of our main current failures is a lack of knowledge by those in power of the mechanism they can use to hold executives accountable.

New Chain of Mandates

Positions of Power within CUSA would be filled in the following ways:

- President/Chief Executive Officer
 - Elected by all paying CUSA members (1 year term)
- CUSA Council Speaker
 - Elected by members of CUSA Council (1 year term)
- CUSA Councillors
 - Elected by faculty constituent students (1 year term)
- CUSA Vice Presidents
 - Selected in process decided by CUSA Council (1 year term)
- Chair of the CUSA Board
 - Elected by Board members (1 year term)
- Board Members
 - Appointed by a Board of Directors Selection Committee, ratified by CUSA Council (2 year term)
 - CUSA President/Chief Executive Officer serves ex-officio as a voting member (1 year term, coinciding with the duration of term on CUSA's executive)

Changes to CUSA Council Under this Proposal

- Voting rights removed from CUSA Vice Presidential Executives.
- Improved emphasis on Councillors' roles, responsibilities, and mechanisms of holding executives accountable.
- Vice Presidential voting bloc dismantled to ensure that the Executive cannot sway Council votes.
- CUSA President held to account for the actions of the Executive team; stronger emphasis on Presidential accountability.

CUSA Board Implementation

- Directors empowered to provide vision.
- Responsibly trained corporation oversight.
- Consequential decision making spread across many non-biased directors rather than a few politically minded executives.
- A sober second thought on all CUSA initiatives.
- A check and balance on the President and Chief Executive Officer.
- Vice Presidential role would only be to advise if invited.

Recommendation Two: The Committee recommends the creation and implementation of a well recruited, dutifully selected, properly trained, and expertly advised independent Board of Directors composed of 8 students-at-large and the CUSA President to focus on protecting the long-term future of CUSA from a financial, legal, and reputational perspective.

Recommendation Three: The Committee further recommends modifications to the voting rights, selection process, legal responsibilities, and oversight mechanisms as described above, of:

- **CUSA President/Chief Executive Officer;**
- **CUSA Vice Presidents; and**
- **CUSA Councillors**


EXECUTIVE STRUCTURE

Status Quo, No Change

Under the current system, the Association's administrative duties are overseen by the Executive, consisting of one President and five Vice Presidents who work full-time over the Summer term and part-time throughout the Fall and Winter terms.

Testimony and written submissions provided to the Committee indicated the current system of executive structure maintains serious flaws for the upkeep of CUSA's administration. Primarily, concerns relating to sheer number of various administrative tasks required had dominated testimony with the Association's Executive and the Corporation's staff:

- Testimony provided by former CUSA service centre coordinator Adil Tahseen stated to the Committee that too many administrative duties are assigned to Executives that could easily be assigned to staff. Tahseen argued that transferring duties during their time with CUSA would have allowed for the executives to better focus on their portfolio.
- Testimony provided by CUSA Acting General Manager Christine Falardeau indicated that, while the General Manager is tasked with meeting with the Executives every day and works alongside them for various projects, much of the work completed by Executives could be downloaded onto CUSA staff.
- Testimony provided by the Association's Vice President for Student Issues, Valentina Vera Gonzalez, spoke to the taxing work of keeping the Association and the Corporation running. Vera Gonzalez spoke of being behind in classes from balancing working full time all summer, the demands of being a CUSA executive, and completing classes as an upper year student.




Lastly, input and recommendations from the incumbent executive of the Association yielded disapproval of the current chain of mandates in terms of modifying internal duties of the Executive. Specifically, executive members implied an intense level of responsibilities that hinder the effectiveness of completing work under administrative capacities. In a letter sent to the Committee on 13 October, the Association's executive wrote:

“Currently, the CUSA executive has no time throughout the week when all 5 executive members are free for any meeting. This will only be additionally complicated with a 6th executive joining us soon. There is business that requires all 5 executives to be present, and that means at those meetings at least one executive is missing class, working over 25 hours per week, or the meeting happens without all members of the executive, and someone is left out. All of these results could lead to increased stress or conflict.

It is not infrequent that CUSA has a matter that needs to be urgently addressed by any permutation of the CUSA executives. Often, this puts executives in a tough position of choosing between attending class or ensuring a metaphorical fire is put out. Even evening classes can conflict with CUSA Council, committee meetings, or lobbying efforts.

[W]e're not exactly capable of being exemplary students right now.”



The Committee also took the following points into consideration made by the Association's Executive in reaching its decisions:

“‘Work-From-Home’ and online and/or asynchronous course options have allowed for more flexibility in schedules. However, with a hybrid ‘work-from-home’ and digital approach, incidental contact with full-time staff in the office during business hours is likely to decline from previous years, meaning the status quo is not an option in this case.

Student executives should be students primarily, and executives secondarily so they understand the student experience. If this remains the case, know that executives may not be in the same boat as other students scheduling and balancing their own part-time work and personal matters throughout the year. As mentioned above, the work involved with being an executive of a non-profit corporation is frequently urgent and unforeseeable. We think we've explained above that we're not exactly capable of being exemplary students right now.”

There will continue to be a limited ability for executives to meet because of class schedules. CUSA may continue hiring staff to take on responsibilities, rather than students. Executives will continue working part-time outside of CUSA to financially support themselves. Executives will miss and occasionally drop or fail classes due to the commitments of their jobs.


Full Time Executives

Converting the requirements of Executive positions from 25 hours per week to 35 hours per week integrates CUSA executives more closely into the operations of the Corporation and office culture. This would allow a greater presence and attendance by executives in meetings, and would expand the time resources of the corporation. This also ensures that as many responsibilities as possible remain in the hands of students rather than slipping into the administrative bureaucracy.

We as a committee understand that we would be following the footsteps of many other students' unions by making this change. This may open up the opportunity to those who cannot balance school and an executive role at the same time by virtue of their program. Furthermore, we have heard from representatives and alumni of students' unions (for instance, Western USC) that candidates for executive positions must be enrolled as students at the time of their candidacy as well as in the previous semester. This allows graduating students to run for the positions, or for students to take a year off from studies in an educational sabbatical to fulfill the role. We've heard from our witnesses that highly ambitious executives sometimes take a course or two over the course of the year if they can balance the work and course load, but that is a decision taken by the executive and approved in a manner consistent with other full-time staff taking courses. Testimony provided by former Western USC President, Pat Whelan, indicated a need to shift the understanding of the responsibilities of the President and the Vice President of students' unions. Whelan asked the committee to determine, in a full-time executive system, who acts as the politicians. Whelan suggested that union Councillors and the President should be thought of as politicians, while the Vice Presidents should be viewed as full time staff. Lastly, the Committee considered information provided by the Association's Executive. In a letter sent to the Committee on 13 October, the Association's executive wrote:

"CUSA is currently understaffed, as recognized by CUSA Council and the CUSA executive with the creation of a hand-full of new positions recently. One way to enhance the human resources of CUSA would be to add 10 hours per executive to allow them to maintain agency over initiatives that otherwise would be or will be delegated to full-time staff.

[There would also be m]inimal financial change. Compensation could be reasonably understood to already exist in the budget if a tuition credit is converted and rolled into the salary.



More office time throughout the workday will allow for a more full integration with the CUSA full-time staff, who often feel they just get to know executives before they leave office. This change would also combat a growing disconnect between office staff and student staff as a direct result of the pandemic and innovative approaches to work.

CUSA executives will remain engrossed in student culture, potentially even taking a class or two, and will never be distant from the student experience. Indeed, executives may return to courses following their term in office, meaning they would have a vested interest in advocacy initiatives which make student life easier. Meetings with University and government officials could be arranged with more flexibility on CUSA's side. Advocacy initiatives would move faster.

There is a saying in CUSA that if an initiative is not moving towards completion by August of an Executive's term, it is not likely to be complete by the time they leave office. While we reject this notion, as evidenced by some of our big initiatives forcefully moving forward this semester, we can understand the sentiment, and certainly realize our time was more focused on CUSA initiatives at 35 hours a week without anything near a full course load."

Full Time President

Many of the strongest recommendations in this advisory report ask for additional checks and balances on the president while giving them increased responsibility to be an accountable leader to both a Council and a Board of Directors. In order to represent both the advocacy initiatives as well as functioning as the Chief Executive Officer of a large nonprofit corporation, we would recommend the Presidency become a full time role, and the requirement of being actively enrolled in classes be dropped. Many of the benefits remain the same as the above full-time executives point, but on a more narrow scope.

Fewer Vice Presidents

If CUSA Council decides to limit the power of the CUSA Executive and expand decision making beyond the current three-trustee system, it could be argued the oversight and high level aspects of the roles of the executive would be limited to those relevant to their portfolio, and their perspectives considered advisory rather than binding. With this in mind, the duties of the executive writ-large will decline. Potentially, duties from one vice president role could be spread among remaining executives of other offices within CUSA. Moving forward with this proposal would involve a vacant physical office, and one less salary/benefits package for the Corporation.

Recommendation Four: The committee recommends the roles of executives become full-time at 35 hours per week.



EXECUTIVE ELECTIONS & SELECTIONS

Status Quo, No Change

Under the current system, the Association's Executive is selected under six at-large elections that are elected through campus-wide votes. Candidates have the option to register a political affiliation with the Chief Electoral Officer in one of two categories: as a member of an executive team ("Slate") or as an independent candidate.

Executive candidates are elected using a single-member plurality system applied to all eligible positions. Furthermore, members of the electorate may choose to spoil their ballot, or vote with no confidence against all candidates. Because of this system, it is completely possible that the Association's executives may be composed of two or more opposing slates, independent candidates, or both.

The Committee recognizes that various costs come to the current executive election system. Most notably, having the entire executive be elected by members of the Association gives students a direct say in more roles for the union, rather than a single Presidential election. Furthermore, the current system allows more people, including those who serve as Vice Presidents, to be emboldened with a democratic mandate for internal and external advocacy. We also recognize the history of the Association's frequent questioning of hiring processes by the Corporation, specifically in relation to nepotism. However, we would argue the establishment of a new Director of Human Resources for CUSA will help with this perception, and CUSA's new training regimen may help with the reality of nepotism and conflicts of interest.

Independent Executive Campaigns With At-Large Elections

Based on witness testimony, we are hesitant about many facets of this plan. Including:

- Whether all the executive positions will rise to the level of needing an election in the future with so much power dispersed across other entities
- Whether a ban on slates will equal a ban in name only, and partnerships in some form or fashion will continue
- Whether a rule banning slates would be fairly enforceable, or whether we would be waiting on candidates and their teams to slip up before being caught

Presidential Only At-Large Election, Vice Presidents Selected in Process Determined by CUSA Council

On 13 October, the Committee voted to adopt recommendations made by the Association's Executive to reform the presidential and vice-presidential selection process.

Under the proposed model, only the President of CUSA will be elected by members of the Association. In lieu of elections for the Vice Presidential positions, members of CUSA Council will vote on behalf of members of the Association to appoint four to five Vice Presidents under a selection process to be determined by CUSA Council. This decision would put CUSA in line with other students' unions across the country, including Western's USC. The Committee argues that the proposed advisory capacity of the Vice President positions with regards to the internal workings of CUSA substantially limits the leverage power the electorate would have over a political mandate. Instead, such a change to a President-only election model would keep the political levers in the hands of the student body.

In keeping with recommendations by the Executive and many guests and witnesses, including alumni of Western's USC:

- Races where only a president is elected will lead to a closer examination of the individual, not just the platform. In an intimate non-profit like CUSA, presidential disposition can be crucial to their success in an office and lobbying environment.
- Current Vice Presidents are not reaping the supposed benefits of democratic legitimacy. While the origins of an attitude of “we need to hear it from the president” likely differ depending on who is saying it to us, the effect is already real. Often, doors are only opened at the will of the President, whether it is with university administrators, government officials, or the press.
- We see the slate as a structural barrier, and hope having only the president elected at large with VPs selected after will allow for more presidential candidates and for failed presidential candidates to pursue other avenues of involvement via the VP positions. We would suggest your committee look into processes for selecting VPs if they are not elected at-large, such as hired by a committee designed by council, potentially in concert with any other future body of power within the organization, elected by incoming and outgoing council members following 1:1 meetings and/or debates, or other methods which involve specific student populations.
- We should seek to put as much distance between our previous processes and future processes as possible. Given the outrageous and unacceptable developments in recent elections, we need to try something different. We're committed to putting our effort behind an entirely new system, as we honestly worry the status quo may jeopardize the long-term future of CUSA. A presidential-only election with VPs filling largely administrative roles focused on their portfolio and distinctly different from the Presidency are a departure from the CUSA norm and not without precedence in the province.
- As many of the committee members will know, we are separately advising CUSA council that too much power is invested in a few VP positions and that some long-standing issues need to be rectified. Now is the time to do more than just paint the walls and put some new carpet down at CUSA. It's time to fundamentally reimagine this organization, and VP roles and selection procedures should not be outside of that scope.

- Contentious campaigns ending in contentious relationships among executives when positions are split between multiple factions would be less common
- A newly elected and emboldened president could have a more limited role in selecting their direct reports than the current slate system, as allowed by council.
- Council or a hiring committee could provide a check and balance on the president by appointing a former adversary or someone known to be outside of the President's sphere of influence to a VP role.
- Candidates who are qualified but not willing to subject themselves to all that is involved in an at-large election will be more likely to put their names forward

Our committee would add to the CUSA Executive's recommendations that we've heard from our witnesses that a reduction in slate size or an all-out abandonment of the slate system in favour of a presidential-only election has led to an increased number of candidates, fewer barriers to entry, more candidates from diverse backgrounds, an increase in voter turnout, and less contentious or scandal-plagued elections.

An additional benefit appears to be that because presidential candidates are facing a host of challengers, there is rarely a focused animosity between two candidates. Because of this, candidates that lose the presidency frequently run or apply for and win VP positions where they hold the President accountable from within while maintaining a positive relationship.

Selections Process Options for Executive Positions:

Council Vote

The incoming and outgoing councillors would all be given a single vote in a VP election. Candidates would likely try to meet with councillors in advance of the vote to explain their platform in depth and answer questions. Councillors could choose to meet with candidates individually, with other councillors, or not to meet them at all. On the final day of campaigning, CUSA council would hold a debate where Councillors could pose questions to the candidates. At the conclusion of the debate, 50-odd councillors would cast their ballot. Incoming councillors would be included to prevent “creatures of council” from having an outsized constituency of support from their peers, while outgoing councillors would be included to provide tough scrutiny based on their experiences on CUSA council.

Hiring Committee

Council would approve a committee, likely different depending on the executive being hired, that could contain any permutation of the following roles: CUSA Councillor(s), CUSA Board member, incoming CUSA President, outgoing VP (non-voting), CUSA CUPE employee (non-voting), CUSA Director of Human Resources (non-voting).

Community-Based Hiring

For positions with an advocacy focus, or a focus on marginalized populations, we’ve heard of systems where candidates are hosted by various interest groups or services centres for town halls, debates, or Q&As and then the groups send their recommendations to a committee decided by council. The committee then makes a final recommendation to CUSA council.

Recommendation Five: The Committee recommends that only the President and CUSA Councillors be elected in at-large elections, with Vice Presidents selected in processes determined by CUSA council.

TERM LIMITS

Status Quo, No Change

The Committee recommends not continuing with a lack of term limits. There are other options for moving forward. None of them involve executives serving three years, or limitlessly. We worry a lack of term limits will allow groups to entrench themselves and could lead to a perception of nepotism and corruption.

Non-Consecutive Term Limit for President Only


We've heard places have a functional term limit on the presidency as the president is elected while being a student and then doesn't begin serving until after they graduate or take a break from their studies. They are then ineligible to run for re-election as they are not students. Some places have clear policies that you can only serve as a president once. A President could leave office, return to student status, and run again a year later, serving multiple terms, but not consecutively.

“Move Up or Move Out”

Adopting this idea would mean Presidents would be ineligible to run for re-election or to run for a VP position while in office. It would also mean VPs could not run for re-election or another VP role. If a VP wants to remain on the executive in back to back years, they must run for the presidency.

Limit of 1 Term as Executive

Once you are sworn in as an executive and your term commences, you are ineligible from running in elections or contending for future executive positions. We have heard this works well in other places, where the majority of executives run in their final year of school and then leave for the workforce at the end of their terms. In the rare cases where a student not in their final years wins an election, they generally return to their studies and keep their head down to graduate. It seems as though one of the benefits of a limit of one term as an executive is that ex and current executives are less incentivized to be involved in elections.



Recommendation Six: The committee recommends that limits be placed on how and when **CUSA Executives** are able to serve more than one term, including options such as non-consecutive term limits, a limit of one term as an executive, or a “move up or move out” philosophy engrained in ByLaw.

FURTHER COMMITTEE WORK

So far, we have received live virtual testimony from 15 people, written testimony from 2 people, and we have at least 2 more live virtual guests still to appear along with 2 further written responses to receive.

Our guests early on implored us to examine the interplay between our decision making process, governance model, and elections. Luckily, we appear to have had the right witnesses at the right time to properly provide this advisory report to you in advance of you needing to make decisions on some of these items.

We will continue working to outline a potential restructuring of the election office, how campaigns should be regulated, and an examination of the electoral code. We will provide a final report at the conclusion of our work.

EXHIBIT 1: ONCA

<https://theonnc.ca/our-work/our-regulatory-environment/onca/>

Committee editorial: The new ONCA regulations are being proclaimed on 19 October, 2021. Not-for-profit corporations will have three years (by 22 October 2021) to come into compliance with the act. This would suggest our work is very timely, and we're lucky to be engaging our lawyers to ensure compliance anyway. A cursory review of the guidance suggests our recommendations for an external Board of Directors may be determinative within the next three years in deciding how CUSA continues.