

**Western Washington University Associated Students
Student Senate**

Tuesday, May 14, 2013

VU 567

Senators: Christian Correa (Chair) *Present:* Bill Campbell, Sarah Kohout, Joseph Levy, Neil Christenson, Marc Oommen, Matthew Hilliard, Glen Tokola, and Kehla Jefferson-Champion. *Absent:* Evan Fowler and Andrew EntriKin

Advisors: Lisa Rosenberg, Assistant Director of Student Activities;
Victor Celis (AS VP for Academic Affairs)

Secretary: Kaylee Galloway

Guests: Carly Roberts, Hung Le, Polly Woodbury, Josie Ellison, Elesa Yindego, Alex Gittleman, Ben Crowther, Abel Noni, Yusuf Beshir, Mark Winters, Tom Durham, Karin Osnga, Annika Wolters, Shayla Humphrey, Sharon Gitau, Felipe Espinoza, and Zelalem Deneke

MOTIONS

S-13-S-08 Approve the minutes of Tuesday, April 30, 2013. *Passed.*

S-13-S-09 Elect Matthew Hilliard as the new Vice Chair of the Student Senate. *Passed.*

S-13-S-10 Adopt the resolution in support of Vice President for Diversity John Deng Duot. *Passed.*

The meeting was called to order by Christian Correa, Chair at 6:06 pm

I. APPROVAL OF MINUTES

MOTION S-13-S-08 by Christenson
Approve the minutes of Tuesday, April 30, 2013.
Second: Tokola Vote: 8-0-0 Action: Passed

II. REVISIONS TO THE AGENDA

Oommen moved to make Vice Chair Elections 5 minutes and make action item B a resolution that is proposed. Kohout seconded. Correa said that in the bylaws, Senate cannot discuss personnel issues. Oommen suggested suspending the bylaws. Christenson clarified that the resolution is not a personnel issue but rather speaks to a decision of the Board. Celis said that this is still a personnel action of the Board. He said that the Senate would be operating without context because the information is personnel related and therefore confidential. Oommen said that the rules that were passed by the Senate and approved by the Board state that the Senate can suspend the bylaws on an action that would not otherwise be allowed. Celis said that the Senate can suspend the bylaws, but that he advised against it because the entire context would not be presented due to personnel issues being confidential. Campbell reaffirmed Oommen and that this resolution is about the action of the Board and not directly on a personnel matter. He said the 17 guests at meeting are here to speak to the issue. Christenson dittoed. Tokola wondered if the content would ever be released to the Student Senate and the public. Celis said that it is confidential because it is a personnel action that was discussed in executive session of the Board. He said that content and the context is not available to the public. Tokola said that students would not get the context but that it needs to be discussed. Oommen said that the resolution does not talk about the accusations against the VP for Diversity, but rather the process and the actions the Board took. Roberts said that the second be it resolved statement actually requests action to reinstate the individual and compensate for lost wages, which is personnel and budgetary. She reiterated that the motion and the vote were made in public. She said that the discussion is not on public record to protect the individual. She said that is the spirit of having executive sessions at the Board of Directors meetings. She said that things can get confusing, but that the spirit behind this is to protect the

individual in question. Rosenberg said that there are be it resolved statements that address personnel issues and reversing what the Board decided. She said that this resolution is clearly discussing personnel issues. She said that typically when you suspend bylaws, the objectives are not suspended, but rather only process and procedural items. Oommen said that there is a difference between talking about people who were hired and others who were elected. He said that the Student Senate is here to advise the Board. He said that there is a general consensus of the Senate that the Board did not act correctly. He said that the rules should be suspended for these purposes and that the Senate has the authority to do so. He said that the personnel policy specifically states that when it comes to Board members, actions must be taken in a public matter. He said that the executive session is only for discussion and that a performance contract needs to be made public. He said that the Senate is only considering what was done in public and that is in the power of the Senate. Christenson said that this is not about a normal personnel issue, this is about representation. He said that this was done without prior knowledge and a formal public session, which limits students being represented on the Board, especially students who need the most representation. Christenson called to question. Oommen seconded. No objections. Correa said that this issue should not be considered. Christenson moved to appeal the decision of the chair. Campbell seconded. Passed 8-0-0. Vote to revise the agenda passed 8-0-0.

III. PUBLIC FORUM

IV. INFORMATION ITEMS

V. ACTION ITEMS

A. Vice Chair Elections

Hilliard said that he would make a suitable candidate because he has come to nearly every meeting, brings stuff to the senate to discuss, and does his best to follow parliamentary procedure. He said that he always tries to represent the students and to take students perspective into account. He said that Neil Christenson is a more qualified candidate. Christenson said that both would make great Vice Chairs. He commended Hilliard for his efforts. He said that he wrote the Rules of Operations and had chaired a meeting before. Oommen said that both are great candidates and thanked both for the thoughtful discussion. Correa said that they are both very qualified.

MOTION S-13-S-09

Elect Matthew Hilliard as the new Vice Chair of the Student Senate.

Vote: 4-1-1

Action: Passed

B. Resolution

Oommen said the purpose of the resolution is to address the issue regarding the suspension of John Deng Duot as VP for Diversity. He felt that the way the Board went about this process was not transparent and Duot should have been told that this was the action that was going to be taken. He said that the VP for Diversity is here to represent the groups that are most underrepresented, including the 23% students who identify as people of color. He feels that suspending Duot is a miscarriage of justice and takes away that representation. The Board was a split vote and that Carly Roberts and Patrick Stickney were two who voted against the suspension. He said that this needs to be heard tonight or else students will not have a voice. Oommen said that Senate will be disbanded next year and will not have any power. He feels that the Employment Policy was violated because the Board needed to have the AS Personnel Director present at the executive session and a performance contract should have been the first step that occurred in a public manner. He said that it is imperative to have transparency and

that students need to be aware of the process and the accusations that are being made. Roberts said that there is a lot of fear that is being built up about representation being taken away. She said that the VP for Diversity represents all identities not just people of color. She said that people most likely voted for more than just one candidate. She requested that people do not speak for her. She said that the motion and vote was public, but that students should not make assertions about the motivations behind the vote. She feels that Oommen misread the Employment Policy because there is no mention of a required performance contract. She cited the exact language in the policy. She said that Board members signed this policy when they started their employment. Levy wanted to clarify that the Personnel Director was supposed to be there and was not. Roberts said Sara Richards, the Personnel Director, was not at the executive session, but that she cannot give an answer to why. Oommen wondered why a written performance wasn't an option and considered. Celis said that specifics cannot be talked about because it is a confidential personnel issue and only procedural context can be clarified. Oommen wondered if a motion would be in order to request a performance contract. Roberts said that she cannot answer that because it was discussed in executive session and that it is confidential. Oommen said that it is a procedural question. Roberts said that she cannot answer that question because confidential context would be needed. She said that the Board did not do a performance contract so obviously it was not in order according to the discussion in executive session. Celis said that the AS President made the motion in public and that he seconded. Tokola wondered if Sara Richards was invited. Campbell said that in the circumstance, the attendance of the Personnel Director is automatically requested. He said that Deng Duot is a very good friend of his. He also feels that he is one of the hardest working individuals in the AS over the last two years and that he has only missed one BOD meeting and that was recent. He feels that it is the Student Senate's responsibility to represent students and advise the Board. He said that there is a disappointment with the Board and that the Student Senate should hold the Board accountable. He said that many students are frustrated with this process. Campbell fears the Board's process can be subject to a lawsuit. He said that he is familiar with the Employment Policy, the RCW, and the federal laws. He said that there needs to be a non-elected individual in the room while in executive session. He feels that they should have created a performance contract. He thought the spirit and legality of the document was not maintained. Tokola thought that this was very situational and hoped that it could be clarified. Crowther said that it is ironic that Senators would cite the objective of the Senate as a reason to move forward when it clearly states that the Senate will not consider personnel issues. He disagrees with the Senate that this is within their purview. He said that this resolution was done in a haste manner and that many of the criticisms to the Board are relevant here for the Senate. Crowther said that this is not about Deng Duot as a person, this is about whether or not something about his job performance warranted suspension. He said the public does not know what the suspension is about because the conversation happened in executive session. He said that this does not mean that the position was suspended, just the person. It doesn't mean that underrepresented students are not being represented. He said that it might be appropriate to suspend a Board member regardless of the consequences if their job warranted it. Crowther said that personnel issues should not be public because these are very private matters that are sensitive for the individual and the organization. He thinks that the Board is being appropriate in keeping the reasoning of this suspension private. Roberts dittoed. Levy said that there has been some speculation and he doesn't want to add to this. Wolters is in BSU and wanted to let people know that the one Board meeting Duot missed was due to a BSU discussion about internalizing racism and oppression. Rosenberg said that in Campbell's comments, he is stating as fact that no sequential process was followed, but in reality, that is unknown to all but the Board members in the executive session and she would caution stating that as fact because that information has not been made public. Correa said that he would also

caution against assuming that missing one meeting was the cause of the suspension. Espinoza, with the Native American Student Union, noted that the queer community is a broad group. He said that this does affect him and that he takes this very personally because Duot represents him. He said that the other Board members may not relate to that and that is why he feels uncomfortable. He said that there has been a lack of transparency and that his hope has diminished. He sees this as an attack on him and people looking to be represented. He said that this really affects him. Oommen dittoed. Crowther said that as a queer student, issues of diversity are very pertinent. He said that as a queer student, he feels that Duot is his representative just as much as he is for Espinoza. Campbell said that this is a matter of diligence even if perceived as haste. Oommen apologized for making generalizations about Roberts. He acknowledged that there are many unknowns, but that what is known is that a Board member has been suspended. He said that this might be a personnel issue, but believes that the Board passed rules that allow the Senate to talk about things outside the bylaws. He said the Senate can talk about anything that it wants per the rules. He thinks that this conversation is under a special purview of the Senate because it serves as an advisory group to the Board. He thinks the VP for Diversity has done a great job. He said that Duot has a vote of confidence because he was re-elected. Christenson said that as a queer student, Duot represents him as well, and that he has other representatives on the Board too. He said that notwithstanding the legal ramification and personnel matters, the action the Board took to deprive students of their representative with no prior notice is ethically wrong and reprehensible. He believes that the members who initiated this process deserve his personal censure. He believes that it was wrong, shady, and not done in a proper and respectful manner. He thinks the Board should be told they were wrong and should correct their action. Several students clapped and Oommen dittoed. One concerned student said that this is a really important matter for him. He said that he respects Duot and the work that he has done. He said that the board did not follow the policy to suspend Duot without pay and that this is really shady. He said that it seems like some people might have a personal problem with Duot and that the action of the board is unethical. He is ashamed of the elected officials and lost faith in the Board. He said that this is a way for the Senate to help solve the problem. Roberts said that the process was followed. She said that there is need for some re-writing of the process to provide more clarity. She said that students do not have all of the context and she has provided as much information as possible. She said that there was an unelected person in executive session and that was Kevin Majkut who is the advisor of the Board who is very knowledgeable. Roberts said that there are performance evaluations done in the winter that are discussed and signed by both parties. The fact that there were evaluations completed is public knowledge. Roberts is available as a resource and encouraged people to talk with her. She said that the spirit of the process is to protect the individual. She said that procedurally, a body like the Senate cannot invest authority in itself and the spirit to suspend bylaws is a procedural thing, and they can suspend the bylaws, but that their power is limited. Crowther said that he is disappointed and uncomfortable with the fact that the conversation got personal and pointed out and condemned Board members. He said that Duot's suspension should not be viewed as people not being represented. He noted that suspensions should be based on performance and they do not know how or why this decision was made. He said that if someone feels that Duot was suspended because he is the VP for Diversity that is different, but no one is saying that. He would like to focus on the procedure if that is what the issue is. Hilliard understood that it is not in the Senate purview to question personnel issues, but he asked who else advises the Board on these issues. He wanted to emphasize that the policy says that the Personnel Director needs to be in attendance at the executive session and that the policy was not followed. He said that he was not given context to why Duot was suspended, but that people alluded to Duot's absence at one Board meeting as the reason. He said that he emailed board members looking

for answers and that they responded saying that it was a personnel matter and therefore confidential. He respects that and doesn't want to pry into sensitive information. He said that an evaluation is not the same as a performance contract. Roberts said that she never meant to allude that the evaluation and performance contract are the same, but highlighted that there was an evaluation as far as the sequential steps taken that discussed issues and areas for improvement. Christenson said that some of his remarks are personal and not made as the Senator of his college. He said that Roberts is very right and that the board is not obligated to take advice from the Senate. He moved to take a recess before a vote. Jefferson-Champion seconded. Oommen wanted to point out that even though the Senate does not have the authority to make a binding decision, the Senate is calling on President Glemaker and the other board members. He said that it is in students' rights to know what the charges are and to be able to speak on them before the decision was made. He said that students should have a say in the process. He encouraged people to attend the next BOD meeting. Three dittoed. Gitau said that there are only a few weeks left and that Duot is needed to represent students of color. She said that there should be more transparency and that it should be up to the students to decide. Humphrey said she is involved with BSU and on Steering Council. She said that it takes a special individual to run for VP for Diversity because there are many students who need to be represented. She said that a majority of people at Western are straight and white and they dominate campus. She said that queer students and students of color are underrepresented. She said that decisions like this make students of color actually not want to go to school at Western which decreases diversity on campus. She said that it is not just about color of skin and that diversity is broad. She said that this is not a personal issue. Campbell said that Senate capacity to hear the issue and suspend the bylaws has been questioned. He said that there is a clear reason for why the bylaws were suspended. He said that there are many people here to talk about this issue. He said that students are here to have their voices heard on an issue that they are passionate about. He believes in the effort that John Deng Duot has done as VP for Diversity the past two years. He said the Employment Policy not being legally followed is personal. He said that it is a gross misrepresentation and that this is a personal issue for him. He said that he hopes that the Senate voice is heard. Tokola said that last week, it was considered whether the Senate should remain. He said that if the Senate had been suspended, then this conversation would not have happened. He said that the Board as a whole represents everyone, but that Duot's position in specific is to represent underrepresented students. Christenson said his issue is with the process. Christenson moved to recess and adjourn after vote. Tokola seconded. Passed 8-0-0. Meeting called back at 7:38pm.

MOTION S-13-S-10 *by Oommen*

Adopt the resolution in support of Vice President for Diversity John Deng Duot.

Second: Christenson Vote: 7-0-1 Action: Passed

VI. DISCUSSION ITEMS

A. General Education Reframing

Tabled until next meeting.

VII. SENATOR REPORTS/CONCERNS

VIII. BOARD REPORT/CONCERNS

IX. OTHER BUSINESS

The meeting was adjourned at 7:39 pm

Approved by Victor Celis, AS VP for Academic Affairs