



Form 125 (Rule 51A (12))

IN THE SUPREME COURT OF BRITISH COLUMBIA

Re: Societies Act, *University Act* and
Thompson Rivers University Act

BETWEEN:

Nicholas Byers and Brent Foster

PETITIONER

AND:

Cariboo College Student Society

RESPONDENTS

OUTLINE

Part I

The following relief will be sought at the hearing:

1. *An order that gets the referendum of the Cariboo College Student Society deemed invalid*

Part II

Basis for seeking relief:

1. The University Act requires a referendum be past by the Student Society, not the federal student organization. The CSS claims that the referendum was a referendum of the Federation, not their own. Therefore, the university is not obligated to collect fees on their behalf.
2. The by-laws of a Society are a contract between the society and it's members.. The council does not have the authority to electively disregard the by-laws, and doing so violated the rights of the members.
3. The Student Society never formally called the referendum. only set the dates of it.
4. The Student Society did not give authority to the Federation to conduct a referendum of the members. The Federation began this referendum without any formal request from the student society, and the Federation by-laws state that the local association (student society) has the sole authority to begin, by petition, a referendum to federate.

5. The electoral committee which also governs referendums must consist of only members of the society under the CSS bylaw 18 - 5 , only one member of the ROC was a member of the society
6. For a fair referendum to occur those overseeing the referendum should be of a non-partisan nature. Those on the ROC did stand to profit from the outcome of the referendum and therefore had reason to bias the vote.
7. Under CSS bylaw 14, section 2 - 2: The chair of the must be voted on by the society board of directors, and this was not done, and there was no clear chair of the committee. In a committee of four, there was no clear way to resolve tie votes.
8. The council is prohibited from endorsing any side in the referendum under CSS bylaw 18 - 9. The council not only formally voted to endorse the Yes side, the president wrote a letter that was printed in The Federations hand-outs that encouraged voters to vote yes. The President is also a member of the ROC . This by-law exists for the sole purpose of protecting the members from an unfair referendum process.
9. Under CSS Any referendum altering the fees collected requires a petition with no less that 200 signatures. This was not done.
10. Under Federation by-laws a petition of no less than 10% of the membership was required to call the referendum, and was not done.
11. No appeals committee was struck as is required by the Federation by-laws . The claim is that no reasonable complaint was received within 24 hours of the closing of the polls. The Student Society was served with the notice of hearing for an injunction before the first day of voting.
12. All No campaign material was required to be approved by the ROC, which was entirely for the Yes Campaign. Using this rule, No campaign materials were removed from poster boards, even though the students putting them up did not know they needed approval.
13. The voting process was geared to intimidate the voters into voting Yes by having a Federation member present at all voting stations. There was not private voting booth, votes were cast in front of the poll clerks and Federation members. Each ballot was then in an envelope that was labels with the members name. This gives the voter the impression that his vote can be identified. This was done to intentionally sway the vote in favor of a Yes vote.
14. Insufficient notice of both the referendum and the rules was given to students to create a No campaign. Students were informed of the referendum on January 18, 2006. The Federation was aware of the referendum months in advance and had substantially more time to prepare.
15. The rules were not made available, nor any attempt was made to inform members of the rules for campaigning.

16. There is no record of the votes or motions of the ROC that have been made available. It is unclear if any such meetings occurred. The committee was struck with two members from each society to ensure fairness in the rules and conduct. It is unclear if the student society had fair say in the referendum process.

Dated: March 30/2006 Baet Ford
Party [or party's solicitor]