

University Statement of Facts

In the Fall of 2009, University of Guelph undergraduate students initiated two petitions under the CFS-N and CFS-O (“CFS”) Bylaws to hold a referendum on the continuation of their membership in the CFS. Both organizations refused to hold decertification referenda at the University of Guelph despite the delivery of these petitions. CSA, supporting its members, sought a court order to require the CFS to hold decertification referenda as requested by the students through their petitions. The results of the court supervised referendum held in April 2010 was that 73.51% of voting students voted to discontinue membership with the CFS. The University was advised that the CSA had notified the CFS-O that its membership in the CFS-O was terminated effective immediately and had notified the CFS-N that the CSA’s membership in the CFS-N would cease as of June 30, 2010. The University was also advised by CSA that acceptance of the Referendum by CFS was uncertain at that time and consequently, CSA requested that the University continue to collect the CFS fees.

In 2012, the University advised the CSA of its growing concern that the parties had had two years to try to resolve their difficulties with no apparent progress in sight. The University advised the CSA that it was already holding over \$500,000 in trust, and another year would add another \$250,000. The University took the position that without any perceived movement on this matter, it could not continue to collect a membership fee that students had by way of a referendum, overwhelmingly rejected. The University urged the CSA to resolve the matter. Recognizing the financial cost of the continued CFS legal challenges, the University again offered to provide support to the CSA.

In the latter half of 2012, the University was advised that the CSA Board of Directors, in numerous closed sessions, determined that rather than continuing with the legal challenges, it would settle with the CFS and undergraduate students would remain members and pay fees. The CSA informed the University of this decision and in November 2012, asked the University to resume the collection of CFS fees.

While the University took no position on whether the CSA should remain members of the CFS, the University voiced its concern that without the CSA actively taking steps to canvas the wishes of the undergraduate students, it was impossible to know whether the decision made in closed session, fairly and substantially represented the wishes of the student body. The University noted that on the one occasion when undergraduate students were directly asked to express their wishes regarding membership in the CFS, the overwhelming response was to leave. In an effort to reach consensus on how to proceed, the University met with the CSA and its legal counsel in January and February 2013 and encouraged them to take steps to consult with the undergraduate students. On January 18, 2013, the CSA posted an information sheet on its website: http://www.csaonline.ca/files/2013/01/CFS_Facts_20130118_public.pdf

In early March, the University wrote to the CSA and offered to collaborate in order to send a survey to Guelph students asking if undergraduate students wished to continue the ongoing legal dispute over CFS membership. The University indicated that if the results of the survey were against a continuation of the ongoing legal dispute over CFS membership, the University would commence the collection of CFS membership fees starting fall 2013-14. If the survey was in favour of a continuation of the ongoing legal dispute over CFS membership, the University agreed to commence the collection of monies equal to the CFS membership fees for the year 2013-14 during which time the CSA would take all reasonable steps to move the ongoing legal dispute regarding CFS membership forward to a resolution. The monies collected in 2013-14 would be held in trust by the University and any distribution of those monies would be determined by the courts or as otherwise agreed to by the University and CSA. If the ongoing legal dispute was not resolved by June 2014, the University agreed to reconsider the collection of monies for 2014-15 based on the circumstances at that time. If the

students voiced a preference for continuing with legal action, the University noted its willingness to help the CSA address the financial challenges of doing so.

In the first week of April 2013, the University learned that the CSA, in closed session and without notice of motion, passed the following:

BIRT, the CSA pursue a joint application with the CFS against the University regarding the collection of CFS membership fees,

BIFRT, the joint application seek court orders for the University to:

1. Remit the CFS membership fees collected in trust to the CSA,
2. Resume the collection of CFS membership fees immediately, and
3. To remit the equivalent of any uncollected CFS membership fees to the CSA

BIFRT, the CSA Board of Directors empower the Executive Committee to coordinate this application until a court decision is made with regular updates to the Board of Directors.

On April 3, 2013 the CSA posted the following update on its webpage:

<http://www.csaonline.ca/files/2013/01/2013-04-03-Press-Release-re-Joint-Application-and-CFS-Communication.pdf>

In order to assist the University in determining whether to resume collection of CFS fees, the University is now proceeding to canvas the wishes of the undergraduate students.