

ONTARIO COURT (GENERAL DIVISION)

B E T W E E N:

CANADIAN FEDERATION OF STUDENTS
CANADIAN FEDERATION OF STUDENTS ONTARIO

Plaintiffs

- and -

THE STUDENTS' FEDERATION OF THE UNIVERSITY
OF OTTAWA - LA FEDERATION DES ETUDIANTS DE
L'UNIVERSITE D'OTTAWA, INC.

Defendant

DEFENDANT AFFIDAVIT

I, MICHAEL MANCINELLI, of the City of Ottawa in the Regional Municipality of Ottawa-Carleton, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Deputy Chairperson of the Plaintiff, The Canadian Federation of Students ("CFS") and as such have knowledge of the matters hereinafter deposed to except where stated to be on the basis of information and belief.
2. The Plaintiff CFS is a corporation incorporated under the Canada Incorporations Act with its head office in the City of Ottawa in the Regional Municipality of Ottawa-Carleton, in the Province of Ontario. The Canadian Federation of Students Ontario ("CFS Ontario") is a corporation incorporated under the Ontario Corporations Act with its head office in the City of Toronto in the Province of Ontario.
3. CFS Ontario is the provincial component of the Plaintiff CFS and has been since March of 1993. In 1993, the Ontario Federation of Students ("OFS") became the Canadian Federation of Students Ontario.

4. The Defendant is a member of both CFS and CFS Ontario. On February 8 and 9, 1995 the Plaintiffs brought a motion before Mr. Justice Chilcott of the Ontario Court (General Division) seeking to enjoin the Defendant from holding a referendum at the University of Ottawa scheduled for February 13, 14, and 15, 1995 relating to the issue as to whether the Defendant should maintain its membership in the Plaintiffs until such time as representatives of the Plaintiffs were authorized to attend on campus and campaign in such a referendum. The by-laws of the Plaintiffs allow representatives of the Plaintiffs to attend on campus for the purposes of campaigning in such a referendum, however, the Regulations passed by the Defendant on January 15, 1995 sought to prohibit such participation. A copy of the Notice of Motion and Affidavit filed, without exhibits attached, is found as Exhibit "A" to this Affidavit.

5. In a decision rendered on February 9, 1995 Mr. Justice Chilcott ordered that the Defendant be enjoined from holding a referendum at the University of Ottawa scheduled for February 13, 14 and 15, 1995 relating to the issue as to whether the Defendant should maintain its membership in the CFS and the CFS Ontario. In so doing, Mr. Justice Chilcott ordered that the referendum be rescheduled and held on March 20, 1995. The campaigning for such a referendum will begin on March 13, 1995 at 12:01 a.m.. The order of Mr. Justice Chilcott also requires the Plaintiffs to pay the costs of the referendum and imposes no restriction as to the people that can campaign or the amount of funds which can be spent on the campaign with respect to the issue as to whether the Students Federation of the University of Ottawa should maintain its membership in the Plaintiffs. A copy of the order of Mr. Justice Chilcott is attached as Exhibit "B" to this Affidavit.

6. I am advised by Monique Couture, an associate with Gowling, Strathy & Henderson who attended at the hearing of the motion with respect to this injunction, and do verily believe that at the hearing of the matter Mr. Justice Chilcott addressed himself to the length and day on which the referendum would be held. In so doing, counsel for the Defendant was given an opportunity to make submissions and made no submissions with respect to the percentage of participation as it related to the number of days on which the referendum was to be held. Mr. Justice Chilcott clearly indicated that the referendum was to be held on Monday,

March 20, 1995. A copy of the transcript of the exchange of counsel and Mr. Justice Chilcott's reasons is attached as Exhibit "C" to this Affidavit.

7. On or about August 8, 1994 as part of providing notice to the Plaintiffs as to the pending referendum the Defendant filed with the Plaintiff By-Law No. 4 relating to elections and referendums of the Defendant. Under Article 4.12.4.1 it is stated that, "In order for the result of a referendum to be valid, 12% of all members of the Federation must have exercised their right to vote." A copy of these Regulations are found as Exhibit "D" to this Affidavit.

8. In the interim, on January 15, 1995 the Board of Administration of the Defendant passed new Regulations with respect to the conduct of the referendum. These new Regulations do not address the issue of requisite percentage of participation to ensure the validity of the referendum.

9. The constitution and by-laws of the CFS at Article 2(a)(iv)(d) states, "Quorum for a withdrawal referendum shall be that of the member local association or five percent (5%) of the individual members of the member local association, whichever is higher.". A copy of this provision of the membership by-laws is attached as Exhibit "E" to this Affidavit.

10. This Affidavit is sworn for the purposes of opposing a motion by the Defendant to vary the order of Mr. Justice Chilcott dated February 9, 1995.

SWORN BEFORE ME AT
the City of Ottawa
in the Regional Municipality
of Ottawa-Carleton
this 2nd day of March, 1995


A Commissioner etc.


MICHAEL MANCINELLI

Brenda Jean Goddard, a Commissioner, etc.,
Province of Ontario, while a student-at-law
Expires : August 29, 1997

ONTARIO COURT (GENERAL DIVISION)

B E T W E E N:

CANADIAN FEDERATION OF STUDENTS
CANADIAN FEDERATION OF STUDENTS ONTARIO

Plaintiff

- and -

THE STUDENTS' FEDERATION OF THE UNIVERSITY
OF OTTAWA - LA FEDERATION DES ETUDIANTS DE
L'UNIVERSITE D'OTTAWA, INC.

Defendant

NOTICE OF MOTION

The Plaintiff will make a Motion to a Judge on Friday the 3rd day of February, 1995 at 9:00 o'clock in the forenoon or as soon after that time as the Motion can be heard at the Ottawa Courthouse, 161 Elgin Street, Ottawa, Ontario.

THE MOTION IS FOR:

- (a) An interim and interlocutory injunction enjoining the Defendant, its directors, officers, servants, agents and employees from holding a referendum at the University of Ottawa scheduled for February 13, 14 and 15, 1995 relating to the issue as to whether the Defendant should maintain its membership in the Canadian Federation of Students and the Canadian Federation of Students Ontario until such time as representatives of the Canadian Federation of Students and the Canadian Federation of Students Ontario are authorized to attend on campus and campaign in such a referendum which has been properly constituted under the by-laws of the Student Federation of the University of Ottawa, the Canadian Federation of Students and the Canadian Federation of Students Ontario and allows the Canadian Federation of Students and the Canadian Federation of Students Ontario

Arenda Jean Goddard, a Commissioner, etc.,
Province of Ontario, while a student-at-law
Expires : August 29, 1997

THIS IS EXHIBIT "A" TO THE AFFIDAVIT
OF MICHAEL MANCINELLI
SWORN BEFORE ME THIS 2nd
DAY OF MARCH 1995

the same period of time to campaign in that referendum as extended to other participants.

- b) An Order abridging the time for service;
- (c) The costs of this motion on a solicitor-client basis; and
- (d) Such further and other relief as to this Honourable Court may seem just.

THE GROUNDS FOR THE MOTION ARE:

- (a) The Defendant is in breach of the by-laws of the Canadian Federation of Students Ontario to which it is a member;
- (b) The Defendant is in breach of the laws of natural justice;
- (c) There is a serious issue to be tried, the balance of convenience favours the granting of the injunction and without such an Order the Plaintiff will suffer irreparable harm;
- (d) Rule 40.01 of the *Rules of Civil Procedure* and ss. 101(1) of the *Courts of Justice Act*, R.S.O. 1990 c. C43;

THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING OF THE MOTION:

- (a) the Affidavit of Guy Caron sworn on February 2, 1995 and the Exhibits attached thereto;
- (b) such further and other material as Counsel may advise and this Honourable Court may permit.

Date: February 2, 1995

GOWLING, STRATHY & HENDERSON

Barristers & Solicitors
160 Elgin Street, Suite 2600
Ottawa, Ontario
K1P 1C3

Todd J. Burke
(613) 232-1781
Solicitors for the Plaintiff

TO: SEGUIN LANDRIAULT LAMOUREUX

Barristers and Solicitors
141 Laurier Ave., W., Suite 110
Ottawa, Ontario, K1P 5J3
613) 236-9141

François L. Lamoureux
Solicitors for the Defendant

ONTARIO COURT (GENERAL DIVISION)

B E T W E E N:

**CANADIAN FEDERATION OF STUDENTS
CANADIAN FEDERATION OF STUDENTS ONTARIO**

Plaintiffs

- and -

**THE STUDENTS' FEDERATION OF THE UNIVERSITY
OF OTTAWA - LA FEDERATION DES ETUDIANTS DE
L'UNIVERSITE D'OTTAWA, INC.**

Defendant

AFFIDAVIT

I, GUY CARON, of the City of Ottawa in the Regional Municipality of Ottawa-Carleton,
MAKE OATH AND SAY:

1. I am the Chairperson of the Plaintiff Canadian Federation of Students ("CFS") and as such have knowledge of the matters hereinafter deposed to.
2. The Plaintiff CFS is a corporation incorporated under the Canada Corporations Act with its head office in the City of Ottawa in the Regional Municipality of Ottawa-Carleton, in the Province of Ontario. The Canadian Federation of Students Ontario ("CFS Ontario") is a corporation incorporated under the Ontario Corporations Act with its head office in the City of Toronto in the Province of Ontario. Attached hereto and marked as Exhibit "A" to this my Affidavit is a true copy of the By-Laws of the Plaintiff CFS. Attached hereto and marked as Exhibit "B" to this my Affidavit is a true copy of the By-Laws of the Plaintiff CFS Ontario.

3. CFS Ontario is the provincial component of the Plaintiff and has been since March of 1993. In 1993 the Ontario Federation of Students ("OFS") became the Canadian Federation of Students Ontario.

4. Under Article VII(5) of the By-Laws of the Plaintiff CFS the provincial component, CFS Ontario, is automatically a member of the Plaintiff CFS.

5. The Defendant is a corporation incorporated under the Ontario Corporation's Act and is located and carries on activities at the University of Ottawa and is a member of the Plaintiffs. The Defendant is governed by the By-Laws of the Plaintiff CFS and the Plaintiff CFS Ontario.

6. The Defendant became a member of the OFS by referendum. In or about 1993, the OFS became CFS Ontario. As a result, the Defendant became a member of both the Plaintiff CFS and the Plaintiff CFS Ontario component. By becoming a member they agreed to comply with the by-laws of the Plaintiff CFS and the Plaintiff CFS Ontario.

7. The By-Laws of the Plaintiff CFS Ontario state at Article 3.0.5(a) that "during referenda concerning membership in the Federation, representatives of the Federation, or its designates must have the freedom to provide information to members of the Federation at the member

campus holding said referendum".

8. The Defendant has scheduled a referendum at the University of Ottawa, Ontario on February 13, 14 and 15, 1995 in order to determine the student body's wishes concerning continued membership of the Defendant in the Plaintiff organizations. At present, all existing members of the Defendant are also members of the Plaintiffs.

9. On January 15, 1995, the Defendant's Board of Administration ratified Elections and Referendum Regulations (the "Regulations"), which at clause 14(b) effectively prohibits representatives of the Plaintiffs, its agents and assigns who are not members of the Defendant from campaigning on campus, soliciting votes, and inciting voters to vote or abstain from voting for particular candidates or referendum questions. Attached hereto and marked as Exhibit "C" to this my Affidavit is a true copy of clause 14(b) of the Regulations.

10. On or about January 31, 1995, our lawyers wrote to Simon Petit, Elections Convenor of the Defendant, in order to advise that clause 14(b) of the Regulations was a breach of Article 3.0.5(a) of the By-Laws of the Canadian Federation of Students - Ontario. They requested that the Plaintiff be authorized to campaign on campus with respect to the referenda issue concerning the Defendant's membership in the Plaintiff. Attached hereto and marked as Exhibit "D" to this my Affidavit is a true copy of our lawyers' letter of January 31, 1995.

11. On or about February 1, 1995 I received a letter from the Defendant's lawyer, Francois Lamoureux of the law firm Seguin, Landriault, Lamoureux, stating that any person not complying with the Regulations would be expelled from campus. Attached hereto and marked as Exhibit "E" to this my Affidavit is a true copy of Mr. Lamoureux's letter.

12. On or about February 1, 1995, our lawyers responded to Mr. Lamoureux's letter and advised that it was the Plaintiffs' position that clause 14(b) of the Regulations is a clear contravention of the By-Laws of the Plaintiff CFS Ontario and that steps taken under this clause are in breach of the Defendant's contractual obligations with the Plaintiffs. Attached hereto and marked as Exhibit "F" to this my Affidavit is a true copy of the letter of February 1, 1995.

13. On or about February 1, 1995, I received a letter from Simon Petit, Elections Convenor for the Defendant, confirming the Defendant's position that anyone found violating the Regulations will be penalized appropriately. Attached hereto and marked as Exhibit "G" to this my Affidavit is a true copy of the Petit letter of February 1, 1995.

14. On or about February 2, 1995 I received a letter from Pierre-Yves Boucher, Secretary of the University of Ottawa, authorising the University Protection Services to proceed against any person infringing the Regulations under the trespass law of Ontario. Attached hereto and marked as Exhibit "H" to this my Affidavit is a true copy of the Boucher letter.

15. It is my belief that the Defendant is attempting to bar the Plaintiffs from freely participating in the campaign relating to the pending Referendum, contrary to the Defendant's contractual obligations. The Plaintiffs' participation in the Referendum is essential to the referendum process and is in accord with the Defendant's already existing contractual obligations.

16. The Plaintiffs will suffer irreparable harm should the Referendum proceed, as scheduled. The reputation of the Plaintiffs is at stake. It stands to lose a number of its members should the referendum be decided against the interests of the Plaintiffs. Campaigning has already begun at the University of Ottawa campus and the Defendant's refusal to allow the Plaintiff to participate has jeopardised the Plaintiffs' ability to set forth its position and to respond appropriately to the criticisms and concerns being levelled against it. Moreover, the financial loss attributable to the withdrawal of the Defendant cannot be quantified over the long term.

17. The Defendant continues to refuse to allow the Plaintiff to campaign on campus with respect to the Referendum other than under those limited conditions as set out in Mr. Petit's letter of February 2, 1995.

18. I swear this affidavit in support of the Plaintiff's motion for an interlocutory injunction and for no other or improper purpose.

SWORN BEFORE ME AT
the City of Ottawa
in the Regional Municipality
of Ottawa-Carleton
this 2nd day of February, 1995.

A Commissioner etc.

Guy Caron

B E T W E E N:

CANADIAN FEDERATION OF STUDENTS ET AL. -AND-

**THE STUDENT'S FEDERATION OF THE UNIVERSITY OF
OTTAWA-LA FEDERATION DES ETUDIANTS DE L'UNIVERSITE
D'OTTAWA, INC.**

Court File No. 88989/95

ONTARIO COURT (GENERAL DIVISION)

Proceeding commenced at Ottawa, Ontario

AFFIDAVIT

**GOWLING, STRATHY & HENDERSON
Barristers & Solicitors
Suite 2600
160 Elgin Street
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K1P 1C3
(613) 232-1781**

**John G. Jaworski/Todd J. Burke
Solicitors for the Plaintiff
Canadian Federation of Students**

ONTARIO COURT (GENERAL DIVISION)

BEFORE THE HONOURABLE) THURSDAY, THIS 9TH DAY OF
JUSTICE CHILCOTT) FEBRUARY, 1995

B E T W E E N:


CANADIAN FEDERATION OF STUDENTS
CANADIAN FEDERATION OF STUDENTS ONTARIO

Plaintiffs

Brenda Jean Goddard, a Commissioner, etc.,
Province of Ontario, while a student-at-law
Expires : August 29, 1997

- and -

THE STUDENTS' FEDERATION OF THE UNIVERSITY
OF OTTAWA - LA FEDERATION DES ETUDIANTS DE
L'UNIVERSITE D'OTTAWA, INC.

THIS IS EXHIBIT "B" TO THE AFFIDAVIT
OF MICHAEL MANCINELLI
SWORN BEFORE ME THIS 2nd
DAY OF MARCH 1995


Defendant

ORDER

THIS MOTION made by the Plaintiffs for an interim and interlocutory injunction enjoining the Defendant, its directors, officers, servants, agents and employees from holding a referendum at the University of Ottawa scheduled for February 13, 14 and 15, 1995 relating to the issue as to whether the Defendant should maintain its membership in the Canadian Federation of Students and the Canadian Federation of Students Ontario until such time as representatives of the Canadian Federation of Students and the Canadian Federation of Students Ontario are authorized to attend on campus and campaign in such a referendum which has been properly constituted under the by-laws of the Student Federation of the University of Ottawa - Students Federation of the University of Ottawa - La Federation des Etudiants de L'Universite D'Ottawa, Inc., the Canadian Federation of Students and the Canadian

Federation of Students Ontario and allows the Canadian Federation of Students and the Canadian Federation of Students Ontario the same period of time to campaign in that referendum as extended to other participants; and for an Order abridging the time for service of the motion material; and, for an Order for the costs of the motion, was heard on February 3, 8 and 9, 1995, at Ottawa, Ontario.

ON READING the Motion Records of the Plaintiffs and the Defendant, the Supplementary Motion Record of the Defendant, and the Supplementary Affidavit of Guy Caron sworn February 8, 1995, and on hearing the submissions of counsel for the Plaintiffs and Defendant,

1. **THIS COURT ORDERS** that the Defendant, its directors, officers, servants, agents and employees are enjoined from holding a Referendum at the University of Ottawa scheduled for February 13, 14 and 15, 1995, relating to the issue as to whether the Defendant should maintain its membership in the Canadian Federation of Students and the Canadian Federation of Students Ontario. This injunction relates solely to the Referendum question which asks students, "Do you wish to remain a member of the Canadian Federation of Students and its affiliated organizations".

2. **THIS ORDER** is effective from February 9, 1995 until 12:00 midnight the morning of March 20, 1995.

3. **THIS COURT ORDERS** that the Referendum with respect to the issue as to whether the Students Federation of the University of Ottawa - La Federation des Etudiants de L'Universite D'Ottawa, Inc. should maintain its membership in the Canadian Federation of Students and the Canadian Federation of Students Ontario, shall be held on March 20, 1995.

4. **THIS COURT ORDERS** that the campaign for the Referendum with respect to the issue as to whether the Students Federation of the University of Ottawa - La Federation des Etudiants de L'Universite D'Ottawa, Inc. should maintain its membership in the Canadian Federation of Students and Canadian Federation of Students Ontario shall commence at 12:01 a.m. on March 13, 1995.

5. **THIS COURT ORDERS** that the Plaintiff will pay the costs of the Referendum with respect to the issue as to whether the Students Federation of the University of Ottawa - Students Federation of the University of Ottawa - La Federation des Etudiants de L'Universite D'Ottawa, Inc. should maintain its membership in the Canadian Federation of Students and the Canadian Federation of Students Ontario.


6. **THIS COURT ORDERS** that there will be no restriction as to the people who can campaign or the amount of funds which can be spent on the campaign with respect to the issue as to whether the Students Federation of the University of Ottawa - Students Federation of the University of Ottawa - La Federation des Etudiants de L'Universite D'Ottawa, Inc. should maintain its membership in the Canadian Federation of Students and the Canadian Federation of Students Ontario.

7. **THIS COURT ORDERS** that if any further directions are required with respect to this matter they shall be brought back before this Court.

8. **THIS COURT ORDERS** that the costs of the motion are left to the discretion of the Judge hearing the trial of this matter.

ENTERED AT: OTTAWA
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Feb 10/95





B E T W E E N:

CANADIAN FEDERATION OF STUDENTS ET AL. -and -	THE STUDENTS' FEDERATION OF THE UNIVERSITY OF OTTAWA - LA FEDERATION DES ETUDIANTS DE L'UNIVERSITE D'OTTAWA, INC.
Plaintiffs	Defendant

Court file No. 88989/95

ONTARIO COURT (GENERAL DIVISION)

Proceeding commenced at Ottawa

ORDER

GOWLING, STRATHY & HENDERSON
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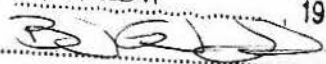
JOHN G. JAWORSKI/TODD J. BURKE
(613) 232-1781

Solicitors for the Plaintiff

Box 145

88989/95

ONTARIO COURT OF JUSTICE
(GENERAL DIVISION)

THIS IS EXHIBIT "C" TO THE AFFIDAVIT
OF MICHAEL MANCINELLI
- between - SWORN BEFORE ME THIS 2nd
DAY OF MARCH 19 95


CANADIAN FEDERATION OF STUDENTS (ONTARIO),
Plaintiff Brenda Jean Goddard, a Commissioner, etc.,
Province of Ontario, while a student-at-law
Expires : August 29, 1997

- and -

STUDENTS FEDERATION OF THE UNIVERSITY OF OTTAWA/
FEDERATION DES ETUDIANTS DE L'UNIVERSITE D'OTTAWA.
Respondent.

* * * * *

ORAL REASONS ON APPLICATION FOR INJUNCTION
given at the Ottawa Court House
on February 9th, 1995 (Chilcott J.)

* * * * *

A P P E A R A N C E S :

Mr. John G. Jaworski,
Mr. Todd J. Burke,

Counsel for Plaintiff

Mr. Ronald Landriault,
Mr. François Lamoureux,

Counsel for Respondent

Ottawa, Ontario,

February 9th, 1995 (11:00 A.M.)

(PURSUANT TO SUBMISSIONS BY COUNSEL)

THE COURT:

Well, if I do it, I'm going to give you one week to campaign, and that will be the week of the 6th, and hold it on the 13th, the referendum. I don't think you need two weeks.

MR LANDRIAULT:

I'm told that it cannot be done in less than twenty days, because some nominations - or at least some steps have to be taken, according to the rules.

THE COURT:

What can be less than twenty days? Do you mean the holding of it?

MR LANDRIAULT:

The holding of it, yes.

And of course, the election people have to resign, and if they have to appoint new people or scrutineers, well, I don't know.

THE COURT:

Well, what if I allow the campaign for the week of the 13th, and the election would be the 20th or March. How is that?

MR JAWORSKI:

It is satisfactory to us, your honour.

THE COURT:

Yes? How about that?

MR LANDRIAULT:

Well, it's difficult to envisage, your honour. All the steps that would have to be taken--

THE COURT:

I'm trying to accommodate you.

MR LANDRIAULT:

I appreciate that.

THE COURT:

I am mindful; I can make it a week later if you like.

MR LANDRIAULT:

My own inclination is that it should be sooner but I am told that there are some very difficult problems in holding it sooner, because it seems to me that to hold it later will mean a protracted campaign that will start even before the campaign period, and there is little that can be done.

THE COURT:

Well, that was my concern. I am moving it back because of the instructions that you are obviously given. I am trying to accommodate you.

MR LANDRIAULT:

I am told that new staff would have to be hired, and that is why it cannot be much before the

20th.

THE COURT:

Well, I'm suggesting the campaign start on the week of the 13th. That is a Monday, and that the referendum - if I so decide - be held on the 20th.

MR JAWORSKI:

It's going to be difficult. It may be feasible but it will be difficult.

THE COURT:

That gives you four weeks from today.

(Mr. Landriault consults with respondents)

MR LANDRIAULT:

I am told that these dates might work, your honour.

THE COURT:

I'm sorry?

MR LANDRIAULT:

I'm told that the 13th to the 20th might be appropriate dates if your honours so decides.

THE COURT:

Alright. We'll take fifteen minutes and I'll be back with something.

---(UPON RECESSING AT 12:30 P.M.)

---(UPON RESUMING AT 12:45 P.M.)

MR LANDRIAULT:

Your honour, I wonder if I may address a problem that has arisen during recess?

THE COURT:

Yes.

MR LANDRIAULT:

I have been asked by the defendants if your honour would consider limiting participation in the campaign to the elective persons and volunteers, rather than have employees that are paid, and the problem that this creates -- and I am not sure what your honour's decision will be, but I gather from the conversations that we've had that you are inclined to set a new date for the referendum.

Now, what happens to all the election and referendum rules that were set? What happens to the expenditure limit? What happens to the dates that are set in there? What happens to the approval of material? Is your honour's decision such that it is invalidating the regulation for referendums that was passed on January 15th?

THE COURT:

No.

MR LANDRIAULT:

So that the limit of expenditures would still be two hundred dollars?

THE COURT:

Well, I am presuming now, unless we are going to go right back to the six months where

everything is going to be approved, that the election-- and I'll tell you: I'm going to grant the injunction. The election is going to be in accord with the rules that are presently in place. The only thing I am doing is giving them a chance to campaign and come on the campus.

MR LANDRIAULT:

Wouldn't the rules as they exist with the two hundred dollars--

THE COURT:

The rules that have been set down. Otherwise we're going to get into the whole thing and I'm not going to do that.

MR LANDRIAULT:

Well, so that we are not back here before you or somebody else within two or three weeks-- I wanted to be clear that the rules, the way they are set up: the two hundred dollars includes the salaries of employees. So if for one day, fifteen employees from the National Federation show up on campus, they are already in breach. That is what the by-laws say. There is no objection to elected persons, the president, and Mr. Hunt and Mr. Caron, but if we go beyond that, then we are clearly in breach, so-

THE COURT:

Well, I am then going to get into-- I'm going to be out there running the election myself !

MR JAWORSKI:

Well, that is exactly the problem. He is assuming that anybody who comes on site is going to be someone who is being paid, and being paid to be there, and we already know they have got people who are paid to be there. I think what we do is we just let the election go, if your honour so chooses to set it, and let the people campaign pursuant to the by-laws.

MR LANDRIAULT:

If your honour's decision was to say that two elected persons from the National and the Ontario section, and as many volunteers as they wish, I think this would obviate the difficulty, except that we might then get into the definition of volunteers.

But as long as the referendum rules and by-laws are in place, I guess that they will have to be followed. It is in the national constitution to --

THE COURT:

Is there any limit at the present time on the rule for the number of people from each side that can campaign, or is it--

MR LANDRIAULT:

There's no limit on the numbers providing they are volunteers, but there is a monetary limit of two hundred dollars, and in order to achieve that monetary limit there is a formula that says that if you are paid, it is to be considered, so that part of the regulation

will be very quickly breached if some paid employees canvass on the campus.

MR JAWORSKI:

The only problem I have with that, your honour, not to belabour the point is that what is going to happen is: the Federation of Students is going to show up on site and we are going to have a situation where there is going to be somewhat of a brouhaha with student services removing people from site. We are all back here to determine who is allowed on site and who is not allowed on site. I think the by-law, s. 3.0.5 (a) is clear that it can be anybody who is a representative of the Federation as designates, and those are issues that can be dealt with at the trial: whether those people should have been on site or should not have been on site; whether they are paid or they are not paid. They are assuming they are being paid. That hasn't happened yet, and it is the governing by-law which is 3.0.5 (a).

THE COURT:

(Orally)

Alright. I have reviewed the material. The Court is concerned here that the decision in this matter will not be a catalyst for further proceedings or disputes between the Plaintiff and the Defendant.

That is exactly what was addressed to me. I was hoping that we could finally put this stage of

this matter to rest, but I see that that may be impossible and I will deal with that again in my reasons.

It is clear that the Defendant is a participating member of the Plaintiff, and as such is bound by the rules and by-laws of the Plaintiff. These by-laws are set out at Tab B of the Plaintiff's motion record, and they were amended as recently as June 1994, at the general meeting.

I think the by-laws are clear. S. 3.0.10 makes it clear that any referendum regarding membership in the plaintiff association is to be governed by the association's regular referendum or election rules.

I might say that on that section alone I would have refused to grant the injunction. However in my opinion, that section must be read in conjunction with s. 3.0.5(a) which reads as follows:

"The member association, in addition to the by-laws and regulations of their own constitutions, shall give six months notice, in writing and by registered mail, to the chairperson of the Federation, of the date of any referendum concerning membership in the Federation.

Said notice shall include the

specific wording of the referendum question and the rules governing the referendum, including all applicable appeal processes in accordance with by-law 3.1.10.

The name of the chief electoral officer (C.E.O.) shall be forwarded to the chairperson of the Federation three months prior to the date of the referendum.

Once the local student association has become a full member, it may only withdraw its membership subsequent to the approval by the members of a local student association, in a referendum to withdraw from the Federation.

During the referendum concerning membership in the Federation representatives of the Federation or its designates must have the freedom to provide information to members of the Federation at the member campus holding said referendum.

Freedom to provide information includes, but is not limited to campaigning and public student spaces, distribution of literature, and equal participation in public forums and debates".

As I say, that section must be read with the section I referred to earlier, and in my opinion that section is the dominating section: 3.0.5 (a) is the dominant section.

Therefore I think they must be read together and there is an obligation to fulfill those provisions, and the local student association, i.e., the defendant, The Student Federation of the University of Ottawa and LA FEDERATION DES ETUDIANTS DE L'UNIVERSITE D'OTTAWA INC have not complied with those sections.

The leading authority in this province on injunctions is *Hewell Inc vs. Atlantic Pizza Delight Franchise (1968) Ltd et als*, 17 O.R. (2d) 505. That is a decision of the Divisional Court.

In the motion it has set out the three rules, the three factors or questions to be considered in an application for the granting of an injunction, or for injunctive relief.

In the motion before me the

4.6.4.3 de déclarer éligible, à la fin du deuxième jour ouvrable suivant la date limite des mises en nomination, toute candidature qui n'est pas contestée par la présidente d'élection et/ou par voie d'avis à la présidente d'élection selon les dispositions de l'article 4.8; cette déclaration de la présidente d'élection est sans appel, si elle a été faite selon les procédures établies par les règlements de la Fédération; et

4.6.4.4 que, advenant qu'une question relative aux exigences de l'article 4.6.4.1 et/ou 4.6.4.2 soit soulevée dans les délais prescrits, soit par la présidente d'élection, soit par un autre membre au sujet de l'éligibilité d'une candidate à un poste de l'Exécutif, la présidente d'élection doit immédiatement demander à la Cour étudiante d'entendre la cause et de rendre une décision. La Cour étudiante doit rendre une décision dans les trois (3) jours ouvrables qui suivent la demande.

4.6.4.5 DÉPOUILLEMENT DU SCRUTIN

La présidente d'élection, avec l'aide des scrutatrices, procède au dépouillement du scrutin et, pour ce faire, elle rejette les bulletins de vote qui:

- a) n'ont pas été initialés par les scrutatrices;
- b) indiquent plus d'un choix pour le même poste;
- c) n'ont pas été remplis;
- d) indiquent une candidate qui s'est retirée ou une personne qui n'est pas candidate;
- e) portent une annotation ou un signe permettant de reconnaître l'électrice;
- f) n'indiquent pas d'une façon précise le choix de l'électrice.

candidates not challenged pursuant to Section 4.8 either by the Election Convenor or by notice to the Election Convenor, is declared eligible no later than two (2) business days following the deadline for nominations, said declaration of the Election Convenor being final and without appeal provided that it is made according to the procedures established by the by-laws of the Federation; and

in the case where a question is raised within the prescribed time, either by the Election Convenor or by any other member of the Federation, as to whether a candidate for the Executive fulfills the requirements of Sections 4.6.4.1 and/or 4.6.4.2, the Election Convenor immediately orders the question to be heard and decided upon by Student Court, said decision to be rendered within three (3) business days of the Student Court being notified.

COUNTING OF BALLOTS

The Election Convenor, with the assistance of the scrutineers, shall proceed to the counting of the ballots, and in so doing must reject every ballot:

- a) not initialed by scrutineers;
- b) containing more than one vote for one office;
- c) containing no vote;
- d) containing a vote in favour of a candidate who has withdrawn or a person who is not a candidate;
- e) bearing a mark which could identify the voter; or
- f) not distinctly indicating the choice of the voter.

4.7 LE MODE DE SCRUTIN

4.7.1 L'Assemblée étudiante détermine les heures de vote à l'avance et le vote n'est permis qu'à ces heures.

4.7.2 Pour recevoir un bulletin de vote, l'électrice montre sa carte étudiante ou une autorisation écrite de la présidente d'élection de la Fédération

4.7.3 Avant de remettre un bulletin de vote à une électrice, la scrutatrice y appose son paraphe; un bulletin de vote n'ayant pas été signé par la scrutatrice est nul. L'élection se fait par vote secret.

4.7.4 La scrutatrice remplace les bulletins de vote annulés et y inscrit "NUL".

4.7.5 Chaque candidate peut se faire représenter par une représentante officielle à un bureau de scrutin; exceptées les agentes d'élection (article 4.4) et les représentantes officielles, personne n'a le droit de rester à l'intérieur d'un bureau de scrutin

4.7.6 Chaque représentante officielle peut soit prendre place au bureau de scrutin ou se rendre au bureau de scrutin à tout moment pour s'informer de l'état du déroulement du scrutin.

4.7.7 Chaque membre de la Fédération n'a droit qu'à une voix et elle vote en personne.

4.8 CONTESTATION D'UNE ÉLECTION

4.8.1 Tout membre de la Fédération peut contester une élection. Pour ce faire, elle envoie sa requête à la Cour étudiante et avertit la présidente d'élection dans les deux (2) jours ouvrables qui suivent la publication des résultats dans les journaux étudiants de la Fédération.

4.8.2 Une élection ne peut être contestée qu'en cas de fraude ou d'irrégularité.

METHOD OF VOTING

Student Assembly shall determine beforehand the hours of voting. Voting shall be permitted during these hours only.

In order to vote, a voter must show her student card or a written authorization from the Election Convenor of the Federation.

Before handling a ballot to a voter, the scrutineer must initial it; a ballot which has not been initialed by the scrutineer shall be void. Voting shall be carried out by secret ballot.

The scrutineer shall replace spoiled ballots and shall mark such ballots "VOID".

Each candidate may be represented by an official agent at a polling booth; apart from electoral officers (Section 4.4) and official representatives, no one shall remain inside a polling booth.

Each official representative may remain inside the polling booth or may go from time to time to the polling booth to inquire about procedures.

Each member of the Federation may vote only once and must vote in person.

DISPUTED ELECTION

Any member of the Federation may contest an election. To do so, she must make a request to Student Court and notify the Election Convenor within two (2) business days after the results have been published in the Federation's newspapers.

An election may be contested only on the grounds of fraud or irregularity.

4.8.3 RECOMPTAGE

4.8.3.1 Toute candidate peut demander un recomptage. Pour ce faire, elle doit faire requête auprès de la présidente d'élection dans les deux (2) jours ouvrables suivant le jour du dépouillement du vote.

4.8.3.2 La présidente d'élection doit aviser toute autre candidate briguant les suffrages au poste contesté avant que le recomptage ait lieu.

4.8.3.3 La présidente d'élection doit procéder à un recomptage immédiat si vingt-cinq (25) votes ou moins séparent les deux candidates en tête pour un poste.

4.8.3.4 La présidente d'élection doit, dans les dix (10) jours ouvrables suivant la publication des résultats dans les journaux étudiants de la Fédération, soumettre un rapport d'élection aux membres de l'Assemblée étudiante.

4.9 L'EXECUTIF SORTANT DURANT L'ELECTION DES SUCCESEURES

4.9.1 Un membre de l'Exécutif sortant ne peut pas assumer une fonction d'agente d'élection ou de représentante officielle.

4.9.2 Un membre de l'Exécutif sortant ne peut prendre position pour une ou plusieurs candidates durant l'élection.

4.9.3 Les ressources de la Fédération, financières ou autres, ne peuvent être utilisées en faveur d'une candidate.

4.9.4 Un membre de l'Exécutif qui désire participer à la campagne, en tant que candidate ou supporteure, doit renoncer à sa rémunération et à ses pouvoirs durant la période électorale.

RECOUNT

Any candidate may request a recount. To do so, she must notify the Election Convenor within two (2) business days after the day of the vote count.

The Election Convenor must advise all other candidates for the disputed position of the request for a recount before the recount takes place.

The Election Convenor shall proceed to an immediate recount if twenty-five (25) votes or less separate the leading candidate from the nearest opponent.

The Election Convenor must, within ten (10) business days following the publication of the results of the election in the Federation's newspapers, submit a report on the election to Student Assembly members.

THE OUTGOING EXECUTIVE DURING ELECTIONS FOR THEIR SUCCESSORS

A member of the outgoing Executive cannot be hired as an election officer or as an official representative.

A member of the outgoing Executive cannot take a stand in favour of one or more candidates during the election period.

The Federation's resources, financial or other, cannot be used in favor of any candidate.

Any member of the Executive who wishes to participate in a campaign, as a candidate or as a supporter, must renounce her salary and powers during the electoral period.

4.9.5 Dans les cinq (5) jours ouvrables suivant la date limite du dépôt des mises en candidature, chaque membre de l'Exécutif sortant doit convoquer toutes les candidates briguant son poste pour une séance d'information.

4.9.6 La présidente d'élection veille à faire respecter l'article 4.9.

4.10 STATUT DE CANDIDAT ÉLU

4.10 DÉFINITION

4.10.1 La candidate élue est celle qui a recueilli la majorité des votes exprimés lors d'une élection dûment convoquée et dont l'élection n'est pas contestée dans les deux (2) jours ouvrables qui suivent la publication des résultats, conformément à l'article 4.8, et qui n'est pas encore entrée officiellement en fonction.

4.10.2 STATUT

Entre la date de la publication des résultats et la date de son entrée en fonction, la candidate élue ne jouit d'aucun privilège ni d'aucun pouvoir et est considérée comme simple étudiante. Elle devient membre de l'Exécutif à la date officielle de son entrée en fonction conformément à l'article 4.8.

4.10.3 DÉMISSION

La candidate élue peut démissionner en tout temps avant la date officielle de son entrée en fonction. La démission dans ce cas peut se faire en suivant l'une des trois procédures suivantes:

4.10.3.1 en avisant la présidente de la Fédération au moyen d'une lettre à cet effet; ou

4.10.3.2 en signifiant son intention à la présidente de la Fédération, en personne, de vive voix, trois témoins devant certifier cette intention et être présents au même moment que la

Within five (5) working days following the deadline for nominations, each member of the outgoing Executive must hold an information session with all of the candidates running for her position.

The Election Convenor must see to it that Section 4.9 is respected.

STATUS OF THE ELECTED CANDIDATE

DEFINITION

The elected candidate is the one having received the majority of votes cast in a duly called election when the election is not contested within two (2) working days following publication of results, in conformity with Section 4.8, and when that candidate has not yet officially taken office.

STATUS

Between the date of publication of the results and the date of her official taking of office, the elected candidate has no privileges or powers and is considered to be a regular student. She becomes a member of the Executive at the official date of her taking of office according to Section 4.8.

RESIGNATION

The elected candidate may resign at any time before her official taking of office. The resignation in such an event may be done by following one of the following procedures:

by advising the President of the Federation by letter to that effect;

by orally advising the President of the Federation, in person, with three (3) witnesses to certify the elected candidate's intention to resign; these witnesses must be present in the office of the President of the Federation when

candidate dans le bureau de la présidente de la Fédération; ou

the elected candidate announces her intention;

- 4.10.3.3 la candidate élue peut démissionner par tout autre moyen raisonnable, notamment par un avis public, en convoquant une conférence de presse à cet effet ou au moyen d'une lettre à la présidente d'élection.

The elected candidate may resign by any other reasonable method, such as by a public announcement, by calling a press conference to that effect, or by a letter to the Election Convenor.

4.11 ÉLECTIONS SPÉCIALES

SPECIAL ELECTIONS

Lorsqu'un poste devient vacant à l'Exécutif, l'Assemblée étudiante:

When a position on the Executive becomes vacant, Student Assembly shall:

- 4.11.1 décrète une élection partielle selon les normes prescrites par l'article 4.4 si le poste devient vacant le dernier jour ouvrable du mois d'octobre ou avant; ou choisit une remplaçante grâce à un comité de sélection (voir 4.11.2, 4.11.3, 4.11.4 et 4.11.5) après avoir annoncé la vacance dans les journaux de la Fédération lorsque celle-ci survient après le dernier jour ouvrable du mois d'octobre.

order a by-election under the provisions of Section 4.4 when the vacancy arises before or on the last working day of the month of October or shall elect an individual for the remainder of the mandate through the creation of a Selection Committee (see Sections 4.11.2, 4.11.3, 4.11.4 and 4.11.5) after announcing the vacancy in the Federation's newspapers, when the vacancy arises after the last working day of the month of October.

- 4.11.2 Le comité de sélection est formé de cinq (5) membres de l'Assemblée étudiante dont au moins un (1) et pas plus de trois (3) est membre de l'Exécutif.

The Selection Committee is composed of five (5) members of Student Assembly, of which at least one (1) - and no more than three (3) - is a member of the Executive.

- 4.11.3 Le rôle du comité de sélection consiste à:

The role of the Selection Committee shall be to:

- a) établir les critères de sélection;
- b) effectuer les entrevues des candidates; et
- c) soumettre sa recommandation à l'Assemblée étudiante dans les cinq (5) jours ouvrables suivant la fin des mises en candidature et énoncer, au même moment, les critères de sélection qui lui ont permis de prendre sa décision.

- a) establish selection criteria;
- b) interview the candidates; and
- c) with the selection criteria used to select a candidate, to Student Assembly no later than five (5) working days following the closing date for nominations.

4.11.4 L'agente d'information de la Fédération voit à ce que les annonces relatives au poste vacant apparaissent dans les journaux de la Fédération pendant deux (2) publications consécutives suivant la vacance d'un poste à l'Exécutif.

4.11.5 La date limite pour les mises en candidature est la cinquième journée ouvrable suivant la date de publication de la deuxième annonce du journal de la Fédération distribué le plus tardivement.

4.11.6 Les mises en candidature doivent être remises à la présidente d'élection dans les délais prescrits.

4.12 RÉFÉRENDUM

4.12.1 CONVOCATION

Sous réserve du paragraphe 3.10.5, un référendum est convoqué par:

4.12.1.1 une résolution adoptée par les deux-tiers (2/3) des membres présents à une réunion de l'Assemblée étudiante; ou

4.12.1.2 une pétition dûment signée par sept cent cinquante (750) membres de la Fédération ou cinq pour cent (5%) des membres de la Fédération, selon le moindre de ces deux nombres. La pétition doit comprendre le numéro d'étudiante de chaque signataire et doit être remise à la présidente de l'Assemblée étudiante de la Fédération. Cette pétition doit clairement indiquer la question proposée en accord avec les dispositions des articles 4.12.3.1 et 4.12.3.2.

4.12.2 PRESIDENTE DU RÉFÉRENDUM

Quand un référendum est convoqué, une présidente du référendum est choisie par une majorité des membres présents à une réunion de l'Assemblée étudiante ou par une résolution de l'Exécutif sur autorisation de l'Assemblée étudiante.

The Information Officer of the Federation shall announce the vacancy in the Federation's newspapers during two (2) consecutive publications following the vacancy.

The closing date for nominations shall be the fifth working day following the publication date of the second announcement of the vacancy in the Federation's newspaper distributed the latest.

Nominations shall be submitted to the Election Convenor within the time prescribed.

REFERENDUM

CALLING OF REFERENDUM

Subject to Section 3.10.5, a referendum of the Federation shall be called upon by:

a resolution adopted by two-thirds (2/3) of members present at a meeting of Student Assembly; or

a petition duly signed by seven hundred and fifty (750) Federation members or five percent (5%) of Federation members, whichever is less. The petition must list the student number of every signator and must be delivered to the Chairperson of the Student Assembly of the Federation. This petition must clearly indicate the proposed question in accordance with the provisions of Sections 4.12.3.1 and 4.12.3.2.

THE REFERENDUM CONVENOR

When a referendum is called, a Referendum Convenor shall be chosen by a majority of the members present at a Student Assembly meeting or by a resolution of the Executive upon authorization of Student Assembly.

4.12.3 LA QUESTION RÉFÉRENDADAIRE

La question référendaire:

4.12.3.1 est concise, claire et précise;

4.12.3.2 se répond par "OUI" ou "NON";

4.12.3.3 est déterminée par une résolution de l'Assemblée étudiante; et

4.12.3.4 Dans le cas d'une procédure de destitution (article 3.10.5), la question se lit : "(nom du membre de l'Exécutif mis en accusation) doit-elle cesser d'exercer la fonction de (fonction exercée par ce membre de l'Exécutif) de la Fédération des étudiantes et étudiants de l'Université d'Ottawa?"

4.12.4 PROCÉDURE ET CONTESTATION

Lorsqu'un référendum est tenu, la présidente du référendum doit suivre, lorsqu'elles sont applicables, les procédures établies aux articles 4.2, 4.6.4.5, 4.7 et 4.8.

4.12.4.1 Pour que le résultat d'un référendum soit valide, 12% des membres de la Fédération devront avoir exercé leur droit de vote.

4.12.4.2 Les membres de l'Exécutif de la Fédération peuvent, à leur gré, participer de façon active à une campagne référendaire.

4.12.5 DÉLAIS

4.12.5.1 Sous réserve de l'article 4.12.5.1.2, un référendum est tenu auprès des membres:

4.12.5.1.1 après un délai d'au moins vingt (20) jours ouvrables suivant l'adoption de la question référendaire; ou

4.12.5.1.2 Dans le cas d'un référendum de destitution (article 3.10.5), le référendum sera tenu entre quatorze (14) et vingt-cinq (25) jours ouvrables suivant la réception de l'avis de déclenchement des procédures de destitution.

THE REFERENDUM QUESTION

The referendum question shall be:

concise, precise and unambiguous;

answered by "YES" or "NO";

set by a resolution of Student Assembly; and

In the case of an impeachment referendum (Section 3.10.5), the question shall read: "Should (name of member of the Executive) cease to occupy the position of (position held by that member of the Executive) of the Students' Federation of the University of Ottawa?"

PROCEDURE AND APPEAL

The Referendum Convenor shall, where applicable, follow procedures established in Sections 4.2, 4.6.4.5, 4.7 and 4.8.

In order for the result of a referendum to be valid, 12% of all members of the Federation must have exercised their right to vote.

Members of the Executive of the Federation can, if they wish so, participate actively in a referendum campaign.

DEADLINES

Subject to Section 4.12.5.1.2, a referendum shall be put to the members:

at least twenty (20) working days after the referendum question is set; or

in the case of an impeachment referendum (Section 3.10.5), within fourteen (14) to twenty-five (25) working days following the delivery of the impeachment petition.

4.12.5.2 Tout référendum doit être convoqué et tenu pendant l'année scolaire, c'est-à-dire entre le mois de septembre et le mois d'avril inclusivement.

4.12.6 PUBLICATION

4.12.6.1 La présidente du référendum s'assure que la question référendaire est publiée intégralement dans les journaux de la Fédération et affichée dans les édifices de l'Université au plus tard cinq (5) jours ouvrables avant l'ouverture des bureaux de scrutin.

4.12.6.2 Le résultat du référendum est publié dans l'édition des journaux de la Fédération qui suit le dépouillement des votes.

4.12.7 VALIDITÉ

L'Assemblée étudiante est liée par la décision de la majorité des membres de la Fédération votant durant ce référendum.

Any referendum must be called and held during the academic year, that is, between the months of September and April inclusively.

PUBLICATION

The Referendum Convenor shall cause the question to be published with the exact wording in the Federation's newspapers and posted in the University buildings not less than five (5) working days before the opening of the polls.

The result shall be published in the Federation's newspapers in the first edition following the vote count.

VALIDITY

Student Assembly is bound by the majority vote of any given referendum.

OF MICHAEL MANCINELLI

SWORN BEFORE ME THIS 2nd

DAY OF MARCH 19 95

BYLAW I - MEMBERSHIP

Brenda Jean Goddard, a Commissioner, etc.,
Province of Ontario, while a student-at-law
Expires : August 29, 1997

1. Types of Memberships

General Description: There are two types of members of the Federation, individual members and voting members. Students, or individual members, are represented through the local student association to which they belong. Local student associations representing individual members are called voting members.

- a. Local student associations are eligible to apply for and receive the status of voting members in the Federation as provided for in By-law I, Section 2, 3, and 4.
- b. Individual members of the Federation will be all students in local student associations that are voting members.

2. Types of Voting Membership Status

a. Full Membership

General Description: Full membership is the standard form of membership in the Federation.

- i) A local association is eligible to apply for full membership in the Federation if its members have approved by referendum membership in the Federation, the Canadian Federation of Students-Services, and the applicable provincial component;
- ii) A local association's application for membership, once accepted by the Federation, shall constitute a binding contract to collect and remit to the Federation full membership fees for the duration of the membership;
- iii) The fees for full member local associations shall be:
 - a) \$2.25 per semester, or \$4.50 per academic year, per local association individual member of the Canadian Federation of Students, pro-rated as per the policy of the member local association;
 - b) \$0.75 per semester, or \$1.50 per academic year, per local association individual member of the Canadian Federation of Students-Services, pro-rated as per the policy of the member local association;
 - c) the applicable provincial component fee.

Member associations have until May 1994 to comply with this fee increase, following the local procedures regulating membership fee increases. If by May 1994 less than 80% of member associations have adopted the new membership fees, the issue of fee increases shall be reviewed at the May 1994 General Meeting.

Beginning in 1995, the Federation membership fee shall increase on August 1 each year by the rate of increase in the national Consumer Price Index during the previous twelve months.

- iv) A full member local association may only withdraw from the Federation through a referendum subject to the following rules and procedures:
 - a) Notice of a withdrawal referendum must be delivered by registered mail to the head office of the Federation not less than six (6) months prior to any referendum voting including advance polls;
 - b) Notice of a withdrawal referendum must include the exact dates of the referendum, rules of the referendum, and referendum question to be used;
 - c) In the case of a withdrawal referendum incorporating a mail-out component, the exact date of the referendum shall be the date that ballots are mailed to the individual members;
 - d) Quorum for a withdrawal referendum shall be that of the member local association or five percent (5%) of the individual members of the member local association, whichever is higher.