

CANADA  
PROVINCE OF SASKATCHEWAN

IN THE QUEEN'S BENCH  
JUDICIAL CENTRE OF SASKATOON

BETWEEN:

**Robin Mowat**

PLAINTIFF

AND:

**University of Saskatchewan Students' Union**

DEFENDANT

**AFFIDAVIT OF EVAN COLE**

I, EVAN COLE, of Saskatoon, in the Province of Saskatchewan, MAKE OATH AND SAY as follows that:

1. I have personal knowledge of the matters and facts deposed to in this affidavit, except where stated to be on information learned from someone else and where that is stated, I believe the information to be true.
2. I am the current President of the University of Saskatchewan Students' Union (USSU). I started this role on May 1, 2006. Previously I was the Vice-President (Academic Affairs) of the USSU and this term concluded on April 30, 2006.
3. The USSU Executive is comprised of five members, the President, the Vice-President (Academic Affairs), the Vice-President (Operations and Finance), the Vice-President (Student Issues), and the Vice-President (External Affairs).
4. I do not recall the Executive formally discussing the issue of the referendum to seek membership with the Canadian Federation of Students (CFS) until an Executive meeting on September 15, 2005. At that meeting, a motion was made that the Executive "support the Canadian Federation of Students in the upcoming

referendum” with no prior warning or discussion of the topic. President Gavin Gardiner was adamant that the USSU Executive needed to take a stand.

5. It was, and still is, my position that the role of the Executive in referenda is to provide unbiased information rather than to push an agenda. The other four members of the Executive did not see things as I did and voted for the motion, while I vehemently stated my opposition and voted against the motion. A copy of the minutes of this Executive meeting is attached to my Affidavit as Exhibit “A”. My opposition is not reflected in the minutes of this meeting.
6. Also on September 15, 2005 was a meeting of University Students’ Council (USC). At that meeting, a councillor took it upon herself to move that “USC endorse CFS in the referendum.” This motion passed despite Council not having any formal knowledge of the CFS but passed, in my opinion, because of the motion at the Executive level. Terms of Council members run in parallel to those of the Executive and so only those who served on Council the year previous could have been expected to have knowledge of the situation. A copy of the minutes of the USC meeting is attached my Affidavit as Exhibit “B”.
7. It was not until the March 30, 2006 meeting of USC that Councillors were actually presented with any formal documents indicating that we were bound to hold this referendum. The documents were a copy of a November 8, 2004 letter to the CFS requesting perspective membership and a copy of Bylaw I of the CFS, which outlines requirements for membership. It is my understanding that organizations are not allowed to view the Bylaws of the CFS until they have requested perspective membership. Part of the obligation of perspective membership is the requirement to hold a referendum to join the membership of the CFS. Unfortunately, because these Bylaws are hidden, USC could not have known that we would be required to hold a referendum. A copy of these documents are attached to my Affidavit as Exhibits “C” and “D” respectively. A copy of the minutes of this meeting is attached to my Affidavit as Exhibit “E”.

8. In order for the USSU to run a referendum as outlined in Bylaw I of the CFS, the USSU had to temporarily release its authority to run certain referenda to the Referendum Oversight Committee (ROC). The ROC is a committee of four members, two representing the interests of the CFS and two to represent the interests of the USSU. The members representing the USSU were our Chief Returning Officer, Dorinda Stahl, and our Assistant Chief Returning Officer, Martin Olszynski, and those representing the CFS were their National Deputy Chairperson, Angela Regnier, and a senior staff member, Lucy Watson. Both of the CFS representatives would go on to be heavily involved in a 'Yes' campaign, while both members from the USSU remained neutral in order to adhere to our Code of Ethics. A copy of the USSU's Code of Ethics is attached to my Affidavit as Exhibit "F".
9. In my opinion, this split on the ROC caused a polarization of 'Yes' and neutral, causing any compromises and policy adjustments to favour the 'Yes' side.
10. The motion to give the ROC authority over the referendum was made on September 22, 2005. President Gardiner wanted the motion passed that night, but Council was persuaded to follow its standard procedure of giving new business a week in order for Councillors to meet with their constituents. A copy of the minutes of this meeting is attached to my Affidavit as Exhibit "G".
11. On September 29, 2005 the motion to amend the USSU's Elections and Referenda Policy was passed with a provision that our Elections Board would ultimately be responsible to ratify the results. A copy of the minutes of this meeting is attached to my Affidavit as Exhibit "H".
12. On September 20, 2005 there was a forum on the subject of the referendum in Lower Place Riel. The 'No' side had some campaigns registered, but did not have a speaker for the event. I chose to speak against the CFS and to break solidarity with the rest of the Executive. I represented the 'No' side, while Joel Duff, a senior staff member of the CFS, and Hilary Aitken, Vice-President External Affairs for the University of Regina Students' Union and CFS Saskatchewan Chairperson,

- represented the 'Yes' side. Neither of these two people are University of Saskatchewan students nor have ever been.
13. The second forum was on October 3, 2005 in a classroom in the Arts and Science building – room 241. At this debate, Robin Mowat and myself represented the 'No' side while Gavin Gardiner, President of the USSU and the Saskatchewan representative on the CFS National Executive, and George Soule, National Chairperson of the CFS, represented the 'Yes' side. George Soule is not and has never been a student at the University of Saskatchewan.
  14. Also on October 3, 2005, I registered a 'No' campaign to myself. Upon registration, I did not receive any information about campaign guidelines: no postering rules, no campaign spending limits, nothing about the question or any other information about the referendum at all. I put up posters with the slogans "No new fees. No CFS!" and "Not me, not now. No CFS!" While postering, I was accosted by Joel Duff and by other CFS supporters, including CFS staff persons.
  15. I would regularly make rounds of campus to replace posters that were torn down. There were a number of issues that came to my attention during the campaign. I was contacted by over a dozen students, and later by many more, who made complaints of CFS representatives coming to their classes to campaign. I myself, witnessed Angela Regnier come into one of my classes to promote the CFS. However I do not recall if her speech cut into class time. It is clearly stated in the USSU policies that there is to be no campaigning during class time. A copy of the USSU Elections Policy is attached to my Affidavit as Exhibit "T".
  16. Voting occurred on October 4-6, 2005 by paper ballot. Since 2002, the USSU has used online voting as a best practice. The technology was available for this Referendum. However the ROC made the decision to use a paper ballot. The question on the ballot read, "Are you in favour of membership in the Canadian Federation of Students?" The method of voting was to check one of two boxes: one indicating "YES" and the other "NO." There was no mention about the \$9.32 annual fee that would accompany this decision.

17. The USSU bylaws and policies are clear that a referendum needs to take place to establish a fee. This referendum question had no mention of a fee. Individual students are seen as members in the CFS and as such each are responsible to pay the fee, as opposed to the organization representing them. Since this is the case, a new dedicated fee would need to be created to collect dues for the CFS.
18. It is important to note that the ballot was done on paper because it is not an inclusive method of voting. Off-campus and internship students, and those who only took classes on Monday nights, would be excluded from the vote. This would affect many students. The colleges of Education, Engineering, Pharmacy & Nutrition, and Arts & Science all had members who contacted me about this. In effect, all of these students were unable to vote.
19. At the CFS National General Meeting in November, the USSU was granted membership. I learned this information from President Gardnier who is also a member of the CFS National Executive as the Saskatchewan Representative. It was not until December 3, 2005 however, that the ROC Report was completed. This report communicated the official results of the Referendum and is attached to my Affidavit as Exhibit "J".
20. In effect, the CFS made the USSU full members previous to the completion of the Referendum. At this point in time, the ratification of the results would be up to the USC Elections Board (EB). Both the USSU Chief Returning Officer (CRO) and Assistant Chief Returning Officer (ACRO) resigned previous to ratifying the results. A new ACRO was hired some time previous to the EB meeting to review the referendum.
21. University Students' Council next heard about the referendum on February 9, 2006 through the minutes of the EB, which included a report. The EB is comprised of two Members of Students' Council, two students-at-large, the CRO, the ACRO, and a designate of the USSU General Manager in a support role (i.e. non-voting). At this time the CRO position had not been filled. The EB found that the process of the referendum was flawed enough to invalidate the results of the referendum. The EB

recommended that new referendum should happen to take the place of the first. The EB report was ratified for release at the February 23, 2006 meeting of USC even though the report was physically released previous to the February 9 meeting. A copy of the EB meeting minutes and reports are attached to my Affidavit as Exhibits "K" and "L" respectively. A copy of the February 23, 2006 USC meeting minutes is attached to my affidavit as Exhibit "M".

22. On March 23, 2006, USC received notice that it would have to make a decision at the March 30, 2006 meeting in regards to whether or not USC accepted the results of the referendum. A copy of this notice is attached to my Affidavit as Exhibit "N".
23. At the March 30 meeting of USC, Council heard from both USSU President Gavin Gardiner and USSU General Manager Caroline Cottrell that the USSU would face a lawsuit from the CFS if they were to not ratify the referendum. Council also heard about Robin Mowat's intention to file suit to have the results looked at by a judge.
24. I understand that the comments made by President Gardiner and Ms. Cottrell were made as a result of an opinion sent to USSU legal counsel Greg Whelan by Todd Burke, legal counsel representing the CFS. Operating under threat of a financial lawsuit, USC made the decision to override the EB and to ratify the results of the referendum. This was done with very little discussion and without USC being involved with any sort of an investigation. Even the Members of Students' Council who sit on the EB voted to over-turn their own findings under this threat. The motion to ratify the results of the election passed with a margin of 13-6. A copy of the minutes of this meeting is attached to my Affidavit as Exhibit "E".
25. When the Referendum was being held, USSU procedures and policies were seemingly thrown out the window with no information available about the new set of rules for this Referendum. The question for the Referendum was not available when campaigning started, which disadvantaged any opposition. The CFS had full-colour literature that was being provided even before campaigning began. There were a number of students brought in to our school from across Canada to campaign (in addition to those that I mentioned). There were countless flyers

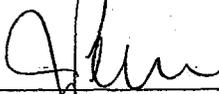
strewn across campus. The 'No' campaigns operated on our own revenue, while the 'Yes' side operated under the guidance of a multi-million dollar organization. There is no way to make a situation like this fair, especially when the people who are running a 'Yes' campaign were also the people making the rules. It felt like we were under siege.

26. I believe that a second referendum needs to be held to determine whether the USSU should join CFS. As President of the USSU I take very seriously the outcome of the last vote at USC and the results of Robin Mowat's appeal. The current USSU Executive has begun to make our Elections Policy into a bylaw to give it the equal weighting of the CFS bylaws, which was not the case in this past referendum.

27. I make this Affidavit, personally, in support of Robin Mowat's Application pursuant to s. 135 (2)(b) of **The Non-Profit Corporations Act, 1995** declaring the Referendum invalid. The opinions offered are not those of the USSU.

SWORN BEFORE ME at the City of  
Saskatoon, in the Province of Saskatchewan,  
this 9<sup>th</sup> day of May, 2006.

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) EVAN COLE  
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\_\_\_\_\_  
Jennifer D. Pereira,  
A Notary Public in and for the Province of  
Saskatchewan, being a Solicitor.

This Affidavit was prepared by:  
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Barristers & Solicitors

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# Executive Committee

Minutes for Thursday, September 15, 2005

Present: Gavin Gardiner, Brett Campbell, Evan Cole, Sarah Connor, Michael Kowalsky

Absent: Crystel Knihniski

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## 1. Club Ratifications

EXEC44.1 Move to Ratify the Toxicology Students' Association.  
Campbell/  
Connor

Carried.

EXEC44.2 Move to Ratify the Board of College Presidents.  
Campbell/  
Connor

Carried.

EXEC44.3 Move to Ratify the U of S Young New Democrats.  
Campbell/  
Connor

Carried.

EXEC44.4 Move to Ratify the WCVN Animal Welfare Club.  
Campbell/  
Connor

Carried.

This is Exhibit A referred to in the  
affidavit of Evan Cole  
sworn before me this 9th day of

EXEC44.5 Move to Ratify the Newman Centre.  
Campbell/  
Connor

Carried.

Yancy, A. D. 2006  
[Signature]  
A Commissioner for Oaths in and for  
Saskatchewan

EXEC44.6 Move to Ratify the Saskatchewan Dental Students' Association.  
Campbell/  
Connor

Carried.

EXEC44.7 Move to Ratify the Psychology Students' Association.  
Campbell/  
Connor

Carried.

5. Canadian Federation of Students Referendum

The Executive has discussed the upcoming referendum and the importance of staying professional despite differences of opinion on this subject. President Gardiner stated that at times it may get heated and people may get upset, but the Executive have to work with each other after the Referendum is over. It is important to remember that the Executive is in this together. President Gardiner also pointed out that this was a referendum on membership in the Canadian Federation of Students (CFS) and not a Canadian Alliance of Student Associations (CASA) vs. CFS debate. The merits of CASA membership will be determined at a later date. President Gardiner stated that it was unfair not to be able to speak one's mind on the Referendum. He stated that although the Executive had initially decided to remain neutral, to do so might be negligent to students on both sides of the issue who want to know the stance of individual Executive members. VP Cole raised concerns about the Executive supporting CFS and what that action would do to members of the Executive Committee who did not support the YES side of the Referendum. President Gardiner stated that this was not a Motion to stifle debate; rather it allowed all Executive members to voice their opinions, something that would likely be done anyway even though the Executive was supposed to remain neutral.

EXEC44.15 Move to support the Canadian Federation of Students in the upcoming  
Gardiner/ referendum.  
Campbell

Carried.

Adjourned.

# University Students' Council

Minutes for Thursday, September 15<sup>th</sup>, 2005

## Present

Gavin Gardiner, President  
Evan Cole, VP (Academic Affairs)  
Michael Kowalsky, VP (External Affairs)  
Brett Campbell, VP (Operations & Finance)  
Sarah Connor, VP (Student Issues)  
Jeremy Olthof, Agriculture  
Brad Flavell, Arts & Science  
Tracey Mitchell, Arts & Science  
Roberta Boyle, Commerce  
Chris Gallaway, Commerce  
Hardeep (Bobbi) Birdi, Dentistry  
Jason Villeneuve, Education  
Susan Yakimoski, Education  
Wadena Burnett, Engineering  
Brett Fernquist, Engineering  
Trena Raven, Indigenous Students'  
Alex Korshever, International Students  
Gina Otte, Kinesiology

Terra Lennox-Zepp, Law  
Vishnu Shankar Singh, Medicine  
Holly-Anne Sedor, Nursing  
Mark Taylor, Pharmacy & Nutrition  
Blayne Coffin, Physical Therapy  
Nicholas Ansaldo, St. Thomas More  
Alice Collins, St. Thomas More  
Ana Carolina Melendez, VPRA  
Chris Biederbeck, WCVM

## Also Present

Brent Thoma, Chair  
Jeremy Warren, Sheaf  
Drew Larson, Sheaf  
Lyndon MacNeill, USSU

### 1. Call to Order

The meeting was called to order at 6:10 p.m.

### 2. Call for Quorum

Quorum was present.

### 3. Adoption of an Agenda

President Gardiner stated an amendment to the Agenda to add item 8.0 Move to Ratify Councilors and add item 9.4 Elections to the University Students' Council Board.

**USC Motion32:** Gardiner/Kowalsky

Carried.

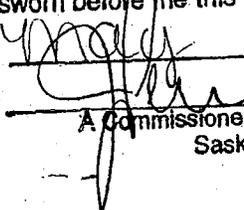
Move to adopt the Agenda.

**USC Motion33:** Gallaway/Gardiner

Carried.

### 4. Introductions and Announcements

President Gardiner has quite a few announcements to make. The first announcement is the University Administration is putting on a discussion with Dr. Ross Finnie who is from the School of Policy Studies at Queen's University. The discussion is on tuition, student debt and access to PSE. The discussion will be

This is Exhibit B referred to in the  
affidavit of Evan Cole  
sworn before me this 9 day of  
March, A. D. 2006  
  
A Commissioner for Oaths in and for  
Saskatchewan

held Tuesday, September 27<sup>th</sup> in Convocation Hall in the College Building. The second announcement is the Faculty Association is holding a speaker series called Speak Up, the first talk is entitled "Student Tuition Revenue: Is the Golden Goose Healthy?" is Thursday, September 22<sup>nd</sup> in Lower Place Riel. The Faculty Association is putting on another event called "Who's University is this?" the USSU logo is put on here because President Gardiner is speaking at the event. The Keynote speaker is Michael Hayden who used to be the University Historian he will talk about changing goals at the U of S in the last 100 years. This will be held on Wednesday, September 28<sup>th</sup> in Health Sciences A266 from 3:30 p.m. until 5 p.m. Also, SAL application forms are now available. You can pick up forms at the USSU Office or access the forms on our website. Deadline is Friday, September 23<sup>rd</sup>. Please pick up an application form one per college.

Councilor Fernquist stated that Engineering President Ian Farthing resigned a couple of weeks ago and our elections will be held next week. The three candidates running are myself, Councilor Burnett and former Councilor Ashley Forbes.

**6. Minutes and Reports for Information**

**6.2 Executive Committee Minutes**

President Gardiner noted that the executive would be doing a monthly report, which comes at the end of the month, instead of reporting what they have been working on at each USC meeting this is different than in the past. The reports will come at the end of the month. If you have any questions feel free to ask or if you are missing minutes from the summer email President Gardiner and he will see that you get a copy.

**8. Business**

**8.0 Move to Ratify Councilors**

Move to Ratify Holly-Anne Sedor from Nursing, Jeremy Olthof from Agriculture and Chris Biederback from WCVN as USC Councilors.

**USC Motion34:** Gardiner/Gallaway

Carried

**8.1 CFS Referendum**

President Gardiner gave a brief update regarding the CFS Referendum. The Oversight Committee has been put together. The Chief Returning Officer is Dorina Stahl from Scharfstein Gibbings & Walen and the Assistant Chief Returning Officer is Martin Olszynski. The date for campaigning is Monday, September 22<sup>nd</sup>. Voting is set for October 4<sup>th</sup>-6<sup>th</sup>. Executive has decided not to remain neutral. VP Cole voted against an executive motion to endorse the referendum. The other 4 executive members voted in favour of endorsement. The Oversight Committee will meet again on the weekend. President Gardiner will send out information as it becomes available.

Councilor Villeneuve stated the Oversight Committee was set up by CFS and we are supposed to appoint two students, what are the names of the two students?

What type of role is our Elections Board having with this? Why wasn't the executive decision regarding CFS brought to USC so we could give our input on this? Councilor Villeneuve feels USC should remain neutral on this matter because we are a governing body and it is the student's decision to make. Council should be providing students with the best information.

Chair Thoma stated that there is no a debate at the moment, just questions, there has to be a motion made to debate this.

President Gardiner noted that it is not specified that it must be student representatives on the Oversight Committee it is USSU representatives. And those two individuals are USSU representatives because they are the only representatives on the Elections Board to sign contracts; they will represent the best interest of the USSU. The Elections Board's role is filling SAL positions, which have not been filled yet. The executive's role is not neutral so to pretend that we were neutral would be false. I think it is the same with a lot of council members sitting around the table. We are not doing this to students to force students to take a stand on it; we also want to make sure our opinions will be heard.

Councilor Lennox-Zepp moves that the USC endorse the Canadian Federation of Students in the upcoming referendum. Can I speak on this?

???

Councilor Lennox-Zepp feels the executive has taken a strong stance on the issue and it is our time as councilors to take a stance. This has been an issue for the past ten months. We are student representative from our college and it is time we show strong leadership and direction to the student body. I think it would be negative consequence to be neutral on this referendum. We have a long tradition of the USSU and USC endorsing referendums in the past, such as the Health and Dental Plan and U-Pass. I also believe that the students of this university are able to make decisions on their own and we need to give our opinion as well. They can make up there own minds when voting. We have had the past 10 months to discuss CFS and this is the only time for us to take a stance. There is something huge happening on our campus and it is important that our student leadership is shown here, tonight.

VP Cole stated in this room we have councilors from every college. We have the collective voice of 17,000 students and for us to take a stance is essentially making the decision for the students. USC should remain neutral on the discussion because it would not be proper to give our endorsement as USC just as I feel the executive should not be giving our endorsement to this referendum.

Councilor Fernquist stated we are here to represent our respected colleges and the students in them not to represent the interest of USC as a group. To have any

voice in any direction on this issues would be as VP Cole said not be a voice of students in our colleges. We should remain neutral to this topic. I am voting no to this motion.

VP Connor wanted to remind everyone we were elected based on who we are and I think students should know how we feel. Would also like to remind councilors that the External Affairs Board last year recommended to USC to support CFS.

Councilor Burnett agrees with VP Cole and Councilor Fernquist it would be absolutely irresponsible for us to take a stand on this when we have completely responsible students that are backing us up. It is our job to relay the information to them, not make the decision for them. By being neutral we can provide information on both sides of the issue and they can make there own decision. We are taking this issue to referendum it is not our votes it is the collective votes. Therefore, by remaining neutral I feel that should be the stance we should take. We are representing the entire student body not USC. We should remain neutral on this issue.

Councilor Lennox-Zepp states that she feels the student body can make up their own mind and they will be voting within there own rights and by taking a strong stance here from our collective body we would in no way be taking that voice away from them. It would be a popular benefit for our council that we are giving direction and showing our leadership, and encouraging students to vote. We will not be one of the votes that matter in the ballot box.

Councilor Ansaldo wanted to remind everyone that even though the External Affairs Board last year encouraged USC to support CFS we did not. It is inappropriate especially because the CFS Referendum Policy states that they are voting for the individual students. I suggest USC does the best it can to inform the members of your college. Taking a stance seems inappropriate.

President Gardiner stated his rationale for voting for this at the executive level. The reason we did it at the executive level is so both opinions could be expressed. It does not force people to vote yes or vote no it raises the level of awareness. We have talked about this at the executive level and I'm sure it has been discussed in the colleges. This is what we do in this body is decide on issues.

Councilor Ansaldo asked if the executive were entirely behind this issue or if they were split on this decision?

President Gardiner states the executive was split but it was a majority decision.

Councilor Ansaldo asked that when the executive is approached about whether or not they support this decision would they say it was a split decision or a majority decision?

President Gardiner answered the executive will say it was a majority decision.

Chair Thoma noted that it is procedure not to carry on a conversation so back and forth.

VP Cole feels students should make up their own minds. USC should engage in an information campaign to inform the students; however, should not take a stance.

Councilor Gallaway wants to point out that USC has always taken a stance on Referendums. Students will make up their own minds no matter what we decide and would like to see happen just because we endorse it does not mean it will pass. Remember Upass?

VP Campbell states we are debating in circles. I think we should call the question.

Move to call the question.

**USC Motion35:** Campbell/Cole Carried.

Move that USC endorse CFS in the Referendum.

**USC Motion36:** Lennox-Zepp/Connor Carried.

**9. New Business**

**9.1 Architect Consulting**

VP Campbell stated it would cost \$9,625 for the architect to draw up preliminary plans for the Place Riel renovations.

Councilor Ansaldo asked what type of considerations have been made with regards to the Environmental side to make our campus as energy efficient as possible?

VP Campbell said that we are looking at energy efficient light bulbs and efficiency of utilities. There have been no major environmental overhauls at this point. Having the renovations will make it much more efficient.

Councilor Yakimoski asked how the architect was chosen for the design of the building and was it the architect that designed Louis'?

VP Campbell answered that it is the architect that designed Louis' and we have worked well with this architect a lot in the past.

Councilor Villeneuve questioned whether or not we have the necessary funds to renovate Place Riel or will we have the architect draw up plans and then six years down the road have the funds?

VP Campbell stated that we have the funds to renovate Place Riel.

Councilor Ansaldo asked that before plans get drawn the USSU talk to Margaret Assmus, Sustainability Director and Coordinator at the University of Saskatchewan.

President Gardiner stated that this is only a consultation all questions will come back when we come forward with the plans later in the year, likely in October.

VP Connor stated that we have discussed the possibility of a design team.

## **9.2 Sustainability Pledge**

VP Connor stated she got all the information on the Council handout from Jeh Custer's website at [www.sustainus.com](http://www.sustainus.com). You might want to check this website out. I brought this forward under New Business so that we can vote on the issue next week. Give students a chance to sign the sustainability pledge.

Councilor Korshever stated he would like to motion for USSU as an organization to sign the pledge since we are leaders I believe we have to show an example to implement sustainability initiatives.

Chair Thoma asked if he is making a motion to adopt the Sustainability Pledge?

VP Connor stated that we couldn't make a motion under New Business.

VP Cole stated that signing the pledge is for individual students not for an organization. If you look into our values in our Constitution you will see environment responsibilities. I think it redundant and I don't think we need to sign as an organization.

Councilor Korshever has had several students approach him about the Sustainability Project and believe that recent events haven't been up to Article 4 of the USSU Constitution. How can we allow the organization to not follow the Constitution?

Chair Thoma stated that next week VP Connor will be making a motion to endorse the Sustainability Pledge to students, not necessarily as a group but maybe as a motion to put it in our Constitution, which would happen at the AGM, which we have later in the year.

## **9.3 Corporate Sponsorship and Agreements with Outside Bodies**

President Gardiner noted that this New Business item came up from Councilor Korshever. I am working with development and facilities staff member and compiling all sponsorship and corporate agreements we have with outside bodies. This is not ready to present yet. Will present to council as soon as project is ready.

Councilor Korshever stated that several local and international students have been asking questions about the Coca-Cola Agreement and there is not much information out there.

Chair Thoma stated that there is no motion on the table. Under Business we should have the motion and idea present and have ideas presented under there. We will discuss when there is a motion.

Councilor Korshever would like corporate sponsorship and agreement information available to all students.

#### **9.4 Elections to USC Boards**

President Gardiner noted that there are several standing boards and committees of the USSU in the Constitution under Bylaw #1. This is how you get involved beyond council and just coming to meetings. This is where the bulk of decisions are made. It is on the website and have in mind next week what board or committee you would like to sit on.

Councilor Yakimoski sends her regrets for the September 22<sup>nd</sup> USC meeting; how do I express my interest.

VP Cole said other councilors can nominate you, so I recommend talking to your co-councilor and have him nominate you.

### **10. Questions and Comments**

Councilor Villeneuve would like his opposition noted in the CFS motion.

Councilor Villeneuve stated that the executive said that although they are going to support CFS they want to make sure this is a fair campaign. This summer it turns out that CFS was invited to Orientation to present to students and CASA was not, I am wondering how that was fair? So I took it upon myself to invite CASA, and President Gardiner asked CASA not to come. I'm wondering how that is technically fair if this is what the executive is going to be doing. CASA was not asked not to come. But they did not end up coming because I made sure it was fair. So if this is how things are going to be kept fair, I am wondering how the executives are going to keep things fair?

President Gardiner stated that he asked both CFS and CASA not to come. CFS was never invited by the Students' Union and I pulled the plug on them because Orientation should not be a political event. Neither one said they were going to voluntarily withdraw, so I asked Orientation to pull both of their tables and ask both not to come.

VP Cole noted he would also like his objections to CFS noted.

VP Cole asked President Gardiner if Orientation is not a place for political debate why was CFS invited in the first place?

Chair Thoma noted to stay on one issue.

President Gardiner responded that he does not know why CFS was invited he did not invite them. He received an email from CFS, which he forwarded on to the coordinator of the information table but he did not invite them.

VP Connor commented that the reason CFS came to Orientation is because they have people working in the province.

VP Cole stated that if CFS invited themselves to our Orientation what else are they going to invite themselves to.

Chair Thoma said this is questions and comments not a debate.

Councilor Villeneuve stated that he is a friend of the person who books tables at Orientation. I know for a fact that although President Gardiner may have asked CFS not to come it was that person who said that they could not come they would not have a table.

Councilor Ansaldo has no difficulty with CFS or CASA coming to Orientation. I find it difficult to believe that President Gardiner didn't know they were coming considering he sits on the National Board.

Councilor Fernquist also wants his opposition to CFS noted.

Councilor Villeneuve stated it is a conflict of interest and unethical to have an executive member sitting on both boards.

Councilor Ansaldo stated his confidence in the capability of President Gardiner. Chair Thoma reminded everyone that personal attacks of character are not tolerated under Roberts Rule of Order. You can attack an issue or a stance on an issue but not attack a character. We are getting close to that point.

Councilor Burnett feels it is entirely inappropriate to be having President Gardiner sit on both boards. It is a conflict of interest to be a member of both boards. President Gardiner is not going to dwell on this to long the points have already been stated. I do want to uphold my integrity here and explain my intentions were completely noble for running for both board. It is ridiculous to have two student lobby organizations and they are the same issues. It was miraculous that I was elected but both bodies chose me knowing my involvement in the other organization.

Councilor Mitchell voiced a concern that was raised to the ASSU. Last week a facilities management staff member took down hundreds of posters in our college one morning and the only notice that we were given was a phone call at 6:40 a.m. the morning the posters were removed. I understand that there is a new poster

policy; however, last year our students association was promised a copy of the poster policy and it was never provided. They said it would be provided at a later date when they had more time. We don't have a copy of the policy so it is unfair for them to call our office before our office hours and take down the posters when it costs students so much to produce. The reason I mention this is to inform you that it wasn't the decision of the ASSU to take these posters down. Administration is not adequately contacting us about this issue and we will be meeting with them this week.

Councilor Burnett noted that the posters were to advertise Hell Dance, which is next Friday. Thank you for looking after these concerns. This is our major fundraiser for the year, and our entire years budget depends on next Friday. Wide Mouth Mason will be playing at Hell Dance.

Chair Thoma stated that all events happening in your college should go on the events board.

Councilor Yakimoski sent her regrets for the next USC meeting, will be on the Churchill River.

Councilor Birdi commented on the architect consulting. It would be a fun idea to have the students decide what they want in Place Riel and have them decide what the best design is.

VP Campbell stated they are just planning the structural design and I don't think we should have students decide that.

VP Cole stated that having a large number of interior or conceptual designs would significantly raise our costs.

Councilor Ansaldo agrees it is a good idea and if we had done the same thing with Louis' we wouldn't be losing as much money.

**11. Any Other Business**

President Gardiner would like to have council meet every other week likely after the referendum.

**12. Adjournment**

Move to adjourn.

**USC Motion37: Cole/Fernquist**

Carried.

# BYLAW I - MEMBERSHIP

## 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 receive the status of voting members in the Federation as provided for in By-law I, Section 2, and 3;
- 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 Canadian Federation of Students, the Canadian Federation of Students-Services, and the applicable provincial component as described in Bylaw VII- Provincial Components;
- ii. A written application for full membership submitted by an eligible local student association will be considered as a binding contract to accept the rights and responsibilities of full membership in the Canadian Federation of Students, the Canadian Federation of Students-Services, and the applicable provincial component.
- iii. Within 90 days of the receipt by the National Executive of a written application for membership, the National Executive will examine the application to see whether it is in order, and will make a recommendation to the voting members of the Federation concerning the application.
- iv. At the next general meeting of the Federation, the full membership application shall be put to a vote and shall require a majority of at least two-thirds of the votes cast to be accepted.
- v. 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 membership.
- vi. Notwithstanding Section 2.a.vii. of this Bylaw, the fees for full member local associations shall be:
  - \$3.00 per semester, or \$6.00 per academic year, per local association individual member of the Canadian Federation of Students/Canadian Federation of Students-Services, pro-rated as per the policy of the member focal association; and
  - the applicable provincial component fee.
- vii. Beginning in 1996, 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 calendar year.

### b. Prospective Membership

**General Description:** Prospective membership is a trial membership of limited duration.

- i. A local student association is eligible to apply for prospective membership if it has passed a motion of its members, executive, council or equivalent representative body to apply for prospective membership in the Federation and its applicable provincial

- component as described in Bylaw VII-Provincial Components;
- ii. A written application for prospective membership submitted by an eligible local student association will be considered as a binding contract to accept the rights and responsibilities of prospective membership in the Canadian Federation of Students, the Canadian Federation of Students-Services, and the applicable provincial component.
- iii. Within 90 days of the receipt by the National Executive of a written application for prospective membership, the National Executive will examine the application to see whether it is in order, and will make a recommendation to the voting members of the Federation concerning the application.
- iv. At the next general meeting of the Federation, the prospective membership application shall be put to a vote and shall require a majority of at least two-thirds of the votes cast to be accepted.
- v. A local student association's application for prospective membership, once accepted by the Federation, shall constitute a binding contract to pay prospective membership fees, as described in Section 2 b-vi, and conduct a full membership referendum, as described in Section 2 b-viii;
- vi. The fee for prospective membership in the Federation shall be five per cent (5%) of the regular Federation membership fee, notwithstanding that the fee may be reduced or waived by a majority vote of a national general meeting or the National Executive;
- vii. A prospective member association shall have full voting rights in Federation national general meetings, but shall not be permitted to designate a proxy to vote on its behalf, and shall have the same access to Federation resources and materials, except the International Student Identity Card, that a full member has
- viii. A prospective member association must hold a referendum on full membership in the Federation, in accordance with Section 5 of this Bylaw, within five (5) months following its acceptance as a prospective member unless an extension is granted by the National Executive of the Federation;
- ix. In the event that the majority of those voting in the referendum support full membership in the Federation, full membership will be granted at the subsequent national general meeting, at which point prospective membership shall cease;
- x. In the event that the majority of those voting in the referendum oppose full membership in the Federation, prospective membership will immediately cease;
- xi. In the event that the referendum fails to achieve quorum, prospective membership will be automatically extended and another referendum on full membership will be held within the subsequent six (6) months in accordance with Section 5 of this Bylaw; and
- xii. In the event that a prospective member fails to conduct a referendum on full membership as required by this Bylaw, the Federation shall have the option to either cancel or extend, by majority vote of a national general meeting, the prospective membership until a referendum on full membership is conducted.

### **3. Membership Rights and Responsibilities**

#### **a. Rights of Individual Members**

- i. The individual members of the Federation collectively belonging to a member local association will have sole authority to make decisions through referendum on all questions of membership in the Federation, subject to the other provisions of this Bylaw.
- ii. The individual members of the Federation collectively belonging to a member local association will have sole authority to initiate, by petition signed by not less than ten percent (10%) of the individual members and delivered to the National Executive, a referendum to federate as described in Article 5 of this Bylaw.

- iii. The individual members of the Federation collectively belonging to a member local association will have sole authority to initiate a de-Federation referendum, as described in Article 7 of this Bylaw, by submitting to the National Executive of the Federation a petition, signed by not less than ten percent (10%) of the individual members of the association, calling for the referendum.
- iv. Individual members of the Federation have the right to have their interests represented collectively in the Federation through their local student association, but will not have voting rights at the Federation general meetings.
- v. The Federation will attempt to ensure that a Federation membership card is issued to each individual member of the Federation who is a member of a full voting member of the Federation.

**b. Rights of Voting Members**

- i. Each voting member of the Federation will have one vote at and participate in general meetings of the Federation provided all outstanding delegate fees for past meetings have been paid in full. This is subject to review by the National Executive on a case-by-case basis upon request.
- ii. Voting members of the Federation have the right to be represented collectively to the federal government and to other national organisations.
- iii. Each voting member of the Federation is entitled to the protection and support of the Federation in accordance with the objectives of the Federation.
- iv. Each voting member of the Federation is entitled to have access to Federation research, information, materials, staff, and other resources.
- v. Each voting member of the Federation is entitled to have access to all information and official documents concerning the operations and activities of the Federation and of the National Executive.
- vi. Delegates sent by voting members to general meetings of the Federation will have the right to stand for election to any vacant position on a committee of the Federation subject to such other conditions as may be specified at the time of formation of the committee.

**c. Responsibilities of Voting Members**

Although Federation staff and executive members will handle many day-to-day operations, the structures of the Federation can only function if there is full cooperation among Federation voting members. The achievement of the work and goals of the Federation depends on the active participation of students and student associations.

- i. Each voting member of the Federation is responsible for supporting the objectives of the Federation and will abide by all provisions of these By-laws.
- ii. Each voting member will ensure that Federation fees are collected each year at its institution and forwarded to the Federation, according to the contract of membership and the fee agreement if applicable, signed when the member joined.
- iii. The voting member will not represent the membership fees collected on behalf of the Federation as an expense and/or revenue of the member in its budgets, its financial statements, its audits or any other documents of the voting member.
- iv. Each voting member will be responsible for representing the interests and concerns of its member students at general meetings of the Federation.
- v. Each voting member is responsible for contributing to the formulation of Federation policy and where possible and by resolution of the local council for supporting and implementing that policy.
- vi. Each voting member will be responsible for communicating information from the Federation and the provincial Federation components to its students.
- vii. Each member local association will communicate and work cooperatively with Federation staff and members of the National Executive.

#### 4. **Vote to Federate**

In accordance with Section 2 of this Bylaw, the following shall be the rules and procedures for a referendum, in which the individual members of a prospective member local association may vote on full membership in the Federation:

##### **a. Scheduling of the Referendum**

The referendum will be scheduled by the prospective member association in consultation with the Federation.

##### **b. Referendum Oversight Committee**

The referendum shall be overseen by a committee composed of two (2) members appointed by the prospective local association and two (2) members appointed by the Federation, that shall be responsible for:

- i. establishing the notice requirement for the referendum in accordance with Section 4-c of this Bylaw and ensuring that notice is posted.
- ii. establishing the campaign period in accordance with Section 4-d of this Bylaw.
- iii. approving all campaign materials in accordance with Section 4-e of this Bylaw and removing campaign materials that have not been approved.
- iv. deciding the number and location of polling stations.
- v. setting the hours of voting in accordance with Section 4-f of this Bylaw.
- vi. overseeing all aspects of the voting.
- vii. counting the ballots following the vote.
- viii. establishing all other rules and regulations for the vote.

##### **c. Notice of Referendum**

Notice of the referendum, that includes the referendum question and voting dates, shall be provided to the individual members of the prospective member association no less than two (2) weeks prior to voting in the referendum.

##### **d. Campaigning**

- i. There shall be no less than ten (10) days on which campaigning is permitted, during which classes are in session, immediately preceding and during voting; and
- ii. Only individual members and representatives of the prospective member association, representatives of the Federation and representatives of the Federation member local associations shall be permitted to participate in the campaign.

##### **e. Campaign Materials**

- i. Campaign materials shall include all materials developed specifically for the referendum campaign.
- ii. Materials produced by Federation that promote campaigns and services of the Federation shall not be considered as campaign materials unless they include specific content about the referendum.
- iii. The Federation website shall not be considered a campaign material unless it includes specific content about the referendum.
- iv. The Federation's annual report, financial statements, research and submissions to government shall not be considered a campaign material.
- v. Campaign materials shall not be misleading, potentially libelous or false.

##### **f. Voting and Tabulation**

- i. Voting shall be conducted at voting stations or, subject to the agreement between the prospective member association and the Federation, at a general meeting of the prospective member association or by a mail-out ballot.
- ii. There shall be no less than sixteen (16) hours of polling over no less than two (2) days, except in the case of voting being conducted at a general meeting.
- iii. Unless mutually agreed otherwise by the prospective member association and the Federation, the referendum question shall be: "Are you in favour of membership in the Canadian Federation of Students."

- iv. In the event that polling is conducted at a general meeting, representatives of the Federation and Federation member local associations shall be extended full speaking rights in the meeting.
- v. The prospective member association and the Federation shall each be permitted to appoint one poll clerk for each polling station.
- vi. The prospective member local association and the Federation shall each be permitted to appoint one poll scrutineer to oversee the counting of ballots.

**g. Appeals**

Any appeals of the referendum results or rulings by the Referendum Oversight Committee shall be adjudicated by an Appeals Committee composed of one (1) member appointed by the prospective member association and one (1) member appointed by the Federation, who were not members of the Referendum Oversight Committee.

**5. Suspension and Expulsion of Members**

A member local association may have its voting privileges suspended or may be expelled for violating its responsibilities as outlined in ByLaw I, Section 3 (c), subject to the following procedure:

**a. Process for Initiating the Procedure of Suspension or Expulsion**

The procedure for suspending the voting privileges or expelling a member local association may be initiated by:

- i. resolution of the National Executive; or
- ii. a petition, submitted to the National Executive, signed by not less than one-third (1/3) of the voting member locals associations and listing the reasons for the proposed suspension of voting privileges or expulsion.

**b. Notice of the Suspension or Expulsion Procedure**

Upon resolution of the National Executive or receipt of a petition by the National Executive, initiating the process for suspending or expelling a member local association, the National Executive will;

- i. place the matter on the agenda for the next regularly scheduled national general meeting for which no less than four (4) week notice can be given; and
- ii. inform, by registered mail, the member local association against which the suspension or expulsion procedure has been initiated no less than four (4) weeks prior to the national general meeting at which the matter of suspension or expulsion will be considered.

**c. Required Majority**

A two-thirds vote of a national general meeting shall be required in order to suspend the voting privileges or expel a member local association.

**d. Appeal of Suspension or Expulsion**

Any student association, which has had its voting privileges suspended or has been expelled, may appeal the decision to the next world congress of the International Union of Students.

**e. Reinstatement of Voting Privileges**

A member local association, which has had its voting privileges suspended, may have its voting privileges reinstated subject to the following procedure:

- i. Upon receipt of a written application from a member local association requesting reinstatement of voting privileges, the National Executive will assess the merits of the application and make a recommendation to the voting member local associations at the next regularly-scheduled national general meeting.
- ii. A two-thirds majority vote shall be required to reinstate a member local association's voting privileges.

**6. Vote on Defederating**

The individual members of the Federation belonging to a member local association may vote on

whether to defederate, subject to the following rules and procedures:

**a. Notice**

- i. No vote on de-federating may be held between:
  - April 15 and September 15; and
  - December 15 and January 15.
- ii. Notice of a vote on defederating must be delivered by registered mail to the head office of the Federation not less than six (6) months prior to the vote.
- iii. Notice of the vote must include the exact dates and times of voting.
- iv. In the case of a withdrawal referendum incorporating a mail-out component, the exact date of the referendum shall be the date the ballots are mailed to the individual members; Failure to adhere to the notice provisions in Articles a.i. a.ii. and a.iii. shall invalidate the results of the vote.

**b. Campaigning**

- i. There shall be no less than two (2) weeks of campaigning immediately preceding the voting during which time classes are in session.
- ii. Only individual members and representatives of the member local association, representatives of the Federation and representatives of other Federation member local associations shall be permitted to participate in the campaign.

**c. Voting**

- i. Voting will be conducted at voting stations or, subject to the agreement of the Federation, at a general meeting of the member local association or by a mailout ballot.
- ii. There shall be no less than sixteen (16) hours of polling over no less than two (2) days, except in the case of voting being conducted at a general meeting.
- iii. In the event that polling is conducted at a general meeting, representatives of the Federation and Federation member local associations shall be extended full speaking rights in the meeting.

**d. Quorum**

Quorum for the vote shall be that of the member local association's or five percent (5%) of the individual members of the local association, whichever is higher.

**e. Administering the Campaign and Voting**

The vote shall be overseen by a committee composed of two (2) members appointed by the Federation and two (2) members appointed by the member local association. The committee shall be responsible for:

- i. deciding the manner of voting, be that by referendum, general meeting or mailout ballot.
- ii. deciding the number and location of polling stations;
- iii. approving all materials to be distributed during the campaign;
- iv. deciding the ballot question;
- v. overseeing the voting;
- vi. counting ballots;
- vii. adjudicating all appeals; and
- viii. establishing all other rules and regulations for the vote.

**f. Advance Remittance of Outstanding Membership Fees**

In addition to Articles a. to e., in order for a de-federation referendum to proceed, a member local association must remit all outstanding Federation fees not less than six (6) weeks prior to the date of referendum.

**g. Minimum Period Between De-Federation Votes**

In addition to Articles a. to f, in order for a de-federation referendum to take place, a member local association may not have held a de-federation referendum within the previous twenty-four (24) months. This clause may be waived, by a two-thirds majority vote of the

National Executive, if the procedures of the de-federation referendum are questionable in the extreme.

**h. Minimum Period Between Federation and De-Federation Votes**

In addition to Articles a. to g, in order for a de-federation referendum to proceed, a member local association may not have held a referendum to join the Federation within the previous twenty-four (24) months. This clause may be waived, by a two-thirds majority vote of the National Executive.

**7. Procedure for Application for Withdrawal**

- a. Within 90 days of the receipt of a letter from a member local association notifying the Federation of its withdrawal from the Federation, the National Executive will examine the notification to determine whether it is in order, and will make a recommendation to the voting members of the Federation concerning the application.
- b. At the opening plenary of the next general meeting of the Federation, ratification of the withdrawal shall be put to a vote.
- c. The withdrawal shall take effect on June 30 following the ratification of the withdrawal.

# UNIVERSITY OF SASKATCHEWAN STUDENTS' UNION

Room 65, Lower Place Riel Student Centre  
University of Saskatchewan  
Saskatoon, Saskatchewan  
S7N 5A3



Telephone: (306) 966-6960  
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Web page: <http://www.usask.ca/ussu>

November 8, 2004

George Soule, Chairperson  
Canadian Federation of Students  
Suite 500, 170 Metcalfe Street  
Ottawa, ON  
K2P 1P3

Dear George,

On November 4, 2004 the council of the University of Saskatchewan Students' Union adopted the following motion:

**Be it resolved that the USSU seek prospective membership in the Canadian Federation of Students, the Canadian Federation of Students-Services, and the Canadian Federation of Students-Saskatchewan.**

Please accept this letter as our Union's formal application for prospective membership in the Canadian Federation of Students.

On behalf of the members of the University of Saskatchewan Students' Union, I request that this application for prospective membership in the Canadian Federation of Students be accepted at the upcoming national general meeting of the Federation.

Respectfully,

Gavin Gardiner  
President

This is Exhibit D referred to in the  
affidavit of Evan Cole  
sworn before me this 9 day of  
May, A. D. 2006  
  
A Commissioner for Oaths in and for  
Saskatchewan

# University Students' Council

Minutes for Thursday, March 30<sup>th</sup>, 2006

## Present

Gavin Gardiner, President  
Evan Cole, VP (Academic Affairs)  
Michael Kowalsky, VP (External Affairs)  
Brett Campbell, VP (Operations & Finance)  
Sarah Connor, VP (Student Issues)  
Brad Flavell, Arts & Science  
Jeremy Olthof, Agriculture  
Chris Gallaway, Commerce  
Jason Villeneuve, Education  
Susan Yakimoski, Education  
Wadena Burnett, Engineering  
Kelly Morin, Indigenous  
Alex Korshever, International  
Terra Lennox-Zepp, Law  
Vishnu Singh, Medicine  
Mark Taylor, Pharmacy & Nutrition  
Blayne Coffin, Physical Therapy  
Nicholas Ansaldo, St. Thomas More  
Alice Collins, St. Thomas More  
Ana Melendez, VPRA  
Chris Biederbeck, WCVM

## Also Present

Brent Thoma, Chair  
Steve ???, Agriculture  
Ryan Allan, Arts & Science

Chris Costley, Arts & Science  
Adrian Frank, Arts & Science  
Robin Mowat, Arts & Science  
Liam Richards, Arts & Science  
Ashlee Smith, Arts & Science  
Jeremy Warren, Arts & Science  
Cody Lang, Commerce  
Garrett Turner, Education  
James Mantyka, Engineering  
Victoria Coffin, Law  
???, Pharmacy & Nutrition  
Chuck Hamilton, Sheaf  
Jeanine Phillips, STM  
Caroline Cottrell, USSU General Manager  
Richard ???, VPRA  
???, VPRA  
Jessica Heath, WCVM

## Absent

Holly-Anne Sedor, Nursing

## Regrets

Tracey Mitchell, Arts & Science  
Hardeep (Bobbi) Birdi, Dentistry  
Benjamin David, Engineering  
Gina Otte, Kinesiology

### 1. Call to Order

The meeting was called to order at 6:09 p.m.

### 2. Call for Quorum

Quorum was present.

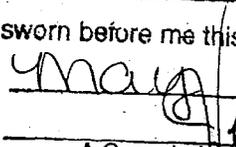
### 3. Adoption of an Agenda

VP Connor stated she would like to add the Sustainability Policy to Business as 8.3.

Move to adopt the agenda as amended.

USC Motion 140: Gallaway/Flavell

Carried.

This is Exhibit E referred to in the  
affidavit of Evan Cole  
sworn before me this 9 day of  
May, A. D. 2006  
  
A Commissioner for Oaths in and for  
Saskatchewan

**4. Introductions and Announcements**

Chair Thoma noted that the PC laptop used to take attendance was not at the meeting; therefore, council members would have to state their name and the college they are representing.

Councilor Melendez introduced Cameron who will be the new MSC for VPRA next year.

Councilor Coffin introduced Carla Horvey who will be the new MSC for Physical Therapy next year.

Councilor Taylor introduced Catherine ??? who will be the new MSC for Pharmacy and Nutrition next year.

**6. Minutes and Reports for Information**

**6.1 USC Minutes**

Move to adopt March 23<sup>rd</sup>, 2006 USC minutes.

**USC Motion141:** Coffin/Lennox-Zepp Carried.

**6.2 Executive Committee Minutes**

President Gardiner stated that the majority of the Executive members have their Spring Accountability Reports available; however after discussing with VP Cole it was decided to email the Accountability Reports out at a later time because there would be an entire month of activity not in the report.

**6.3 Academic Affairs Board Minutes and Report**

VP Cole stated that the AAB is finished meeting for the academic year. He thanked the AAB members for sitting on the board and stated they would pass recommendations onto next year's board members. He stated the Experience in Excellence Awards night went very well. He thanked Chris Phillips, Academic Affairs Officer, and Brad Flavell, Academic Affairs Board member, for helping present the Teaching Excellence Awards and thanked the USSU staff for making this event a success.

**8. Business**

**8.1 Vulnerable Workers Commission**

VP Connor stated last week the SIB reviewed the recommendations put forward by the Vulnerable Workers Commission.

Move to endorse recommendations one through five put forward by the Vulnerable Workers Commission.

**USC Motion142:** Connor/Galloway Carried.

## 8.2 Referendum

Move to Ratify the results of the CFS Referendum that took place on October 4<sup>th</sup>, 2005.

**USC Motion143:** Gardiner/Connor Carried.

Chair Thoma asked council members to not repeat comments that have already been made.

President Gardiner stated that Caroline Cottrell, USSU General Manager, has been in discussion with Greg Walen, USSU Lawyer, and she has some comments she would like to share. He stated that supporting the recommendation has nothing to do with the thoughts on CFS itself. He supports this referendum the other alternative is to hold another referendum and that is not an option since the CFS already considers the U of S student body members. He stated another referendum can't be held if the USSU is already considered a member. He stated that puts the USSU into a legally difficult position and the side also wants the USSU to be in a legal position. He asked if it is better to challenge CFS, which has a financial stake in this referendum, or to challenge the no side. He stated that if the results from the referendum were different he would challenge CFS; however the students made their decision and that vote was not compromised. He stated that students made their choice and we should abide by that.

Councilor Singh asked if council members are voting on whether or not to accept the EB Report or on the Referendum directly.

Chair Thoma stated USC is deciding on whether or not to ratify the Referendum results, which would override the Elections Board decision.

Councilor Singh asked if the motion should be reworded.

President Gardiner stated the wording of this motion was chosen so that this would be a final decision. He stated if council decides to ratify the results that would be the final decision and chosen not to ratify the results they then have the choice of doing what the EB Report recommended.

Move to grant Caroline Cottrell, USSU General Manager, speaking rights.

**USC Motion144:** Cole/Flavell Carried.

Caroline Cottrell stated she started her General Manager position with the USSU on February 6<sup>th</sup>, 2006. Prior to this she went with President Gardiner and the then Acting General Manager to met with Greg Walen regarding this issue. She stated she has read over all documents regarding the referendum several times in the last couple days. She stated that no matter what decision is made at council tonight regarding the referendum someone is going to sue. She stated that council has the choice between democracy and bureaucracy. On one hand the USC has a result from the Election and as far as she can tell the results were not significantly

compromised by the procedural difficulties. On the other hand USC has a bureaucratic processes that has not been followed and should have been followed throughout the process. She stated that council members have to make a decision based exclusively on principle. She encouraged council members to put aside issues of whether or not the USSU is going to get sued because it is and deal exclusively and strictly with what your conscience tells you is the right decision to make. She stated that is the best advice she can give council members.

Chair Thoma asked if any members of the Speakers List were missing: Victoria Coffin, Member Mowat, Member MacDonald, Member Smith, Councilor Villeneuve, VP Cole, Member Allan, Member Heath, Councilor Lennox-Zepp and Member Frank.

??? asked if council members at a previous meeting accepted the recommendations the EB had made? He stated if USC accepted their decision then why would we reconsider their decision.

Chair Thoma stated that USC gave the EB power to ratify or not ratify the election results. The EB then decided not to ratify the election results. He stated the USSU Lawyer have advised council members that they can override the EB decision on whether or not accept the election results. He stated USC did not adopt the EB results but they ratified the release of the EB Report to the public. He stated that the EB adopts their own minutes and then presents them to USC. He stated USC did not have to adopt the EB Report; they decided to release it to the public.

Councilor Lennox-Zepp asked Chair Thoma to repeat the Speakers List.

Chair Thoma listed Member Coffin, Member Mowat, Member MacDonald, Member Smith, VP Cole, Member Allan, Member Heath, Councilor Lennox-Zepp, Member Frank, Member Tolley, Councilor Collins and Councilor Burnett.

Member Coffin stated she is a member of the USSU and the ACRO for the Elections Board. She stated CFS is claiming that the USSU has contractual obligations and is wondering what would be the positive action in any kind of action. She stated the entire bylaw is ????. She stated that there is a letter addressed to the USSU Solicitor from CFS that in paragraph 2 states: The Ontario Superior Court of Justice in *CFS (Ontario) v. Students Federation of the University of Ottawa* the bylaws of the CFS are contractual in nature and are binding upon its prospective members. Failure to adhere to those bylaws constitutes a breach of contract and may result in the initiation of legal action. In addition to outlining the referendum is to be administered including the striking of a Referendum Oversight Committee. That Committee is responsible for the proper administration of the referendum. The CFS and CFS-S do not recognize the authority of any other entity which might be struck to oversee the administration of a referendum on campus seeking to become a full member of

the CFS/CFS-S. This would include the Elections Board which has been struck at the University of Saskatchewan. She stated that they are assuming that there would be a lawsuit from CFS if the election results are not ratified.

???

Chair Thoma suggested from what Member Coffin said he thinks that their bylaws were binding and that their Oversight Committee was binding. The CFS does not recognize the EB having anything to do with the referendum and view the USSU as full members.

Caroline Cottrell stated Chair Thoma is correct.

Member Mowat encouraged councilors to vote against this motion. He stated that members from the EB discussed this matter for several hours and made the recommendation not to ratify the results. He said that if council members vote in favour of this he would not sue for membership dues, he is just making an appeal to have some fairness around this referendum. The EB seems to think that the referendum was not fair and he feels that a judge would agree with them. He stated that democracy was upheld and that President Gardiner has been disingenuous.

Chair Thoma said to abstain from personal attacks against an individual's character.

Member Mowat stated he was just suggesting alternative motives by President Gardiner.

Chair Thoma said to not suggest.

Member Mowat stated bureaucracy has a negative tone but democracy can't function without all processes in place that legitimize the results of a vote. He said that if it was just about who received the most votes then the President in Belarus has nothing to worry about. The election would be completely legit.

Member MacDonald stated this sounds like more of a discussion or debate rather than a response to a short question which granted him speaking rights.

Chair Thoma said that he had Member Mowat directly below Member Coffin on the speaker's list and as far as he knows Member Coffin was finished speaking.

Member Mowat said if we give up on the process then we give up our democracy. He stated the EB analyzed this issue and made their decision and they sit on this council. The EB found the processes were important and the violations were of such a magnitude they found the referendum results unfair. He claimed council should vote in favour of the fairness that the EB sees.

Member MacDonald noted that he was a VP of the USSU last year and he thinks it is important council members know what was thought that year. He stated last year they took out a prospective membership and everyone knew what that meant. He stated there was a lot of debate about it but everyone knew that a referendum would be held as soon as possible. He stated they knew that the referendum would have bylaws and regulations. He said they were aware that they would have to follow CFS's bylaws and constitutions and that they gave CFS the authority last year. This year council members have to respect the fact that they were given that authority.

Member Smith stated if council chooses not to ratify the results what council is implying is that university students are not capable of making up their own minds and voting for what they believe is right. In October she was not a fan of CFS; however she hopes council chooses to honour the will of the students. She would hate to see her year on council wasted on this seemingly endless debate when she should be working to help students, which was why she was elected.

VP Cole stated that this vote is not whether you voted yes or no in the CFS Referendum. It is about what is right. He said he is one of the biggest advocates of policy, process and fairness at the beginning of this referendum. He stated council has two obligations to our students and to our policies and procedures. Our policies and procedures must be in place to serve our students properly. Our students voted yes in the referendum but in the process that was being fought by our own board. He stated this council voted to back CFS in the referendum then the board agreed that the process was flawed. The board agreed that CFS was right for the students but our own board, which had two councilors on it, vote in favour of CFS and agreed that the process was flawed because students deserve another chance a fair referendum. Council should be looking at whether or not we want a fair referendum. It is not fair that CFS made us members before the process was complete. The Oversight Committee had not even completed their report yet and we were made full members at the general meeting. He stated they did not even care that the process wasn't followed.

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VP Cole stated the point is the board still found the process was flawed. He noted we owe it to our students, our bosses, to tell us how we should lead our organization and they need to tell us that clearly but they didn't. He stated that there should be another referendum held in order to get the proper results and hear what the students are saying and have it fair on both sides which was not the case. He stated he would be in favour of another referendum but for now he is voting against the motion to ratify the results.

Chair Thoma stated that if you have a point of order you can interrupt someone but if you have a point of information you have to do it between speakers.

VP Connor stated she is glad that VP Cole pointed out that we are obligated to our processes. However, she wanted to have councilors view Article 11 of the Constitution.

Chair Thoma stated that is not a point of information.

Member Allan stated the EB was quoted in the Sheaf stating that procedural problems affected the will of the voters. He stated President Gardiner noted that holding another referendum is not an option because CFS already views us as full members. He stated he supports CFS but he encourages council members to vote against this motion.

Member Heath stated she wanted to congratulate Member Mowat for coming to council two years in a row and slamming them. She stated last year when discussing the CFS Referendum he .....

Point of Order.

Member Heath stated last year she was a member of council last year and felt it was a decision that should be left to the students. She stated council decided to become prospective members of CFS and accept their constitution even though they didn't know what it stated. She stated that we are bound to their rules and council has to accept that. She stated holding another referendum is not going to give council any more legitimacy.

Point of Information. Councilor Taylor asked if derogatory comments are going to be accepted at council tonight?

Member Heath stated she didn't mean to be derogatory.

Chair Thoma reminded councilors that derogatory comments are not allowed. He noted not to debate issues that have not been discussed and to make points at the start of the discussion would make things much easier.

Councilor Lennox-Zepp stated she is thrilled that this topic is being discussed in a contractual way tonight. She stated on the CFS Bylaw I – Membership under Prospective Membership point i states USC is eligible to apply for prospective membership if it has passed a motion of its members. She noted this was done last year. She stated on the CFS Bylaw I – Membership under Prospective Membership point ii states a written application for prospective membership submitted by an eligible local student association will be considered as a binding contract to accept the rights and responsibilities of prospective membership in the CFS, the CFS-Services and the applicable provincial component. She stated this is indeed the written application from President Gardiner to CFS constituting a binding contract to accept our responsibilities. She noted this was a vote that happened last year and that we created this contract and the decision we are

making today has two parts. The decision council is making today is whether to breach a fundamental term of that contract or accept the responsibility for the contract that USC created last year. After the referendum the ACRO and DRO signed off on the Oversight Committee binding us to the process that was agreed to last year. She wanted to make it clear that it did bind the USSU to that process. She stated in September that the USC voted to have the EB ratify the referendum results and she had concerns with that because that amendment was made without full knowledge and council dropped the ball on that particular amendment. She stated council had no idea if the EB could actually be the body that would determine the referendum ratification. She is concerned that USC made an error and the Ontario Superior Court agrees that an error was made in a similar case. They have clearly stated that any additional clause of the contract that was brought in after the contract was agreed to will not be considered in the Ontario Superior Court. She stated this means the amendment that was made in September is null and void and that means the EB could not be the body to ratify the referendum results. She stated she has personally thanked the EB for the hours they spent discussing this issue but the Ontario Superior Court states that the EB Report is not within the contract that was agreed to last year.

Move to grant Patrick Thompson speaking rights.

USC Motion 145: ???/Flavell

Carried.

Member Thompson asked if the case from the Province of Ontario has any bearing on this case.

Councilor Lennox-Zepp stated that the precedence set in Ontario is not binding in Saskatchewan; however, it could be brought into any court action and used successfully. She stated it is not binding but it is influential.

Member Coffin stated that this was accurate.

Chair Thoma stated that is not a response to Member Thompson's question. He stated that a point of information could only be used to correct a statement that was incorrect.

Member Coffin stated ???

Member Frank said that the comment that was made in comparison to Belarus is not valid. He stated council is discussing a process that was flawed in campaigning. He stated he stood a certain way on the issue and he had the opportunity inform himself and he took the time to vote. He pointed out that every student on this campus had the opportunity to do that and there was an overwhelming support for CFS. He does not feel it is the mandate of student council to overturn the unanimous student decision. He stated when discussing student apathy on campus, when discussing students not showing up at the ballot boxes, this is the reason. He stated students feel the bureaucracy and protest is

important enough to override a very clear vote and a very clear mandate offered by the students.

Member Tolley introduced herself and said she is present to represent the aboriginal students on campus, which makes up 10 percent of the U of S students. She stated she was asked in November by the USSU to be the Aboriginal Representative at CFS meetings. At the time she did not know very much about CFS but when she got there everything she saw seemed positive. She stated CFS deals with a lot of issues that Aboriginal students face. She feels that by being involved with CFS, students can be involved with a lot of government organizations to help resolve some of these issues. She stated that CFS is students fighting for students and noted that anyone who is against CFS does not understand CFS.

Chair Thoma clarified that the debate should be strictly on the ratification of the referendum results not on the merits of CASA or CFS.

Councilor Collins said she would be voting yes to ratify the referendum results. She stated as the incoming VP External Affairs she would be the Executive member who deals with this the most and does not want to have another year taken up on an issue that has already been solved by the students. She believes the referendum was at the will of the students and had an overwhelming student turnout and would like to work on other issues that would benefit the students.

Councilor Burnett stated that in the engineering world there is never time to do things right the first time but always time the come back and fix it. She suggested taking this time to fix the policies and procedures that have been broken and redeem ourselves as a board. She stated she is still receiving complaints from interns who did not get the chance to vote in the referendum that occurred six months ago. Approximately 15 percent of engineering students are off on an internship lasting anywhere from eight to sixteen months and because the referendum was held in the fall half of the education students were also off campus and not able to vote. She asked how council could say that they are representing students when they are actually denying their vote. She stated council should take this opportunity to vote against this motion and fix the problem that has occurred and redeemed ourselves.

Councilor Flavell stated that if the U of S becomes members of CFS every student would pay a student fee. He stated that in his mind this means we would be their customers and is the customer not always right? He does not understand why CFS would not allow us to hold another referendum that would be fair on both sides. He stated he would like to sit down like mature respectful adults and have a process that no one would have a problem with. He encouraged council to vote against this motion.

VP Connor claimed that to overturn the vote of the students would be incredibly irresponsible. She stated in the real world you couldn't just fix something by redoing it when you have already signed off and stated it was okay.

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Member Turner said the debate tonight is whether or not we believe there was just and due process in this referendum so that the referendum results can be held binding. He stated he feels having another referendum is a good idea.

VP Campbell said that everyone keeps stating that the referendum was unfair. He stated it was unfair, but was unfair to both the yes and no sides. He said that to assume that one side was worse than the other is not correct. He noted that all USSU elections in the past have had complaints submitted but we do not throw the results out.

President Gardiner stated he has two points to make. The first is to clarify what the options are. He stated council would make a decision tonight and if that decision is a yes vote that does not stop Member Mowat from filing a lawsuit at the Court of Queen's Bench. He stated that when that happens it will affect the USSU but not financially and not in the same negative way that a lawsuit from the CFS would. If the Court of Queen's Bench finds that the referendum process was flawed that gives the USSU something to stand on. Currently the USSU has nothing to stand on other than the EB Report, which was done well but the OC was signed off on unanimously. The second opinion is to and prepare for another referendum. He stated we couldn't because we can't depend on both sides. The legal opinion from Todd Burk, CFS Lawyer, states that the USSU is considered a CFS member. CFS would not agree to another referendum. He stated he knows this because he sits on the CFS National Executive. He stated there were procedural flaws on both sides of the referendum. He asked council members to think about the long term effects this would have on the USSU.

Councilor Singh stated that everyone at this meeting is aware of what is going on. He stated we have all had time and opportunity to discuss this. He stated council should quit debating this and vote.

Chair Thoma asked if Councilor Singh was calling the question.

Move to call the question.

**USC Motion 146:** Singh/Cole

Carried.

Councilor Flavell, VP Cole, Councilor Burnett, Councilor Villeneuve and Councilor Taylor would like their opposition noted for ratifying the Referendum results.

### 8.3 Sustainability Policy

VP Connor stated that until a Sustainability Auditor has been hired the Sustainability Board does not want this to apply to business relationships that are already ongoing. She stated it would apply to new business relationships.

Move to adopt the USSU Sustainability Policy.

**USC Motion147:** Connor/Galloway

Carried.

Councilor Burnett stated that as a whole her council agreed with the Sustainability Policy but she wanted to mention a few points that were brought up. She asked council to look at Article 4 on Page 2 of the policy which states: *In a situation where two competing suppliers are within close proximity to Saskatoon, preference will be given to organic products.* She stated, given her background in agriculture, organic products would cost approximately 175% the cost of normal food products and claimed that the organic clause could cost a lot more than what we are prepared to pay.

Chair Thoma stated if anyone wishes to amend the policy the motion to amend needs to come forward now.

VP Cole stated he like to amend.

Move to pass the Sustainability Policy without the fourth bullet under Article 4 – Ethical Purchasing Guidelines, 4.02—(i) Location that states: In a situation where two competing suppliers are within close proximity to Saskatoon, preference will be given to organic products.

**USC Motion148:** Cole/Burnett

Opposed.

VP Connor stated that this does not mean we have to buy organic material all the time, just when there is true price competition.

Councilor Yakimoski stated a lot of the time organic product is cheaper in our city and is also less expensive from local farmers. She does not feel this would be an issue.

VP Cole stated there would be a Sustainability Auditor hired in the summer. He stated he would not feel comfortable leaving this statement in the policy until the summer student has completed the sustainability audit.

Councilor Coffin stated she thinks it might be okay to leave that statement in the policy.

Councilor Lennox-Zepp stated that the law students would be very supportive of this particular clause because there is an active group in their college promoting active and local vendors on campus.

Councilor Ansaldo stated he supports this policy and it is one of the best things that has been brought to council. ???

VP Connor stated ???

**10. Questions and Comments**

VP Connor thanked the EB for all of their hard work and apologized on behalf of the organization for lack of a CRO and giving them direction. She stated she has faith in the EB and ???

Councilor Ansaldo stated ???

President Gardiner stated the budget bus trip, which is held a week from today is leaving the U of S at 10 a.m. and there are 11 seats left. He stated there are also 8 individual tickets available if students do not want to take the bus. He stated there are surveys for council members to fill out and he would appreciate it if they could be filled out. He noted that this is the last council meeting for the year and thanked all council members for all of their hard work. He says he knows VP Cole will do an amazing job as President next year and apologizes for the mess the referendum has been.

Councilor Villeneuve stated he has sat on council for four years and this is also his final meeting. He stated he has seen a lot in four years and he feels this place is better for him having sat on council for four years. He stated council is leaving the USSU in a better place than what we found it. He thanked all council members and stated it has been a pleasure.

Councilor Burnett stated she this year she filled out an application for the armed forces as an Electrical Mechanical Engineer and she will start her training on June 26<sup>th</sup>. She has President Gardiner as one of her references and even though they have butted heads throughout the year she would like to personally thank him.

VP Connor that President Gardiner and future President Cole have started amending the Elections Policy in order to avoid these problems in the future.

Councilor Yakimoski stated she is moving away from the campus life and thanked the Executive and the Chair for all their hard work.

VP Cole thanked all council and Executive members. He thanked council for all of there involvement and for being leaders on campus.

**12. Adjournment**

Move to adjourn.

**USC Motion149:** Flavell/Taylor

Carried.



UNIVERSITY OF SASKATCHEWAN STUDENTS' UNION

BYLAW NO. 3: CODE OF ETHICS

IT IS HEREBY ENACTED as a by-law of

University of Saskatchewan Students' Union

This is Exhibit F referred to in the  
(hereinafter called the "Students' Union") as follows affidavit of Evan Cole

sworn before me this 9 day of

May, A. D. 2006

[Signature]  
A Commissioner for Oaths in and for  
Saskatchewan

CONFIRMED the 18<sup>th</sup> day of November 2004, by members in accordance with the Act.

\_\_\_\_\_  
Chairperson, Annual General Meeting

Article 1  
Preamble

- 1.01 The Code of Ethics is a set of guidelines that are a standard of good behaviour for Members of University Students' Council (USC) and members of the boards and committees associated with USC. Through the commitment to these principles, USC and its boards and committees are able to operate ethically and with integrity.
- 1.02 The Code shall apply to:
- (i) All Members of USC, including the Chair pro tem;
  - (ii) All Members of:
    - The Executive Committee;
    - The Appointments Board;
    - The Academic Affairs Board;
    - The Operations and Finance Board;
    - The Student Issues Board;
    - The Elections Board;
    - The External Affairs Board; and,
    - The Code of Ethics Disciplinary Committee.
- 1.03 For the purposes of this document, the word "members" shall apply to all of the above members of USC and members of all standing boards and committees, unless otherwise indicated.

Article 2  
Code of Ethics

2.01 Decorum

All Members shall maintain the integrity, confidence, and the dignity of the office they fill. Courtesy, professionalism and good faith must characterize the conduct of all Members toward one another.

- (i) Members shall make no disparaging remarks about other Members or those Members' opinions, save honest and respectful criticism.
- (ii) All Members shall be respectful of any racial, religious, gender, physical and/or mental disability, sexual orientation, or any other differences pertaining to the cultural or individual diversity of Members.
- (iii) All Members shall use appropriate language when speaking at meetings. The definition of appropriate language is at the discretion of the Chair.
- (iv) No Member shall attend meetings intoxicated or engage in or use crude behaviour.
- (v) All Members should always abide by majority decisions of University Student Council, or of the board or committee to which they belong, once those decisions are made.

2.02 Acting Honestly and Observing All Laws With Integrity

Members must never conduct themselves in an dishonest or fraudulent manner in dealing with the public, USC, or any standing board or committee.

- (i) Members shall not convert nor use to their benefit any property belonging to the University of Saskatchewan Students' Union (USSU) nor shall they commit an act amounting to fraud in relation to the USSU.

- (ii) Any Member who uses USSU property in contravention of this subsection shall be required to remit to the USSU any profits or benefits raised by the use of the property.

#### 2.03 Conflict of Interest

Members shall not permit any personal activities or interests to conflict with their duties and responsibilities to the USSU. In addition, Members shall avoid any perception that their personal interests may conflict with such duties and responsibilities.

- (i) Any Member with a potential conflict of interest shall disclose forthwith the potential conflict of interest to the Chair of the USC, the committee, or board, and shall excuse herself/himself from participation in the discussion and abstain from voting on that particular issue. A conflict of interest shall be considered to be present for Executive members and Members of Students' Council who have been ratified as candidates in any USSU election. These members shall be excused from any discussion regarding the elections process at USC, both before and after the election.
- (ii) Members owe a positive duty to disclose to the Chair any potential conflict of interest of other Members, should they become aware of such.
- (iii) In the case that the Chair is in conflict of interest, disclosure shall be made to the USC, the board or committee, and the Chair shall step down to the vice-Chair or other appointee and abstain from participation in the discussion and voting for that particular issue.

#### 2.04 Confidentiality

Members have a positive duty to hold, in strict confidence, all information acquired in the course of their term of office that is declared confidential or in camera by the Executive, USC, or any standing board or committee.

- (i) Except where expressly authorized, no Member shall divulge to any person, or use in any way not directly related to the activities of USC, or of any standing board or committee, any information designated as confidential.
- (ii) No Member shall discuss any information obtained during a confidential meeting or from reading any minutes of a confidential meeting of the Executive, USC, or a Committee or Board of Council with any other Member while outside of that meeting.

#### 2.05 Attendance

Members are required to attend all meetings of USC, or of the standing board or committee to which they belong, unless otherwise excused by USC, the board, or the committee.

- (i) Any Member is eligible for removal upon absence from two consecutive meetings without permission, or three out of five consecutive meetings regardless of permission.

#### 2.06 Fulfilling Duties as Required by the Constitution (for MSCs only)

All Members shall be responsible for representing the views of their constituency group and USC without personal bias as a result of conflict of interest and shall perform any and all duties as required by the Constitution or imposed from time-to-time by USC, and in spirit of the same.

- (i) While in session, Members of USC shall be responsible for sitting, voting, and speaking on behalf of their constituency group.
- (ii) Members shall be responsible for preparing in advance for each meeting.
- (iii) Members shall be responsible for acting as liaison between the USC and the constituency they represent and between the USC and the student body in general.

**Article 3**  
**Violations Protocol**

The following procedures outline the Violations Protocol to be followed in instances where potential breaches of the Code of Ethics have occurred:

- 3.01 All complaints should be forwarded in writing to the Chair of the Code of Ethics Discipline Committee (CEDC) via the Students' Union office or by referral of USC.
- 3.02 Upon receipt of the formal complaint, the Chair shall notify the CEDC of the complaint and shall call a meeting within seven (7) calendar days, barring extenuating circumstances.
- 3.03 At the meeting, the CEDC shall review the complaint, and shall decide whether to pursue or dismiss it. Should the complaint be pursued, the defendant must be notified and given a copy of the complaint as soon as reasonably possible.
- 3.04 Within seven (7) days of notice to the defendant, barring extenuating circumstances, a CEDC hearing shall be called for the defendant to attend and submit a statement of defense. At the discretion of the CEDC, the complainant may be asked to attend and testify.
- 3.05 The CEDC shall then make a decision to sustain or overrule its previous decision, based on the information received at the hearing. Should the decision be sustained, the CEDC must formulate a recommendation for appropriate sanctions and/or courses of action.
- 3.06 The defendant must be notified of the final decision prior to the USC meeting where the decision is to be reported.
- 3.07 The decision and recommendation of the CEDC must be submitted in written minute form to the USC for final approval. USC may ratify, reject, or direct the CEDC to reconsider the decision and recommendations.

# University Students' Council

Minutes for Thursday, September 22nd, 2005

## Present

Gavin Gardiner, President  
Evan Cole, VP (Academic Affairs)  
Michael Kowalsky, VP (External Affairs)  
Brett Campbell, VP (Operations & Finance)  
Sarah Connor, VP (Student Issues)  
Jeremy Olthof, Agriculture  
Brad Flavell, Arts & Science  
Tracey Mitchell, Arts & Science  
Robert Boyle, Commerce  
Chris Gallaway, Commerce  
Jason Villeneuve, Education  
Wadena Burnett, Engineering  
Brett Fernquist, Engineering  
Alex Korshever, International Students  
Gina Otte, Kinesiology  
Terra Lennox-Zepp, Law  
Vishnu Shankar Singh, Medicine  
Holly-Anne Sedor, Nursing  
Mark Taylor, Pharmacy & Nutrition  
Blayne Coffin, Physical Therapy  
Nicholas Ansaldo, St. Thomas More

Alice Collins, St. Thomas More  
Ana Carolina Melendez, VPRA  
Chris Biederbeck, WCVM

## Also Present

Brent Thoma, Chair  
Martin Olszynski, ACRO  
Nicole Klassen, Arts & Science  
Marlaina Hauser, Commerce  
Ashley Forbes, Engineering  
Jeremy Warren, Sheaf  
Kristin Foster, Studentcare  
Lyndon MacNeill, USSU

## Regrets

Susan Yakimoski, Education  
Hardeep (Bobbi) Birdi, Dentistry

## Absent

Trena Raven, Indigenous Students'

### 1. Call to Order

The meeting was called to order at 6:06 p.m.

### 2. Call for Quorum

Quorum was present.

### 3. Adoption of an Agenda

President Gardiner noted an amendment to the agenda under 5. Council Address to add 5.1 Studentcare and 5.2 ACRO Olszynski.

Move to adopt the agenda as amended.

USC Motion38: Gallaway/Cole

Carried.

### 4. Introductions and Announcements

Councilor Burnett noted that Councilor Fernquist won the Engineering

This is Exhibit G referred to in the  
affidavit of Evan Cole  
sworn before me this 9 day of  
May, A. D. 2006  
[Signature]  
A Commissioner for Oaths in and for  
Saskatchewan

## Presidential Election.

President Gardiner reminded everyone to swipe student cards when attending council. He also introduced Lyndon MacNeill as the USC stenographer for the first part of the year.

## 5. Council Address

### 5.1 Studentcare

Kristin Foster introduced herself as the Health and Dental Representative. She has worked for Studentcare Networks for 5 years. The Health and Dental plan opt out period just ended and things went as smooth as could be expected. Have no reports or stats yet. Had a few challenges with the U of S switching to the Banner System. Will give a formal presentation in October.

### 5.2 ACRO Olszynski

ACRO Olszynski stated there are some problems with the referendum. These problems can possibly be resolved at the discretion of USC. Under the USSU Elections Policy it states we should have a referendum question and it should have been ready last Tuesday. We still don't have a referendum question ready that has been approved by the Oversight Committee. If we try hard we could probably have one ready for tomorrow. From this you can conclude that we can't possibly have this referendum in less than two weeks. There have been some disputes about the constitution being followed. USSU solicitor Greg Walen said the constitution has to be followed exactly as stated and this isn't happening. We don't have an Elections Board as contemplated by the policy. The CRO and ACRO were under the impression that the policy was malleable and this is not the case. The Oversight Committee says this can be resolved. President Gardiner has indicated that council could pass a motion that could make the referendum binding. The ACRO and CRO and the opinion of a second lawyer are under the impression that there cannot be a legally binding referendum that can be held in less than two weeks. If it is pushed back a couple of weeks it could happen or else USC could change the policy. Any questions?

Member Forbes stated there were documented minutes from last year between the Elections Board and the Solicitor.

Councilor Lennox-Zepp asked what specifically would have to be changed in the USSU Elections Policy? Is this difficult to change?

President Gardiner stated he talked to the Solicitor Greg Walen asked what would have to be changed and The Oversight Committee would be the authority of the CFS referendum and the ACRO and CRO would be the USSU representatives

Chair Thoma stated that we seem to be getting fairly deep into this and we should wait until business.

Councilor Villeneuve stated that we have already pushed the referendum date back once and now we have to push it back again or we have to change a policy so we can get this question in. We have known this referendum was coming for a long time, is it miscommunication or what is going on?

Chair Thoma asked if it was possible for ACRO Martin to stick around for the meeting because it looks like we are getting into a debate on a question that hasn't been stated yet.

VP Cole stated Councilor Villeneuve asked a question and it needs to be answered.

ACRO Olszynski stated he was hired in mid-September and none of these issues that have been raised in previous efforts were brought to my attention or the CRO's at that point.

Chair Thoma stated he wants these questions answered. If someone wants to make a motion to move this up so we can discuss this right now.

VP Connor motioned to move this ACRO issue up to 5.3 under Council Address.

**USC Motion39:** Connor/Galloway

Chair Thoma stated that because the agenda has already been adopted it would require 2/3 in favour to pass this motion. Any questions?

VP Cole asked if it is legit to do Business in a Council Address?

Chair Thoma noted that you can move Business wherever you want.

VP Connor asked to amend the motion to 6.0?

Move this ACRO issue up to 6.0 under Council Address.

**USC Motion39:** Connor/Galloway

Carried.

## **6.0 Referendum**

President Gardiner made a motion to present these changes to the Elections and Referenda Policy. This takes the authority from the Elections Board and gives it to the Oversight Committee. The oversight committee is made up of two members of the CFS and two USSU appointees.

Motion to amend the Elections & Referenda Policy to include under Section 4

Referenda Authority adding a point 2 in Referendum regarding Membership in the CFS an Oversight Committee shall have authority over the Referendum. The CRO and ACRO shall act as the USSU Representatives on the Oversight Committee.

**USC Motion40:** Gardiner/Campbell Postponed.

President Gardiner stated the USSU is a completely separate organization and CFS is a completely separate organization each of which has its own guidelines governing referenda. In the CFS Constitution the way they deal with this and have for 80 other campuses across the country is set up an Oversight Committee with two members from the USSU and two members from their office. However, that isn't accountable to our policy guidelines. In order to make the referendum legitimate we have to make these changes, if we don't make them today we have to make them at some point. This is not a CFS Committee this is a committee that comes to compromise on discrepancies between the two organizations. It operates on a consensus basis and it has two members from each side. It makes it easier to make this change now rather than later.

VP Cole stated that after talking to USSU staff I have decided to vote no. Normally we have to give notice to change bylaws we try to give a weeks notice so we can fully understand the repercussions of changing a bylaw. This policy was assembled between 2:30 p.m. today and now. None of us have had a chance to see it none of us have had a chance to fully understand the repercussions of changing this bylaw. It opens up another can of worms that people need to think about. I don't think it would be proper for council to vote on this motion today. I think by bring it to business today was wise but I think that this is a vote that we should vote on next week. There is a reason we have a Constitution and if we are just going to change it and just go around it what's the point. We are changing our Policies for CFS what else are they going to invite themselves to on our campus. It is unfortunate but I think this is going to continue. We have to stop letting them run our business for us.

Chair Thoma stated that the Elections Policy is not a bylaw.

VP Cole stated it is a bylaw regardless it is a policy being changed, which requires two weeks notice.

President Gardiner stated no it is not a bylaw.

Chair Thoma stated it is not a bylaw being changed it is the Elections Policy being changed.

VP Cole stated that Elections Policies have not been provided to council. So we

are planning to change a policy that council members have not even had a chance to look at. I don't believe that is fair.

VP Connor stated she was under the impression that the Oversight Committee would have control over the referendum and is pretty sure that is what everyone else thought but we have not given them authority yet. I want to make sure the USSU holds up their end of the bargain and I don't want to be dealing with this for the rest of the year and I know council members don't.

Councilor Burnett agrees with VP Cole. How can we be responsible and vote on something that requires a 2/3 USC majority when our executive only found out about this 3.5 hours ago? How long is CFS going to pull us as a puppet and make sure that we follow their rules? We are well-bodies independent organization, how long are we going to stand for this? We should have this information and take it back to our council and see what they feel because that is what I feel is a responsible government. I have a member of the gallery here, Ashley Forbes former MSC, and would like to grant her with speaking rights.

Chair Thoma stated Member Forbes could speak at anytime. If it were a bylaw being changed we would require 2/3 USC majority; however, to change a policy you only need a majority vote.

Member Forbes stated being a former councilor there are many people at this table who knew what was going on and who knew this referendum was coming. Because this change was only brought up at 2:30 p.m. this afternoon this does need to go back to council and does need to go back to students. Don't be irresponsible and let personal opinions get in the way. To change a policy is essentially covering up the mistakes of people who have been forgotten, which is irresponsible. This is a major decision to be made. This policy was put in place to deal with referendum and to give us direction. Being on the Elections Board last year we came to the decision this was a good policy. We came to terms with CFS and how to deal with this issue. By putting this change into policy as Councilor Burnett stated it looks as though we are puppets of CFS. This policy was created for a reason, do not give away authority do not give away your rights to run this referendum.

Councilor Lennox-Zepp stated it is the job of our Oversight Committee to work with both CFS and USSU policies. As a council we put our faith into the Elections Oversight Committees to do so. On the Oversight Committee there are two representatives who are paid to protect the interests of the USSU the ACRO and CRO. This is a very safe committee they protect us. We are bound to this referendum, the legally responsible action would be to follow through on what we have bound ourselves to as a board. Keep in mind that we have two capable

members who are paid to represent our interests. In regards to VP Cole's comment about having to change policies for CFS what else are we going to have to change I just wanted to refer to the actual motion on the table right now and that is specifically regarding the CFS and USSU referendum reminding you all that this is only regarding two bodies. No other bodies will be able to get in on this, this is one area of policy and it will stage only these two bodies. The Election Oversight Committee does protect us I feel this is a safe committee that we can put our faith into this.

Councilor Fernquist stated we knew about this referendum along time ago and the fact that we are just trying to get this together now is ridiculous. We should have had this together months ago that's the reason we had been meeting over the summer. The fact that we have to change the policy now to suit CFS needs is absolutely ridiculous. I don't trust having a CRO and ACRO sitting on this committee instead of councilors because the CRO never talked to anyone last year and kept the Elections Board in the dark the whole time and lied to them about what happened and through out complaints. I would prefer to have a MSC sitting on this committee and that is what should be done.

Councilor Mitchell stated some of the statements suggesting CFS is playing puppets are unfair. This information was brought to our attention from the ACRO who was selected by a committee of USC members. There are members of USC who sit on an Appointments Board and they selected the CRO and ACRO a few weeks ago as was reported to council. They are quite adequate representatives chosen from a list and would hate to see hard work go unrecognized and not go to referendum. Unfortunately, we are not prepared and we should be. We are not going to get more prepared than we are right now at this meeting to pass this motion. It is essential that we follow through with this referendum and we understood last week that the Oversight Committee would be in control of the referendum.

Councilor Villeneuve stated that by voting no doesn't mean we are not going to have this referendum it means we will be pushing back the referendum. If this were to happen I think it would be a good thing because this is the second time we have dropped the ball. All of us have to take accountability for that. I don't think we have sufficient information and there are a few councilors here who haven't gotten all the facts. We didn't talk about CASA or CFS that much during the summer and we haven't provided them with all the information needed. They don't know what the policies are, we haven't gotten the policies to them, and they don't know what we are changing. Yet, we are trying to make a decision like we did last year on a last minute decision. We are trying to rush this. So if we say no right now what we are saying is yes we are still going to have the referendum because we are bound to it but it's going to be pushed back to a later date, which

needs to happen. We should need to change our constitution or our policies.

Chair Thoma noted to stick to one topic this can be brought up later.

Councilor Ansaldo asked councilors and members to calm down. ??? We have wasted so much time pushing back this referendum so let's quite pushing back this back and no matter who is chosen let's do this.

Chair Thoma noted that because of speaker's rights you have to let everyone speak once before you can speak twice.

Councilor Gallaway noted that people have been talking about pushing back the referendum and stated that it should run it democratically but no matter what we still have to make this change whether it is today or in two weeks we are still going to have to make the same change, so why push it back?

VP Campbell clarified that CFS referendums are run this way around this country. By pushing it back it will just hamper the process.

VP Cole has two points he would like to speak on. My opposition to this is based on my own ethics and USC ethics. Running a change of policy this close together is unethical. It is a major policy change but any policy change is major in my mind. The referendum has to be done by November but before November I want the process to be followed properly. We have room to move it back. If we don't do this referendum correct CFS could sue us. Lets do this referendum the right way. Vote no today vote yes next week.

Chair Thoma stated a motion to postpone is in order, which is better than no. This requires a 50 percent majority vote.

Move to postpone until next week.

**USC Motion41:** Cole/Burnett

Carried.

President Gardiner noted that this is a change that needs to be done anyway. This is work that is already being done by the Oversight Committee this is a house keeping motion there is a lot of paranoia about this and it is completely safeguarded. There is no point to postpone this.

Chair Thoma stated VP Cole had first speaking rights on the motion to postpone.

VP Cole noted he has already stated what needs to be said and that it was all right, President Gardiner can butt in if he wants to.

Councilor Gallaway asked ACRO Olszynski what would be implications if we push this back?

ACRO Olszynski stated that if we push it back it means that we would still go ahead not knowing the status of the legality of the referendum. You would decide next Thursday whether or not it is going to be legally binding. If we do it this week or next week it doesn't really matter it has to be done. It is possible that if we had more time we could maybe satisfy both constitutions but I can't guarantee that. CFS has made alterations to their policy to accommodate the USSU.

Councilor Burnett agrees with this motion because the executive only just found out about it a few hours ago. How can we make a responsible decision when the executive doesn't even know what is going on? We can be responsible and go back to constituents to say do you support us. This also gives executive members the chance to provide councilors with all the information that is lacking. There are a lot of confused councilors around this table, which is big deal this is a little more than housekeeping. We need information to take to our constituents in order to make a fair and responsible decision.

Councilor Ansaldo asked that councilors use every chance to speak. Would like to ask what we are debating right now? This has to happen. Let the Oversight Committee do their work, why stop them from forming a question?

Chair Thoma reminded councilors that it is not in order to make comments about what people's motives are. You can debate only the issues and don't paraphrase what other people have said. Lets debate the motion on the table, which is to postpone the change on the Elections Policy until next week.

Councilor Lennox-Zepp noted that she would vote against the postponement. Next week it will be the exact same question that is raised there won't be a difference. If we were to bring this to our councilors there won't be any substance to take them. We are voting on whether or not we give the Oversight Committee authority of the referendum. Is there a better alternative? I doubt it we will have to hand the responsibility over to a committee. Lets get this out of the way today.

Councilor Vishnu asked ACRO Olszynski if we push this back until next week and vote yes can the referendum still happen on time?

ACRO Olszynski answered yes.

Councilor Vishnu asked if we vote yes to the change is it just for this referendum or all referenda.

President Gardiner stated it would be all referenda to join or leave CFS.

Member Forbes stated that if she wasn't here to see what was going on right now and you voted then my voice as a student would have been taken away from me. Your responsibility is to represent constituents and to ask them what they think. Be responsible and take this back to your students ask what they think. Do not take away the voice of your students. Push this back.

Councilor Fernquist moves to call the question.

Move to call the question.

**USC Motion42:** Fernquist/Burnett Carried.

Chair Thoma stated that there is no debate on this and it requires 2/3-majority vote. This is going to apply to the motion to postpone not the motion to the table.

Chair Thoma noted this would be the first item under business next week.

**7. Minutes and Reports for Information**

**7.1 USC Minutes**

Councilor Gallaway stated that Trena Raven was not present at last weeks meeting and she was marked as present.

Chair Thoma asked if there are any other changes? Can I have a motion to approve minutes with change?

Move to approve USC minutes with amendment.

**USC Motion43:** Gallaway/Otte Carried.

Councilor Korshever asked how the boards are formed and where can I get information on this?

Chair Thoma said it would be discussed under 9.4 Elections to the USC Board.

**9. Business**

**9.1 Architect Consulting**

VP Campbell moved to approve USSU portion of the architect consultation fee of \$9,625.

**USC Motion44:** Campbell/Otte Carried.

**9.2 Sustainability Pledge**

VP Connor presented this to council last week.

Move that the USSU endorse this as an option for students to sign the Sustainability Pledge at their convocation.

**USC Motion45:** Connor/Lennox-Zepp Carried.

### 9.3 Corporate Sponsorship & Agreements with Outside Bodies

President Gardiner stated he was in discussion with the staff member who deals with this. There is a meeting set up tomorrow with Councilor Korshever, staff member and myself to discuss what can and can't go because there is a signed contract and confidentiality to think about. This may not have to come back to council if Councilor Korsherver is satisfied with what he hears tomorrow. I will give a report next week

### 9.4 Elections to USC Board

President Gardiner noted this is the fun part.

Move to informality.

**USC Motion46:** Gardiner/Collins Carried.

President Gardiner stated that boards and committees do all the work throughout the year. Those boards and committees are listed under number 6 all are standing boards with the exception of 10, which is an adhoc board and was created last year and will run this year if council approves it. Raise your hands to nominate yourself or other people then we will vote on it. If anyone feels uncomfortable we can do it another way.

Councilor Otte stated she can only make it into the city for USC meetings and can't help out during the first semester. Can she help during the second semester?

President Gardiner responded that the membership is fairly explicit you can help out with the initiatives. That doesn't stop you from signing up for the committee and communicating via email; however, it might be a hindrance on the committee but it is an option.

VP Cole stated all executive boards are public boards so you can voice your opinion at anytime.

Councilor Otte stated she was under the impression that we were expected to join.

President Gardiner replied no.

President Gardiner stated that VP Kowalsky is the Chair and President Gardiner is the Vice Chair of the External Affairs Board. There will be three councilors from this body and three SAL. It deals with national lobby associations, campaigns and three levels of government. Any questions? Nominations?

Councilor Ansaldo would like to nominate Councilor Collins.

Councilor Burnett would like to nominate herself.

Councilor Lennox-Zepp would like to nominate Councilor Gallaway.

Chair Thoma asked if there were any other nominations? There are three councilors nominated for the External Affairs and we only need three members we don't need to have an election.

VP Connor informed council she needs two members for the Student Transportation Committee.

President Gardiner stated the Student Issues Board deals with non-academic issues such as Alcohol Policy, recycling, Trick or Eat, environmental, sustainability, transportation, security, etc. We need three council members and three SAL to fill the board.

VP Campbell nominated Councilor Gallaway.

Councilor Gallaway declined.

Councilor Coffin nominated herself.

Councilor Ansaldo nominated Councilor Collins.

Councilor Vishnu asked if you were only interested in the health part of student issues would you be required to attend all meetings?

President Gardiner noted you would be required to attend all meetings. If you are only interested in the health part of student issues you can go and give your input.

Councilor Lennox-Zepp nominated Councilor Boyle.

Councilor Korsherver nominated himself.

President Gardiner nominated Councilor Mitchell.

Councilor Mitchell declined.

Councilor Burnett nominated Councilor Fernquist.

VP Connor stated the Student Issues Board is not a joke.

Chair Thoma clarified we will be voting for three of the five nominations. The five council members running are Councilor Ansaldo, Coffin, Boyle, Korshever, and Fernquist.

Chair Thoma stated the Student Issues Board would consist of Councilor Ansaldo, Councilor Coffin, and Councilor Boyle.

President Gardiner stated the Elections Board deals with referendums, general elections that occur in March, sets up forums, and ratifies executive and USC members. It is a later term commitment. Nominations?

Councilor Flavell nominated Councilor Mitchell.

Councilor Fernquist nominated Councilor Flavell.

Councilor Flavell declined.

President Gardiner informed council that Councilor Yakimoski sent a letter to nominate herself.

President Gardiner stated the Academic Affairs Board deals with Teaching and Learning Centre and Where We Stand. It is a lot of exciting stuff. There are three USC members on the board.

VP Cole stated that it is boring stuff this year.

Councilor Gallaway nominated Councilor Taylor.

Councilor Fernquist nominated Councilor Flavell.

Councilor Ansaldo nominated himself. Later withdraws his nomination.

VP Cole noted we could fill the third position another time.

President Gardiner stated the Operations & Finance Board deals mainly with the budget and all the fun stuff. This board requires 4 members.

Councilor Fernquist nominated Councilor Burnett.

Councilor Lennox-Zepp nominated Councilor Boyle.

Councilor Gallaway nominated Councilor Melendez.

Councilor Collins nominated Councilor Ansaldo.

VP Campbell nominated Councilor Otte.

VP Kowalsky nominated Councilor Sedor.

Councilor Sedor declined.

Councilor Fernquist nominated Councilor Olthof.

Councilor Olthof declined.

Chair Thoma clarified we will be voting for four of the five nominations. The five council members running are Councilor Burnett, Boyle, Melendez, Ansaldo and Otte.

Chair Thoma stated the Operations and Finance Board would consist of Councilor Boyle, Councilor Melendez, Councilor Ansaldo, and Councilor Otte.

President Gardiner stated the Ethics and Disciplinary Committee this deals with Bylaw #3 and roles and obligations of council. The board consists of four members and myself. This board doesn't meet often. If there are any issues we meet right after council and meetings don't last long.

VP Campbell nominated Councilor Sedor.

Councilor Vishnu nominated Councilor Korshever.

Councilor Mitchell nominated Councilor Lennox-Zepp.

Councilor Fernquist nominated Councilor Burnett.

President Gardiner stated the Environment Responsibility Board consists of two members if we want to turn it into a standing board it would make sense to appoint three members.

VP Cole suggested we nominate two for now and nominate another person next week.

President Gardiner stated that is complicated because under Council Elections and Committees we can come out of formality and move to create the board and appoint the people that is what we did last year.

Chair Thoma stated that what would happen if we did this right now is the person would make the motion to create the board and say who sits on it.

President Gardiner asked by a show of hands if we want two or three people on the board? The majority favoured three people.

Chair Thoma asked for nominations for the Environment Responsibility Board?

President Gardiner nominated Councilor Korsherver.

Councilor Lennox-Zepp nominated Councilor Ansaldo.

Councilor Korsherver nominated Councilor Mitchell.

Councilor Mitchell asked how often this board meets? Declined her nomination.

Councilor Ansaldo nominated Councilor Collins.

Councilor Ansaldo declined.

Councilor Boyle nominated Councilor Gallaway.

Councilor Fernquist nominated Councilor Olthof.

Chair Thoma clarified we will be voting for three of the four nominations. The four council members running are Councilor Korsherver, Collins, Gallaway and Olthof.

Chair Thoma stated the Environment Responsibility Board would consist of Councilor Korsherver, Councilor Collins and Councilor Gallaway.

President Gardiner stated the Student Transportation Committee this is made up of two USC representatives, two SAL, consumer services department, parking department, City of Saskatoon, GSA and VP Student Issues. This deals with transportation issues on campus.

Councilor Vishnu nominated Councilor Biederbeck.

Councilor Fernquist nominated himself.

Councilor Burnett nominated herself.

Chair Thoma stated the Student Transportation Committee would consist of Councilor Fernquist and Councilor Burnett.

Chair Thoma asked for a motion to end informality.

Move to end informality.

**USC Motion47:** Cole/Gallaway

Carried.

Chair Thoma asked if anyone opposes to him making this really easy.

President Gardiner moves to appoint Councilors Collins, Burnett and Gallaway to the External Affairs Board; Councilors Mitchell and Yakimoski to the Elections Board; Councilors Taylor and Flavell to the Academic Affairs Board; Councilors Sedor, Korsherver, Lennox-Zepp and Burnett to the Code of Ethics and Disciplinary Board; Councilors Boyle, Melendez, Ansaldo and Otte to the Operations and Finance Board; Councilors Boyle, Ansaldo and Coffin to the Student Issues Board; and Councilors Burnett and Biederbeck to the University of Saskatchewan Student Transportation Committee.

Move to Ratify Councilors to Boards.

**USC Motion48:** Gardiner/Fernquist

Carried.

President Gardiner moves to create an adhoc Environmental Responsibility Committee and appoint to it Councilors Korsherver, Collins and Gallaway.

VP Cole asked who would be chairing this committee?

President Gardiner stated last year the Operations & Finance VP chaired it; however, this year VP Student Issues is adamant about taking it over. The two VP's will decide. There will be three SAL, the VP Student Issues and VP Operations and Finance.

Move to create an adhoc Environmental Responsibility Committee and appoint Councilors Korsherver, Collins and Gallaway and three SAL to it.

**USC Motion49:** Gardiner/Gallaway

Carried.

## 10. New Business

Councilor Fernquist moves that a new CRO be considered due to information provided from Member of Commerce.

Chair Thoma is unsure if USC can do this.

President Gardiner stated that due to the hard work of former Councilor Forbes this matter could now be referred to the Code of Ethics and Disciplinary Committee. I would encourage the councilor to bring concerns to the attention of the Chair as it is inappropriate to make such motions.

Councilor Fernquist would like to withdraw his motion.

**11. Questions and Comments**

Councilor Fernquist stated that on campus there is an Environmental Technician that is employed by the Department of Health, Safety and Environment and I am wondering if council might consider inviting him to become an additional member of the Environmental Responsibility Board.

Councilor Ansaldo stated that he was Chair of the Environmental Responsibility Board last year and extremely happy with conversations I have had at the executive level. I also think that is an excellent idea.

Member Hauser asked what is the U of S Parking Protocol? The guidelines for the yes campaign, how much money can we spend on each campaign? Is there a referendum maximum that we can spend?

VP Cole stated that hasn't been communicated to us by the Oversight Committee.

Member Hauser asked if there would be members of CFS on campus during voting time? If there is, is there a maximum allowed?

Councilor Gallaway stated that CFS has an office on campus year round so there will be someone here. The Oversight Committee would be the one to make that decision but we have not given them the power to do so yet. So we can't answer your questions.

Member Hauser asked whether the Buzz Boards will be used for the yes campaign or will it be kept separate from USSU events? Councilor Gallaway stated that they have space will they have access to USSU office space or phones?

President Gardiner stated that nothing has been decided with the Buzz Board space yet. He also noted that they would not be using his office space they have their own space on campus to use.

Member Forbes referred to an email that was sent to the USSU executive and councilors from Philippe Ouellete at CASA and I have a couple questions regarding President Gardiner's response. In this email it states that in 2005 at the Strategy Conference stated that the USSU would be a purely non-partisan affair, is this true? It is stated in President Gardiner's reply ????. Why are we allowing CFS to have so much access over our business but we are not allowing anyone else to come and campaign? I am very disappointed that this is still carrying on from last year. I spoke to James from CASA who was the National Director last year and he felt left out and felt he didn't have a good working relationship with the USSU. If they represent us how come the executive are not allowing them to do

so?

President Gardiner stated that he did say that in May because in May that was the decision of council. It was a decision everyone agreed with at the time but things have changed. As for not being on campus I was criticized by the CRO and ACRO and it was completely innocent. I have apologized to them and I will apologize to all of you. But it was my understanding that in a referendum campaign outside bodies should not be involved. For instance, in the Studentcare Networks Referendum and we did not allow other student health care providers to come on campus and campaign against the referendum to participate in Studentcare Networks. My understanding was that this should not be allowed to have outside bodies come on campus. The CRO and ACRO have reprimanded me on that and I completely apologize and I have forwarded all the contact information to the CRO and ACRO. This was an oversight on my part.

VP Cole stated in regards to the example of the Studentcare Referendum it was my understanding that no other outside bodies approached us about it so that's why none of them would have ran but if they had they would have been within the bounds of our Elections Policy but they would have been allowed on campus as long as they were representing the interest of students. There was a time when I also thought President Gardiner was neutral on this issue and I thought we had established a gentleman's agreement that the executive were going to remain neutral. I have a question for President Gardiner what is the Elections Boards role in this referendum?

President Gardiner stated that he is not on the Elections Board so he doesn't know what their role will be.

VP Connor stated that I was disappointed to find this in my mailbox. I can't believe they had the nerve come on to our campus and insult our leader. 1700 students voted to have President Gardiner run the USSU. I have faith in him and I think the fact that they did come onto campus like this and tried to get into our email, which they aren't even allowed to have our addresses, I think it is very strange.

VP Cole stated our email addresses are on the website.

VP Connor stated they called us unbiased and I think we all know that we are not unbiased, none of us are.

Member Forbes feels that our National Representative has every right to contact us in anyway possible. It is irresponsible for the executive to think that they can censor what we receive.

VP Connor noted that some of these comments were slanderous and I want to make sure everyone is aware of this.

Chair Thoma reminded councilors to keep comments in line. I never noticed anything that was insulting to character. Keep comments on the issue.

Member Forbes wants to be informed and does not want information censored. I want to be able to read what is going on and be informed.

Councilor Lennox-Zepp stated that the email address where she received the email from CASA has never been given out, it was not a public email address and it was not posted on the USC website. I felt that invaded my privacy.

Councilor Ansaldo stated that he is curious to know how CASA got a hold of personal email addresses.

Councilor Gallaway stated that he doesn't mind being informed by emails except when the email is false. A lot of it was about the Orientation and I was working for Orientation this year while that happened and it was not an accurate description of events. It was completely false and untrue. It is also false that we cannot be members of both organizations. We are members of both organizations right now as have been other universities. So if they are going to inform us I would like to get real information not have lies be spread around our campus.

Councilor Sedor asked if we could be members of both organizations?

President Gardiner stated that we could be members of both.

Councilor Coffin asked if we could have a copy of the Elections Policy for next week it would be appreciated.

President Gardiner stated that it is on the photocopier as we speak and it is available on the USSU Website. The proposed amendment is not available online but it is on the photocopied version.

Councilor Fernquist informed council members that if any of your student societies advertise by putting banners on the College Drive walkway to stop because today we got a phone call from the city saying they fined us for having Hell Dance banners there. Hell Dance is tomorrow night at 8 p.m. tickets are \$15 and you can get them at the door or at the SESS office. The city did not say how much the fine was but there is a bylaw that says you can't hang banners on the walkway.

Chair Thoma noted that city might have something against Councilor Fernquist for

some reason.

Councilor Fernquist stated that comment sounds kind of slanderous.

Councilor Mitchell stated that because we did not have enough information we postponed the motion until next week. Is it possible for the executive to put together an information session before the next meeting? I am not sure if that is possible but it is a suggestion.

President Gardiner said we would talk about that.

Councilor Lennox-Zepp stated the Sheaf this week had a photograph of a table and a caption that states "MSC's vote to remain unaligned on a contentious CFS CASA. The information of the caption is incorrect and the photograph is of all of us voting. The photograph has my face and name very clear and it tells my student council that I voted no to remain unaligned and they are very angry with me. The College of Law really wants this referendum to happen. I wanted to put it on record that this photograph and caption are not true.

Member Forbes thanked the Arts MSC's for hosting our Car for Hell Dance. I would also like to thank the Sheaf for printing "War on Crime" because that car is now considered a crime.

VP Kowalsky ???

Councilor Fernquist stated that security was with the car and they have a list of names of people who were there and it is not illegal according to them.

13.

**Adjournment**

Move to adjourn.

**USC Motion50:**

Cole/Fernquist

Carried.

# University Students' Council

Minutes for Thursday, September 29<sup>th</sup>, 2005

## Present

Gavin Gardiner, President  
Evan Cole, VP (Academic Affairs)  
Michael Kowalsky, VP (External Affairs)  
Brett Campbell, VP (Operations & Finance)  
Sarah Connor, VP (Student Issues)  
Brad Flavell, Arts & Science  
Tracey Mitchell, Arts & Science  
Chris Gallaway, Commerce  
Hardeep (Bobbi) Birdi, Dentistry  
Jason Villeneuve, Education  
Susan Yakimoski, Education  
Wadena Burnett, Engineering  
Brett Fernquist, Engineering  
Alex Korshever, International  
Gina Otte, Kinesiology  
Terra Lennox-Zepp, Law  
Vishnu Shankar Singh, Medicine  
Holly-Anne Sedor, Nursing  
Mark Taylor, Pharmacy & Nutrition  
Alice Collins, St. Thomas More  
Chris Biederbeck, WCVM

## Also Present

Brent Thoma, Chair  
Martin Olszynksi, ACRO  
Adrian Frank, Arts  
Robin Mowat, Arts  
Jeremy Ring, Arts  
Susan Berg, Commerce  
Ashley Forbes, Engineering  
Scott Tedde, Engineering  
Jeremy Warren, Sheaf  
Melissa Cotton, USSU

## Absent

Jeremy Olthof, Agriculture  
Roberta Boyle, Commerce  
Trena Raven, Indigenous Students'  
Nicholas Ansaldo, St. Thomas More

1. **Call to Order**

The meeting was called to order at 6:14 p.m.

2. **Call for Quorum**

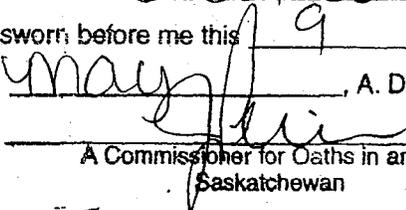
Quorum was present.

3. **Adoption of Agenda**

VP Cole stated the presentation from CASA will be moved to Introductions & Announcements. CASA will talk later.

Chair Thoma noted to remove CASA from Council Address and have them introduced.

Councilor Villeneuve stated he is against the removal of CASA Address.

This is Exhibit H referred to in the  
affidavit of Evan Cole  
sworn before me this 9 day of  
May, A. D. 2006  
  
A Commissioner for Oaths in and for  
Saskatchewan

Chair Thoma noted that the agenda has not been adopted and changes can be made.

Councilor Villeneuve stated he would like to have the CASA address on record so that people can see it.

VP Cole stated it would be noted in the Introductions that the CASA reps are present and President Gardiner will explain a bit more about that.

Chair Thoma asked if that is acceptable to everyone? Any other changes?

???? stated to remove Council Address 5 from the Agenda.

Move to adopt Agenda as amended.

**USC Motion51:** Fernquist/Flavell

Carried.

**4. Introductions and Announcements**

Councilor Collins introduced Mick Sensor???, a Grad Student from Vancouver with the Environmental Sustainability Conference.

President Gardiner stated it is a pleasure to introduce two representatives from Canadian Alliance of Student Associations, Philippe Oulette, the National Director of CASA and Ryan Conrod the Board Chair for CASA. They are in Saskatoon because they were concerned that Councilors were not getting enough information. They are set up in the Private Function Room at Louis'; an information session will be held which everyone is very encouraged to attend. If you have anything that can be put off, it is encouraged that you go to this meeting and they are going to explain what the organization is about.

Councilor Gallaway is sending regrets for Councilor Boyle.

VP Connor introduced George Sole, the National Chairperson for the Canadian Federation of Students. He will also be doing a Council Address after CASA. It will be a good opportunity to ask all the questions you have been wanting to ask. So everyone is encouraged to come out.

Councilor Villeneuve introduced Robin Mowatt, former USSU President; Ashley Forbes, former MSC last year for Engineering, Melissa Cotton, Safewalk and Student Crew Director; Jeremy Ring from the ASSU; Susan Berg from Commerce; Jeremy Warren from the Sheaf and ??? last years MSC.

Councilor Fernquist introduced Scott Tedde ???, one of the council members.

VP Kowalsky introduced Jen Divall, Director of the USSU Women's Centre.

VP Connor introduced Adrian Frank, who works with SECC and is a dedicated student here on campus and Dianne Ogel, from the Saskatchewan Council on International Cooperation.

## 5. Minutes and Reports

### 5.1 USC Minutes

Move to adopt September 22<sup>nd</sup>, 2005 USC minutes.

**USC Motion 52:** Connor/Taylor Carried.

### 5.2 Executive Committee Minutes

President Gardiner stated the minutes are here for review. Two sets of minutes that are outstanding, just had a meeting this afternoon, and will be available next week.

Move to Adopt Executive Committee Minutes from September 23<sup>rd</sup>, 2005

**USC Motion 53:** Gardiner/Burnett Carried.

### 5.4 Operations & Finance Board

VP Campbell stated one major thing is the \$600,000 project that we passed to get electricity to Place Riel, right now don't have enough electricity to run our operations. For example, the Jugo Juice opening required unplugging a few of the pinball machines from the Campus Cove to have the power to run it. It is necessary for the renovations to take place.

Councilor Villeneuve asked if this our cost or our share? Is the University putting any money towards this? Place Riel, right above it is the Library, are they going to be using power that we are providing them or is that our sole cost?

VP Campbell stated he believes this is our sole cost. We may be reimbursed \$90,000 for that.

Move to adopt Operations & Finance Board minutes.

**USC Motion 54:** Campbell/Collins Carried.

### 5.6 Appointments Board

President Gardiner stated the Appointments Board met yesterday, September 28<sup>th</sup>, to appoint SAL, a good group of people applied. All of the minutes list who was appointed to which committees. Congratulations to Councilor Frenquist who will be sitting on the Academic Affairs Board this year, once he has departed USC.

Move to adopt the Appointments Board minutes.

**USC Motion 54:** Fernquist/Burnett Carried.

### 5.8 Code of Ethics Disciplinary Committee

Chair Thoma stated there is a report. Unfortunately, unable to get the minutes printed due to technical difficulties. Met just before the USC meeting. Minutes

and report will be provided in hard copy before next week, probably tomorrow, should people be interested in picking it up. Board feels that it is important to get it dealt with and out there right now so will be reading the report, if there are no objections. Code of Ethics & Disciplinary Committee received its first complaint on Tuesday September 27<sup>th</sup> via email. The complaint was as follows: "I am writing to you about an incident which occurred at the September 22<sup>nd</sup>, 2005 University Student Council meeting. Member Hauser, one of our members of the USSU in the Gallery that night, brought forward concerns about our Chief Returning Officer, Dorinda Stahl. She claimed to have Googled Ms. Stahl's name and the Canadian Federation of Students together and found that Ms. Stahl's name was associated pro-CFS comments online. She then asked Council to question whether or not Ms. Stahl could do her job in an unbiased manner." It goes on to say that "I did some research on my own and was unable to find any link between Ms. Stahl and the Canadian Federation of Students anywhere online, even when trying to do searches on www.google.com that Member Hauser claimed to have used to find this information. Enclosed you will find printouts of some of the searches I attempted on google.com." It continues: "I am concerned about the lack of evidence behind the accusation made by Member Hauser about our CRO Dorinda Stahl at our last meeting. I feel that Council has been misled by these comments with no real evidence that they are true. I request that the Code of Ethics and Disciplinary Committee look into the behavior of Member Hauser and the situation as they see fit." Chair Thoma received the email on Tuesday, September 27<sup>th</sup>. I will go on to mention the comments referred to in the complaint are contained in the unofficial minutes, they were at the time unapproved, so that is why it says unofficial, of the September 22<sup>nd</sup> meeting of the USC. You can all find those in your own minutes. They state, so I might as well read them for you: "Member Hauser stated that she was an MSC last year and is here as a Member of Commerce. I remember sitting at this table last year and is here to ensure that this referendum has to happen, so let's run it democratically. Let's have both side state their issues, let whoever the students want be it. Dorinda Stahl is the CRO who was appointed by the Appointments Board and I am concerned that when I searched her on the Internet that there were some pro-CFS things that came up beside her name. Is it the best thing to have her running the democratic election?" That was the statement from the minutes, which can be found in your own copies. The Chair of the Code of Ethics and Disciplinary Committee made Member Hauser aware of this complaint on September 28<sup>th</sup>, which was yesterday. The information provided above, Chair Thoma sent her both the minutes containing the passage that he just read and the complaint that he just read. She decided she would write a statement for the Committee to give her original defense. The Committee informed her that if they needed more information from her, they would come back to her for more. That was received this morning, September 29<sup>th</sup>. It read as follows: Member Hauser stated, "I suggested concerns about the background of the appointed CRO, it appears my initial information was inaccurate and I would know like to apologize for my comments about Ms. Dorinda Stahl. I believed it sincerely at the time and raised those concerns with the best interests of students at heart." This afternoon, before

this meeting the Code of Ethics and Disciplinary Committee met and felt that there was enough information available at this time to address the complaint. It was decided that the following recommendations be made from the Code of Ethics and Disciplinary Committee to Council: First that USC rescind and expunge from the minutes the comments made by Member Hauser at the September 22<sup>nd</sup>, 2005 meeting as per her statement to the Code of Ethics and Disciplinary Committee. Second that the letter is sent to Member Hauser from the Code of Ethics and Disciplinary Committee stating that her actions were inappropriate and that she should ensure the accuracy of her future statements to USC. Third that the USC Chair remind USC of the seriousness of the discussions occurring at Council and the need for accurate information and professional conduct from its members. Discussion arising from the issue was something that the Committee also felt should be shared. Some of the statements made are that one: slanderous comments towards any person are unacceptable at a USC. We are a decision-making body and are therefore subject to judicial review. Comments made during meetings could have legal repercussions for USC. USC must protect itself from liability by conducting itself within the Code of Ethics and Disciplinary Bylaws. Finally, information provided to USC should be thoroughly researched and all efforts should be made to ensure its accuracy. This report was compiled and approved for presentation to USC by the Code of Ethics and Disciplinary Committee today. Again apologies that it is not presented in a paper copy, but it is the best that we could do.

Councilor Villeneuve stated it is his understanding that it is the Code of Ethics and Disciplinary Committee and that it rules MSC's, people who come here and chose to speak on a side are not governed and we have no jurisdiction over what they say. How was this complaint brought to the Code of Ethics and Disciplinary Committee? Who brought this complaint? I don't think that we have any jurisdiction over these people. Yes we have means to keep them in line when they are at the Council meetings, when they are addressing us and talking to us, but this a thing where it was meant to keep all of us in check, not people who come here to speak. So I am wondering where it came about that we felt justification to impose limits on the gallery?

Chair Thoma asked if Council wish that I step aside from the Chair of this discussion, since it is my committee?

President Gardiner stated that would probably be best.

Chair Thoma yeah I am agree. President Gardiner would you like to Chair?

President Gardiner stated sure

??? isn't he on the committee?

Chair Thoma stated yes that doesn't work either. VP Campbell?

Councilor Lennox-Zepp stated as member on the Code of Ethics and Disciplinary Committee, I just wanted to respond to one particular comment, which was whether or not we have the authority to be able to take action here. I would like to remind Council the action that was given in our report is a submission to University Student Council and we have asked the Chair to make a report to our Council regarding this conduct. So this is directed to all of us; however, I think that one thing was the letter. I will submit it although the Code of Ethics and Disciplinary Committee applies to all members of USC, there is absolutely nothing barring us, we could write a letter to the member who spoke at a meeting. There is no bar here, although he is absolutely correct in that the CEDC does apply to all members of the USC.

Member Forbes stated she would like to read what we changed last year so we could contain the environment of USC and also the boards and certain committees. Freedom of speech is a great thing that we have here and love in Saskatchewan and Canada and by having Member Hauser approached by the CEDC is way beyond the bounds of the CEDC and I know this because we tried to do it last year and we were told by a solicitor not to approach these people because it was not within our rights within the CEDC Bylaw.

Member Thoma stated when he received this complaint, he wanted to make sure the CEDC did get a response and get a response quite quickly because I felt that this was important as in other years I kind of heard that the CEDC was not taken very seriously as it could not do a whole lot. Member Hauser stated as Councilor Villeneuve said, is not a member of University Students' Council, she is however a member of the University of Saskatchewan Students' Union and as such has right to speak at all of our meetings. We never attempted or thought or even considered attempting to censor her or anything of the sort. Basically what we thought was unacceptable and we felt that it was the CEDC's job to have something before Council and what was stated was not true. And if there is a complaint made to us, I think that any complaint made to any committee, especially the CEDC should be discussed. The CEDC did discuss it and we thought we should let the USC know because among other things, there was discussion of slandering a lawyer, implying that she was biased to one side in those statements. We really felt that if some incorrect statements were made at our meetings, we really should try and make sure that doesn't happen again. We decided to take a stance on this and make this report and hopefully make everyone aware that that is not acceptable and the CEDC will look into everything that is brought before it.

Councilor Fernquist stated I think that the bottom line is that the CEDC should not have approached Member Hauser regarding this because she is in fact not a Member of USC; however, she was approached, an apology was submitted from her to the CEDC so why don't we just accept the apology and move on?

Member Thoma stated that as the Chair of the CEDC, I think that we will in fact look into whether or not we can or cannot approach or talk to someone else who has come to speak at our meetings. I think that's kind of important and we will need to know that in the future so as Chair I promise that we will meet again, we will look into that and make sure that nothing was done incorrectly, as far as I understood we were acting in our rights at the time and we hope to get the situation cleared up as quick as possible. I hope that everyone is satisfied with that and I promise that we will have another report on that in the future to clear all of this up.

Councilor Lennox-Zepp stated she has two points to make. The first is that in no way is the CEDC disciplining a member, we were raising an issue that does affect Council, so we were not disciplining her. The second point that I have to raise is the fact that these submissions from the members are in our minutes are actually very damaging to our Council, having inaccurate information is quite dangerous seeing as our minutes are posted publicly. They are publicly on the website and anyone can access that, so I just wanted to raise the point that we are at risk having inaccurate information posted on our website.

Councilor Fernquist stated it maybe inaccurate, but it was in fact stated at USC so I think we should keep it in the minutes. However, if we need to put a tag on it saying it was inaccurate information or we believe it to be inaccurate information, why not just put that behind what she said?

VP Cole stated he just wanted to make the point that regardless of what was said it affected further discussion. I feel that we need to attach an addendum to either these minutes or to those minutes and note in there that this action has happened. I would also like to point out that we don't need to send a letter of reprimand out to our member, I think that the idea behind that would be to send a warning out to people not to speak out of turn or without due care and attention at Council. That is fine for that one individual but she is not going to go around and tell people what they can and cannot say at Council, so that is why I think it would be wasted breath and I think it is wasted paper and I don't think that it's within the jurisdiction of our authority.

Member Mowat stated he is a student and used to work for the Sheaf. It is my understanding that in this case these comments could affect the career of this lawyer. They are negative, it accuses them of being biased and predisposed to some sort of conclusion and could negatively impact their job, their ability to do their job, their standing in the community. And that is illegal and then for us to put that in the minutes and reprint it becomes the printed version of slander, which is liable. For it just to sit there it seems to me that it is not a good thing to have us repeating endlessly on the Internet or on paper in Lower Place Riel. Second, to that that there is no basis to this, now speaking as someone who is involved in the upcoming referendum, I would like the referendum to be, after the conclusion to it to be open to as little dispute as possible.

VP Campell reminded everyone that we should not be debating this right now we should be debating this under Motions Arising from the Minutes and Reports. Any other comments?

Member Thoma returned as USC Chair.

**6. Motion Arising form the Minutes and Reports**

Councilor Lennox-Zepp made a motion to rescind and expunge Member Hauser's comments as noted in the Ethics and Disciplinary discussion from the September 22<sup>nd</sup> USC meeting.

Chair Thoma stated that this would mean the minutes posted on-line would be re-posted with Member Hauser's comments removed. It requires a majority of Council. Any discussion. All in favour.

Motion to rescind and expunge Member Hauser's comments as noted in the Ethics and Disciplinary discussion from September 22<sup>nd</sup> USC meeting.

**USC Motion55:** Lennox-Zepp/Connor Carried.

**7. Business**

**7.1 Elections Policy**

President Gardiner stated that this was brought up at council last week and it comes up again as promised it would. I would like to make an amendment that was brought up by USSU Solicitor, General Manager and General Manager's Designate. The original motion was to amend the Elections & Referenda Policy to include under Section 4 Referenda Authority adding a point 2 in Referendum regarding Membership in the CFS an Oversight Committee shall have authority over the Referendum. The CRO and ACRO shall act as the USSU Representatives on the Oversight Committee. I would like to amend the motion to remove "regarding membership" and replace with "federate." The motion would read "In Referenda to federate in the CFS an Oversight Committee shall have authority over the Referendum. The CRO and ACRO shall act as the USSU Representatives on the Oversight Committee."

Chair Thoma reminded council members that we are only debating the amendment to the motion.

President Gardiner stated that the USSU remains a totally autonomous organization, as does CFS. The process to compromise on the Election and Referenda Policy remains the same and that is the Oversight Committee. We need to empower the Oversight Committee in order to hold the referendum so that it is recognized and fair by both organizations. This is very important. Council has already confirmed that we will have the referendum this is just a matter of doing it properly. The reason for this amendment is because it refers specifically to this referendum and does not bind us to anything in the future. It just deals

with what is here and now, this is what we have to do to get this done and make it legitimate.

VP Cole asked if the debate is strictly regarding the amendment?

Chair Thoma confirmed that it was only regarding the amendment.

Councilor Villeneuve stated he would like to make an amendment to the amendment. I would like it to amend the motion to read "In Referenda to federate in the CFS an Oversight Committee shall have authority over the Referendum. The CRO and ACRO shall act as the USSU Representatives on the Oversight Committee and the Elections Board must ratify the results of the Referendum."

Chair Thoma stated that is out of order. We have to deal with the first amendment then we can make a motion to amend the policy again. We are still debating the first amendment.

Move to amend the policy to strike out "regarding membership" and replace with "federate".

**USC Motion 56:**      Gardiner/Connor      Carried.

Councilor Villeneuve stated that the idea behind this motion is we are essentially giving away our control of the referendum and what this does is bring it back to our control. Then we are being responsible to our own Constitution.

VP Cole stated this motion is going to give control of our Referendum to the Oversight Committee and it is going to give them the jurisdiction to run it. By giving them the authority to do this all the decisions that are made today, are made valid. We should look at the decisions that have been made to date before we make this decision. So we can decide if we want the Oversight Committee to be running our election. The first decision was a paper ballot and that used to work for us. I find a problem with our internship and off-campus students who are excluded from voting; at least 500 education students and 100 engineering students are going to be unable to vote and that is 600 members in two colleges who are unable to vote because of this decision. Polling Stations are located in Lower Place Riel, Arts Rm 140, Commerce Reading Room, Education Students Lounge, Pharmacy & Nutrition Students Lounge, Ag/Engineering Skywalk and the Kinesiology Student Lounge. Lets look at what is excluded from this? Health Sciences, Nursing, Medicine, Physical Therapy, Dentistry and Veterinary Medicine all have to go way out of their way to vote. I think councilors from those colleges should be quite upset because of this. We are inconveniencing our students because of the placement of our Polling Stations. Spending limits on campaigns our policy says that \$1,000 is permitted per campaign; the reason for this is that it gives everybody a fair chance. Everybody can go legitimately and has a shot to make there say. Right now, from what I can tell is there is no

spending limit. It is well over the \$1000; I have done some investigating and CFS has spent \$200 for the banner in Upper Place Riel over the Grille.

VP Connor interrupted and stated it only cost CFS \$75 to put that up because it was only up for a week.

VP Cole stated he checked with our Development/Communications Coordinator and it cost \$200. The price of the booth in the tunnel cost \$1200. The full-page ad in the Sheaf has to be worth at least \$1000 right there. They are spending well over anything that a "No" Campaign would be able to compare with. It is unfair. Our representatives on the Oversight Committee the CRO and ACRO are doing an excellent job, they are remaining unbiased; however, I don't believe that is the same case with the CFS representatives on the Oversight Committee. I believe they are biased because they are paid by CFS. When you have to people who are unbiased and two people who are biased what do you get? You are going to get a biased committee. I leave it to you to think about when we are voting to give the Oversight Committee power. I think we should not allow the Oversight Committee to have power.

Councilor Fernquist stated he has a letter to read to Council from a Member of the College of Engineering. It says "I feel CFS presence on campus is disrupting my ability to learn. CFS is giving presentations during class time the various classes. When I go to class that I paid for I find it very disrespectful and rude to infringe on the class time I have. As a student organization to support my education I find it very unethical for them to take away my class time. I have also learned today that campaigning during class time is against the rules set in the USSU Constitution. If they are allowed to break the rules of the USSU Constitution and the USSU is running this referendum. I feel there is no way that this is fair, just and unbiased. What information is there to support that this referendum will be fair? Also, if the CFS is not disciplined for there action of breaking policy bylaws. Where can I go for an external review?" Councilor Fernquist clarified what the Member of Engineering stated. They are coming into class time, which is against our Elections Policy they are disrupting class time. How much does a person pay for a class? Lets say you have 200 people in a class and they interrupt for 10 minutes that has to be into thousands of dollars. I have even heard of complaints from professors. This is just one of the reasons that CFS should not be allowed into the Oversight Committee.

Chair Thoma reminded Councilors hold placards up before speaking. Are there any objections to the ACRO responding to this?

ACRO Olszynski confirmed they received the complaint and investigating it. There have been "No" Campaigners in classrooms. There was an alleged Commerce class that was interrupted for an hour and a half; I will not say whether or not this is true. But this is the allegation. It has been expressed to me that CFS campaigners have been vigilant to ensure that they have not been cutting into

class time, they are aware of this policy. The policy is open to the interpretation that they are not allowed to cut into class time but being in the classroom for a few seconds before or after class time does not necessarily mean they are violating a policy. I will be here throughout the entire meeting in case there are more questions.

Councilor Mitchell stated that with regards to the Oversight Committee being biased; I don't feel this is the case because it is a committee that operates on consensus. What consensus means is that it is not a majority rule process it means all people have to agree on every decision that is made. I don't think it is fair to say that this committee is dominated one way or another by biased members. Secondly I think that a lot of the comments that are being brought up are very extraneous to the motion on the floor. I am wondering if you can speak to that? What we are discussing is whether we want to empower the committee or not and concerns we have about the work that committee is doing need to be brought up. These are valid concerns. We have a process for dealing with this and it is speaking to the ACRO who is present and who is open to our concerns. I wanted to remind members to discuss the motion on the floor.

Chair Thoma stated that he did think of those comments and it has to be my ruling that the committee is going to be empowered with something. Please don't bring up the same thing over and over if they have already responded to how they are dealing with the situation because that is not productive it just takes up a lot of time. Feel free to ask ACRO Martin any questions.

Councilor Villeneuve stated he doesn't think that they have touched on the constitutions. As VP Cole stated we are heavy-bound to what the Oversight Committee is going to be doing. We still haven't gotten the referendum question yet. It is the constitution of CFS, which they cannot change unless they go to there AGM. It says that the referendum question has to be in two weeks in advance as it does in our policy.

ACRO Olszynski confirmed we do have the referendum question.

Councilor Villeneuve stated that it still has not come within the two weeks, so are we not against the CFS Constitution and our own policies?

ACRO Olszynski noted he would let CFS speak on there constitution. As far as our constitution and policies went we did not make the two-week deadline. We changed the way the question was going to be worded. The process of deciding the question began more than two weeks ago.

Councilor Villeneuve stated he heard students have to put down their student numbers on the ballots. How democratic is this? I am basically telling you how I vote and now I have put my student number on the ballot. I am pretty sure that administration said I would never have to give out my student number. Is this the

case? I don't want someone knowing how I vote. It is democratic it is supposed to be a secret ballot, so how is it a secret if I have to put my student number on the ballot?

ACRO Olszynski stated this is not the case. We will have laptops with special software to confirm that they are current students. We are not allowed to have a members list so it is to make sure that they are current students.

Member Berg stated she should like to respond to CASA being in classrooms. They were in-fact invited to speak to the government policy class in commerce as part of there academic learning.

Member Cotton wants to respond to Councilor Fernquists comment about CFS interrupting classes. I am a staff member of the USSU and I am concerned about the number of phone calls I am receiving from university departments that are concerned about the amount of time that this lobby group is taking up in their classrooms. I don't feel it is my place to get involved with the referendum but it is hard when it is taking up my work time. I have worked at the USSU for two and a half years much of which is on my own voluntary time and when it starts to infringe on my work time that student's pay for it becomes a concern to me. It is also a concern to me when a university department doesn't feel comfortable taking to someone else. I am concerned that I am being put in a situation that is not comfortable to me. I don't feel it fair that student's are paying for my time to have to deal with those questions.

Member Forbes asked ACRO Olszynski are the meetings for the Oversight Committee being taped and are they available for students?

ACRO Olszynski stated the minutes are being taken by the General Manager's Designate, Amy Yeager. They are available whenever.

Councilor Taylor noted that we are using computers to confirm only current students are voting. Why is it not possible to vote online? There are several students in my college that are not going to be on campus and they are ticked off that they can't vote in this referendum.

ACRO Olszynski stated we are not voting online because CFS policy does not stipulate online voting. We have been trying to compromise between the two policies, which is technically not legally possible without this amendment. The ACRO and CRO were informed that it was not an option. So we got over it.

Chair Thoma asked if there are any questions for the Oversight Committee to ask them once and let them respond. If you want things changed you need to be make a complaint to the Oversight Committee.

Councilor Lennox-Zepp stated I have decided to not to speak on the ballots or polling stations; however, the issue we have on the table is allowing our Oversight Committee authority over our referendum. Students on both sides of this issue have agreed that if this motion fails we still must have the referendum. If we don't have this referendum there will be serious legal repercussions. The referendum will have to happen at some point regardless of this motion today. And regarding the supposed biased of the Oversight Committee, I don't think we couldn't be less biased. How could we be less biased? We have an equal number of people sitting on the board representing the two parties that have interest in the referendum. I don't think it can get any better than this.

Chair Thoma stated everyone could only speak once until everyone has spoken.

Councilor Yakimoski stated she was absent last week and is just catching up. We are discussing an Oversight Committee that was unanimously appointed by council. It sees that we should probably want to empower the committee that we are putting together. So it makes sense that we get down to business and empower the people we selected.

Chair Thoma confirmed the Appointments Board selected the Oversight Committee.

VP Kowalsky stated that there are two sides on this issue. Those who want to have this referendum and those who want to drag it out. This motion should have been passed last week. What we have done is allowed you to go back to your council and speak to them, come back and vote yes on this motion. What we are doing is a bit of housekeeping. Basically we are empowering this Oversight Committee. Does everyone understand what is happening? If you are voting no, do you don't know why you are voting no, I think you should ask yourself. Do I like the tuition freeze?

Chair Thoma stated VP Kowalsky is out of order. Let's stick to the motion on the table.

VP Kowalsky stated I think the people voting no are fundamentally opposed to CFS.

Chair Thoma stated that's out of order that's toward character.

VP Kowalsky stated he would like to have councilors vote yes.

Member Mowat thanked ACRO Olszynski for all his hard work. I have known him a long time and I know he is doing a good job and I am sure the CRO is also doing a good job. I am running a "No" campaign and I want to make sure I am participating in something that is fair and democratic. I am concerned that there is a lack of clarity and rules on some issues. What are the penalties for breaking

these rules? It is not in there. I am spending my own personal money to run a "No" campaign. I don't know if anyone can answer my question and that part of my concern. Either way I want this referendum to go forward even though I am on the no side but I want there to be no ambiguity about the results. So if there is a matter of votes on one side of the other, or violations here or there. How do you come to the conclusion if that vote was just? You overturn it. What happens if half the Oversight Committee wants to overturn the results and the other half doesn't? I haven't been able to get answers to these questions. I just want to make sure that the Board of Directors and USSU knows what it is they are proving and making sure the organization is not liable in the aftermath of this referendum. There are a lot of concerns with the process that have not been addressed.

Councilor Gallaway stated he was under impression last week that we postponed the motion so we could go back to our colleges and talk to students and see what they wanted. Nobody has mentioned any of that? Personally in Commerce we went back and talked to students about what they want want. People on the "Yes" and "No" side, everybody wants this to happen next week. We voted in council unanimously to pass this motion tonight, get this referendum over with, and move on with the year so USC can do something else other than have lengthy meetings about CFS every week. We all came here to vote in favour, Councilor Boyle couldn't make it, I have about 35 emails from students and my college wants to make this happen, let's pass this and get it over with.

President Gardiner stated that the process is what seems to be the issue.

Councilor Villeneuve made a very good amendment. He said that the Elections Board is going to have the final authority on this from the USSU end. All of us on both sides have expressed our explicit faith in the CRO and ACRO. They are the chair and the deputy chair of the Elections Board. It is completely for members of council and members from the student body that were appointed by the Appointments Board. That can be the house of sober second thought. Everything has been done completely legitimately. I must repeat that the USSU Solicitor who has absolutely no care whether any national lobby group represents us recommended this. He is just looking out for the best interest of the USSU. Our General Manager who again has no care, also recommended this. This has to happen in order for us to have the referendum. The referendum is advertised to every student on this campus that this it is happening next week. I for one can guarantee that I want this to be done more than everyone else in the room. So let's pass this amendment lets do it right and get on with our lives.

VP Campbell would like to call the question.

Move to call the question.

USC Motion57: Campbell/Gallaway

Carried.

Move to amend the policy to include "and that the Elections Board must ratify the results of this referendum."

**USC Motion58:** Villeneuve/Fernquist Carried.

Move to amend the Elections & Referenda Policy to include under Section 4 Referenda Authority to add point 2 "In Referenda to federate in the CFS the Oversight Committee shall have authority over the Referendum. The CRO and ACRO shall act as the USSU Representatives on the Oversight Committee and that the Elections Board must ratify the results of this referendum."

**USC Motion40:** Gardiner/Campbell Carried.

Councilor Fernquist would like his objection noted to the passing of that motion.

VP Cole would like his objection noted to the passing of that motion.

Councilor Villeneuve would like his objection noted to the passing of that motion.

Councilor Ottie would like her objection noted to the passing of that motion.

Councilor Flavell would like his objection noted to the passing of that motion.

## **7.2 Corporate Sponsorship & Agreements with Outside Bodies**

President Gardiner would like to strike this from the Agenda, which should have been done under Adoption of the Agenda but Councilor Korshever, the Development & Communications Coordinator and myself had a meeting this morning and this issue has been resolved. If anyone has any questions they can come and talk to me.

## **10. Questions & Comments**

Councilor Fernquist asked if the ACRO is still here.

Chair Thoma stated he left.

Councilor Villeneuve stated that with the referendum coming there have been a few responsibilities that have been forgotten. I am wondering were the Executive Accountability Reports from summer are? Accountability Reports are an important thing and we are one month into our year, which means we are only couple of months away from our Fall Accountabilities. You have been on the job for about five months now and I think there should be some type of accountability. I am aware that this is a busy time for our executive but I do think it is due. I would like when I am done speaking for VP Kowalsky to describe what he has been doing in this new VP External Affairs position? Who he has been talking? Also, in the accounting report is that it says Crystel Knihniski, General Manager (Acting). Are we actively seeking a new General Manager? We need a person in there that can give us continuity from year to year a person that knows what's going on from year to year because there are new executive

and council members every year. Last year there was University in the News, which were little pamphlets that we got at the start of the year. They were good to put up in your colleges. It brings all universities across Canada together because then I can look up what's going on at other universities.

President Gardiner stated that the Accountability Reports should have been done. I am not even going to try and justify why they are not finished. We do have the monthly accountability reports that we have started doing and July and August should be up. The executive has been discussing the General Manager position and we are on the verge of making some major decisions. University in the News was stopped half way through the year when we cut the Research Position. This is something that we can start up again but there would have to be a lot of interest with this body. Send me an email in the next week if this is something you would like to see started again. If the majority of you want this then we will do it.

??? asked if we can have a ballot right now?

VP Connor stated that this is still going and the USSU Receptionist goes through the papers every morning so if you want to stop by there is a huge pile of PSE articles in the lunchroom. To make that many copies it is huge waste of resources.

Member Forbes stated that maybe this is something that could be scanned into PDF format and put on the website so that anyone can view it.

Councilor Vishnu stated he was going to say that.

President Gardiner stated he would look into that for next week.

VP Kowalsky stated he has had four meetings in four months, one with the MLA Peter Prebble, second with Mike Savage who is the chair of the PSE Commons Committee, the third was with Saskatchewan Learning, and I have met with Andrew Thompson twice who is the Minister of Learning. The first time I met Andrew Thompson was at the pre-budget announcement before they announced the tuition freeze and once during the pow-wow. We have not sat down and met formally yet.

Councilor Villeneuve asked if there have been any kind of talks set up to find out what will happen next year with the tuition freeze?

VP Kowalsky stated they have been working with the U of R and have our campaign finalized. In response to the Minister of Learning meeting we have been meeting his minions. I am really excited to have my External Affairs Board running and we should be looking at the issues.

Member Forbes stated because this is the first year this position has been back I would like some feedback from you. Do you feel this position is worthwhile for the USSU? Could the other four executive members do this position? Is it worth our money to have this position in general? I think we should get the feedback from you.

VP Kowalsky stated that the position should likely be part-time during the summer months.

Councilor Ottie stated that she wanted to clarify why she voted no in the motion and that is because she can't vote in the referendum because she is an intern neither can any of the Education Students who are on an internship and I just wanted have this on record in the minutes.

Councilor Taylor asked if CFS would respond to this?

Chair Thoma stated it would be the Oversight Committee that would need to respond to this. If a lot of members feel quite strong about this I highly recommend going and talking about that and seeing what could be done.

VP Cole stated that he has had a student who has sent some questions. With regards to the upcoming CFS Referendum it is my understanding that the votes will be done on paper ballots. There are hundreds of students like me who are on an internship program that are going to be unable to vote. We are interested in the outcome of this referendum. ACRO Olszynski's response was voting will take place from 8 a.m. until 7:30 p.m. so if you are in town and feel like going out of your way to campus you will be able to vote and there is advanced polling on the 3<sup>rd</sup>. As for people from out of town; unfortunately, the CFS constitution and bylaws does not stipulate e-ballots. The best we can do with a limited budget is encourage students to come to campus and vote.

Councilor Villeneuve stated that a typical day for him is getting up at 6 a.m. go to work at 7 a.m. and don't get home until 6:30 p.m. We have students that are in North Battleford, Prince Albert and are hours away and they are being excluded from this referendum.

Chair Thoma stated that we can hopefully leave this issue. The complaints have been noted in the minutes and there is nothing that can be done except complain to the Oversight Committee.

Councilor Yakimoski stated that despite the fact a lot of people can't vote on paper and my vote won't be present. There is no reason why we shouldn't support the people who can vote.

Member Mowat stated that everyone probably received the email from the unknown source that had a bunch of information from President Gardiner's book.

Chair Thoma asked President Gardiner to clarify this issue for people who did not receive the email or read the Sheaf.

Member Mowat stated he brought this up because of the article in the Sheaf and one of the councilors said to ignore this. I would like some clarification on some of the goals in President Gardiner's stolen notebook. What kind of meeting was this? Was there a meeting at all? What do some of these comments meetings mean? I understand that there is a referendum here to join CFS but I am concerned that student money is going towards a goal to get UBC out of CASA to switch our health plan. President Gardiner stated that in the paper some of these goals were forged, and some were real, he didn't want to go into this because it was personal. I am uncomfortable as a student paying his salary to spend time doing some of these activities, if he was at all. I would like an explanation.

Councilor Mitchell stated she does not want President Gardiner to have to defend himself right now. I don't think this is appropriate considering it is under criminal investigation about how this information was obtained. It is offensive that our intelligence is being questioned as councilors. I would encourage President Gardiner not respond unless he chooses to.

President Gardiner stated he is going to stay away from the specifics. If Member Mowat wants to talk to me one on one I will do that. The fact at hand remains that my notebook and I have written lots of things down that are not necessarily my own opinion. A lot of this was taken completely out of context and I don't think it is appropriate for me to explain a stolen notebook at a public forum.

Member Forbes asked if this Planning Session went ahead?

President Gardiner stated he was at a meeting and there were MSCs and lots of other people there besides me.

Member Mowat stated this is really sketchy but once the president acknowledges some of the comments that he made and I want clarification. It seems to me this meeting took place and he is a member of the CFS Board, was this something that was discussed at a CFS meeting? Is this the stuff they talk about at CFS. If this is what is going on at CFS meetings and I'm not sure because the president won't say but if that's what it is I'm running a "No" campaign and this is exactly the kind of information that we need to know. I am not sure that with out the president's denial or explanation of this information that I can believe he has been completely forthcoming to council members and the students to what this referendum is and means. If this is the type of organization and this is what goes on at CFS meetings I don't want to pay \$10/year to interfere with other schools. When I was president of the USSU the URSU VP External Affairs sent out a mass email stating that they needed to kick me out office or elect someone else, they were interfering other student unions business. Then I had the URSU president apologize to me, and she knew it wasn't right. Then I am looking at

documents that seem to indicate that's what is going on by the USSU and I don't want our image to be tarnished by that kind of behaviour or our involvement that endorses that kind of behaviour. I know that the circumstances from which this document was obtained are sketchy but I think that the president owes an explanation to the members that elected him and to all the members that pay his salary and to explain the context of this, especially if it is relevant to the upcoming CFS Referendum.

President Gardiner agrees with Member Mowat but thinks there is a time and place to explain this. I don't believe Member Mowat's intentions are as noble as he tries to make them out. The reality remains that this is a criminal issue and I have a meeting with security tomorrow to discuss this. I am not going to go into a public forum and talk about this when I don't know if I have the right to. I promise this will be resolved but I can't do it right now and that is not because of fear. Anything in that book that was mine I will stand by but I need to talk to campus security about this first.

VP Cole stated that I think President Gardiner will fill us in on this matter when this has been resolved and he is able to speak on it. More importantly I would like to find out what is fake in there. I would like to state that my name was brought up in there under a topic called "get VP Cole to resign." I find this comment very hurtful but I also know President Gardiner did not put that in there. I looked through the document and I found parts had been copied and pasted. I would like to speak on President Gardiner's character and he and I are on really good terms and we see this referendum differently but he and I work together strong and he is a noble person, or as much as he can be.

Councilor Fernquist asked when the email list on the website is going to be updated? I don't want another incident to happen that could have been prevented. When will council email addresses change so that we can live happier?

President Gardiner stated it would be updated in a few weeks.

Chair Thoma stated that the discussion period is over.

Move to extend the Questions and Comments period by 5 minutes.

**USC Motion59:** Collins/Fernquist Carried.

Councilor Lennox-Zepp wanted it recorded in the minutes that absolutely appropriate to be speaking about stolen goods in a decision making body such as ours.

Councilor Collins asked if there is any way the Oversight Committee would reconsider the format of the polling stations?

Chair Thoma stated there is no one from the Oversight Committee here to respond.

VP Cole stated he talked to ACRO Olszynski yesterday about this and the reason there are only seven polling stations is because of a matter of resources.

Councilor Fernquist stated he would be away for a few weeks and we are in the process of electing a new MSC and he/she will be here two weeks from today. Also there was a car in Arts for a while and it is gone, the car was advertising for Hell Dance that was last week and it was going on Friday and Wide Mouth Mason was playing and it was a great time.

Councilor Villeneuve stated he finds it odd that the whole Oversight Committee was not here tonight. I don't know if they are in town but there was only one guy here and he left before Questions & Comments and obviously we are going to have questions one week before the referendum and they are not here to answer our questions. It just seems odd.

Councilor Gallaway stated we should send that comment to the Oversight Committee not council so feel free to do that.

**12. Adjournment**

Move to adjorn.

**USC Motion60:** Villeneuve/Fernquist

Carried.



This is Exhibit 1 referred to in  
affidavit of Evan Cole  
sworn before me this 9 day  
May, A. D. 2006  
[Signature]  
A Commissioner for Oaths in and for  
Saskatchewan

## Elections and Referenda Policy

**Please note: Sections of this policy which are not applicable if voting occurs online are found in Appendix 1.**

### I. GENERAL ELECTIONS

#### CANDIDATES & NOMINATIONS

1. Nominees must be members of the University of Saskatchewan Students' Union (USSU) as defined in Article 5 of the USSU Constitution.
2. Nominations must be called according to a prescribed Election Schedule. The Elections Schedule shall be prepared by the General Manager's Designate and is subject to Elections Board approval.
3. Nominations must be open for 2 days as outlined in the Election Schedule. Nominations shall close at 4:00 pm on the final day of nominations. There shall be an all executive candidates mandatory orientation meeting before the close of nominations.
4. All nomination forms for executive positions shall have ten (10) nominators on their form; nominees for Senate positions require five (5) nominators. All nominators must be members of the USSU.
5. Nominees are responsible for the non-refundable fee outlined in the Election Schedule.
6. Nominees must ensure that their nomination forms include the full name, signature and student number for the nominee and the nominators.
7. Nominees and nominators may not act as Elections Officials.
8. No person is eligible to run for more than one position on the University Students' Council (USC) nor can they nominate anyone seeking the same position.
9. Elections Board (EB) must ratify all nominees before they are considered candidates.
10. All eligible candidates will be ratified by the EB following a mandatory All Candidate Procedures Meeting – as outlined in the Election Schedule.
11. The names of the nominees shall not be released until EB ratifies their candidacy.
12. Only the nominee may release the names of nominators.

13. If any candidate wishes to withdraw from a USSU election after ratification by the EB, the Chief Returning Officer (CRO) must receive written notice of withdrawal from the candidate prior to the beginning of voting.

Candidates will not be permitted to withdraw once advance polls have opened.

14. All members of the EB must submit a declaration of whether or not they will be seeking a position in the USSU General Election. If it is a positive declaration, they will be requested to resign. If it is a negative declaration, they will be bound by such and subsequently prohibited from running in the election. If the member is unsure the board shall be notified at the earliest possible date, and that person shall not participate in any election discussion until they have made a positive or negative declaration, in which case the preceding rules shall apply.
15. If candidates wish to vote at a USSU-promoted polling station, they must do so during advance polls.

#### ACCLAMATIONS AND VACANCIES

1. In the case that there is only one nominee for a position of the Executive after the regular nomination period has ended, a vote of confidence must be held where the candidate must receive a larger number of yes than no votes to affirm the acclamation.

If a candidate receives a larger number of no votes than yes votes, a runoff by-election shall be held immediately, according to a by-election schedule (see Section III). Voting for such an election shall occur prior to the last day of March. If only one candidate runs in the by-election, and the result is again a larger number of no votes than yes votes, a fall by-election shall be held.

2. In the case of a vacancy in a position after the regular nomination period has ended, the nomination period for that position shall be extended at the discretion of EB.

#### CAMPAIGNING

1. There shall be no advertising by or on behalf of any candidate seeking election prior to the beginning of the campaign period, as outlined in the Elections Schedule.
2. The campaign period shall be no less than one week in length.
3. All campaign material (of any form, electronic included) must be approved by the ACRO, or the General Manager's Designate, prior to its release.
4. All candidates must adhere to the poster restrictions for each building on campus.
5. Under no circumstances shall a candidate, or their representative, deliver campaign speeches in regularly scheduled classes or labs.

6. No candidate may intentionally interfere with another candidate's campaign.
7. Campaign limits will follow the attached schedule of Fair Market Value (FMV) campaign materials. In no case shall the total cost of campaigning for any one candidate in any one election exceed four hundred dollars (\$400.00) not including taxes, according to either the FMV schedule or actual costs. If a candidate's campaign material falls outside of the schedule, the material must be submitted to EB so that a FMV can be assessed.
8. If a candidate is seeking both an executive and senate position, the limit used for campaigning shall remain at four hundred dollars (\$400.00) not including tax.
9. All ratified candidates shall be reimbursed fifty percent (50%) of campaign costs based on submission of receipts. Receipts must be submitted to the CRO or designate on or prior to the last day of campaigning. In the case of an acclamation, the candidate is eligible for reimbursement of 50% of campaign costs based on submission of receipts.
10. Candidates are responsible for the removal of their materials by 11:59 p.m. the final day of voting.
12. There shall be no advertising on behalf of a candidate within 30 feet of a polling station or in any computer lab on campus on voting day(s). The exception is material, approved by the EB, to be posted by polling stations.
13. The ACRO, or General Manager's Designate, with advisement of the EB, shall organise election forums in accessible locations during the campaign.
14. Candidates and/or their representatives may not be present at any of the USSU-promoted polling stations during the election.
15. EB members cannot be involved in the campaigning of any candidate seeking election.
16. Notice of any public forum on referendum issue must be given to the CRO or acting Chair of the EB. Representatives of both sides must be invited to attend.
17. All candidates and Elections Board members must have the information, rules, regulations and bylaws of all colleges and residences given in written form at the elections information meeting.

## **II. MEMBER OF STUDENTS' COUNCIL ELECTIONS**

1. Elections for Members of Students' Council shall adhere to the policies or bylaws determined for the student association of each respective college, school or group as outlined by Article 7 of the USSU Constitution.
2. The student association for each college, school or group electing a Member of Students' Council (MSC) is required to have one College Deputy Returning Officer (College DRO) to oversee the election and ensure that the MSC is duly elected.

3. The College DRO for a MSC election, in addition to normal duties, must be present during voting and ballot counting and must report the election results back to the EB for ratification.

### **III. BY-ELECTIONS**

1. By-elections for Executive and Senate positions shall adhere to the policies determined for USSU General Elections.

The only exception to this shall be the duration of the campaign and voting period. By-election schedules shall consist of three days for nominations, three days for campaigning, and two days of voting, where in campaigning shall be allowed.

In the case of a March runoff by-election, the call for nominations must be made at least one week before nominations open.

### **IV. REFERENDA**

#### **AUTHORITY**

1. Elections Board shall have authority over the activities of the USSU membership and of third parties as they relate to referenda.

#### **REASONS**

1. Referenda may be initiated according to Article 11 of the USSU Constitution.

#### **NOTICE**

1. Notice of the referendum must be received by the Chair or acting Chair of the USC no later than four (4) weeks prior to the expected vote of the referendum issue. This date shall be included in the Elections Schedule.
2. To ensure clarity and legal status, prior to the vote, the USSU solicitor must examine the wording of each referendum question. The solicitor has the right to alter the wording of referendum questions to ensure clarity and legal status, but must not alter their spirit and intent.
3. The CRO shall receive the referendum question, as approved by the USSU solicitor, no less than two weeks prior to general voting.
4. The USSU must provide information to its membership about the subject of referenda in an unbiased manner.

## CAMPAIGN REGISTRATION

1. Any party wishing to register a campaign, on either side of the issue, must do so by completing the referendum campaign committee registration form and submitting the appropriate deposit by the end of the stated time period, as outlined in the Election Schedule.
2. At the end of registration, all members of the above said committees must make an appointment with the CRO, at which time this policy will be reviewed and any questions answered.

## CAMPAIGNING

1. There shall be no advertising by or on behalf of any registered campaign prior to the information meeting, held according to the Election Schedule.
2. Campaigning shall begin immediately following the information meeting and shall end at 4:00 on the final day of voting.
3. The campaign period shall be as outlined in the Election Schedule. Campaigning may begin upon the registration of a campaign, which may occur at any time after the notice of referendum is given.
4. All factual information contained within campaign material must be submitted to the EB if distribution is to go beyond five (5) members of the USSU. Upon submission the EB will proof the material for accuracy and, if necessary, return the information for changes prior to authorisation. Once authorisation has been granted, an original copy of the referendum material must remain in the possession of the CRO until the end of the referendum.
5. All campaign material (of any form, electronic included) must be approved by the ACRO, or the General Manager's Designate, prior to its release.
6. No material may be in any way affixed to the material that has been disseminated by the USSU and/or the EB.
7. All registered campaign committees must adhere to the poster restrictions for each building on campus.
8. Under no circumstances shall a registered campaign committee, or its representatives, deliver campaign speeches in regularly scheduled classes or labs.
9. No registered campaign committee may intentionally interfere with another registered campaign committee's campaign.
10. Campaign limits will follow the attached schedule of Fair Market Value (FMV) campaign materials. In no case shall the total cost of campaigning for any one registered campaign committee in any one referendum exceed one thousand dollars (\$1000.00) not including

taxes, according to either the FMV schedule or actual costs. If a registered campaign committee's campaign material falls outside of the schedule, the material must be submitted to EB so that a FMV can be assessed.

11. All registered campaign committees shall be reimbursed up to fifty percent (50%) of campaign costs based on submission of receipts. Receipts must be submitted to the CRO on or prior to the last day of voting.
12. Registered campaign committees are responsible for the removal of their materials by 11:59 pm of the final day of voting.
13. There shall be no advertising on behalf of a registered campaign committee within 30 feet of a polling station or in any computer lab on campus on voting day(s).
14. The ACRO, or the General Manager's Designate, with advisement of the EB, shall organise referendum forums in accessible locations during campaigning.
15. Representatives of registered campaign committees may not be present at any of the polling stations during the election.
16. EB members cannot be involved in the registered campaign committees for a referendum.
17. Notice of any public forum on referendum issue must be given to the CRO, Chair or acting Chair of the EB. Representatives of both sides must be invited to attend.

## **V. ELECTIONS OFFICIALS**

### **ELECTIONS BOARD**

1. EB shall exist as outlined in Article 10 of USSU Bylaw 1: Governance Procedures.
2. The EB shall be responsible for the following:
  - (i) Conducting elections and referenda as outlined in Article 8 and Article 11 of the USSU Constitution and Article 10 of USSU Bylaw 1: Governance Procedures;
  - (ii) Being knowledgeable about other procedures and policies necessary for a proper election;
  - (iii) Interpreting and enforcing the Elections and Referenda Policy as it pertains to all members of the USSU;
  - (iv) Appointing DROs; and,
  - (v) Presiding over the vote-counting mechanism and election data.

### **CHIEF RETURNING OFFICER**

1. The CRO shall be appointed by USC through the Appointments Board. The CRO shall not be a member of the USSU.

2. As outlined in Article 10 of USSU Bylaw 1: Governance Procedures, the CRO shall be the chair of EB.
3. The CRO shall be responsible for the following:
  - (i) Ensuring that all policies pertaining to the election of the Executive and Members of Students' Council are followed;
  - (ii) Remaining impartial, both expressed and implied, by not supporting any candidate or registered campaign committee during an election or referendum;
  - (iii) Addressing issues raised by members of the Elections Board in a timely manner;
  - (iv) Cultivating an atmosphere of commitment to the elections process;
  - (v) Providing guidance for the Elections Board with respect to this process;
  - (vi) Chairing the All Candidates Procedures Meeting for all candidates and/or registered campaign committees prior to campaigning;
  - (vii) Investigating all reported violations of elections procedures and providing appropriate information to the soonest possible EB meeting; and,
  - (viii) Holding regular meetings with the EB during elections and referenda.
4. The CRO shall receive an honorarium, subject to USSU budget provisions.
5. University Students' Council shall deal with any complaints concerning the CRO. Complaints may be formally filed at any time during the election, or within five (5) days immediately following the election.

#### ASSISTANT CHIEF RETURNING OFFICER

1. The ACRO shall be appointed by USC through the Appointments Board. The ACRO must be a member of the USSU.
2. The ACRO shall be the vice-chair of EB.
3. The ACRO shall report to the CRO and to the General Manager's Designate.
4. The ACRO shall be responsible for the following:
  - (i) Serving as the CRO's representative on campus. As such, the ACRO shall be the primary liaison with candidates.
  - (ii) Assisting in ensuring that all policies pertaining to the election of the Executive and Members of Students' Council are followed;
  - (iii) Making all of the physical arrangements for USSU elections and referenda, with the assistance of the USSU General Manager or designate;
  - (iv) The impartial chairing of all USSU election forums;
  - (v) Consulting with all college, school and group student associations chief returning officers in regards to polling procedures and rules for MSC elections;
  - (vi) Coordinating the activities of the DROs;
  - (vii) Casting the deciding vote for any member of the USSU Executive and student members of the University of Saskatchewan Senate in the case of a tie. This vote shall be cast during voting, and shall be submitted to the CRO in a sealed envelope before the close of voting;

- (viii) Casting the deciding vote in the case of a tie decision in a referendum. This vote shall be cast during voting, and shall be submitted to the CRO in a sealed envelope before the close of voting;
  - (ix) The ACRO shall mark all ballots in a preferential manner. The ACRO shall not vote in an election or referendum otherwise.
  - (x) Remaining impartial, both expressed and implied, by not supporting any candidate or registered campaign committee during an election or referendum; and,
  - (xi) Other duties as assigned by the CRO and the General Manager's Designate.
5. The ACRO shall receive an honorarium, subject to USSU budget provisions.
  6. The CRO shall deal with any complaints concerning the ACRO. Complaints may be formally filed at any time during the election, or within five (5) days immediately following the election.

#### GENERAL MANAGER'S DESIGNATE

1. The General Manager's Designate shall be on the Elections Board as outlined in Article 10 of USSU Bylaw 1: Governance Procedures.
2. The General Manager's Designate shall be responsible for the following:
  - (i) Determining if all nominated candidates meet Article 5 of the Students' Union constitution;
  - (ii) Determining the number and location of polling stations, in consultation with EB;
  - (iii) Preparing the Elections Schedule;
  - (iv) Securing the voters' registry; and,
  - (v) Remaining impartial, both expressed and implied, by not supporting any candidate or registered campaign committee during an election or referendum.

#### DEPUTY RETURNING OFFICER

1. EB shall appoint a DRO for each USSU-promoted polling station. A DRO may not be a student in the college for which they have been appointed.
2. Each DRO shall be responsible for the following:
  - (i) Ensuring that all polling procedures are followed;
  - (ii) Ensuring that a USSU-promoted polling station is set up in their designated voting area;
  - (iii) Ensuring that all polling instructions are posted;
  - (iv) Making sure that all necessary election items are available for said voting area; and,
  - (v) Attending a DRO Orientation Session prior to general voting.
3. Each DRO shall receive an honorarium, subject to USSU budget provisions, upon completion of their duties.

4. Each DRO shall remain impartial, both expressed and implied, by not supporting any candidate or registered campaign committee during an election or referendum.
5. The CRO shall deal with any complaints concerning a DRO. Complaints may be formally filed at any time during the election, or within five (5) days immediately following the election.

#### POLLING CLERK

1. The Polling Clerk (PC) of each college, school, or group shall be the MSC or designate of that college, school or group, as approved by EB.
2. The PC shall be responsible for the following:
  - (i) Facilitating the operation of the USSU-promoted polling station of that college, school, or group with the DRO; and,
  - (ii) Encouraging students from that college, school or group to vote.
3. Each PC shall remain impartial, both expressed and implied, by not supporting any candidate or registered campaign committee during an election or referendum.
4. The CRO shall deal with any complaints concerning a PC. Complaints may be formally filed at any time during the election, or within five (5) days immediately following the election.

#### COLLEGE DEPUTY RETURNING OFFICER

1. College Deputy Returning Officers (College DROs) are appointed by college societies to oversee the election of Members of Students' Council. Please refer to Section II: Member of Students' Council Elections.

### VI. VOTING & RETURNS

#### VOTING

1. Voting will begin on the date outlined in the Election Schedule.

In the event of technological failure, an election will not be declared invalid. Election officials will work to minimize the impact of any disruption in voting.

2. Voting shall last for two (2) days.
3. Voting shall be by secret and secure ballot.

#### USSU-PROMOTED POLLING STATIONS

1. USSU-promoted polling stations shall open at 9:30 am and remain open for at least six and one-half (6 1/2) hours per day.

2. Colleges unable to abide by these polling station hours shall be allowed to negotiate different polling hours with the Chief Returning Officer. Requests for different hours must be made to the CRO no less than 14 calendar days prior to the first day of elections. EB will review all requests and issue a decision no less than seven (7) calendar days prior to the first day of elections.
3. Each USSU-promoted polling station shall be supervised by a Deputy Returning Officer.

#### **BALLOTS**

1. Position titles shall be placed on the ballot as per USSU constitution.
2. Names of the candidates shall be placed in alphabetical order according to the candidate's last name.
3. The names of candidates on the ballots may differ from their given name providing the positioning of the candidate does not change. EB must approve any alternate name.
4. Although all positions may be on one form, each is considered a separate ballot.
5. Referenda ballots shall contain a neutrally worded question.

#### **BALLOT COUNTING**

1. The CRO will release results to candidates, students and press at designated places and times.

### **VII. VIOLATIONS & COMPLAINTS**

1. All violations of election procedures, arising from the first day of campaigning up to the date of the final ballot count shall be investigated by the Elections Board and dealt with by the Elections Board.
2. Prior to the start of campaigning, the EB will create a schedule for election violations and discretionary punishment of violations such that will standardise the process.
3. The Elections Board has the right to disqualify a candidate, if it deems that this is an appropriate punishment for violations committed by the candidate.
4. All complaints arising out of any election must be submitted in writing to the USSU office, within five (5) days immediately following the date of the final ballot count. Each complaint shall be dealt with by the EB, which may declare any election invalid and shall be empowered to take such steps, as it deems necessary.

5. In the event of any discrepancies, the EB is considered to be the ultimate decision making authority. All disputes and/or complaints must be submitted in writing, and no member outside of this body is permitted to enforce policy or procedure.
6. Registered campaign committees shall be liable for any campaign violations, however they occur. Likewise, the said campaign committee is also responsible for any actions of any individual or group working on behalf of the campaign committee.

## **Elections and Referenda Policy: Appendix 1**

This section of the policy is to be followed only in the case that voting is not conducted online.

### **V. ELECTIONS OFFICIALS**

#### **DEPUTY RETURNING OFFICER**

2. Each DRO shall be responsible for the following:
  - (vi) Initialling all ballots;
  - (vii) Collecting and returning the sealed ballot boxes and all ballots to the CRO or ACRO on each voting day of an election or referenda.

### **VI. VOTING & RETURNS**

#### **ADVANCE POLLING**

1. Advance polling shall be available for one (1) day prior to general voting.

#### **USSU-PROMOTED POLLING STATIONS**

1. Ballot boxes shall be picked up between 15 and 45 minutes prior to the opening of the polling stations on each day of voting.

#### **BALLOT BOXES**

1. The ballots and ballot boxes will be released only to the DRO for the college and shall remain their responsibility, until returned to the CRO. All voting materials must be returned to the USSU office after each day of voting.
2. Ballot boxes must be sealed by the CRO. The seal can be removed only by the CRO with scrutineers present after the polling has officially ended.
3. Any ballot box returned unsealed shall not be counted.

#### **BALLOT COUNTING**

1. EB shall determine whether ballots are spoiled or not. All disputed ballots shall be set aside, until a decision is reached by the EB.
2. Unmarked ballots are not spoiled; they are considered abstentions and should not be counted in the official total.

3. All ballots not initialled by a DRO are considered spoiled.
4. Each candidate will provide a scrutineer.
5. All scrutineers, EB/USC and candidates must be informed of the above policies.
6. If the difference between the first place candidate and the second place candidate is less than 25 votes cast, or is less than the number of spoiled ballots, then a recount or reconsideration may be held. Such will only be the case if one of the candidates involved or their scrutineers requests it.
7. For non-opscan paper ballots, the recount will be presided over by the EB, along with one scrutineer from each candidate concerned, and two markers. A second and final recount may be requested and will be presided over by the USSU ombudsman, one scrutineer of each candidate concerned and two markers.
8. For opscan paper ballots, a reconsideration may be held. Reconsideration is a second determination of flagged ballot(s), where the intent of the vote was unclear. The reconsideration will be presided over by the EB, along with one scrutineer from each candidate concerned. A second and final reconsideration may be requested and will be presided over by the USSU ombudsman, one scrutineer of each candidate concerned.

<b>Contact Information:</b> Research and Policy Coordinator 966-6972			
<b>Policy Number:</b>			
<b>Category:</b>	Elections		
<b>Policy Authority:</b>	University Students' Council		
<u>Approvals</u>	<u>Board/Committee</u>	<u>Date</u>	<u>Motion</u>
Created/Adopted	University Students' Council	02/14/02	USC 197 & USC 199
Amended	University Students' Council	11/14/02	USC 90
Amended	University Students' Council	10/16/03	USC 57
Amended	University Students' Council	01/29/04	Approved
Amended	University Students' Council	03/25/04	USC 225
Amended	University Students' Council	01/13/05	USC

University of Saskatchewan Students' Union and Canadian Federation of Students

Referendum Oversight Committee Report

November 2005

This Exhibit is referred to in the  
name of E. M. [Signature]  
sworn before me this 9 day of

May, A. D. 20 06  
[Signature]  
A Commissioner for Oaths in and for  
Saskatchewan

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**University of Saskatchewan Students' Union and Canadian Federation of Students**

**Referendum Oversight Committee Report**

**November 2005**

## **Background**

The Canadian Federation of Students is Canada's national and provincial students' organisation composed of over 500,000 university and college students who are represented by 83 students' unions. There are two types of membership in the Canadian Federation of Students: prospective membership and full membership. Prospective membership is described in the Canadian Federation of Students Bylaw 1, 2-b as, "a trial membership of limited duration."

On November 4, 2004 the Council of the University of Saskatchewan Students' Union voted to apply for prospective membership in the Canadian Federation of Students. At the November 2004 national general meeting of the Canadian Federation of Students, the member students' unions of the Federation voted to accept the application.

By applying for and being granted prospective membership in the Canadian Federation of Students, the University of Saskatchewan Students' Union agreed to accept the rights and responsibilities of prospective membership within the Federation (Bylaw 1, Article 2-b-ii). Among the various responsibilities of a prospective member is the responsibility to conduct a binding referendum on the question of full membership in the Federation in accordance with the referendum regulations described in Bylaw 1, Article 4.

### **Composition of Referendum Oversight Committee**

In accordance with the Bylaws of the Canadian Federation of Students, a Referendum Oversight Committee composed of two (2) members appointed by the University of Saskatchewan Students' Union

and two (2) members appointed by the Canadian Federation of Students was established.

The University of Saskatchewan Students' Union Representatives on the Oversight Committee were University of Saskatchewan Students' Union Chief Returning Officer Dorinda Stahl, and Assistant Chief Returning Officer Martin Olszynski.

The Canadian Federation of Students Representatives were National Deputy Chairperson Angela Regnier, and Director of Organising Lucy Watson.

### **Duties of Oversight Committee**

In accordance with the Bylaws of the Canadian Federation of Students the Oversight Committee was charged with the duty of developing rules to govern the referendum.

The Committee was responsible for the following:

- i. establishing the notice requirement for the referendum and ensuring that notice is posted.*
- ii. establishing the campaign period.*
- iii. approving all campaign materials and removing campaign materials that have not been approved.*
- iv. deciding the number and location of polling stations.*
- v. setting the hours of voting.*
- vi. overseeing all aspects of the voting.*
- vii. counting the ballots following the vote.*
- viii. establishing all other rules and regulations for the vote.*

A copy of the Referendum Protocol is attached to this report.

### **Question**

"Are you in favour of membership in the Canadian Federation of Students?"

Location	Yes	No	Spoiled
Arts	585	373	1
Commerce/Law	39	162	0
Education	89	69	2
Engineering/Ag.	87	208	0
Kinesiology	72	26	0
Thorvaldson	196	137	0
Place Riel	900	609	7
<b>Total</b>	<b>1968</b>	<b>1584</b>	<b>10</b>

### Complaints

Section 11.b of the Referendum Protocol required that complaints be filed by 12:00 p.m. October 11, 2005.

A document outlining the general nature of the complaints filed and the Committee's rulings is attached to this report.

### Process

Prior to its deliberations regarding the complaints that were filed, the Referendum Oversight Committee first determined if the complaint was an allegation based on the referendum protocol. If the Committee agreed that a complaint was indeed based on the referendum protocol and therefore eligible for further consideration, the Committee then assessed the merits of each complaint. If the Committee determined that the complaint was valid, it then assessed the potential impact the violation had on the outcome of the referendum.

As a result, in part of the intense scrutiny that the process underwent over the course of the referendum, the Committee sought a legal opinion from the University of Saskatchewan Students' Union's legal counsel in regards to the complaint filed by Robin Mowat.

The Committee concurs with Mr. Walen's conclusions. A copy of the legal opinion is attached

to this report.

In a couple of cases, the assessment that the Committee undertook included a request for more information from the complainant and the alleged violator.

The Committee resolved that the other valid complaints did not have the potential to impact the referendum results in the same way as the aforementioned alleged violations.

### Conclusion

It is the Committee's position that none of the alleged violations, individually or cumulatively, had a significant enough impact on the referendum so as to change the outcome.

### Other Related Issues

In addition, the Referendum Oversight Committee received complaints that warrant mention. Any complaints that were not based on violations of the Referendum Protocol were considered by the Committee to be out of scope and/or beyond its jurisdiction and, as such, not considered as official complaints by the Committee. There were two complaints in particular about which the Committee could not reach agreement.

The first concerned the participation of representatives of the Canadian Alliance of Students Association in the referendum campaign. The Canadian Federation of Students Bylaws clearly state that, "Only individual members and representatives of the prospective member association, representatives of the Federation and representatives of the Federation member local associations shall be permitted to participate in the campaign." (Bylaw 4.d.ii)

The second issue concerned classroom speaking. The University of Saskatchewan Students' Union's referenda policy states that, "Under no circumstances shall a registered campaign committee or its representatives, deliver campaign speeches in regularly scheduled classes." (Referenda Policy IV: Campaigning)

Although the aforementioned complaints do not breach the Referendum Protocol, the Referendum Oversight Committee does acknowledge that the complaints do, at some level, offend the convention of Elections and Referenda established at the University of Saskatchewan, and/or the Election and Referendum Bylaws of the University of Saskatchewan Students' Union and/or the Bylaws of the Canadian Federation of Students.

### **Conclusion**

The members of the Referendum Oversight Committee are satisfied that the referendum results are an accurate reflection of the will of the members of the University of Saskatchewan Students' Union.

Dec 3/2005 [Signature]  
Date: University of Saskatchewan Students' Union Representative

3 Dec 105 [Signature]  
Date: University of Saskatchewan Students' Union Representative

Nov 29/2005 [Signature]  
Date: Canadian Federation of Students Representative

2005/11/28 [Signature]  
Date: Canadian Federation of Students Representative

University of Saskatchewan Students' Union &  
Canadian Federation of Students

# Referendum Protocol

October 2005

Version: Friday, September 30, 2005

## **Bylaw I, 4 b. Administering the Campaign and Voting**

The referendum shall be overseen by a committee composed of two (2) members appointed by the Federation and two (2) members appointed by the member local association. The committee shall be responsible for:

- i. establishing the notice requirement for the referendum in accordance with Section 4-c of this Bylaw and ensuring that notice is posted.
- ii. establishing the campaign period in accordance with Section 4-d of this Bylaw.
- iii. approving all campaign materials in accordance with Section 4-e of this Bylaw and removing campaign materials that have not been approved.
- iv. deciding the number and location of polling stations.
- v. setting the hours of voting in accordance with Section 4-f of this Bylaw.
- vi. overseeing all aspects of the voting.
- vii. counting the ballots following the vote.
- viii. establishing all other rules and regulations for the vote.

## **Section 1: Referendum Oversight Committee Composition**

### **University of Saskatchewan Students' Union Representatives:**

1. Martin Olszynski
2. Dorinda Stahl

### **Federation Representatives:**

1. Angela Regnier
2. Lucy Watson

## Section 2: Polling Station Locations and Hours

October 4-6:

Arts	8:00 - 19:30
Commerce/Law	8:00 - 19:30
Education	8:00 - 19:30
Engineering/Agriculture	8:00 - 19:30
Kinesiology	8:00 - 19:30
Thorvaldson	8:00 - 19:30
Place Riel	8:00 - 19:30

Dec 3, 2005

Date

  
University of Saskatchewan Students' Union Representative

  
Canadian Federation of Students Representative

  
University of Saskatchewan Students' Union Representative

  
Canadian Federation of Students Representative

**Section 3: Ballot Question**

In accordance with Bylaw 1.4.1 the question on the referendum ballot shall read:

**Are you in favour of membership in the Canadian Federation of Students?**

**Section 4: Materials**

- a. The Committee shall approve all campaign specific materials prior to distribution to ensure that materials are not defamatory, libellous or containing false information.
- b. Materials that have not received Committee approval shall not be distributed.
- c. The Committee will remove any materials that have not been approved but have been distributed.
- d. The Committee shall retain a copy of all materials distributed during the campaign.

Date: 3 Dec 105

am oval  
University of Saskatchewan Students' Union Representative

Angela Lepp  
Canadian Federation of Students Representative

[Signature]  
University of Saskatchewan Students' Union Representative

[Signature]  
Canadian Federation of Students Representative

## Section 5: Campaigning

- a. Shall begin at 8:00 Monday, September 19, 2005 and end at 19:30 Thursday, October 6, 2005, unless otherwise agreed by the Committee.
- b. In order to participate in the referendum campaign, individuals must familiarise themselves with the referendum protocol as outlined in this document. Any University of Saskatchewan student who wishes to campaign in the referendum may request and shall receive an orientation to the referendum protocol by the members of the Referendum Oversight Committee.
- c. There shall be no campaigning at any time in University of Saskatchewan libraries, the Games Room, communications labs or in areas where alcohol is served.
- d. Posting of materials shall only be permitted in those areas as per the University of Saskatchewan Students' Union's rules. All posters must be stamped with the University of Saskatchewan Students' Union stamp prior to posting.
- e. There shall be no campaigning within 30 feet of the polling stations on voting days.

Date

3 Dec 05

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

University of Saskatchewan Students' Union Representative

Canadian Federation of Students Representative

## Section 6: Poll Clerks

- a. The Federation and the University of Saskatchewan Students' Union will each provide one poll clerk to work at each polling station.
- b. The Referendum Oversight Committee shall review the list of poll clerks prior to October 1, 2005.
- c. The Referendum Oversight Committee will hold a training session for all poll clerks prior to October 4, 2005.
- d. Poll clerks shall under no circumstances instruct an elector how to vote or provide information about the referendum other than the referendum question.

Date:

3 Dec 05

  
University of Saskatchewan Students' Union Representative

  
Canadian Federation of Students Representative

  
University of Saskatchewan Students' Union Representative

  
Canadian Federation of Students Representative

## Section 7: Security of Ballot Boxes

- a. All ballot boxes and ballots shall be secured in a location approved by the Committee.
- b. The ballot boxes shall be sealed and not opened until counting.

Date

3 Dec 05

*RM [Signature]*

University of Saskatchewan Students' Union Representative

*[Signature]*

Canadian Federation of Students Representative

*[Signature]*

University of Saskatchewan Students' Union Representative

*[Signature]*

Canadian Federation of Students Representative

**Section 8: Voting Procedure**

- a. The voter must present a University of Saskatchewan student card or another form of photo identification. In addition, the most current University registration data shall be used to verify student status.
- b. Both poll clerks shall sign the ballot before providing it to the voter.

Date 3 Dec 105

[Signature]  
University of Saskatchewan Students' Union Representative

[Signature]  
Canadian Federation of Students Representative

[Signature]  
University of Saskatchewan Students' Union Representative

[Signature]  
Canadian Federation of Students Representative

**Section 9: Electorate**

- a. The electorate shall be comprised of all undergraduate students who are currently members of and pay fees to the University of Saskatchewan Students' Union. Enrolment at the time of printing this document was 16,915 (2004-2005 figures).
- b. The result of the referendum shall be determined by a 50 percent plus one majority of the votes cast.

Date: 3 Dec 05

[Signature]  
University of Saskatchewan Students' Union Representative

[Signature]  
Canadian Federation of Students Representative

[Signature]  
University of Saskatchewan Students' Union Representative

[Signature]  
Canadian Federation of Students Representative

## Section 10: Ballot Counting

- a. The Federation and the University of Saskatchewan Students' Union shall each appoint two scrutineers to observe the counting procedure. The Committee may expel any scrutineer who attempts to disrupt the tabulation, or who attempts to destroy, deface, remove or manipulate ballots during the tabulation process.
- b. The ballots shall be counted immediately following the conclusion of voting.
- c. Where the mark on the ballot clearly indicates a preference, as determined by the Committee, the ballot shall be valid and counted.
- d. Spoiled ballots shall count towards the establishment of total voter participation but will not be considered in the calculation of a majority.

Date

3 Dec 05

  
University of Saskatchewan Students' Union Representative

  
Canadian Federation of Students Representative

  
University of Saskatchewan Students' Union Representative

  
Canadian Federation of Students Representative

**Section 11: Complaints**

- a. All alleged violations of the Referendum Protocol shall be investigated by the Oversight Committee.
- b. All complaints concerning alleged violations of the Referendum Protocol must be submitted in writing to the Oversight Committee by 12:00 p.m. October 11, 2005.
- c. The complaint must include the following:
  - a detailed description of the alleged infraction and the relevant section of the Protocol;
  - contact information including e-mail address and telephone number for the complainant.
- d. The Oversight Committee will not accept anonymous complaints.
- e. Within 24 hours of receiving a complaint, the Oversight Committee shall contact the complainant to verify receipt of the complaint.
- f. Any appeals of the referendum or rulings by the Referendum Oversight Committee shall be adjudicated by an Appeals Committee composed of one (1) member appointed by the prospective member association and one (1) member appointed by the Federation, who were not members of the Referendum Oversight Committee (Bylaw 1.4.g).

3 Dec 05  
Date

[Signature]  
University of Saskatchewan Students' Union Representative

[Signature]  
Canadian Federation of Students Representative

[Signature]  
University of Saskatchewan Students' Union Representative

[Signature]  
Canadian Federation of Students Representative



Our File No:  
Your File No:  
e-mail: gwalt@schmidtclaw.com

November 15, 2005

University of Saskatchewan Students' Union  
Room 65, Lower Place Riel Student Centre  
University of Saskatchewan  
Saskatoon, SK S7N 5A3

Attention: CFS Referendum Oversight Committee

Dear Sir/Madam:

Re: **Complaint of Robin Mowat**

At the request of Mr. Gavin Gardiner, President of the University of Saskatchewan Students' Union, I am setting forth in this correspondence my opinion with respect to issues raised by Mr. Robin Mowat in a document entitled "Appeal to Invalidate Results of CFS Referendum". My opinion will be restricted to the comments raised in Mr. Mowat's package of documents. For the purposes of this opinion, several of his "grounds" of appeal can be considered together. For ease of reference, I will deal with each complaint or group of complaints on a random basis.

- (a) The referendum question itself did not specify the creation of a dedicated student fee and failed to specify the amount of the fee, in violation of Article 11 of the USSU Constitution.

The CFS referendum question states simply "Are you in favour of membership in the Canadian Federation of Students?" Mr. Mowat's argument, simply put, is that because Article 11 of the University of Saskatchewan Students' Union Constitution requires the referendum to be held for the purpose of establishing or eliminating a dedicated student fee, that the actual student fee must be set out in the referendum question. I disagree with this. There is no requirement in the Constitution of the USSU that the referendum question must, in fact, state the actual fee.

The University of Saskatchewan Students' Union applied for prospective membership in the Canadian Federation of Students in November of 2004. In accordance with section 2(b) of the Canadian Federation of Students By-Law 1 - Membership, the University of Saskatchewan Students' Union, by submitting its written application for prospective membership, is bound contractually to accept the rights and responsibilities of "prospective membership" in the Canadian Federation of Students. In accordance with paragraph 4(f)(iii) of the CFS By-law 1 - Membership, the referendum in question is required to be "are you in favour of membership in the Canadian Federation of Students" unless a mutual agreement between the USSU and CFS exists. There was no other mutual agreement in this case. In summary, with respect to this complaint, it is my respectful opinion that the absence of the fee itself in the question does not offend Section 11 of the University of Saskatchewan Students' Union Constitution and is properly framed.

(b) The Referendum Protocol given force on September 29, 2005 cannot be applied retroactively. To do so is a violation of common law, the principles of natural justice, and the *Saskatchewan Non-Profit Corporations Act, 1995*.

Mr. Mowat, in his complaint, suggests that the referendum protocol given force on September 29, 2005, being section 2 of the USSU Election and Referenda Policy under "Authority" cannot be applied retroactively. He suggests that the retroactive application of this protocol, presumably relating to conduct of the Oversight Committee before the policy was amended on September 29, 2005, violates the principles of common law, natural justice, and the *Saskatchewan Non-Profit Corporations Act, 1995*. He suggests that the existing USSU Elections and Referenda Policy which existed prior to September 29, 2005 should have governed the referenda and continued to govern the referenda except as explicitly amended by the CFS Referenda Oversight Committee after September 29, 2005. He further suggests that in accordance with Part IV of Article 8 of the USSU Constitution, elections policy is a by-law of the USSU. As it is a "by-law," it can only be amended in accordance with the provisions of the *Saskatchewan Non-Profit Corporations Act, 1995* in that that Act requires that a change of by-laws be given force by a resolution of directors and that the motion of USC is not legally sufficient to satisfy the requirements of that Act.

This argument presupposes that the USSU Elections and Referenda Policy is a "by-law." Simply put, I believe Mr. Mowat is incorrect. The USSU Constitution, and in particular Article 8, Part 4, provides that the

University Student Council may pass a by-law that governs the administration of elections, election voting procedures, and rules respecting by-elections and the terms of office for elected members of the executive and the University Student Council. By-law No. 1: Governance Procedures, is a by-law passed in part in furtherance of that constitutional provision. Article 10 of By-law No. 1: Governance Procedures, is the only by-law dealing with elections. I would be hard placed to refer to the Election and Referenda Policy as a By-law. Policies by their very nature govern the day to day operations of an organization. Conversely, by-laws are intended to create a framework in which those policies can be carried out. If policies, whether they be Election and Referenda Policies or otherwise require resolutions of directors and the ultimate filing of those by-laws, the workings of any organization would simply grind to a halt.

- (c) The CFS Referendum Oversight Committee failed to comply with key regulations of the Referendum Protocol, including the requirement of at least two weeks notice of the referendum question and a minimum of 10 days of campaigning. These requirements are also part of CFS bylaws.

No other legal framework for the operation of the referendum, other than the USSU's Referendum and Election Policy, existed prior to September 29, 2005. Multiple violations of the USSU Referendum and Election Policy by the Yes campaign took place prior to and after September 29, 2005.

The campaign initiation procedures in the USSU Election and Referenda Policy were not followed. Therefore, there was no framework for either a No or Yes campaign to operate within until just 2 school days before voting. Neither campaign could be registered, or have its campaign materials approved, or actually conduct campaigning.

Nonetheless, the Yes campaign started campaigning on or before September 26, 2005, in violation of the USSU Election and Referenda Policy, a full four days prior to the effective date of the Oversight Committee and the Referendum Protocol, using paid, professional non-student campaigners employed by the CFS, and violating many provisions of the USSU Election and Referenda Policy including the prohibition on making speeches in classrooms, advertising rules, and spending limits.

4

Mr. Mowat complains that the CFS Referendum Oversight Committee failed to comply with key regulations of the referendum protocol including the requirement of at least two weeks notice of the referendum question and a minimum of 10 days of campaigning. He states that these requirements are also part of the CFS By-laws. Several of the complaints registered by Mr. Mowat relate to factual situations. He suggests that the Yes campaign placed an advertisement in the Sheaf which was published on Wednesday, September 28, 2005 and that, as the referendum protocols had not been in place and were not in place until September 30, 2005, the Yes side was in violation of the policy.

Additionally, he complains that the Yes side utilized paid professional campaigners as well as professional campaign material. As a consequence, this must have been in violation of s. 10 of the USSU Elections and Referenda Policy which he states existed prior to September 30, 2005.

In addition to the violation of the USSU Elections and Referenda Policy, Mr. Mowat further complained that even the CFS By-laws were not followed. These relate primarily to timing.

The CFS Referendum Protocol clearly requires a minimum of two weeks notice of the referendum question. I have been advised that, prior to September 19, 2005, the USSU began advertising that a referendum would be held on October 4-6, 2005 regarding membership in the CFS. I have been further advised that advertising about the referendum campaign, which began in September, was campus wide in the USSU buzzboards as well as reported in the Sheaf on September 22, 2005. Furthermore, the University Students' Council had discussed the issue extensively and was widely reported in the months leading up to the referendum that a vote on membership would be conducted along approximately the same time line as the 2004-2005 Academic Affairs by-election held on October 7, 2004. Accordingly, students were fully aware that a referendum was going to be held well in advance of two weeks and that the referendum question would be, simply put, whether students would be in favour of joining the CFS. With respect to Mr. Mowat's complaint that there be a minimum of 10 days of campaigning not being complied with, I have been advised the campaigning commenced on Monday, September 19, 2005 and concluded on Thursday, October 6, 2005, a total of 18 days of campaigning. The referendum campaign start date of September 19, 2005 was widely advertised to members, both yes and no campaigns registered prior to the September 29, 2005 date.

5

With respect to the availability of referendum rules, referenda procedures were adopted by the Oversight Committee on September 13, 2005. These rules were apparently available in the USSU offices from the first week of the campaign until the end of the campaign. Additionally, the Canadian Federation of Students Bylaws were available in the USSU offices in the months leading up to the referendum. The only time the referendum regulations were not available to USSU members was for one day during the first week of campaigning. The referendum regulations were available well in advance of the vote. Mr. Mowat further complains that there were violations of policies including a prohibition on making speeches in classroom, advertising rules, and spending limits. It should be noted that none of these alleged violations were based upon any rules established for the referendum.

**(d) Conclusion:**

As in any election process, it is not every flaw and every violation that results in an undemocratic and unfair process. The simple assertion by Mr. Mowat that the violation in question renders the referendum process unfair and undemocratic may be an overstatement. Individual violations of election protocol or policy do not automatically, in and of themselves, render an election result void. One must look to the nature of the violation and determine whether or not it effected the voting result. If there are several violations of the election policy or protocol, this does not necessarily assist the complainant. If there were multiple examples of violations, it must be shown that collectively the violations would have resulted in an unfair result and would have resulted in the "No" campaign effectively winning the referendum. Consequently, multiple violations do not necessarily assist the complainant.

I am rendering this opinion in order to assist the CFS Referendum Oversight Committee. Ideally, it would have been preferential for the referendum to be held in complete compliance with the CFS Bylaws or alternatively, at a minimum, with the USSU Election and Referenda Policy. This clearly did not happen as time frames may not have been complied with. Having said that, however, I cannot state unequivocally that the results would have been any different. Mr. Mowat's assertion in his appeal that there was a "mere" 5.4 percent of voters creating the plurality is, simply put, an overstatement. 5.4 percent of the voters is significant. It is not as if the referendum was successful by a mere handful of votes.

I hope that this opinion has been of some assistance to you.

Yours truly,

**SCHARFSTEIN GIBBINGS WALLEN & FISHER LLP**

**PER:**

**GREGORY G. WALLEN, O.C.**

**GGW/105**

**University of Saskatchewan Students' Union  
Referendum Oversight Committee Meeting**

3:00 pm, Sunday, November 20, 2005

Teleconference

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**Agenda**

1. Review of G. Walen's Legal Opinion
2. Review of Complaints
3. Other

---

**Attendance**

Martin Olszynski	USSU Representative
Angela Regnier	Federation Representative
Dorinda Stahl	USSU Representative
Lucy Watson	Federation Representative

---

**1. Review of G. Walen's Legal Opinion**

Martin said that his opinion seemed to say that it could go either way.

Lucy said that Walen acknowledged that the process had not been perfect, which although preferable, is a reality with respect to elections and referenda. She said that his opinion was that the results should be upheld.

Angela said that she concurred.

Dorinda said that Walen appeared to be saying that despite the fact that there were problems with the referendum process, it did not necessarily negate the validity of the referendum.

The Referendum Oversight Committee agreed that a benchmark had to be determined by which to judge the complaints that had been submitted.

It was agreed that the test would be: did the alleged violation have a significant enough impact that it improperly influenced the results of the referendum?

It was agreed that the first step would be determining if the complaint was in fact an alleged violation of the protocol. It was agreed that the first part of the test would determine if it was the kind of violation that could potentially impact the referendum results and, if yes, assess the potential impact.

The Committee agreed that the steps in assessing the complaints followed the logic in G. Walen's opinion, and deliberations by the USSU Elections Board when adjudicating complaints.

## 2. Review of Complaints

### Robin Mowat's Complaints

- a. Question did not specify fee amount.

Walen's opinion suggested that it was not a valid complaint.

Committee concurs.

- b. Authority cannot be made retroactive.

Walen's opinion suggested that USSU policy does not have the force of bylaws, therefore Mowat's complaint is not valid.

The Committee noted that Martin had made this observation at an earlier meeting.

Committee concurs.

- c. Yes side campaigned before Oversight Committee approved.

Walen's opinion suggested that Mowat's complaint was not valid for the same reasons as cited in subsection b.

Committee concurs.

- d. Violation of USSU elections and referenda policy.

Walen's opinion suggested that Mowat's complaint was not valid for the same reasons as cited in subsection b. He also stated that Mowat's complaints were not based on the referendum protocol and therefore not valid.

Committee concurs.

Martin and Dorinda noted that they remained concerned about the class speaking issue.

It was agreed that the Committee report would address the lack of agreement on classroom speaking.

It was also agreed that the fact that the Canadian Alliance of Student Associations was permitted to participate in the campaign would be referenced in the report. Lucy clarified that it was a contravention of the Canadian Federation of Students' bylaws.

- d. Violation of USSU elections and referenda policy: notice and campaigning.

Walen's opinion stated that the notice requirement had in fact been complied with.

Committee concurs.

### Other Complaints

The Committee considered the other complaints that had been submitted.

- a. "Yes side" complaint: Mowat throwing button and cursing at "yes" side campaigner.

Martin said that he had approached Mowat to discuss the issue and Mowat had agreed to write a personal apology. Martin said that he would follow up on the status of the letter.

It was agreed that it was not a complaint based on the Referendum Protocol and would be included in the "Other" section of the report.

- b. "No side" complaint: Brad Flavell — classroom speaking

It was agreed that it was not a complaint based on the Referendum Protocol and would be included in the "Other" section of the report.

- c. "Yes side" complaint: Gavin Gardner — "no side" disseminating false/misleading information.

The Committee agreed that all information must be passed through the Referendum Oversight Committee and that campaigns were not permitted to disseminate false or misleading information.

It was agreed that Mowat would be asked to respond to the allegations.

Both Lucy and Angela indicated that they had raised the issue with Mowat during the campaign and he had stated that he could not stop his campaigners from saying certain things.

- d. "Yes side" complaint: the CASA permitted to campaign

Lucy said that was clearly a violation of the CFS' bylaws.

It was agreed that it was not a complaint based on the Referendum Protocol and would be included in the "Other" section of the report.

- e. "Yes side" complaint: Students paid to vote "no" by Robin Mowat

Lucy said that a campaigner who had spoken to the students had submitted a statement. She said that unfortunately, the Referendum Oversight Committee could not identify who the students were to verify the allegation.

It was agreed that the Committee could not take any further action because it was not able to investigate the claim.

- f. "Yes side" complaint: "No side" repeatedly campaigning within 30-foot zone

Lucy and Angela said that people wearing "No CFS" tee-shirts stood within the 30-foot campaign free zone around the polling stations in Arts and Place Riel. Lucy said that it happened repeatedly during class change. She said that the individuals were asked to move by herself, Angela, and the poll clerks.

The Committee agreed that it was a violation but that it did not impact the results of the referendum.

- g. "Yes side" complaint: Unapproved "No side" advertisement in The Sheaf

Lucy explained that despite the fact that the Committee had requested that some of the language be altered to ensure it was clear and factual, Mowat had not made the changes. It was agreed that the members of the Committee would review their files to determine what had been approved.

- h. "No side" complaint: Jade Buchanan and Lauren McDonald — classroom speaking.

It was agreed that it was not a complaint based on the Referendum Protocol and would be included in the "Other" section of the report.

- i. "No side" complaint: Lauren McDonald — M. Kowalsky singing on intercom.

It was agreed that singing on the intercom during polling was a violation of the 30-foot campaign free zone around the polling stations.

Martin and Angela said that they heard the singing and stopped it immediately. They noted that no more than twelve potential voters would have heard it.

The Committee agreed that it was a violation but that it did not impact the results of the referendum.

- j. "No side" complaint: Lauren McDonald — poll clerks not students.

It was agreed that it was not a complaint based on the Referendum Protocol and would be included in the "Other" section of the report.

- k. "No side" complaint: Lauren McDonald — reminders on chalk boards.

It was agreed that it was not a complaint based on the Referendum Protocol and would be included in the "Other" section of the report.

### **3. Other**

It was agreed that the Referendum Oversight Committee would meet on Tuesday, November 22 to finalise its report.

**University of Saskatchewan Students' Union**  
**Referendum Oversight Committee Meeting**  
5:15 p.m. Monday, November 28, 2005

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**Agenda**

1. Final Review of Report
  2. Other
- 

**Attendance**

Martin Olszynski	USSU Representative
Angela Regnier	Federation Representative
Dorinda Stahl	USSU Representative
Lucy Watson	Federation Representative

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**1. Final Review of Report**

The Referendum Oversight Committee discussed the final details regarding the report. The Committee discussed the logistics of getting the reports signed and delivered to the President of the University of Saskatchewan Students' Union, Gavin Gardiner in a timely fashion.

The Committee also agreed to provide additional explanations as to its decisions in regards to some of the alleged violations in an effort to be transparent.

**Complaints**

1. Yes side complaint: Gavin Gardiner – "no side" disseminating false/misleading information. At its November 20 meeting, the Committee agreed that it would allow Robin Mowat to respond to the alleged violation.

Dorinda indicated that she did not support this course of action, as she considered the allegations "hearsay" and unverifiable.

Lucy said that Gavin Gardiner had heard all of the misleading information during the course of the campaign. She explained that students approached the "yes" side information table with questions about what they had heard from the people at the "no" side table down the hall.

Dorinda said that, in that case, the Committee would have to solicit the information directly from the students who had been given the misleading information.

The Committee agreed that it was not in a position to seek out the information.

It was also noted that Mowat had declined to respond to the Committee's request for more information.

2. "Yes side" complaint: Unapproved "No side" advertisement in The Sheaf

Robin Mowat submitted "no" side text to the Referendum Oversight Committee during the referendum campaign seeking approval. The Committee informed Mowat at the time that the proposed "no" side text contained false information and instructed him to alter the offending language before it could be distributed.

The advertisement that appeared in The Sheaf included the false information that the Committee had explicitly instructed Mowat to correct. This was a direct violation of the Referendum Protocol.

Once it had been established that the advertisement was a violation of the Referendum Protocol, the Committee discussed whether the violation was the type that might have affected the referendum results. It was agreed that advertising false or misleading information could potentially have an impact on the results.

The Committee then considered whether the particular violation was severe enough that it did affect the results. The Committee agreed that because the advertisement appeared in The Sheaf the evening before the last day of voting, it would not have had such an impact as to negate the results.

3. "No side" complaint: Question did not specify fee amount.

See Walen's legal opinion.

The Committee also noted that information about the membership fees was easily attainable to students, as it was printed on the majority of "yes" and "no" side campaign materials.

4. "No side" complaint: classroom speaking.

Speaking in classes has been a contentious issue at the University of Saskatchewan in the past. The Committee reasoned that if students were offended by class speaking, they could, and likely did, reflect this in their vote.

The Committee also noted that disinterest in the political process at the University of Saskatchewan has resulted in consistently low voter turn out. However, voter turn out for the referendum to join the Canadian Federation of Students was relatively high.

5. "Yes side" complaint: the C.A.S.A. permitted to campaign

This implicated the Canadian Federation of Students' bylaws, not the Referendum Protocol. Time did not allow the Committee to reach consensus on this issue during the campaign period.

Some members of the Committee believed that the C.A.S.A. should be entitled to provide information regarding its organisation, while other members believed that its presence confused the issue that students were voting on. Members of the C.A.S.A. did arrive on campus and participated in the campaign.

6. "Yes side" complaint: Non-students paid by R. Mowat to campaign in the referendum / "Yes side" complaint: Students paid to vote "no" by Robin Mowat

These allegations could not be verified given the Committee's resources. As a result, the allegations were not investigated.

7. "No side" complaint: Lauren McDonald — reminders on chalk boards

This allegation implies that campaigning was not allowed during the voting period. This was not the case for the referendum to join the Canadian Federation of Students (nor is it the University of Saskatchewan Students' Union's policy).

As a result, the complaint was not considered. In addition, the Committee would have applied the same reasoning it did to classroom speaking: such actions could not have had a material affect on the results.

8. "No side" complaint: Violation of USSU advertising rules and spending limits

The Committee noted that the advertising rules for the referendum to join the Canadian Federation of Students was different than those in place for the University of Saskatchewan Students' Union elections.

In the University of Saskatchewan Students' Union's policy, registered campaigners receive 50 percent of the fair market value. The Committee considered this reimbursement as one of the primary reasons for limiting spending. Given that the Canadian Federation of Students is a national organisation, and that the University of Saskatchewan Students' Union was a trial member of the organisation, it seemed illogical to apply the \$1000 spending limit.

The Committee developed a referendum policy that included reimbursement to other campaigns for half the value that the Canadian Federation of Students exceeded \$1000. This policy was not implemented following the "No side" violation of placing an unapproved advertisement in The Sheaf.

**2. Other**

There was no other business to consider.

# Elections Board

Minutes for Saturday, January 28, 2006

Present: Susan Yakimoski, Catherine Ulmer, Victoria Coffin, Tracey Mitchell, Tyler Lindgren, and Amy Yeager

Quorum was Present

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1. Call to Order

The meeting was called to order at 9:14 a.m.

2. Call for Quorum

Quorum was present

3. Adoption of an Agenda

EB129 Move to adopt the agenda as read.  
Yakimoski/  
Mitchell Carried.

4. Review of Minutes/Amendments to Minutes from January 24, 2006

EB130 Move to adopt the minutes of January 24, 2006, as read.  
Yakimoski/  
Mitchell The minutes will be reviewed at the end of this meeting, or the next meeting.

5. Review of Minutes/Amendments to Minutes from January 27, 2006

EB131 Move to adopt the minutes of January 27, 2006, as read.  
Yakimoski/  
Mitchell The minutes will be reviewed at the end of this meeting, or the next meeting.

6. Referendum Discussion

Coffin states that she got a call from Dorinda Stahl yesterday.

This is Exhibit K referred to in the  
affidavit of Evan Cole

sworn before me this 9 day of  
May, A. D. 2006

[Signature]  
A Commissioner for Oaths in and for  
Saskatchewan

Mitchell is concerned about the process that the EB has followed. Although the EB had ample discussion on the issues at hand, there is not formal process of decision making in the minutes. Coffin suggests that she has an outline that she has prepared on the issues of the referendum as well as a rough draft of the final report that the EB could use.

Yakimoski has feelings and concerns about the process thus far.

Yakimoski feels that the EB may have been biased in the process, suggesting that the meeting that they had with the involved people (i.e. Martin) may have influenced the EB decision. Yakimoski doesn't know how others on the EB feel about the process. Coffin states that the process that they have gone through is fair because they have a written document from Lucy Watson, and Angela Regnier of CFS, as well as a meeting with Angela Regnier.

Yakimoski wonders if the criteria used by the EB "after the fact" was bias. She feels that USC asked the EB to ratify the results, not to ratify the process. The EB looked at the complaints that were already raised as well as raised their own complaints by gaining more information after the fact. i.e. getting information from Martin after the fact.

Yakimoski states that not ratifying the referendum is going against the will of the students. Yakimoski feels that Angela Regnier and Martin Olsynski expressed the same sentiment in the end that everyone on the OC at the end of the day agreed on the process, and signed off on the process. Both the CFS and USSU representatives signed on this.

Yakimoski says that she still has some concerns and that students did have a choice in the end.

Ulmer developed more sympathy for the CFS after meeting with Angela Regnier yesterday and learning that the delay in forming the OC, which was not struck until September, was more of a fault of the USSU. The report should not blame anyone in particular, but to reflect that there were issues all around. [I'm not sure we should include this line about it all coming back to one person but I suppose that is up to Victoria]

Coffin has concerns about Angela's comment yesterday about the CFS having ratified the referendum already. She states that there might not be a point in putting the EB stamp on it. Can we put it back on the USC?

Lindgren says that if we do that we might be jeopardizing the credibility of the EB.

The EB final report must use information in it that has documentation to back it up. Ulmer asks if we can get some information in writing from Mr. Greg Whalen?

Lindgren states that everyone that was spoken to after the fact (Regnier, Olszynski, Whalen) has an opinion and an interest but we should not attach too much weight or significance to their statements and should rely more heavily on the documented process.

Mitchell shares the concern about the EB not defining their process from the beginning. What are the criteria for the EB for developing the process? She thinks that maybe the EB is taking an investigative role, and getting information that maybe they shouldn't have. The EB was not given clear direction from council. She is not sure that the EB should be making a decision including the opinions of all the other people. If the EB had just looked at the OC final report, without follow up with any major players, would the outcome be different? One issue that would be an example, would be the campaign spending, and the fact that it was not an issue that was brought up by students, but the EB took it into consideration in the decision making process.

Coffin says that if we want to look at the OC process, then we can go through the report, and break things up. If you break things out individually, it makes it harder to bias the situation. If we want to just look at whether the student's vote is a clear reflection of the referendum, we can look at the transparency of the vote, and disregard the OC process.

Yakimoski says that it is not that cut and dry. The OC process and lack of process can lead us to look at transparency. We can proceed with what the EB has been doing thus far. Based on the information that the EB has received after that fact, the EB is creating a more transparent process. The EB (with the information they received after the fact) gives them information to fill in the holes, and if they were questioned about it, they would be able to answer it.

Lindgren says that if the OC didn't follow the bylaw, it would be a breach of the law right? The EB says yes. The bylaw is low, but the policy is not law.

CFS had established the question when the USSU took out prospective membership, but the USSU constitution says that that the question has to include the fee. The two solicitors (USSU and CFS) had a meeting and agreed that the fee did not need to be included.

Mitchell says the other question that Yakimoski does have is also one to think about. What good will it be not to ratify? Mitchell has serious thoughts about it.

Ulmer wonders not only what CFS did in the process, but also the USSU Exec.

Yakimoski wonders about the high standard of the process that the EB is making. Yakimoski states the EB members are ethical and that the EB is doing a good job scrutinizing because they are not under the pressure of time. She says that the EB is making the decision based on "natural justice" (a sense of good or bad), and this is a more political decision.

Coffin states that Natural Justice in terms of law is that the law can't be arbitrary, not in terms of feelings. People have to depend on the law. Natural justice is the law that keeps everyone together in terms of fairness. Is Natural justice the way that the EB wants to evaluate the process?

# USSU Elections Board

## Summary of Concerns regarding the USSU-CFS Membership Referendum 2005

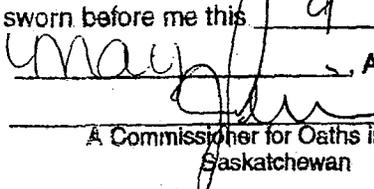
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### I. BACKGROUND

The Elections Board first compiled this timeline in order to clarify the happenings of the referendum.

#### Timeline:

- 1) November 2004 – University Student Council (USC) takes out perspective membership with Canadian Federation of Students (CFS)
  - Feb/March 2005 - CFS tuition campaign
- 2) February 8, 2004 Greg Whalen's opinion stated referendum should be done in partnership.
- 3) Postponement of referendum requested by USSU until the Fall.
- 4) March 2005 - New council and exec elections.
  - Council met over the summer but did not discuss the referendum at all.
- 5) August 2005 – Chief Returning Officer (CRO) and Assistant Chief Returning Officer (ACRO) hired through Appointments Board.
- 6) Early September 11 2005 - The Referendum Oversight Committee (OC) began to meet with two CFS reps. Date set for referendum.
- 8) Early September 15 - Exec and USC vote to support "Yes".
- 9) Sept 15 (plasma ad)
- 10) Sept 17 - buzz boards – notification given to students.
- 11) Sept 19 – campaigning begins. Clothesline banner, and USSU endorsement in buzz boards.
- 12) Sept 19 - First draft of protocol available \*\*
- 13) Sept 22, ACRO presents to USC re: Whalen's opinion – need to empower OC for their work to continue – amendment postponed. Canadian Alliance of Student Associations (CASA) came to council.

This is Exhibit 1 referred to in the  
affidavit of Evan Cole  
sworn before me this 9 day of  
May, A. D. 2006  
  
A Commissioner for Oaths in and for  
Saskatchewan

- 14) Sept 27 – Referendum question agreed upon: “Are you in favour of membership in the Canadian Federation of Students?”
- 15) Sept 29, Amendment passes at USC to empower OC and require EB to ratify. Ad in Sheaf regarding the fora and what the referendum is about.
- 16) Oct 4-6 Voting days
- 17) Oct 11 - Deadline for complaints 4:00pm.
- 18) Oct 6 – Nov 28 complaints handled and legal opinions sought.

\*\* date determined based on Mr. Whalen’s opinion of November 15, 2005.

## II. DISCUSSION

The USSU Elections Board (EB) spent much time and energy on assessing the CFS membership referendum held in the fall of 2005 on the University of Saskatchewan campus. Several issues stood out regarding the preparation for, the process of and the atmosphere of the referendum. The EB identified key concerns and deliberated over the implications of these concerns on the outcome of the referendum.

## III. CONCERNS

### A. KEY CONCERNS

The EB decided upon the following key concerns regarding the referendum.

1. **Although there was close to one year between taking out prospective membership and the referendum, the referendum Oversight Committee (OC) still had to deal with fundamental issues on a compressed timeline.**

The EB identifies several concerns that were a direct result of this fundamental issue.

- 1.1 There was no formal notice requesting campaign team registration
- 1.2 There was no formal declaration of the date that campaigning was to begin
- 1.3 No notice of the question was served to the student body.
- 1.4 **The OC protocol was an evolving document.**

The EB identified this last concern as being a source of question and confusion about the process, resulting the further issues.

- 1.4.1 There was no agreement on specific key issues: spending limits, classroom campaigning, and third party or CASA participation.
- 1.4.2 There was no clear resolution on the inconsistencies/cooperation of USSU and CFS bylaws.

1.4.3 Only those complaints that were issues within the protocol were considered.

2. CFS members of the OC were involved in campaigning.

3. No separate appeals board was struck in accordance with CFS Bylaw #1 - 4(g).

## **B. FRAMEWORK FOR CONSIDERATION**

The EB, in its process of discussing the key concerns, took into consideration the principle of Natural Justice. Natural justice is concerned with the fairness of the process. Traditional issues surrounding an activity such as an election or referendum include ensuring clarity, transparency, equality and accessibility; the EB applied these four pillars to guide its analysis of the identified concerns.

**NOTE:** The EB is not calling to question the existing legal framework, but the manner by which the OC adhered to it.

- **Clarity** means that information was presented in a fashion to promote an understanding of the issues;
- **Transparency** requires that the process be open, and forthcoming in terms of allowing sufficient information to all interested parties;
- **Equality of treatment** is a broad concept, which requires that interested parties are subjected to equal treatment, equal conditions;
- **Accessibility** which generally means that if interested parties wanted to gain knowledge, or wish to participate, that they are not prevented from doing so.

In assessing the key concerns, the EB decided that one must look at whether the activity was undertaken in a "reasonable" fashion, from the objective "innocent bystander's" point of view.

## **C. DISCUSSION OF KEY CONCERNS**

**1. Although there was close to one year between taking out prospective membership and the referendum, the OC still had to deal with fundamental issues on a compressed timeline;**

Clarity, Transparency, and Accessibility are issues.

**Clarity and Transparency** - The USC had decided in the winter term of 2005 to push the referendum to the next academic year to allow for preparation. In the fall however, the USSU was in the same position - no preparation had occurred. Finally, given the complexities of knitting together the requirements of the USSU and CFS bylaws, there was not sufficient information flowing between USC and OC to allow for effective decision-making. The USC was left, late in the process, to change the USSU Election and Referenda Policy without adequate time and information in an effort to provide the needed authority to the ROC.

Accessibility - On September 29, 2005 the University Student Council amended the USSU Elections and Referenda Policy to allow the Referendum Oversight Committee to have the authority to organize and oversee a referendum which would determine whether the USSU would become a full member of the Canadian Federation of Students. The USC further indicated that the Elections Board would need to ratify the referendum in order for it to be accepted.

#### **1.1 No formal notice requesting campaign team registration;**

Clarity and Equality of Treatment are issues.

Clarity - USSU elections normally include a call for nominations. It is possible that, in the absence of clear guidance in the protocol, students would expect that this standard to be followed. There was no information to highlight that the referendum would proceed in a different manner.

Equality of treatment - CFS representatives were privy to this information before anyone else. Other campaign teams would not have the same access.

#### **1.2 No formal declaration of the date that campaigning was to begin.**

Transparency and Equality of treatment are issues.

Transparency - Interested parties were not made overtly aware of campaign start date.

Equality of treatment - CFS representatives were privy to this information before anyone else.

#### **1.3 No notice of questions was served to the student body;**

Clarity is an issue.

Clarity - Specifically, Section 4(c) of the CFS bylaws requires that the notice of referendum include the referendum question and voting dates. As the minutes of the Referendum Oversight Committee (ROC) reflect, the final language for the referendum question didn't seem to have been accepted until September 27, 2005, it seems clear that it was not included in the notice that was published on September 18<sup>th</sup>. Furthermore does not meet USSU Referenda policy, Section 4 (Article 3).

#### **1.4 OC Protocol was an evolving document;**

Clarity and transparency are issues.

Clarity - The evolving nature of the process restricted the availability of information to interested parties:

Transparency - In referencing the minutes of the OC it seems that issues that were reflected in the final versions of the protocol were continuing to be discussed throughout the process. The protocol was an evolving document.

Accessibility - There was no indication that campaign teams were advised when there were changes, which meant that the amount of information to interested parties was compromised.

**1.4.1 There was no agreement on specific key issues: spending limits, classroom campaigning, and CASA participation.**

Clarity and transparency are issues.

Clarity - It was not clear from the outset what campaigning practices would be acceptable or not. There was disagreement between registered teams. Campaign teams wouldn't know what actions were acceptable and there were no benchmarks to resolve complaints.

Transparency - Issues where there was no agreement within the OC were left out of the protocol. The lack of time and the consensus process resulted in the protocol being silent of fundamental issues.

**1.4.2 There was no clear resolution on the inconsistencies of USSU and CFS bylaw's prior to the campaign period.**

Clarity and transparency are issues.

Clarity - There was debate and doubt among members on the ROC as to whether the ROC had the authority to be organizing the Referendum. This debate seemed to reflect concerns that the USSU counsel had voiced in February to 2005. The USC seemed to have attempted to resolve it on September 29<sup>th</sup> by amending the Election and Referenda Policy

Transparency - The dispute over the marriage of USSU and CFS legal requirements was never established. For an effective process to have been possible, the issue of the ROC's standing should have been negotiated prior to the beginning of the campaign period. Voter opinions are informed and thereby affected by the efforts of campaign teams. For campaign teams to be effective in their informational role, there must be previously determined ground rules and a clear indication of when they are allowed to begin their campaign efforts.

**1.4.3 Only those complaints that were issues within Protocol were considered.**

Transparency and Clarity are issues.

Clarity - The OC dealt with the issue of grievances on September 30, 2005. No clear grievance procedure was present prior to campaigning beginning. The OC did consider the bylaw's requirement of an appeals committee. It is not clear to the EB that a expressed decision was made on whether to establish an appeals committee. In the end the OC dealt with the complaints. It was never clarified that complaints would only relate to the requirements of the protocol. Individuals wanting to file complaints never had clear knowledge of procedure.

Transparency - The OC was restricted to the referendum protocol when dealing with complaints. The protocol was incomplete because there was no agreement on specific key issues.

## **2. CFS members of OC were involved in referendum campaigning;**

CFS bylaws and USSU policies are silent about the ability of members to campaign. However, the EB considered this issue in the interest of meeting the requirements of fairness of process.

Accessibility and equality of treatment are issues.

Equality of treatment - CFS members of the OC were also involved in campaigning and represented the "yes" side. The "No" side did not have representation on the OC therefore, it could be argued that the yes side were provided preferential treatment.

Accessibility - CFS members had gained first knowledge prior to its communication. CFS members also had the opportunity to be part of the decision making process. Other teams did not have this same access.

## **3. No separate appeals board was struck in accordance with CFS Bylaw #4(g);**

Transparency and Equality of treatment are issues.

Transparency - Section 4(g) requires that any appeals of the referendum results or rulings by the ROC shall be adjudicated by an Appeals Committee composed of individuals who were not members of the Referendum Oversight Committee. At least one "complaint" was filed as an Appeal and should have been given sufficient access to due process. Arguably, any "complaints" should have been considered by an independent body, as required in section 4(g).

Equality of treatment - Some of the complaints came from the "no" campaign teams and were resolved by members of the OC, who were "yes" campaigners.

# Referendum on Membership in the CFS Elections Board Report

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## Summary

As a body created under the USSU Bylaw No 1: Governance Procedures, the Elections Board (EB) normally is empowered to ensure that the USSU bylaws and policies are met in conducting a referendum or an election. In this case, the EB was given the task of ratifying the CFS membership referendum results. The USSU had indicated its support for students' approving of becoming full members of the CFS. Nevertheless, the EB has found that it could not ratify the result, given what it sees as a seriously flawed referendum process. Many of the EB's concerns would likely not have arisen had the issues identified in Spring 2005 been addressed. Members of the Referendum Oversight Committee would have been prepared and able to run an effective and valid referendum process.

The EB's decision was not an easy one – it was very conscious of the fact that there was a strong student participation in the referendum, and the results were not equivocal. There were pressures placed on the EB from all sides, such that it felt no side should claim a victory. In particular, threats were not welcome and were disregarded in the EB's decision. The EB made its determination based on its concerns for preserving the legitimacy and integrity of the USSU.

In its assessment, the EB's underlying concern has been whether any issues in relation to the process would have *significantly affected* the will of voters. It restricted its considerations to the process, even though there were issues relating to campaign conduct. This report is also complemented by the documents "Elections Board's Ratification Discussion Paper" and "EB Analysis of key concerns in the Referendum Process". These reflect respectively (a) the Process Document crafted by the EB that guided its analysis of the Referendum process and (b) the EB's deliberations based on the Discussion Paper. After the EB's deliberations, it further considered whether each key concern would have significantly affected the will of voters.

In terms of the process, this report only highlights the key issues which the EB believed would have significantly affected the will of voters: (1) the lack of preparation or groundwork prior to establishing the ROC, (2) the fact that there was no specific call for campaign teams to register, (3) the evolving nature of the ROC Protocol, the fundamental document which was to determine the "ground rules" for campaigning and for the complaints process.

The EB feels it is significant that there was a high level of participation by U of S students. As a result of this interest, the EB recommends that another referendum be held. In keeping with this recommendation, the EB has provided recommendations should the USSU decide to organize another referendum.

## Key Issues in the Referendum

### Lack of preparation or groundwork for the Referendum

The USC had decided in the spring of 2005 to push the referendum to the fall to allow for preparation. In the fall however, the USSU was in the same position – no preparation had occurred. Finally, given the complexities of knitting together the requirements of the USSU and CFS bylaws, there didn't seem to have been sufficient information flowing between USC and the ROC to allow for timely effective decision-making. The USC was left, late in the process, to change the USSU Election and Referenda Policy without adequate time and information in an effort to provide the needed authority to the ROC.

On September 29, 2005 the University Student Council amended the USSU Elections and Referenda Policy to allow the Referendum Oversight Committee to have the authority to organize and oversee a referendum which would determine whether the USSU would become a full member of the Canadian Federation of Students. The USC further indicated that the Elections Board would need to ratify the referendum in order for it to be accepted.

This seems to have left the ROC on unstable ground when it came to its mandate and its own guidelines. The minutes reflect that the ROC, while attempting to organize a referendum on a fairly short timeline was also required to determine some of the fundamental issues which had originally led the USC to postpone the referendum until the Fall. There was debate and doubt among members on the ROC as to whether the ROC had the authority to be organizing the Referendum. This debate seemed to reflect concerns that the USSU counsel had voiced in February 2005.

With the authority of the ROC in question, other issues, such as determining the ground rules were inevitably to be placed as a lower priority. Nevertheless, these ground rules are important for teams to establish their strategy and to decide on how to communicate the information that they wish to communicate. In the end, the ability to communicate is essential to educating the voters.

### The fact that there was no clear call for campaign teams to register

The USSU Policy, although not considered to have the force of law, would still have been the "baseline" for U of S Students' electoral or referendum experience. This is not only because they have always guided any U of S election or referendum, but because there is no evidence that there was any prior signal that this referendum would be run differently. The USSU policy requires that an information meeting be held, after which time, the campaign could begin. It is not clear from the promotional literature, nor the ROC's minutes that it was communicated that this was not going to be followed.

The CFS By-laws are silent on this issue. All that is required is, under section 4(d) of the CFS By-laws that there be no less than 10 days of campaigning, include both preceding days and the voting days. It is unclear, from the perspective of the EB, whether these 10 days would have begun when the ads were published for students to know that the

referendum would occur October 4-6, given there were concerns raised by the ROC regarding whose bylaws would govern. It seems there was no explicit call for campaign teams to register. Overall, it is unclear for the EB, after the fact, as to when campaign teams were authorized to begin their campaign efforts.

Voter opinions are informed and thereby affected by the efforts of campaign teams. For campaign teams to be effective in their informational role, there must be previously determined ground rules and a clear indication of when they are allowed to begin their campaign efforts.

#### The evolving nature of the ROC Protocol

The EB was unable to locate a copy of the original ROC Protocol, however issues which are outlined in the final Protocol continued to be negotiated through the process. It must therefore be concluded then that the Protocol was also an evolving document.

Although there was a referendum protocol seemingly available in the USSU reception area beginning September 19<sup>th</sup> that Campaign Teams could reference, many of the fundamental issues of the referendum were continually debated through the process – the Protocol then could not have been an authoritative document for Campaign Teams to follow from the beginning in determining their strategy. The EB also questioned how campaigners were to determine the guidelines in the vacuum on these fundamental issues – in particular spending limits and classroom campaigning.

In relation to complaints and appeals, Section 4(g) of the CFS By-law requires that any appeals of the referendum results or rulings by the ROC shall be adjudicated by an Appeals Committee composed of individuals who were not members of the Referendum Oversight Committee. This section was considered by the ROC, but in the end it seemed that by default the ROC ended up considering the complaints. Arguably, any “complaints” should have been considered by an independent body, as required in section 4(g) – the ROC decided that only complaints that related to specific sections of the Protocol would be considered.

Finally, given the fluidity of the overall referendum process, the fact that the members from the CFS were also involved in campaigning seemed to allow them an advantage in terms of having up-to-date and accurate information on the “ground rules.” In the case that the authority of the ROC and the referendum guidelines had been already established, the involvement of CFS ROC members in campaigning may not have had a sufficient effect on the outcome. In this particular referendum, this advantage of information and input into the guidelines, as the campaign progressed, would likely have placed them in a position of significant advantage.

## Recommendations

In ideal circumstances, the referendum relating to membership in the CFS should be run so as to meet the requirements of both the USSU and the CFS regulations. This could be met through a combined ballot as had been recommended by the USSU solicitor. If the USC should decide that another referendum were to be held in keeping with the changed Election and Referenda Policy, then the following recommendations should be followed. In its efforts, the next ROC should then ensure that the spirit of the USSU Code of Ethics be observed, and specifically that all Campaign Teams act in good faith:

- Prior to launching the referendum, fundamental issues must be determined:
  - Campaign spending limits should be established, and these should include direction on whether costs are determined at market value OR in house;
  - Have clear guidelines for campaigning in classrooms;
- ROC Representatives of the USSU should be given a briefing as to the history of the USSU efforts to hold the referendum on membership in the CFS, including any prior advice from USSU Counsel;
- The referendum protocol should be finalized at least one week before campaigning is to begin;
- The referendum schedule should be approved after the protocol has been finalized;
- There should be a separate call for team registration in addition to the notice of the referendum;
- Campaign teams should be provided with a document of guidelines for campaign team behaviour similar to what election candidates receive;
- The ROC minutes should be consistently communicated to USC;
- During the referendum, the ROC should provide updates to USC meetings;
- The ROC should determine prior to the beginning of the campaign period what would be the formal appeals process, both throughout the campaign period and for dealing with challenges to the referendum results;
- As per the CFS By-law, a separate body might be created to deal with complaints, or at minimum there must be a formal process, which all complainants must follow, including any members of the ROC.

# University Students' Council

Minutes for Thursday, February 23<sup>rd</sup>, 2006

## Present

Evan Cole, VP (Academic Affairs)  
Michael Kowalsky, VP (External Affairs)  
Brett Campbell, VP (Operations & Finance)  
Brad Flavell, Arts & Science  
Tracey Mitchell, Arts & Science  
Chris Gallaway, Commerce  
Jason Villeneuve, Education  
Susan Yakimoski, Education  
Wadena Burnett, Engineering  
Gina Otte, Kinesiology  
Terra Lennox-Zepp, Law  
Vishnu Singh, Medicine  
Blayne Coffin, Physical Therapy  
Nicholas Ansaldo, St. Thomas More  
Alice Collins, St. Thomas More  
Ana Melendez, VPRA

Cody Lang, Commerce  
Brian Saunders, Saunders Evans Architects  
Darcy Strinholm, Saunders Evans Architects  
Justin Wotherspoon, Saunders Evans Architects  
Chuck Hamilton, Sheaf  
Will Robbins, Sheaf  
Jessa Alston-O'Connor, St. Thomas More  
Colin Tennent, University Architect  
Jessica Heath, Veterinary Medicine

## Absent

Jeremy Olthof, Agriculture  
Roberta Boyle, Commerce  
Kelly Morin, Indigenous  
Alex Korshever, International  
Holly-Anne Sedor, Nursing  
Mark Taylor, Pharmacy & Nutrition

## Also Present

Brent Thoma, Chair  
Caroline Cottrell, General Manager  
Freda Salikin, Facilities & Operations Manager  
Ryan Allan, Arts & Science  
Jade Buchanan, Arts & Science  
Ashlee Smith, Arts & Science

## Regrets

Gavin Gardiner, President  
Sarah Connor, VP (Student Issues)  
Hardeep (Bobbi) Birdi, Dentistry  
Benjamin David, Engineering  
Chris Biederbeck, WCVM

### 1. Call to Order

The meeting was called to order at 6:08 p.m.

### 2. Call for Quorum

Quorum was present.

### 3. Adoption of an Agenda

Chair Thoma noted two amendments to the agenda the first to include 5.1 Saunders Evans Architects under Council Address and the second to delete 8.2 Renovations.

Move to adopt the agenda as amended.

**USC Motion108:** Lennox-Zepp/Flavell

Carried.

### 4. Introductions and Announcements

Chair Thoma noted that the PC laptop was not at the meeting; therefore, council members would have to state their name and the college they are from.

This is Exhibit M referred to in the  
affidavit of Evan Cole  
sworn before me this 9 day of  
May, A. D. 2006  
[Signature]  
A Commissioner for Oaths in and for  
Saskatchewan

Councilor Burnett noted Councilor David, Engineering, sent his regrets. She stated James Mantyka is a candidate for Engineering MSC next year.

Councilor Otte noted Councilor Biederbeck, WCVM, sent his regrets.

VP Cole introduced Brian Saunders, Darcy Strinholm and Justin Wotherspoon, from Saunders Evans Architects, would be addressing council.

## 5. Council Address

### 5.1 Saunders Evans Architects

Move to grant representatives from Saunders Evans Architects speaking rights.

**USC Motion109:** Burnett/Cole Carried.

Brian Saunders, Saunders Evans Architects, thanked council members for the opportunity to address council. He stated Saunders Evans Architects have been working with the USSU for the past few months developing conceptual ideas for the development of the main and lower level of Place Riel. He described the Place Riel renovations based on the handouts council received. He stated a few years ago it was determined that approximately 16,000 people travel through the lower level of Place Riel and approximately 21,000 people travel through the main level of Place Riel per day. It is clear that the way through those spaces and the services those spaces can offer are limited. The USSU Executive has asked Saunders Evans Architects to look at how current and future problems could be resolved. He stated he would show council conceptual ideas of how the upper and lower level of Place Riel could be developed in the future. He would also provide information on how and why things change over time. He stated he would start with Lower Place Riel and all council members should have received handouts of the drawing. One of the current problems in Lower Place Riel is students stepping off the escalator and walking towards the Arts Tunnel meet students in the Food Services area and traffic gets quite congested. This plan resolves that problem. Further problems in Place Riel include ventilation and mechanical systems. The Centre Shop is located at the southwest side, which is also a conflict. Saunders Evans Architects suggest that the Centre Shop be relocated to alleviate the problem of people crossing through the Food Service area. Moving the Centre Shop into the USSU office and moving the USSU office to Qu'Appelle Hall could accomplish this. Once the Centre Shop is relocated adjacent to the main circulation route it could increase food court seating to 210 seats. The USSU want to refurbish the existing washrooms and this would be a separate project that would shortly be under way; however, they feel that in time additional washrooms would be required in LPR. The ramp located at the west end has been taken out and moved to a more accessible location, which would make the stairs more open. When passing through Place Riel there is heavy traffic around the escalators. They want to develop a new entrance between the current entrance and the Qu'Appelle Hall addition. The new entrance would be wider than the current one and would alleviate heavy traffic and would increase this area to twice its current size. He stated they plan to turn the old entrance into

a coffee shop and the other side could be the Campus Computer Store. He presented council members with a computerized plan using PowerPoint. He stated he would answer any questions councilors have.

Chair Thoma stated that the questions period should be limited to half an hour.

Councilor Coffin stated having three seating features in the food court right across from each other could cause more congestion for students going up and down the stairs.

Brian Saunders reminded councilors that this is only a conceptual plan. He stated these are the types of comments they want to receive. He would make note of this comment and agreed that it could cause more congestion.

Councilor Villeneuve stated that when walking into the main area, stairs have been added and there is an elevator behind the escalator. He noted that if you were a person in a wheelchair automatically the first thing that would happen is you would get pushed to the side and if you wanted to go downstairs you would get pushed to the back and it seems like it would not be an accessible space for students.

Brian Saunders thanked Councilor Villeneuve for his comment. He stated it is an existing elevator and they are trying to use existing resources. He stated they tried ramping everything but the problem is the slope of the ramp is controlled by building height so it would be too steep. He stated that elevators and stairs are necessary and agrees that it is important that people feel ????. He would make note of this comment and if they could improve this area they would.

Councilor Villeneuve stated that when you currently walk into Place Riel there are no stairs. He noted that it seems like stairs have been added where they are not required.

Brian Saunders stated that the ground was not level and stairs were receded because of it. (tape went static).

Councilor Lennox-Zepp stated Law students have been working hard to make their new building environmentally sustainable and she would like to encourage Saunders Evans Architects to make this building environmentally sustainable. She asked if there are aspects of the new building that would be sustainable or environmentally friendly.

Brian Saunders stated that with any project they include people involved in barrier free design as they develop the planning process.

Councilor Lennox-Zepp clarified that she was concerned about environmental sustainability.

Brian Saunders stated it is University Policy to be environmentally sensitive in terms of sustainability. He stated they want to accommodate all projects with sustainability requirements; however, there always seems to be a budget problem. He stated Colin Tennent might have more information on this issue.

Colin Tennent stated the College of Law project is a good example of environmental sustainability. He noted that the law students are champions of sustainability.

Councilor Yakimoski stated that she appreciates the long hours that have gone into preparation for this and is aware that it is just in the preliminary stages and appreciates the opportunity to voice her concerns. She noted that she is mostly concerned with the look and atmosphere of the renovation. She is concerned about seeing cold metal, cold tile, pastels, false granite and a mixture of metals and stone that would not represent an area of higher learning but would look more like a mall. She noted it is more costly but would like to encourage greenery, local art, local landscape ideas and perhaps a partnership with the university art students.

Brian Saunders thanked Councilor Yakimoski for her comment. He stated the comments he has heard have been very well intended and hopes everyone comes forward with that much interest. He noted he puts esthetics higher than anything.

VP Cole stated that in regards to Councilor Yakimoski's comments he would like to remind her that they are only getting a general feel for what the building could look like and get the structural plans down. He stated the esthetics could be brought back to the students possibly in referendum format.

Member Alston-O'Connor asked if the north entrance to the Murray Building would be lost. ??? (about lighting)

Brian Saunders stated that entrance would not be lost. He stated in terms of light it is important the university ??? He stated that they have also extended the Art Department to the second level of the new addition.

Member Alston-O'Connor stated she would like to see more of the historical architecture incorporated with the entrance similar to the rock and stone of the residence building.

Brian Saunders stated that is an accurate observation. He stated it is important in terms of heritage. He stated they are residential buildings and they are different from academic buildings in nature; however, other student residences ???

Councilor Mitchell asked whether or not a rooftop restaurant is needed and asked if this space would be enclosed. She asked if there is a demand for additional student residences since the University is planning to construct more.

Brian Saunders stated that Consumer Affairs felt it would be important to have a rooftop restaurant/garden. He stated that for any convention centre to work it has to be attractive. Consumer Affairs saw opportunity with the open roof space and felt this would attract more people and make this more viable.

Colin Tennent stated that the intent is to develop a highly dynamic concept that really is a student centre and that would include a residence component in this location. The enrollment plan and a number of initiatives suggest there is a need for residential units beyond what we have.

Councilor Singh stated in the south vestibule in the wintertime there are a lot of people crowded in this area waiting for buses or to be picked up. He suggested making the entire wall out of glass or putting in side doors on the east and west entrances so people can bypass the crowds.

Brian Saunders thanked Councilor Singh for his comment.

Colin Tennent also thanked Councilor Singh for his comment. He stated these comments would be addressed in greater detail. He stated they are not sure exactly where the transit mall would be. The Board of Governors and USC have both commented on the location of the transit mall. He stated when the location has been decided they would keep this comment in mind.

Brian Saunders thanked councilors for their comments. He stated it would be very wise for the architects to keep all comments in mind. He stated they are interested in hearing all comments and would pass them back onto the USSU.

## **6. Minutes and reports for Information**

### **6.1 USC Minutes**

Member Allan noted that under Also Present it states Ryan Allan, Commerce and should read Ryan Allan, Arts & Science.

Move to adopt February 9<sup>th</sup>, 2006 USC minutes as amended.

**USC Motion110:** Gallaway/Kowalsky Carried.

VP Cole noted that in the January 26<sup>th</sup>, 2006 USC minutes it states VP Cole noted his opposition and it should state VP Cole noted his abstention of the motion.

### **6.4 Operations & Finance Board Minutes & Report**

VP Campbell noted that the minutes were not at the meeting but would be available at the next meeting. He stated there was no new business.

### **6.7 Code of Ethics Disciplinary Minutes & Report**

Chair Thoma noted the Code of Ethics Disciplinary Committee had two meetings. He stated there is a report that was passed but there were no minutes. He asked VP Campbell to Chair so he could report on this.

Member Thoma stated complaint #2 was made to the Code of Ethics Disciplinary Committee on February 17, 2006 via email. The name of the person who made the complaint had been removed. He stated, "The complaint was interpreted as being twofold. First, that it was not within the EB's mandate to recommend holding a second Referendum and second that the report of the EB should have been approved for release by USC before being made public." He stated the EB released their report on the referendum and asked why they did not ratify the results on February 1<sup>st</sup> before bringing it to the USSU. It was not in the jurisdiction of the EB to make a recommendation to hold a second referendum when they may or may not have any jurisdiction of the referendum because jurisdiction was given to the Oversight Committee. The CEDC met on Tuesday for three hours and passed the report on Thursday. The CEDC did receive a reply from the EB during this time, which was sent out last night and that was before this report was officially approved today. It was approved in principle via email by the CEDC Board Members and then formally passed today. The findings of the CEDC are that "The EB was within its scope to recommend to USC that a second Referendum be held." The reason for this was the OC was given authority over all areas of the Referendum except for ratification, which was given to the EB. The OC did not have authority after the Referendum. The EB has the ability to make recommendations to USC regarding all Elections and Referenda issues. He stated, "It was not within the EB's jurisdiction to release their report to the public without consent of USC." He stated the CEDC would like to make it clear that they did not find the EB guilty of any wrongdoing. The CEDC felt everything was done reasonably; however, correct procedure would be to write the report, adopt the report, bring it to council to adopt it and release it to students. He stated the CEDC has three recommendations but they are only recommending one be approved. The recommendations are that USC adopt and ratify the release of the EB Report of February 1<sup>st</sup>, 2006, that USC ratify the release of the EB report of February 1<sup>st</sup>, 2006, or that USC remove the EB report of February 1<sup>st</sup>, 2006 from public access. He stated questions would be proper at this time but motions should be made under Motions Arising from the Minutes and Reports.

Councilor Singh asked for clarification on the EB findings. He asked if USC decided not to ratify the EB report would this mean the referendum was valid.

Member Thoma stated yes. He stated the CEDC are only responding to whether or not it was in the EB scope to recommend a second referendum and whether or not they should release the report. He stated there is not a ruling in any way whether or not the EB was allowed to say or not to say whether the referendum was valid. He stated all this deals with is this the release of the report. He noted that the complaint was made to clarify what procedures should be. He stated the CEDC recommendation just ties up the loose ends.

Councilor Coffin asked if there would be any legal implications that we know of if we went with recommendation #1.

Member Thoma stated USC gave the EB power to ratify the referendum. He stated all this says is if we endorse the report that we agree with why the EB chose not to ratify the results. He stated whether or not they had the option to ratify is not the issue that is being dealt with. It is simply whether or not we agree with why they did not ratify.

Councilor Mitchell asked for clarification on recommendation #3.

Member Thoma stated that would make a decision to officially remove the report from public access.

Councilor Mitchell asked if there is a fourth option.

Member Thoma stated that a fourth option would be to do nothing and that would not be an option the CEDC would recommend because the report is currently available. USC needs to decide whether or not people have access to the report.

#### **6.9 External Affairs Board Minutes and Report**

VP Kowalsky thanked everyone involved with the Day of Action. He specifically thanked Councilors Collins, Lennox-Zepp, Ansaldo and, Burnett, all the Vice-residents, the General Manager and the President.

#### **7. Motions Arising from the Minutes and Reports**

Move to ratify the release of the EB Report of February 1<sup>st</sup>, 2006.

**USC Motion111:** Burnett/Galloway Carried.

Councilor Burnett stated that if USC went with recommendation #1 that would mean USC agrees with every word that the EB wrote in their report. She stated since we are making a decision without legal advice it would not be a wise decision to agree with every word in that document. This motion is regarding whether we trust the EB to do their job and looking at the number of hours the EB has put into these documents it would be irresponsible for us to remove it from public access. She noted we should ratify the release of the EB report and continue to allow the public to view these documents.

#### **8. Business**

##### **8.1 Elections Board**

Chair Thoma stated President Gardiner put Elections Board under Business to deal with the CEDC issue that USC just dealt with. He noted that it was likely a mistake and he would move onto the next item on the Agenda.

#### **9. New Business**

##### **9.1 BOCP Amendments**

VP Cole stated that the Executive received copies of proposed amendments for USSU Bylaw #1 to include the BOCP as a standing board of the USSU. He stated they would like to dissolve this board and bring it back as a standing board

of the USSU at the next AGM so that it is more open and accessible to the college societies. He stated it would be voted on at the next council meeting and then ratified at the next AGM in January.

Chair Thoma clarified that would be in Bylaw #1 so the BOCP would be another board of USC, which currently is an independent organization. The BOCP would have to be dissolved and re-created as a standing board at the next AGM.

Councilor Villeneuve asked if questions could be asked at this time.

Chair Thoma stated he chairs the BOCP and could step away as Chair to answer questions.

Councilor Villeneuve stated he does not see the reason behind putting it under the mandate of the USSU. He stated it seems redundant. We have USC representatives from every college. He stated it would be better served if it was autonomous and had its own mandate.

Chair Thoma asked VP Campbell to Chair so he could answer questions.

VP Cole stated that the way the direction of student council has been going the past couple of years is dealing with the business of the USSU. This board would deal with the business of the college societies and would also make the board more accessible to students plus eliminate ratification dues that are needed to be on the board.

Member Thoma stated President Gardiner and some Executive members approached him after the Executive Retreat. He stated they felt the USSU did not do a good job collecting input from places on campus and felt presidents of the college societies had a lot of information on happenings in there colleges. He stated the BOCP meets once a month and there is not a lot accomplished during this time other than informing people about their pub-crawls. He stated another reason for this change would be the \$50 fee student societies pay to the BOCP. This fee would no longer need to be paid because it would be a USSU board. The Chair would not have to go around asking for sponsorship funding because the USSU would provide it. He stated it was discussed at the last BOCP meeting and most were in favour. He stated there are a few other places in Canada that do this and have a lot of success knowing what is going on in the colleges. He stated with this the President of the USSU could become Chair of the BOCP and that would require the President attend meetings and then the USSU would be informed of what is happening around campus.

Councilor Villeneuve stated he was the Vice-Chair of BOCP last year and all BOCP does is inform members when pub-crawls are. He stated BOCP meetings are open and the President and Vice-Presidents of the USSU could attend

meetings. He stated it seems like a lot of work when this could just be added to the Presidents duties and could report to council.

??? stated she is concerned that Councilor Villeneuve does not have a clear understanding of what this means. She stated they would not be glomming the BOCP onto USC.

Councilor Villeneuve stated he understands what this would mean.

VP Cole stated this would assist the student societies. Currently when a transition happens it is the responsibility of the USSU to ensure all of its members have access to the student societies in their colleges. He stated this would be a benefit to all students and would be a responsible thing for the USSU to do.

Chair Thoma noted this would be voted on next week.

## **9.2 Infrastructure Fee Increase**

VP Campbell stated every student pays five dollars per term for the Infrastructure Fee. He stated the total cost for renovations would be approximately \$5 M. As of April 30, 2006 there would be approximately \$500,000 in that account. He stated after preparing a cost analysis, the Executive would like to increase the Infrastructure Fee to \$10 per student per term. He stated that would give the USSU roughly \$300,000 every year, which is an additional \$150,000. He asked council members to take the analysis back to your college societies and report back.

Councilor Villeneuve asked if the USSU has looked into private funding. He stated there are 20,000 students on campus every year and that is a huge economic influence on the City of Saskatoon and it should be looked into getting money from Saskatoon businesses. He stated the First Nations Students received \$1 M for there Student Centre and it should be looked into incorporating them into Place Riel in order to offset some of the cost. He noted looking only at students to fund the renovations is not the answer.

Member Alston-O'Connor stated ??? and she would not count on trying to get money from the University Administration.

VP Campbell stated the University is very generous with the USSU. They charge \$7 a year for rent for Place Riel because of a Head Operating Lease. He noted he would not expect the University Administration to provide funding for Place Riel renovations. He stated he would talk about corporate sponsorship.

## **10. Questions and Comments**

Member Heath stated she is the President of the Veterinary Medicine Students Society. Last Monday she saw the USSU General Elections poster and was surprised to see the elections had been scheduled during the Veterinary Medicine

Reading Week. She noted this was a violation of Article 8 Part 1 of the USSU Constitution. She stated she contacted Amy Yeager, USSU General Manager's Designate, to correct this problem and was informed that the EB was aware of the scheduling conflict; however, had forgotten to mention it to the Veterinary Medicine MSC. The EB admitted a mistake had been made and still chose not to discuss this with Vet Med. She asked Amy what could be done to fix this mistake and she stated that an advanced polling station could be set up in Vet Med on Friday, February 24<sup>th</sup>. She asked Amy if the Vet Med Forum could be switched with the Engineering Forum scheduled for today since Vet Med has a heavy course load and only get an hour off every day. She stated with a forum scheduled for 12:30 p.m. and advanced poles being open at that time it would leave the Vet Med students the option of attending the forum or voting but likely not both, which did not seem very democratic. She stated the posters advertising the forum schedule had been printed but not distributed making it possible to print new posters or change the current posters advertising the change in the forum schedule. Amy informed her that she would present this to the EB meeting the next day, last Tuesday, and get back to her as soon as possible. Member Heath stated Amy Yeager did not get back to her and had to track her down. Amy stated the forums would not be rescheduled because it would cost \$200 to reprint the posters and was deemed unnecessary expenditure. She stated this despite the fact that the Students' Union collects \$14,000 in student fees per year from the College of Veterinary Medicine. She stated scheduling the USSU General Elections during Reading Week was a mistake, which was forgivable; however, the apathy shown by the EB in dealing with this was not forgivable. She stated they appreciate being given the advanced polling station but do not appreciate the comments stated like they should vote during the break and no one attends forums anyway. She stated this would not have been an issue if it were scheduled during the Arts and Science Reading Week it would have been fixed immediately. She stated no one from the EB was forward she had to stop them to get answers. She stated the handling of this incident has been an insult to the entire College of Veterinary Medicine. She stated the apathy shown and the dismissal of there concerns has made it clear that the USSU is content to collect student fees from the college but have better things to worry about than allowing them to vote for Executive members. She asked when if ever were you going to inform Vet Med that the elections had been scheduled during there break and how will you ensure this will never happen again.

Councilor Mitchell stated she appreciates all of the interest that has been shown from the College of Vet Med. She stated the EB have received a ton of emails and it is not very often you see so much interest and support for the process from any college. She stated that is appreciated and they sincerely apologize for this issue. She stated an election schedule was past out at the January 26<sup>th</sup> USC meeting and an email with the dates of the forum and election after the February 9<sup>th</sup> meeting. She stated it is true that they did forget to the speak to the MSC at that meeting but there were at least two opportunities for the MSC to receive that information well before the final schedule was sent out. She stated at the Tuesday

meeting when Amy Yeager did not respond to you quorum was not met. She stated the EB has done what it feels feasible as far as trying to make this election work for the College of Veterinary Medicine including an email to the students, advanced polling, an advertisement in the Sheaf, and changing the date of the forum so it would not be held during Vet Med's Reading Week; unfortunately, the time of the forum was not great but it was changed to try to accommodate Vet Med students. She stated the EB cannot fully make up for this mistake but they have tried there best.

Member Heath stated she appreciates all the work that has went into trying to correct this mistake but you stated the MSC had several opportunities to catch this mistake and the onus is on the EB not to make the mistake. She stated she appreciated the advanced polling but students only have an hour a day and could not make an informed decision. She noted she did not understand why the forums could not be switched. She noted Amy Yeager stated the building switch might confuse the candidates and she would not vote for a candidate if they could not cross the street to Vet Med.

Move to recognize General Manager Cottrell.

**USC Motion 112:** Cole/Flavell

Carried.

General Manager Cottrell stated she feels the onus is on her. She stated Amy Yeager approached her about changing the forums and she made the decision not to reprint the posters. She stated the point regarding the \$14,000 is very well taken but she has to view the situation, as does the VP Operations & Finance, in the context of the USSU budget. She stated she made the final decision not to change the forums. She stated they have had many discussions about this issue and noted the voting is also online and students have significant opportunities throughout the two days March 1<sup>st</sup> and 2<sup>nd</sup> to vote. She recognizes it is during the Vet Med Reading Week and many students would be away but most people would have access to a computer. She stated she does not feel you have been impeded in your democratic rights but if you feel you have been write a formal letter of complaint and she would be willing to go to Vet Med and answer your concerns.

Member Heath stated their role is not to throw a wrench in the elections process. She stated candidates have put in a lot of work and she is aware she is taking away from this. She stated she feels strongly that the college has been ignored and does not want this to happen to another college in the future.

Councilor Burnett stated there have been a lot of councilors that have not been showing up regularly for USC meetings and perhaps the Executive next year should reprimand councilors for not attending council meetings.

Councilor Yakimoski stated perhaps council should consider returning to weekly council meetings and there are problems that are exacerbated by the two-week

gap in between procedure. She stated that if councilors have to miss a meeting due to a funeral or a family obligation you are absent for a month. She stated she would really like for council members to consider meeting weekly again.

Chair Thoma stated that they are planning to meet weekly over the next month. He stated President Gardiner would be sending out an email regarding this.

Councilor Ansaldo stated he would like to apologize for his tardiness.

**12. Adjournment**

Move to adjourn.

**USC Motion113:** Cole/Flavell

Carried.

# University Students' Council

Minutes for Thursday, March 23<sup>rd</sup>, 2006

## Present

Gavin Gardiner, President  
Evan Cole, VP (Academic Affairs)  
Michael Kowalsky, VP (External Affairs)  
Brett Campbell, VP (Operations & Finance)  
Sarah Connor, VP (Student Issues)  
Brad Flavell, Arts & Science  
Tracey Mitchell, Arts & Science  
Chris Gallaway, Commerce  
Hardeep (Bobbi) Birdi, Dentistry  
Susan Yakimoski, Education  
Wadena Burnett, Engineering  
Benjamin David, Engineering  
Gina Otte, Kinesiology  
Terra Lennox-Zepp, Law  
Vishnu Singh, Medicine  
Holly-Anne Sedor, Nursing  
Mark Taylor, Pharmacy & Nutrition  
Blayne Coffin, Physical Therapy  
Alice Collins, St. Thomas More  
Ana Melendez, VPRA

## Also Present

Brent Thoma, Chair  
Steve ???, Agriculture  
Ryan Allan, Arts & Science  
Ashlee Smith, Arts & Science  
Cody Lang, Commerce  
James Mantyka, Engineering  
Pauline Melis, Integrated Planning  
Allison Forbes, Law  
Meghan Harder, Nursing  
Chuck Hamilton, Sheaf

## Absent

Jeremy Olthof, Agriculture  
Alex Korshever, International  
Nicholas Ansaldo, St. Thomas More  
Chris Biederbeck, WCVM

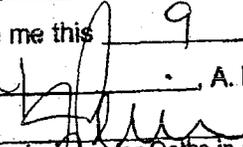
## Regrets

Jason Villeneuve, Education  
Kelly Morin, Indigenous

- 1. Call to Order**  
The meeting was called to order at 6:06 p.m.
- 2. Call for Quorum**  
Quorum was present.
- 3. Adoption of an Agenda**  
Move to adopt the agenda.  
**USC Motion 133:** Gallaway/Yakimoski
- 4. Introductions & Announcements**  
Councilor Flavell congratulated Ryan Allan and Sarah Connor who would be the MSCs for Arts & Science next year.

Councilor Lennox-Zepp introduced Allison Forbes who will be the MSC for Law next year.

Councilor Sedor introduced Meghan Harder who will be the MSC for Nursing next year.

This is Exhibit N referred to in the  
affidavit of Evan Cole  
sworn before me this 9 day of  
May, A. D. 2006  
  
A Commissioner for Oaths in and for  
Saskatchewan  
Carried.

VP Cole introduced Pauline Melis who is the Director of Institutional Planning. He stated that the Library contacted him today and informed him that Friday's and Saturday's during exams the Library will be open until 11 p.m.

President Gardiner stated that the software used to swipe student cards for attendance purposes has not been installed. He congratulated Chuck Hamilton who will be the Editor in Chief for The Sheaf next year.

Councilor Burnett stated James Mantyka the new MSC for Engineering walked in and she would like his name put on minutes.

Councilor Otte noted Councilor Villeneuve, Education, sent his regrets.

**5. Council Address**

**5.1 Pauline Melis, Teaching & Learning Centre**

Move to grant Pauline Melis speaking rights.

**USC Motion134:** Cole/David

Carried.

Pauline Melis stated she would take the first five minutes to go over some of the main initiatives that would be of interest to students. She thanked VP Cole and stated he has been a tremendous representative for the USSU. She stated the University is in the process of developing a plan for their second planning cycle. She noted that the University in the development of this plan uses a series of Foundational Documents. The Teaching and Learning Foundational Document is the document that is currently being worked on and VP Cole is part of the Steering Committee. This work began in 1999 and last year when she met with the Academic Affairs Board was the Glacial Face of Change of the University was very sad. What they have been discussing for the past eighteen months would likely not affect council members as undergraduate students. She always tells students that they are tremendously patient and generous with Integrated Planning while they work through some of the processes because it is something that is going to affect and benefit future students not the current ones. This work started in 1999 with the USSU President who stated a concern about the quality of degrees that the U of S was providing. Then they started working on an enrollment plan, which helped to plan the first planning cycle. The Enrollment Plan was to do two things to talk about the students: student numbers and the student experience. When they took the Enrollment Plan to University Council it was decided that didn't make sense to put the two things together because there was not sufficient discussion on campus about the student experience. They made a commitment in 2003 that they would work on a foundational document that would address the teaching and learning environment for the University. They have been working on that document for eighteen months and have had workshops and other important activities. Students currently on campus will affect the shape of the U of S for the next ten years. Current undergraduate students have had the opportunity to engage in a couple of major surveys, graduate students have had the opportunity to fill out a Student Outcome Survey

and participate in focus groups. The information Integrated Planning received from the students told them what they felt the Teaching and Learning Environment should be on campus. The U of S has developed an Integrated Plan that was approved in 2004 and part of that plan included the development of an idea called the New Learning Centre. In 2004 the New Learning Centre was described as a faculty unit. Faculty could go to the centre to learn about new teaching methodologies and do research on teaching and learning. There was also a plan to include an Academic Skills Centre, which would be a remedial centre only for students. At the first workshop in 2005 VP Cole and Chris Phillips, Academic Affairs Officer, stated that the New Learning Centre needed to be for faculty and students and it needed to be something that would expand and develop and build capacity for students on campus. They are hopeful that there will be a New Learning Centre operational in January 2007. She stated some of the early initiatives would be to have a math centre, writing centre, service learning component, and a research centre on teaching and learning for higher education on the faculty side. She stated that students are the most important resource at the U of S and she encouraged students to participate in the discussions and workshops.

## **6. Minutes and Reports for Information**

### **6.1 USC Minutes**

President Gardiner stated that Councilor Singh sent his regrets for the March 16<sup>th</sup>, 2006 USC meeting and the minutes stated he was absent.

Move to adopt March 16<sup>th</sup>, 2006 USC minutes with the amendment.

**USC Motion135:** Connor/Birdie Carried.

### **6.5 Student Issues Board Minutes & Report**

VP Connor stated the SIB has come up with five recommendations for the Vulnerable Workers Commission, which will be dealt with later in the meeting.

## **8. Business**

### **8.1 USSU Accountability Reports**

Move to adopt the USSU Executive Fall Accountability Reports.

**USC Motion136:** Gardiner/Connor Carried.

Councilor Taylor asked for an explanation on why there is not much of a description for the External Affairs Report.

VP Kowalsky stated that the projects he worked on with other Executive members would be picked up in their reports.

Councilor David stated the reports were for the period ending December 2005. He stated he would like to see the reports sooner.

Councilor Coffin stated her council would also like to see the reports sooner.

President Gardiner stated that there really is no excuse for this they should have been out earlier. He stated that the Term 2 Accountability Reports would be out next week. He stated VP Cole and VP Connor did have their accountability reports ready before December 31<sup>st</sup>.

### **8.2 Sustainability Policy**

VP Connor stated that some of the staff members have not had a chance to review the Sustainability Policy and would like to postpone the vote until next week.

### **8.3 Health & Dental Fee**

Move to decrease the Health & Dental Plan Premium by \$9.74.

**USC Motion137:** Connor/Birdie Carried.

Councilor Lennox-Zepp stated the College of Law would like to see an increase in benefits to the Health & Dental Plan.

Chair Thoma stated that now would be the time to amend the motion.

President Gardiner stated please feel free to amend the motion.

Councilor Taylor stated the College of Pharmacy & Nutrition also would like to increase the benefits from 50 percent to 60 percent.

Move to decrease the Health & Dental Plan Fee by \$0.59 and increase coverage on basic dental from 50 to 60 percent.

**USC Motion138:** Lennox-Zepp/Taylor Opposed.

President Gardiner stated this would only affect 261 students.

Chair Thoma stated this would affect all students who make a claim because they would receive 60 percent of their claim back as opposed to 50 percent. He stated there were three options and council is currently looking at two options. The first option is to increase maximum coverage from \$500 to \$750. The second option was to increase the return from 50 percent to 60 percent.

President Gardiner stated there are 261 students that spent over \$500. This means that increasing the benefits package by 10 percent is going to save the 261 students \$50 maximum.

Chair Thoma stated no.

President Gardiner stated we know that 261 students used more than \$500 last year. Based on last year's numbers this increase would save those 261 students a maximum of \$50 each and would also save every other student who is using the plan.

Chair Thoma stated that would save those 261 students absolutely nothing because they have already hit their maximum.

President Gardiner stated this is going to benefit each student. ???

Councilor Taylor stated there are 10,000 students enrolled in the Health & Dental Plan and 250 students used the \$500 maximum so everyone who did not use the full \$500 maximum will benefit from this.

VP Connor asked everyone to look at the Dental Trend Analysis sheet that shows the number of students that made claims for each dental service provided.

VP Cole stated that this is not an increase to all services. This increase is to basic services that would include root canals and anything below the gum line and this would not benefit students immediately. This also means students will reach the \$500 maximum earlier and in the long run the cost of the plan will increase. He stated that strategically in order to minimize the cost increases in the future it would make sense for council not to increase the basic services beyond 50 percent in order to stabilize the Health & Dental Plan for future years ahead.

Chair Thoma stated the Dental Trend Analysis sheet has the basic services covered at 50 percent highlighted in yellow. He noted that it is hard to determine which are highlighted in yellow due to the poor copy quality.

VP Connor stated the parts that are to be highlighted in yellow are: periodontics, endodontics, the figures 1,996 and 115,502.72, and under the Surgical Restorative column other surgeries and related anesthesia, and surgical extractions. She stated these would be the basic services that would be increased.

Councilor Birdie asked for clarification on what should be bolded. He stated that this chart makes no sense because things overlap, for example, endodontics are root canals. He stated everyone across the board is going to benefit from basic services because most students our age go to the dentist for cleaning and fillings. He stated that of the services highlighted in yellow the only students would benefit from is a surgical extraction.

Councilor Burnett stated that was a hard act to follow so she will just wave.

Councilor Lennox-Zepp stated Councilor Birdie's point about the age group was a really good point that was not addressed earlier. She would like to point out that the decision council will be making tonight is one that is based on principle and that is the principle of saving all students a very small amount of money or providing an increase to students who really need extra dental coverage.

President Gardiner stated that the three things that are covered by 50 percent total about \$100,000. If you increase this by 10 percent that is \$10,000 and

approximately \$1 per student and if you double that it only works out to be \$2 per student. According to these numbers this is not the most cost effective thing to do.

Councilor Coffin stated council should be looking at what would benefit the majority of students. There are quite a few students that could benefit from this but council should look at the student body as a whole and see if this would help a few students that really need it or most students.

**9. New Business**

**9.1 Vulnerable Workers Commission**

VP Connor stated the SIB has come up with five recommendations. She asked everyone to take this back to their councils to discuss.

**9.2 Referendum**

President Gardiner stated there was a conference call between our legal council and the legal council of CFS last Friday. Our legal council feels that this issue should be decided at USC. He asked everyone to take this to their council to discuss.

Chair Thoma asked President Gardiner to make the motion this week and then it would not be voted on until next week. He stated this way everyone knows the question to take to their council.

President Gardiner stated he is not ready to make the motion. He stated the lawyer is to get something to the USSU in writing today. He stated he would email the question out. President Gardiner stated the motion would be something along the line of adopting the EB recommendations and hold another referendum or not adopting the recommendations and recognizing this referendum.

Councilor Gallaway asked if our lawyer has provided information on what happens if we vote yes or no.

President Gardiner stated that USC ultimately decides what happens and the lawyer's recommendation was based on the EB report. He did not give an opinion on what may happen. ???

Councilor Yakimoski ???

Chair Thoma stated the motions could be separately or together.

**10. Questions & Comments**

VP Cole thanked the Academic Affairs Board for the hard work they have put into the Teaching Excellence Awards. He stated the recipients would be announced this week in The Sheaf and is hoping to have all nominees announced

in the following edition of The Sheaf. The awards ceremony is Tuesday, March 28<sup>th</sup> and invited council members to attend.

President Gardiner stated that VP Kowalsky and himself were in Regina and taped all the postcards together and stretched them out and it spanned more than the length of the legislature, which is well over 1000 feet. He stated that would make an impact on the Provincial Budget. He stated that like last year there would be a bus taking students to Regina for the Provincial Budget. He stated that there are 50 seats available provided by the Department of Learning and it is free for students. He stated it is a good time and a good way to send the message to the government. He stated students could sign up at the USSU front office. He reminded councilors that CFS is holding their AGM on Sunday, March 26<sup>th</sup>.

**12. Adjournment**

Move to adjourn.

**USC Motion139:** Cole/David

Carried.